

A BILL FOR

ORDINANCE NO. 7, SERIES OF 2010

AN ORDINANCE PROVIDING FOR THE COMPREHENSIVE REZONING OF CERTAIN REAL PROPERTIES LOCATED WITHIN THE CITY OF CAÑON CITY, COLORADO, INTO THE R-1A, LOW DENSITY SMALL LOT OR THE R-L, RURAL LIVING ZONE DISTRICT

WHEREAS, in 2008 the Planning Commission of the City of Cañon City, consistent with various goals set in the City's Comprehensive Plan, initiated a comprehensive review of the City's Zoning Ordinance and zoning map and began making recommendations to the Council of Cañon City intended to improve such Zoning Ordinance and revise such zoning map in ways that will better serve the needs and wishes of local inhabitants and property owners; and

WHEREAS, one such recommendation was to create a new zone district, R-1A, Low Density, Small-Lot Residential, to enhance the marketability of existing structures on small lots within the City by making such structures (and/or the lots upon which they are situated) conforming through rezoning, and to create opportunities for small-lot subdivisions to be developed within the City; and

WHEREAS, such recommendation was accepted by City Council, which adopted Ordinance No. 23, Series of 2008, thereby creating the R-1A zone district and the opportunity for eligible properties to be rezoned R-1A; and

WHEREAS, following the adoption of said ordinance, the Planning Commission and its staff identified properties eligible for rezoning to R-1A and established and advertized a process through which all owners of such eligible property were invited to apply to have their parcels rezoned to R-1A, at no expense to the property owner, as part of a comprehensive rezoning process initiated by the City; and

WHEREAS, the City also offered interested owners of other eligible property an opportunity to rezone their properties into the R-L, Rural Living zone district, at no cost to such property owners, in order to enhance opportunities for such property owners to use their properties more productively through the availability of limited agricultural uses afforded to properties in the R-L zone district; and

WHEREAS, sixty-four (64) property owners applied to have their eligible parcels rezoned to the R-1A zone district and twenty (20) property owners applied to have their eligible parcels rezoned to the R-L zone district; and

WHEREAS, pursuant to adequate notice, a public hearing was conducted before the Planning Commission at its regular meeting held on March 16, 2010, during which all eighty-four (84) applications for rezoning were considered and following which, according to the minutes of said meeting, the Planning Commission found that the proposed comprehensive

rezoning of sixty-four (64) eligible parcels into the R-1A zone district and twenty (20) parcels into the R-L zone district will be in the public interest and will be consistent with the policies and goals of the City's Comprehensive Plan, and voted unanimously to recommend approval of the comprehensive zone change with respect to all eighty-four (84) eligible parcels; and

WHEREAS, posting of the subject properties is not required in the case of a comprehensive zone change, according to Section 17.40.030 of the Cañon City Municipal Code; and

WHEREAS, pursuant to adequate notice, a public hearing on the recommended comprehensive zone change was conducted before the City Council at its regular meeting on April 5, 2010, and testimony was heard and evidence received, including, but not limited to, reports from the Planning Commission, City staff and private property owners; and

WHEREAS, Council finds that the proposed comprehensive rezoning of all eighty-four (84) eligible parcels will be in the public interest and will be consistent with the policies and goals of the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY as follows:

Section 1. The zoning map of the City of Cañon City, adopted by Section 17.40.080 of the Cañon City Municipal Code, is hereby amended by the rezoning of each of the sixty-four (64) parcels described herein at Exhibit A into the R-1A, Low Density Small Lot zone district.

Section 2. The zoning map of the City of Cañon City, adopted by Section 17.40.080 of the Cañon City Municipal Code, is hereby amended by the rezoning of each of the twenty (20) parcels described herein at Exhibit B into the R-L, Rural Living zone district.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the residents of the City.

EXHIBIT A

Address	Legal Description	Current Zone
508 Fairview Avenue	E 21 ft Lot 18 & all Lot 19, Block 24, Earle & Raynolds Addition	R-1
419 N. 7th Street	N 40 ft Lots 15 & 16, Block 36, Cañon City	R-2
628 Fairview Avenue	E 7 ft Lot 26, all Lot 27, W 18 ft Lot 28, Block 23, Earle & Raynolds Addition	R-1
314 Rudd Avenue	Lot 11, Block 33, Cañon City	R-2
1019 Rudd Avenue	Lot 4, Block 12, T. Macon's Addition	R-2
503 Woodlawn Avenue	Lots 14 & 15, Block 24, Earle & Raynolds Addition	R-1
301 Harrison Avenue	Lot 8, Block 33, Cañon City	R-2
849 S. 7th Street	Lots 18 & 19, Block 2, Milsom's Addition	R-2
112 Greenwood Avenue	Lot 11, Block 19, Cañon City	R-3
921 Ohio Avenue	W 22 ft Lot 3 and all Lot 4, Block 23, Harding's Second Addition	R-1
107 Weaver Lane	Lot 9, Weaver Lane Subdivision	R-2
906 Clover Avenue	N 74 ft Lots 18, 19 & 20, Block 23, Harding's 2nd Addition	R-1
519 N. 4th Street	N 41.5 ft of S 80 ft of Lots 15 & 16, Block 40, Rudd's Addition	R-2
623 Burrage Avenue	Lots 3 & 4, Block 16, Earle & Raynolds Addition	R-1
1017 N. 5th Street	S ½ Lots 14 - 16, Block 7, Earle & Raynolds Addition	R-1
918 Rudd Avenue	Lot 13, Block 10, T. Macon's Addition	R-2
718 Harrison Avenue	Lot 13, Block 2, T. Macon's Addition	R-3
910 Rudd Avenue	Lot 11, except 8 ft for alley, Block 10, T. Macon's Addition	R-2
424 Pike Avenue	Lot 14, Block 46, H & A Rudd's Addition	R-2
905 Whipple Avenue	Lot 11 & E 16 ft Lot 12, Block 7, Harding's Addition	R-2
922 Rudd Avenue	Lot 14, Block 10, T. Macon's Addition	R-2
431 Pike Avenue	Lot 1, Block 53, H & A Rudd's Addition	R-2
417 N. 7th Street	S 40 ft of N 80 ft of Lots 15 & 16, Block 36, Cañon City	R-2
609 Harrison Avenue	Lot 6, Block 36, Cañon City	R-3
515 Woodlawn Avenue	Lots 7 & 8, Block 24, Earle & Raynolds Addition	R-1
125 Macon Avenue	E 4 ft Lot 3 & W 36 ft Lot 2, Block 19, Cañon City	R-3

608 Rudd Avenue	Lot 10 & E 2 ft of S 35 ft of Lot 9, except W 4 ft of N 85 ft of Lot 10, Block 36, Cañon City	R-2
826 Harrison Avenue	W 40 ft Lot 15, Block 7, T. Macon's Add.	R-2
506 Cooper Avenue	Lot 10, Block 52, H & A Rudd's Addition	R-2
302 Greenwood Avenue	Lot 9, Block 21, Cañon City	R-3
823 Greenwood Avenue	Lot 3, Block 7, T. Macon's Addition	R-2
1303 Harrison Avenue	Fractional Lots 11 – 14, Block 9, PG & M's Addition, together with 10 ft strip of vacated 13th Street on W side of Lot 14	R-1
731 Clover Avenue	Lot 1 & E 6 ft Lot 2, Block 28, Harding's Second Addition	R-1
612 Allison Avenue	Lots 22 & 23, Block 17, Earle & Raynolds Addition	R-1
924 Whipple Avenue	Portion of Lots 25, 26, 27 & 28, Block 2, Harding's Addition lying NW'ly of ditch	R-2
823 Rudd Avenue	Lot 3, Block 5, T. Macon's Addition	R-2
618 Pike Avenue	Lot 13, Block 48, H & A Rudd's Addition	R-2
1019 Harrison Avenue	Lot 4, Block 13, T. Macon's Addition	R-2
607 Harrison Avenue	Lot 7, Block 36, Cañon City	R-3
1025 Harrison Avenue	Lot 2, Block 13, T. Macon's Addition	R-2
1031 Harrison Avenue	Lot 1, Block 13, T. Macon's Addition	R-2
214 N. 4th Street	S½ Lot 9 & W½ S½ Lot 10, Block 22, Cañon City	R-3
616 Allison Avenue	Lots 24 & 25, Block 17, Earle & Raynolds Addition	R-1
215 N. 3rd. Street	S 53 ft Lots 15 & 16, Block 20, Cañon City	R-3
725 Greenwood Avenue	Lot 2, Block 2, T. Macon's Addition	R-3
731 Greenwood Avenue	Lot 1, Block 2, T. Macon's Addition	R-3
825 Rudd Avenue	Lot 2, Block 5, T. Macon's Addition	R-2
840 S. 6th Street	Lots 17 & 18, Block 1, Felton's Addition	R-2
732 Harrison Avenue	Lot 16, Block 2, T. Macon's Addition	R-3
418 Pike Avenue	Lot 12, Block 46, H & A Rudd's Add.	R-2
511 Griffin Avenue	In SE¼ SE¼ of Section 32, T18S, R70 W, beginning 1025 ft N and 560 ft W of SE corner, thence N 85°40' E, 50 ft; thence N 10° W, 88.5 ft; thence S 85°40' W, 50 ft; thence S 10° E, 88.5 ft to point of beginning	R-1
Vacant land in 400 block of Whipple Avenue	Lots 9, 10 & W 3.84 ft Lot 11, Block 14, Earle & Raynolds Addition	R-1
515 Forest Avenue	Lots 7 & 8, Block 12, Earle & Raynolds Addition	R-1
1430 Harrison Avenue	Lots 27 & 28, Block 2, Chapman's Subdivision, less 3 ft to City	R-1

EXHIBIT B

Site Address	Legal Description	Current Zone
2845 Central Avenue	Lot 7, Block 41, Fruitland Subdivision	MH-1
545 N. Cottonwood Avenue	Beginning at a point on the E line Lot 1, Block 41, Fruitmere Subdivision, said point being 300 ft N of SE corner Lot 1, Block 41; thence W 205.11 ft; thence N 100 ft; thence E 205.11 ft to E line Lot 1, Block 41; thence S 100 ft along E line to beginning.	R-2
2632 Pear Street	A tract in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T18S, R70W, described as follows: Beginning at a point on the N line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, 132 ft W of NE corner; thence W along the N line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, 132 ft to the approximate center of Barrett Ave.; thence S 170.72 ft more or less to N line of Cañon City Hydraulic Ditch; thence E'ly along the N line of said ditch 132.15 ft to a point due S of the point of beginning; thence N to the point of beginning.	R-1
417 N. 19th Street	Lot 1, Tankersley Subdivision	R-1
281 Four Mile Lane	Lot 1, Lariat Estates	R-1 & R-L
87 Lariat Lane	Lot 2, Lariat Estates	R-1 & R-L
88 Lariat Lane	Lot 3, Lariat Estates	R-1
279 Four Mile Lane	Lot 4, Lariat Estates	R-1
2280 Fowler Street	Beginning at the NE corner Block 20, South Fruitmere Subdivision; thence S 400 ft to a point; thence W and parallel to N line of said Block 20, 110 ft; thence N 400 ft; thence E along N line said Block 20 110 ft to point of beginning, 1.01 acres	R-1
2448 Central Avenue	Lot A, Graham Administrative Subdivision Waiver	R-2
1890 Kountz Avenue	W $\frac{1}{2}$ Lot 25, Kountz & Reynolds Subdivision	R-1
826 Beech Avenue	Lots 24 through 28, Block 44, Harding's Second Addition	R-1
528 N. Cottonwood Avenue	That portion of Lot 1, Block 40, Fruitmere Subdivision described as follows: Beginning at a point 100 ft S of the NW corner of said Lot 1; running thence S 100 ft; thence E 205.22 ft; thence N 100 ft; thence W 205.22 ft to the point of beginning.	R-2

1750 Forge Road	<p>That portion of the NW¼ Section 8 and that portion of the NE¼ SW¼ Section 8, T19S, R70W, described as follows; Commencing at the SW corner of the NW¼ of said Section 8; thence N 00°33'25" W, said bearing and all others in this description being on the Colorado Coordinate System, and on the W line of said Section 8 a distance of 1361.03 ft to the NW corner of the SW¼ NW¼ said Section 8; thence N 88° 27'15" E on the N line of said SW¼ NW¼ a distance of 603.23 ft to the point of beginning of the tract herein described; thence N 12°37'29" W a distance of 229.88 ft; thence N 77°22'31" E a distance of 1692.33 ft; thence S 04°17'47" W a distance of 553.67 ft to the N line of the SE¼ NW¼ of said Section 8; thence N 88°27'15" E on said N line a distance of 330.63 ft to the W line of Forge Road as described in Book 542, Page 950; (the following 3 courses are on said W line) thence S 24°22'57" W a distance of 1526.99 ft; thence on the arc of a curve to the right which curve has a central angle of 23°42'58", a radius of 60.00 ft and an arc distance of 24.83 ft; thence S 48°05'55" W a distance of 195.11 ft to a point on the NE'ly line of a proposed road; (the following 2 courses are on said NE'ly line) thence N 41°54'05" W a distance of 73.85 ft; thence on the arc of a curve to the left which curve has a central angle of 25°55'55", a radius of 640.00 ft and an arc distance of 289.66 ft; thence N 22°10'00" E non-tangent to the last mentioned curve a distance of 639.60 ft; thence N 03°19'26" W a distance of 376.33 ft; thence N 67°10'00" W a distance of 202.95 ft; thence S 77°22'31" W a distance of 522.36 ft; thence N 65°00'00" W a distance of 324.08 ft; thence N 12°37'29" W a distance of 105.12 ft to the point of beginning, containing 40 acres more or less</p>	Industrial
2428 Central Avenue	<p>A portion of Lot 3, Block 4, Park Center Subdivision, beginning 71.5 ft E of the NW corner of Lot 3; thence S 630 ft; thence E 93.5 ft; thence N 630 ft; thence W 93.5 ft to the point of beginning.</p>	R-2
533 N. Raynolds Avenue	<p>A portion of Lot 23, Raynolds Subdivision, described as follows: Beginning at a point 148.64 ft N of SE corner of said Lot 23; thence N 100 ft along E line Lot 23; thence W 280.5 ft; thence S 100 ft; thence E 280.5 ft to point of beginning</p>	R-2

604 N. 19th Street	A portion of the SE¼ NE¼ Section 28, T18S, R70W, commencing at a point from which the NE corner of Section 28 bears N 23°07'50" E a distance of 1692.09 ft; thence S 344.25 ft to the true point of beginning; thence S 170.25 ft to the N line of the Cañon City Hydraulic and Irrigating Company's main ditch; thence NE'ly along S line for the following 4 courses; (1) N 86°20'00" E, 50 ft; (2) N 76°20'00" E, 100 ft; (3) N 81°30'00" E 100 ft; (4) N 78°00'00" E, 55 ft; thence leaving said ditch line; N 117.21 ft; thence W 299.77 ft to the point of beginning	R-1
215 Highland Avenue	A portion of the NW¼ NE¼ of Section 5, T19S, R70W, beginning at the NE corner of School Tract, which is S 78°13' W 570.1 ft from the intersection of the S line of Douglas Ave and the center of S. 3 rd Street; thence S 10°47' E 469 ft more or less to S line South Cañon Ditch for point of beginning; thence S 10°47' E 785 ft; thence S 88°33' W 246.94 ft; thence N 12°12' W 723 ft; thence N 9°13' W 25 ft more or less to S bank South Cañon Ditch; thence NE'ly 247 ft more or less along the ditch to the point of beginning, 4.30 acres	R-2
412 N. 15th Street	That part of Lot 3, in the Colorado Coal & Iron Company's Cañon Gardens according to the plat thereof on file & of record in the Clerk & Recorder's Office of Fremont County, Colorado, which is bounded and described as follows: Beginning at a point on the W side of said Lot 3 which is 106 ft N of the SW corner thereof; thence N along the said W line 98 ft; thence E 378.37 ft parallel with the S line of said Lot 3 to the E line thereof; thence S along the said E line 98 ft; thence W 378.37 ft to the point of beginning	R-1

<p>414 1/2 N. 15th Street</p>	<p>That part of Lot 3, in the Colorado Coal & Iron Company's Cañon Gardens according to the plat thereof on file and of record in the Clerk & Recorder's Office of Fremont County, Colorado, which is bounded and described as follows: Beginning at a point on the W side of said Lot 3 which is 204 ft N of the SW corner of said Lot 3; thence E parallel with the S line of said Lot 3, 175.37 ft to the true point of beginning of the tract herein described; thence from said true point of beginning running E'ly parallel with the S'ly line of said Lot 3, 203 ft to the E line of said Lot 3; thence N along the E line of said Lot 3, 77 ft to a point located 281 ft N of the SE corner of said Lot 3; thence W parallel with the S'ly line of said Lot 3, 203 ft; thence S'ly 77 ft to the point of beginning</p>	<p>R-1</p>
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