



CITY COUNCIL WORK SESSION AGENDA
Monday, August 16, 2021 10:00 AM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

Public Participation for this meeting will be in person in the City Council Chambers and via Zoom at the following link: https://us02web.zoom.us/webinar/register/WN_bHXDcuRNTnS9ZCbVUXDSaw

1) INTRODUCTION OF NEW CITY EMPLOYEES(5 minutes)

Kody Bise - Parks & Special Projects Worker
Russ Chamero - Engineering Technician
Dawn Dovey - Executive Assistant to the City Manager's Office
Chuck Greenacre - Municipal Court Judge
Elizabeth Powers - Animal Shelter Technician

2) DISCUSSION ITEMS

- A) Water Resources Outlook (30 Minutes)
Colorado State Representative Marc Catlin and City Engineer Scott Murphy
- B) McCracken Addition Annexation (10 minutes)
Staff: Senior Planner Amy Sharp 3-14
- C) Pinon Way Right of Way Vacation Ordinance (10 minutes)
Staff: Senior Planner, Amy Sharp 15-18
- D) Revisions to Municipal Code Title 2, Chapter 2, Section 1 - Planning Commission (10 minutes)
Staff: Senior Planner Amy Sharp 19-23
- E) Revisions to Municipal Code Title 4, Chapter 4 - Family Child Care Homes and Childcare Facilities (10 minutes)
Staff: Senior Planner Amy Sharp 24-77
- F) Revisions to Municipal Code Section 5-3, Police Alarm Systems (10 minutes)
Staff: City Attorney Stephen Alcorn 78-85
- G) Special Events Alcohol Permit for Dinner On Main Street Event (5 minutes)
Staff: City Clerk Lisa DelPiccolo 86-95

3) GENERAL CITY COUNCIL DISCUSSION

**Please note that the times listed are estimates of approximately how long each item may take. This time is intended to serve as a guide for the Mayor in an effort to help keep the meeting moving.*

**Hearing assistance devices are available for public use. Please let us know if you need accommodation.*



4) STAFF COMMENTS

FUTURE TOPICS

- Youth City Council Applicant Interviews - September 7
- Riverbend RV Park Right of Way Exchange - September 7
- Riverbend RV Park Addition II Annexation - September 7
- Gray and Black Market Marijuana Enforcement Grant - September 7
- Suicide Prevention Month Proclamation - September 7
- Special Meeting / Executive Session - September 7

Zoom Meeting Details

https://us02web.zoom.us/webinar/register/WN_bHXDcuRNTnS9ZCbVUXDSaw

Join by phone:

1 669 900 9128

1 253 215 8782

1 346 248 7799

1 646 558 8656

1 301 715 8592

1 312 626 6799

Webinar ID: 859 1527 7692

International numbers available: <https://us02web.zoom.us/j/kcz1SXYszd>



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: August 16, 2021
RE: ANX21-0080 McCracken Addition
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering this annexation application and the associated zoning, which is done by considering approval of an annexation ordinance and a zoning ordinance at a first and second reading. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

August 16:	Council Work Session Overview
September 7:	Council Resolution to set a hearing date
September 22:	Planning Commission zoning hearing
October 19:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
November 2:	2nd reading of annexation and zoning ordinances

Application Background:

The McCracken Addition is a proposed annexation approximately 2.295 acres in size. The parcel is located east of the Uncompahgre River, west of Hwy 50, south of Industrial Drive, and north of N. Grand Avenue. It is within the City's Urban Growth Boundary, the City of Montrose Water Service Area, and the City of Montrose Sewer Service Area. Annexation of this property will allow for future development of the property and connection to City utilities. An Annexation Agreement will be required.

Proposed Zoning: "B-3" General Commercial District

Applicant: Ray McCracken

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. "The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added)."
 - b. Municipal Code, Section 4-4-14(A) Intent: The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "I-2" General Industrial District, "P" Public District, and agricultural (outside City limits).
4. The Comprehensive Plan Future Land Use Map designates the area of the McCracken Addition as Employment Center. This land use designation is intended to encourage the development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.
5. The property is located within Growth Area 1 and Growth Area 2. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but un-platted land, and un-annexed small enclaves. Growth Area 2 has some level of, or moderate proximity to, existing infrastructure.
6. The "B-3" zoning does not appear to be adverse to the public health, safety and welfare.

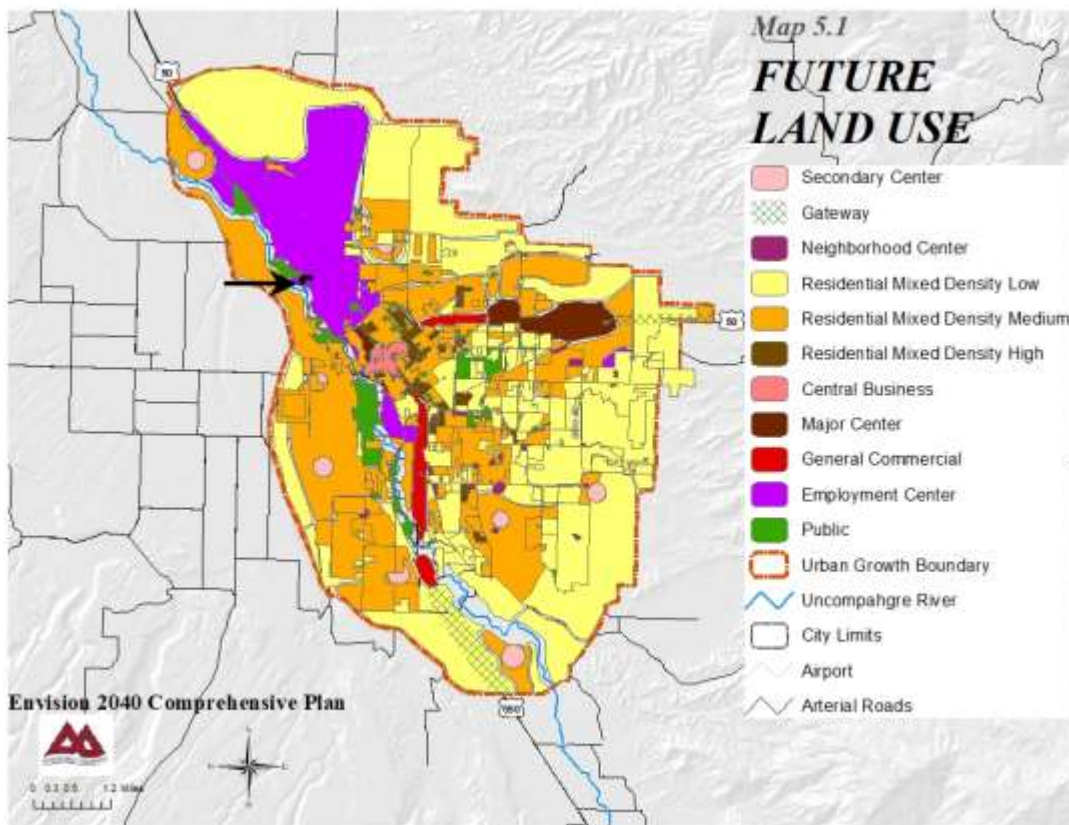
Staff Recommendation:

Staff recommends approval of the annexation and "B-3" General Commercial District.

EXHIBIT A: Maps
Vicinity Map

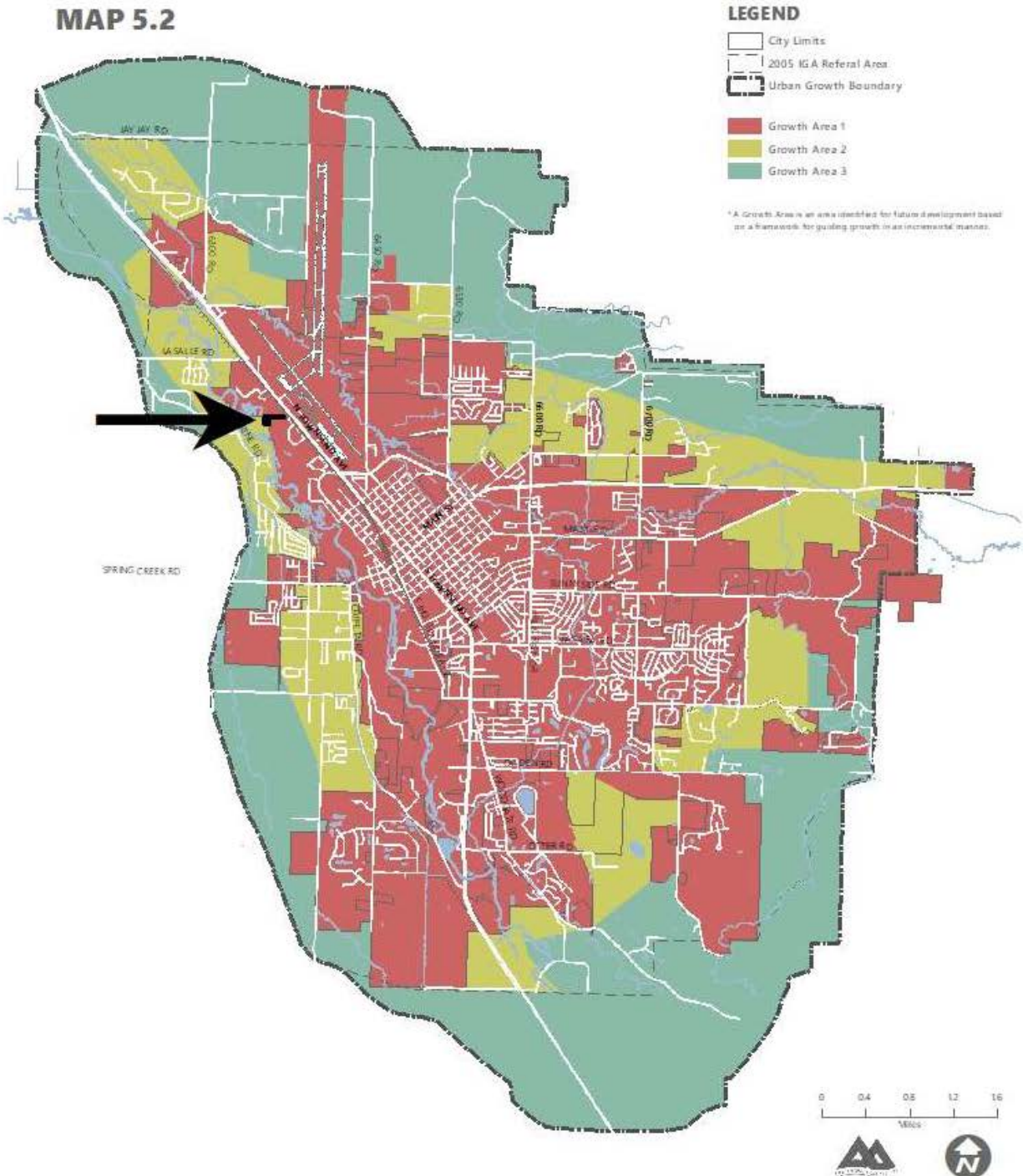


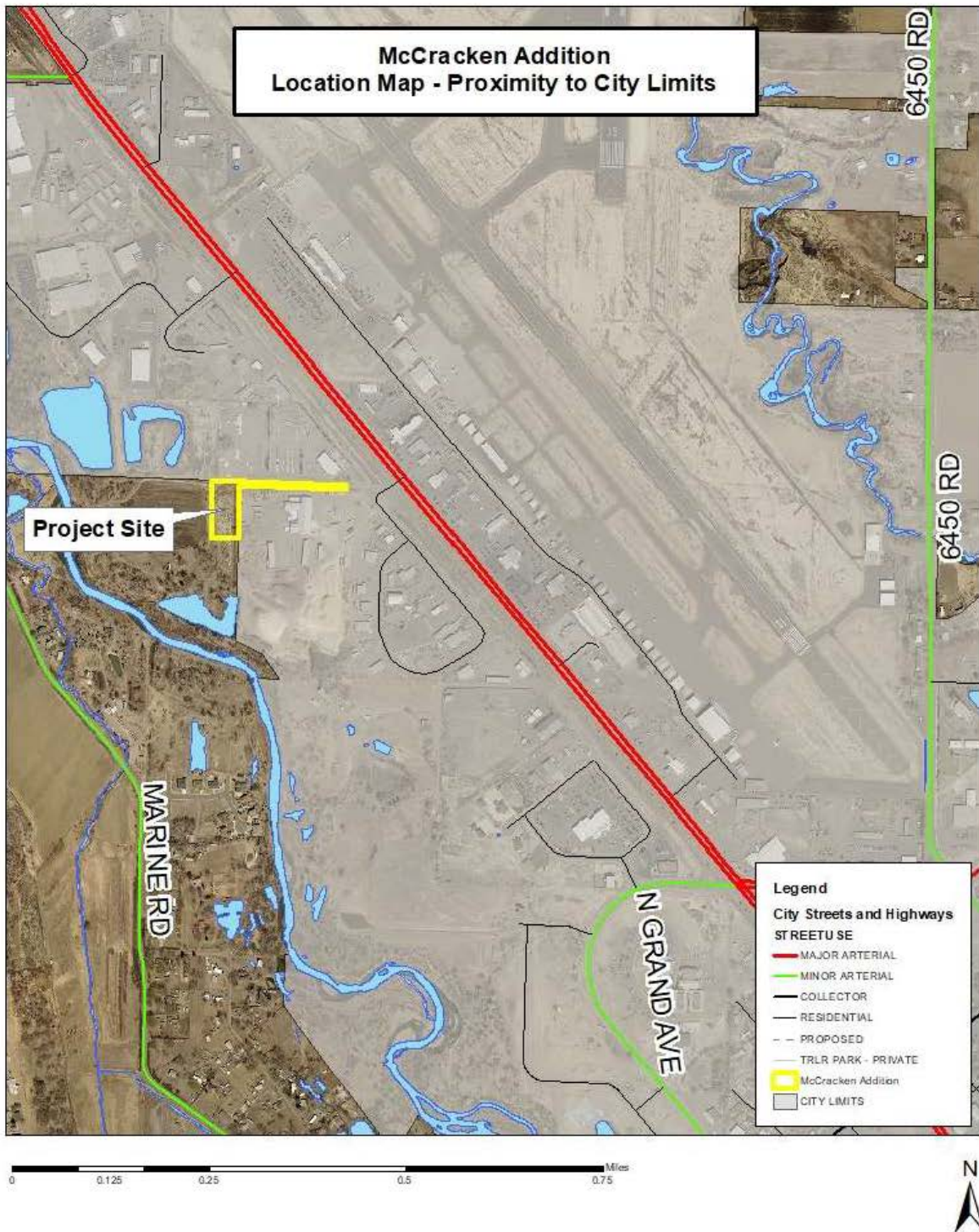
Comprehensive Plan Future Land Use Map



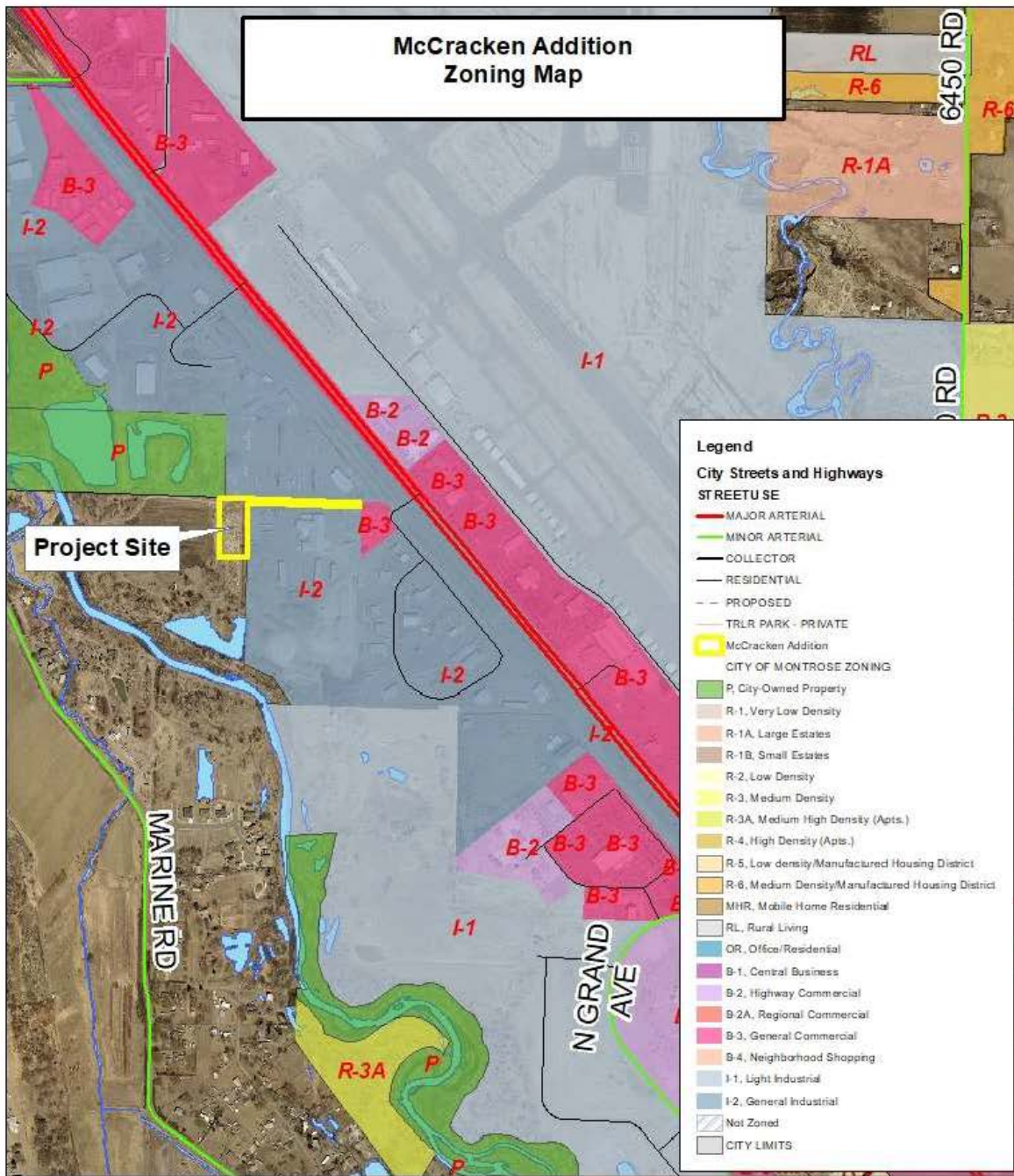
GROWTH AREAS*

MAP 5.2





Map created 7/27/2021



0 0.125 0.25 0.5 0.75 Miles



Map created 7/27/2021

McCRACKEN ADDITION

WITHIN THE NW1/4 SE1/4 OF SECTION 20 T.49N., R.9W., N.M.P.M.
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

////// CITY LIMITS
———— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 2660.30'
PERIMETER CONTIGUOUS TO CITY LIMITS = 2058.29'

C1/4
FOUND 2" ALUMINUM CAP PLS 12180

S 89°34'08" E 400.30'

SEWER LINE EASEMENT TO CITY OF MONTROSE RECORDED IN BOOK 715
PAGE 580, MONTROSE COUNTY RECORDS.

60' ACCESS AND UTILITY
EASEMENT PER RECEPTION
NO. 937322.

20' WIDE SEWER LINE EASEMENT TO CITY OF MONTROSE RECORDED IN
BOOK 736 PAGE 726, M.C.R.

NON-EXCLUSIVE PERPETUAL ROAD USE & RIGHT-OF-WAY EASEMENT
RECORDED AT RECEPTION NO. 654853.

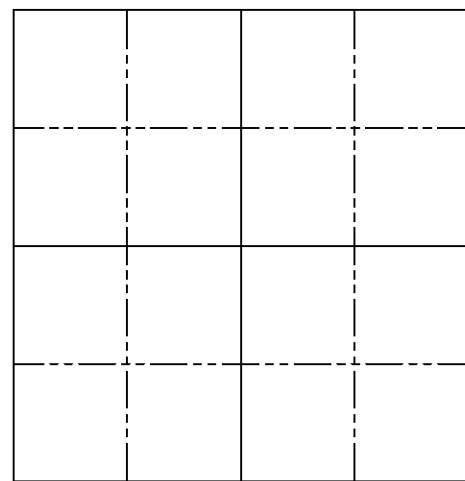
CE1/16

S 00°26'10" E
30.27'

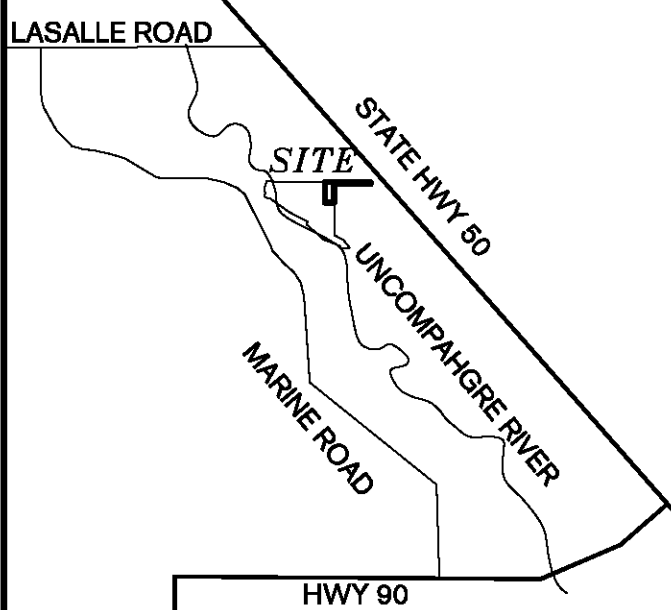
FOUND 1 1/2" ALUMINUM CAP PLS 17509 BEARING S.00°01'10"W, 0.6'
FROM TRUE CORNER POSITION.
USED AS WITNESS CORNER.

N 89°29'54" W 727.81'

SEE PLAT



CONTROL MAP



AREA LOCATOR

TYPICAL LEGEND

- Found PK Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25972
- Found 5/8" rebar with 1 1/2" aluminum cap LS12180 or as noted.
- Found 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS38265
- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972 per monument record
- Found 5/8" rebar with 1 1/2" aluminum cap LS17509 or as noted
- Found 5/8" rebar with 1 1/2" aluminum cap RLS 1456 or as noted
- Found 5/8" rebar with 1 1/2" aluminum cap LS 12420
- Found 5/8" rebar with 1 1/2" aluminum cap LS 7160
 - Fencelines
 - Electric (overhead)
 - Electric (underground)
 - Water line
 - Easement
 - Previous Parcel Boundary
 - CL River
 - East Bank of old River
 - R.O.W. Easement Reception No. 654853.

BASIS OF BEARINGS:

N.89°32'46"W, FROM THE C1/4
CORNER TO THE 1/4 CORNER
COMMON TO SECTIONS 19 AND 20
GEODETIC NORTH
GPS OBSERVATION

SCALE 1"=50 U.S. SURVEY FEET

0 25 50 100

TOTAL ACRES
99983 Sq. Feet
2.295 Acres

NOTE:

THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. IT IS A COMPUTATION OF
EXISTING RECORDS FOR THE PURPOSE OF ANNEXATION.

PROPERTY DESCRIPTION

McCRACKEN ADDITION
PARCEL A, McCRACKEN EXEMPTION PLAT FOR BOUNDARY LINE ADJUSTMENT
A tract of land situated in the NW1/4 of the SE1/4 Section 20, Township 49 North, Range 9 West, N.M.P.M.,
Montrose County, Colorado and being more particularly described as follows: Beginning at the NE corner of
said NW1/4 of the SE1/4, also being the CE1/16 corner and running thence S.00°28'10"E, 30.27 feet; thence
N.89°29'54"W, 727.81 feet; thence S.00°01'10"W, 382.64 feet; thence N.89°34'08"W, 190.00 feet; thence
N.00°01'10"E, 412.01 feet to the north line of said NW1/4 of the SE1/4; thence along the north line of said
NW1/4 of the SE1/4 S.89°34'08"E, 917.57 feet to the Point of Beginning, said parcel contains 2.295 acres,
more or less.
City of Montrose,
County of Montrose,
State of Colorado.

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado
has by its Ordinance No. _____
adopted on the _____ day of _____, 20____ annexed the property hereon to the City of Montrose.

Mayor

Attest

City Clerk

SURVEYOR'S CERTIFICATE

Randy A. Wilmore, a Registered Land Surveyor in the State of Colorado, do hereby
certify that the survey represented by this plat was made under my responsible charge and that this plat accurately
reflects said survey.

Signature

Date

CLERK AND RECORDER'S CERTIFICATE

This plat was filed in the office of the Clerk and Recorder of Montrose

County, Colorado, at _____ m. on this _____ day of _____, A.D. 20____;

Reception Number _____.

County Clerk & Recorder by Deputy



WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue P.O. Box 1692
Paonia, Colorado 81428
970.527-4200 PHONE
970.527-4202 FAX
www.wilmorelandsurveying.com
EMAIL: randy@wilmorelandsurveying.com

FIELD CREW:

RAW, TWG

DRAFTER:

RAW

CHECKED BY:

KC

McCRACKEN ADDITION

WITHIN THE NW1/4 SE1/4 OF SECTION 20 T.49N., R.9W., N.M.P.M.
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

J20124 ADDITION FINAL

27 JULY 2021

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-12. "B-1" Central Business District.

- (A) *Intent.* The "B-1" Central Business District is intended as a shopping and business center for the City and surrounding area. The most intensive commercial use of buildings and land is encouraged with parking primarily of public concern. No off-street parking is required, except where otherwise specified. This district is oriented to pedestrian traffic.
- (B) *Uses by Right.*
- (1) Retail stores, business and professional offices, and service establishments which cater to the general shopping public.
 - (2) Libraries and museums.
 - (3) Government buildings and facilities.
 - (4) Public utility service facilities.
 - (5) Private and fraternal clubs.
 - (6) Theaters.
 - (7) Restaurants and taverns.
 - (8) College or other place of adult education.
 - (9) Fueling stations which comply with the following criteria:
 - (a) All fuel storage, except propane, shall be located underground.
 - (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.
 - (10) Places of worship.
 - (11) Childcare facilities.
 - (12) Parks and playgrounds.
 - (13) Accessory uses.
 - (14) Hotels and motels (off-street parking required).
 - (15) Single-family homes, duplexes, and multiple-family residences (off-street parking required).
 - (16) Parking facilities.
 - (17) Public transportation facilities.
 - (18) Renewable energy facilities.
 - (19) Short-term rentals.
 - (20) Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.
- (C) *Conditional Uses.*
- (1) Schools.

- (2) Funeral homes.
 - (3) Building materials businesses.
 - (4) Automobile and other vehicle sales or service establishments.
 - (5) Automobile body shops.
 - (6) Distribution, warehouse and wholesale operations.
 - (7) Drive-in or drive-through restaurants.
 - (8) Storage facilities.
 - (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.
- (D) *Outdoor Storage Businesses.* Businesses that need outdoor storage are not compatible with this district.
- (Ord. No. 2472 , § 4-4-12, 5-7-2019; Ord. No. 2540 , 5-4-2021)

Sec. 4-4-13. "B-2" Highway Commercial District.

- (A) *Intent.* The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City.
- (B) *Uses by Right.*
- (1) Those listed in the "B-1" district as uses by right.
 - (2) Self-service laundry facilities.
 - (3) Drive-in or drive-through restaurants.
 - (4) Car washes.
 - (5) Childcare facilities.
 - (6) Rental storage units inside a building.
 - (7) Veterinary clinics or hospitals for small animals.
 - (8) Skilled nursing and assisted living facilities and hospitals.
 - (9) Retail building material supply businesses.
 - (10) Parking facilities.
 - (11) Renewable energy facilities.
 - (12) Short-term rentals.
- (C) *Conditional Uses.*
- (1) Those conditional uses listed for the "B-1" district.
 - (2) Recreational vehicle parks and campgrounds.
 - (3) Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied.
 - (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

- (D) *Not Included in this District.* The following uses are not to be construed as a use by right or conditional use in the "B-2" Highway Commercial District:
- (1) Farm implement sales or service establishments.
 - (2) Construction and contractor's equipment storage facilities.
 - (3) Machine and welding shops.
 - (4) Above ground storage facilities for hazardous fuels.
 - (5) Manufacturing and industrial uses except as allowed by Subsection (C)(3) of this Section.
 - (6) Storage facilities. Small rental storage units are allowed. See Subsection (B)(6) of this Section.
- (E) *Performance Standards.* No use shall be established, maintained or conducted in any "B-2" Highway Commercial District that will result in any public or private nuisance.
- (Ord. No. 2472 , § 4-4-13, 5-7-2019)

Sec. 4-4-13.1. "B-2A" Regional Commercial District.

- (A) *Intent.* "B-2A" Regional Commercial District is intended for a full spectrum of retail and services uses including both convenience goods and general merchandise.
- (B) *Uses by Right.*
- (1) Uses listed as uses by right in the "B-2" and "B-1" districts.
 - (2) Automobile and vehicle sales or service establishments.
 - (3) Farm implement sales or service establishments.
 - (4) Mobile home sales or service establishments.
 - (5) Building materials sales establishments.
 - (6) Rental businesses.
 - (7) Veterinary clinics or hospitals for large animals.
 - (8) Automobile body shops.
 - (9) Automotive repair and service establishments.
 - (10) Parking facilities.
 - (11) Renewable energy facilities.
 - (12) Short-term rentals.
- (C) *Conditional Uses.*
- (1) Uses listed as conditional uses in the "B-1" and "B-2" districts.
 - (2) Warehouses and storage facilities.
 - (3) Manufacturing uses allowed in the "I-1" Light Industrial district.
 - (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.
- (D) *Not Included in the District.* The following uses are not to be construed as a use by right or a conditional use in the "B-2A" Regional Commercial District:
- (1) Manufacturing and industrial uses, except as allowed by Subsections (C)(1) and (3) of this Section.

- (2) Above ground storage facilities for hazardous fuel.
- (3) Construction and contractor's equipment storage facilities.
- (4) Animal boarding facilities.

(E) *Performance Standards.*

- (1) Manufacturing and storage associated with manufacturing shall be indoors.
- (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(Ord. No. 2472 , § 4-4-13.1, 5-7-2019)

Sec. 4-4-14. "B-3" General Commercial District.

- (A) *Intent.* The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers.
- (B) *Uses by Right.*
- (1) Uses listed as "uses by right" in the "B-1," "B-2" and "B-2A" districts.
 - (2) Automobile and vehicle sales or service establishments.
 - (3) Farm implement sales or service establishments.
 - (4) Mobile home sales or service establishments.
 - (5) Building materials sales establishments.
 - (6) Rental businesses.
 - (7) Feed storage and sales establishments.
 - (8) Veterinary clinics or hospitals for large animals.
 - (9) Automobile body shops.
 - (10) Automotive repair and service establishments.
 - (11) Construction and contractor's office and equipment storage facilities.
 - (12) Above ground storage facilities for hazardous fuels.
 - (13) Parking facilities.
 - (14) Renewable energy facilities.
 - (15) Short-term rentals.
- (C) *Conditional Uses.*
- (1) Uses listed as conditional uses in the "B-1," "B-2" and "B-2A" districts.
 - (2) Warehouses and storage facilities.
 - (3) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.
- (D) *Not Included in this District.* The following uses are not to be construed as a use by right or a conditional use in the "B-3" General Commercial district:
- (1) Manufacturing and industrial uses except as allowed by Subsection (C)(1) of this Section.
- (E) *Performance Standards.*
- (1) Manufacturing and storage associated with manufacturing shall be indoors.
 - (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(Ord. No. 2472 , § 4-4-14, 5-7-2019)



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: August 16, 2021
RE: Pinon Way Right-of-Way Vacation

City Council Consideration:

City Council is considering the vacation of a portion of Pinon Way by considering approval of the attached ordinance. Council will consider all of the information in this memo in making a decision.

Proposed Schedule:

August 16, 2021 City Council Work Session
September 7, 2021 City Council, 1st reading of Ordinance
September 21, 2021 City Council, 2nd reading of Ordinance

Background:

The proposed vacation is located along a portion of Pinon Way. The neighboring property owner is requesting the City vacate a portion of right-of-way along Pinon Way for future development of a 4-plex for workforce housing. The southerly half of this ROW would be vacated to the adjacent land owner. The northerly half would not be vacated at this time and retained by the City for future potential use.

City Council Action:

Right of Way Vacation Ordinance. This ordinance authorizes the City to vacate a portion of right of way along Pinon Way. City staff recommends that Council approve the accompanying ordinance, which would authorize a portion of Pinon Way right of way to the adjacent owner.



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, VACATING A
RIGHT OF WAY DEEMED SURPLUS**

WHEREAS, the City of Montrose has deemed a certain right of way surplus and no longer needed as a roadway; and

WHEREAS, the City of Montrose desires to vacate said right-of-way and convey the same to the abutting property owner as required by State statute.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that the land described in **Exhibit A**, attached hereto, in the City of Montrose, Colorado, be and same is vacated and abandoned with all right, title and interest of the City of Montrose, Colorado being divested and renounced, title thereto reverting as provided by the Statutes of the State of Colorado, said vacated land to have the same zoning as the immediately adjoining properties.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on first reading on Tuesday, the ____ day of _____, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this ____ day of _____, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

PINON WAY VACATION DESCRIPTION

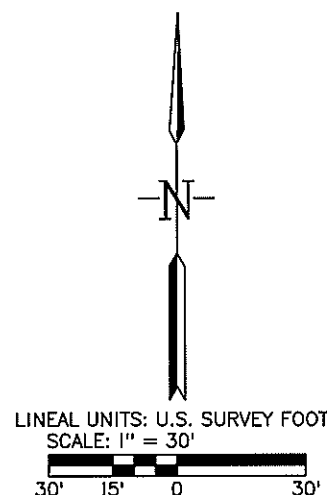
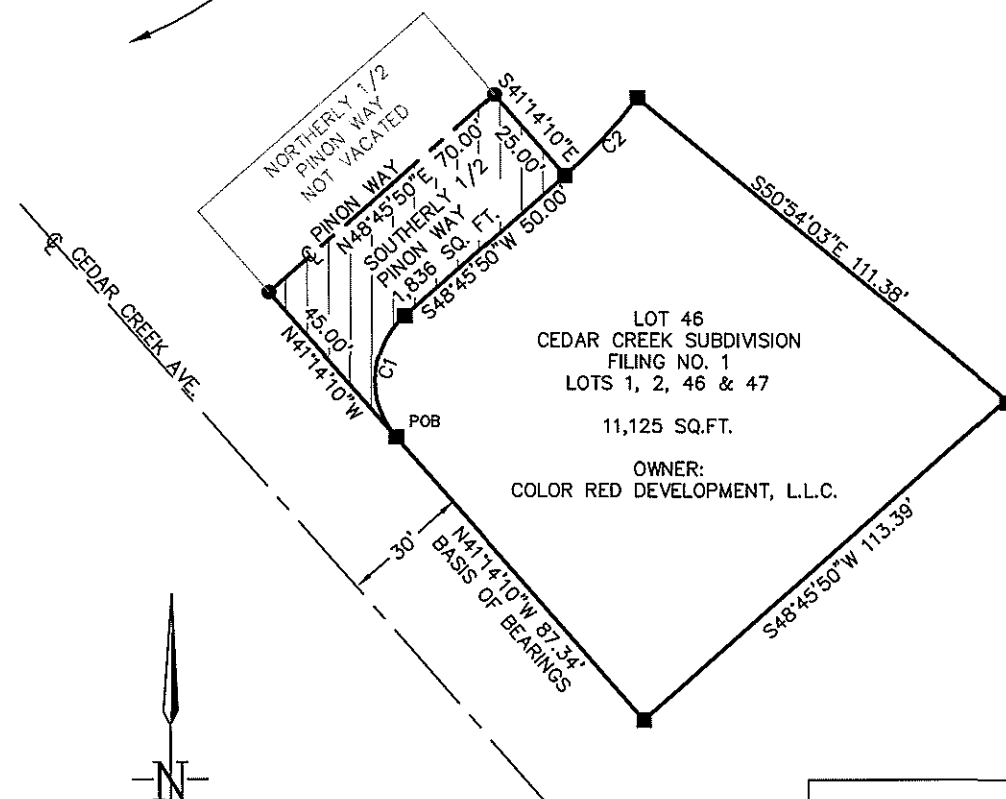
SOUTHERLY ½ OF PINON WAY VACATION DESCRIPTION

A strip of land situated in the City of Montrose, Montrose County, Colorado and being more particularly described as follows: Beginning at the northwest corner of Lot 46, Cedar Creek Subdivision, Filing No. 1, Lots 1, 2, 46 and 47, said point being on the easterly right-of-way line of Cedar Creek Avenue; thence N41°14'10"W along said easterly right-of-way, 45.00 ft. to a point on the centerline of Pinon Way; thence N48°45'50"E along said centerline, 70.00 ft. to a point on the easterly right-of-way line of said Pinon Way; thence along said easterly right-of-way line S41°14'10"E, 25.00 ft. to a point on the southerly right-of-way line of said Pinon Way, said point being a point on the northerly line of Lot 46, Cedar Creek Subdivision, Filing No. 1, Lots 1, 2, 46 and 47; thence along said southerly right-of-way line of said Pinon Way and along said northerly line of Lot 46 of the following two courses: S48°45'50"W, 50.00 ft; 31.42 ft. and along the arc of a curve to the left have a central angle of 90°, a radius of 20.00 ft. and a long chord which bears S03°45'50"W, 28.28 ft. to the point of beginning, containing 1,836 square feet.

PLAT OF SURVEY

FOR THE VACATION OF THE SOUTHERLY 1/2 OF PINON WAY ADJOINING LOT 46 OF CEDAR CREEK SUBDIVISION,
FILING NO. 1 LOTS 1, 2, 46 & 47
CITY OF MONTROSE, MONTROSE COUNTY, COLORADO

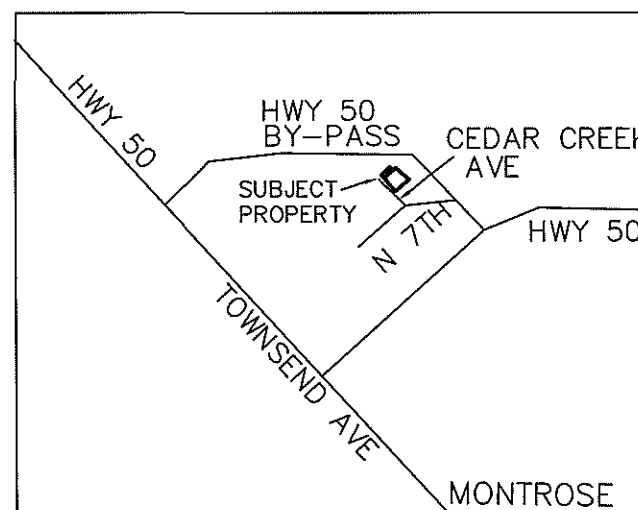
OWNER:
SUNSHINE PEAKS
APARTMENT HOMES, LLC



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	31.42'	20.00'	90°00'00"	S03°45'50"W 28.28'
C2	24.85'	125.00'	11°23'32"	N43°04'04"E 24.81'

LEGEND

- = AREA OF VACATION
 = FOUND NO. 5 REBAR & SURVEY CAP LS12180
 = SET NO. 5 REBAR & SURVEY CAP LS12180
 = CENTERLINE
POB = POINT OF BEGINNING



VICINITY MAP

"NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

SOUTHERLY 1/2 OF PINON WAY VACATION DESCRIPTION

A strip of land situated in the City of Montrose, Montrose County, Colorado and being more particularly described as follows: Beginning at the northwest corner of Lot 46, Cedar Creek Subdivision, Filing No. 1, Lots 1, 2, 46 and 47, said point being on the easterly right-of-way line of Cedar Creek Avenue; thence N41°14'10"W along said easterly right-of-way, 45.00 ft. to a point on the centerline of Pinon Way; thence N48°45'50"E along said centerline, 70.00 ft. to a point on the easterly right-of-way line of said Pinon Way; thence along said easterly right-of-way line S41°14'10"E, 25.00 ft. to a point on the southerly right-of-way line of said Pinon Way, said point being a point on the northerly line of Lot 46, Cedar Creek Subdivision, Filing No. 1, Lots 1, 2, 46 and 47; thence along said southerly right-of-way line of Pinon Way and along said northerly line of Lot 46 the following two courses: S48°45'50"W, 50.00 ft.; 31.42 ft. along the arc of a curve to the left having a central angle of 90°, a radius of 20.00 ft. and a long chord which bears S03°45'50"W, 28.28 ft. to the point of beginning, containing 1,836 square feet.

SURVEYOR'S CERTIFICATE

I, William D. Wiley, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my direct responsibility, supervision and checking, and that this plat accurately represents said survey.

William D. Wiley
Colorado Registered Land Surveyor #12180

8-3-2021
Date

CF: VACATION PLAT
Plot Scale: 1" = 30'
Book: 771 Page: 15

DATE: 6/7/21

REVISIONS:
6/16/21 revise description per City request
7/20/21 per City review
7/26/21 Correct owner name
8/3/21 City revision

PLAT OF SURVEY

FOR THE VACATION OF THE SOUTHERLY 1/2 OF PINON WAY
ADJOINING LOT 46 OF CEDAR CREEK SUB., FILING NO. 1
LOTS 1, 2, 46 & 47
CITY OF MONTROSE, MONTROSE COUNTY, COLORADO

FOR: GARRETT SMITH

MESA SURVEYING ASSOCIATES INC.

P.O. Box 1287

(970)-240-9994

Montrose, CO 81402

Sheet: 1 of 1

File No. 21-79



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: August 16, 2021
RE: City of Montrose Municipal Code Update, Section 2-2-1

City staff have undertaken a review of the Municipal Code Title 2, Chapter 2, Section 1 (2-2-1) in order to update the compensation of Planning Commission members. This modification changes the Planning Commission members' compensation from \$40.00/month to \$80.00/month and the Chairperson's compensation from \$60.00/month to \$100.00/month.

Recommended Actions:

1. Update Section 2-2-1 to reflect this change in Planning Commission compensation.

Proposed Language:

The language below is proposed to be changed to Municipal Code Section 2-2-1:

Section 2-2-1: Creation of Planning Commission

(B) Each Planning Commission member except the Chairperson shall receive compensation of ~~\$40.00~~ \$80.00 per month. The Chairperson shall receive compensation of ~~\$60.00~~ \$100.00 per month. Additionally, members may be reimbursed for authorized expenses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 2 CHAPTER 2, PLANNING COMMISSION REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 2 CHAPTER 2 SECTION 1 (2-2-1) REGARDING CREATION OF PLANNING COMMISSION.

WHEREAS, the City's Planning Commission Regulations are updated from time to time; and

WHEREAS, this update hereby amends the Planning Commission Regulations to increase the Planning Commission stipend; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Section of Title 2 Chapter 2 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 2 Chapter 2 Section 1 (2-2-1) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 2-2-1, to read in full as follows:

2-2-1. – Creation of Planning Commission.

(B) Each Planning Commission member except the Chairperson shall receive compensation of ~~\$40.00~~ **\$80.00** per month. The Chairperson shall receive compensation of ~~\$60.00~~ **\$100.00** per month. Additionally, members may be reimbursed for authorized expenses.

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the ____ day of _____, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2021.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2021.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,
UPDATING TITLE 2 CHAPTER 2, PLANNING COMMISSION REGULATIONS
OF THE CITY OF MONTROSE: AMENDING TITLE 2 CHAPTER 2 SECTION 1
(2-2-1) REGARDING CREATION OF PLANNING COMMISSION.**

WHEREAS, the City's Planning Commission Regulations are updated from time to time; and

WHEREAS, this update hereby amends the Planning Commission Regulations to increase the Planning Commission stipend; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Section of Title 2 Chapter 2 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 2 Chapter 2 Section 1 (2-2-1) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 2-2-1, to read in full as follows:

2-2-1. – Creation of Planning Commission.

(B) Each Planning Commission member except the Chairperson shall receive compensation of \$80.00 per month. The Chairperson shall receive compensation of \$100.00 per month. Additionally, members may be reimbursed for authorized expenses.

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the ___ day of _____, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2021.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2021.

_____, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: August 16, 2021
RE: City of Montrose Municipal Code Update, Section 4-4
EXHIBITS: House Bill 21-1222
Ordinance Amending MC 4-4 of Zoning Code (Redline & Clean Version)

City staff have undertaken a review of the Municipal Code Title 4, Chapter 4, Sections 1-18 in order to add a definition for family child care homes, update the definition for childcare facilities, and define where these uses are allowed. This Code amendment is in response to House Bill 21-1222 (attached) which was signed June 7, 2021. This House Bill expands opportunities to access child care in family child care homes. According to this House Bill, family child care homes shall be treated as residential property use.

Recommended Actions:

1. Update Municipal Code Title 4, Chapter 4, Sections 1-18 to reflect this change.

An Act

HOUSE BILL 21-1222

BY REPRESENTATIVE(S) Valdez A. and Van Winkle, Burnett, Caraveo, Carver, Catlin, Cutter, Daugherty, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Jackson, Kipp, Lontine, Lynch, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Pelton, Ransom, Ricks, Sandridge, Sirota, Tipper, Titone, Valdez D., Van Beber, Will, Williams, Woog, Young, Garnett, Amabile, Baisley, Bird, Boesenecker, Froelich, Geitner, McKean, Pico, Snyder, Sullivan, Woodrow; also SENATOR(S) Smallwood and Winter, Bridges, Buckner, Cooke, Danielson, Fields, Ginal, Gonzales, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Sonnenberg, Story, Zenzinger, Garcia.

CONCERNING ALIGNING LOCAL GOVERNING AUTHORITY REGULATIONS TO
EXPAND OPPORTUNITIES TO ACCESS CHILD CARE IN FAMILY CHILD
CARE HOMES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado has a shortage of licensed, safe, and affordable child

care options, while at the same time there is a growing need for child care in order to bolster the economy and allow parents to work;

(b) Family child care homes provide an essential element of the child care network in both urban and rural parts of the state. In fact, in many counties, there are no licensed child care centers, making family child care homes the only option families have for licensed child care.

(c) Many parents prefer child care that is located in family homes within their neighborhood so their children can experience a home-like environment that is conducive to healthy and safe development.

(2) The general assembly further finds that:

(a) Zoning, land use development, building, and fire standards that vary across the state and that treat family child care homes differently from family residences are difficult for providers to meet, create undue hardship and barriers to entry, and negatively impact the number of providers willing and able to offer licensed child care; and

(b) The child care licensure rules promulgated by the Colorado department of human services provide rigorous protections for children's health and safety, including protective standards relating to fire and life safety, sanitation, and physical environment in family child care homes.

(3) Therefore, the general assembly declares that the regulation of family child care homes throughout the state is a matter of statewide concern and the inconsistent regulation by local governments relating to zoning, land use development, building codes, and fire and life safety hinders the ability of the state department of human services to license and inspect family child care homes and to provide accessible, safe, and affordable licensed child care options for all Colorado parents.

SECTION 2. In Colorado Revised Statutes, 26-6-104.5, **amend** (1) as follows:

26-6-104.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure.

(1) (a) The department shall require any child care facility seeking licensure pursuant to section 26-6-104 to comply with any applicable

zoning AND LAND USE DEVELOPMENT regulations of the municipality, city and county, or county where the facility is situated. Failure to comply with applicable zoning AND LAND USE regulations ~~shall constitute~~ CONSTITUTES grounds for the denial of a license to a facility.

(b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, THE AVAILABILITY OF SAFE, AFFORDABLE, AND LICENSED FAMILY CHILD CARE HOMES IS A MATTER OF STATEWIDE CONCERN. THEREFORE, PERMITTING FRAGMENTED REGULATION AMONG JURISDICTIONS IMPEDES AND INFRINGES UPON THE DEPARTMENT'S APPROPRIATE AND CONSISTENT LICENSING AND REGULATION OF FAMILY CHILD CARE HOMES THROUGHOUT THE STATE. ACCORDINGLY, LOCAL GOVERNING AUTHORITIES SHALL TREAT FAMILY CHILD CARE HOMES AS RESIDENTIAL PROPERTY USE IN THE APPLICATION OF LOCAL REGULATIONS, INCLUDING ZONING, LAND USE DEVELOPMENT, FIRE AND LIFE SAFETY, SANITATION, AND BUILDING CODES. LOCAL GOVERNING AUTHORITIES SHALL NOT IMPOSE ANY ADDITIONAL REGULATIONS GOVERNING FAMILY CHILD CARE HOMES THAT DO NOT ALSO APPLY TO OTHER RESIDENTIAL PROPERTIES, PROVIDED THAT THE FOREGOING DOES NOT RESTRICT AN AUTHORITY'S ABILITY TO PROHIBIT, ON A CASE-BY-CASE BASIS, THE OPERATION IN IMMEDIATELY ADJACENT RESIDENCES OF TWO OR MORE LARGE FAMILY CHILD CARE HOMES, AS THAT TERM IS DEFINED BY RULES BY THE DEPARTMENT THAT GOVERNS THE OPERATION OF FAMILY CHILD CARE HOMES, OR TO MANAGE THE FLOW OF TRAFFIC AND PARKING RELATED TO ADJACENT LARGE FAMILY CHILD CARE HOMES. RESIDENTIAL USE OF PROPERTY FOR ZONING PURPOSES INCLUDES ALL FORMS OF RESIDENTIAL ZONING AND, SPECIFICALLY, ALTHOUGH NOT EXCLUSIVELY, SINGLE-FAMILY RESIDENTIAL ZONING.

SECTION 3. In Colorado Revised Statutes, 26-6-106, **amend** (1)(a) as follows:

26-6-106. Standards for facilities and agencies - rules.
(1)(a) The department shall prescribe and publish standards for licensing. ~~Such~~ THE standards ~~shall~~ MUST be applicable to the various types of facilities and agencies for child care regulated and licensed by this part 1; except that the department shall prescribe and publish separate standards for the licensing of child placement agencies operating for the purpose of adoptive placement and adoption-related services. The department shall seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing ~~such standards. Such~~

~~standards shall~~ THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE OF THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION, IN A FAMILY CHILD CARE HOME. THE STANDARDS MUST be established by rules promulgated by the state board of human services and ~~shall~~ be issued, and published, AND BECOME EFFECTIVE only in conformity with ~~the provisions and procedures specified in article 4 of title 24. C.R.S., and shall become effective only as provided in said article.~~

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

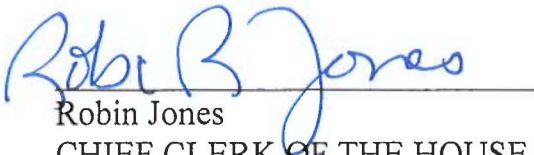
November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



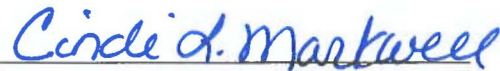
Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

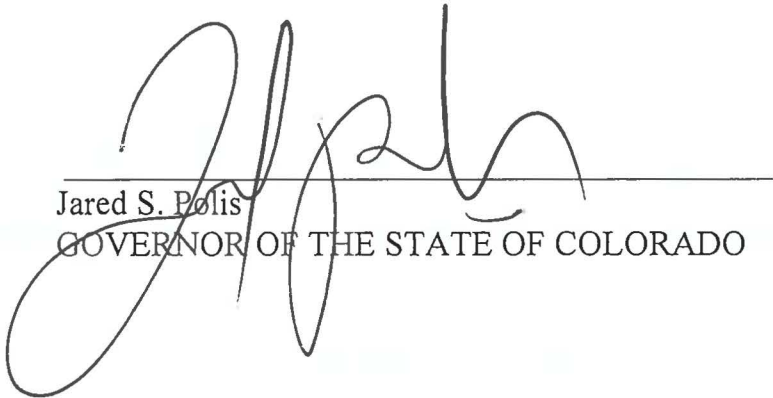


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED June 7, 2021 at 12:40 pm
(Date and Time)



Jared S. Polis

GOVERNOR OF THE STATE OF COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 4 CHAPTER 4, ZONING REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 4 CHAPTER 4 (4-4) REGARDING ZONING REGULATIONS.

WHEREAS, the City's Zoning Regulations are updated from time to time;

WHEREAS, this update hereby amends the Zoning Regulations to add a definition for family child care homes, update a definition for childcare facilities, and define where these uses are allowed; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 4 Chapter 4 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 4 (4-4) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 4-4, to read in full as follows:

Sec. 4-4-1. General provisions.

- (A) This Chapter, as amended from time to time, and the March 2016 Revised Zoning Map of the City, as amended from time to time, may be cited as the City's Zoning Regulations or Zoning Ordinance.
- (B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare.
- (C) The City hereby declares that the regulation and development of land, including regulation by these Zoning Regulations, is exclusively a matter of local and municipal concern, and any provisions of any Statute or regulation of the state in conflict with the provisions of these Zoning Regulations, or any limitation imposed by any Statute or regulation of the state otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by state law with respect to land development regulations and zoning even though not specified within

this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.

- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any federal, state or local law or regulation, shall be considered a use by right, a conditional use, or a lawful nonconforming use under this Chapter, in any zoning district within the City limits.

~~(E) A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.~~

~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

- (E) No use shall be established or maintained in a district that will result in any public or private nuisance.

(Ord. No. 2472, § 4-4-1, 5-7-2019)

Sec. 4-4-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Accessory use means a use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time.

Home occupations which meet the criteria set out in Subsection 4-4-4(A) shall be considered an accessory use to a residence in all districts.

Renewable energy facilities are considered an accessory use to a residence.

Building line means a line parallel to a property line beyond which no exposed portion of a building other than its eaves extends.

Childcare facility means any facility, ~~including a residence, not in a residence and excluding schools~~ which provides less than 24-hour care and supervision for minor children, ~~in accordance with the Statutes of the State of Colorado. other than children of the family living in the residence by excluding schools.~~

Conditional use means a use which is permitted only after review and approval pursuant to Sections 4-4-26 and 4-4-31.

Duplex means a single residential building with two dwelling units.

Dwelling unit means an area in a building containing cooking, living and sanitary facilities designed for use and used by a single-family for residential purposes.

Family means one or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults.

Family Child Care Home (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence or as currently defined by the Statutes of the State of Colorado.

Fueling station means any building or lot having facilities for the sale of gasoline, diesel and other fuels for use by motor vehicles, and which may include incidental facilities for service and minor repair of motor vehicles.

Government buildings and facilities means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Montrose, or any agency or political subdivision thereof.

Home occupation means any commercial activity, whether for profit or nonprofit, conducted within a dwelling unit.

Homeowner association means any entity whether a corporation, partnership, unincorporated association, or other entity existing for the purpose of maintaining commonly-owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved.

Manufactured housing means single-family homes substantially or entirely manufactured in a factory which are moved on site in substantial component parts, and those manufactured, certified and labeled pursuant to 42 USC 5401 et seq. Manufactured housing for single-family homes is allowed only in the "MHR," "R-5," and "R-6" zoning districts, and manufactured housing for duplexes is allowed only in the "R-6" zoning district. Manufactured housing for multiple family residences is allowed only in the "R-6" zoning district as a conditional use. All of these uses are subject to specified performance criteria. Manufactured housing may be allowed as specified in an approved REDO application. Manufactured housing is prohibited elsewhere in the City except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

Mobile home means a single-family home substantially or entirely manufactured in a factory which is moved on site in substantial component parts, including homes commonly known as mobile homes, and those manufactured and certified pursuant to 42 USC 5401 et seq. or manufactured pursuant to other construction standards, as stipulated in Chapter 4-12 of this Code. Travel homes as defined below shall not be considered a mobile home, as defined herein.

Modular building means a building substantially or entirely manufactured in a factory which is moved on site in substantial component parts, manufactured, certified and labeled in accordance with Colorado Division of Housing regulations for factory-built structures, pursuant to C.R.S. § 24-32-3301 et seq. Modular buildings used for single-family homes, duplexes, and multiple-family residences are allowed in the zoning districts specified for manufactured housing, and in addition may be approved as part of a planned development. Modular buildings used for primarily commercial, industrial, or other nonresidential uses are allowed in all zoning districts, subject to the use limitations within the district. Modular buildings do not include homes constructed pursuant to 42 USC 5401 et seq. standards or mobile homes as defined herein.

Multiple-family residence means any residence with three or more dwelling units in a single building.

Nonconforming use means a use which does not comply with the use regulations, dimensional requirements or other regulations of these Zoning Regulations.

Public utility service facilities means transmission and distribution facilities for natural gas, electricity, and telecommunications necessary to provide service to customers located in the various districts of the City, such as pipes, lines, mains, wires, transformers, valves, and other related appurtenances, but not including buildings, offices, and production or generation facilities.

Recreational vehicle park means travel home and travel home park are defined as defined in Chapter 4-12.

Setback means the perpendicular distance between a property line and the building line.

Short-term rental means short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant for monetary consideration for fewer than 30 consecutive days. A bed and breakfast is, for the purposes of this definition, a type of short-term rental. Likewise, a home used similar to a rooming/boarding or lodging house, but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging provided for no monetary consideration.

Use means the activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

Use-by-right means a use which is permitted or allowed in the district involved, without review by the Review Board, and complies with the provisions of these Zoning Regulations and other applicable City ordinances and regulations.

(Ord. No. 2472 , § 4-4-2, 5-7-2019; Ord. No. 2493 , 2-4-2020)

Sec. 4-4-3. Zoning Map.

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection. Periodically, copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.
- (C) The regulations for the various residential, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map, shall be construed to follow the centerlines of streets, to follow platted lot lines or the lines of undivided parcels of property, or to follow the City limits when the boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

(Ord. No. 2472 , § 4-4-3, 5-7-2019)

Sec. 4-4-4. Residential districts.

- (A) The residential districts described in Sections 4-4-4.1 through 4-4-10 are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are set out in Section 4-4-23 for each district.
- (B) Home Occupations. Home occupations may be conducted within a dwelling unit in any district as an accessory use only if the following criteria are met:
 - (1) An application must be submitted with a fee as set by Resolution and referred to in the City of Montrose Regulations Manual. Additionally, City and state sales tax licenses must be obtained if sales taxable by the City or state sales taxes are to be made.
 - (2) The occupational activity and storage of any items used or sold in the occupation must be entirely within the dwelling unit. Neither the occupational activity nor any storage may be conducted within or utilize

any garage, detached buildings, or other place upon the premises other than the residence itself.

- (3) Only the residents of the dwelling unit may be engaged in the home occupation.
- (4) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off of the premises.
- (5) The home occupation activity shall not utilize or occupy more than 20 percent of the floor area of the dwelling unit.
- (6) Off-street parking shall be required for both the residential and the commercial activity in accordance with the requirements of Section 4-4-23.

(C) A family child care home shall be a use by right in all residential districts, in accordance with State Statutes and regulations.

(Ord. No. 2472 , § 4-4-4, 5-7-2019)

Sec. 4-4-4.1. "RL" Rural Living District.

(A) *Intent.* The "RL" Rural Living District provides for overall low density by allowing farms and ranches and clustered development with open space and is designed to dovetail with allowed County residential densities.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks, open space and recreation facilities owned or operated by a homeowner association.
- (5) Golf courses.
- (6) Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.
- (7) Accessory uses.
- (8) Short-term rentals.
- (9) Family child care home.

(C) *Conditional Uses.*

- (1) Schools.

- (2) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

- (3) Places of worship.

(Ord. No. 2472 , § 4-4-4.1, 5-7-2019)

Sec. 4-4-4.2. "R-1" Very Low Density District.

- (A) *Intent.* The "R-1" Very Low Density District provides for overall very low density residential development.

- (B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities
- (3) Government buildings and facilities.
- (4) Parks, open space and recreation facilities owned or operated by a homeowner association.
- (5) Accessory uses.
- (6) Short-term rentals.
- (7) **Family child care home.**

- (C) *Conditional Uses.*

- (1) Schools.
- (2) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

- (3) Places of worship.

(Ord. No. 2472 , § 4-4-4.2, 5-7-2019)

Sec. 4-4-5. "R-1A" Large Estate District ~~a~~And "R-1B" Small Estate District.

- (A) *Intent.* The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide an area of large single-family residential lots with a semi-rural environment.

- (B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.

- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Accessory uses.
- (6) Short-term rentals.

(7) Family child care home.

(C) *Conditional Uses.*

- (1) Places of worship.
- (2) Schools.
- (3) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

(Ord. No. 2472 , § 4-4-5, 5-7-2019)

Sec. 4-4-6. "R-2" Low Density District.

(A) *Intent.* The "R-2" Low Density District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by allowing only single-family residences along with certain other compatible land uses.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Accessory uses.

~~Childcare facilities. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.~~

(6) Short-term rentals.

(7) Family child care home.

(C) *Conditional Uses.*

- (1) Places of worship.

- (2) Schools.
- (3) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

(Ord. No. 2472 , § 4-4-6, 5-7-2019)

Sec. 4-4-7. "R-3" Medium Density District.

(A) *Intent.* The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.

(B) *Uses by Right.*

- (1) Single-family homes and duplexes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.

~~Childcare facilities. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.~~

(7) Short-term rentals.

(8) Family child care home.

(C) *Conditional Uses.*

- (1) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~
- (2) Skilled nursing and assisted living facilities.
- (3) Multiple-family residences.
- (4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than two bedrooms for rent in the dwelling

unit, and the only meal provided on the premises shall be breakfast to the renters.

(5) Schools.

(Ord. No. 2472 , § 4-4-7, 5-7-2019)

Sec. 4-4-7.1. "R-3A" Medium High Density District.

(A) *Intent.* The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.

(B) *Uses by Right.*

(1) Single-family homes, duplexes, multifamily residences.

(2) Public utility service facilities.

(3) Government buildings and facilities.

(4) Parks and recreation facilities owned or operated by a homeowner association.

(5) Places of worship.

(6) Accessory uses. ~~Childcare facilities. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.~~

(7) Short-term rentals.

(8) Family child care home.

(C) *Conditional Uses.*

(1) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~

(2) Skilled nursing and assisted living facilities.

(3) Schools.

(Ord. No. 2472 , § 4-4-7.1, 5-7-2019)

Sec. 4-4-8. "R-4" High Density District.

(A) *Intent.* The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.

(B) *Uses by Right.*

- (1) Single-family homes, duplexes, and multiple-family residences.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.
 - (i) Bed and breakfast operations operated solely by the residents of a residence providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters. The lot shall be at least 6,250 square feet and at least 3,125 square feet per rental bedroom.
 - (ii) ~~Childcare facilities. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.~~
- (7) Short-term rentals.
- (8) ~~Family child care home.~~

(C) *Conditional Uses.*

- (1) Skilled nursing and assisted living facilities.
- (2) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~
- (3) Schools.

(Ord. No. 2472 , § 4-4-8, 5-7-2019)

Sec. 4-4-8.1. "R-5" Low Density/Manufactured Housing District.

(A) *Intent.* The "R-5" Low Density/Manufactured Housing District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by allowing only single-family residences with certain other compatible land uses. Manufactured housing meeting the performance standards of Subsection (D) of this Section is allowed.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.
- (6) Short-term rentals.
- (7) **Family child care home.**

(C) *Conditional Uses.*

- (1) Places of worship.
- (2) Schools.
- (3) **Child care facility.**

(D) *Performance Standards.*

- (1) Single-family homes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) Each single-family home must have an accessory garage.

(Ord. No. 2472 , § 4-4-8.1, 5-7-2019; Ord. No. 2543 , 6-15-2021)

Sec. 4-4-8.2. "R-6" Medium Density/Manufactured Housing District.

(A) *Intent.* The "R-6" Medium Density/Manufactured Housing District is intended to provide a quiet, medium-density development for single-family residences and duplexes. Manufactured housing meeting the performance standards of Subsection (D) of this Section is allowed.

(B) *Uses by Right.*

- (1) Single-family homes and duplexes.
- (2) Public utility service facilities.

- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.
- (6) Short-term rentals.

(7) Family child care home.

(C) *Conditional Uses.*

- (1) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~
- (2) Skilled nursing and assisted living facilities.
- (3) Multiple family residences.
- (4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
- (5) Schools.
- (6) Places of worship.

(D) *Performance Standards.*

- (1) Single-family homes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) Duplexes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet per dwelling unit, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.

(Ord. No. 2472 , § 4-4-8.2, 5-7-2019; Ord. No. 2543 , 6-15-2021)

Sec. 4-4-9. "MHR" Manufactured Housing Residential District.

- (A) *Intent.* This district is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related uses.
- (B) *Uses by Right.*
 - (1) Single-family homes.

- (2) Manufactured housing/single-family homes
 - (3) Mobile homes.
Mobile home parks.
 - (4) Government buildings and facilities.
 - (5) Parks and recreation facilities owned or operated by a homeowner association.
 - (6) Places of worship.
 - (7) Public utility service facilities.
 - (8) Accessory uses.
 - (9) Short-term rentals.
 - (10) **Family child care home.**
 - (C) *Conditional uses.*
 - (1) Skilled nursing and assisted living facilities.
 - (2) Rental storage units with a maximum rental unit size of 200 square feet.
 - (3) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~
 - (4) Schools.
 - (D) *Compliance with Chapter 4-12.* Mobile home parks shall comply with the requirements of Chapter 12 of this Title, in addition to these Zoning Regulations. Chapter 12 of this Title shall control with respect to any conflict with these regulations.
- (Ord. No. 2472 , § 4-4-9, 5-7-2019)

Sec. 4-4-10. "OR" Office-Residential District.

- (A) *Intent.* The "OR" Office-Residential district is intended to allow for a mix of offices and residences in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.
- (B) *Uses by Right.*
 - (1) Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.
 - (2) Single-family homes.

- (3) Duplexes.
- (4) Government buildings and facilities.
- (5) Places of worship.
- (6) Parks and recreation facilities owned or operated by a homeowner association.
- (7) Public utility service facilities.
- (8) Childcare facilities. ~~The facility must comply with all appropriate State Statutes and regulations.~~
- (9) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet, providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
- (10) Hospitals.
- (11) Parking facilities.
- (12) Accessory uses.
- (13) Short-term rentals.
- (14) **Family child care home.**

(C) *Conditional Uses.*

- (1) Multifamily residences.
- (2) Skilled nursing and assisted living facilities.
- (3) Offices not allowed as a use by right.
- (4) Schools.
- (5) Retail sales and services establishments which cater to the general shopping public.

(D) *Performance Standards.* Buildings with offices must be architecturally compatible with the residential character of the area and comply with City design standards.

(Ord. No. 2472 , § 4-4-10, 5-7-2019)

Sec. 4-4-11. Commercial districts.

The commercial districts provided for in Sections 4-4-11.1 through 4-4-15 are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are found in Section 4-4-23.

(Ord. No. 2472 , § 4-4-11, 5-7-2019)

Sec. 4-4-11.1. "P" Public District.

(A) *Intent.* The Public district provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.

(B) *Uses by Right.*

- (1) Government buildings and facilities.
- (2) Schools.
- (3) Libraries.
- (4) Public museums and visitor centers.
- (5) Public parks.
- (6) Public recreation land and facilities.
- (7) Private recreation facilities.
- (8) Open space corridors.
- (9) Places of worship.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Accessory uses.

(C) *Conditional Uses.*

- (1) Commercial businesses.
- (2) Single-family homes.
- (3) Multiple-family residences.
- (4) Golf courses.
- (5) Family child care home.
- (6) Childcare facilities. ~~A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.~~
- (7) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(Ord. No. 2472 , § 4-4-11.1, 5-7-2019)

Sec. 4-4-12. "B-1" Central Business District.

(A) *Intent.* The "B-1" Central Business District is intended as a shopping and business center for the City and surrounding area. The most intensive commercial use of buildings and land is encouraged with parking primarily of public concern. No off-street parking is required, except where otherwise specified. This district is oriented to pedestrian traffic.

(B) *Uses by Right.*

- (1) Retail stores, business and professional offices, and service establishments which cater to the general shopping public.
- (2) Libraries and museums.
- (3) Government buildings and facilities.
- (4) Public utility service facilities.
- (5) Private and fraternal clubs.
- (6) Theaters.
- (7) Restaurants and taverns.
- (8) College or other place of adult education.
- (9) Fueling stations which comply with the following criteria:
 - (a) All fuel storage, except propane, shall be located underground.
 - (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.
- (10) Places of worship.
- (11) Childcare facilities.
- (12) Parks and playgrounds.
- (13) Accessory uses.
- (14) Hotels and motels (off-street parking required).
- (15) Single-family homes, duplexes, and multiple-family residences (off-street parking required).
- (16) Parking facilities.
- (17) Public transportation facilities.
- (18) Renewable energy facilities.
- (19) Short-term rentals.
- (20) Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry

and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.

(21) Family child care home.

(C) Conditional Uses.

- (1) Schools.
- (2) Funeral homes.
- (3) Building materials businesses.
- (4) Automobile and other vehicle sales or service establishments.
- (5) Automobile body shops.
- (6) Distribution, warehouse and wholesale operations.
- (7) Drive-in or drive-through restaurants.
- (8) Storage facilities.
- (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) Outdoor Storage Businesses. Businesses that need outdoor storage are not compatible with this district.

(Ord. No. 2472 , § 4-4-12, 5-7-2019; Ord. No. 2540 , 5-4-2021)

Sec. 4-4-13. "B-2" Highway Commercial District.

(A) Intent. The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City.

(B) Uses by Right.

- (1) Those listed in the "B-1" district as uses by right.
- (2) Self-service laundry facilities.
- (3) Drive-in or drive-through restaurants.
- (4) Car washes.
- (5) Childcare facilities.
- (6) Rental storage units inside a building.

- (7) Veterinary clinics or hospitals for small animals.
- (8) Skilled nursing and assisted living facilities and hospitals.
- (9) Retail building material supply businesses.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Short-term rentals.

(C) *Conditional Uses.*

- (1) Those conditional uses listed for the "B-1" district.
- (2) Recreational vehicle parks and campgrounds.
- (3) Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in this District.* The following uses are not to be construed as a use by right or conditional use in the "B-2" Highway Commercial District:

- (1) Farm implement sales or service establishments.
- (2) Construction and contractor's equipment storage facilities.
- (3) Machine and welding shops.
- (4) Above ground storage facilities for hazardous fuels.
- (5) Manufacturing and industrial uses except as allowed by Subsection (C)(3) of this Section.
- (6) Storage facilities. Small rental storage units are allowed. See Subsection (B)(6) of this Section.

(E) *Performance Standards.* No use shall be established, maintained or conducted in any "B-2" Highway Commercial District that will result in any public or private nuisance.

(Ord. No. 2472 , § 4-4-13, 5-7-2019)

Sec. 4-4-13.1. "B-2A" Regional Commercial District.

(A) *Intent.* "B-2A" Regional Commercial District is intended for a full spectrum of retail and services uses including both convenience goods and general merchandise.

(B) *Uses by Right.*

- (1) Uses listed as uses by right in the "B-2" and "B-1" districts.

- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Veterinary clinics or hospitals for large animals.
- (8) Automobile body shops.
- (9) Automotive repair and service establishments.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Short-term rentals.

(C) *Conditional Uses.*

- (1) Uses listed as conditional uses in the "B-1" and "B-2" districts.
- (2) Warehouses and storage facilities.
- (3) Manufacturing uses allowed in the "I-1" Light Industrial district.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in the District.* The following uses are not to be construed as a use by right or a conditional use in the "B-2A" Regional Commercial District:

- (1) Manufacturing and industrial uses, except as allowed by Subsections (C)(1) and (3) of this Section.
- (2) Above ground storage facilities for hazardous fuel.
- (3) Construction and contractor's equipment storage facilities.
- (4) Animal boarding facilities.

(E) *Performance Standards.*

- (1) Manufacturing and storage associated with manufacturing shall be indoors.
- (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(Ord. No. 2472 , § 4-4-13.1, 5-7-2019)

Sec. 4-4-14. "B-3" General Commercial District.

(A) *Intent.* The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers.

(B) *Uses by Right.*

- (1) Uses listed as "uses by right" in the "B-1," "B-2" and "B-2A" districts.
- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Feed storage and sales establishments.
- (8) Veterinary clinics or hospitals for large animals.
- (9) Automobile body shops.
- (10) Automotive repair and service establishments.
- (11) Construction and contractor's office and equipment storage facilities.
- (12) Above ground storage facilities for hazardous fuels.
- (13) Parking facilities.
- (14) Renewable energy facilities.
- (15) Short-term rentals.

(C) *Conditional Uses.*

- (1) Uses listed as conditional uses in the "B-1," "B-2" and "B-2A" districts.
- (2) Warehouses and storage facilities.
- (3) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in this District.* The following uses are not to be construed as a use by right or a conditional use in the "B-3" General Commercial district:

- (1) Manufacturing and industrial uses except as allowed by Subsection (C)(1) of this Section.

(E) *Performance Standards.*

- (1) Manufacturing and storage associated with manufacturing shall be indoors.

- (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(Ord. No. 2472 , § 4-4-14, 5-7-2019)

Sec. 4-4-15. "B-4" Neighborhood Shopping District.

- (A) *Intent.* The "B-4" Neighborhood Shopping District is intended to provide for retail shopping and services on a parcel or parcels of land collectively no greater than approximately five acres in size, with a convenient location relative to residential neighborhoods.

- (B) *Uses by Right.*

- (1) Government buildings and facilities.
- (2) Public utility service facilities.
- (3) Retail stores, business and professional offices and service establishments which cater to the general shopping public.
- (4) Restaurants.
- (5) Self-service laundry facilities.
- (6) Places of worship.
- (7) Single-family homes, duplexes, and multiple-family residences.
- (8) Childcare facilities.
- (9) Short-term rentals.
- (10) **Family child care home.**

- (C) *Conditional Uses.*

- (1) Fuel stations or other retail uses having fuel pumps.
- (2) Drive-in or drive-through restaurants.
- (3) Car washes.
- (4) Rental storage units inside a building.
- (5) Taverns.
- (6) Private and fraternal clubs.
- (7) Schools.
- (8) Renewable energy facilities.
- (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in this District.* The following uses are not to be construed as a use by right or a conditional use in the "B-4" Neighborhood Shopping District:

- (1) Automobile or vehicle sales or service establishments
- (2) Farm implement sales or service establishments.
- (3) Trailer home or mobile home sales or service establishments.
- (4) Feed storage and sales establishments.
- (5) Veterinary clinics or hospitals.
- (6) Automobile body shops.
- (7) Construction and contractor's equipment storage facilities.
- (8) Machine and welding shops.
- (9) Warehouse and storage facilities. Small rental storage units are allowed. See Subsection (C)(4) of this Section.
- (10) Manufacturing and industrial uses.

(E) *Performance Standards.*

- (1) All uses shall be easily accessible by pedestrians from surrounding areas and shall provide appropriate sidewalk connections to the surrounding sidewalk system.
- (2) Common access and shared parking is required for multiple tenants and encouraged for multiple parcels.
- (3) Landscaping shall be reasonably compatible with that existing in the neighborhood.
- (4) Buildings shall be architecturally compatible with the residential character of the area and comply with City design standards.

(Ord. No. 2472 , § 4-4-15, 5-7-2019)

Sec. 4-4-16. Industrial districts.

The industrial districts provided for in Sections 4-4-17 and 4-4-18 provide for normal manufacturing activities and related uses as indicated. No use shall be established, maintained or conducted in any "I-1" Light Industrial District that will result in any public or private nuisance.

(Ord. No. 2472 , § 4-4-16, 5-7-2019)

Sec. 4-4-17. "I-1" Light Industrial district.

(A) *Intent.* The purpose of the "I-1" Light Industrial District is to accommodate a limited group of research, manufacturing uses, and transportation hub. This promotes the

creation and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial park area.

(B) *Uses by Right.*

- (1) Uses which meet the intent of Subsection (A) of this Section and the performance standards of Subsection (C) of this Section are uses by right. Typical examples of such manufacturing and non-manufacturing uses include: food processing; metal finishing and fabrication; power generation and transformer stations; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities.
- (2) Parks and open spaces.
- (3) Government buildings and facilities, to include airport and accessory uses.
- (4) Public utility service facilities.
- (5) Warehouse and wholesale distribution centers.
- (6) Renewable energy facilities.
- (7) Single-family homes, duplexes, and multiple-family residences.
- (8) Accessory Uses.
- (9) Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.
- (10) Short-term rentals.
- (11) Family child care home.
- (12) Childcare facilities.

(C) *Conditional Uses.*

- (1) Any commercial use other than the uses by right which complies with the performance standards of Subsection (C) of this Section and is consistent with the intent of Subsection (A) of this Section.

(D) *Performance Standards.*

- (1) No structure shall be constructed within 100 feet of an existing residential zone.
(Ord. No. 2472 , § 4-4-17, 5-7-2019)

Sec. 4-4-18. "I-2" General Industrial District.

- (A) *Intent.* The "I-2" General Industrial District allows most industrial and manufacturing uses, provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(B) *Uses by Right.*

- (1) Those uses which are uses by right in the "I-1" Light Industrial District.
- (2) Other industrial uses.
- (3) Short-term rentals.

(C) *Conditional Uses.*

- (1) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Performance Standards.*

- (1) No structure shall be constructed within 100 feet of a residential or commercial district.

(Ord. No. 2472 , § 4-4-18, 5-7-2019)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,
UPDATING TITLE 4 CHAPTER 4, ZONING REGULATIONS OF THE CITY OF
MONTROSE: AMENDING TITLE 4 CHAPTER 4 (4-4) REGARDING ZONING
REGULATIONS.**

WHEREAS, the City's Zoning Regulations are updated from time to time;

WHEREAS, this update hereby amends the Zoning Regulations to add a definition for family child care homes, update a definition for childcare facilities, and define where these uses are allowed; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 4 Chapter 4 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 4 (4-4) is hereby amended. This version supersedes all previous versions of Montrose Municipal Code § 4-4, to read in full as follows:

Sec. 4-4-1. General provisions.

- (A) This Chapter, as amended from time to time, and the March 2016 Revised Zoning Map of the City, as amended from time to time, may be cited as the City's Zoning Regulations or Zoning Ordinance.
- (B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare.
- (C) The City hereby declares that the regulation and development of land, including regulation by these Zoning Regulations, is exclusively a matter of local and municipal concern, and any provisions of any Statute or regulation of the state in conflict with the provisions of these Zoning Regulations, or any limitation imposed by any Statute or regulation of the state otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by state law with respect to land development regulations and zoning even though not specified within

this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.

- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any federal, state or local law or regulation, shall be considered a use by right, a conditional use, or a lawful nonconforming use under this Chapter, in any zoning district within the City limits.
- (E) No use shall be established or maintained in a district that will result in any public or private nuisance.

(Ord. No. 2472, § 4-4-1, 5-7-2019)

Sec. 4-4-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Accessory use means a use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time.

Home occupations which meet the criteria set out in Subsection 4-4-4(A) shall be considered an accessory use to a residence in all districts.

Renewable energy facilities are considered an accessory use to a residence.

Building line means a line parallel to a property line beyond which no exposed portion of a building other than its eaves extends.

Childcare facility means any facility not in a residence and excluding schools which provides less than 24-hour care and supervision for minor children, in accordance with the Statutes of the State of Colorado.

Conditional use means a use which is permitted only after review and approval pursuant to Sections 4-4-26 and 4-4-31.

Duplex means a single residential building with two dwelling units.

Dwelling unit means an area in a building containing cooking, living and sanitary facilities designed for use and used by a single-family for residential purposes.

Family means one or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults.

Family Child Care Home (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence or as currently defined by the Statutes of the State of Colorado.

Fueling station means any building or lot having facilities for the sale of gasoline, diesel and other fuels for use by motor vehicles, and which may include incidental facilities for service and minor repair of motor vehicles.

Government buildings and facilities means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Montrose, or any agency or political subdivision thereof.

Home occupation means any commercial activity, whether for profit or nonprofit, conducted within a dwelling unit.

Homeowner association means any entity whether a corporation, partnership, unincorporated association, or other entity existing for the purpose of maintaining commonly-owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved.

Manufactured housing means single-family homes substantially or entirely manufactured in a factory which are moved on site in substantial component parts, and those manufactured, certified and labeled pursuant to 42 USC 5401 et seq. Manufactured housing for single-family homes is allowed only in the "MHR," "R-5," and "R-6" zoning districts, and manufactured housing for duplexes is allowed only in the "R-6" zoning district. Manufactured housing for multiple family residences is allowed only in the "R-6" zoning district as a conditional use. All of these uses are subject to specified performance criteria. Manufactured housing may be allowed as specified in an approved REDO application. Manufactured housing is prohibited elsewhere in the City except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

Mobile home means a single-family home substantially or entirely manufactured in a factory which is moved on site in substantial component parts, including homes commonly known as mobile homes, and those manufactured and certified pursuant to 42 USC 5401 et seq. or manufactured pursuant to other construction standards, as stipulated in Chapter 4-12 of this Code. Travel homes as defined below shall not be considered a mobile home, as defined herein.

Modular building means a building substantially or entirely manufactured in a factory which is moved on site in substantial component parts, manufactured, certified and labeled in accordance with Colorado Division of Housing regulations for factory-built structures, pursuant to C.R.S. § 24-32-3301 et seq. Modular buildings used for single-family homes, duplexes, and multiple-family residences are allowed in the zoning districts specified for manufactured housing, and in addition may be approved as part of a planned development. Modular buildings used for primarily commercial, industrial, or

other nonresidential uses are allowed in all zoning districts, subject to the use limitations within the district. Modular buildings do not include homes constructed pursuant to 42 USC 5401 et seq. standards or mobile homes as defined herein.

Multiple-family residence means any residence with three or more dwelling units in a single building.

Nonconforming use means a use which does not comply with the use regulations, dimensional requirements or other regulations of these Zoning Regulations.

Public utility service facilities means transmission and distribution facilities for natural gas, electricity, and telecommunications necessary to provide service to customers located in the various districts of the City, such as pipes, lines, mains, wires, transformers, valves, and other related appurtenances, but not including buildings, offices, and production or generation facilities.

Recreational vehicle park means travel home and travel home park are defined as defined in Chapter 4-12.

Setback means the perpendicular distance between a property line and the building line.

Short-term rental means short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant for monetary consideration for fewer than 30 consecutive days. A bed and breakfast is, for the purposes of this definition, a type of short-term rental. Likewise, a home used similar to a rooming/boarding or lodging house, but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging provided for no monetary consideration.

Use means the activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

Use-by-right means a use which is permitted or allowed in the district involved, without review by the Review Board, and complies with the provisions of these Zoning Regulations and other applicable City ordinances and regulations.

(Ord. No. 2472 , § 4-4-2, 5-7-2019; Ord. No. 2493 , 2-4-2020)

Sec. 4-4-3. Zoning Map.

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's

office available for public inspection. Periodically, copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.

- (C) The regulations for the various residential, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map, shall be construed to follow the centerlines of streets, to follow platted lot lines or the lines of undivided parcels of property, or to follow the City limits when the boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

(Ord. No. 2472 , § 4-4-3, 5-7-2019)

Sec. 4-4-4. Residential districts.

- (A) The residential districts described in Sections 4-4-4.1 through 4-4-10 are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are set out in Section 4-4-23 for each district.
- (B) Home Occupations. Home occupations may be conducted within a dwelling unit in any district as an accessory use only if the following criteria are met:
- (1) An application must be submitted with a fee as set by Resolution and referred to in the City of Montrose Regulations Manual. Additionally, City and state sales tax licenses must be obtained if sales taxable by the City or state sales taxes are to be made.
 - (2) The occupational activity and storage of any items used or sold in the occupation must be entirely within the dwelling unit. Neither the occupational activity nor any storage may be conducted within or utilize any garage, detached buildings, or other place upon the premises other than the residence itself.
 - (3) Only the residents of the dwelling unit may be engaged in the home occupation.
 - (4) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off of the premises.
 - (5) The home occupation activity shall not utilize or occupy more than 20 percent of the floor area of the dwelling unit.
 - (6) Off-street parking shall be required for both the residential and the commercial activity in accordance with the requirements of Section 4-4-23.

(C) A family child care home shall be a use by right in all residential districts, in accordance with State Statutes and regulations.

(Ord. No. 2472 , § 4-4-4, 5-7-2019)

Sec. 4-4-4.1. "RL" Rural Living District.

(A) *Intent.* The "RL" Rural Living District provides for overall low density by allowing farms and ranches and clustered development with open space and is designed to dovetail with allowed County residential densities.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks, open space and recreation facilities owned or operated by a homeowner association.
- (5) Golf courses.
- (6) Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.
- (7) Accessory uses.
- (8) Short-term rentals.
- (9) Family child care home.

(C) *Conditional Uses.*

- (1) Schools.
- (2) Childcare facilities.
- (3) Places of worship.

(Ord. No. 2472 , § 4-4-4.1, 5-7-2019)

Sec. 4-4-4.2. "R-1" Very Low Density District.

(A) *Intent.* The "R-1" Very Low Density District provides for overall very low density residential development.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities
- (3) Government buildings and facilities.

-
- (4) Parks, open space and recreation facilities owned or operated by a homeowner association.
 - (5) Accessory uses.
 - (6) Short-term rentals.
 - (7) Family child care home.

(C) *Conditional Uses.*

- (1) Schools.
- (2) Childcare facilities.
- (3) Places of worship.

(Ord. No. 2472 , § 4-4-4.2, 5-7-2019)

Sec. 4-4-5. "R-1A" Large Estate District and "R-1B" Small Estate District.

(A) *Intent.* The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide an area of large single-family residential lots with a semi-rural environment.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Accessory uses.
- (6) Short-term rentals.
- (7) Family child care home.

(C) *Conditional Uses.*

- (1) Places of worship.
- (2) Schools.
- (3) Childcare facilities.

(Ord. No. 2472 , § 4-4-5, 5-7-2019)

Sec. 4-4-6. "R-2" Low Density District.

(A) *Intent.* The "R-2" Low Density District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by

allowing only single-family residences along with certain other compatible land uses.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Accessory uses.
- (6) Short-term rentals.
- (7) Family child care home.

(C) *Conditional Uses.*

- (1) Places of worship.
- (2) Schools.
- (3) Childcare facilities.

(Ord. No. 2472 , § 4-4-6, 5-7-2019)

Sec. 4-4-7. "R-3" Medium Density District.

(A) *Intent.* The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.

(B) *Uses by Right.*

- (1) Single-family homes and duplexes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.
- (7) Short-term rentals.
- (8) Family child care home.

(C) *Conditional Uses.*

- (1) Childcare facilities.
- (2) Skilled nursing and assisted living facilities.

- (3) Multiple-family residences.
 - (4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than two bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
 - (5) Schools.
- (Ord. No. 2472 , § 4-4-7, 5-7-2019)

Sec. 4-4-7.1. "R-3A" Medium High Density District.

(A) *Intent.* The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.

(B) *Uses by Right.*

- (1) Single-family homes, duplexes, multifamily residences.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.
- (7) Short-term rentals.
- (8) Family child care home.

(C) *Conditional Uses.*

- (1) Childcare facilities.
- (2) Skilled nursing and assisted living facilities.
- (3) Schools.

(Ord. No. 2472 , § 4-4-7.1, 5-7-2019)

Sec. 4-4-8. "R-4" High Density District.

(A) *Intent.* The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.

(B) *Uses by Right.*

- (1) Single-family homes, duplexes, and multiple-family residences.

- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.
- (i) Bed and breakfast operations operated solely by the residents of a residence providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters. The lot shall be at least 6,250 square feet and at least 3,125 square feet per rental bedroom.

- (7) Short-term rentals.
- (8) Family child care home.

(C) *Conditional Uses.*

- (1) Skilled nursing and assisted living facilities.
- (2) Childcare facilities.
- (3) Schools.

(Ord. No. 2472 , § 4-4-8, 5-7-2019)

Sec. 4-4-8.1. "R-5" Low Density/Manufactured Housing District.

- (A) *Intent.* The "R-5" Low Density/Manufactured Housing District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by allowing only single-family residences with certain other compatible land uses. Manufactured housing meeting the performance standards of Subsection (D) of this Section is allowed.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.
- (6) Short-term rentals.
- (7) Family child care home.

(C) *Conditional Uses.*

- (1) Places of worship.

(2) Schools.

(3) Child care facility.

(D) *Performance Standards.*

(1) Single-family homes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.

(2) Each single-family home must have an accessory garage.

(Ord. No. 2472 , § 4-4-8.1, 5-7-2019; Ord. No. 2543 , 6-15-2021)

Sec. 4-4-8.2. "R-6" Medium Density/Manufactured Housing District.

(A) *Intent.* The "R-6" Medium Density/Manufactured Housing District is intended to provide a quiet, medium-density development for single-family residences and duplexes. Manufactured housing meeting the performance standards of Subsection (D) of this Section is allowed.

(B) *Uses by Right.*

(1) Single-family homes and duplexes.

(2) Public utility service facilities.

(3) Government buildings and facilities.

(4) Parks and recreation facilities owned or operated by a homeowner's association.

(5) Accessory uses.

(6) Short-term rentals.

(7) Family child care home.

(C) *Conditional Uses.*

(1) Childcare facilities.

(2) Skilled nursing and assisted living facilities.

(3) Multiple family residences.

(4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.

(5) Schools.

(6) Places of worship.

(D) *Performance Standards.*

- (1) Single-family homes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) Duplexes must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet per dwelling unit, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.

(Ord. No. 2472 , § 4-4-8.2, 5-7-2019; Ord. No. 2543 , 6-15-2021)

Sec. 4-4-9. "MHR" Manufactured Housing Residential District.

(A) *Intent.* This district is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related uses.

(B) *Uses by Right.*

- (1) Single-family homes.
- (2) Manufactured housing/single-family homes
- (3) Mobile homes.

Mobile home parks.

- (4) Government buildings and facilities.
- (5) Parks and recreation facilities owned or operated by a homeowner association.
- (6) Places of worship.
- (7) Public utility service facilities.
- (8) Accessory uses.
- (9) Short-term rentals.
- (10) Family child care home.

(C) *Conditional uses.*

- (1) Skilled nursing and assisted living facilities.
- (2) Rental storage units with a maximum rental unit size of 200 square feet.
- (3) Childcare facilities.
- (4) Schools.

(D) *Compliance with Chapter 4-12.* Mobile home parks shall comply with the requirements of Chapter 12 of this Title, in addition to these Zoning Regulations.

Chapter 12 of this Title shall control with respect to any conflict with these regulations.

(Ord. No. 2472 , § 4-4-9, 5-7-2019)

Sec. 4-4-10. "OR" Office-Residential District.

(A) *Intent.* The "OR" Office-Residential district is intended to allow for a mix of offices and residences in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.

(B) *Uses by Right.*

- (1) Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.
- (2) Single-family homes.
- (3) Duplexes.
- (4) Government buildings and facilities.
- (5) Places of worship.
- (6) Parks and recreation facilities owned or operated by a homeowner association.
- (7) Public utility service facilities.
- (8) Childcare facilities.
- (9) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet, providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
- (10) Hospitals.
- (11) Parking facilities.
- (12) Accessory uses.
- (13) Short-term rentals.
- (14) Family child care home.

(C) *Conditional Uses.*

- (1) Multifamily residences.
- (2) Skilled nursing and assisted living facilities.
- (3) Offices not allowed as a use by right.
- (4) Schools.

- (5) Retail sales and services establishments which cater to the general shopping public.
 - (D) *Performance Standards.* Buildings with offices must be architecturally compatible with the residential character of the area and comply with City design standards.
- (Ord. No. 2472 , § 4-4-10, 5-7-2019)

Sec. 4-4-11. Commercial districts.

The commercial districts provided for in Sections 4-4-11.1 through 4-4-15 are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are found in Section 4-4-23.

(Ord. No. 2472 , § 4-4-11, 5-7-2019)

Sec. 4-4-11.1. "P" Public District.

- (A) *Intent.* The Public district provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.

- (B) *Uses by Right.*

- (1) Government buildings and facilities.
 - (2) Schools.
 - (3) Libraries.
 - (4) Public museums and visitor centers.
 - (5) Public parks.
 - (6) Public recreation land and facilities.
 - (7) Private recreation facilities.
 - (8) Open space corridors.
 - (9) Places of worship.
 - (10) Parking facilities.
 - (11) Renewable energy facilities.
 - (12) Accessory uses.

- (C) *Conditional Uses.*

- (1) Commercial businesses.
 - (2) Single-family homes.

- (3) Multiple-family residences.
- (4) Golf courses.
- (5) Family child care home.
- (6) Childcare facilities.
- (7) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(Ord. No. 2472 , § 4-4-11.1, 5-7-2019)

Sec. 4-4-12. "B-1" Central Business District.

(A) *Intent.* The "B-1" Central Business District is intended as a shopping and business center for the City and surrounding area. The most intensive commercial use of buildings and land is encouraged with parking primarily of public concern. No off-street parking is required, except where otherwise specified. This district is oriented to pedestrian traffic.

(B) *Uses by Right.*

- (1) Retail stores, business and professional offices, and service establishments which cater to the general shopping public.
- (2) Libraries and museums.
- (3) Government buildings and facilities.
- (4) Public utility service facilities.
- (5) Private and fraternal clubs.
- (6) Theaters.
- (7) Restaurants and taverns.
- (8) College or other place of adult education.
- (9) Fueling stations which comply with the following criteria:
 - (a) All fuel storage, except propane, shall be located underground.
 - (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.
- (10) Places of worship.
- (11) Childcare facilities.
- (12) Parks and playgrounds.
- (13) Accessory uses.
- (14) Hotels and motels (off-street parking required).

- (15) Single-family homes, duplexes, and multiple-family residences (off-street parking required).
- (16) Parking facilities.
- (17) Public transportation facilities.
- (18) Renewable energy facilities.
- (19) Short-term rentals.
- (20) Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.
- (21) Family child care home.

(C) *Conditional Uses.*

- (1) Schools.
- (2) Funeral homes.
- (3) Building materials businesses.
- (4) Automobile and other vehicle sales or service establishments.
- (5) Automobile body shops.
- (6) Distribution, warehouse and wholesale operations.
- (7) Drive-in or drive-through restaurants.
- (8) Storage facilities.
- (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Outdoor Storage Businesses.* Businesses that need outdoor storage are not compatible with this district.

(Ord. No. 2472 , § 4-4-12, 5-7-2019; Ord. No. 2540 , 5-4-2021)

Sec. 4-4-13. "B-2" Highway Commercial District.

- (A) *Intent.* The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City.

(B) *Uses by Right.*

- (1) Those listed in the "B-1" district as uses by right.
- (2) Self-service laundry facilities.
- (3) Drive-in or drive-through restaurants.
- (4) Car washes.
- (5) Childcare facilities.
- (6) Rental storage units inside a building.
- (7) Veterinary clinics or hospitals for small animals.
- (8) Skilled nursing and assisted living facilities and hospitals.
- (9) Retail building material supply businesses.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Short-term rentals.

(C) *Conditional Uses.*

- (1) Those conditional uses listed for the "B-1" district.
- (2) Recreational vehicle parks and campgrounds.
- (3) Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in this District.* The following uses are not to be construed as a use by right or conditional use in the "B-2" Highway Commercial District:

- (1) Farm implement sales or service establishments.
- (2) Construction and contractor's equipment storage facilities.
- (3) Machine and welding shops.
- (4) Above ground storage facilities for hazardous fuels.
- (5) Manufacturing and industrial uses except as allowed by Subsection (C)(3) of this Section.
- (6) Storage facilities. Small rental storage units are allowed. See Subsection (B)(6) of this Section.

- (E) *Performance Standards.* No use shall be established, maintained or conducted in any "B-2" Highway Commercial District that will result in any public or private nuisance.

(Ord. No. 2472 , § 4-4-13, 5-7-2019)

Sec. 4-4-13.1. "B-2A" Regional Commercial District.

- (A) *Intent.* "B-2A" Regional Commercial District is intended for a full spectrum of retail and services uses including both convenience goods and general merchandise.

(B) *Uses by Right.*

- (1) Uses listed as uses by right in the "B-2" and "B-1" districts.
- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Veterinary clinics or hospitals for large animals.
- (8) Automobile body shops.
- (9) Automotive repair and service establishments.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Short-term rentals.

(C) *Conditional Uses.*

- (1) Uses listed as conditional uses in the "B-1" and "B-2" districts.
- (2) Warehouses and storage facilities.
- (3) Manufacturing uses allowed in the "I-1" Light Industrial district.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

- (D) *Not Included in the District.* The following uses are not to be construed as a use by right or a conditional use in the "B-2A" Regional Commercial District:

- (1) Manufacturing and industrial uses, except as allowed by Subsections (C)(1) and (3) of this Section.
- (2) Above ground storage facilities for hazardous fuel.

- (3) Construction and contractor's equipment storage facilities.
- (4) Animal boarding facilities.
- (E) *Performance Standards.*
 - (1) Manufacturing and storage associated with manufacturing shall be indoors.
 - (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(Ord. No. 2472 , § 4-4-13.1, 5-7-2019)

Sec. 4-4-14. "B-3" General Commercial District.

(A) *Intent.* The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers.

(B) *Uses by Right.*

- (1) Uses listed as "uses by right" in the "B-1," "B-2" and "B-2A" districts.
- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Feed storage and sales establishments.
- (8) Veterinary clinics or hospitals for large animals.
- (9) Automobile body shops.
- (10) Automotive repair and service establishments.
- (11) Construction and contractor's office and equipment storage facilities.
- (12) Above ground storage facilities for hazardous fuels.
- (13) Parking facilities.
- (14) Renewable energy facilities.
- (15) Short-term rentals.

(C) *Conditional Uses.*

- (1) Uses listed as conditional uses in the "B-1," "B-2" and "B-2A" districts.
- (2) Warehouses and storage facilities.

- (3) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.
 - (D) *Not Included in this District.* The following uses are not to be construed as a use by right or a conditional use in the "B-3" General Commercial district:
 - (1) Manufacturing and industrial uses except as allowed by Subsection (C)(1) of this Section.
 - (E) *Performance Standards.*
 - (1) Manufacturing and storage associated with manufacturing shall be indoors.
 - (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.
- (Ord. No. 2472 , § 4-4-14, 5-7-2019)

Sec. 4-4-15. "B-4" Neighborhood Shopping District.

- (A) *Intent.* The "B-4" Neighborhood Shopping District is intended to provide for retail shopping and services on a parcel or parcels of land collectively no greater than approximately five acres in size, with a convenient location relative to residential neighborhoods.
- (B) *Uses by Right.*
 - (1) Government buildings and facilities.
 - (2) Public utility service facilities.
 - (3) Retail stores, business and professional offices and service establishments which cater to the general shopping public.
 - (4) Restaurants.
 - (5) Self-service laundry facilities.
 - (6) Places of worship.
 - (7) Single-family homes, duplexes, and multiple-family residences.
 - (8) Childcare facilities.
 - (9) Short-term rentals.
 - (10) Family child care home.
- (C) *Conditional Uses.*
 - (1) Fuel stations or other retail uses having fuel pumps.
 - (2) Drive-in or drive-through restaurants.

- (3) Car washes.
- (4) Rental storage units inside a building.
- (5) Taverns.
- (6) Private and fraternal clubs.
- (7) Schools.
- (8) Renewable energy facilities.
- (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Not Included in this District.* The following uses are not to be construed as a use by right or a conditional use in the "B-4" Neighborhood Shopping District:

- (1) Automobile or vehicle sales or service establishments
- (2) Farm implement sales or service establishments.
- (3) Trailer home or mobile home sales or service establishments.
- (4) Feed storage and sales establishments.
- (5) Veterinary clinics or hospitals.
- (6) Automobile body shops.
- (7) Construction and contractor's equipment storage facilities.
- (8) Machine and welding shops.
- (9) Warehouse and storage facilities. Small rental storage units are allowed. See Subsection (C)(4) of this Section.
- (10) Manufacturing and industrial uses.

(E) *Performance Standards.*

- (1) All uses shall be easily accessible by pedestrians from surrounding areas and shall provide appropriate sidewalk connections to the surrounding sidewalk system.
- (2) Common access and shared parking is required for multiple tenants and encouraged for multiple parcels.
- (3) Landscaping shall be reasonably compatible with that existing in the neighborhood.
- (4) Buildings shall be architecturally compatible with the residential character of the area and comply with City design standards.

(Ord. No. 2472 , § 4-4-15, 5-7-2019)

Sec. 4-4-16. Industrial districts.

The industrial districts provided for in Sections 4-4-17 and 4-4-18 provide for normal manufacturing activities and related uses as indicated. No use shall be established, maintained or conducted in any "I-1" Light Industrial District that will result in any public or private nuisance.

(Ord. No. 2472 , § 4-4-16, 5-7-2019)

Sec. 4-4-17. "I-1" Light Industrial district.

(A) *Intent.* The purpose of the "I-1" Light Industrial District is to accommodate a limited group of research, manufacturing uses, and transportation hub. This promotes the creation and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial park area.

(B) *Uses by Right.*

- (1) Uses which meet the intent of Subsection (A) of this Section and the performance standards of Subsection (C) of this Section are uses by right. Typical examples of such manufacturing and non-manufacturing uses include: food processing; metal finishing and fabrication; power generation and transformer stations; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities.
- (2) Parks and open spaces.
- (3) Government buildings and facilities, to include airport and accessory uses.
- (4) Public utility service facilities.
- (5) Warehouse and wholesale distribution centers.
- (6) Renewable energy facilities.
- (7) Single-family homes, duplexes, and multiple-family residences.
- (8) Accessory Uses.
- (9) Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.
- (10) Short-term rentals.
- (11) Family child care home.
- (12) Childcare facilities.

(C) *Conditional Uses.*

- (1) Any commercial use other than the uses by right which complies with the performance standards of Subsection (C) of this Section and is consistent with the intent of Subsection (A) of this Section.

(D) *Performance Standards.*

- (1) No structure shall be constructed within 100 feet of an existing residential zone.
(Ord. No. 2472 , § 4-4-17, 5-7-2019)

Sec. 4-4-18. "I-2" General Industrial District.

- (A) *Intent.* The "I-2" General Industrial District allows most industrial and manufacturing uses, provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(B) *Uses by Right.*

- (1) Those uses which are uses by right in the "I-1" Light Industrial District.
- (2) Other industrial uses.
- (3) Short-term rentals.

(C) *Conditional Uses.*

- (1) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) *Performance Standards.*

- (1) No structure shall be constructed within 100 feet of a residential or commercial district.

(Ord. No. 2472 , § 4-4-18, 5-7-2019)

CHAPTER 5-3. POLICE ALARM SYSTEMS

~~Sec. 5-3-1. License required.~~

- ~~(A) — It shall be unlawful for any person to install or maintain police alarm systems in the City without first having obtained a police alarm system contractor's license. This requirement shall not apply to persons who sell systems, but do not install or maintain them, nor to persons who install and maintain their own systems.~~
- ~~(B) — A license application shall be filed with the City on forms furnished by the City and shall provide at the minimum the following information:~~
- ~~(1) — The name and address of the applicant and each employee or agent who will engage in business within the City on behalf of the applicant, and except for a corporation, a stock of which is traded publicly, the name and address of any person owning more than a ten percent interest in the applicant.~~
- ~~(2) — Information concerning any criminal record of such persons, and other background information.~~
- ~~(3) — Fingerprint cards of all persons who will be doing installation and maintenance work within the City.~~
- ~~(C) — Accompanying the application shall be an application fee as set by resolution and referred to in the City of Montrose Regulations Manual, along with a \$10,000.00 surety bond in a form approved by the City guaranteeing the faithful and honest conduct of business under the license running in favor of the City and customers of the applicant.~~
- ~~(D) — Licenses shall expire on December 31 of each year and may be renewed by submitting an application with any updated information and a renewal fee as set by resolution and referred to in the City of Montrose Regulations Manual.~~
- ~~(E) — A license may be revoked by the City Council following notice and hearing for a violation of this Chapter or the criteria for a license.~~

~~(Code 2012, § 5-3-1; Ord. No. 1944, 4-10-2003)~~

Sec. 5-3-2. Investigation and issuance of license.

- (A) ~~Following receipt of a properly completed application, the City shall conduct a background investigation of the applicant, its agents, employees and owners to determine if they are of good moral character.~~
- (B) ~~The City shall issue the license unless it is determined that the application is deficient, the applicant or any of his officers, agents or owners are not of good moral character, a misleading or fraudulent statement of a material fact has been submitted with the application, or the applicant has had a similar type permit previously revoked for cause within the past year.~~
- (C) ~~If the criteria for issuance of a license are met, a license shall be issued to the applicant along with identification cards which shall be carried by those persons doing business within the City.~~
- (D) ~~Any applicant whose application is denied may appeal the denial to the City Council which shall decide the matter following a hearing with reasonable notice.~~

~~(Code 2012, § 5-3-2)~~

Sec. 5-3-13. Direct dial systems.

No person may install a direct dial police alarm system coded to any telephone number without the permission of the person to whose telephone it is coded.

(Code 2012, § 5-3-3)

Sec. 5-3-42. Audible alarm requirements.

Any person maintaining an audible alarm as part of a building police alarm system, shall post a notice stating the names and telephone numbers of the persons to be notified to render repair or service and to secure the premises if any alarm is activated. Such notice shall be posted near the alarm in a position legible from the ground outside the building where the alarm system is located.

(Code 2012, § 5-3-4)

Sec. 5-3-53. False alarms.

- (A) It shall be unlawful to maintain a defective police alarm system.
- (B) A police alarm system shall be deemed to be defective if it causes in excess of one alarm signal which meets the definition of a "false alarm" as set forth in this Section 5-3-53, in any one-year period as defined herein:
- (1) The term "false alarm," as used in this Section 5-3-53, means an alarm signal eliciting notification to and a response by the police when there is no evidence of a crime or other activity that warrants a call for immediate police assistance, and no person who was on or near the property or has viewed a video

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- communication from the property called for the police dispatch or confirmed the need for police assistance. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user.
- (2) As used in this Section 5-3-~~53~~, a one-year period shall be calculated beginning the first day of ~~May~~ January of each year, and shall extend through the last day of ~~April~~ December of the year following. The City's tally of the number of false alarms for all alarm users or police alarm systems shall return to zero at 12:01 a.m. the first day of ~~May~~ January each year.
 - (3) The term "alarm user," as used in this Section 5-3-~~53~~, means any individual, partnership, corporation or other form of association that owns or leases a police alarm system or on whose premises a police alarm system is maintained for the protection of the premises.
 - (4) The term "police alarm system," as used in this Section 5-3-~~53~~, means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by said system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside of the protected premises and is intended to summon police assistance.
- (C) A defective police alarm system is hereby declared to be a nuisance which may be abated by the City in any lawful manner.
 - (D) Police alarm systems which cause more than one false alarm during any one-year period as calculated herein, shall incur a fee to the alarm user for all false alarms after the first false alarm during said period. Said fees shall be assessed in amounts as set forth in Section 3-1-1 of the City of Montrose Regulations Manual.
 - (1) The City may enforce collection of such amounts in any lawful manner and may certify such amounts as a delinquent charge to the County Treasurer to be collected similarly as delinquent taxes against the property upon which such police alarm system is located. It shall be unlawful to fail to pay such amounts within 30 days after billing by the City.
 - (2) Disputes as to any fee assessed pursuant to this Section 5-3-~~53~~ may be appealed by the alarm user to the City Manager, who shall decide the matter following a hearing in compliance with the requirements of due process.

(Code 2012, § 5-3-5; Ord. No. 2153-, 3-15-2007)

~~Sec. 5-3-4 Repealed by Ordinance No.~~

~~Sec. 5-3-5 Repealed by Ordinance No.~~

CHAPTER 5-3. POLICE ALARM SYSTEMS

Sec. 5-3-1. Direct dial systems.

No person may install a direct dial police alarm system coded to any telephone number without the permission of the person to whose telephone it is coded.

(Code 2012, § 5-3-3)

Sec. 5-3-2. Audible alarm requirements.

Any person maintaining an audible alarm as part of a building police alarm system, shall post a notice stating the names and telephone numbers of the persons to be notified to render repair or service and to secure the premises if any alarm is activated. Such notice shall be posted near the alarm in a position legible from the ground outside the building where the alarm system is located.

(Code 2012, § 5-3-4)

Sec. 5-3-3. False alarms.

- (A) It shall be unlawful to maintain a defective police alarm system.
- (B) A police alarm system shall be deemed to be defective if it causes in excess of one alarm signal which meets the definition of a "false alarm" as set forth in this Section 5-3-3, in any one-year period as defined herein:
 - (1) The term "false alarm," as used in this Section 5-3-3, means an alarm signal eliciting notification to and a response by the police when there is no evidence of a crime or other activity that warrants a call for immediate police assistance, and no person who was on or near the property or has viewed a video communication from the property called for the police dispatch or confirmed the need for police assistance. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user.
 - (2) As used in this Section 5-3-3, a one-year period shall be calculated beginning the first day of January of each year, and shall extend through the last day of December of the year following. The City's tally of the number of false alarms for all alarm users or police alarm systems shall return to zero at 12:01 a.m. the first day of January each year.
 - (3) The term "alarm user," as used in this Section 5-3-3, means any individual, partnership, corporation or other form of association that owns or leases a police alarm system or on whose premises a police alarm system is maintained for the protection of the premises.
 - (4) The term "police alarm system," as used in this Section 5-3-3, means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by said system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside of the protected premises and is intended to summon police assistance.

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- (C) A defective police alarm system is hereby declared to be a nuisance which may be abated by the City in any lawful manner.
- (D) Police alarm systems which cause more than one false alarm during any one-year period as calculated herein, shall incur a fee to the alarm user for all false alarms after the first false alarm during said period. Said fees shall be assessed in amounts as set forth in Section 3-1-1 of the City of Montrose Regulations Manual.
- (1) The City may enforce collection of such amounts in any lawful manner and may certify such amounts as a delinquent charge to the County Treasurer to be collected similarly as delinquent taxes against the property upon which such police alarm system is located. It shall be unlawful to fail to pay such amounts within 30 days after billing by the City.
 - (2) Disputes as to any fee assessed pursuant to this Section 5-3-3 may be appealed by the alarm user to the City Manager, who shall decide the matter following a hearing in compliance with the requirements of due process.

(Code 2012, § 5-3-5; Ord. No. 2153, 3-15-2007)

Sec. 5-3-4 Repealed by Ordinance No.

Sec. 5-3-5 Repealed by Ordinance No.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REPLACING TITLE 5 CHAPTER 3 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City of Montrose updates the Municipal Code from time to time;

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

Title 5 Chapter 3 of the Official Code of the City of Montrose, Colorado is hereby repealed and replaced, this version supersedes all previous versions and is effective _____, to read in full as follows:

CHAPTER 5-3. POLICE ALARM SYSTEMS

Sec. 5-3-1. Direct dial systems.

No person may install a direct dial police alarm system coded to any telephone number without the permission of the person to whose telephone it is coded.

(Code 2012, § 5-3-3)

Sec. 5-3-2. Audible alarm requirements.

Any person maintaining an audible alarm as part of a building police alarm system, shall post a notice stating the names and telephone numbers of the persons to be notified to render repair or service and to secure the premises if any alarm is activated. Such notice shall be posted near the alarm in a position legible from the ground outside the building where the alarm system is located.

(Code 2012, § 5-3-4)

Sec. 5-3-3. False alarms.

- (A) It shall be unlawful to maintain a defective police alarm system.
- (B) A police alarm system shall be deemed to be defective if it causes in excess of one alarm signal which meets the definition of a "false alarm" as set forth in this Section 5-3-3, in any one-year period as defined herein:
 - (1) The term "false alarm," as used in this Section 5-3-3, means an alarm signal eliciting notification to and a response by the police when there is no evidence of a crime or other activity that warrants a call for immediate police assistance, and no person who was on or near the property or has viewed a video communication from the property called for the police dispatch or confirmed the need for police assistance. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user.

- (2) As used in this Section 5-3-3, a one-year period shall be calculated beginning the first day of January of each year, and shall extend through the last day of December of the year following. The City's tally of the number of false alarms for all alarm users or police alarm systems shall return to zero at 12:01 a.m. the first day of January each year.
- (3) The term "alarm user," as used in this Section 5-3-3, means any individual, partnership, corporation or other form of association that owns or leases a police alarm system or on whose premises a police alarm system is maintained for the protection of the premises.
- (4) The term "police alarm system," as used in this Section 5-3-3, means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by said system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside of the protected premises and is intended to summon police assistance.
- (C) A defective police alarm system is hereby declared to be a nuisance which may be abated by the City in any lawful manner.
- (D) Police alarm systems which cause more than one false alarm during any one-year period as calculated herein, shall incur a fee to the alarm user for all false alarms after the first false alarm during said period. Said fees shall be assessed in amounts as set forth in Section 3-1-1 of the City of Montrose Regulations Manual.
- (1) The City may enforce collection of such amounts in any lawful manner and may certify such amounts as a delinquent charge to the County Treasurer to be collected similarly as delinquent taxes against the property upon which such police alarm system is located. It shall be unlawful to fail to pay such amounts within 30 days after billing by the City.
- (2) Disputes as to any fee assessed pursuant to this Section 5-3-3 may be appealed by the alarm user to the City Manager, who shall decide the matter following a hearing in compliance with the requirements of due process.

(Code 2012, § 5-3-5; Ord. No. 2153, 3-15-2007)

Sec. 5-3-4 Repealed by Ordinance No.

Sec. 5-3-5 Repealed by Ordinance No.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the ____ day of _____, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day
of _____, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: August 11, 2021
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: Special Events Alcohol Permit for Dinner on Main Street

Black Canyon Boys and Girls Club has applied for a Special Events Permit to sell and serve alcohol during the Dinner on Main Street event on Saturday, September 25, 2021. As part of this event, Main Street will be closed from Townsend to Cascade Avenue. According to the Municipal Code and Regulations Manual, City Council approval is required for Special Events Permits in conjunction with a street closure.

The event and alcohol permit applications are attached and include a premises map showing the perimeter for the alcohol permit and a plan for control of the premises. The premises were posted in compliance with state statute with no comments received.

In the past, these requests have routine been included on a consent agenda.



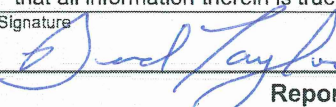
Application for a Special Events Permit

Departmental Use Only

RECEIVED JUL 26 2021

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|--|---|
| ☐ Social | ☐ Athletic | ☐ Philanthropic Institution |
| ☐ Fraternal | ☒ Chartered Branch, Lodge or Chapter | ☐ Political Candidate |
| ☐ Patriotic | ☐ National Organization or Society | ☐ Municipality Owned Arts Facilities |
| ☐ Political | ☐ Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:		DO NOT WRITE IN THIS SPACE	
2110 ☒ Malt, Vinous And Spirituous Liquor	Fee: \$100.00 per event	Liquor Permit Number	
2170 ☐ Fermented Malt Beverage	Payable to the City of Montrose		
1. Name of Applicant Organization or Political Candidate		State Sales Tax Number (Required)	
Black Canyon Boys & Girls Club			
2. Mailing Address of Organization or Political Candidate (Include street, city/town and ZIP)		3. Address of Place to Have Special Event (include street, city/town and ZIP)	
PO Box 1907 Montrose, CO 81402		300 Block Main St, Montrose, CO 81401	
4. Authorized Representative of Qualifying Organization or Political Candidate		Phone Number	
Bud Taylor		970 901 8688	
Authorized Representative's Mailing Address (if different than address provided in Question 2.)			
5. Event Manager		Phone Number	
Bud Taylor		970 901 8688	
Event Manager Home Address (Street, City, State, ZIP)		Email Address of Event Manager	
1509 Avon Dr. Montrose, CO 81401		btaylor@bcbgc.org	
6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?		7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes?	
☒ No ☐ Yes How many days? _____		☒ No ☐ Yes License Number _____	
8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No			
List Below the Exact Date(s) for Which Application is Being Made for Permit			
Date 9/25/2021	Date	Date	Date
Hours From 5 P.m.	Hours From .m.	Hours From .m.	Hours From .m.
To 8 p.m.	To .m.	To .m.	To .m.
Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.
Oath of Applicant			
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Signature 		Title	Date
		Executive Director	7/14/2021
Report and Approval of Local Licensing Authority (City or County)			
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.			
THEREFORE, THIS APPLICATION IS APPROVED.			
Local Licensing Authority (City or County)		Telephone Number of City/County Clerk	
☐ City			
☐ County			
Signature		Title	Date
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY			
Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.

(Instructions on Reverse Side)

Special Event Permit Questionnaire

1. Name of Event: Dinner on Main St. _____
2. Type of Event (i.e., annual, quarterly, benefit, etc.): Benefit _____
3. Explain in detail the nature of your organization, its function, and who or what benefits from its operations (attach a separate sheet if necessary): _____
4. Who or what organization will be the recipient of funds derived from this event? Multiple organizations including Habitat for Humanity of the San Juans, Sharing Ministries, and the Black Canyon Boys & Girls Club. _____
5. How many attendees are expected at this event? Unknown at this time but we have low estimates of 250 to high estimates of 500 people. _____
6. Describe the premises of this event: We will be shutting down Main st. between Townsend and Cascade ave. _____
7. If this is an outdoor event, describe how the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.): We will hang up caution tape around the boundary of the event. _____
8. What type of entertainment, if any, will be provided at this event? There will be music playing at the event. _____
9. What method will be used to check identification for proper age of attendees (i.e., at the door, at the bar, etc.), and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)? We will look at peoples ID and give them a 21+ wrist band and all others will get another color. _____
10. How will the conduct and level of intoxication of attendees be monitored, and by whom? We will have two methods, first the ticket sellers will determine the level and the bar tender accepting the ticket will determine if serving is necessary. _____
11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received, and by whom? Yes, We have three certified in tips training offered by the City of Montrose in 2019. _____
12. What types of alternate beverages and food/snacks will be available? Water, Pepsi Products, and it will be catered by Jimmers BBQ _____
13. Have State and City Sales Tax Numbers been initiated by you or a member of your organization? If yes, please provide the numbers in the space provided. _____
14. Explain how this event will be marketed by describing what kinds of advertising material will be distributed and the targeted recipients of such material. Social Media and Flyers. _____



EVENTS USE PERMIT APPLICATION – SECTION A

RECEIVED JUL 26 2021

Part I – Event Information

Type of event:

- ☒ Main Street Closure – see page 8
☐ Parade – see page 9
☐ Street Closure – see page 9
☐ Park Shelter/Park Area
☐ Centennial Plaza Event - see page 10
☐ Uncompahgre Event Plaza Event - see page 11
☐ Athletic Field Event - see page 12
☐ Other

Date(s) of Event 09/25/2021 Date of Application 07/19/2021

Name of event: Dinner On Main Street

Desired location: First Block of Main Street Main St and Townsend Ave

Legal entity to hold permit: Habitat for Humanity

Contact Person: Erica Madison

Mailing Address: 1601 N. Townsend Ave Montrose Co 81401

Phone Number: Daytime 970-252-9303 Evening

Email Address: Erica@buildinglives.org Website Link: buildinglives.org

Brief description of your event: A dinner on main street focusing on community involvement.

Habitat for Humanity, Sharing Ministries, Just Serve and Boys and Girls Club are coming together for this event.

Is this a private event? ☐ Yes ☒ No Advertised to the public? ☒ Yes ☐ No

Anticipated attendance: Per Day: 250 Total: 250

Dates and times:

Setup: Date: 09/25/2021 Time: 12:30 PM
Start of Event: Date: 09/25/2021 Time: 5:30 pm
End of Event: Date: 09/25/2021 Time: 7:30 PM
Cleanup Completed by: Date: 09/25/2021 Time: 10:30pm

Is this an annual event? ☒ Yes ☐ No How Many Years? 1

Will admission be charged? ☒ Yes ☐ No Amount (s): \$20

Are vendor or other fees required? ☐ Yes ☒ No Amount (s):

Will your event include food preparation, concession and/or merchandise vendors?

☒ Yes ☐ No If yes, please see page 6.

Please describe any mobile vending devices or other structures to be used including kiosks, carts, stands, stages, fences and barriers. (Attach diagrams or pictures if necessary.)

A stage, Jimmers BBQ is catering, Alcohol will be served by Boys and Girls club so tape will be used and street barriers will be created per conversation with Lisa DelPiccolo.

Will alcohol beverages be sold or served at this event? ☒ Yes ☐ No

Which nonprofit organization will sponsor the liquor license? Boys and Girls Club

Exact time alcohol will be on location*: 5:30 (a.m. ☐ p.m.) to 7:30 (a.m. ☐ p.m.)

*These times must match the beginning and ending times specified on the State of Colorado Special Events Permit Application (form DR 8436).

Exact time alcohol will be served **: 5:30 (a.m. ☐ p.m.) to 7:30 (a.m. ☐ p.m.)

**Officers may be required to be present during the time alcohol is served. Please see page 6.

Please note: It is the responsibility of the event organizer(s) to be familiar with the laws and liabilities associated with the sale of alcohol beverages. Please review state statutes regarding the sale and service of alcohol and/or attend a City sponsored alcohol server training class.

Is electricity needed? ☒ Yes ☐ No Time Needed: 12:30-10:00

If yes, please describe the equipment and appliances to be used, such as hot plates, coolers, or sound systems:

Sound System, catering needs

Is domestic water needed? ☐ Yes ☒ No If yes, please describe:

Will sound amplification be used? ☒ Yes ☐ No If yes, please describe:

A stage and sound system will be used

Are additional garbage cans needed? ☒ Yes ☐ No

If yes, please estimate the number of 90-gallon trash receptacles needed:

Please estimate the number of recycle containers needed: 20? We will take recommendations on this to ensure our estimate is adequate.

Please note: Individual vendors are required to provide their own trash receptacles.

Will temporary structures be used? ☐ Yes ☒ No

If yes, please describe the type, size, and method of securing the structure:

Will your event include any high-risk activities such as motorcycle events, airplane/helicopter activities, or water events? ☐ Yes ☒ No If yes, please describe:

If the estimated attendance of the event is more than 200 people, please provide a brief description of the following:

Parking and Traffic Management Plan:

2nd and 3rd blocks of main street parking will be used along with side street parking. A parking map/plan will be published with event marketing.

Emergency Plan:

This event will be located on the 1st block of Main and Townsend. It is an open street with exits on either end.

Sales Tax Collection Plan (if food and/or merchandise are sold):

N/A

Additional comments/requests:

Part II – Additional Licenses & Permits

If any items are sold at an event, a City of Montrose Sales Tax License is required in accordance with the Official Municipal Code of the City of Montrose and the laws of the State of Colorado. Please contact the City Sales Tax Accountant at (970)-240-1465 to obtain a City Sales Tax number.

City Sales Tax Number or signature of authorized City personnel if a license is not necessary. (required before a permit will be issued): N/A

*City Sales Tax License holders must maintain proper books and records of sales that may be subject to inspection and audits as applicable. (Municipal Code Section 5-15)

Additional permits may be required depending on the components of your event:

_____ Food Service License (Health Inspector 970-252-5000)

_____ City Sales Tax Sponsor Agreement (Sales Tax Accountant 970-240-1465)

- _____ Transient Vendor's License (Sales Tax Accountant 970-240-1465)
X _____ Special Events Liquor Permit (City Clerk's Office 970-240-1430)

Please note that applicants and/or vendors are responsible for obtaining and complying with the terms these licenses and permits.

Part III – Rules & Regulations

1. Applications must be submitted **at least 60 days** (90 days for Main Street closures) in advance of the date of the event.
2. Proof of Insurance in the amounts listed below, naming the City, its officers, agents and employees as additional insureds for claims arising from the event.

\$2,000,000	General Aggregate (Per Event/Certificate)
\$2,000,000	Products/Completed Operations Aggregate
\$1,000,000	Personal and Advertising Injury
\$1,000,000	Each Occurrence
\$1,000,000	Damage to Premises Rented to You
\$ 5,000	Medical Payments
3. For groups planning to sell and serve alcohol beverages:
 - a. A Special Events Permit to sell and serve alcohol beverages must be obtained through the City of Montrose and State of Colorado. (Applications are processed through City Clerk's Office).
 - b. A detailed plan on how the area will be secured for sale and consumption of alcohol will be required.
 - c. **Events with a Special Events Permit to sell and serve alcohol, may be required to hire a minimum of two (2) police officers during the time alcohol is being served. The number of officers required will be determined by the City in its sole discretion based on the nature of the event. The fee is based on the actual burdened rate of officers and sergeants, will be reviewed annually, and is subject to change.**
4. Park hours are 5:00 a.m. to 11:00 p.m.
5. Noise which unreasonably annoys, injures or endangers the comfort, health, peace or safety of others is prohibited by City ordinance.
6. The rules and regulations of the Montrose City Code shall be followed at all times.
7. Permittee agrees to indemnify and hold harmless the City of Montrose, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this permit, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of the

Permittee, or any employee of the Permittee, or which arise out of any worker's compensation claim of any employee of the Permittee. The Permittee agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims or demands at the sole expense of the Permittee, or at the option of the City agrees to pay the City or reimburse the City for the defense costs incurred by the City in connection with, any such liability, claims or demands. The Permittee also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

8. Permittee hereby agrees to waive any claim against the City, its officers or employees for damage to their persons or property arising out of this permit, the exercise of rights granted under this Permit, or the use of the public property granted herein by the City.
9. Permittee shall maintain and use the public property at all times in conformity with City ordinances, regulations and other applicable law, keep it in a safe and clean condition, and allow no nuisance to be created by virtue of the Permit. Permittee shall not construct any buildings or improvements upon the public property. **Temporary structures shall not be anchored to sidewalks or pavement. Permittee shall not apply any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any natural or man-made surface on public property by any means including but not limited to an aerosol paint container, a broad tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface, even if considered temporary in nature. Directional markers and distance markers for parades and walks/runs are not allowed on any public property; vinyl wire flag markers (wire no greater than 14 gauge nor longer than 24") are allowed if removed immediately following the event.** Permittee shall be held responsible for any damage incurred to the public property or adjacent surrounding area as a direct result of the event's activities, **including but not limited to loss of damage deposit, cost of repair for damages, fines and imprisonment, restitution, community service, or other sentence imposed by a court of competent jurisdiction.**
10. The City reserves the right to refuse the issuance of an Events Use Permit to any club, organization, person or persons. The City may revoke this permit at any time as deemed appropriate in the City's sole discretion; in such case, all property of the Permittee shall be removed at Permittee's expense and pre-existing conditions restored.
11. The City reserves the right to impose additional or increased requirements, terms and conditions, based upon the City's responsibility to protect and safeguard public health, peace and safety, and to preserve the security of public property. Should additional or increased requirements, terms, and conditions be imposed, they shall be sent to the permittee in writing.

I understand the rules and regulations as outlined above.

Erica L. Madison

Signature of Event Coordinator

July 23, 2021

Date



SECTION B – MAIN STREET CLOSURE PERMIT

- Applications for Main Street Closures must be submitted at least 90 days prior to the event. Applications received less than 90 days in advance may be approved by the City Manager if the application was received at least 45 days in advance. This decision may be appealed to City Council.
- No street closure shall be permitted in conjunction with any Special Events Permit to sell and serve alcohol, unless permission is granted by City Council. *See Part III, Item 3 on page 6.*
- Main Street closures of more than 10 hours require City Council approval.
- Thoroughfares must remain open for emergency vehicles.
- Events shall conclude by 11:00 p.m.
- The Main Street Closure Permit fee is \$250.00 for a 10-hour closure. City Council may approve additional hours for an additional fee.
- A refundable deposit of \$100.00 is required and will be returned if the street closure area and adjoining property are clean, undamaged, and litter free.
- A Certificate of Liability Insurance is required as specified on page 6, under Part III, Rules and Regulations.
- Applicants are required to notify all properties within one block of the street closure 30 days prior to the event. A Street Notification/Acknowledgement form is located on page 13 of this application.

Date of street closure: 09/25/2021

Preferred time of closure: 12:30 PM

Start time of event: 5:30 PM

End time of event: 7:30 PM

**Closures include the area up to, but not including the closest crosswalk. Sidewalks and crosswalks cannot be blocked to pedestrian traffic.*

Main Street Closure Permit Checklist

To simplify the Main Street Closure permitting process, applicants are asked to complete the following checklist and return this form for verification by the City Clerk's Office.

- ☒ Submit a complete special event application 90 days in advance. 7-23-21
- ☒ Receive City Council approval for alcohol service *(if applicable)*. Working through BTG Club
- ☒ Receive City Council approval for closures of more than 10 hours *(if applicable)*. n/A
- ☒ Submit Main Street Closure Permit deposit and fees. Fee waiver requested
- ☒ Submit a certificate of liability insurance. pending
- ☒ Notify **ALL properties within one block of the street closure area** and submit a completed Street Closure Notification/Acknowledgement form. In progress



Auto-saved 48 minutes ago

Dinner on Main



Dinner on Main rough layout



Bud Taylor

New feature ▾

Present



Boundary (RED)



Stage (GREEN)



Table Layout (YELLOW)



Bar (PURPLE)



Bar (PURPLE)



Entry (BLUE)



Entry (BLUE)



Google Earth

30 m

Camera: 1,981 m 38°28'44"N ...