

Chapter 16.06

VESTED PROPERTY RIGHTS

Sections:

- 16.06.010 General provisions.
- 16.06.020 Procedures.
- 16.06.030 Limitations.

16.06.010 General Provisions.

A. The purpose of this Chapter is to provide procedures and regulations necessary to implement a program of legislated vested rights similar, but not necessarily identical, to that called for by the provisions of Article 68 of Title 24, C.R.S. The provisions of said Article 24-68, to the extent inconsistent with the provisions of this Chapter, including but not limited to the provisions of C.R.S. § 24-68-102.5(1), are hereby superseded.

B. As used in this Chapter, "Site Specific Development Plan" means a plan approved by the City pursuant to this Section which has been submitted to the City by a landowner or their representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan shall consist of one or more of the following:

1. An approved Final Planned Unit Development Plan;
2. An approved Subdivision Final Plat;
3. An Approved Conditional Use;
4. An approved change in a non-conforming use; or
5. Annexation Agreements or Development Agreements executed by the City which specifically provide that they should be part of a Site Specific Development Plan.
6. An approved Mobile Home or Travel Home Park Construction Permit.

C. Neither a Sketch Plan, a Preliminary Subdivision Plat nor a preliminary PUD plan may qualify as a Site Specific Development Plan. An approved zoning variance, final architectural plans, public utility filings, or final construction drawings and related documents and methods for construction of improvements shall not, in and of itself, constitute a Site Specific Development Plan, although it may be an additional element of a Site Specific Development Plan which is specified in subsection (B) above.

D. A Site Specific Development Plan for any development shall include all of the items identified in paragraphs (B) and (C) above, to the extent applicable to the development.

E. None of the items identified in paragraphs (B) and (C) shall be considered a Site Specific Development Plan until approved, pursuant to the procedures of this Section in addition to the procedures applicable to such individual items. Such procedures may be pursued contemporaneously. (Ord. 4, 2022)

16.06.020 Procedures.

A. A landowner desiring approval of a Site Specific Development Plan shall submit an application therefore on forms provided by the City indicating each element of such plan and shall submit a copy of each element as approved by the City together with any other information necessary to determine with reasonable certainty the type and intensity of use for the property.

B. Accompanying such application shall be application fee set by City Council.

C. Upon receipt of a properly completed application with fee, the City shall schedule a public hearing and publish notice thereof.

D. Following the Hearing, the City Council may approve the Site Specific Development Plan if it is consistent with the requirements of this Section.

E. Following approval, the City shall cause a Notice describing generally the type and intensity of the use approved, and the description of the property affected. Such notice shall not be published more than fourteen days after approval.

F. The Site Specific Development Plan shall be deemed approved upon the effective date of the City Council's action. In the event amendments to any of the elements of the Site Specific Development Plan are subsequently proposed and approved, the effective date of such amendments for purposes of the duration of vested property rights shall be the date of approval of the original Site Specific Development Plan. (Ord. 4, 2022)

16.06.030 Limitations.

A. Approval of a Site Specific Development Plan pursuant to this Chapter shall be deemed to create a vested property right which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103(1)(b) and (c), 104 and 105, except to the extent inconsistent with any provision of this Chapter.

B. Failure of any landowner to request a hearing and approval of various elements of the development plan as a Site Specific Development Plan shall constitute a waiver and no vested right shall be deemed to have been created by the City's approval of such elements.

C. Approval of a Site Specific Development Plan may be revoked by the City Council following notice and hearing on account of breach of any condition of approval of the various elements of the plan or of any ordinance or regulation of the City applicable to the various approvals or the various elements of the plan.

D. The provisions of all duly adopted zoning ordinances and other land use and development ordinances and regulations and master plans, as amended from time to time, shall apply in accordance with their terms, to all property and pending applications and proceedings except to the extent otherwise

specifically provided in the adopting legislation, and except to the extent otherwise provided for an approved site specific development plan pursuant to subsection (A) above. (Ord. 4, 2022)