

ORDINANCE NO. 2, 1988
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 29 OF THE CODE OF THE
THE CITY OF FORT COLLINS RELATING TO
VESTED PROPERTY RIGHTS

WHEREAS, in order to implement the provisions of Article 68 of Title 24, C.R.S., the Council of the City of Fort Collins has determined that it is in the best interest of the citizens of the City that the Code of the City of Fort Collins be amended with regard to vested property rights as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Chapter 29 of the Code of the City be amended by adding the following sections, to be numbered 29-512 through 29-517, which sections shall provide as follows:

Subdivision F. Vested Property Rights

Sec. 29-512. Definitions.

The following terms, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Site specific development plan shall mean and be limited to: the final plan, as approved pursuant to §29-526; the final subdivision plat, as approved pursuant to §29-643; a minor subdivision plat, as approved pursuant to §29-644; final site plans in the R-M zoning district, as provided pursuant to §29-179; final site plans in the R-H zoning district, as provided pursuant to §§29-205 and 206; cluster development plans as provided pursuant to §29-116; site plans in the I-L and I-P zoning districts, as provided pursuant to §29-367; site plans in the RC zoning district, as provided pursuant to §29-414; nonconforming use review, as provided pursuant to Chapter 29, Article III, Division 6; and group home review, as provided pursuant to §29-475.

Vested property right shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Sec. 29-513. Notice and hearing.

(a) No site specific development plan shall be approved or extended pursuant to the provisions of §29-514 of the Code until after a public hearing, preceded by notice of such hearing published in a newspaper of general circulation within the city at least seven (7) days prior to such hearing. Such notice may, at the city's option, be combined with any other required notice. At such hearing, interested persons shall have an opportunity to be heard.

(b) A "notice of approval" 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 or extended, shall be published once, not later than fourteen (14) days after approval or extension of the site specific development plan, in a newspaper of general circulation within the city. The period of time permitted by law for the exercise of any applicable right of referendum or judicial review shall not begin to run until the date of such publication, whether timely made within said fourteen (14) day period, or thereafter.

Sec. 29-514. Approval - effective date - amendments.

(a) A site specific development plan shall be deemed approved upon the effective date of the approval by the Planning and Zoning Board or Director of Planning, as applicable, relating thereto, subject to the right of appeal and judicial review. The developer must have undertaken and completed the development of an approved site specific development plan within three (3) years from the effective date of approval. For the purposes of this Subdivision, a developer has "undertaken and completed the development" when all engineering improvements (water, sewer, streets, curbs, gutter, street lights, fire hydrants and storm drainage) are installed and completed in accordance with city rules and regulations.

(b) A vested property right may be extended for two (2) successive periods of six (6) months by the Director of Planning. Upon receipt of such request for extension, the Director of Planning shall hold a public hearing in his/her office for the purpose of approving, disapproving or approving with conditions the requested extension. Any additional extensions of a vested property right shall be approved, if at all, only by the Planning and Zoning Board. Any request for an extension must be submitted by the owner to the Director of Planning in writing at least thirty (30) days prior to the date of expiration of the vested property right. Failure to submit a written request within the specified time period shall cause forfeiture of the right to extension of the vested property right. Failure to undertake and complete the development within the term of the vested property right shall cause a forfeiture of the vested property right and shall require resubmission of all materials and reapproval of the same. All dedications as contained on the final plat shall remain valid unless vacated in accordance with law. The granting of administrative extensions may, at the discretion of the Director of Planning, be referred to the Planning and Zoning Board.

(c) In the event that administrative changes to a final plan, as approved pursuant to §29-526(f)(5)(a), are approved, the effective date of such changes, for purposes of duration of a

vested property right, shall be the date of the approval of the original plan.

(d) The approval of major amendments to a final plan, pursuant to §29-526(f)(5)(b), shall, if established pursuant to notice and hearing as provided in §29-513, create a new vested property right with effective period as provided herein and duration as provided by law.

Sec. 29-515. 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.

Sec. 29-516. Payment of costs.

In addition to any and all other fees and charges imposed by this Code, the applicant for approval or extension of a site specific development plan shall pay all costs occasioned to the city pertaining to such application, including publication of notices, public hearing and review costs, which costs are hereby imposed as a flat fee of fifty dollars (\$50.).

Sec. 29-517. Automatic repeal; waiver.

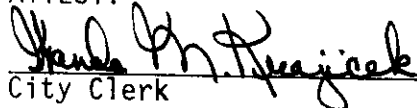
Nothing in this Subdivision is intended to create any vested property right, but only to implement the provisions of Article 68, Title 24, C.R.S. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Chapter shall be deemed to be repealed and the provisions hereof no longer effective. Nothing herein shall be construed to prohibit the waiver of a vested property right pursuant to mutual agreement between the city and the affected landowner. Upon recordation of any such agreement with the county Clerk and Recorder, any property right which might otherwise have been vested shall be deemed to be not vested.

Introduced, considered favorably on first reading, and ordered published this 5th day of January, A.D. 1988, and to be presented for final passage on the 19th day of January, A.D. 1988.



Mayor

ATTEST:



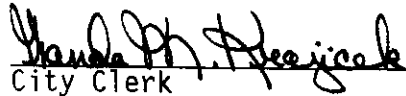
City Clerk

Passed and adopted on final reading this 19th day of January, A.D. 1988.



Mayor

ATTEST:



City Clerk