

ORDINANCE NO. 2582

AMENDING SECTION 7-5-7 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION

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

Section 7-5-7 is amended so that it reads as follows:

7-5-7 ENFORCEMENT OF DEVELOPMENT SCHEDULES - If the developer(s) of a planned developed do(es) not meet the approved development schedule, or fail(s) to commence development within three years from the date of final approval and no other development schedule has been approved in writing by the Administrator, the Administrator shall/may initiate the following process:

A. The Administrator will write to the developer(s) of the project notifying such person that the planned development approval is subject to revision. Such notice shall indicate that the land use approval for the property will, if the revocation occurs, be changed to that zone in existence prior to the planned development or to another category consistent with adopted land use plans (master plans) and policies.

1. If the developer(s) request(s) an extension in writing and if the Administrator finds, in writing, sufficient justification, the Administrator may extend the project's development schedule for up to one year from the date of such findings. The public interest is generally served by the granting of one extension request if delays were unavoidable due to circumstances beyond the developer's control, such as, but not limited to, unavoidable delays in extending trunk sewer or water lines, unexpected construction complications, or other non-economic factors. The request for extension must state specific reasons(s) for the extension. If specific reason(s) are not given, the Administrator may condition any such extension as he/she may reasonably determine. The Administrator will consider these reasons in deciding whether to grant, deny, or grant with conditions, an extension. The Administrator may require additional information and updated information and/or changes to the plan, prior to allowing the developer to begin construction. For purposes of this section, "construction" shall include but not be limited to all earthwork, construction of building, foundations, fences, sewer lines, water lines, gas lines, electric lines, phone service, and any other public or private improvements.

If the project does not commence within the approved time, the Administrator shall schedule the planned development item for the Planning Commission to consider if the approval(s) should be revoked or rescinded, what conditions or changes should apply to any additional extensions. The Planning Commission may, after hearing: either revoke the plan and recommend revocation of the zone to the City Council; extend the project schedule; or extend the project and/or its schedule with conditions or changes.

2. If the developer requests in writing to revoke the project, the Administrator will schedule the item for the Planning Commission's consideration.

B. Lapse of Plan and Rezone - If a Planned Development, or any portion thereof, has not been completed in accordance with an approved development schedule (a "lapse"), the Administrator shall schedule the project before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Administrator shall record an appropriate legal notice. The Administrator may, if he/she deems it appropriate, initiate, without owner consent, a zoning change to the previous or another appropriate zone. Criteria for appropriate zones shall be the adopted master plan for the area, corridor guidelines, and other adopted land use policies of the City.

C. "Developer" includes those persons defined in CRS 24-68-102(1).

"Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

INTRODUCED this 3rd day of June, 1992.

PASSED and ADOPTED this 1st day of July, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2582, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 5th day of June, 1992, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of July, 1992.

Theresa F. Martinez

Theresa F. Martinez, CMC
Acting City Clerk

Published: June 5, 1992
Published: July 3, 1992
Effective: August 3, 1992