

ORDINANCE NUMBER 236

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO TO AMEND LAND USE ORDINANCE NUMBER 171 (ZONING), ARTICLE V, RESTRICTED COMMERCIAL DISTRICT C-1, CONCERNING MOBILE HOMES AND MOBILE HOME PARKS AS TO A DESIGNATED PORTION OF THE C-1 DISTRICT.

Whereas, the Town of Hugo, hereinafter referred to as the “Town”, located in the County of Lincoln and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, the Town, through Ordinance No. 171, and amendments thereto, has created certain zoning districts within the Town boundaries, and is empowered and authorized by Ordinance and Colorado Revised Statutes, 31-23-301, et. seq., to regulate and restrict the height and size of buildings and other structures and to restrict the use of property, through the orderly creation of zoning districts; and

Whereas, state statute above cited, gives to the Board of Trustees of the Town of Hugo, hereinafter referred to as the “Board”, the authority to amend or changes its zoning districts when the Board deems such amendment or change to be in the best interests of the citizens of the Town of Hugo; and

Whereas, the Board has considered and will consider various plans to enhance or improve a portion of Main Street and will likely implement those plans both in the immediate and distant future; and

Whereas, the Board has further determined that the presence of mobile homes or mobile home parks would likely interfere with the implementation of the enhancement plans for the designated portion of the Main Street, (also known as Fourth Street) area; and

Whereas, Article V, Section 5.1(i) and (j) allow for single family mobile homes and permanent mobile home parks as a use by right in the C-1 District; and

Whereas, the Board has published notice of the requested change in accordance with C.R.S. 31-23-304 and 305, and has accepted public comment through the required public hearing concerning the proposed change; and

Whereas, the Board after considering the proposed change of zoning through public hearing has determined that it is in the best interests of the citizens of the Town of Hugo, that the C-1 Restricted Commercial District C-1 uses by right be changed as to those areas of the C-1 district adjacent to Main Street (also known as Fourth Street and also known as U.S. Highway 40/287) so as to prohibit mobile homes or mobile home parks in the designated area;

IT IS THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:

SECTION I: CHANGE OF ZONING

Article V, RESTRICTED COMMERCIAL DISTRICT C-1, Section 5.1, Permitted Uses, subsections i. and j., shall be deleted, as written, and amended to state as follows:

i. Single family mobile homes, except for that portion of the C-1 District adjacent to Main Street (also known as Fourth Street and also known as U.S. Highway 40/287).

j. Permanent mobile home parks, except for that portion of the C-1 District adjacent to Main Street (also known as Fourth Street and also known as U.S. Highway 40/287).

SECTION II: SEPARABILITY.

If any portion or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Ordinance, the intention being that the same are severable.

SECTION III: ENFORCEMENT DATE.

Pursuant to C.R.S. 31-23-304, this Ordinance shall take effect immediately upon adoption, after the publication of required notice, the hearing of the public, and the Board's ultimate determination that this Ordinance is in the best interests of the citizens of the Town of Hugo. The Ordinance shall then be authenticated by the signatures of the Mayor and Clerk and shall be published as required by law.

ADOPTED AND APPROVED this eighth day of October, 2012.

Patsie E. Smith; MAYOR

ATTEST:

Garald L. Ensign; TOWN CLERK