

Title 16

SUBDIVISIONS

Chapters:

Chapter 16.01 GENERAL REGULATIONS

Sections:

16.01.010 Subdivision regulations adopted.

The City Council of the City of Florence has adopted regulations governing the subdivision of land within the City of Florence. Copies of the regulations, consisting of a subdivision ordinance and resolutions regarding public improvements, design and construction standards, land dedication requirements, an administrative procedures manual, and a fee schedule, are available for public distribution and may be obtained from the Florence City Manager or the Florence City Clerk.

(Ord. 9-95 (part), 1995).

16.01.020 Penalty for illegal subdivision.

Any person or agent of a person, subdivider or agent of a subdivider who sells, transfers or conveys, or attempts to sell, transfer or convey property which has been subdivided and which is subject to the provisions of the subdivision ordinance, without first obtaining approval of the subdivision of the property, or the sale, transfer or conveyance of the property, in accordance with the provisions of the subdivision ordinance shall be charged with a misdemeanor and if convicted of such charges, shall be punished by a fine of not exceeding one hundred dollars (\$100.00) for each parcel which is sold, transferred or conveyed, or offered for sale. The time limit for initiating legal action under the provisions of this section shall be twenty-four (24) months from the date of the alleged infraction. The City Council of the City of Florence shall have the power to bring an action or enjoin any person or agent of any person from selling, or offering for sale, subdivided land which is subject to the provisions of the subdivision ordinance without first obtaining the necessary approvals from the City Council, in accordance with the applicable provisions of the subdivision ordinance.

(Ord. 9-95 (part), 1995).

Chapter 16.02 VESTED PROPERTY RIGHTS

Sections:

16.02.010 Purpose.

The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, as amended, which article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan, under the provisions thereof.

(Ord. 2-88 § 1(part), 1988).

16.02.020 Definitions.

As used in this chapter, unless the context otherwise requires:

- A. "Site specific development plan" means, for those developments for which the landowner wishes the creation of vested rights, the approval by the City of the project at a hearing conducted at the request of the landowner, which hearing follows the successful approval of the development at all other required stages of the development review process. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan," and no vested rights shall be deemed to have been created.
- 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.

(Ord. 2-88 § 1(part), 1988).

16.02.030 Notice and hearing.

No site specific development plan shall be approved until it has been considered by the Planning Commission; favorable approval from that body; and after a public hearing to be conducted by the City Council, preceded by written notice of such hearing. Such notice shall be published at the time and in the manner required by Section 31-23-304, Colorado Revised Statutes, as amended, for zoning regulations, and may be combined with such notice. At such hearing, owners of the property described in the site specific development plan, their representatives and citizens shall have an opportunity to be heard.

(Ord. 2-88 § 1(part), 1988).

16.02.040 Approved—When.

A site specific development plan shall be deemed approved upon the effective date of the City Council action relating thereto. In the event amendments to a site specific development 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 City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment.

(Ord. 2-88 § 1(part), 1988).

16.02.050 Notice of approval.

Each map, plat or site plan constituting a site specific development plan shall contain the following language: "Approval of this plan creates a vested property right pursuant to Section 24-68-103, Colorado Revised Statutes, as amended." 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 City of Florence.

(Ord 2-88 § 1(part), 1988).

16.02.060 Payment of costs.

In addition to any and all other fees and charges imposed by this code, the applicant for approval of a site specific development plan shall pay all costs occasioned to the City as a result of the site specific development plan review, including publication of notices, public hearing and review costs.

(Ord 2-88 § 1(part), 1988).

16.02.070 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.

(Ord. 2-88 § 1(part), 1988).

16.02.080 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, Colorado Revised Statutes, 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.

(Ord. 2-88 § 1(part), 1988).