

**ADMINISTRATIVE REGULATION NO. 02-2010**

Zoning and Development Code

ISSUED BY: /s/ Lisa E. Cox, AICP  
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Public Works and Planning Department

6-18/10  
Date

Topic:

Conditional Use Applications - 2010 Code

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the provisions of §21.02.110 of the Grand Junction Zoning and Development Code (hereinafter the “2010 Code.”) Chapter 21.02 of the 2010 Code establishes development review and approval processes and procedures for uses that require Conditional Use permits. Those processes became effective May 7, 2010.

Chapter 2 (Conditional Use Permits § 2.13) of the Code in effect prior to May 7, 2010, (hereinafter the “Former Code”), contained terms, shown below, that were inadvertently deleted from the 2010 Code when it was approved. The Former Code was extensively rewritten; however, in the approval of the 2010 Code the specific section was not intended to be deleted. Somewhere in the printing process of the 2010 Code the deletion occurred.

The deletion was not part of or approved by the Ordinance adopting the 2010 Code and therefore the omission may be considered a scrivener’s error. Because it may be some time before the 2010 Code is reprinted, upon advice of the City Attorney, it was determined that this Administrative Regulation would afford notice of the problem and its solution to users of the Code.

To satisfy the purpose of Administrative Regulations as authorized by the Grand Junction Municipal Code the Director of the Public Works and Planning Department does find and implement the following administrative interpretation.

Administrative Interpretation:

Section 21.02.110 of the 2010 Code omits the following provisions, which were a part of the Former Code:

**Compatibility with Adjoining Properties.** Compatibility with and protection of neighboring properties through measures such as:

**Protection of Privacy.** The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

**Protection of Use and Enjoyment.** All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.

**Compatible Design and Integration.** All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated Development. Elements to consider include; Buildings, outdoor storage areas and equipment, utility structures, Building and paving coverage, Landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land Uses in the same Zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The omission was inadvertent and without purpose or lawful direction. Therefore, the foregoing provisions shall be deemed to be part of the 2010 Code and given full legal application and effect. The section shall be numbered to be compatible with the numbering of the 2010 Code.

It is the considered opinion of the Director that the provision shall apply to applications for Conditional Use permits under the 2010 Code and that such is in the best interest of the City and its citizens.