

TOWN OF HOT SULPHUR SPRINGS,
COLORADO

ORDINANCE NO. 2011-6-1-382

AN ORDINANCE AMENDING SECTIONS 9-3-1 (DEFINITIONS), 9-6-3 (ZONE DISTRICT USE SCHEDULE), AND 9-4-5-D (SPECIFIC SPECIAL USE REGULATIONS) OF TITLE 9 ZONING REGULATIONS OF THE HOT SULPHUR SPRINGS TOWN CODE IN ORDER TO DEFINE THE TERM "SHELTER HOUSE" AND INCLUDE SAID TERM AS A USE PERMITTED BY SPECIAL REVIEW IN THE BUSINESS ZONE DISTRICT WITHIN THE TOWN OF HOT SULPHUR SPRINGS, COLORADO

WHEREAS, currently the Town Code doesn't define the term "shelter house", nor does it specifically allow a shelter house with five (5) or less persons; and

WHEREAS, the term "shelter house" is proposed to be defined and amended into Section 9-3-1 (Definitions) of the Town Code as set forth herein; and

WHEREAS, "shelter house" is proposed to be added as a new use within Section 9-6-3 (Zone District Use Schedule) as set forth herein; and

WHEREAS, "shelter house" is proposed as a use permitted by special review in the Business Zone District subject to a new proposed Section 9-4-5-(D)(2) Special Use Requirements as set forth herein; and

WHEREAS, on June 8, 2011 the Hot Sulphur Springs Planning & Zoning Commission recommended approval to the Town Board of Trustees of the zoning amendments as set forth herein; and

WHEREAS, the Town Board of Trustees finds that a "shelter house" provides a necessary community service for town and county citizens; and

WHEREAS, the Town Board of Trustees finds it is in the best interests of the Town to only allow a shelter house as a use permitted by special review in order to minimize any impacts to adjacent business, residential and commercial land uses; and

WHEREAS, notice of this public hearing was provided in accordance with the requirements set forth in the Town Code.

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

Section 1. Amend Section 9-3-1. Section 9-3-1 of the Town of Hot Sulphur Springs Code, entitled **Definitions**, is amended to add the following definition in the proper alphabetical placement as follows:

SHELTER HOUSE	A residential dwelling providing temporary care, assistance and supervision of persons, who require transitional housing accommodations made necessary due to conflict or threat of personal harm at the person's former living arrangement. The residential dwelling shall not provide refuge for fugitives from justice.
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Section 2. Amend Section 9-6-3. Section 9-6-3 of the Town of Hot Sulphur Springs Code, entitled Zone District Use Schedule, is amended by adding the following new use (.40b) to the table as follows:

	USE	R1	R2	R3	M	B	O
.40b	Shelter house. *See Section 9-4-5(D)(2)	P	P	P	P	S	P

R = Use Permitted by Right
 P = Use Prohibited
 S = Use Permitted by Special Review

Section 3. Amend Section 9-4-5(D)(2). Section 9-4-5(D)(2) of the Town of Hot Sulphur Springs Code, entitled Specific Special Use Regulations, is amended by adding a new Section (2) to read as follows in its entirety:

- (2) Shelter house in the Business Zone District
- a. On-street parking is prohibited. All parking shall be provided on-site and shall not encroach onto adjacent or neighboring properties.
 - b. Snow Storage. Adequate snow storage shall be provided on-site and shall not encroach onto adjacent or neighboring properties.
 - c. Outdoor Lighting. Night lighting and/or security lighting must be sensitively designed, shielded and directed downward to minimize off-site glare to adjacent or neighboring properties. All security lighting shall be on a motion-detector and/or a sensor.
 - d. Fencing. Perimeter fencing, security fencing and/or entry gates must be constructed of attractive materials that are compatible with the design and materials used throughout the site. Acceptable fencing types include wood, masonry, decorative metal and wrought iron. Barbed wire, stockade fencing, cinder block, pre-cast concrete and chain link fencing are prohibited.
 - e. Property Maintenance. The property shall be appropriately maintained in a proper manner, including but not limited to: the exterior of the dwelling, landscaping, driveway and parking.
 - f. Management. The use and property shall be properly supervised. A daily record of all occupants, as well as any approved visitors, shall be maintained. The use shall have proper security. An emergency plan shall be provided and made available for all adjacent or neighboring properties, along with 24-hour contact information of each party responsible for the property and use.
 - g. Occupancy. The maximum number of persons or occupants housed in the dwelling shall be provided.
 - h. Housing Duration. The maximum number of days an occupant may be housed in the dwelling (housing duration) shall be provided.

Section 4. The Town Board of Trustees hereby directs staff to complete all necessary procedures required to codify the Town Code with the amendments contained within this Ordinance.

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 16TH DAY OF JUNE, 2011 BY A VOTE OF 5 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

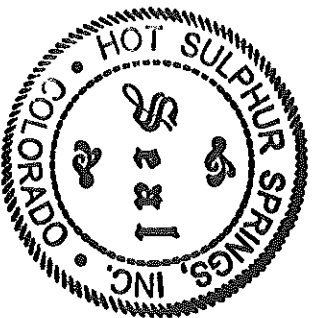
By: Lucy Meirose
Lucy Meirose, Mayor Pro Tem

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 June 16, 2011, and ordered published by Sky Hi newspaper on June 23, 2011.

ATTEST:

By: Sandy White
Sandy White, Town Clerk

SEAL



Publication Date: June 23, 2011
Effective Date: July 22, 2011 (30 days after publication)

Ad ID **6667779**

Date **06/20/2011**

Time **8:05 AM**

**TOWN OF
HOT SULPHUR SPRINGS, COLORADO**

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INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY in the Middle Park Times on June 23, 2011 by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of June 16, 2011.

O
/S/Hershal Deputy, Mayor
ATTEST:
/S/ Sandy White, Town Clerk

A complete copy of Ordinance No. 2011-6-382 is available at Town Hall
Publication Date: June 23, 2011
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Published in the Middle Park Times June 23, 2011.
(6667779)

Ad shown is not actual print size

Mon, Jun 20, 2011
6667779

08:08:58

Ad Ticket #5

Acct: 1095219
Phone: (970)725-3933

Name: HOT SULPHUR SPRINGS, TOW
Address: PO BOX 116

E-Mail:

Client:
Caller: Ed Moyer

City: HOT SULPHUR SPG
State: CO
Zip: 80451

Ad Name: 6667779A

Original Id: 0

Editions: 8MPT/8SHI/

Class: 0990

Start: 06/23/11

Stop: 06/23/11

Color:

Issue 1

Copyline: 6667779 Ordinance No. 2011-6-382

Rep: Pam Schultz

TOWN OF
HOT SULPHUR SPRINGS, COLORADO

Lines:	35
Depth:	2.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	14.70
Payment	0.00

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ATTEST:
/S/ Sandy White, Town Clerk

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Ad Name: 6667779A
Customer: HOT SULPHUR SPRINGS, TOWN OF
Your account number is: 1095219



PROOF OF PUBLICATION
MIDDLE PARK TIMES

I, Matt Sandberg, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.


That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 6/23/2011 and that the last publication of said notice was dated 6/23/2011 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 07/07/2011.

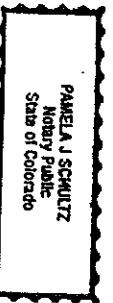


Matt Sandberg
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 07/07/2011.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2011



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TOWN CODE IN ORDER TO DEFINE THE TERM
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S/Herhal Deputy, Mayor
ATTEST:
/S/ Sandy White, Town Clerk

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**SUMMITTENS
DAILY NEWS**

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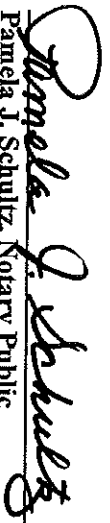
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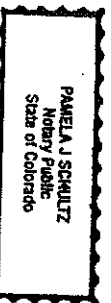


Matt Sandberg
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 07/07/2011.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2011



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By: /s/ Hershel Deputy, Mayor
ATTEST:
/s/ Sandy White, Town Clerk

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