

## **ORDINANCE NUMBER 234**

### **AN ORDINANCE TO IMPOSE A SIX MONTH MORATORIUM ON THE PLACEMENT OF MOBILE HOMES AND MOBILE HOME PARKS IN SPECIFIC AREAS OF THE TOWN OF HUGO RESTRICTED COMMERCIAL DISTRICT C-1 PENDING A STUDY OF THE IMPACT OF SUCH STRUCTURES ON DOWN TOWN DEVELOPMENT.**

**Whereas**, in accordance with state statutes, the Town of Hugo Board of Trustees adopted land use Ordinance No. 171, in 1985, and have amended the ordinance several times since the initial adoption; and

**Whereas**, the Board is presently considering a program or programs to improve the Main Street of the Town of Hugo, including implementing lighting and sidewalk changes to enhance the business appeal of the Town; and

**Whereas**, the Main Street area is located in a C-1 Restricted Commercial District as defined by Town Ordinance; and

**Whereas**, uses by right in a C-1 Restricted Commercial District include single family mobile homes and permanent mobile home parks; and

**Whereas**, such structures or use may interfere with the potential plans for the Main Street area, and the Board wishes to study such uses as to whether or not the uses would be compatible with the intended enhancement of Main Street;

### **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:**

**Section 1. Implementation of Temporary Moratorium on the placement of mobile homes and mobile home parks in a Restricted Commercial District C-1.** Upon the adoption of this ordinance, a moratorium shall be enforced for six (6) months from the effective date of this Ordinance, unless sooner rescinded by the Board. The moratorium shall be imposed upon the proposed use in any part of a C-1 district, adjacent to and containing 4<sup>th</sup> Street (Main Street) (U.S. Highway 40/287), presently enumerated by the Town zoning and land use ordinances for the placement of mobile homes or mobile home parks, or the submission, acceptance, processing, and approval of all applications for permits and licenses by the Town of Hugo related to the placement of a mobile home or mobile home parks in this designated portion of this Restricted Commercial District C-1. The Town staff is directed to prohibit any such land use and to refuse to accept for filing, and not to process or review, any such new applications during the temporary moratorium period.

**Section 2. Effective Dates of the Moratorium.** The moratorium imposed herein shall continue up to and through six (6) months, unless sooner rescinded.

**Section 3. Staff to Continue to Investigate and Prepare Proposed Regulations.** Before the expiration of the moratorium, Town staff and relevant Board committees shall continue to carefully review the proposed enhancements to Main Street and the compatibility of the enhancements as to mobile homes and mobile home parks. Such investigations shall be completed promptly and with due diligence. If directed to do so by the Board of Trustees, the Town Attorney and town staff shall prepare appropriate new regulations with respect to such uses for consideration by the Board of Trustees.

**Section 4. Authority.** The Board of Trustees hereby finds, determines, and declares that it has the power to adopt this ordinance pursuant to: (1) the Local Government Land Use Control Enabling Act, §29-20-101 C.R.S., et seq.; (2) §31-23-3 C.R.S., concerning municipal zoning powers; (3) §31-15-103 C.R.S., concerning municipal police powers; (4) §31-15-401 C.R.S., concerning municipal police powers; and (5) §31-15-501 C.R.S., concerning municipal power to regulate business.

**Section 5. Severability.** If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

**Section 6. Repealer.** All acts, orders, resolutions, ordinances, or parts thereof, of the Town that is inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

**Section 7. Recording and Authentication.** Following adoption, this ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances.

**Section 8. Effective Date.** This ordinance shall take effect thirty (30) days after publication as required by law.

**Introduced, Read, Adopted and Ordered** published this eleventh day of June, 2012.

ATTEST:

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Patsie E. Smith; MAYOR

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Garald L. Ensign; TOWN CLERK

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