

c. Effect of City Council Denial

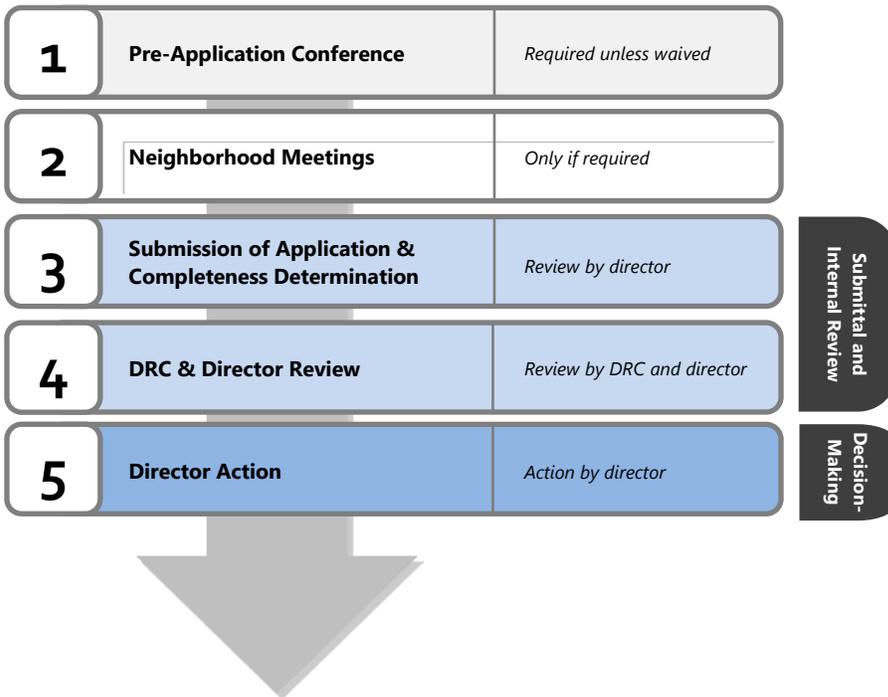
If the city council denies an application, that same request or one substantially the same may not be considered by the city for a period of one year from the date of denial, unless the city council's denial explicitly states that an earlier re-application will be considered.

C. Core Review Procedures for Minor Development Applications

1. Review Procedure for Minor Development Applications

All minor development applications shall be reviewed according to Steps 1 and 3 in subsection B above, and then under the steps outlined below (summarized in Figure 2.2). The director may waive Step 1 in subsection B above, based on a determination that the proposed development would not have adverse impacts on neighboring properties. The director may require Step 2 in subsection B above, based on a determination that the proposed development may have adverse impacts on neighboring properties.

Figure 2.2: Minor Development Applications



a. Step 4: DRC Review

i. Applicability

- (A). The director shall refer all minor applications to the DRC for review and recommendation.
- (B). The DRC shall review the application for technical accuracy, compliance with this development code and other relevant city regulations and ordinances and provide comments and written recommendations to the project planner.

ii. Director Review

The director shall review the recommendations of the DRC and, if necessary, require the applicant to submit a revised application. In this case, the applicant shall submit a revised application addressing each comment contained in the DRC report. No further processing of the application shall occur until the revised application is submitted.

b. Step 5: Director Final Action

- i. After the DRC completes its review, the director shall review the application for compliance with the adopted review criteria, this development code, and other relevant city regulations and take final action to approve, approve with conditions, or deny the application.
- ii. The director shall notify the applicant of the final action and time frames and procedures for appeals, and shall advise the applicant, if no appeal is filed, that the applicant must satisfy or accept all conditions of approval prior to issuance of a building permit.

2. Authority to Refer to P/Z for Public Hearing

At the director's discretion, based upon a consideration of the proposed development's potential adverse impacts, mix of land uses, or need for off-site public improvements, the director may refer the application to the P/Z for public hearing and final action. In this case, the application should be scheduled for hearing at the next regular meeting before the decision-making body, or as soon thereafter as meeting agendas allow. Appeals of decisions on such referred applications shall be as if the referred-to body was the decision-making body in the first instance.

D. Review Procedures for Administrative Applications

The decisionmaker on an administrative application shall only act upon an administrative application once all requested submittal materials have been received. The decisionmaker shall approve or deny the application ministerially, based on the review criteria. Should the decisionmaker determine that deciding on administrative permit application requires material use of discretion, the decisionmaker shall subject such application to the procedures applicable to minor applications.

15.02.055 Review Criteria for All Application Types

Amended 10/2019, Ordinance 2019-62

No major, minor, or administrative development application shall be approved unless it meets the following review criteria, except that individual types of applications described in this land development code specifically may include exceptions to these criteria or impose additional criteria:

1. The application is consistent with the comprehensive plan and the purpose of the code and zoning district; conforms to any previously approved concept plan, preliminary plat, or PUD overall development plan; and complies with all applicable statutes, codes, ordinances and regulations.
2. The application complies with applicable city standards, including for street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services.
3. The application proposes development compatible with surrounding properties in terms of land use, site and building layout and design, and access.
4. The application will not adversely affect surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities, or the adverse impacts of the use will be mitigated to the maximum extent feasible.

5. The application, where required, complies with the sustainability evaluation system requirements to mitigate impacts of development within the City's riparian areas, and as applicable to other projects as determined by separate agreement.
6. The application includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails and similar features.

15.02.060 Review Standards and Procedures for Specific Major Development Applications

A. Annexations

1. Review Procedures

An application for annexation shall follow the core review procedures for major development applications, except for the following:

a. After Step 1 (Pre-Application Conference)

The annexation application shall be referred to the city council to determine whether the public interest is served by considering the annexation request further. If the answer is no, the annexation application shall only be reviewed for statutory compliance, unless the applicant withdraws the petition.

b. City-Initiated Annexations

Annexations initiated by the city of enclaves, property owned by the city or under lease to the city with an option to purchase, and property predominantly containing a city-managed or -operated facility are exempt from Steps 1 through 6 of the core review procedures for major development applications, as well as the referral procedure of subsection A.1.a, above.

2. Additional Review Criteria

Annexations shall also comply with the following additional criteria. However, annexation is a discretionary, legislative act. The city shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

- a. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).
- b. The property is within the municipal service area (MSA) or the Longmont Planning Area (LPA) as stated in the comprehensive plan. No property outside of the MSA or LPA shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.
- c. The proposed zoning is appropriate, based upon consideration of the following factors:
 - i. The proposed zoning is consistent with the comprehensive plan designation of the property; and
 - ii. The proposed land uses are consistent with the purpose and intent of the proposed zoning district.
- d. The annexation will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
- e. Unless otherwise agreed to by the city, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.

- f. The property to be annexed meets the environmental requirements of section 15.02.140.
- g. City-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).

3. Concept Plan Required

All annexation applications, except city-initiated annexations, shall include a concept plan which shall be referenced and approved by the annexation ordinance. Development of the subject property shall be consistent with the concept plan, unless city council amends it by ordinance. At a minimum, a concept plan shall include the items listed in this development code, the administrative manual and the following general information:

- a. Appropriate land use, utility, and transportation design, including multi-modal transportation access, given the existing and planned capacities of those systems;
- b. Mitigation of potential adverse impacts on surrounding properties and neighborhoods; and
- c. Mitigation of potential adverse impacts on the environment.

4. Annexation Agreement Required

As a prerequisite for annexation, a city-approved annexation agreement shall be signed by all owners of the subject property, except annexations of city-owned property or property the city is leasing under a lease-purchase agreement, city-initiated annexation of enclaves, or when the requirement is waived by the city council. The annexation agreement represents the applicant's proposed performance to induce the city council to act favorably on the proposed annexation. The accompanying zoning and concept plan are part of the applicant's inducement offer and shall be an integral part of the annexation agreement. The annexation agreement shall detail the mutual understanding about the annexation including, but not limited to, the following matters:

- a. Density or intensity of development and land use mix, including:
 - i. Designation of the density distribution within the parcel to be annexed; and
 - ii. A condition that residential developments comply with applicable affordable housing requirements;
- b. Phasing of the development in general terms;
- c. Drainage, detailing major improvements required, participation in the storm drainage utility, participation in existing improvements, and how drainage requirements will be satisfied;
- d. Streets and bikeways, detailing participation in existing and proposed improvements, dedication of perimeter rights-of-way and timing of such, major street improvements required and designation of responsibility for construction, treatment of local, interior street and rights-of-way, responsibility for construction or participation in traffic signals and other traffic-control devices, and payment for any transportation or site access studies or any addenda;
- e. Utilities, detailing participation in existing systems, major improvements to be constructed, dedication of necessary easements and timing of such, and utilities required;
- f. Landscaping, detailing responsibility and scheduling of arterial and collector street landscaping and primary greenway development, and maintenance of such facilities;
- g. Fire protection, detailing responsibility for fire protection measures;
- h. Land dedication and/or reservation, designating land for public purposes including but not limited to, streets, utilities, parks, schools, greenways, or cash-in-lieu agreements. Land reserved for future park purchase will be paid at fair market value with the appraisal value determined by pre-annexation raw land value;