

ORDINANCE NO. 1291

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO CHANGING THE ZONING DESIGNATION OF SPECIFIED LANDS WITHIN THE CITY FROM "R-2: MEDIUM DENSITY RESIDENTIAL" 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, Fort Morgan Farms, LLC, (Pending: Acadia Farms, LLC) has proposed a Planned Unit Development consisting of a mixture of residential units including single-family detached homes, single-family attached homes (duplexes/townhomes), apartments and nursing homes/assisted living facilities; as well as uses included in the general business zone (including mini-storage) and related public improvements, referred to as the Acosta Subdivision;

WHEREAS, the Planning Commission has reviewed and recommended approval of the zoning changes hereinafter set forth after a public meeting held on November 13, 2023;

WHEREAS, a public hearing was held in from of City Council on December 19, 2023;

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. Uses:

- a. R-3: Single Family Detached, Single Family Attached (Duplexes/Townhomes), Apartments and Nursing Homes and Assisted Living Facilities are all permitted Use by Right without Special Use
- b. B-2: General Business (including Mini-Storage Warehouse as permitted Use by Right without Special Use).

2. Residential Minimum Lot Area:

- a. Single Family Detached: 4,500 square feet
- b. Single Family Attached (Duplex): 6,000 square feet
- c. Single Family Attached (Townhome): 1,600 square feet
- d. Apartments: 5,000 square feet
- e. Nursing Homes and Assisted Living Facilities: 5,000 square feet

3. Residential Minimum Lot Frontage:

- a. Single Family Detached: 45 feet
- b. Single Family Attached (Duplex): 60 Feet or 30 Feet each half
- c. Single Family Attached (Townhomes): 20 feet
- d. Apartments: 50 feet
- e. Nursing Homes and Assisted Living Facilities: 50 feet

4. Residential Setbacks: The setbacks for the Residential Building Envelopes as Acosta 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: 10 feet

Minimum Rear Yard: Townhomes:

None. Developer may develop attached residential units which are alley-loaded on the rear in accordance with the then applicable building codes of the City.

Minimum Rear Yard, Other Residential:

20 feet

*if not outlined above, standards for the residential development shall be the same as the requirements for R-3.

5. Residential Parking:

- a. Single Family Detached: Two (2) spaces per dwelling unit
- b. Single Family Attached (Duplex): Two (2) spaces per dwelling unit
- c. Single Family Attached (Townhome): Two (2) spaces per dwelling unit
- d. Apartments: One and a half (1.5) spaces per dwelling unit, plus one (1) space for visitors per five (5) dwelling units
- e. Nursing Homes and Assisted Living Facilities: One (1) space per two (2) beds

6. Maximum Building Height, Residential:

- a. Single Family Detached: Two Stories
- b. Single Family Attached (Duplex): Two Stories
- c. Single Family Attached (Townhome): Three Stories
- d. Apartments: Three Stories
- e. Nursing Homes and Assisted Living Facilities: Three Stories

7. 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 for the City of Fort Morgan, Colorado, Current Edition.

8. Lighting: All lighting for public roadways and public parking shall be installed by Developer but supplied power by the City of Fort Morgan. If new light poles or lighting systems that differ from the City of Fort Morgan standard inventory are provided and installed by the Developer, the Developer will supply the City of Fort Morgan with an inventory for repair and or replacement of such. This inventory supplied by the developer shall be the amount of 5% of the fixtures/pols installed by not less than 2 of each.

9. **Covenants:** Developer shall prepare and record appropriate restrictive covenants for the Acosta Subdivision.
10. **Garages:** Detached garages and carports shall be permitted with Apartments uses and be compatible with the principal building architecture.
11. **Open Space:** A minimum of twenty percent (20%) of the total Planned Unit Development area shall be devoted to open air recreation or other usable open space (public and quasi-public).
12. **Zoning Change:** The Zoning Code for 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 R-2: Medium Density Residential to Planned Unit Development for the Acosta Subdivision, which is legally described as follows:

S: 12 T: 3 R: 58 S ½ NE ¼ SE ¼ & SE ¼ SE ¼ EX B789 P375, B1097 P857 & R836449

Section 3. Severability. The provision 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 5th DAY OF DECEMBER, 2023.



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 19th DAY OF DECEMBER, 2023.



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. 1291 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 5th day of December, 2023. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 1st day of December, 2023, 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 19th day of December, 2023. Within five (5) days after its final passage, said Ordinance No.1291 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