

600. VESTED RIGHTS

601. When Development Rights are Vested

This vested rights section provides the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of a Site Specific Development Plan (hereinafter SSDP). No vested rights shall be created within the Town of Limon except through a SSDP.

601.1. Definition of Site Specific Development Plan [SSDP]

601.1.1. An SSDP within the Town of Limon may be established at the final approval of a development by the Town, which occurs prior to a building permit application. If a landowner wishes the approval of any of the following plans to have the effect of creating vested property rights pursuant to state law, the landowner must so request at least 20 days prior to the date said approval is to be considered and pay the applicable fee. Failure to so request approval of an SSDP and pay the fee therefore renders the approval not an "SSDP," and no vested rights shall be deemed to have been created. An SSDP may not be approved prior to the approval of any of the following by the Town; however, an SSDP may be approved concurrently with the following plan approvals.

601.1.1.1. For all property zoned PD under the Limon Development Code, a Final Development Plan described in this code.

601.1.1.2. For all other properties within the Town of Limon, the Final Plat for single-family detached residents defined in this code.

601.1.1.3. An approved Site Development Plan (SDP).

601.1.1.4. An approved Site Plan for a Special or Conditional Use Permit.

601.1.2. Notwithstanding anything in Section **601.1.1.** above to the contrary, an SSDP may be defined in a development agreement between the Town and the landowner to supersede the definition of this code. Submittal requirements for an SSDP or Site Development Plan are found in Appendix 7.

601.2. Notice and Hearing

No SSDP shall be approved until after public notice and a public hearing before the Town Board of Trustees.

601.3. Approval-Conditions

An SSDP shall be deemed approved upon the effective date of the action of the Town Board. The approval of the Board shall be accompanied by any terms or conditions imposed on the SSDP.

602. Waiver or Forfeiture of Vested Rights

602.1. Failure to abide by any terms or conditions of the approval of any SSDP imposed by the Town shall constitute forfeiture by the landowner of any vested right created by the Plan unless otherwise specifically agreed by the Town in writing.

602.2. Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the Petition, if any, and be accompanied by all SSDPs approved by any local government. Failure to so identify any previously approved vested property right and provide all approved SSDPs shall constitute a waiver of the vested right(s) created by any other local government upon annexation to the Town unless specifically provided otherwise in the ordinance of annexation adopted by the Town of Limon.

602.3. The landowner shall be required to include with any Plan submitted for approval as an SSDP notice of any natural or manmade hazards on or in the immediate vicinity of the subject property, which are known to the landowner or could reasonably be discovered at the time of submission of the Plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a SSDP, which would impose a serious threat to the public health, safety, and welfare and is not corrected by the landowner, the landowner shall forfeit the vested property right created by such SSDP.

602.4. An SSDP submitted by a landowner and approved by the Town forfeits any pre-existing vested rights for the property.

602.5. Failure of the landowner to publish the notice required by section **602.6.** below constitutes a waiver by the landowner of the vested right created by the approval of the SSDP.

602.6. Each SSDP, upon approval by the Town, shall contain a statement as follows:

"This plan constitutes a site specific development plan as defined in § 24-68-101, et seq., C.R.S. and Section **600** of the Town of Limon Land Development Code." [and, if applicable] "The terms and conditions of such approval are contained in Resolution No. ____ adopted by the Town on

_____ and available at the Limon Town Hall, 100 Civic Center Drive, Limon, Colorado."

602.6.1. In addition, a notice describing the type and intensity of use proposed, the specific parcel or parcels of property affected, the terms and conditions of any approval and stating that a vested property right pursuant to Article 68 of Title 24, C.R.S., has been created shall be published once, no later than 14 days after approval of the SSDP, in a newspaper of general circulation within the Town of Limon by the landowner at the expense of the landowner. The period of time permitted by law for the exercise of a vested right shall not begin to run until the date of such publication. Failure to publish this notice constitutes a forfeiture of the vested right.

603. Duration

A property right, which is vested as provided herein, shall be vested for a period of three (3) years from the date of approval of the SSDP upon compliance with all terms and conditions of such approval. This vesting period shall not be extended by any amendments to the SSDP, unless expressly authorized in writing by the Town.

604. Subsequent Regulation Prohibited

604.1. Any vested property right, once established, shall not be subject to any zoning or land use action by the Town or by petition by third parties to the Town which would alter, prevent, or otherwise delay the development or use of the property as set forth in an approved vesting plan, with the following exceptions:

604.1.1. With the consent of the affected landowner;

604.1.2. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of vesting plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or

604.1.3. To the extent that the affected landowner receives just compensation for all costs expenses, and liabilities incurred by the landowner that would be negated by the change in regulation. These may include but are not limited to, fees paid in consideration of financing, and architectural, planning, and marketing, legal, and other consultants' fees incurred after approval of the vesting plan by the Board, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property, which is caused by such action.

605. Extension and Amendments

No extension or amendment of the vesting period or the rights that are vested shall be granted unless the Board following a public hearing approves such extension or amendment. The landowner together with all materials and fees required by this code to be submitted for original approval shall file such request for extension or amendment. The Board shall grant no extension for a period greater than one (1) year. Vested rights amendments shall be the same as the original or the extension in terms of duration.

606. Other Provisions

606.1. Other Requirements Remain

Approval of an SSDP shall not constitute an exemption from or waiver of any other provisions or requirements of the Town of Limon pertaining to the development and use of the property adopted or applicable before or after the approval of an SSDP.

606.2. Limitations

Nothing in this Section is intended to create a vested property right, but only to implement the provisions of 24-68-101, et seq., C.R.S. In the event of a repeal of said statute or a judicial determination invalidating or declaring unconstitutional part or all of said statute, this Section shall be deemed repealed and the provisions hereof no longer effective, or in the event only a portion of said statute is declared void or constitutional, then the portion of this Section corresponding thereto shall be deemed repealed and no longer effective.

606.3. Development Agreement

Nothing herein shall be construed to limit the authority of the Town and a landowner to enter into a development agreement vesting property rights in the landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not be limited or expanded by the provisions of this code.

