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PLANNING COMMISSION WORKSHOP AGENDA
PLANNING CONFERENCE ROOM, CITY HALL, 250 N 5TH STREET
THURSDAY, SEPTEMBER 8, 2022 - 12:00 PM

Attend virtually: bit.ly/GJPworkshop

Call to Order - 12:00 PM

Other Business

1. Discussion regarding the Zoning & Development Code update. The project team has posted Module 1 of the drafting process for review by the Zoning and Development Code (ZDC) Update Committee. Module 1 includes sections: 21.01 General Provisions, 21.02 Administration and Procedures, 21.12 Nonconformities, 21.13 Violations and Enforcement, and 21.14 Measurements and Definitions. The project team has also posted a Module 1 Overview Memo outlining the changes to these sections and providing some insight into the major topics up for discussion at the ZDC Update Committee.

Adjournment

Grand Junction Zoning and Development Code
Module 1: Administrative Procedures | September 2022

This memo provides an overview of the Z&DC updates made in Module 1: Administration and Procedures. This memo is designed accompany distribution of the public review draft of Module 1.

1. Z&DC Update Project Summary

A. Project Goals

- Update the City's regulations to better reflect the goals and policies described in the 2020 One Grand Junction Comprehensive Plan, especially those Key Principles related to Responsible and Managed Growth and Strong Neighborhoods and Housing Choices.
- Achieve a higher level of efficiency, consistency, and simplicity.
- Identify constraints and opportunities for affordable and attainable housing, consistent with those identified in the City's recently adopted Housing Strategies.

A portion of the funding for the Z&DC update project is being provided through an Innovative Housing Strategies Planning Grant from the Colorado Department of Local Affairs (DOLA). The grant is intended to help communities understand their housing needs and adopt policy and regulatory strategies aimed at promoting the development of affordable housing.

B. Understanding and Implementing Relevant City Plans and Policies

This project is guided primarily by the One Grand Junction Comprehensive Plan (2020) and the Grand Junction Housing Strategy (2021).

C. Code Assessment and Annotated Outline

The updated Z&DC organization and key revisions are described in the Code Assessment, available on the City's project website.

2. Development Code Committee Input

The role of the Development Code Committee in the draft review phase of the Z&DC update is to:

a. Assist with the technical review of the draft Code;
b. Provide local knowledge and specialized expertise on specific development topics; and
c. Identify policy-level issues for the Project Team to discuss with elected and appointed officials.

The questions provided following the Summary of Changes section aim to help the DCC focus on key issues in each draft module. Members of the DCC are not expected to provide specific edits to the draft and, to help the group work as a whole, are also not encouraged to raise specific edits to the draft as part of DCC meetings.

If there are concepts or topics that DCC members would like to discuss at their meeting, in addition to the topics identified in the questions below, **please summarize them before the meeting** and email them to Felix Landry so they can be distributed to the rest of the DCC members prior to the meeting.

If members of the DCC wish to submit suggested edits, please do so separately from the DCC meeting. Feel free to submit suggested edits through the City website or to ZoningCodeUpdate@gjcity.org.

3. Summary of Changes in Module 1: Administration and Procedures

A. Contents

This module includes the following chapters:

- Chapter 21.01: General Provisions
- Chapter 21.02: Administration and Procedures
- Chapter 21.12: Nonconformities
- Chapter 21.14: Measurements and Definitions

B. General Code Reading Instructions

Z&DC content has been edited into more "plain" language, but regulatory drafting still has some legal quirks. If you are unsure of a phrase or term, check the definitions.

When the Z&DC refers to "Director" it also includes Community Development staff, the actual Director is not required to do all of the specific tasks identified in the Code.

The Z&DC is being drafted in four modules, each containing a number of chapters. Earlier chapters may be missing cross-references or information available in later chapters. The missing cross-references are marked as <<insert cite>> and will be filled-in as part of a later draft.

The summary tables have been populated with current, carried forward information that will be corrected following edits to the rest of Module 1.

Reviewers may encounter formatting issues in this draft. While the drafting goal is to minimize these issues, they will all be addressed as the draft is revised.

C. Summary of Updates

The following updates were made in each chapter. **Note: This module is subject to additional revisions based on ongoing review by the Community Development Department and City Attorney's Office.*

1. **All Chapters**
   a. Added more detailed table of contents and page headers/footers to make information easier to find.
   b. Tables and flow charts added to summarize information where helpful as a quick reference.
   c. Content that is not relevant to the chapter has been moved to a different location where a Code user is more likely to find it.
   d. Cross-references have been added or updated unless the section being cross-referenced is in a later draft.
2. **Chapter 21.01 General Provisions**
   a. Created a process to retire the current Z&DC but maintain the regulations for future use as needed.

b. Revised the purpose statements to better reflect One Grand Junction goals and policies.

c. Clarified that the City does not enforce private agreements or private restrictions.

d. Add transitional standards that address development applications in process when the updated Z&DC is adopted.

3. Chapter 21.02 Administration and Procedures

a. Table 21.02-1: New summary of decision-making table added to provide quick information and improve Code navigation.

b. Consolidated the commonly applicable procedures from two sets to one. The consolidated common procedures were updated to specify:

i. 21.02.030(d)(2)(ii): Instructions for fee payment for changes to complete applications

ii. 21.02.030(d)(4): Review criteria for a complete application

iii. 21.02.030(f): Instructions for addressing situations when an applicant wants to make a change to a complete application

iv. 21.02.030(j): Standards for permit and approval lapsing and extension have been specified.

c. Updated the review and decision-making standards to be more objective and predictable. This included removing the General Approval Criteria for both administrative permits (current 21.02.070(a)(6)) and permits requiring a public hearing (current 21.02.080(d)) and replacing them with updated approval criteria in the specific application types.

d. Reorganized specific procedures into four groups: Administrative Permits, Administrative Approvals, Major Development Applications, and Historic Preservation, and organized the procedures within each section alphabetically.

e. Added summary tables of the steps required for each specific procedure.

f. Revised the Administrative Adjustment procedure to allow staff to make specific adjustments to measurable standards for either proposed applications or to approved developments to account for changes identified through field work.

g. Added complete procedures for Annexations and Boundary Adjustments.

h. All of the current procedures have been carried forward, organized to follow the new format, and edited for clarity.

i. 21.02.060, Historic Preservation Procedures, have been carried forward without change.

j. 21.02.070, Development Fees, have been carried forward without change and relocated to the Administration and Procedures chapter. The Z&DC update project will not include changes to the current development fees.

4. Chapter 21.12 Nonconformities

The current nonconformity standards have been carried forward, edited for clarity, and slightly reorganized to group all of the abandonment provisions together.

5. Chapter 21.13 Violations and Enforcement

The current Violations and Enforcement provisions have been carried forward with minimal change.

6. **Chapter 21.14 Measurements and Definitions**
   This module includes the first draft of the Measurement and Definitions chapter. The current definitions and measurement instructions have been carried forward and will be updated as needed with each module. Any definitions or measurements included in other sections of the Z&DC will be moved to this chapter during the drafting process. Definitions relevant to Module 1 have been highlighted in yellow for review.

4. DCC Questions for Discussion

A. Pre-Application Meetings

The updated draft changes Section 21.02.030(b)(2), Pre-Application Meetings, from "highly encouraged" to mandatory for three types of applications: major site plans, preliminary subdivision plans, and planned developments. The specific goal of this change is to have applicants for major development projects meet with the City prior to application submission to discuss application requirements and development review timing. The desired outcome is to ensure that the applicant is notified of issues that might become problems earlier in the process when they are easier to correct and to help set shared expectations about the review process. This recommendation is based on best practices in communities that are generally perceived by applicants as well-functioning.

1. Do you think that greater reliance on pre-application meetings can help resolve issues at the front-end of the review process?
2. Are these the correct application types to require or should this list include something else?

B. Neighborhood Meetings

The updated draft carries forward (with edits for clarity) the current neighborhood meetings requirements, now located in Section 21.02.030(b)(3), Neighborhood Meetings. The Z&DC requires neighborhood meetings for some subdivision applications and all applications that require a public hearing except the vacation of an easement or revocable permit. Generally, requiring a neighborhood meeting is a regulatory best practice because it creates an opportunity for discussion about the project and neighborhood input about concerns and preferences. In the Z&DC, though, neighborhood meetings are sometimes required even though the neighbor's comments may have no impact on the design or approval project. Subdivisions, for example, must be approved if they comply with the Z&DC, even if the neighbors have concerns or would prefer design changes. Requiring a neighborhood meeting for informational purposes can provide accurate public information about a project, which is generally helpful. Having no ability to impact the project, however, can be frustrating for the neighbors and potentially lead to a conclusion that City is not being responsive, despite Z&DC approval requirements.

1. Is there a different format than a neighborhood meeting that might be helpful to share information about a new project when the approval process does not require neighborhood input?
2. If neighborhood meetings are determined to be the best way to share accurate project information, should some meetings be more clearly identified as "informational only" to alert participants of their limited role?

C. Administrative Adjustments

21.02.040(d), Administrative Adjustment, has been revised to allow targeted adjustments to specific standards in the Code, either in conjunction with a specific application or as part of an application amendment when issues are found during field work that require correction to the approved plans. The specific goal of this change is to allow the administrative adjustment process to be used more predictably to address small changes that will not impact the overall approval. The desired outcome is to give applicants a streamlined approach to adjust some measurable regulations without going through a variance or PD process. The recommendation is based on best practices experience in communities that find reliance on administrative approvals is effective for shortening the overall length of the development review process and communities that rely on administrative adjustments for redevelopment and infill projects.

1. Do you think this is a useful change to the current administrative adjustment process?
2. The draft limits any application to 6 adjustments, do you think this is appropriate?
3. Are there other adjustments that should be added to this process? If so, can you provide examples?

D. Rezoning Review Criteria

21.02.050(d)(3)(iii), Review Criteria, have been revised to allow rezonings that are consistent with the adopted comprehensive plan. The current review criteria require an applicant to show that there has been a change in conditions or circumstances in the surrounding area. This approach to rezoning is outdated and unnecessarily strict and can be particularly challenging in a growing community that anticipates redevelopment. The specific goal of this change is to make it easier for property owners to rezone in a manner that is consistent with the comprehensive plan. The desired outcome is longer-term change that aligns the zoning map with the One Grand Junction Future Land Use Plan, better reflecting the community's future vision of itself. This recommendation is based on best practices experience with modern planning. Modern comprehensive plans are based on both extensive local data and expansive community input and provide detailed information about preferred future land uses and development goals. The current rezoning review criteria, reflective of a rezoning approach from the 1960s, are designed to have the City make individual policy determinations with each rezoning, so the current zoning would be locked into place until an applicant could prove that change would be beneficial. Those policy considerations are now reflected in the comprehensive plan, so the rezoning process can be simplified.

1. What comments do you have about the revised rezoning criteria?
2. Do you have any concerns that are not addressed in the revised criteria?

E. Readability and Understanding

1. Did you find Module 1 readable and understandable?
2. Do you have suggestions for making the Z&DC more accessible to all Code users?

Zoning & Development Code

Grand Junction, Colorado

Module 1: Administration & Procedures

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PUBLIC REVIEW DRAFT – AUGUST 2022

CLARION | ONE GRAND JUNCTION ZONING & DEVELOPMENT CODE UPDATE

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Commentary

General comments applicable to this Module 1 draft Code:

- A reference to a section or other provision reads "GJMC <> [current Code reference]" means that the cross-reference to that specific section or provision will be inserted once that part of the Code has been drafted. For example, a reference in this Module to the Use Regulations will be provided in the Consolidated Draft once those regulations have been drafted in Module 2.
- Many of the existing regulations that are carried forward relatively intact, were still revised for clarity, consistency, and to improve user-friendliness, often without footnote.
- This document contains numerous references to future Modules or drafts of the Codes. Future Modules include:
  - Module 2: Zone Districts and Uses
  - Module 3: Development Standards 1
  - Module 4: Development Standards 2
  - Full Draft Z&DC

Chapter 21.01 General Provisions

Commentary

This chapter includes general provisions that apply to the entire Code, such as the overall purpose and intent, and the applicability and jurisdiction of the Code. This chapter also includes updated and clarified transitional provisions that address how applications will be processed during the transition from the current development regulations (now called the 2010 Code) to the new Code.

21.01.010 Title[1]

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code ("Code"). This Code replaces the previous Zoning & Development Code adopted pursuant to Ordinance No. 4419 dated April 5, 2010, and as amended thereto.

21.01.020 Authority[2]

The City of Grand Junction ("City") is authorized by its home rule powers pursuant to the Colorado Constitution and the Charter of the City of Grand Junction, Colorado. The City Council chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land. In addition, the City Council intends that all other available powers shall support this Code including those provided by State law, such as but not limited to municipal powers,§ 31-15-101 C.R.S., et seq.; planning and zoning § 31-23-101 C.R.S., et seq.; § 30-28-201 C.R.S., et seq.; § 29-20-101 C.R.S., et seq.; the power to designate and administer areas and activities of State interest, § 24-65.1-101 C.R.S., et

[1] Current 21.01.010.

[2] Current 21.01.020.

seq.; and regulation of planned unit development, § 24-67-101 C.R.S., et seq. If other authority is available because of changes in statutory and case law, State and federal, the City Council intends to avail itself of those resources as well.

21.01.030 EFFECTIVE DATE

(a) This Code shall become effective on _____ (Effective Date).[3] The Zoning & Development Code that was effective immediately prior to this Code shall be referred to as the 2010 Code.

(b) One copy of the 2010 Code shall be maintained and remain of record in the Community Development Department,[4] either in hard copy or electronically. An unofficial public copy may also be maintained on the City's website. All copies of the 2010 Code that are publicly available shall be clearly identified as outdated.

21.01.040 SCOPE[5]

(a) This Code shall apply to all activities on public and private land over which the City has jurisdiction under the constitution and laws of the State of Colorado of the United States or pursuant to the City's powers.

(b) Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.

(c) No person shall begin or change a land use or development in the City without first obtaining an appropriate permit or approval.

21.01.050 PURPOSE[6]

This Code is intended to:

(a) Promote the health, safety and general welfare of the citizens and residents of the City;

(b) Implement the goals and policies of the Comprehensive Plan[7];

(c) Promote a compact pattern of growth and encourage the efficient use of land;

(d) Bring about more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes;

(e) Balance the safety and needs of all transportation modes to ensure an efficient transportation system for pedestrians, cyclists, transit, and other vehicles;

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[3] Date to be filled in at the time of adoption.

[4] Should there also be a copy in the City Clerk's office?

[5] Current 21.01.030.

[6] Current 21.01.040 revised expanded to include additional content and policies from One Grand Junction.

[7] Current 21.01.060.

(f) Preserve and enhance natural resources and unique assets, such as scenic, riparian, recreation areas, and wildlife habitat through sustainable development practices;

(g) Protect the City's historic resources including agriculture and industry and support the development and expansion of public space that promote a collective identity; and

(h) Ensure regulations do not disproportionately affect a particular group or geographic location.

21.01.060 SEVERABILITY[8]

The provisions of this Code shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of the decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid and may, as determined by the City Attorney, be further limited to the specific persons or parcels that are the subject of the decision. The applicable provision shall be removed from the Code or otherwise identified as severed, and the decision shall not affect, impair, or nullify the remainder of the Code.

21.01.070 MINIMUM STANDARDS[9]

This Code sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. Where the requirements of this Code are at variance with other applicable law, rule, contract, resolution, or regulation of the City, County, State, or federal government contains standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

21.01.080 PRIVATE RESTRICTIONS[10]

(a) If any provision of this Code is more restrictive or imposes a higher standard than any such private restriction, the requirements of this Code shall control.

(b) This Code is not intended to affect any private agreement or condition such as a deed restriction or covenant. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Code, the City has no duty to enforce such private restrictions.

21.01.090 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY[11]

The Director may waive applicable provisions of this Code during a local emergency declared by the City's Mayor or City Manager. A public health emergency, wildfire, flood, or other catastrophic situations are examples of a local emergency.

[8] Current 21.01.050.

[9] Current 21.01.070.

[10] Current 21.01.080.

[11] Current 21.01.090.

21.01.100 Fees, Charges, and Expenses

The City Council shall set fees in amounts sufficient to recover all or a portion of the taxpayer costs spent administering this Code, including for processing, giving notice, and reviewing development applications. The City Council may, by resolution, modify any fee at any Council meeting.

21.01.110 Transitional Provisions

Commentary

This section has been updated and clarified to address the transition from the 2010 Code to this Z&DC. Existing development approvals will remain in place, applications made during the code adoption process will be allowed to be processed under either code, and applications made following the adoption of the 2023 Z&DC will comply with the new code. Provisions have been included that address how code changes will apply to ongoing approvals such as Planned Developments.

(a) Intent and Applicability

This Code is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this section.

(b) Existing Development Approvals[12]

(1) Any development validly approved under any prior regulations, may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this Code regarding ongoing operations and maintenance.

(2) Any Planned Development approved prior to the Effective Date shall remain valid. Planned Developments that refer to zone districts not included in this Code shall use the 2010 Code (or earlier) requirements. Planned Developments that predate this Code shall be narrowly interpreted and are limited to the specified terms of approval.

(i) Where a term was not included in the Planned Development approval, the most closely similar provision of this Code shall be applied. For example, if a Planned Development does not specify a process for amendment, the process for amending Planned Development approvals in this Code will be used.

(ii) Where this Code changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the generally applicable standards are also applicable to approved PDs unless the PD was approved with a specific standard(s) regulating the same topic.

[12] Replaces current 21.01.120.

(3) If a prior approval expires based on an expiration established in the 2010 Code or the project development approval, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

(4) The decision-making body that granted the original approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific approval specified in GJMC <> [21.02].

(5) Any re-application for an expired or terminated project approval shall meet the standards in effect at the time of re-application.

(6) Unless otherwise provided in the initial approval, any proposed amendment to an existing permit or other form of approval shall be reviewed based on the Code in effect at the time of submission of a complete application for the amendment.

(c) Applications in Progress

(1) A complete application, submitted prior to the Effective Date and pending approval at the time of adoption of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Code. Any re-application after the Effective Date shall comply with the requirements of this Code.

(2) Complete Preliminary Subdivision Plans submitted prior to the Effective Date shall continue to be processed as long as they are compliant with the terms of the 2010 Code. The lots created may be conforming or nonconforming to the terms of this Code.

(3) Any questions about whether this Code or the 2010 Code is applicable shall be determined by the decision-making body. An applicability decision by either the Planning Commission or the City Council may only be appealed in accordance with Colorado Rule of Civil Procedure 106.

(d) No Applications Submitted

Projects for which no application has been submitted and accepted as complete prior to the Effective Date shall be subject to all requirements and standards of this Code.

(e) Lapsing

Regardless of whether or not a completed application has been received prior to the Effective Date, any permit or approval issued following the Effective Date shall be subject to the lapsing provisions of GJMC 21.02.030(j).

(f) Violations under Prior Code[13]

Any violation occurring under the 2010 Code will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to GJMC Chapter 21.13, unless the activity complies with the provisions of this Code.

[13] Current 21.01.100.

Chapter 21.02 Administration and Procedures

Commentary

This chapter describes the process for reviewing and approving development applications in Grand Junction.

The Chapter begins with a description of the authority and duties of each of the decision-making authorities including City Council, Planning Commission, Zoning Board of Appeals, Building Code Board of Appeals, Director, and Historic Preservation Board.

The next sections include a summary table that provides a snapshot of the review procedures and the review and decision-making authorities followed by the common review procedures that apply to most development application types.

The subsequent sections describe the application-specific development procedures, linking back to applicable common review procedures and noting any modifications or additions. Each specific procedure includes a new, simpler flowchart depicting the steps for review and approval. The final sections of this chapter address the historic preservation procedures and development fees.

21.02.010 Decision-Making Authority

(a) City Council[14]

In addition to the powers and duties in City Charter Article VI, the City Council shall:

(1) Appoint members to the Planning Commission, the Zoning Board of Appeals, and the Historic Preservation Board.

(2) As it deems appropriate, decide, adopt and/or amend a:

(i) Comprehensive Plan;

(ii) Area, corridor, neighborhood, circulation, street or annexation plan;

(iii) Vacation of right-of-way and of lesser interest in land such as an easement;

(iv) Designation of a local historic site, structure and/or district, and revocation of such designation; and

(v) Fee to pay for, at least in part, the impacts of development.

(3) Hear and decide requests for:

(i) Annexation and change to the City's limits;

(ii) Zoning and/or change to zone or a zoning map, including a Planned Development zone;

(iii) Special Dimensional Permit;

(iv) Planned Development Outline Development Plan (ODP) or change to an ODP;

(v) Preliminary Plan for a Planned Development without a valid ODP;

[14] Current 21.01.130.

(vi) Revocable Permit for use or occupancy of a City right-of-way or public place (except that the City Council may delegate such authority to the Director for minor or temporary uses or occupancies such as landscaping or irrigation facilities);

(vii) Vested right as provided in this Code for a site-specific development plan;

(viii) Appeal of Planning Commission and Director decisions as provided in this Code;

(ix) Street name change;

(x) Fee in lieu of land dedication waiver;

(xi) Sewer variance;

(xii) Appeal of decisions of Historic Preservation Board.

(b) Planning Commission

(1) Composition

The Planning Commission shall consist of seven regular members and two alternate members. Alternate members shall attend Planning Commission meetings and shall serve and vote as may be required during the temporary unavailability of any regular member. The City Council shall, at the time of appointment, designate a first alternate and a second alternate; each shall fill in during the temporary absence of a regular member according to the priority. Members shall be appointed to provide a balanced, community-wide representation.

(2) Member Qualifications

Regular and alternate members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office, or be a contractor with the City. The members shall be selected from the fields of engineering, planning, architecture, construction trades, and/or law, and from citizens at large.

(3) Term

Members shall serve terms of four years. Members are limited to two consecutive terms.

(4) Vacancies

When there is a vacancy among the regular members of the Commission, the first alternate shall be appointed to fill it, the second alternate shall become the first alternate, and a new second alternate shall be appointed. All vacancies shall be filled by appointment by the City Council. If a member ceases to reside in the City, his/her membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.

(5) Removal

Members may be removed after public hearing by the City Council on grounds of inefficiency, neglect of duty, malfeasance, or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.

(6) Meetings

Planning Commission meetings shall be regularly scheduled not fewer than one time per month, provided there are pending items or matters to be brought before the Commission, at

a time and place designated annually by resolution of the City Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law.

(7) Voting

The presence of four voting members shall constitute a quorum. All recommendations to the City Council and all final decisions of the Planning Commission shall require an affirmative vote of no fewer than four members (a majority of the seven members of the Commission, which may be comprised of regular, or regular plus alternate, members).

(8) Compensation

Members shall be compensated at a rate established by the City Council by resolution.

(9) Powers and Duties

Except as otherwise provided by this Code, or by ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by § 31-23-201 C.R.S., et seq. and shall have the powers provided therein. The Commission's actions shall be governed by the procedures set forth in this Code, and/or law, ordinance, rule, regulation, or policy of the City Council. The powers and duties of the Planning Commission include, but are not limited to:

(i) Provide a recommendation to the City Council on adoption of or amendment to any of the following:

(A) Comprehensive Plan;

(B) Area, Corridor, neighborhood, Circulation or traffic plan;

(C) Code provision;

(D) Zoning;

(E) Review fee; and

(F) Impact fee.

(ii) Hear and make a recommendation to the City Council upon any request for a:

(A) Vacation of Public Right-of-Way or Easement;

(B) Zoning or change to a zone or zoning map, including Planned Development zoning;

(C) Special Dimensional Permit;

(D) Planned development Outline Development Plan or major amendment thereto;

(E) Vested right as provided in this Code for a Site-Specific Development Plan; and

(F) Sewer Variance.

(iii) Decide:

(A) An Appeal from an administrative decision as provided in this Code;

(B) Plat Vacation;

(C) Conditional Use Permit;

(D) Variance as provided by this Code; and

(E) Other tasks as assigned by the City Council.

(c) Zoning Board of Appeals

(1) Composition

The Zoning Board of Appeals shall consist of three members of the Planning Commission, including the Chairperson.

(2) Removal

The City Council may, after a public hearing, remove any member of the Board for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of the reasons for the removal prior to the public hearing.

(3) Meetings

The Board shall meet on an as-needed basis.

(4) Voting

The presence of two members shall constitute a quorum of the Board. A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(5) Compensation

Members shall be compensated at a rate established by the City Council by resolution.

(6) Powers and Duties

Except as otherwise provided by this Code, ordinance, rule, policy, or regulation of the City Council, the Zoning Board of Appeals shall be governed by § 31-23-307 C.R.S. The Board shall have the power and duty to decide:

(i) Appeals of administrative determinations as provided in GJMC 21.02.050(j), Rehearing and Appeal;

(ii) Requests to for Variances per GJMC 21.02.050(n); and

(iii) Requests for relief from the nonconforming provisions established in GJMC Chapter 21.12.

(d) Director

The Director shall serve as the administrator of this Code at the direction of the City Manager. The Director shall serve as staff to the Planning Commission, the Zoning Board of Appeals and the Historic Preservation Board and shall have such other duties and responsibilities as specifically prescribed in this Code. The term Director also includes the Director's designee(s).

(1) Powers and Duties

The Director shall render the decision on every request for

(i) Any Administrative Permit listed in GJMC 21.02.040;

(ii) Site Plan Review (Major or Minor);

(iii) Sign Package;

(iv) Boundary Adjustment;

(v) Subdivision Final Plat;

(vi) Subdivision Construction Plan;

(vii) Subdivision Preliminary Plan;

(viii) Minor Exception Subdivision;

(ix) Planned Development Final Plan and minor amendment to a Final Plan;

(x) Development Improvement Agreement;

(xi) Administrative Adjustment;

(xii) Revocable Permit for landscaping and irrigation in the public right-of-way and other such use of the right-of-way as delegated by the City Council;

(xiii) TEDS exception as authorized in GJMC Title 29;

(xiv) Administrative Comprehensive Plan Amendment.

(e) Historic Preservation Board

(1) Composition

The Historic Board shall consist of not fewer than five nor more than seven members appointed by the City Council. The City Council shall determine the number of members when it makes an appointment. Members shall be appointed to provide a balanced, community-wide representation.

(2) Member Qualifications

When there are more than five members, at least four shall be professionals or have expertise in a preservation-related discipline such as history, architecture, or planning or archaeology; when there are five members, at least three shall have such qualifications.

(3) Term

Members shall serve four-year terms. City Council shall stagger the terms from the date of appointment. A member may continue to serve until his or her successor has been appointed.

(4) Vacancies

Vacancies shall be filled by appointment by the City Council.

(5) Removal

Members may be removed by the City Council without cause.

(6) Meetings

The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings. The Board shall conduct its business in accordance with the Open Meetings and Public Records Acts and other laws applicable to public bodies.

(7) Voting

A quorum shall require three members if the Historic Board consists of five members; four if it consists of more than five members. A quorum shall be required for the Board to conduct any business, and an affirmative vote of the majority of those present shall be required to pass any motion.

(8) Compensation

Members serve without compensation, except that the City Council may authorize, in advance, payment of such amounts it determines appropriate to offset expenses incurred in the performance of Board duties.

(9) Powers and Duties

The Historic Board shall, after public notice and solicitation of public comment:

(i) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;

(ii) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;

(iii) Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;

(iv) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places;

(v) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;

(vi) Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Historic Board may create a list of structures of historical or archeological merit which have not been designated;

(vii) Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of the purposes of this section;

(viii) Actively pursue financial assistance for preservation-related programs;

(ix) Review and decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District; and

(x) Review and decide applications for changes to other historic sites and structures as specifically prescribed by this Code for a duly designated historic site, district, or area.

21.02.020 SUMMARY TABLE OF REVIEW AND DECISION-MAKING BODIES[15]

Table 21.02-1: Summary Table of Review and Decision-Making Bodies
R= Recommendation D = Decision A = Appeal

Section	Procedure	Director	Plan Comm.	HPB	City Council	ZBOA
Administrative Permits						
21.02.040(f)	Change of Use Permit	D	A			
21.02.030(h)(3)	Development Improvement Agreements	D				
21.02.040	Fence Permit	D	A			
<< insert cite>>	Floodplain Development Permit	D	A			
21.02.040	Home Occupation Permit	D	A			
21.02.040	Planning Clearance and Building Permit	D	A			
21.02.040	Sign Permit	D	A			
21.02.040	Temporary Use Permit	D	A			
Administrative Approvals						
21.02.040(d)	Administrative Adjustment	D				A
21.02.040(e)	Boundary Adjustment	D	A			
21.02.040(f)	Change of Use Permit	D	A			
21.02.040(g)	Code Interpretation	D	A			
21.02.040(h)	Comprehensive Plan Amendment, Administrative Changes [1]	D			A	
21.02.040(i)	Construction Plans	D	A			
21.02.040(l)	Revocable Permit, Director approval [2]	D			A	
21.02.040(m)	Sign Package	D				
21.02.040(o)	Site Plan (Major and Minor)	D				
	Subdivision					
21.02.040(j)	Minor Exemption Subdivision	D	A			
21.02.040(p)(4)	Preliminary Subdivision Plan	D			A	
21.02.040(p)(5)	Final Plat	D			A	
21.02.040(n)	Simple Subdivision	D			A	

[15] Drafting Note: This table is subject to further revision based on edits to Module 1.

Table 21.02-1: Summary Table of Review and Decision-Making Bodies R= Recommendation D = Decision A = Appeal						
Section	**Procedure**	**Director**	**Plan Comm.**	**HPB**	**City Council**	**ZBOA**
21.02.040(q)	TEDS Exception	D	A			
Major Development Applications						
21.02.050(c)	Annexation	R			D	
21.02.050(d)	Code Text Amendment or Rezoning	R	R		D	
21.02.050(e)	Comprehensive Plan Amendment (CPA), Non-Administrative	R	R		D	
21.02.050(f)	Conditional Use Permit (CUP)	R	D		A	
21.02.050(h)	Institutional and Civic Facility Master Plans	R	R		D	
21.02.050(i)	Planned Development	R	R		D	
21.02.040(l)	Revocable Permit, City Council Approval	R			D	
21.02.050(k)	Special Dimensional Permit	R	R		D	
21.02.050(l)	Vacation of Plat	R	R or D[3]		D or A[3]	
21.02.050(m)	Vacation of Public Right-of-Way or Easement	R	R		D	
21.02.050(n)	Variance	R				D
21.02.050(o)	Vested Property Rights	R	R		D	
Historic Preservation						
21.02.060	Historic Preservation Procedures	R		R or D[4]	D or A[4]	

Notes:
[1] For Administrative Changes as defined in GJMC 21.02.040(h).
[2] For a Revocable Permit for irrigation or landscaping.
[3] For a Vacation of Plat without public right-of-way or easement.
[4] For Certificate of Appropriateness, N. Seventh Street Historic District.

21.02.030 COMMONLY APPLICABLE PROCEDURES[16]

The requirements described in this section are common to many of the procedures contained in this Code. **Error! Reference source not found.** summarizes the common application procedures in this Code and identifies whether they are required for the specific procedures defined in GJMC 21.02.050. Exceptions to these general rules apply and may be identified in the regulations for the specific procedures.

(a) Summary Table of Commonly Applicable Procedures[17]

Table 21.02-2: Summary Table of Commonly Applicable Procedures
*** = Optional ✓ = Required grey box = Not Applicable**

Section	Procedure	General Meet.	Pre-App Mtg	Ngh'd Mtg	Public Notice	Public Hearing
	Detailed requirements in GJMC:	21.02.030(b)(1)	21.02.030(b)(2)	21.02.030(c)	21.02.030(g)	
Administrative Permits						
21.02.040(f)	Change of Use Permit	*	*			
21.02.030(h)(3)	Development Improvement Agmt					
21.02.040	Fence Permit	*	*			
<<insert cite>>	Floodplain Development Permit[18]					
21.02.040	Home Occupation Permit	*	*			
21.02.040	Planning Clearance and Building Permit	*	*			
21.02.040	Sign Permit	*	*			
21.02.040	Temporary Use Permit	*	*			
Administrative Approvals						
21.02.040(d)	Administrative Adjustment	*	*			
21.02.040(e)	Boundary Adjustment	*	*			
21.02.040(f)	Change of Use Permit	*	*			
21.02.040(g)	Code Interpretation					
21.02.040(h)	Comprehensive Plan Amendment,	*	*			

[16] Generally consolidated current 21.02.070(a) and 21.02.080.

[17] Drafting note: This table is subject to further revision based on edits to Module 1.

[18] Drafting note: update from later module.

Table 21.02-2: Summary Table of Commonly Applicable Procedures *** = Optional ✓ = Required grey box = Not Applicable**						
Section	**Procedure**	**General Meet.**	**Pre-App Mtg**	**Ngh'd Mtg**	**Public Notice**	**Public Hearing**
	Detailed requirements in GJMC:	21.02.030(b)(1)	21.02.030(b)(2)	21.02.030(c)	21.02.030(g)	
	Administrative Changes [1]					
21.02.040(i)	Construction Plans	*	*			
21.02.040(l)	Revocable Permit, Director approval [2]	*	*			
21.02.040(m)	Sign Package	*	*			
21.02.040(o)	Site Plan (Major and Minor)	*	✓ [1]			
	Subdivision					
21.02.040(j)	Minor Exemption Subdivision	*	*			
21.02.040(p)(4)	Preliminary Subdivision Plan	*	✓	✓		
21.02.040(p)(5)	Final Plat	*	*	✓		
21.02.040(n)	Simple Subdivision	*	*			
21.02.040(q)	TEDS Exception	*	*			
Major Development Applications						
21.02.050(c)	Annexation	*	*	[2]	✓	✓
21.02.050(d)	Code Text Amendment or Rezoning	*	*	✓	✓	✓
21.02.050(e)	Comprehensive Plan Amendment (CPA), Non-Administrative	*	*	✓	✓	✓
21.02.050(f)	Conditional Use Permit (CUP)	*	*	✓[3]	✓	✓
21.02.050(h)	Institutional and Civic Facility Master Plans	*	*	✓	✓	✓
21.02.050(i)	Planned Development	*	✓	✓	✓	✓
21.02.040(l)	Revocable Permit, City Council Approval	*	*		✓	✓
21.02.050(k)	Special Dimensional Permit	*	*	✓	✓	✓
21.02.050(l)	Vacation of Plat	*	*	✓	✓[4]	✓[4]

Table 21.02-2: Summary Table of Commonly Applicable Procedures * = Optional ✓ = Required grey box = Not Applicable						
Section	**Procedure**	**General Meet.**	**Pre-App Mtg**	**Ngh'd Mtg**	**Public Notice**	**Public Hearing**
	Detailed requirements in GJMC:	21.02.030(b)(1)	21.02.030(b)(2)	21.02.030(c)	21.02.030(g)	
21.02.050(m)	Vacation of Public Right-of-Way or Easement	*	*	✓[5]	✓	✓
21.02.050(n)	Variance	*	*	✓	✓	✓
21.02.050(o)	Vested Property Rights	*	*	✓	✓	✓
Historic Preservation						
21.02.060	Historic Preservation Procedures	*	*	✓	✓	✓

Notes:
[1] Major site plans only.
[2] Neighborhood Meeting handled through rezoning process.
[3] Neighborhood Meetings are required for Fraternity/Sorority, Group Living, and Rooming/Boarding House applications.
[4] Vacation of Plat with public right-of-way or easement.
[5] Neighborhood meeting not required for vacation of easement.

(b) General and Pre-Application Meetings

The purpose of General and Pre-application Meetings is to provide an opportunity for the applicant and the City to discuss the development concept prior to the application submission for a project or permit.

(1) General Meeting

(i) Purpose

The purpose of a General Meeting is to allow an applicant to discuss a project concept with City staff to obtain general feedback and ideas.

(ii) Applicability

A General Meeting is optional for all development applications.

(iii) Procedure

(A) The applicant shall schedule a General Meeting with the Community Development Department.

(B) Based on the detail and information provided, the staff will give direction on the merits, procedures, and issues on a proposed project.

(C) A general meeting is advisory only and does not constitute or effect approval of any aspect or item of an application.

(D) Applicants that participate in a General Meeting may still participate in a Pre-Application Meeting.

(2) Pre-Application Meeting

(i) Purpose

The purpose of a Pre-Application Meeting is to:

(A) Understand the proposed project and the applicant's specific objectives;

(B) Identify applicant time goals such as property closing dates, construction starts, and operation dates;

(C) Identify City approvals needed before any development starts;

(D) Identify documents, plans, drawings, fees and process other materials necessary for a complete application;

(E) Identify significant issues; and

(F) Begin to familiarize the applicant with City requirements, and this Code.

(ii) Applicability

A Pre-Application Meeting is required for the following application types and optional for all other development applications:

(A) Preliminary Subdivision Plan,

(B) Major Site Plan, and

(C) Planned Development.

(iii) Procedure

(A) The Director shall inform the applicant what information the applicant must supply at the time of application submittal to begin the assessment of the project. The Director shall list the requirements and all relevant information in the applicant's project file.

(B) Any information or discussions held at the pre-application meeting shall not be binding on the City or the applicant. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(C) The City is not responsible for making or keeping a summary of the general topics discussed at the Pre-Application Meeting.

(D) Where a Pre-Application Meeting is required for a specific application type, the application shall be filed within one year of the meeting or a new meeting shall be required.

(c) Neighborhood Meeting

(1) Purpose

The purposes of a Neighborhood Meeting are to:

(i) Inform neighboring property owners of the details of a proposed development;

(ii) Identify how the developer intends to meet the standards contained in this Code; and

(iii) To allow the applicant to receive preliminary public comment on the proposal.

(2) Applicability

(i) A Neighborhood Meeting is required as indicated in **Error! Reference source not found.** and is optional for all other applications.

(ii) The Director may waive this step if the project will have little potential to create material negative impacts on the surrounding neighborhood. If the Director waives a required Neighborhood Meeting, the Director will provide the applicant a written explanation of the reasons why the meeting was waived for inclusion with the project application.

(iii) An applicant may voluntarily conduct a neighborhood meeting prior to submission of any application.

(3) Notice

(i) The applicant shall provide written notice of the date, time, place if an in-person meeting is conducted or the web location/host, together with any and all information required to access the meeting if conducted virtually and subject of the meeting to the Director for approval at least 14 days before the meeting.

(ii) Once the notice has been approved, the applicant shall mail the notice to every owner and group in the neighborhood, as well as the Community Development Department. The Director will assist the applicant with information about which groups to include in the mailing.

(iii) The notice must be mailed no later than 10 calendar days prior to the meeting date.

(iv) For purposes of this section, all properties located within a radius of 500 feet of any portion of the project are considered "the neighborhood." Notice shall also be provided to organized groups that have registered with the City, such as a homeowners' association, condominium association, neighborhood group, or any member's lot or parcel of which is within 1,000 feet of the project is part of the neighborhood.

(v) Courtesy electronic notice of the neighborhood meeting shall also be provided to any affected neighborhood organizations that request notification from the Community Development Department.

(vi) Community Development staff is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the neighborhood meeting.

(4) Procedures

(i) Meeting Time and Procedure

(A) The applicant must provide for a physical or virtual meeting and must conduct the meeting. Meetings must be held on a non-holiday, weekday evening beginning

between 5:30 p.m. and 8:00 p.m. The meeting date, time and format must be approved by the Director no less than 14 days in advance of the meeting date.

(B) A required neighborhood meeting must be held not more than 180 days before the application is submitted.

(ii) Meeting Content and Conduct

(A) At the meeting the applicant shall present a concept plan, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions during the meeting.

(B) The concept plan shall, at a minimum, delineate access to the site, internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings).

(C) The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments.

(D) A member of City staff shall attend the meeting and be available to explain applicable Z&DC requirements and, as needed, the project's compliance with the Comprehensive Plan and any applicable adopted plan or ordinance.

(iii) Information Provided with Application

(A) The following information shall be included with the application submittal:

a. A written list of names and addresses of those given notice, how notice was provided, and those participating in the meeting attending.

b. A written summary of the meeting including any public comment received.

(B) The Director shall make, or instruct the applicant to make, the summary available to the meeting attendees and the public for inspection following the filing of a complete application.

(d) Application Submittal and Fees

(1) Application Requirements

(i) Applications shall be submitted on the prescribed forms and according to the deadlines contained in the Submittal Standards for Improvements and Development manual. The City may also make application forms available electronically.

(ii) The Director may require additional information necessary to evaluate the application based on size, complexity, development timeline, or potential impacts of the project on the surrounding neighborhood or the City's transportation or utility systems.

(iii) The Director may waive application submittal requirements of this Code in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application. The applicant shall make a written request identifying the specific submission items to be waived and why, and the Director may waive the requirements on a finding of the following:

(A) The applicant shows good cause for the requested waiver;

(B) The project size, complexity, anticipated impacts, or other factors support a waiver;

(C) The waiver does not compromise a proper and complete review; and

(D) The information is not material to describing the proposal or demonstrating compliance with approval criteria.

(2) Fees

(i) Initial Application

The applicant shall pay all required application fees, including GJMC 21.02.070, to the City in full before an application will be reviewed by the Director or scheduled for a public hearing. Application fees are generally non-refundable.

(ii) Changes to Complete Applications

In addition to fees set forth in the City fee schedule, the following fees shall apply to actions taken on a complete application:

(A) Withdrawn Application: All fees are forfeited in the event the City has incurred any expense related to the application. If the application is refiled within 180 calendar days a resubmittal fee must be paid. The submission fee shall be paid again in full if the application is resubmitted after six months.

(B) Continuance of Application: Payment of fees may be required to cover the cost of additional notice.

(C) Reapplication: Payment of fees shall be required for a reapplication where a previous application has been denied.

(D) Modification or Revision of Approved Site Plan

a. Minor modifications: An application for administrative relief and payment of the associated fee is required.

b. Major modifications: Any requested modifications that do not qualify for administrative relief shall be considered major modifications. A new application is required along with the associated application fee.

(3) Who Can File an Application

Applications processed under this Code shall be submitted by one of the following unless otherwise specified in this Code:

(i) The owner(s), or any other person having a recognized property interest in the land on which development is proposed within the City;

(ii) A person authorized to submit the petition on behalf of the owner or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner; or

(iii) Planning Commission, City Council or City staff may file an application for Comprehensive Plan Amendments, Code Amendments, Planned Developments, and Rezonings.

(4) Determination of a Complete Application

(i) The Director shall decide if the application is complete. A complete application is one that contains all of the information, materials, and fees required by subsections (1) and (2), above. On determining the application is complete, the Director shall accept the application for review in accordance with the procedures and standards of this Code. Incomplete applications will not be processed or reviewed by the City.

(ii) If the application is deemed incomplete, the Director shall notify the applicant of the information or materials that are still needed to make the application complete.

(A) The applicant shall have 45 days to resubmit an application with any additional or corrected materials necessary to make the application complete

(B) If the applicant does not resubmit the application within 45 days, the application shall be considered abandoned and the City shall return the application to the applicant and take no further steps to review the application.

(e) Application Review

(1) Staff Review

Applications shall be reviewed by City staff and other appropriate agencies for compliance with City and external agency codes and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.

(2) Review by Other Agencies

The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:

(i) City departments;

(ii) Telecommunications, gas, electric and other utilities;

(iii) Irrigation, drainage, water and sewage, sewer provider special districts;

(iv) School and fire agencies;

(v) Law enforcement;

(vi) Mesa County staff, Planning Commission, or Board of Commissioners;

(vii) State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, etc.); and

(viii) Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, etc.).

(3) Agency and Department Comments

The external agencies' review will be advisory in character, and does not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

(4) Applicant's Response

An application submitted to the City for review must be diligently pursued and processed by the applicant. Applicants shall have 90 days to resubmit revised documents to address comments from the City or the application shall be considered inactive and abandoned. The

Director may grant two extensions to the resubmission deadline, not to exceed a total extension of 180 days.

(5) Review of Response

The Director shall determine if sufficient information has been provided to schedule the application for a hearing or approve, approve with conditions, or disapprove the application. If the application is insufficient the applicant shall be notified. The applicant shall be allowed additional resubmittals and responses, pursuant to the same timeframes as the original response, before the application is scheduled for a hearing or before the Director decides whether the application is complete.

(6) Final Report

The Director's written report and recommendations should be made publicly available three calendar days before the public hearing.

(f) Complete Applications with Changed Status

(1) Withdrawn Application

(i) Prior to Public Notice

(A) An applicant may withdraw an application by providing written notice to the Director of the applicant's intent to withdraw the application. After such withdrawal, no further City action on the application shall take place.

(B) A rezone application may be withdrawn at any time prior to the publication of the legal advertisement for the first public hearing before the City. A withdrawn rezone application may be refiled after a 120-day waiting period.

(C) To re-initiate review, the applicant shall re-submit the application with a new application fee payment, and the application shall in all respects be treated as a new application for purposes of review and scheduling.

(ii) Following Public Notice

(A) No application may be amended or modified after the legal advertising has been published.

(B) After legal notice for the Planning Commission or Board of Adjustment has been published, the request for withdrawal shall be submitted in writing to the Director at least 24 hours prior to the first or only public hearing.

(C) Once a Planning Commission meeting or hearing has been opened, the Planning Commission may allow withdrawal of an application by a majority vote of the members present.

(D) After the Planning Commission hearing or for any application that is decided on by the City Council without Planning Commission review, a request for withdrawal shall be submitted to the Director and may only be submitted by the property owner or authorized agent, as listed on the application. The City Council shall have exclusive authority to act on any request for withdrawal after notice of the public hearing has been published.

(2) Postponement

(i) The applicant may request an application be postponed to a future scheduled public hearing date.

(ii) Request submitted prior to public notice: the request must be in writing, either by mail or email, and the request must be received by the Director prior to date of publication of the notice of public hearing.

(iii) Request submitted following public notice: If the request is received by the Director on or after the date of publication of the notice of public hearing, the applicant must attend the public hearing to request the application be postponed to a future scheduled public hearing date.

(iv) If the Director determines the applicant is not taking affirmative steps to advance a postponed application for a final determination or the applicant requests that an application be postponed for a second time, the Director may declare the application terminated.

(A) No further processing of such application shall occur and the application fees shall be forfeited.

(B) Any re-submittal of the application shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

(g) Public Notice and Public Hearing Requirements

(1) Purpose

Public hearings comply with legal requirements for due process (the opportunity to be heard) and allow for community input.

(2) Applicability

(i) Notice shall be provided as required by **Error! Reference source not found.** and all costs to provide notice shall be paid by the applicant.

(ii) The Director may determine based on the scope or nature of the project that additional notice shall be provided, which shall be done at the applicant's cost.

(iii) If a project requires action on several permits at the same hearing, the Director may provide for a single, combined notice.

(3) Public Notice

(i) Notice Required

(A) Applications for development approval shall comply with the Colorado Statutes and the provisions of this section with regard to public notification. The required notice for each application type is identified in **Error! Reference source not found.**. Application-specific notification instructions are located in the section for the specific application types.

(B) No public notice under this section shall be made for incomplete applications or for applications requiring additional revisions and review. Applications that remain incomplete or requiring revision after the notice publishing, posting, or mailing

deadline shall be removed from the applicable meeting agenda and placed on the next available meeting agenda.

(ii) Summary Table of Public Notice Requirements

Table 21.02-3: Summary Table of Public Notice Requirements Date/Distance/Yes = Required Notice Grey box = Not Applicable				
Section	**Procedure**	**Published Notice**	**Mailed Notice**	**Sign Notice**
Administrative Permits				
21.02.040(f)	Change of Use Permit			
21.02.030(h)(3)	Development Improvement Agreements			
21.02.040	Fence Permit			
<<insert cite>>	Floodplain Development Permit[19]			
21.02.040	Home Occupation Permit			
21.02.040	Planning Clearance and Building Permit			
21.02.040	Sign Permit			
21.02.040	Temporary Use Permit			
Administrative Approvals				
21.02.040(d)	Administrative Adjustment			
21.02.040(e)	Boundary Adjustment			
21.02.040(f)	Change of Use Permit			
21.02.040(g)	Code Interpretation			
21.02.040(h)	Comprehensive Plan Amendment, Administrative Changes [1]	7 days		
21.02.040(i)	Construction Plans			
21.02.040(l)	Revocable Permit, Director approval [2]			
21.02.040(m)	Sign Package			
21.02.040(o)	Site Plan (Major and Minor)			
	Subdivision			
21.02.040(j)	Minor Exemption Subdivision			
21.02.040(p)(4)	Preliminary Subdivision Plan		Owners w/in 500 feet	Yes
21.02.040(p)(5)	Final Plat			
21.02.040(n)	Simple Subdivision			
21.02.040(q)	TEDS Exception			
Major Development Applications				

[19] Drafting note: update with later module.

Table 21.02-3: Summary Table of Public Notice Requirements Date/Distance/Yes = Required Notice Grey box = Not Applicable				
Section	**Procedure**	**Published Notice**	**Mailed Notice**	**Sign Notice**
21.02.050(c)	Annexation	7 days	Owners within 500 feet [1]	Yes
21.02.050(d)	Code Text Amendment [2] or Rezoning	7 days	Owners within 500 feet [1]	Yes
21.02.050(e)	Comprehensive Plan Amendment (CPA), Non-Administrative [1]	7 days	Owners within 500 feet	Yes
21.02.050(f)	Conditional Use Permit (CUP)	7 days	Owners within 500 feet	Yes
21.02.050(h)	Institutional and Civic Facility Master Plans	7 days	Owners within 500 feet	Yes
21.02.050(i)	Planned Development	7 days	Owners within 500 feet	Yes
21.02.040(l)	Revocable Permit, City Council Approval			
21.02.050(k)	Special Dimensional Permit	7 days	Owners within 500 feet	Yes
21.02.050(l)	Vacation of Plat [3]	7 days	Owners within 500 feet	Yes
21.02.050(m)	Vacation of Public Right-of-Way or Easement	7 days	Owners within 500 feet	Yes
21.02.050(n)	Variance	7 days	Owners within 500 feet	Yes
21.02.050(o)	Vested Property Rights	Within 10 days of approval		
Historic Preservation				
21.02.060	Historic Preservation Procedures	7 days		

Notes:

[1] Mailed notice and sign posting is not required for CPA, Rezonings, or Annexation for requests relating to more than five percent of the area of the City and/or related to a Citywide or area plan process.

[2] Mailed and sign notice are not required for a Code Text Amendment.

Table 21.02-3: Summary Table of Public Notice Requirements Date/Distance/Yes = Required Notice Grey box = Not Applicable				
Section	**Procedure**	**Published Notice**	**Mailed Notice**	**Sign Notice**
[3] Plats with rights-of-way or easements only.				

(iii) Content

Notices, when required by this section or a specific application type, shall, whether by publication or written, meet the general requirements of notice provided by the City and provide the following information:

(A) Address or location of the property subject to the application and the name, address, email, and telephone number of the applicant or the applicant's agent;

(B) Date, time, and place of the public hearing;

(C) Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;

(D) Notification about where the public may view the application; and

(E) State that the public may appear at the public hearing.

(F) Contact information for making arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment.

(iv) Agenda Notice

Agenda notice shall be posted and published on the City's website a minimum of 48 hours prior to a meeting.

(v) Published Notice

(A) When required by **Error! Reference source not found.**, a notice including the information described in GJMC 21.02.030(g)(3)(iii) must be published at least once. The Director shall be responsible for giving notice.

(B) In computing notice time, the day of the hearing shall be excluded.

(C) The applicant shall either provide the information for the notice or pay the City to prepare the information.

(D) All published notices shall be published in a local newspaper of general circulation recognized by the City. Based on the size, complexity, or potential impacts of a proposed application, the Director may require that courtesy notice be provided to other newspapers, radio, and television stations servicing the City for use as a public service announcement.

(vi) Mailed Notice

(A) When required by **Error! Reference source not found.**, a notice including the information described in GJMC 21.02.030(g)(3)(iii) shall be sent by U.S. mail as provided in this section.

(B) Notice shall be provided to:

a. Within the distance specified in Table 21.02-3, each owner and tenant at the address on file with the Mesa County, Colorado, Assessor;

b. Each homeowners' association (HOA) or other group registered with the Community Development Department and located within 1,000 feet of the subject property; and

c. Each person who attended any required neighborhood meeting and signed-up to receive notice.

(C) All mailed notices must be sent no less than 10 days before a public hearing.

(D) Failure of any individual addressee of such letter of notification to receive the same shall not in any way invalidate or affect subsequent action on the application and such requirement shall not be construed as a legal precedent to the official approval.

(E) Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required where the application is not decided at the initial public hearing.

(F) If the hearing is deferred or continued at the applicant's request, the applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners.

(vii) Property Sign

(A) The City shall prepare and the applicant shall post signs including the information described in GJMC 21.02.030(g)(3)(iii) as follows:

a. At least one sign on each street frontage of the property

b. At least 10 calendar days before the initial public hearing and remain posted until the day after the final hearing.

(B) The applicant shall maintain the sign on the property until the day after the final public hearing. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the Director shall update the existing signs with the new date.

(viii) Courtesy Notice

(A) The City may, as a courtesy, provide notice to any persons or organization in the City or Mesa County, or to any governmental, public, or quasi-public organization

regarding any matter related to this Code that may be of interest to of that person or organization, or on any matter on which any such person or organization has requested notice.

(B) Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.

(C) The failure of the City to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any City action with respect to an application.

(ix) Five Percent Notice

Applications that are applicable to more than five percent of the area of the City and/or related to a Citywide or area plan process, such as Comprehensive Plan Amendments, some Rezonings, or zones of Annexation, are not required to provide mailed or property sign notice.

(x) Constructive Notice and Substantial Compliance

(A) Notice is sufficient if there is complete substantial compliance with the requirements of this section.

(B) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.

(C) Failure of one or more individual parties to receive written notice shall not invalidate subsequent action.

(D) If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall direct the Director to make a formal finding as to whether there was substantial compliance with the notice requirements of this ode, and such finding shall be made available to the decision-making authority prior to final action on the request.

(E) When City records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

(4) Public Hearing

(i) Timing

The Director shall schedule an application for hearing only when all issues have been resolved or can be resolved through post-review procedures, and a determination of compliance with all codes and regulations is made.

(ii) Applicant's Option

An applicant has the right to request a hearing at any time during the review process.

(iii) Request for a Continuance Prior to Hearing

(A) An applicant shall have the right to one continuance before the Planning Commission, Zoning Board of Appeals or City Council. A written request for the continuance shall be submitted to the Director by the applicant or their representative at least three days before the hearing. A request for a continuance may also be made by the City staff, the Planning Commission, or City Council.

(B) An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice and any other form of notice determined by the Director to be reasonable. The applicant shall reimburse the City and provide all materials necessary to provide written notice of the rescheduled public hearing date to surrounding property owners in the same manner and with the same time schedule as the original date.

(C) The review body may grant one continuance to a time, place, and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

(iv) Conduct of Hearing

(A) Any person may offer relevant information in writing or in person. Every speaker representing one or more other persons shall state his/her name, street address, and if an organization or group, the name and mailing address of the organization or group.

(B) The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public.

(C) No person shall knowingly make a false statement nor present false, deceptive or slanderous testimony, comment or remarks at a public hearing.

(v) Continuance of Public Hearing

The decision-making body may grant a continuance of the public hearing.

(vi) Additional Rules

The decision-making body conducting the hearing may adopt rules of procedure to limit the number of applications to be considered per meeting, limit the time for each presentation or speaker or as provided by this section, temporarily hear and decide quasi-judicial hearings in accordance with the alternative hearing procedure, which are adopted by this reference and incorporated as if fully set forth.

(h) Recommendation and Decision

(1) Planning Commission as Recommending Body

If the Planning Commission is the recommending body, the Planning Commission shall review the application against applicable decision-making criteria and prepare a recommendation that shall be forwarded to the City Council. All recommendations, including recommendations of denial, shall be heard by the City Council without necessity of appeal.

(2) Approval Criteria

(i) Decision by Director

(A) Where Table 21.02-1 indicates that the Director must make the decision on an application, the Director shall review and approve the application, approve it with conditions designed to bring the application into compliance with the specific requirements of this Code, or deny the application based on the application of the criteria specified for the application.

(B) The decision shall be based on the information submitted with the application, comments from referral agencies, and any required approvals from other agencies.

(ii) Decision by Planning Commission, City Council, or Zoning Board of Appeals

(A) Where Table 21.02-1 or another provision of this Code indicates that the Planning Commission, City Council, or Zoning Board of Appeals shall make the decision on an application, the decision-making body shall review and approve the application, approve it with conditions, or deny the application.

(B) The decision-making body shall review the application against the applicable criteria and make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony, and information presented at the hearing.

(C) Where there has been a public hearing before the Planning Commission, hearings shall be de novo before the Council. An affirmative vote of five members of the City Council shall be required to approve rezones and Comprehensive Plan amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this Code shall be applicable.[20]

(iii) Conditions[21]

(A) A decision-making body, including the Director, this Code may impose conditions as needed to ensure that the approval is consistent with the purposes of the Comprehensive Plan and the general purpose of this Code stated in GJMC 21.01.050.

[20] Includes current 21.02.210(e).

[21] Replaces current 21.02.080(k)(1).

(B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City prior to the review of an application. Conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan and this Code.

(C) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

(D) Any conditions that require an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any condition imposed shall include an individualized determination and shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(3) Development Improvements Agreement (DIA)[22]

(i) Development Improvements Agreement Authorized

The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.

(ii) Agreement to Run with the Land

The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIAs may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lien holders shall be required to subordinate their liens to the guarantees contained in the DIA.

(iii) Performance Security

(A) Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security

[22] Current 21.02.080(m).

shall be in the form of a cash deposit made to the City, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, or a completed, unrecorded plat. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the City Attorney.

(B) The guarantee shall be in an amount estimated by the Director as reflecting 120 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the DIA.

(C) In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.

(D) The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

(iv) Maintenance Guarantee for DIA

(A) The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director.

a. If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting 20 percent of the cost of the completed improvements.

b. If the form of security is a maintenance bond, it must be in a form acceptable to the City Attorney, in the principal amount of 20 percent of the value of the project's public improvements, for a period of one year from the date of final acceptance by the City of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.

c. If repairs, replacements, or modifications to the project's public improvements are made by the applicant or are required to be made by the City during the one-year maintenance period, then the City, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement, or modification costs plus 20 percent. If the Director has reason to believe that the security will be extended beyond the one-year initial term, then the Director shall notify the applicant in writing no later than 30 days before expiration of the security. Mailing of an extension notice shall cause the applicant to extend the security (bond, cash, or letter of credit) for an additional 12 months. The extension shall be on the same terms as the security being extended. The security may be extended for one additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified, or replaced in a manner that satisfies the City. If the Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security

may be released after the initial one-year period. In making the decision to extend the security the Director may consider any facts or information deemed relevant, which may include, but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute life, health and/or imminent safety hazard; whether other phases or filings depend on the improvements and/or the degree of failure of the improvements.

(B) If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least 50 percent of the cost of the required improvements.

(v) Offers to Dedicate Streets, Roads, and Other Lands

(A) Acceptance of Dedication

The City Council, or its designees, may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this Code constitutes the owner irrevocable warranty that such owner has the right, title and interest to convey to the City and that no hazardous or other regulated substance is present on, under or in the property.

(B) Acceptance of Maintenance

Approval of a subdivision does not mean the City will accept any road, street, or public site for maintenance. The City shall not be obligated to maintain any land unless it explicitly agrees to do so in writing.

(vi) Temporary Improvements

The Developer shall construct and pay for all costs of temporary improvements required by the City to protect the public, neighborhood, or another person. The applicant shall maintain said temporary improvements for the period specified.

(vii) Completion of Improvements

(A) Construction of Required Improvements

a. Before construction begins, the developer must be familiar with the submittal, construction, plans and inspection requirements of each utility or agency.

b. After the City and/or other utility providers has inspected and approved all or a portion of the required improvements, the developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The City shall establish the developer's limits of responsibility for the improvements. The City may condition its acceptance and may require additional guarantees and assurances for at least one year following acceptance.

c. Even if the City does not accept all or a portion of the required improvements, or delays any acceptance, the City may require the Developer

to correct such defects or deficiencies identified by the City, in which case, final acceptance may be extended for one additional year.

(B) Release of Improvements Agreement and Guarantee

a. The developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency. Proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.

b. The City Council, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the Mesa County Clerk and Recorder's Office.

c. Release of the DIA does not constitute a certificate of completion and release of responsibility.

(C) Certificate of Completion and Release of Responsibility

Upon expiration of the limits of responsibility established in this Code, the developer may request a certificate of completion and release of responsibility from the appropriate agency.

(viii) Extension of Development Improvements Agreement and Security

(A) If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he/she shall provide written notice of same to the Director at least 30 calendar days prior to the deadline of the milestones he will be unable to meet. The applicant shall make a formal written request for an extension of the completion date for performance in the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.

(B) If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security which may be the same as or greater than the original security, up to 120 percent, as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

(i) Post-Decision Actions

(1) Change in Ownership

Unless otherwise stated for a specific type of permit, application, or decision under this Code, or unless otherwise stated on the permit or approval document, permits, approvals, and

approvals with conditions under this Code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decision as the initial applicant.

(2) Successive Applications

No application for Rezoning, Conditional Use Permit, or Variance on the same request nor one involving the same tract shall be permitted within one year of an application denial.

(3) Modifications of Approvals

After City approval or approval with conditions of an application under this Code, a property owner or holder of a permit or approval may apply for an Administrative Adjustment of the permit or approval under GJMC <insert cite>.

(4) Amendments

(i) All substantial changes, modifications, removal, or release of the provisions of an approved application that do not qualify for administrative relief as Administrative Adjustments under GJMC <insert cite> shall be considered amendments of the application. Amendments shall include, but are not limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the Director.

(ii) The Director may require that an application for administrative relief be treated as an application for a major modification if the Director determines that the application raises a significant public controversy in which numerous parties other than the owner of the property may want to offer testimony. Applications for major modifications shall be treated as new applications for an approval of the same type being modified, unless the Director determines that an application for modification is an issue of public policy or is not consistent with an approved preliminary plan or plat for the property, as applicable. If so, the Director shall inform the applicant that a new application will need to be submitted.

(iii) For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this chapter unless otherwise noted in the specific review procedures.

(5) Effect of Modification

If approved, the modification shall then supersede the previous approval, and subsequent development on the property shall be in accord with the amended approval.

(6) Rehearing and Appeal

Any aggrieved person, including the Director, may request a rehearing or file an appeal of final action under GJMC <insert cite>.

(j) Lapsing and Extension of Approvals

(1) Period of Validity

(i) Permit or Administrative Approval

An administrative permit or approval granted under this Code shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, construction is commenced and pursued toward completion. A different timeframe may be established during the approval of a permit or specific administrative approval.

(ii) Approval Requiring a Public Hearing

(A) Except where a different timeframe is provided in a specific procedure or set by the decision-making body, the validity of any approval requiring a public hearing is two years.

(B) A Rezoning, including rezoning to Planned Development, is not subject to expiration.

(2) Extension of Approval Term

(i) Extension Request

A request to extend any approval shall be submitted in writing to the Director prior to the expiration of the original approval.

(ii) Permit or Administrative Approval

(A) Unless otherwise stated in a permit or specific procedure for an administrative approval, the Director may extend the validity of the permit or approval for up to 180 more days if the applicant proves they can complete the project in conformance with currently adopted codes and policies.

(B) The Director may grant one extension of 12 months for a preliminary subdivision or unrecorded final plat, in accordance with GJMC <<insert cite to recording of subdivisions>>.

(iii) Approval Requiring a Public Hearing

The decision-making body may extend any deadline if the applicant demonstrates why the original effective period or development phasing schedule was not sufficient and cannot be met. When deciding to extend or change any deadlines, the decision-making body shall consider if development regulations have materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.

(3) Noncompliance[23]

Upon a finding that any of the following conditions exist, all activities taken pursuant to such a permit or development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:

(i) The applicant fails to satisfy any condition of the approval;

[23] Current 21.02.080(n)(1)

(ii) The applicant fails to timely complete all work and construction set forth in a Development Improvements Agreement. If no time limit for satisfaction of conditions is specified in the original or revised approval of the application, the time shall be presumed to be one year from the date of approval; or

(iii) The applicant fails to fulfill any promise made in writing or at any public hearing.

21.02.040 ADMINISTRATIVE APPLICATIONS

(a) Overview

Administrative applications are reviewed and decided on by the Director or other specified City staff member. The following application types are administrative and some of them have additional review requirements that are identified in the right column:

Table 21.02-x Administrative Applications

Application Type	Purpose	Additional Application Requirements
Administrative Permits		
Change of Use Permit	Changes to use of structure or property	21.02.040(f)
Fence Permit	Erect a fence or wall up to 6' in height	
Floodplain Development Permit	Construct structures or make changes within a floodplain	
Home Occupation Permit	Allow home occupations	
Planning Clearance and Building Permit	Establish, construct, modify, or expand a use or structure	
Sign Permit	Approve non-exempt signs	
Temporary Use Permit	Allow a temporary use that will last longer than 48 hours	
Administrative Approvals		
Administrative Adjustment	Small change to specific regulations	21.02.040(d)
Boundary Line Adjustment	Correct a mistake in a lot line	21.02.040(e)
Change of Use Permit	Review a to change the use of a structure or property.	21.02.040(f)
Code Interpretation	Provide an interpretation of the contents and requirements of the Code	21.02.040(g)
Comprehensive Plan, Administrative Changes	Allow minor changes to plan language and land use designations	21.02.040(h)
Construction Plans	Confirm the location, design, and composition of all required improvements	21.02.040(i)
Revocable Permit, Director Approval	Allow private development in right-of-way	
Minor Exemption Subdivision	Division of parcels 25 acres or larger into up to three lots	21.02.040(j)
Minor Plat Amendments	Limited amendments to approved final plats	21.02.040(k)
Revocable Permit	Review to ensure that any private development on public land is safely	21.02.040(l)

Table 21.02-x Administrative Applications		
Application Type	**Purpose**	**Additional Application Requirements**
	conducted in a manner that does not pose potential burdens on the public	
Simple Subdivision	Allow an applicant to create or consolidate lots, move lot lines, and correct plats.	21.02.040(n)
Site Plan, Major and Minor	Review of proposed development for compliance with this Z&DC and applicable plans and policies	21.02.040(n)
Subdivision, Major	Review of proposed subdivisions of land that are not otherwise exempt	21.02.040(p)
TEDS Exception	Allow an applicant to request an exception to a TEDS requirement	21.02.040(q)

(b) Common Procedures

(1) Review Procedures for Administrative Applications

Procedures for review and decision of administrative applications are established in GJMC 21.02.030. They are summarized here for applicant convenience.

Administrative Applications

	Action	When Applicable	Described in Section
1	General Meeting or Pre-Application Meeting	Optional	21.02.030(b)
2	Application Submittal & Review	All Applications	21.02.030(d) 21.02.030(e)
3	Making changes to complete applications: Complete Applications with Changed Status	Individually, As Needed	21.02.030(f))
4	Director Decision	All Applications	21.02.030(h)
5	Post-Decision Actions	Individually, As Needed	21.02.030(i)

(2) Review Criteria for All Administrative Application Types

The decision-maker shall review each application against the following criteria. Individual application types may include exceptions to these criteria or impose additional criteria.

(i) The application complies with all provisions of this Code;

(ii) The application is consistent with the Comprehensive Plan;

(iii) The application complies with any other approvals on the property;

(iv) The applications complies with or will comply with other City, state, and federal regulations;

(v) The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county, or city land use law or administrative rule.

(vi) Public facilities and utilities shall be available concurrent with the development.

(3) Lapsing and Extension of Approvals

Administrative permits shall remain valid according to the following table unless otherwise specified in this section:

Table

Permit Type	Valid For:
Fence Permit	180 days
Floodplain Development Permit	xx[24]
Home Occupation Permit	N/A
Planning Clearance	180 days
Revocable Permit	N/A
All Other Administrative Permits	One year

(c) Applicability, Procedures, and Review Criteria for Specific Administrative Applications

The common procedures and review criteria for administrative applications apply unless otherwise specified in the specific application type in the following sections.

[24] Drafting note: update from later module.

(d) Administrative Adjustment[25]

(1) Purpose

The purpose of an Administrative Adjustment is to allow for the modification of existing numeric dimensional standards to accommodate site-specific or minor construction issues.

(2) Applicability

(i) Administrative Adjustments may be requested for the situations described in Section (4) below.

(ii) Administrative Adjustments may not be used to:

(A) Permit uses other than those permitted in the zone district, or

(B) Make any changes to sign standards.

Common Procedures for Administrative Applications	
1	General Meeting or Pre-Application Meeting Sec. 21.02.030(b)
2	Application Submittal & Review | Sec. 21.02.030(d)
3	Complete Applications with Changed Status Sec. 21.02.030(f)
4	Director Decision Sec. 21.02.030(h)
5	Post-Decision Actions Sec. 21.02.030(i)

(3) Review Procedures

Applications for Administrative Adjustment shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

(i) All applications for Administrative Adjustment shall identify the specific issue that the Administrative Adjustment is intended to address and how the Administrative Adjustment will resolve that issue:

(A) A request for Administrative Adjustment prior to issuance of a building permit shall be submitted with the project Site Plan or Planning Clearance application. Where the Site Plan is submitted in conjunction with a primary application, such as a Conditional Use Permit request, that is decided by the City Council, the request for Administrative Adjustment shall also be decided by that body. For example, if an Administrative Adjustment request is submitted with a Rezoning application, the City Council will also decide on the Administrative Adjustment.

(B) A request for Administrative Adjustment to address a minor construction issue shall be submitted with the approved project Site Plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the Administrative Adjustment is requested.

(ii) The applicant is responsible for ensuring that the requested Administrative Adjustment does not conflict with any recorded covenants applicable to the property.

[25] Updated from current 21.02.070(l).

(4) Permitted Type and Scope of Administrative Adjustment[26]

The Director may grant Administrative Adjustments up to the following maximum adjustments. No more than 6 Administrative adjustments may be approved for any development application:

(i) Residential and Civic Zones << insert district list>>

(A) Height

a. Maximum height: up to 5% total increase in building height.

b. Fence requirements:

1. Height: fences not located in a front yard may be increased by up to 10% but no fence may be taller than 8 feet.

2. Setbacks: fences may encroach up to 2 feet into any required setback.

(B) Setbacks and Structure Placement

a. Required build-to line or setback – adjust forward across the build-to line or setback up to 2 feet; may not encroach into the public right-of-way.

b. Required build-to line minimum percentage built-to – reduction of up to 5% of required length.

(ii) Mixed-Use, Commercial, and Industrial Zones << insert district list>>

(A) The Director may grant Administrative Adjustments that conform to the following requirements:

a. Setbacks

1. Primary structure: modifications of the front, side, or rear yard setback requirement, provided that the total modification shall not reduce the applicable setbacks by more than 10% of those otherwise required in the zone.

2. Accessory structure: modification of the side or rear yard setback requirement, provided that the total modification shall not reduce the applicable setbacks by more than 30% of those otherwise required in the zone.

b. Structure Heights. Modifications of the building or structure height requirement; provided, that the total modification shall not increase the applicable building or structure height by more than ten percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.

[26] Drafting Note: These permissions may be adjusted as future standards are drafted.

c. Fences

1. Height: Modifications of the maximum fence height requirement provided that the total modification shall not increase the applicable fence height by more than ten percent of the otherwise maximum height in the zone or no more than 8 feet tall, whichever is lower.

2. Setbacks: fences may encroach up to 5 feet into any required setback.

3. Electric Fences: <<insert allowed adjustments>>[27]

d. Parking. In any zone, a decrease in the number of required parking spaces of not more than ten percent when total required spaces are at least ten spaces.

e. Deviations from Final Planned Development Maps. In any planned development zone, adjustments of up to 10% of elements of final planned development maps that are:

1. Made to a dimensional or development standard with a specific measurement, and

2. Consistent with the requirements of the preliminary planned development, final planned development conditions of approval, or development standards of the underlying zoning district.

(5) Review Criteria

The following additional review criteria shall apply to requests for specific types of Administrative Adjustments:

(i) The proposed use, structure, or activity is permitted in the underlying zone district.

(ii) There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district; and

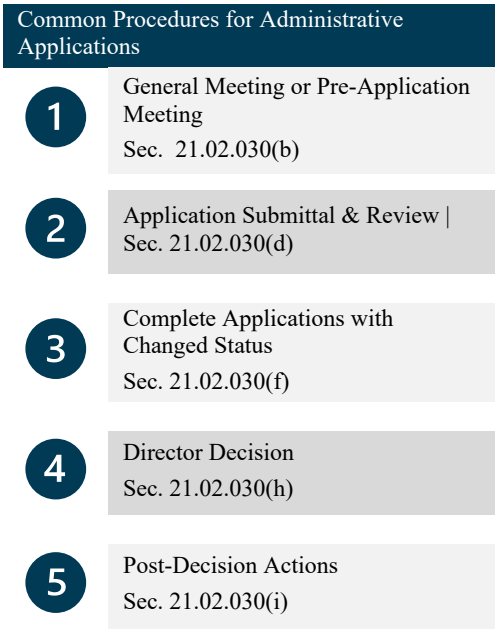
(iii) The special circumstances have not been created by the applicant.

[27] Drafting note: Update with later module.

(e) Boundary Adjustment [28]

(1) Purpose

The purpose of this section is to allow for Boundary Adjustments, which are the relocation of a lot line between two lots. The Director is authorized to grant exemptions from the subdivision process for the transfer of part of one lot or parcel for the purposes of enlarging an existing lot or parcel.



(2) Applicability

Changes may be made to platted lots without the necessity of replatting or vacation and platting only when the following conditions exist:

(i) When an engineering error was made on the original plat, or

(ii) When no addition is being created and all of the following apply:

(A) The proposed lotting pattern meets all requirements of this Code including adequate setbacks and area requirements for any existing development;

(B) The proposal has been properly submitted to the Director and reviewed by all appropriate departments and agencies and there are no objections to the adjustments;

(C) Only two whole platted lots or a platted lot and a platted tract may be involved in a single action. Neither lot involved may have received:

a. A prior property boundary adjustment or

b. Approval of issuance of building permit to previously platted lands; or

c. A combination of lots.

(D) No more than 15% of the area of any one platted lot is involved in the adjustment. This limitation cannot be circumvented by submitting a series of requests.

(E) Basic lot configurations cannot be changed. Under these provisions, two north-south lots cannot change to two east-west lots with this procedure.

(3) Review Procedures

Applications for Boundary Adjustment shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures.

(4) Effect

[28] Drafting note: clarify use of Boundary Adjustment and Simple Subdivision an revise draft as needed.

Approval of a property Boundary Adjustment does not transfer property between the two affected property owners. The real estate transfer must be achieved through separate action by both property owners involved.

(f) Change of Use Permit[29]

(1) Purpose and Applicability

A Change of Use Permit is required to change the use of a structure or property.

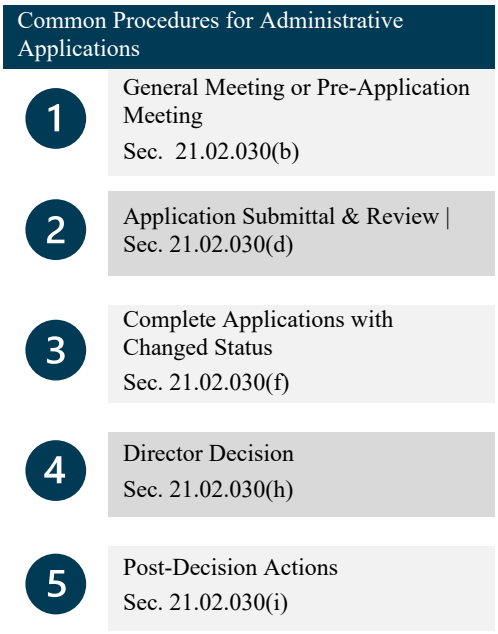
(2) Review Procedures

Applications for a Change of Use Permit shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures.

(3) Additional Permits

The following additional permits may be required with a Change of Use Permit:

(i) Other permits (such as a CUP), review (such as a Major or Minor Site Plan review) or approvals may also be required when use of a land or structure has changed.



(ii) A change from any use in the Household Living use category to any other use requires a Minor Site Plan review.

(iii) For a change of use within the same principal use listing in the Use Table,<> [GJMC 21.04.010] (for example, a change from one General Retail Sales, Indoor Operations use to another General Retail Sales, Indoor Operations use, or a change from a movie theater to a skating rink),[30] a Change of Use Permit is not required unless:

(A) The Code requires more off-street parking for the new use than is available on the property;

(B) There is any actual or projected increase in traffic; or

(C) The amount of stormwater runoff or impervious area is increased.

[29] Current 21.02.070(e).

[30] Drafting Note: This provision will be updated when the categories in the use table are revised.

(g) Code Interpretation

(1) Applicability

(i) The Director is authorized to provide a written interpretation of the contents and requirements of this Code.

(ii) Interpretations may be requested for a provision of this Code subject to a proposed or current application, hearing, or appeal.

(iii) Director may also provide a property-specific code interpretation in the form of a Code clarification that identifies whether specific regulations in this Code are applicable to the subject property.

Common Procedures for Administrative Applications

1. General Meeting or Pre-Application Meeting
   Sec. 21.02.030(b)
2. Application Submittal & Review | Sec. 21.02.030(d)
3. Complete Applications with Changed Status
   Sec. 21.02.030(f)
4. Director Decision
   Sec. 21.02.030(h)
5. Post-Decision Actions
   Sec. 21.02.030(i)

(2) Authority

An interpretation may be requested by any:

(i) Applicant,

(ii) Person affected by an action proposed pursuant to this Code, or

(iii) Any City departments or other governmental agencies that may be subject to the provisions of this Code.

(3) Review Procedures

Applications for Code Interpretation shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures.

(h) Comprehensive Plan, Administrative Changes

(1) Purpose

To ensure that proposed amendments to the Comprehensive Plan are consistent with the vision, goals, and policies include in the Plan.

(2) Applicability

Where the City has sole jurisdiction, the Director has the authority to:

(i) Make minor additions or clarifications to the policy section;

(ii) Correct errors or grammar;

(iii) Make land use designation changes for property that has multiple land use designations and is consistent with project approvals;

(iv) Approve flexibility in the location of the Village and Neighborhood Center by granting a one-half-mile leeway; and

Common Procedures for Administrative Applications

1. General Meeting or Pre-Application Meeting
   Sec. 21.02.030(b)
2. Application Submittal & Review | Sec. 21.02.030(d)
3. Complete Applications with Changed Status
   Sec. 21.02.030(f)
4. Director Decision
   Sec. 21.02.030(h)
5. Post-Decision Actions
   Sec. 21.02.030(i)

(v) Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.

(3) Review Procedures

Applications for administrative changes to the Comprehensive Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures.

(i) Construction Plans[31]

(1) Purpose and Applicability

(i) The purpose of construction plans is to confirm the location, design, and composition of all improvements identified in an approved development application.

(ii) Construction plans are required for any project that necessitates the construction, reconstruction, or modification of new or existing improvements.

(2) Review Procedures

Applications for Construction Plan approval shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

(i) When required, a completed Development Improvements Agreement (DIA) for any required public improvements, together with an acceptable financial guarantee , must be submitted with the construction drawings.

(ii) If required for an application described in GJMC 21.02.050, Construction Plans shall be prepared in conformance with the approved final plat and the City's adopted standards for public improvements including those contained in this Code.

(iii) As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.

(3) Lapsing and Extension of Approvals

Approved Construction Plans shall remain valid for one year.

[31] Current 21.02.080(t) unless otherwise noted.

(j) Minor Exemption Subdivision

(1) Applicability

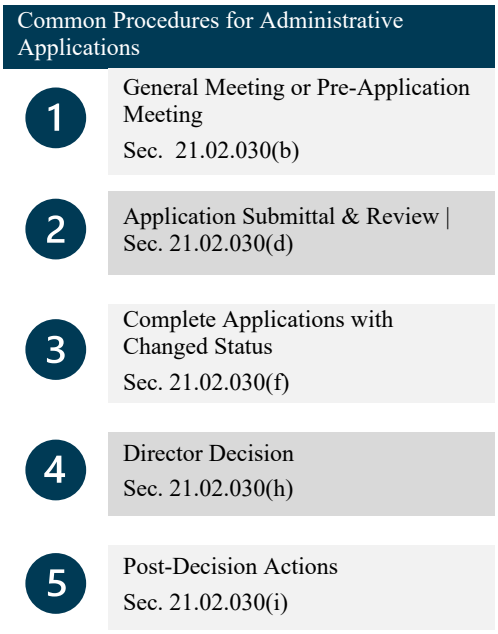
This section shall apply to a subdivision of parcels 25 acres or larger into three or fewer lots each of which are two acres or larger in size in residential zones.

(2) Review Procedures

Applications for a Minor Exemption Subdivision shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

The following notes are required on all Minor Exemption Subdivision Plats. The notes shall be conspicuous:

(i) "No more than a total of three lots (two lots plus the out parcel) out of the original tract of land may be created by the Minor Exemption Subdivision process."



(ii) "Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law."

(iii) "In accordance with a Utility Extension Agreement the City may require any ISDS on the property to be abandoned prior to the end of its useful life if a sewer is constructed within 400 feet of the lot line of any lot created under the Minor Exemption Subdivision process or the ISDS fails or a sewer improvement district is formed that includes the lot."

(3) Review Criteria

The Director shall review the application against the following additional criteria:

(i) All lots comply with this Code; except that the minimum density/intensity requirements of a zone district or the Comprehensive Plan do not apply except in the R-R zone and the sewer regulations pertaining to the extension of sewer as a condition of subdivision need not be complied with if the applicant can demonstrate the following:

(A) The applicant's Colorado professional engineer affirms in writing that the lot can be served by an individual septic disposal system (ISDS) constructed at or prior to use of the lot for uses allowed by this Code then in existence;

(B) The constructed ISDS system continues to function properly;

(C) Sewer is not constructed within 400 feet of any lot line of any lot or out lot or out parcel created under the minor exemption subdivision process; and

(ii) The landowner executes a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at

a future date (all as provided herein) at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system.

(iii) The applicant is not seeking a variance or is seeking only to vary the requirement of extending sewer. No other variances shall be considered with a Minor Exemption Subdivision. Any other variances requested shall require the application be processed as a Simple Subdivision or a Major Subdivision, whichever is applicable;

(iv) The proposed lot(s) is two acres or larger in size on a gross acreage basis and is created from a parcel at least 25 acres in size;

(v) The property from which the new lot(s) is proposed has been taxed agriculturally for the five years preceding the Minor Exemption Subdivision application; and

(vi) The lot or originating parcel has not previously had a Minor Exemption Subdivision, Simple Subdivision, a Mesa County minor subdivision, and/or Mesa County simple land division approval.

(vii) If the Minor Exemption Subdivision does not comply with the sewer regulations at the time of approval, then the approval shall be a conditional approval requiring the ISDS to be abandoned prior to the end of its useful life if a sewer is constructed either within 400 feet of the lot line of any lot or out lot or out parcel created under the Minor Exemption Subdivision process, or if the ISDS fails, or a sewer improvement district is formed that includes the lot created and any out lot or parcel.

(4) Post-Decision Actions

The final Minor Exemption Plat shall be recorded pursuant to GJMC 21.02.050(o)(8).

(5) Lapsing and Extension of Approvals

A Minor Exemption Subdivision Plat shall be recorded within two years of approval or it shall expire.

(k) Minor Plat Amendment[32]

(1) Purpose

The purpose of this section is to describe the approval procedure for minor amendments to approved plats.

(2) Applicability

The Director may approve minor amendments to approved plats, which shall be recorded and shall control over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

(i) Correct an error in a course or distance shown on the preceding plat;

(ii) Add a course or distance that was omitted on the preceding plat;

(iii) Correct an error in a real property description shown on the preceding plat;

(iv) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(v) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(vi) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(vii) Correct an error in courses and distances of lot lines between two adjacent lots if:

(A) Both lot owners join in the application for amending the plat;

(B) Neither lot is abolished;

(C) The amendment does not attempt to remove recorded covenants or restrictions; and

(D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(viii) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or

(ix) Relocate or remove one or more lot lines between one or more adjacent lots if all of the following have been met:

Common Procedures for Administrative Applications

1. General Meeting or Pre-Application Meeting
   Sec. 21.02.030(b)
2. Application Submittal & Review | Sec. 21.02.030(d)
3. Complete Applications with Changed Status
   Sec. 21.02.030(f)
4. Director Decision
   Sec. 21.02.030(h)
5. Post-Decision Actions
   Sec. 21.02.030(i)

[32] Drafting note: Determine whether Simple Subdivision is used for this process and revise accordingly.

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove recorded covenants or restrictions; and

(C) The amendment does not increase the number of lots.

(3) Review Procedures

Applications for Minor Plat Amendment shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

(i) Form of Approval

Minor Plat Amendments shall be prepared in the form of an affidavit or, where deemed necessary by the Director, a revised plat certified by a land surveyor licensed with the State of Colorado and shall be filed with the Mesa County Clerk and Recorder.

(ii) Review Criteria

The Director shall approve or deny a request for a Minor Plat Amendment based upon a finding that the adjustment to the previously approved final plat complies with the following criteria:

(A) There is no increase the number of lots or parcels nor does the amendment create new lots or parcels;

(B) The amendment does not affect a recorded easement without approval of the easement holder;

(C) Street locations will not be changed; and

(D) The amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards.

(4) Post-Approval Actions

(i) If the request for a Minor Plat Amendment is denied, the applicant shall be entitled to request a major amendment to a previously approved final plat or a subdivision exemption, if applicable.

(ii) If an application is approved, the applicant shall submit to the Director an amended plat of the affected lots for approval, containing signatures of all owners and mortgagees of the affected property.

(iii) The plat shall be recorded within 90 days of the date of approval.

(l) Revocable Permit[33]

(1) Purpose

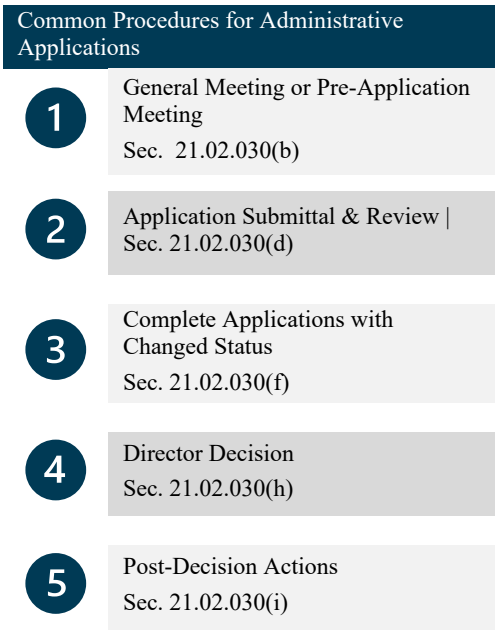
The purpose of this section is to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.

(2) Applicability

This section shall apply to the construction, maintenance, and use of public right of way for any structure, fence, sign, or other permanent object. A Revocable Permit for irrigation and landscaping in the rights of way shall be reviewed and may be approved by the Director.

(3) Review Procedures

Applications for a Revocable Permit shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:



(i) Application Submission Requirements

The application complies with the submittal requirements as set forth in Section 127 of the City Charter, this section, and the Submittal Standards for Improvements and Development Manual.

(ii) Review Criteria

The Director shall review the application against the following additional criteria:

(A) There will be benefits derived by the community or area by granting the proposed Revocable Permit;

(B) There is a community need for the private development use proposed for the City property;

(C) The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

(D) The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas; and

(E) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this code and other City policies.

[33] Current 21.02.180, unless otherwise noted.

(4) Lapsing and Extension of Approvals

A Revocable Permit shall remain valid pursuant to GJMC 21.02.030(i).

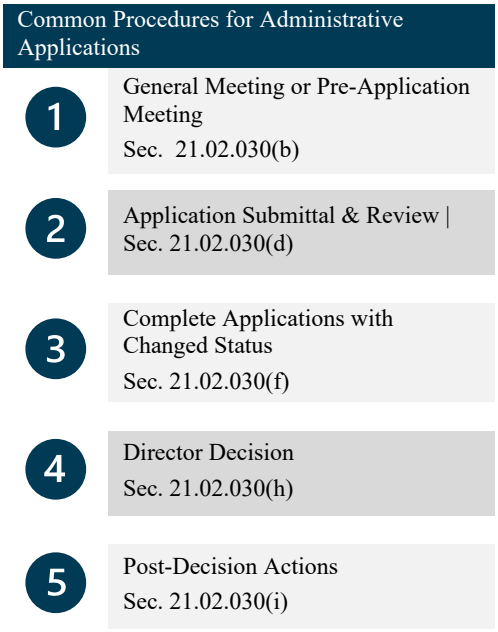
(m) Sign Package[34]

(1) Purpose

The purpose of a sign package application is to allow the review and approval of signs that function as one on a developed site or abutting developed sites with the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking.

(2) Review Procedures

Applications for a Sign Package shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:



(i) Review Criteria

The following addition review criteria apply to a sign package application:

(A) All signs included on the site shall be in conformance with the criteria set forth in GJMC <> [21.06.070(g)].

(B) The application of the sign package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.

(C) The application of the Sign Package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

(ii) Post-Decision Actions

A Sign Package approval limits the characteristics of each sign within the Sign Package. Any increase in any sign characteristic must be reviewed and approved as a new Sign Package. Any changes to the Sign Package approval, including modification or termination, other than termination due to change of use on a site or termination of the shared access or parking, shall require the written consent of all landowners of each of the sites included within the approved Sign Package.

(iii) Lapsing and Extension of Approvals

A Sign Package does not expire as long as the Sign Package is established within 180 days of approval and as long as a use on a site has not changed and the site continues to share vehicular access through, across, over, entrance onto, and/or exit from the site

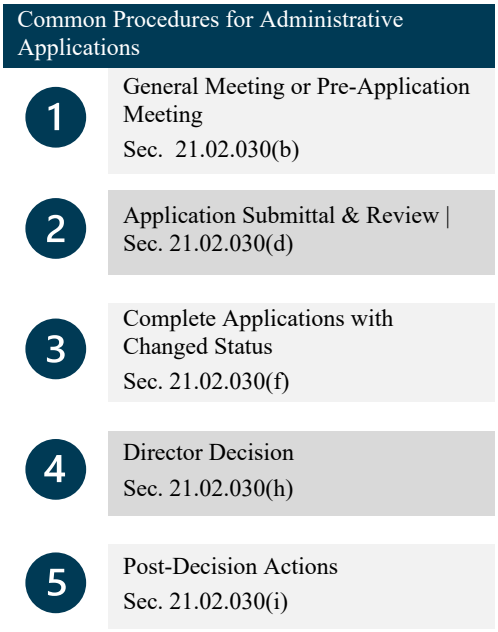
[34] Current 21.02.070(n), unless otherwise noted.

and/or parking. All the parcels functioning as one shall be considered the site to which the Sign Package is applicable.

(n) Simple Subdivision

(1) Purpose

The Simple Subdivision process allows an applicant to create or consolidate lots, move lot lines, and correct plats.



(2) Applicability

This section shall apply to any application to:

(i) Consolidate one or more lots;

(ii) Create only one additional lot;

(iii) Change a nondisputed boundary line between abutting lots or parcels; or

(iv) Change a plat to:

(A) Correct an error in the description;

(B) Correct any monument; or

(C) Correct a clerical error such as lot numbers, acreage, street names and identification of adjacent recorded plats.

(3) Review Procedures

Applications for a Simple Subdivision shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

(i) Review Criteria

The Director shall review the application against the following additional criteria:

(A) Any changes to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);

(B) The right-of-way shown on the Grand Junction Circulation Plan is not changed; and

(C) If a new lot is being created, no portion of the property may have been the subject of a Minor Exemption Subdivision or a previous Simple Subdivision creating a new lot within the preceding 10 years.

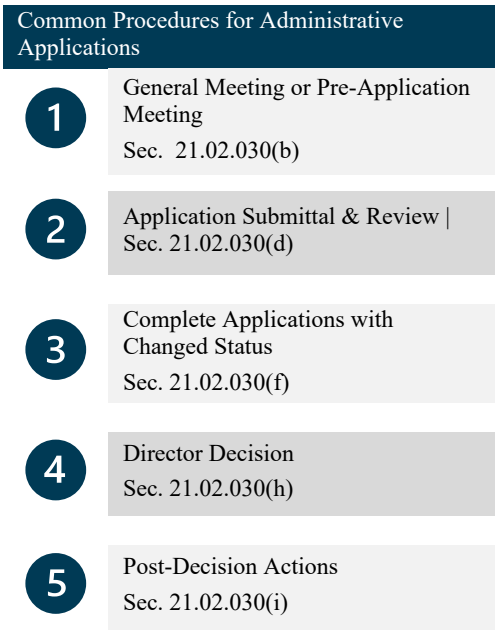
(4) Post-Decision Actions

The final Simple Subdivision plat shall be recorded pursuant to GJMC 21.02.050(o)(8).

(5) Lapsing and Extension of Approvals

A Simple Subdivision shall be recorded within two years of approval or it shall expire.

(o) Site Plan, Major and Minor



(1) Purpose

The purpose of this section is to determine if proposed development is in compliance with this Code, the Comprehensive Plan, adopted corridor guidelines, and other applicable regulations.

(2) Applicability

This section shall apply to all development applications except the following:

(i) A residential structure with one or two dwellings;

(ii) Nonresidential, interior remodeling which will cost 25 percent or less of the fair market value of the existing structure;

(iii) An approved home occupation;

(iv) An approved temporary use;

(v) An approved fence and a wall;

(vi) An approved sign;

(vii) An approved Change of Use Permit; and

(viii) A development that the Director determines does not require a major site plan review if the development will not adversely affect the neighborhood and meets the purpose and intent of this code.

(3) Minor Site Plan

The following types of applications require a Minor Site Plan:

(i) A new, non-habitable structure of up to 1,000 gross square feet if water and sewer services are not provided and if no structures currently exist on the parcel;

(ii) An addition of up to 1,000 gross square feet to an existing structure, or a new structure of up to 1,000 square feet on a lot with one or more structures;

(iii) An existing parking lot or existing work area to be paved with asphalt or concrete;

(iv) A temporary office trailer; or

(v) Similar low-impact uses.

(4) Post-Decision Actions

Major Site Plan review shall be completed prior to issuance of a Planning Clearance and a Building Permit.

(5) Lapsing and Extension of Approvals

Approved Major or Minor Site Plans shall remain valid for two years.

(p) Subdivision, Major

(1) Purpose[35]

The purposes of the major subdivision review process are to:

(i) Ensure conformance with the Comprehensive Plan and other adopted plans including all corridor design guidelines;

(ii) Assist orderly, efficient and integrated development;

(iii) Promote the health, safety, and welfare of the residents of the City;

(iv) Ensure conformance of land subdivision plans with the public improvement plans of the City, County and State;

(v) Ensure coordination of the public improvement plans and programs of the several area governmental entities;

(vi) Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement;

(vii) Improve land survey monuments and records by establishing minimal standards for survey and plats;

(viii) Safeguard the interests of the public, the homeowner, and the subdivider;

(ix) Secure equitable handling of all subdivision plans by providing uniform procedures and standards;

(x) Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;

(xi) Preserve natural vegetation and cover, and to promote the natural beauty of the City;

(xii) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;

(xiii) Prevent flood damage to persons and properties;

(xiv) Restrict building in areas poorly suited for building or construction;

(xv) Prevent loss and injury from landslides, mudflows, and other geologic hazards;

(xvi) Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and

(xvii) Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

(2) Subdivision Required

No person shall record a plat of a subdivision nor prepare or execute any documents which purport to create or creates a new parcel or airspace unit, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot or parcel unless such plat, deed, deed of trust or mortgage has been approved by the City and unless it conforms to all of the provisions of this Code.

[35] Current 21.02.070(q)(1)-(18).

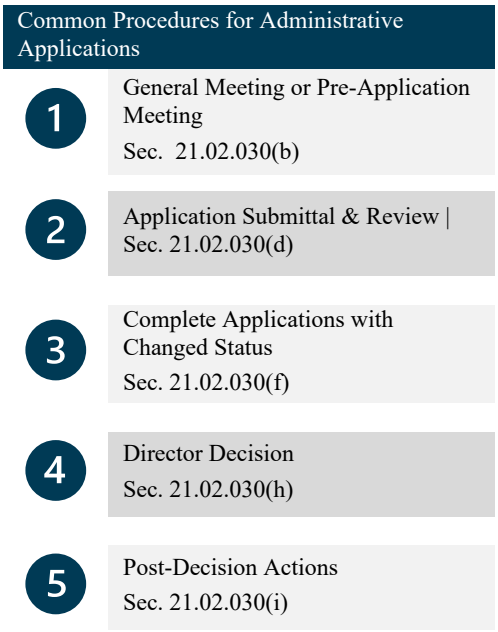
(3) Applicability

This section shall apply to all subdivisions that do not meet the criteria for a Minor Exemption Subdivision, Simple Subdivision, or Minor Subdivision.

(4) Preliminary Subdivision Plan[36]

(i) Review Procedures

Applications for a Preliminary Subdivision Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:



(A) Application

In an effort expedite Final Plat approval, the applicant may provide more detailed information than is required for Preliminary Subdivision Plan review.

(B) Public Notice

Notice shall be provided as follows:

a. Within five working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by U.S. mail to each person shown as an owner within 500 feet and at the address by the County Assessor.

b. The Director may require the applicant pay for additional notice, in any form for any type of proposal if such notice will further the purpose or intent of this Code.

(C) Review Criteria

The Director shall review the application for Preliminary Subdivision Plan in light of the following additional criteria:

a. Conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans;

b. Conformance with the standards and requirements of this Code and other City policies and regulations;

c. The project will have little or no adverse or negative impact(s) upon the natural or social environment;

d. Adequate public facilities and services will be available concurrent with the subdivision;

[36] Current 21.02.070(r)

e. Compatibility with existing and proposed development on adjacent properties;

f. Adjacent agricultural property and land uses will not be harmed;

g. Is neither piecemeal development nor premature development of agricultural land or other unique areas;

h. There is adequate land to dedicate for provision of public services; and

i. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

(ii) Lapsing and Extension of Approvals

(A) The applicant may propose a development phasing schedule at the time of application for a Preliminary Subdivision Plan for consideration by the Director.

(B) In the absence of an approved phasing schedule, a Preliminary Subdivision Plan approval shall be valid for only two years, during which the applicant shall obtain Final Plat approval for all or a portion of the property.

(C) If a part of the property in the Preliminary Subdivision Plan is final platted within two years, the Preliminary Subdivision Plan approval shall be automatically renewed for an additional one year following the recording of each Final Plat, unless the Director notifies the applicant, in writing, to the contrary.

(D) The applicant shall plat the entire property included in the Preliminary Subdivision Plan within six years of the initial plan approval date. After six years, approval of unplatted portions of the Preliminary Subdivision Plan shall be considered void unless an extension is requested and approved by the decision-making body. One extension of 12 months may be granted by the Director so long as the Preliminary Subdivision Plan is consistent with the Comprehensive Plan and current zoning requirements. Additional extensions may be granted by the Planning Commission so long as the plan is consistent with the Comprehensive Plan and current zoning requirements.[37]

(5) Final Plat[38]

(i) Applicability

This section shall apply to all subdivisions that do not meet the criteria for a Minor Exemption Subdivision, Simple Subdivision, or Minor Subdivision.

(ii) Review Procedures

Applications for a Final Plat shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), Common Procedures, with the following modifications:

[37] Relocated the extension provision from current 21.02.070(u)(4).

[38] Current 21.02.070(s).

(A) Portion of Preliminary Plan

A portion of the land area within the approved Preliminary Plan may be approved for platting.

(B) Common Interest Community

If the subdivision is a "common interest community" as defined in § 38-33.3-103(8) C.R.S., then the following shall apply:

a. The applicant shall include a declaration pursuant to §§ 38-33.3-201, 38-33.3-205 and 38-33.3-209 C.R.S.;

b. The applicant shall address the exercise of development rights pursuant to Section 38-33.3-210, C.R.S.;

c. The applicant shall include the association bylaws pursuant to § 38-33.3-306 C.R.S. as applicable; and

d. An association shall be formed pursuant to § 38-33.3-301 C.R.S. and filed with the Colorado Secretary of State.

(C) Title Commitment

A title commitment no older than five days shall be provided before the filing of the Final Plat for all of the platted property.

(D) Concurrent Processing

If a minor revision of a Preliminary Subdivision Plan is required, the review of the revised Preliminary Subdivision Plan may, at the discretion of the Director, proceed concurrently with Final Plat review.

(E) Review Criteria

The Director shall review the application for Preliminary Plan in light of the following additional criteria:

a. The decision criteria for a Preliminary Subdivision Plan set forth in GJMC **Error! Reference source not found.**; and

b. The Preliminary Subdivision Plan approval and any conditions attached to the approval.

(F) Post-Decision Actions

a. Plat Revisions

If the Director approves the Final plat, then the applicant's surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The form of final approval by the Director shall be the recording of the Final Plat.

b. Recordation

The Director shall record all Final Plats and related documents as follows:

1. The original plat, together with any other required documentation such as, but not limited to, the following, shall be submitted for recording

along with all necessary recording fees: a Mylar copy; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; deeds conveying property to the homeowners' association; etc. The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures and seals on the plat shall be in permanent black ink.

2. The Director shall obtain the applicable signatures of public officials required on the plat. Upon review and payment of fees by the applicant, the Director shall record the plat at the office of the County Clerk and Recorder.

3. Upon recording the plat, applications for Planning Clearances and Building Permits may be submitted in accordance with the provisions of this Code.

c. Guarantees for Public Improvement[39]

1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this code. The required improvements shall be those specified in the approved Construction Plans.

2. The plat shall not be recorded until the improvements have been completed or as a condition of Final Plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements.

d. Construction Plans

Construction Plans shall be submitted and reviewed pursuant to GJMC 21.02.040(h).

(G) Lapsing and Extension of Approvals

A Final Plat shall be recorded within two years of action by the Director or as directed in the approved development phasing schedule, subject to the extensions set forth in GJMC 21.02.040(p)(4)(ii). Final Plats that are not recorded within the appropriate timeframe shall be considered expired.

[39] Current 21.02.080(v).

(q) TEDS Exception

The Director has the authority to make exceptions to the requirements of the Transportation Engineering Design Standards (TEDS) manual (GJMC Title 29) in compliance with the procedure established in the manual. Special consideration shall be given to flexibility in interpretation of the standards as applied in a Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor designated on the Future Land Use Map of the Comprehensive Plan.[40]

[40] Drafting note: These references will be updated following completion of Module 2: Zone Districts and Uses.

21.02.050 Standards and Procedures for Specific Major Development Applications

(a) Overview

Major development applications are reviewed and decided on by the Planning & Zoning Commission or City Council. The following application types are major development applications:

Table

Application Type	Purpose	Additional Application Requirements
Annexation	Expand the City's boundaries to include new land area or relocate the City's boundaries to remove existing land area	21.02.050(c)
Code Text Amendment or Rezoning	Review requested amendments to the Z&DC text or the Zoning Map	21.02.050(d)
Comprehensive Plan or Circulation Plan Amendment, Non-Administrative	Review requested non-administrative amendments to the Comprehensive Plan or Circulation Plan.	21.02.050(e)
Conditional Use Permit	Review a request to use a property for an activity that normally is not permitted within a zone district	21.02.050(f)
Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation	Allow the post-approval review of Conditional Use Permits and Special Dimensional Permits for change or termination.	21.02.050(g)
Institutional and Civic Facility Master Plans	Early review of major institutional and civic facilities that provide a needed service to the community	21.02.050(h)
Planned Development	Allow the create of developments with project-specific standards in situations where the development will provide a benefit to the community.	21.02.050(i)
Rehearing and Appeal	Provide for a rehearing and appeal process for permits and approvals	21.02.050(j)
Special Dimensional Permit	Provide an opportunity for additional dimensional flexibility in certain zone districts	21.02.050(k)
Vacation of Plat	Process for the vacation of any plat that has not been developed, has been partially developed, or has not been developed as approved	21.02.050(l)
Vacation of Public Right-of-Way or Easement	Process for the vacation of any street, alley, easement, or other public reservation	21.02.050(m)

Table		
Application Type	**Purpose**	**Additional Application Requirements**
Variance	Process for consideration of variances from certain standards of this Code	21.02.050(n)
Vested Property Right	Procedures to implement the statutory vested rights provisions	21.02.050(o)

(b) Common Procedures

(1) Review Procedures for Major Development Applications

Procedures for review and decision of major development applications are established in GJMC 21.02.030. They are summarized here for applicant convenience.

Major Development Applications

	Action	When Applicable	Described in Section
1	General Meeting or Pre-Application Meeting	Optional	21.02.030(b)
2	Application Submittal & Review	All Applications	21.02.030(d) 21.02.030(e) 21.02.030(f)
3	Complete Applications with Changed Status	Individually, As Needed	21.02.030(f))
4	Public Notice	Determined by Specific Application Type	**Error! Reference source not found.**
5	Planning Commission Recommendation or Decision	Determined by Specific Application Type	21.02.030(h)
6	City Council Decision	Determined by Specific Application Type	21.02.030(h)
7	Post-Decision Actions	Individually, As Needed	21.02.030(i)

(2) Review Criteria for Major Development Application Types

The decision-maker shall review each application against the criteria described in the specific application type.

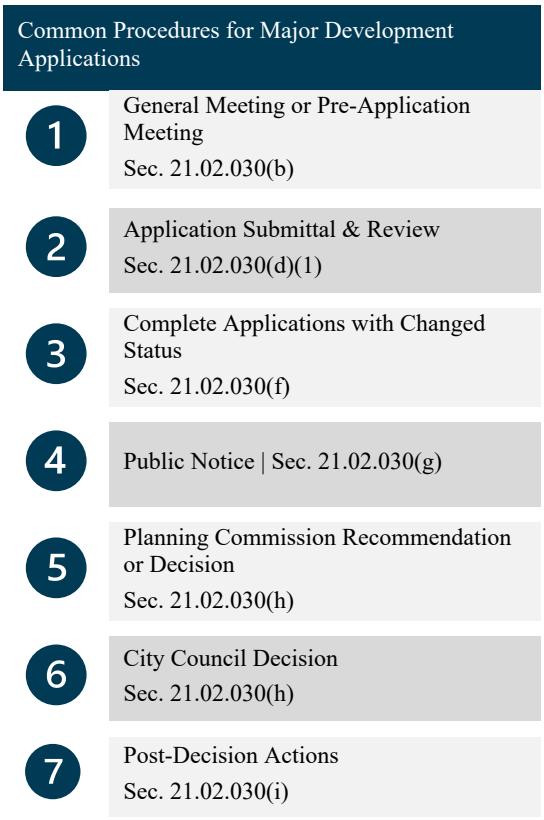
(c) Annexation

(1) Purpose

The purpose of this section is to allow for land to be annexed or de-annexed from the City deemed appropriate by the City Council in accordance with state statutes.

(2) Review Procedures

Applications for annexation shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:



(i) Waiver of Vested Rights[41]

Any landowner requesting Annexation shall, in the petition for Annexation, waive any preexisting vested property rights when such rights are consistent with the regulations in this Code that are general in nature and are applicable to property subject to land use regulation. An owner may consent in writing to waive any prior vested property rights.

(ii) City-Initiated Annexations

City- initiated Annexations of enclaves, property owned by the City or under lease to the City with an option to purchase, and property predominately containing a City-managed or -operated facility are exempt from Steps 1 through 3 of the common review procedures for major development applications.

(iii) Concept Plan Required

All annexation applications, except City-initiated annexations, shall include a concept plan which shall be referenced and approved by the annexation ordinance. Development of the subject property shall be consistent with the concept plan unless City Council amends it by ordinance. At a minimum, a concept plan shall include the items listed in this development code the administrative manual and the following general information:

(A) Appropriate land use, utility, and transportation design, including multi-modal transportation access, given the existing and planned capacities of those systems;

(B) Mitigation of potential adverse impacts on surrounding properties and neighborhoods; and

[41] Relocated from Vested Rights process.

(C) Mitigation of potential adverse impacts on the environment.

(iv) Criteria for Annexation

The City Council shall use the following criteria when evaluating a request for annexation. Annexation is, however, a discretionary, legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

(A) The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).

(B) The property is within the Urban Development Boundary and Three-Mile Plan area as identified in the comprehensive plan. No property outside of the Urban Development Boundary or Three-Mile Plan area shall be considered for annexation unless the City Council finds that, consistent with the comprehensive plan, the best interests of the City would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.

(C) The proposed zoning is appropriate, based upon consideration of the following factors:

a. The proposed zoning is consistent with the comprehensive plan designation of the property; and

b. The proposed land uses are consistent with the purpose and intent of the proposed zoning district.

(D) The annexation will not limit the ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

(E) Unless otherwise agreed to by the City, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.

(v) Decision by City Council

(A) The City Council shall review the application in accord with the criteria in Section (c)(5) below.

(B) The City Council, in its discretion, shall decide on the application for annexation.

a. If the City Council decides to annex, it shall require a contemporaneous Annexation Agreement in accordance with Section (c)6 below, specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Z&DC. City Council may include other requirements it deems necessary.

b. If the City Council denies the application for annexation, utilities shall not be extended unless Council is assured that Annexation Agreement in accord

with Section (c)6 below can be enforced, and that the remaining provisions of this Section (c) regarding annexation subsequent to extension of utilities have been met.

(3) Zoning of Annexed Areas

(i) Land annexed to the City shall be zoned in accordance with GJMC 21.02.050(d) to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. Where a required density is not specified in the Comprehensive Plan, future development shall be at a density equal to or greater than the allowed density of the applicable County zone district.[42]

(ii) The petitioners of an annexation may request that the initial zoning of the land to be annexed occur concurrently with the annexation ordinance in accord with the Municipal Annexation Act of 1965, as amended, C.R.S §31-12-101 et seq., and Section 7.5.7 of this UDC.

(iii) If there is no request for the establishment of an initial zone district by petitioners for annexation or if the annexation is in accord with C.R.S. § 31-12-106, the initial zoning of the annexed land shall be accomplished within 90 days of the effective date of the annexation. The establishment of an initial zone district shall be accomplished after at least one public hearing by the Planning Commission and City Council jointly or singly to consider the action.

(4) Annexation Agreement Required

(i) As a prerequisite for annexation, a City-approved annexation agreement shall be signed by all owners of the subject property, except annexations of City-owned property or property the City is leasing under a lease-purchase agreement, City-initiated annexation of enclaves, or when the requirement is waived by the City Council.

(ii) The annexation agreement represents the applicant's proposed performance to induce the City Council to act favorably on the proposed annexation. The accompanying zoning and concept plan are part of the applicant's inducement offer and shall be an integral part of the annexation agreement. The annexation agreement shall detail the mutual understanding about the annexation including, but not limited to, the following matters:

(A) Density or intensity of development and land use mix, including:

a. Designation of the density distribution within the parcel to be annexed; and

b. A condition that residential developments comply with applicable affordable housing requirements;

(B) Phasing of the development in general terms;

[42] Current 21.02.160.

(C) Drainage, detailing major improvements required, participation in the storm drainage utility, participation in existing improvements, and how drainage requirements will be satisfied;

(D) Street and bikeways, detailing participation in existing and proposed improvements, dedication of perimeter rights-of-way and timing of such, major street improvements required and designation of responsibility for construction, treatment of local, interior street and rights-of-way, responsibility for construction or participation in traffic signals and other traffic-control devices, payment for any transportation or site access studies or any addenda;

(E) Utilities, detailing participation in existing systems, major improvements to be constructed, dedication of necessary easements and timing of such, and utilities required;

(F) Landscaping, detailing responsibility and scheduling of arterial and collector street landscaping and primary greenway development, and maintenance of such facilities;

(G) Fire protection, detailing responsibility for fire protection measures;

(H) Land dedication and/or reservation, designating land for public purposes including but not limited to, streets, utilities, parks, schools, greenways, or cash-in-lieu agreements. Land reserved for future park purchase will be paid at fair market value with the appraisal value determined by pre-annexation raw land value;

(I) Exclusion from special districts and acknowledgement of the property owner's responsibility in securing exclusion;

(J) Inclusion of property in the [water district] and acknowledgement of applicant's consent and agreement to perform all acts to obtain inclusion;

(K) Special districts, all agreements concerning special districts projected to be created within the City limits, including, but not limited to, applicant's agreement to use any district for installation, construction warranty, and repair of public improvements;

(L) Vested rights and growth management:

a. Specifying that the City's action in annexing the property and approving the concept plan and zoning do not create a vested right as defined in the Colorado Revised Statutes or other City regulation;

b. Specifying that, unless otherwise agreed to by the City, the landowner requesting annexation shall waive any pre-existing vested property rights as a condition of such annexation; and

c. Specifying that the annexed property will be subject to any future phasing or growth management regulations that may be adopted by the City.

(M) Enforcement, specifying that the agreement is binding on heirs, successors and assigns;

(N) Noncontestability clause detailing reliance by all on the agreement and providing for disconnection of the annexation, at the option of the City, upon noncompliance or nonperformance by the applicant;

(O) Other issues as may be unique to the property including, but not limited to, necessary off-site improvements, railroad and river crossing improvements, relocation or maintenance of irrigation ditches and laterals, and purchase of existing electric facilities and/or electric service territory; and

(P) Other issues as may be necessary to evidence compliance with this section and this Code.

(5) Annexation Not Final Until Satisfaction of All Requirements

(i) City action on the annexation application shall not become final unless all requirements of the annexation ordinance, this Code, and state statutes have been satisfied, as certified by the Director, within the time specified in the ordinance, or if no time is specified then within one year of City Council's adoption of the ordinance.

(ii) Unless approval has lapsed, when all requirements have been satisfied, the ordinance, the annexation agreement, and the annexation map shall be recorded with the Mesa County Clerk and Recorder, and the annexation will then be final.

(d) Code Text Amendment or Rezoning

(1) Purpose

The purpose of this section is to establish the procedure and requirements for requested amendments to the text of this Code or the Zoning Map.

(2) Authority to Initiate

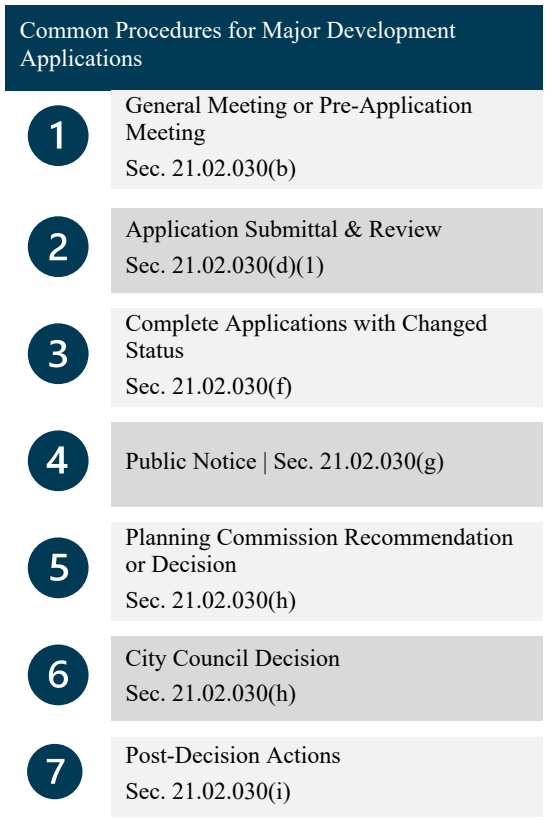
Amendments to this Code and Zoning Map may be proposed by property owners, the City, the Planning Commission, or City Council in order to:

(i) Reflect trends in development or regulatory practices;

(ii) Expand, modify, or add requirements for development in general or to address specific development issues;

(iii) To add, modify or expand zone districts; or

(iv) To clarify or modify procedures for processing development applications.



(3) Review Procedures

Applications for Code Text Amendment or Rezoning shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Application Information

An application for a Code Amendment shall address in writing the reasons for the proposed amendment.

(ii) Public Notice and Hearing Requirements

(A) The application for either Code Text Amendment or Rezoning shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(f).

(B) The Planning Commission or City Council may add additional property to be considered for a Rezoning if such additional property is identified in the notice.

(iii) Review Criteria

The Planning Commission shall review and recommend and City Council shall review and decide on the application in light of the following criteria:

(A) The amendment is consistent with the Comprehensive Plan Future Land Use Plan for the project site as well as applicable plan goals and strategies;

(B) The size, height, density, and multi-modal traffic impacts of the proposed rezoning are in compliance with applicable standards in the Comprehensive Plan, and the

general scale and design of the proposal are compatible with surrounding development or can be made compatible with surrounding development through compliance with this Code and conditions on the approval;

(C) Infrastructure and public services are available to the development or will be made available as part of the approval; and

(D) The amendment will not create significant dislocations of tenants or occupants of the property or that any impacts on tenants or occupants are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

(4) Lapsing and Extension of Approvals

An approved Code Text Amendment or Rezoning does not expire.

(e) Comprehensive Plan Amendment, Non-Administrative

(1) Purpose

The purpose of this section is to ensure administrative changes and proposed amendments to the Comprehensive Plan are consistent with the vision, goals, and policies include in the Plan.

(2) Applicability

(i) This section shall apply to all proposed amendments to or adoption of the text of the Comprehensive Plan. For purposes of this section, the Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Junction Circulation Plan, and all other elements adopted as a part of the Comprehensive Plan.

(ii) Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan Amendment.

Common Procedures for Major Development Applications	
1	General Meeting or Pre-Application Meeting Sec. 21.02.030(b)
2	Application Submittal & Review Sec. 21.02.030(d)(1)
3	Complete Applications with Changed Status Sec. 21.02.030(f)
4	Public Notice | Sec. 21.02.030(g)
5	Planning Commission Recommendation or Decision Sec. 21.02.030(h)
6	City Council Decision Sec. 21.02.030(h)
7	Post-Decision Actions Sec. 21.02.030(i)

(3) Jurisdiction Approvals

Changes to various areas of the Grand Junction Comprehensive Plan require different land use approvals:

(i) Land use changes located within the City limits may be approved by the City and do not require County approval.

(ii) Changes to land use designations inside the Persigo 201 Boundary (outside the City limits) require annexation and City approval and do not require County approval.

(iii) Changes to land use designations outside of the Persigo 201 Boundary require County approval and do not require City approval.

(iv) Changes to the Persigo 201 Service Area require approval by the Persigo Board, which is comprised of the County Commissioners and the City Council.

(v) Each entity will have an opportunity to comment on proposed changes to the Comprehensive Plan prior to adoption of the amendment.

(4) Review Procedures

Applications for Comprehensive Plan Amendment shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(f), unless the amendment meets the criteria for an administrative change.

(ii) Administrative Changes

Where the City has sole jurisdiction, the Director has the authority to approve Comprehensive Plan Amendment Applications pursuant to GJMC 21.02.040(h).

(iii) Review Criteria for Comprehensive Plan Amendments (Non-Administrative)

The Planning Commission and City Council shall review a Comprehensive Plan Amendment request in light of the following criteria:

(A) The proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan;

(B) Subsequent events have invalidated the original premises and findings;

(C) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan;

(D) Public and community facilities are adequate to serve the type and scope of land use proposed;

(E) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

(F) The community or area, as defined by the decision-making body, will derive benefits from the proposed amendment.

(iv) Review Criteria for Circulation Plan Amendments (Non-Administrative)

Unless otherwise specified in (a), above the Planning Commission and City Council shall review a Circulation Plan Amendment request in light of the following criteria:

(A) There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or

(B) Subsequent events have invalidated the original premises and findings;

(C) The character and/or condition of the area have changed enough that the amendment is acceptable;

(D) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;

(E) The change will facilitate safe and efficient access for all modes of transportation; and

(F) The change furthers the goals for circulation and interconnectivity.

(v) Failure of Amendment

If an amendment request fails, any pending development application must be changed to be consistent with the plan.

(5) Lapsing and Extension of Approvals

An approved Comprehensive Plan or Circulation Plan Amendment does not expire.

(f) Conditional Use Permit (CUP)[43]

(1) Purpose

The purpose of this section is to provide an opportunity for an applicant to request to use a property for an activity that normally is not permitted within a zone district because it could be detrimental to other permitted uses. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by right; it is one that is otherwise prohibited within a given zone district without approval of a conditional use permit.

Common Procedures for Major Development Applications	
1	General Meeting or Pre-Application Meeting Sec. 21.02.030(b)
2	Application Submittal & Review Sec. 21.02.030(d)(1)
3	Complete Applications with Changed Status Sec. 21.02.030(f)
4	Public Notice | Sec. 21.02.030(g)
5	Planning Commission Recommendation or Decision Sec. 21.02.030(h)
6	City Council Decision Sec. 21.02.030(h)
7	Post-Decision Actions Sec. 21.02.030(i)

(2) Applicability

This section shall apply to any use that is classified as a Conditional Use in the <> Use Table [21.04.010] or elsewhere in this Code.

(3) Review Procedures

Applications for Conditional Use Permits shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Site plan review and approval (pursuant to GJMC 21.02.070(f) or (g)) can occur either before or after the approval of a Conditional Use Permit by the Planning Commission. In either case, the applicant shall submit a site sketch showing sufficient detail to enable the Planning Commission to make findings on the Conditional Use Permit criteria and showing all site design features which are proposed or necessary to mitigate neighborhood impacts and/or enhance neighborhood compatibility.

(ii) The Planning Commission can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a determination on the criteria. In any subsequent site plan review, the Director shall ensure and determine that all mitigating/enhancing site features approved or made conditions of approval by the Planning Commission are depicted on the approved site plan.

(iii) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g), unless the application is for a minor

[43] Current 21.02.110 unless otherwise noted.

expansion or change of a Conditional Use Permit in accordance with GJMC **Error! Reference source not found.**, below.

(iv) Review Criteria for Conditional Use Permits

The Planning Commission shall review and decide on a Conditional Use Permit request in light of the following criteria:

(A) The proposed use is consistent with the comprehensive plan and the purpose of the applicable zone district.

(B) The proposed use complies with any use-specific standards for the use in GJMC << insert cite>>.

(C) The proposed use is of a scale and design and in a location that is compatible with surrounding uses and potential adverse effects of the use will be mitigated to the maximum extent feasible.

(D) The proposed conditional use will not substantially dimmish the availability of land for primary uses within the applicable zone district.

(E) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

(4) Post-Decision Actions

(i) Major or Minor Change or Expansion

If the applicant proposes to change or expand a structure or other feature of a site that is subject to a Conditional Use Permit, the Director shall determine whether the expansion/change is "major" or "minor."

(A) Determination of Major or Minor Status

a. A major expansion or change is one that:

1. Affects, changes, removes or eliminates a site feature or condition that was approved or imposed for the purpose of mitigating neighborhood impacts or enhancing neighborhood compatibility;

2. Increases the intensity of the use, the off-site impacts such as noise, light or odor, or the hours of operation; and

3. Results in a substantial change to the features shown on the site sketch which formed the basis of the Planning Commission's approval of the Conditional Use Permit.

b. All other expansion/changes shall be considered minor.

(B) Application Process

a. A major expansion/change shall be reviewed by the Planning Commission in accordance with the criteria for an original application for Conditional Use Permit.

b. A minor expansion/change shall be reviewed by the Director in accordance with the applicable site plan review criteria and conditions of the Conditional Use Permit.

(ii) Amendment, Revocation, or Termination

Conditional Use Permits may be amended, revoked, or terminated pursuant to GJMC 21.02.050(g).

(iii) Lapsing and Extension of Approvals

A Conditional Use Permit approval shall remain valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

(g) Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation

(1) Purpose

This section is intended to allow the post-approval review of Conditional Use Permits and Special Dimensional Permits for change or termination.

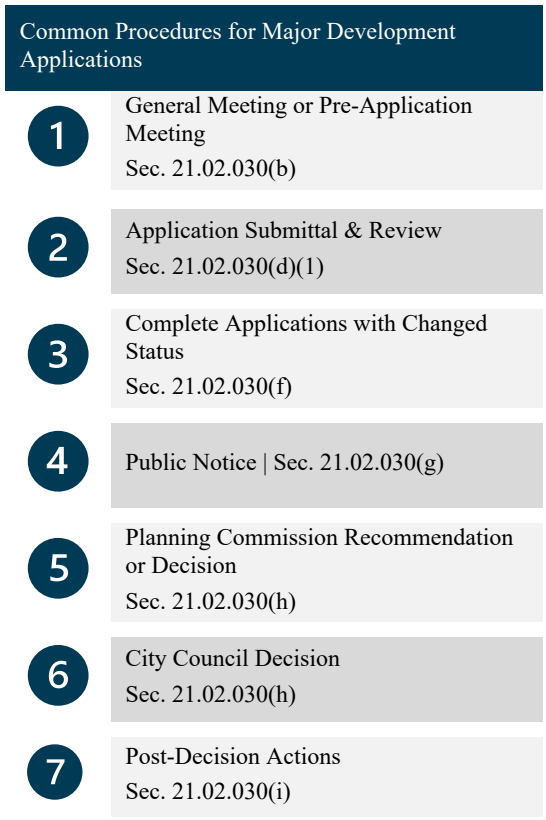
(2) Interested Party

Any interested party may apply to the City for the amendment or revocation of a Conditional Use or Special Dimensional Permit. For purposes of this section, "interested party" shall include the following:

(i) The original applicant or successor in interest, or the current owner or lessee of the property for which the conditional use was granted (permit holder);

(ii) The City; and

(iii) Any owner or lessee of property that lies within 500 feet of the property for which the Conditional Use Permit was granted.



(3) Preliminary Criteria

An applicant for amendment or revocation of a Conditional Use or Special Dimensional Permit must establish the following to the satisfaction of the decision-maker before the requested change(s) can be considered by the decision-maker:

(i) Permit Holder

A Conditional Use or Special Dimensional Permit may be amended or terminated at the request of the permit holder as follows:

(A) Grounds for Amendment

The permit holder shall show that a substantial change in circumstance has occurred since the approval of the permit which would justify a change in the permit.

(B) Grounds for Termination

The permit holder shall show that the use is an allowed use in the zone district in which it is now established.

(ii) Other Interested Party

A Conditional Use or Special Dimensional Permit may be amended or revoked at the request of any other interested party if one or more of the following is established:

(A) The permit was obtained by misrepresentation or fraud;

(B) The use, or, if more than one, all the uses, for which the permit was granted has ceased or has been suspended for six months;

(C) The permit holder has failed to comply with any one or more of the conditions placed on the issuance of the permit;

(D) The permit holder has failed to comply with one or more of the City regulation governing the conduct of that use;

(E) The permit holder has failed to construct or maintain the approved site as shown on the approved Site Plan;

(F) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

(4) Due Process

(i) No Conditional Use or Special Dimensional Permit shall be amended or revoked without first giving the permit holder an opportunity to appear before the decision-maker and show cause as to why the permit should not be amended or revoked.

(ii) Amendment or revocation of the permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

(5) Review Procedures

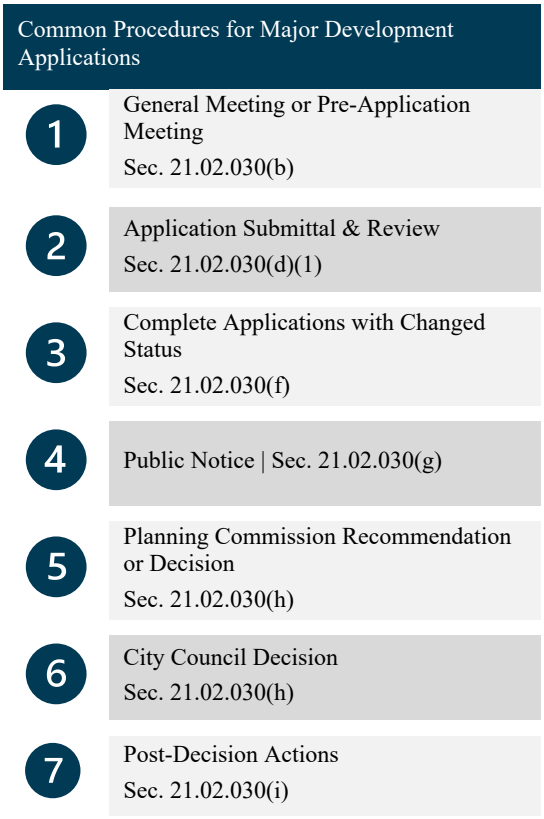
(i) All applications for amendment, revocation, or termination of a Conditional Use or Special Dimensional Permit shall be processed in the same manner and based on the same review criteria as a new request for a Conditional Use or Special Dimensional Permit.

(ii) Any person or entity, other than the City, seeking to amend, terminate, or revoke an approved Conditional Use or Special Dimensional Permit shall pay a fee in the amount established for an original application for a Conditional Use or Special Dimensional Permit.

(h) Institutional and Civic Facility Master Plans[44]

(1) Purpose

The purpose of this section is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community, but might impact the surrounding community. The I&C Facility Master Plan review allows the City to assess any impacts early in the review process and direct the applicant about how best to address the impacts



(2) Applicability

This section shall apply to any institutional and/or civic use, as that term is defined in GJMC 21.14.020[45], when the use will include two or more buildings sharing common facilities on an undivided lot and the development will include any of the following:

(i) Multiple phases of construction;

(ii) 100,000 square feet in one or more buildings;

(iii) Modification of the existing transportation circulation patterns; or

(iv) When the Director deems the project and/or the City would benefit from such a review.

(3) Review Procedures

Applications for I&C Facility Master Plans shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Neighborhood Meeting

A neighborhood meeting shall be held pursuant to GJMC 21.02.030(c).

(ii) Application Review

(A) The review of an I&C Facility Master Plan shall precede, or be concurrent with, any other required review process.

(B) The content of the I&C Facility Master Plan document shall be sufficient to generally assess the following:

[44] Current 21.02.190 unless otherwise noted.

[45] The specific definition of "institutional and civic uses" and the applicability of this process may be revised as a part of Module 2: Zone Districts and Use Regulations and may require further edits.

a. Site access, traffic flow, pedestrian circulation/safety;

b. Adequate parking;

c. Location of open space and trails;

d. Drainage and stormwater management;

e. General building location and size; and

f. Adequate screening and buffering.

(iii) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(iv) Review Criteria

The Planning Commission and City Council shall review the application in light of the following criteria:

(A) Conformance with the Comprehensive Plan and other area, corridor, or neighborhood plans;

(B) Conformance with the Grand Junction Circulation Plan and general transportation planning requirements;

(C) Conformance with the standards in this Code;

(D) Consistency with prior approvals and conditions placed on the site; and

(E) Community benefits from the proposal.

(4) Effect of Approval

(i) Approved I&C Facility Master Plans shall be binding upon the property owner(s) and their successors, transferees, and assigns.

(ii) No permit shall be issued for any building, structure, or use that does not conform to an approved I&C Facility Master Plan.

(iii) No building, structure, use or other element of the approved master site plan shall be modified without amending the I&C Facility Master Plan.

(iv) All buildings, structures and uses shall remain in conformance with the approved master site plan or be subject to enforcement action.

(v) All phases of projects being developed shall be in conformance with the approved plan.

(5) Amendment

(i) Amendments to the I&C Facility Master Plan may be proposed at any time through this process.

(ii) An amended Master Plan is required if changes are proposed to any of the following:

(A) Site access,

(B) Traffic flow, or

(C) Pedestrian circulation/safety.

(6) Lapsing and Extension of Approvals

An I&C Facility Master Plan shall remain valid for a minimum of five years, unless otherwise established by the City Council.

(i) Planned Development

[*the Planned Development standards and process will be revised in Module 2*]

(j) Rehearing and Appeal[46]

(1) Purpose

The purpose of this section is to provide for a rehearing and appeal process for decisions and actions by the Director, Zoning Board of Appeals, Planning Commission and City Council.

(2) Applicability

(i) Administrative Appeal

An Administrative Appeal shall include:

(A) Any person, including any officer or agent of the City, aggrieved, or claimed to be aggrieved by an interpretation of this code rendered by the Director; or

(B) Any person, including any officer or agent of the City, aggrieved, or claimed to be aggrieved by a final action of the Director on an administrative application.

(ii) Non-Administrative Appeal

A Non-Administrative Appeal shall include any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a final decision of the Planning Commission.

(3) Review Procedure

Applications for Rehearing or Appeal shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Application Submittal

(A) The application shall be submitted pursuant to GJMC 21.02.030(d) within 10 calendar days of the action taken or interpretation made by the decision maker.

(B) The appellant shall provide a written statement with the application:

a. Citing the specific provision of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision; or

b. Explaining the rational of the appeal based on the criteria provided in GJMC 21.02.050(j)(3)(iii).

(C) The Director shall:

[46] Current 21.02.210, unless otherwise noted.

a. Prepare a report detailing the specific provision of this Code that is in question, interpretation of the provision, and the general basis of the interpretation; or

b. Compile all material made a part of the official record of the decision-maker's action. As may be requested by the appellate body, the Director also may provide a summary report of the record.

(D) If the appellant is not the applicant, the Director, within five working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have 10 working days to review the request and provide a written response.

(E) For a Non-Administrative Appeal, the appellant shall submit evidence of their attendance at the original hearing or other testimony or correspondence from them that was in the official record at the time of the original hearing.

(ii) Public Notice and Hearing Requirements

(A) Administrative Appeal

a. Notice of the hearing shall be provided to the applicant as is not required to be provided to anyone else.

b. The appellate body shall hold a hearing pursuant to GJMC 21.02.030(g).

c. At the hearing, the appellate body shall consider only that evidence that was before the Director at the time of the Director's final action.

(B) Non-Administrative Appeal

a. Notice of the appeal hearing shall be provided in the same manner as was required with the original action.

b. The Director shall schedule the appeal before the appellate body within 45 calendar days of receipt of the appeal. The appellate body shall hold a hearing pursuant to GJMC 21.02.030(g) and render a decision within 30 calendar days of the close of that hearing.

c. At the hearing, the appellate body shall review the record of the decision-maker's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record.

(iii) Decision

The appellate body shall affirm, reverse, or remand the decision pursuant to GJMC 21.02.030(h) and the following criteria. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four members of the appellate body shall be required to reverse the decision-maker's action.

(A) Administrative Appeal

a. Director's Interpretation

In granting an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this code

b. Director's Decision

The appellate body shall consider, based on the information in the record before the Director, whether the Director:

1. Acted in a manner inconsistent with the provisions of this code or other applicable local, State of federal law; or
2. Made erroneous findings of fact based on the evidence and testimony on the record; or
3. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
4. Acted arbitrarily, or capriciously.

(B) Non-Administrative Appeal

a. Findings

In granting a Non-Administrative Appeal the appellate body shall find:

1. The decision maker may have acted in a manner inconsistent with the provisions of this code or other applicable local, State or federal law; or
2. The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
3. The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
4. The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
5. In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

b. Facts on Record

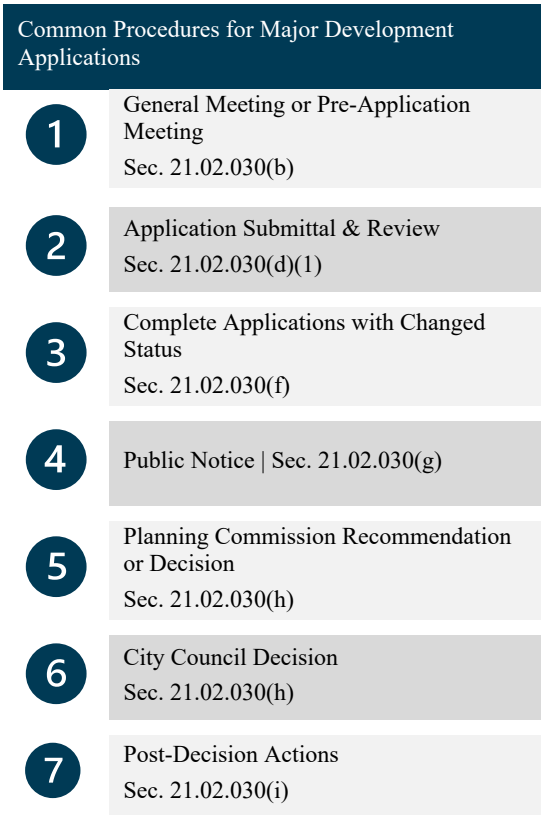
1. In considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony, and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials contained in the record.

2. If the appellate body finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.

(k) Special Dimensional Permit[47]

(1) Purpose

The purpose of this section is to provide an opportunity for additional dimensional flexibility in certain zone districts when more flexibility is required beyond that afforded to the Director through the Administrative Adjustment process.



(2) Applicability

A Special Dimensional Permit may be requested in the following circumstances:

(i) For development in those areas designated Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan or in the C-1 and I-O zone districts along Horizon Drive north of G Road including Crossroads Boulevard and Horizon Court[48] to allow:

(A) Additional height beyond that permitted by a zone district's dimensional standards; or

(B) Additional building area beyond that permitted by a district's dimensional standards.

(ii) In all zone districts for the following uses, and shall be required prior to an interim use located in any zone district where:

(A) The development is proposed as an interim use that is allowed in the district, or as an interim use established with a minimal investment that can be easily redeveloped at the density or intensity envisioned by the Comprehensive Plan; and

[47] Current 21.02.120, unless otherwise required.

[48] Drafting note: Update following drafting of Module 2: Zone Districts and Use Standards.

(B) The applicant demonstrates that the development design and any proposed infrastructure improvements further the future development of the property at the density or intensity envisioned by the Comprehensive Plan.

(iii) Any other Special Dimensional Permit found elsewhere in this Code.

(3) Review Procedures

Applications for Special Dimensional Permit shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Decision

(A) The Special Dimensional Permit review is accomplished through a City Council discretionary review process.

(B) A Special Dimensional Permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

(4) Lapsing and Extension of Approvals

A Special Dimensional Permit does not expire unless otherwise limited by the City Council.

(l) Vacation of Plat

Common Procedures for Major Development Applications	
1	General Meeting or Pre-Application Meeting Sec. 21.02.030(b)
2	Application Submittal & Review Sec. 21.02.030(d)(1)
3	Complete Applications with Changed Status Sec. 21.02.030(f)
4	Public Notice | Sec. 21.02.030(g)
5	Planning Commission Recommendation or Decision Sec. 21.02.030(h)
6	City Council Decision Sec. 21.02.030(h)
7	Post-Decision Actions Sec. 21.02.030(i)

(1) Applicability

This section shall apply to the vacation of any plat that has not been developed, has been partially developed, or has not been developed as approved and does not include rights of ways or easements.

(2) Review Procedure

Applications for Vacation of Plat shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Review Criteria

The Director and the Planning Commission shall review the application in light of the following additional criteria:

(A) The vacation is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;

(B) No parcel shall be landlocked as a result of the vacation;

(C) Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;

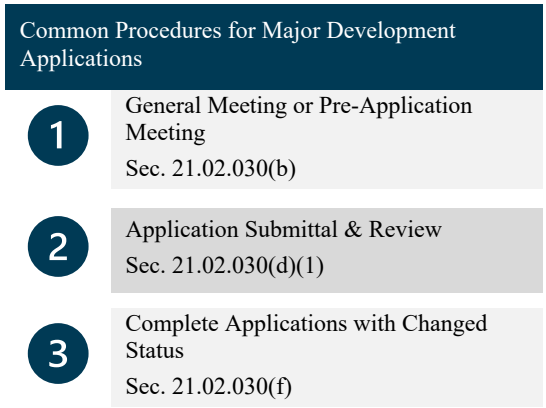
(D) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services); and

(E) The provision of adequate public facilities and services to any property as required in GJMC <> [Chapter 21.06] shall not be inhibited by the proposed vacation.

(3) Lapsing and Extension of Approvals

A Vacation Plat shall be recorded within two years of approval or it shall be considered expired.

(m) Vacation of Public Right-of-Way or Easement[49]



[49] Current 21.02.100, unless otherwise noted.

(1) Applicability

This section shall apply to the vacation of any street, alley, easement, or other public reservation.

(2) Review Procedure

Applications for Vacation of Public Right-of-Way or Easement shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

4 Public Notice | Sec. 21.02.030(g)

5 Planning Commission Recommendation or Decision
Sec. 21.02.030(h)

6 City Council Decision
Sec. 21.02.030(h)

7 Post-Decision Actions
Sec. 21.02.030(i)

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g), unless the request Is for the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument and not dedicated on a plat or map.

(ii) Review Criteria and Decision

(A) The Director shall decide on any request for the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument, and not dedicated on a plat or map.

(B) The Planning Commission shall recommend to and the City Council shall decide on all other request in light of the following criteria:

a. The vacation is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;

b. No parcel shall be landlocked as a result of the vacation;

c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced, including, but not limited to, police and fire protection and utility services;

e. The provision of adequate public facilities and services to any property as required in GJMC <> [Chapter 21.06] shall not be inhibited by the proposed vacation; and

f. The proposal shall not hinder public and City functions.

(C) Vacation of a right-of-way shall be accomplished by the passing of an ordinance by the City Council. Vacation of an easement shall be accomplished by resolution of the City Council.

(3) Post-Decision Actions

The final ordinance or resolution establishing the vacation shall be recorded pursuant to GJMC **Error! Reference source not found.**.

(4) Lapsing and Extension of Approvals

A resolution or an ordinance for a Vacation of Public Right-of-Way or Easement shall not expire.

(n) Variance[50]

(1) Purpose

The purpose of this section is to provide a process for consideration of variances from certain standards of this Code.

(2) Applicability

(i) A variance may be requested for a departure from bulk standards, performance or use-specific standards of GJMC <> [Chapter 21.04], all overlay district regulations of GJMC <> [Chapter 21.07], excluding corridor overlay districts, and the sign regulations of GJMC <> [Chapter 21.06].

(ii) Variances are not permitted for:

(A) The establishment or expansion of a use in a district in which the use is not permitted by this Code;

(B) Residential development that would result in an increase in density greater than that permitted in the applicable zoning district; and

(C) Changes or modifications to any definition contained in this Code.

Common Procedures for Major Development Applications	
1	General Meeting or Pre-Application Meeting Sec. 21.02.030(b)
2	Application Submittal & Review Sec. 21.02.030(d)(1)
3	Complete Applications with Changed Status Sec. 21.02.030(f)
4	Public Notice | Sec. 21.02.030(g)
5	Planning Commission Recommendation or Decision Sec. 21.02.030(h)
6	City Council Decision Sec. 21.02.030(h)
7	Post-Decision Actions Sec. 21.02.030(i)

(3) Review Procedure

Applications for Variance shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Zoning Board of Appeals or Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Decision-Maker

(A) Zoning Board of Appeals shall hear requests for variance from:

a. Bulk or dimensional standards in the individual zone districts,

b. Performance or use-specific standards of GJMC <> [Chapter 21.04],

c. All overlay district regulations of GJMC <> [Chapter 21.07], excluding corridor overlay districts, and

[50] Current 21.02.200, unless otherwise noted.

d. Sign regulations of GJMC <> [Chapter 21.06].

(B) The Planning Commission shall hear and decide requests for variances to all other standards, unless otherwise specified.

(iii) Review Criteria

The Zoning Board of Appeals or Planning Commission shall review the application in light of the following:

(A) There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zoning district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(B) The Variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(C) The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone district and would cause unnecessary and undue hardship on the applicant;

(D) The applicant and the owner of the property cannot derive a reasonable use of the property without the requested Variance;

(E) The Variance is the minimum necessary to make possible the reasonable use of land or structures;

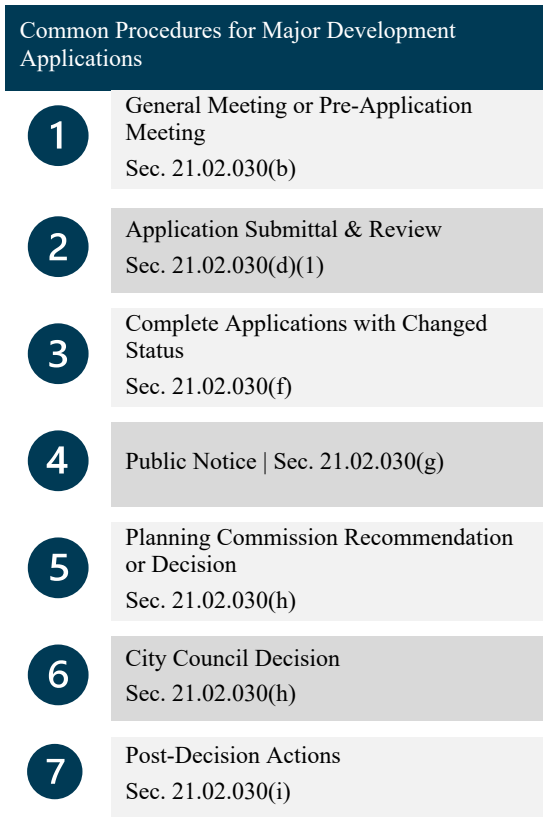
(F) The granting of a Variance shall not conflict with the purposes and intents expressed or implied in this Code; and

(G) The granting of a Variance shall not conflict with the goals, policies, and guiding principles of the Comprehensive Plan.

(o) Vested Property Rights[51]

(1) Purpose

The purpose of this section is to provide the procedures necessary to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S. et seq.



(2) Definitions

The following definitions are for the purposes of administration of this section only and do not apply to any other sections of this Code.

(i) "Site-specific development plan" (SSDP) means, for all developments requiring a public hearing, the final step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights, pursuant to § 24-68-101 C.R.S., et seq., the landowner must so request, in writing, at the time of application for said approval. Failure to so request renders the approval not a "site-specific development plan," and no vested rights shall be deemed to have been created.

(ii) "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

(3) Limitations

Nothing in this section is intended to create any vested property right, but only to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. In the event of the repeal of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. or a judicial determination that these statutory provisions are invalid or unconstitutional, this section shall be deemed to be repealed, and the provisions hereof no longer effective.

(4) Applicability

An applicant may request, in writing, to have property rights vest with a Site-Specific Development Plan (SSDP). The SSDP shall be applicable only to:

(i) Property zoned Planned Development with the approved Final Development Plan constituting the SSDP; or

[51] Current 21.02.170, unless otherwise noted.

(ii) Any other application (i.e., Outline Development Plan, Site Plan, Conditional Use, Subdivision Plat, Final Development Plan or Development Improvements Agreement); provided, that:

(A) The applicant requests in writing that the Planning Commission hold a public hearing and approve a specific document/application as a SSDP; and/or

(B) State law requires that a vested property right be granted, in which case the Planning Commission shall determine, at its discretion, which, if any, document/application shall constitute a SSDP.

(5) Review Procedure

Applications for a determination of Vested Rights shall meet the common review procedures for major development applications in GJMC 21.02.050(b), Common Procedures, with the following modifications:

(i) Application Submittal

(A) In addition to any and all other fees and charges imposed by this Code, the applicant shall pay all costs incurred by the City as a result of the SSDP review, including publication of notices, public hearing, and review costs.

(B) An application for approval of a SSDP shall be submitted and reviewed concurrently with an application for a Final Development Plan or any other document that the Planning Commission shall determine, at its discretion, constitutes a SSDP.

(C) It is the applicant's responsibility to ensure that each final plan, map, plat or site plan, or other document constituting a SSDP contains the following language: "Approval of this plan may create a vested property right pursuant to § 24-68-101 C.R.S., et seq." Omission of this statement shall invalidate the creation of the vested property right.

(ii) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(iii) Decision-Maker

The Planning Commission shall recommend to and City Council shall decide on an application based on compliance with the following:

(A) The provisions stated in § 24-68-101 C.R.S. et seq.; and

(B) The final development plan review criteria of GJMC <> [21.02.150(c)(2)].

(iv) Effect of Determination

(A) A SSDP shall be deemed approved upon the last action by the City Council related to the SSDP.

(B) Approval of a SSDP shall not constitute an exemption from, or waiver of, any other provisions of this Code pertaining to the development or use of property.

(6) Post-Decision Actions

(i) Within 14 calendar days after the approval of the SSDP, the applicant shall:

(A) Satisfy the notice requirements of § 24-68-103(1) C.R.S. by publishing at their expense a notice, in a newspaper of general circulation within the City, advising the public of the SSDP approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the SSDP; and

(B) Acknowledge by written instrument that the applicant confirms their obligation to satisfy all other requirements under the City codes, rules and regulations including, but not limited to, all studies that may be required, including studies concerning traffic, drainage, erosion control, and utilities.

(ii) No amendment of a SSDP shall extend or change the effective date of vesting of a property right unless specifically provided by written agreement. In the event amendments to a SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the initial date of the approval of the SSDP.

(iii) Any waiver, be it in part or in full, of a vested property right shall be accomplished by written agreement between the owner and the City and shall be recorded in the Mesa County land records.

(7) Lapsing and Extension of Approvals

The duration of any vesting shall be no longer than required by State law unless a different duration is provided by written agreement between the owner and the City. Failure to comply with any condition of approval of a SSDP shall result in forfeiture of vested rights and the SSDP shall be declared void and lapsed and shall be reverted in accordance with GJMC <<insert cite, current[21.02.150]. >>

(8) Pending Applications for a Site-Specific Development Plan—Applicable Rules and Regulations

(i) General Rule

Pursuant to C.R.S. § 24-68-102.5, the review, approval, approval with conditions, or denial of a complete application for a site-specific development plan shall be governed by the duly adopted laws and regulations in effect at the time a complete application for a site-specific development plan is submitted pursuant to this Code.

(ii) Exception

Notwithstanding the limitations contained in Section (o)(8)(i) above, the City may apply to the pending complete application for a site-specific development plan any subsequently enacted or amended ordinances, rules, regulations or policies that are necessary for the immediate preservation of the public health and safety.

(9) Waiver

A landowner may waive a vested property right by separate agreement, which shall be recorded in the county where the property is located.

(10) Other Provisions Unaffected

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this development code pertaining to annexation, development, and use of property.

21.02.060 HISTORIC PRESERVATION PROCEDURES[52]

(a) Purpose

This purpose of this section is to enhance the community's local resources and promotes the public health, safety, prosperity and welfare through the protection and preservation of the City's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by application of appropriate regulations and incentives. Those regulations and incentives include:

(1) The establishment of a City Register listing designated structures, sites and districts; and

(2) The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

(b) Board Established

The City Council hereby creates a Historic Preservation Board, which may be referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation, and shall have such membership, authority, duties, and responsibilities as further provided in GJMC 21.02.010(e).

(c) City Registry Established

(1) The City Council hereby establishes the City Register of historic sites, structures and districts. Historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the City Council following recommendation by the Historic Board.

(2) All properties listed on the National or State Register are eligible for the City Register but are not designated until approval, pursuant to this Code, is obtained.

(d) Designation of Historic Structures, Sites and Districts

(1) The City Council:

(i) May by resolution designate as historic an individual structure, site or other feature or an integrated group of structures or features on a lot or site. Designation shall be for a special historical or architectural value; or

(ii) May by resolution designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.

(2) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved and shall include a legal description of the location and boundaries of the historic structure, site or district.

(3) No individual structure or site shall be designated without the consent of all owners of record. Historic districts may be designated in accordance with State law and the provisions in this section.

[52] Current 21.07.040.

(4) The purpose and effect of designation is:

(i) To assist local interests in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts;

(ii) To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;

(iii) To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and

(iv) To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

(e) A Procedure for Designating Historic Structures, Sites and Districts for Preservation

(1) Nomination

A nomination for designation to the City Register may be made by the Historic Board or by any citizen by filing an application with the Community Development Department. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council.

(2) Historic Board Review

(i) The Historic Board shall hold a public meeting on the designation application no more than 30 days after the filing of the application.

(ii) The Historic Board shall review the application for conformance with the established criteria for designation and with the purposes of this section.

(iii) Within 10 days after the conclusion of the public meeting, but in no event more than 30 days after the meeting, unless mutually agreed to by the Historic Board, the applicant, and the owner or owners other than the applicant, the Historic Board shall recommend either approval, modification and approval or disapproval of the application.

(iv) The Historic Board may recommend approval conditional upon the execution of certain easements, covenants or licenses.

(v) The Historic Board shall forward to the City Council written recommendations concerning a designation and further state any recommendations as to easements, covenants or licenses that must be met by the property owner in order to receive and/or maintain the designation.

(3) City Council Review

(i) The City Council shall hold a public hearing on the designation application no more than 30 days after receipt of the Board's recommendation.

(ii) The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this section.

(4) Notification

When a structure, site or historic district has been designated as provided herein, the Director shall promptly notify the record owners of the property, as shown in the County Assessor's

records or other available information, and record the designation in the land records of the Mesa County Clerk and Recorder.

(5) Limitation on Resubmission and Reconsideration of Proposed Designation

If the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the Effective Date of the denial of the application.

(f) Criteria for Designation

The Historic Board and City Council shall consider the following criteria in reviewing nominations/applications for designation.

(1) Structures

Structures must be at least 50 years old and meet one or more of the architectural, cultural or geographic/environmental significance criteria. A structure can be exempted from the age requirement if the Council finds it to be exceptionally important in other criteria.

(i) Historic structures or sites shall meet one or more of the following in order to be considered for designation.

(A) Architectural

a. Exemplifies specific elements of an architectural style or period;

b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;

c. Demonstrates superior craftsmanship or high artistic value;

d. Represents an innovation in construction, materials or design;

e. Represents a built environment of a group of people in an era of history;

f. Exhibits a pattern or grouping of elements representing at least one of the above criteria; or

g. Is a significant historic remodel.

(B) Cultural

a. Is a site of an historic event that had an effect upon society;

b. Exemplifies the cultural, political, economic or ethnic heritage of the City; or

c. Is associated with a notable person or the work of a notable person.

(C) Geographic/Environmental

a. Enhances the sense of identity of the City; or

b. Is an established and familiar natural setting or visual feature of the City.

(ii) Prehistoric and historic archaeological structures or sites shall meet one or more of the following:

(A) Architectural

a. Exhibits distinctive characteristics of a type, period or manner of construction; or

b. Is a unique example of structure.

(B) Cultural

a. Has the potential to make an important contribution to the knowledge of the area's history or prehistory;

b. Is associated with an important event in the area's development;

c. Is associated with a notable person or the work of a notable person;

d. Is a typical example or is associated with a particular ethnic or other community group; or

e. Is a unique example of an event in local history.

(C) Geographic/Environmental

Is geographically or regionally important.

(iii) Each property shall also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

(A) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State, or nation;

(B) Retains original design features, materials and/or character;

(C) Is in the original location or same historic context if it has been moved; or

(D) Has been accurately reconstructed or restored.

(2) Historic Districts

(i) For the purposes of this section, a historic district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A historic district is related by a pattern of either physical elements or social activities.

(ii) Significance is determined by applying criteria to the pattern and unifying elements.

(iii) Nominations/applications for historic district designation shall not be approved unless the application contains written approval from owners of at least 60 percent of the properties within the proposed district boundaries.

(iv) Properties that do not contribute to the significance of the historic district may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

(v) Historic district boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

(vi) When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.

(vii) In addition to meeting at least one of the criteria as outlined in subsection (f)(2)(viii) below, the designated contributing sites and structures within the district must be at least 50 years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

(viii) Historic districts shall meet one or more of the following:

(A) Architectural

a. Exemplifies specific elements of an architectural period or style;

b. Is an example of the work of an architect or builder who is recognized for expertise nationally, Statewide, regionally or locally;

c. Demonstrates superior craftsmanship or high artistic value;

d. Represents an innovation in construction, materials, or design;

e. Represents a built environment of a group of people in an era of history;

f. Is a pattern or a group of elements representing at least one of the above criteria; or

g. Is a significant historic remodel.

(B) Cultural

a. Is the site of an historic event that had an effect upon society;

b. Exemplifies cultural, political, economic or social heritage of the community; or

c. Is associated with a notable person or the work of a notable person.

(C) Geographic/Environmental

a. Enhances the sense of identity of the community; or

b. Is an established and familiar natural setting or visual feature of the community.

(D) Archaeology/Subsurface

a. Has the potential to make an important contribution to the area's history or prehistory;

b. Is associated with an important event in the area's development;

c. Is associated with a notable person or the work of a notable person;

d. Has distinctive characteristics of a type, period or manner of construction;

e. Is of geographical importance;

f. Is a typical example/association with a particular ethnic group;

g. Is a typical example/association with a local cultural or economic activity; or

h. Is a unique example of an event or structure.

(g) Review of Alterations

(1) City Registry

The owner of any historic structure or site on the City Registry designated pursuant to subsection (e) of this section is requested to consult with the Historic Board before making any alteration. The Historic Board shall determine if the alteration is compatible with the designation. In reviewing a proposed alteration, the Historic Board shall consider design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Board must also find that the proposed development is visually compatible with development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The Historic Board shall use the following criteria to determine compatibility of a proposed alteration:

(i) The effect upon the general historical and architectural character of the structure and property;

(ii) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;

(iii) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;

(iv) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;

(v) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;

(vi) The condition of existing improvements and whether they are a hazard to public health and safety; or

(vii) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

(2) North Seventh Street Historic Residential District

The owner of any property within the North Seventh Street Historic Residential District shall comply with the North Seventh Street Historic Residential District Guidelines and Standards.

(i) Before making any construction or alteration to a site or structure, such owner shall make application to the City for a Certificate of Appropriateness. The Director shall make review such application for compliance with the Guidelines and Standards and make an initial determination and recommendation to the Board. The Director may include in that recommendation any conditions deemed appropriate to comply with the Guidelines and Standards and with the Zoning and Development Code.

(ii) The Board shall have jurisdiction to review City staff recommendations and to decide applications for Certificates of Appropriateness at a public hearing. The Board may include any conditions of approval deemed appropriate for compliance with the Guidelines and Standards. No owner shall construct or alter a structure or site in the District without first obtaining a Certificate of Appropriateness from the Board.

(iii) A decision of the Board may be appealed to City Council within 30 days of the issuance of the decision. Appeals to City Council shall be de novo.

(iv) All reviews pursuant to this subsection (2) shall determine if the new construction or alteration is compatible with the historic designation as provided in the North Seventh Street Historic Residential District Guidelines and Standards. In reviewing an application, consideration shall be given to design, siting, form, texture, setbacks, orientation, alignment, finish, material, scale, mass, height and overall visual compatibility, according to and with reference to the applicable Guidelines and Standards of the North Seventh Street Historic Residential District. For purposes of this section, the term "compatible" shall mean consistent with, harmonious with and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

(h) Revocation of Designation

(1) If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Board for a revocation of the designation or the Historic Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so.

(2) If a designated structure is moved or demolished, the designation shall, without notice and without Historic Board recommendation, automatically terminate. If moved, a new application for designation at the new location must be made in order for designation to be considered.

(3) Upon the City Council's decision to revoke a designation, the Director shall cause a revocation notice to be sent to the property owner.

21.02.070 DEVELOPMENT FEES

(a) Development Impact Fees[53]

(1) Title

This section shall be known and may be cited as the "Grand Junction, Colorado, Impact Fee Ordinance" or "Impact Fee Ordinance."

(2) Authority

The City has the authority to adopt this section pursuant to Article XX, § 6 of the Colorado State Constitution, the City's home rule charter, the City's general police powers, and other laws of the State of Colorado.

[53] Definitions moved to 21.12.020 under "Development Impact Fee-Related Definitions."

(3) Application

This section shall apply to all development within the territorial limits of the City, except development exempted pursuant to GJMC 21.02.070(a)(5)(ii), Exemptions.

(4) Purpose

(i) The intent of this section is to ensure that new development pays a proportionate share of the cost of city parks and recreation, fire, police and transportation capital facilities.

(ii) It is the intent of this section that the impact fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.

(iii) Nothing in this section shall restrict the City from requiring an applicant for a development approval to construct reasonable capital facility improvements designed and intended to serve the needs of an applicant's project, whether or not such capital facility improvements are of a type for which credits are available under GJMC 21.02.070(a)(6), Credits.

(5) Development Impact Fees to Be Imposed

(i) Fee Obligation, Payment and Deposit

(A) Obligation to Pay and Time of Payment

Commencing January 1, 2020, any person who causes the commencement of impact-generating development, except those exempted pursuant to GJMC 21.02.070(a)(5)(ii), Exemptions, shall be obligated to pay impact fees pursuant to the terms of this section. The obligation to pay the impact fees shall run with the land. The amount of the impact fees shall be determined in accordance with GJMC 21.02.070(a)(5)(iii), Calculation of Amount of Impact Fees, and the fee schedule in effect at the time of issuance of a planning clearance and paid to the Director at the time of issuance of a planning clearance. If any credits are due pursuant to GJMC 21.02.070(a)(6), Credits, those shall be determined prior to the issuance of a planning clearance and payment of the impact fees.

(B) Fees Promptly Deposited into Accounts

All monies paid by a fee payer pursuant to this section shall be identified as impact fees and shall be promptly deposited in the appropriate impact fee trust accounts established and described in GJMC 21.02.070(a)(7), Impact Fee Trust Accounts.

(C) Extension of Previously Issued Development Approval

If the fee payer is applying for an extension of a development approval issued prior to January 1, 2020, the impact fees required to be paid shall be the net increase between the impact fees applicable at the time of the current permit extension application and any impact fees previously paid pursuant to this section, and shall include any impact fees established subsequent to such prior payment.

(D) Fee Based on Approved Development

If the planning clearance is for less floor area than the entire development approved pursuant to the development approval, the fee shall be computed separately for the floor area of development covered by the planning clearance, and with reference to the use categories applicable to such development covered by the planning clearance.

(E) Permit for Change in Use, Expansion, Redevelopment, Modification

If the fee payer is applying for a planning clearance to allow for a change of use or for the expansion, redevelopment, or modification of an existing development, the impact fees required to be paid shall be based on the net increase in the impact fees for the new use as compared to the previous use and actual fee paid for the previous use, and shall include any impact fees established subsequent to such prior payment.

(F) Prior Conditions and/or Agreements

Any person who prior to January 1, 2020, has agreed in writing with the City, as a condition of permit approval, to pay an impact fee shall be responsible for the payment of the impact fees under the terms of such agreement, and the payment of the impact fees may be offset against any impact fees due pursuant to the terms of this section.

(G) Time of Submittal

For nonresidential and multifamily development (excluding townhomes, duplexes and condominium residence(s)) the fee shall be calculated as of the submission of a complete application and construction commences within two years of approval. Should construction fail to commence within two years, the applicant shall pay those fees in place at the time of issuance of a planning clearance.

(ii) Exemptions

The following types of development shall be exempted from payment of impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first planning clearance. Any claim for exemption not made at or before that time shall be waived. The Director shall determine the validity of any claim for exemption pursuant to the standards set forth below.

(A) Replacing Existing Residential Unit with New Unit

Reconstruction, expansion, alteration or replacement of a previously existing residential unit that does not create any additional residential units.

(B) New Impact-Generating Development Creates No Greater Demand than Previous Development.

New impact-generating development that the fee payer can demonstrate will create no greater demand over and above that produced by the existing use or development.

(C) Building after Fire or Other Catastrophe

Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe.

(D) Accessory Structures

Construction of unoccupied accessory structures related to a residential unit.

(E) Previous Payment of Same Amount of Impact Fees

Impact-generating development for which an impact fee was previously paid in an amount that equals or exceeds the impact fee that would be required by this section.

(F) Government

Development by the federal government, the State, school district, County or the City.

(G) Complete Development Application Approved Prior to Effective Date of Chapter

For development for which a complete application for a planning clearance was approved prior to January 1, 2020; and for nonresidential and multifamily development for which a complete application was submitted prior to January 1, 2020, so long as construction commences by January 1, 2022, the required fees shall be those in effect at time of submittal.

(H) Small Additions and Renovations for Residential Uses

Construction of an addition to an existing dwelling unit of 500 square feet or less, or expansion of finished space for an existing dwelling unit of 500 square feet or less. This exemption shall only be used one time for each dwelling unit and does not apply to accessory dwelling units.

(iii) Calculation of Amount of Impact Fees

(A) Impact Fee Schedule

Except for those electing to pay impact fees pursuant to GJMC 21.02.070(a)(5)(iii)(B), Independent Fee Calculation Study, the impact fees applicable to the impact-generating development shall be as determined by the impact fee schedule, which is hereby adopted and incorporated herein. The impact fee schedules are based on the impact fee studies. It applies to classes of land uses within the City, differentiates between types of land uses, and is intended to defray the projected impacts caused by proposed new development on city capital facilities. The determination of the land use category(ies) in the impact fee schedules that are applicable to impact-generating development shall be made by the Director with reference to the impact fee studies and the methodologies therein; the then-current edition of the ITE Trip Generation Manual, published by the Institute of Traffic Engineers; the City zoning and development code; the then-current land use approvals for the development; and any additional criteria set forth in duly promulgated administrative rules.

a. Annual Adjustment of Impact Fees to Reflect Effects of Inflation

The impact fee schedule shall be adjusted annually and/or biannually consistent with the impact fee study. Commencing on January 1, 2023, and on January 1st of each subsequent year, each impact fee amount set forth in the impact fee schedule shall be adjusted for inflation, as follows:

1. For transportation impact fees, the fees shall be adjusted for inflation based on the latest 10-year average of the Colorado Department of Transportation Construction Cost Index, published quarterly by CDOT.
2. For fire, police, and parks the fees shall be adjusted for inflation based on the most recent Construction Cost Index published by Engineering News Record.
3. The adjusted impact fee schedule shall become effective immediately upon calculation and certification by the City Manager and shall not require additional action by the City Council to be effective.

b. Impact-Generating Development Not Listed in the Impact Fee Schedule

If the proposed impact-generating development is of a type not listed in the impact fee schedule, then the impact fees applicable are those of the most nearly comparable type of land use. The determination of the most nearly comparable type of land use shall be made by the Director with reference to the impact fee study and City code.

c. Mix of Uses

If the proposed impact-generating development includes a mix of those uses listed in the impact fee schedule then the impact fees shall be determined by adding the impact fees that would be payable for each use as if it was a freestanding use pursuant to the impact fee schedule.

(B) Independent Fee Calculation Study

In lieu of calculating the amount(s) of impact fees by reference to the impact fee schedule, a fee payer may request that the amount of the required impact fee be determined by reference to an independent fee calculation study.

a. Preparation of Independent Fee Calculation Study

If a fee payer requests the use of an independent fee calculation study, the fee payer shall be responsible for retaining a qualified professional (as determined by the Director) to prepare the independent fee calculation study that complies with the requirements of this section, at the fee payer's expense.

b. General Parameters for Independent Fee Calculation Study

Each independent fee calculation study shall be based on the same level of service standards and unit costs for the capital facilities used in the impact fee study, and shall document the relevant methodologies and assumptions used.

c. Procedure

1. An independent fee calculation study shall be initiated by submitting an application to the Director together with an application fee to defray the costs associated with the review of the independent fee calculation study.
2. The Director shall determine if the application is complete. If it is determined the application is not complete, a written statement outlining the deficiencies shall be sent by mail to the person submitting the application. The Director shall take no further action on the application until it is complete.
3. When it is determined the application is complete, the application shall be reviewed by the Director and a written decision rendered on whether the impact fees should be modified, and, if so, what the amount should be, based on the standards in GJMC 21.02.070(a)(6)(i), Standards.

d. Standards

If, on the basis of generally recognized principles of impact analysis, the Director determines the data, demand information and assumptions used by the applicant to calculate the impact fees in the independent fee calculation study more accurately measure the proposed impact-generating development's impact on the appropriate capital facilities, the impact fees determined in the independent fee calculation study shall be deemed the impact fees due and owing for the proposed development. The fee adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy these requirements, the impact fees applied shall be the impact fees established in the impact fee schedule.

(6) Credits

(i) Standards

(A) General

Any person causing the commencement of impact-generating development may apply for credit against impact fees otherwise due, up to but not exceeding the full obligation of impact fees proposed to be paid pursuant to the provisions of this section, for any contributions or construction (as determined appropriate by the Director) accepted in writing by the City for capital facilities. Credits against impact fees shall be provided only for that impact fee for which the fee is collected.

(B) Valuation of Credits

a. Construction

Credit for construction of capital facilities shall be valued by the City based on complete engineering drawings, specifications, and construction costs estimates submitted by the fee payer to the City. The Director shall determine the amount of credit due, if any, based on the information submitted, or, if

he/she determines the information is inaccurate or unreliable, then on alternative engineering or construction costs determined by and acceptable to the Director.

b. Contributions

Contributions for capital facilities shall be based on the value of the contribution or payment at the time it is made to the City.

(C) When Credits Become Effective

a. Construction

Credits for construction of capital facilities shall become effective after the credit is approved pursuant to this section, a written credit agreement is entered into and (a) all required construction has been completed and has been accepted by the City, (b) suitable maintenance and financial warranty has been received and approved by the City, and (c) all design, construction, inspection, testing, financial warranty, and acceptance procedures have been completed in compliance with all applicable City requirements. Approved credits for the construction of capital facilities may become effective at an earlier date if the fee payer posts security in the form of an irrevocable letter of credit, escrow agreement, or cash and the amount and terms of such security are acceptable by the City Manager. At a minimum, such security must be in the amount of the approved construction credit plus 20 percent, or an amount determined to be adequate to allow the City to construct the capital facilities for which the credit was given, whichever is higher.

b. Contribution

Credits for contributions for capital facilities shall become effective after the credit is approved in writing pursuant to this section, a credit agreement is entered into and the contribution is made to the City in a form acceptable to the City.

c. Transferability of Credits

Credits for contributions, construction or dedication of land shall be transferable within the same development and for the same capital facility for which the credit is provided, but shall not be transferable outside the development. Credit may be transferred pursuant to these terms and conditions by a written instrument, to which the City is a signatory, that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the Director for registration of the change in ownership. If there are outstanding obligations under a credit agreement, the City may require that the transferor or transferee or both (as appropriate) enter into an amendment to the credit agreement to assure the performance of such obligations.

d. Total Amount of Credit

The total amount of the credit shall not exceed the amount of the impact fees due for the specific facility fee (e.g., fire, police, parks).

e. Capital Contribution Front-Ending Agreement

The City may enter into a capital contribution front-ending agreement with any developer who proposes to construct capital facilities to the extent the fair market value of the construction of these capital facilities exceeds the obligation to pay impact fees for which a credit is provided pursuant to this section. The capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to the impact-generating development's use of the capital facilities constructed.

(ii) Procedure

(A) Submission of Application

In order to obtain a credit against impact fees, the fee payer shall submit an offer for contribution or construction. The offer shall be submitted to the Director, and must specifically request a credit against impact fees.

(B) Contribution Offer Contents

The offer for contribution credit shall include the following:

a. Construction

If the proposed credit involves construction of capital facilities:

1. The proposed plan for the specific construction certified by a duly qualified and licensed Colorado engineer;
2. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated costs may include the costs of construction or reconstruction, the costs of all labor and materials, the costs of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction;
3. A statement made under oath of the facts that qualify the fee payer to receive a contribution credit.

b. Contribution

If the proposed offer involves a credit for any contribution for capital facilities, the following documentation shall be provided:

1. A copy of the planning clearance for which the contribution was established;
2. If payment has been made, proof of payment; or
3. If payment has not been made, the proposed method of payment.

(C) Determination of Completeness

The Director shall determine if the application is complete. If it is determined that the proposed application is not complete, the Director shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the application until all deficiencies have been corrected.

(D) Decision

The Director shall determine if the offer for credit is complete and if the offer complies with the standards in GJMC 21.02.070(a)(6)(i), Standards.

(iii) Credit Agreement

If the offer for credit is approved by the Director, a credit agreement shall be prepared and signed by the applicant and the City Manager. The credit agreement shall provide the details of the construction or contribution of capital facilities, the time by which it shall be dedicated, completed, or paid, and the value (in dollars) of the credit against the impact fees the fee payer shall receive for the construction or contribution.

(iv) Accounting of Credits

Each time a request to use approved credits is presented to the City, the Director shall reduce the amount of the impact fees, and shall note in the City's records and the credit agreement the amount of credit remaining, if any.

(7) Impact Fee Trust Accounts

(i) Establishment of Trust Accounts

(A) Establishment of Trust Accounts

For the purpose of ensuring impact fees collected pursuant to this section are designated for the mitigation of capital facility impacts reasonably attributable to new impact-generating development that paid the impact fees.

(B) Establishment of Accounts

Impact fees shall be deposited into five accounts: transportation, parks and recreation, capital facilities, fire capital facilities, and police capital facilities accounts.

(ii) Deposit and Management of Accounts

(A) Managed in Conformance with § 29-1-801, C.R.S. et seq

The impact fee accounts shall be maintained as interest bearing and shall be managed in conformance with § 29-1-801, C.R.S. et seq.

(B) Immediate Deposit of Impact Fees in Appropriate Account

All impact fees collected by the City pursuant to this section shall be promptly deposited into the appropriate account.

(C) Interest Earned on Trust Account Monies

Any impact fees not immediately expended shall be deposited in interest-bearing accounts. Interest earned on monies in the accounts shall be considered part of such account and shall be subject to the same restrictions on use applicable to the impact fees deposited in such account.

(D) Income Derived Retained in Accounts until Spent

All income derived from the deposits shall be retained in the accounts until spent pursuant to the requirements of this section.

(E) Expenditure of Impact Fees

Monies in each account shall be considered to be spent in the order collected, on a first-in/first-out basis.

(8) Expenditure of Impact Fees

(i) Capital Facilities Impact Fees

The monies collected from each capital facilities impact fee shall be used only to acquire or construct capital facilities within the City.

(ii) No Monies Spent for Routine Maintenance, Rehabilitation or Replacement of Capital Facilities

No monies shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any City transportation, parks and recreation, fire, or police capital facilities.

(iii) No Monies Spent to Remedy Deficiencies Existing on Effective Date of Chapter

No monies shall be spent to remedy existing deficiencies in transportation capital facilities, parks and recreation capital facilities, fire capital facilities, or police capital facilities.

(iv) Transportation Impact Fees

Transportation impact fee monies may be spent for the reconstruction and replacement of existing roads, the construction of new road systems and may be used to pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements.

(9) Refund of Impact Fees Paid

(i) Refund of Impact Fees Not Spent or Encumbered in 10 Years

A fee payer or the fee payer's successor-in-interest may request a refund of any impact fees not spent or encumbered within 10 years from the date the fee was paid, along with interest actually earned on the fees. Impact fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.

(ii) Procedure for Refund

The refund shall be administered by the Director, and shall be undertaken through the following process:

(A) Submission of Refund Application

A fee payer or successor-in-interest shall submit within one year following the end of the tenth year from the date on which the planning clearance was issued for which a refund is requested. The refund application shall include the following information:

a. A copy of the dated receipt issued for payment of the impact fee;

b. A copy of the planning clearance.

(B) Determination of Completeness

The Director shall determine if the refund application is complete. If the application is not complete, the Director shall mail the applicant a written statement outlining the deficiencies. The Director shall take no further action on the refund application until it is complete.

(C) Decision on Refund Application

When the refund application is complete, it shall be reviewed and approved if the Director determines a fee has been paid which has not been spent within the 10-year period. The refund shall include the fee paid plus interest actually earned on the impact fee.

(iii) Limitations

(A) Expiration of Planning Clearance without Possibility of Extension

If a fee payer has paid an impact fee required by this section and obtained a planning clearance, and the planning clearance for which the impact fee was paid later expires without the possibility of further extension, then the fee payer or the fee payer's successor-in-interest may be entitled to a refund of the impact fee paid, without interest. In order to be eligible to receive a refund of impact fees pursuant to this subsection, the fee payer or the fee payer's successor-in-interest shall be required to submit an application for such refund to the Director within 30 days after the expiration of the planning clearance for which the fee was paid. If a successor-in-interest claims a refund of the impact fee, the City may require written documentation that such rights have been conveyed to the claimant. If there is uncertainty as to the person to whom the refund is to be paid or if there are conflicting demands for such refund, the City Attorney may interplead such funds.

(iv) No Refund If Project Demolished, Destroyed, Altered, Reconstructed or Reconfigured

After an impact fee has been paid pursuant to this section, no refund of any part of such fee shall be made if the development for which the impact fee was paid is later demolished, destroyed, or is altered, reconstructed, reconfigured, or changed in use so as to reduce the size or intensity of the development or the number of units in the development.

(10) Low-Moderate Income Housing

In order to promote the provision of low-moderate income housing in the City, the City Council may agree in writing to pay some or all of the impact fees imposed on a proposed low or

moderate income housing development by this section from other unrestricted funds of the City. Payment of impact fees on behalf of a fee payer shall be at the discretion of the City Council and may be made pursuant to goals and objectives adopted by the City Council to promote housing affordability.

(11) Administration, Appeals and Updates of Determination or Decision of Director to City Manager

(i) Review Every Seven Years

The impact fees described in this section and the administrative procedures of this section shall be reviewed at least once every seven years by the City Manager to ensure that (i) the demand and cost assumptions underlying the impact fees are still valid, (ii) the resulting impact fees do not exceed the actual costs of constructing capital facilities that are of the type for which the impact fees are paid and that are required to serve new impact-generating development, (iii) the monies collected or to be collected in each impact account have been and are expected to be spent for capital facilities for which the impact fees were paid, and (iv) the capital facilities for which the impact fees are to be used will benefit the new development paying the impact fees.

(ii) Appeal

(A) Director Determination or Decision

Any determination or decision made by the Director under this section may be appealed to the City Manager by filing with the City Manager within 30 days of the determination or decision for which the appeal is being filed: (A) a written notice of appeal on a form provided by the City Manager, (B) a written explanation of why the appellant feels the determination or decision is in error, and (C) an appeal fee established by the City.

(B) City Manager Review

The City Manager shall fix a time and place for hearing the appeal, and shall mail notice of the hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in the notice given by the City Manager. At the hearing, the City Manager shall consider the appeal and either affirm or modify the decision or determination of the Director based on the relevant standards and requirements of this section. The decision of the City Manager shall be final.

(C) Administrative Rules

The City Manager and Director, and their respective designees, may from time to time establish written administrative rules, not inconsistent with the provisions of this section, to facilitate the implementation of this section as provided in GJMC 21.02.010. Without limiting the foregoing, the Director is authorized to establish written administrative rules, not inconsistent with the provisions of this section, for use in the determination of the land use category(ies) in the impact fee schedule that is applicable to impact-generating development. All administrative rules adopted pursuant hereto shall be published in written form and copies thereof maintained in the offices of the Director and City Clerk. Administrative rules

adopted pursuant hereto and a copy of such rules shall be made available without charge to fee payers and other persons requesting a copy thereof.

(12) Impact Fee Schedule – Fire, Police, and Parks and Recreation

				Jan 1 2020	Jan 1 2021	Jan 1 2022	Jan 1 2023*
	Land Use Type	**Unit**	**Current Fees**				
Residential	**Single-Family**						
	Fire	Dwelling	$0	$0	$0	$710	$710
	Police	Dwelling	$0	$0	$0	$305	$305
	Parks and Recreation	Dwelling	$225	$484	$743	$1,001	$1,260
	Multifamily						
	Fire	Dwelling	$0	$0	$0	$467	$467
	Police	Dwelling	$0	$0	$0	$200	$200
	Parks and Recreation	Dwelling	$225	$381	$537	$692	$848
Nonresidential	Retail/Commercial						
	Fire	1,000 sf	$0	$0	$0	$489	$489
	Police	1,000 sf	$0	$0	$0	$206	$206
	Parks and Recreation	1,000 sf	$0	$0	$0	$0	$0
	Office/Institutional						
	Fire	1,000 sf	$0	$0	$0	$191	$191
	Police	1,000 sf	$0	$0	$0	$81	$81
	Parks and Recreation	1,000 sf	$0	$0	$0	$0	$0
	Industrial						
	Fire	1,000 sf	$0	$0	$0	$66	$66
	Police	1,000 sf	$0	$0	$0	$28	$28
	Parks and Recreation	1,000 sf	$0	$0	$0	$0	$0
	Warehousing						
	Fire	1,000 sf	$0	$0	$0	$34	$34
	Police	1,000 sf	$0	$0	$0	$14	$14
	Parks and Recreation	1,000 sf	$0	$0	$0	$0	$0

*Fee plus inflation

(13) Impact Fee Schedule – Transportation

				Jan 1 2020	July 1 2020	Jan 1 2021	Jul 1 2021	Jan 1 2022	July 1 2022	Jan 1 2023*	July 1 2023*
	Land Use Type	**Unit**	**Current Fees**	**12.5%**	**25.0%**	**37.5%**	**50.0%**	**67.5%**	**75.0%**	**87.5%**	**100.0%**
Residential	All Multifamily	Dwelling	$1,769	$1,908	$2,047	$2,186	$2,325	$2,464	$2,603	$2,742	$2,881
	<1,250 sq. ft. of living area	Dwelling	$2,554	$2,620	$2,685	$2,751	$2,816	$2,882	$2,947	$3,013	$3,078
	1,250 to 1,649 sq. ft. of living area	Dwelling	$2,554	$2,824	$3,093	$3,363	$3,633	$3,902	$4,172	$4,441	$4,711
	1,650 to 2,299 sq. ft. of living area	Dwelling	$2,554	$2,907	$3,260	$3,613	$3,966	$4,318	$4,671	$5,024	$5,377
	2,300 sq. ft. or more of living area	Dwelling	$2,554	$3,115	$3,676	$4,237	$4,798	$5,359	$5,920	$6,481	$7,042
	Mobile Home/RV Park	Pad	$1,284	$1,500	$1,715	$1,931	$2,146	$2,362	$2,577	$2,793	$3,008
Hotel/Lodging	Hotel/Motel	Room	$2,407	$2,574	$2,740	$2,907	$3,073	$3,240	$3,406	$3,573	$3,739
Retail/Commercial	Shopping Center/Commercial	1,000 sf	$4,189	$4,569	$4,949	$5,328	$5,708	$6,088	$6,468	$6,847	$7,227
	Auto Sales/Service	1,000 sf	$3,780	$4,211	$4,642	$5,073	$5,504	$5,934	$6,365	$6,796	$7,227
	Golf Course	Hole	$5,951	$6,111	$6,270	$6,430	$6,589	$6,749	$6,908	$7,068	$7,227
	Movie Theater	1,000 sf	$10,574	$7,227	$7,227	$7,227	$7,227	$7,227	$7,227	$7,227	$7,227
	Restaurant, Standard	1,000 sf	$5,159	$5,418	$5,676	$5,935	$6,193	$6,452	$6,710	$6,969	$7,227
Convenience Commercial (Gas/Drive Thrus)	Bank, Drive-In	1,000 sf	$6,359	$7,485	$8,610	$9,736	$10,861	$11,987	$13,112	$14,238	$15,364
	Convenience Store w/Gas Sales	1,000 sf	$9,143	$9,921	$10,698	$11,476	$12,254	$13,031	$13,809	$14,586	$15,364
	Restaurant, Drive-Through	1,000 sf	$11,544	$12,022	$12,499	$12,977	$13,454	$13,932	$14,409	$14,887	$15,364
Office	Office, General	1,000 sf	$3,141	$3,473	$3,806	$4,138	$4,470	$4,802	$5,135	$5,467	$5,799
	Office, Medical	1,000 sf	$8,862	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799
	Animal Hospital/Vet Clinic	1,000 sf	$8,862	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799	$5,799
	Hospital	1,000 sf	$4,112	$4,323	$4,534	$4,745	$4,956	$5,166	$5,377	$5,588	$5,799
Institutional/Public	Nursing Home	1,000 sf	$1,149	$1,184	$1,218	$1,253	$1,288	$1,322	$1,357	$1,391	$1,426
	Place of Worship	1,000 sf	$1,967	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426
	Day Care Center	1,000 sf	4,086	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426	$1,426
	Public/Institutional	1,000 sf	$639	$737	$836	$934	$1,033	$1,131	$1,229	$1,328	$1,426
Industrial	Industrial	1,000 sf	$1,864	$1,884	$1,904	$1,924	$1,945	$1,965	$1,985	$2,005	$2,025
Warehousing	Warehouse	1,000 sf	$1,328	$921	$921	$921	$921	$921	$921	$921	$921
	Mini-Warehouse	1,000 sf	$460	$518	$575	$633	$691	$748	$806	$863	$921

*Fee plus inflation

(b) School Land Dedication Fee[54]

(1) Standard for School Land Dedication

Dedication of suitable school lands for school purposes shall be required of any development if the school district determines that such development includes within it land which is necessary for implementing a school plan. In all other cases, the fee required under GJMC 21.02.070(b)(1)(ii) shall be paid in lieu of a school land dedication.

(i) Standard for Fee in Lieu of School Land Dedication

Except in cases where a school land dedication is required in accordance with this section, or an exemption under this section applies, all development and all projects which contain a new dwelling shall be subject to fees in lieu of school land dedication (SLD fee) in an amount per dwelling unit determined by resolution of the City Council. SLD fees shall be collected by the City for the exclusive use and benefit of the school district in which such development is located, and shall be expended by the school district solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the school district for sums expended to acquire such property or interests. Revenues from such fees shall be used only for such purposes.

(ii) Payment, Prepayment, Exemption, Credit, and Refund of SLD Fee

(A) No building permit shall be issued for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units until and unless the SLD fee for such dwelling unit in effect at the time such permit is applied for has been paid as required by this section.

(B) Nothing in GJMC 21.02.070(b)(1)(i) shall preclude a holder of a development permit for a residential development or mixed use development containing a residential development component from prepaying the SLD fees to become due under this section for one or more dwellings, multiple-family dwellings or multifamily dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for residential development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwelling been pending at the time of prepayment. A subsequent building permit for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional dwelling units for which SLD fees have not been prepaid, such permit shall not be issued until the SLD fees for such additional dwelling units have been paid at the rate per dwelling unit in effect at the time the building permit application was made.

[54] Current 21.06.030.

(C) Any prepayment of SLD fees in accordance with this section shall be documented by a memorandum of prepayment which shall contain, at minimum, the following:

a. The legal description of the real property subject to residential development for which an SLD fee is being prepaid;

b. A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees owed pursuant to such permit which are being prepaid;

c. The notarized signatures of the record owner of the property or their duly authorized agents;

d. The notarized signature of the County Manager indicating approval of the prepayment plan, if the fee was paid while the real property was outside the limits of the City; or if the fee was paid at the time the real property was within the limits of the City, of the City Manager, indicating approval of the prepayment plan.

(iii) Exemptions

The following shall be exempted from payment of the SLD fee:

(A) Alterations or expansion of an existing building except where the use is changed from nonresidential to residential and except where additional dwelling units result;

(B) The construction of accessory buildings or structures;

(C) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;

(D) The installation of a replacement mobile home on a lot or other parcel when a fee in lieu of land dedication for such mobile home has previously been paid pursuant to this section or where a residential mobile home legally existed on such site on or before the Effective Date of the ordinance codified in this section;

(E) Nonresidential buildings, nonresidential structures, or nonresidential mobile homes;

(F) Nursing homes, adult foster care facilities or specialized group facilities;

(G) City- or County-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.

(iv) Credits

(A) An applicant for a development permit (or a holder of such a permit) who owns other suitable school lands within the school district in which the development is located may offer to convey such lands to the school district in exchange for credit against all or a portion of the SLD fees otherwise due or to become due. The offer

must be in writing, specifically request credit against fees in lieu of school land dedication, and set forth the amount of credit requested. If the City and the school district accept such offer, the credit shall be in the amount of the value of the suitable school lands conveyed, as determined by written agreement between the City, the school district and the permit holder or applicant.

(B) Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the school district. Upon such conveyance, the school district and the City shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.

(C) Credits shall not be transferable from one project or development to another.

(v) Refund of Fees Paid

(A) Any SLD fee which has not been expended by the school district within five years of the date of collection shall be refunded, with interest at the rate of five percent per annum compounded annually, to the person who paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent of the principal amount to be refunded, for the costs incurred by the City in the refund of such fee. The City shall give written notice by U.S. mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the City within 90 days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this section.

(B) The City Council may, upon the school district's request, extend the five-year period of time specified in GJMC 21.02.070(b)(1)(v)(A) upon a showing that such extension is reasonably necessary in order for the school district to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give the school district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the City Council. In no event shall any extension of time exceed an additional five-year period.

(2) Fees in Lieu of School Land Dedication (SLD Fees)

(i) SLD fees shall be collected and held in trust for the use and benefit of the school district containing the residential development for which the fee is collected. Such fees shall be expended by the school district to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new residential development in the school district, or to reimburse the school district for sums expended to acquire such property. The amount of the SLD fee shall be based on a methodology which takes into account the student generation rates of new residential development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring suitable school lands in the

school district to expand existing school facilities and construct new school facilities to accommodate new residential development without decreasing current levels of educational services.

(ii) The SLD fee and the value of the variables in the formula to determine the SLD fee shall be set by resolution of the City Council in accordance with the following formula:

(For example, if the average cost of suitable school lands within the school district is $15,000 per acre and the student generation fee factor is 0.023, the SLD fee per dwelling unit would be $15,000 x 0.023, or $345.00.)

(iii) The average cost per acre of suitable school lands within the school district ("average cost per acre for SLD fee") and the student generation fee factor ("SGF factor") shall be determined by City Council. Before City Council considers modification of either, a 60-day prior written notice shall be provided to the school district. If a written request for a public hearing specifying which factor, the average cost per acre for SLD fee and/or the SGF factor, the school district wants to be heard on is received by the City from the school district at least 30 days before the matter is scheduled to be determined by City Council, a public hearing shall occur. At a hearing where City Council is considering the modification of the average cost per acre for SLD fee, City Council shall consider the school district's long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district. At a hearing where City Council is considering the modification of the SGF factor, City Council shall consider the school district's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the school district.

(iv) The SLD fee in effect as of January 1, 2006, was $460.00. The SGF factor used to determine the SLD fee was 0.023. This SLD fee and SGF factor shall continue until otherwise modified by City Council as set forth in this Code.

Chapter 21.03 Zone Districts

[To be drafted in Module 2]

Chapter 21.04 Use Standards

[To be drafted in Module 2]

Chapter 21.05 Site and Structure Development Standards

[To be drafted in Modules 3 and 4]

Chapter 21.06 Community Stewardship

[To be drafted in Module 4]

Chapter 21.07 Landscaping, Buffering, and Screening

[To be drafted in Module 4]

Chapter 21.08 Off-Street Parking, Loading, Bicycles, and Electric Vehicles

[To be drafted in Module 3]

Chapter 21.09 Subdivision Standards

[To be drafted in Module 3]

Chapter 21.10 Sign Standards

[To be drafted in Module 3]

Chapter 21.11 Outdoor Lighting

[To be drafted in Module 4]

Chapter 21.12 Nonconformities

21.12.010 NONCONFORMITIES IN GENERAL

(a) Continuation

A nonconformity may be continued in accordance with the appropriate provisions in this chapter.

(b) Types of Nonconformity

There are several types of nonconformities that may exist, as follows:

(1) Nonconforming uses (GJMC 21.12.020).

(2) Nonconforming structures (GJMC 21.12.030).

(3) Nonconforming sites, including parking, landscaping and screening/buffering (GJMC 21.12.040).

(4) Nonconforming lots (GJMC 21.12.050).

(5) Nonconforming signs (GJMC <<insert cite>>)[55].

(c) Evidence of Status

Evidence of the status of a nonconforming use shall be supplied by the owner of the property upon request of the Director.

(d) Abandonment

The following standards apply to abandoned nonconformities. Evidence of intent to abandon is not required.

(1) Nonresidential Nonconformities

A nonconforming use or structure that has been discontinued for any 12-month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use or structure on the property after that time shall conform to all provisions of this Code.

(2) Residential Nonconformities

(i) A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this code.

(ii) A nonconforming single-family dwelling that has not been occupied for a continuous period of 12 months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.

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[55] Drafting Note: This provision is currently located in the sign regulations. It will be reviewed for inclusion here in a later module.

(iii) Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this code.

(e) Time Extensions

The Zoning Board of Appeals may permit one extension of up to 12 additional months to the time periods for abandonment, obtaining a building permit or completing construction, provided the applicant can demonstrate circumstances out of their control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.

(f) Variance

The Zoning Board of Appeals may vary the provisions of this chapter. Application and processing shall be in accordance with the provisions of GJMC 21.02.050(n).

21.12.020 NONCONFORMING USES

(a) Continuation

A lawful use made nonconforming by the adoption of this code or other City ordinances may continue only for so long as such use is not abandoned, expanded, increased, or changed, except as provided in this section.

(b) Nonresidential Uses

(1) Expansion

In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this Code are met. Nonconforming use shall not be expanded in any residential zoning district.

(2) Change of Use

No use shall be changed to a conforming use until the Director has determined that the requirements of the zone district will be met. The Director may approve a different use, provided such use is deemed by the Director to be less intense than the existing use. Prior to approval, the Director shall determine that traffic generation and parking requirements for the new nonconforming use are less than what was required for the existing use. No change to a more intense nonconforming use is allowed.

(3) Destruction

A nonconforming nonresidential use that is damaged may be reestablished following approval by the Director in accordance with the following:

(i) A use may only be reestablished within a conforming structure.

(ii) All restorative and other work must conform to adopted building codes.

(iii) A building permit must be issued within two years from the date of the damage.

(iv) The certificate of occupancy (or other final inspection) must be issued as provided by adopted codes.

(c) Residential Uses

A "nonconforming residential use" is a structure which contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

(1) Expansion

In all zones, a residential use may be expanded by up to 20 percent of the gross floor area as it existed on April 5, 2010, if no additional dwelling units are created and all other provisions of this code are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if the provisions of GJMC 21.04.040 are met. Accessory dwelling units shall not be permitted.

(2) Destruction

Nonconforming residential uses that are damaged may be reestablished in accordance with the following:

(i) All portions of the structure being restored are not and were not on or over a property line;

(ii) The number of dwelling units does not increase;

(iii) All construction is in compliance with current construction codes, such as the fire and building codes;

(iv) A Building Permit is obtained within one year from the date of the damage; and

(v) The Certificate of Occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

21.12.030 NONCONFORMING STRUCTURES

(a) Continuation

A lawful structure as of April 5, 2010, that is nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and criteria of the underlying zone may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

(b) Maintenance and Restoration

A nonconforming structure may be maintained or restored provided no expansion of the nonconformity occurs. The cost of the maintenance, restoration or remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or an appraisal performed by a certified general appraiser licensed to do business in the State of Colorado utilizing the "cost" approach. This appraisal shall be performed at the applicant's expense. The Mesa County Assessor's appraisal may be used if not more than 12 months old.

(1) Maintenance, restoration or remodeling projects that cost 25 percent or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering other than what may be required by fire and building codes.

(2) Maintenance, restoration or remodeling projects that cost more than 25 percent, but less than 75 percent, of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the landscaping requirements of this code until the site achieves 100 percent compliance. For example, if a site has only 20 percent of the required landscaping and the cost of the remodeling is 30 percent of the value of the building, then 30 percent of the required landscaping shall be provided.

(3) Maintenance, restoration or remodeling projects that cost 76 percent or greater of the current fair market value of the structure shall require 100 percent compliance with the landscaping requirements of this code.

(4) Maintenance, restoration or remodeling projects that require an increase in landscaping shall have up to 24 months after the issuance of a certificate of occupancy (or other final inspection) to install the required landscaping and related improvements. A Development Improvements Agreement (DIA) with financial security shall be required for the cost of all landscaping materials and improvements, including the irrigation system. See GJMC 21.02.070(m).

(5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practical as determined by the Director using the following criteria:

(i) Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?

(ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building facade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?

(iii) Will the proposed deviation result in a safe, efficient condition?

(iv) What other alternatives have been considered that would meet the current standards?

(c) Expansion

A nonconforming structure may be expanded; provided, that no increase in the structural nonconformity occurs. For example, an addition may be constructed, provided it meets the dimensional requirements for the zone. If the expansion results in an expansion of the nonconforming use, then see GJMC 21.08.020.

(d) Destruction

(1) A nonconforming residential structure which is damaged may be restored within the existing footprint; provided, that:

(i) All portions of the structure being restored are not on or over a property line;

(ii) All construction is in compliance with current construction codes, such as fire and building codes;

(iii) A building permit is obtained within 12 months from the date of the damage;

(iv) The certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit.

(v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this code.

(2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint; provided, that:

(i) All portions of the structure being restored are not on or over a property line;

(ii) All construction is in compliance with current construction codes, such as fire and building codes;

(iii) A Building Permit is obtained within 12 months from the date of the damage;

(iv) The Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.

(v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this code.

(e) Signs

This section shall not apply to nonconforming signs (see sign regulations, GJMC << insert cite, current 21.06.070>>).

21.12.040 NONCONFORMING SITES

(a) Continuation

A parcel of land existing as of April 5, 2010, that is nonconforming due solely to failure to meet the parking, landscaping or screening/buffering standards may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

(b) Maintenance and Restoration

A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs unless the expansion occurs in conformance with this section.

(c) Expansion

Additions to structures or additional paving, parking or outdoor storage on nonconforming sites shall require correction of existing nonconforming parking, landscaping and screening/buffering.

(1) Redevelopment or expansion which results in a 65 percent or greater increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas requires the entire property to meet all of the landscaping and screening/buffering requirements of this code. The increase may be to only one of the gross square footage areas or a combination of increases of the gross square footage areas which result in an overall increase of 65 percent or greater. (For example, if the gross square footage area of the structure increases by 50 percent and the outdoor storage gross square

footage area increases by 20 percent, then the overall increase is 70 percent and the entire property shall be required to meet all landscaping and screening/buffering requirements of this code.)

(2) Redevelopment or expansion which would result in less than a 65 percent increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this code until the site achieves 100 percent compliance. (For example, if the gross square footage area of the structure increases by 10 percent and the outdoor storage gross square footage area increases by 15 percent, then the overall increase is 25 percent and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the site to 75 percent of the total required.) Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

(3) Redevelopment or expansion that necessitates an increase in the number of parking spaces shall be required to provide 50 percent of the required parking spaces for the additional floor area in accordance with this code. The additional parking area shall comply with all associated landscaping and drainage requirements of this code.

(4) The conversion of nonconforming commercial and/or residential structures and sites to condominiums shall not require that the site be brought into compliance with parking, lighting, and landscaping requirements of this code.

(5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Director using the following criteria:

(i) Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?

(ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building facade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?

(iii) Will the proposed deviation result in a safe, efficient condition?

(iv) What other alternatives have been considered that would meet the current standards?

(d) Change of Use

(1) Changes of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this code. Where this calculation results in the addition of less than five spaces, no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this code.

(2) New outdoor operations/storage/display uses require that the entire lot or parcel meet all requirements of this code.

(e) Destruction

(1) A nonconforming residential structure which is damaged may be restored within the existing footprint; provided, that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the fire and building codes; a building permit is obtained within six months from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this code.

(2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint; provided, that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the fire and building codes; a building permit is obtained within six months from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this code.

21.12.050 NONCONFORMING LOTS/PARCELS

A lot or parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if:

(a) The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created; and

(b) The use meets all other regulations prescribed for the zone prior to occupancy or use.

Chapter 21.13 Violations and Enforcement

21.13.010 Director

The Director may delegate enforcement authority, duties, and powers pursuant to this Code.

21.13.020 Inspection

The Director may enter or inspect any building, structure, lot, parcel, or property to ensure compliance with the provisions of this Code as follows:

(a) Inspections shall be carried out during business hours unless the Director determines that an emergency exists.

(b) Entry onto those portions of private property which are not open to the public, business invitees, and others for the purpose of conducting the owner's business shall be made only after contact with the owner of the premises, whose permission for the inspection should be obtained.

(c) Application for any approval, development, or project constitutes permission to inspect all of the property including structures relating to the application.

(d) Failing permission from the owner, no inspection of private portions of property shall be undertaken without an order from the Municipal Court or another court of competent jurisdiction.

21.13.030 Code Violations and Enforcement

The remedies provided for violation of any provision of this Code, whether civil or criminal, shall be cumulative and be in addition to any other legal or equitable remedy. Except as otherwise provided, any development or use which is initiated or maintained or is not in compliance with the provisions of this Code is prohibited and shall be an "unlawful" development or use.

21.13.040 Continuing Violations

Each day that a violation of any provision of this Code exists, occurs, or remains uncorrected shall constitute a separate violation.

21.13.050 Civil Remedies and Enforcement powers

(a) Withhold Permit

The Director, for any unlawful use or development, may:

(1) Deny or withhold any permit, certificate or other form of authorization to use or develop any land, structure or improvements thereon. This provision shall apply regardless of whether the current owner or applicant is responsible for the violation.

(2) Revoke any development permit or other authorization when the Director determines:

(i) That there is departure from the plans, specifications or conditions as required under terms of the permit or other authorization;

(ii) That the development permit was procured by false representation or was issued by mistake; or

(iii) That any of the terms, conditions or provisions are being violated or reasonably believed to be violated. Written notice of revocation shall be served upon the owner, the owner's agent or contractor that such permit was issued to or notice may be posted in a conspicuous or prominent location at the place of violation.

(3) With or without revoking permits, stop work on a property where there is a violation of a provision of this Code or of a permit or other form of authorization issued hereunder.

(4) Upon notice to the applicant the Director may petition the Planning Commission to, at public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Code, the provision of a financial guarantee or other security to ensure that construction is completed in compliance with approved plans or such other conditions as the Planning Commission may reasonably impose.

(5) Initiate injunctive relief or abatement proceedings or other appropriate legal action in Municipal Court or another court of competent jurisdiction against any person who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code. The Director shall act to prevent, enjoin, abate or terminate violations.

(6) Seek a court order in the nature of mandamus, abatement, injunction prohibition or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(b) Civil Penalty

(1) Any person who fails to comply with any provision of this Code shall be subject to a civil penalty of not less than $100.00 or more than $1,000 for each offense.

(2) Each day that a violation exists shall constitute a separate offense; however, the maximum civil penalty that may be imposed, even in circumstances where there are multiple and continuing offenses, shall be $10,000.

(3) Every such action shall be brought before the Municipal Court of the City. The Municipal Court shall have original jurisdiction to hear and decide such cases.

(4) The City is entitled to recover judgment against any person failing to comply with any provision of this Code for reasonable attorney's fees in an amount determined by the Municipal Court.

(5) The City, its officers and employees may initiate an action under this section, but neither the City nor its officers or employees shall be liable for any claim or cause of action.

(c) Other Remedies

The City shall have such other powers and remedies as are and as may be provided by Colorado law for the violation of this or any duly and lawfully enacted code.

(d) Continuation

Nothing in this Code shall prohibit the continuation of enforcement actions undertaken by the City pursuant to previous lawful and valid ordinances, laws, rules or regulations.

21.13.060 Criminal Penalty

A violation of any provision of this Code or any requirement or condition imposed pursuant to this Code, including violations of standards and requirements adopted by reference, shall be a misdemeanor. Upon conviction, any person found in violation shall be punished by a fine of not more than $1,000 or by imprisonment for not more than one year or by both fine and/or imprisonment, for each violation. Each person violating this Code or any requirement or condition imposed pursuant to this Code, whether the person directly commits the act or aids or abets the same, whether present or absent, may be prosecuted and punished as a principal.

21.13.070 Enforcement Procedures

(a) Nonemergency Matters

(1) For violations of this Code that do not constitute an emergency, the Director shall give notice of the general nature of the violation to the property owner, agent, occupant or any applicant for any relevant permit in a manner reasonably calculated to afford notice.

(2) Enforcement action shall be stayed for a period of 10 days after notice, as provided in this section, has been posted on the property, mailed to the last known owner of the property or been hand delivered. Lack of personal notice shall not defeat any enforcement action.

(3) Notice may be given in person, by United States mail, or by posting notice on the premises.

(4) Notice of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

(5) Notices are deemed to run with the land and may be recorded by the Director in the Mesa County land records.

(6) Notices of violation are effective for 12 months from the date of issue.

(b) Emergency Matters

For violations of this Code, actual or alleged, that constitute an emergency as determined by the Director, City Council, City Manager or declaration of the County, State or federal government, the City may use the enforcement powers available under this chapter without prior notice.

21.13.080 Continued Compliance

Once constructed, the owner and developer shall be treated as an association (unless otherwise formed) and shall be liable for and responsible to maintain the development in substantial compliance with City regulations, approved plans and conditions. Failure to achieve substantial compliance including, but not limited to, the replacement of required plant materials that have died or are diseased, shall constitute a violation of this Code and may be enforceable by the City in Municipal Court subject to the provisions of this chapter.

21.13.090 ENFORCEMENT AND REVOCATION

In accordance with the provisions of this chapter, the Director may revoke any permit for failure to comply with the conditions of the permit or failure to comply with any provision of this Code, or if any information, statement or documents supplied by or on behalf of an applicant are false, misleading or omit any material fact or information.

(a) Revocation of Permit or Approval

(1) Director Duties

If the Director determines there are one or more reasons to revoke a development permit or approval, he/she shall revoke such permit or approval. Any appeal of the Director's decision shall be heard by the Zoning Board of Appeals in accordance with GJMC 21.02.210(b).

(2) Notice and Hearing

Notice and hearings for a revocation are the same as for the original application.

(3) Decision and Appeals

A decision to revoke a development permit shall become effective immediately. After revocation of any permit or approval, any activities continuing pursuant to such permit or approval shall be deemed to be in violation of the Code.

(4) Right Cumulative

The Director's right to revoke any approval, development permit, or other privilege or right shall be cumulative to any other remedy.

Chapter 21.14 Measurements and Definitions

21.14.010 MEASUREMENTS

[to be drafted in Module 2]

21.14.020 DEFINITIONS[56]

A

Abandonment

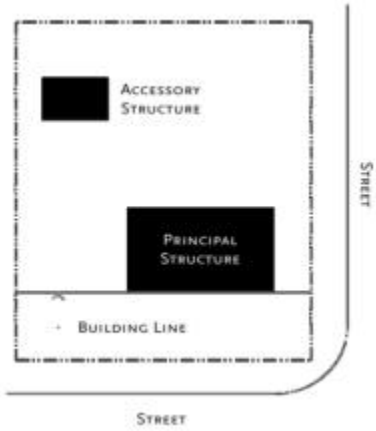
The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut/Abutting

Uses or parcels which directly touch. (Parcels across a public right-of-way would not be abutting, but would be adjacent.)

Access

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.



Accessory Dwelling Unit

A dwelling unit which is secondary to a principal dwelling unit which may be attached to the principal structure or freestanding.

[56] Definitions related to this Module 1 have been highlighted in yellow. All current GJMC code references have not been updated for those definitions that are not related Administration and Procedures, but will be in subsequent Modules.

Accessory Structure

A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land, and which is located on the same parcel of ground with the principal structure or use. (See graphic.)

Accessory Use

The use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

Addition

1. A structure added to the original structure at some time after certificate of occupancy has been issued for the original structure;
2. An extension or increase in floor area or height of a building or structure.

Adjacent

Property or use, any portion of which is within a 100-foot radius. Public right-of-way, easements, canals or waste ditches, and waterways are not counted when deciding if one property or use is adjacent to another.

Adjoin

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Decision

Any decision on an application made by an authorized City employee pursuant to this Code.

Adult Day Treatment Center

A facility for the care of adults who require nursing or physical assistance and/or supervision during the day by licensed caregivers and staff.

Adult Entertainment Establishments

See GJMC 21.04.030(b)(5)(i).

Adult Foster Home

A residence for the care of persons who are unable to live alone in safety.

Adult Material

See GJMC 21.04.030(b)(5)(ii).

Adverse Impact

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

Aggrieved Person

A person having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including, but not limited to, business, economic, aesthetic, governmental, recreational, or conservation interests.

Agri-business

A business and/or commercial use operated primarily for the support of agricultural needs. Such use may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

Agricultural Animals

The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

Agricultural Produce

Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Code.

Airport Environs

See GJMC 21.07.030.

Alcohol Beverage

Fermented malt beverage or malt, vinous, or spirituous liquors.

Alcohol Beverage Production

A premises in which alcohol beverages are produced for wholesale distribution and/or for on-site retail and consumption.

Alley

A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alterations

Any proposed modification to a designated historic site, structure or district which could have an effect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

Amateur Radio

Radio communications, which are licensed or regulated as such by the Federal Communications Commission, and are not subject to provisions of this Code.

Amortization

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal Care, Boarding, Sales

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility may offer incidental medical treatment.

Animal Clinic

A facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

Animal Hospital

A facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for the temporary boarding of animals.

Annexation

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna

Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Appeal

A request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Code or a request for a variance therefrom.

Applicant

Any person, firm, partnership, joint venture, association, corporation, group or organization applying for any permit, approval or decision governed or required by this Code. "Developer" or "subdivider" may be used interchangeably.

Application

A written request for any approval, permit, or action required by this Code. "Proposals" and "requests" are used interchangeably. An application is not complete until each requirement in this Code is met and all fees are paid.

Appurtenances

The visible, functional, or ornamental objects accessory to and part of buildings.

Area of Influence (Airport)

An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, vibrations, or by vehicular traffic associated with airport operations.

Area of Shallow Flooding

A designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard (Floodplain)

The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Automobile Sales Establishment and Lots

An open area used for the display, sale or rental of new and/or used motor vehicles.

Average

Unless specified otherwise, the arithmetic mean.

Avigation Easement

An easement that limits the construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, State, and federal laws (such as noise pollution laws), to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations. (See GJMC 21.07.030(g).)

B

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast

A house, or portion thereof, where short-term lodging rooms and meals are provided and where the operator of the house lives on the premises or in adjacent premises. A bed and breakfast is a type of short-term rental.

Berm

A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serve as a screen or bufferyard with landscaping (see GJMC 21.06.040(f)(2)). (See graphic.)

Block

A land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

Block Frontage

All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, waterway (wider than 30 feet), or end of a dead end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

Board

Unless otherwise indicated in the text, shall refer to the Zoning Board of Appeals.

Buffering

The process of creating transition between zones by use of open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

Bufferyard

A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas.

Building

Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure.)

Building Design Capacity

The maximum occupancy load of a building as provided by the most recent version of the International Building Code adopted by the City.

Building Envelope

The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

Building Façade

That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

Bulk Standard

A standard that applies to individual lots that control the placement, intensity and character of development, including, but not limited to, the amount of open space on the lot, the height of structures, setbacks from property lines and public rights-of-way, impervious coverage and density.

Business Residence

A single residential dwelling unit, accessory to and located within a structure primarily devoted to business or commercial uses (see GJMC 21.04.030(i)).

C

Caliper

The diameter of a tree trunk.

Campground, Overnight

A campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.

Campground, Recreational

A campground located in close proximity to natural recreational areas and/or opportunities providing an outdoor living environment.

Camping Guest

One or more persons assigned to a campsite.

Camping Unit

A self-propelled or towed recreational vehicle, other vehicle used for temporary human occupancy, or a cabin, tent or other type of shelter intended, designed or used for temporary human occupancy.

Dependent Camping Unit

A camping unit that has no toilet, sink or bathing facilities and is dependent upon a common building for these services.

Independent Camping Unit

A camping unit that has toilet, sink and bathing facilities requiring connection to a water and/or sanitary sewer system at the individual campsite.

Campsite

Any defined area which is used for overnight stays by an individual, a single camping family, group, or other similar entity.

Caretaker Dwelling

A dwelling used as the residence for the persons who administer, care for and maintain a particular community service or recreational use, which dwelling is located on the site of that use.

Carport

A roofed structure providing space for the storage of one or more motor vehicles and enclosed on not more than two sides by walls.

Centerline

The true centerline of a street right-of-way that has been fully dedicated to the required width according to the master street plan.

Certificate of Occupancy

Certificate of occupancy means as defined in the current International Building Code adopted by the City.

Change in Use or Change of Use

A change from one principal use of a building or land to another principal use of the building or land.

Channel

A natural or artificial low lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

City

The City of Grand Junction.

Civic Use

A municipal use that may include cultural, recreational, athletic, convention and entertainment facilities.

Clear zone (airport)

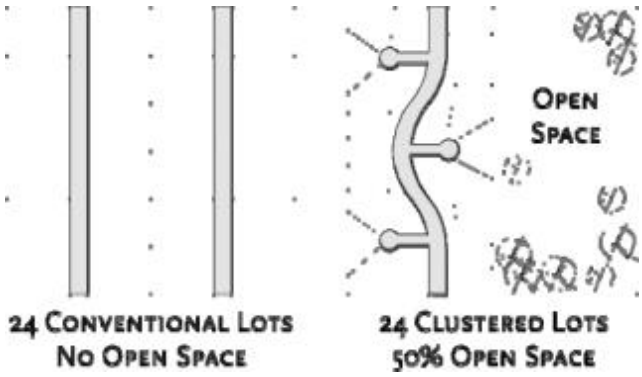
An area located directly off the end of an airport runway in which no above-ground construction or obstruction is permitted.

Cluster/Clustered

A development that complies with the requirements, rules and design guidelines set forth in GJMC 21.03.060.

Cluster Development

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas. (See graphic.)



Code

Unless otherwise specified, refers to the City of Grand Junction Zoning and Development Code, which is also referred to as GJMC Title 21.

Collector Street

Streets, as identified in the master street plan, which access neighborhoods and routes serving intra-city rather than intra-state travel.

Colocation

The location of wireless communications facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

Commercial Vehicles

All vehicles that require the issuance of any of the following license plates by the State of Colorado: passenger bus plates; GVW truck and GVW tractor plates; farm trucks and farm tractor plates; special mobile machinery plates/tabs; special use vehicle plates; light truck plates; but shall not include the following: any vehicle issued any of the above license plates that otherwise would be issued passenger plates or recreational truck plates by the State of Colorado were the vehicle not used for commercial purposes; any pickup truck issued light truck plates with bed rails no higher than 30 inches from the floor of the bed; any van issued light truck plates whose basic design could serve as a passenger van and be issued passenger plates.

Common Elements

Land amenities, certain areas of buildings, such as lobbies, corridors and hallways, central services and utilities and any other elements and facilities owned and used by all owners and designated in the master deed as common elements.

Common Open Space

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Community Corrections Facility

1. A facility providing residential or nonresidential services operated under the direction of a community corrections program, as defined by § 17-27-101 C.R.S. et seq.; or
2. A facility providing residential or nonresidential services substantially similar to that described in § 17-27-102(3) C.R.S., although not being administered pursuant to § 17-27-101 C.R.S. et seq., which is operated by a private individual, partnership, corporation or association. A community corrections facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to § 17-27-101 C.R.S., et seq. The applicant for a community corrections facility which is not administered pursuant to § 17-27-101 C.R.S. et seq. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered. A community corrections facility shall provide to the Director, upon request, evidence that the facility/program: is subject to "program audits" by the State, or an agent of the State; and is operating and has been operated in compliance with all applicable standards. "Offenders" means, for the purposes of this definition, persons accused or convicted of a felony, misdemeanor or other criminal offense.

Concealed or Stealth

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

Concentrated Fabrication (Light and Heavy Fabrication)

The manufacturing from standardized parts of a distinct object differing from the individual components.

Concept Plan

A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

Conditional Letter of Map Revision (CLOMR)

FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Conditional Use

A use identified by this Code which requires action by the Planning Commission or City Council after public hearings. A conditional use means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due

consideration, as provided for in GJMC 21.02.110, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

Condominium

As defined in § 38-33.3-103 C.R.S. or any successor statute.

Construction Plan

Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

Continuous Commercial Center

One structure with multiple separate uses.

Convalescent Home

A building where persons reside and are provided with medical care designed to restore them to health.

Convey

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

Counseling Center

A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an outpatient basis.

County

Mesa County

Courtyard

An open area, unobstructed from the ground to the sky, that is bounded on at least three sides by the exterior walls of one or more buildings.

Crematory

An establishment for burning the bodies of deceased people/animals.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Critical Zone (Airport)

A rectangular-shaped zone located directly off the end of a runway's primary surface, which is critical to aircraft operations.

Cul-de-sac

A dead end street terminating in a vehicular turn around area.

Cultural Facilities

Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest.

Curb Face

The vertical or shaped portion of a curb, facing the roadway, and designed to direct stormwaters.

D

Daycare

An establishment providing for the care, supervision, and protection of children or adults for less than 24 hours.

Day-night Sound Level (Ldn)

See GJMC 21.07.030.

Days

Unless otherwise indicated, calendar days, if the period of time referred to is more than 30 days. If the period of time referred to is less than 30 days, "days" means working days (days when the City is open for business).

Decorative Wall

masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinderblock wall.

Dedication

The transfer of property by the owner to another party.

Deed

A legal document conveying ownership of real property.

Default Standards or Default Zones

The underlying zone of a Planned Development (PD) zone district. The default zone shall be established with any PD zone. The standards for the default zone shall be used unless deviations were specifically approved within the PD zoning ordinance.

Development Impact Fee-Related Definitions

For purposes of GJMC 21.02.070, the following terms shall have the following meanings:

Impact Fee

A fee imposed on a development to help finance the cost of improvements or services.

Capital Facilities

Any improvement or facility that: (i) is directly related to any service that the City is authorized to provide; (ii) has an estimated useful life of five years or longer; and (iii) is required by the charter, ordinances or policy of the City pursuant to a resolution or ordinance.

Commencement of Impact-Generating Development

Commencement of impact-generating development occurs upon either:

1. The submittal of a complete application for the development of a nonresidential development or multifamily for-rent development for which construction commences on or before two years from the date of complete application submittal; or
2. Planning Clearance for residential uses intended for fee simple ownership such as single-family homes, townhomes or condominiums.

Complete Application

An application shall not be considered complete unless and until (i) all the required information and submittal materials required by all relevant City ordinances, resolutions, rules and regulations are submitted and received by the Director, and (ii) the Director has determined the application is complete. The decision of the Director with respect to completeness is final.

Development

Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for parks and recreation, fire, and police capital facilities.

Development Approval

Any final approval of an application for a rezoning, an approved planned development ordinance, conditional use permit, subdivision, development or site plan, planning clearance, or similar application for new construction.

Fee Payer

A person commencing impact-generating development who is obligated to pay an impact fee in accordance with the terms of GJMC 21.02.070.

Fee Schedule or Impact Fee Schedule

The impact fees for police, fire, parks and recreation, and transportation established by GJMC 21.02.070. The impact fee schedule is set forth in the fee schedule to GJMC 21.02.070 and is incorporated herein by reference.

Floor Area

The total finished square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages having no habitable area, uninhabitable areas that are located above the highest habitable level, or uninhabitable areas that are located below the first floor level.

Impact Fee Study

The study entitled "City of Grand Junction, Colorado 2019 Impact Fee Study," prepared by TischlerBise dated August 8, 2019 and/or the study entitled "Transportation Impact Fee Study" by Duncan Associates dated November 2019 with Minor Revisions February 28, 2019.

Independent Fee Calculation Study

A study prepared by a fee payer, calculating the cost of parks and recreation capital facilities, fire capital facilities, and police capital facilities required to serve the fee payer's proposed development, that is performed on an average cost (not marginal cost) methodology, uses the level of service standards, service units and unit construction costs stated in the impact fee study, and is performed in compliance with any criteria for such studies established by GJMC 21.02.070.

Level of Service (LOS)

A measure of the relationship between service capacity and service demand for capital facilities.

Planning Clearance

A Planning Clearance issued by the Director permitting the construction of a building or structure within the City of Grand Junction.

Successor-in-Interest

A person, as defined by GJMC 21.02.070, who is conveyed a fee simple interest in land for which an impact fee is paid or a credit is approved pursuant to the terms of GJMC 21.02.070.

Transportation Capital Facilities

Site-related improvements such as minimum street improvements, local street improvements and safety improvements shall not constitute transportation capital facilities.

Density

The number of dwelling units per acre of land.

Density, Maximum

Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time an application is filed. The "gross residential density" is calculated the same as maximum residential density. See GJMC 21.03.030(j).

Density, Minimum

This calculation shall apply to the term "net minimum residential density" as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. See GJMC 21.03.030(j).

Department

The Grand Junction Public Works and Planning Department.

Desert Landscaping

The use of landscaping materials, both vegetative and nonvegetative, which are native to an arid or semiarid climate. (See Water wise.)

Developer

A person, firm, partnership, joint venture, association, corporation, group or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development

All property adjacent or abutting, whether or not to be then planned or developed, owned by the same owner. Includes any of the following: the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any Planned Development. Development does not include movement of earth associated with crops and/or farming or landscaping.

Development Schedule/Phasing Schedule

Regulating the rate and geographic sequence of development so as to ensure that each phase can stand on its own in terms of circulation, utilities, and so on, in the event subsequent phases are delayed or cancelled.

DIA

Development Improvements Agreement.

Director

The administrator of the Code shall be the Director of the Grand Junction Public Works and Planning Department and/or designated staff.

Disposition

A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

District

See “zone”.

Drinking Establishment

A premises used for the sale or dispensing of alcohol beverages for on-site consumption including uses such as bars, nightclubs, and taverns.

Drive-in

Facilities customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

Driveway

A private roadway providing access to a street or highway, excluding the sidewalk when parking vehicles in the driveway.

Dwelling Unit

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, Multifamily

A building arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same or separate lots.

Dwelling, Single-Family, Detached

A single-family dwelling which is not attached to any other dwelling or building by any means, on a single lot.

Dwelling, Two-Family

A building containing two single-family dwelling units on the same lot and separated by an unpierced common wall extending from ground to roof; or a single-family dwelling attached to only one other single-family dwelling unit by a common wall, with each dwelling located on separate lots.

E

Easement

An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

Elderly or Disabled Persons Housing, Dependent

Dwellings for long-term accommodation of persons who for any reason require on-going medical supervision or assistance with normal daily functions of living.

Elderly or disabled persons housing, independent means dwellings for long-term accommodation of elderly or disabled persons who do not require regular medical supervision or assistance with normal daily functions of living.

Elderly or Disabled Persons Housing, Semi-Independent

Dwellings for long-term accommodation of elderly or disabled persons who require periodic, but not daily, supervision or assistance with normal daily functions of living.

Eminent Domain

The authority to acquire or take, or to authorize the taking of, private property for the public use or public purpose.

Engineer

An engineer licensed by the Colorado Board of Registration.

Equipment

Rolling stock or movable personal property except that, for the purpose of this Code, it shall not include those items defined as heavy equipment.

Evergreen

A plant with foliage that remains green year-round.

Evidence

Any map, table, chart, contract or other document or testimony prepared or certified which is offered by a person to establish a claim, condition or assertion.

Exaction

Contributions or payments required as an authorized recondition for receiving a development permit.

Existing Manufactured Home Park or Subdivision

A manufactured home park for which the construction of facilities serving the lots on which the manufactured homes are to be affixed are completed before the Effective Date. See GJMC 21.04.030(f).

Exotic animals

Those animals not defined as household pets or agricultural animals.

Expansion of Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extractive Uses

Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

F

F.A.A.

The Federal Aviation Administration.

Façade

The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family

Any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption.

Family Foster Home

A home which receives children for regular full-time care in a family home.

Farm and Ranch Structures and Uses

Those structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit.

Farmers' Market

A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers' market differs from a produce stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.)

Feed Lot

An area which is used for custom feeding of livestock where the owners of said livestock pay for yardage, feed and feed processing.

FEMA

The Federal Emergency Management Agency.

Fence

An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls interior to the property, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

Fenestration

The arrangement of windows and other exterior openings on a building.

F.I.A.

The Flood Insurance Administration.

Final Plat

A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to GJMC 21.02.070(s).

Fire Flow Survey

A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes in accordance with the requirements of the City Fire Department.

Five-hundred-year (500-year) Flood

A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood).

Five-hundred-year (500-year) Floodplain

An area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Flashing Sign

A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

Flea Market

A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, garage sales or fund-raising activities done by a nonprofit organization.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Fringe District

That area within a 100-year floodplain where the flood waters are relatively shallow, and move at velocities from one to four feet per second. (See graphic.)

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Flood Insurance Study

The official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain

An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark. (See graphic.)

Floodplain Development

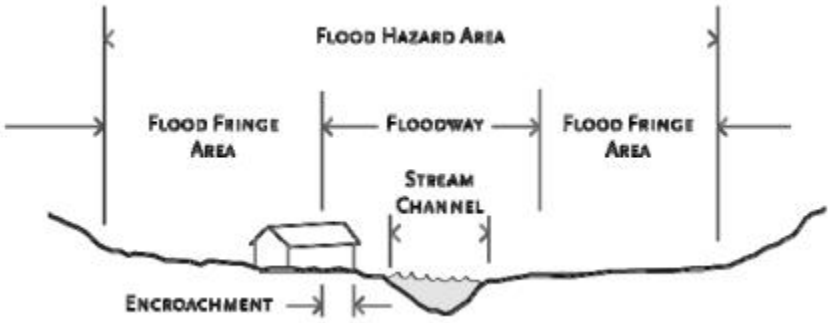
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (See graphic.)

Flood Profile

Hydrological conclusions based upon historical facts and engineering principles represented graphically showing the relationship of the water surface elevation during a 100-year flood to the channel and adjacent topography.

Flood Prone Area

An area near a watercourse which is subject to flooding during a 100-year flood based on historical information, topography, vegetation and other indicators, but where the precise dimensions of a 100-year floodplain have not been delineated by Federal Emergency Management Agency studies. (See graphic.)



Floodproofing

A combination of provisions, changes or adjustments to structures and movable objects or to surrounding areas, primarily for the reduction or elimination of flood damage.

Flood Regulatory Area

That portion of the floodplain which is subject to inundation by a 100-year flood. This area may be divided into the floodway district and the flood fringe district. (See graphic.)

Floodway

The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more

than a designated height. The Colorado Statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic above.)

Foster Child

A child who receives regular full-time care by a family in a family home.

Foster Family

A family that provides regular full-time care to a foster child in the family home.

Foster Parent

An adult who provides regular full-time care to a foster child in the family home.

Fraternity or Sorority

A place of residence other than a hotel, rooming or boarding house or dormitory that is operated by a nationally or locally chartered membership organization and is used, occupied and maintained as living and dining quarters for its members who are enrolled in an accredited college or university or other accredited educational institution and which is recognized and subject to controls by such educational institution.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Frontage

The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

Front Lot Line

The property line dividing a lot from a road right-of-way.

Full Cutoff Light Fixture

A light fixture in which no more than two and one-half percent of its total output is emitted above 90 degrees from the vertical pole or building wall on which it is mounted.

Funeral Home/Mortuary

An establishment with facilities for the preparation of the dead for burial or interment, including cremation, for the viewing of the body, and for funeral services.

G

Garage, Public

A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Gasoline Service Station

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

Geologic Hazard Area

An area identified by a qualified State or federal government agency as containing or being directly affected by a geologic hazard.

Grade

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, the point between the building and a line five feet from the building.

Grade, Finished

The level of the soil after completion of site development.

Grade, Natural

The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.).

Grand Junction Circulation Plan (formerly known as Major Street Plan and Grand Valley Circulation Plan)

A plan or plans showing the location of right-of-way which will be developed and for which development and uses must accommodate. Plans for areas smaller than the entire City are still "Grand Valley Circulation Plans or Major Street Plans." The City relies on the authority in Title 31 C.R.S. in addition to its other powers and authority.

Granny Flat, Elder Cottage and Accessory Apartment

A separate, self-contained living unit placed on the same parcel as and adjacent to the existing primary residence as a dwelling unit for a relative who is either over the age of 60 years or has a disability requiring an assisted, but independent, living arrangement. This definition also shall include an accessory apartment that is built onto or into an existing single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom and separate entrance.

Greenhouse

See Nursery-greenhouse.

Gross Acre

A full acre of land prior to subdivision and prior to dedication of any required rights-of-way or easements.

Gross Acreage

The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing rights-of-way dedicated prior to January 1, 1995.

Gross Floor Area (GFA)

The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet.

Gross Leasable Area (GLA)

The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet.

Ground Cover

Grass or other plants and landscaping grown to keep soil from being blown or washed away.

Ground Subsidence

A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

Ground Story

The story closest to and above grade along the street.

Ground Water

Subsurface water within and below the zone of continuous saturation.

Group Living Facility, Large

A group living facility with 10 to 16 residents.

Group Living Facility, Small

A group living facility with up to nine residents.

Group living Facility, Unlimited

A group living facility with 17 or more residents.

Group Living, Other

Housing where unrelated persons live together in a single dwelling unit in a multi-unit complex with common access to and common use of some living and eating areas and areas and facilities for the preparation and serving of food within the dwelling unit; and may include, by way of example and not limitation, dormitory style living.

Guest Ranch

A working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on, or adjacent to, the ranch.

H

Hardscape

Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e., benches, tables, play equipment, walking or bike paths).

Hazard Prone Area

An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the City.

Hazardous Substance

Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Headwater

The source of a stream or river.

Health Club

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health Department

The Mesa County Health Department.

Heavy Equipment

Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

Hedge Vegetation

A plant from the list approved by the City Forester which will grow, with regular trimming, to a height of four to six feet maximum. At planting, the hedge shall be at least one foot high.

Height of Structure

The vertical distance from the grade to the highest point of any portion of a structure. See GJMC 21.03.030(f).

Helipad

A facility without the logistical support provided by a heliport (see heliport) where helicopters takeoff and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

Heliport

An area providing an area for the takeoff and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

High Water Mark

The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

Hillside Disturbance

Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

Homeless Shelter

A structure or portion thereof in which sleeping accommodations are provided for the homeless for less than six months. A homeless shelter shall be classified as "lodging."

Home occupation means a business activity conducted as an accessory use to a dwelling unit. See GJMC 21.04.040(g).

Homeowners' Association

A formally constituted nonprofit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, open space and similar shared facilities.

Hospital

Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities and convalescent homes.

Household or Household Living

A family, or a group of not more than four unrelated persons, living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Household Pets

Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g., parakeets, parrots), rodents (e.g., mice, rats), and reptiles (nonpoisonous snakes, lizards).

I

Impervious Surface

Any material that prevents absorption of stormwater into the ground.

Impound Lot

A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to § 40-13-101 C.R.S. et seq., in which lot no vehicle dismantling or repair work occurs.

Improvements

Right-of-way pavements, curbs, gutters, sidewalks, paths, trails, bikeways, sedimentation control facilities, revegetation, landscaping, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Code or the conditions of approval.

Infill Development

The development of new housing or other buildings on scattered sites in a built-up area.

Infrastructure

Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Integral Units

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc., or, in the case of salvage or junkyards, shelving or other storage units, not to exceed 20 feet in height, which are used to store and display salvage items.

Irrigation or Irrigate

Use of water, whether or not potable, to sustain or grow landscaping or flora.

J

Junk

Ferrous or nonferrous metals, wood or wood products, appliances not used for their intended purposes, rubber or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles, trash or similar materials. The term junk excludes outside storage permitted as an accessory use under the provisions of GJMC 21.04.040.

Junk Vehicle

Any motor vehicle, trailer, or semitrailer, as those terms are defined by § 42-1-102 C.R.S. that: is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train, are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle,

trailer, or semitrailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than 60 days. (Note: The owner or possessor of such a motor vehicle, trailer, or semitrailer may rebut such a presumption by providing proof of current registration or licensing (see Motor vehicle repair shop).)

Junkyard means any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. Junkyards include, but are not limited to, wrecking yards, salvage yards and automobile impoundment areas where stored vehicles are inoperative or unlicensed. Junkyards do not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

Jurisdiction

The sphere of responsibility of the Grand Junction City Council or a political subdivision of the State.

K

L

Land Use

A list of uses within categories enumerated in this Code for various uses of land in the City.

Land reclamation

Increasing land use capability by changing the land's character or environment through drainage and/or fill.

Landlocked Parcel

A parcel of land without access of record with the County Clerk and Recorder.

Landscape

An area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

Lateral Sewer

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

Ldn Contour

See GJMC 21.07.030.

Leasehold Interest

A contractual agreement for a possessory estate for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

Lighting

An artificial supply of light or the apparatus providing it.

Loading Space

An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

Local Road or Street

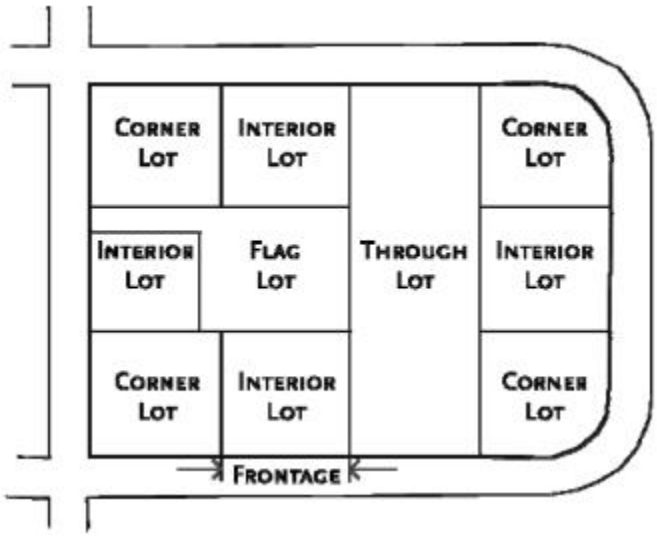
A street that provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

Lodge

A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and/or opportunities.

Lot

A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building or building and open space. Streets are not included in this definition. (See graphic.)



Lot Area

The area of the lot shall be the horizontal area of the lot and shall not include portions of streets and alleys.

Lot, Corner

A lot abutting upon two or more intersecting streets. (See graphic.)

Lot Coverage

That area of the lot or parcel which may be occupied by principal and accessory structures.

Lot Depth

The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

Lot, Double Frontage (Through Lot)

An interior lot having frontage on two nonintersecting streets.

Lot, Flag

A lot having no frontage or access to a street or place except by a narrow strip of land.

Lot frontage

The distance for which a lot abuts on a street.

Lot, Interior

A lot whose side lines do not abut on any street.

Lot Line

A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Width

The horizontal distance measured at the front yard setback line between side property lines measured parallel to the street, said property lines or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

Low Traffic Storage Yard

An enclosed outdoor storage area generating less than 30 average daily trips (30 ADT).

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Code.

M

Machine Shop

A structure containing machinery for the manufacture, modification or repair of metal goods and motor vehicle equipment. This use does not include the dismantling of motor vehicle parts and equipment.

Maintain

To use, to keep in existence. To continue upkeep is not required to meet the definition of "maintain."

Major Shopping Center

A group of retail and service establishments which are planned and managed as a total entity, and which includes more than 250,000 square feet of gross leasable floor area.

Major Subdivision

A subdivision consisting of two or more proposed new lots.

Manufactured Home

Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401 et seq.), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

Manufactured Home Park

A parcel of land used for the continuous accommodation of five or more occupied manufactured homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured home park does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

Manufactured Home Subdivision

A parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

Manufactured Housing

A manufactured structure designed for residential occupancy that conforms to all applicable federal construction and safety standards certifications (42 U.S.C. Section 5401 et seq.). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

Master Plan

A long-range plan for major institutional and civic facilities that considers community benefits and impacts.

Material Safety Data Sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Medical Treatment

Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

Membership Club

An organization with established formal membership requirements, bylaws and objectives, but not including groups organized primarily to provide profit for the club or any of its members.

Mini-warehouse

A structure or group of structures containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

Minor Arterial

A street, as identified in the Grand Junction Circulation Plan, which has a relatively high overall travel speed, with minimal interference and which interconnects with the principal arterial system.

Mitigation

Methods used to alleviate or lessen the impact of development.

Mobile Food Vendor

A readily movable, motorized wheeled vehicle or towed wheeled vehicle that is equipped to prepare, or serve, and sell or dispense food and is registered with a department/division of motor vehicles.

Mobile Food Vendor Court

Three or more mobile food vendors on the same property.

Mobile home

A single-family dwelling, factory-built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Section 5401 et seq., 1978, as amended).

Motor Home

A vehicular designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

Motor Vehicle Repair Shop

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in § 42-1-102 C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

Mudflow

A flowing mass of predominantly fine grained earth material possessing a high degree of fluidity during movement.

Mulch

Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention and weed prevention.

Municipality

An incorporated city or town.

N

Natural Hazard

A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

Natural Resource

Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to, soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

Neighborhood

An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers. (Note: Historically, the neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve neighborhood residents. While the description is probably dated, the neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, neighborhoods are recognized as fostering community spirit and a sense of place, factors recognized as important in community planning.) Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

Neighborhood Association

Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.

Neighboring

Any first or second lot in either direction along the same side of the street from the subject lot, or any lot that fronts directly across from the subject lot or first or second lot adjacent thereto.

Net Floor Area

The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, etc.

New Construction

For purposes of GJMC 21.07.010, Flood damage prevention, structures for which the "start of construction" commenced on or after the Effective Date of the ordinance enacting GJMC 21.07.010, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the Effective Date of the ordinance enacting GJMC 21.07.010, Flood damage prevention.

Node

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

Nonconforming

A legal use, structure, and/or development which existed prior to the adoption of this Code or any amendment thereto, which does not presently conform to this Code or its amendments.

Nonconforming Structure or Building

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use

A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonprofit

Organizations having 501(c)(3) filing status with the Internal Revenue Service.

No-rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

Notice

The method of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application, step and other factors.

Nursery

A place where plants are raised, acquired, and maintained for transplanting or sale.

Nursery, Greenhouse/Landscaping materials

A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

Nursery, School/Preschool/Day Care

A school and/or care facility which is licensed by the State and is maintained for the whole, or part of, the day for more than six children.

Nursing Home

An establishment licensed by the State which maintains and operates, for compensation, continuous day and night facilities providing room and board, personal services, and medical care for two or more persons not related to the operator of the home.

O

Obstruction (Floodplains)

A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

Off-site Improvement

Improvements required to be made off site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities and traffic improvements.

Off-site Parking

Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

Off-street Parking Space

The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

One-hundred-year (100-year) Flood

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood).

One-hundred-year (100-year) Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board.

Open Mining

The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

Open Space

Any property or portion without any structure or impervious surface and not designated and used for a specific purpose.

Open Space, Common

Open space within a development that is owned in common by a homeowners' association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas used for streets, alleys, driveways or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts and other recreation facilities may be counted as common open space.

Open Space Fee

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of open space.

Other Animals

Those animals not already defined as household pets or agricultural animals.

Outdoor Cultural Events

Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

Outdoor Living Area

Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75 percent coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

Outdoor Storage

The keeping, in an unenclosed area, unscreened, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. See GJMC 21.04.040(h).

Outline Development Plan (ODP)

An ODP is required for a Planned Development. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan in addition to the approval criteria in GJMC 21.02.150(b)(2).

Overburden

All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other development.

Overflow Parking

Any off-street, ground level open area used for the temporary storage of excess motor vehicles.

Overlay District

A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application for development.

Owner

An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

P

Parcel

An area of land defined by a legal description and recorded with the County Clerk and Recorder.

Park Impact Fee

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of park facilities.

Parking Garage

An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

Parkway Strip

The undeveloped portion of right-of-way between the back of curb and the detached sidewalk.

Pedestrian Right-of-way

A right-of-way or easement dedicated for public pedestrian access.

Persigo Agreement

The agreement between the City of Grand Junction and Mesa County, signed on October 13, 1998, setting forth the agreed upon boundaries of the 201 Sewer District and how development and annexation shall occur within those boundaries.

Person

Natural persons as well as any other entity recognized by law, including: association, partnership, corporation, and joint venture, whether for-profit or nonprofit.

Pervious Surface

Any material that permits full or partial absorption of stormwater into previously unimproved land.

Petitioner

An applicant.

Pharmacy

A building, or part of a building, used for the dispensing of medicines or medical supplies only.

Phasing

Development undertaken in a logical time and geographical sequence.

Planned development (PD)

An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.

Planning Clearance

A permit that allows development to proceed, a use to be made or maintained or improvements, including structures to be built.

Planning Commission

The City of Grand Junction's Planning Commission. Also referred to as Commission.

Plat

A map approved by the City which creates lots or tracts and is recorded, surveyed and legally described land, having appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.

Preliminary Plan

The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.

Preliminary Subdivision Plan

A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

Principal Arterial

A street, as identified in the Grand Junction Circulation Plan, which provides a network of continuous routes serving intrastate and interstate travel as well as interurban and intraurban travel.

Principal Structure

The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

Principal Use

The main or primary use of a parcel of land.

Private

Anything not owned or operated by the federal government, State government, or any political subdivision.

Produce Stand

A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site. (See also Farmers' market.)

Professional Office

An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

Projection

The distance by which a sign extends over public property.

Property

A lot, parcel, tract or other real estate. Separate parcels, lots, tracts and/or other real estate which are under the same ownership and which adjoin or abut are, for the purposes of this Code, treated as one lot, parcel or tract or other real estate, even if classified as different tax parcels and even if separated by a right-of-way, watercourse or similar barrier.

Public

Anything owned or operated by the federal government, State government, or any political subdivision.

Public Building

Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

Public Hearing

A public meeting for which public notice has been given and an opportunity for public testimony is provided.

Public Land for Dedication and Ownership

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

Public Meeting

A meeting of a board, Planning Commission, City Council or their representatives where the public may attend.

Public Notice

Notice to the public of a public hearing or meeting as required by State or local law. See GJMC 21.02.070(a)(3) and 21.02.080(g).

Public Right-of-way

Any street, road, highway, alley, pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Public Trail

Any pathway designed for public recreation.

Public Use

A use which is owned by, and operated for, the public by a public entity.

Public Use Heliport

A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

Q

R

Reclamation

Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

Recorded/Record

A document filed with and indexed by the Mesa County Clerk and Recorder.

Recreation, Active

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

Recreation, Passive

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

Recreational Vehicle

All vehicles, with or without motive power, designed, converted or used to provide temporary living quarters that include four or more of the following permanently installed facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, potable water supply system including faucet and sink, separate 110 to 125 volt electrical power supply and/or LP gas supply. Recreational vehicles shall also include the following: all watercraft subject to registration by the State of Colorado, all motorcycles, mini bikes, all-terrain vehicles (ATVs), go-carts and similar vehicles with motive power that are prohibited from operating on a public street by the State of Colorado. All other vehicles and crafts designed to carry one or more adults used primarily for recreational purposes that are prohibited from operating on a public street by the State of Colorado, all trailers designed or used to carry any recreational vehicle described herein.

For the purposes of this Code, an empty trailer or a recreational vehicle not on a trailer shall each be counted as one recreational vehicle. However, a trailer carrying one or more recreational vehicles shall together be counted as one recreational vehicle. Also includes a semi-trailer, loaded or unloaded, utility trailers, loaded or unloaded, or any other type or use of a trailer.

Recreational Vehicle Park

Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two or more recreational vehicles.

Recreational Vehicle Resort

An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.

Recreational Vehicle Space

A parcel of land within an approved recreational vehicle park, shown in the records of the City of Grand Junction Community Development Department, and which was designed and intended for the accommodation of one recreational vehicle.

Recycling Center/Facility

A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

Regulation

An applicable provision of this Code or any other requirement promulgated under this Code or the code of ordinances.

Rental, Heavy Equipment

The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

Rental, Home Oriented

A business providing items for rent which are generally found or used in and around the home including, but not limited to, furniture, appliances and small equipment, but not including heavy equipment.

Request

A writing seeking a planning clearance. This is the same as an application.

Required Public Facilities

Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

Residence

A home, abode, or place where an individual is actually living at a specified point in time.

Residential Care Facilities

A home for no more than eight developmentally disabled residents as defined by the State Department of Health.

Residential Group Homes

A facility which is licensed by the State to provide supervised living quarters for no more than eight persons who are developmentally disabled or recovering from a medical condition, but not including persons who have been convicted and are under a court's supervision for any violent crime.

Residential Receiving Home

A residential structure housing not more than 10 children up to 18 years, unrelated by blood, marriage, or adoption to head of household, who are awaiting disposition to foster homes or other accommodations.

Restaurant

An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating areas.

Resubdivision

The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

Retaining Wall

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

Revision

The changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approvals, may be that which was applied previously to the property or may be a new and/or different zoning or other land use status.

Revocable Permit

A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction in, or use of, a public right-of-way and revocable after 30 days' notice.

Ridgeline

The highest elevation of a mountain chain or line of hills; the intersection of two roof surfaces forming the highest horizontal line of the roof.

Right-of-way

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

Roadway

The improved portion of a street within a right-of-way and/or easement.

Roof Line

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

Rooming/Boarding House

A building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value. A rooming/boarding house differs from a group living facility in that a boarding and rooming house does not have staff and its residents do not receive care, treatment or assistance with daily living at the facility. For purposes of this definition, receiving compensation in the form of rent or "room and board" does not render someone "staff"; staff is compensated by a salary or rate of pay based upon hours worked or work accomplished.

Rubbish

Rubbish includes but is not limited to food waste, ashes and other solid, semisolid and liquid waste, by-products and generally decomposable residue taken from residences, commercial establishments and institutions. Rubbish may also be known as/referred to as "garbage," "trash," or "waste" as those terms are used and/or defined in this Code or any other City code, law, rule or regulation.

S

Sanitary Facility

A facility providing a toilet and washbasin that may or may not be connected to a central sanitary sewer system.

Satellite Dish

An antenna, consisting of radiation elements that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

Screening

Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See GJMC 21.06.040, Landscape, buffering and screening standards.)

Secure Facilities

As defined by § 19-1-103 C.R.S., as amended.

Secured/Security

Cash, letter of credit or other readily available source of money, pursuant to GJMC 21.02.070(m).

Seismic Effects

Direct and indirect effects caused by an earthquake or manmade phenomena.

Service Club

A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

Service Lines

Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

Service Yard and/or Entrance

An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets.

Setback

The minimum distance between a structure and a property line of a parcel of land or other established reference point.

Short-term Rental

A type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 30 consecutive days.

Shrub

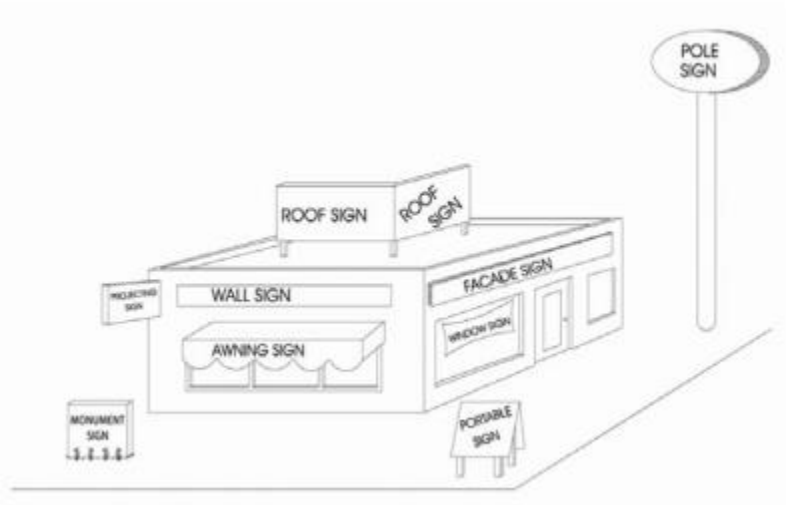
A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Sight Distance Triangle

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign

Any device, fixture, placard, structure, painted surface, or part thereof that uses any color, word, written representation, graphic symbol, logo, letters, illumination, numbers, or writing to advertise, announce or identify the purpose of, a person or entity, to advertise or merchandise a product or service, or to communicate written information to the public. (See graphic.)



Sign, Awning

A sign that is mounted, painted or attached to an awning.

Sign, Monument

A sign other than a pole sign in which the entire bottom is in contact with, or is close to, the ground and is independent of any other structure.

Sign, Façade

A sign painted on a wall of a building with or without a background. A facade sign shall not project from the building on which it is painted.

Sign, Flush Wall

A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than 12 inches from the building face. (See graphic above.)

Sign, Freestanding

A sign structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground. (See graphic above.)

Sign, Illegal

A sign which is in violation of the requirements of this Code except for those signs qualifying as nonconforming (see sign regulations, GJMC 21.06.070).

Sign, Integral

A sign that is carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

Sign, Permanent

A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

Sign, Portable

A sign which is not permanently attached to the ground or a structure. A sign that is mounted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign. (See graphic above.)

Sign, projecting

A sign attached to a structure wall and extending outward from the wall more than 12 inches. (See graphic above.)

Sign, Roof Top

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof. (See graphic above.)

Sign, Wind Driven

One or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of Sign).

Sign Without Backing

Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.

Significant Landscape Feature

Any outstanding natural element, including, but not limited to, vegetation, rock outcrops, and prominent landforms.

Single-Family Residence

A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one family. (See Family.)

Site Plan

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers, and screening devices, surrounding

development, and any other information that reasonably may be required in order that an informed decision can be made by the approval authority.

Special Flood Hazard Area

The land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

SSID

Submittal Standards for Improvements and Development as adopted by the City of Grand Junction.

Staff

The staff of the Grand Junction Public Works and Planning Department.

Start of Construction

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The "actual start" means the first placement of a permanently constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stealth or Concealed

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower, such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

Storage

Primarily for vehicles when in transit or being worked on. Also the temporary storage of goods and equipment.

Street

Any public or private roadway, but not an alley.

Street, Primary

The principal frontage for a building site, as defined during site plan review.

Street, Side

The frontage that is not a primary street, as defined during site plan review.

Streetscape

The landscaping and other manmade objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.

Structure

Anything constructed or erected which requires location on or in the ground, or is attached to something having a location on the ground or anything as defined by the International Building Code. Structures do not include ditches and their appurtenances, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on grade slabs, walks, driveways, landscaping materials or fences, except that fences in excess of six feet shall be considered a structure. (See also Building.)

Subcommunity

A node.

Subdivision

The division of land into two or more parcels, separate interests including condominium(s) and leasehold interest(s), or interests in common, unless exempted of this Code. (See GJMC 21.02.070(q).) Unless the method of disposition is adopted for the purpose of evading any provision or purpose of this Code, the term "subdivision" shall not apply to any division of land:

1. Which is created by order of any court in this State, but only if the City Attorney has received sufficient notice of the proposed order so that the City may object thereto, as its interests may dictate;
2. Which is created by a lien, mortgage, deed of trust, or any other security instrument which became effective prior to June 1, 1989;
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity which became effective prior to June 1, 1989;
4. Which creates cemetery lots;
5. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; or
6. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, so long as any partition so that the City may object thereto, as its interests may dictate; any such interest shall be deemed, for the purposes of this Code, as only one interest.

Substantial Damage

Damage to a structure from one event not due to the knowing act of the owner such that the cost to restore the damage is 50 percent or more of the fair market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, which costs 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

1. Any improvement of a structure to correct existing violations of any code which the local code enforcement official determines and are necessary to make the structure safe or habitable; or
2. Any alteration of a "historic structure," if the alteration shall not preclude the structure's continued designation as a "historic structure."

Surveyor

A land surveyor registered by the State of Colorado.

SWMM

The Stormwater Management Manual (GJMC Title 28) as adopted by the City.

T

TEDS

The Transportation and Engineering Design Standards (GJMC Title 29) as adopted by the City.

Telecommunications Facilities

Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.

Temporary Use or Structure

Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter 21.04 GJMC, typically for four months or less.

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Tip Out or Slide Out

A recreational vehicle component which is within the main structure of the recreational vehicle while traveling and either tips or slides out when used as a living area. A tip out or slide out shall be structurally supported directly to the ground.

Tower

A self-supporting latticed, guyed or monopole structure constructed from grade which supports a telecommunications facility. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

Traffic

As calculated by the Director, according to National or other Director approved objective standards, such as the Institute of Traffic Engineers publications. If an applicant provides proof that actual traffic will be different, the Director may vary from the approved standards.

Transient

Housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to, hotels, motels and travel lodges.

Transit Operator

The person or entity authorized to operate a transit system pursuant to either a revocable permit or a license; such person or entity may also be termed “permittee.”

Transmission Lines

Electric lines (115 KV and over) and appurtenant facilities; or pipelines/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

Travel Trailer

A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet in width and/or 40 feet in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

Tree

A woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.

Tree, Deciduous

Plants that drop their foliage annually before becoming dormant.

Truck Camper

A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

Truck Parking Area

An area for the parking of trucks, which is often left with either their motors running and/or their refrigerator unit motors operating.

201 Planning Area

A regional plan for sewage collection and treatment to prevent pollution of the State’s waters; the boundaries are defined by the official map, a copy of which is kept by the Director.

U

Underground Pressurized Irrigation System

A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that 100 percent irrigation water coverage is provided.

Unoccupied

A dwelling in which no individual resides or a public, commercial, or industrial building, where no storage or use of equipment, merchandise, or machinery is kept for a period of time.

Urban Area

The definite boundary inside which the only development will occur by annexing to the City. See 1998 Persigo City/County Agreement.

Use

The purpose for which land or a structure is designed, arranged, intended or occupied.

Use, Interim

The type of buildings and activities existing in an area, or on a specific site or parcel, for an interim period of time. Such interim use shall not hinder the ability to redevelop the site or parcel at the density or intensity envisioned by the Comprehensive Plan. The scope and duration of an interim use shall be determined by Special Dimensional Permit and approved by the City Council.

Utilities

Any agency that provides essential or basic services and facilities such as electricity, gas, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, television, telecommunications, telephone, railway, etc.

Utility Structures

Electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

V

Variance

A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

Vested Right

A right that cannot be changed or altered by changes in regulation.

W

Wall

3. The vertical exterior surface of a building;

[1] Current 21.01.060.

4. A vertical architectural partition used to divide, separate or enclose an outside area, a masonry fence (see definition of "fence").

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Wise

Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.

Watercourse

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and bank and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wildlife Habitat Resource Area

A geographical area identified by a State or federal agency that contains elements of food, water, cover, or space, alone or in combination, which are adequate to support a rare, threatened or endangered species for at least a portion of a year.

Working Day

A business day; those days the Public Works and Planning Department are open to the public for business. Holidays, Saturdays and Sundays are not working days.

X

Y

Yard

An existing or required open space on a parcel with a principal structure. A yard shall be open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Code.

Yard, Front

A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For flag lots, see Yard, side.) (See GJMC 21.03.030, Measurements.)

Yard, Rear

A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. (See GJMC 21.03.030, Measurements.)

Yard Setback

The minimum horizontal distance between any building and the property line.

Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flagpole portion of the lot exceeds the front yard setback. (See GJMC 21.03.030, Measurements.)

Yard, Side Setback

The minimum horizontal distance between any building and the side property line.

Z

Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building sides rests directly on a lot line.

Zone District

A mapped area with a particular set of rules and regulations which limits the types of uses. See GJMC 21.03.020(c) and 21.04.010. “Zone” is the same as “district.”