

ORDINANCE NO. 1261

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO CHANGING THE ZONING DESIGNATION OF SPECIFIED LANDS WITHIN THE CITY FROM “B-2: GENERAL BUSINESS” TO “PLANNED UNIT DEVELOPMENT” AND AMENDING THE ZONING CODE AND THE OFFICIAL ZONING DISTRICT MAP TO THAT EFFECT

WHEREAS, the City of Fort Morgan, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, a Planned Unit Development is a land area within which lots, structures, densities, and land uses may be established by the City Council in conformity with an approved plan for the entire tract or land area;

WHEREAS, a Planned Unit Development departs from conventional planning and development to facilitate socially desirable objectives and meet community needs for various types of land, housing, commercial, and other uses not otherwise feasible under conventional zoning;

WHEREAS, Brittany Homes, Inc. has proposed a Planned Unit Development consisting of one hundred sixteen (116) townhome residential units and related public improvements, referred to as the Legacy Townhomes at CentrePointe Subdivision;

WHEREAS, the setback and related requirements in any Residential District in the City would limit the design and placement of the proposed townhomes;

WHEREAS, the Planning Commission has reviewed and recommended approval of the zoning changes hereinafter set forth after a public hearing held on August 23, 2021;

WHEREAS, a public hearing was held in front of City Council on March 15, 2022; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to change the zoning designation of specified lands within the City for the purpose of authorizing the proposed Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. The proposed Planned Unit Development is authorized as follows:

1. **Setbacks:** The setbacks for the Residential Building Envelopes in the Legacy Townhomes at CentrePointe Subdivision shall be:

Minimum Front Yard, All Buildings:	20 feet
Minimum Side Yard, Interior Units:	None. Developer may develop residential units which are adjoined by a conforming firewall in accordance with the then applicable building codes of the City.
Minimum Side Yard, Exterior Units:	5 feet
Minimum Side Yard, Between Buildings:	15 feet
Minimum Rear Yard, All Residential Buildings:	Minimum distance of 25 feet

2. **Minimum Lot Size, Residential:** 2,600 square feet
3. **Residential Parking:** Two (2) off street spaces per dwelling
4. **Maximum Building Height, Residential:** Two Stories
5. **Other Requirement:** 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-3: Residential District (High Density), Zoning and Land Use Code of the City of Fort Morgan, Colorado, Current Edition.
6. **Design Standards:** All Design Standards set forth in the Planned Unit Development Zoning Proposal for Legacy Townhomes at CentrePointe, dated September 8, 2021, are incorporated herein by this reference as if fully set forth herein. Fire hydrants shall be installed by the City of Fort Morgan with a maximum separation between hydrants of 500 feet.
7. **Landscape Plan:** A Landscape Plan shall be prepared and presented by the Developer for the front of all the 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. Developer plans to “xeriscape” the front and sides of all the residential homes, this design requires little irrigation or maintenance.

8. **Lighting:** Adequate street lighting shall be provided throughout the Subdivision, by the Developer.
9. **Covenants:** Developer shall prepare and record appropriate restrictive covenants for the Legacy Townhomes at CentrePointe Subdivision.
10. **Garages:** Developer shall be permitted to construct approximately 42 garages on the North end of the 11-acre lot. Each individual garage shall be constructed in accordance with the standards of the then current residential building code in effect at the time of construction. The garages will be privately owned by the Developer and only rented out to their owners or current tenant(s), no rentals to outside individuals will be permitted. Limitation on use of the garages shall be included in the Covenants for the Subdivision. Any use of such garage for any purpose other than for storage shall constitute a zoning violation pursuant to 20-2-50 of the Fort Morgan Municipal Code.
11. **Zoning Change:** The Zoning Code of the City of Fort Morgan and the Official Zoning District Map of the following described land in the City of Fort Morgan, Colorado be amended to change the zoning designation of said land from B2: General Business to Planned Unit Development for the Legacy Townhomes at CentrePointe Subdivision, which is legally described as follows:

BLOCK 5 LOT 1 OF THE CENTREPOINTE PLAZA SUBDIVISION FILING NO. 1 LOCATED IN THE SOUTH ON-HALF OF SECTION 5, TOWNSHIP 3 NORTH. RANGE 57 WEST 6TH PRINCIPAL MERIDIAN, CITY OF FORT MORGAN, COUNTY OF MORGAN, STATE OF COLORADO CONTAINING 11.00+ ACRES MORE OR LESS, RECORDED WITH THE CLERK AND RECORDER FOR MORGAN COUNTY, COLORADO 1500413, ON OR ABOUT MARCH 15, 2018.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED PUBLISHED ON THE 1st DAY OF MARCH, 2022.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO


 Lyn Deal, Mayor

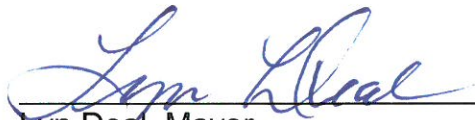
ATTEST:


John Brennan, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS 15th DAY OF MARCH, 2022.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO


Lyn Deal, 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. 1261 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 1st day of March, 2022. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 4th day of March, 2022, 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 15th day of March, 2022. Within five (5) days after its final passage, said Ordinance No. 1261 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