

## **SECTION 13-500 ADMINISTRATIVE AMENDMENT**

### **13-501 INTENT**

To provide an amendment process for minor modifications to a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan that does not substantially alter approved development standards. The Administrative Amendment must preserve the intent of the original Preliminary Development Plan, Final Development Plan, Administrative Site Plan, Subdivision Development Plan, or Master Development Plan it modifies. This administrative amendment process is intended to be accomplished within a thirty (30) business day period, however, this time frame may vary depending upon the circumstances of each individual case.

### **13-502 ELIGIBILITY FOR ADMINISTRATIVE AMENDMENT**

The following general criteria must first be met in order to be considered for a specific administrative amendment:

#### **13-502.01**

Unless specified herein, no right-of-way dedications, public improvements, traffic studies, drainage studies, or subdivision improvement agreements are required.

#### **13-502.02**

A current final drainage report and current street construction plans have been approved for the Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan governing the proposal.

#### **13-502.03**

The perimeter boundaries of the Administrative Amendment coincide with existing boundaries of the governing Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan.

### **13-503 DESIGN STANDARDS**

Design standards on approved development plans are considered maximums and minimums as follows:

- A. Maximums: density, building coverage, building height, square footage
- B. Minimums: setbacks, open space, parking
- C. An Administrative Amendment is not required for reductions to these maximum standards, or increases to these minimum standards, except as they may require changes to: (1) building footprints, (2) landscaping for increases in open space, and (3) drainage analysis as determined by the Engineering Services Division for increased parking as it relates to increased impervious area. In these cases, an Administrative Amendment may be required.
- D. When Amendments to approved plans request dimension or spatial modifications of up to the appropriate percentage, the base used for measurement shall be the originally approved Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan.

### **13-504 PERMITTED USES**

Only the clarification of the definition of a permitted use may be processed through the Administrative Amendment process. The number of permitted uses may not be expanded by an Administrative Amendment

### **13-505 DENSITY**

- A. Commercial/Industrial. A one percent (1%) increase in area shall be the maximum allowed increase in any commercial or industrial development, and then it shall be limited to hallways, stairways, restrooms and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents. The Planning Division Manager may recommend this type of change for a Board of County Commissioners consent agenda approval.
- B. The number of residential units cannot be increased.
- C. In the case where density by area or phase is specified on a Preliminary or Master Development Plan, transfers of density do not qualify for the Administrative Amendment process.
- D. This increase may also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division Manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

### **13-506 SETBACKS**

#### **13-506.01 Internal Lot Line Setbacks**

Setback decreases proposed from internal lot lines and/or between structures shall not be more than thirty percent (30%) of the original setback dimension. The Planning Division Manager or designee may recommend this type of change for Board of County Commissioners consent agenda approval.

#### **13-506.02 External Lot Line Setbacks**

Proposed setback decreases from external lot lines shall not be more than ten percent (10%) of the original setback dimension. At no time shall a requested decrease change the final setback to less than thirty feet (30') from public rights-of-way and twenty feet (20') from all other external lot lines. The Planning Division Manager or designee may recommend this type of change in external lot line setbacks for Board of County Commissioners consent agenda approval.

#### **13-506.03 Distance Between Buildings**

The minimum allowable distance between buildings is ten feet (10'). The Administrative Amendment process may not be used for requests to decrease the distance between buildings below the ten feet (10') minimum, but may be used to decrease minimum distances between buildings for other cases. The Planning Division Manager or designee may recommend a ten percent (10%) reduction to the minimum distance between buildings requirement for Board of County Commissioners consent agenda approval.

### **13-507 BUILDING ENVELOPES AND FOOTPRINTS**

- A. A ten percent (10%) increase in building envelopes and/or footprints shall be allowed administratively, but shall not reduce approved minimum open space, parking and setbacks and/or increase maximum height and density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is a Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this type of change for Board of County Commissioners consent agenda approval.
- B. Building footprints may be reduced administratively, but shall not increase approved densities or heights unless otherwise specified herein.

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- C. Building envelopes and/or footprints may be relocated on site administratively, but shall not change and/or alter any of the approved development restrictions as set forth in the Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Development Plan, or Subdivision Development Plan. Additionally, an analysis of impacts to the originally approved drainage study shall be provided with a request to alter approved building locations. To accommodate a request to “flip-flop” building footprints of dissimilar configurations, the buildings shall be similar in height, size and area.
- D. An increase or relocation of building footprints shall also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

### **13-508 HEIGHTS**

A proposed increase in building height may be processed administratively, provided the existing, approved building height is no greater than three stories and does not exceed 45 feet. A building height increase may be approved, provided the increase is no more than 10 percent of the existing, approved building height and the proposed building height increase does not exceed the maximum building height allowed in the underlying zone district or associated Preliminary Development Plan.

### **13-509 OPEN SPACE**

- A. Reductions in the approved open space shall be, unless it is a three-story structure as stated in this Land Development Code, limited to ten percent (10%) of the original requirement. However, at no time shall the open space for a development be less than twenty percent (20%) for industrial, commercial, multifamily residential and single family attached residential and not less than 10% for single family detached residential. Open space reductions will also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.
- B. When the Administrative Amendment is for a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Development Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this item be scheduled for Board of County Commissioners consent agenda approval.
- C. Increases in open space do not require an amendment to the approved development plan. However, increases in open space shall not increase maximum building heights or decrease the minimum parking requirements approved on the Preliminary Development Plan.

### **13-510 PARKING**

- A. Parking requirements are closely related to the uses within each development, and are unique to each plan. Alterations shall be allowed within ten percent (10%) of the original requirement. Proof that the increase or decrease is appropriate for the proper function of the development, or that the approved uses have been substantially changed shall be provided as part of the submittal package. The change shall not decrease minimum open space and setbacks or increase maximum heights and/or density from those approved in the existing Preliminary Development Plan. When the Administrative Amendment is for

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a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative development Plan, or Subdivision Development Plan, the Planning Division Manager or designee may recommend this item be scheduled for a Board of County Commissioners consent agenda approval.

- B. Alterations to parking will also require that a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

### **13-511 ACCESS**

Changes to the number or type of access locations, access design, and/or internal circulation design may be processed administratively as determined by the Engineering Services Division Manager or designee. A traffic analysis of the changes may also be required as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

### **13-512 DRAINAGE**

- A. Proposed changes to drainage routing and/or facility designs may require an Administrative Amendment to an approved development plan if it affects an approved design standard on that Plan (e.g. open space, easements, setbacks, etc.). Specific criteria may include the following:
1. Revisions to site drainage patterns that can be demonstrated not to increase storm flow at design discharge point(s) by more than five percent (5%) of that approved with the Phase III drainage report may be processed administratively.
  2. Increases in the capacity of onsite best management practices facilities up to five percent (5%) may be processed administratively.
  3. Revisions to drainage patterns and/or increases in capacity of best management practices facilities will require a drainage letter or drainage report addendum be submitted to the Engineering Services Division for review and approval as determined by the Engineering Services Division manager or designee. Fees may be charged as authorized by the Engineering Services Division fee schedule.

### **13-513 PUBLIC IMPROVEMENTS**

Revisions to the scope of public improvements may require an Administrative Amendment to an approved development plan as determined by the Engineering Services Division Manager or designee. If it is determined that the application can be processed administratively it may also be determined that amendments to drainage studies, traffic studies, construction drawings, Grading, Erosion and Sediment Control documents, and/or Subdivision Improvement Agreements may be necessary. The Engineering Services Division manager or designee shall make this determination and fees will apply as authorized by the Engineering Services Division fee schedule.

### **13-514 SUBDIVISION RELATED CHANGES AFFECTING DEVELOPMENT PLANS**

Changes to subdivision related elements such as lot lines, easements, rights-of-way, internal roadways, vacations and/or drainage systems should be made to the subdivision plat according to requirements in the Arapahoe County Subdivision Regulations, and may require amendments to

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an approved Final Development Plan, Subdivision Development Plan or Administrative Development Plan, if such changes affect approved development standards.

### **13-515 SIGNAGE, LIGHTING, LANDSCAPING, TRASH DISPOSAL AREAS, ARCHITECTURAL TREATMENT**

Signage, lighting, landscaping, trash disposal areas, and architectural treatment elements of approved Final Development Plan, Administrative Site Plan, and/or Subdivision Development Plans may be processed administratively. The Planning Division Manager or designee may recommend signage amendments which conform to the signage regulations in these Regulations for Board of County Commissioners consent agenda approval. Amendments to the signage provisions of an Final Development Plan which are in excess of either the regulations of the Preliminary Development Plan or the Sign Code portion of this document may not be processed administratively.

### **13-516 ADMINISTRATIVE PROCESS DETERMINATION**

#### **13-516.01**

The applicant shall submit all pre-submittal materials, in accordance with department requirements, to the Planning Division, along with a Letter of Intent which details how the proposed amendment meets the applicable amendment criteria contained herein.

#### **13-516.02**

Upon the Planning Division's acceptance of the pre-submittal materials, the applicant will be scheduled, and must attend a pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Administrative Amendment. During the pre-submittal meeting the Planner and Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.

#### **13-516.03**

At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Planning Division Manager and Engineering Services Division Manager or their respective designees for final determination as to whether the proposal can be processed administratively. The case planner will notify by the applicant of the determination to approve or deny the request for administrative processing as soon as practical.

#### **13-516.04**

The Planning Division Manager and Engineering Services Division Manager or their respective designees reserve the right to refer any request for an Administrative Amendment to the Board of County Commissioners for consideration at a regular meeting of the Board. The Planning Division will notify the applicant it is determined that Board review is desired.

#### **13-516.05**

If the Planning Division Manager or designee denies a request for the Administrative Amendment process, the applicant can appeal the decision to the Board of County Commissioners within ten (10) working days of notification of the Planning Division Manager's decision, by filing a letter of appeal with the Planning Division. The Planning Division Manager will notify the Board of County Commissioner's Office upon receipt of the letter of appeal within ten (10) days and the matter will be scheduled for Board of County Commissioner's determination as soon as practical. The applicant will be notified of the date

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that the Board will consider the appeal and is required to provide justification on his/her behalf.

### **13-516.06**

Upon a determination that the application can be processed administratively, the applicant must submit the formal application within sixty (60) working days of the Planning Division Manager's determination that an Administrative Amendment is allowed. Failure to submit within sixty (60) working days of the Division Manager's determination, in writing, will render the decision voidable.

### **13-516.07**

The Planning Division Manager or designee may waive the pre-submittal conference with the approval of the Engineering Services Manager or designee. If a waiver is granted, the Planning Division Manager will issue a letter stating such.

## **13-517 APPROVAL CRITERIA FOR AN ADMINISTRATIVE AMENDMENT**

Once an application has been determined to be eligible for the Administrative Amendment process, the following criteria shall be considered by the Planning Division Manager or designee for approval of an Administrative Amendment;

### **13-517.01**

The amendment is consistent with the efficient development and preservation of the entire Planned Unit Development, Administrative Site Plan, or Subdivision Development Plan;

### **13-517.02**

The amendment will not adversely affect the applicant's reasonable development expectations, the adjacent property owner's use and enjoyment of their property, or the public interest;

### **13-517.03**

The amendment is in keeping with the spirit and intent of the Zoning Regulations and will not weaken the purposes of those regulations;

### **13-517.04**

The amendment will not adversely affect the public health, safety, and welfare.

## **13-518 SUBMITTAL PROCESS**

### **13-518.01**

Upon receipt of all required information, the PWD Department shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.

### **13-518.02**

The case planner will refer the application for a fourteen (14) day internal review to various County departments and divisions within the Public Works and Development Department.

### **13-518.03**

The applicant will be notified of any outstanding issues upon completion of this internal review.

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### **13-518.04**

Following resolution of all outstanding issues raised by the referral process, and staff's determination that the Administrative Amendment request complies with all specified plan content requirements per Chapter 13, the applicant shall submit a final mylar for signature to the Planning Division Manager or designee.

### **13-518.05**

The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

### **13-518.06**

The applicant shall provide a current title insurance policy or commitment (no more than 30 days old from the date the mylars are submitted) confirming that the signature of the owner on the mylar is the owner of the property.

### **13-518.07**

Upon acceptance of the final mylar by the PWD Department, the Administrative Amendment will be signed by the Planning Division Manager or designee.

### **13-518.08**

After the Planning Division Manager signs the mylar, building permits may be applied for and/or obtained.

## **13-519 FORMAL SUBMITTAL REQUIREMENTS**

### **13-519.01 General Submittal Requirements**

- A. Completed Land Use Application (Application is available from the Planning Division office)
- B. Application fee (Fee Schedule is available from the Planning Division office)
- C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
- D. Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old from the date of submittal.
- E. A notarized letter of authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.
- F. An Administrative Amendment exhibit (per Chapter 13). The format for all plans shall be in upper sans serif. Font size shall be readable when reduced to an 11 x 17-inch size. No plans shall include copyright restrictions.
- G. Certificate of taxes paid.
- H. Letters of support with a statement regarding any existing facilities over or across the land from the following agencies:

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1. all special districts providing maintenance of infrastructure within or adjacent to the property;
  2. all known easement beneficiaries and/or utility providers;
  3. all landowners abutting the property.
- I. A Submittal Requirements Matrix is available from the Planning Division office listing the complete list of submittal items and the required number of copies. Other submittal requirements may be required based on the Planning Division and Engineering Services Division review.

### **13-519.02 Engineering Submittal Requirements**

- A. A drainage letter or drainage study addendum if required by Engineering Services Division staff.
- B. Construction drawing addendum if required by Engineering Services Division staff.
- C. Traffic study addendum if required by Engineering Services Division staff.
- D. Engineers Cost Estimate addendum if required by Engineering Services Division staff
- E. Grading-Erosion-Sediment Control documents addendum if required by Engineering Services Division staff
- F. Applicable fees for any of the required engineering items listed above as authorized by the Engineering Services Division fee schedule.

### **13-520 PLAN EXHIBIT**

The Administrative Amendment exhibit shall comply with the requirements set forth in the underlying zoning or site plan, which will be either a Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, or Subdivision Development Plan. If staff determines a complete set of mylars (required for the underlying zoning) is unnecessary, an abbreviated set of mylars may be submitted that includes the following:

- A. A title block centered at top of all pages including subdivision name, amendment number, legal description, township, range, county, state and sheet number (ex. 1 of 1, or 1 of 2).
- B. A legal description including description of boundaries in distances and bearings.
- C. A vicinity map with location of sign identified.
- D. An amendment history including case number(s) of previously approved applicable plans and detailed information about the changes proposed. In these cases, the history should include a detailed description of the original and proposed element.
- E. A Certificate of Ownership signature block.
- F. The Planning Division Manager Approval signature block.
- G. The current case number in lower left corner of all pages.
- H. A detailed graphic representation if change can be graphically illustrated. The description should include all changed data, together with enough of the underlying plan as is necessary to understand the effect of the change. Other than the listed elements, the mylar should not contain any information that is not essential to understanding the effect of the amendment.
- I. A note stating, "All other original terms, conditions and notes of the (Preliminary Development Plan, Master Development Plan, Final Development Plan, Administrative Site Plan, or Subdivision Development Plan) approved on (DATE) will remain in full force and effect as previously executed by Owner and Arapahoe County."
- J. The applicant will make changes on copies of the approved plans unless in the Planning Division Manager's opinion it is more effective to draft new documents.
- K. Changes will be bubbled to assist staff in reviewing the amended document.