

**ADMINISTRATIVE REGULATION NO. 2011-02**

Zoning and Development Code

ISSUED BY: *Lisa E Cox*  
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 Public Works and Planning Department

7-3-2011  
 Date

Topic:

Implementation of the Comprehensive Plan

§21.03.020(d) – Districts to Implement the Comprehensive Plan

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and effectuate the provisions of the Grand Junction Zoning and Development Code (“Code” or “the Code”). Specifically, this Administrative Regulation addresses §21.03.020(d) of the Code.

Section 21.03.020(d) establishes a graphic means of determining the zone districts that are presumptively in compliance with and/or serve to implement the Comprehensive Plan (“Plan” or “Comp Plan”). Since the Plan was adopted there have been a number of development applications in which §21.03.020(d) has been applied. Recently two applications have been filed in which the applicants have asserted that §21.03.020(d) sets, establishes or determines the applicability of the Plan. In essence the applicants contend that the Plan only applies in the zoning districts and land use designations that are marked.

Because the table in §21.03.020(d) was adopted without a written explanation for its use or applicability the staff has determined that this Administrative Regulation is necessary and proper. Furthermore, upon careful examination of the Plan in light of §21.03.020(d), staff has determined that §21.03.020(d) is an incomplete statement of what it purports to be, *i.e.*, zoning districts that implement the Plan. Upon close comparison of the Plan with the Zoning and Development Code there are a number of inconsistencies. Those inconsistencies are shown herein below in red italic type.

Land Use	Comprehensive Plan	Zoning Matrix
Conservation/Mineral Extraction	CSR, <i>RR, I-1, I-2</i>	CSR
Rural	-	<i>RR, R-E, R-1, R-2, R-4, R-5, CSR</i>
Estate	R-E, R-1	<i>RR, R-E, R-1, R-2, R-4, R-5</i>
Residential Low	R-E, R-1, R-2, R-4	<i>RR, R-E, R-1, R-2, R-4, R-5</i>

Residential Medium Low	R-2, R-4, R-5	<i>RR, R-E, R-1, R-2, R-4, R-5</i>
Residential Medium	R-4, R-5, R-8, R-12	R-4, R-5, R-8, R-12, <i>R-O, R-16</i> <sup>(1)</sup>
Residential Medium High	R-8, R-12, R-16, <i>R-24, R-O, MXG, MXR</i>	<i>R-4, R-5, R-8, R-12, R-16, R-O</i>
Residential High Mixed Use	R-16, R-24, R-O, <i>B-1, MU, MXG, MXR</i>	R-16, R-24, R-O
Commercial	C-1, C-2, <i>I-O, R-O, B-1</i>	R-O, B-1, C-1, C-2, <i>MU</i>
Neighborhood Center Mixed Use	R-8, R-12, R-16, <i>R-24, MU, R-O, MXG, MXR, MXS</i>	R-8, R-12, R-16, R-O, <i>B-1, C-1, MXG-3</i> <sup>(2)</sup>
Village Center Mixed Use	R-8, R-12, <i>MU, R-O, R-16, R-24, B-1, C-1, MXR, MXG, MXS</i>	R-8, R-12, R-16, R-24, B-1, C-1, <i>MXG-3, MXG-5</i> <sup>(2)</sup>
Downtown Mixed Use	R-24, B-2, C-1, <i>MU</i>	<i>R-16, R-24, B-2, C-1, MXG-3, MXG-5, MXG-8</i> <sup>(2)</sup>
Industrial	I-O, I-1, I-2	<i>MU, I-O, I-1, I-2</i>
Commercial/Industrial	C-2, I-O, I-1, BP	C-2, <i>MU, BP, I-O, I-1</i>
Business Park Mixed Use	R-O, <i>B-1, C-1, C-2, I-O, R-12, R-16, R-24, BP</i>	<i>R-8, R-12, R-16, R-24, R-O, CSR, BP, I-O</i>
(1) R-16 should be included to implement blended residential map	(2) Includes MXR and MXS building types with same numerical story limit	(3) Land Use Designations with no inconsistencies are not included in this table

To satisfy the purpose of this Administrative Regulation in accordance with §2.12.010 of the Municipal Code, the Director of the Public Works and Planning Department does find and implement the following administrative interpretation regarding §21.03.020(d).

Administrative Interpretation:

The Code is intended to enable the City to consistently evaluate, improve and approve, as appropriate, development, changes to existing uses, future uses and activities and to promote the general health, safety and welfare of the citizens and residents of the City. Likewise, the Code is intended to implement the goals and policies of the Comprehensive Plan and to be consistent with the Comprehensive Plan.<sup>1</sup>

The Code further expressly provides that most applications must be reviewed under and in accordance with the Plan and that if an application is found to not conform to the Plan or be made through the planning review process to conform to the Plan then it should not be approved.<sup>2</sup>

The Plan also establishes that it is important for land use decisions to be consistent with the Plan. The Plan cautions that if those decisions are not consistent then the Plan will “cease to be an effective guide for decision making...”<sup>3</sup>

With those fundamental understandings the Administrator expressly avers, finds and adopts as the proper interpretation of the Code that §21.03.020(d) provides an incomplete and inaccurate summary of the zoning districts that will be used to establish the conditions for the use and development of land in each of the Plan’s land use designations.

<sup>1</sup> See, 21.01.020 and 21.01.020 – 2010 Zoning and Development Code

<sup>2</sup> See, 21.02.070 and 080 – 2010 Zoning and Development Code

<sup>3</sup> See, *Using the Plan – Maintaining Consistency Between the Comprehensive Plan and Zoning 2*

Furthermore, the Administrator does determine that §21.03.020(d) should be either repealed to eliminate any confusion between that section and the Plan or repealed and reenacted such that §21.03.020(d) presents a complete and accurate summary of the Plan. The administrator further determines that the table in §21.03.020(d) does not and was not intended to substantially alter, add to or detract from the Plan, but instead to provide a visual reference aid to users of the Code.

By and through this Administrative Regulation the Administrator does interpret the proper use of §21.03.020(d) to be a "short hand" summary of the Plan and if it is reenacted that it does not designate applicability of the Plan, but instead is a graphic representation of the zoning districts that presumptively put the Plan into action and practice.