

Council Member Morrison
May 1, 2014

**MOTION SHEET RE: ITEM NO. 72 [VESTED RIGHTS
ORDINANCE]**

Motion is to the March 12 staff recommendation, which is "Attachment B" to the staff report.

Summary of motion: Move to replace Section 25-1-536, at page 4 of the ordinance, and Section 25-1-535(A), at page 3 of the ordinance, with the following new provisions. The provisions are set forth in full, to provide context, but the actual changes are minor and have no substantive effect. It just lines up better with my reading of how the term "fair notice" is used under the statute.

Text of amendment:

- **Replace Section 25-1-536 with the following provision:**

§ 25-1-536 FAIR NOTICE APPLICATION.

(A) A fair notice application submitted under this section may be used in lieu of a permit application to establish vested rights for a new project that is filed for review under current regulations and for which no prior permit has been sought.

(B) The director shall adopt a fair notice application under this section. The application must require a proposed plan for development, including the scope and intensity of the project and the nature of the proposed land use, but need not include construction-level detail.

(C) Acceptance of a fair notice application does not authorize construction or have any effect other than that prescribed by this article.

- **Replace Subsection (A) of Section 25-1-535 with the following:**

(A) Except as provided in Subsection (B) of this section, a petition for vested rights required by Section 25-1-534 (*Vested Rights Petition Required*)

must be submitted on a form approved by the director and must include, at a minimum, the following information:

(1) reference to one of the following applications, which must be submitted concurrent with the vested rights petition:

(a) a permit application for development of the property;
or

(b) a development plan, on a form provided by the director, that establishes the nature of the permit sought, including the scope and intensity of proposed development and the type of land use;

(2) a summary of the basis on which the applicant claims vested rights;

(3) the date on which the applicant claims that vested rights accrued and any permit application or fair notice that was submitted on that date; and

(4) a complete chronological history of the project for which vested rights are claimed, including:

(a) a list of permits for development of the property, along with supporting documents, that were issued or applied for after the date the applicant claims that vested rights accrued;

(b) a description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;

(c) a description of existing development on the property, regardless of whether the development is permitted or unpermitted;

(d) a list of all annexations and zoning changes affecting the property, if any;

(e) any covenants, conditions, or restrictions recorded in the deed records for the property; and

(f) if deemed relevant by the director, evidence regarding progress towards completion of the project under Section 25-1-554 (*Expiration of Dormant Projects*).