

**TOWN OF RED CLIFF, COLORADO
ORDINANCE 4, SERIES 2016**

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON LAND USE AND DEVELOPMENT REVIEW AND APPROVAL IN THE TOWN OF RED CLIFF, COLORADO, UNTIL MAY 9, 2016.

WHEREAS, the Town of Red Cliff ("Town") is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

WHEREAS, Chapter 16 of the Town of Red Cliff Municipal Code governs and controls the planning and zoning process in the Town, establishes the methods and criteria by which various land use and development proposals will be reviewed and approved by the Town and otherwise sets forth the standards and requirements applicable to land use and development proposal in the Town;

WHEREAS, over the past several months, the Town has been in the process of comprehensively overhauling the entirety of Chapter 16 of the Code to provide for a more efficient land use and development review and approval process, greater clarity concerning the criteria to be applied by the Town in reviewing and approving land use and development proposals in the Town and land use and increased conformity between the development review and approval process set forth in Chapter 16 and the evolving character of the Town;

WHEREAS, on March 15, 2016, the Town's Board of Trustees ("Board") approved an ordinance adopting a substantially revised version of Chapter 16 of the Town of Red Cliff Municipal Code on first reading;

WHEREAS, on April 5, 2016, the Board approved an ordinance adopting this revised version of Chapter 16 of the Town of Red Cliff Municipal Code on second reading;

WHEREAS, pursuant to Article 3 of Chapter 2 of the Town of Red Cliff Municipal Code, the ordinance adopting the revised version of Chapter 16 of the Town of Red Cliff Municipal Code will not become effective until May 5, 2016, and, by extension, land use and development reviews and approvals will not be subject to the revised version of Chapter 16 until that date;

WHEREAS, the Board has determined that it would be in the best interests of the Town and its inhabitants if all new land use and development proposals are subject to the revised version of Chapter 16 of the Town of Red Cliff Municipal Code and, therefore, would be appropriate to enact a moratorium on the acceptance, processing or approval of any land use or development proposals until such time as the revised version of Chapter 16 is effective;

WHEREAS, failure to enact such a moratorium could result in permanent, negative changes to the Town's character by allowing certain land uses and forms of development to occur under the old to-be-replaced version of Chapter 16 of the Code despite the fact that the duly elected and/or appointed representatives of the Town have determined that all future land use and development proposals should be processed, reviewed and approved pursuant to the revised version of Chapter 16; and,

WHEREAS, the Board has determined that the foregoing circumstances constitute a special emergency and that immediate passage of this ordinance is necessary for the preservation of the public peace, health and safety of the Town.

NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:

Section 1: Moratorium. A moratorium is hereby imposed on the acceptance, processing and approval of all land use and development proposals subject to Chapter 16 of the Town of Red Cliff Municipal Code through May 9, 2016, upon which date the acceptance, processing and approval of all land use and development proposals will be subject to and governed by the revised version of Chapter 16 of the Town of Red Cliff Municipal Code adopted and approved by the Board on April 5, 2016.

Section 2: Findings. The Board hereby finds and determines that this ordinance is necessary and proper to protect the public peace, health, safety and welfare of the Town of Red Cliff and its inhabitants.

Section 3: Determination. The Board hereby determines that the circumstances described above constitute a special emergency and that this ordinance is necessary for the preservation of the public peace, health and safety.

Section 4: Severability. If any section, paragraph, clause, provision or part of this ordinance is for any reason held to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect, it being the intent of the Board that this ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

Section 5: Effective Date. This ordinance shall become effective as of the date hereof in accordance with § 2-3-50 of the Town of Red Cliff Municipal Code.

INTRODUCED, TITLE READ IN FULL, APPROVED, ADOPTED AND ORDERED PUBLISHED ON THIS 5TH DAY OF APRIL 2016.

TOWN OF RED CLIFF, COLORADO



M. Scott Burgess, Mayor

ATTEST:



Barb Smith, Town Clerk
Tiffany Skyles, Deputy Town Clerk

APPROVED AS TO FORM:



Michael J. Heaphy, Town Attorney