

**ORDINANCE 2007-10**

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY AMENDING A PLANNED UNIT DEVELOPMENT (PUD) ZONE WITHIN THE CITY OF FRUITA KNOWN AS MILLER'S RUN SUBDIVISION PUD**

**WHEREAS**, the property to be zoned is shown and described in attached Exhibit A, incorporated herein by this reference (the "Property"), and

**WHEREAS**, the Property is currently zoned PUD within the City of Fruita by Ordinance 2004-12 and Ordinance 2004-28, and

**WHEREAS**, the City Council has received an application by Andrew Marais (the "Applicant") to amend the existing PUD Control Guide, and

**WHEREAS**, a PUD Control Guide, as required by Section 17.17.080 of the Fruita Land Use Code (2004, as amended), and entitled Amended Miller's Run Subdivision PUD Guide dated February 8, 2007, contains information regarding the uses, density and development standards for the Miller's Run PUD, and

**WHEREAS**, based on the evidence, testimony, exhibits, study of the City's Master Plan, staff reports including review comments, Planning Commission public hearing minutes, and comments from all interested parties, the City Council finds as follows:

- A. Proper publication and other public notices were provided as required by law for the hearings before the Planning Commission and City Council.
- B. Pursuant to Sections 17.17.100 and 17.17.120 of the Fruita Land Use Code (2004, as amended) the City Council finds that the proposed PUD amendment is desirable because it meets conditions for amendment including one or more of the standards and criteria set forth in Section 17.17.050 of the Fruita Land Use Code (2004, as amended) required for approval of a PUD including general conformity with the City's Master Plan, and accomplishes one or more of the purposes of a PUD as set forth in Section 17.17.010 of the Fruita Land Use Code (2004, as amended).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

Section 1: That the Official Zoning Map adopted pursuant to Section 17.13.060 of the Fruita Land Use Code (2004, as amended) is hereby amended and that the Property shown and described on the attached Exhibit A, containing approximately 1.47 acres, be and the same is hereby rezoned as a Planned Unit Development (PUD).

Section 2: That the PUD Control Guide entitled "Miller's Run Planned Unit Development", attached hereto as Exhibit B, and incorporated herein by this reference,

establishes the uses, densities, and development standards for the Miller's Run PUD. The zoning designation herein approved is specifically conditional upon the Applicant's and any owner's full compliance with said PUD Control Guide.

Section 3: It shall be a Class B municipal offence, as defined in the Fruita Municipal Code, for any person to knowingly erect, construct, use, or alter any building or structure or knowingly use any land in violation of the PUD Control Guide herein adopted.

Section 4: The City Clerk is directed to:

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

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2<sup>nd</sup> DAY OF JULY, 2007**

City of Fruita

ATTEST:

\_\_\_\_\_  
E. James Adams, Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE 2007-\_\_\_  
EXHIBIT A  
LOCATION MAP AND LEGAL DESCRIPTION  
Miller's Run

**LEGAL DESCRIPTION**

Beginning 660 feet South of the Northwest Corner of Section 16, Township 1 North, Range 2 West, Ute Meridian, thence South 267 feet, Thence East 240 Feet, Thence North 267 Feet, thence West 240 feet to the Point of Beginning, Mesa County, Colorado.



**AMENDED  
MILLER'S RUN SUBDIVISION P.U.D. GUIDE**

June 25, 2007

**Purpose:**

The purpose of this Amended Miller's Run Subdivision PUD Guide is to provide new set-back requirements for four newly created lots, namely Lots 1 - 4 of **Miller's Run Townhomes**. The above lots were *previously platted and named Lots 3 and 4* of Miller's Run Subdivision, Planned Development.

This Amendment to the existing PUD Guide, shall in no way alter the principles contained in the existing PUD Guide. The broad purpose-, intent- and conflicts clauses of the existing PUD Guide remain in effect except as far as setbacks for the newly created lots are concerned.

**Minimum Building Setback Requirements:**

The new building setback requirements for Lots 1 - 4 of **Miller's Run Townhomes** shall be as follows:

Lot	Front setback Dw/ Ga	West side Dw/ Ga	North side Dw/ Ga	East side Dw/ Ga	South side Dw/ Ga	Lot size	Dwelling type
1	15/ 25	5/ 5	8/ 8	* Note 1	* Note 1	6232 SF	SFA
2	15/ 25	* Note 1	8/ 8	8/ 8	5/ 5	4996 SF	SFA
3	15/ 25	* Note 2	5/ 5	8/ 8	8/ 8	5003 SF	SFA
4	15/ 25	5/ 5	* Note 2	* Note 2	8/ 8	6329 SF	SFA

\*Note 1: The **common boundary** line between Lots 1 and 2 runs in a north easterly direction and has two bends in it. For primary residences and attached garages, the setback along this common boundary line shall be 0 ft.

Along the common boundary line, the setback for all auxiliary buildings, such as sheds, shall be 3 ft. All auxiliary buildings shall be subject to approval by the City of Fruita and, apart from this

setback requirement, shall be governed, not by this PUD Guide, but by the City's Municipal Code.

\*Note 2: The **common boundary** line between Lots 3 and 4 runs in a south easterly direction and has two bends in it. For primary residences and attached garages, the setback along this common boundary line shall be 0 ft.

Along the common boundary line, the setback for all auxiliary buildings, such as sheds, shall be 3 ft. All auxiliary buildings shall be subject to approval by the City of Fruita and, apart from this setback requirement, shall be governed, not by this PUD Guide, but by the City's Municipal Code.

**Conflicts:**

The specific provisions of this PUD Guide shall supersede those of the City of Fruita's Land Use Regulations. Where, however, the PUD Guide does not address an issue or matter, the specific provisions of the City of Fruita's Land Use Regulations shall prevail. In cases of dispute or ambiguity, the Fruita City Council shall act to interpret such ambiguity or resolve the dispute.



Miller Marais, LLC  
By: Andrew Marais as Manager

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MESA         )

Subscribed and sworn to before me this 25<sup>th</sup> day of JUNE, 2007, by Andrew Marais, as Manager of Miller Marais, LLC.

WITNESS MY HAND AND OFFICIAL SEAL  
My commission expires: 02/12/08



  
Notary Public

**ACCEPTANCE**

My Commission Expires 02/12/08

This PUD Guide was approved by resolution of the Fruita City Council at the meeting of :

\_\_\_\_\_  
Date of City Council Meeting

\_\_\_\_\_  
Authorized City Official Signature