

**TOWN OF EMPIRE,
COLORADO**

ORDINANCE 274

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO IMPOSING A
TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE,
PROCESSING, AND APPROVAL OF CERTAIN LAND USE APPLICATIONS AND
DECLARING AN EMERGENCY**

WHEREAS, the Town of Empire, Colorado (the “Town”) is a statutory town duly organized pursuant to C.R.S. §§ 31-4-301, *et seq.*;

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town, by and through the Board of Trustees for the Town of Empire (the “Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare;

WHEREAS, pursuant to C.R.S. § 31-16-105, the Town has the authority to make and publish emergency ordinances;

WHEREAS, C.R.S. §§ 24-65-101, *et seq.*, C.R.S. §§ 29-20-101, *et seq.*, C.R.S. §§ 29-23-101, *et seq.*, and C.R.S. § 31-12-101, *et seq.*, as amended, the Town has previously adopted certain regulations and enforcement measures including Ordinance XXX concerning Land Use and Development (the “Land Use Regulations”);

WHEREAS, pursuant to the authority set forth above, the Town is currently engaging in a review and comprehensive rewrite of the Land Use Regulations, its impacts, availability, solutions, and options that will lead to modifications regarding land use and development, staffing, and other regulatory measures;

WHEREAS, the Town finds and determines that imposing a temporary moratorium on certain land use applications received for the next six (6) months is both urgent and necessary to preserve the status quo to allow the Town the time and ability to continue to engage in a thorough review, analysis, and comprehensive rewrite of the Land Use Regulations, to ensure appropriate time for public engagement regarding the same, and to implement the amended land use regulations, as well as engage in a comprehensive rezoning process and the implementation of a possible online permitting system and other GIS-based upgrades;

WHEREAS, a temporary moratorium on certain land use applications will also ensure

consistency in enforcement of regulations during the time of a comprehensive rewrite and implementation that will preserve the statute quo to promote the public health, safety, and welfare by allowing a deliberate and well-reasoned decision-making process;

WHEREAS, the Town finds that the ongoing comprehensive rewrite of the Land Use Regulations risks being significantly delayed or altered in scope should the Town continue to accept land development and use applications that materially change the physical, natural, and economic fabric of the Town;

WHEREAS, the following types of land use applications are subject to the temporary moratorium on submission, acceptance, review, processing, and approval by the Town under the Town's Land Use Regulations: nonresidential or mixed use with over twenty thousand square feet not already approved by a planned development; large alterations; minor subdivisions that include dedication of land to the Town; conditional use permits; multi-family residential with twenty or more units in project; all planned developments and substantial modifications to planned developments; rezonings not connected with an annexation petition or a Town-initiated comprehensive rezoning application; right-of-way vacations; major subdivisions; amendments to the Town's Official Zoning Map or text of Town Ordinances not initiated by the Town; and designation of historic districts or landmarks;

WHEREAS, the Town finds that the impact of a temporary moratorium on certain land use applications will not unduly prejudice the interests of individuals or entities subject to the Town's Land Use Regulations including without limitation landowners, users, tenants, and customers as these individuals will continue to be able to engage in lawful practices and activities on their land and continue developing previously-approved applications for land use to the extent they are not completed prior to the date of the moratorium set forth herein;

WHEREAS, the Town finds that the imposition of this moratorium will not significantly disrupt most residential construction, including the West Fork Village subdivision including construction of the homes being constructed in conjunction therewith, and this moratorium does not apply to most administrative land use approvals or to building permit applications;

WHEREAS, a temporary moratorium for six (6) months is a reasonable length of time and no longer than necessary for the Town to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations concerning the Town's Land Use Regulations; and

WHEREAS, the Town finds and determines that the subject regulations concerning land use and development are necessary to the immediate preservation of the public health, safety, and

welfare and that this ordinance should therefore become effective upon adoption consistent with C.R.S. § 31-16-105.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF EMPIRE, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the Board;

Section 2. *Imposition of Temporary Moratorium.* Effective immediately, upon the effective date of this ordinance, a temporary moratorium of six (6) months is imposed upon the submission, acceptance, review, processing, public hearing, and approval of the following applications of the Town under the Town's Land Use Regulations: nonresidential or mixed-use over twenty thousand square feet not already approved by a planned development; large alterations; minor subdivisions that include dedication of land to the Town; conditional use permits; multi-family residential with twenty or more units in project; any and all planned developments; rezonings not connected with an annexation petition or a city-initiated comprehensive rezone application; right-of-way vacations; major subdivisions; amendments to the Town's Official Zoning Map or text of Code not initiated by the Town; and designation of historic districts or landmarks. No such applications shall be submitted or accepted by the Town, and no such application shall be reviewed, processed, or approved during the period of the temporary moratorium as set forth herein. Town Staff and the Board are directed to develop and amend regulations to the Town's Land Use Regulations to the expiration of this moratorium period. This temporary moratorium does not apply to complete applications submitted to and accepted by the Town before the effective date of this ordinance. This temporary moratorium also does not apply to projects which have had a conceptual review with the Town of Empire Planning Commission and the Board at least six (6) months prior to the effective date of this ordinance.

Section 3. *Effective Date; Expiration.* The moratorium imposed by this ordinance shall commence as of the effective date of this ordinance and shall expire on May 19, 2024, unless repealed prior to that date or extended to a later date.

Section 4. *Severability.* Should any one or more sections or provisions of this ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, the intention being that the various sections and provisions are severable.

Section 5. *Emergency Declaration.* Pursuant to C.R.S. § 31-16-105, the Board hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for

the immediate preservation of the public health, safety, and welfare and the financial well-being of the Town because an analysis must be conducted on the impact on Town residents, property owners, workforce, visitors and customers concerning the Land Use Code re-write, and land use, zoning and planning regulations must be clear and consistently applied among all residents and property owners without any gaps in enforcement or implementation and, therefore, this Ordinance must be passed as an emergency ordinance.

INTRODUCED AND PASSED ON FIRST READING OCTOBER 15, 2024

INTRODUCED, READ, PASSED, FINAL ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN OF EMPIRE, COLORADO UPON THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FOURTHS (3/4) OF THE MEMBERS OF THE EMPIRE BOARD OF TRUSTEES ON NOVEMBER 19, 2024.

TOWN OF EMPIRE, COLORADO

ATTEST:

Mayor Wendy Koch

Deputy Town Clerk Lisa Kunze