

TITLE 16

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CHAPTER 16.04**Vested Property Rights****16.04.010 Purpose.**

The purpose of this Chapter is to provide the procedures necessary to implement the provisions of Section 24-68-101 *et seq.*, C.R.S., which Article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan, under the provisions thereof. (Ord. 1126 §1, 1994; Ord. 959 §1, 1987)

16.04.020 Definitions.

As used in this Chapter, unless the context otherwise require:

(1) *Site specific development plan* means a plan describing with reasonable certainty the type and intensity of use proposed for a specific parcel or parcels of property. For uses permitted by right in any zoning district, the annexation map or subdivision plat depicting the final building lot size shall constitute the site specific development plan. For uses permitted by special use permit in any zoning district, the plat plan required by Section 17.54.230 of this Code shall constitute the site specific development plan.

(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. 959 §1, 1987)

16.04.030 Notice and hearing.

No site specific development plan shall be approved until it has been considered by the Planning Commission; favorable approval from that body; and after a public hearing to be conducted by the City Council, preceded by written notice of such hearing. Such notice shall be published at the time and in the manner required by Section 31-23-304, C.R.S., for zoning regulations and may be combined with such notice. At such hearing, owners of the property described in the site specific development plan, their representatives and citizens shall have an opportunity to be heard. (Ord. 1126 §1, 1994; Ord. 959 §1, 1987)

16.04.040 Approved; when.

A site specific development plan shall be deemed approved upon the effective date of the City Council action relating thereto. (Ord. 959 §1, 1987)

16.04.050 Notice of approval.

Each map, plat or site plan constituting a site specific development plan shall contain the following language: "Approval of this plan creates a vested property right pursuant to Section 24-68-101, C.R.S." 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. 1126 §1, 1994; Ord. 959 §1, 1987)

16.04.060 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. 959 §1, 1987)

16.04.070 Limitations.

Nothing in this Chapter is intended to create any vested property right, but only to implement the provisions of Section 24-68-101 *et seq.*, C.R.S. In the event of the repeal of said article, this Chapter shall be deemed to be repealed, and the provisions hereof no longer effective. (Ord. 1126 §1, 1994; Ord. 959 §1, 1987)