

ARTICLE 18: SITE SPECIFIC DEVELOPMENT PLAN

17-18-1. PURPOSE. The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. (As amended by 0-88-11.)

17-18-2. GENERAL PROVISIONS. The Planning Commission may recommend and the City Council may adopt an Ordinance approving a Site Specific Development Plan. Approval of a Site Specific Development Plan pursuant to this Article shall create a vested property right. The approval may include such terms and conditions as are necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may result in a forfeiture of the vested property rights.

17-18-3. APPLICATION.

- (1) An owner of property who seeks to cause rights to vest may file an application for approval of a Site Specific Development Plan, as defined in Article 2, Section 17-2-2(379) of this Zoning Ordinance. Each application shall be signed by the fee owner of the property, or his authorized agent. Each such application shall be accompanied by a fee to be established by City Council Resolution to cover necessary costs related to processing the application.
- (2) The Director of Community Planning and Development may require an application for approval of a Site Specific Development Plan to include any of the items listed below.
 - a) Site Plan meeting the requirements of Article 15 of this Zoning Ordinance;
 - b) Landscape Plan meeting the requirements of Article 15 of this Zoning Ordinance;
 - c) Building Elevations meeting the requirements of Article 15 of this Zoning Ordinance;
 - d) Preliminary Drainage Study;
 - e) Grading Plan;
 - f) Traffic Study;
 - g) Utility Plan;
 - h) Soils/Geologic Report; and
 - i) Preliminary Construction Plans for Required Public Improvements.

17-18-4. NOTICE OF HEARING.

- (1) No Site Specific Development Plan shall be approved until after noticed public hearing before the Planning Commission and City Council have been held. The Planning Commission and the City Council shall follow the notice procedures set forth in Section

17-17-4(1) of this Zoning Ordinance. Such notices and hearings may, at the City's option, be combined with the notice and hearings for the types of plan approval set forth in the definition of Site Specific Development Plan found in Section 17-2-2 of the Lakewood Zoning Ordinance.

- (2) A Site Specific Development Plan shall be deemed approved upon the effective date of the Ordinance relating thereto. Within 14 days following such approval, 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 in a newspaper of general circulation within the City.

17-18-5. DURATION OF RIGHT AND TERMINATION.

- (1) A property right which has been vested, as provided for in this Article, shall remain vested for a period of three (3) years. In the event amendments to the Site Specific Development Plan are processed and approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original Site Specific Development Plan, unless the amendments are approved by City Council and City Council specifically finds to the contrary and incorporates such findings in an approval of the amendment.
- (2) The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the original approval. Failure to establish such compliance may result in a notice of forfeiture from the Director of Community Planning and Development.
 - a) Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within five (5) working days of receipt, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefore and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. No appeal to the Planning Commission shall be permitted unless a request for reconsideration is timely filed with and denied by the Director.
 - b) Denial or a request for reconsideration may be appealed according to the procedures set forth in Section 17-15-4 of this Zoning Ordinance.

17-18-6. OTHER PROVISIONS UNAFFECTED.

- (1) Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the Municipal Code pertaining to the development and use of property. Nor shall it preclude the application of ordinances or regulations which are general in nature and applicable to all property subject to land use regulation in the City of Lakewood.
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of property on which a Site Specific Development Plan has been approved, which hazards could not have been reasonably discovered at the time of the approval, and where such hazards, if uncorrected, would pose a serious threat to the health, safety or welfare, the City

may alter, amend, or repeal its approval of the Site Specific Development Plan as necessary to protect the public health, safety and welfare.

17-18-7. DEVELOPMENT AGREEMENTS. In conjunction with approval of a Site Specific Development Plan pursuant to this Article, the City Council may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where Council finds such to be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic factors, and market conditions.

17-18-8. LIMITATIONS. No approval of any site plan, or other land use plan, by the City, other than a Site Specific Development Plan approved pursuant to this Article, shall be deemed to vest a property right pursuant to Article 68, Title 24, C.R.S., as amended.

17-18-9. FEES. City Council may by Resolution establish fees to cover the costs of processing a Site Specific Development Plan.