

CHAPTER 7

SECTION 5

Statutory Vested Property Rights

Subsections:

- 7-5-1 Purpose.
- 7-5-2 Definitions And General Provisions.
- 7-5-3 Procedures.
- 7-5-4 Limitations.

7-5-1 PURPOSE.

The purpose of this Section is to provide procedures 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of this Chapter, including but not necessarily limited to the provisions of Section 24-68-102.5(1), are hereby superceded. (Ord 12-1999)

7-5-2 DEFINITIONS AND GENERAL PROVISIONS.

(A) As used in this Section, "Site Specific Development Plan" means a plan approved by the Town pursuant to this Section which has been submitted to the Town by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may 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 Town which specifically provide that they should be part of a Site Specific Development Plan. (Ord 12-1999)

(B) 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 (A) above.

(Ord 12-1999)

(C) A Site Specific Development Plan for any development shall include all of the items identified in paragraphs (A) and (B), above, to the extent applicable to the development.
(Ord 12-1999)

(D) None of the items identified in paragraphs (A) and (B) 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 12-1999)

7-5-3 PROCEDURES.

(A) A landowner desiring approval of a Site Specific Development Plan shall submit an application therefore on forms provided by the Town indicating each element of such plan and shall submit a copy of each element as approved by the Town together with any other information necessary to determine with reasonable certainty the type and intensity of use for the property.
(Ord 12-1999)

(B) Accompanying such application shall be application fee in the amount of fifty dollars (\$50.00).
(Ord 12-1999)

(C) Upon receipt of a properly completed application with fee, the Town shall schedule a public hearing and publish notice thereof.
(Ord 12-1999)

(D) Following the Hearing, the Town Council may approve the Site Specific Development Plan if it is consistent with the requirements of this Section.
(Ord 12-1999)

(E) Following approval, the Town 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.
(Ord 12-1999)

(F) The Site Specific Development Plan shall be deemed approved upon the effective date of the Town 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 12-1999)

7-5-4 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 24-68-103(1)(b) and (c), 104 and 105, C.R.S., except inconsistent with any provision of this Chapter.
(Ord 12-1999)

(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 Town's approval of such elements.
(Ord 12-1999)

(C) Approval of a Site Specific Development Plan may be revoked by the Board of Trustees

following notice and hearing on account of breach of any condition of approval of the various elements of the plan or any ordinance or regulations of the Town applicable to the various approvals or the various elements of the plan. (Ord 12-1999)

(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 12-1999)