

**MOTION SHEET RE: ITEM NO. 59 [VESTED RIGHTS ORDINANCE]**

**Prospective Expiration Periods**

**May 22, 2014**

*Motion is to 2<sup>nd</sup> reading draft posted in backup. Provide text of motion to City Clerk and make available for review on the dais.*

Summary of motion: Move to amend Section 25-1-552 to give projects an automatic life of 9-years, unless they expire under the general provision whereby "if all permits for a project expire, the project expires" or receive additional time because a site plan remains active at the end of the project life. Also move to amend this section to allow projects that begin with a Fair Notice application to remain alive if they submit a permit application before the Fair Notice expires.

Text of motion: In Section 25-1-552, at pages 10-11 of the ordinance, delete Subsections (B), (C), (E), (F), and (G), add new Subsections (B) & (C) to read as follows, and re-letter the remaining subsections accordingly:

(B) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights Determination*) is based on a fair notice application (new project) submitted under Section 25-1-536 (*Fair Notice Application*), the project expires the later of:

- (1) one year after the date the application was submitted; or
- (2) if a permit application is submitted before the fair notice application expires, on the expiration date applicable to that permit under this section.

(C) Except as provided in Subsection (B) of this section or in Section 25-1-551(C) (*Expirations Generally*), a project expires nine years after the vesting date approved for the project under Section 25-1-541 (*Vested Rights Determination*).