

CITY OF GRAND JUNCTION

ORDINANCE NO. 4301

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE
TO INCLUDE AN ADMINISTRATIVE DEVELOPMENT APPROVAL FOR A
MINOR EXEMPTION SUBDIVISION**

RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

The City of Grand Junction wishes to amend the Code to include an administrative development approval for a Minor Exemption Subdivision and to update other sections of the Code to be consistent with this new development approval.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

Amend Section 1.15 with the following:

1.15 DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of the Community Development Department ("Director") serves at the direction of the City Manager. The Director shall decide requests for a:

- A. Planning Clearance;
- B. Home Occupation permit;
- C. Temporary Use permit;
- D. Change of Use permit;
- E. Major Site Plan Review;
- F. Minor Site Plan Review;

- G. Fence permit;
- H. Sign permit;
- I. Floodplain development permit;
- J. Simple Subdivision;
- K. Disputed Boundary Adjustments;
- L. Minor Exemption Subdivision;
- M. Major Subdivision final plat;
- N. Major Subdivision construction plan;
- O. Minor amendment to Planned Development preliminary plans;
- P. Planned Development final plan;
- Q. Planned Development final plan amendment;
- R. Minor deviations to any Zoning district bulk standard; and
- S. Development Improvement Agreement.

Amend Table 2.1 by inserting the following application process under Other Applications for the Minor Exemption Subdivision:

	General Meeting ^{1,9}	Neighborhood Meeting	Acting Body				Notices ²		
			Director	PC	CC	ZBOA	Public	Mail	Sign
OTHER APPLICATIONS									
Minor Exemption Subdivision	M	-	D	A	-	-	-	M	-

Amend Section 2.2.E. with the addition of all of the following:

6. **Minor Exemption Subdivisions.**
 - a. **Purpose.** The purpose of the minor exemption subdivision is the same as that for a major subdivision set forth in Section 2.8.A.
 - b. **Applicability.** The minor exemption subdivision process allows for a subdivision of parcels 25 acres or larger into three or fewer lots each of which are two acres or larger in size in residential zones.
 - c. **Approval Criteria.** The Director shall approve a minor exemption subdivision if the applicant demonstrates that the application complies with the purpose of a minor exemption subdivision and with the following criteria:
 - (1) All lots comply with this Code; except that the minimum density/intensity requirements of a zone district or the Growth Plan do not apply except in the R-R zone and the sewer

regulations pertaining to the extension of sewer as a condition of subdivision need not be complied with if the applicant can demonstrate the following:

- (A) The applicant's Colorado professional engineer affirms in writing that the lot(s) can be served by Individual Septic Disposal System(s) (ISDS) constructed at or prior to use of the lot(s) for uses allowed by the City Code then in existence;
 - (B) The constructed ISDS system(s) continue to function properly;
 - (C) Sewer is not constructed within 400 feet of any lot line of any lot or out lot or out parcel created under the minor exemption subdivision process; and
 - (D) The landowner(s) execute a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at a future date (all as provided herein) at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system.
- (2) The applicant is not seeking a variance or is seeking only to vary the requirement of extending sewer. No other variances shall be considered with a minor exemption subdivision. (Any other variances requested shall require the application be processed as a simple subdivision under Section 2.2.E.4 or a major subdivision under Section 2.8 whichever is applicable);
- (3) The proposed lot(s) are two acres or larger in size on a gross acreage basis and are created from a parcel at least 25 acres in size;
- (4) The property from which the new lot(s) are proposed has been taxed agriculturally for the five years preceding the minor exemption subdivision application; and
- (5) The lot(s) or originating parcel has not previously had a City minor exemption subdivision, City simple subdivision, a Mesa

County minor subdivision, and/or Mesa County simple land division approval.

- d. **Decision-Maker.** The Director shall approve, conditionally approve, or deny all applications for minor exemption subdivisions. If the minor exemption subdivision does not comply with the sewer regulations at the time of approval, then the approval shall be a conditional approval requiring the ISDS to be abandoned prior to the end of its useful life if a sewer is constructed either within 400 feet of the lot line of any lot or out lot or out parcel created under the minor exemption subdivision process, or if the ISDS fails, or a sewer improvement district is formed that includes the lot(s) created and any out lot or parcel.
- e. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B, with the following modification. The following notes are required on all minor exemption subdivision plats. The notes shall be conspicuous:

“No more than a total of three lots (two lots plus the out parcel) out of the original tract of land may be created by the Minor Exemption Subdivision process.”

“Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law.”

“In accordance with a Utility Extension Agreement the City may require any ISDS on the property to be abandoned prior to the end of its useful life if a sewer is constructed within 400 feet of the lot line of any lot created under the Minor Exemption Subdivision process or the ISDS fails or a sewer improvement district is formed that includes the lot(s).”

Amend Section 2.2.E.4.c(5) with the addition (as underlined) of the following:

- (5) If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision or a minor

exemption subdivision creating a new lot within
the preceding ten (10) years; and

Amend the definition for Major Subdivision in Chapter 9 as follows:

MAJOR SUBDIVISION

A subdivision consisting of two (2) or more proposed new lots that is not eligible to subdivide as a minor exemption subdivision.

Introduced for first reading this 1st day of October 2008.

Passed and adopted this 15th day of October 2008.

/s/ Gregg Palmer

Gregg Palmer

President of the Council

Attest:

/s/ Stephanie Tuin

Stephanie Tuin

City Clerk