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**Chapter 17.07**  
**Standard Review Procedures**

**SECTIONS:**

- 17.07.010 Purpose**
- 17.07.020 Summary of Procedures**
- 17.07.030 Planning Clearance**
- 17.07.040 Common Development Review Procedures**
- 17.07.050 Required Land Development Applications**
- 17.07.060 Amendments to Approved Land Development Applications**
- 17.07.070 Expiration and Extensions of Approval**
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**17.07.010 PURPOSE**

The purpose of this chapter is to describe the procedures for review of applications for land use and development activity in the City of Fruita. This chapter is intended to ensure consistency and efficiency in the administration of the City's land use regulations.

**17.07.020 SUMMARY OF PROCEDURES**

- A. The following table summarizes the major procedures for review of applications for land use and development activity in the City of Fruita. Not all procedures addressed in this chapter are summarized in this table; see the subsequent sections of this chapter for additional details on each procedure.

Table 17.07.020, Summary of Review Procedures						
Application Review Procedure (Does not include all application types)	Pre-Application Meeting	Neighborhood Meeting	Staff Review	Planning Commission	Board of Adjustment	City Council
	M = Mandatory O = Optional		R = Recommendation D = Decision			
Land Development Applications						
Annexation	M	M	R	R	-	D
Concept Plan Review	M	O	R	R	-	R
Conditional Use Permit	M	O/M	R	D	-	-
Density Bonus	M	M	R/D	R	-	D
Design Guideline Review	M	O	D	-	-	-

Home Occupation Permit	O	O	D	-	-	-
Mobile Vendor Court	M	O	D			
Sign Permit	O	O	D	-	-	-
Site Design Review	M	O	D	-	-	-

Short Term Rental Permit	O	O	D	-	-	-
Subdivision -- <del>Major</del> Preliminary PUD Plan	M	M	R	R	-	D
Subdivision - <del>Minor</del> Preliminary Plan	M	<del>O</del> M	D	-	-	-
Subdivision - Final Plat	M	O	D	-	-	-
Temporary Use Permit	O	O	D	-	-	-
Vacation of ROW	M	O	D	-	-	-
Vested Rights Extension	M	O	R	-	-	D
<b>Amendments</b>						
Change in Use	O	O	D	-	-	-
General Rezoning	M	M	R	R	-	D
PUD Rezoning	M	M	R	R	-	D
Text Amendments	M	O	R	R	-	D
<b>Relief Procedures</b>						
Variance	M	O	R	-	D	-
Administrative Adjustments	O	O	D	-	-	-
Appeals	O/M*	O	-	-	D*	D
Sign Variances	M	O	R	-	-	D

\*A Pre-Application Conference shall be required for an appeal of a decision made by the Planning Commission, Historic Preservation Board, or Board of Adjustment. The Board of Adjustment has the authority to hear and decide appeals related to the denial of an administrative adjustments only. All other appeals are heard and decided by City Council.

B. The following deadlines for submittal processing and review of a multi-step development approval shall apply.

1. For land development applications deemed to be complete which require a public hearing before both the Planning Commission and City Council, with the exception of annexations, the following decision deadlines apply:
  - a. Planning Commission - 75 days
  - b. City Council - 110 days
2. For annexation applications deemed to be complete, the following decision deadlines apply:
  - a. Setting the City Council hearing date to find the property eligible for annexation – 75 days
  - b. City Council hearing to find the property eligible – 120 days
  - c. Setting the hearing date to annex the property shall coincide with the accompanying land use final approval (Subdivision, Site Design Review, Conditional Use Permit, etc.). If an annexation agreement is to be used instead, the decision deadlines to annex property shall be 75 days for the

Planning Commission and 110 days for the City Council.

3. For Variance applications deemed to be complete, the Board of Adjustment shall render a decision within 75 days.
4. For applications deemed to be complete which require no public hearings and can be administratively approved by staff, the following decision deadlines apply:
  - a. Planning Clearances – 5 days
  - b. Administrative Modifications – 70 days
  - c. Site Design Review – 70 days
  - d. Final Plats – 70 days
  - e. Sign Permits – 5 days
  - f. Temporary Use Permits – 5 days
  - g. Home Occupation Permits – 5 days
  - h. Short Term Rental Permits – 30 days
  - i. Subdivisions – 70 days
  - j. Planned Unit Developments (PUD) – 70 days

**17.07.030 PLANNING CLEARANCE**

- A. A Planning Clearance is required for any development requiring a building permit and any of the following, whether a building permit is required or not:
  1. changes in land use or development, including but not limited to new or replacement structures;
  2. significant exterior remodels of existing structures; changes to vehicle access or circulation; landscaping (except single-family residential land uses);
  3. parking, or lighting of the same; changes in building use;
  4. changes in occupancy type, as defined in applicable building codes;
  5. temporary uses;
  6. fences;
  7. sheds and any other accessory building or structure covering more than eighty (80) square feet of land area;
  8. canopies exceeding eight (8) feet in height and other accessory structures covering over eighty (80) square feet of land area, whether permanent or temporary;
  9. fireplaces and wood burning stoves (including replacement of the same);
  10. grading, excavation, or fill of more than fifty (50) cubic yards of material; and
  11. similar changes as determined by the Community Development Director.
- B. Procedure. The Community Development Director can administratively approve Planning Clearances.
- C. Approval Criteria. Planning Clearances shall be approved only if the application meets

or can meet all applicable requirements of this Title and other Titles of the Municipal Code. Planning Clearances shall be contingent upon completing the project in accordance with the city's approval and conditions thereof.

D. Expiration. Planning Clearances expire automatically if:

1. Within one (1) year after the issuance of such permit, the use or development authorized by such permit has not commenced; or
2. Within one (1) year after the issuance of such permit, less than ten (10) percent of the total cost of all construction, alteration, excavation, demolition or similar work on any development authorized by such permit has been completed on the site. With respect to phased development this provision shall apply only to the phase under construction; or
3. After some physical alteration to land or structures begins to take place, such work is discontinued for a period of three (3) years.

**17.07.040 COMMON DEVELOPMENT REVIEW PROCEDURES**

The common development review procedures in this Section shall apply to all types of development applications in this Title; unless an exception to the common procedures is expressly identified in subsequent sections of this chapter, or in the applicable process section.

A. Pre-Application Meeting

1. Purpose. To help minimize development-planning costs, avoid misunderstandings or misinterpretation of city requirements, and ensure compliance with the requirements of this Title, a pre-application meeting between the applicant and the Community Development Department and other staff is encouraged or required as provided in this Title. The Director or authorized staff may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body.
2. Applicability.
  - a. Required Pre-Application Meeting. A pre-application meeting is required prior to the following types of applications:

Review Procedures	
Land Development Applications	
Annexation	M
Concept Plan Review	M
Conditional Use Permit	M
Density Bonus	M
Design Guideline Review	M
Site Design Review	M
Subdivision -- <del>Major</del> <i>Preliminary PUD Plan</i>	M

Subdivision -- <del>Minor</del> Preliminary Plan	M
Subdivision - Final Plat	M
Vacation of ROW	M
Vested Rights Extension	M
<b>Amendments</b>	
General Rezoning	M
PUD Rezoning	M
Text Amendments	M
<b>Relief Procedures</b>	
Variance	M
Sign Variances	M

- b. Optional Pre-Application Meeting. A pre-application meeting is optional, upon the request of the applicant, prior to submission of all other applications under this Code not listed above.

<b>Review Procedures</b>	
<b>Land Development Applications</b>	
Home Occupation Permit	O
Sign Permit	O
Short Term Rental Permit	O
Temporary Use Permit	O
<b>Relief Procedures</b>	
Administrative Modifications	O
Appeals	O/M

3. Pre-Application Conference Content. The pre-application meeting is intended to be informational; staff will review the applicant's preliminary proposal and provide informal feedback on applicable city codes and requirements. The intent is to promote efficiency and two-way communication early in the development review process between applicants and the city.

Pre-application meetings may not adequately address all city requirements or requirements of outside agencies (e.g., CDOT, Health Department, Mesa County). Applicants are encouraged to seek information on permit requirements from other agencies, as applicable.

4. Pre-Application Conference Process.
- The applicant shall request in writing a pre-application meeting with the Director. The applicant shall provide the required information as determined necessary by the Director to provide an informal evaluation and any recommendations. The applicant shall provide requested materials to the Director at least fifteen business days in advance of a pre-application meeting.

- b. The Director shall schedule a pre-application conference after receipt of a proper request.
  - c. Prospective applicants are strongly encouraged to contact adjacent property owners for the purpose of soliciting neighborhood input prior to formally submitting an application.
  - d. Following the pre-application conference, once the applicant has fully prepared its application for a permit or approval, the applicant is encouraged to schedule and hold a pre-submittal meeting with Community Development Department staff prior to submittal of the development application to help ensure the application will be correct and complete when submitted. For applications in which a pre-application meeting is required, a pre-submittal meeting will not be held unless a pre-application meeting has been held.
  - e. Pre-application meetings are valid for a period of six (6) months from the date of the meeting, after which a new pre-application meeting may be required.
  - f. Pre-application meetings may not adequately address all city requirements or requirements of outside agencies (e.g., CDOT, Health Department, Mesa County). Applicants are encouraged to seek information on permit requirements from other agencies, as applicable.
5. Waiver. The Director may waive the pre-application conference requirement for applications if s/he finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**B. Application Submittal**

- 1. Application Form and Materials. The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. Applications for land development approvals shall be submitted in the form and numbers as determined by the Community Development Director and accompanied by the requisite application fee(s) adopted by the City Council. An application shall not be processed or scheduled for public hearing until the Community Development Director deems it complete. The Director may amend and update the application materials from time to time.
  - a. An applicant for a land development application approval, including planning clearances, sign permits, conditional use permits, annexation petitions, subdivisions, planned unit developments, zoning amendments, variances, and other land development applications, shall pay the required fees as established by the City Council.

2. Authority to Submit Applications.
    - a. Unless otherwise specified in this Code, applications for review and approval may be initiated by:
      - i. The owner of the property that is the subject of the application;
      - ii. The owner's authorized representative; or
      - iii. Any review or decision-making body for the City of Fruita.
    - b. When an authorized representative files an application under this Code on behalf of the property owner, the representative shall provide the City with written documentation that the owner has authorized the filing of said application.
    - c. When a review or decision-making body initiates action under this Code, it does so without prejudice toward the outcome.
  3. Concurrent Review of Applications. Where a project involves more than one application under this Title, the Community Development Director may require that all relevant applications for the project to be submitted together for concurrent processing and review; except that variance applications shall be reviewed separately by the Board of Adjustment or the City Council as applicable.
  4. Review of Multiple Applications when Subject to Different Review Procedures. Where a project involves multiple applications with different review procedures (e.g., public hearing review of a "major" application or administrative review of a "minor" application as specified herein), the Community Development Director may process the subject applications individually under the respective review procedures, or where the Community Development Director deems it in the public interest, he or she may refer all applications for the project to the applicable hearing body for concurrent review.
  5. Waivers. The Director may waive certain submittal requirements in order to eliminate redundancy, reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where s/he finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.
- C. Determination of Completeness and Review by the Community Development Director.
1. Determination of Completeness. After a development application has been received, the Director shall make a determination of application completeness within fifteen (15) business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Code.
    - a. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee.
    - b. If the application is determined to be incomplete, the Director shall provide



- notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.
- c. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.
  - d. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Title, or other applicable codes, and it shall not preclude a request for additional information or materials in the future to complete the review of the application.
2. Application Review and Recommendation by Community Development Director.
- a. Referral Comments. Following a determination that an application is complete, the Director shall circulate the application to staff and appropriate referral entities for review and comment. The Director shall compile all comments and recommendations from appropriate City staff persons, departments and referral agencies, which shall be provided to the applicant prior to any decision or public hearing.
    - i. The Director may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant may request an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Director.
  - b. Report and Recommendation. Once written comments have been adequately addressed according to the Director, the Director shall prepare a Staff Report and recommendation to the appropriate decision-making body on the development application. The written report and recommendation shall state whether the application complies with the applicable review standards, and whether the application should be continued, approved, approved with conditions, or denied. If the Staff Report finds that the application fails to comply with applicable requirements of this Title, it shall identify the requirements in question and specifically state supporting reasons for the proposed findings. The Staff Report shall be available for prior to the scheduled hearing. The Community Development Department shall provide copies of the application, review comments, public comments and other applicable information to the Planning Commission or the Board of Adjustment, as applicable.
  - c. The burden of persuasion on the issue of whether the development or use applied for, if completed as proposed, will comply with the requirements of this Title and should be approved remains, at all times, on the applicant. The Community Development Director may request additional information from the applicant during the course of reviewing the application if, based on professional expertise or relevant input provided by the Planning

Commission or City Council, the Director believes that such information would be helpful in evaluating the application for compliance with the requirements of this Land Use Code.

- d. Administrative Decisions. If the application is subject to an administrative review, the Director shall complete a notice of approval once all applicable review standards have been deemed met or met with conditions.
  - i. ~~Minor~~ Subdivisions, *except Planned Unit Developments*, and Site Design Review shall require public notice prior to the administrative decision the same as the public hearing decision requirements stated in subsection ~~D-E~~ of this section.
  - ii. Planning Clearances, Sign Permits, Temporary Use Permits, Home Occupation Permits and Final Plats require no public notice.

D. Neighborhood Meeting. In order to facilitate citizen participation early in the development review process, the City requires certain development applications to complete a neighborhood meeting to inform neighbors and interested members of the public about the project.

~~D-1.~~ *The Neighborhood. At a minimum all properties any part of which is located within the public notice boundary as required in Section 17.07.040 (E) of any portion of the project are considered "the neighborhood."*

~~1. The applicant is required to provide information about the proposal, which may include a written summary, drawings, renderings, or a physical model. The applicant must show a concerted effort to inform neighbors and the public about the application prior to the first public hearing.~~

~~2. The applicant is required to complete a summary of the feedback received, and provide that to the Director at least seven (7) days prior to the public hearing. Any documentation that was presented to the public as part of the outreach should also be included as part of the official record.~~

2. The Director may, as part of the pre-application meeting, suggest certain forms that would be most appropriate for the development application.

3. *Meeting Time and Procedure. The applicant must provide for a physical or virtual meeting and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 p.m. and 8:00 p.m. The meeting date, time and format must be approved by the Director no less than 14 days in advance of the meeting date. A required neighborhood meeting must be held not more than 180 days before the application is submitted.*

4. *Meeting Content and Conduct. At the meeting the applicant shall present the overall plan, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions during the meeting. The overall plan shall, at a minimum, delineate access to the site, internal circulation, the range of density of the entire property or the mix of housing types. The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments. City staff should gather information and explain the rules and requirements. City staff shall provide information regarding the project's compliance with the Comprehensive Plan and any applicable adopted plan or ordinance. Included with the application submittal, the applicant must give the*

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Commented [HH1]: Planning Commission recommendation to allow for multiple meetings to take place if needed.

Planning Commission recommendation to Staff to communicate with the public on when neighborhood meetings are happening.

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*Director a written list of names and addresses of those given notice, how notice was provided, and those participating in the meeting attending, along with a written summary of the meeting including any public comment received.*

- 3.5. *Notice. The applicant shall provide written notice of the date, time, place if an in-person meeting is conducted or the web location/host, together with any and all information required to access the meeting if conducted virtually and subject of the meeting to every owner and group in the neighborhood, as well as the Community Development Department. The notice must be approved by the Director no less than 14 days in advance of the meeting date and shall be, at a minimum, delivered by U.S. mail. The notice must be made no later than 10 calendar days prior to the meeting date.*
4. ~~The applicant must choose to complete one or more of the following forms for a neighborhood meeting:~~
- a. ~~In Person Meeting. The applicant must hold an informational meeting to gain input from neighbors and citizens. The meeting must be open and accessible to the general public and held in a location in proximity to the proposed development, or in a publicly accessible building such as the Library or City Hall. The applicant or applicant's representative shall attend the neighborhood meeting and be available to answer questions from the public. The applicant must conduct a minimum level mailing of notice, as outlined in section 17.07.040.E.1.d, to ensure neighbors are aware of the meeting. The city shall provide the applicable mailing list, but the applicant shall be responsible for completing the mailing. Proof of notice shall be required, pursuant to 17.07.040.E.6.~~
  - b. ~~On line Meeting. The applicant must hold an informational meeting to gain input from neighbors and citizens. The meeting must be open and accessible to the general public. The applicant or applicant's representative shall attend the neighborhood meeting and be available to answer questions from the public. The applicant shall be responsible for scheduling and coordinating the meeting. The applicant must conduct a minimum level mailing of notice, as outlined in section 17.07.040.E.1.d, to ensure neighbors are aware of the~~

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~~meeting. The city shall provide the applicable mailing list, but the applicant shall be responsible for completing the mailing. Proof of notice shall be required, pursuant to 17.07.040.E.6.~~

~~e. Individual Outreach. The applicant must conduct individual or small group meetings with neighbors of the project. The applicant or applicant's representative shall be responsible for organizing and attending the meetings.~~

E. Public Notice. The Director shall establish a place and time certain for a hearing, if required by this Title, on the development application.

1. For every public hearing required by this Title, unless otherwise required by law or this Title, the city shall notify the public of such hearing by:
  - a. Publication once in a newspaper of general circulation within the city, at least fifteen (15) days prior to the public hearing; and
  - b. Posting notice at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, at least five (5) days prior to the hearing; and
  - c. Sign(s) shall be posted on or near the subject property, and shall be sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the land use action at a specified date and time. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing; and
  - d. Written notice shall be mailed to property owners, as recorded at the office of the Mesa County Assessor, of property within three hundred and fifty (350) feet of the subject property, or more until a minimum of twenty (20) unique property owners are provided notice. Notice shall be provided at least fifteen (15) days prior to the public hearing. This requirement does not apply to applications that are not property specific such as Land Use Code or Master Plan amendments.
2. All notices for public hearings shall include the following information:
  - a. The date, time, and place of the hearing;
  - b. The address or description of the subject property (in any);
  - c. The purpose of the hearing, including the scope and nature of the proposed action;
  - d. The applicable review board holding the hearing;
  - e. The right of interested persons to appear and make public comments; andHow to obtain additional information on the application and applicable review.
3. When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

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4. Major Activity Notice. When a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the City of Fruita shall send notice to the Colorado Land Use Commission, the State Geologist, and the Board of County Commissioners of the proposal prior to approval of any zoning change, subdivision or planning clearance for a building permit application associated with such a proposed activity.
  5. Notice to Mineral Estate Owners. In addition to the notices described above, and in accordance with Section 24-65.5-103, C.R.S., not less than thirty (30) days before the date scheduled for the first (1st) public hearing on an application for a subdivision creating more than one additional buildable lot, the applicant shall provide notice to mineral estate owners, as defined in Section 24-65.5-102(5), C.R.S. The notice shall be sent and shall contain all of the information required by Section 24-65.5-103, C.R.S. Proof of the giving of such notice shall be submitted by the applicant to the Community Development Department, on forms provided by the Community Development Department, prior to commencement of the hearing.
  6. Proof of Notice. Proof of giving notice by mail, personal delivery, posting of a sign, or publication in a newspaper may be established by affidavits of the person with personal knowledge of the giving of notice. The affidavit shall be prima facie evidence of its contents and shall be a part of the record at the subject hearing.
- F. Actions by Decision-Making Bodies. All decision-making bodies shall act in accordance with the time limits established in this Title and the City of Fruita. The city shall make every reasonable effort to process review applications as expeditiously as possible, consistent with the need to ensure that the application conforms to the requirements of this Title.
1. Criteria for Approval. Reviews of all applications under the Land Use Code shall be based on the applicable provisions of the Code and other applicable regulations. The burden shall be on the applicant to demonstrate conformity with the applicable regulations. Upon city approval, the applicant shall address all of the conditions imposed by the city decision-making body.
  2. Public Hearings. All public hearings with the Planning Commission, Board of Adjustment, Historic Preservation Board, or City Council be conducted in accordance with the following:
    - a. The applicant, or the applicant's representative, shall be present at the public hearing to represent the application.
    - b. The Community Development Department shall provide to the review body the application information, a Staff Report, review comments, any applicable recommendation from a City review body, written public comments and other related documents.
    - c. At the public hearing, the review body shall accept oral and written testimony from staff, the applicant and members of the public. For the record, Community Development Department staff shall be provided a copy

- of all new written or graphic information provided by the applicant or the public at the public hearing.
- d. The review body shall consider whether the application complies with all of the applicable requirements of this Title. At the close of the public hearing, the review body shall make a decision, as outlined in section 3, below.
3. Decision. After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the review body shall make a recommendation or make a decision, depending on their review role for the application.
    - a. For review bodies making a recommendation to City Council or another board or commission, they shall take one of the following actions:
      - i. Continue the hearing to gather more information; or
      - ii. Recommend that the application be approved, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the city's regulations and stating the reasons for the approval including conditions of approval; or
      - iii. Recommend denial of the application, stating the specific reasons for recommending denial.
      - iv. The recommendation for approval, approval with conditions or denial of the application shall include specific findings, based upon the evidence submitted, justifying such a recommendation.
    - b. For review bodies making a decision on the application, they shall take one of the following actions:
      - i. Continue the hearing to gather more information; or
      - ii. Approve the application, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the city's regulations and stating the reasons for the approval including conditions of approval; or
      - iii. Deny the application, stating the specific reasons for denial.
      - iv. The decision approving, approving with conditions or denying, the application shall include specific findings, based upon the evidence submitted, justifying such a conclusion.
  4. Conditions of Approval. A decision-making body may place reasonable conditions on an application to bring the proposal into compliance with this Title or other applicable regulations, or to mitigate the impacts of that development on the surrounding properties or streets. Any condition of approval shall be based on standards adopted by the City, or be reasonably related to the anticipated impacts of the proposed use or development.
    - a. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes

- formal action to attach that condition to a development approval.
- b. Applicant Representations. Any representations of an applicant in submittal materials or during a public hearing shall be considered binding as conditions of approval.
- 5. Recording of Decisions. Once an application is approved, the approving documentation shall be filed with the Town Clerk and, if required, recorded in the Office of the Mesa County Clerk and Recorder.
  - 6. Effect of a Denial. Whenever City Council denies an application, such action may not be reconsidered by the City for one (1) year unless the applicant clearly demonstrates that circumstances affecting the subject property have substantially changed, or new information is available that could not with reasonable diligence have been presented at the previous hearing.
    - a. Nothing contained in this Section shall preclude the submission of a substantially new application as determined by the Community Development Director or the City Engineer.

#### **17.07.050 REQUIRED LAND DEVELOPMENT APPLICATIONS.**

- A. Land development applications are approved under this Title only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Title, if completed as proposed, including any conditions of approval. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in this Title, all developments shall occur strictly in accordance with such approved plans, applications, and conditions of approval, as applicable.
- B. Physical improvements to land subject to land development application requirements may be approved by the city staff to allow expedited construction of certain specific improvements prior to permit and approval issuance in unique and special circumstances where delays would cause unacceptable impacts to city projects or activities. Such approval requires an administrative order or letter signed by the Public Works Director, City Engineer, or Community Development Director stating the reason for the approval.
- C. Land development application approvals issued under this Title shall be issued in the name of the applicant or the applicant's agent (authorized representative), as applicable. Land development application approvals made under this Title shall identify the property involved and the proposed use, shall incorporate by reference, the plans submitted and shall contain any special conditions or requirements lawfully imposed by the permit issuing authority.
- D. Approval of a land development application authorizes the recipient to commence the activity resulting in a change of use of the land or; to obtain a building permit, if required pursuant to the Fruita Municipal Code, to commence work to construct, erect, move, place, or substantially alter buildings or other structures or; to make necessary improvements to a subdivision. However, except as otherwise permitted in this Title, the

intended use may not be commenced, and no building may be occupied, until all of the requirements of this Title and all additional requirements imposed pursuant to the issuance of a permit or approval have been complied with.

#### **17.07.060 AMENDMENTS TO APPROVED LAND DEVELOPMENT APPLICATIONS**

- A. The Community Development Director may authorize minor deviations from the original approved application, including approvals by the City Council. The Community Development Director shall determine whether amendments to and modifications of approved land development applications are minor or major.
- B. Major deviations shall be subject to review and approval by the city decision-making body that approved the original application, provided an application that was approved by City Council may be referred to the Planning Commission first for a recommendation. A major deviation is one that exceeds one or more of the following thresholds:
  - 1. Increase in the number of residential lots or dwelling units;
  - 2. Reduction in the area of open space by more than ten (10) percent, or a reduction in the quality of open space, as determined by the Community Development Director;
  - 3. Increase in permitted floor area by more than ten (10) percent for any single nonresidential building;
  - 4. Modification to any site design or lot development standard in this Title;
  - 5. Any change to a requirement imposed through conditions of approval;
  - 6. Modifications to street standards or other public improvement requirements shall be subject to approval by the City Engineer, pursuant to the City of Fruita Engineering Design Criteria and Construction Specifications. Where a modification potentially affects a project's compliance with this Title, or any condition of approval related to this Title imposed through the original approval, the request shall be subject to review and approval by the Community Development Director. The Community Development Director may refer the request to the Planning Commission and City Council.

#### **17.07.070 EXPIRATION AND EXTENTIONS OF APPROVAL**

- A. An approval may expire if timelines, as outlined in this Title or in a Site Specific Development Plan Approval are not met. Unless otherwise outlined in this Title, those timeframes may be extended only when the following conditions are met:
  - 1. A request for an extension shall be filed prior to the applicable deadline;
  - 2. The request for an extension shall be made in writing and include justification; and
  - 3. Any applicable requirements of the approval must have been met.
  - 4. If the expiration of approval is not noted in a specific process, the expiration period shall be three (3) years from the date of approval. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval.

#### **17.07.080 TEMPORARY POSTPONEMENT OF IMPROVEMENTS**



It shall be within the administrative discretion of the Community Development Director to approve a temporary postponement of certain required improvements so long as the public health, safety, and welfare are preserved and the recipient provides a performance bond or other security satisfactory to the city to ensure that all to of the requirements of this Title will be fulfilled within a reasonable period. At a minimum, a request for postponing improvements must be submitted in writing explaining what improvements are requested to be postponed, why the postponement is necessary and when the improvements will be completed. At the Community Development Director's discretion, a request to postpone improvements may be sent to the City Council for a decision.

**17.07.090 CERTIFICATE OF OCCUPANCY REQUIRED.**

- A. No building or structure shall be occupied, and no change in existing occupancy classification of a building or structure or portion thereof shall be made until the city has authorized the issuance of a Certificate of Occupancy. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of provisions of this Title or other titles of the Municipal Code.
- B. The city may suspend or revoke a Certificate of Occupancy or completion issued under the provision of this Title where ever the Certificate was issued in error, or on the basis or incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Title.