



# USE REVIEW - SECTION ONE

## GENERAL INFORMATION

### How to Use this Attachment

**Section One** of this attachment contains general information about the review type, and the process used to review your application. Keep this section as a reference while your application proceeds through review.

**Section Two** contains material that **you are required to fill out, detach, and submit with your application.** The Application Submittal Requirements checklist describes the minimum information to include in your application. Your application will not be accepted for review unless all the information is present.

Use the information in this attachment to prepare your application. The information in this, and related, attachments **identifies the criteria that will be used to evaluate your application.** Your application should **focus on demonstrating how your proposal complies with all the criteria.** Effective use of this attachment will help you avoid costly revisions to your application later.

### Use Review Summary

Each of the city's zoning districts is intended for a predominant use, such as single-family residences or commercial businesses. Other uses (as designated in Section 9-6-1(d), B.R.C. 1981, Schedule of Permitted Uses of Land) may be allowed if it is demonstrated that a particular use is appropriate at a proposed location. **Those land uses identified as "use review uses" must receive approval through the use review process in order to be allowed in a zoning district.** Use review is the discretionary review process to determine if the impacts of a proposed use on the surrounding area are minimized and acceptable.

In addition, **use review approval is required to determine whether certain changes to non-conforming uses are acceptable.** Non-conforming uses may be upgraded or expanded with use review approval, if the change would not substantially adversely affect the surrounding area, or if it would reduce the degree of non-conformity or improve the appearance without increasing the degree of the non-conformity.

Applications for reviews are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process (see attached Land Use Review Process Summary). This review process takes approximately three to four months to complete and includes public notification. Use review uses must be found to meet the applicable review criteria listed in Section 9-2-15, B.R.C. 1981. A list of the use review criteria is attached.

Use review application for nonresidential uses in a residential or public zoning district require approval by the Planning Board (the Planning and Development Services Department submits a recommendation to the Board). All other use review applications are decided by the Planning and Development Services Department. Planning and Development Department decisions on use reviews are final after a 14-day "call-up" period. These decisions may be called-up by the Planning Board for a final decision or appealed to the Planning Board by the applicant or any interested person. All use review decisions are issued in a document called "Notice of Disposition." The disposition specifies "approval", "approval with conditions" (and lists those conditions), or "denial".

Use review approvals are valid for three years, after which they expire if they have not been implemented. Also, any use review use which is discontinued for at least one year or replaced by another use expires.

Use review approvals are specific to the description of the use and the operating characteristics that the applicant details in the written statement. Any future change in these characteristics will require a new use review application.

## USE REVIEW CRITERIA

In order for a use review application to be approved, the approving agency must find that the application meets the applicable use review criteria. These criteria are found in Section 9-2-15(e), B.R.C., 1981 and in Section 9-2-15(f), B.R.C., 1981 of the city's land use regulations and are listed below. An application for use review must include a written statement which addresses how the proposal meets the applicable criteria.

**Section (e) below applies to all use review applications.**

**Use review applications for non-conforming uses must meet the criteria listed in both sections (e) and (f) below.**

**(e) Criteria for Review**

No use review application will be approved unless the approving agency finds all of the following:

- (1) Consistency with Zoning and Non-Conformity:** The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981, except in the case of a non-conforming use;
- (2) Rationale:** The use either:
  - (A)** Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;
  - (B)** Provides a compatible transition between higher intensity and lower intensity uses;
  - (C)** Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or
  - (D)** Is an existing legal non-conforming use or a change thereto that is permitted under Subsection (f) of this Section;
- (3) Compatibility:** The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;
- (4) Infrastructure:** As compared to development permitted Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;
- (5) Character of Area:** The use will not change the predominant character of the surrounding area; and
- (6) Conversion of Dwelling Units to Non-Residential Uses:** There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

**(f) Additional Criteria for Modifications to Non-Conforming Uses**

No application for a change to a non-conforming use shall be granted unless all of the following criteria are met in addition to the criteria set forth above:

- (1) Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including, without limitation, objectionable conditions, glare, adverse visual impacts, noise pollution, air emissions, vehicular traffic, storage of equipment, materials, and refuse, and on-street parking, so that the change will not adversely affect the surrounding area.
- (2) Reduction in Non-Conformity/Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity.
- (3) Compliance with this Title/Exceptions:** The proposed change in use complies with all of the requirements of this title:
  - (A)** Except for a change of a non-conforming use to another non-conforming use; and
  - (B)** Unless a variance to the setback requirements has been granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or the setback has been varied through the application of the requirements of Section 9-2-13, "Site Review," B.R.C. 1981.
- (4) Cannot Reasonably Be Made Conforming:** The existing building or lot cannot reasonably be utilized or made to conform to the requirements of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9, "Development Standards," B.R.C. 1981.
- (5) No Increase in Floor Area over Ten Percent:** The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area.
- (6) Approving Authority May Grant Zoning Variances:** The approving authority may grant the variances permitted by Subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in Subsection 9-2-3(h), B.R.C. 1981, have been met.

## LAND USE REVIEW AND TECHNICAL DOCUMENT REVIEW PROCESS SUMMARY

The Planning Department coordinates discretionary reviews through a Land Use Review process. The various review types are listed on the Land Use Review Application Form and include annexation, site review, use review and preliminary plat for subdivision. The Land Use Review process is summarized here.

### Pre-Application

If you are considering filing a development review application, a pre-application review may be beneficial. An interdepartmental city staff team is available to answer questions about applicable regulations, application requirements, and how they may affect a project on a particular site. Many pre-application questions can be answered without need for a meeting. Occasionally, staff will determine that a meeting will be the most effective approach. Pre-application review is usually optional. Exceptions are the Off-site Affordable Housing Location Review, when land is proposed for Inclusionary Housing, and certain Housing Funding requests; however, there are certain types of projects and reviews for which city staff recommends a pre-application review. Refer to the "Pre-application Review" brochure for details.

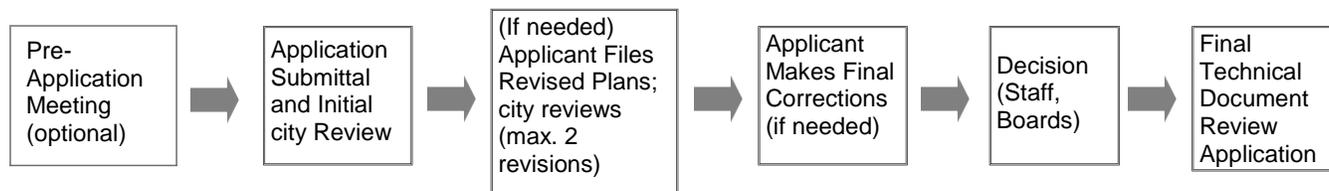
### Application

Land Use Review (LUR) applications for new projects are accepted in the Planning and Development Services Center, Monday, Wednesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. and Tuesday from 10:00 a.m. to 4:00 p.m. Applications are processed and routed for staff's review on the Monday of the next review track. A calendar of submittal dates for review tracks can be found on the city's website at: <https://bouldercolorado.gov/plan-develop>.

### Review Schedule

Each application is assigned a three-week review "track" based on availability of staff resources to conduct the review. The track assigned determines the review schedule the project will follow and help applicants gauge the time needed to complete the review process. A generalized diagram of the land use review process appears below. Once a review track has been assigned, the city commits to this time schedule, assuming the applicant meets the required deadlines. Some projects may be placed on a later track based on the applicant's response time, the number of revisions, and staff, Planning Board or City Council work volume.

### Basic Steps in the Land Use Review (LUR) Process



### Reviewers

The land use review process includes review by the Development Review Committee (DRC), which is made up of representatives from city departments and other referral agencies. Each representative provides review and comment about how the application complies with code and policy requirements within their area of responsibility. When the interests of individual departments diverge, developing consensus is the responsibility of the Policy Resolution Group (PRG), made up of supervisors of Planning and Development Services and the City Attorney's Office.

### Initial Review and Review of Revised Plans

Public notice, by mail and posting a sign on the property, occurs during the initial review. The applicant is responsible for posting of a sign that is issued by the Planning and Development Services Center.

During a project's initial review, a summary of the city's findings, a list of requirements and informational comments are identified and given to the applicant in the form of Development Review Results and Comments.

Projects are reviewed for conformance with development standards and requirements and some are evaluated against qualitative design criteria. City comments and/or a decision are issued approximately three weeks after the start of the assigned review track.

*Issuance of the Development Review Results and Comments concludes the services covered by the initial application fee. Any additional time spent by staff after this point is subject to hourly billing or by revision fees where applicable.*

The case manager is available to meet with the applicant to review and discuss the city comments. After considering the issues identified in the initial review, the applicant is given the opportunity to propose revisions. Revisions must be submitted, or a written request for continuance received within 60 days from the date of city comments; otherwise, staff will either take action on the latest plans on file or the application is voided. Revised applications are evaluated by DRC staff members and review of revision comments are issued by the case manager within 15 working days after the start of the assigned review track. Up to two revisions may be filed for each project.

### **Decisions/Call-ups/Appeals**

Depending on the potential impact, Boulder's land use regulations assign approval authority to either city staff, Planning Board, or both Planning Board and City Council. After the completion of staff review, the Planning Department either issues a staff decision or refers the project to the Planning Board or City Council. For site review, use review and subdivision (at final plat review), a "Notice of Disposition" is issued. This is a one- or two-page document stating the decision and listing any conditions of approval. These decisions are final after a 14-day "call-up" period. Staff-level decisions may be called up by the Planning Board for a final decision or appealed to the Planning Board by the applicant or any interested person. Planning Board decisions are also issued as dispositions and are final after a 30-day call-up period. Board decisions may be called up for review by City Council with a majority vote of City Council in favor of the call-up. Decisions by Planning Board and City Council are made following public hearings at regularly scheduled meetings.

Several types of Land Use Review applications do not have dispositions issued and follow a slightly different review process at the time of the project decision. For example, out-of-city utility permits are approved by city staff and subject to a call-up by the City Council. Annexations follow a state law approval process, including a recommendation by the Planning Board and approval of an ordinance at two readings by City Council. For additional information on the steps towards a final decision for a particular application type, please refer to the application attachment for the review type or contact the Planning and Development Services Center.

### **Technical Document Review and Permit Review**

The conditions of approval for most Land Use Review applications will generally require several documents to be prepared, filed and recorded depending on the review type. These may include final plans (architecture, site, landscape), a subdivision final plat and agreement, a development agreement, engineering plans, and dedications of easements or rights-of-way.

For city review and approval of these technical and final documents, *the applicant files a Technical Document Review application*. The Technical Document Review process (TEC DOC) is similar to Land Use Review (same application deadlines, but no hearings are involved).

After the required technical documents have been approved, the applicant may file a building permit application for any new construction. Information on building permits is available in the Planning and Development Services Center (303- 441-1880). The applicant may also need to obtain other permits to complete the project, including growth management allocations and floodplain development permits.

### **Expiration of Approval**

For site and use reviews, the applicant must begin and substantially complete an approved project within three years from the date of final approval (or as modified by a specific development schedule). If a project is not completed within three years, or according to the project's approved development schedule, the approval expires. If the project is not completed within this time frame, the applicant may request administrative extension of the development approval. Up to two six- month extensions can be granted by staff. After that, extensions can only be granted by the Planning Board, after a public hearing, and upon a showing by the applicant that reasonable diligence has been exercised to complete the project.

## USE REVIEW - SECTION TWO

### APPLICATION CHECKLISTS AND FORMS

Submit with your application.

**Section Two** contains:

- Use Review Application Requirements checklist.
- Use Review Written Statement form
- Project Fact Sheet
- Vested Rights Option form
- Sign Posting Requirements Acknowledgement form

All of these documents must be filled out completely and submitted with your application, in the quantities specified on the Land Use Review application form and on the Use Review Application Requirements checklist.

## USE REVIEW APPLICATION REQUIREMENTS CHECKLIST

Submit with your application.

A use review application must meet the basic requirements listed in the city's land use regulations (found in Sections 9-2-6(a) and 9-2-15(b), B.R.C. 1981). These requirements are detailed below, and are listed on the Land Use Review Application Form. **An application fee, as specified on the application form, is also required.** In addition, an applicant may submit any additional materials which may be appropriate to the review.

**All required materials must be included along with a complete form in order for an application to be accepted for review.** Incomplete applications will not be entered in the review process and will be returned to applicant.

**All application materials must be submitted in 15 collated packets, with one complete packet marked "Original." Each packet must contain one of each required plan, statement, etc. Every packet must include a cover sheet that clearly indicates the contents of the packet.** Where fewer than 15 copies of an item are required, the cover sheet should clearly indicate the packets that contain those items.

**Complete the checklist below, marking those items as they are included in your application packets, and sign at the end.** The checklist is intended to assist the applicant in collecting all of the required materials and to assist the Planning and Development Services Center in determining that all of the application requirements are met.

### Use Review Application Requirements

- [ ] 1. A complete **Land Use Review Application Form**, including signatures by, or the written consent of, the owners of all property to be included in the development.
- [ ] 2. A completed **Sign Posting Requirements Acknowledgment form** (attached).
- [ ] 3. Three (3) copies of an **improvement survey** or improvement location certificate by a registered surveyor, of the subject property.
- [ ] 4. One (1) copy of a **legal description** of the subject property, printed clearly on an 8 ½" x 11" sheet.
- [ ] 5. Fifteen (15) copies of a **vicinity map** (8 ½" x 11") indicating the site and names of adjacent streets. If the site is less than one acre, the map must be drawn at a minimum scale of 1":200'.
- [ ] 6. Fifteen (15) copies of a **written statement** which describes the proposal and addresses **how the application meets the applicable criteria for approval** (found in Sections 9-2-15(e) and 9-2-15(f), B.R.C. 1981 and attached). This written statement shall include information relating to the intensity of uses, amount of traffic generated, hours of operation, and other information that is necessary to determine how the use review criteria are met. This may include specifics such as number of students and grade levels for a school, number of children and their ages for a day care center, or the operating characteristics for a business. Please use the attached **written statement format** to help in preparing a written statement for your application.
- [ ] 7. Fifteen (15) prints of a complete **site development plan(s)** (18" x 24" or 24" x 36"), folded to 9" x 12", drawn to a standard engineering scale, showing the major details of the development, including without limitation the location of buildings and structures, useable open space, off-street parking areas, off-street loading areas, services and refuse areas, means of ingress and egress, landscaping, screening, and existing and proposed signs.
- [ ] 8. Fifteen (15) prints (18" x 24" or 24" x 36"), folded to 9" x 12" and drawn to a standard architectural scale, of **architectural floor plans and elevations** of the existing structure(s) and any proposed additions or renovations, including the maximum height of all buildings and building elevations showing exterior colors and materials.

- [ ] 9. A completed **vested property rights option form** (attached).
- [ ] 10. Fifteen (15) copies of a completed **Land Use Review Project Fact Sheet** (attached).
- [ ] 11. Two (2) copies of a **current title insurance commitment** or attorney memorandum based on an abstract of title, current to within 30 days.
- [ ] 12. The **use review fee**, as stated on the Land Use Review Application Form.
- [ ] 13. Two (2) copies of the **Preliminary Determination of Inclusionary Zoning Compliance form**. Only applies to projects that include residential and mixed uses. See the Inclusionary Zoning handout for specific requirements and form or go online to [www.boulderadffordablehomes.com](http://www.boulderadffordablehomes.com)
- [ ] 14. **Signed Acknowledgement of Obligation to Pay form** for applications that may include hourly billing.
- [ ] 15. Any other information that the applicant wishes to submit.

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(signature of person who filled out checklist)

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(print name)

# PROJECT FACT SHEET

## For Land Use Review Applications

Accurate and complete information about a project is integral to a timely and thorough city review. **Please type or print complete answers to the items listed under the boxes that relate to your project.** While some of this information may be included on the project site plans or discussed in the written statement, please also enter it here. If you choose to recreate this document, please only include the items that relate to your project. An electronic version of this document is available on the Web at [www.boulderplandevlop.net](http://www.boulderplandevlop.net)

<b>ALL PROJECTS</b>
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### Key Information

Subject property address/location: \_\_\_\_\_

Owner name and address: \_\_\_\_\_  
\_\_\_\_\_

Legal Description (or attach): \_\_\_\_\_

Age of existing structures: \_\_\_\_\_

Size of site in square feet and acres. Gross: \_\_\_\_\_  
Net (after public dedications): \_\_\_\_\_

Current Zoning Designation: \_\_\_\_\_

For rezoning and annexation applications,  
Proposed Zoning Designation: \_\_\_\_\_

Boulder Valley Comprehensive  
Plan Land Use Designation: \_\_\_\_\_

Previous Approvals (specify  
project name, review type): \_\_\_\_\_

Solar Access Area Designation (circle one): Area I   Area II   Area III

Does the project include the demolition of any structures?    Yes    No  
If yes, what year was the structure built? \_\_\_\_\_

Please list any requested variations to the land use regulations (specific variance information is requested later in the project fact sheet):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the proposed development meeting the inclusionary housing requirement for another development (sending site)?  
Yes    No

If yes, what is the address of the sending site? \_\_\_\_\_





**Projects with residential dwelling units (existing or proposed)**

	Existing	Proposed
Total # of lots	_____	_____
Size of lots	_____	_____
Total # of buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total # of dwelling units	_____	_____
Total # of permanently affordable dwelling units	_____	_____
Total # of kitchens	_____	_____
Total floor area	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____

	Existing	Proposed	Floor Area/unit
Specify the number of units with each bedroom configuration.	_____ ELU*	_____ ELU*	_____ ELU*
	_____ 1 BR	_____ 1 BR	_____ 1 BR
	_____ 2 BR	_____ 2 BR	_____ 2 BR
	_____ 3 BR	_____ 3 BR	_____ 3 BR
	_____ 4 BR	_____ 4 BR	_____ 4 BR
	_____ other	_____ other	_____ other

\* efficiency living unit

Project density:	Existing	Proposed
Gross units/acre	_____	_____
Net units/acre	_____	_____
Lot area/unit	_____	_____
Total useable open space	_____	_____
Useable open space/unit	_____	_____
Floor area ratio	_____	_____

Is open space reduction requested\*\*? (If yes, specify %) \_\_\_\_\_

\*\* Open space reduction requests may only be made for properties in the RH-1 or RH-2 zoning district.



# USE REVIEW WRITTEN STATEMENT

**Submit with your application.**

For your convenience, this form is also available as an electronic form on the Planning and Development Services web site at [www.boulderplandevlop.net](http://www.boulderplandevlop.net) . You may type in your responses in the electronic form, and then print it to attach to your written statement.

## KEY INFORMATION

Please provide the following information. Please type or print complete, detailed responses. Please also select use categories from the Boulder Revised Code Land Use Charts (Section 9-6-1(d)).

### EXISTING

**Use of existing building and land:**

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**Hours of operation:**

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**Number of employees:**

*(Please indicate full and part time)*

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### PROPOSED

**Proposed use of buildings and land:**

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**Hours of operation:**

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**Number of employees:**

*(Please indicate full and part time)*

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**CRITERIA**

In the space provided below, please indicate how the proposal will meet the Use Review criteria.

- 1. **Consistency with Zoning and Non-conformity.** The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2, "Zoning Districts Established", B.R.C. 1981, except in the case of a non-conforming use;

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- 2. **Rationale.** The use either:

- (A) Provides a direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

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- (B) Provides a compatible transition between higher intensity and lower intensity uses;

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- (C) Is necessary to foster a specific city policy, as expressed in the BVCP, including without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate location, and group living arrangements for special populations; OR

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- (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section.

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3. **Compatibility.** The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of the nearby properties;

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4. **Infrastructure.** As compared to development permitted under Section 9-6-1, "Permitted Uses of Land", B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly or adversely affect the infrastructure of the surrounding area, including without limitation, water, wastewater, and storm draining utilities and streets.

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5. **Character of Area.** The use will not change the predominant character of the surrounding area.

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6. **Conversion of Dwelling Units to Non-Residential Uses.** Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-6-1(d), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

**ADDITIONAL CRITERIA FOR MODIFICATION TO NON-CONFORMING USES:**

A non-conforming use is described as any use of a building or use of a lot that is not permitted under Section 9-6-1, "Schedule of Permitted Uses of Land", B.R.C. 1981, but excludes a conforming use in a non-standard building or on a non-standard lot; a legal existing use that has been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or a use review approval. A non-conforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements for Section 9-6-1, "Schedule of Bulk Requirements", B.R.C. 1981.

1. **Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including without limitation objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of equipment, materials and refuse, and on-street parking, so that the change will not adversely affect the surrounding area;

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2. **Reduction in Non-Conformity / Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

3. Compliance with this Title / Exceptions: The proposed change in use complies with all of the requirements of this title:

(A) Except for a change of a non-conforming use to another non-conforming use; and

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(B) Unless a variance to the setback requirements has been granted pursuant to Section 9-2-3, "Variances", B.R.C. 1981, or the setback has been varied through the application of the requirements of Section 9-2-14, "Site Review", B.R.C. 1981; and

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4. **Cannot Reasonably be Made Conforming:** The existing building or lot cannot be utilized or made to conform to the requirements of Chapters 9-6, 9-7, 9-8, and 9-9, "Use Standards", "Form and Bulk Standards", "Intensity Standards", and "Development Standards", B.R.C. 1981; and

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5. **No Increase in Floor Area Over Ten Percent:** The change or expansion will not result in an increase in floor area of more than ten percent of the existing floor area.

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6. **Approving Authority May Grant Zoning Variances:** The approving authority may grant the variances permitted by Subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in Subsection 9-2-3(h), B.R.C. 1981, have been met.

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**Vested Rights Option Form and/or Waiver**

Submit with application.

\_\_\_\_\_  
Type of Review

\_\_\_\_\_  
Property Owner's Name

\_\_\_\_\_  
Address of Property

\_\_\_\_\_  
Applicant's Name

**OPTION #1**

I, \_\_\_\_\_, intend to pursue the creation of a vested property right as provided for in Section 9-2-19, B.R.C. 1981. In order to accomplish that, I am requesting that my application be referred to the Planning Board for a public hearing pursuant to Section 9-2-7(b)(1), B.R.C. 1981. I understand that if my development is approved by the Board, I shall cause a notice advising the general public of the Planning Board's approval and the creation of a vested property right to be published in a newspaper of general circulation no later than fourteen days following final approval and shall provide the Planning Director with the newspaper's official notice of publication no later than ten days following the date of publication, in order to perfect my vested right. Said right will be vested for three years from the date of final approval and will cover the following elements of the approval:

[type of use; number of units; building footprint; building square footage; etc.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand and acknowledge that certain delays in my project's approval time may result in order to meet the hearing and notice requirements of state law for the creation of a vested property right.

Property Owner

By: \_\_\_\_\_  
Date

Witness: \_\_\_\_\_  
Date

\*\*\*\*\*

**OPTION #2**

I, \_\_\_\_\_, understand that I may pursue the creation of a vested property right as provided for in Section 9-2-19, B.R.C. 1981, and Section 24-68-103, C.R.S. 1973, and I choose to voluntarily waive this right. I have been advised by the City to consult an attorney prior to signing this waiver. Further, I understand that this waiver does not abridge any common law vested rights which I may acquire nor does it diminish any right which may exist under the City's land use regulations, except for Section 9-2-19, B.R.C. 1981.

Property Owner

By: \_\_\_\_\_  
Date

Witness: \_\_\_\_\_  
Date

**SIGN POSTING REQUIREMENTS  
APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Certain Land Use Review, Administrative Review, Technical Document Review,  
and Board of Zoning Adjustment Applications

**CITY CODE REQUIREMENTS FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS  
(SECTION 9-4-3, "PUBLIC NOTICE REQUIREMENTS", B.R.C. 1981):**

- (1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:
  - (A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.
  - (B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.
  - (C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.
  - (D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.
  - (E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.
- (2) Posted notice of the property shall be a minimum of 10 days from receipt of application and prior to final action or any hearing.

I, \_\_\_\_\_, am filing a Land Use Review, Administrative Review, BOZA,  
(PRINT NAME OF APPLICANT OR CONTACT PERSON)  
or Technical Document Review application [on behalf of] \_\_\_\_\_  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)  
for the property located at \_\_\_\_\_. I have read  
(PRINT PROPERTY ADDRESS OR LOCATION)  
the city's sign posting requirements above and acknowledge and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3, B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.



**ACKNOWLEDGEMENT OF OBLIGATION TO PAY  
PLANNING AND DEVELOPMENT SERVICES (P&DS)  
HOURLY BILLING CHARGES**

*This form is provided to inform you of the obligation to pay the hourly rate after initial comments are issued by the city for your development review application. Refer to the Schedule of Fees for the effective hourly rate.*

I, \_\_\_\_\_, as the "Applicant," am  
(PRINT DESIGNATED PERSON RESPONSIBLE FOR PAYMENT)  
filing a Land Use Review or Technical Document Review application for property  
located at \_\_\_\_\_ for the following  
(PROPERTY ADDRESS OR LOCATION)  
development review services: \_\_\_\_\_.  
(SPECIFIC APPLICATION TYPES)

I understand that I will be obligated to pay hourly billing charges for P&DS reviewer services rendered following the initial city response (written comments) to the City of Boulder for this development review application and acknowledge the following:

1. I understand the City will not accept an application for processing unless the Applicant, as the designated person responsible for payment of development review services rendered, signs this Acknowledgement.
2. As the Applicant, I am responsible for paying all fees associated with this development review application.
3. I understand any billing mailed to the Applicant at this address and not returned to the City shall be considered by the City as being received. I may change the billing person and/or address under this paragraph by providing written notification, by U.S. Mail or hand delivery, of such change to:

City of Boulder  
Planning and Development Services  
Park Central Building, Third Floor  
P.O. Box 791  
Boulder, CO 80306

4. I understand the City has established, for some development review application types, a fee structure under Chapter 4-20, B.R.C. 1981, based upon an hourly rate for review services rendered. The hourly rate applies to P&DS reviewer services rendered following the initial city response (written comments). The fees in Section 4-20-43, "Development Application Fees," B.R.C. 1981, in place at the time such services are rendered shall be the basis for the rates charged by the City. The billing rates in Chapter 4-20, B.R.C. 1981 may be amended from time to time by the City Council.

5. I understand I will be billed every 30 days for P&DS reviewer services rendered in the previous 30 day billing cycle. I realize the City will stop its review of the application for failure to pay the fees when due. I understand that Section 2-2-10, "Delinquent Fees and Set-offs or Refunds Due," B.R.C. 1981, states that if any "payment is delinquent for a period of thirty (30) days or more, the city manager shall furnish no further services, other than services for which no specific fee is charged, to any person who owes such payment to the City, until such delinquent payment is made."
6. I understand that all fees associated with the application shall be paid in full before the City will take final action on the approval or denial of the application.
7. I understand that in the event of nonpayment of fees required to be paid by the Boulder Revised Code, in addition to all other remedies that it may have at law or equity the City may:
  - a. Suspend processing the application. This suspension may involve the postponement of scheduled Planning Board or City Council hearings or meetings.
  - b. Terminate the processing of any application which is declared to be withdrawn because of inactivity under the provisions of Section 9-2-6 (e), B.R.C. 1981.
  - c. Collect the monies due in a manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
8. I understand acceptance of the application for filing does not necessarily mean that the application is complete under the applicable requirements of the Boulder Revised Code. All City ordinances, regulations, codes, policies and procedures shall be applicable to the review, use, and development of the property.

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SIGNATURE OF APPLICANT

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DATE

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TITLE AND COMPANY