

**TOWN OF BUENA VISTA, COLORADO**  
**ORDINANCE NO. 08**  
**(SERIES OF 2021)**

**AN ORDINANCE AMENDING SUBSECTION 16.05.5.3.6 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING WATER DEDICATIONS AND FEES-IN-LIEU FOR NONRESIDENTIAL AND MULTI-USE SITE PLANS AND BUILDING PERMITS AND CERTAIN EXEMPTIONS**

WHEREAS, on March 23, 2021, the Town adopted Ordinance No. 05, Series 2021, concerning water dedications or fees-in-lieu for developments and subdivisions within the Town; and

WHEREAS, the Town desires to clarify certain portions of Ordinance No. 05, concerning the applicability of the Ordinance to nonresidential and multi-use site plans and to provide a limited exemption for subdivisions which have reached a certain stage in the development process or which are already connected to the Town's water system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

**Section 1.** Subsection 16.05.5.3.6(C)(6) of the Buena Vista Municipal Code is amended to read as follows:

Non-Residential and Mixed Use Site Plans or Building Permits. Upon receipt of an application for a nonresidential site plan or building permit, Town staff shall determine the size and number of taps necessary to serve the development as proposed by the site plan or building permit. Upon receipt of an application for a mixed use site plan or building permit, Town staff shall determine the number of single family units and the size and number of taps for the nonresidential component of the development. For these uses, one three-quarter inch ( $\frac{3}{4}$ " ) tap shall be equivalent to one (1) single family dwelling unit. For *non-residential or mixed use building permits that involve a change in use or alteration to an existing building*, the owner shall only be required to dedicate water or pay a fee in lieu if the fixtures subject to the building permit application require a meter size larger than three-quarter inch ( $\frac{3}{4}$ " ).

**Section 2.** Subsection 16.05.5.3.6(F) of the Buena Vista Municipal Code is amended by the addition of the following subsections:

3. Lots in a subdivision which are subject to the following as of the effective date of subsection 16.05.5.3.6 shall be exempt from the provisions of that subsection for a period of three years from the effective date:

- a. An final plat approved by the Town; and

- b. A valid and executed improvement agreement which requires the posting of a performance guarantee at the time of execution of the improvement agreement.

4. Subdivisions of property on which improvements are located and connected to the Town's water system as of the effective date of subsection 16.05.5.3.6 shall be exempt from the provisions of that subsection. Any further development of the property which includes the construction of improvements that require a connection to the Town's water system or a larger meter size shall be required to comply with subsection 16.05.5.3.6.

**Section 3. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

**Section 4. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

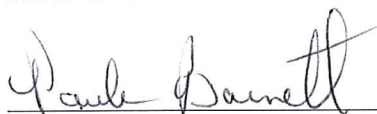
**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 25<sup>th</sup> day of May, 2021.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:

  
Paula Barnett, Town Clerk

