

Article 2 ADMINISTRATION

schedules. During such review, the DRC shall evaluate the plan's compliance with the requirements of the Code and Comprehensive Plan. Based upon that evaluation, the committee shall make a final determination of plan approval, approval with conditions, or denial. However, for a plan requiring a subsequent review and final determination by the planning board and/or the BCC, the DRC shall make a recommendation to those boards for approval, approval with conditions, or denial of the plan.

A development plan requiring subsequent review may proceed to that review regardless of the DRC recommendation, but for a plan requiring a final determination by the DRC, the plan is denied by the committee if any member denies it. However, a DRC member may only withhold a recommendation or determination for approval, or approval with conditions, when a proposed development plan fails to meet a Code or Comprehensive Plan provision that the member is charged to administer. In matters regarding administration of Comprehensive Plan provisions, the chairman shall resolve any conflicts.

2. *Additional administrative review.* As prescribed in article 4 of the Code, certain development plans require planning board and/or BCC review and approval in addition to DRC review. For such a plan, upon recommendation by the DRC, and unless a written request is submitted by the applicant to delay or withhold further action on the application, the additional review shall be scheduled according to the established procedures and schedules of the boards.

3. *Approval.* For any development plan application approved, or approved with conditions, in a final determination by the approving authority, there shall be a continuing obligation to comply with the specifications of that plan and the terms and conditions of that approval.

a. *Development order issued.* Final development plan approval shall be documented on the approved plan and, with the exception of subdivision final plats, through the issuance of a written development order with applicable concurrency certification. At a minimum, a development order shall identify the development approved, the effective period of approval, and any conditions of the approval. Development orders shall be effective for periods as specified by plan type in article 4. An executed development order shall authorize the applicant, subject to the project description and conditions therein, to obtain the necessary permits to commence development activity or, for master plans and preliminary plats, make subsequent required plan submittals further detailing proposed improvements. Use other than that described, or conditions not satisfied, constitute a violation of the development order and render it void. Further, the development order does not constitute approval by any other authority.

b. *Approval termination and extension.* Development plan approval shall expire and become null and void if permitting or other prescribed action for the approved development has not occurred within the effective period of the development order and no available extension has been applied for. If a development order expires or is terminated, any allocated concurrency is withdrawn, and if the applicant chooses to proceed with development of the project site, a new application shall be submitted for review and

Article 2 ADMINISTRATION

approval subject to the Code and Comprehensive Plan provisions at the time of the new application.

Any applicant issued a development order by final determination of the DRC may request an extension of the effective period from the board of adjustment consistent with the established procedures of the board and within the allowable time as prescribed in article 2. However, if the development order was issued through a quasi-judicial procedure, an extension may only be granted through a quasi-judicial procedure by the same approving authority according to the established procedures for such approval.

c. *Special approval conditions.* In addition to the standard conditions of development plan approval established in the Code, the approving authority may attach any reasonable conditions, limitations, or requirements deemed necessary by the reviewing departments, boards, or officials to address the impacts of the proposed development and carry out the requirements and purposes of the Code and the Comprehensive Plan. Such conditions may be documented directly on the development plans, within the development order, or as otherwise deemed appropriate by the approving authority.

d. *Approval subject to appeal.* Although development permits may be issued subsequent to the issuance of a development order, an approved development plan remains subject to challenge by appeal of any aggrieved party as described herein below. If such permits are issued, the permittee, not the county, shall bear any risk that the development plan approval may be reversed or modified, wholly or partly, upon appeal, and that the issued permits may be modified or revoked.

e. *Permits required.* The issuance of a development order alone does not authorize site development to commence. No site development activity may commence without the necessary permits as prescribed in article 4.

f. *Approval documents on site.* A copy of the development order and approved site development plans shall be maintained and readily available on site once any development activity has begun, including clearing and grading. The approved construction plans shall also be available on site once any construction has begun. Permits shall be posted as required by the issuing authorities.

g. *Plan modifications.* After a development order has been issued, it shall be unlawful to modify, amend, or otherwise deviate from its terms and conditions without first obtaining written authorization through the DRC departments. Approval of such modifications shall be requested in writing. Requests for modifications to engineering designs shall only be accepted from the engineer of record. The applicable review process for proposed modifications shall be determined based upon the provisions of article 4. Plan modifications constructed without prior written approval shall be subject to the penalties and/or increased fees specified by the BCC. No certificate of occupancy or other final construction approval by the county shall be issued for unauthorized development plan modifications.

Article 2 ADMINISTRATION

h. *Plan transferability.* In the event that ownership of the property receiving development plan approval is transferred, the development order and any extensions to its effective period shall be transferable, provided the new owner agrees in writing to be bound by all plan approval terms and conditions.

i. *Violations.* Failure to comply with the specifications, terms, and conditions of an approved development plan, including maintenance of all approved elements, shall be a violation of the Code and subject to enforcement and penalties as provided herein.

4. *Denial.* For each development plan application denied by the DRC in a final determination, the denying department(s) shall inform the applicant in writing of the basis of such determination. Denial by the planning board or the BCC shall be according to their findings as documented in the records of those boards.

5. *Appeal.* An aggrieved party may request a quasi-judicial hearing with the board of adjustment to appeal the approval, conditions, or denial of a development plan application. Such request shall be filed in application consistent with the established procedures of the BOA, following the final determination, and within the allowable appeal time as prescribed in article 2. Appeal of determinations made by the BOA or other administrative boards or officials shall be made according to the established procedures for such appeals. Not all approving authorities are required to make verbatim records of their meetings, and any person choosing to appeal any matter considered at such meetings shall independently ensure that a verbatim record of the proceeding is made should they wish to rely on such record.

6. *Impact and other fees.* Impact, site inspection, tree removal, site-specific survey, and other fees in amounts specified by the BCC shall be required as applicable to the proposed development and shall be provided by the applicant upon issuance of a development order. However, fees for any services rendered are due prior to and regardless of final plan approval or denial. A schedule of development fees shall be maintained in all departments where they are assessed.

(Ord. No. 2004-21, § 2, 5-6-2004; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2007-60, § 1, 10-4-2007)