TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2022-12

AN EMERGENCY ORDINANCE OF THE TOWN OF PALISADE, COLORADO ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR MAJOR RESIDENTIAL SUBDIVISIONS AND LARGE RESIDENTIAL DEVELOPMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 31-15-401 and 31-23-301, C.R.S., the Town of Palisade (the "Town" or "Palisade") has broad authority to exercise its police powers to promote the health, safety and welfare of the community and its residents, and

WHEREAS, the Town of Palisade Land Development Code ("LDC") establishes the regulations and standards governing the use and development of land within the Town for the purpose of promoting the public health, safety and general welfare of the citizens of the Town and is intended to implement the Town of Palisade's Comprehensive Plan; and

WHEREAS, the LDC is intended to do one (1) or more of the following:

    a. Preserve and enhance integrity, stability and livability of residential neighborhoods;

    b. Maintain property values by stabilizing expectations and ensuring predictability in development;

    c. Prevent or minimize land use incompatibilities and conflicts among land uses;

    d. Prevent overcrowding of buildings and sites and excessive concentrations of population or commercial activities;

    e. Encourage quality commercial development and revitalization;

    f. Preserve and enhance the Town's natural environment and avoid natural hazards in the development of the Town;

    g. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;

    h. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and

    i. Establish a process that effectively and fairly applies the regulations and standards of this LDC and respects the rights of property owners and the interests of citizens.; and

WHEREAS, the Town's Comprehensive Plan was last updated in 2007 and will be updated in 2022; and

WHEREAS, to ensure the LDC can implement a current and accurate Comprehensive Plan that represents the vision and desire of Town residents, and in order to protect the public health, safety and general welfare of the inhabitants of the Town of Palisade, the Board of Trustees finds it is necessary to enact a temporary moratorium on new applications for major

residential subdivisions and large residential developments until the Town adopts a new and updated Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:

Section 1. Temporary Moratorium and Delay Enacted. Upon the effective date of this Ordinance, the Town of Palisade herby imposes a temporary moratorium and delay on the acceptance, processing and approval of all applications for any major residential subdivision (defined as any division of land into four (4) or more lots or a division of land that requires a dedication of public rights-of-way or easements; *LDC Section 4.05*) or any other residential development of four (4) or more units. This temporary moratorium and delay shall automatically terminate upon the adoption of an updated Comprehensive Plan and implanting ordinance or at midnight on December 31, 2022, unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

Section 2. Declaration of Emergency. In accordance with Section 31-16-105, C.R.S. and Section 1-55 of the Palisade Municipal Code, the Board of Trustees finds and determines that this Ordinance is immediately necessary for the preservation of the public peace, health, or safety because the current Comprehensive Pans is outdated, and major residential subdivisions and large residential developments can drastically impact the Town. Therefore, pursuant to Section 31-16-105 C.R.S., and Section 1-55 of the Palisade Municipal Code, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of three-fourths (3/4) of the members of the Board of Trustees of the Town of Palisade. In the event this ordinance is approved, but not by an affirmative vote ¾ of the members of the Board of Trustees, this ordinance shall become effective 30 days following publication as required by law.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or application of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, sentence, clause, phrase or portion thereof, despite the fact that any one or more section sentence, clause, phrase or portion would be declared invalid or unconstitutional.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on May 24, 2022.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

_____
Keli Frasier, Town Clerk

Publication Date:

May 29, 2022

Trustee __Somerville, Jamie__ introduced, read and moved the adoption of the ordinance titled,

AN EMERGENCY ORDINANCE OF THE TOWN OF PALISADE, COLORADO ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR MAJOR RESIDENTIAL SUBDIVISIONS AND LARGE RESIDENTIAL DEVELOPMENTS; AND DECLARING AN EMERGENCY

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee __Chase, Thea__ seconded the motion. On roll call, the following Trustees voted "Aye":

Somerville, Janice , Harbaugh, Stan ,
Carlson, Bill , ,
Mayor Mikolai, Greg , .
Chase, Thea .

Trustees voted "Nay":

_____, _____,

_____.