

**TOWN OF HOT SULPHUR SPRINGS,
COUNTY OF GRAND, COLORADO**

ORDINANCE NO. 2021-01-21-410

**AN ORDINANCE IMPOSING A MORATORIUM ON THE
ACCEPTANCE, PROCESSING AND GRANTING OF PERMITS AND
APPROVALS FOR THE SUBDIVISION OF LAND AND ANY FORM OF
NEW DEVELOPMENT EXCEPT FOR THE CONSTRUCTION OF A
SINGLE-FAMILY DWELLING UNIT AND ACCESSORY STRUCTURES
RELATED THERETO; AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Hot Sulphur Springs, acting through its Board of Trustees, is vested with the authority to enact ordinances and regulations governing zoning and the use of land within the Town; and

WHEREAS, in the exercise of this authority, the Board of Trustees has previously enacted the Hot Sulphur Springs Zoning Code ("Zoning Code") and the Town of Hot Sulphur Springs Subdivision Regulations ("Subdivision Regulations") in Chapters 9 and 10, respectively, of the Hot Sulphur Springs Municipal Code; and

WHEREAS, the development of land within the Town through the Zoning Code and the Subdivision Regulations is guided, in part, by the Town's Comprehensive Plan which has not been updated since 1998; and

WHEREAS, since the Town last updated its Comprehensive Plan, the Town's population has grown approximately thirty-seven percent and there has been substantial development in the Town and the region; and

WHEREAS, the Town must also ensure that it has sufficient resources so that it can continue to provide water and sanitary sewer services to existing and future Town residents; and

WHEREAS, the Board of Trustees hereby finds and determines that a moratorium on the acceptance, processing and granting of permits and approvals for the subdivision of land and any form of new development except for construction of a single-family dwelling unit and accessory structures related thereto will allow the Town to update its Comprehensive Plan and determine whether to update the Zoning Code, Subdivision Regulations or other provisions of the Hot Sulphur Springs Municipal Code;; and

WHEREAS, a moratorium to and through March 31, 2022 is a moratorium for a reasonable length of time and no longer than necessary for the Town to properly work on updating its Comprehensive Plan, and adopt and implement regulations consistent therewith; and

WHEREAS, the Hot Sulphur Springs Board of Trustees finds and determines that this Ordinance and the immediate effectiveness thereof is necessary for the preservation of the public peace or welfare.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS:

Section 1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Hot Sulphur Springs Board of Trustees.

Section 2. Moratorium Declared. There is hereby imposed a moratorium on the acceptance, processing, and granting of permits and approvals by the Town for any subdivision or new development except for the construction of a single-family dwelling unit and accessory structures related thereto. The moratorium does not apply to rehabilitation of existing structures or the construction of an accessory structure on an existing lot so long as such development is consistent with Zoning Code.

Section 3. Moratorium Period. The moratorium declared by this Ordinance shall remain in effect to and including March 31, 2022, unless sooner terminated by the Board of Trustees.

Section 4. Direction to Staff. Town staff is hereby directed to refuse to accept for filing, and not to process or review, any new applications for any subdivision under the Subdivision Regulations. Town staff is also hereby directed to refuse to accept for filing, and not to process or review, any application for new development except for the construction of a new single-family dwelling unit and accessory structures related thereto. Staff is also directed to inform the Grand County building department of the moratorium.

Section 5. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); and (iii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses).

Section 6. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hot Sulphur Springs, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

Section 8. Declaration of Emergency; Effective Date. The Hot Sulphur Springs Board of Trustees hereby declares that an emergency exists for the reasons stated herein and that a public emergency affecting life, health, property or the public peace exists. This Ordinance shall become effective upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ____ DAY OF _____, 2021, BY A VOTE OF ____ IN FAVOR, ____ AGAINST, and ____ ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS, COLORADO

By: _____
Bob McVay, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of _____, 2021, and ordered published by title only in the *Sky Hi* newspaper on _____, 2021.

ATTEST:

SEAL

By: _____
Jessie Webb, Clerk

Publication Date: _____, 2021