

RESOLUTION NO. _____, SERIES OF 2023

**RESOLUTION REINSTATING AND EXTENDING A MORATORIUM ON
ENFORCEMENT OF CERTAIN PROVISIONS OF THE FREMONT COUNTY
ZONING RESOLUTION REGARDING COMMERCIAL DEVELOPMENT PLANS**

WHEREAS, pursuant to §30-28-111 and 30-28-112, C.R.S., the Board of County Commissioners (“Board”) and the Planning Commission for Fremont County have authority to make and adopt a zoning plan for zoning all or any part of the unincorporated territory within the county; and

WHEREAS, on or about January 13, 2009, County duly adopted Resolution No. 9, Series of 2009, which enacted the Fremont County Zoning Resolution (FCZR), to serve the best interests of the inhabitants of Fremont County; and

WHEREAS, the County has recently been awarded grant funding to assist with the expense and costs of planning and development of revised zoning regulations, which has begun and is expected to be completed by June of 2024; and

WHEREAS, on November 8, 2022, the Board approved Resolution #34, Series of 2022, imposing a moratorium, eliminating the requirement of a CDP for existing businesses in Fremont County to expand, improve and enlarge their businesses by elimination of the requirement to go through the CDP process for these types of business changes; and extending the moratorium to November 7, 2023; and

WHEREAS, the Board has the power to impose a moratorium on a temporary basis to allow time to consider, draft, study, present and potentially adopt an amendment to the FCZR to address the issue of requiring Commercial Development Plans for existing businesses seeking to expand, enlarge, or improve without a change of use; and

WHEREAS, the moratorium expired on November 7, 2023, and the Board finds that reinstatement and extension of the November 8, 2022 moratorium is appropriate and should continue while zoning regulations are developed and approved.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY:

1. The November 8, 2022 Moratorium on enforcement of Section 8.15.7.4 of the FCZR requiring submission and approval of a Commercial Development Plan for any substantial expansion, improvements, and/or enlargement of an existing use in the Medium Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts is hereby reinstated and extended to June 1, 2024.

2. This Moratorium shall not apply if the expansion, improvement, and/or enlargement of the existing use includes a change in actual use of the property.

3. This Moratorium shall not affect the requirement that all development and building setback requirements set out in the FCZR be met.

4. The purpose and intent of this moratorium shall be to provide opportunities for existing businesses and commercial enterprises to improve, expand and enlarge their business presence without unnecessary delay, cost and governmental oversight.

5. This moratorium shall expire on June 1, 2024, unless terminated earlier by Board of Commissioners action or by adoption of an amendment to the Fremont County Zoning Resolution addressing this issue.

Commissioner _____ moved adoption of the foregoing Resolution, seconded by Commissioner _____ and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Absent	Abstain
Kevin J. Grantham	Aye	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	Absent	Abstain

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: _____
Chairman

By: _____
Clerk to the Board