

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 829**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE  
TOWN OF NEDERLAND, COLORADO, IMPOSING A TEMPORARY MORATORIUM  
ON THE ENFORCEMENT OF OFF-STREET PARKING REQUIREMENTS FOR  
BUSINESSES IN THE CENTRAL BUSINESS DISTRICT AND PAYMENTS INTO THE  
COMMERCIAL PARKING FUND PURSUANT TO ARTICLE VIII OF CHAPTER 16  
AND DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE  
EFFECTIVE DATE**

**WHEREAS**, the Town of Nederland, Colorado ("Town") is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, by virtue of state law, including, but not limited to, C.R.S. § 31-15-401 and § 31-23-301, the Town Board of Trustees ("Board of Trustees") has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

**WHEREAS**, pursuant to C.R.S. § 31-23-301 and § 31-15-501, the Board of Trustees' police powers include the power to regulate the location and use of land within the community; and

**WHEREAS**, the Board of Trustees has the legislative authority to implement a temporary moratorium on the enforcement of parking standards to investigate and study such standards; and

**WHEREAS**, Section 16-202 of the Nederland Municipal Code establishes parking standards for specific uses within the Town; and

**WHEREAS**, the Town recently learned that the current parking standards may need revised due to an influx of requests for exemptions from the standards; and

**WHEREAS**, the Board of Trustees desires to take this legislative action to investigate the possible revision of parking standards for the Town; and

**WHEREAS**, the Board of Trustees desires to implement a temporary moratorium in order not to waste resources in enforcing parking standards while the Town investigates and studies potential revisions to the standards; and

**WHEREAS**, the imposition of a one-year temporary suspension to and through October 18, 2023, on the enforcement off-street parking requirements for businesses in the Central Business District and payments into the Commercial Parking fund will allow the Town staff and the Board of Trustees to investigate and study new parking standards; and

**WHEREAS**, the Board of Trustees desires to act expeditiously in its review and consideration of parking standards; and

**WHEREAS**, the Board of Trustees does not take this action for the purpose of delay of any individual applications;

**WHEREAS**, a temporary suspension to and through October 18, 2023, is reasonable and no longer than necessary for the Town to properly investigate, develop, and if appropriate, adopt and implement any revised parking standards; and

**WHEREAS**, no person will be unduly prejudiced by the imposition of such temporary suspension; and

**WHEREAS**, the Board of Trustees hereby finds, determines, and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the Town of Nederland and the inhabitants thereof.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Nederland, Colorado, as follows:

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

Section 2. Imposition of Temporary Moratorium. A one-year temporary suspension on the enforcement of off-street parking requirements in the Central Business District and Payments to the Commercial Parking Fund pursuant to Article VIII of Chapter 16 is hereby imposed as follows:

- (a) A one-year moratorium on the enforcement of Sections 16-201 and 16-202 of the Nederland Municipal Code related to the erection of a new structure or the enlargement of or change of use of an existing structure in the Central Business District.
- (b) A one-year moratorium on the enforcement of Sections 16-203(b) and 16-209 of the Nederland Municipal Code related to building permits or other permits for properties in the Central Business District.
- (c) A one-year moratorium on the enforcement of Section 16-211 of the Nederland Municipal Code.

Section 3. Staff to Investigate and Prepare Proposed Standards. Before the expiration of the temporary suspension imposed by this Ordinance, Town Staff, working with the Town Attorney, shall investigate potential new Town parking standards. Such investigation, review, and analysis shall be completed promptly and with due diligence and submitted to the Board of Trustees for consideration. The Board of Trustees declares that it will give due and timely

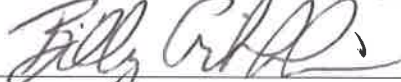
consideration to the adoption of any proposed standards.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

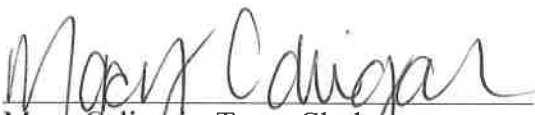
Section 5. Emergency declaration; immediate effective date. Pursuant to C.R.S. § 31-16-105, the Board of Trustees hereby finds, determines, and declares that an emergency exists, and that this Ordinance is necessary for the immediate preservation of the public health, safety and welfare, and the financial well-being of the Town. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks wasting resources on processing applications and hearing requests for exemptions where the standards to be applied do not address the potential impacts of parking in a comprehensive or fully reasoned manner. Upon passage by a  $\frac{3}{4}$  affirmative vote of the members of the Board of Trustees, this Ordinance shall become effective immediately upon adoption.

**INTRODUCED, READ, AND PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 18th DAY OF OCTOBER 2022, BY A VOTE OF 7 IN FAVOR AND 0  
AGAINST.**

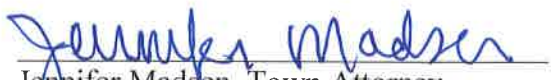
TOWN OF NEDERLAND, COLORADO

  
\_\_\_\_\_  
Mayor or Mayor Pro Tem

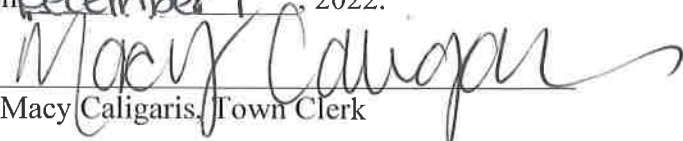
ATTEST:

  
\_\_\_\_\_  
Macy Caligaris, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of October 18, 2022, and ordered published by title only by Mountain Ear newspaper on December 1, 2022.

  
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Macy Caligaris, Town Clerk

