

ORDINANCE NO. 1271

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO CHANGING THE ZONING DESIGNATION OF SPECIFIED LANDS WITHIN THE CITY, KNOWN AS 1215 E. BURLINGTON AVE., FROM “I: INDUSTRIAL” TO “B-2: GENERAL BUSINESS” 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, Fort Morgan Veterinary Clinic (“Applicant”) is the owner of a particular tract of land located within the City, at 1215 E. Burlington Ave., Fort Morgan, located in the southern half of the southern half of Section 5, Township 3, Range 57 West. (the “Property”);

WHEREAS, pursuant to section 20-3-60 of the Fort Morgan Municipal Code (“Code”), Applicant has applied to re-zone the Property from Industrial (I) to General Business (B-2);

WHEREAS, the Applicant desires to change the Property’s zoning designation from I (Industrial) to B-2 (General Business). The current use of this property is legally non-conforming due to Industrial zoning not allowing for animal clinics. This rezoning would bring the current use into conformity with the zoning code and allow the owners to construct a new building east of the existing clinic as proposed, after which the existing building would be demolished.

WHEREAS, the Planning Commission has reviewed the application and the relevant criteria in Code section 20-3-60 and recommended approval of the zoning changes hereinafter set forth after a public hearing held on September 26, 2022;

WHEREAS, a public hearing was held in front of City Council on October 18, 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 from Industrial to General Business (B-2).

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 Property is hereby zoned B-2: General Business.

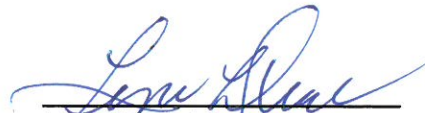
Section 3. The Zoning Code of the City of Fort Morgan and the Official Zoning District Map of the following described land in the City of Fort Morgan, Colorado, shall be amended to change the zoning designation of said Property from Industrial to General Business (B-2): 1215 E. Burlington Ave., Fort Morgan, located in the southern half of the southern half of Section 5, Township 3, Range 57 West.

Section 4. *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 4th DAY OF OCTOBER, 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 18th DAY OF OCTOBER, 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. **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. 1271** 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 October, 2022. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 7th day of October, 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 18th day of October, 2022. Within five (5) days after its final passage, said **Ordinance No. 1271** 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