

CITY OF SALIDA, COLORADO
ORDINANCE NO. 2024-06
(Series of 2024)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF CERTAIN LAND USE APPLICATIONS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Salida, Colorado (“City”) is a statutory City, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through its City Council, possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

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

WHEREAS, C.R.S. § 29-20-101, *et seq.*, provides the City with the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of the City and to guide future growth, development, and distribution of land uses within the City and to issue a temporary moratorium when necessary on the acceptance of land use applications while engaging in a comprehensive rewrite of its Land Use Code; and

WHEREAS, pursuant to C.R.S. § 31-23-101, *et seq.*, C.R.S. § 29-20-101, *et seq.*, C.R.S. § 31-12-101, *et seq.*, and C.R.S. § 24-65-101, *et seq.*, as amended, the City has previously adopted certain regulations and enforcement measures within Chapter 16 of the Salida Municipal Code (“Municipal Code”) concerning Land Use and Development; and

WHEREAS, pursuant to the authority set forth above, the City is currently engaging in a review and comprehensive rewrite of Chapter 16 of its Municipal Code regarding Land Use and Development, its impacts, availability, solutions, and options that will lead to modifications regarding Land Use and Development, staffing, and other regulatory measures; and

WHEREAS, the City finds and determines that imposing a temporary moratorium on certain land use applications received for the next six months is both urgent and necessary to preserve the status quo in order to allow the City the time and ability to continue to engage in a thorough review, analysis, and comprehensive rewrite of Chapter 16 of its Municipal Code, to ensure appropriate time for public engagement regarding the same, and to implement the amended Land Use Code, as well as engage in a comprehensive rezoning process and the implementation of a possible online permitting system and other GIS-based upgrades; and

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 status quo to promote the public health, safety, and welfare by allowing a deliberate and well-reasoned decision-making process; and

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

WHEREAS, the following types of land use applications are subject to the temporary moratorium on submission, acceptance, review, processing, and approval by the City under Chapter 16 of the Salida Municipal Code: nonresidential or mixed-use with over twenty thousand square feet not already approved by a planned development; large alterations; minor subdivision that include dedication of land to the City; conditional use permits; multi-family residential with twenty or more units in project; any and all planned developments and substantial modifications to 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 City's Official Zoning Map or text of Code not initiated by the City; and designation of historic districts or landmarks; and

WHEREAS, the City finds that the impact of a temporary moratorium on certain land use applications will not unduly prejudice the interests of individuals and/or entities subject to Chapter 16 of the Municipal Code including, but not limited to, landowners, users, tenants, and customers as these individuals will continue to be able to engage in lawful practices and activities on their land and to 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; and

WHEREAS, the City finds that the imposition of this moratorium will not significantly disrupt most residential construction, including around 1100 residential housing units which have been already entitled but have not begun or finished construction, and this moratorium does not apply to most administrative land use approvals or to building permit applications; and

WHEREAS, a temporary moratorium for six months is a reasonable length of time and no longer than necessary for the City to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations regarding Chapter 16 of the Municipal Code regarding Land Use; and

WHEREAS, the City also finds and determines that the subject regulations concerning Land Use is necessary to the immediate preservation of the public health, safety, and welfare and that this Ordinance should therefore become effective upon adoption, as authorized by C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the Salida City Council.

Section 2. Imposition of Temporary Moratorium. Effective immediately, upon the effective date of this Ordinance, a moratorium is imposed upon the submission, acceptance, review, processing, public hearing, and approval of the following applications by the City under Chapter 16 of the Salida Municipal Code: 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 City; 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 City’s Official Zoning Map or text of Code not initiated by the City; and designation of historic districts or landmarks No such applications shall be submitted or accepted by the City and no such applications shall be reviewed, processed, or approved during the period of the temporary moratorium set forth herein. City Staff and City Council are directed to develop and amend regulations appropriate to Chapter 16 and the Land Use Code prior to the expiration of this moratorium period. This temporary moratorium does not apply to complete applications submitted to and accepted by the City before the effective date of this Ordinance. This temporary moratorium also does not apply to projects which have had a conceptual review with Planning Commission and City Council six 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 October 1, 2024, unless repealed prior to that date or extended to a later date.

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

Section 5. Emergency Declaration. Pursuant to C.R.S. § 31-16-105, the City Council 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 City because a analysis must be conducted on the impact on City 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, READ, PASSED, FINAL ADOPTED, AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida, Colorado upon the affirmative vote of not less than three-fourths (3/4) of the members of the City Council on the 2nd day of April, 2024.

CITY OF SALIDA, COLORADO

By: _____

Dan Shore, Mayor

[SEAL]

ATTEST

City Clerk Kristi Jefferson