

Public Hearing March 20, 2024

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING WITHDRAWN APPLICATIONS, PUBLIC NOTICE REQUIREMENTS, PLANNED DEVELOPMENTS, ADDING A USE FOR PUBLIC PARKING, ACCESSORY DWELLING UNIT (ADU) STANDARDS, DRIVE-THROUGH FACILITY STANDARDS, AND FENCE STANDARDS

Recitals

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

When the Zoning & Development Code was repealed and replaced on December 20, 2023, it was anticipated that there would be necessary revisions to provide clarity and alleviate practical issues with implementation. Staff has identified several items that were amended which inadvertently conflict with standard practice or could use additional clarification. The amendments address seven different sections within the 2023 Zoning & Development Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the Zoning & Development Code implement the vision and goals of the Comprehensive Plan and that the amendments provided in this Ordinance are responsive to the community's desires, encourage orderly development of real property in the City, and otherwise advance and protect the public health, safety, and welfare of the City and its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following sections of the zoning and development code (Title 21 of the Grand Junction Municipal Code) are amended as follows (deletions struck through, added language underlined):

21.02.030 COMMONLY APPLICABLE PROCEDURES

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(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(1) Withdrawn Application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. After such withdrawal, no further City action on the application shall take place.

(ii) Fees will not be refunded for a withdrawn application.

(iii) For any application requiring a public hearing, the applicant may request in writing that the application be withdrawn before the hearing is opened. An applicant may ask to withdraw after the hearing is opened, but the decision-making body will decide whether or not to approve the request.

~~(B) A rezone application may be withdrawn at any time prior to the publication of the legal advertisement for the first public hearing. 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, a 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 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.~~

Public Hearing March 20, 2024

(g) Public Notice and Public Hearing Requirements

(3) Public Notice

(iii) Content

(A) Required notices, except for property signs, whether by publication or written, shall meet the general requirements of notice provided by the City and provide the following information:

(A) 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) b. Date, time, and place of the public hearing;

(C) 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) d. Notification about where the public may view the application; and

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

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

(B) Property signs shall include the following information:

a. Application Number

b. City website

c. City phone number

(vi) Mailed Notice

(C) All mailed notices must be sent at least 10 days before a public hearing or within 15 business days from receipt of a complete application for administrative applications.

(vii) Property Sign

Public Hearing March 20, 2024

(A) The City shall prepare and the applicant shall post signs giving notice of the application. At least one sign shall be posted on each street frontage of the property.

(B) For administrative applications, signs shall be posted as follows:

- a. Each sign shall be posted within 15 business days from receipt of a complete application.
- b. The applicant shall maintain the sign on the property until the project has received approval per 21.02.030(h)(2)(i) or has been withdrawn by the applicant.
- c. The applicant shall be required to provide proof that the property sign has been posted for a minimum of 15 calendar days prior to issuance of any approval pursuant to GJMC 21.02.030(h).

(AC) For applications requiring a public hearing, The City shall prepare and the applicant shall post signs including the information described in GJMC 21.02.030(g)(3)(iii) signs shall be posted as follows:

- a. At least one sign shall be posted on each street frontage of the property.
- b. Each sign shall be posted at least 10 calendar days before the initial public hearing and remain posted until the day after the final hearing.
- b. The applicant shall be required to provide proof that the property sign has been posted for a minimum of 15 calendar days prior to the scheduling of a public hearing.

~~(B) c. 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.~~

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21.02.050 APPLICATIONS REQUIRING A PUBLIC HEARING

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(i) Planned Development

(1) Purpose

The planned development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in this Code.

Public Hearing March 20, 2024

Modifications to applicable base zone districts may be permitted as described in Chapter 21.03.0100 and the approved modifications are and made applicable to the subject property through the PD rezoning process.

(2) Applicability

- (i) PD zoning is applicable to parcels of 10 acres or greater.
- (ii) PD zoning may not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.

(3) Residential Density

PD zoning shall not be used to increase the density of the base zone districts.
Rezoning is the appropriate process to request a density increase.

(2) Required Approvals

Planned Development applications are reviewed through a two-step process, both of which are described below:

- (i) Outline Development Plan
- (ii) Final Development Plan

(3) Outline Development Plan (ODP)

(i) Applicability

An outline development plan is required for all PD applications.

(ii) Purpose and Content

(A) The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, identify applicable base zone districts and requested adjustment to applicable standards, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a Final Plat.

(B) An ODP shall include a site plan that identifies the base zoning established for the entire property or for each phase designated for development.

(C) An applicant may file an ODP with a Final Development Plan (FDP) for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iii) Review Procedures

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

Public Hearing March 20, 2024

- (A) Site plan review and approval (pursuant to GJMC 21.02.040(k)) can occur either before or after the approval of ODP by the City Council. In either case, the applicant shall submit a site sketch, as described in the Submittal Standards for Improvements and Development (SSID) manual, showing sufficient detail to enable the Planning Commission and City Council to review and make findings on the ODP review criteria.
- (B) The Planning Commission or City Council can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a finding 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 City Council are depicted on the approved site plan.
- (C) An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iv) Public Notice and Public Hearing Requirements

The ODP 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).

(v) Review Criteria for ODP

The Planning Commission shall review and recommend, and the City Council shall review and decide on an ODP based on demonstrated conformance with all of the following criteria:

- (A) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies;
- (B) The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;
- (C) The rezoning criteria provided in GJMC 21.02.050(d);
- (D) The ODP ~~meets the planned development requirements of GJMC 21.03.0100 and specifically shows the following requirements of a planned development:~~
 - a. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
 - b. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

Public Hearing March 20, 2024

- c. Appropriate screening and buffering of adjacent property, uses, and structures shall be provided;
- d. An appropriate range of density for the entire property or for each development pod/area to be developed;
- e. An appropriate set of base zone district standards for the entire property or for each development pod/area to be developed; and
- f. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed;:
- g. Any requested adjustments to the standards of the base zone district(s) and/or other applicable standards such as landscaping, uses, or parking shall be identified both by location on the site plan and in an accompanying narrative summary; and
- h. An appropriate community benefit shall be described through the application narrative, which incorporates at least one of the following:
 - 1. The PD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;
 - 2. The general arrangement of proposed uses in the PD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles, and housing types, or by providing better transitions between the surrounding neighborhood and the PD with compatible development or open space buffers;
 - 3. Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PD provide enhanced opportunities for community gathering areas;
 - 4. The PD features outstanding site design and construction, such as best management practices for on-site storm water management, green building materials, and/or water and energy efficiency;
 - 5. Site design in the PD will create a diverse neighborhood with a mix of housing choices; or
 - 6. The PD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

(vi) Creation of Overlay Zone District

Public Hearing March 20, 2024

The PD zone district creates an overlay district that reflects adjustments made to applicable base zone districts as stated in the PD zoning ordinance. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zone district or this Code shall apply.

(vi) Post-Decision Actions

(A) Modification or Amendment

The ODP amendment process is provided in GJMC 21.02.050(i)(5).

(B) Lapsing and Extension of Approvals

- a. The effective period of the ODP/phasing schedule shall be determined concurrently with ODP approval.
- b. The ODP/phasing schedule shall be subject to the validity provisions GJMC 21.02.050(i)(7).
- c. The ODP/phasing schedule may be extended by the City Council per GJMC 21.02.050(i)(8).

(4) Final Development Plan (FDP)

(i) Applicability

(A) Following approval of an ODP, a subsequent final development plan approval shall be required before any development activity occurs. The plan and the plat ensure consistency with the approved ODP and specific development and construction requirements of various adopted codes.

(B) Unless specified otherwise at the time of ODP approval, if the form of ODP approval was a subdivision plan, a Final Plat may be approved and recorded prior to FDP approval for individual lots.

(ii) Review Procedures

(A) Applications for a Final Development Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(B) A portion of the land area within the approved ODP may be approved for FDP.

(iii) Public Notice and Public Hearing Requirements

Notice of a Final Development Plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with an ODP.

(iv) Review Criteria

Public Hearing March 20, 2024

The Director, or the Planning Commission if applicable, shall review and decide on the application for FDP in light of the following additional criteria:

- (A) The approved ODP, if applicable;
- (B) The approved PD rezoning ordinance, if applicable;
- (C) The Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title 29), and Stormwater Management Manual (GJMC Title 28) manuals and all other applicable development and construction codes, ordinances, and policies;
- (D) The applicable site plan review criteria in GJMC 21.02.040(k); and
- (E) The applicable Final Plat review criteria in GJMC 21.02.040(l)(5).

(v) Post-Decision Actions

(A) Improvements and Recordation

- a. The Final Plat shall be recorded pursuant to GJMC 21.02.040(l)(5)(ii)(F)b.
- b. Except as provided herein, before the plan and plat are 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 as required by this Code. The required improvements shall be those specified in the approved Construction Plans as per GJMC 21.05.020(c); or
- c. As a condition of final plan and 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 as per GJMC 21.05.020(c)(2).

(B) Contractual Agreement

- a. Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process.
- b. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction, modification or use complies with the terms and conditions of an approved final development plan.
- c. Each subsequent owner and entity created by the developer, such as property owners' associations or an architectural review committee, shall comply with the terms and conditions of approval. The developer shall set

Public Hearing March 20, 2024

forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.

(C) Transfer of Ownership

No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.

(D) Planned Development Zone Designation

The Director shall designate each approved PD on the Official Zoning Map.

(5) Amendment to Approved Plans

(i) Planned Development Rezoning Ordinance

The use, density, dimensional, and base zone district standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:

(A) No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP provided the overall density for the entire PD is not exceeded;

(B) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process. Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval; and

(C) The dimensional and base zone district standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.

(ii) Outline Development Plan

The approved Outline Development Plan may be amended only by the same process by which it was approved, except for minor amendments. Unless the adopted PD rezoning ordinance provides otherwise, the approved Outline Development Plan may be amended as follows:

(A) Minor Amendments

a. Permitted Amendments

Public Hearing March 20, 2024

The Director may approve the following amendments for individual lots within the area covered by an outline development plan provided all standards in the adopted PD rezoning ordinance are met:

1. Decreases in density so long as the character of the site is maintained;
2. Changes in dimensional standards of up to 10 percent so long as the character of the site is maintained;
3. Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
4. Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained;
5. The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained; and
6. Simple subdivision.

b. Minor Amendment Review Process

Minor amendments shall be reviewed and decided on by the Director based on the review criteria that the amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.

(B) Major Amendments.

All other amendments to the ODP shall be reviewed by the Director and Planning Commission using the same process and criteria used for ODP review and approval. Final decision shall be made by City Council.

(6) Planned Developments Approved Under Prior Codes

(i) Intent

The City's intent is to continue to allow the development PDs approved under prior codes, determining that they remain valid under this Code subject to the lapse provisions of GJMC 21.02.050(i)(7). To give effect to this intent, interpretation may be required to fully describe applicable terms and requirements and to avoid the continuance of shell PDs that cannot be fully implemented or developed.

(ii) Interpretation

PDs approved under prior codes shall be interpreted as follows:

Public Hearing March 20, 2024

- (A) Planned Developments that predate this Code shall be narrowly interpreted and are limited to the specified terms of approval.
- (B) ~~Planned Developments that refer to zone districts not included in this Code shall be interpreted or applied according to the 2010 Code (or earlier) requirements. The base zone district of an active Planned Development shall be interpreted and applied according to the code (2010 or earlier) under which it was adopted.~~
- (C) If the Planned Development approval is silent as to a term or requirement, the most closely similar provision of this 2023 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 GJMC 21.02.050(i)(5) will be used.
- (D) Where a base zone district(s) was not specified in the Planned Development approval, the Director shall interpret and apply a zone district(s) from this Code that most closely reflects the PD's dimensional and use standards.
- (E) Where this Code changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PDs unless the PD was approved with a specific standard(s) regulating the same topic.

(7) Lapse of Plan

If a single-phase Planned Development is less than 75 percent completed, as measured in terms of residential unit count or approved total mixed-use or nonresidential structure footprint, or a multiphase Planned Development is less than 75 percent complete in terms of residential unit count, total structure footprint, or total phases, as specified in the ODP approval, as of the end date of the approved development schedule, a lapse of the ODP as applied to the incomplete lots or parcels shall be deemed to have occurred.

- (i) If the PD was approved with base zone districts, future development may proceed in compliance with the requirements of the base zone districts and this Code, but any approved PD modifications shall be lapsed.

(A) If the PD was approved with a base zone district that is identified as a legacy zone district in Table 21.03-1, the requirements shall be in accordance with those of the updated zone district identified in the Table.

- (ii) If the PD was not approved with base zone districts, the Director may determine the appropriate base zone districts and future development may proceed in compliance with the requirements of the base zone districts.

(8) Development Schedule Extension

Public Hearing March 20, 2024

- (i) An applicant may request an extension of the development schedule as follows:
 - (A) The Director may extend the schedule one time for up to one year.
 - (B) The applicant may request a PD development schedule review from the City Council at any point prior to the end date of the schedule.
- (ii) The Director may extend the development schedule timeframe for up to three years in the event of any of the following:
 - (A) A national or regional economic recession,
 - (B) A national or regional health emergency, or
 - (C) National or regional events in or outside of the United States that impact the general price or availability of labor or materials by more than 20 percent.
- (iii) The maximum allowed cumulative extension period is five years. Any PD that has not been completed within this extension timeframe may be resubmitted as a new application or shall be subject to GJMC 21.02.050(i)(7), above.

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21.03.0100 PLANNED DEVELOPMENT

(a) Purpose and Community Benefits

The planned development (PD) district is intended to apply to mixed-use or unique single-use projects to provide design flexibility not available through strict application and interpretation of the standards established in GJMC Chapter 21.05. The purpose of the PD overlay zone is to provide design flexibility that promotes the goals and strategies of the Comprehensive Plan and that incorporates at least one of the following community benefits:

- (1) The PD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;
- (2) The general arrangement of proposed uses in the PD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles, and housing types, or by providing better transitions between the surrounding neighborhood and the PD with compatible development or open space buffers;
- (3) Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PD provide enhanced opportunities for community gathering areas;

Public Hearing March 20, 2024

- (4) The PD features outstanding site design and construction; such as; best management practices for on site storm water management, green building materials, and/or water and energy efficiency;
- (5) Site design in the PD will create a diverse neighborhood with a mix of housing choices; or
- (6) The PD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

(b) Applicability

- (1) PD zoning is applicable to parcels of 10 acres or greater.
- (2) PD zoning may not be used to provide a site specific solution to a single issue that can be resolved through a more appropriate administrative means.

(c) Creation of Overlay Zone District

The PD zone district creates an overlay district that reflects adjustments made to applicable base zone districts as stated in the PD zoning ordinance. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zone district or this Code shall apply.

(d) Customization

(1) Modifications to Base Zone Districts

- (i) A PD overlay is established through the identification of applicable base zone district(s) that are modified according to specific adjustments approved through the PD review and approval process.
- (ii) Requested adjustments to the standards of the base zone district(s) and/or other applicable standards such as landscaping, uses, or parking shall be identified both by location on the site plan and in an accompanying narrative summary.

(2) Residential Density

A PD shall not be used to increase the density of the base zone districts. Rezoning is the appropriate process to request a density increase.

(3) Community Benefit

All PD projects are required to provide a community benefit. The application narrative shall also describe the community benefits provided through PD approval, based on the list of community benefits described above.

Public Hearing March 20, 2024

21.04.020 PRINCIPAL USE TABLE

(e) Use Table

	Table 21.04-1: Principal Use Table A= Allowed Use C= Conditional Use For accessory use regulations, see Table 21.04-2 in Section 21.04.040										
Zone Districts		MU-1	MU-2	MU-3	CG	IO-R	I-1	I-2	P-1	P-2	
...
Community and Cultural Facilities											
Parking, Public	...	A	A	A	A	A	A	A	A	A	
...											

21.04.040 ACCESSORY USES AND STRUCTURES

(e) Accessory Use-Specific Standards

(1) Residential Uses

(i) Accessory Dwelling Unit

(A) Maximum Number of ADUs

- a. A lot with one single-family detached dwelling or a single-family attached dwelling with two units in the structure may have two ADUs if at least one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).
- b. ~~A single family attached dwelling unit with two units may have two ADUs if one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).~~
- cb. A duplex dwelling unit may have no more than one ADU on the lot.

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(2) Commercial Uses

(i) Drive-Through Facility

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(E) ~~Where d~~ Drive-through windows, or drive-up facilities, including but not limited to menu boards, or speaker boxes, and drive-through lanes are allowed, they shall not be located between the façade designated front of the building pursuant to Section 21.14.010(c)(iii) and the adjacent public right-of-way.

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21.05.090 FENCES

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(c) Fence Materials.

- (1) Fences and walls shall be constructed of materials approved by the Director.
- (2) Acceptable materials include wire, wrought iron, plastic, wood, and other materials with a similar look.
 - (i) Fences within the Downtown Core shall only be wrought iron, PVC vinyl, or wood.
- (3) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
- (4) The Director may approve materials for security facilities or critical facilities.

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21.14.020 DEFINITIONS

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Critical Facility

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired.

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Parking, Public

A municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and accessible to the general public exclusively for the parking of vehicles, with or without payment.

Public Hearing March 20, 2024

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Secure Facility

A county, city and county, or municipal jail or a nonstate-owned prison facility, or similar operation.

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INTRODUCED on first reading this 21st day of February 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 6th day of March 2024 and ordered published in pamphlet form.

ATTEST:

Anna M. Stout

President of the City Council

Amy Phillips

City Clerk