Having been duly posted on the 22 day of April, 2005 and the public having the opportunity to comment on the propriety of the following regulation will be duly promulgated and become effective on the 6th day of May 2005.

RE: ADMINISTRATIVE REGULATION NO. 2005-2

Zoning and Development Code City of Grand Junction

ISSUED BY:	/s/ Robert E. Blanchard	04/21/05	
	Robert E. Blanchard, Community Development Director	Date	

Topic:

This administrative regulation concerns how the open space requirements of Section 6.3, Public and Private Parks and Open Spaces, are applied to multifamily and townhome condominiums.

Background:

Section 6.3, Public and Private Parks and Open Spaces, of the Zoning and Development Code sets out the open space requirements for new development. Questions have been posed regarding how these requirements are to be applied to multifamily and residential townhome developments. Code sections specific to this issue include:

- 6.3.B.1 The owner of any residential development of ten or more lots or dwelling units shall dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property.....Multi-family developments other than townhomes, shall be subject to the open space requirements of Section 6.3.B.7 rather than the 10% dedication requirement.
- 6.3 B.7 Multifamily development with more than ten (10) units shall provide two hundred (200) square feet of the base open space per bedroom, all of which shall be primary recreation area.

Multi-family dwelling (definition) A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

Townhouse (or Townhome) (definition) A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

The issue is how the open space requirements are applied for residential structures such as tri-plexes and four-plexes when built side-by-side as single story units and are being developed as condominiums.

Administrative Interpretation:

It is the Director's interpretation that the issue of development as condominiums is not germane to the interpretation. Rather, it is how the multifamily structure is built that determines the application of open space regulations. The definition of townhome is the guiding language for the application of these regulations. If any multi-family structure meets the definition of townhome, Section 6.3.B.1 applies. All other multi-family development falls under Section 6.3.B.7.

Under this interpretation, multifamily developments do not have the option of providing a fee and must provide adequate area based on the criteria of 200 square feet per bedroom. Townhomes have the option of providing actual open space or paying a fee as provided in Section 6.3.B.1.