

ZONING

§180-49. Vested property rights. [Added 12-23-99, Ord. 99-23]

- A. Purpose. It is the purpose of this section to provide procedures necessary to implement Article 68 of Title 24, Colorado Revised Statutes, title "Vested Property Rights."
- B. The following plans/plats and only the following plans/plats provided for in this Chapter may be recognized as a "site specific development plan":
- (1) Final development approvals, including small project approvals (as defined by Section 180-19); and
 - (2) Final planned unit development approval (as defined by Section 180-28).
- C. In addition to any other plans/plats or other land use approvals that may be provided for by this Chapter 180, the following may not be recognized as a "site specific development plan":
- (1) Sketch plans (as defined by Section 180-20); and
 - (2) Preliminary planned unit developments (as defined by Section 180-28); and
 - (3) Conditional uses (as defined by Section 180-30); and
 - (4) Nonconforming uses (as defined by Section 180-21); and
 - (5) Variances (as defined by Section 180-48); and
 - (6) Any zoning classification or district.
- D. No "site specific development plan" shall be approved by the Town Council until after a public hearing, which hearing shall be requested by the landowner and which hearing follows the successful approval of the development at all other required stages of the review process as required by Chapter 180, Zoning. The request for such a hearing must be made in writing by the landowner to the Community Development director prior to the issuance of any building permit for construction within the development. Unless the landowner requests such a hearing, the approval of the development shall not be considered a "site specific development plan," and no vested property right shall be deemed to have been created.
- E. The public hearing shall be preceded by written notice of such hearing. Such notice may, at the town's option, be combined with any other required notice. At such hearing interested persons shall have an opportunity to be heard.
- F. A "site specific development plan" shall be deemed approved upon the effective date of the Town Council approval action relating thereto as set forth in paragraph D above. In the event amendments to a "site specific development plan" are proposed and approved, the effective date of such amendments, for purposes of duration of a

ZONING

vested property right, shall relate back to the date of the approval of the original “site specific development plan,” unless the Town Council specifically finds to the contrary and incorporates such finding in its approval of the amendment.

- G. Each map, plat, site plan or other document constituting a “site specific development plan” shall contain the following language: “Approval of this plan/plat may create a vested property right pursuant to Section 102, Article 68 or Title 24, C.R.S., as amended.” Failure of the document to contain 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 lot(s) or tract(s) 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 in the town.
- H. A vested property right shall be valid for a period of four (4) years from its effective date of approval, unless a longer period is agreed to in writing between the Town Council and the owner.
- I. The approval of a “site specific development plan” by the Town Council shall contain such terms and conditions as are reasonably necessary to protect the public health, safety and welfare. The failure of the developer to abide by such terms and conditions shall result in a forfeiture of the vested property right.
- J. In addition to any and all other fees and charges imposed by Section 180-46.D., Schedule of fees, the applicant seeking approval of a “site specific development plan” shall pay all costs incurred by the town as a result of the owner’s request for approval of a “site specific development plan,” including administrative reviews, publication costs and legal fees.
- K. The approval of a “site specific development plan” shall not constitute an exemption from or waiver of any other provisions of this chapter, or any other ordinances, codes and regulations of the town pertaining to the development and use of property.
- L. Nothing in this section is intended to create any vested property right, but only to implement the provisions of Section 102, 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 section shall be deemed to be repealed and the provisions hereof no longer effective.