

## ORDINANCE NO. 1233

### **AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE RESIDENTIAL DEVELOPMENT OR THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR NEW RESIDENTIAL DEVELOPMENT IN A DEFINED PORTION OF THE B-1 ZONING DISTRICT IN THE DOWNTOWN AREA**

**WHEREAS**, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

**WHEREAS**, pursuant to that authority, the City Council previously adopted local land use regulations, codified in Chapter 20 of Fort Morgan Municipal Code (the "Code"); and

**WHEREAS**, the City's zoning regulations currently permit residential development in the B-1 zoning district, including in the City's central downtown business area; and

**WHEREAS**, the Council finds that residential development in the B-1 zoning district, particularly within the City's central downtown business area, may cause land use impacts that are different than those commercial, retail and office uses that are currently located in the same historic downtown area; and

**WHEREAS**, in response to observation and research of the issue, community and business concern, as well as growing popularity of residential development all over the state, the Council finds and determines that it is necessary and desirable to examine the City's zoning laws and regulations to ensure proper location and development within the City's downtown area; and

**WHEREAS**, to prevent the further location of residential development in potentially inappropriate locations while the Council studies the issue, the Council desires to impose a moratorium on the residential development or submission, acceptance, processing and approval of all applications and requests for a permit, license, land use approval or other approval for any residential development within a portion of the B-1 zoning district, more particularly described in the attached "**Exhibit A**," commencing upon the date of this Ordinance and expiring 180 days thereafter; and

**WHEREAS**, the imposition of a moratorium on the residential development or

submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO**, as follows:

**SECTION 1. Findings.** The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

**SECTION 2. Temporary Moratorium.** A temporary moratorium is hereby imposed on the residential development or submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any residential development in the following portion of the B-1 zoning district: that portion of the eastern half of Ensign Street extending to the western half of State Street, which is south of Platte Avenue, extending south five blocks to directly north of the railroad tracks, within the City of Fort Morgan, more particularly described in the attached "**Exhibit A.**" The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such use within this portion of the B-1 zoning district during the moratorium period.

**SECTION 3. Duration.** The moratorium imposed by this Ordinance shall commence on the effective date of this Ordinance and shall expire on the 180<sup>th</sup> day thereafter.

**SECTION 4. Staff to Investigate and Prepare Proposed Regulations.** Before the expiration of the moratorium imposed by this Ordinance, City staff shall review and analyze the City's existing regulations governing residential development within the B-1 zoning district, as directed by the Council, and present any proposed amendments thereto to the Council. The Council declares that it will give due and timely consideration to recommended changes to the Code.

**SECTION 5.** If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

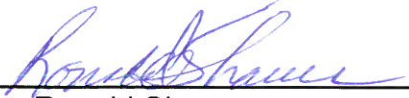
**SECTION 6.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 7.** The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.


**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED** on the 18<sup>th</sup> day of June, 2019.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor


Attest:

  
John Brennan  
City Clerk

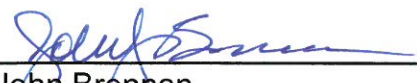
PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 2<sup>nd</sup> day of July, 2019.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor

Attest:

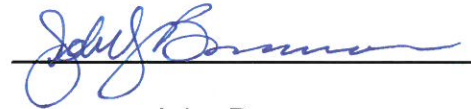
  
John Brennan  
City Clerk

STATE OF COLORADO                     )  
COUNTY OF MORGAN                 )ss.  
CITY OF FORT MORGAN                )

**CERTIFICATE**

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1233** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 18<sup>th</sup> day of July, 2019. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 20<sup>th</sup> day of June, 2019,

published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 2<sup>nd</sup> day of July, 2019. Within five (5) days after its final passage, said **Ordinance No. 1233** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan  
City Clerk

**Exhibit A**  
**[description of property within the B-1 zoning district affected by moratorium]**