

ORDINANCE NO. 1318

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT CREATED IN ORDINANCE NUMBER 971 OF THE CITY OF FORT MORGAN

WHEREAS, a Planned Unit Development ("PUD") was created by Ordinance Number 971 of the City of Fort Morgan for the property commonly known as the Riverview Commons Development; and

WHEREAS, Ordinance Number 971 has previously been amended by Ordinances Numbers 988, 1078 and 1196; and

WHEREAS, a significant amount of time has passed since the original creation of the PUD and there remain several lots within the development that are still undeveloped at this time; and

WHEREAS, Overland Trail Venture, LLC owns a majority of the remaining lots at the Riverview Commons Development and desires for amendments to the PUD in order to make development on the property financially feasible; and

WHEREAS, the amendments proposed have been vetted by staff and are designed to provide adequate separation of structures and fire safety; and,

WHEREAS, the amendments are consistent with the City's plan for the area.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1: That certain Planned Unit Development known as the Riverview Commons Subdivision, the legal description of which is set forth in Ordinance Number 971 of the City of Fort Morgan and incorporated herein by this reference, is hereby amended as follows.

- 1. Setbacks:** The setbacks for the Residential Building Envelopes in the Riverview Commons Subdivision shall be:

Minimum Front Yard, All Buildings: 10 feet

Minimum Side Yard: 5 feet. Developer may develop residential units which are adjoined by their respective garages on the property line so long as there is a single adjoining garage wall per unit which consists of a conforming firewall in accordance with then applicable building codes of the City.

Minimum Side Yard, Corner Lots: 10 feet

Minimum Rear Yard, All Residential Buildings: Minimum Distance of twenty-nine (29) feet between opposing garages; 0 feet rear setback if there is no opposing garage.

2. Minimum Lot Size, Residential: 3,250 square feet, except that Lot 1 of Block 1 shall be a minimum of 2,392 square feet.

3. Residential Parking: Two (2) off street spaces per dwelling.

4. Maximum Building Height, Residential: Two Stories.

5. RESERVED:

6. Other Requirements: 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-2: Residential District (Medium Density), *Zoning and Land Use Code of the City of Fort Morgan, Colorado*, Current Edition.

7. Alleys: The Developer of the Riverview Commons Subdivision shall be required to pave each alley within the Subdivision with an all-weather surface (asphalt or concrete) to a minimum width of sixteen (16) feet to accommodate access by the residents of the Riverview Commons Subdivision to their garages.

8. Design Standards: All Design Standards set forth in the Planned Unit Development Zoning Proposal for Riverview Commons, dated June 3, 2003, are incorporated herein by this reference as if fully set forth herein. Fire hydrants shall be installed with a maximum separation between hydrants of 500 feet.

9. Landscape Plan: A Landscape Plan shall be prepared and presented by the Developer for all common areas, the commercial/retail area, and the front of all residential homes for staff review and approval. Developer shall be solely responsible for the expenses of construction and maintenance of the items detailed in the Landscape Plan. The obligation for future maintenance of the common areas may be assigned to a Homeowners Association and the maintenance of the individual developed lots may be assigned to property owners as outlined in the Declaration of Covenants.

10. Lighting: Adequate street lighting shall be provided throughout the Subdivision, including commercial/retail parking areas, by the Developer.

11. Sprinkler Systems: Any commercial I retail development shall include such sprinkler system as may be required for the type of use as required by the *National Fire Code*.

12. RESERVED:

13. Dumpsters: Pursuant the Fort Morgan Municipal Code all residential sanitation services must be provided by the City of Fort Morgan Sanitation Department. Locations for dumpsters for solid waste collection shall be identified by the Developer in the alleyways with proper separation from surrounding structures for approval by the City. Dumpsters may not thereafter moved without the written approval of the City Staff.

14. Covenants: Developer shall prepare and record appropriate restrictive covenants for the Riverview Commons Subdivision.

15. Storage Areas: Developer shall be permitted to construct storage enclosures beneath each residential unit. Because such enclosures would be below the floor plan elevation within the Subdivision, no human occupancy of such enclosure shall be permitted. The enclosure may be the location of such apparatuses as the hot water heater, HVAC, and sump pump, and can be used for storage. Access to the enclosure shall be allowed from an interior crawlspace entrance or from outside of the residential dwelling unit. Each enclosure shall be constructed in accordance with the standards of the then current Fort Morgan residential building code in effect at the time of construction. Electrical connections shall be permitted within the enclosure associated with the apparatuses listed above and for ceiling lights. Limitations on use of the enclosure shall be included in the Covenants for the Subdivision. Any use of such enclosure for any purpose other than that described in this Paragraph 15 shall constitute a zoning violation pursuant to Sec. 27-2 of the *Fort Morgan Municipal Code* (1994).

16. Requirements for Commercial and Retail Development: The standards and requirements set forth for a B-2: Business District shall apply.

17. Zoning Change: The Zoning Code of the City of Fort Morgan and the ***Official Zoning District Map*** of the following described lands in the City of Fort Morgan, Colorado be amended to change the zoning designation of said lands from "B-2: Business District" to "Planned Unit Development" for the Riverview Commons Subdivision, which is legally described as follows:

A portion of the Pickett Annexation to the City of Fort Morgan, Colorado filed in the Office of the Morgan County, Colorado Clerk and Recorder's office under Reception Number 799290 and being more particularly described as follows:

Beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 32, Township 4 North, Range 57 West of the Sixth principal meridian and considering the South line of the Southwest $\frac{1}{4}$ of said Section 32 to bear South $89^{\circ}37'00''$ West with all bearings contained herein being relative thereto:

Thence South $89^{\circ}37'00''$ West along the South line of said Southwest $\frac{1}{4}$ a distance of 381.33 feet; thence along the East boundary of a parcel filed under Reception Number 799290, North $00^{\circ}55'45''$ East, 142.63 feet to the centerline of the Upper Platte and Beaver Canal.,

Thence along the centerline of said canal also being the Northerly boundary line of that parcel filed under Reception Number 799290 by the following two courses:

1. North $79^{\circ}50'53''$ West 114.40 feet;

North $83^{\circ}42'31''$ West 107.12 feet to a point on the West line of the Pickett Annexation;

Thence North $0^{\circ}51'11''$ East 417.64 feet (Northerly 418.39 feet recorded) to a point on the South ROW line of Interstate Highway 76 also being the Northwest corner of the Pickett Annexation;

Thence along the Southerly ROW of Interstate Highway 76 and the North line of the Pickett Annexation by the following five courses:

South $88^{\circ}45'28''$ East 300.17 feet (South $88^{\circ}43'00''$ East 300.00 feet recorded);

North $00^{\circ}36'14''$ East 30.00 feet (North $00^{\circ}35'00''$ East 30.00 feet recorded);

South $88^{\circ}45'28''$ East 406.73 feet (South $88^{\circ}43'00''$ East 406.50 feet recorded);

South $19^{\circ}00'32''$ West 31.50 feet (South $19^{\circ}03'30''$ West 31.50 feet recorded);

South 88°45'28" East 1221.15 feet (South 88°43'00" East 1220.45 feet recorded) to the Northeast corner of the Pickett Annexation; thence South 01°26'14" East 349.52 feet (South 348.50 feet recorded) to the Southeast corner of the Pickett Annexation;

Thence South 89°51'02" West 1122.75 feet (South 89°51' West 1123 feet recorded) along the Southerly boundary of the Pickett Annexation;

Thence South 00°00'00" East 195.00 feet (South 195 feet recorded) to a point on the South line of the Southeast ¼ of Section 32;

Thence South 89°49'35" West (South 89°51' West recorded) along said South line of the Southeast ¼ of Section 32 a distance of 211.80 feet to the South ¼ corner of Section 32 and being the true point of beginning.

The above parcel contains 19.58 acres more or less and is subject to all easements and rights-of-ways as granted or reserved by instruments of record or as now existing on said described parcel of land.


INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED
on the 2nd day of September, 2025.



Attest:


Jill Curtis, City Clerk

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


Kevin Lindell, Mayor

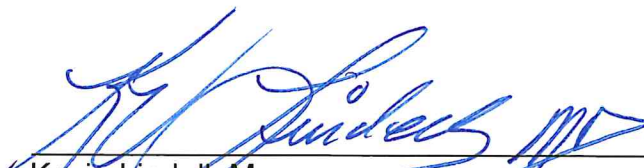
**PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED** this 16th day of September, 2025.



Attest:

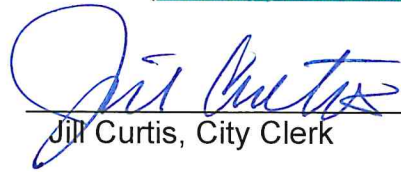

Jill Curtis, City Clerk

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO


Kevin Lindell, Mayor

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, Jill Curtis, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1318** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2nd day of September, 2025. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 3rd day of September, 2025, published on the City of Fort Morgan website (www.cityoffortmorgan.com) under the heading "Legal Notices". 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 16th day of September, 2025. Within five (5) days after its final passage, said **Ordinance No. 1318** was published on the City of Fort Morgan website (www.cityoffortmorgan.com) under the heading "Legal Notices".



Jill Curtis, City Clerk