

ORDINANCE NO. 1032

AN ORDINANCE AMENDING THE PROVISIONS OF THE ZONING AND LAND USE CODE OF THE CITY OF FORT MORGAN, COLORADO CONCERNING SUPPLEMENTAL REGULATIONS FOR MINIMUM REQUIREMENTS FOR THE LOCATION OF OFF-STREET PARKING ON RESIDENTIAL PROPERTY WITHIN THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF FORT MORGAN, COLORADO:

Section 1. Section 14(G)(3) of the *Zoning and Land Use Code* is hereby amended to read in its entirety as follows:

3. Location – 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 $\frac{3}{4}$ " 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) or 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 sidewalk. A variance for excess motor vehicle parking in the front yard or a side yard ("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 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 $\frac{3}{4}$ " in diameter and a minimum of 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.

Section 2. Any additional surfaced parking which conforms to the requirements for a variance in terms of materials and maintained condition (Section 3(d) above) and that exists as of the date of final passage of this **Ordinance** shall be considered a Non-Conforming Use governed by the provisions of Section 15 of the *Zoning and Land Use Code*.

Section 3. Section 19(HH) of the *Zoning and Land Use Code* is hereby amended to read in its entirety as follows:

HH) "Yard, Side"

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

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 15th day of August, 2006.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack L. Darnell
Mayor

ATTEST:

/s/ Nancy J. Lockwood
City Clerk

FINALLY PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED by title only on the 5th day of September, 2006.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack L. Darnell
Mayor

ATTESTED:

/s/ Nancy J. Lockwood
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Nancy J. Lockwood, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1032** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 15th day of August, 2006. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 18th day of August, 2006, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 5th day of September, 2006. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Nancy J. Lockwood
City Clerk