

**ORDINANCE NO. 14-2018**

**AN ORDINANCE RELATING TO CONDITIONAL USE APPROVAL OF AN ADULT DAYCARE FACILITY ON LOT 2, JOHNSON ESTATES LOCATED IN THE TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO.**

**WHEREAS**, Lisa Faust and Steph Thieman, 7034 Mount Adams Street, Wellington, CO are requesting Conditional Use approval to allow an adult daycare facility on Lot 2, Johnson Estates; and

**WHEREAS**, the property is zoned TR Transitional District; and

**WHEREAS**, all new uses within the TR Transitional District require conditional use approval; and

**WHEREAS**, the notices have been given and the public hearings required by the Wellington Municipal Code have been held; and

**WHEREAS**, the Planning Commission by motion and vote on November 5, 2018 recommended approval of the conditional use for an adult daycare facility; and

**WHEREAS**, the Board of Trustees of the Town of Wellington has found the application to be in substantial compliance with the requirements of the Wellington Municipal Code.

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

**SECTION 1:** The conditional use of the property at Lot 2, Johnson Estates for use as an adult daycare facility is hereby approved with the following conditions:

- a) The adult daycare facility within a dwelling shall be limited to a maximum of five (5) adults in care;
- b) Re-application for conditional use approval and applicable building permits is required if the use is proposed to be expanded; and
- c) The conditional use approval shall terminate upon abandonment of the use for a period of twelve (12) months, a change in ownership or change in use.

**SECTION 2: Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.


**SECTION 3: Necessity.** In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

**SECTION 4:** Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours. Furthermore, the Mayor's signature shall be affixed to the plat and attested by the Town Clerk.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 27TH DAY OF NOVEMBER 2018 AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF PUBLICATION.**

  
Troy Hamman, Mayor

ATTEST:



Ed Cannon, Town Administrator/Clerk

PUBLISHED BY TITLE THIS 29 DAY OF November, 2018 IN "THE COLORADOAN."

APPROVED AS TO FORM

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J. Brad March, Town Attorney