
CHAPTER 11-4. DEVELOPMENT REVIEW PROCEDURES

Sec. 11-4-1. Compliance.

- (A) No building permit, certificate, business or occupation license, or site development plan approval, use of which may be subject to the provisions of this Title, shall be issued by any department, agency or board of the City except in compliance with this Title. No land shall be used or occupied, and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in this Title and upon performance of all conditions set forth in this Title.
- (B) No person shall subdivide any tract of land which is located within the City except in conformance with the provisions of Chapter 11-5 of this Title.
- (C) Building permits shall not be issued for the construction or reconstruction of structures upon any land, or the addition to any building or structure situated on any land, or other improvements requiring a building permit, unless such land is zoned for the use proposed and if required, has been subdivided and platted in accordance with the procedures set forth in Chapter 11-5 of this Title. A whole platted lot is required for compliance with this requirement.
- (D) No building permit shall be issued for construction until a site development plan has been approved by the City and further, until there has been compliance with all platting procedures of Chapter 11-5 of this Title.
- (E) No person or related entity delinquent in the payment of any money owed to the City, in any amount or for any purpose, including, but not limited to, any delinquent taxes, permit fees, Court fines, cost or judgments, fees, surcharges or assessments, may be granted any City permit, other City discretionary permission or paid any consideration from the City, pursuant to a contractual obligation or otherwise, until payment in full has been received by the City or other financial arrangements are made that are satisfactory to the City Manager.

Sec. 11-4-2. Review process.

- (A) All “land development,” as defined at Chapter 11-15 of this Title, must be reviewed and approved in accordance with the review process and standards set forth in this Chapter. Table 4.1, the Review Procedures Chart, establishes the required review steps applicable to different forms of approval. Applicants should refer to the chart to determine which one or more “Approval Requested” under the left-hand column of the chart applies to their proposed development. The required stages of review for each approval are shown on the lines to the right. The specific review process for each stage is set out in detail in the balance of this Title under the appropriate headings. Unless otherwise indicated, amendment or modification of a prior approval follows the procedure for review of the original application.
- (B) Except as otherwise set forth for administrative review, land development applications are reviewed by City staff, the Planning Commission and the City Council, all as shown on the Review Procedures Chart (Table 4.1), below. The Planning Commission reviews an

application and makes a recommendation to the City Council, unless the Commission is the final review body, all as shown on Table 4.1.

- (C) For those applications for which the City Manager has authority to review and render an administrative decision, as shown on Table 4.1, the City Manager shall approve, approve with conditions, or deny the application within 30 days of determination that the application is complete.
- (D) The applicant shall submit an application upon forms supplied by the City accompanied by the information required by this Title. A single application may contain a request for more than one action. The application shall be accompanied by an application fee in an amount as set by City Council. No formal application need be submitted or fee paid for an amendment or addition to the Official Zoning Map initiated by the City Manager, or City Council.
- (E) The number of copies of the required application and associated submission requirements are shown on the relevant application forms. All maps and reports shall bear suitable evidence of the professional qualifications of the person responsible for the preparation of the map or report. Engineering information must be certified by a professional engineer licensed in the state of Colorado. All required documents containing land survey descriptions and topographic maps must be certified by a professional land surveyor licensed in the state of Colorado.
- (F) Except as provided in subsection (K) below, a hearing shall be set before the Planning Commission not sooner than 20 days, nor more than 60 days after receipt by the City of a properly completed application and all other required information.
- (G) The order of procedure at the hearing or meeting once opened is recommended to be:
 - (1) City staff presentation;
 - (2) Applicant presentation;
 - (3) Public testimony;
 - (4) Applicant and City staff response if desired;
 - (5) Public testimony closed; and
 - (6) Reviewing body deliberation and decision.
- (H) The reviewing body shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the City staff, and comments from the public. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met.
- (I) Except as provided in subsection (K) below, the Planning Commission shall complete its review and make its recommendation to the City Council no later than 30 days from the date of the initial Commission meeting or hearing. The Planning Commission may recommend approval, conditional approval or denial, indicating any particular conditions for approval, and its reasons for a recommendation of denial, provided however, conditions on rezoning are not permitted.

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- (J) The application must be scheduled for City Council action by the applicant within 45 days of the date of the Planning Commission action.
- (K) This subsection shall apply only to applications for development of residential housing projects for which 50 percent or more of the units constitute affordable housing (as defined at Section 11-15-2), and the application is one of the following: Building Permit, Site Development Plan, Conditional Use, or Variance.
- (1) Notwithstanding subsections (F) and (J) hereof, the time periods therein listed for review of those listed applications shall be administratively adjusted such that the final decision on the application is provided no later than 90 days after the date the application is deemed complete upon completeness review (“CR”) under Table 4.1.
 - (2) The 90-day period may be extended at the option of the applicant for an additional 90 days for compliance with state law or court order, or for a review period required by another local government or agency, within the local government or agency, for any component of the application requiring that local government or agency approval.
 - (3) The approval process may include extensions to allow the submission of additional information or revisions to an application in response to requests from the City. Such extensions shall not exceed the amount of time from the request to the submission of the applicant’s response plus 30 days. Applicants shall provide such additional information or responses promptly and shall, whenever practicable, provide a response within 5 business days.
- (L) In the event the reviewing body recommends denial of an application at any stage, the applicant may choose to proceed to the next stage of review or may resubmit the application at the first stage. In the event the review stage is before the City Council, the application may not be further processed following a denial. If, in the opinion of the City Manager, a submittal at any stage of review is incomplete, the matter shall be removed from the agenda and not further processed until determined complete in accordance with submittal requirements.
- (M) The reviewing body as shown in Table 4.1 may approve the requested action only upon finding that all applicable criteria and requirements of this Title have been met. If it determines that such criteria have not been met, the application shall be denied.
- (N) For those land development actions for which an appeal to the City Council is permitted under Table 4.1, the appealing party must file a statement of grounds for appeal within ten days of the date of the decision being appealed. Upon timely filing of an appeal, a hearing before the City Council shall be held after public notice in the manner required for that form of application under Table 4.2.
- (O) Unless specifically identified for a separate appeal, all administrative decisions are the final decision of the City, subject to judicial appeal.
- (P) The following chart describes the review process for all land development approvals:
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Table 4.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	
Site Development Plan - Major	X	X	X	X			Sec. 11-8-1
Site Development Plan – Minor	X	X	X	X			Sec. 11-8-1(B)
Site Development Plan – Large Retail	X	X	X		H	A	Sec. 11-8-9
Annexation	X	X	X		H ¹	H	Sec. 11-4-10
Floodplain Development Permit	R	X		X			Sec. 11-6-3; 11-6-4 (variance)
Manufactured Home Siting Permit	R	X		X			Sec. 11-13-2
Manufactured Home Park Permit	X	X	X		H	X	Sec. 11-13-4
Travel Home Permit	R	X		X			Sec. 11-13-7
Travel Home Park Permit	X	X	X		H	X	Sec. 11-13-8
Tiny Home Community Permit	X	X	X		H	X	Sec. 11-13-11
Sign Permit	R	X		X			Sec. 11-10-4
Temporary Use Permit	R	X		X			Sec. 11-7-6 (E)
Conditional Use	X	X	X		H	A	Sec. 11-7-6 (B)
Rezoning (legislative)		X				H	Sec. 11-7-12 (C)
Rezoning (site specific)	X	X	X		H	H	Sec. 11-7-12 (A)
Variance	X	X	X		H		Sec. 11-7-13; 11-8-1 (E)
Planned Development (PD)							
Sketch Plan	X	X	X		H		Sec. 11-7-8 (F)
Preliminary PD	X	X	X		H	X	Sec. 11-7-8 (F)
Final PD ²	X	X	X			X	Sec. 11-7-8 (F)
PD Amendment -	X	X	X		H	X	Sec. 11-7-8 (H) (2)
Administrative PD	X	X	X	X			Sec. 11-7-8 (D)
PD Amendment - Administrative	X	X	X	X			Sec. 11-7-8 (D) (9)
Subdivision							
Sketch Plan	X	X	X		H		Sec. 11-5-4
Preliminary Plat	X	X	X		H	X	Sec. 11-5-5
Final Plat	X	X	X			X	Sec. 11-5-6
Minor Subdivision	X	X	X	X			Sec. 11-5-3
Plat Amendment- Major	X	X	X		H	X	Sec. 11-5-2
Plat Amendment - Minor	X	X	X	X			Sec. 11-5-3 (C)
Key CR: Completeness Review CC: City Council PC: Planning Commission AD: Administrative Decision			H: Public Hearing Required R: Recommended; not required X: Meeting or Action Required A: Appeal Permitted				

¹ Recommend that initial zoning occur concurrent with annexation; see Rezoning (site specific). PC hearing only required with concurrent zoning action, not on annexation itself.

² A Final PD is eligible to apply for vested rights. No other application type is eligible to receive a vested right.

Sec. 11-4-3. Public notice requirements.

- (A) *Purpose.* The purpose of this Section is to provide procedures for public notice. Public notice serves to inform vicinity property owners, neighborhoods, homeowner's associations, and the community of pending development projects, and the date, time and place of public hearings regarding development projects. It is in the City's and applicant's interest to seek and encourage citizen input regarding development projects and to identify possible impacts and mitigation as deemed necessary. Consistent application of public notice requirements fosters trust and reliability in the review process. This Section establishes uniform standards for public notice requirements.
- (B) All notices shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration.
- (C) The requirements of this Section apply only to public hearings required by this title as shown on the Review Procedures Chart, Section 11-4-2, Table 4.1. Where that chart indicates that a public meeting (in contrast to a public hearing) is required, this Section does not apply, and notice of such meeting is subject only to the requirements of the Colorado Open Meetings law, C.R.S. § 24-6-401, et seq. The requirements for public hearing notices are shown below on Table 4.2.
- (D) Notice of the public hearing shall be given as follows:
- (1) *Posted notice.* The applicant shall be advised of the date set for the public hearing. The City shall be responsible to post a sign upon the property affected, easily legible from an abutting street which briefly describes the requested action and time and location of the public hearing. Such sign shall be posted at least 14 days before the public hearing and shall be reasonably maintained until final action is taken by the Planning Commission or City Council.
 - (2) *Published notice.* At least (14) days prior to any public hearing which requires published notice, the City shall cause a notice to be provided to the newspaper for publication according to the newspaper's announced schedule. Failure of the newspaper to publish according to its announced schedule shall not be a failure of notice. The notice shall describe the action or actions requested and the property affected. The property shall be described by street address, or relationship to a street with an address or other known landmarks and not by a legal description.
 - (3) *Mailed notice.* At least (14) days prior to any public hearing which requires notification by mail, the City shall cause to be sent, by first class US mail, a notice to the owners of any property located within 300 feet of the property affected, to include property across the street. The notice shall be directed to the affected property owners as their names and mailing addresses appear in the official records of the County Assessor as of the date the records were reviewed. If required by the City Manager, a written notice shall also be mailed to relevant neighborhood or homeowner's associations.
 - (4) In the event the application is for an affordable housing project as defined at Section 11-15-2 and is for one of the approvals listed at Section 11-4-2 (K), the required notice

periods may be administratively reduced or adjusted so as to permit a final decision to be provided in the 90-day period described in that section.

- (E) *Neighborhood Meetings.* An additional method of notice is to provide neighborhood meetings to discuss proposed development projects. Prior to submittal of a proposed development application, an applicant should make a reasonable effort to consult informally with property owners of record adjoining or within 300 feet of the proposed development. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate directly with the applicant regarding any issues, concerns or comments that they might have regarding the proposed development project. The applicant should provide a place, date and a time of the neighborhood meeting. No fee shall be required for such review or discussions of any plans or data concerning the proposed development application. The City shall not be bound by virtue of any discussions during the neighborhood meeting.
- (F) *E-Mail Notification.* An optional method of public notice is to provide e-mail notifications. E-mail notifications shall not be required but may be used only to facilitate quick and direct communication to affected property owners, neighborhoods and homeowners' associations. E-mailed notice may be used at the discretion of the City Manager if deemed appropriate but shall not take the place of any required notifications.
- (G) *Combining Notifications.* Whenever hearings before both the Planning Commission and the City Council are required for the same matter, the public notice required for each may be combined into one notice for purposes of publication, posting and mailing. Mailing, posting and/or publication, as required, must be done at least (14) days prior to the date on which the earlier of the two hearings is to be held.
- (H) *Calculating Days.* When calculating the time period for mailing, posting, or publishing a public notice, the day of publication or mailing shall be counted in the total number of days required for the notification period, but the day of the hearing shall not be counted toward the total number of days required.
- (I) *Public Notice Requirements Chart.* Table 4.2 identifies when public notice is required, either by publishing, posting, or mailing.

Table 4.2
Public Notice Requirements

Approval Requested	Notice Required		
	Publish	Post	Mail
Annexation and Associated Zoning	X	X	X
Conditional Use	X	X	X
Site Development Plan – Large Retail	X	X	X
Manufactured Home Park Permit	X	X	X
Travel Home Park Permit	X	X	X
Tiny Home Community Permit	X	X	X
Rezoning *	X	X	X
Variance	X	X	X
Appeal	X	X	X
PD Sketch Plan	X	X	X
Preliminary PD	X	X	X
PD Amendment	X	X	X
Subdivision Sketch Plan	X	X	X
Subdivision Preliminary Plat	X	X	X
Vested Rights	X		
<u>Key</u>			
PD: Planned Development			

Note: The applicant is responsible for any required notice to mineral estate owners under CRS 24-65.5-101, et seq.

* For legislative rezoning, Sec. 11-7-12 (C) of this Title controls.

Sec. 11-4-4. Preapplication conference.

For each land development approval requested, when required by Section 11-4-2, Table 4.1, the applicant shall attend a pre-application conference with City staff. The required preapplication conference may be waived at the City Manager's discretion. The preapplication conference is intended to allow the mutual exchange of information and development concepts. Topics of discussion may include but not be limited to:

- (1) Characteristics of the site and surrounding area, including its location; significant natural and artificial features with particular attention to natural hazard, resource or other special areas; the size and accessibility of the site surrounding development and land use and existing zoning.
- (2) The nature of the development proposed, including land uses and their densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of common open space or treatment of public use areas and internal circulation system, including trails and bicycle paths; the total ground coverage of paved areas and structures; and infrastructure considerations such as traffic, access, fire protection, floodplain, and water, sewer, drainage, power, natural gas, and communication utilities.

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- (3) Community policy considerations, including degree of conformity of the proposed development with the Comprehensive Plan and the nature of the information, technical analysis, reports and certifications which are likely to be required of the applicant.
 - (4) Any of the required submission requirements contained herein that may be considered inappropriate or not applicable to the proposal in question.
 - (5) The stages of review and submittal requirements for the proposal.
 - (6) The desirability of a neighborhood meeting.

Sec. 11-4-5. Determination of completeness; withdrawal of application.

- (A) The City Manager will review the application for completeness. Complete applications must be submitted at the point of initiation of the land development review process. A separate application is required for each phase of a subdivision or planned development. The application shall include all of the items identified in the relevant application form for the type of approval sought. Incomplete applications will not be scheduled for review until a determination of completeness is issued.
- (B) An application will be deemed withdrawn if the applicant fails to respond to final City staff comments within 90 days (or any extension thereto granted by City staff). Upon resubmission by the applicant, such application shall be a new application for all intents and purposes and shall be subject to the same review process and fee as any other new application.

Sec. 11-4-6. Fees.

The Mayor and City Council shall set all application fees related to land development approvals under this Chapter per resolution. All fees shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.

Sec. 11-4-7. Application referral.

For each land development approval requested, when required by Section 11-4-2, Table 4.1, City staff shall transmit copies of the application, plans, and appropriate supporting documents to appropriate City departments and outside utilities, service providers and agencies for review and recommendations as determined necessary by the City Manager. A list of all appropriate referral agencies shall be maintained by the City.

Sec. 11-4-8. Duration of approval.

- (A) Land development approvals shall be valid for the following periods from the date of final approval unless otherwise stated in the record of decision (whether found in a resolution, ordinance, permit or approved motion as reflected in the relevant meeting minutes):
 - (1) Sketch plan subdivision: 18 months
 - (2) Sketch Planned Development plan: 18 months
 - (3) Preliminary plat subdivision: 5 years to record final for all phases
 - (4) Preliminary Planned Development plan: 5 years

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- (5) Final plat subdivision: no expiration provided plat is recorded within 6 months of approval, or 12 months if a timely request for extension is made within 3 months
 - (6) Final Planned Development plan: no expiration provided the final PD is recorded within 6 months of approval, or 12 months if a timely request for extension is made within 3 months
 - (7) Conditional use: no expiration
 - (8) Rezoning: no expiration
 - (9) Site development plan: 3 years to obtain building or construction permit
 - (10) Variance: 1 year to obtain building or construction permit
 - (11) Vested right: 3 years, unless enlarged by final approval per Section 11-4-9.
 - (12) Manufactured Home Park Permit: 3 years
 - (13) Tiny Home Community Permit: 3 years
 - (14) Travel Home Park Permit: 3 years
- (B) *Recording.* Any final plat, PD or agreement shall satisfy and properly reflect any conditions of approval, and be recorded with the County Clerk and Recorder, if applicable, within 6 months of the date of approval. The applicant may make a request to the City staff for an extension of time prior to the expiration of the 6-month recordation period. No extension shall exceed 6 months.

Sec. 11-4-9. Vested property rights.

- (A) Article 68 of Title 24, C.R.S. (the "Vested Property Rights Statute") authorizes the creation and protection of vested property rights in certain "site-specific development plans" as the same are designated by the local government.
- (B) A final PD plan may be treated as a site-specific development plan within the meaning of Section 24-68-102 (4), C.R.S. if and only if the following procedures are met:
 - (1) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
 - (2) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested property right in said plan which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103, 104 and 105, as may be amended from time to time.
 - (3) Vested property rights shall include only the final PD plan as approved, and shall not include the sketch plan or preliminary plat thereof, architectural plans, construction plans, variances, conditional uses, public utility filings and other related documents.

Sec. 11-4-10. Annexation.

- (A) Annexation of land into the City is governed by the procedures in Colorado Constitution Article II, Section 30 and CRS 31-12-101, et seq. Refer to Chapter 4-1 of the City of Montrose Regulations Manual for the City's Annexation Policy.
- (B) Property may be disconnected from the City only and exclusively pursuant to the procedures and within the limitations and conditions set forth in this Section and in CRS 31-12-501 through 31-12-503, inclusive, as amended, which are incorporated herein by this reference pursuant to CRS 31-16-202. The City Council may approve, deny, or impose conditions upon any disconnection.