

TITLE X

LAND USE REGULATIONS

Chapter 6

Legislated Vested Rights

Section:

- 10-6-1: Purpose
- 10-6-2: Definitions and General Provisions
- 10-6-3: Procedures
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10-6-1: Purpose (Ord. 00-01)

The purpose of this Chapter is to provide procedures and regulations necessary to implement a program of legislated vested rights called for by the provisions of Article 68 of Title 24, CRS.

10-6-2: Definitions and General Provisions:

- A. As used in this Section, "Site Specific Development Plan" means a plan approved by the Town pursuant to this Chapter which has been submitted to the Town by a landowner or his representative describing with reasonable certainty the type and intensity use for a specific parcel or parcels of property. Such plan shall consist of one or more of the following:
 - 1. An approved Subdivision Final Plat
 - 2. An approved Conditional Use
 - 3. An approved mobile home park or travel home park construction permit or
 - 4. Annexation Agreements or Development Agreements executed by the Town, which specifically provide that they should be part of a Site Specific Development Plan.
- B. Neither a Sketch Plan, nor a Preliminary Subdivision Plat 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.

- C. A Site Specific Development Plan for any development shall include all of the items identified in Subsection (A) and (B), above, to the extent applicable to the development.
- D. None of the items identified in Subsection (A) and (B) shall be considered a Site Specific Development Plan until approved, pursuant to the procedures of this Chapter in addition to the procedures applicable to such individual items. Such procedures may be pursued at the same time.

10-6-3: 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.
- B. Accompanying such application shall be an application fee in the amount of \$150.00. (Ord. 2011-04)
- C. Upon receipt of a properly completed application and the fee, the Town shall schedule a public hearing and publish notice thereof.
- D. Following the Hearing, the Board of Trustees may approve the Site Specific Development Plan, if it is consistent with the requirements of this Chapter.
- E. Following approval, the Town shall publish a Notice describing generally the type and intensity of the use approved, and the description of the property affected. Such notice shall be published within fourteen days after approval. (Ord. 2011-04)
- F. The Site Specific Development Plan shall be approved upon the effective date of the Board of Trustee'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. 2011-04)

10-6-4: 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)(C), 104 and 105, CRS, 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 Town's approval of such elements.

- C. Approval of a Site Specific Development Plan may be revoked by the Board of Trustees following notice and hearing on account of the breach of any condition of approval of the various elements of the plan or of any ordinance or regulations of the Town applicable to the various approvals or the various elements of the plan. (Ordinance NO. 00-01)