

ORDINANCE NO. 1196

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT CREATED IN ORDINANCE NUMBER 971 OF THE CITY OF FORT MORGAN

WHEREAS, a Planned Unit Development ("PUD") was created by Ordinance Number 971 of the City of Fort Morgan for the property commonly known as the Riverview Commons Development; and

WHEREAS, a significant amount of time has passed since the original creation of the PUD and there remain several lots within the development that are still undeveloped at this time; and

WHEREAS, Vision Developers, LLC d/b/a Community Developers – Riverview Commons, LLC owns a majority of the remaining lots at the Riverview Commons Development and desires for amendments to the PUD in order to make development on the property financially feasible; and

WHEREAS, the amendments proposed have been vetted by staff and are designed to provide adequate separation of structures and fire safety; and,

WHEREAS, the amendments are consistent with the City's plan for the area.

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

Section 1: That certain Planned Unit Development known as the Riverview Commons Subdivision, the legal description of which is set forth in Ordinance Number 971 of the City of Fort Morgan and incorporated herein by this reference, is hereby amended as follows: (with strikethrough indicating removed language and underlined indicating added language)

1. Setbacks: The setbacks for the Residential Building Envelopes in the Riverview Commons Subdivision shall be:

Minimum Front Yard, All Buildings: 10 feet

Minimum Side Yard: 5 3 feet. Developer may develop residential units which are adjoined by their respective garages on the property line so long as there is a single adjoining garage wall per unit which consists of a conforming firewall in accordance with then applicable building codes of the City.

Minimum Side Yard, Corner Lots: 10 feet

Minimum Rear Yard, All Residential Buildings: Minimum Distance of twenty-nine (29) feet between opposing garages; 0 feet rear setback if there is no opposing garage.

2. Minimum Lot Size, Residential: 3,250 square feet. except that Lot 1 of Block 1 shall be a minimum of 2,392 square feet.

5. RESERVED. Fencing: ~~The north boundary of the Upper Platter and Beaver Canal shall be fenced. This fence shall be of wrought or masonry construction.~~

6. Other Requirements: Uses Permitted, Special Review Uses, and Minimum Floor Area and Design Standards for the residential development shall be the same as the requirements for R-52: Residential District (High Medium Density), *Zoning and Land Use Code of the City of Fort Morgan, Colorado, 1988-Current Edition.*

9. Landscape Plan: A Landscape Plan shall be prepared and presented by the Developer for all common areas, and ~~Riverview Commons Park~~, the commercial / retail area, and the front of all residential homes for Council approval. Developer shall be solely responsible for the expenses of construction and maintenance of the items detailed in the Landscape Plan, except that the obligation for future maintenance may be assigned to a Homeowners Association.

11. Sprinkler Systems: ~~A separate interior sprinkler system shall be installed in each residential unit.~~ Any commercial / retail development shall include such sprinkler system as may be required for the type of use as required by the *National Fire Code*.

12. RESERVED. Dual Water System: ~~A dual water system for outside irrigation of all landscapes shall be installed by Developer. Developer shall acquire sufficient water rights to support a dual water system and shall transfer such water rights to the City.~~

13. Dumpsters: Pursuant the Fort Morgan Municipal Code all residential sanitation services must be provided by the City of Fort Morgan Sanitation Department. Locations for dumpsters for solid waste collection shall be identified by the Developer in the alleyways with proper separation from surrounding


structures for approval by the City. Dumpsters may not thereafter ~~or~~ be moved without the written approval of the City Staff.


15. Storage Areas: Developer shall be permitted to construct storage enclosures beneath each residential unit. Because such enclosures would be below the floor plan elevation within the Subdivision, no human occupancy of such enclosure shall be permitted. The enclosure shall be for storage only. Access to the enclosure shall be from outside of the residential dwelling unit. Each enclosure shall be constructed in accordance with the standards of the *Uniform Building Code* ~~then~~ current residential building code in effect at the time of construction. No electrical connections shall be permitted within the enclosure, except for ceiling lights. Limitations on use of the enclosure shall be included in the Covenants for the Subdivision. Any use of such enclosure for any purpose other than for storage shall constitute a zoning violation pursuant to Sec. 27-2 of the *Fort Morgan Municipal Code* (1994).

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 17th day of October, 2017.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:

John Brennan
City Clerk

**PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED** this 7th day of November, 2017.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]



Attest:

John Brennan
City Clerk

By: Ronald Shaver
Mayor

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. 1196** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 17th day of October, 2017. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 20th day of October, 2017, 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 7th day of November, 2017. Within five (5) days after its final passage, said **Ordinance No. 1196** 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.

John Brennan
City Clerk