

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, ESTABLISHING A SIX (6) MONTH TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR RESIDENTIAL DENSITY BONUSES, THE PROCESSING OF SUCH APPLICATIONS AND THE AWARDING OF DENSITY BONUSES PURSUANT TO CHAPTER 17.08 OF THE FRUITA MUNICIPAL CODE.

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the City of Fruita has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, pursuant to Section 31-23-301, C.R.S., such police powers include the power to regulate the location and use of lands within the City for trade, industry, housing, population densities or other purposes; and

WHEREAS, pursuant to the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 *et. seq.*, C.R.S., the City of Fruita has the authority to plan for and regulate the planned and orderly use of land on the basis of the impacts thereof to its residents; and

WHEREAS, the City Council of the City of Fruita finds and determines that a temporary moratorium on the acceptance of new applications for density bonuses and the awarding of such density bonuses will allow City staff and the City Council the time to evaluate the existing provisions of Chapter 17.08 of the Fruita Municipal Code and update the provisions of such Chapter in order to promote compatibility between land uses, as well as predictability, efficiency and fairness in the approval process, consistent with the Fruita Community Plan.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1. Incorporation of Recitals. The foregoing Recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Temporary Moratorium and Delay Enacted. Upon the effective date of this Ordinance, the City of Fruita hereby imposes a temporary moratorium and delay on the acceptance of new applications for density bonuses, and the processing and approval of such density bonuses authorized by Chapter 17.08 of the Fruita Municipal Code. This temporary moratorium and delay shall automatically terminate at midnight on May 7, 2018, unless terminated earlier by the City Council or extended in its duration by enactment of another Ordinance. This Ordinance and the temporary moratorium and delay herein imposed shall be self executing without further action by the City or the City Council.

Section 3. Severability. 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

applications 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 by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, sentence, clause, phrase, or a portion thereof, despite the fact that any one or more sections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS _____ DAY OF _____, 2017.

CITY OF FRUITA

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk