

ORDINANCE 2022-06

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 5.09 ACRES OF PROPERTY LOCATED AT 1136 17 ½ ROAD TO A PLANNED UNIT DEVELOPMENT KNOWN AS THE DWELL PLANNED UNIT DEVELOPMENT.

WHEREAS, the property owners, Michael and Maxine Maves and Darrin Wade (“Owners”) have submitted a request to zone the property described in the attached Exhibit A, and commonly referred to as 1136 17 ½ Road, Fruita, Colorado 81521 (the “Property”) to a Planned Unit Development (PUD) zoning designation, and

WHEREAS, the Fruita Planning Commission has recommended to the City Council approval of the re-zoning the Property to PUD at its meeting held on November 9, 2021, and

WHEREAS, the proposal is in conformity with the Fruita In Motion: Plan Like a Local Comprehensive Plan (“Comprehensive Plan”) of the City of Fruita and the City of Fruita Land Use Code (“LUC”), and

WHEREAS, by re-zoning the Property to PUD, each use in the development of the Property can be evaluated on an individual basis and impacts on surrounding land uses can be mitigated, and

WHEREAS, a Final Plan has been prepared entitled, “Dwell PUD” which identifies the lot sizes, building setbacks, streets and other aspects of the overall development plan, which is part of the proposed Dwell PUD Subdivision, and

WHEREAS, Owners have submitted a PUD Guide entitled, “Dwell PUD Guide” which includes dimensional standards, design standards and use restrictions for development of the Property, and

WHEREAS, proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the City Council, and

WHEREAS, based on the evidence, testimony, exhibits, relationship to the Comprehensive Plan and LUC, comments of Community Development Department, Review Agencies, and Planning Commission hearing minutes, the recommendation of the Planning Commission, responses and statements from the Owners and their representatives, and comments from all interested parties, the City Council finds as follows:

Pursuant to Chapter 19 of the Fruita Land Use Code, the City Council makes the following findings in its review of the PUD Application:

- a) The application is in general conformance with the Land Use Code and Comprehensive Plan.
- b) The proposed plan conforms to all applicable regulations policies and guidelines.
- c) The application does not vary the health and safety requirements contained in Title 8 of the Fruita Municipal Code.

- d) The application does not vary from the requirements concerning public improvements contained in Title 12 of the Fruita Municipal Code.
- e) The application does not vary from the requirements concerning water and wastewater contained in Title 13 of the Fruita Municipal Code.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1: That the Zoning Map adopted pursuant to Section 17.03.030 of the Fruita Municipal Code is hereby amended and that the Property described and shown on the attached Exhibit A, containing 5.09 acres, more or less, is hereby designated as a Planned Unit Development Zone (PUD);

Section 2: That the PUD guide entitled, “Dwell PUD Guide” attached hereto as Exhibit B establishes dimensional standards including but not limited to setbacks and building heights for each lot within the Dwell PUD Subdivision and is approved;

Section 3: Special Conditions: That the development of the Property will be required to adhere to the conditions outlined in the Planned Unit Development Guide for the Dwell PUD Subdivision attached hereto as Exhibit B.

Section 4. It shall be a Class B municipal offense, as defined in the Fruita Municipal Code, for any person to knowingly erects, constructs, reconstructs, uses, or alters any building or structure or knowingly uses any land in violation of the Dwell PUD Guide herein adopted.

Section 5. The City Clerk is directed to:

1. File the original of this Ordinance and attached exhibit in the office of the City Clerk of Fruita, Colorado;
2. File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and
3. File for record one certified copy of this ordinance and attached exhibits with the Clerk and Recorder of Mesa County, Colorado.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL BY A VOTE OF ____ to ____
THIS 18TH DAY OF JANUARY 2022**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor