

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. 3436

**AMENDING THE ZONING AND DEVELOPMENT CODE
DEVELOPMENT REVIEW PROCESS**

Recitals.

This proposed amendment to the Zoning and Development Code amends the need for a General Meeting for all development applications and removes references to the development review process.

The Planning Commission, at their May 14, 2002 hearing, recommended approval of the amendment.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Zoning and Development Code is hereby amended with new words and provisions as follows:

2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

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/Pre-Application 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 a general meeting is completed if required by the Director.
- 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.

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 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 checklist identifying any submittal deficiency.

4. **General Procedures.**

- a. The Director shall evaluate each application for compliance with City requirements. The Director shall solicit other agency comment. 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 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.

2.3 PERMITS REQUIRING PUBLIC HEARING

- A. Generally, the procedures for all applications have three (3) elements:
 1. Submittal of a complete application, including payment of fees;
 2. Review by City staff and other agencies; and
 3. A decision.
- B. **Common Elements of Procedures.** The following requirements are common to all application. The time for the City to act are maximums stated in terms of working days. The Director may shorten any time frame specified herein.
 1. **General Meeting.** At a general meeting the applicant discusses the project with City staff in more depth to obtain general feedback and ideas. Based on the amount of detail and information the applicant presents, the staff shall attempt to give direction on a proposed project. After a general meeting a development application may be submitted. A general meeting is not required for all applications. The Director may waive the General Meeting requirement if it is not likely to help the neighborhood or applicant.
 3. **Application Requirements.** The SSID Manual lists what is needed to apply for each type of permit. However, the particulars of a project may require different types or levels of information. At the pre-application conference, the Director will tell the applicant what information the applicant must supply to begin the assessment of the project. At any time during the process, the Director may require additional information to respond to issues or concerns not discussed at the pre-application conference. The Director will list the requirements/information told to the applicant at the pre-application conference and place the list in the file.
 - a. **Application Deadlines.** Important application deadlines are in the SSID Manual or by the Director's written policies.
 - b. **Application Fees.** The City Council sets fees in amounts sufficient to recover all or a portion of the taxpayer costs spent processing, giving notice, and reviewing development applications.
 - c. **Completeness.** The Director shall determine if the application is complete. If it is not complete the Director shall notify the applicant and the submittal will be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.

5. Procedures.

- a. **Staff Review.** Applications shall be reviewed by City Staff and other appropriate agencies for compliance with City and agency codes and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.
- b. **Review by Other Agencies.** The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:
 - (1) City departments;
 - (2) Telecommunications, gas, electric and other utilities;
 - (3) Irrigation, drainage, water and sewage, sewer provider special districts;
 - (4) School and fire agencies ;
 - (5) Law enforcement ;
 - (6) Mesa County Staff, Planning Commission, or Board of Commissioners;
 - (7) State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, etc.); and
 - (8) Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, etc.).
- c. **Agency and Department Comments.** The agencies' review will be advisory in character, and does not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.
- d. **Applicant's Response.** 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 day requirement, not to exceed thirty (30) days in length.
- e. **Review of Response.** The Director shall determine if sufficient information has been provided to schedule the application for a hearing. If the Director deems the application insufficient for such purposes, he shall notify the applicant. The applicant shall be allowed additional resubmittals and responses before the application is scheduled for a hearing.

9. Public Hearing Procedures.

- a. **Timing.** The Director shall schedule an application for hearing only when all issues have been resolved and a determination of compliance with all codes and regulations is made.
- b. **Applicant's Option.** An applicant has the right to request a hearing at any time during the review process.

TABLE 2.1 REVIEW PROCEDURES SUMMARY

REVIEW PROCEDURES SUMMARY

Application Process	General Meeting ^{1, 9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	P C	C C	ZBOA	Public	Mail	Sign
ADMINISTRATIVE PERMITS									
Planning Clearance		-	D	-	-	A	-	-	-
Certificate of Occupancy	-	-	D	-	-	A	-	-	-
Home Occupation	-	-	D	-	-	A	-	-	-
Temporary Use		-	D	-	-	A	-	-	-
Change of Use		-	D	-	-	A	-	-	-
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	-	-
Fence	-	-	D	-	-	A	-	-	-
Sign	-	-	D	-	-	A	-	-	-
Floodplain Permit		-	D	-	-	A	-	-	-
GROWTH PLAN AMENDMENT³									
Text Amendments		-	R	R	D	-	M	-	-
Map Amendments		M ⁴	R	R	D	-	M	M ⁶	M ⁶
CODE AMENDMENTS									
Zoning Map Amendments		M ⁴	R	R	D	-	M	M ⁶	M ⁶

Application Process	General Meeting ^{1, 9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	P C	C C	ZBOA	Public	Mail	Sign
Text Amendments		-	R	R	D	-	M	-	-
MAJOR SUBDIVISION									
Concept Plan (optional)	O	O	R ⁸	- D ₈	-	-	-	-	-
Preliminary Plan not in conjunction with action requiring Council approval	M	M ⁵	R	D ₇	A	-	M	M	M
Final Plat		-	D	A	-	-	-	-	-
Development Improvement Agreements	-	-	D	-	-	-	-	-	-
PLANNED DEVELOPMENT									
ODP (optional)	M	O	R	R	D	-	M	M	M
Preliminary Plan	M	M ^{4,5}	R	R	D	-	M	M	M
Final Plan		-	D	A	-	-	-	-	-
Plan Amendments Major Minor		M ^{4,5} -	R D	D A	A -	- -	M -	M M	M -

OTHER APPLICATIONS									
Conditional Use Permit	M	O	R	D	A	-	M	M	M
Historic Preservation		-	R	-	D	-	M	-	-
Revocable Permit		-	R	-	D	-	-	-	-
Zoning of Annexation		-	R	-	D	-	M	M ⁶	M ⁶
Simple Subdivision		-	D	A	-	-	-	M	-

Application Process	General Meeting ^{1, 9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	P C	C C	ZBOA	Public	Mail	Sign
(Vacation Plat, Easement or Right-of-way)		-	R	R	D	-	M	M	M
Variance City Council ZBOA		- -	R R	R -	D -	- D	M M	- M	- M
Vested Rights		-	R	R	D	-	M	-	-
Appeal of Director Decisions		-	-	-	-	D	M	-	-
Institutional & Civic Facility Master Plans	M	M	R	R	D	-	M	M	M

KEY:

M	Mandatory	R	Review Body
O	Optional/Recommended	D	Decision Maker
-	No/Not Applicable	A	Appeal Body

Footnotes:

¹ Where required, a General Meeting with City staff must occur before a development application will be accepted. In addition, a Pre-application Conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects, as the best way to ensure the success of a project.

² Some administrative review does require notice. See section 2.2.B.3.

³ The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Urban Area.

⁴ A neighborhood meeting is required for Growth Plan amendment or rezoning to a greater intensity/density.

⁵ A neighborhood meeting is required if 35 or more dwellings or lots are proposed.

⁶ Mailed notice and sign posting is not required for Growth Plan map amendments, rezonings or zoning of annexations relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.

⁷ The Director shall be the decision-maker for non-residential condominium preliminary plans for platting.

⁸ The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).

⁹ Even though a General Meeting may not be required, applicants should confer with City staff regarding potential issues with a proposed development, and to receive a submittal checklist.

Introduced on first reading this 15th day of May, 2002.

PASSED and ADOPTED on second reading this 5th day of June, 2002.

ATTEST:

/s/ Stephanie Tuin
City Clerk

/s/ Cindy Enos-Martinez
President of the Council