

TOWN OF RICO, COLORADO
ORDINANCE No. 310

**AN INTERIM ORDINANCE ESTABLISHING A TEMPORARY DEVELOPMENT
RESTRICTION WITHIN THE TOWN OF RICO.**

WHEREAS, the Planning and Zoning Commission of the Town of Rico has been diligently working on the Rico Planning Project to create a comprehensive regional future land use plan but has not yet completed such plan;

WHEREAS, the Town of Rico desires to provide for the harmonious and coordinated development of the Town and its region which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, avalanche, wildfire, geological hazards, mine industry hazards and other dangers, adequate provision for light and air, the preservation of natural characteristics including visual and aesthetic values, the protection of environmentally sensitive lands, the promotion of energy conservation and adequate provision of public utilities and other public requirements;

WHEREAS, recent development pressures within and without the Town of Rico have raised the imminent possibility of growth and development which threatens the loss of residential neighborhood characteristics, diminution of private and public property values, overuse of water supplies or treatment capacity, congestion, unsanitary conditions, unsafe traffic patterns, and loss of aesthetic values;

WHEREAS, prior to the occurrence of such threatened growth and development, the Town of Rico desires to adopt a municipal master plan, zoning map and ordinance, subdivision regulation, water code, sewer and septic regulation, and related laws for the above-reference purposes, pursuant to the authority set forth in Article 23 of Title 31, CRS (Planning and Zoning); CRS 31-15-701 *et seq.* (public property, municipal utilities, water and sewer systems, water pollution control); CRS 31-15-401 (general police powers); CRS 24-67-101 *et seq.* (planned unit development); and any and all other express, necessary, or implied powers of a Colorado municipality; and,

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WHEREAS, the Board of Trustees of the Town of Rico finds that the passage of this ordinance is necessary for the immediate preservation of the public health and safety of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, the following:

SECTION 1: TEMPORARY DEVELOPMENT RESTRICTION

A. A temporary development restriction is hereby established by the Town of Rico, Dolores County, State of Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications for the duration of this Ordinance:

1. subdivision of any land not approved by the Town of Rico which results in parcels of land less than 35 acres;
2. uses subject to review in the R-1, R-2, C-1, and C-2 zone districts, as defined by Ordinance No. 274 as amended by subsequent ordinances, except and not including road building permit applications for new roads in existing platted road rights-of-way;
3. building permits in the D Development Area District; and,
4. building permits in any potential high avalanche hazard area.

B. This temporary development restriction shall expire on the last day of April, 1996, or upon resolution of the Board of Trustees of the Town of Rico, whichever occurs first.

C. During the temporary development restriction, the Board of Trustees and the Planning and Zoning Commission shall diligently work toward the lawful adoption and enactment of a Town of Rico Comprehensive Land Use Plan and a Town of Rico Comprehensive Land Use Code.

D. Applicants may submit development applications to the Town Planner for preliminary review which are otherwise prohibited by this Ordinance on or after February 14th, 1996, with the condition that applicant agrees to pay all costs associated with such review and that the applicant acknowledges and agrees that the Town Boards and Commissions shall not review, hear, or approve any such application prior to the expiration of the temporary development restriction enacted by this Ordinance and applicant further acknowledges and agrees that any and all applicable standards for review or conditions for approval may be changed as a result of the comprehensive regional master plan and land use code process.

SECTION 2: SAFETY CLAUSE

The passage of this ordinance is necessary for the immediate preservation of the public health, safety, morals, and welfare of the Town of Rico community.

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SECTION 3: EFFECTIVE DATE

This ordinance shall become effective immediately upon final adoption.

SECTION 4: IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY

This ordinance shall become effective immediately upon final adoption, rather than 30 days after final adoption and publication, because delay in the effective date of this ordinance may impair the Town's ability and legal authority to regulate the use of land in the Town of Rico for the purpose of protecting the public health and safety of the Rico community.

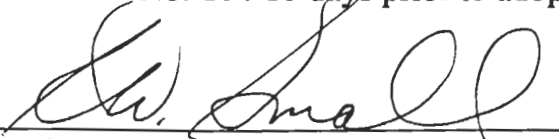
SECTION 5: SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

SECTION 6: PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be published in full once in a newspaper having general circulation within the limits of the Town of Rico.

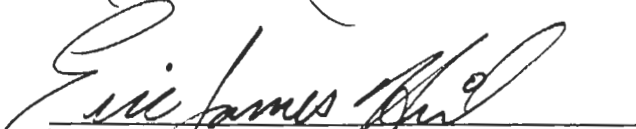
READ, ADOPTED, AND APPROVED after a public hearing at a special meeting of the Board of Trustees on the Town of Rico on August 29th, after posting of notice 15 days prior to the public hearing and posting of the ordinance in full in accordance with Resolution No. 104 10 days prior to adoption.


BY: MAYOR OF THE TOWN OF RICO

9, 6, 1995


ATTEST: TOWN CLERK

9, 16, 1995


APPROVED AS TO FORM: TOWN ATTORNEY

8, 29, 1995

(Town Seal)