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ORDINANCE NO. 1493

AN ORDINANCE REPEALING AND REENACTING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO REGULATE THE SUBDIVISION OF LAND, PROVIDE A PROCEDURE FOR PROCESSING PLANS THEREFOR, ESTABLISH DESIGN STANDARDS, REQUIRE IMPROVEMENTS, DEFINE CERTAIN TERMS AND DESCRIBE METHODS FOR VARIANCES, ENFORCEMENT, INTERPRETATION, AMENDMENT AND SEPARABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Chapter 27 of the Code of Ordinances of the City of Grand Junction is hereby repealed and reenacted to read as follows:

SECTION I

APPLICATION OF REGULATIONS

Sec. 27-1.1 Authority.

No final plat of a subdivision shall be approved and accepted by the City of Grand Junction unless it conforms to the provisions of this ordinance.

Sec. 27-1.2 Control.

a. Whoever divides a lot, tract or parcel of land into two or more tracts, lots, sites or parcels, any part of which when subdivided shall contain less than ten (10) acres in area, or whoever divides a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose whether immediate or future, of building development, shall be subject to the provisions of this ordinance.

b. All plats of a subdivision of land within the City of Grand Junction shall be filed and recorded only after having been approved by the City Council with such approval evidenced in writing on the plat and signed by the President of Council.

c. From and after the effective date of this ordinance no building shall be erected on any lot that is not a part of an official subdivision approved in accordance with the provisions of this ordinance, nor shall any building permit be issued for any building to be placed on any lot which is not a part of an official subdivision approved in accordance with the provisions of this ordinance. (The requirements of this paragraph shall not be applicable to situations involving a lot or tract to be used by one owner for only one principal building, provided the building inspector of the City of Grand Junction determines:

(1) That all improvements required in Section 4 hereof are in place or the owner agrees to enter into an Improvement District

which shall be included in the deed restrictions for the property.

(2) All rights of way and easements which would be required under Section 3 hereof have been otherwise provided, and

(3) That all design standards which would be required under Section 3 hereof have been met.

Sec. 27-1.3 Jurisdiction.

This Ordinance shall be applicable to all lands located within the corporate boundaries of the City provided, however, that this Ordinance shall not apply to any lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance.

SECTION II

PROCEDURE

The following procedures shall be followed in order to process and obtain approval for a subdivision plat.

Sec. 27-2.1 Vicinity Sketch Map.

At or prior to the time of submitting a preliminary plat, a subdivider shall present to the Director of Development a Vicinity Sketch Map for an informal discussion. Such Vicinity Sketch Map shall be at a scale of not less than one (1) inch equals six hundred (600) feet and shall show an area extending at least one-fourth (1/4) of a mile in each direction beyond the boundaries of the proposed subdivision. Such Vicinity Sketch Map shall show existing streets and highways, natural drainage courses and similar major natural or man-made features of the area. In addition, such map shall indicate the major uses of property in the area covered by the map, including residential, commercial, industrial and public uses.

Sec. 27-2.2 Preliminary Plat.

After or at the time of submission of the Vicinity Sketch Map, a subdivider shall present to the Director of Development a preliminary plat of the area being subdivided. Such preliminary plat shall be processed in the following manner:

a. The subdivider shall provide the Director of Development with eighteen (18) copies of the preliminary plat thirty (30) days prior to the Planning Commission meeting. At the time of filing of the preliminary plat, the subdivider shall pay a fee in the amount of \$215.00 to cover the cost of review. The Director of Development shall, when appropriate, furnish a copy of such plat to:

Water & Sewer Districts

Title Company
Public Service
Mountain Bell Telephone Co.
Comtronics Cable TV
Ditch & Irrigation Companies
Public School District
State Highway Department
Post Office
County Road Department
Police Department
Drainage District
County Surveyor
City Sanitation Dept.
City Fire Department
City Engineer
City Utility Department
City Parks & Recreation Dept.
City Transportation Dept.
City Attorney
Others when applicable

Such officers and agencies shall advise the Director of Development of any objections or comments to such plat within ten (10) days of the receipt of the same, and failure to object within ten (10) days shall constitute approval by such office or agency. The Director of Development shall present the preliminary plat, together with any comments of reviewing offices and agencies, to the Planning Commission at the next timely meeting of such board.

b. In the event the Director of Development requires additional time for review, he shall notify the subdivider in writing of the extended time period required which shall not exceed thirty (30) days. In the event the plat is conditionally approved or disapproved, the reason and/or conditions shall be set forth in writing.

c. In taking action on a preliminary plat, the Director of Development and Planning Commission shall consider any comments received from agencies or offices reviewing copies of the preliminary plats. At such meeting, the Planning Commission shall either approve, conditionally approve, or disapprove the same.

d. In the event the actions of the Director of Development and Planning Commission are not satisfactory to the subdivider, the subdivider may so advise the Director of Development, and in such event the matter of the preliminary plat shall be placed on the agenda of the next meeting of the City Council. The City Council may reverse the decision of the Planning Commission if the action of the Planning Commission will result in undue hardship upon the subdivider.

e. Approval of a preliminary plat shall be valid for a period of one (1) year, and in the event that the final plat covers only a portion of the territory covered by the preliminary plat, such

approval of the preliminary plat shall be automatically renewed for an additional period of one (1) year following the approval of each final plat unless the Planning Commission notifies the subdivider to the contrary.

f. All preliminary plats shall be made at a scale of either one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet, and shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-two (24 x 32) inches and shall contain or be accompanied by the following information:

(1) The proposed name of the subdivision.

(2) Location and boundaries of the subdivision, tied to an official United States Government survey, or acceptable Mesa County or City survey control.

(3) The names and addresses of the subdivider and the engineer or surveyor preparing the plat.

(4) An exact copy of a certificate of a title insurance company or attorney's opinion which shall set forth the names of all owners or property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the county, which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the local governing body, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Planning Commission.

Where a portion of an existing easement is contiguous to a proposed easement or right of way of a new subdivision, proof of the dedication of the existing easement or right of way acceptable to the Commission must be submitted.

(5) The date of preparation, the scale and a symbol designating true North.

(6) The total acreage contained in the subdivision.

(7) The location and dimensions for all existing streets, alleys, easements and watercourses within and adjacent to the subdivision and the names of all such streets.

(8) The location, dimensions and names of all proposed streets, alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses.

(9) Topography at two-foot intervals.

(10) Designation of any area subject to inundation according to

the average frequency of fifty (50) years.

(11) Land-use breakdown, including number of residential lots and typical lot sizes.

(12) Proposed sites, if any, for multi-family residential use, business areas, industrial areas, churches or other non-public uses exclusive of one-family residential areas subject to compliance with all regulations governing such uses.

(13) Zoning on all land adjacent to the subdivision.

(14) The names of all adjoining subdivisions with lines of abutting lots, the owners and departing property lines of adjoining properties not subdivided and the locations, names and widths of existing streets and alleys and similar facts regarding property which is immediately adjacent. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

(15) The location and size of existing utilities within or adjacent to the subdivision.

(16) Such additional information as may be required by the Director of Development in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.

g. In the event that the preliminary plat does not include adjoining property in the same ownership, a development plan shall also be required which shall show the entire adjoining property owned by the developer and shall designate proposed land use, suggested street layout, major land forms and natural drainage courses. Eighteen (18) copies of such development plan shall be provided. The scale for such development plan shall be the same as that required for a preliminary plat.

h. Preliminary plats will be checked for:

(1) Conformity to the master highway plan for the city, county and state.

(2) Conformity to the probable development of adjacent properties.

(3) Conformity to the existing street system of the city and county.

(4) Lot size and arrangement.

(5) Necessary public utility easements.

(6) Conformity to the existing zoning regulations.

(7) Correct naming of streets.

Sec. 27-2.3 Final Plat.

After approval of the preliminary plat and within the time that such approval is still valid, the subdivider shall present the final plat to the Development Director.

a. The final plat shall be processed as follows:

(1) The subdivider shall supply the original signed final plat and eighteen (18) copies to the Director of Development, and shall pay a fee of \$290.00 to cover the cost of processing and filing the final plat. The original signed final plat and copies shall be presented to the Director of Development thirty (30) days prior to the meeting of the Planning Commission at which it is to be considered.

(2) The Director of Development shall review such final plat and shall furnish copies to the offices and agencies which reviewed the preliminary plat for their review and comments. Such offices and agencies shall advise the Director of Development of any objections or comments to such plat within ten (10) days after the receipt of same, and failure to object or recommend within such period shall constitute approval by such office or agency. The Director of Development shall present the final plat, together with any comments of reviewing offices and agencies, to the Planning Commission at the next meeting of such Board.

(3) The Planning Commission shall review the final plat and shall either approve, approve with conditions, or reject the same.

(4) After taking action on the final plat and after the utility agreement (See Section 4.5) for the lands covered by said plat has been approved and signed, the Director of Development and the Planning Commission shall submit the plat, together with the recommendations thereon, to the City Council. In the event this process should require longer than ninety (90) days due to the subdivider's failure to submit an acceptable utility plan or to sign the utility agreement, the approval of the Board may be null and void, requiring a resubmission of the final plat to the Director of Development in accordance with the provisions of this section.

(5) Upon receipt of the plat and the recommendation of the Planning Commission, the City Council shall either approve or disapprove the final plat or refer the same back to the Planning Commission for further study.

(6) The Director of Development shall cause the final plat to be recorded in the office of the Mesa County Clerk and Recorder.

b. The final plat shall be prepared as follows:

(1) The final plat shall conform to the preliminary plat or sketch as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat.

(2) The drawing shall be made at a scale of either one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet by the use of India ink or other equally substantial solution on a reproducible medium of one (1) or more sheets with an outer dimension of twenty-four by thirty-two (24 x 32) inches.

c. The final plat shall contain or be accompanied by the following information:

(1) The name of the subdivision.

(2) The date of preparation, the scale and a symbol designating true North.

(3) A legal description of the property.

(4) A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

(5) The boundary lines of the subdivision, right of way lines of streets, easements and other rights of way, irrigation ditches and lot lines with accurate bearings and distances.

(6) Designations of all streets and other rights of way, including dimensions and names of such streets.

(7) Location and dimensions of any easements.

(8) Identification of each lot or site by a number and designation of the area of each lot in square feet.

(9) The location and description of all monuments.

(10) A statement of land ownership by the subdivider.

(11) A statement by the owner dedicating streets, easements, rights of way and any sites for public uses.

(12) Certification by the surveyor or engineer as to the accuracy of the survey and plat.

(13) An exact copy of a certificate of a title insurance company or attorney's opinion which shall set forth the names of all owners of property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the county, which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the local governing body,

the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the City Council.

(14) Where a portion of an existing easement is contiguous to a proposed easement or right of way of a new subdivision, proof of the dedication of the existing easement or right of way acceptable to the Council must be submitted.

(15) Appropriate space for the certification of approval by the President of Council, City Manager, Director of Development, City Engineer, Chairman of Grand Junction Planning Commission, Utility Coordinating Committee and County Surveyor.

(16) Certification by Clerk & Recorder.

d. Each final plat to be submitted to the City Council shall be accompanied by the following:

(1) A bond, certified check, loan commitment, or public or private escrow agreement covering the estimated cost of the required improvements shall be posted with the City to guarantee the completion of the public improvements in the subdivision in accordance with the official specifications of the City of Grand Junction. The subdivider shall furnish a figure based on engineering data representing the estimated cost of such public improvements, which amount must be approved by the City Engineer. In the event the area covered by any subdivision is to be developed in sections, guarantees shall be of such amount as is necessary to cover that part of the subdivision under construction.

(2) An acceptable utility plan.

Sec. 27-2.4 Minor Subdivision.

The following procedures shall be followed in order to process and obtain approval for a minor subdivision plat:

a. Sketch Plan. It is recommended that prior to the time of submitting a minor subdivision, the subdivider shall present to the Director of Development a sketch map for an informal discussion. Such sketch map shall be at a scale of no more than 1" = 200' and shall show an area extending at least one-fourth (1/4) of a mile in each direction beyond the boundaries of the proposed subdivision. Such sketch map shall contain the following information:

(1) The proposed name of the subdivision.

(2) Location and boundaries of the subdivision, tied to an official survey.

(3) The names and addresses of the subdivider and the engineer or surveyor preparing the plat.

(4) The date of preparation, the scale and a symbol designating true North.

(5) The total acreage contained in the subdivision.

(6) The location and dimensions for all existing streets, alleys, easements and watercourses within and adjacent to the subdivision and the names of all such streets.

(7) The location and dimensions of all proposed streets, alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses and the names of all such streets.

(8) Topography at two-foot intervals.

(9) Designation of any area subject to inundation.

(10) Land-use breakdown, including number of residential lots and typical lot sizes.

(11) Proposed sites, if any, for multi-family residential use, business areas, industrial areas, churches, or other nonpublic uses exclusive of one-family residential areas.

(12) Zoning on land adjacent to the subdivision.

(13) The names of all adjoining subdivisions with lines of abutting lots, the owners and departing property lines of adjoining properties not subdivided and the locations, names and widths of existing streets and alleys and similar facts regarding property which is immediately adjacent. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

(14) The location and size of existing utilities within or adjacent to the subdivision.

(15) Such additional information as may be required by the Director of Development in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.

(16) In the event that the sketch map does not include adjoining property in the same ownership, a development plan shall also be required which shall show the entire adjoining property owned by the developer.

b. After approval of the sketch plan, the subdivider shall present

the final Minor Subdivision Plat to the Director of Development. The final Minor Subdivision Plat shall be processed according to Section 2.3 (Final Plat) of this Ordinance. The subdivider shall pay a fee of \$75.00 per lot to cover the cost of review, or may proceed as though processing a final Plat.

SECTION III

DESIGN STANDARDS

Sec. 27-3.1 Site Considerations.

a. Steep or unstable land and areas having inadequate drainage shall not be subdivided into building lots unless the subdivider makes adequate provisions to prevent the same from endangering life, health or other property.

b. Any lands subject to flooding or any natural drainage channels shall not be platted as building lots unless adequate provisions to eliminate or control flood hazards in the subdivision or on other affected lands are made by the subdivider and approved by the City Engineer.

c. Outstanding natural and cultural features such as scenic spots, water courses and historic sites and buildings shall be preserved insofar as possible.

Sec. 27-3.2 Streets, Alleys and Easements.

a. Streets on a subdivision plat shall conform to the Master Street Plan or the Comprehensive Plan, where applicable.

b. All streets shall be aligned to join with planned or existing streets.

c. All streets shall be designed to bear a logical relationship otherwise approved by the City Engineers.

e. Cul-de-sacs shall be permitted only if they are not more than 660 feet in length and have a turn-around at the end thereof with a diameter of at least 100 feet. Surface drainage on a cul-de-sac shall be toward the intersecting street, if not possible, a drainage easement shall be provided from the cul-de-sac.

f. Except as provided above for cul-de-sacs, no dead end streets shall be permitted except in cases where such streets are designed to connect with future streets on adjacent land in which case the turn-around easement at the end thereof with a diameter of at least 80 feet must be provided. Such turn-around easement shall not be required if no lots in the subdivision are dependent on such street for access.

g. In the event residential lots in a subdivision are adjacent to a major arterial street, no access to individual lots from such

arterial street shall be permitted.

h. Reverse curves on major arterial streets shall be joined by a tangent at least 200 feet in length.

i. The subdivider will not be permitted to reserve a strip for the purpose of controlling access to such street from such property, except with the permission of the City, and, in any event, only if the control of such strip is given to the City.

j. Street, alley, and easement right of way widths shall meet the following standards:

<u>Classification</u>	<u>Minimum right of way width</u>	
Major arterial streets	100 feet	
Collector streets	80 feet	
Minor streets	50 feet	
Marginal access streets	40 feet	
Alleys (where permitted)	20 feet	
Sideyard easements	7 1/2 feet	
Sidewalk easements	5 feet	
Tree planting easements	10 feet	
All other easements	10 feet	

The full width of any street shall be dedicated and half-streets shall not be permitted.

k. Alleys and other easements shall be controlled by the following requirements:

(1) Alleys in residential subdivisions shall not be permitted except in cases when the same are necessary and desirable to continue an existing pattern.

(2) Alleys shall be provided in commercial and industrial areas unless other provisions are made and approved for service access.

(3) Easements for such widths as necessary shall be provided on each side of all rear lot lines and along the side lot lines as necessary for utilities. Where alleys are permitted, they may be used as a substitute for such easements.

(4) Storm drainage easements and retention sites shall be provided as required and approved by the City Engineer.

(5) The subdivider shall be responsible for adequate provisions to eliminate or control flood hazards associated with the subdivision. Agreements concerning storm water drainage between private parties shall be subject to City review and approval.

(6) Easements of such widths as necessary shall be provided on each lot as necessary when water for irrigation purposes will be provided within the subdivision.

Sec. 27-3.3 Blocks.

All blocks in a subdivision shall have a length of at least 400 feet but no more than 1,320 feet. Blocks exceeding 1,000 feet in length shall provide a pedestrian right of way of no less than ten (10) feet in width. Improved walks of not less than five (5) feet in width shall be placed within the above right of way.

Sec. 27-3-4 Lots.

a. No lot in a subdivision shall have less area than required under applicable zoning requirements of the City.

b. Each lot shall provide vehicular access to a public street.

c. Lots with both a front and rear frontage on a street shall not be permitted except where necessary to provide separation from major arterial streets or from incompatible land uses.

d. Side lot lines shall be substantially at right angles or radial to street lines.

Sec. 27-3.5 Sidewalks.

All sidewalks shall be a minimum of five (5) feet wide. Further, all sidewalks shall be of a detached design and separated from the

curb by a minimum ten (10) foot landscaped strip, except where the Hollywood design has been approved by the Planning Commission in which case a five (5) foot tree planting easement shall be provided adjacent to all street rights of way.

In addition, all sidewalks shall be ramped at all street intersections or other pedestrian crossing areas.

Sec. 27-3.6 Irrigation Systems and Design.

a. If irrigation water is to be made available in a subdivision, it shall be the responsibility of the subdivider to install an approved delivery system. Such a system shall meet minimum delivery requirements for the subdivision. Further, the system shall encompass the control of waste water, drainage water and surface water.

b. The subdivider may elect one of the following irrigation systems to provide irrigation water to lots and other areas within the subdivision.

- (1) Open concrete lined ditches.
- (2) Underground pipe gravity flow system.
- (3) Underground pressurized system.

Sec. 27-3.7 Public Sites, Reservations and Dedications.

a. A subdivider shall be required to dedicate rights of way for public streets, drainage easements and utility easements as needed to serve the area being platted. In cases where any part of an existing road is in the tract being subdivided, subdivider shall dedicate such roadway to the minimum width required under this ordinance for such street. This shall include perimeter roads.

b. Reservation of sites for flood control purposes and other municipal uses shall be mutually agreed upon between the subdivider and the City Council.

SECTION IV

IMPROVEMENTS

Before approval by Council of any final plat and certification by the President of the Council of said final plat, the Director of Development shall be notified in writing by the City Engineer that the required improvements have been acceptably designed according to City specifications and except where such requirements have been waived by the City Council pursuant to this ordinance, that the completion bond or guarantees are sufficient to cover the cost of the construction of the required improvements.

Sec. 27-4.1 Required Improvements Prior to Issuance of Building

Permit.

The following improvements shall be required prior to the issuance of a building permit:

- a. Survey monuments. As required by City specifications.
- b. Sanitary sewers. The subdivider shall provide adequate lines and stubs to each lot.
- c. Water mains. The subdivider shall provide adequate mains and stubs to each lot.
- d. Fire hydrants. As required according to City specifications.
- e. Storm drainage. A subdivider shall provide storm sewers, culverts and bridges where required.
- f. Streets and alleys. Streets and alleys shall be graded to subgrade.

Sec. 27-4.2 Required Improvements Prior to Issuance of Certificate of Occupancy.

The following improvements shall be required prior to the issuance of a certificate of occupancy. In cases where the strict interpretation of this provision would place undue hardship upon the person requesting the certificate of occupancy, he may be permitted to establish an escrow account in an amount acceptable to the City which will cover the cost of completion of the required improvements and the maintenance of any incomplete street sections which might be involved. The amount so placed in escrow shall be available to insure to the City that the subject improvements are installed in the event the person requesting the certificate of occupancy fails to install the same as agreed.

- a. Sidewalks. As required by City specifications.
- b. Utilities (telephone, cable T.V., electric services and gas lines). All utilities shall be installed underground and, where applicable, shall be in place prior to street or alley surfacing. Above ground facilities necessarily appurtenant to underground facilities or other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be above ground.
- c. Streets and alleys. All streets shall be paved with curb and gutter installed. All alleys, where permitted, shall be paved. In cases where a previously existing street which has not been brought up to City specifications is located within a subdivision, such street shall be paved with curb and gutter installed in order to meet City specifications. All streets existing within the ownership of the lands which make up any subdivision shall be

shown on the subdivision plat. If any subdivision is located adjacent to any existing street right of way, the subdivider shall improve at least the adjacent half of such street improvements as required to bring such street to city specifications.

d. Street Lights. As required according to City requirement and reimbursement to the City for their costs.

e. Irrigation systems shall be in place as required by city specifications.

f. Other. All other improvements required as a condition of approval of the plat shall be completed.

Sec. 27-4.3 Procedure.

No improvements shall be made until all required plans, profiles and specifications for the same have been submitted to and approved by the City Engineer.

Sec. 27-4.4 Release of Guarantee.

As each portion of the improvements in a subdivision is completed and after inspection and acceptance by the Director of Public Works, the amount of guarantee covering that phase of the development shall be released on the written request of the subdivider to the Director of Public Works.

a. City participation in certain streets. The city will share in the cost of constructing certain streets required in this chapter on the following basis:

(1) Arterial streets with limited access.

(a) In the case of arterial streets where access from such streets to the subdivision has been restricted to designated intersections by the city, the City will pay a portion of the cost of paving such street, including the cost of engineering, site preparation, base and pavement mat. The portion of such cost to be paid by the City shall be as per City policy. For streets having a width of greater than 80 feet, the percentage of cost that the City will pay shall be determined by the City Council upon recommendation of the City Manager.

(b) The participation of the City shall be limited to the street surfacing costs and the City shall not participate in the cost of curbs, gutters, sidewalks or other similar improvements.

(2) Arterial and collector streets with unrestricted access. In the case of arterial and collector streets with unrestricted access from the street to the building sites, the City will likewise pay a portion of the cost of paving such street as in the manner provided in Chapter 18, Local Improvements of the Code of Ordinances of the City.

Sec. 27-4.5 Utility Plat Agreement.

At the time the plans, profiles and specifications required in Subsection 4.3 above are approved, the subdivider shall enter into an agreement providing for the installation of all improvements in the subdivision required by this chapter. Such agreement shall establish and set forth the amount in which the City is to participate in the cost of construction of any collector or arterial street. No final subdivision plat shall be finally approved by the City nor recorded until such agreement has been entered into. Such agreement shall further provide that the subdivider will fully account to the City for all costs incurred in the construction of any street in which the City is participating, and the books and records of the subdivider relating to such street shall be open to the City at all reasonable times for the purpose of auditing or verifying such costs.

SECTION V

DEFINITIONS

As used in this ordinance, the following words shall be interpreted and defined in accordance with the provision set forth below:

Sec. 27-5.1 Rules of Construction of Language.

- A. The particular controls the general.
- b. In case of difference of meaning or implication between the text of this ordinance and the captions for each section, the text shall control.
- c. The word "shall" is mandatory and not directory. The word "may" is permissive.
- d. Words used in the present tense include the future, words in the singular include the plural, and words of one gender include all other genders, unless the context clearly indicates the contrary.

Sec. 27-5.2 Streets.

The term "street" means a way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

- a. Major arterial streets are streets or highways which are used primarily for fast or heavy traffic.
- b. Collector streets are streets or roads which carry traffic from

local streets to the system of major arterial streets or highways and are designed to move traffic to parks, schools and shopping centers serving residential neighborhoods.

c. Minor streets are streets which are used primarily for access to the abutting properties.

d. Marginal access streets are local streets which are parallel to and adjacent to expressways or major arterials and which provide access to abutting properties and protection from through traffic.

e. Alleys are minor ways used primarily for vehicular service access to the back of properties otherwise abutting on a street.

Sec. 27-5.3 Subdivider.

The term "subdivider" or "developer" means any person, partnership joint venture, association or corporation who shall participate as owner, promoter, developer or salesman in the planning, platting, development, promotion, sale or lease of a subdivision.

Sec. 27-5.4 Subdivision.

The term "subdivision" means the division of a lot, tract or parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of sales for building development.

Sec. 27-5.5 Lot.

A piece, plat or parcel of land or assemblage of contiguous parcels of land, as established by survey, plat or deed, occupied by a single principal building, or principal use and accessory building or uses thereto, together with such open spaces as are required under this ordinance and having the frontage on a dedicated public street or officially approved place.

Sec. 27-5.6 City.

The term "city" means the City of Grand Junction and reference to any boards, councils or administrative officials shall refer to those of the City of Grand Junction.

Sec. 27-5.7 Minor Subdivision.

The term "minor subdivision" means the division of a lot, tract or parcel of land one acre or less in size into lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sales for building development.

SECTION VI

VARIANCES

Sec. 27-6.1 When permitted.

The City Council may, after study and recommendation by the Planning Commission, authorize variances under this ordinance in cases where, because of exceptional topographical, soil or other subsurface conditions or other conditions peculiar to the site, an undue hardship would be caused to a subdivider by the strict application of any of the provisions of this ordinance. Such variances shall not be granted if the same would be detrimental to public good or impair the intent and purposes of this ordinance. The recommendation of the Planning Commission on any application for a variance shall be set forth in writing in the minutes of said Board and the action of the City Council shall likewise be set forth in writing in the minutes of the Council.

Sec. 27-6.2 Planned Unit Development.

The design standards specified in Section 3 of this ordinance may be modified in the case of planned unit development authorized under the Zoning Ordinances of the City of Grand Junction. A planned unit development shall not be exempted from any of the other requirements of this ordinance except as set forth specifically in this ordinance.

SECTION VII

ADMINISTRATIVE PROVISIONS

Sec. 27-7.1 Penalty.

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable as set forth in the Ordinances of the City of Grand Junction. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense under this ordinance.

Sec. 27-7.2 Interpretation.

In the interpretation and application of the provisions of this ordinance the following regulations shall govern:

a. Provisions are minimum requirements. In their interpretation and application the provisions of this ordinance shall be regarded as a minimum requirement for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

b. Application of overlapping regulations. Whenever both a provision of this ordinance and any other provision of this ordinance or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or

requirements shall govern.

c. Existing permits. This ordinance is not intended and shall not abrogate or annual any permits issued before the effective date of this ordinance.

Sec. 27-7.3 Separability.

It is hereby declared to be the legislative intent of the City Council that the several provisions of this ordinance shall be severable in accordance with the provisions set forth below:

If any provision is declared invalid by a decision of any Court of competent jurisdiction, it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid, and,

b. Such decision shall not affect, impair or nullify this ordinance as a whole or any other part thereof but the rest of this ordinance shall continue in full force and effect.

Sec. 27-7.4 Repeals.

Chapter 27 of the Code of Ordinances of the City of Grand Junction is hereby repealed to be replaced by this ordinance and all other ordinances of the City inconsistent herewith to the extent of such inconsistency are also repealed.

PASSED and ADOPTED this 3rd day of April, 1974.

Stanley R. Anderson

President of the Council

ATTEST:

Neva B. Lockhart

City Clerk

NOTICE OF PUBLICATION
OF AN ORDINANCE OF THE CITY OF GRAND
JUNCTION IN PAMPHLET FORM AND OF A
HEARING THEREON

NOTICE IS HEREBY GIVEN that an Ordinance of the City of Grand Junction entitled: AN ORDINANCE REPEALING AND REENACTING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO REGULATE THE SUBDIVISION OF LAND, PROVIDE A PROCEDURE FOR PROCESSING PLANS THEREFOR, ESTABLISH DESIGN STANDARDS, REQUIRE IMPROVEMENTS, DEFINE CERTAIN TERMS AND DESCRIBE METHODS FOR

VARIANCES, ENFORCEMENT, INTERPRETATION, AMENDMENT AND SEPARABILITY is being published in pamphlet form and is available for inspection and reading in the office of the City Clerk during regular working hours.

A hearing on such proposed ordinance will be held in the City Hall before the City Council at 7:30 o'clock p.m. on April 3, 1974 to consider the adoption of such ordinance.

Dated this 21st day of March, 1974.

Neva B. Lockhart

City Clerk

Pub. 3-24-1974

NOTICE

NOTICE OF FINAL PUBLICATION OF ORDINANCE
NO. 1493 OF THE CITY OF GRAND JUNCTION IN
PAMPHLET FORM

NOTICE IS HEREBY GIVEN that Ordinance No. 1493 of the City of Grand Junction entitled: AN ORDINANCE REPEALING AND REENACTING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO REGULATE THE SUBDIVISION OF LAND, PROVIDE A PROCEDURE FOR PROCESSING PLANS THEREFOR, ESTABLISH DESIGN STANDARDS, REQUIRE IMPROVEMENTS, DEFINE CERTAIN TERMS AND DESCRIBE METHODS FOR VARIANCES, ENFORCEMENT, INTERPRETATION, AMENDMENT AND SEPARABILITY has been finally passed and published in pamphlet form and is available for inspection and reading in the office of the City Clerk during regular working hours.

Dated this 4th day of April, 1974.

Neva B. Lockhart

City Clerk

Published April 7, 1974.