

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

**ORDINANCE NO. 2022-07-21-**

**AN ORDINANCE AMENDING A MORATORIUM IMPOSED BY  
ORDINANCE NO. 2022-02-17-411 ON THE ACCEPTANCE, PROCESSING  
AND GRANTING OF APPLICATIONS, PERMITS, AND APPROVALS  
FOR THE SUBDIVISION OF LAND, REZONING, SPECIAL USE  
REVIEW, AND ANY NEW DEVELOPMENT EXCEPT FOR THE  
CONSTRUCTION OF A SINGLE-FAMILY DWELLING UNIT AND  
ACCESSORY STRUCTURES RELATED THERETO AND THOSE  
EXEMPTIONS EXPLICITLY ALLOWED UNDER THIS ORDINANCE**

**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 imposed by Ordinance No. 2021-01-21-410 a moratorium on the acceptance, processing and granting of applications, permits, and approvals for the subdivision of land, rezoning, special use review, and any new development except for the construction of a single-family dwelling unit and accessory structures related thereto (the "Moratorium"); and

**WHEREAS**, the Board of Trustees extended the Moratorium through Ordinance 2022-02-17-411 to terminate on March 31, 2023, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

**WHEREAS**, the purpose of the Moratorium was to permit the Town time to update the Comprehensive Plan, and determine whether to update the Hot Sulphur Springs Zoning Code ("Zoning Code") and the Town of Hot Sulphur Springs Subdivision Regulations ("Subdivision Regulations") in Titles 9 and 10 of the Hot Sulphur Springs Municipal Code, and

**WHEREAS**, the Moratorium was also imposed to provide the Town time to conduct other projects so that it can offer clear and consistent guidance to potential applicants which projects include hiring an on-call engineer, updating infrastructure construction standards, conducting an assessment of the Zoning Code and Subdivision Regulations, creating checklists and guides to assist the public with understanding the Zoning Code and Subdivision Regulations, and updating the Town's official zoning map ("Interim Projects"); and

**WHEREAS**, the Board of Trustees has completed some of the Interim Projects and has so determined that additional development applications and land use requests may be accepted by the Town and processed in accordance with the Zoning Code and Subdivision Regulations; and

**WHEREAS**, the Board of Trustees desires to allow development which does not increase the amount of water or sewer usage on a property, does not require new water or sewer taps, does not require the extension or installation of new or expanded public infrastructure, or does not amend the zoning of any property within the Town of Hot Sulphur Springs; and

**WHEREAS**, the Board of Trustees hereby finds and determines that amending the Moratorium to address findings made during the completion of the Interim Projects is in the best interests of the health, safety and welfare of the community and its citizens.

**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 Town of Hot Sulphur Springs Board of Trustees.

**Section 2. Moratorium Amendment.** There is hereby imposed a modification to the moratorium on the acceptance, processing, and granting of permits and approvals by the Town for any subdivision or new development except for the following applications and requests:

1. Construction of single-family dwelling units and accessory structures related thereto, or
2. Construction of duplex dwelling units and accessory structures relate thereto, or
3. Annexation of property, including property containing existing homes, or developments, so long as the property is already served by the Town's water and/or sewer system, will not require the extension of any publicly owned and maintained infrastructure, and will not increase the amount of water and/or sewer use generated by the area annexed, or
4. 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.

**Section 3. Moratorium Period.** Except as modified by this Ordinance, the Moratorium shall continue through March 31, 2023, unless sooner terminated by the Board of Trustees or extended in its duration by the enactment of another ordinance.

**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, or duplex dwelling unit, and accessory structures related thereto, or annexations or redevelopment as described in this Ordinance. Staff is also directed to inform the Grand County building department of this modification to 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. Effective Date.** This Ordinance shall take effect thirty (30) days after the ordinance has been published in accordance with Section 1-5-6(H) of the Hot Sulphur Springs Town Code.

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 \_\_\_\_\_, 2022, BY A VOTE OF \_\_\_\_ IN FAVOR, \_\_\_\_ AGAINST, and \_\_\_\_ ABSTAINING.

**TOWN OF HOT SULPHUR SPRINGS, COLORADO**

By: \_\_\_\_\_

Christine Lee, Mayor Pro-Tem

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 \_\_\_\_\_, 2022, and ordered published by title only in the *Sky Hi* newspaper on \_\_\_\_\_, 2022.

**ATTEST:**

SEAL

By: \_\_\_\_\_

Jessie Webb, Clerk

Publication Date: \_\_\_\_\_, 2022