

ORDINANCE NO. 987

AN ORDINANCE AMENDING CHAPTER 30-4 OF THE DEVELOPMENT CODE, VESTING OF PROPERTY RIGHTS, OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, PROVIDING FOR AN EXTENDED PERIOD OF VESTING PURSUANT TO A DEVELOPMENT AGREEMENT.

WHEREAS, Chapter 30-4 of the Town of Berthoud Development Code was adopted for the purpose of providing procedures to implement the provisions of Article 68 of title 24, CRS, as amended, which article establishes a vested property right;

WHEREAS, Chapter 30-4 of the Town of Berthoud Development Code currently makes no provision for the vesting of a property right for a period exceeding three years pursuant to a development agreement between the Town of Berthoud and the landowner(s) as authorized by Section 24-68-104(2), CRS;

WHEREAS, recognizing that the granting of a vested property right for a period exceeding three years may be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of a development, economic cycles, and market conditions, the Town desires to amend Chapter 30-4 of the Town of Berthoud Development Code to provide therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1. Amendment of Section 30-4-102:

Section 30-4-102, ESTABLISHMENT OF VESTED PROPERTY RIGHTS, shall be amended to read as follows:

A vested property right shall be deemed to be established with respect to any property for which a site specific development plan is approved, following notice and a public hearing by the Town Board of Trustees. For purposes of this code, a site specific development plan shall be limited to the following:

1. Final subdivision plat;
2. Minor subdivision plat;
3. Site plan, as required pursuant to chapter 30-7 of this code;
4. Final development plan, for a Planned Unit Development;
and
5. A Development Agreement that creates a vested property right and is adopted as a legislative act of the Town.

Section 2. Amendment of Section 30-4-105:

Section 30-4-105, DURATION OF APPROVAL, shall be amended to read as follows:

The term of a vested property right established for a site specific development plan defined in Sections 30-4-102(1) through (4) above, shall remain vested for a period of three (3) years after the effective date of the approval of the site specific development plan. The term of a vested property right established for a site specific development plan defined in Section 30-4-102(5) shall be any period of time exceeding three (3) years as provided by the specific terms of the Development Agreement. For purposes of this code, completion of a development shall include installation of all engineered improvements (water, sewer, streets, curb, gutter, sidewalks, fire hydrants, and storm drainage improvements) in accordance with Town rules and regulations. Should development of a site specific development plan not be completed within the term of its vested property right, the vested property right shall be terminated and the right to proceed with the development under the terms and conditions of the site specific development plan shall be forfeited.

Section 3. Effective Date:

This ordinance was introduced, read, adopted, approved, signed and ordered published in full this 24th day of February, 2004.

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck – Mayor

ATTEST:

Mary K. Cowdin
Mary K. Cowdin – Town Clerk

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