

# ARTICLE 2. CODE ADMINISTRATION AND REVIEW ROLES

## 2.1 CITY COUNCIL POWERS AND DUTIES

### 2.1.1 Powers and Duties

The City Council's powers and duties under this Land Development Code are set out in this sub-section.

- A. Comprehensive Plan. The City Council shall ratify and approve the Planning Commission's adoption of new comprehensive land use plans, open space/parks/trails plans, and similar plans, and any updates or amendments to such plans. The City Council shall also actively promote implementation of the Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.
- B. Land Development Code Adoption & Amendments. The City Council shall be responsible for adoption of this Land Development Code and for reviewing Code amendment applications and for taking final action to approve or deny such amendment applications. (See §3.5)
- C. Rezoning. The City Council shall be responsible for reviewing Rezoning applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.6)
- D. Annexations. The City Council shall be responsible for reviewing Annexation petitions or applications and for taking final action to approve, approve with conditions, or deny such petitions or applications. (See §3.28)
- E. Subdivision Plats.
  - 1. Major Subdivisions.
    - a. [Optional] Sketch Plans. The City Council shall be responsible for reviewing a Sketch Plan and for offering comments to the Applicant prior to submittal of an application for Major Subdivision Preliminary Plat approval, taking into account the Planning Commission's review and comments. All comments made by the City Council shall not be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project. (See §3.8.1)
    - b. Preliminary Plats. The City Council shall be responsible for reviewing Major Subdivision Preliminary Plat applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.8.2)
    - c. Dedications/Improvements. The acceptance of all land dedications and easements offered through the major subdivision process shall be accomplished in accordance with §3.8.3, or as otherwise provided in this Code.

2. Minor Subdivisions.
  - a. Appeals. The City Council shall be responsible for hearing appeals of the Planning Commission's decision on appeals of Minor Subdivision applications and for taking final action on such appeals. (See §3.9)
  - b. Dedications/Improvements. The acceptance of all land dedications and easements offered through the minor subdivision process shall be accomplished in accordance with §3.9.6, or as otherwise provided in this Code.

F. Planned Unit Developments.

1. [Optional] PUD Sketch and Outline Development Plans. The City Council shall be responsible for reviewing a PUD Sketch or Outline Development Plan and for offering comments to the Applicant prior to submittal of an application for PUD Preliminary Development Plan approval, taking into account the Planning Commission's review and comments. All comments made by the City Council shall not be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project. (See §3.7.1)
2. PUD Preliminary Development Plans. The City Council shall be responsible for reviewing PUD Preliminary Development Plan applications and for taking final action to approve, approve with conditions, or deny such applications. (See Sec. 3.7.3)
3. PUD Final Development Plans. The City Council shall be responsible for hearing appeals from the Planning Commission's decision on appeals of PUD Final Development Plan applications, and for taking final action on such appeals. (See §3.7.4)

G. Vacation of Rights-of-Way or Access Easements. The City Council shall be responsible for reviewing Right-of-Way or Access Easement Vacation applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.11)

H. Development Agreements. The City Council shall be responsible for taking action upon development agreements, as applicable, pursuant to §3.12.5.

I. Height Exceptions. The City Council shall be responsible for review of Height Exception applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.13)

J. Conditional Use Permits. The City Council shall be responsible for review of Conditional Use Permit applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.14)

- K. Appeals.
  - 1. The City Council shall be responsible for hearing and taking final action on appeals from the Planning Commission's final decisions on applications that the Community Development Director has referred to the Commission for review and action pursuant to §3.1.15.
  - 2. The City Council shall be responsible for hearing and taking final action on all other appeals from the Planning Commission's final actions on applications pursuant to this Code.
  
- L. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, appeals, amendments, and other administrative and review matters pertaining to this Code. The schedule of fees shall be posted in the Community Development Department and may be altered or amended only by the City Council.
  
- M. Appointments. The City Council shall: (1) Appoint members of the Planning Commission and Board of Adjustment (BOA); (2) Make appointments to fill unexpired terms of members who have resigned, or to fill vacancies, or to reappoint members at the end of expired terms; and (3) Remove members of the Planning Commission or BOA after investigation and findings of malfeasance, misfeasance, or nonfeasance while in office.

## **2.2 PLANNING COMMISSION POWERS AND DUTIES**

The Planning Commission's powers and duties under this Land Development Code are set out in this Section.

### **2.2.1 Comprehensive Plan**

The Planning Commission shall be responsible for adopting new comprehensive land use plans, open space/parks/trails plans, and similar plans, and any updates or amendments to such plans. The Planning Commission shall also actively promote implementation of the Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.

### **2.2.2 Updates of Land Development Code and Official Zoning Map**

The Planning Commission shall periodically review this Code and the Official Zoning Maps to determine if they remain relevant in light of the Comprehensive Plan and in light of current development trends and planning concerns, and make recommendations to the City Council for any changes.

### **2.2.3 Code Amendments**

The Planning Commission shall be responsible for reviewing Code Amendment applications and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.5)

## **2.2.4 Rezoning**

The Planning Commission shall be responsible for reviewing Rezoning applications and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.6)

## **2.2.5 Annexations**

The Planning Commission shall be responsible for reviewing Annexation petitions or applications and for recommending that the City Council approve, approve with conditions, or deny such petitions or applications. (See §3.28)

## **2.2.6 Subdivision Plats**

### **A. Major Subdivisions.**

1. [Optional] Sketch Plan Review. The Planning Commission shall be responsible for reviewing optional major subdivision sketch plans and for offering comments to the Applicant prior to submittal of an application for major subdivision preliminary plat approval. All comments made by the Planning Commission shall not be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project. (See §3.8.1)
2. Preliminary Plats. The Planning Commission shall be responsible for reviewing Major Subdivision Preliminary Plat applications and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.8.2)
3. Final Plats. The Planning Commission shall be responsible for hearing appeals of the Community Development Director's decision on Major Subdivision Final Plat applications and for taking action on such appeals. (See §3.8.3)

### **B. Minor Subdivisions.**

The Planning Commission shall be responsible for hearing appeals of the Community Development Director's decision on Minor Subdivision Plat applications and for taking action on such appeals. (See Sec. 3.9)

## **2.2.7 Planned Unit Developments**

- A. PUD [Optional] Sketch and Outline Development Plan. The Planning Commission shall be responsible for reviewing a PUD Sketch or Outline Development Plan and for offering comments to the Applicant prior to submittal of an application for PUD Preliminary Development Plan approval. All comments made by the Planning Commission shall not be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project. (See §3.7.1)
- B. PUD Preliminary Development Plans. The Planning Commission shall be responsible for reviewing PUD Preliminary Development Plan

applications and for recommending to the City Council final action to approve, approve with conditions, or deny such applications. (See §3.7.3)

- C. PUD Final Development Plans. The Planning Commission shall be responsible for hearing appeals of the Community Development Director's decision on PUD Final Development Plan applications and for taking action on such appeals. (See §3.7.4)

#### **2.2.8 Vacation of Easements**

- A. The Planning Commission shall be responsible for reviewing applications for Vacation of Right-of-Way or Access Easements and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.11)
- B. The Planning Commission shall be responsible for hearing appeals of the Community Development Director's decision on Vacation of Public Easement applications (other than for Rights-of-Way or Access) and for taking action on such appeals. (See §3.11)

#### **2.2.9 Height Exceptions**

The Planning Commission shall be responsible for reviewing Height Exception applications and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.13)

#### **2.2.10 Conditional Use Permits**

The Planning Commission shall be responsible for reviewing Conditional Use Permit applications and for recommending that the City Council approve, approve with conditions, or deny such applications. (See §3.14)

#### **2.2.11 Site Plans**

The Planning Commission shall be responsible for hearing appeals of the Community Development Director's decision on Site Plan applications and for taking action on such appeals. (See §3.15)

### **2.3 HEARING OFFICER**

#### **2.3.1 Appointment**

- A. For purposes of administering the floodplain regulations set forth in §6.13 of this Code, the Director of the Department of Public Works shall appoint a qualified Hearing Officer.
- B. For purposes of hearing administrative appeals from the City Engineer's determination of public improvements needs pursuant to §3.18 below, the City Manager shall appoint a qualified Hearing Officer.

#### **2.3.2 Powers and Duties**

The Hearing Officer's powers and duties under this Land Development Code are set out in this subsection.

A. Administrative Reviews.

1. The Hearing Officer shall be responsible for conducting an Administrative Review of all allegations of error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the floodplain regulations. (See §6.13)
2. The Hearing Officer shall be responsible for conducting an Administrative Review of all allegations of error in any requirement, decision, or determination made by the City Engineer in the administration of the Public Improvements Agreement regulations of §3.18 below.
3. The Hearing Officer shall conduct all Administrative Reviews in accordance with the provisions governing the conduct of administrative hearings set forth in Chapter 2 of the Arvada City Code.

B. Variances from Floodplain Regulations. The Hearing Officer shall be responsible for reviewing Variance applications seeking hardship relief from application of the floodplain regulations and shall take final action to approve, approve with conditions, or deny such application. (See §3.21)

## **2.4 COMMUNITY DEVELOPMENT DIRECTOR & CITY STAFF**

The Community Development Director, and by delegation appropriate City Staff, shall have the following powers and duties under this Land Development Code.

### **2.4.1 Comprehensive Plan Amendments**

The Community Development Director shall be responsible for reviewing proposed text and map amendments to the Arvada Comprehensive Plan and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications.

### **2.4.2 Code Amendments**

The Community Development Director shall be responsible for reviewing Code Amendment applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.5)

### **2.4.3 Rezoning**

The Community Development Director shall be responsible for reviewing Rezoning applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.6)

#### **2.4.4 Minor Subdivisions**

The Community Development Director shall be responsible for reviewing Minor Subdivision applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.9)

#### **2.4.5 Major Subdivisions**

- A. Pre-Application Conference. The Community Development Director shall be responsible for reviewing Pre-Application Conference applications and related concept plans and taking action to advise the Applicant on preparing the Preliminary Plat application. (See §3.8)
- B. [Optional] Sketch Plan Review. The Community Development Director shall be responsible for reviewing Sketch Plans and for providing comments to the Planning Commission and City Council in their review and consideration of such plan. (See §3.8)
- C. Preliminary Plat. The Community Development Director shall be responsible for reviewing Preliminary Plat applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.8)
- D. Final Plat. The Community Development Director shall be responsible for reviewing Final Plat applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.8)

#### **2.4.6 Planned Unit Developments**

- A. [Optional] Sketch and Outline Development Plans. The Community Development Director shall be responsible for reviewing PUD Sketch and PUD Outline Development Plans and for preparing a report to assist the Planning Commission and City Council in their consideration of such plans. (See §3.7)
- B. Pre-Application Conference. The Community Development Director shall be responsible for reviewing Pre-Application Conference materials and for taking action to advise the Applicant on preparing an Outline Development Plan and/or applications for a Preliminary Development Plan. (See §3.7)
- C. PUD Preliminary Development Plans. The Community Development Director shall be responsible for reviewing PUD Preliminary Development Plan applications and for preparing a report to assist the Planning Commission and City Council in their consideration of such applications. (See §3.7)
- D. PUD Final Development Plans. The Community Development Director shall be responsible for reviewing Final Development Plan applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.7)

#### **2.4.7 Conditional Use Permits**

The Community Development Director shall be responsible for reviewing Conditional Use Permit applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.14)

#### **2.4.8 Vacations**

- A. Right-of-Way and Access Easement Vacations. The Community Development Director shall be responsible for reviewing Right-of-Way/Access Easement Vacation applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.11)
- B. All Other Public Easement Vacations. The Community Development Director shall be responsible for reviewing All Other Public Easement Vacation applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.11)

#### **2.4.9 Variances**

The Community Development Director shall be responsible for reviewing Variance applications and for preparing a report to assist the Board of Adjustment [or the Hearing Officer] in their consideration of such applications. (See §§3.20 and 3.21)

#### **2.4.10 Height Exceptions**

The Community Development Director shall be responsible for reviewing Height Exception applications and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.13)

#### **2.4.11 Site Plans**

The Community Development Director shall be responsible for reviewing Site Plan applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.15)

#### **2.4.12 Minor Modifications**

The Community Development Director shall be responsible for reviewing Minor Modification applications and for taking final action to approve, approve with conditions, or deny such applications. (See §3.19)

#### **2.4.13 Temporary Use/Special Events Permits**

The Community Development Director shall be responsible for reviewing Temporary Use/Special Events Permit applications and for taking final action to approve, approve with conditions, or deny such applications, subject to the provisions of §3.17.

#### **2.4.14 Written Interpretations**

Except for matters dealing with interpretation of the floodplain development standards (§6.13), the Community Development Director shall be responsible for issuing Written Interpretations of the provisions of this Land Development Code. (See §3.22)

#### **2.4.15 Appeals of Administrative Decisions**

The Community Development Director shall be responsible for preparing reports to assist the Board of Adjustment and the Hearing Officer in their consideration of administrative appeals. (See §3.2)

#### **2.4.16 Comprehensive Sign Programs**

The Community Development Director shall be responsible for reviewing applications for Comprehensive Sign Program permits and for taking final action to approve, approve with conditions, or deny such applications. (See §3.24)

#### **2.4.17 Revocable Permits**

The Community Development Director shall be responsible for reviewing applications for Revocable Permits and for taking action to approve, approve with conditions, or deny such applications. The Community Development Director shall then be responsible for forwarding the Revocable Permit application to the City Council or, as applicable, the City Manager, for their consideration and acceptance. (See §3.26)

#### **2.4.18 Out-of-City Water or Sewer Service Requests**

The Community Development Director shall be responsible for reviewing Out-of-City Water or Sewer Service requests and for preparing a report to assist the Planning Commission and the City Council in their consideration of such applications. (See §3.27)

#### **2.4.19 Building Permits**

The Community Development Director shall be responsible for reviewing Building Permit, Sign Permit and Miscellaneous Structure Permit applications to ensure compliance with the provisions of this Code, and where applicable, the Design Guidelines for Olde Town Arvada, prior to permit issuance. The Community Development Director shall not give his approval of any such permit application that is not in conformance with this Code and, where applicable, the Design Guidelines, unless a Minor Modification, Variance, or, in the case of the Design Guidelines, a Waiver has been granted. (See §3.29)

#### **2.4.20 Certificates of Compliance with Design Guidelines**

The Community Development Director shall be responsible for reviewing all land-use activities, plans involving land-use activity, or applications for land-use activity that are subject to the Design Guidelines for Olde Town Arvada, and for the issuance of a Certificate of Compliance with Design Guidelines (CCDG),

upon determination of compliance therewith, or a Waiver as may be in accordance with the provisions of this Code or the Design Guidelines.

#### **2.4.21 Acceptance of Dedications**

The Community Development Director shall be responsible for accepting land dedications and easements associated with development applications concerning which final approval has been granted by the Director.

#### **2.4.22 Administration & Enforcement**

The Community Development Director shall be responsible for administering and enforcing this Code. The City Manager may direct other persons to assist the Community Development Director in performing this duty.

### **2.5 FLOODPLAIN ADMINISTRATOR**

#### **2.5.1 Designation of Floodplain Administrator**

The City Engineer, or his designated representative, shall be the Floodplain Administrator and shall administer the floodplain regulation set forth in §6.13 of this Code.

#### **2.5.2 Powers and Duties**

The Floodplain Administrator's powers and duties under this Code are set out in this subsection.

- A. Floodplain Development Permits. The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permit applications to determine if the permit requirements of §6.13 of this Code have been satisfied and for taking final action to approve, approve with conditions, or deny such applications. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by Federal or State law. (See §3.16)
- B. Mapping & Boundary Interpretations. The Floodplain Administrator shall be responsible for making interpretations regarding Official Floodplain Map boundaries of the Flood Regulatory, Floodway, and Flood Zone Districts and regarding final floodplain boundaries.
- C. Reports to Hearing Officer on Appeals and Variances. The Floodplain Administrator shall be responsible for preparing reports to assist the Hearing Officer in his consideration of Administrative Reviews (appeals) and Floodplain Variances. (See §§3.2.3 and 3.21)
- D. Other Matters. The Floodplain Administrator shall have the following other powers and duties:
  1. Obtain and Maintain Floodplain Information.

- a. Obtain and record the actual elevation (in relation to mean sea level) of all new or substantially improved structures, whether or not the structure contains a basement.
- b. For all new or substantially improved flood-proofed structures:
  - i. Verify and record the actual elevations (in relation to mean sea level) to which the structure has been flood-proofed.
  - ii. Maintain the flood-proofing certification required in Section §6.13.4.E of this Code.
  - iii. Maintain for public inspection all records pertaining to the provisions of the flood- plain regulations (§6.13) of this Code.

2. For Any Alteration of Watercourses:

- a. Notify the Colorado Water Conservation Board and adjacent communities prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that flood-carrying capacity is not diminished.

## 2.6 CITY ENGINEER

### 2.6.1 Powers and Duties

The City Engineer shall have the following powers and duties under this Land Development Code:

- A. Public Improvements Agreement. The City Engineer shall be responsible for reviewing development applications required by this Code to determine whether the development creates a need for public improvements. (See §3.18)

## 2.7 CHIEF BUILDING OFFICIAL

### 2.7.1 Powers and Duties

The Chief Building Official shall have the following powers and duties under this Land Development Code:

- A. Sign Permits. The Chief Building Official shall be responsible for reviewing applications for Sign Permits (except permits for a Comprehensive Sign Program) and taking final action to approve, approve with conditions, or deny on such applications. (See §3.24)
- B. Miscellaneous Structure Permits. The Chief Building Official shall be responsible for reviewing applications for Miscellaneous Structure Permits (fences, walls, decks, patios, sheds) and taking final action to approve, approve with conditions, or deny on such applications. (See §3.25)

- C. Building Permits. The Chief Building Official shall be responsible for reviewing applications for Building Permits and taking final action to approve, approve with conditions, or deny on such applications. (See §3.29)
- D. Compliance with Design Guidelines. Prior to permit issuance within the Arvada Downtown Historic District or Olde Town Conservation Area (see §4.11), the Chief Building Official shall confirm with the Community Development Director that, with respect to the land-use activity for which a permit is sought, a Certificate of Compliance with Design Guidelines has been issued, a Waiver granted, or the Guidelines determined to be inapplicable.

## **2.8 BOARD OF ADJUSTMENT (“BOA”)**

### **2.8.1 Powers and Duties**

The BOA's powers and duties under this Code are set out in this subsection.

- A. Administrative Review. Except as otherwise specified in this Code, the BOA shall be responsible for reviewing and deciding appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code. (See §3.2.4)
- B. Variances. The BOA shall be responsible for reviewing Variance applications seeking relief from practical difficulties arising from application of this Code, and for taking action to approve, approve with conditions, or deny such applications. (See §3.20)

## **2.9 DESIGN REVIEW COMMITTEE (“DRC”)**

### **2.9.1 Powers and Duties**

The Design Review Committee shall have the following powers and duties under this Land Development Code:

- A. Review. The DRC shall be responsible for the review, as may be delegated to it, of land-use activities, plans involving land-use activity, or applications for land-use activity that are subject to the Design Guidelines for Olde Town Arvada for compliance therewith.
- B. Recommendation. Based upon its review under §2.9.1.A, the DRC shall be responsible for making recommendations to the Community Development Director including, but not limited to, recommendations concerning compliance with the Design Guidelines, conditions of approval, or whether a waiver from the Design Guidelines would be in accordance with the provisions of this Code or the Design Guidelines.
- C. Effect. The DRC is an informal, advisory and consultative body whose determinations, including recommendations, are not binding upon the Community Development Director.