

ARTICLE 7. VESTED PROPERTY RIGHTS

Section 14-142. Purpose.

The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. (Ord. 1624, eff., 12/18/99)

Section 14-143. Definitions.

As used in this Article, unless the context otherwise requires:

1) “*Site specific development plan*” means:

For all developments, the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner must so request at least twenty (20) days prior to the date said approval is to be considered. Failure to so request renders the approval not a “site specific development plan,” and no vested rights shall be deemed to have been created. The City Council may by agreement with the developer designate an approval other than those described above to serve as the site specific development plan approval for a specific project. (Ord. 1624, eff.,12/18/99)

2) “*Vested property right*” means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Ord. 1624, eff., 12/18/99)

Section 14-144. Notice and hearing.

No site specific development plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the City’s option be combined with the notice required by Section 31-23-304, C.R.S., as amended, for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard. (Ord. 1624, eff., 12/18/99)

Section 14-145. Approval - effective date amendments.

A site specific development plan shall be deemed approved upon the effective date of the City Council approval action relating thereto, as set forth in Section 14-143 above. In the event amendments to a site specific development are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Ord. 1624, eff., 12/18/99)

Section 14-146. Notice of approval.

Each map, plat, or site plan or other document constituting a site specific development plan shall

contain the following language:

“Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.” Failure to include this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the City.” (Ord. 1624, eff., 12/18/99)

Section 14-147. Payment of costs.

In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site specific development plan, shall pay, at the time of application, all costs incurred by the City as a result of the site specific development plan review, including publication of notices, public hearing and review costs, which amount shall be set at Three Hundred Dollars (\$300.00), of which Two Hundred Dollars (\$200.00) shall be a nonrefundable administration and review fee. The remaining One Hundred Dollars (\$100.00) shall be applied toward the costs of publication of notices in connection with the application. If the publication costs are less than One Hundred Dollars (\$100.00), the difference shall be refunded to the applicant. If the publication costs exceed One Hundred Dollars (\$100.00), the applicant shall be required to make an additional payment to the City equal to the amount by which publication costs exceed One Hundred Dollars (\$100.00). (Ord. 1624, eff., 12/18/99)

Section 14-148. Other provisions unaffected.

Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property. (Ord. 1624, eff., 12.18.99)

Section 14-149. Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article shall be deemed to be repealed, and the provisions hereof no longer effective. (Ord. 1624, eff., 12.18.99)