



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, October 5, 2021 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time.

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_sm_cqCyqTpi28R2wH89R6Q.

The 11:00 p.m. rule will be enforced. All agenda items scheduled and noticed to be heard today must begin prior to 11:00 p.m. or they will be rescheduled. At 11:00 p.m., if the meeting has not already been adjourned, further proceedings shall be conducted as follows: 1) If the City Council is discussing an agenda item, but has not voted on the item before 11:00 p.m., the City Council may take a vote to decide whether to continue the item to the next meeting. 2) The City Council may also consider additional agenda items that require action in a specified time period due to legal requirements. 3) All other agenda items not previously opened shall be placed first on the next City Council Agenda.

- 1) City Council meeting called to order by Mayor Doug Glaspell
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

**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.*

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the September 20, 2021 special City Council Meeting, the September 20, 2021 regular City Council meeting, and the September 21, 2021 special City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the September 20, 2021 special City Council Meeting, the September 20, 2021 regular City Council meeting, and the September 21, 2021 special City Council meeting as presented.

7) RESOLUTION 2021-21 (10 minutes)

City Council consideration of Resolution 2021-21, setting November 16, 2021 as the hearing date for the annexation of the Grace Community Church Addition II. *Staff: Senior Planner Amy Sharp*

Action: Accept public comment. Consider making a motion to adopt Resolution 2021-21 as presented.

8) ORDINANCE 2561 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2561 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 4 Chapter 4 Sections 1-18 (4-4-1-18) of the Official Code of the City of Montrose. *Staff: Senior Planner Amy Sharp*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2561 on first reading as presented.

9) ORDINANCE 2562 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2562 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 4 Chapter 1 Section 3 (4-1-3) of the Official Code of the City of Montrose. *Staff: Senior Planner Amy Sharp*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2562 on first reading as presented.

10) ORDINANCE 2564 - FIRST READING (10 minutes) **Document added to final packet**

City Council consideration of Ordinance 2564 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of Lot 1 and Outlot A of Yocum Subdivision and adjacent right-of-ways from "R-1A" Large Estate District to "B-4" Neighborhood Shopping District. *Staff: Senior Planner Amy Sharp*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2564 on first reading as presented.



11) HAWK PARKWAY SIDEWALK EXTENSION CONSTRUCTION CONTRACT (10 Minutes)

City Council consideration of a contract award to Agave Construction in the amount of \$75,900.00 for construction of the Hawk Parkway Sidewalk Extension Project. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a contract to Agave Construction in the amount of \$75,900.00 for construction of the Hawk Parkway Sidewalk Extension Project as presented.

12) STAFF REPORTS

13) CITY COUNCIL COMMENTS

14) MOTION TO ADJOURN

Zoom Meeting Details

https://us02web.zoom.us/webinar/register/WN_sm_cqCyqTpi28R2wH89R6Q

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: 867 3873 8113

International numbers available: <https://us02web.zoom.us/j/86738738113>

A special meeting of the Montrose City Council was held on Monday, September 20, 2021, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Stephen Alcorn, Bill Bell, Ann Morgenthaler, Blaine Hall, Shani Wittenberg, Ross Valdez, Jim Scheid, Scott Murphy, Lisa DelPiccolo

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 11:53 a.m.

EXECUTIVE SESSION

At 11:53 a.m., a motion was made by Barbara Bynum, seconded by Dave Frank, to enter into an executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); and the following additional details are provided for identification purposes: property acquisition and property acquisition for facility expansion. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 1:15 p.m.

At 1:15 p.m. a motion was made by Barbara Bynum, seconded by Dave Frank, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Monday, September 20, 2021 at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law. Public participation for this meeting was held in person and via Zoom. The meeting agenda included a Zoom link and phone numbers for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Bill Bell, Ann Morgenthauer, Stephen Alcorn, Greg Story, Lisa DelPiccolo, Mikayla Unruh, Jim Scheid, Amy Sharp, Matt Smith, Scott Murphy, Briceida Ortega, Blaine Hall, Ross Valdez, Shani Wittenberg, William Reis

GUESTS: Melissa Alcorn

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Anthony Russo.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the September 7, 2021 special City Council meeting and the September 7, 2021 regular City Council meeting.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve the minutes of the September 7, 2021 special City Council meeting and the September 7, 2021 regular City Council meeting as presented. All voted yes. Motion passed.

YOUTH CITY COUNCIL APPOINTMENTS

City Council considered applicants Gunnison Clamp, Harrison Hall, Grace Hotsenpiller, Amy Scriffiny, Jasmine Hemenway, and Indica Taylor for appointment to the City of Montrose Youth City Council for the 2021-2022 term.

City Councilor Barbara Bynum commended the applicants for their interest in local government and their willingness to serve.

A motion was made by Dave Frank, seconded by J. David Reed, to appoint Gunnison Clamp, Harrison Hall, Grace Hotsenpiller, Amy Scriffiny, Jasmine Hemenway, and Indica Taylor for appointment to the City of Montrose Youth City Council for the 2021-2022 term. All voted yes. Motion passed.

PLANNING COMMISSION ALTERNATE APPOINTMENT

City Council considered applicants Steven Ball, Catherine Buckley Hoffman, and Tina McFarlin for a vacant Planning Commission alternate position.

Paper ballots were distributed and City Councilors each cast one vote. Steven Ball received five votes. A motion was made by Barbara Bynum, seconded by J. David Reed, to appoint Steven Ball as Planning Commission alternate for a term that expires on December 31, 2024. All voted yes. Motion passed.

RESOLUTION 2021-20

City Council considered Resolution 2021-20, a Resolution authorizing the filing of a Colorado Department of Transportation Revitalizing Main Streets: Small and Multimodal Economic Resiliency Project grant program application.

Community Program Specialist Briceida Ortega reviewed an opportunity to apply for funds to rehabilitate the downtown pocket park adjacent to San Juan Construction. Ms. Ortega stated that the pocket park is a community gathering and cultural event space in the historic downtown area that has been underutilized as a result of COVID-19.

Ms. Ortega outlined renovations to rehabilitate the space including additional seating, enhanced lighting, landscaping improvements, and the incorporation of public art. Ms. Ortega stated that the planned renovations total \$165,000.00. The grant application is for \$150,000.00 with 10 percent match of up to \$15,000.00. Ms. Ortega said the matching funds would be provided by a DOLA Main Street Mini Grant.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Anthony Russo, to adopt Resolution 2021-20 as presented. All voted yes. Motion passed.

ORDINANCE 2553 -SECOND READING

City Council considered Ordinance 2553 on second reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 5 Chapter 3 of the Official Code of the City of Montrose.

City Attorney Stephen Alcorn reported that Ordinance 2553 removes the requirement for alarm installers to be licensed by the City Clerk. Mr. Alcorn stated that the license requirement no longer serves a legitimate purpose and recommend removing the provision from the Municipal Code.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to adopt Ordinance 2553 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2554 - SECOND READING

City Council considered Ordinance 2554 on second reading, an Ordinance of the City of Montrose, Colorado vacating portions of a right of way within the City of Montrose.

City Engineer Scott Murphy provided an overview of a proposed vacation of obsolete right of way along the Uncompahgre River in exchange for a more suitable option. Mr. Murphy recommended adoption of Ordinance 2554 and stated that recording of the ordinance will be delayed until completion of a plat action dedicating the new right of way.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Ordinance 2554 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2555 - SECOND READING

City Council considered Ordinance 2555 on second reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Riverbend RV Park Addition II.

Senior Planner Amy Sharp reviewed the annexation schedule and stated that this item dovetails with the previous agenda item. Ms. Sharp reported that this is a clean-up annexation of .26 acres that is almost completely surrounded by City limits. Ms. Sharp reviewed the proposed zoning designation of B-2, Highway Commercial District, and stated that this zoning is consistent with the zoning of the adjoining property. An annexation impact report and annexation agreement are not required.

Ms. Sharp recommended approval of the annexation and B-2 zoning designation stating that the proposal is consistent with public health, safety, and welfare, City annexation policies and the Comprehensive Plan. The Planning Commission recommended approval of the zoning designation on August 11.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to adopt Ordinance 2555 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2556 - SECOND READING

City Council considered Ordinance 2556 on second reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Riverbend RV Park Addition II as a "B-2", Highway Commercial District.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2556 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2558 - SECOND READING

City Council considered Ordinance 2558 on second reading, an Ordinance of the City of Montrose, Colorado, vacating a portion of Pinon Way within the City of Montrose.

Senior Planner Amy Sharp reviewed the proposed vacation of right of way along Pinon Way adjacent to Sunshine Peak Apartments. Ms. Sharp stated that the property owner to the south requested the vacation for development of a four-plex. Ms. Sharp said the southern half of the right of way of will be vacated, and the northern half will be retained by the City for future use.

Public comment was accepted. No comments were received.

A motion was made by Anthony Russo, seconded by J. David Reed, to adopt Ordinance 2558 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2559 - SECOND READING

City Council considered Ordinance 2559 on second reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 2 Chapter 1 Section 1 (2-1-1) of the Official Code of the City of Montrose.

Senior Planner Amy Sharp reviewed a proposed modification the Municipal Code to update Planning Commission compensation from \$40.00 per month to \$80.00 per month, and increase compensation for the chair from \$60.00 per month to \$100.00 per month.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to adopt Ordinance 2559 on second reading as presented. All voted yes. Motion passed.

BROWN RANCH SUBDIVISION AMENDMENT #3 PRELIMINARY PLAT

City Council considered the Brown Ranch Subdivision Amendment #3 Preliminary Plat.

Senior Planner Amy Sharp reviewed the location of the property south of Ogden Road and east of 6725 Road and stated that the Preliminary Plat will develop the 5.574 acres into 22 single

family residential lots. The current zoning designation is R-2, Low Density District, and the proposal is in compliance with allowable uses within the zoning district.

Ms. Sharp stated that the roads are in place and the minimum lot size of 7,500 square feet has been met. Ms. Sharp recommended conditional approval stating that the request is in compliance with subdivision regulations and the Comprehensive Plan and meets intent of the zoning district. The Planning Commission recommended approval on September 8.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve the Brown Ranch Subdivision Amendment #3 Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

BROWN RANCH SUBDIVISION FILING NO. 7 FINAL PLAT

City Council considered the Brown Ranch Subdivision Filing No. 7 Final Plat to create 22 new residential lots.

Senior Planner Amy Sharp reported that this item involves the same property as previous agenda item, and the 5.574 acres would be subdivided unto 22 lots. Ms. Sharp stated that the infrastructure has been completed and minimum lot size has been met. Ms. Sharp stated that the streets are in place and approved by City Engineer, and utility easements were also approved.

Ms. Sharp recommended approval of the Final Plat with the standard condition.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the Brown Ranch Subdivision Filing No. 7 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

TOWNSEND UTILITY REPLACEMENTS CONSTRUCTION CONTRACT

City Council considered a contract award to Mountain Valley Contracting in the amount of \$1,345,278.88 for construction of the Townsend Avenue Utility Replacements Project.

City Engineer Scott Murphy reported that this contract is for replacement of aging waterlines and rehabilitation of the tops of manholes on Townsend Avenue in anticipation of a CDOT mill and overlay project.

Mr. Murphy reviewed the bid process and recommended approval of a contract with Mountain Valley Construction which submitted the low bid. Mr. Murphy stated that the project was designed in house, and there are no outside design expenses.

Mr. Murphy reviewed the project schedule. Work will begin in November with single lane closures and lane shifts. Access will be maintained to businesses on Townsend Avenue and some side streets will be closed. Mr. Murphy said the project costs are split between the 2021 and 2022 budgets.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Anthony Russo, to award a contract to Mountain Valley Contracting in the amount of \$1,345,278.88 for construction of the Townsend Avenue Utility Replacements Project as presented. All voted yes. Motion passed.

PUBLIC WORKS FACILITY DESIGN CONTRACT AMENDMENT NO. 1

City Council considered an amendment to the Public Works Facility Design Contract with Chamberlin Architects to add scope of work for a Phase II environmental site assessment at a cost of \$48,500.00.

City Engineer Scott Murphy reported that the design process is underway for a new Public Works facility on the San Juan Bypass, and site constraints and layout are being determined. A Phase I environmental site assessment was conducted. Due to the history of the facility as a fleet maintenance shop with underground fuel storage tanks, and an asphalt batch plant, a phase II assessment is warranted.

Mr. Murphy stated that the contract is on a time-and-materials, not-to-exceed basis, and the cost will be added to the original design contract.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to amend the Public Works Facility Design Contract with Chamberlin Architects to add scope of work for a Phase II environmental site assessment at a cost of \$48,500.00 as presented. All voted yes. Motion passed.

INTERGOVERNMENTAL AGREEMENT FOR LIQUOR LICENSE SERVICES

City Council considered an Intergovernmental Agreement between Montrose County and the City of Montrose for Liquor Licensing Shared Services.

City Clerk Lisa DelPiccolo reviewed a proposal for the City Clerk's Office to process applications for liquor licenses and permits in unincorporated Montrose County. Ms. DelPiccolo stated that the Board of County Commissioners will remain the liquor licensing authority, the City will retain the application fees, and the term of the agreement is one year.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the Intergovernmental Agreement between Montrose County and the City of Montrose for Liquor Licensing Shared Services as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of July 2021. Ms. Wittenberg reported that total sales and use tax collections up 16.8 percent as compared to July of 2020 with a positive budget variance of 23.5 percent. Year-to-date collections were up 23.7 percent with a positive budget variance of 31.7 percent.

CITY COUNCIL COMMENTS

Mayor Pro Tem Dave Frank commented on recent Peer Kindness and San Juan Healthcare Foundation fundraising events and the benefit of nonprofit events to the community.

City Attorney Steven Alcorn reported that a special City Council meeting will be held via Zoom at 4:00 p.m. on Tuesday, September 21, to consider Emergency Ordinance 2560 which would enact a moratorium on specific gambling-like businesses within the City. An agenda is posted on the City website with a link to the virtual meeting. Mr. Alcorn stated that a hearing will be held on the Ordinance with the opportunity for public comment, but the agenda will not include a call for public comment for non-agenda items.

MOTION TO ADJOURN

At 6:45 p.m., a motion was made by J. David Reed to adjourn the meeting with no further action taken.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

A special meeting of the Montrose City Council was held on Tuesday, September 21, 2021, at 4:00 p.m. This meeting was held virtually via Zoom. Said meeting was posted in accordance with the Sunshine Law including a link for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Stephen Alcorn, Bill Bell, Ann Morgenthauer, Amy Sharp, Lisa DelPiccolo, Brian Rumbaugh, Chris Velasquez, Blaine Hall, Greg Story, Larry Witte, Shani Wittenberg, Samantha Graves, Tim Cox, Matt Magliaro, Michelle Berry, William Reis, Courtney Jones, Matt Smith, Lisa Kuczmarski, Ross Valdez, Christine Aslakson

GUESTS: Kiley Nicholas, Kaleigh Hinkson

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 4:00 p.m.

EMERGENCY ORDINANCE 2560

City Council considered Emergency Ordinance 2560, an Emergency Ordinance of the City of Montrose, Colorado, for the preservation of health, peace, or safety, declaring zoning in progress and enacting a temporary moratorium to prohibit the filing, acceptance, sales tax licensure, or any other official action for the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an update to Title 4 Chapter 4, Zoning Regulations, and/or Title 5 Business Regulations of the City of Montrose or the expiration of one hundred eighty (180) days from date of passage of this Ordinance; providing for legislative findings, intent, and purpose; providing for a definition of the use of adult gaming arcades for the purposes of this Ordinance; providing for repealing clauses; declaring an emergency and providing an effective date.

Assistant City Attorney Matthew Magliaro stated that this special meeting was called following a work session discussion on September 20. Mr. Magliaro said that consideration of the emergency ordinance requires a full quorum of City Council, and the caption of ordinance addresses the emergency nature.

Mr. Magliaro summarized the ordinance and changes made since the work session discussion. Two new whereas recital sections were added referencing Article II Section 8 of City Charter for emergency ordinance provisions, and the definitions of adult gaming arcade, crane game, gambling device, simulated gambling device and slot machine were added to 4-14-1 of the Municipal Code.

Mr. Magliaro stated that Emergency Ordinance 2560 imposes a 180-day moratorium for new establishments or relocation of existing establishments. Mr. Magliaro said that the moratorium

will allow City staff to further research the legality of these uses and whether local government regulation is appropriate in terms of business licensure and zoning.

Mr. Magliaro stated that since the work session, changes to the ordinance include removal of a Conditions of Operations section, 4-14-10(C), which will be repackaged into a separate ordinance for City Council consideration. The date of passage and auto repeal were also calculated, the emergency declaration was added, and the signature block was updated. Mr. Magliaro said that if no action is taken, the repeal date for the moratorium is March 20, 2022.

Mr. Magliaro stated that Montrose Police Department officers were in attendance for the opportunity to address City Council on this subject.

Sergeant Larry Witte reported that these businesses draw a specific clientele that results in cases related to drugs, shootings, stabbings, violent assaults, and critical injuries. Sergeant Witte said the situation is a draw on Police Department resources, the number of calls for service is disproportionate with the rest of the community, and these establishments are a hotbed for criminal activity.

Detective Sergeant Michelle Berry recounted three years of violent crime associated with the gaming establishments. Detective Sergeant Berry said the businesses attract a clientele that affects the health safety, and welfare of the community and threatens neighboring businesses and responding officers. Detective Sergeant Berry outlined the officer time involved in investigations and interviews and stated that no other establishments create the same number of volatile calls.

Sergeant Brian Rumbaugh with Drug Task Force reported that distribution of illegal narcotics takes place near all these businesses which brings violent crime. Sergeant Rumbaugh stated that known traffickers frequent these locations, and he has conducted multiple interviews with known narcotics users who frequent these gaming establishments.

Detective Samantha Graves stated that as a patrol officer she responded to numerous calls at these establishments including assaults, burglaries, attempted murder, a stabbing, and a kidnapping with strangulation. Detective Graves said she received varying levels of cooperation from owners and managers. She recounted the impacts of these establishments on her family including canceled youth activities for her children. Detective Graves stated that the near constant criminal activity at these gaming establishments is affecting nearby family businesses.

Patrol Sergeant Chris Velasquez reported on the impacts of gaming establishments in Grand Junction. Sergeant Velasquez and stated that these business attract a clientele that contributes to a regional problem.

Sergeant Courtney Jones reported on a case where officers encountered a man at 1010 S. Cascade Avenue and found 11 grams of methamphetamine, distribution tools, stolen items, and firearms across the street from Pomona Elementary School. Sergeant Jones stated that this

behavior is consistent with these businesses. Sergeant Jones noted the difference in liquor licensed establishments and the gaming businesses. Liquor licensees are required to allow officers full access to their facilities. Applicants for liquor licenses are background checked, and restrictions and revocations can result from infractions. Sergeant Jones said that the lack of licensure and restrictions poses a danger to public safety and health.

Chief Blaine Hall thanked the officers for their statements and stated that the gaming establishments pose a clear danger to public safety.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted.

Kaleigh Hinkson, owner of Elevation Academy of Dance, spoke regarding incidents she has experienced with a gaming establishment next door. Ms. Hinkson reported loud and inappropriate music, arguments, evidence of alcohol and drug use, and loitering and said she contacted law enforcement on a weekly basis. Ms. Hinkson said the impact to her business included loss of students and canceled rehearsals.

Kiley Nicholas, owner of All Tangled Up Salon, spoke regarding impacts of a nearby gaming establishment on her business. Ms. Nicholas said her business was involved in two separate burglaries and she lost clients and stylists because they did not feel safe. Ms. Nicholas said she decided to close the salon, and the landlord is planning is to rent the unit to another gaming establishment.

Mayor Glaspell closed the hearing.

City Councilors discussed the serious nature of adopting an ordinance with one reading and with short notice. Councilors thanked everyone in attendance and those who provided comments.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Emergency Ordinance 2560 as presented. All voted yes. Motion passed.

ADJOURNMENT

At 4:42 p.m. a motion was made by Dave Frank, seconded by J. David Reed, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: October 5 , 2021
RE: ANX21-0090 Grace Community Church Addition II
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:

September 20:	Council Work Session Overview
October 5:	Council Resolution to set a hearing date
October 27:	Planning Commission zoning hearing
November 16:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
December 7:	2nd reading of annexation and zoning ordinances

Application Background:

The Grace Community Church Addition II is a proposed annexation approximately 3.48 acres in size. The parcel is located east of S. Townsend Avenue, west of Woodgate Road, north of Otter Road, and south of Ogden Road. 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 and expansion of church services offered to the community. An Annexation Agreement will be required.



Proposed Zoning: “R-3” Medium Density District

Applicant: International Church of the Foursquare Church, DBA Grace Community Church

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 4-4-7(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. Places of worship are a use by right in this zoning district.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-3” Medium Density District, “R-2” Low Density District, and “R-1A” Large Estate District.
4. The Comprehensive Plan Future Land Use Map designates the area of the Grace Community Church Addition II as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
5. The property is located within Growth Area 1. 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.
6. The “R-3” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

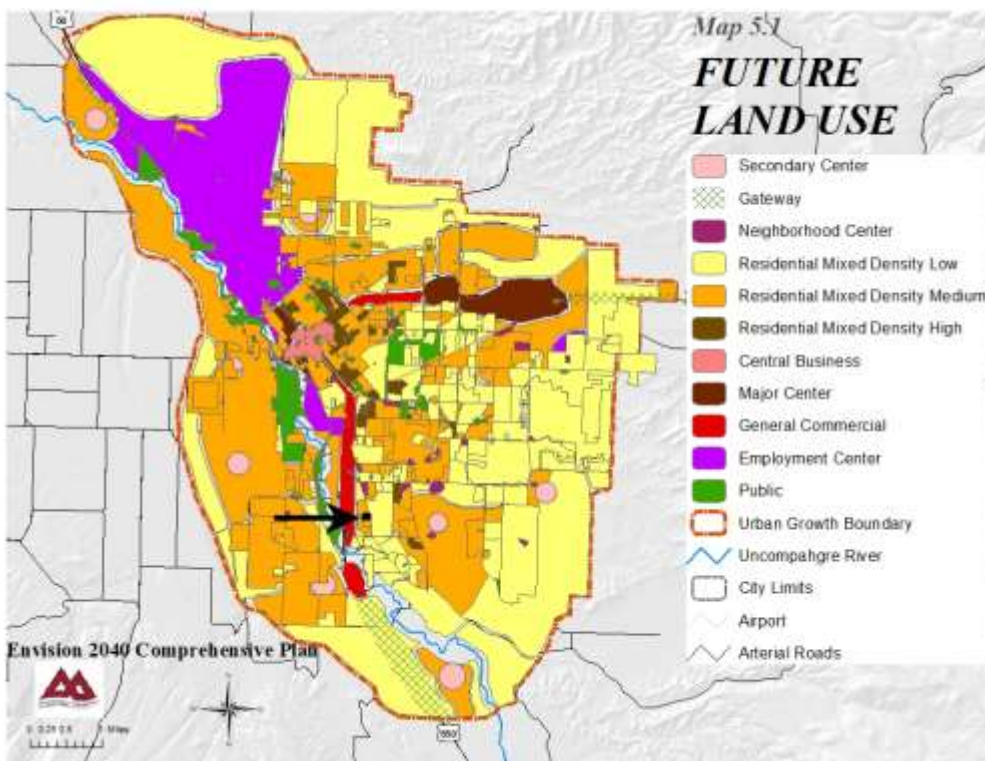
Staff recommends approval of the annexation and “R-3” Medium District.



EXHIBIT A: Maps
Vicinity Map

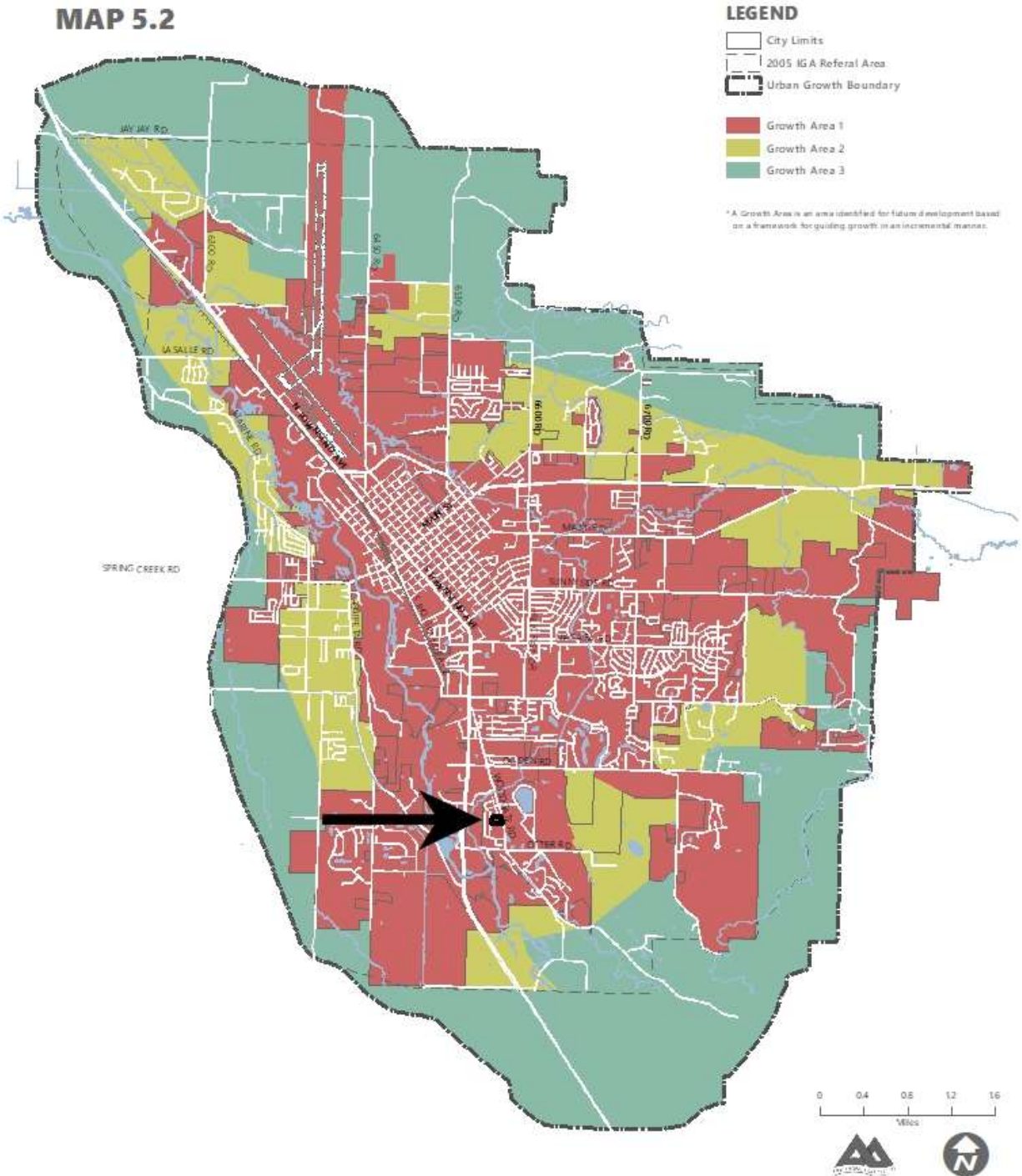


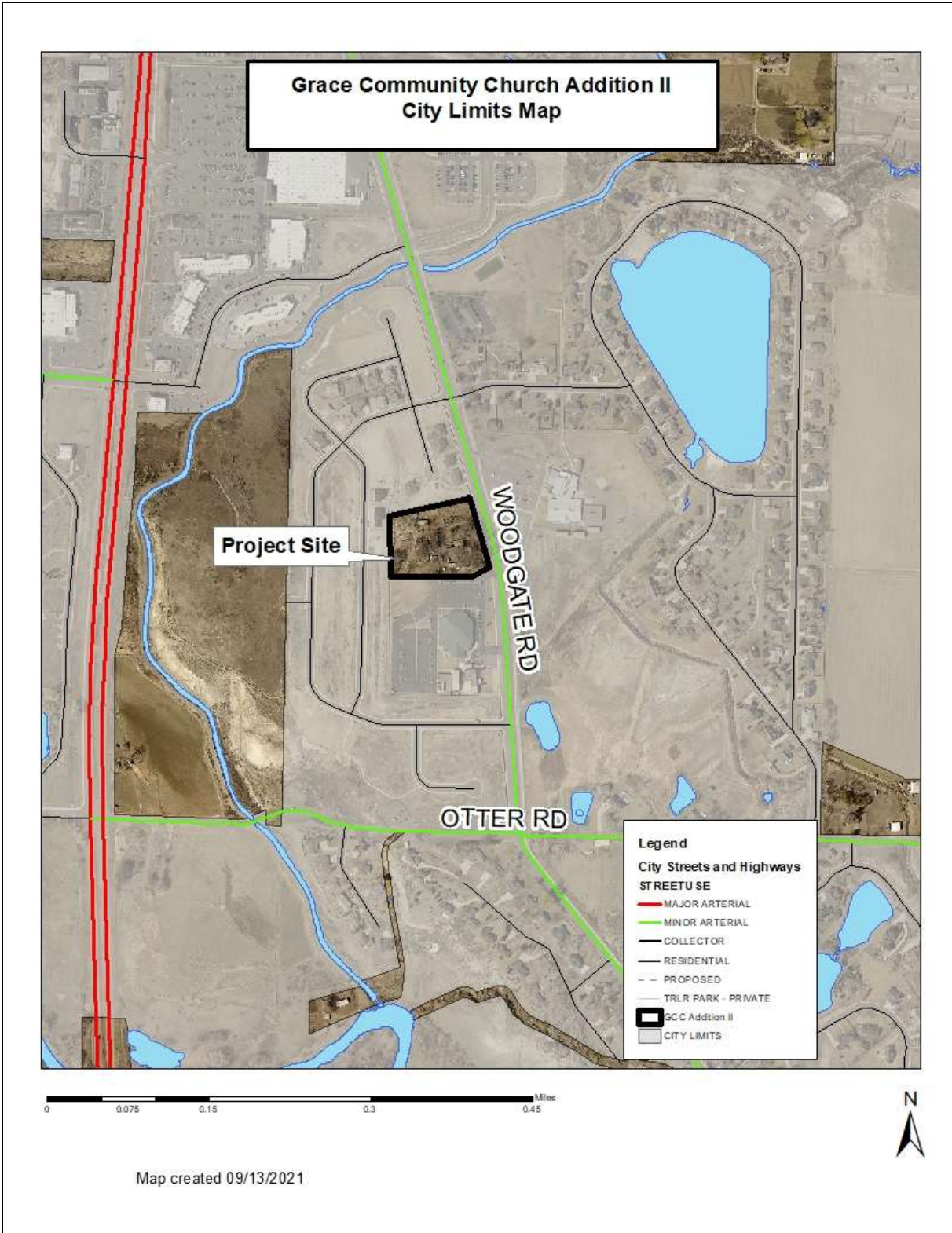
Comprehensive Plan Future Land Use Map

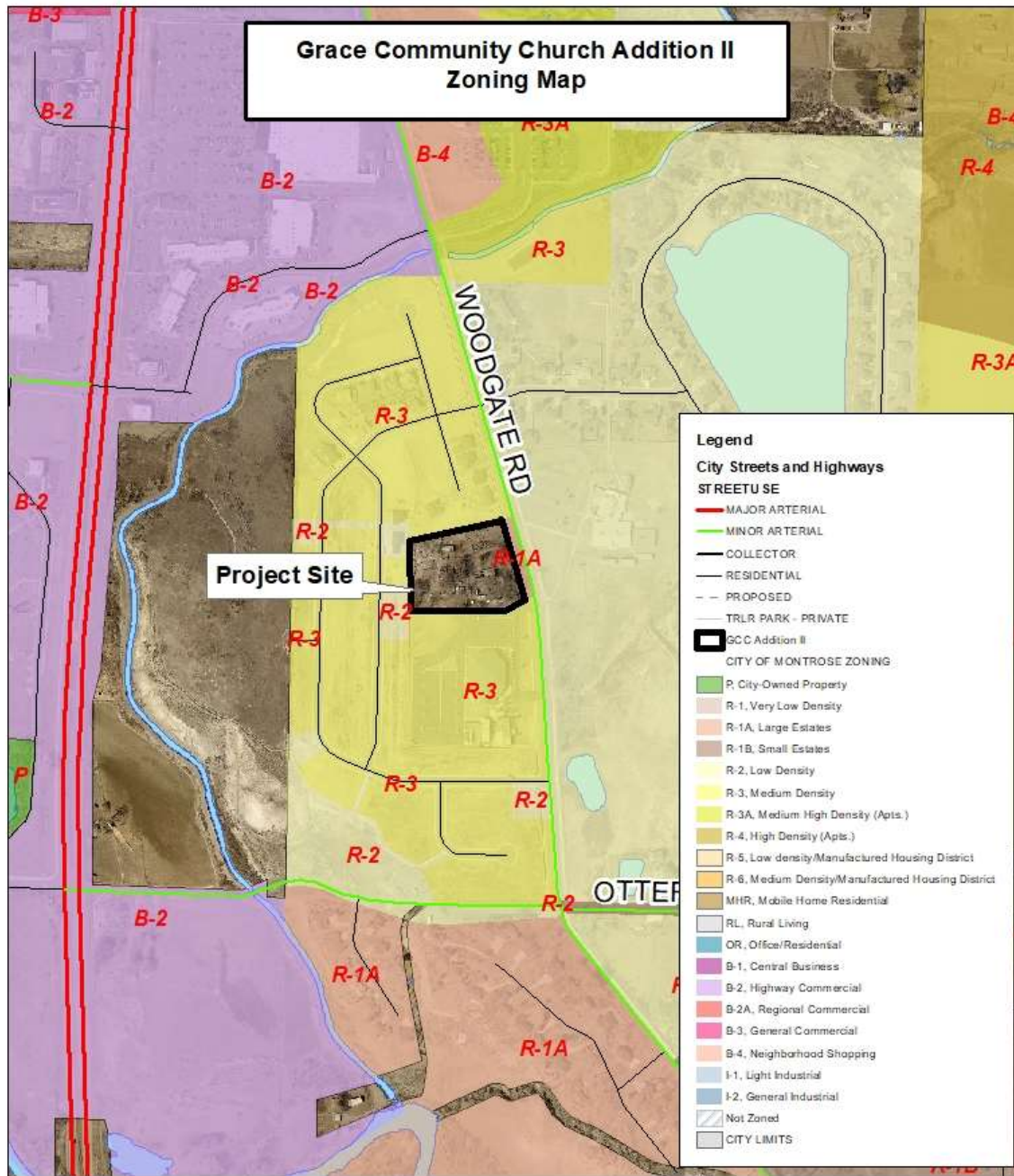


GROWTH AREAS*

MAP 5.2



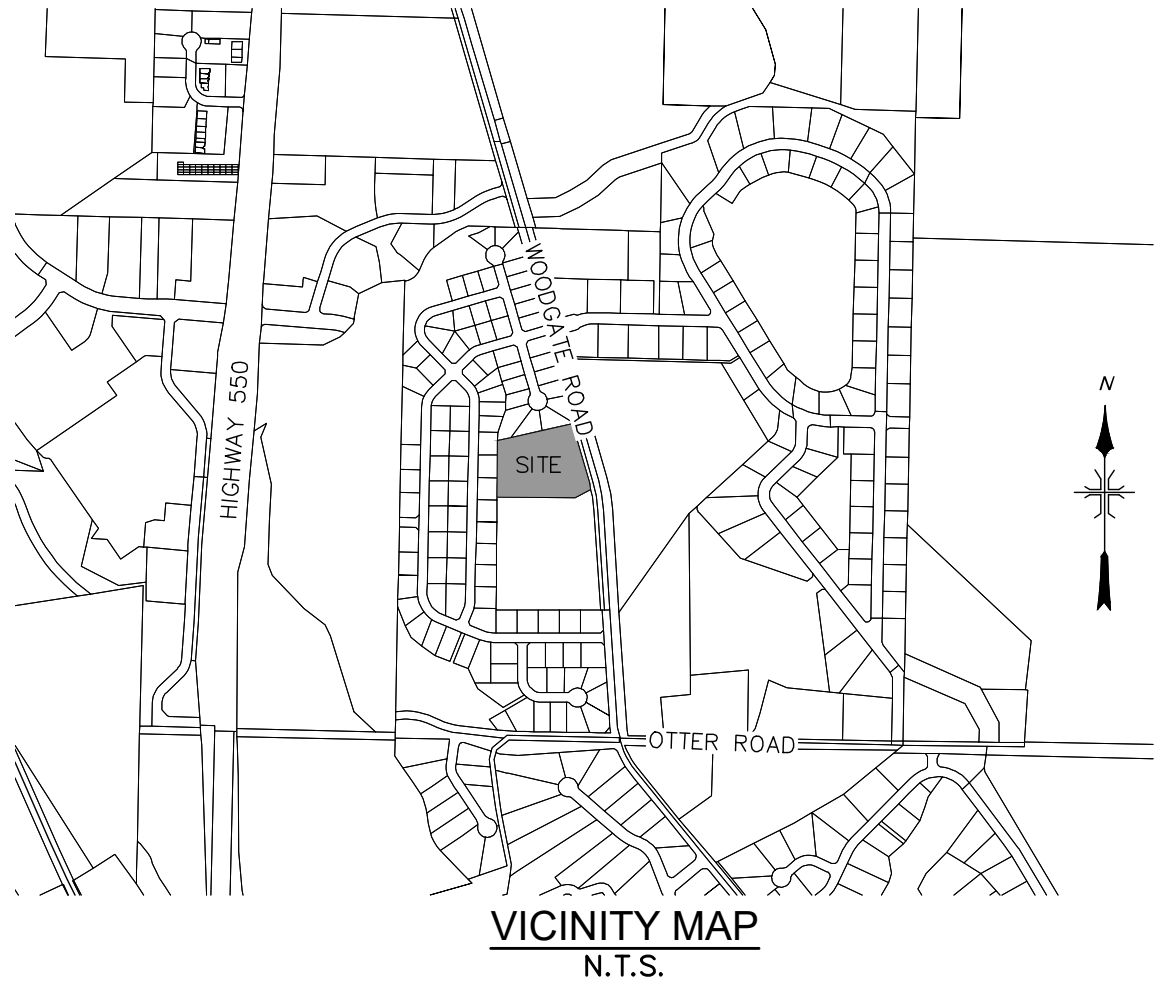




Map created 09/13/2021



GRACE COMMUNITY CHURCH ADDITION II
SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 1564.62'
PERIMETER CONTIGUOUS TO CITY LIMITS = 1564.62'

NOTE:

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

ANNEXATION DESCRIPTION

Lot 1 of Growing Grace Replat, according to the plat map recorded May 3, 2004 at Reception No. 719363, County of Montrose, State of Colorado, together with the following portion of Woodgate Road described as being a strip of land situated in Section 4, Township 48 North, Range 9 West, N.M.F.M. and being further described as beginning at the Northeast corner of said Lot 1 of Growing Grace Replat;
Thence N77°31'54"E 10.02 feet to the West edge of Woodgate Addition;
Thence along the West edge of Woodgate Addition the following two courses S15°56'29"E 320.56 feet;
S12°05'21"E 32.47 feet;
Thence S63°01'49"W 10.35 feet to the Southeast corner of said Lot 1;
Thence the following two courses along the East boundary of said Lot 1 N12°05'21"W 34.79 feet;
N15°56'29"W 320.83 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify GRACE COMMUNITY CHURCH ADDITION II Annexation Map was prepared under my direct supervision.

PRELIMINARY

Frederick A. Ballard, P.L.S.
Registration No. 37690

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

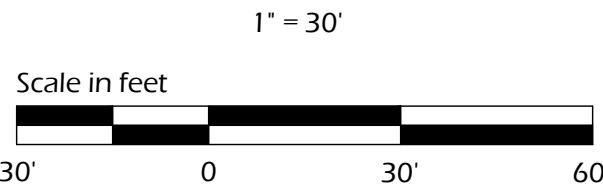
Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____, on the _____ day of _____, 20____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

DMC DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 245-2251 • (970) 245-2242 FAX www.del-mont.com • service@del-mont.com			
FIELD BOOK:		DATE:	2021-08-12
DRAWN BY:		DCC	
SHEET:		FILE:	21087V_ANNEX
JOB NO.:		21087	
1 of 1			
TITLE:		GRACE COMMUNITY CHURCH ADDITION II	
CLIENT:		KEN LENTZ	
ADDRESS & PHONE:		16731 WOODGATE RD MONTROSE, CO 81401 303-917-5309	
TYPE:		ANNEX	

EXHIBIT B: Zoning Code Excerpt

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.

(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)



RESOLUTION NO. 2021-21

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **GRACE COMMUNITY CHURCH ADDITION II**, as described on Exhibit A hereto, is in substantial compliance with the requirements of C.R.S. 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S. The hearing shall be held on the 16th day of November, 2021, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 5th day of October, 2021.

CITY OF MONTROSE, COLORADO

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

Lot 1 of Growing Grace Replat, according to the plat map recorded May 3, 2004 at Reception No. 719363, County of Montrose, State of Colorado, together with the following portion of Woodgate Road described as being a strip of land situated in Section 4, Township 48 North, Range 9 West, N.M.P.M. and being further described as beginning at the Northeast corner of said Lot 1 of Growing Grace Replat;

Thence N77°31'54"E 10.02 feet to the West edge of Woodgate Addition;

Thence along the West edge of Woodgate Addition the following two courses S15°56'29"E 320.56 feet; S12°05'21"E 32.47 feet; Thence S63°01'49"W 10.35 feet to the Southeast corner of said Lot 1; Thence the following two courses along the East boundary of said Lot 1 N12°05'21"W 34.79 feet; N15°56'29"W 320.83 feet to the Point of Beginning.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: October 5, 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

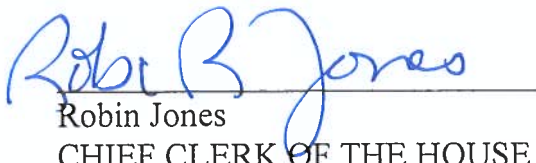
November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

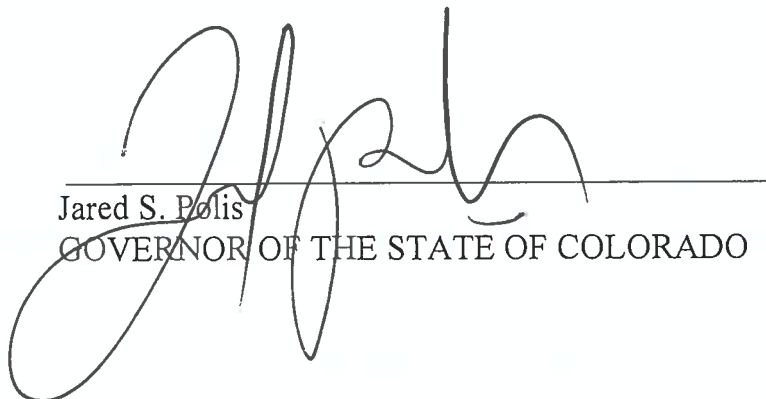


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



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. 2561

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)

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 5th day of October, 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 5th day of October, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 19th day of October, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: October 5, 2021
RE: City of Montrose Municipal Code Update, Section 4-1-3
EXHIBITS: House Bill 21-1222
Ordinance Amending MC 4-1-3 of Building Code (Redline & Clean Version)

City staff have undertaken a review of the Municipal Code Title 4, Chapter 1, Section 3 (C) in order update building code requirements for various daycare, child care, adult day care, and residential group facilities. 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. This Code Amendment changes the requirement from five (5) children to twelve (12) children in the following sections to reflect the State law.

Recommended Actions:

1. Update Municipal Code Title 4, Chapter 1, Section 3 (C) to add #11-16 in Subsection (C) to reflect this change.
 - (11) Section 305.2 Daycare is amended by deleting five (5) and replacing with twelve (12).
 - (12) Section 308.4 Group I-4, Day Care Facilities is amended by deleting five (5) and replacing with twelve (12).
 - (13) Section 308.5.1 Adult Day Care is amended by deleting five (5) and replacing with twelve (12).
 - (14) Section 308.5.2 Child Care Facility is amended by deleting five (5) and replacing with twelve (12).
 - (15) Section 308.5.2 Child Care Facility, exception is amended by deleting five and replacing with twelve (12).
 - (16) Section 310.1 Residential Group R is amended by deleting five (5) and replacing with twelve (12).

An Act

HOUSE BILL 21-1222

BY REPRESENTATIVE(S) Valdez A. and Van Winkle, Bennett, 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

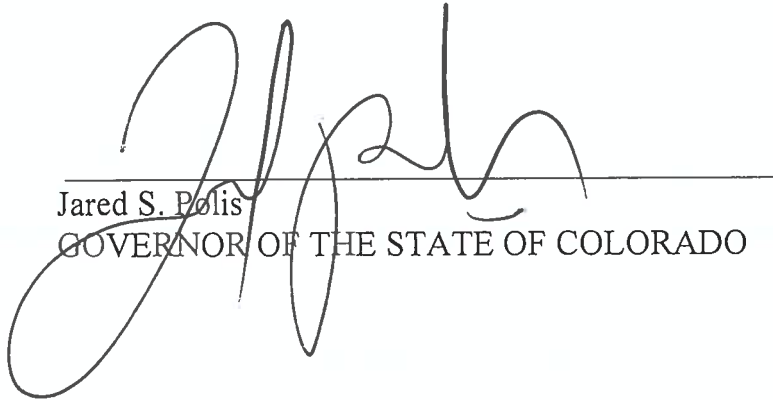


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



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 1, SECTION 3 BUILDING REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 4 CHAPTER 1 SECTION 3 (4-1-3) REGARDING BUILDING REGULATIONS.

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

WHEREAS, this update hereby amends the Building Regulations for daycare, daycare facilities, adult day care, childcare facilities, and residential group R.

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 1 Section 3 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 1 Section 3 (4-1-3) is hereby amended by adding Subsection (C) 11-16. This version supersedes all previous versions of Montrose Municipal Code § 4-1-3 (C), to read as follows:

Sec. 4-1-3. Deletions, modifications and exceptions to the codes adopted by reference.

(C) The International Building Code, 2003 edition, is amended as follows:

- (1) References to jurisdiction in Section 101.1 and elsewhere mean the City.
- (2) The flood insurance study and maps referred to in Section 1612 are as adopted by Chapter 4-2 of the Official Code of the City of Montrose, Colorado.
- (3) Chapter 13 and Sections 101.4.1, 101.4.5, 103, 104.7, 104.8, 108.3, 108.4, 108.6, 112, 113.1, 113.3, 113.4, and 3410.2 are deleted.
- (4) Section 105.2 is amended to exempt the following from permit requirements:
 - (a) Uncovered decks and platforms.
 - (b) Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.
 - (c) Window and door replacement.

- (d) Fences.
- (5) All foundations submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado. One story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with the requirements illustrated in the Figure set out in Subsection (J) of this Section.
 - (6) Swing and opening force. Exit doors serving an occupant load of 10 or more shall be of the pivoted, balanced, or side hinged swinging type. Exit doors shall swing in the direction of the path of exit travel. The door shall swing to the fully open position when an opening force not to exceed 30 pounds (133.45N) is applied to the latch side. Doors shall not project over public sidewalks.
 - (7) A second point of egress meeting the requirements of Section R310 (IRC) and Section 1025 (IBC) shall be provided in all basements at the time of initial construction of the basement.
 - (8) Common wall between a garage and residence must be one hour rated. Door between a garage and a residence must be solid core minimum 1 3/8 inches thick.
 - (9) Party walls between dwelling units shall be constructed in accordance with figures in Subsection (K), (L) or (M) of this Section.
 - (10) The exception from permit requirements for accessory buildings in IBC Section 105.2, is amended to read as follows:

Building. No more than one, one-story detached accessory structure for each premises as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet.

- (11) **Section 305.2 Daycare** is amended by deleting five (5) and replacing with twelve (12).
- (12) **Section 308.4 Group I-4, Day Care Facilities** is amended by deleting five (5) and replacing with twelve (12).
- (13) **Section 308.5.1 Adult Day Care** is amended by deleting five (5) and replacing with twelve (12).
- (14) **Section 308.5.2 Child Care Facility** is amended by deleting five (5) and replacing with twelve (12).
- (15) **Section 308.5.2 Child Care Facility, exception** is amended by deleting five and replacing with twelve (12).
- (16) **Section 310.1 Residential Group R** is amended by deleting five (5) and replacing with twelve (12).

ORDINANCE NO. 2562

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 4 CHAPTER 1, SECTION 3 BUILDING REGULATIONS OF THE CITY OF MONTROSE: AMENDING TITLE 4 CHAPTER 1 SECTION 3 (4-1-3) REGARDING BUILDING REGULATIONS

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

WHEREAS, this update hereby amends the Building Regulations for daycare, daycare facilities, adult day care, childcare facilities, and residential group R.

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 1 Section 3 of the Official Code of the City of Montrose, Colorado are hereby amended as follows: Title 4 Chapter 1 Section 3 (4-1-3) is hereby amended by adding Subsection (C) 11-16. This version supersedes all previous versions of Montrose Municipal Code § 4-1-3 (C), to read as follows:

Sec. 4-1-3. Deletions, modifications and exceptions to the codes adopted by reference.

(C) The International Building Code, 2003 edition, is amended as follows:

- (1) References to jurisdiction in Section 101.1 and elsewhere mean the City.
- (2) The flood insurance study and maps referred to in Section 1612 are as adopted by Chapter 4-2 of the Official Code of the City of Montrose, Colorado.
- (3) Chapter 13 and Sections 101.4.1, 101.4.5, 103, 104.7, 104.8, 108.3, 108.4, 108.6, 112, 113.1, 113.3, 113.4, and 3410.2 are deleted.
- (4) Section 105.2 is amended to exempt the following from permit requirements:
 - (a) Uncovered decks and platforms.
 - (b) Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

- (c) Window and door replacement.
- (d) Fences.
- (5) All foundations submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado. One story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with the requirements illustrated in the Figure set out in Subsection (J) of this Section.
- (6) Swing and opening force. Exit doors serving an occupant load of 10 or more shall be of the pivoted, balanced, or side hinged swinging type. Exit doors shall swing in the direction of the path of exit travel. The door shall swing to the fully open position when an opening force not to exceed 30 pounds (133.45N) is applied to the latch side. Doors shall not project over public sidewalks.
- (7) A second point of egress meeting the requirements of Section R310 (IRC) and Section 1025 (IBC) shall be provided in all basements at the time of initial construction of the basement.
- (8) Common wall between a garage and residence must be one hour rated. Door between a garage and a residence must be solid core minimum 1 3/8 inches thick.
- (9) Party walls between dwelling units shall be constructed in accordance with figures in Subsection (K), (L) or (M) of this Section.
- (10) The exception from permit requirements for accessory buildings in IBC Section 105.2, is amended to read as follows:

Building. No more than one, one-story detached accessory structure for each premises as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet.
- (11) Section 305.2 Daycare is amended by deleting five (5) and replacing with twelve (12).
- (12) Section 308.4 Group I-4, Day Care Facilities is amended by deleting five (5) and replacing with twelve (12).
- (13) Section 308.5.1 Adult Day Care is amended by deleting five (5) and replacing with twelve (12).
- (14) Section 308.5.2 Child Care Facility is amended by deleting five (5) and replacing with twelve (12).
- (15) Section 308.5.2 Child Care Facility, exception is amended by deleting five and replacing with twelve (12).
- (16) Section 310.1 Residential Group R is amended by deleting five (5) and replacing with twelve (12).

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 5th day of October, 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 5th day of October, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 19th day of October, 2021.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: October 5, 2021
RE: Lot 1 and Outlot A of the Yocum Subdivision Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt
- Exhibit D: Public Comments

City Council Consideration:

City Council is considering the approval for the rezone of Lot 1 and Outlot A of the Yocum Subdivision and the adjacent right-of-ways. City Council will consider all of the information in this memo in making a decision.

Application Background:

The proposal is to rezone Lot 1 and Outlot A of the Yocum Subdivision and the adjacent right-of-ways from “R-1A” Large Estate District to “B-4” Neighborhood Shopping District for future development which could include a neighborhood center and/or housing. The property consists of approximately 6.4 acres, including both the parcels and adjacent right-of-ways.

Applicant: David Coker, Montrose Development Company, LLC

Proposed Zoning: “B-4” Neighborhood District



Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to “B-4” Neighborhood Shopping District. The current zoning is “R-1A” Large Estate District.
 - Zoning Regulations. 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. (Section 4-4-15)
 - a) Note: The parcels total approximately 5.6 acres. The adjacent right-of-ways would not be developed but are included in this rezone in order to have the right-of-way zoning match that of the adjacent parcels.
 - Exhibit B includes an excerpt from the Municipal Code showing uses by right in the “B-4” Neighborhood Shopping District.
3. This property is adjacent to properties that are zoned “R-1A” Large Estate District, “R-3A” Medium High Density District, and agricultural (outside City limits).
4. The Comprehensive Plan Future Land Use Map (Chapter 3) designates this area as Neighborhood Center.
 - Neighborhood Center: *This designation is intended for small mixed-use commercial uses such as limited convenience shopping, office and professional services, and public facilities. Buildings are encouraged to be designed to blend with the surrounding neighborhood and located near the intersections of major and minor roadways.*
 - Staff finds that the proposed zoning meets the intent of the Comprehensive Future Land Use Map.
5. The “B-4” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and the Comprehensive Plan.



Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "B-4" Neighborhood Shopping Center.

Planning Commission Recommendation:

The Planning Commission recommended approval of the rezone for Lot 1 and Outlot A of the Yocum Subdivision and adjacent right-of-ways to "B-4" Neighborhood Shopping District at the August 25, 2021 meeting. The vote was four in favor and one opposed.

This item was re-heard by the Planning Commission on September 22, 2021 due to an error in the public noticing description for the initial August 25th meeting. The Planning Commission recommended approval of the rezone at the September 22nd meeting. The vote was unanimous.

City Council Options:

1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.

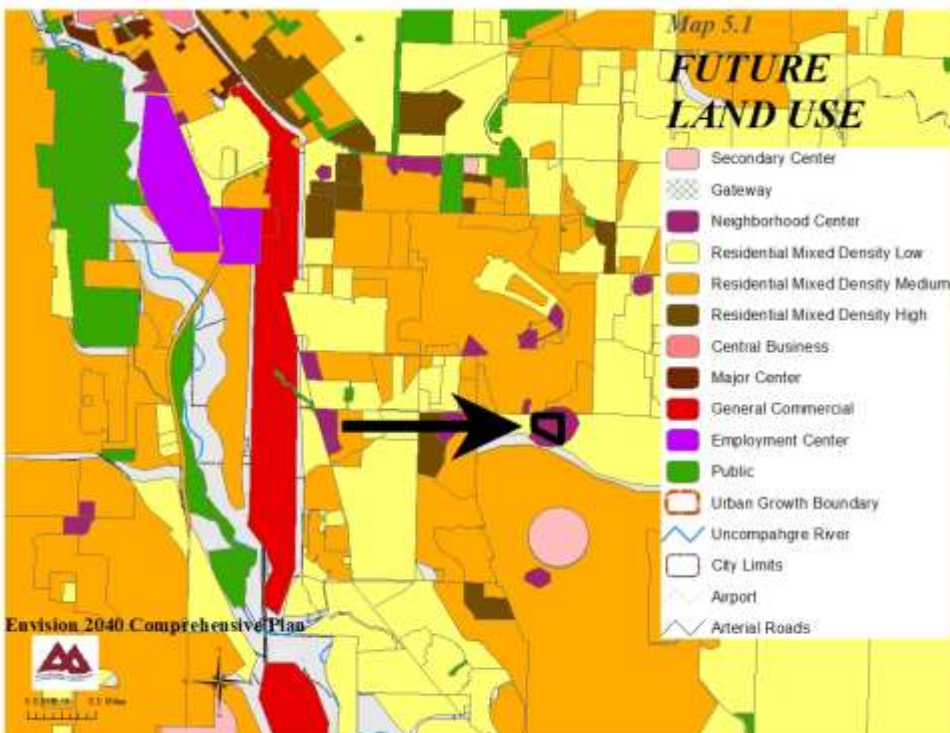


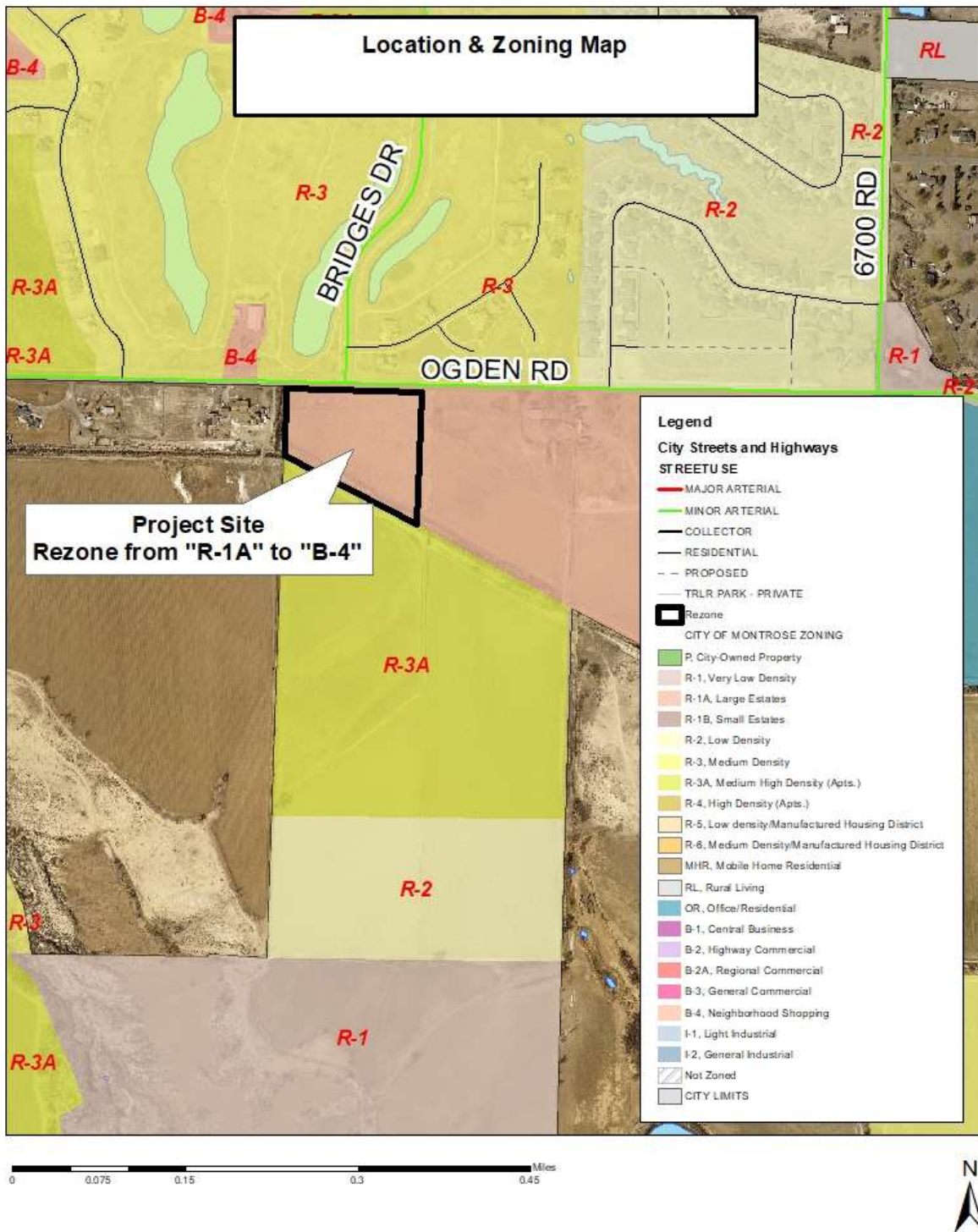
EXHIBIT A: Maps

Vicinity Map

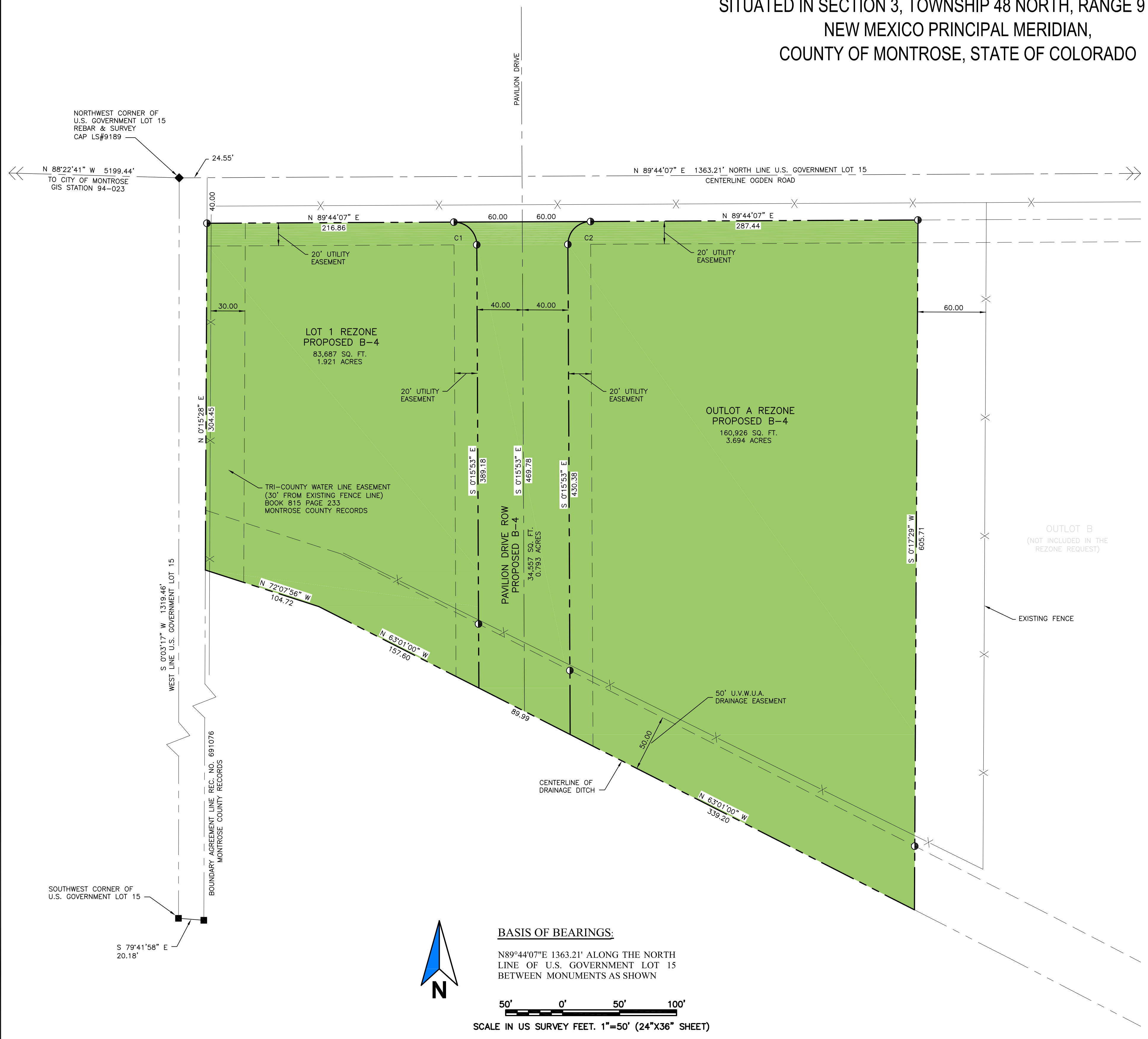


Comprehensive Plan Future Land Use Map





YOCUM SUBDIVISION REZONE MAP
SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF MONTROSE, STATE OF COLORADO



ZONING BOUNDARY DESCRIPTIONS

LOT 1:
A parcel of land lying within Section 3, Township 48 North, Range 9 West of the New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Being Lot 1 of the Yocum Subdivision as shown on the Plat thereof, recorded at Rec. No. 696756.

Described parcel containing 1.921 Acres more or less.

PAVILION DRIVE ROW:
A parcel of land lying within Section 3, Township 48 North, Range 9 West of the New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Being Pavilion Drive of the Yocum Subdivision as shown on the Plat thereof, recorded at Rec. No. 696756.

Described parcel containing 0.793 Acres more or less.

OUTLOT A:
A parcel of land lying within Section 3, Township 48 North, Range 9 West of the New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Being Outlot A of the Yocum Subdivision as shown on the Plat thereof, recorded at Rec. No. 696756.

Described parcel containing 3.694 Acres more or less.

LEGEND

- REBAR & SURVEY CAP, LS# 12180
- LOT 1 PROPOSED B-4
- PAVILION DRIVE ROW PROPOSED B-4
- OUTLOT A PROPOSED B-4

BASIS OF BEARINGS:

N89°44'07"E 1363.21' ALONG THE NORTH
LINE OF U.S. GOVERNMENT LOT 15
BETWEEN MONUMENTS AS SHOWN

50' 0' 50' 100'
SCALE IN US SURVEY FEET. 1"=50' (24"x36" SHEET)

PRELIMINARY

CLIENT/DEVELOPER:
Coker Homes LLC
501 E Main Street
Montrose, CO 81401
david@cokerhomes.com
(303) 947-8886

SURVEYOR:
Joseph S. Reese, PLS 36067
Buckhorn Engineering, 222 S. Park Avenue
Montrose, CO 81401
jrease@buckhornengineering.com

BUCKHORN
ENGINEERING
WWW.BUCKHORNENGINEERING.COM
jrease@buckhornengineering.com

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

YOCUM SUBDIVISION REZONE MAP
SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF MONTROSE, STATE OF COLORADO

PROJECT 2021-026-CIV
DATE 8/02/2021
DRAFTER JC
CHECKED JSR
SHEET EX
1 OF 1

EXHIBIT B: Photos of Project Area



EXHIBIT C: Zoning Code Excerpt

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.
- (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)



EXHIBIT D: Public Comments



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Planning Commission Error - Wrongful Identification

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Tue, Sep 7, 2021 at 7:32 AM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **jim** <jim_32766@hotmail.com>
Date: Mon, Sep 6, 2021 at 10:45 AM
Subject: Planning Commission Error - Wrongful Identification
To: <dfrank@cityofmontrose.org>
Cc: <ldelpiccolo@cityofmontrose.org>, <dglaspeil@cityofmontrose.org>, <arusso@cityofmontrose.org>, <jdreed@cityofmontrose.org>

Dr Mr. Frank,

The City of Montrose Planning Commission has made a procedural error regarding a proposed zoning change described as " Lot 1 and Outlot A of the Yocum subdivision". The parcel was wrongfully identified as being at Ogden Road and Pavilion Drive (see attached image). The correct location is at Ogden Road and Bridges Drive.

Many citizens disregarded the notification based on the error, effectively being deprived of their right to representation on the matter.

Please reject this zoning change and re-engage the process from the beginning so that citizens of Montrose can engage as intended.

Additional consideration for rejecting the proposed change:

Pre-existing nearby B-4 zoning - there is a parcel 1/4 west of the parcel under consideration that is already zoned B-4. There is no need for another B-4 parcel this close.

Lack of infrastructure - Ogden road is not up to current standards, lacking shoulders, bike paths, side walks, etc. Until Ogden road is brought up to current standards no additional traffic-generating changes should be considered. This is a safety matter.

Best,

Jim Carlson

IMG-2685.jpg
1752K





August 9, 2021

Dear Property Owner,

The City of Montrose Planning Commission will hold a public hearing to consider the proposed rezone of Lot 1 and Outlot A of the Yocum Subdivision located at Ogden Road and Pavilion Drive. The property to be rezoned is approximately 6.4 acres. The property is currently zoned "R-1A" Large Estate District. The proposed new zoning is "B-4" Neighborhood Shopping District. The meeting packet and agenda will be posted on the City's website the week prior to the meeting.

<https://www.cityofmontrose.org/126/Planning-Commission>

The hearing will be on **Wednesday, August 25, 2021 at 5:00 p.m.** in the City Council Chambers at 107 S. Cascade Ave., Montrose CO 81401. The public is invited to attend in-person or virtually and can be accessed by video conference or phone.

Join by Video Conference: <https://us02web.zoom.us/j/82894683047>

Join by Phone: Dial (for higher quality, dial a number based on your current location): US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

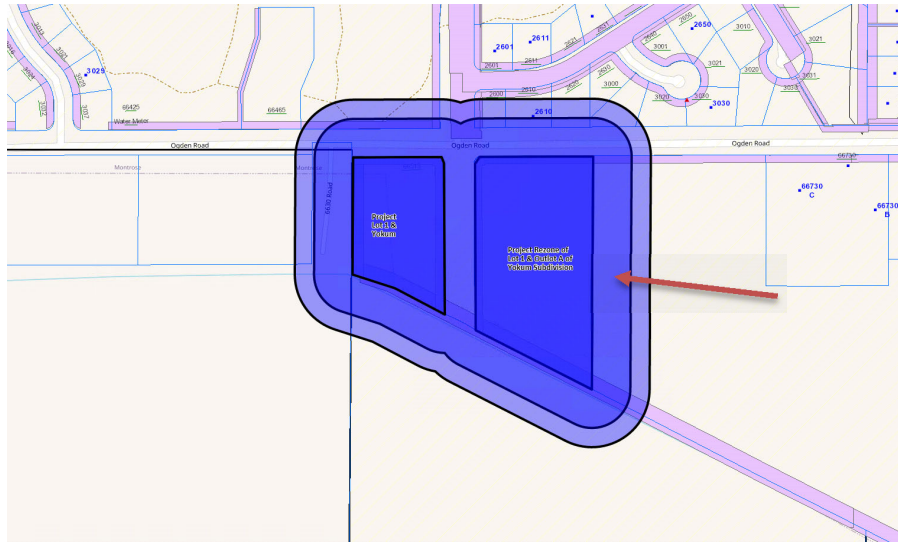
If you have questions or concerns, please contact Amy Sharp at asharp@cityofmontrose.org, 970-240-1478, or written comments may be sent to the Planning Services Department, City of Montrose, P.O. Box 790, Montrose, CO 81402-0790.

Sincerely,

Amy Sharp, Senior Planner
City of Montrose

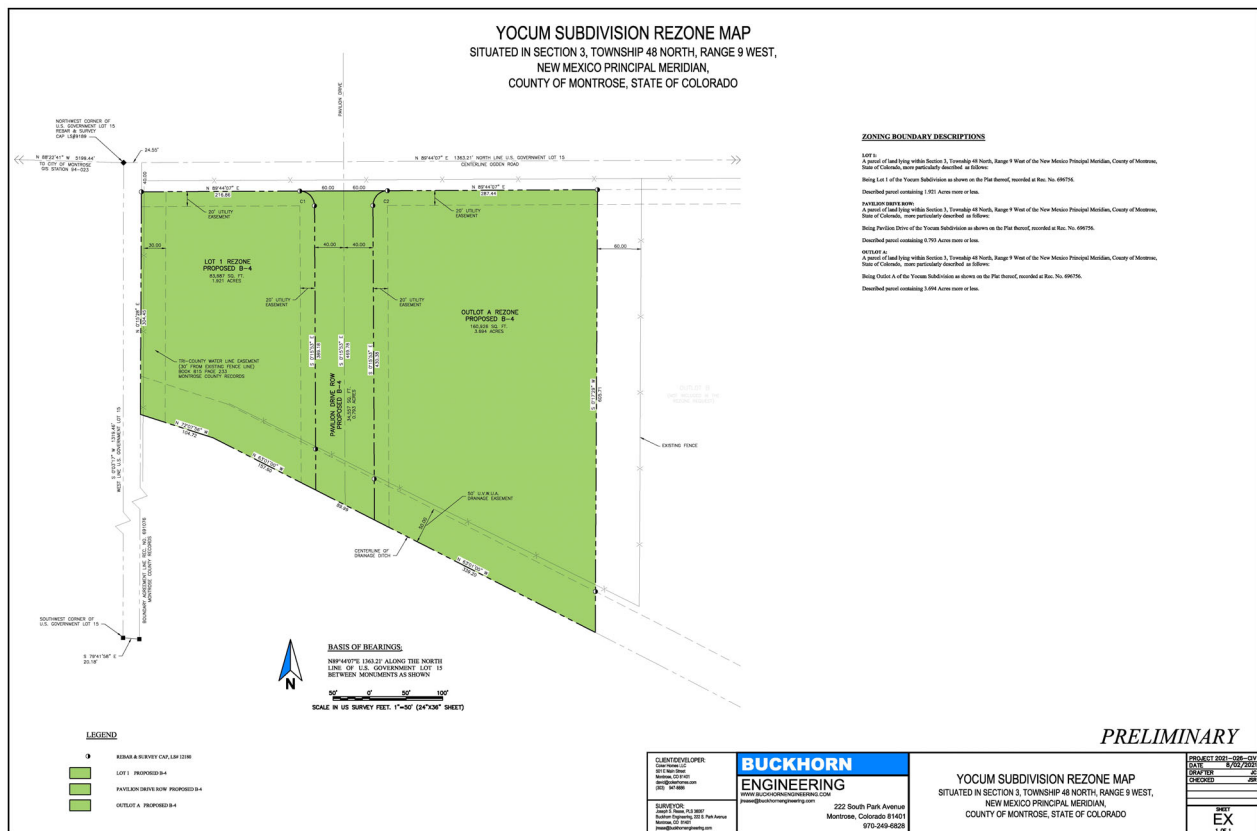
*Continued on back

General Notification Area



*Note: This letter was sent to property owners living within a 100' distance of the proposed development area in accordance with the City of Montrose Municipal Code.

Property to be Re-zoned





Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Yocum Subdivision Rezoning

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Tue, Sep 7, 2021 at 7:31 AM

Hello Amy,

I have received several emails regarding the Yocum rezone. I will forward them all to you. Please let me know if you need me to do anything else with them.

Thanks!

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **Terry & Verena Ferris** <pumarun@comcast.net>
Date: Mon, Sep 6, 2021 at 8:26 PM
Subject: Yocum Subdivision Rezoning
To: DelPiccolo Lisa <ldelpiccolo@cityofmontrose.org>

To: Lisa DelPiccolo
From: Terrence M. Ferris, Verena Ferris
Subject: Yocum Subdivision, Lot 1 and Outlot A rezoning
Date: September 6, 2021

We moved to Montrose four years ago from Denver for the quality of life in this area.

The proposed zoning change from R-1 to B-4 allows for a wide variety of commercial facilities, and therefore, will put a lot more traffic on Ogden Road which is already heavily used and make walking or bicycling on Ogden virtually impossible.

As far as shopping is concerned, within a 1/2 to one mile we have grocery stores, big box stores, restaurants and many other services. In addition there are many retail and commercial buildings vacant in this area and downtown.

Therefore, we are against the rezoning of this property.

Respectfully,

Terrence (Terry) and Verena Ferris
[2700 Red Cliff Circle](#)
[Montrose, Co. 81401](#)



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Lot 1 and Outlot A of the Yocum subdivision

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@cityofmontrose.org>

Tue, Sep 7, 2021 at 4:38 PM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **Fritz Flower** <fritzflowermotor@yahoo.com>
Date: Tue, Sep 7, 2021 at 4:13 PM
Subject: Lot 1 and Outlot A of the Yocum subdivision
To: ldelpiccolo@cityofmontrose.org <ldelpiccolo@cityofmontrose.org>

Lisa and City Council members,

My wife April Flower and myself (Fritz Flower), are against the rezoning of the Yocum subdivision. There are several reasons we feel this way. First off we feel that there is plenty of shopping close by (.5-2 miles) for the neighbors in the bridges and surrounding subdivisions. Secondly we also strongly feel that rezoning this property for commercial use will devalue the price of our home we built in the bridges subdivision in 2019. Thirdly, the sign that was placed on the fence at bridges Drive and Ogden Road last spring fell off and laid on the ground for most of the notification period. We feel that the city's process of notification should be nullified and should have to start over.

Fourthly, we feel that Ogden road is not substantial enough to handle the increased influx of traffic this would impose. Lastly there are many vacant retail/commercial buildings in downtown Montrose and south Montrose areas. Creating new business areas is not needed at this time. Thank you.

Fritz Flower

Flower Motor Co. Inc. 1760 N. Townsend Ave Montrose, CO. 81401

(970) 249-9690 Office (970) 209-8127 Cell



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Zoning change for the 6.4 acre parcel south of Ogden

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Wed, Sep 8, 2021 at 12:59 PM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **Wendi Hurst** <wchurst57@gmail.com>
Date: Wed, Sep 8, 2021 at 12:05 PM
Subject: Zoning change for the 6.4 acre parcel south of Ogden
To: <ldelpiccolo@cityofmontrose.org>
Cc: Larry Kinnick <lrkinnick@gmail.com>

We are writing to express our opposition to the zoning change of this parcel from R-1 to B-4.

It just does not make any sense to bring a commercial/shopping district out this far away from the highway.

This area is a beautiful area that is more meant for residential. Putting in a shopping district would add to the noise, extra traffic and light pollution that would detract from the area.

Please vote against this proposal.

Regards,
Larry R. Kinnick
Wendi C. Hurst



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: FW: Proposed rezone of Lot 1 and Outlot A of the Yocum subdivision

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Tue, Sep 7, 2021 at 9:01 AM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: rob@flowermotor.com <rob@flowermotor.com>
Date: Tue, Sep 7, 2021 at 9:01 AM
Subject: FW: Proposed rezone of Lot 1 and Outlot A of the Yocum subdivision
To: <ldelpiccolo@cityofmontrose.org>

To whom it may concern.

My name is Robert Loewen, I reside at [2671 Red Cliff Circle](#), in the Bridges at Black Canyon Subdivision.

The proposed rezone in question brings a few concerns to me regarding the safety of Ogden rd.

The intersection of Bridges Blvd, and Ogden rd, is where the street I live on is located, and the traffic at this intersection and on Ogden rd is already fast and frequent. I am concerned that that Ogden rd. Is not suitable to handle the current traffic load, not to mention the additional load that will be added in the future.

Can you please tell me how you plan to ensure the current residents of the area that there will be sufficient upgrades to the streets effected by the proposed changes to the current plan?

Please keep in mind that there are currently no curb and gutter or sidewalks in this area, and pedestrian traffic will be effected as well as travel by automobile.

I would consider the current status of Ogden road as unsuitable for commercial traffic with regard to the infrastructure that is currently there.

Thank You.

Rob Loewen GM
Montrose Auto Connection
970-765-3751



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Rezone

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Tue, Sep 7, 2021 at 7:32 AM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **john meredith** <tei4batteries@sbcglobal.net>
Date: Mon, Sep 6, 2021 at 7:23 PM
Subject: Rezone
To: ldelpiccolo@cityofmontrose.org <ldelpiccolo@cityofmontrose.org>
Cc: Jim Carlson <jim_32766@hotmail.com>, Chandra Panther <chandra.panther@gmail.com>

We live on Red Cliff Circle and oppose the proposed rezoning described in "Lot 1 and Outlot A of the Yocum Subdivision" for the following reasons:

1. The city failed to follow their notification requirements, depriving the community of the opportunity to address the topic. This single point should require the city to nullify the process conducted to this point in time and start over.

The notification letter, which was only mailed to property owners within 100 feet of the affected property, falsely stated the property under consideration was located at Bridges Drive and Pavilion Drive. The property was actually located at Bridges Drive and Ogden Road.

The sign placed on the fence at bridges Drive and Ogden Road in the spring fell off and laid on the ground for most of the notification period.

2. There is B-4 zoned property on Ogden Road less than 1/2 mile west of the property under discussion, making additional B-4 zoning in this area redundant. This westerly

property is currently in the county but will likely be annexed to the city prior to development. Note, this other B-4 property was not identified or mentioned by the city in the recent zoning meeting.

3. Ogden Road “as-is” will not support additional traffic associated with a new shopping district. At minimum any zoning consideration should be postponed until the necessary improvements to Ogden Road are implemented.

4. There are plenty of shopping opportunities within 1/2 to 2 miles of the communities in this area: Brown Ranch, The Preserve, the Glens, Mountain Pine, The Bridges. There is no need or demand for additional, closer shopping areas.

5. There are many vacant retail/commercial buildings in the downtown and south Montrose areas.

6. This rezoning will increase traffic unnecessarily on Bridges Dr. and increase the likelihood of accidents between vehicles and golf carts crossing city streets.

Sincerely,
John & Lois Meredith

[2691 Red Cliff Circle](#)

September 5, 2021

Paul Panther
2601 Red Cliff Circle
Montrose, Colorado 81401
(970) 209-0818

Members of the City Council,

I am writing this letter to voice my opposition to the rezone of Lot 1 and Outlot A of the Yocum Subdivision immediately south of the intersection of Ogden Road and Bridges Drive. This potential rezone from R-1A Large Estate District, to B-4 Neighborhood Shopping District is completely unnecessary, completely unwanted by the adjoining and nearby residential property owners and has no specific direction.

I personally have many reasons why I oppose the rezone as listed below. Before that I'd like to state my great displeasure of the process to date.

Regarding this rezone, the Montrose City Planning Commission held a public hearing on August 25th. This meeting was improperly noticed and misleading to the community. During the meeting which was well attended by area residents, thanks to a few people "getting the word out", several nearby residents including myself spoke in person or by Zoom and offered many sound arguments why the rezone isn't a needed element in this vicinity of our community. Only one public voice supported the rezone. That of the applicant.

A huge amount of the Montrose retail element is located as close as 1/2 mile from this site with the very, very dense retail within two miles. The centers of Walmart, City Market, Target and many, many more smaller retailers in these centers are within 2 miles. The use of convenience as part of the justification to all of us by the City Planning Staff is a non-starter for sure. The Planning Staff and Planning Commission all but ignored our statements that the nearby retail is VERY convenient. Staff fell back on the excuse of this is "Part of the Master Plan". Master plans are revised in many communities (including ours) continually. The applicant himself stated in the Planning Commission meeting "I haven't really even thought of what I might do with this site" and the B-4 zoning. In my mind with that comment alone he completely shoots down any "Master Planning" compliance.

During the meeting, people who asked to be heard after additional information was put forth, were told that they would be escorted out of the meeting if they continued to try and speak. What has the Planning Commission become when upstanding, tax paying property owners are silenced like this based on some unsupported protocol? VERY alarming for sure.

Continuing with the argument against the rezone, as I stated none of the nearby property owners and/or residents support this rezone.

A few reasons listed below:

- Plenty of retail locally available. No need for more.
- The landowner immediately to the west of this property and affronting Ogden Road, already has commercial zoning in place in the County. Even though I understand he will have to satisfy the City with subdivision plans, that zoning is already in place. And I imagine will most likely remain in place.
- Our land values WILL be negatively affected. Me and my wife's possibly more than others as we have our primary residence immediately across the street. We also own a second lot very close to the site and I am one of the investors in the Bridges Villas development, which to say the least will be visually and negatively affected by a commercial use on this site.
- Virtually no improvements to Ogden Road are in place to support the traffic.
- Subdivision of the property immediately south of this site (controlled by the applicant), has not been vetted by the City. There could be serious conflicts with this B-4 zoning not yet known.
- The B-4 zoning is VERY gracious in it's allowed uses either by 1. Use by Right, 2. Conditional Uses and 3. Special Use Permit. In short, we have no idea what ultimately will be the physical use(s) allowed under this zoning. And the Planning Commission did specifically state that the applicant could do whatever he wanted as allowed in the zoning.
- The people living in this area built and bought based on the existing zoning. It is unfair for the change to the property zoning to be so extreme as to allow shopping centers in our backyards.

Thank you in advance for your consideration.



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: My name is Steve Roddy I live at 2610 red cliff circle right in front of the locum subdivision I think we do not need a b 4 zoning charge on this property this should stay a r 1. We all ready have a b 4 zoning less than a half mile down the road plus every few people were noticed of the change in zoning

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@ci.montrose.co.us>

Tue, Sep 7, 2021 at 12:23 PM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **steveroddy01** <steveroddy01@aol.com>

Date: Tue, Sep 7, 2021 at 12:21 PM

Subject: My name is Steve Roddy I live at [2610 red cliff circle](#) right in front of the locum subdivision I think we do not need a b 4 zoning charge on this property this should stay a r 1. We all ready have a b 4 zoning less than a half mile down the road plus every few people were noticed of the change in zoning

To: <ldelpiccolo@cityofmontrose.org>

Sent from my Verizon, Samsung Galaxy smartphone



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Rezoning OPPOSITION

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@cityofmontrose.org>

Tue, Sep 21, 2021 at 2:56 PM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: <dmschuttig@comcast.net>
Date: Tue, Sep 21, 2021 at 2:36 PM
Subject: Rezoning OPPOSITION
To: <ldelpiccolo@cityofmontrose.org>

Hi Lisa.

I understand that as the City Clerk for the City of Montrose, I can send my OPPOSITION to proposed rezoning to you and you will make these comments available to the planning commission as part of their deliberations? Please let me know if I am mistaken. I can plan to attend the meeting scheduled for Sep 22 to make these comments heard if necessary.

The property under rezoning consideration is described as " Lot 1 and Outlot A of the Yocum subdivision" – a 6.4 acre parcel of land on the south side of Ogden directly in line with Bridges Drive. The proposed zoning change is from R-1 to B-4. Zoning category B-4 is described as a neighborhood shopping district.

I OPPOSE this rezoning for the following reasons:

1. **Disruption to community continuity.** Think about the best neighborhoods in Montrose (to name a few: Brown Ranch, Solar Hills, Fox Park, Monte Vista, Raven Crest, American Village), and none of them are marred by commercial buildings. Permitting commercial building at this property makes growth of the best neighborhood here unlikely.
2. **Excess commercial space is currently available.** The established commercial zones along Townsend and Main are a short distance from this location (2.6 miles and 1.2 miles respectively) and have numerous empty lots, buildings, and offices that are likely a better location for any commercial venture than a venue a mile off the main drag and currently surrounded by fields.
3. **No plans.** There are, at present, no plans for what commercial building or enterprise would be built on this property.

Because there are currently no plans for this property, I have the following additional concerns:

4. **Additional loose trash** that is generated by any sort of business. Every business generates more trash than a personal property; even small offices generate invoices and small bags that end up loose in the environment.

Given the prevailing winds, this additional trash will roll over the Bridges golf course and around Remington's - both sources of substantial revenue for the community - negatively impacting the desirability of these properties for big "destination" revenue-generating events (such as the AJGA tournament held earlier this summer).

5. **Additional night-time lighting.** This will negatively impact the "dark sky" status of the neighborhood.
6. **Additional noise.**
7. **Impact to sightlines.**
8. **Unsightliness of commercial signage.**
9. **Additional traffic.**

Knowing what commercial enterprise is planned for the property might change the calculus, but without that information I believe the zoning commission should deny the application for a zoning change at this property.

Thanks.

Anne Schuttig

[2432 Shavano Circle, Montrose](#)

James Yannaccone
3000 Sleeping Bear Rd
Montrose, CO 81401
970-819-3436
j.yannaccone@yahoo.com

09/07/2021

Attention Montrose City Council Members,

This letter is written in regard to the current request made for Zoning Reclassification to the parcels described as “Lot 1 and Outlot A of the Yocum Subdivision”. This combined 6.4 acre site is located just south of Ogden Road and the Bridges Golf Course and is presently slated for zoning change from current “R-1A Large Estate District” to “B-4 Neighborhood Shopping District”.

As a current resident at the Bridges Golf Community and located in relatively close proximity to the subject site, I am writing to express my concerns related to this potential change to the community.

1) Safety and Hazard Concerns

Ogden Road is currently not improved with sidewalks nor adequate shoulder area to provide a safe path for pedestrian or bicycle access. The subject site on Ogden Road is located a mile to Townsend Avenue, the Rec Center and several large commercial and business shopping centers are already in place. Allowing for a shopping center or new business district should include a preliminary study and/or approval for safe and adequate access prior to a major Zoning change, especially noted when conversion from a residential to business classification.

At the Regular Planning Commission Meeting on 08/25/2021 the Planning Commission stated Ogden Road would require taking possession of private land in order to improve the road and take adequate “Right of Way” for improvement. This obviously has been ignored in this decision since it could take quite some time to complete with Eminent Domain studies and access for possession to each site.

2) B-4 Zoning Classification allows for too broad of spectrum for Use.

The original zoning plan of R1A - Large Estate District still conforms well with the surrounding residential properties and light business uses found in this immediate neighborhood. Changing from an open space residential zoning to a retail shopping center classification I believe, was not the original intended motivations of any of the residents who purchased properties in this portion of Montrose.

Although the Planning Commission may have future comprehensive plans in place, in my opinion under the B-4 classification, this change allows for many more commercial and business uses than what may be suitable for the original design and the plans originally created for this growing residential neighborhood.

3) Economic Impact

I question if the current economy, number of vacant business sites on Main Street and Townsend Avenue, along with the noticeable number of “Help Wanted” signs all over town are also being considered in this decision. This zoning change was not made clearly

evident to the local business community. The business owners who are struggling to find employees right now, (just a mile away), also may not agree with this “quick” decision being made.

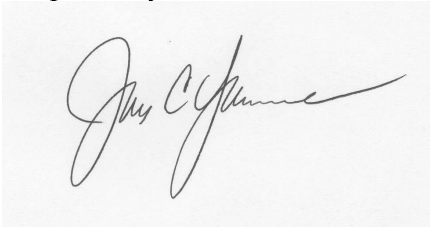
4) The B-4 Classification only Provides incentive to the Developer

Once the Zoning classification is changed to B-4, the applicant is given rights to a new marketable product that could easily be sold off to a major retailer and/or developer and have no way to stop a project that meets Uses by Right, but could potentially be a detriment to the neighborhood or impact market values.

In Conclusion

Based on the information provided and as a concerned citizen of Montrose, it is my opinion this decision is clearly premature for this area. Since there are no immediate plans for development as stated by the applicant at the last meeting, I ask that the council at least “table” this decision until further studies are performed regarding a safe, hazard free access to the subject site and possibly establish a more defined study of any potential business uses at a later date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Yannaccone", written over a light gray rectangular background.

James Yannaccone



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Rezone at Bridges Drive and Ogden Road is scheduled to be heard by the Montrose City Council on October 5th

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>

Wed, Sep 29, 2021 at 8:21 AM

Reply-To: ldelpiccolo@cityofmontrose.org

To: Amy Sharp <asharp@cityofmontrose.org>

LISA DELPICCOLO, MMC

City Clerk's Office

City Clerk

970.240.1422 Office



----- Forwarded message -----

From: **Paul Panther** <panther.rms@gmail.com>

Date: Wed, Sep 29, 2021 at 7:12 AM

Subject: Rezone at Bridges Drive and Ogden Road is scheduled to be heard by the Montrose City Council on October 5th

To: <ldelpiccolo@cityofmontrose.org>

Dear Council Members,

I'm writing to voice my opinion of why the rezone of the property south at Bridges Drive and Ogden Road should be DENIED.

The main frontage road serving this property, (Ogen Road), needs numerous and huge improvements for miles before any commercial type of development can be properly served along this frontage. With no sidewalks and no reasonable shoulders along this road, along with a minimum road width, there just isn't sufficient infrastructure to support commercial zoning and development here. There are dangers along this road for sure until that infrastructure is completed.

Living just off Ogden Road on Red Cliff Circle I witness both pedestrians and bicycle riders continually struggle to walk / ride along this road. Often with VERY dangerous results as vehicular traffic attempts to avoid these users and are forced to swing out, often over the yellow dividing line, into oncoming traffic. I've seen (and have had to do it myself) vehicles pretty much stop in the road to wait for oncoming traffic to clear before one can make a safe pass of these users.

I have many other reasons. Such as plenty of B-4 and other commercial / retail zoning and existing development within as close to 1/2 mile from this location. Severe negative

impacts to adjacent and nearby property owners with regards to lost property values and reduced quality of living, one of which is me. Unknown use of the property as the applicant has even gone as far to say publicly "I don't even know what I'm planning to do there yet".

The City should get the Ogden Road improvements done and then consider the re-zone at that time if you must. But it's too early right now for sure.

Paul Panther
2601 Red Cliff Circle
Montrose, CO. 81401



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Zoning

Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>
Reply-To: ldelpiccolo@cityofmontrose.org
To: Amy Sharp <asharp@cityofmontrose.org>

Tue, Sep 28, 2021 at 5:34 PM

LISA DELPICCOLO, MMC

City Clerk's Office
City Clerk
970.240.1422 Office



----- Forwarded message -----

From: **RickMolly PURDY** <rickmolly1@msn.com>
Date: Tue, Sep 28, 2021 at 5:29 PM
Subject: Re: Zoning
To: ldelpiccolo@cityofmontrose.org <ldelpiccolo@cityofmontrose.org>

As a Montrose resident living at the Bridges Golf Club Resort, WE STRONGLY OBJECT to this STUPID rezoning project. We live on Redcliff Circle and our front yard faces Ogden Road and the beautiful views we have of the mountains in the distance. WE and EVERYONE in our neighborhood joins us in DETESTING this STUPID IDEA. If you lived in the area, you would also join us in opposing this project. Get a LIFE, and stop trying to ruin what we so enjoy.

Rick Purdy

ORDINANCE NO. 2564

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 1 AND OUTLOT A OF THE YOCUM SUBDIVISION FROM "R-1A", LARGE ESTATE DISTRICT TO "B-4", NEIGHBORHOOD SHOPPING DISTRICT

WHEREAS, Phoebe Benziger moved, and Chad Huffman seconded, to recommend the City Council approval of the rezone for Lot 1 and Outlot A of the Yocum Subdivision, City of Montrose; and

WHEREAS, the motion carried and Planning Commission has recommended the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

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

SECTION 1:

The Official Zoning Map is amended to designate Lot 1 and Outlot A of the Yocum Subdivision, more particularly described as:

Lot 1 and Outlot A as shown on the Final Plat recorded at the Montrose County Clerk and Recorder's Office under Reception No. 696756; zoning boundary descriptions as shown in Yocum Subdivision Rezone Map, attached hereto as Exhibit A

as a "B-4", Neighborhood Shopping District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 5th day of October, 2021, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 5th day of October, 2021.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 19th day of October, 2021.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk



Amy Sharp <asharp@ci.montrose.co.us>

Fwd: Yocum Subdivision Rezoning

Lisa DelPiccolo <ldelpiccolo@ci.montrose.co.us>

Sat, Oct 2, 2021 at 8:21 AM

To: Amy Sharp <asharp@ci.montrose.co.us>

Sent from my iPhone

Begin forwarded message:

From: Terry & Verena Ferris <pumarun@comcast.net>

Date: October 1, 2021 at 8:59:06 PM MDT

To: Lisa DelPiccolo <ldelpiccolo@cityofmontrose.org>

Subject: Yocum Subdivision Rezoning

To: Lisa DelPiccolo

From: Terrence M. Ferris

Subject: Yocum Subdivision, Lot 1 and Outlot A rezoning

Date: October 1, 2021

This letter is a follow-up to my letter of September 6, 2021.

The present zoning of R-1 is the correct fit for this area, and therefore, I am against rezoning of the Yocum Subdivision to B-4.

However, if the R-1 zoned property remains the same in that area at its lower cost, instead of the much more expensive B-4 zoned land, it would make an excellent park for the south end of Montrose. Perhaps the Montrose Recreation District would have an interest in purchasing the land. This would increase the value of existing properties as well as improve the quality of life for current and future property owners.

This should be a win-win situation. The developer would not make quite as much money as he would like, but it is a much better fit for a park or residential housing.

Respectfully,

Terrence (Terry) and Verena Ferris
2700 Red Cliff Circle
Montrose, Co. 81401

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: September 13, 2021
RE: Hawk Parkway Sidewalk Extension Contract Award Consideration
CC: William Bell, Shani Wittenberg

Action

Consider the award of a contract to Agave Construction in the amount of \$75,900 for construction of the Hawk Parkway Sidewalk Extension Project.

Background

The City of Montrose is continually working to improve pedestrian connectivity throughout the City by constructing and/or rehabilitating missing-link sidewalks, especially along major roadways. To that end, the City is looking to construct approximately 500 feet of sidewalk along the western side of Townsend Avenue between Hawk Parkway and Ogden Road. This project also supports a recent sidewalk extension performed by Golden Gate Petroleum on the southwestern corner of Townsend Avenue and Ogden Road as part of their site development. An overview of the project is included as an attachment to this memo.

Project Bidding and Contract Award

Construction of the project was put out for bid on August 22nd and bids were publically received on September 9, 2021. Bids were received from four contractors as summarized in Table 1 below. Bid totals presented in this table include a 10% contingency.

TABLE 1		
Summary of Bid Results		
Contractor	Location	Bid Total
Agave Construction	Grand Junction, CO	\$75,900.00
Skip Huston Construction	Montrose, CO	\$98,170.60
Western Gravel Constructors	Montrose, CO	\$122,100.00
Ridgway Valley Enterprises	Montrose, CO	\$135,080.00

The City does not have any contracting experience working with Agave Construction; however, their references are favorable and this project is small enough to serve as a good entry project for a new contractor. As a result, contract award is recommended to the low bidder, Agave Construction. The City's local preference policy would not change the outcome of bidding in this case.

Traffic Control and Schedule

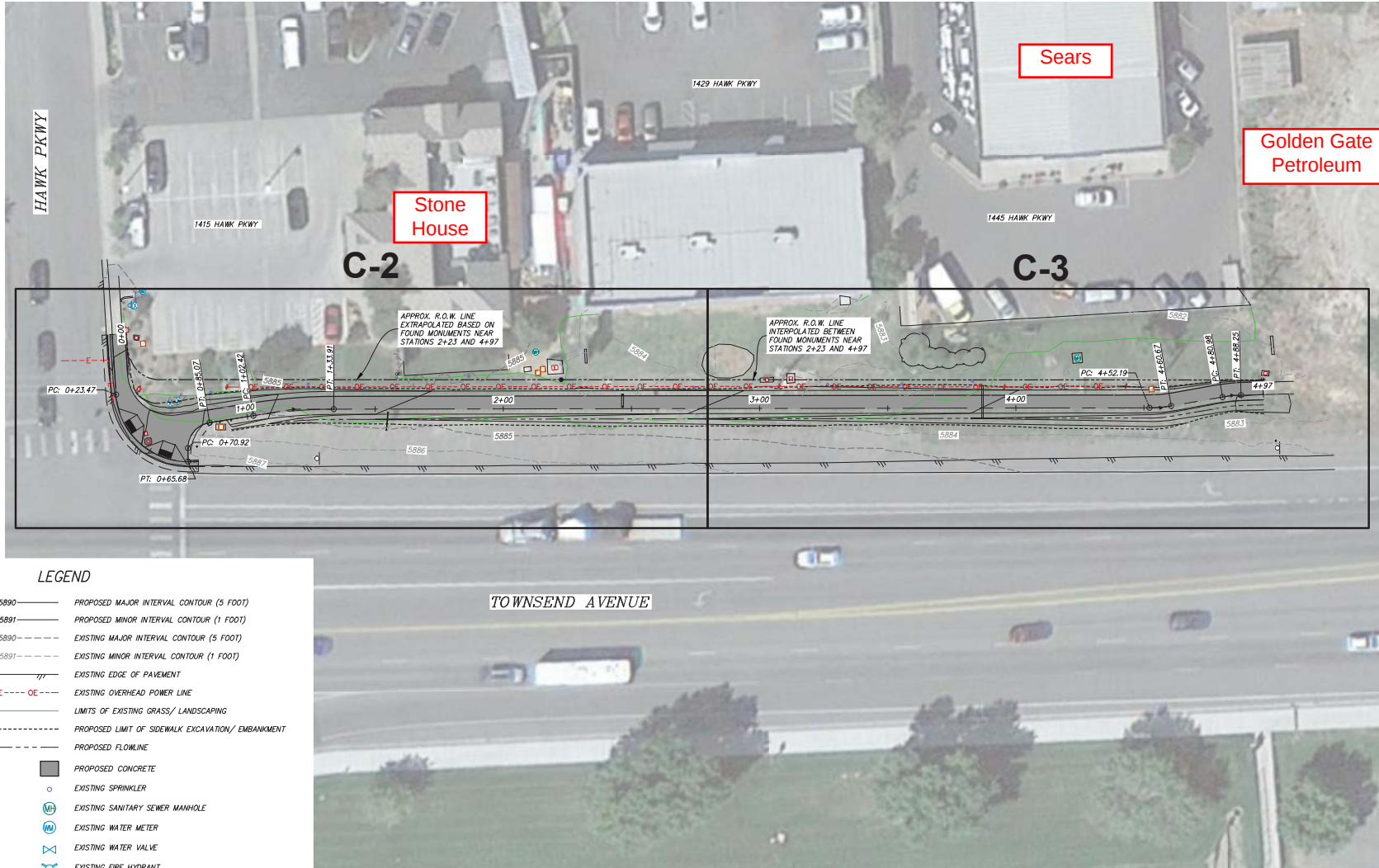
All work for this project will take place along the shoulder of Townsend Avenue without the need for any road closures. Access will remain open to all nearby businesses throughout construction and work is expected to last through the end of 2021.

Contract Administration and Project Financials

Contract administration and project management will be performed by the City of Montrose engineering department.

The 2021 budget included \$50k for construction of this project, placing the proposed contract amount \$26k over this budget. The budget overage is suspected to be a result of low concrete contractor availability. Savings on other sidewalk construction line items and capital projects will be utilized to fund this overage.

Z:\CWA\2021\2089-CITY Golden Gate Sidewalk - Summary\65040 Golden Gate Sidewalk Plans.dwg PLOT DATE: 2021-08-18 11:52 SAVED DATE: 2021-08-18 11:51 USER: cbrownham



LEGEND

- 5890 — PROPOSED MAJOR INTERVAL CONTOUR (5 FOOT)
- 5891 — PROPOSED MINOR INTERVAL CONTOUR (1 FOOT)
- 5890 --- EXISTING MAJOR INTERVAL CONTOUR (5 FOOT)
- 5891 --- EXISTING MINOR INTERVAL CONTOUR (1 FOOT)
- EXISTING EDGE OF PAVEMENT
- OE --- EXISTING OVERHEAD POWER LINE
- LIMITS OF EXISTING GRASS/ LANDSCAPING
- PROPOSED LIMIT OF SIDEWALK EXCAVATION/ EMBANKMENT
- PROPOSED FLOWLINE
- PROPOSED CONCRETE
- EXISTING SPRINKLER
- ⊕ EXISTING SANITARY SEWER MANHOLE
- ⊕ EXISTING WATER METER
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING POWER POLE
- ⊕ EXISTING ELECTRICAL PEDESTAL/VAULT/METER
- ⊕ EXISTING LIGHT POLE
- ⊕ EXISTING FIBER OPTIC VAULT/PEDESTAL
- ⊕ EXISTING FIBER OPTIC VAULT/PEDESTAL
- ⊕ EXISTING TRAFFIC SIGN
- EXISTING SURVEY MONUMENT



OVERALL SITE PLAN
SCALE IN FEET
0 20 40

PRELIMINARY
NOT FOR CONSTRUCTION



REV	DATE	DESCRIPTION	BY

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

CITY OF MONTROSE
HAWK PARKWAY SIDEWALK EXTENSION
OVERALL SITE PLAN

PROJECT	21-089-CV
DATE	08/18/2021
DESIGNED	CB
CHECKED	JK
BUCKHORN ENGINEERING	SHEET
C-1	