

ORDINANCE 2002-17

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MONIKA TODD CLK&REC MESA COUNTY CO
REG FEE \$35.00

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, AMENDING THE ZONE DISTRICT MAP OF THE CITY OF FRUITA BY ZONING NEWLY ANNEXED PROPERTY KNOWN AS THE BURENHEIDE ESTATES PLANNED UNIT DEVELOPMENT TO A RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

WHEREAS, by Title 17 of the Fruita Municipal Code, the City of Fruita has enacted a comprehensive zoning and subdivision ordinance for the City; and

WHEREAS, the Fruita City Council received an application from Omer and Phyllis Burenheide ("Applicant"), to zone the newly annexed property to a Rural Residential Planned Unit Development; and

WHEREAS, a public hearing on said application was held as required by Section 17.50.020 of the Fruita Municipal Code; and

WHEREAS, the Fruita City Council finds and determines that the Applicant has provided sufficient evidence that the proposed planned unit development is in conformity with the Community Plan and meets the criteria set forth in Section 17.35.030 of the Fruita Municipal Code and the applicant has met his burden of providing evidence that the area in question meets the standards set forth in Section 17.35.030 D of the Fruita Municipal Code.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That the Official Zoning Map of the City of Fruita adopted pursuant to Section 17.50.015 be and the same hereby is, amended so as to provide that the property situate in the City of Fruita, County of Mesa, and State of Colorado, as more particularly described and shown on the attached Exhibit A, be, and the same hereby is, zoned Rural Residential Planned Unit Development (P.U.D.). The zoning densities, uses, lot sizes and their general locations shall be as indicated in the Planned Unit Development Guide which is hereby incorporated as Exhibit B. All requirements established in Title 17 of the Fruita Municipal Code for residential uses shall be applicable, except as modified by the Planned Unit Development Guide for Burenheide Estates. The zoning designation herein approved is specifically conditioned upon the Applicant's full compliance with said Planned Unit Development Guide and with the conditions of approval of the final plan for Burenheide Estates P.U.D.

Section 2. Upon adoption of this Ordinance, the zoning amendment herein contained, shall be promptly entered on the appropriate page of the official zone district map, showing general location, effective date, and nature of the change.

Section 3. The City Clerk, upon approval of the final plan and plat for Burenheide Estates Planned Unit Development, is directed to:

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Burenheide Estates Zoning

(A) File the original of this Ordinance and attached exhibits in the office of the City Clerk of Fruita, Colorado;

(B) File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and

(C) 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

THIS 6th DAY OF August, 2002

CITY OF FRUITA, COLORADO,

By:

E. James Adams
Mayor E. James Adams

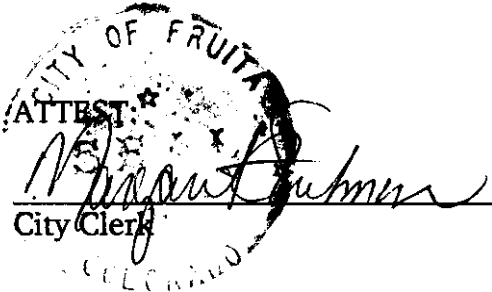


EXHIBIT A
BURENHEIDE ESTATES - RURAL RESIDENTIAL PUD ZONING
LEGAL DESCRIPTION AND MAP

The North West 1/4 of the South East 1/4 of Section 9, Township 1 North, Range 2 West of the Ute Meridian, as recorded 1/24/1992 at Book 1876 page 275 Mesa County, Colorado, containing 39.77 acres, more or less.

Tax Parcel: 2697-094-00-104
 Address: 1130 18 1/2 Road

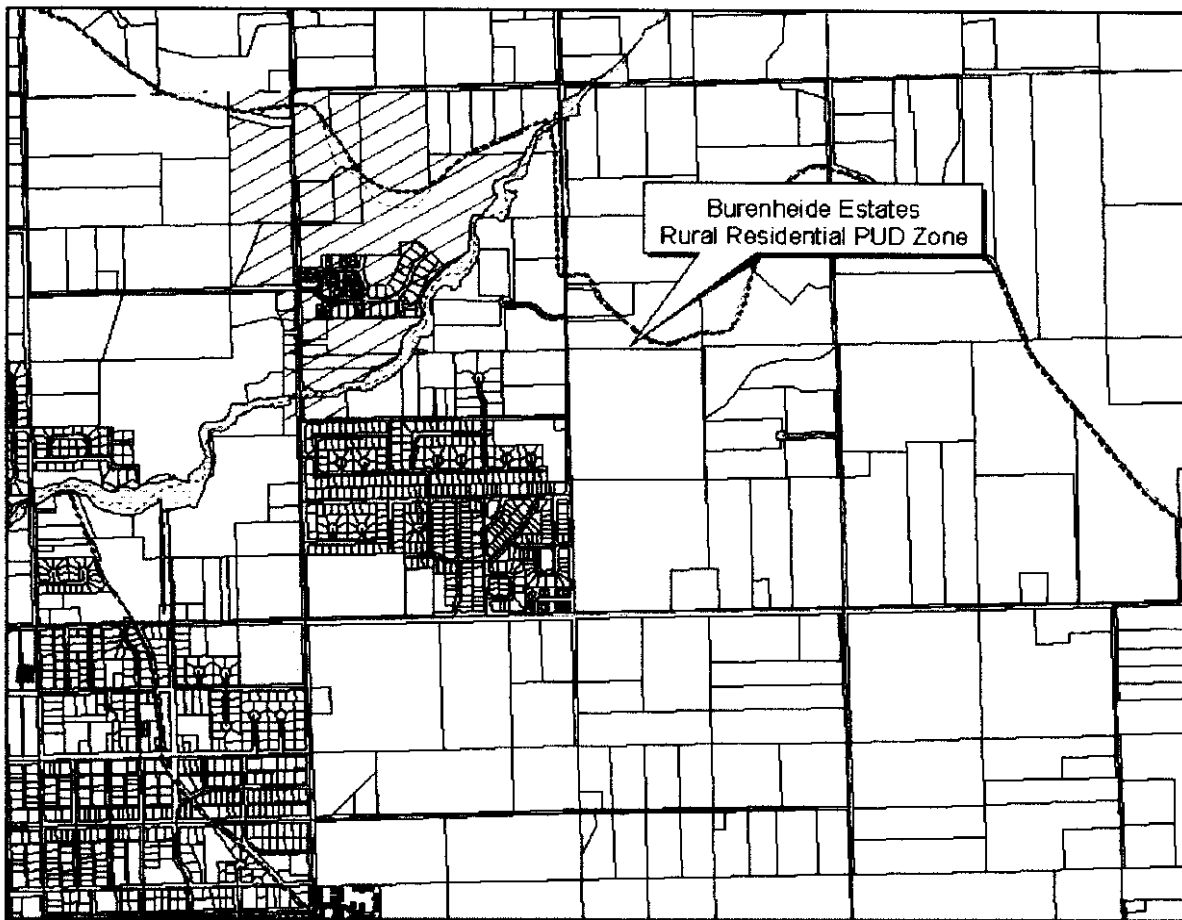


EXHIBIT B BURENHEIDE ESTATES PLANNED UNIT DEVELOPMENT GUIDE

Purpose

293-2.36
The purpose of the Burenheide Estates PUD Guide is to serve as the governing regulations to control the development of the Burenheide Estates PUD for the first filing as well as subsequent filings. The first filing contains Lot 1 and 2 - 1 acre each, Lot 3 - large lot containing 29.50 acres, Lot 4 - the existing residence, out buildings and corrals, approximately 4 acres and outlying lot A one-half (1/2) acre. The second filing contains five lots along 18 1/2 Road that are approximately one-half (1/2) acre each. The third filing proposes to create 11 lots on a cul de sac along the north property line. These lots will be contain approximately one-half (1/2) acre each. This PUD Guide will serve as the "Zone District Regulations" for the PUD and is in conformance with the City of Fruita Land Use regulations.

The Burenheide Estates PUD authorizes a total of twenty (20) dwelling units on 39.77 acres of land within the City of Fruita, Mesa County, Colorado. Development within the PUD is administered by the City of Fruita through the provisions of this PUD Guide. Building construction within the PUD is governed by the applicable City of Fruita ordinances, rules, regulations and codes. Approval of the plan constitutes a vested property right pursuant to C. R. S. Section 24-68-103, as amended.

The zoning densities, uses and their general location are depicted on the approved Sketch Plan for the Burenheide Estates. The Sketch Plan depicted the three proposed filings, and outlying lot for a regional detention/retention basin and a large lot area that will be used as part of the current ranching operation. All requirements established in Title 17 of the Fruita Municipal Code for residential uses shall be applicable, except as modified by the PUD Guide for Burenheide Estates Planned Unit Development, and approved by the City of Fruita. Any violation of any provision contained within this Guide shall constitute a Class A municipal offense punishable as set forth in the Fruita Municipal Code. The zoning designation herein approved is specifically conditioned upon the owner's and applicant's full compliance with this Guide, the PUD Sketch Plan and any applicable subdivision improvements agreements, Declaration of Covenants, Conditions and Restrictions and homeowner's association agreements.

PUD District

A. Intent

To provide clustered sites for single family attached or single family detached on a variety of lot sizes, generally one (1) or one-half (0.50) acre lots that will maintain and reinforce the existing and historic small town development pattern, character and architectural heritage of the downtown area of the City of Fruita, provide a transition

from high density urban subdivision to the rural development in the Mesa County AFT zone, and to serve the needs of the residents of Fruita. The uses by right in these parcels are intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional character of the community as well as the development of a portion or all of the large lot for the ranching operation shown in the Sketch Plan.

B. Uses by Right

1. Residential single family detached dwellings
2. Residential single family attached dwellings
3. Live/work home occupation units which combine residential and commercial uses in a single building.
4. Regional detention/retention pond on outlying lot.
5. ~~Open~~ space that may be used as part of the current ranching operation.
6. Model Homes
7. Vehicular private driveways
8. Private access lanes
9. Temporary construction staging sites
10. Public roads and utilities including cul de sacs, utility improvements, lines and mains, facilities, services and buildings.
11. Additional uses determined to be similar to uses by rights listed above, in the Declaration of Covenants, Conditions and Restrictions and Homeowner's Association agreements.

2 undeveloped
A/B
P/B

C. Minimum Building Setback Requirements

The minimum building setbacks shall be:

- Front Yard - 25 feet
- Garage Front Yard - 25 feet
- Side - 10 feet
- Rear - 20 feet

D. Landscaping

Landscaping shall be the responsibility of each individual homeowner and shall be consistent with the City of Fruita ordinances, rules, regulations and codes, Declaration of Covenants, Conditions and Restrictions and Homeowner's Association agreements. The remaining large lot after each filing shall be maintained by the ranching operation or its heirs and assigns.

E. Regional Detention/Retention Pond

The regional detention/retention pond in the outlying lot shall be the responsibility of the Grand Junction Drainage District. All rights for access including utilities shall be in accordance with the agreements between the Grand Junction Drainage District and the landowner.

F. Easements

Lots 1, 2, 3 and 4 and the outlying lot A of Filing No. 1 are subject to the terms and conditions of the agreement between Omer and Phyllis Burenheide and the Grand Junction Drainage District for the regional detention/retention pond, the private lane, sewer and water service and other easements shown on the plat for Filing No. 1. Lots in Filing Nos. 2 & 3 will be subject to easements and rights of way dedications as shown on each respective plat. All easements will be recorded as needed with the Book and Page Number of each recorded easement being added as an attachment to this PUD Guide at the time of recording.

G. Enforcement

This PUD Development Guide is enforceable under the authority and powers of the Burenheide Estates Home Owner's Association, Inc. and the City of Fruita, State of Colorado. All provisions of this Development Guide shall run in favor of the residents, occupants, tenants, and owners of Burenheide Estates Subdivision to the extent provided by law, and this Development Guide,

Executed this 1st day of August, 2002.

Omer J. Burenheide
Omer J. Burenheide, an individual

Phyllis E. Burenheide
Phyllis E. Burenheide, an individual

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

BOOK 3157 PAGE 254

The foregoing instrument was acknowledged before me this 3d day of September, 2002, by Omer J & Phyllis E. Burenheide owners of Burenheide Estates.

WITNESS my hand and official seal.
My commission expires: 3-29-03

Margaret A. Burenheide
Notary Public

