

ORDINANCE NO. 1238

AN ORDINANCE ADDING A NEW SECTION TO ARTICLE 4, ZONING DISTRICTS, OF CHAPTER 20, LAND USE CODE, OF THE FORT MORGAN MUNICIPAL CODE REGARDING ZONING OVERLAY DISTRICTS, AND SPECIFICALLY ESTABLISHING A CENTRAL BUSINESS ZONING OVERLAY DISTRICT IN THE DOWNTOWN AREA

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to that authority, the Council previously adopted local land use regulations, codified in Chapter 20 of Fort Morgan Municipal Code (the "Code") and Article 4 of Chapter 20, concerning zoning districts; and

WHEREAS, pursuant to that authority, Council desires to adopt certain rules and regulations to create a new central business zoning overlay district in the downtown area of the City to ensure it remains a viable commercial and historic area; and

WHEREAS, on July 2, 2019, by and through Ordinance 1233, the Council adopted a temporary limited moratorium on the residential development or submission, acceptance, processing and approval of all applications and requests for a permit, license, land use approval or other approval for any residential development within the following portion of the B-1 zoning district: that portion of the eastern half of Ensign Street extending to the western half of State Street, which is south of Platte Avenue, extending south five blocks to directly north of the railroad tracks, within the City of Fort Morgan; and

WHEREAS, the Council adopted said moratorium to research and analyze the issue, meet with residents, community leaders and business owners within the City's central downtown business area, and examine the City's current zoning laws and regulations to ensure proper location and development within the City's historic downtown area; and

WHEREAS, Council has researched and analyzed the issue and obtained feedback from residents and business owners, City staff has analyzed the current zoning laws and regulations and numerous community meetings have been held regarding land uses, including residential development, within the central downtown area of the City; and

WHEREAS, the City of Fort Morgan City Council finds it in the best interest

of the general health, safety and welfare of its citizens, customers and business owners to adopt this new section to Article 4 of Chapter 20 of the Code establishing a Central Business Zoning Overlay district, the boundaries of which are further described within Exhibit A, and which include Main Street south of Platte Avenue and north of Railroad Avenue; and

WHEREAS, the temporary moratorium adopted by Council through Ordinance 1233 is lifted and removed upon the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, as follows:

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

SECTION 2. A new Section 20-4-100, concerning zoning overlay districts, is hereby established as follows:

Sec. 20-4-100. – Zoning Overlay Districts.

(a) Purpose. It is the intent and purpose of this Section to ensure the quality of development in the zoning overlay districts by establishing regulations, design criteria and standards that will allow the City to review and direct the development and redevelopment of properties within the zoning overlay districts. Zoning overlay districts shall be designated on the City's Zoning Map. The provisions of this Section shall be applied in addition to any other applicable regulations of this Chapter.

(b) Central Business Zoning Overlay District.

(1) Purpose. The purpose of the Central Business Zoning Overlay District is to establish standards to preserve and protect the downtown area as a viable commercial district, and to ensure that future development be designed and planned in a manner compatible with those goals.

(2) Applicability. The standards of the Central Business Zoning Overlay District shall apply to all development on parcels within the Central Business Zoning Overlay District.

(3) Areas. The boundaries of the Central Business Zoning Overlay District are shown on the Official Zoning Map.

(4) Standards. The standards listed below shall apply to development in the Central Business Zoning Overlay District. These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter.

1. Residential Uses.

- a. New residential uses shall not be permitted abutting the Main Street frontage on the ground floor level.
- b. New residential uses in any other portion or floor of the building are allowed only by special use permit.

2. Special Use Permit

- a. The following uses are allowed only by special use permit:
 - i. Small family childcare homes
 - ii. Home occupations
 - iii. Hotels or motels
 - iv. Churches
- 3. The special use permit application fee shall be waived for any property in the approved overlay area.

SECTION 3. Moratorium. The temporary moratorium adopted by Council through Ordinance 1233 is hereby lifted and removed upon the adoption of this ordinance.

SECTION 4. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 5. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 6. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 15th day of OCTOBER, 2019.



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 5th day of NOVEMBER, 2019.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



By: Ronald Shaver
Mayor

Attest:



John Brennan
City Clerk

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

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1238** 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 September, 2019. Said ordinance, as proposed, was duly read at length at said meeting, and by council vote, the first reading was continued to the council meeting of October 15th, 2019, where the ordinance was again read and duly approved on first reading and thereafter the same was, on the 15th day of October, 2019, 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 November, 2019. Within five (5) days after its final passage, said **Ordinance No. 1238** 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
John Brennan
City Clerk

Exhibit A
Description of property within the Central Business Zoning Overlay District

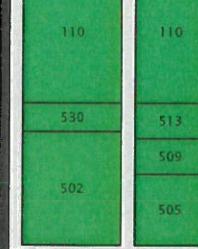
West Platte Avenue

East Platte Avenue

Mainstreet Current Moratorium

West Bijou Avenue

Multi-Family
Basement



West Beaver Avenue

Meeker Street

Ensign Street

Main Street

East Beaver Avenue

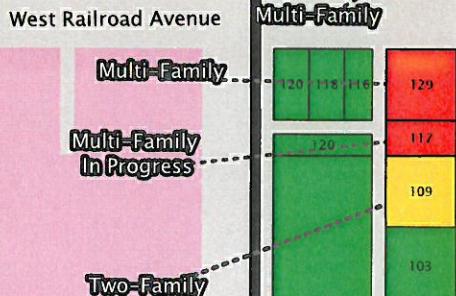
Prospect Street

West Kiowa Avenue

Multi-Family (207)

Multi-Family
In Progress (205)

Multi-Family



West Railroad Avenue

Multi-Family

Multi-Family
In Progress

Two-Family

Multi-Family East Kiowa Avenue

Single-Family

East Railroad Avenue