

ORDINANCE NO. 1292

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-3: HIGH 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; and

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; and

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; and

WHEREAS, Gateway Park, LLC has proposed a Planned Unit Development generally bound by S. Main Street, Gateway Avenue, S. Spruce Street and Commerce Avenue within the Pioneer Addition, consisting of a mixture of single-family residential units including single-family detached homes and single-family attached homes (duplexes/townhomes) and related public improvements;

WHEREAS, the Planning Commission has reviewed and recommended approval of the zoning changes hereinafter set forth after a public meeting held on December 11, 2023;

WHEREAS, a public hearing was held in front of City Council on January 2, 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 Homes and Single Family Attached Homes (Duplexes/Townhomes) are all permitted Use by Right without Special Use.

2. Residential Minimum Lot Area:

- a. Minimum Lot Size, Residential: No minimum size
- b. Minimum Lot Width, Residential: No minimum width

3. Residential Setbacks: The setbacks for the Residential Building Envelopes in the Gateway Park development shall be:

Minimum Front Yard, All Buildings:	15 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: Principal Structure:	5 feet
Minimum Side Yard, Accessory Structure:	5 feet
Minimum Rear Yard: Principal Structure:	20 feet
Minimum Rear Yard, Accessory Structure:	3 feet

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

4. Residential Parking:

- a. One (1) off street space per dwelling

5. Maximum Building Height, Residential:

- a. 40 feet

6. 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.

7. **Garages:** Detached garages and carports shall be permitted and compliant with the Zoning and Land Use Code of the City of Fort Morgan, Colorado for accessory structures.
8. **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 shall be amended to change the zoning designation of said land from R-3: High Density Residential to Planned Unit Development for the property which is legally described as follows:

Pioneer Addition, Block 1, Lots 1 to 6 & 8 to 10; Block 2, Lot 1 & Lots 3 to 7; Block 3, Lots 1 to 4 & 23 to 26; Block 4, Lots 1 to 4 & 23 to 26; and Block 5, Lots 23 to 26.

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 19TH DAY OF DECEMBER, 2023.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO



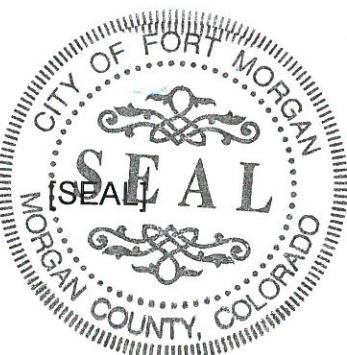
Lyn Deal, Mayor

ATTEST:



John Brennan, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS 2ND DAY OF JANUARY, 2024.



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. 1292 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 19th day of December, 2023. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 22nd 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 2nd day of January, 2024. Within five (5) days after its final passage, said Ordinance No. 1292 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