

CHAPTER TWO

PROCEDURES

2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

- A. Generally, the procedures for all applications have three (3) common elements: (1) submittal of a complete application, including required fees; (2) review by City staff and other review agencies; and (3) action and/or decision.
- B. **Common Elements of Procedures.** The following procedures apply unless modified by more specific provisions elsewhere. The times for the City to act are maximum number of working days. The Director may shorten any time frame specified herein.

1. **General Meeting/Preapplication Conference.**

- a. **General Meeting.** The general meeting allows the applicant to meet informally with the staff to discuss a project and provide feedback and ideas. Based on the detail and information provided, the staff will give direction on the merits, procedures and issues on a proposed project. A General Meeting is not required for all applications. A development application may not be submitted until after the general meeting is completed if required by the Director.

- b. **Preapplication Conference.** A preapplication conference (“preapp”) with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects. The general purposes of a preapplication conference are to:

- (1) Understand the proposed project and the applicant’s specific objectives;
- (2) Identify applicant time goals such as property closing dates, construction starts, and operation dates;
- (3) Identify City approvals needed before any development can start;
- (4) Identify documents, plans, drawings, fees and process other materials necessary for a complete application;
- (5) Identify significant issues likely to arise to be dealt with; and
- (6) Begin to familiarize the applicant with City requirements, and this Code.

- c. **Applicability.** Table 2.1 shows the permits for which a general meeting is required. The Director may waive the general meeting if it is not likely to help the neighborhood or applicant.

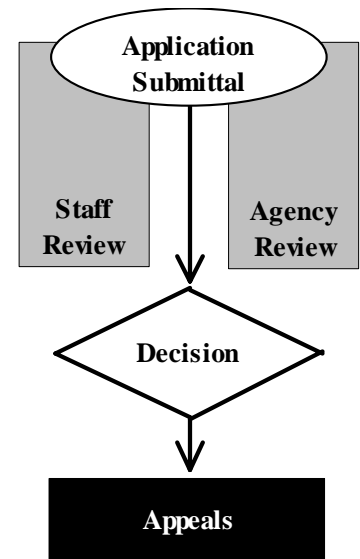
- d. **Application Requirements.** Submittal requirements for permits are listed in the SSID Manual; however, the scope or location of any specific proposal may require the applicant to provide different or additional information. At the general meeting or preapplication conference, the Director shall decide what information will be required to evaluate the proposal. At any time the Director may change his mind based on new information, mistakes or neighborhood concerns and require additional or different information. The Director shall give the applicant a form showing the decisions and requirements from the general meeting or preapplication conference.

2. **Application Requirements.**

- a. **Materials.** Lists of required application materials are available from the Director and are included in the SSID Manual.

- b. **Application Deadlines.** Application deadlines are included in the SSID Manual or by

**Administrative
Development Permit
Diagram**



- administrative policy.
- c. **Application Fees.** The City Council sets fees to recover some of the costs of processing, publicizing, and reviewing applications. City Council may, by resolution, modify any fee at any Council meeting.
 - d. **Completeness.** The Director shall decide if the application is complete. If the application is not deemed complete, the Director shall notify the applicant and the submittal shall be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.
3. **Notice.** Public notice is not required for most administrative permits. The duty to provide notice, when required, is always the applicant's. Notice is provided as follows:
- a. Within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by first class U.S. mail to each person shown as an owner within 500 feet (500') and at the address by the County Assessor.
 - b. Notice should include a general description of the proposal, the location of the property and the soonest the Director can decide on the application.
 - c. The Director's failure to send any notice does not mean the proposal is approved since it is always the applicant's ultimate responsibility to see that all City rules, requirements and procedures are followed. The Director may require the applicant pay for additional notice, in any form for any type of proposal if he believes such notice will further the purpose or intent of this Code.
4. **General Procedures.**
- a. The Director shall evaluate each application for compliance with City requirements. The Director shall solicit other agency comments. The Director shall provide his/her comments in writing to the applicant.
 - b. The Director may forward copies of the applications to various agencies for their input and review. Such other agencies include:
 - (1) Other City departments;
 - (2) Utilities;
 - (3) Law enforcement;
 - (4) Fire protection agencies;
 - (5) General purpose government;
 - (6) State agencies (*e.g.*, Geologic Survey, Transportation, Natural Resources, Wildlife); and
 - (7) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).
 - c. Agency review and input is advisory only.
 - d. An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.
5. **Comments – Time to Respond.**
- a. The Director must approve, approve with conditions, or disapprove all complete applications for an administrative permit.
 - b. After receipt of the applicant's written response to comments/recommendations the Director shall, based on the applicable review criteria, approve, approve with conditions or disapprove the application. The Director may allow the applicant additional resubmittals and responses before the Director decides.
6. **Appeals and Amendments.** The Director's decision is final unless the Director receives written appeal within ten (10) working days of the date the City's records show the notice of

decision was mailed. A permit shall be amended through the process it was originally approved.

7. **Validity.** Unless otherwise provided herein an administrative permit shall expire on the anniversary date, one (1) year after, except that the Director may extend the permit for up to 180 more days if the applicant proves he/she can complete the project in conformance with currently adopted codes and policies.
8. **Continued Compliance.** Once constructed, the owner(s) and developer shall be treated as an association (unless otherwise formed) and shall be liable for and responsible to maintain the development in substantial compliance with City regulations, approved plans and conditions. Failure to achieve substantial compliance including, but not limited to, the replacement of required plant materials that have died or are diseased, shall constitute a violation of this Code and may be enforceable by the City in Municipal Court subject to the provisions of Chapter Eight.
9. **Enforcement and Revocation.** In accordance with the provisions of Chapter Eight, the Director may revoke any permit for failure to comply with the conditions of the permit or failure to comply with any provision of this Code, or if any information, statement or documents supplied by or on behalf of an applicant are false, misleading or omit any material fact or information.

C. **Administrative Permits - Planning Clearance and Building Permit**

1. No person shall establish, construct, modify or expand a use or a structure until both a planning clearance and a building permit, if required, has been issued.¹ This Section does not apply to a permit for a fence or sign, as both are otherwise regulated by this Code.
2. **Approval Criteria.** The proposed development shall:
 - a. Be located on a lot or parcel that is authorized for development by this Code;
 - b. Be consistent with the zone and use provisions established in Chapter Three of this Code;
 - c. Be served by the required public facilities and services; and
 - d. Have received all applicable local, state and federal permits.
3. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B for the planning clearance. The building permit shall be approved by the Mesa County Building Department, and any appeal shall be heard by the Building Code Board of Appeals.
4. **Validity.** A planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such 180 day period, the planning clearance shall be valid for as long as the building permit remains valid.

D. **Administrative Permits - Use Types**

1. **Home Occupation Permit.**
 - a. **Purpose.** Home occupation permits are needed to ensure that all home occupations are conducted in a safe manner without adverse affects on neighboring properties.
 - b. **Applicability.** No person shall conduct a home occupation until the Director has issued a home occupation permit.
 - c. **Review Criteria.** The applicant shall demonstrate that the proposed use conforms to the home occupation standards established in Chapter Four of this Code.
 - d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
2. **Temporary Use Permit.**
 - a. **Purpose.** A temporary use permit helps ensure that temporary uses, including special events, are safe and minimizes adverse impacts on City infrastructure and neighboring properties.
 - b. **Applicability.** No person shall establish a temporary use for a period exceeding forty-eight (48) hours without a temporary use permit. Special events and activities conducted on public property, such as school sites and City parks, which have the

¹ A planning clearance is required. A building permit is required if it is required under the City's adopted building code.

consent of the owner, shall be exempt from the provisions of this Section 2.2.D. Only one (1) temporary use is permitted at any given time on a parcel or lot.

- c. **Review Criteria.** The applicant shall demonstrate that:
- (1) The use is an authorized temporary use pursuant to Section 4.3.L.;
 - (2) There is no other temporary use on the parcel or lot;
 - (3) The use will not be detrimental to the public health, safety and general welfare;
 - (4) The use is consistent with the purpose and intent of this Code and the specific zoning district in which it will be located;
 - (5) The use is compatible (intensity, characteristics and appearance) with existing land uses in the neighborhood. Factors to determine compatibility include: location, noise, odor and light, dust control and hours of operation;
 - (6) The use will not cause traffic to exceed the capacity of affected streets;
 - (7) Adequate off-street parking exists in accordance with Section 6.6 of this Code. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site;
 - (8) Access to public right-of-way complies with City requirements, except that hard surface travel lanes are not required for a temporary use;
 - (9) Permanent hookups to utilities are not provided;
 - (10) Yard and property line setbacks are met for structures and/or display of merchandise. Displays shall not interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. No personal property, including structures, tents, *etc.* shall be located within the public right-of-way;
 - (11) Signage is allowed only while the temporary use is permitted. A temporary use sign shall not exceed thirty-two (32) square feet, excluding signage fixed to an operable motor vehicle. There shall be no portable signs. No off-premise sign shall advertise a temporary use;
 - (12) At least thirty (30) calendar days have passed since any temporary use on the parcel or lot; and
 - (13) The temporary use will not exceed four (4) months.
- d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

3. **Change of Use Permit.**

- a. **Applicability.** No person shall change the use of a structure or property to another principal use unless and until the Director has issued a change of use permit. A change of use from residential to any other use requires a site plan review. A change of use does not occur unless:
- (1) The Code requires more off-street parking for the new use than is available on the property;
 - (2) There is any increase in traffic, actual or projected; or
 - (3) The amount of storm water runoff or impervious area is increased.
- b. **Criteria.** The applicant shall prove that:
- (1) The change of use will be consistent with the zoning district and use provisions established in Chapter Three;
 - (2) Accessory uses conform with the provisions in Section 4.1;
 - (3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area provided for each parking space; and
 - (4) New parking areas shall comply with the landscaping, access, paving and drainage requirements of this Code.
- c. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section

2.2.B.

4. **Major Site Plan Review.** The Director reviews site plans to determine compliance with this Code, the Growth Plan, adopted corridor guidelines and other regulations. The siting of structures and site improvements are reviewed to promote compatibility with the neighborhood.
- a. **Applicability.**
- (1) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan. Construction plans, based upon the approved final site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase. The City shall keep the plans as a permanent record of the required improvements. All development requires major site plan review except:
 - (A) A structure with one (1) or two (2) dwellings;
 - (B) Nonresidential, interior remodeling which will cost twenty-five percent (25%) or less of the fair market value of the existing structure;
 - (C) An approved home occupation;
 - (D) An approved temporary use;
 - (E) An approved fence and a wall;
 - (F) An approved sign;
 - (G) An approved change of use;
 - (H) Minor site plan development; and
 - (I) A Development which the Director determines does not require a major site plan review if the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.
 - (2) Major site plan review shall occur prior to issuance of a planning clearance and a building permit.
- b. **Review Criteria.** The Director will approve the major site plan if the applicant demonstrates that the proposed development complies with:
- (1) Adopted plans and policies, such as:
 - (A) The Growth Plan and any applicable corridor, special area or neighborhood plans; and
 - (B) The Grand Valley Circulation Plan, trails plan and parks plan;
 - (2) Conditions of any prior approvals;
 - (3) Other Code requirements, including:
 - (A) Rules of the zoning district;
 - (B) The Use-specific standards in Chapter Three;
 - (C) The design and improvement standards provided in Chapter Six; and
 - (4) Quality site design practices, including:
 - (A) The site shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character and site design of adjoining property, and the type and size of structures. The site shall be developed to accommodate future growth in the neighborhood.
 - (B) To the maximum degree practical, the native floral bushes, grasses and trees and other landscaping shall be preserved, by minimizing vegetation disturbance and soil removal and by other appropriate site construction planning techniques. Wind and water erosion shall be minimized through site design.
 - (C) Fences, walls and live screening shall be provided to protect the neighborhood and the future uses of the site from adverse effects such as undesirable views, lighting and noise.
 - (D) Plant materials shall be in scale with the structures, the site and its uses and

surroundings. Plantings should be arranged to harmonize in size, color, texture, and year-round characteristics of the structures and the site.

- (E) The scale, character and orientation of structures shall be compatible with present and future uses.
- (F) Exterior lighting shall be hooded so that no direct light is visible off the site.
- (G) All utility service lines shall be underground including natural gas, electrical, telephone, and cable television lines.
- (H) On-site parking, loading and vehicular and pedestrian circulation must be safe.
- (I) Safe and convenient pedestrian, bicycle and vehicular access to public rights-of-way and common use shall be provided. The location, size and number of vehicular and pedestrian accesses shall be arranged to minimize negative impacts on the neighborhood. Off-site and on-site improvements may be required for safe vehicular and pedestrian movement.
- (J) Emergency and utility vehicles must have obvious and ready access to all structures and areas of the site.
- (K) Public facilities and utilities shall be available concurrent with the Development.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** Unless otherwise approved, a major site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the major site plan approval shall be valid for as long as the building permit remains valid.

5. **Minor Site Plan.**

- a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. Construction plans, based upon the approved final minor site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final minor site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase for minor site plan review. The City shall keep the plans as a permanent record of the required improvements.
- b. The Director may use this review process if the proposed project is limited to:
 - (1) A new structure of up to 1,000 gross square feet only for storage, mechanical room, *etc.* if water and sewer services are not provided and if no structures currently exist on the parcel;
 - (2) An addition to a structure of up 1,000 gross square feet or a new structure of up to 1,000 square feet on a lot with one (1) or more structures;
 - (3) An existing parking lot or existing work area to be paved with asphalt or concrete;
 - (4) A temporary office trailer;
 - (5) Similar low-impact uses; or
 - (6) A proposed residential subunit or accessory unit.
- c. **Criteria.** To receive approval the applicant must demonstrate that the development:
 - (1) Complies with the Growth Plan; and any applicable corridor, special area and neighborhood plans;
 - (2) Complies with the adopted Grand Valley Circulation Plan, trails plan and parks plan;
 - (3) Will be located on property that is authorized for development by this Code;
 - (4) Is consistent with the zoning and use provisions;
 - (5) Meets parking, access and drainage requirements;
 - (6) Is served by public facilities; and

- (7) Has or is eligible to receive all applicable local, state and federal permits.
- d. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- e. **Validity.** Unless otherwise approved, a minor site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the minor site plan approval shall be valid for as long as the building permit remains valid.

E. **Other Administrative Permits.**

1. **Fence Permit.**

- a. **Applicability.** No person shall erect or maintain a fence or wall unless the Director has issued a fence permit. A fence or wall that exceeds six feet (6') in height is considered a structure and requires a planning clearance and building permit instead of a fence permit. Fences may be required in any development to restrict or direct access to other property, right-of-way or for aesthetic purposes. Fences must comply with Section 4.1.J of the Code, any design guidelines and other conditions of approval. A fence or a wall may vary from the standards in Section 4.1.J if approved as part of a development plan;
 - (1) In a proposed planned development zone; or
 - (2) On a site with a conditional use permit.
- b. **Criteria.** No fence shall be built unless the Director has approved a plan showing the type and method of construction, anchoring of the posts and gates; the distance between the fence and the property lines including right-of-way; and the height of the fence.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A fence permit shall only be valid for 180 calendar days.

2. **Sign Permit.**

- a. **Applicability.** No person shall erect or display a nonexempt sign (see Section 4.2) unless the Director has issued a sign permit. An on-premise temporary sign may be erected without a permit if done as referred in Section 4.2.D. No person shall alter a sign face by painting or overlay such that the color, symbols, letters or other aspect is changed without a permit. Touching up or repainting existing letters, symbols, *etc.*, is maintenance and does not require a permit.
- b. **Criteria.**
 - (1) All signs shall be constructed and maintained in accordance with Section 4.2.
 - (2) A sign in a corridor overlay district shall comply with the design guidelines.
 - (3) The zoning district may further restrict and limit the type of sign.
 - (4) A sign shall be located on the property to which it refers unless permitted as off-premise sign. A sign shall be permanent except as allowed in Section 4.2.D.
 - (5) An exterior sign shall be designed to withstand a wind load of thirty (30) pounds per square foot.
 - (6) No person shall place on or attach any sign to any public property, including any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface unless authorized by this Code or other City ordinance.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A sign permit or clearance shall only be valid for 180 calendar days.

3. **Floodplain Development Permit.**

- a. **Applicability.** No person shall construct or maintain any use or structure nor make any development in a floodplain or within any area of special flood hazard (Section 7.1) unless the Director of Public Works and Utilities has issued a floodplain permit.
- b. **Review Criteria.** The Director of Public Works and Utilities shall not issue a floodplain permit unless the applicant demonstrates conformance with Section 7.1 of this Code.
- c. **The Application, Review and Decision-Making Procedures** are in Table 2.1 and Section 2.2.B. When base flood elevation data has not been provided in accordance with

Section 7.1.C, the Director of Public Works and Utilities may use any flood elevation and floodway data available from a federal, state or other source as criteria to decide how and if construction, substantial improvements, or other development in the floodplain may be permitted.

d. **Director's Responsibilities.**

- (1) Record Keeping. The Director of Public Works and Utilities shall obtain and maintain the following information:
 - (A) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;
 - (B) For each new or substantially improved floodproofed structure, the actual elevation (relative to mean sea level) to which the structure has been floodproofed and the floodproofing certifications required in Section 7.1; and
 - (C) Records pursuant to Section 7.1.
- (2) Alteration of Watercourses. The Director of Public Works and Utilities shall require proof that the applicant has:
 - (A) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and Utilities shall submit evidence of such notification to the Federal Emergency Management Agency; and
 - (B) Demonstrated that maintenance is provided for within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (3) FIRM Boundaries. The Director of Public Works and Utilities shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments not in dispute and plat corrections)

- a. **Purpose.** The simple subdivision process allows the Director to approve lot consolidations, boundary adjustments not in dispute, a lot split, and to correct a minor error in a plat.
- b. **Applicability.** If requested in writing by every owner and consented to by every lienor, the Director may allow the simple subdivision process to be used to:
 - (1) Consolidate one (1) or more lots;
 - (2) Create only one (1) additional lot;
 - (3) Change a nondisputed boundary line between two (2) abutting lots or parcels; or
 - (4) Change a plat to:
 - (A) Correct an error in the description;
 - (B) Correct any monument; or
 - (C) Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded plats.
- c. **Approval Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:
 - (1) All lots comply with this Code, including the density/intensity provisions in Section 3.6.B;
 - (2) Any change to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
 - (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
 - (4) The character of the plat and the neighborhood will not be negatively impacted;
 - (5) If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision creating a new lot within the preceding ten (10) years; and

- (6) The final approval shall be the recording of the plat.
- d. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B.;
- 5. **Disputed Boundary Adjustments.**
 - a. **Purpose.** The process for the disputed boundary adjustments allows the Director to approve boundary line adjustments as allowed by state law.
 - b. **Approval Criteria.** A disputed boundary adjustment pursuant to Section 38-44-112, C.R.S., or as amended from time to time, is permitted if approved by the Director. The applicant(s) must comply with the statute. The boundary agreement must be submitted for review. A map accompanying the agreement at a minimum shall be a sketch drawn to scale of the legal descriptions, showing a graphical depiction of the intents and limits of each lot, tract, or parcel of land included within the boundary agreement as the lots, tracts, or parcels of land shall exist henceforth as agreed. The sketch shall include a graphical depiction of all easements on each lot, tract, or parcel of land. All adjoining properties shall be identified. The sketch shall be signed and sealed by a professional licensed land surveyor. If a plat accompanies the agreement, it shall comply with the requirements set forth in the SSID manual. The final approval shall be the recording of the boundary agreement with the map or plat.
 - c. **Application and Review Procedures.** See Table 2.1 and Section 2.2.B.