

**AN ORDINANCE REZONING LOTS 4-15, BLOCK 19,
LONG VIEW ADDITION TO HOT SULPHUR SPRINGS
LOCATED IN SECTION 2, TOWNSHIP 1 NORTH, RANGE
78 WEST OF THE 6TH P.M WITHIN THE TOWN OF HOT
SULPHUR SPRINGS FROM RESIDENTIAL ("R-1") ZONE
DISTRICT TO BUSINESS ("B") ZONE DISTRICT AND
AMENDING THE ZONING MAP**

WHEREAS, the Grand County Historical Association, Inc. ("GCHA") is the owner of Lots 4-15, Block 19, Long View Addition to Hot Sulphur Springs (the "Property"), which is also known as the Grand County Pioneer Village Museum; and

WHEREAS, the Property is approximately 1.05 acres and is currently zoned Residential ("R-1"); and

WHEREAS, a complete application as required by Section 9-4-4(B)(1) of the Town Code has been made by the GCHA to re-zone the property from Residential (R-1) Zone District to Business (B) Zone District; and

WHEREAS, one hundred percent (100%) of the Property proposed to be rezoning is owned by GCHA; and

WHEREAS, the proposed Business (B) Zone is consistent with the Town's Official Zoning Map; is in compliance with Section 9-4-4 of the Town Code; is immediately adjacent to the Business (B) Zone District boundary and cannot be consider a "spot zoning" pursuant to state statutes; and

WHEREAS, the Town of Hot Sulphur Springs Planning Commission considered and recommended approval of the initial zoning request following a duly noticed public hearing held on August 6, 2009; and

WHEREAS, subsequent public notice has been properly given of such proposed rezoning by publication on August 20, 2009, in *Sky-Hi Daily News*, a newspaper of general circulation within the Town of Hot Sulphur Springs, by posting of said Property and by mail notification of adjacent property owners within 200 feet of the Property in accordance with the Town of Hot Sulphur Springs Town Code; and

WHEREAS, pursuant to Section 9-4-4(D) of the Town of Hot Sulphur Springs Town Code, a public hearing was held before the Town of Hot Sulphur Springs Board of Trustees at 513 Aspen Street, Hot Sulphur Springs, CO 80451, on the 15th day of October, 2009, at 6:30 p.m. or as soon thereafter as practicable, at which time evidence and testimony were presented to the Board of Trustees concerning said rezoning request; and

WHEREAS, the record for this case includes, but is not limited to, the application, the Town of Hot Sulphur Springs Town Code, Town of Hot Sulphur Springs Master Plan, and all other applicable ordinances, resolutions and regulations, together with all Town of Hot Sulphur Springs land use application processing policies that relate to the subject matter of the public hearing; and accompanying maps, reports, studies and all other submittals of the Applicant; any evidence or correspondence submitted by members of the public at the public hearing; and the files and reports of the Town's planning consultant pertaining to this application; and

WHEREAS, the Town Board of Trustees has determined that the proposed rezoning, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the Town's Master Plan; is an existing use that has been compatible with surrounding uses; and otherwise meets the applicable criteria set forth in Section 9-4-4(B)(2) of the Town of Hot Sulphur Town Code; and

NOW, THEREFORE, BE IT ORDAINED by the Town of Hot Sulphur Springs Board of Trustees as follows:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Town Board of Trustees.

Section 2. The Town of Hot Sulphur Springs Board of Trustees hereby approves rezoning Lots 4-15, Block 19, Long View Addition to Hot Sulphur Springs from Residential ("R-1") Zone District to Business ("B") Zone District subject to the terms and conditions as hereinafter set forth.

Section 3. Approval of this zoning application shall be and is subject to compliance with any additional conditions of approval stated in the motion of the Town Board of Trustees for approval of this Ordinance that must be satisfied prior to recordation of such zoning amendment or at such time as determined by Town staff.


Section 4. The Official Zoning Map of the Town of Hot Sulphur Springs shall be and the same is hereby amended to conform to and reflect said change in zoning.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The Town Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 6. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED 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 15th DAY OF OCTOBER, 2009, BY A VOTE OF _____ IN FAVOR, _____ AGAINST, and _____ ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: 
Hershah Deputy, 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 October 15, 2009, and ordered published one time by The *Sky-Hi Daily News* newspaper on _____, 2009.

ATTEST:

By: _____
Sandy White, Town Clerk

SEAL

Publication Date: _____, 2009
Effective Date: _____, 2009 (30 days after publication)