

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO
ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING THE REZONING
OF SINGLE FAMILY LOTS
ORDINANCE NO. 2016 - 05**

RECITALS

The Town Council of the Town of Mountain Village, Colorado makes the following findings to support the adoption of a temporary moratorium within the Town:

1. The Town of Mountain Village (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the "Charter").
2. The Town has the authority to regulate the use and development of land pursuant to Colorado revised statutes:
 - a. Chapter 65.1 of Title 24 (Areas and Activities of State Interest);
 - b. Chapter 67 of Title 24 (Planned Unit Development Act);
 - c. Chapter 20 of Title 29 (Local Government Land Use Control Enabling Act);
 - d. Chapter 12 of Title 31 (Municipal Annexation Act of 1965)
 - e. Chapter 23 of Title 31 (Municipal Powers and Functions)
3. In connection with its regulation of the use of land, the Town has the authority to enact a moratorium as part of its broad police and planning powers to advance the interests of the public health, safety and welfare. *See Droste v. Board of County Commissioners*, 159 P.3d 601 (Colo. 2007); *Hermanson v. County of Fremont*, 595 P.2d 694 (Colo. App. 1979); *Dill v. Lincoln County*, 928 P.2d 809 (Colo. App. 1996); *Dollaghan v. County of Boulder*, 749 P.2d 444 (Colo. App. 1987); *Deighton v. City Council of Colorado Springs*, 902 P.2d 426 (Colo. App.) 1994); *Williams v. City of Central*, 907 P.2d 701 (Colo. App. 1995).
4. The Town Council has the authority, pursuant to Article V, Section 5.8 of the Charter to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the majority vote of the members of the Town Council present at the meeting.
5. The Town has received numerous comments from its constituents raising concerns relative to the Town's Community Development Code, Section 17.3.4(F)(4) which allows the further subdivision of single-family lots to create additional lots and the

transfer of additional density to be transferred onto a single-family lot under certain limited conditions. The intent of the Council in enacting this moratorium is to allow sufficient time to conduct a public hearing(s) to listen to and consider the concerns of its constituents regarding Section 17.3.4(F)(4) and a possible amendment thereto.

6. There is an emergency that warrants the enactment of this Ordinance and temporary moratorium. Failure to consider an amendment to Section 17.3.4(F)(4) of the Community Development Code may allow further subdivision of single-family lots and the transfer of additional density onto a single-family lot to proceed, which may be out of character with the community and may negatively affect the cultural, environmental, and neighborhood qualities of the Town. It is anticipated by the Town that during the period of the moratorium the Council will conduct a public hearing(s) and conduct an analysis to determine if Section 17.3.4(F)(4) should be amended in order to best provide for the health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
7. This moratorium was enacted after a public hearing in compliance with Colorado statutes.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, THAT:

1. Imposition of Temporary Moratorium.

There is hereby imposed a temporary moratorium on the further subdivision of single-family lots to create additional lots and the transfer of additional density to be transferred onto a single-family lot pursuant to Section 17.3.4(F)(4) of the Community Development Code.

2. Effective Date and Duration.

Pursuant to Article V, Section 5.8 of the Charter, this temporary moratorium is effective immediately upon adoption as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein and shall terminate on August 1, 2016, unless extended by a duly adopted ordinance by the Town Council.

3. Publication of Notice.

Pursuant to Article V, Section 5.8 of the Charter, the Town Clerk shall publish notice of this Ordinance within five (5) days after enactment of this Ordinance.

INTRODUCED, READ, HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 21st day of April, 2016.

TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY



By: *Daniel J Jansen*
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick
Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney
Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town"), do hereby certify that:

1. The attached copy of Ordinance No.2016-05 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, and approved as an emergency ordinance with minor amendments by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on April 21, 2016 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Martin McKinley	X			
Bruce MacIntire			X	
Dan Caton	X			
Laila Benitez	X			
Cath Jett		X		
Michelle Sherry	X			

3. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me, as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 21st day of April, 2016.

(SEAL)





JACKIE KENNEFICK, Town Clerk