

Clear Creek County Zoning Regulations: Section 25

SECTION 25. VESTED PROPERTY RIGHTS REGULATIONS

A. PURPOSE

To provide procedures that establish vested property rights upon approval of a Site Specific Development Plan as authorized by C.R.S. 24-68-101, et. seq.

B. ESTABLISHMENT

General. Pursuant to these Zoning Regulations, a vested property right shall be deemed established for a development permit for a period of three (3) years with the approval of a site specific development plan. Such vested property right shall attach to and run with the land for which the development permit is approved for the site specific development plan and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan for a period of three (3) years from the date of its approval.

SITE SPECIFIC DEVELOPMENT PLAN: For purposes of this Section, a site specific development plan shall only mean the following: including all terms and conditions thereof or incorporated by reference which describes with reasonable certainty the type and intensity of use permitted for a specific parcel or parcels of land:

1. Final Subdivision plat;
2. Final Minor Subdivision Exemption plat;
3. Final Exemption by Resolution plat;
4. Final Multi-Unit Small Subdivision Plat;
5. Final Planned Development Official Development Plan;
6. Final Development Review site plan;
7. Development Agreement;
8. Exemption for certain Illegal Divisions of Land

E. EFFECTIVE DATE OF A SITE SPECIFIC DEVELOPMENT PLAN AND VESTING PERIOD

1. A vested right created by the approval of a Site Specific Development Plan remains in effect for the approved period from the date pursuant to Section E-2 herein.
2. The vesting period shall begin to run upon the date by which the Board of County Commissioners approves the site specific development plan and shall remain effective for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan, unless expressly authorized by the Board of County Commissioners.
3. In the event amendments to a Site Specific Development Plan are proposed and approved, the effective date of the vesting period shall remain the date the original Site Specific Development Plan was approved as outlined in Section E herein. Approval of amendments to a Site Specific Development Plan do not extend the vesting period beyond the approved period unless the Board of County Commissioners specifically determines extending the vesting period to be justifiable and incorporates this determination in their approval of amendments to a Site Specific Development Plan.

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4. Vested Rights may be terminated by the Board of County Commissioners upon the finding of any violation or failure to abide by any terms and conditions of the approval of the Site Specific Development Plan, following a 10-day written notice sent certified mail to the applicant, and minimum 10-day public notice. The termination will be effective as of the date of violation or failure to abide.

F. NOTICE OF APPROVAL

Each plat, site plan, or other document constituting a Site Specific Development Plan shall contain the following language: "Approval of this plan creates a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended." Failure to contain this statement shall not 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 Clear Creek County.

G. PAYMENT OF COSTS

In addition to any and all other fees and charges imposed by these Regulations, the applicant for approval of a Site Specific Development Plan shall pay the appropriate fee, as adopted by the Board of County Commissioners, as a result of the Site Specific Development Plan review.

H. OTHER PROVISIONS UNAFFECTED

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of these Regulations pertaining to the development and use of property.

I. JUDICIAL REVIEW

A vested Site Specific Development Plan is subject to all rights of judicial review as set forth in the Colorado Revised Statutes and Colorado constitution, however; the time period to exercise such rights shall begin thirty (30) days following publication of notice as required in subsection F above.

J. LIMITATIONS

Nothing in this Section 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 Section shall be deemed to be repealed, and the provisions hereof no longer effective.