

*Having been duly posted on the 14th day of May 1996 and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 27th day of May 1996.*

---

**RE: ADMINISTRATIVE REGULATION NO. 3-96**  
Zoning and Development Code  
City of Grand Junction

ISSUED BY: \_\_\_\_\_  
Kathy Portner, Acting Community Development Director                          Date

**Topic:**        Regarding Special Use Permits and Conditional Use Permits when applying zoning to newly annexed areas.

**Background:** When the City zones newly annexed areas some existing uses, under the City Code, require a special use permit or a conditional use permit, although none was required by the County prior to annexation. No guidance is contained in the Code as to how to receive such situations. Several ways are available to resolve the problem. For example, the City could process the required special use permit or conditional use permit concurrently with the zone of annexation. Another approach would be to not process a special use permit or conditional use permit with the zone of annexation and treat existing uses as non-conforming. If this approach were taken, the Community Development Department would inform the property owner that he/she can continue the use but cannot expand the use until/unless the required special use permit or conditional use permit is first obtained from the City. In the recent past, the latter approach has been followed. The purpose of this administrative regulation is to provide guidance in this matter.

**Administrative Interpretation:** From the effective date of this administrative regulation, special use permits and conditional use permits will be processed by City staff for *existing* land uses at the time of the zone of annexation, with no application fee. Said special use permits or conditional use permits shall pertain *only* to the legal use(s) in existence, and as documented by the Community Development Department, at the time of annexation. Any property owner desiring to obtain a special use permit or a conditional use permit for a use different from or more intense than the legal, documented use(s) in existence at the time of annexation shall follow the procedures and requirements for special use permits or conditional use permits per the Zoning and Development Code.

When a special use permit or conditional use permit was required by the City in connection with a legal, existing use(s) at the time of annexation but no such permit was requested or processed within two (2) years from the effective date of the annexation, the City's application fee shall be charged for a permit. Unless and until the required special use permit or conditional use permit is granted, such legal, existing uses(s) shall continue to be considered non-conforming and may continue in operation but may not expand or intensify.