

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 08
(SERIES OF 2022)**

**AN EMERGENCY ORDINANCE EXTENDING THE TEMPORARY MORATORIUM
ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION
FOR THE CONDOMINIUMIZATION OF EXISTING BUILDINGS WITHIN THE
TOWN**

WHEREAS, on August 24th, 2021, the Board of Trustees adopted a temporary moratorium on the acceptance, processing and approval of any application for the condominiumization of existing buildings;

WHEREAS, staff has conducted several meetings to evaluate and discuss the process and implications of the condominiumization of existing buildings to promote the goals of the Town to balance the needs of development and affordable and workforce housing;

WHEREAS, the Town has engaged a consultant to review its land use regulations, including its condominiumization process for existing buildings, to specifically evaluate affordable and workforce housing development;

WHEREAS, the Town believes this audit of its land use regulations will assist the Town in addressing its condominiumization process for existing buildings;

WHEREAS, the current moratorium is set to expire on February 24, 2022 and in order to avoid a gap in the moratorium, the Town finds that it is the best interest of the Town and its citizens and necessary for immediate preservation of the public health or safety to adopt this emergency ordinance;

WHEREAS, if this ordinance was not adopted as an emergency, it would allow property owners to submit applications for the condominiumization of existing buildings and then be subject to subsequent moratorium before the Town has had sufficient opportunity to review and potentially amend its regulations; and

WHEREAS, the Town believes that extending the moratorium another six months will provide staff and the Town time to continue its work and evaluation of condominiumization process and the effects of any amendments on the Town's long term goals.

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

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Buena Vista.

Section 2. Scope of Moratorium. This moratorium shall only apply to buildings which, at the time of this Ordinance, are fully constructed are under single ownership and have not submitted a land use application for condominiumization.

Section 3. Imposition of Temporary Moratorium on Acceptance and Processing of Applications for the Condominiumization of Existing Buildings. Effective upon the adoption of this Ordinance, the temporary moratorium, imposed by Ordinance No. ____, Series 2021, is extended upon the acceptance, processing and approval of all applications for the condominiumization of existing buildings. Town staff is directed to refuse to accept for filing, and not to process or review, any such applications for the condominiumization of existing buildings during the moratorium period. The moratorium shall remain in effect until August 24th, 2022, unless extended or shortened by further action of the Board of Trustees.

Section 4. Authority. The Town Board hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); and (v) Section 31-15-501 C.R.S. (concerning municipal power to regulate businesses).

Section 5. Emergency Declaration. This Ordinance is being adopted as an emergency ordinance because a gap in the moratorium would allow new applications to be submitted and processed when the Town has the extension to keep the moratorium in place and would undermine the ability of the Town to adequately address the impacts of and requirements for condominiumization of existing buildings.

Section 6. 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 7. Safety. This Ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

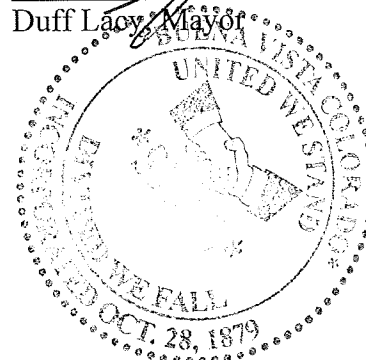
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 22nd day of February, 2022.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ADOPTION.

TOWN OF BUENA VISTA, COLORADO

By: _____

Duff Lacy, Mayor



ATTEST:



Paula Barnett, Town Clerk