



250 N. 5th Street, • Grand Junction CO 81501 • Office: 970/256-4047 • Fax: 970/256-4022

This regulation was duly posted on the 15th day of September 2003. Because the public had the opportunity to comment on the propriety of the following regulation, but no comments have been received, this regulation is effective as of the 18th day of September, 2003.

RE: ADMINISTRATIVE REGULATION NO. 14-03
Zoning and Development Code
City of Grand Junction

ISSUED BY:

/s/ Robert E. Blanchard
Robert E. Blanchard, Community
Development Department Director

9/15/03

/s/ Mark Relph
Mark J. Relph, Public Works & Utilities
Director

Date

Topic:

Section 4.1G of the Grand Junction Zoning and Development Code (ZDC) –
Residential Sub-unit/Accessory Dwelling Unit.

Should street improvements, including curbs, gutters and sidewalks, be required as a condition of approval for construction of a Residential Sub-unit/Accessory Dwelling Unit?

City Code. Section 4.1(G)(1) of the ZDC provides certain standards for the construction of a Residential Sub-unit/Accessory Dwelling Unit. Those standards are:

- a. (a) One (1) Residential Sub-Unit or Accessory Dwelling Unit (Unit) may be allowed in conjunction with a single-family use.
- b. The design and location of the Unit shall be clearly subordinate to the Principal Structure.
- c. The Unit can only be located on a Lot or Parcel of 5,000 square feet or more.
- d. The Unit shall not be included in the zoning or land use density calculation.
- e. Either the Principal Structure or the Unit shall be owner-occupied.
- f. The Unit must meet all requirements of the Building and Fire Codes.
- g. One (1) off-street parking space per Unit is required, in addition to the spaces otherwise required.



City of Grand Junction
Public Works Department
Engineering

-
- h. The Unit shall share utility meters with the Principal Structure.
 - i. The Unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty (50) percent of the floor area of the primary residence.
 - j. The Unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
 - k. A Residential Sub-Unit shall be located entirely within a Principal Structure.
 - l. The outside appearance of the Principal Structure shall not be changed from that of a single-family residence.
 - m. Private Entrances to Residential Sub-Units shall be located on the side or rear of the residence.
 - n. Accessory Dwelling Units may be attached to the Principal Structure or freestanding, but in no case located in front of the Principal Structure. If detached, the Accessory Unit shall be located on the rear half of the Parcel.
 - o. Accessory Structure setbacks can be used for detached Accessory Dwelling Units if single story. Multiple story structures used as Accessory Dwelling Units must meet Principal Structure setbacks.
 - p. The design and construction material used in an Accessory Dwelling Unit shall be complimentary to the Principal Structure.

Section 4.1(G)(1)(q) establishes the procedure that applies to requests for accessory dwelling/residential sub-units. Because the procedural rule (2.2(D)(5) Minor Site Plan Review) includes substantive rules that are not included in Section 4.1 and because the procedural rule states substantive rules that are similar but not the same as those in Section 4.1, this regulation is needed to clarify what are the substantive rules ('what must be done') against what are the process rules ('what steps must be followed'). To that end the Directors hereby interpret, construe and clarify exactly what is required for approval of a residential sub-unit/accessory dwelling unit as follows.

Administrative Interpretation:

1. It is a well recognized rule of statutory construction that the specific controls over the general. Section 1.6(A)(1) of the Code confirms this.

Applying that principle, the Directors conclude that the specific criteria of section 4.1(G)(1)(a)-(p) establish the particular, substantive requirements for approval/construction of a residential sub-unit/accessory dwelling unit that is conformance with the Growth Plan and zoning;

2. Section 4.1(G)(1)(q) establishes the procedure that is applicable to review of a residential sub-unit/accessory dwelling unit, not the substantive rules;
3. Section 2.2(D)(5)(c)(3) provides that "to receive approval the applicant must demonstrate that the development will be located on property that is



City of Grand Junction
Public Works Department
Engineering

-
- authorized* for development by this Code”. Because 4.1(G)(1) is the specific *authority* for residential sub-units/accessory dwelling units 4.1(G)(1) is deemed to be controlling;
4. Because 4.1(G)(1) is controlling, the Directors hereby determine that an approved residential sub-unit/accessory dwelling unit shall not be required to improve curb, gutter, sidewalk or asphalt improvements on the public street unless and until the “laundry list” of substantive rules in 4.1(G)(1) is amended to specifically include or require the construction of curb, gutter, sidewalk or “half-street” improvements as a condition of approval of a residential sub-unit/accessory dwelling unit.
 5. Because the City’s Transportation Engineering Designs Standards (TEDS) have the force and effect of law, the Directors further confirm that Chapter 3 of TEDS, specifically 3.2.1 -3.2.4 concerning access are applicable to any application for an accessory dwelling unit/residential sub-unit.
 6. The Directors interpret that this administrative regulation furthers the general good and public order by resolving ambiguity that heretofore existed in the Code and the inconsistency of interpretation and application of the Code.