

ORDINANCE NO. 6  
Series 1999

**AN ORDINANCE AMENDING THE LAKE CITY MUNICIPAL  
CODE TO PROVIDE FOR VESTED PROPERTY RIGHTS.**

BE IT ORDAINED by the Board of Trustees of the Town of Lake City, Colorado:

Section 1: The Lake City Municipal Code is amended by adding thereto a new Section 10, under Chapter 15, as follows:

Section 10. Vested Property Rights

15.10-1 Purpose. The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

15.10-2 Definitions. As used in this chapter, unless the context otherwise requires:

- (A) "Site specific development plan" means: The final approval step, irrespective of its title, which occurs prior to building permit application in the process of any subdivision, condominium, PUD zoning or other development of real estate for which a site plan may be required; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner/developer must so request at least twenty (20) days prior to the date said approval is to be considered. Failure to so request renders the approval not a "site specific development plan," and no vested rights shall be deemed to have been created. The Board of Trustees may by agreement with the landowner/developer, designate a means and/or time of approval other than that described above, to serve as the site specific development plan approval for a specific project.
- (B) "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.

15.10-3 Notice and Hearing. No site specific development plan shall be approved until after a public hearing, preceded by written notice thereof.

Such notice may, at the Town's option be combined with the notice required by Section 31-23-304, C.R.S., as amended, for zoning regulations, or with any other required notice. At such hearing, interested persons shall have an opportunity to be heard.

15.10-4 Approval - effective date - amendments. A site specific development plan shall be deemed approved upon the effective date of the approval action by the Board of Trustees relating thereto, as set forth in Section 15.10-2 above. In the event amendments to a site specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment.

15.10-5 Notice of approval. Each map, plat, or site plan or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. 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 Town.

15.10-6 Payment of costs. In addition to any and all other fees and charges imposed by the Lake City Municipal Code, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including publication of notices, public hearing, legal fees and review costs. At the option of the Town, these costs may be imposed as a flat fee of \$500.00.

15.10-7 Other provisions unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of the Lake City Municipal Code pertaining to the development and use of property.

15.10-8 Limitations. Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. 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.

Section 2: The provisions of this Section 10 of Chapter 15 shall be effective upon the date of the adoption hereof, whichever is later.

**INTRODUCED, READ and ADOPTED** by the Board of Trustees of the Town of Lake City, Colorado, this 1<sup>st</sup> day of December, 1999.

TOWN OF LAKE CITY, COLORADO

By: John Roberts  
Mayor

ATTEST:

Michelle L. Lee  
Town Clerk