



Building People, Places & Community

To: Town of Hot Sulphur Springs Board of Trustees
Cc: Jessie Webb, Town Clerk
Lucas Ackerman, Public Works Director
Chris Price, Contracted Town Attorney
From: TJ Dlubac, AICP; Contracted Town Planner
Date: July 21, 2022
Subject: Moratorium Amendment Discussion

BACKGROUND:

On January 21, 2021, the Board of Trustees approved an emergency ordinance imposing an ordinance prohibiting the Town from accepting all development permit applications except for single-family homes and accessory buildings thereto. The original moratorium (Ord. #2021-01-21-410) was set to expire on March 31, 2022. This Ordinance was extended, in its entirety through March 31, 2023 with Ordinance #2022-02-17-411.

The 2021 moratorium identified five projects that were being pursued to assist in evaluating the impact of development and growth in Hot Sulphur Springs. Over the course of the last year, a number of those projects have been completed and have been informative for the Board. Based on those assessments and information gathered through the course of those projects, the Town wishes to amend the scope of the moratorium to allow additional types of development that have been determined to not be detrimental to the public health, safety, and welfare. The following exceptions to the moratorium are presented for Board consideration and adoption:

1. ***Construction of single-family dwelling units and accessory structures related thereto.***

This exception is consistent with the current moratorium language and no change to this intent is proposed.

2. ***Construction of duplex dwelling units and accessory structures relate thereto.***

The Board and Planning & Zoning Commission have been engaged in a discussion of whether or not to define duplex dwelling units as a separate use from the residential types currently defined in the code which only include single-family dwelling units and multiple family dwelling units. Following extensive discussion and analysis of the water and sewer capacity, and the inventory of vacant property upon which duplex dwelling units may be allowed, the Board directed staff to prepare an ordinance to define "Duplex Dwelling Unit" and to also prepare an amendment to the moratorium so the Board may consider these two items.

Through the course of the assessment of allowing duplex dwelling units, the number of vacant properties currently in town was analyzed to determine the potential impact to the Towns' utilities. That assessment found that there are currently a total of 142 vacant lots that would allow duplex dwelling units if the Hot Sulphur Springs Town Code were amended as presented by town staff. (See chart below). However, it is not practical to assume that all of these properties will 1) develop as duplex units or 2) develop while the moratorium is in place. Based on past building permit activity and active discussions

between property owners, builders, and town staff, it is anticipated that there may be between eight and twelve building permits for residential homes applied for in 2022. Of those, only a few (4 – 8) are believed to be duplex units. Therefore, based on this anticipated absorption rate, the impact to the water and sewer systems are minimal since the Town is actively pursuing projects to directly increase capacity in the sewer collection and treatment system.

<i>Zone District</i>	<i>Vacant Lots</i>	<i>SF Units</i>	<i>Duplex Units</i>
R1	111	111	222
R2	10	10	20
R3	5	5	10
B	16	16	32
	142	142	284

An ordinance amending various sections of Title 9 Zoning Regulations is being presented to the Town Board on July 21st for their consideration and action.

- Annexations of existing homes, developments, or properties which are already served by the Town’s water and/or sewer system which will not require the extension of any publicly owned and maintained infrastructure and which will not increase the amount of water and/or sewer use generated by the area annexed.***

Staff has had many inquiries from property owners who are located just outside of the current town limits yet are hooked up to Town water and/or sewer services. These properties are paying an out-of-town rate which is significantly higher than an in-town rate. Many of these properties are not seeking to develop, redevelop, or change any use or character of their current property. Rather, they are seeking to reduce their utility expenses by locating within the town limits. In these circumstances, staff does not find any negative impact to which the moratorium is seeking to protect or prevent, therefore, is supportive of this exception.

- The redevelopment or reuse of existing commercial buildings which do not expand the building footprint, do not increase the amount of water and/or sewer use generated by the proposed use, and does not require the extension or improvement of publicly owned and maintained infrastructure.***

Similarly to the third exception above, a number of owners of current commercial buildings in town have reach out to staff to determine what they can do with their property. Under the current moratorium, very few circumstances would allow for changes in use, renovations, or remodels. However, the town seeks to support economic investment and reinvestment in the community and requested that staff find ways to allow investment in commercial buildings and businesses in Town. This fourth exception reflects staff’s proposal to meet the intent of these previous discussions with the Board and the community.

Since there are many reasons beyond utility capacity that resulted in the approval of the moratorium, those site development standards (such as parking, access, setbacks, landscaping, architectural design and massing to name a few) shouldn’t be negatively impacted by this exception since there is no expansion to building footprint. However, this allows for internal renovation and remodels, and allows for businesses to take advantage of the market demands. Updated site development standards will be included



in the Development Code update which is slated to occur following the comprehensive plan update.

RECOMMENDATION:

Staff is supportive of the modification to the moratorium for the reasons identified within this staff report. Furthermore, the proposed modifications are consistent with community desires, goals, and character.

Attachments

- A. Modification Ordinance 2022