# ZONING AND LAND USE CODE OF THE CITY OF FORT MORGAN

**2006 EDITION** 

# ZONING AND LAND USE CODE OF THE CITY OF FORT MORGAN

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Revised: 04/22/2009

# ZONING AND LAND USE CODE OF THE CITY OF FORT MORGAN, COLORADO 2006 EDITION

#### **ARTICLE I**

**Zoning Code** 

#### STATEMENT OF PURPOSE

The Zoning Code is designed to minimize congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land to avoid undue concentration of population; and to facilitate provision for transportation, water, sewage, schools, parks, and other public requirements. Zoning provisions have been made in accordance with a master street plan, comprehensive planning study and other engineering studies and with reasonable consideration for the character of each district and its special suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City.

#### **SECTION 1**

#### **Districts, Boundaries**

#### A) Establishment of Districts

In order to carry out the provisions of this zoning code, the City of Fort Morgan, Colorado is hereby divided into the following zoning districts:

- E-1 Very Low Density Residential
- ER-1 Estate Residential
- R-1 Residential District (Low Density)
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District (Mobile Home Parks)
- R-5 Residential District (High Density)
- PUD Planned Unit Development
- T Transitional District
- **B-1** Business District
- B-2 Business District
- UA Urban Agricultural District
- I Industrial

#### B) Boundaries

The boundaries of these districts are established as shown in a map entitled: "Zoning District Map of the City of Fort Morgan, Colorado", dated the 16<sup>th</sup> day of April 1957, and revised to include all amendments thereto, which map is hereby made a part of this code.

Where a lot is divided by a zoning district boundary line, the less restrictive zone requirements may be extended not more than 25 feet into the more restrictive zoning district adjacent to such line.

#### **SECTION 2**

#### **Application of Code Provisions**

#### A) General Application

Except as otherwise provided, no buildings, or other structures, or land shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the city limits,

or structurally altered except in conformity with the code regulations herein specified for the district in which such building is located.

#### **B)** Off-Street Parking

Off-street parking for all uses in all zones shall be required as specified by the provisions of Section 14G.

#### **SECTION 3**

#### **R-1:** Residential District (Low Density)

- A) Uses Permitted (Revised by Ord No. 1091, Final Reading1/5/2010)
- 1. Single-family dwellings.
- 2. Public schools dedicated to Grades K-12, parks, playgrounds and recreational areas.
- 3. Churches.
- 4. Hospitals.
- 5. Public Buildings provided no repair or storage facilities are maintained.
- 6. Accessory Buildings.
- 7. Public Utility Mains and Distribution Lines; Substations and Exchanges.

#### A-1) Special Review Uses

Subject to approval by the City Council, and after consideration by the Planning Commission and a Public Hearing before the City Council, notice of which shall be given by publication at least once at least ten (10) days prior to the Public Hearing, by posting notice on the Property at least ten (10) days prior to the Public Hearing and by ten (10) days written notice to adjoining Property owners within three-hundred (300) feet of the Property.

1. Child Care Homes.

#### B) Minimum Lot Area

Per single-family dwelling - 7000 square feet.

#### C) Minimum Front Yard

All buildings – 25 feet.

#### D) Minimum Side Yard

- 1. Principal buildings, and accessory buildings closer than 75 feet from front property line 5 feet.
- 2. Accessory buildings none required; provided such buildings are located at least 75 feet from the front property line and 10 feet from any existing dwelling located on any other lot.

#### E) Minimum Rear Yard

- 1. Principal buildings 25 feet.
- 2. Accessory buildings -3 feet; except where a garage is entered from an alley in any manner except parallel to the property line of said alley, in which case 10 feet shall be required.

#### F) Minimum Floor Area (Excluding Basement)

900 square feet for every single-family dwelling.

#### **SECTION 4**

#### **R-2: Residential District**

#### A) Uses Permitted

- 1. Any use permitted in the R-1 District under the same limitations and conditions specified for such use in that district unless otherwise stated in this section.
- 2. Two-family dwellings.
- 3. Child Care Homes.
- 4. Home occupations, consistent with the provisions of Section 19N.

#### B) Minimum Lot Area

- 1. Per single-family dwelling 5000 square feet.
- 2. Per two-family dwelling 6000 square feet.

#### **C)** Minimum Front Yard

All buildings – 25 feet.

#### D) Minimum Side Yard

- 1. Principal buildings, and accessory buildings closer than 75 feet from front property line 5 feet.
- 2. Accessory Buildings none required; provided such buildings are located at least 75 feet from the front property line and 10 feet from any existing dwelling located on any other lot.

#### E) Minimum Rear Yard

- 1. Principal buildings 25 feet.
- 2. Accessory buildings -3 feet, except where a garage is entered from an alley in any manner except parallel to the property line of said alley, in which case 10 feet shall be required.

#### F) Minimum Floor Area (Excluding Basement)

- 1. Single-family dwelling 700 square feet.
- 2. Two-family dwelling 500 square feet per unit.

#### **SECTION 5**

#### **R-3: Residential District**

#### A) Uses Permitted

- 1. Any use permitted in the R-1 and R-2 Districts, under the limitations and conditions specified for such use in the R-1 and R-2 Residential Districts, except that hospitals, churches, schools and public buildings must conform to R-1 District limitations and conditions.
- 2. Multiple family dwellings.
- 3. Boarding and rooming houses.
- 4. Rest homes, convalescent homes, and nursing homes.
- 5. Private schools, including those dedicated Grades K-12, and universities and colleges.

6. Child Care Home.

#### A-1) Special Review Uses

Subject to approval by the City Council, and after consideration by the Planning Commission and a Public Hearing before the City Council, notice of which shall be given by publication at least once at least ten (10) days prior to the Public Hearing, by posting notice on the Property at least ten (10) days prior to the Public Hearing and by ten (10) days written notice to adjoining Property owners within three-hundred (300) feet of the Property.

1. Large Child Care Homes.

#### **B)** Minimum Lot Area

- 1. Per single-family dwelling 5000 square feet.
- 2. Per multiply-family dwelling (2 or more units) -5000 square feet for the first unit and 1000 square feet for each unit thereafter.

#### **C)** Minimum Front Yard

All buildings – 25 feet.

#### D) Minimum Side Yard

Principal buildings and accessory buildings closer than 75 feet from front property line – 5 feet.

#### E) Minimum Rear Yard

- 1. Principal buildings 25 feet.
- 2. Accessory buildings -3 feet, except where a garage is entered from an alley in any manner except parallel to the property line of said alley, in which case 10 feet shall be required.

#### F) Minimum Floor Area (Excluding Basement)

- 1. Single-family dwelling 600 feet.
- 2. Two-family or multiple-family dwelling 400 square feet for each unit.

#### **SECTION 6**

#### **R-4:** Residential District (Mobile Home Parks)

#### **Uses Permitted**

- 1. Any use permitted in the R-1, R-2, and R-3, Districts under the limitations and conditions specified for such use in those Districts; specifically excepting and prohibiting as Uses Permitted, however, Child Care Homes and Large Child Care Homes.
- 2. Mobile Home Parks which have been approved for establishment and use by the City Council of the City of Fort Morgan acting under and pursuant to applicable laws and ordinances, rules and regulations of the City of Fort Morgan, pertaining to the establishment and use of Mobile Home Parks.

#### **SECTION 7**

#### **R-5:** Residential District (High Density)

#### A) Uses Permitted

- 1. Any use permitted in the R-1, R-2, and R-3 Districts, under the same limitations and conditions specified for such use in those Districts, unless otherwise stated in this section.
- 2. Public and private schools dedicated to Grades K through 12, playgrounds and recreational areas.
- 3. Churches.
- 4. Hospitals.
- 5. Public buildings provided no repair or stage facilities are maintained.
- 6. Accessory buildings.
- 7. Public utility mains, distribution mains, substations and exchanges.

#### B) Minimum Lot Area

- 1. Per single family dwelling -4,000 square feet.
- 2. Per multiple family-dwelling (2 or more units) -5,000 square feet for the first unit and 1,000 square feet for each unit thereafter.

#### C) Minimum Front Yard

All buildings – 20 feet.

#### D) Minimum Side Yard

- 1. Principal buildings, and accessory buildings closer than 60 feet from front property line 5 feet.
- 2. Accessory buildings none required; provided such buildings are located at least 60 feet from the front property line and 10 feet from any existing dwelling located on any other lot.

#### E) Minimum Rear Yard

- 1. Principal buildings 20 feet.
- 2. Accessory buildings -3 feet; except where a garage is entered from an alley in any manner except parallel to the property line of said alley, in which case 10 feet shall be required.

#### F) Minimum Floor Area (Excluding Basement)

- 1. Single-family dwelling 700 square feet.
- 2. Two-family or multiple-family dwelling 400 square feet for each unit.

#### **SECTION 8**

### Planned Unit Development (By Special Review Only)

#### A) Statement of Intent

A Planned Unit Development is a land area within which lots, structures, densities, and land uses may be established by the City Council in conformity with an approved plan for the entire tract or land area. A planned unit development anticipates a calculated departure from conventional or traditional planning and development to provide:

- 1. A development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, vegetation, and wildlife habitat, and avoids the disruption of natural drainage patterns.
- 2. A greater diversity of living environments by allowing a variety of housing types and residential densities, and mixture of uses.
- 3. More efficient use of land than may be achieved through conventional zoning and subdivisions, and savings of construction and maintenance costs through shorter utility lines and streets.

- 4. More useful, and more convenient location of open space and recreational areas for residents, and, if permitted as part of the project, more convenient location of accessory commercial and industrial uses.
- 5. Development complexes which are harmonious, interrelated combinations of compatible uses.
- 6. Socially desirable objectives to meet community needs for various types of land, housing, commercial, recreational and agricultural uses not otherwise feasible under conventional zoning.

#### **B)** Uses Permitted

Any legal use of property in the City.

#### C) Development and Improvement

Development and improvement must be fully planned in written detail and approved by the City Council prior to any development of lands or properties carrying this zoning district designation. Thereafter, no development or use of land within said district shall take place except in strict compliance with such written plan.

#### **SECTION 9**

#### T: Transitional District

#### A) Uses Permitted

- 1. Any use permitted in R-1, R-2, R-3, or R-5 Districts under the same limitations and conditions specified for such use in those districts unless different requirements are slated in this section.
- 2. Medical and dental clinics.
- 3. Membership clubs.
- 4. Nurseries and greenhouses.
- 5. Professional offices.
- 6. Identification signs provided such signs are for identification of a business located on the premises and provided the total area of signs displayed by one establishment does not exceed one square foot of sign surface for each three feet of lot frontage upon which such business is located, and not to exceed 100 square feet of surface for any one sign.

#### B) Minimum Lot Area

5000 square feet.

#### C) Minimum Lot Width

50 feet.

#### D) Minimum Front Yard

All buildings – 25 feet.

#### E) Minimum Side Yard

- 1. All buildings closer than 75 feet from front property line -5 feet; provided no side yard shall be less than one foot for each two feet of building height measured from grade to gutter line and abutting such yard.
- 2. Accessory buildings none required; provided such buildings are located at least 75 feet from the front property line and 10 feet from any existing dwelling located on any other lot.

#### F) Minimum Rear Yard

All buildings -15 feet from center line of alley or if there is no alley -10 feet.

#### **SECTION 9A**

#### E-1: Very Low Density Residential

#### A) Uses Permitted

- 1. Single-family dwelling (one per parcel)
- 2. Parks, playgrounds and recreational areas.
- 3. Public buildings (except fire stations), provided no repair or storage facilities are maintained.
- 4. Public utility mains and distribution lines.
- 5. Open space.
- 6. Satellite dishes and ham radio towers.

- 7. Accessory buildings up to 3,200 square feet in floor area.
- 8. Gardens.
- 9. Home occupations.
- 10. Child Care Homes.
- 11. Non-commercial domestic livestock, but not more than one (1) grazing animal per acre; provided that other animals may be maintained on the Property for a limited period of time (not to exceed twelve (12) months) if the animal(s) is being maintained specifically for a 4-H or FFA project or similar recognized organization and project and provided that a Permit for such purpose has been obtained from the Director of Community Development.

#### B) Special Review Uses

Subject to approval by the City Council, and after consideration by Planning Commission and a Public Hearing before the City Council, notice of which shall be given by publication at least once at least ten (10) days prior to the Public Hearing, by posting notice on the Property at least ten (10) days prior to the Public Hearing and by ten (10) days written notice to adjoining Property owners within three-hundred (300) feet of the Property.

- 1. Golf Course;
- 2. Public and private schools dedicated to Grades K-12.
- 3. Churches provided all such buildings are located at least 25 feet from all property lines.
- 4. Large Child Care Homes.
- 5. Fire Stations.
- 6. Telecommunication facilities, including cellular towers.
- 7. Accessory building greater than 3,200 square feet in floor area.

#### C) Minimum Lot Area

Per single-family dwelling - .50 acre

#### D) Maximum Lot Area

Per single-family dwelling – up to, but less than 3 acres

#### E) Minimum Front Yard

All buildings – 30 feet.

#### F) Minimum Side Yard

All buildings – 20 feet.

#### **G)** Minimum Rear Yard

All buildings – 20 feet.

#### H) Maximum Structure Height

All buildings – 35 feet.

#### I) Minimum Floor Area (Excluding Basement)

1,500 square feet for each single-family dwelling.

#### **SECTION 9B**

#### **ER-1: Estate Residential**

#### A) Uses Permitted

- 1. Single-family dwelling (one per parcel)
- 2. Parks, playgrounds and recreational areas.
- 3. Public buildings (except fire stations), provided no repair or storage facilities are maintained.
- 4. Public utility mains and distribution lines.
- 5. Open space.
- 6. Satellite dishes and ham radio towers.
- 7. Accessory buildings.
- 8. Gardens.
- 9. Home Occupations.
- 10. Child Day Care Homes.

11. Non-commercial domestic livestock, but not more than one (1) grazing animal per acre; provided that other animals may be maintained on the Property for a limited period of time (not to exceed twelve (12) months) if the animals(s) is being maintained specifically for a 4-H or FFA project or similar recognized organization and project and provided that a Permit for such purpose has been obtained from the Director of Community Development.

#### B) Special Review Uses

Subject to approval by the City Council, and after consideration by Planning Commission and a Public Hearing before the City Council, notice of which shall be given by publication at least once at least ten (10) days prior to the Public Hearing, by posting notice on the Property at least ten (10) days prior to the Public Hearing and by ten (10) days written notice to adjoining Property owners within three-hundred (300) feet of the Property.

- 1. Golf Course;
- 2. Public and private schools dedicated to Grades K-12.
- 3. Churches provided all such buildings are located at least 25 feet from all property lines.
- 4. Large Child Care Homes.
- 5. Fire Stations.
- 6. Telecommunication facilities, including cellular towers.

#### C) Minimum Lot Area

Per single-family dwelling – 3 acres

#### D) Maximum Lot Area

Per single-family dwelling – 5 acres

#### **E)** Minimum Front Yard

All buildings – 30 feet.

#### F) Minimum Side Yard

All buildings 20 feet.

#### **G)** Minimum Rear Yard

All buildings – 20 feet.

#### **H)** Maximum Structure Height

All buildings – 35 feet

#### I) Minimum Floor Area (Excluding Basement)

1,500 square feet for each single-family dwelling.

#### SECTION 10

#### **B-1:** Business District

#### A) Uses Permitted (Revised by Ord No. 1091, Final Reading 1/5/2010)

- 1. Any use permitted in R-1, R-2, R-3 or T Districts.
- 2. Places for the conduct of any retail and service business not involving manufacturing, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises.
- 3. Signs for identification of a business or service located on the premises, provided that when free standing or projecting from a building the total surface area for all such signs located on the lot does not exceed two square feet for each lineal foot of lot abutting a public street, and not to exceed 150 square feet of surface for any one sign.

#### **B)** Minimum Front Yard

50 feet from the center line of the front street on private property.

#### C) Minimum Side Yard

None required except on a corner lot in which case the side yard will be 50 feet from the center line of the right-of-way on private property; and except where a B-1 Business District boundary and the boundary on an R-1, R-2, R-3 or R-5 Residential District coincide upon one or more lot lines, in which case a side yard of not less than 5 feet is required upon the side where the two zone boundaries coincide.

#### D) Minimum Rear Yard

All buildings -15 feet from the center line of alley, or if there is no alley -10 feet.

#### E) Minimum Off-Street Unloading Area

For permitted business uses located in a block the total land surface area of which is not, at any time, more than 50 percent covered with principal buildings – one space (10 ft. x 30 ft.) for every 3000 square feet of gross building floor area (both above and below grade) shall be provided for off-street unloading in addition to any area required to be set aside and reserved for off-street parking.

#### SECTION 11

#### **B-2:** Business District

#### A) Uses Permitted

- 1. Any use permitted in R-1, R-2, R-3 or T and B-1 Districts provided all single-family dwellings are subjected to the limitations and conditions specified for such use in the R-1 District; all two-family dwellings are subject to the limitations and conditions specified for such use in the R-2 District; and all multiple-family dwellings, churches, hospitals and schools, boarding and rooming houses, rest homes, convalescent homes and nursing homes are subject to the limitations and conditions specified for such use in the R-3 District; and all T and B-1 uses are subject to all the limitations and conditions specified for such use in the B-1 District.
- 2. Any commercial, servicing or manufacturing operation from which no unusual or objectionable amount of dust, smoke, fumes, gas, noxious odor or noise is normally disseminated beyond the boundaries of the lot on which such use is located.
- 3. Drive-in theaters.

#### **B)** Minimum Front Yard

50 feet from the center line of the front street on private property.

#### C) Minimum Side Yard

None required except on a corner lot in which case the side yard will be 50 feet from the center line of the side street on private property; and except where a B-2 Business District boundary and the boundary of an R-1, R-2, R-3 or R-5 Residential District coincide upon one or more lot lines, in which case a side yard of not less than 5 feet is required upon the side where the two zone boundaries coincide.

#### D) Minimum Rear Yard

All buildings -15 feet from center line of alley, or if there is no alley -10 feet.

#### E) Minimum Off-Street Unloading Area

For all permitted business uses located in a block the total land surface area of which is not, at the time, more than 50 percent covered with principal buildings – one space (10 ft. x 30 ft.) for every 3000 square feet of gross building floor area (both above and below grade) shall be provided for off-street unloading, in addition to any area required to be set aside for off-street parking.

#### SECTION 12

#### **UA:** Urban Agricultural District

#### A) Uses Permitted

- 1. Any use permitted in any other zoning district of the city, provided that any such use shall be subject to all limitations and conditions specified for such use in those districts; provided that farm outbuildings, not use for the direct wholesaling or retailing of agricultural products, shall not be considered to require off-street parking or unloading spaces.
- 2. Farm and garden buildings and uses, except commercial feed yards, and commercial structures and corrals to hold or fatten animals for slaughter, provided that any accessory building, outhouse, corral, coop, hutch, stable, shop, shed or building to be used in connection therewith shall be located not nearer than 50 feet from any public park or school, or any street or highway abutting such property.

#### **B)** Minimum Front Yard

Except as provided in paragraph A, above, 75 feet from the center line of the street.

#### **SECTION 13**

#### **I: Industrial District**

#### A) Uses Permitted

- 1. Any use permitted in the R-1, R-2, R-3, T, B-2 Districts, except dwellings, boarding and rooming houses, hotels, motels, trailer courts, hospitals, rest homes, convalescent homes, nursing homes and churches, provided any such permitted uses are subject to all limitations and conditions specified for such use in those districts.
- 2. Any other use not otherwise prohibited by law, provided however that none of the following shall be established unless approved by City Council.
  - a) Smelting of ores.
  - b) Manufacture of explosives.
  - c) Garbage, offal or dead animal dumping or reduction operations.
  - d) Petroleum refining; chemical or fertilizer plants; LPG, gasoline or fuel oil bulk plants.
- 3. Adult Businesses.

#### **B)** Minimum Front Yard

50 feet from the center line of the front street providing no structures to be constructed in the public right-of-way.

#### C) Minimum Rear Yard

10 feet, which may include one-half the width of the alley, or if there is no alley -10 feet.

#### D) Minimum Off-Street Unloading Area

For all permitted business or industrial uses – one space (10 ft. x 30 ft.) for every 3000 square feet of gross building floor area (both above and below grade) shall be provided for off-street unloading in addition to any are required to be set aside for off-street parking.

#### **SECTION 14**

#### **Supplemental Regulations**

Regulations specified in the other sections of this code shall be subject to the following specific requirements, limitation, interpretations and exceptions:

#### A) Uses Permitted

- 1. <u>Illumination of Uses</u> -Any light used to illuminate signs, parking areas, or for any other purposes shall be so arranged as to reflect the light away from nearby residential properties, and away from the vision of passing motorists.
- 2. <u>Alley Houses or Businesses</u> No dwelling or business shall front on an alley. No dwelling or business shall be located on the back of any interior lot having a dwelling or business on the front of said lot unless both buildings shall be provided with a permanent, unrestricted vehicular access to the street with sufficient space to enter and leave the premises without resort to the use of an alley for such purposes and without backing from an interior building to the street.
- 3. <u>Front Yard Structures</u> No business building or structure accessory to the main use of any premises as a residence shall be constructed or used within any portion of the front yard of the residential use in excess of ten days within any year.

#### **B)** Minimum Lot Area

- 1. <u>Small Lots</u> Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded on or before April 16, 1957, and has less area than required in other sections of this code, such lot may be occupied according to the permitted uses provided for the district in which such lots is located.
- 2. <u>Reduction</u> No part of an area required for a lot for the purpose of complying with the provisions of this code shall be included as an area required for another building.

#### C) Minimum Yards

- 1. <u>Reduction</u> No part of a yard required for any building for the purpose of complying with the provisions of this code shall be included as a yard for another building, and all yards shall be open and unobstructed except as otherwise provided herein.
- 2. <u>Common Walls</u> For yard requirements for multiple-family dwellings or row houses or condominium dwellings or business structures or "townhouse" units constructed immediately

adjacent to one another sharing one or more common walls, applicable yard requirements shall be applied to front, side and rear of the overall structural complex, and the total building made up by the individual units shall be held to the yard requirements specified for the applicable zone, the same as any other dwelling of business structure.

- 3. <u>Architectural Features</u> Cornices, canopies, eaves or similar architectural features and bricked or fire protected chimneys may extend into a required yard not more than two feet.
- 4. <u>Open Stoops</u> Open, unenclosed, uncovered stoops and terraces at foundation level may extend into a required yard, front or rear, not more than six feet.
- 5. <u>Roofed Stoops</u> Porches or stoops or terraces with roofs, with or without side enclosures of screen, glass, etc., may not extend into any required yard.
- 6. <u>Fire Escapes</u> Fire stairs or fire escapes may extend into a required yard not more than five feet.

#### D) Minimum Front Yard – Developed Area

Where lots comprising 50 percent or more of the frontage on one side of a street between intersection streets have been improved with buildings, the average front yard of such buildings shall be the minimum front yard required for all new construction in such block.

#### E) Minimum Side Yard – Corner Lots

- 1. <u>Reversed Corner Lots</u> The side yard along the street side of a reversed corner lot shall be less than the required front yard for principal buildings and accessory buildings along such side street.
- 2. <u>All Other Corner Lots</u> 15 feet, except where no side yard is required in a zone for the permitted use.

#### F) Minimum Rear Yard – Accessory Buildings

Permitted accessory buildings may be located in the required rear yard for a principle building, so long as no part of the accessory building is closer than 5 feet to the principal building.

#### **G)** Minimum Off-Street Parking

#### 1. Requirements for Uses:

The following number of off-street parking spaces shall be required with the construction of or addition to any of the following buildings or uses:

<u>Use</u>	Parking Requirements
One-family or two-family dwellings or multiple-family dwellings, mobile homes (except for housing for the elderly)	Two spaces per dwelling unit
Multiple-family residential units used solely for the elderly or for handicapped persons	One-half space per dwelling unit
Hotels, Motels, rooming houses, boarding houses and tourist homes	One space per unit
Churches	One space for every 5 seats in the principal place of assembly
Hospitals	Two parking spaces per bed
Medical and dental clinics	One space for every 200 square feet of floor area
Retail business and commercial uses	One space for every 300 square feet of floor area
Professional offices	One space for every 250 square feet of floor area
Wholesale commercial uses and warehouses	One space for every 1,000 square feet of floor area
Industrial or manufacturing activities (excluding offices)	One space for every 450 square feet of floor area
Nursing homes	One parking space for every 2 beds
Theaters, auditoriums, or other places of assembly	One space for every 5 seats in the principal place of assembly

<u>Use</u> <u>Parking Requirements</u>

Day Care Center One parking space for each five (5) Children

who can be accommodated at the Center

Public or private schools – Elementary Two spaces for each classroom

Junior High Two spaces for each classroom

Senior High One space for each 3 seats in the auditorium

or principal place of assembly or one space for each 250 square feet of classroom area,

whichever is most

Indoor restaurants One space for every 100 square feet of floor

area

Drive-in or fast food restaurants

One space for every 200 square feet of floor

area

Colleges or universities One space for each 250 square feet of

classroom area

Places of amusement or recreation (not

including theaters or auditoriums)

One space for every 200 square feet of floor

area

Small animal hospitals and clinics

One space for every 300 square feet of floor

area

Membership clubs

One space for every 300 square feet of floor

area

Medical laboratories One space for every 450 square feet of floor

area

Mobile home parks and communities Two spaces per dwelling unit

Motor vehicle sales and service

Ten percent of total land area devoted to the

business will be reserved for off-street

parking

Banks, savings and loan, and finance

companies

One space for every 250 square feet of floor area; except when a drive-up banking

facility is provided, required spaces will be

reduced by 30 percent

One space for every 250 square feet of floor area facilities

When one building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The minimum number of parking spaces required for the building shall be the sum of the requirements for each separate use.

- 2. <u>Space</u> Each off-street parking space shall be at least 9 feet wide and 18 feet long and 7 feet high, and each parking space shall be provided with an unencumbered entrance and exit from and to a street or alley by way of such driving aisle or passageway as is necessary for such purpose. Each such parking space shall consist of a net area available for parking after deducting that portion of land devoted to parking area used for an entrance, and exit, or a driving aisle or passageway, and space, which by reason of its size or shape, or for any other reason is not available for parking.
- 3. <u>Location</u> An area devoted to off-street parking shall be located (at its nearest point) within 100 feet of the principal building in any R (Residential) and T (Transitional) District and off-street parking shall be located within 300 feet of the principal building in any B (Business) and I (Industrial) District. Except for multi-family dwellings with more than four (4) residential units constructed before 1983, such off-street parking shall be surfaced with brick pavers, concrete, asphalt, crushed asphalt or crushed rock not more than 3/4" in diameter and a minimum of 3" in depth bordered by a driveway or sidewalk or other provision for containment of such crushed asphalt or crushed rock, properly drained and maintained in a dust free and weed free condition in all such Residential Zoning Districts; or for multi-family dwellings with more than four (4) residential units constructed before 1983, or in a B (Business), I (Industrial) T (Transitional) District, off-street parking may also be surfaced with gravel, be properly drained and maintained weed free.

Required off-street parking for single-family, two-family and multiple family dwellings shall not be located in the front or side yards of the residence, except for the driveway or unless a variance for additional surfaced parking in the front or side yard has been granted by the Board of Adjustment as hereinafter provided. Driveways may be counted toward the second required off-street parking space for single-family dwellings which have a single-car or two-car garage and for guest parking for all single-family and two-family uses, as long as the space is the full length of eighteen (18) feet and does not encroach upon the adjacent ("additional surfaced parking") may be granted under the following circumstances:

- a) The original construction of the single or two-family dwelling provided only a single-car garage or two-car garage and driveway for each dwelling unit;
- b) The additional surfaced parking area is the minimum size necessary to park a standard size automobile and can be placed reasonably adjacent to the existing driveway;
- c) The total front yard parking area, including the additional surfaced parking, shall not exceed 50% of the total front yard;

- d) Materials suitable for "additional surfaced parking" areas shall include and be limited to brick pavers, concrete, asphalt, crushed asphalt and crushed rock not more than ¾" in diameter and a minimum 3" in depth, properly drained and maintained in a dust free and weed free condition;
- e) The additional surfaced parking shall be located nearest to and parallel to the existing driveway to the side of the driveway away from the principal residential use and perpendicular to or at no greater than a forty-five degree angle to the street from which it is accessed; any parking on the additional surfaced parking area shall not prevent persons from having an unobstructed view of all traffic approaching an intersection and neither the vehicle or any attachments thereto, including hitches or other equipment, may extend over the sidewalk or any part of the public right-of-way;
- f) Such additional surfaced parking shall have adequate access to a street or alley; any requirement for a curb cut for additional surfaced parking shall be determined by the Superintendent of Public Works or his designee and, if required, a permit for the curb cut must be obtained from the City Department of Public Works.
- g) The Public Works Department has determined that the additional surfaced parking will not detrimentally impact lot drainage; and,
- h) The applicant has applied for and obtained all related construction and zoning permits from the City for the intended construction.
- 4. <u>Parking Plans</u> When off-street parking areas and off-street unloading zones are required, a plot plan, drawn to scale, accurately depicting the area to be allotted to parking and unloading zones, shall be filed with the City. The plot plan shall contain the following information:
  - a) Diagram of parking spaces and unloading zones.
  - b) Details of entrances, exits, aisles, and flow patterns.
  - c) Location of and dimensional date for the structure for which off-street parking and unloading zones are required.

#### 5. Reduction

- a) No part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this code shall be included as a part of an off-street parking space similarly required for another building or use.
- b) No part of the off-street parking space require for any building or use for the purpose of complying with the provisions of this code shall be built upon, sold separately away from, or used for any purpose except parking.

- c) The off-street parking requirements of this code shall apply only to buildings and uses newly constructed, extended or more than 75 percent restored after October 18, 1983, and shall not apply to buildings lawfully repaired or improved where no increase of floor area exists.
- 6. <u>Exception</u> The foregoing requirements for off-street parking spaces shall not be applicable in the case of the construction, establishment or location of a business use in a B-1 or B-2 Business District in a block the total land surface area of which is, at the time, more than fifty percent covered by principal buildings.

#### **H)** Special Interior Lots

Any dwelling or accessory building located on an interior lot which fronts or abuts a "street" or "avenue" along the short dimension of a block shall have the following special yard requirements:

Minimum front yard -15 feet from the front lot line and not less than 25 feet from the curb line.

Minimum side yard – 5 feet or 10 feet from the nearest dwelling, whichever is most.

Minimum rear yard – 5 feet or 10 feet from the nearest dwelling, whichever is most.

#### I) Reversed Corner Lots and Specialty Improved Corner Lots

A corner lot upon which a dwelling or accessory building fronts the side street or avenue along the short dimension of a block shall be considered to be that lot line which abuts the street or avenue along the short dimension of the block, regardless of the dimension of the lot.

Minimum front yard – 15 feet from the front lot line and not less than 25 feet from the curb line. The front lot line shall be considered to be that lot line which abuts the street or avenue along the short dimension of the block, regardless of the dimension of the lot.

Minimum side yard – the exterior side yard, or that side yard abutting the street or avenue along the long dimensions of the block shall be not less than the required front yard for principal buildings and accessory buildings along such street or avenue. The other, or interior side yard shall be 5 feet from the side lot line or 10 feet from the nearest dwelling or 20 feet from the nearest line of an alleyway, whichever is most. The side lot lines shall be considered to be that lot line abutting the street or avenue along the long dimensions of the block and the other lot line most nearly parallel to it, regardless of the dimensions of the lot.

Minimum rear yard – 5 feet or 10 feet from the nearest dwelling whichever is most.

#### **SECTION 14A – SITE PLAN REVIEW**

(Adopted by Motion: April 1, 2008)

#### Sec. 14A-01. Purpose.

The purpose of this Article is to assure at the time of developmental planning compliance with the Comprehensive Plan and City requirements as well as the on and off-site impacts of the proposed development in relation to storm drainage capacity and design, provision of an adequate water supply and sanitary wastewater disposal systems and other public utilities, accessibility to and circulation upon the site for vehicular and pedestrian traffic, off-street parking and unloading, and other site and structural design elements that would result in use and activity upon the lot or parcel which may have an adverse effect upon the public health, safety and general welfare of the surrounding area if not properly evaluated prior to development or construction.

**NOTE:** The City of Fort Morgan has adopted the 2003 International Building Code(s) and the 2005 National Electric Code.

#### Sec. 14A-02. Uses requiring Site Plan Review.

The following land uses, buildings and structures require Site Plan Review and approval:

- (1) All residential subdivisions containing five (5) or more dwelling units.
- (2) All multi-family dwellings containing five (5) or more dwelling units.
- (3) Building conversion from commercial to residential ground floor apartments.
- (4) All principal nonresidential buildings or structures permitted in any residential district.
- (5) Communication towers.
- (6) All commercial buildings and uses.
- (7) All industrial buildings and uses.
- (8) All conditional uses.
- (9) All minerals or other natural resource extraction operations.
- (10) See Section 14A-20 for uses requiring sketch plan approval.

#### Sec. 14A-03. Prohibitions prior to Site Plan Approval.

The following practices are prohibited for any development for which Site Plan approval is required, until a Site Plan is approved and is in effect. Any violation of this prohibition shall be subject to the legal and administrative procedures and penalties cited in Section 14A-19.

(1) Grading activities which; changes the elevation of the site, alter the drainage pattern(s) of the site, increase storm water runoff, cause or are likely to cause soil erosion.

- (2) Removal of vegetation which form a visual buffer or have been identified by the City Staff to be aesthetically significant, but in no case shall trees larger than eight (8) inches in diameter be removed prior to approval.
- (3) Start of any construction activities(s) that are part of a new development for which a Site Plan is required. Such activities include but are not limited to; building of access roads or driveways, demolition of existing structures, excavation for foundations, placement of pavement, pouring of concrete, construction of curb cuts, placement of exterior signage, extension or upgrade of sewer or water lines, placement of sidewalks, and building additions.
- (4) Exceptions may be granted to allow access for surveying and soil testing equipment, removal or cleanup of contaminated areas of the sites, removal of dead or diseased vegetation or removal of blight conditions.

#### Sec. 14A-04. Pre-Application Conference; Staff.

Prior to the submission of an application, a preapplication conference shall be held between the Applicant and the planning/building department to discuss the proposed development, submittal requirements and procedures, the requirements of this code and the Comprehensive Plan and other applicable matters.

#### Sec. 14A-05. Same-Planning Commission.

A Pre-application Conference may be held with the Planning Commission for the purpose of establishing general guidelines and eliciting feedback from the members of the Planning Commission regarding specific questions or problem areas. The Pre-application Conference is a vehicle intended to provide the Applicant with general guidance prior to the expenditure of large amounts of time and capital in the planning effort. Pre-application Conferences shall be scheduled and heard at regular or special Planning Commission public meetings.

#### Sec. 14A-06. Application for Site Plan Approval.

Any person having as legal ownership interest in a lot may apply for Site Plan Approval by filing completed forms, paying fees as required and submitting four (4) copies of the Site Plan to the Community Development Director at least fifteen (15) days prior to the date of the Planning Commission Public Hearing.

#### Sec. 14A-07. Information required with or on the Site Plan.

- A. Each Site Plan submitted for review shall be of high quality and clearly convey the information required. An acceptable level of quality will generally be produced by following the guidelines below:
  - (1) Be printed in ink or other permanent means.
  - (2) Have a border along the perimeter of the drawing and a title block located in the lower right corner.
  - (3) Be neat, orderly, uncongested, and legible.

- (4) Lines shall be drawn with straight edges, curves and irregular shapes shall be drawn with compass, template, or other devices common to the drafting industry. Lettering shall be neat and orderly such as that produced from a lettering guide.
- (5) Computer generated drawings are acceptable provided they meet the general quality standards stated in this Section.
- B. For lots smaller than twenty thousand (20,000) square feet, scale shall not exceed one (1) inch to ten (10) feet. For lots from twenty thousand (20,000) square feet to two (2) acres, scale shall not exceed one (1) inch to twenty (20) feet. For lots greater than two (2) acres, allowable scale shall be determined by the Community Development Director. Each Site Plan shall provide the following information, unless waived by the Planning Commission:
  - (1) Scale, north arrow, name and date of plan; dates of revisions thereto.
  - (2) Name and address of property owner and Applicant; and the name and address of the developer.
  - (3) The Applicant's ownership interest in the property, and if the Applicant is not the fee simple owner, a signed authorization from the owner(s) for the application.
  - (4) Name and address of designer. A Site Plan may be prepared by the Applicant. It is recommended, however, that it be prepared by a Professional Community Planner, Engineer, Architect, Landscape Architect, or Land Surveyor registered in the State of Colorado.
  - (5) A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be based upon a boundary survey prepared by a Registered Land Surveyor and shall correlate with the legal description.
  - (6) Existing topography with a minimum contour interval of two (2) feet may be required by the Community Development Director or Planning Commission.
  - (7) Existing natural features such as trees; wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed.
  - (8) Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches with their elevations and drainage directions, bridges, culverts; clear indication of all improvements to remain and to be removed.
  - (9) General description of deed restrictions, protective covenants or other legal agreements or encumbrances upon the property.
  - (10) Owner, use, and zoning classification of adjacent properties; location and outline of buildings; drives, parking lots, and other improvements on adjacent properties.
  - (11) The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site, if applicable. A written description of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights, and

- how the nuisance shall be controlled may be required for heavy commercial and industrial uses.
- (12) Existing public utilities on or serving the property, location and size of water lines and hydrants; location, size and inverts of sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of well, septic tanks and drain fields (if applicable).
- (13) Names and rights-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property.
- (14) Zoning classification of the subject property; total ground floor area and (all) floor area. In the case of residential units, the plan shall note dwelling unit density, and a schedule of the number, size and type of dwelling units.
- (15) Finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required may be required by the Community Development Director or Planning Commission. All finished contour lines are to be connected to existing contour lines at or before the property lines.
- (16) Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or lines to a common base point; distances between buildings; height in feet and number of stories; finished floor elevations; ground grade elevation; and all required setbacks.
- (17) Location and alignment of all proposed streets and drives; rights-of-way where applicable, (shall meet City standards) and typical cross-section of same showing surface, base, and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details; location, width, surface elevations and grades of all entries and exits and curve radii.
- (18) Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots. Typical cross-section showing surface, base, and sub-base materials may be required. Include areas devoted to snow storage.
- (19) Location and size of proposed improvements of open space and recreation areas, and statement on proposed maintenance provisions for such areas.
- (20) Location, width, and surface of proposed sidewalks and pedestrian ways.
- (21) Location, height and type of proposed screens and fences.
- (22) Location, height and type of proposed outdoor trash container enclosures.
- (23) Location, type, size, area, and height of proposed signs.
- (24) Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electric City and telephone poles and wires; location and size of surface mounted equipment for electric City and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Health Department, and/or another appropriate agency shall be submitted.

- (25) Size and name of plant materials.
- (26) Description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations, if required by the appropriate City Staff.
- (27) Location of proposed retaining walls.
- (28) Location, type, direction and intensity of lighting.
- (29) Right-of-way expansion where applicable; reservation of dedication of right-of-ways to be clearly noted.
- (30) The planned number of people to be employed.
- (31) Additional information may be required by the Community Development Director or Planning Commission.

#### Sec. 14A-08. Public Hearing Requirement.

Prior to voting on a final Site Plan, the Planning Commission shall hold a Public Hearing so as to facilitate public review and understanding of the development proposed. Notice of the date, time, location and subject matter of the Public Hearing shall be published in a newspaper of general circulation in the City not less than ten (10) days before the actual hearing date as established by the Community Development Director.

#### Sec. 14A-09. Standards for Site Plan Review.

In reviewing the Site Plan, the Planning Commission shall determine that the following standards are observed:

- (1) All required information has been provided and is presented as noted in the quality standards referenced in Section 14A-07.
- (2) The proposed development conforms to all regulations of the zoning district in which it is located.
- (3) The Applicant may legally apply for Site Plan Review.
- (4) The plan meets the requirements of the City for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
- (5) Soils not suited for development will be protected or altered in an acceptable manner.
- (6) The proposed development will not cause erosion or sedimentation problems.
- (7) The proposed development does not illegally impinge upon established flood plains located on or near the subject property.
- (8) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or the overloading of water courses in the area.
- (9) The proposed development is coordinated with public improvements serving the subject property and with the other developments in the general vicinity.
- (10) Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.

- (11) Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (12) Grading or filling will not adversely affect the adjacent or neighboring properties.
- (13) Vehicular and pedestrian traffic within the site as well as to and from the site are both convenient and safe.
- (14) Parking layout will not adversely affect the flow of traffic within the site or impede access to and from the adjacent streets and adjacent properties and snow storage area has been provided to equal ten (10) percent of total parking area.
- (15) The plan meets the required standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained. The Planning Commission may condition approval of the Site Plan contingent on the Applicant presenting approval to appropriate City Staff.
- (16) The plan provides for the proper continuation and expansion of existing public streets and utilities serving the site, where applicable.
- (17) All phased developments are to be constructed in a logical sequence so that any individual phase will not depend in anyway upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- (18) When required, landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a continued maintenance of any use to which they are appurtenant.
- (19) The Planning Commission shall have some latitude in specifying the walls, fences and greenbelts.
- (20) The proposed site must be in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound City and Site Planning.
- (21) Adequate assurances have been received from the Applicant so that clearing the site of topsoil, trees and other natural features before the commencement of building operations; will occur only in those areas approved for the construction of physical improvements.
- (22) The development will not substantially decrease the volume of natural water supply at other locations.
- (23) The development will not, as much as practically possible, detrimentally affect or destroy natural features such as, ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.
- (24) All development must be in accordance with the Comprehensive Plan.
- (25) There shall be room allotted for an alternate tile field on each lot or parcel approved to have a septic tank.

#### Sec. 14A-10. Planning Commission Action.

A. The Planning Commission shall study the Site Plan and shall, within sixty (60) days of the filing date upon which it appears on the Planning Commission Agenda (if the

- submitted application is complete), make its recommendation to approve or reject the Site Plan. This time limit may be extended upon mutual agreement between the Applicant and the Planning Commission.
- B. The Planning Commission may require such changes (conditions) in the proposed Site Plan as are needed to gain approval.
- C. The Planning Commission may attach reasonable conditions to its approval.
- D. The Planning Commission shall include in its study of the Site Plan consultation with the Community Development Director and other government officials, departments, and public utility companies that might have an interest in or be affected by the proposed development.
- E. Upon Planning Commission approval of a Site Plan, the Applicant, the owner(s) of record, or the legal representative thereof, the Planning Commission chairman and the Community Development Director shall each sign one (1) copy of the approved Site Plan. Said copy shall become the "official record," and shall be retained in the Planning Commission's files.
- F. The Planning Commission shall notify the Applicant in writing of its recommendations and the reasons therefore within ten (10) days following the action.

## Sec. 14A-11. Expiration of Site Plan Approval.

- A. Approval of a Site Plan shall expire and be of no effect unless a building permit has been issued within one year of the date of the Planning Commission approval of the Site Plan. Approval of a Site Plan shall expire and be of no effect two (2) years following the date of Planning Commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved Site Plan.
- B. In the case of a phased development, individual Site Plans shall be submitted and approved for the initial development phase and, in turn, for each subsequent phase of development.
- C. If any approved Site Plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of this Article have been satisfied. An extension may be granted by the Planning Commission for just cause.

## Sec. 14A-12. Amendment of Approved Site Plan.

A. A development may request a change in an Approved Site Plan. A change in an Approved Site Plan which results in a major change, as defined in this Section, shall require approval by the Planning Commission. All amendments shall follow the

procedures and conditions herein required for original plan submittal and review. A change which results in a minor change as defined in this Section shall require a revision by the Planning Commission to the Approved Plan.

- B. The Planning Commission shall have the authority to determine whether a requested change is major or minor in accordance with this Section. The burden shall be on the Applicant to show good cause for any requested change.
- C. Changes to be considered major (i.e., those for which an amendment is required) shall include one or more of the following:
  - (1) A change in the original concept of the development.
  - (2) A change in the original use or character of the development.
  - (3) A change in the type of dwelling unit as identified on the approved Site Plan.
  - (4) An increase in the number of dwelling units of ten (10) percent or more, or over five thousand (5,000) square feet of gross floor area of the ground floor, whichever is less.
  - (5) An increase in nonresidential floor area of twenty (20) percent or more, or over five thousand (5,000) square feet of the gross area of the ground floor, whichever is less.
  - (6) Rearrangement of lots, blocks, and building tracts.
  - (7) A change in the character or function of any street.
  - (8) A reduction in the amount of land area set aside for common space or the relocation of such area(s).
  - (9) An increase in building height.
- D. Minor changes may be approved by the Planning Commission. The Planning Commission shall consult with appropriate City Officials (e.g. Building Inspector, City Engineer, and Public Safety Director) or Consulting Professional personnel where appropriate. If given authority to approve minor changes, the Community Development Director may refer the matter to the Planning Commission if in his/her opinion the Planning Commission should be consulted. A maximum of one minor change per project may be approved. Minor changes shall include the following:
  - (1) A change in residential floor area, of less than ten (10) percent not to exceed five thousand (5,000) square feet pertaining to gross floor area of the ground floor.
  - (2) An increase in nonresidential floor area less than twenty (20) percent, not to exceed five thousand (5,000) square feet pertaining to gross floor area of the ground floor.
  - (3) Building additions up to five thousand (5,000) square feet that do not modify any other site characteristics such as parking, traffic circulation and drainage.
  - (4) Minor variations in layout of the building or site which do not constitute major changes.

E. The revised drawings, as approved, shall each be signed by the petitioner and the owner(s) of said property in question.

## Sec. 14A-13. Modification of Plan during Construction.

All Site Improvements shall conform to the approved Site Plan, including Engineering drawings approved by the Planning Commission. If the Applicant makes any changes during construction in the development in relation to the approved Site Plan, such changes shall be made at the Applicant's risk without any assurances that the Planning Commission or any other agency will approve the changes. The Applicant may be required to correct the unapproved changes so as to conform to the Approved Site Plan.

## Sec. 14A-14. As-Built Drawings

The following requirements shall prevail for all as-built drawings to be provided to the Community Development Director:

- A. The Applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtances which were installed on a site for which a Final Site Plan was approved. The drawings shall be submitted to the City Engineer prior to the release of any performance guarantee or part thereof covering such installation.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work completed within a public right-of-way and public utility easements as actually installed and field verified by a Professional Engineer or a representative thereof. The drawing shall be identified as as-built drawings in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional community planner, Engineer, Architect, Landscape Architect or Land Surveyor.

## Sec. 14A-15. Phasing of Development.

The Applicant may divide the proposed development into two or more phases. In such case each phase-specific Site Plan shall cover only that portion of the property involved. A Final Site Plan shall be submitted for review and approval for each phase.

## Sec. 14A-16. Inspection.

The Community Development Director or designee shall be responsible for inspecting all improvements for conformance with the approved Final Site Plan. All sub-grade

improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering. The Applicant shall be responsible for requesting the necessary inspections. The Community Development Director shall obtain inspection assistance from the appropriate City Official and Consulting Professional personnel where appropriate.

#### Sec. 14A-17. Guarantees.

- A. Guarantees as required by the City shall be provided by the Applicant to the office of the City Treasurer. The Guarantee shall be provided after a Final Site Plan is approved; the Guarantee shall cover all aspects of site improvements shown on the approved Final Site Plan, including buildings, streets, drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities for a period of one (1) year after acceptance by the City.
- B. The Applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the City Engineer and/or Community Development Director. The form of the Guarantee must be approved by the City Attorney.
- C. If the Applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the Guarantee, the City shall have the authority to have such work completed. The City Treasurer may reimburse the City for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the Bonding Company.
- D. The City Treasurer shall determine the means by rebating portions of the deposit in proportion to the amount of work completed on the required improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been completed before any rebate shall be made.

#### Sec. 14A-18. Fees.

Fees for the review of Site Plans and inspections as required by this Article shall be established and may be amended by Resolution of the City Commission.

Fees may also be assessed by the Planning Commission for the review of Site Plans and construction drawings by a qualified Engineering and/or Architectural Firm. Said fees will be placed in an escrow account with the City Treasurer, from which all reasonable and necessary amounts will be deducted (approved by the Planning Commission). Upon Final Approval of the Site Plan, all unused portions of the monies in escrow will be returned to the Applicant.

#### Sec. 14A-19. Enforcement.

A. The Building Inspector shall not issue a building permit for any use requiring Site Plan approval until a Site Plan has been approved by the Planning Commission.

The Building Inspector also reserves the right to issue a stop work order on any and all building projects (Fort Morgan Municipal Code).

B. The Building Inspector shall not issue a Certificate of Occupancy until all site improvements shown on the Site Plan have been completed as verified by the Community Development Director or a financial guarantee for the improvements has been secured by the City in accordance with Section 14A-17.

### Sec. 14A-20. Sketch Plans.

- A. The following uses, buildings and structures shall require only a sketch plan as approved by the Planning Commission:
  - (1) Farm buildings.
  - (2) Building additions of twenty (20) percent or less of the existing building not to exceed five thousand (5,000) square feet for buildings requiring Site Plan approval, provided that no more than four additional parking spaces will be required or provided. Measurements shall be made based on gross floor area of the ground floor area.
  - (3) Building additions up to five thousand (5,000) square feet that do not modify any other site characteristics such as parking, traffic circulation and drainage.
  - (4) Multi-family dwellings containing three (3) to four (4) dwelling units.
  - (5) All parking lots or additions thereto containing five (5) or more spaces.
- B. The following information shall be provided on all sketch plans:
  - (1) Scale, north arrow, name and date of plan; dates of revisions thereto;
  - (2) Name and address of property owner and Applicant and the name and address of developer and designer;
  - (3) The Applicant's ownership interest in the property and, if the Applicant is not the fee simple owner, a signed authorization from the owner for the application;
  - (4) Legal description of the property, dimensions and lot area;
  - (5) Existing buildings, structures and other improvements with a clear indication of all improvements to remain and to be removed;
  - (6) Use and zoning classification of adjacent properties;
  - (7) Names and rights-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property;
  - (8) Zoning classification of the subject property and total ground floor area.
  - (9) Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines; distances between buildings; height in feet and number of stories; and all required setbacks;
  - (10) Location and dimensions of proposed parking lots, numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; angle of spaces; and areas reserved for storage of snow;
  - (11) Location, type and size of other improvements such as sidewalks, fencing and screening, outdoor trash containers, signage and landscaping.

- (12) Additional information may be required by the Community Development Director.
- C. No Public Hearing shall be required.
- D. The Planning Commission shall consult with appropriate City Officials (e.g. Building Inspector, City Engineer, and Public Safety Director) or Consulting Professional personnel where appropriate.
- E. If given the authority to approve sketch plans, the Community Development Director may refer the matter to the Planning Commission if in his/her opinion the Planning Commission should be consulted.

#### Sec. 14A-21. Violations.

The approved Site Plan shall become part of the record of approval; and subsequent action relative to the site in question shall be consistent with said approved Site Plan, unless the pertinent administrative body agrees to such changes as are provided for in this Article. Any violations of the provisions of this Article, including any improvement not in conformance with the approved Final Site Plan, shall be deemed a violation of this ordinance as provided in Section 14A-19, and subject to all penalties specified therein.

## Sec. 14A-22. Delegation of Authority.

The Planning Commission may delegate in part or whole the powers and authority granted to the Planning Commission to the Community Development Director. Delegation of authority shall be done by Resolution passed by a majority vote of the entire Planning Commission Membership. The Planning Commission may at any time alter its delegation of authority by passage of a subsequent resolution.

## **Non-Conforming Uses**

## A) Repairs and Maintenance

Ordinary repairs and routine maintenance or a non-conforming building shall be permitted.

#### B) Restoration

A non-conforming building which has been not more than 75 percent damaged or destroyed by fire or other causes may be restored to its original condition, provided such work is commenced within one year of such calamity.

## C) Minor Remodeling

A non-conforming building may be renovated or remodeled provided that no dimensional changes to the structure be made except in compliance with paragraph F of this section.

#### D) Abandonment

Whenever a non-conforming use has been discontinued for a period of six months, such use shall not thereafter be re-established, and any future use shall be in accordance with the provisions of this code.

#### E) Change in Use

A non-conforming use shall not be changed to a use of lower, or less restrictive classification; such non-conforming use may, however, be changed to another use of the same or higher classification.

#### F) Extensions

With the following exceptions, a non-conforming use shall not be enlarged or extended, nor shall it be relocated on the lot which it occupies:

1. A non-conforming building constructed prior to April 16, 1957, which is non-conforming merely in that it does not comply with the regulations of the zoning district as to lot area and size, size and bulk of the building, or as to location of the building upon the lot, may be altered or extended if such alteration or extension complies with such regulations and the same does not create any other new or different non-conformity with the provisions of this code.

2. A non-conforming building constructed prior to April 16, 1957, which is non-conforming merely because of an insufficient front, side or rear yard, may be extended upon its existing building lines adjacent to such yard, provided that any such existing line extends into the required yard no more than one foot; and provided, further, that such extension does not create any other new or different non-conformity with the provisions of this code.

The location of a conforming use in a non-conforming building shall be permitted, provided that there be no extension of the non-conforming building, except as permitted by this section.

#### **G)** Division or Reduction of Lot

No lot shall be reduced in area, or otherwise, or ownership of the land or of any building thereon divided so that a non-conforming use or building is created in violation of the provisions of this code.

### **SECTION 16**

## **Zoning Board of Appeals**

### A) Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this code and in accordance with the public interest and the most appropriate development of the area.

- 1. To hear and decide appeals from and review any order, requirements, decisions or determination made by an administrative official and body charged with enforcement of the regulations established by this code.
- 2. To hear and decide requests for variances as referred to such Board.

In considering any variance to zoning requirements, the applicant and the Zoning Board of Appeals must bear in mind the legal and factual propositions that unless great caution is used and variances are granted only in proper cases, the whole fabric of city-wide zoning will be worn through in spots and raveled at the edges until its purpose in protecting the property values and securing the orderly development of the community is completely thwarted. For this reason, variances to allow non-conforming uses should be granted only sparingly and with great caution since they tend to impair sound zoning.

The applicant or proponent of any zoning variance carries the burden of proving that the granting of the variance is justified by reasons which are substantial, serious and compelling, and must be prepared to satisfy the Zoning Board of Appeals of the following:

- 1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
- 2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- 3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
- 4. The granting of the variance will not be detrimental to the public health, safety or welfare and will not alter the essential character of the neighborhood.
- 5. The applicant cannot derive a reasonable use of the property without a variance; and
- 6. The variance will not be injurious to the adjacent properties or improvements.

In granting a variance, the Board may attach conditions necessary to protect affected property owners and to preserve the intent of this code.

#### B) Procedure

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals with the following special conditions required:

- 1. A notice of said hearing shall be published once in a newspaper of general circulation within the city at least 10 days prior to the hearing date.
- 2. For applications for variances for the purpose of establishing a use in a particular zoning district where such use is not a "permitted use' in such district, a written notice of said hearing shall be sent by first-class mail at least 7 days prior to the hearing date, to owners of property within 300 feet of the property in question.
- 3. For applications for variances not relating to the use requirements of this code of zoning regulations, a written notice of said hearing shall be sent by first-class mail at least 7 days prior to the hearing date to owners of property adjacent to the property in question.
- 4. For applications for variances, a fee to cover the cost of advertising and processing, in such amount as is from time to time established by resolution of the City Council, shall be charged and collected at the time of filing any such application.
- 5. Unless otherwise stated in the Zoning Board of Appeals minutes, all variances must be implemented within six months from date such variance is granted. If the variance is not to be fully implemented or construction is not to be completed by the time of the expiration of the variance, additional time may be granted by the Board upon request submitted in writing.

## **Amendments**

The provisions of the zoning code and the zoning district map may, from time to time, be amended, supplemented, changed, modified or repealed. However, no such amendment, supplement, change, modification or repeal shall be made until after compliance with the following procedural requirements:

- 1. Any such proposal shall be referred to the Planning Commission of the city for its study and recommendation.
- 2. Public hearing before the City Council upon any such proposal after a notice of the time and place and purpose of such hearing shall be published once in a newspaper of general circulation within the city at least 10 days prior to the hearing date. Provided, in addition, where it is proposed to "re-zone", or change the original zoning designation of property by change of the zoning district map, a written notice of such hearing shall be sent by first-class mail at least 10 days prior to the hearing date to owners of property within the boundaries of the area in which such change is sought, and within 300 feet of the area in question.
- 3. For proposed amendments to the zoning code or the zoning district map, a fee to cover the costs of advertising and processing in such amount as is from time to time established by resolution of City Council, shall be charged and collected at the time of the submitting of such proposed amendment.

#### **SECTION 18**

## **Enforcement**

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the city limits without obtaining a zoning permit from the City Council or its authorized representative, and the City Council or its authorized representative shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to the zoning code regulations then in effect.

#### **SECTION 19**

# **Definitions, Interpretation, Conflict with Other Laws**

In their interpretation and application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the

requirements of this code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards shall govern.

When used in this code the words and phrases defined in this section shall for the purpose of this code have the following meanings respectively ascribed to them herein:

## A) "Alley"

A minor public thoroughfare upon which the rear of building lots generally abut and which is generally used for service purposes.

## B) "Accessory Building"

A building subordinate to the main use of the premises not for use or occupancy by persons as a residence.

### C) "Basement"

That habitable part of a structure below an upper floor and in excess of 5 feet below normal or average grade. Structures designed to be located entirely or substantially underground, without an upper floor above grade, shall be considered the same as any other above grade structure for the purpose of this code.

## D) "Boarding and Rooming House"

A building or portion thereof which is principally used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The "compensation" shall include compensation in money, services or other things of value.

#### E) "Building"

Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising sign boards or fences.

## F) "Child Care Homes"

A Child Care Home is a type of family child care home in which children are received for less than 24 – hour care. This is a facility receiving two or more children not related to each other or children from more than one family. Children received for care are not related to the caretaker and the care provided by the caretaker is for more than two (2) full consecutive days on a regular weekly basis. A full day is seven (7) or more hours. The number of children in a Child Care Home shall not exceed the program requirements and limitations established from time to time by the Colorado Department of Human Services.

## F-1) "Large Child Care Home"

A Large Child Care Home is a family child care home that provides care for seven (7) to twelve (12) children, subject, however, to the program requirements and limitations established from time to time by the Colorado Department of Human Services.

## G) "Dwelling"

Any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, resort cabins, clubs, hospitals, or similar uses.

## H) "Dwelling, One-Family"

A detached building designed exclusively for occupancy by one family.

## I) "Dwelling, Two-Family"

A detached building designed exclusively for occupancy by two families living independently of each other.

## J) "Dwelling, Multiple-Family"

A building, or portion thereof, designed for or occupied by three or more families living independently of each other.

### K) "Dwelling Unit"

One or more rooms in a dwelling, apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

### L) "Family"

**Family** means one (1) or two (2) persons or parents with their <u>direct</u> descendants and adopted/foster children (and including the domestic employees thereof), together with not more than two (2) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of two (2) or more persons living in such housekeeping unit shall be considered a separate family. (Amended on 2/26/08 by motion)

#### M) "Garage"

A building or portion thereof used for housing or care of vehicles. An attached garage is a garage having at least one common wall with the main building.

### N) "Home Occupation"

Provided that in any district where home occupations are permitted, the establishment and continuance of a home occupation shall be subject to the following requirements or uses:

- 1. Such use shall be conducted entirely within a dwelling or garage and carried on by the inhabitants there and no others.
- 2. Such use shall be clearly incidental and secondary to the use of the building for dwelling or garage purposes and shall not change the character thereof.
- 3. The total area used for such purposes shall not exceed one-half the first floor area of the user's dwelling unit.
- 4. There shall be no advertising or other display or indications of home occupation.

- 5. There shall be no retailing or wholesaling of stock supplies, or products conducted on the premises.
- 6. There shall be no exterior storage on the premises of material used in the home occupation, nor any highly explosive or combustible material.
- 7. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- 8. A home occupation, including studios or rooms for instructions, shall provide additional off-street parking area adequate to accommodate all need created by the home occupation.

## O) "Hospital"

Any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes and convalescent homes.

## O-1) "Livestock"

Domestic animals which are used for food, draft, profit and recreation and are found on farms, ranches and larger residential lots consisting of cattle, horses, mules, burros, llamas, sheep and goats; specialty excluded are swine, rabbits, poultry, peacocks and guineas.

## P) "Lot"

A portion or parcel of land (whether a portion of a platted subdivisions or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this code, having not less than the minimum area, width and depth required by this code for a lot in the zoning district in which such land is situated, and having frontage on a street or avenue or on such other means of access as permitted in accordance with the provisions of this code.

## Q) "Lot Area"

The total horizontal area within the lot lines of a lot.

#### R) "Lot, Corner"

A lot situated at the junction of two or more streets, and/or avenues, but not including a "reversed corner lot" as defined herein.

#### S) "Lot, Improved"

Land occupied by a building and its accessory buildings, together with such open spaces as are provided for in this code.

#### T) "Lot, Interior"

A lot other than a corner lot.

## U) "Lot Line"

The lines bounding a lot as herein defined.

## V) "Lot, Reversed Corner"

A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear unbroken or uninterrupted by a street or alley.

## W) "Non-Conforming Building"

A building or structure or portion thereof conflicting with the provisions of this code applicable to the zone in which it is situated.

## Z) "Person"

Any word "person" shall also include association, firm, co-partnership or corporation.

#### AA) "Professional Office"

An office for professions such as physicians, dentists, lawyers, architects, engineers and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists.

## BB) "Street"

A public thoroughfare which affords the principal means of access of abutting property.

#### CC) "Structure"

Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.

#### DD) "Use"

The purpose for which land or building is designated, arranged or intended, or for which either is or may be occupied or maintained.

#### EE) "Width of Lot"

The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is most narrow.

#### FF) "Yard, Front"

A front yard is an open space on the same lot with a building, unoccupied, except as otherwise may be herein provided, extending the full width of the lot and situated between the front lot line and the nearest line or point of the building thereon. The "front lot line" shall be considered to be that property line dividing a lot from a street or avenue, and on a corner lot, only one street or avenue line shall be considered as a front lot line and the short lot line coincident with a street or avenue line shall be considered the front lot line.

## GG) "Yard, Rear"

A rear yard is an open space on the same building, unoccupied, except as may hereafter be provided, extending the full width of the lot and situated between the rear line of any lot and the rear line of any dwelling and projected to the side line of the lot.

## HH) "Yard, Side"

A yard between the dwelling and the side line of the lot.

# **ARTICLE 2**

## **Land Use – Vested Property Rights**

### STATEMENT OF PURPOSE

The purpose of this article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

### **SECTION 20**

#### **Definitions**

As used in this Article, unless the context otherwise requires.

## A) "Site Specific Development Plan"

For those developments for which the landowner wishes the creation of vested rights, the approval by Resolution of the City Council of the project, after a hearing conducted at the request of the landowner, which hearing follows the successful approval of the development at all other required stages of the development review process. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan", and no vested rights shall be deemed to have been created.

## B) "Vested Property Right"

The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

## **Notice and Hearing**

No site specific development plan shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the City's option, be combined with the notice required by this code for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard.

#### SECTION 22

## **Approval – Effective Date – Amendments**

A site specific development plan shall be deemed approved upon the effective date of the City Council Resolution relating thereto, as provided in Section 1 of this Article. In the event that any amendment to a later site specific development is proposed and approved, the effective date of such amendment, for the purpose of the duration of a vested property right, shall be the date of approval of the original site specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of any such amendment.

#### **SECTION 23**

# **Notice of Approval**

Each map, plat, or site plan or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S, as amended". Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation within the city.

## **Payment of Costs**

In addition to any and all other fees and charges imposed by this code, the applicant for approval of a site specific development plan shall pay all costs incurred by the City as a result of the site specific development plan review, including publication notices, public hearing, and review costs. A deposit may be required, in an amount to be determined by the City Clerk prior to the setting of a hearing for a site specific development plan. This deposit shall be used to pay the costs set forth above.

## **SECTION 25**

### Other Provisions Unaffected

Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property.

#### **SECTION 26**

### Limitations

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Article shall be deemed to be repealed, and the provisions hereof no longer effective.

### **SECTION 27**

# Validity

Should any section, clause or provision of this code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this code as a whole or any part thereof, other than the part so declared to be invalid.

### **Violations and Penalties**

- A) Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this code shall be fined in an amount not exceeding one-thousand dollars (\$1,000.00) for each offense, such fine to inure to the City of Fort Morgan. Each day of the existence of any violation shall be deemed a separate offense.
- B) The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any provision of this code is hereby declared to be a violation of this code and unlawful. The City Attorney shall immediately, upon any such violation having been called to his attention, and upon being so instructed by the City Council, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this code.
- C) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any remedies provided by law.
- D) Except as otherwise provided, the City Building Official shall administer and enforce this code, including the receiving of applications, the inspection of premises and the issuing of the necessary permits; and the Building Official, his deputy or assistant, or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of a building for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of the zoning code.
- E) Whenever any building work is being done contrary to the provisions of this code, the Building Official, his deputy or his assistant, or any authorized person, may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official, his deputy or assistant, to proceed with the work.

STATE OF COLORADO COUNTY OF MORGAN CITY OF FORT MORGAN	) ) ss. )	CERTIFICATION
certify that the within copy of t	he "Zoning a e and comple	Ithe City of Fort Morgan, Colorado, do hereby and Land Use Code of the City of Fort Morgan, ete copy of the 1988 Edition adopted by reference s. 870, 916, 917, 1001, and 1032.
WITNESS MY HAND COLORADO this 19 <sup>th</sup> day of Oo		E OFFICIAL SEAL OF FORT MORGAN,
[SEAL]		/s/ Nancy J. Lockwood Nancy J. Lockwood, City Clerk
STATE OF COLORADO COUNTY OF MORGAN CITY OF FORT MORGAN	) ) ss. )	CERTIFICATION
that the within copy of the "Zoni 2006 Edition," is a true and comp with the adoption of Ordinance	ing and Land plete copy of Nos. 870, 91	City of Fort Morgan, Colorado, do hereby certify Use Code of the City of Fort Morgan, Colorado, the 1988 Edition adopted by reference and revised 6, 917, 1001, and 1032; the definition change on and with the adoption of Ordinance No. 1091.

WITNESS MY HAND AND THE OFFICIAL SEAL OF FORT MORGAN, COLORADO this  $30^{\rm th}$  day of April, 2008.

/s/ Andrea J. Strand City Clerk

[SEAL]