

RECORD OF PROCEEDINGS

ORDINANCE # 2-1988

AN ORDINANCE AMENDING ORDINANCE 1-1974, ADOPTED
JANUARY 7, 1974, BEING THE TOWN OF FLEMING
ZONING ORDINANCE.

Section 1-07 and 1-08 of the Zoning Ordinance shall be
amended to read:

1-07 Description of Districts

For the purpose of carrying out the provisions of this ordinance, the Town of Fleming, Colorado, is hereby divided into the following zoning districts:

- (A) Low Density Residential (R-LD). This district is for low-density residential subdivisions, not to exceed a gross density of five (5) dwelling units per acre.
- (B) Mobile Home (R-MH). This district is designed to provide quiet, low-density residential areas in which mobile homes will be allowed on individually owned lots, and mobile home parks will be accommodated as conditional uses. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for family life.
- (C) Business (B). This zone is to provide for any business uses that would ordinarily be located within a small town such as Fleming.
- (D) Industrial (I). The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research and development activities are included in this district.
- (E) Business, Mobile Home or Industrial (BMI).
- (F) Business, Residential or Mobile Home (BRM).
- (G) Business and/or Residential (BR).
- (H) Park, Commercial, Industrial (PCI).
- (I) Transitional (T).

1-08 Zoning Map

The location of the zoning districts hereby established are shown on the map entitled "Town of Fleming, Colorado Zoning Map dated February 2, 1988, and is hereby made, along with explanatory matter thereon, a part of this ordinance. The official map shall be filed at the office of the Town Clerk, and shall be kept current at all times. All amendments to the map made in conformity with this ordinance shall be recorded on the map within one (1) week of its adoption, showing general location, effective date, and nature of the change. Unless

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otherwise specified on the official zone map, zone boundaries shall be construed to lie on the center line of streets and alleys; on lot lines of platted subdivisions; on railroad right-of-way boundaries; on the boundary lines of zoning districts or incorporated areas; or on section lines.

Section 2-01(B) of the Zoning Ordinance shall be amended to read:

2-01 (B) Mobile Home (R-MH).

- (1) Individual mobile Homes, including modular homes.
- (2) Recreational facilities, extensive.

Section 2-02 (E) and (F) shall be added to the Zoning Ordinance as follows:

(E) Parks, Commercial or Industrial (PCI).

May be used for designated purpose. Any use must be approved by the Town Board before any development takes place. It must be organized so that it does not destroy other uses in the entire area, and uses contiguous with development must be consistent with that development.

(F) Transitional (T).

Any use must be approved by the Town Board before any development takes place. It must be organized so that it does not destroy other uses in the entire area, and uses contiguous with development must be consistent with that development.

Section 3-05 of the Zoning Ordinance shall be amended to read:

3-05 Fees for Conditional Use Permit

Permit fees shall be paid at the time of application. The fee shall be a reasonable amount as set from time to time by the Board of Trustees plus the cost of postage, publishing costs, and any other costs incurred by the Town. The permit shall be in force for five (5) years. Permits may be renewed for the same period of time or less, without further notice, hearing, or posting of the property involved provided, however, that the operation of the conditional use has complied with all the terms and conditions of the original permit. A renewal of the permit shall be considered to be a new permit with respect to fees. This permit is not assignable or transferable.

Section 11 shall be added to the Zoning Ordinance entitled Variance Review.

11.01. Purpose

The purpose of a variance review is, first, to recognize that some uses may or may not be appropriate in a particular district depending upon the circumstances of the individual case, and, second, to allow review of such cases so that the town is assured that these uses are compatible with

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their locations and surrounding land uses and will further the purposes of this ordinance.

11-02 Authority

Variance permits may be issued by the Board of Trustees provided that prior to the granting of such permission they refer the application to the planning commission for their review and recommendation. The basis of Planning Commission review and the granting of permission for a variance by the Board of Trustees shall be, among other considerations, that such use complies and meets all the conditions and safeguards indicated for that particular use in this ordinance. Upon satisfactory demonstration that all such conditions have been met, the Board of Trustees may grant a variance, subject to additional conditions as may be imposed by the Board of Trustees in order to comply with the purposes and intent of this ordinance.

11-03 Procedure for a Variance Review

- (A) Application for a variance shall be submitted in writing to the Board of Trustees along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular variance to this ordinance.
- (B) The Board of Trustees shall study and review the application and accompanying evidence before taking action on the application. In addition, before ruling on the application, they shall:
 - (1) Submit a copy of the application and accompanying data to the Planning Commission for study and review. As a part of the review and recommendation process by the Planning Commission, the applicant for any variance shall post his property with a sign notifying the general public of the time and place of a meeting before the Planning Commission at which said property shall be reviewed for a variance. The sign shall be posted on the property at least fifteen (15) days prior to the scheduled meeting date, and shall be of a size three (3) feet by four (4) feet, posted four (4) feet above natural grade, with lettering not less than two (2) inches in size. Said sign shall be placed in a conspicuous location visible from public rights-of-way.
 - (2) Hold a public hearing on the matter, and notice of such hearing shall be published at the expense of the applicant in a newspaper of general circulation within the Town of Fleming at least fifteen (15) days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least fifteen (15) days prior to the hearing date to the applicant and to owners of properties adjacent to the property in question. Failure to mail such a notice shall not affect the validity of

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any hearing or determination of the Board of Trustees. The applicant shall furnish at least twenty (20) days prior to the anticipated date of the public hearing a list of the owners of properties adjacent to the property in question.

(C) The board of Trustees' study of the application shall include consideration of the following:

- (1) Information submitted by or for the Applicant.
- (2) Information submitted for the public hearing.
- (3) Comments by the Planning Commission, and any additional qualified opinions.

11-04. Fees for Variance

Fee for a variance shall be paid at the time of application. The fee shall be a reasonable amount set from time to time by the Board of Trustees plus the cost of postage, publishing costs, and any other expenses incurred by the Town in connection with the variance request.

11-05. Recess of the Hearing by the Board of Trustees

The Board of Trustees may recess a hearing on a request for a variance in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed variance. Upon recessing for this purpose, the Board of Trustees shall announce the time and date when the hearing will be resumed.

11-06. Notification of Action

The Town Clerk shall notify the applicant for a variance in writing of the Board of Trustees' action within seven (7) days after a decision has been rendered.

11-07. Expiration of Variance

Any variance granted by the Board of Trustees is not transferable or assignable and expires in 120 days if not used. Any variance issued by the Board of Trustees shall be limited to structures and uses specifically proposed in the variance request.

The preceding sections of the above ordinances of the Town of Fleming, Colorado, are enacted in accordance with the Constitution of the State of Colorado, and, the Town Trustees of the Town of Fleming, Colorado, have determined that these matters are matters of local and municipal concern.

If any part, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, following its adoption, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees of the Town of Fleming, Colorado, hereby declare that it would have passed this ordinance in each

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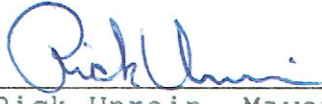
part, section, sub-section, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

INTRODUCED, AND READ, AND ORDERED POSTED IN THE FOLLOWING THREE PLACES BY RESOLUTION ADOPTED UPON FIRST READING THIS 5th DAY OF January, 1988.

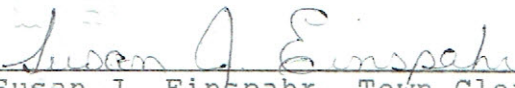
1. Fleming Town Hall
2. Fleming Post Office
3. First National Bank of Fleming

Posted this 13th day of January, 1988.

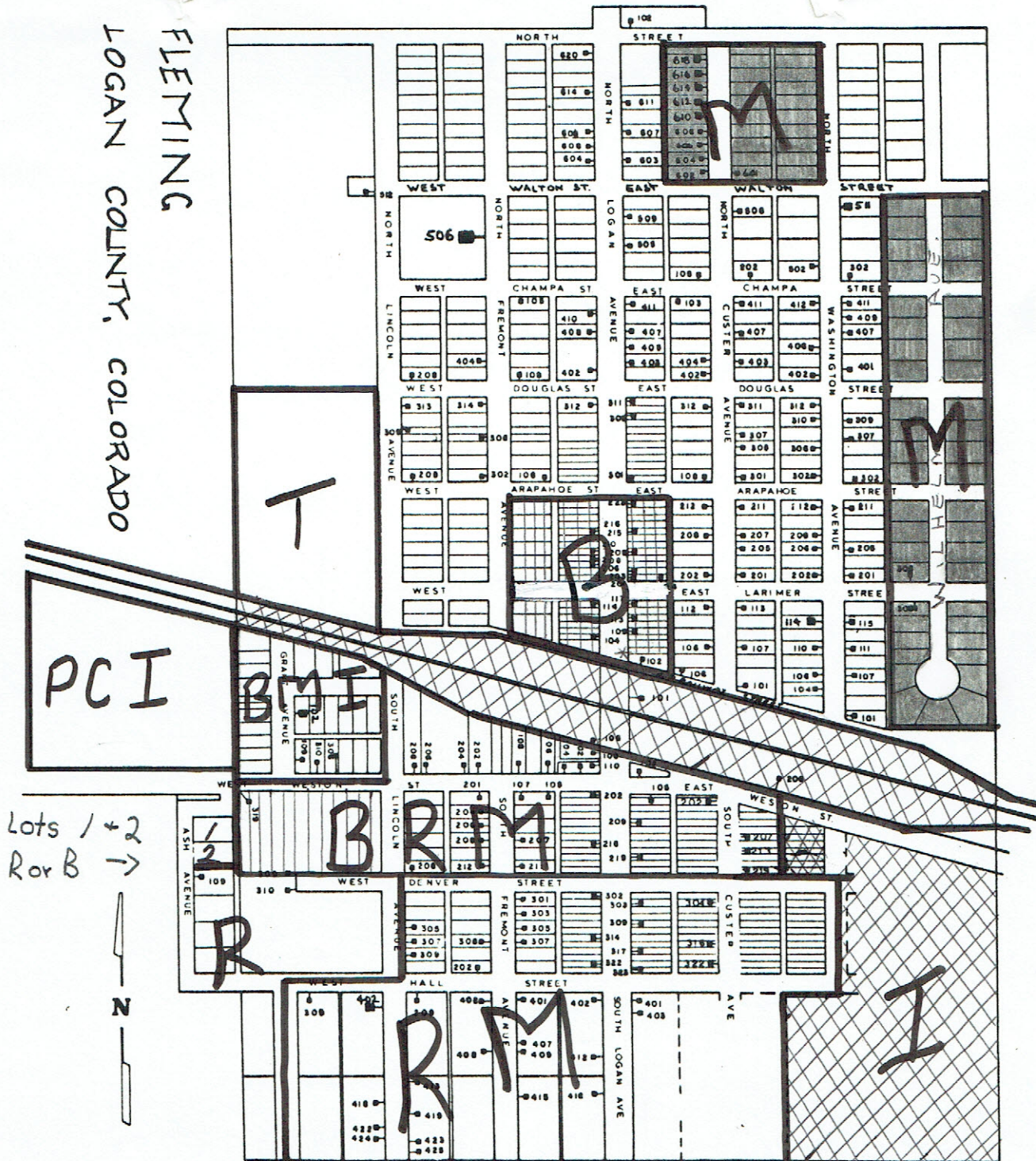
Second reading and adopted this 2nd day of February, 1988.


Rick Unrein, Mayor

ATTEST:


Susan J. Einspahr, Town Clerk

FLEMING
LOGAN COUNTY, COLORADO



- ☐ R Residential (including modular homes)
- ☒ M Mobile Homes (including modular homes)
- ☒ RM Residential OR Mobile Home
- ☒ BRM Business, Residential OR Mobile Home
- ☒ B Business
- ☒ BMI Business, Mobile Home OR Industrial
- ☒ BR Business OR Residential
- ☒ I Industrial
- T Transition
- PCI Park, Commercial OR Industrial

OFFICIAL ZONING MAP
TOWN OF FLEMING, COLORADO
AS AMENDED February 2, 1988

* 102 E. Railroad zoned business or residential