

Having been duly posted on the 1st day of May, 1995 and the public having the opportunity to comment on the propriety of the following regulation will be duly promulgated and become effective on the 8th day of May, 1995.

**RE: ADMINISTRATIVE REGULATION NO. 3-95
Zoning and Development Code
City of Grand Junction**

Issued by: /s/ Larry Timm
Larry Timm, Director of Community Development Date _____

Topic:

Definition of “change of use” and how applied in the case of re-use of existing buildings and land. Also, clarification of the distinction between “change of use” and “expansion of use.”

Background:

Currently, the term “change of use,” is used several places in the City Zoning and Development Code (Code), however, the term is not consistently defined in the Code. The planning objective with respect to a “change in use” is to assure that the significant negative impacts of a “change in use” are mitigated. Practical experience has shown that additional guidance regarding the manner and the extent to which the term applies to re-use of existing buildings or land when there is no expansion of a building or the extent of the use of land is necessary.

Administrative Interpretation:

For purposes of this regulation, the terms “change of use” and “change in use” shall be synonymous. A “change of use” is and shall be defined as a change from one principal use of a building or land to another principal use of the building or land when:

there is no increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use:

1. the new use has an off-street parking requirement per the City Zoning and Development Code which is greater than parking available; or
2. the traffic trips generated by the new use are or will be greater than the number of traffic trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition and a building permit is required; or
3. the amount of stormwater runoff or impervious (to drainage) surface area will be

increased with the new use.

If there is a change from one principal use of a building or land to another principal use of a building or land, but there is no increase in the size of the existing building or extent of the use of the land and none of the three factors identified above are present, a change of use will not have occurred.

When a “change of use” occurs or is determined to have occurred, the City may require:

1. The owner/applicant to fulfill the current version of the off-street parking requirement of the Code.
2. The owner/applicant to pay a Transportation Capacity Payment (TCP) and construct adjacent street improvements determined to be necessary by the Director of Public Works (see Admin. Reg. 1-95).
3. The owner/applicant to comply with the stormwater drainage requirements of the Code.

The Administrator may require that the applicant submit a Site Plan for a “change of use.” Site Plan submittal and review requirements shall be limited in scope to consideration of traffic circulation, off street parking, trip generation, and stormwater drainage. Site Plan review for a “change of use” shall have an application fee of \$50.00. Submittal standards for Site Plans in connection with a “change of use” shall be in accordance with the Submittal Standards For Improvements and Development (SSID) Manual.

An “expansion of use,” as distinguished from a “change of use,” is and shall be defined as any increase in the size of a building or extent of the use of land. Expansion of a display, storage, or work area, whether inside or outside of a building is the most obvious example of an expansion of use. Converting vacant land or an unused portion of a parcel to a parking lot, car sales lot, or storage area are additional representative examples of expansion of use. These examples are not exhaustive and are not and shall not be construed as limiting the scope of this regulation. When an “expansion of use” occurs, reference should be made to Section 4-14, Site Plans, of the Code.