

## ORDINANCE NO. 1241

### AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 20, LAND USE CODE, OF THE FORT MORGAN MUNICIPAL CODE ESTABLISHING CENTREPOINTE DESIGN STANDARDS

**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, regulations and design standards, and create a new zoning overlay district in the CentrePointe Plaza area of the City to ensure it becomes and remains a viable and attractive commercial destination; 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 amend Code section 20-4-100 to establish a CentrePointe Plaza Zoning Overlay district and create design standards for the district, the boundaries of which are further described within Exhibit A.

**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.** Section 20-4-100, concerning Zoning Overlay Districts, is hereby amended by the addition of subsection (c) as follows:

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

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(c) CentrePointe Plaza Zoning Overlay District.

(1) Purpose. The purpose of the CentrePointe Plaza Zoning Overlay District is to establish standards to enhance the area for viable commercial activity and to attract and maintain sustainable mixed use and residential development, and

to ensure that future development be designed and planned in a manner compatible with those goals.

- (2) Applicability. The standards of the CentrePointe Plaza Zoning Overlay District shall apply to all development on parcels within the CentrePointe Plaza Zoning Overlay District.
- (3) Areas. The boundaries of the CentrePointe Plaza Zoning Overlay District are shown on the Official Zoning Map.
- (4) The standards of the CentrePointe Plaza Zoning Overlay District shall be reviewed for approval by the Public Works Director.
- (5) Alternate development plans. Development plans which deviate from the standards of the CentrePointe Plaza Zoning Overlay District shall be submitted on a form approved by the Public Works Director, who shall review the application for completeness and shall forward the application to the Planning Commission for consideration at a noticed public hearing within forty five (45) days after the date of application. The Planning Commission shall consider the application at the public hearing, and shall either approve the application, approve the application with reasonable conditions unrelated to sign content or viewpoint, or deny the application after applying the approval criteria set forth below:
  1. The alternate development plan results in a substantially improved, comprehensive and unified proposal compared to what is allowed through strict compliance with the standards in this section.
  2. The alternate development plan establishes or continues an integrated architectural and cohesive theme for the development, all elements are integrated into or complementary to the design and materials of the building and character of the zoning overlay district, and uses similar or coordinated design features, materials and colors.
  3. The impact of the alternative development plan has been minimized based on the following factors:
    - a. The overall size of the development and the scale of the use or uses located or anticipated to be located there;
    - b. The relationship between the building setback and location;
    - c. The access and visibility to the site;
    - d. Relationship between the site and adjacent uses; and
    - e. Consistency with the objectives and design policies of the Comprehensive Plan and any applicable land use or design plans approved by the City for the area.

(6) Standards. The standards listed below shall apply to development in the CentrePointe Plaza 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 and of this Code.

1. Development shall be designed in such a manner that wherever possible it protects the environmental assets of the area, including considerations of elements such as plants and wildlife, streams and storm drainage courses and scenic vistas.
2. Development shall include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading spaces.
3. Mass and Scale. Traditional similarity in size and scale of the buildings within the area enhances the character of the street and visual continuity. The construction of a new building or additions shall be similar in mass and scale to those in the immediate area and of building adjacent to the development. The design of buildings shall look appropriate to and compatible with their surroundings.
4. Additional Architectural Standards.
  - a. Two (2) or more materials must be used for exterior materials, excluding roofing and structural materials.
  - b. Exposed tilt-up concrete is prohibited, and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials, excluding roofs.
  - c. Plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces of fifty (50) feet or more shall be prohibited.
  - d. Facades of attached townhomes shall be articulated to differentiate individual units.
  - e. Architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.
  - f. All exposed HVAC units and utility boxes must be designed to blend in with the building and/or landscaping.

- g. Detached garages and carports shall be compatible with the principal building architecture, incorporating similar forms, scale, materials, colors and details.
- 5. Building Orientation. Building setbacks from local and collector streets and parking areas should be minimized in order to establish a visually continuous, pedestrian-oriented layout. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
- 6. Off-Street Parking.
  - a. All parking areas shall provide a surface consisting of brick pavers, concrete, asphalt, crushed asphalt or crushed rock not more than three-quarters ( $\frac{3}{4}$ ) inch in diameter and a minimum of three (3) inches 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.
  - b. Safe pedestrian connections shall be provided within interior parking to connect to the front of commercial and mixed use buildings and streets.
  - c. Off-street parking facilities shall be utilized solely for the parking of operable passenger automobiles or trucks of not more than one-and-one-half-ton capacity, by patrons, occupants, residents or employees of specified uses within the zoning overlay district.
  - d. Prohibited uses of required spaces shall be as follows:
    - i. Storage. The storage of inoperable vehicles or materials.
    - ii. Delivery Vehicles. The parking of delivery vehicles for the business.
    - iii. Vehicles for Sale. The display of vehicles for sale in commercial or industrial parking areas, except for the casual display of vehicles by owners who are employees or customers using the premises.
    - iv. Repair Work. Repair work that renders a vehicle inoperable for periods of more than twenty-four (24) hours in a parking area required for a commercial use.

- v. Snow Storage. Parking lot snow storage shall not be provided by using required spaces

7. Sidewalks.

- a. A sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along both sides of all local streets. Sidewalks along local streets shall be separated by a distance of at least five (5) feet from the curb or street pavement edge. Street sidewalk systems shall connect to open space walks, trails and adjacent walks in appropriate places.
  - b. All sidewalks must meet current ADA requirements.
8. Vision Clearance area. All intersections and curb cuts shall be maintained free from any kind of obstruction, including tall trees, fences and walls. The vision clearance area shall be between a height of thirty-six (36) inches and ten (10) feet above the centerline grades of the intersecting street, for a distance of thirty (30) feet from the point of intersection.
9. Pedestrian Access and Circulation. Walkways should connect directly to the sidewalks from various locations within the development and provide direct connection to building entrances. Commercial sites should provide pedestrian connection between the parking lot and the building. Walkways should also be located adjacent to the main vehicular entry drive, and to each building that front the primary street or parking area.

10. Landscaping Standards

- a. Significant vegetation, including dominant or mature trees and shrubs, shall be retained where possible. Trees or shrubs shall be selected from indigenous species native to the region. Provisions shall be made to provide adequate hydration, maintenance and appropriate soil for all trees, shrubs and vegetation to ensure successful growth. Xeriscape landscaping may be used in addition to the specific requirements in this subsection.
- b. There shall be an average of one (1) tree planted per five hundred (500) square feet of the property's usable commercial, retail, office or mixed use space. Where applicable, these trees should be along the property's frontage adjacent to the road, and may be clustered.

- c. There shall be an average of ten (10) square feet of landscaping per five hundred (500) square feet of the property's usable commercial, retail, office or mixed use space.
- d. Parking area. Shade trees shall be planted every 20 parking spaces.
- e. Fire hydrants and utilities. Landscaping shall be located so as not to obstruct fire hydrants or utility boxes or structures and so it will not grow into any overhead utility lines or structures.
- f. Buffer Strip. A landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided between the parking area and any adjoining public streets or rights-of-way. This strip shall be of sufficient width to contain plant materials and shall count towards the applicable landscaping standards.

#### 11. Screening.

- a. Screening shall be provided for all storage areas, trash receptacles, equipment or materials of two (2) cubic yards in volume or greater, and shall consist of landscaping or a structural visual barrier which matches or coordinates with the design or color of the principal structure, such as a fence, wall, container trees or large shrubs, to block the view of the receptacle and to keep trash, equipment, material and storage contained. One (1) side of the screening shall be designed for easy access for trash removal or storage/equipment access. Any landscaping so provided shall count toward the applicable landscaping standards.
- b. All air-conditioning units, HVAC systems, rooftop mechanical units, exhaust pipes or stacks, elevator housing and satellite dishes, other telecommunications receiving devices and any other apparatus placed on a building shall be substantially screened or otherwise disguised from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements and landscaping.

#### 12. Fencing. Fencing should only be used as necessary, and only for side and rear property boundaries. Fencing at the rear and side of the lot should be made to block views into the service area. Chainlink fence should not be used for these areas. Recommended fencing materials would include timber, concrete block, powder coated or painted metal panels. Earth berms with landscape could be used as an alternative as long as it allows for the same level of screening as fencing as the time of installation.

### 13. Lighting standards

- a. After Hours. Except for residential lights, subdivision lighting and security lighting, all lighting shall be turned off between 11:00 p.m. and 6:00 a.m. Exceptions shall be granted to those businesses which operate during these hours; such lighting may remain illuminated only while the establishment is actually open for business.
- b. Canopy Lighting. Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy.
- c. Parking Lot Lighting. Parking lot lighting shall not exceed light levels necessary for safety and locating vehicles at night. The lighting shall be designed so that the parking lot is lit from the outside perimeter inward, and/or incorporate design features with the intent of reducing off-site light pollution.
- d. Exemptions:
  - i. Seasonal lighting for holidays, which may use bare, low-watt bulbs (equivalent of a 10-watt incandescent bulb or less)
  - ii. Sport and Athletic Field Lighting

**SECTION 3.** 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 4.** 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 5.** 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 7th day of January, 2020.






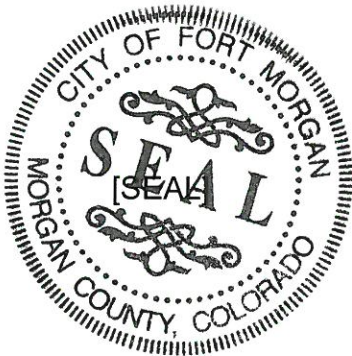
THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor

Attest:

  
John Brennan  
City Clerk


PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 21<sup>st</sup> day of January, 2020.



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. 1241** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 7th day of January, 2020. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 11th day of January, 2020,



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 21<sup>st</sup> day of January, 2020. Within five (5) days after its final passage, said **Ordinance No. 1241** 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

**Exhibit A**  
**Description of property within the CentrePointe Zoning Overlay District**