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## Sec. 94-578. - Procedures.

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a. *Rules of general applicability.*

1. *Timing.* An application for a concurrency determination, a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation may be submitted at any time during the year.
2. *Assignability and transferability.* A certificate of concurrency exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation shall run with the land, but shall not be assignable to any other project.
3. *Expiration and effect.* A certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation is initially valid for one year during which time an application for a final development order must be applied for as to the project for which the certificate was approved. If a final development order is approved for a project for which a certificate of exemption, a certificate of concurrency reservation, or a certificate of concurrency reservation was issued, the applicable certificate is valid for the life of the final development order for which such certificate is approved.

b. *Procedures for determination of exemption or capacity.*

1. *Submission of application.* An application for either a concurrency determination, a certificate of exemption, a certificate of concurrency reservation, or a conditional certificate of concurrency reservation shall be submitted to the planning department, on such form as is promulgated by the department. The planning department shall charge a reasonable fee to cover the processing of the application. The application shall consist of such information as required by the planning department.
2. *Determination of completeness and review.* After receipt of an application, the planning department shall determine whether it is complete within 14 days after its submission. If it is determined that the application is not complete, written notice shall be forwarded to the applicant specifying the deficiencies. The planning department shall take no further action on the application unless the deficiencies are remedied.
3. *Limitation of approvals.* A concurrency determination, a certificate of exemption, a certificate of concurrency reservation and a conditional certificate of concurrency reservation shall apply only to the specific land uses, densities, and intensities based on information provided in the application, and where applicable, the final development order. All applicants, to the extent required by the planning department, shall submit such applications for entire projects, rather than portions of projects. An applicant may not reserve more capacity than that reasonably required for a project which the applicant desires in good faith to proceed with promptly.
4. *Issuance of certification.* Within 45 days after receipt of a complete application, the planning department shall either conclude that the application is approved or denied. If denied, the denial shall be in writing and shall include the reasons for denial. If a certificate of concurrency reservation is approved, the approval shall require the payment of a fee for reserving capacity, which fee must be paid within ten days of the issuance of such certificate, or the certificate shall be canceled. If a conditional certificate of concurrency reservation is approved, the approval shall require the payment of a fee for reserving capacity, which fee must be paid within ten days of the city commission's approval of the development agreement submitted with the application for such certificate, or the certificate shall be canceled. In either case, the final development order for which a certificate is obtained shall not be issued until the capacity reservation fee is paid. Public facility capacity shall be granted on a first-come, first-serve basis, determined as of the date and time a certificate of concurrency reservation or a conditional certificate of concurrency reservation is issued.

5. *Appeals.*

- a. An applicant may appeal any final decision issued pursuant to this article by the planning department by filing a written appeal with the city's zoning board of appeals within 20 days after such decision. The city's zoning board of appeals shall hear such appeal at a public hearing with reasonable notice to the appellant and shall issue its opinion within a reasonable time after such hearing.
- b. The zoning board of appeals' decision shall be final for the purpose of administrative appeals, and an applicant may thereafter appeal the zoning board of appeals' decision to the circuit court having jurisdiction over the city.

c. All appellate decisions shall be based upon the criteria and standards contained in this article.  
(Code 1979, § 33-247)