

## **ORDINANCE NO. 1139**

### **AN ORDINANCE CHANGING THE ZONING DESIGNATION OF LANDS IN THE CITY OF FORT MORGAN, COLORADO, FROM MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE BUSINESS (B-1) AND FOR SAID PURPOSE AMENDING THE ZONING CODE AND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FORT MORGAN, COLORADO.**

**WHEREAS**, Marlin Schroeder (the "Owner") has submitted an application in accordance with the City of Fort Morgan Land Use Code to change the zoning designation of property legally described as 514 and 516 Euclid Street, Lots 23-26 of the Fulton Heights subdivision; in Section 1, Township 3 North, Range 58 West recorded at book 2 page 28 on August 23, 1910 (the "Property"), and has requested and proposed to convert the Property into a four-plex unit; and

**WHEREAS**, the City of Fort Morgan Planning and Zoning Commission considered the zoning proposal at a duly noticed public meeting held on June 3, 2013, and subsequently forwarded its favorable recommendation to City Council; and

**WHEREAS**, the City Council provided notice of the public hearing on said zoning by publication as provided by law; and,

**WHEREAS**, public notice has been properly given of such proposed zoning of the Property by publication, in The Fort Morgan Times, a newspaper of general circulation within the City of Fort Morgan, by posting of said Property and by mail notification of adjacent property owners in accordance with the applicable provisions of the City of Fort Morgan Land Use Code, Sec. 20-3-40; and,

**WHEREAS**, in accordance with the City of Fort Morgan Land Use Code, Sec. 20-3-40, a public hearing was held before the City Council at 110 Main Street, Fort Morgan, Colorado at which time evidence and testimony were presented to the City Council concerning said zoning proposal; and

**WHEREAS**, the administrative record for this case includes, but is not limited to, the City of Fort Morgan Land Use Code, City of Fort Morgan Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Fort Morgan land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Owner, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Community Development Department pertaining to this application; and

**WHEREAS**, City Council has determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City's Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the City of Fort Morgan Land Use Code.

**WHEREAS**, no protests were received by the City pursuant to C.R.S. §31-23-305; and,

**WHEREAS**, the Owner of the Property has requested the property to be rezoned from **R-2: Medium Density Residential** to **B-1: Mixed Use Business**; and,

**WHEREAS**, the zoning classification for Mixed Use Business use is consistent with the City's plan for the area.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

**Section 1.** Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2.** That certain property known as 514 and 516 Euclid Street, Lots 23-26 of the Fulton Heights subdivision; in Section 1, Township 3 North, Range 58 West, is hereby zoned into **B-1: Mixed Use Business** as permitted and that the Zoning District Map of the City of Fort Morgan, Colorado, be amended accordingly.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED** on the 4th day of June, 2013.

THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister

By: Terry McAlister  
Mayor

Attest:

/s/ John J. Brennan

John Brennan

City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 18th day of June, 2013.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister  
By: Terry McAlister  
Mayor

Attest:

/s/ John J. Brennan

John Brennan  
City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. **CERTIFICATE**  
CITY OF FORT MORGAN )

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1139** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 4th day of June, 2013. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 7th day of June, 2013, 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 18th day of June, 2013. Within five (5) days after its final passage, said **Ordinance No. 1139** 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/ John J. Brennan  
John Brennan  
City Clerk