***REGULAR PLANNING COMMISSION MEETING AGENDA***
***Wednesday, February 12, 2025 - 5:00 PM***
***City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.***

The Montrose Planning Commission is pleased to have residents of the community take time to attend Planning Commission 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. *The 11 pm rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).*

Additional written comments are welcome. If you would like to comment on an agenda item, please email the city. Written comments must be received by noon one week prior to the meeting in order to be included in the Planning Commission packet. After that deadline, comments received by noon the day prior to the meeting will be distributed to the Planning Commission on the meeting day.

Public participation for this meeting will be in-person in the City Council Chambers and via Zoom at the following link:

Telephone participation is available at:

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email the city at least three days before the meeting.

1) Planning Commission meeting called to order

2) Roll call by the Planning Commission Chair

3) Approval of Minutes of the January 22, 2025 Planning Commission meeting

4) Additions or Deletions

5) **MONTROSE COUNTY NORTH CAMPUS HEIGHT VARIANCE** This is an application for a variance to the Highway Corridor Overlay District's height limitation on Lot A of the Justice Center Subdivision. The property is zoned "B-2" Highway Commercial District, which does

not have a height limitation. Part of the property falls within the Highway Corridor Overlay District, which has a maximum building height of 40 feet. The applicant is Montrose County.

6) **HILLTOP SUBDIVISION SKETCH PLAN** This is a review and discussion of the proposed Hilltop Subdivision Sketch Plan, located on the east side of 6600 Road, north of its intersection with Locust Road. The proposal would allow for 402 residential units on 24.8 acres. The property is zoned "R-4" High Density District. The applicant is Housing Partners of Montrose, LLC.

7) Other Business

8) Next Meeting will be February 26, 2025

9) Motion to Adjourn

# City of Montrose Planning Commission

**January 22, 2025**

The Montrose City Planning Commission held a meeting on January 22, 2025 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

Planning Commissioners Present: Chad Huffman (Vice-Chair), Richard Rogers, Ronald L. Cairns and Bryce Gaber. Absent: David Fishering (Chair), Phoebe Benziger, Delphine Jadot, Steve Ball.

Staff Members Present: Jace Hochwalt (Community Development Director), William Reis (Planner II), Chris Dowsey (City Attorney), Greg Stunder (Staff Attorney), Scott Murphy (City Engineer), Sharon Dunning (Building Services Technician).

There were 3 members of the public in attendance.

## Call to Order

Vice-Chairperson Chad Huffman called the meeting to order at 5:03 p.m. A quorum was declared to be present.

Chad Huffman announced a change to the agenda to include election of officers.

## Election of Officers

Richard Rogers moved for Dave Fishering to remain as Chairperson. Ron Cairns seconded, and the motion carried unanimously.

Richard Rogers moved for Chad Huffman to remain as Vice-Chairperson. Ron Cairns seconded, and the motion carried. Chad Huffman abstained.

## Approval of Minutes

Richard Rogers moved to approve the minutes of the December 11, 2024 meeting as submitted. Bryce Gaber seconded, and the motion carried unanimously.

## Additions or Deletions

None.

## Spruce Point Rezone

This is a request to rezone 48 acres from "R-3A" Medium High Density District with conditions to "R-3A" Medium High Density District with no conditions. The conditions are specific to housing density, and the rezone request would allow the Applicant to build the site out to the standard R-3A density requirements instead of being restricted to 209 units as currently allowed. The site is located on the undeveloped portion of the Spruce Point Subdivision, at the end of Prospect Drive and Sanctuary Drive, and adjacent to 6400 Road. The applicant is Spruce Point Development Company, LLC.

### Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled, and the official files and exhibits have been entered into the record.

### Applicant Presentation

Flint Ogle, applicant, approached the podium to answer questions and give some information about the existing and proposed subdivisions.

### Questions for Applicant

Planning Commissioners, staff and applicant discussed the number of potential additional units.

Scott Murphy discussed the sewer system and traffic concerns.

### Public Comment

None.

### Discussion

Planning Commissioners, staff and applicant discussed the large building dimensions and locations, the number of units proposed, maximum density and notices to Cobble Creek residents.

### Motion and Vote

Richard Rogers moved to recommend approval of the rezone request of the Spruce Point Rezone to “R-3A” Medium High Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Ron Cairns seconded, and the motion carried unanimously.

## Spruce Point Filings 4-7 Subdivision and Planned Development Sketch Plan

This is a review and discussion of the proposed Spruce Point Filings 4-7 Subdivision and Planned Development, located on the undeveloped portion of the Spruce Point Subdivision, at the end of Prospect Drive and Sanctuary Drive, and adjacent to 6400 Road. The subdivision proposal consists of 134 individually conveyable residential units, plus additional future assisted living and senior apartments. The applicant is Spruce Point Development Company, LLC.

### Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled, and the official files and exhibits have been entered into the record.

### Applicant Presentation

Flint Ogle, applicant, remained at the podium to give a project overview and answer questions.

### Questions for Applicant

Jeff Jensen, building supervisor, approached the podium to discuss construction. RV storage, charging stations in homes, costs and affordability were discussed.

### Public Comment

None.

### Discussion

Planning Commissioners felt the sketch plan was a good design.

### Motion and Vote

No action to be taken.

## Annual Annexation Report and 3-Mile Plan

William Reis presented the Annual Annexation Report and 3-Mile Plan.

This report is the City of Montrose 2025 Annual Plan of Annexation and 3-Mile Plan, as stipulated by Colorado State Statutes. No official action is taken by the Planning Commission.

## Next Meeting

The next Planning Commission meeting is scheduled for February 12, 2025.

A session for legally defensible training will be held sometime in the next few months.

## Public Comment

None.

## Adjournment

Richard Rogers moved to adjourn the meeting. Ron Cairns seconded, and the meeting ended at 6:04 p.m.

_____ _____

Chairperson Attest

CITY OF MONTROSE
Planning Services

# MEMO

TO: Planning Commission
FROM: William Reis, Senior Planner
DATE: February 12, 2025
RE: Montrose County North Campus Variance
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Excerpts from City of Montrose Municipal Code

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***Public notice requirements have been fulfilled in accordance with Section 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.***

**Planning Commission Consideration:**
The Planning Commission is reviewing a variance application for building height to be granted to the proposed Montrose County Health and Human Services building, located on Lot A of the Justice Center Subdivision. The Planning Commission shall approve or deny the variance application. The Planning Commission will consider all of the information in this memo in making a decision.

**Application Background:**
This project is a variance that would allow for a building of 54'9" in height. The property is located in the "B-2" Highway Commercial District. Non-residential buildings in this zoning district ordinarily do not have a maximum height. A portion of the property falls within 400 feet of State right of way, placing this property within the Highway Corridor Overlay District. If any portion of a property falls within the Highway Corridor Overlay District (regardless of whether the proposed building itself is within this 400 foot boundary), any buildings have a maximum height of 40' unless there is an approved variance.

**Applicant:** Montrose County

**Staff Analysis:**

1. The criteria for granting variances are listed below. Municipal Code, Section 11-7-13(B). Variances shall be granted only if the following criteria are met:
    a. The variance will not adversely affect the public health, safety and welfare.

b. Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
c. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.
d. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
e. The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

2. Highway Corridor Standards
    a. No building or structure shall exceed 40 feet in height or the maximum height set out in City zoning dimensional requirements, whichever is more restrictive, unless a variance is granted pursuant to Sections 11-7-13 of this Title.

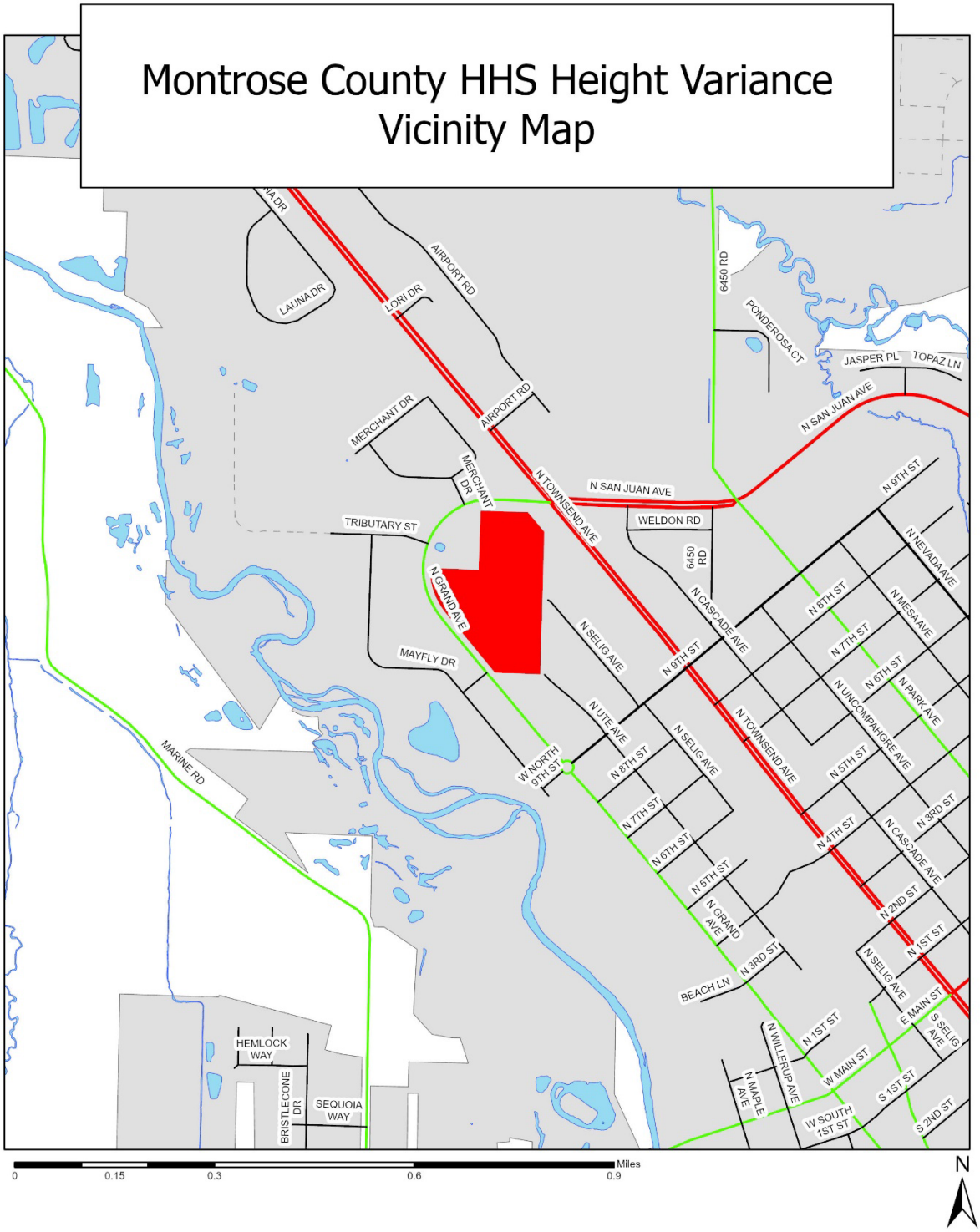
3. The Variance does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and the City of Montrose Comprehensive Plan.

**Staff Recommendation:**
The staff finds that the criteria have been met, and recommend approval of the request.

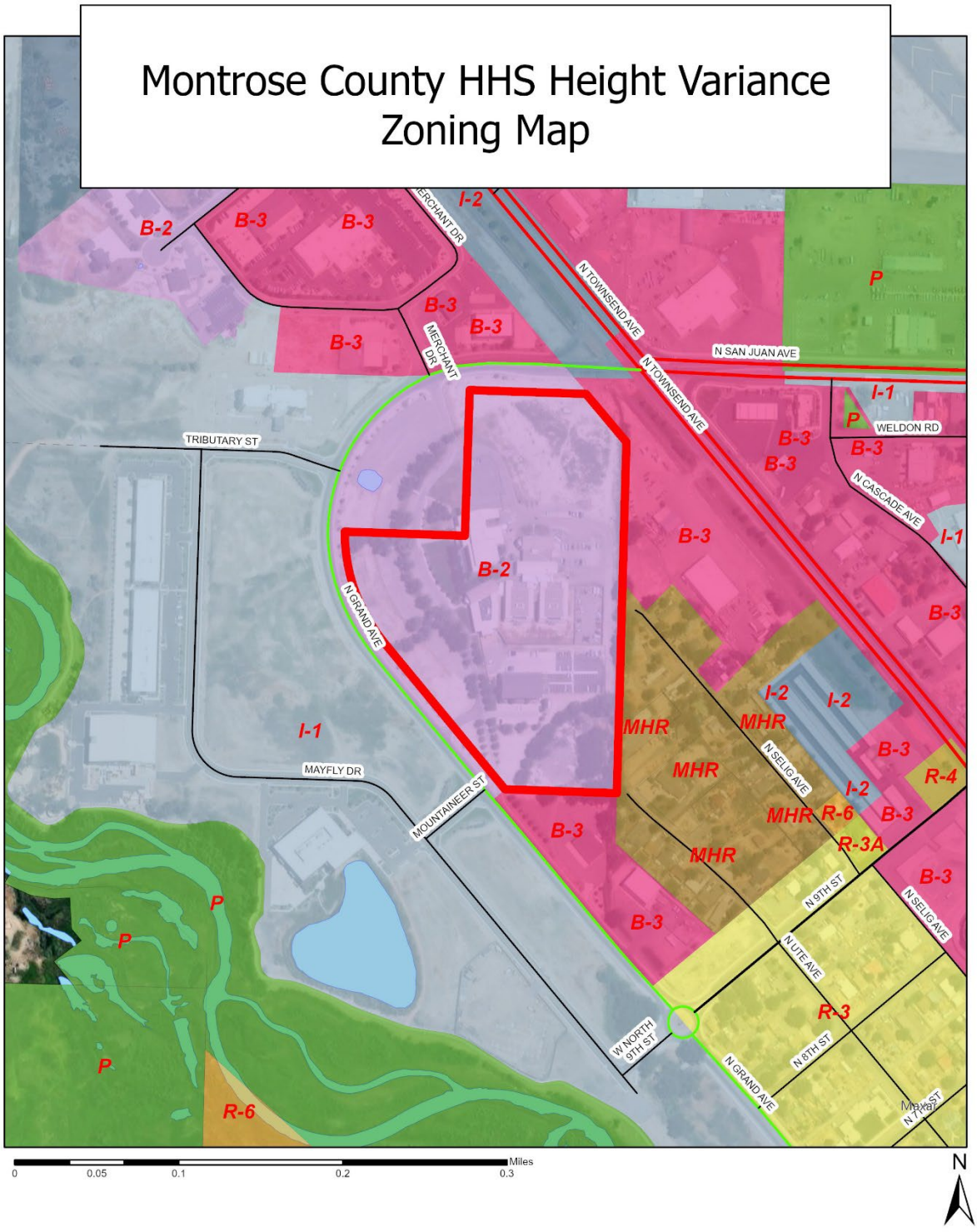
**Planning Commission Motion Alternatives:**
Approval Motion Recommendation:
"I hereby make a motion to approve the request to allow the variance for a 55' tall building on Lot A of the Justice Center Subdivision. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report."

Denial Motion Recommendation:
"I hereby make a motion to deny the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

**EXHIBIT A: Maps**
**Location Map**



**Zoning Map**


Montrose County HHS Height Variance
Zoning Map
B-2
B-3
I-2
P
I-1
R-4
R-6
R-3A
R-3
MHR
N TOWNSEND AVE
N SAN JUAN AVE
WELDON RD
N CASCADE AVE
TRIBUTARY ST
MERCHANT DR
N GRAND AVE
MAYFLY DR
MOUNTAINEER ST
N SELIG AVE
N 9TH ST
N UTE AVE
N 8TH ST
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Miles
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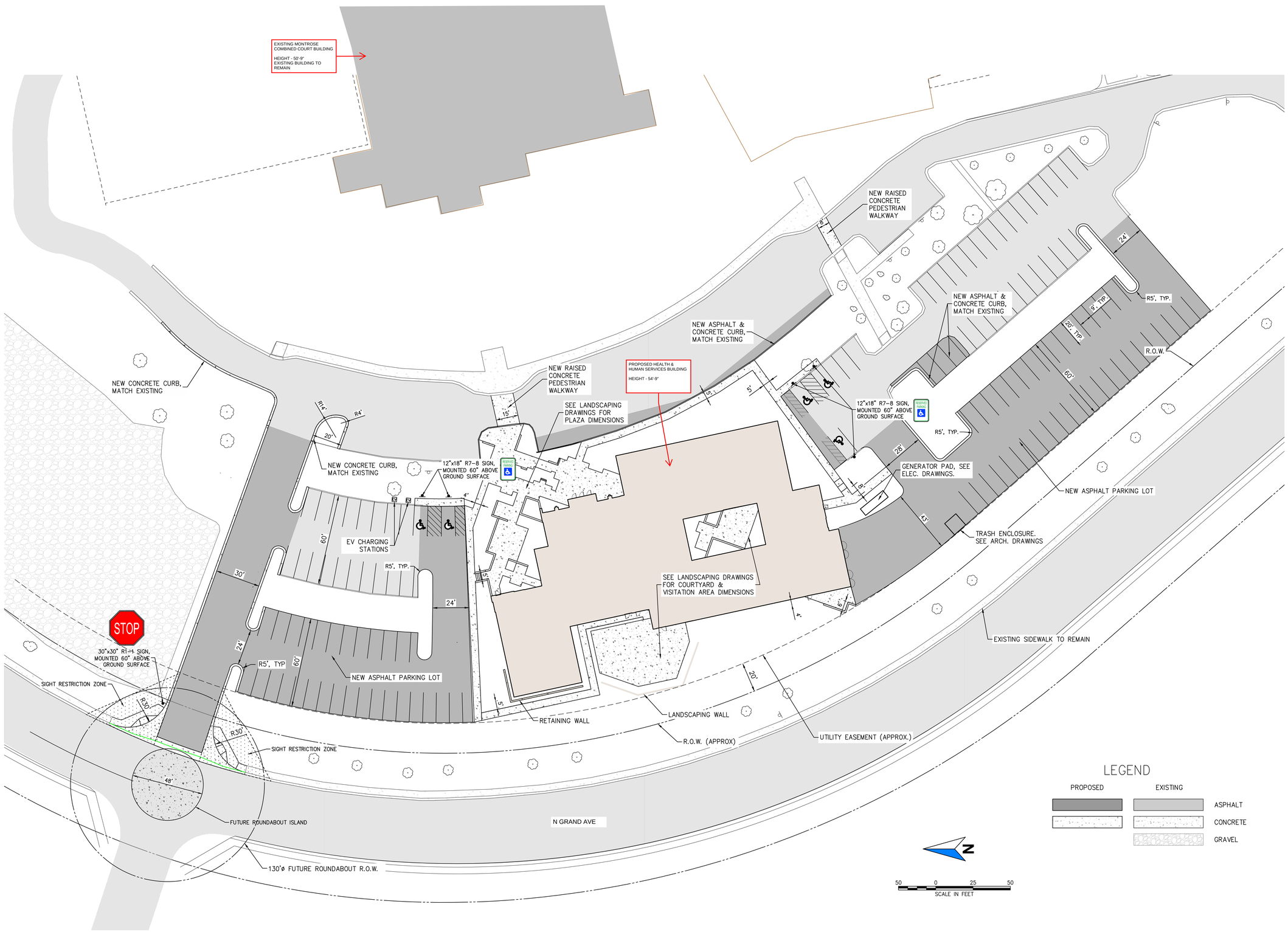


LEGEND

| PROPOSED | EXISTING | |
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| | | CONCRETE |
| | | GRAVEL |

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SCALE IN FEET

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**100% CONSTRUCTION DOCUMENTS**

# Montrose County North Campus

1200 N Grand Ave
Montrose, CO 81401

**MONTROSE COUNTY**
101 N. 2nd St. Montrose, CO 81401

**WOLD ARCHITECTS AND ENGINEERS**
1553 Platte Street, Suite 201
Denver, Colorado 80202
woldac.com | 303 928 8800

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed **ENGINEER** under the laws of the State of **COLORADO**

COLORADO REGISTERED 38334 5-30-2024 PROFESSIONAL ENGINEER

License Number: 38334 Date: 12/15/2023

| Revisions | | |
|---|---|---|
| Description | Date | Num |
| REV. PER CITY COMMENTS | 03/15/2024 | 1 |
| REV. PER CITY COMMENTS | 05/29/2024 | 2 |

Comm: 235008
Date: 12.15.2023
Drawn: WL
Check: DQ

North

## PROPOSED IMPROVEMENTS

Scale:

# C1.003

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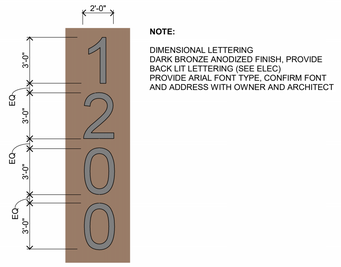


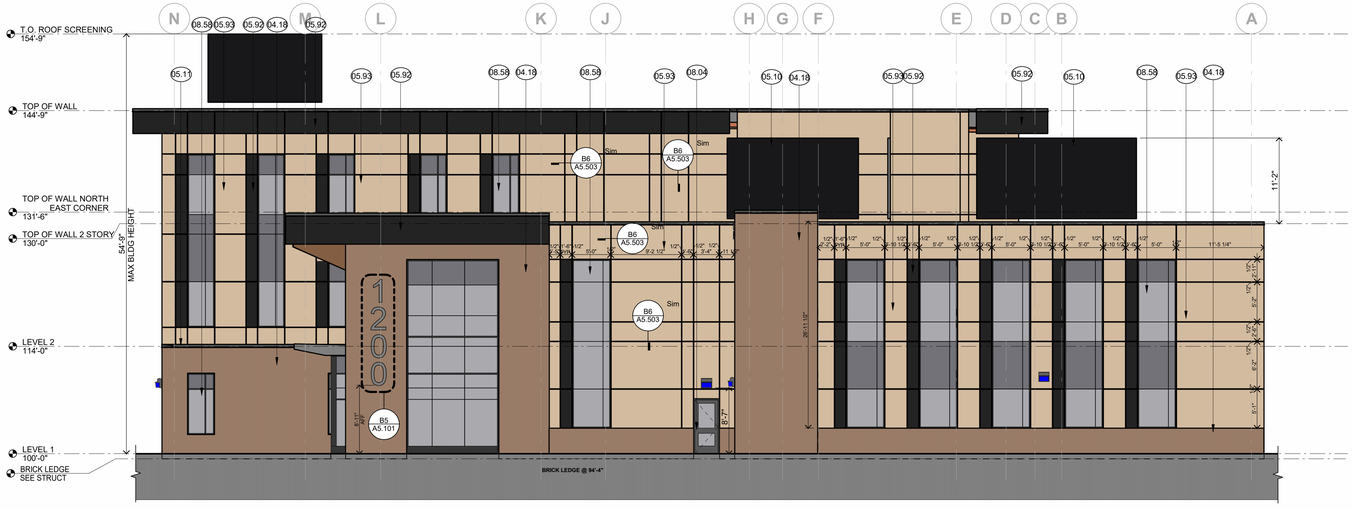

**NOTE:**

DIMENSIONAL LETTERING
DARK BRONZE ANODIZED FINISH, PROVIDE BACK LIT LETTERING (SEE ELEC)
PROVIDE ARIAL FONT TYPE, CONFIRM FONT AND ADDRESS WITH OWNER AND ARCHITECT

**NOTE:**

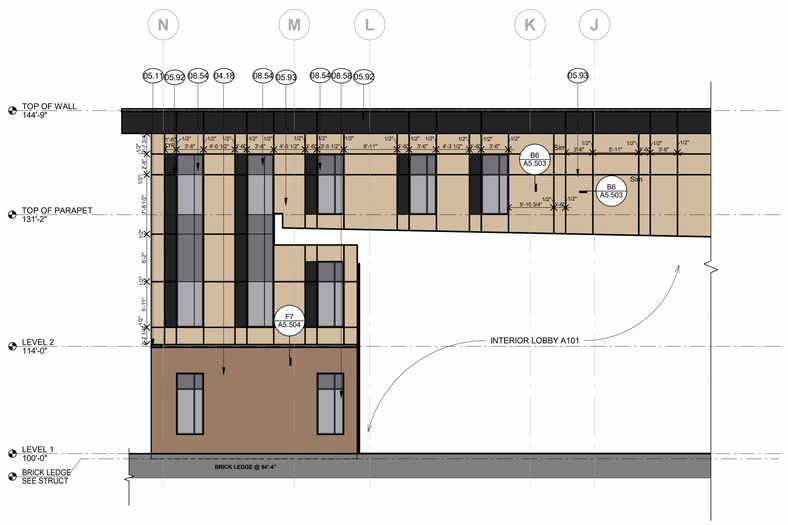
DIMENSIONAL LETTERING
DARK BRONZE ANODIZED FINISH, PROVIDE BACK LIT LETTERING (SEE ELEC)
PROVIDE ARIAL FONT TYPE, CONFIRM FONT AND ADDRESS WITH OWNER AND ARCHITECT

## B1 EAST ELEVATION
1/8" = 1'-0"

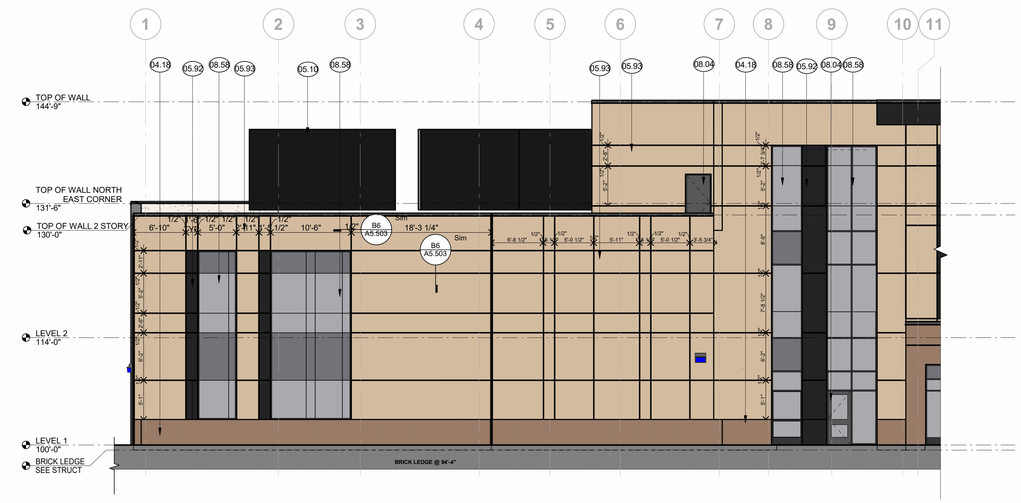



## B5 NORTH ELEVATION -AREA B - ADDRESS SIGNAGE
1/4" = 1'-0"

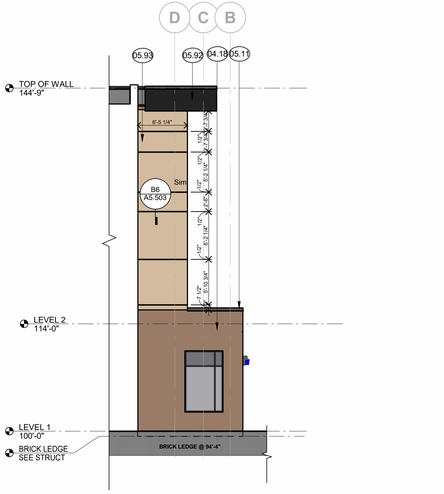
## B6 EAST ELEVATION - SIGNAGE
1/4" = 1'-0"



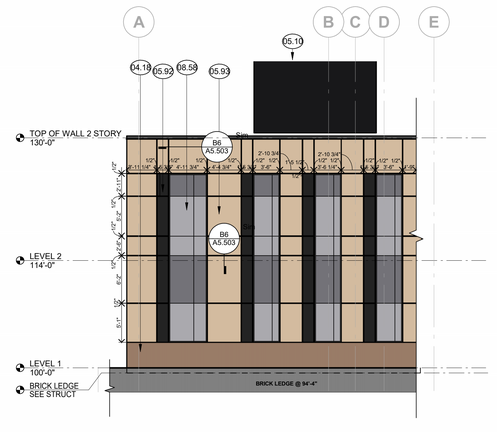

## D1 NORTH ELEVATION -AREA A
1/8" = 1'-0"




## D6 ELEVATION @ MAIN ENTRY SOUTH
1/8" = 1'-0"




## F1 WEST ELEVATION - AREA A
1/8" = 1'-0"




## F5 NORHT ELEVATION - AREA A
1/8" = 1'-0"




## F7 SOUTH ELEVATION - AREA A
1/8" = 1'-0"

**100% CONSTRUCTION DOCUMENTS**

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12/20/2023 11:13:54 AM

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Denver, Colorado 80202

woldac.com | 303 928 8800

A
B

| MATERIALS KEY | |
|---|---|
| KEY | MATERIAL |
| 04.18 | STONE MASONRY VENEER |
| 05.10 | METAL SCREEN |
| 05.11 | PREFINIHSED METAL COPING |
| 05.92 | ALUMINUM COMPOSITE MATERIAL ACM-2 |
| 05.93 | ALUMINUM COMPOSITE MATERIAL ACM-I |
| 06.05 | STAINED WOOD VENEER |
| 08.04 | ANODIZED ALUMINUM DOOR |
| 08.54 | SPANDREL GLASS PANEL |
| 08.58 | EXTERIOR GLAZING |
| 08.61 | SCREEN LOUVER |
| 26.02 | EXTERIOR LIGHT FIXTURE |

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed **ARCHITECT** under the laws of the State of **COLORADO**

STATE OF COLORADO
Job Gutierrez
402410
12.15.2023
LICENSED ARCHITECT

**JOB GUTIERREZ**
License Number: **402410** Date: **12.15.2023**

| Revisions | | |
|---|---|---|
| Description | Date | Num |

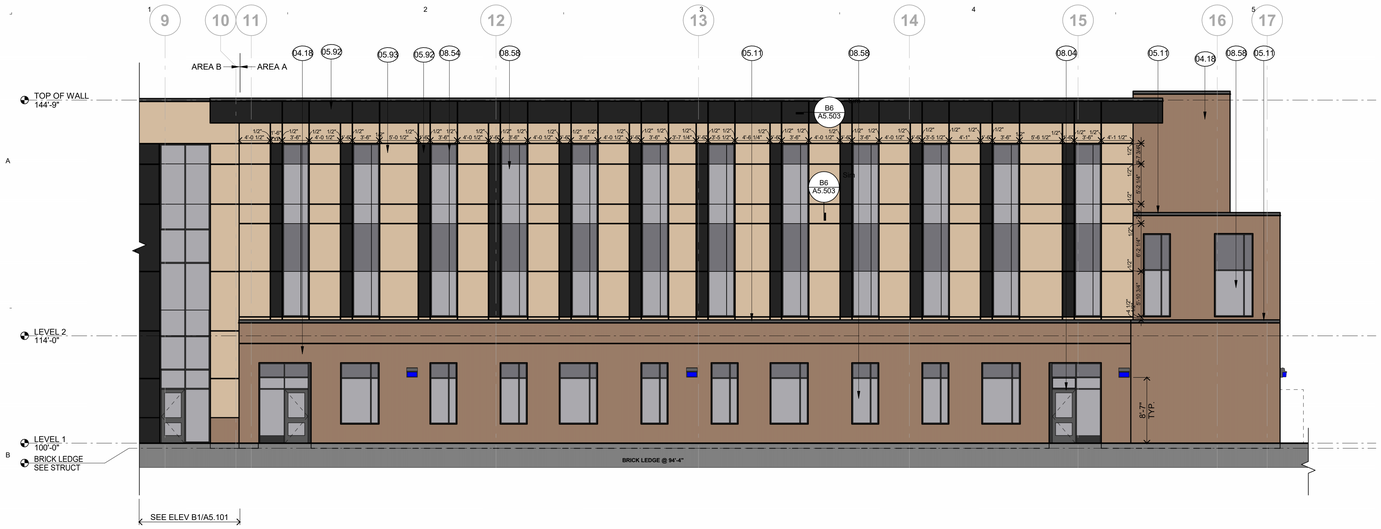
Comm: **235008**
Date: **12.15.2023**
Drawn: **EL**
Check: **AE**

# EXTERIOR ELEVATIONS - AREA 'A'

Scale: **As indicated**

# A5.101

CO




**B1 WEST ELEVATION - AREA A**
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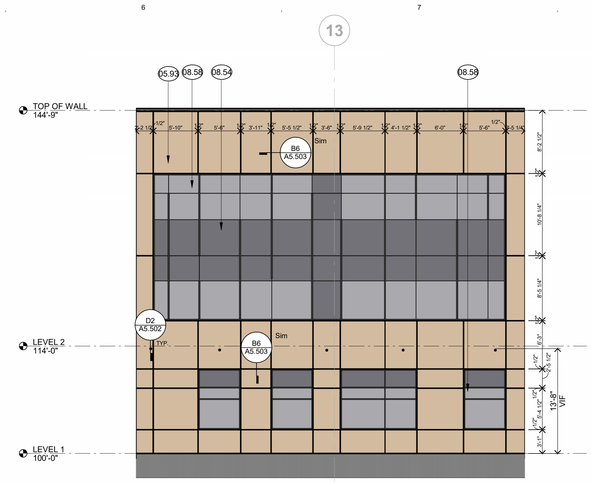
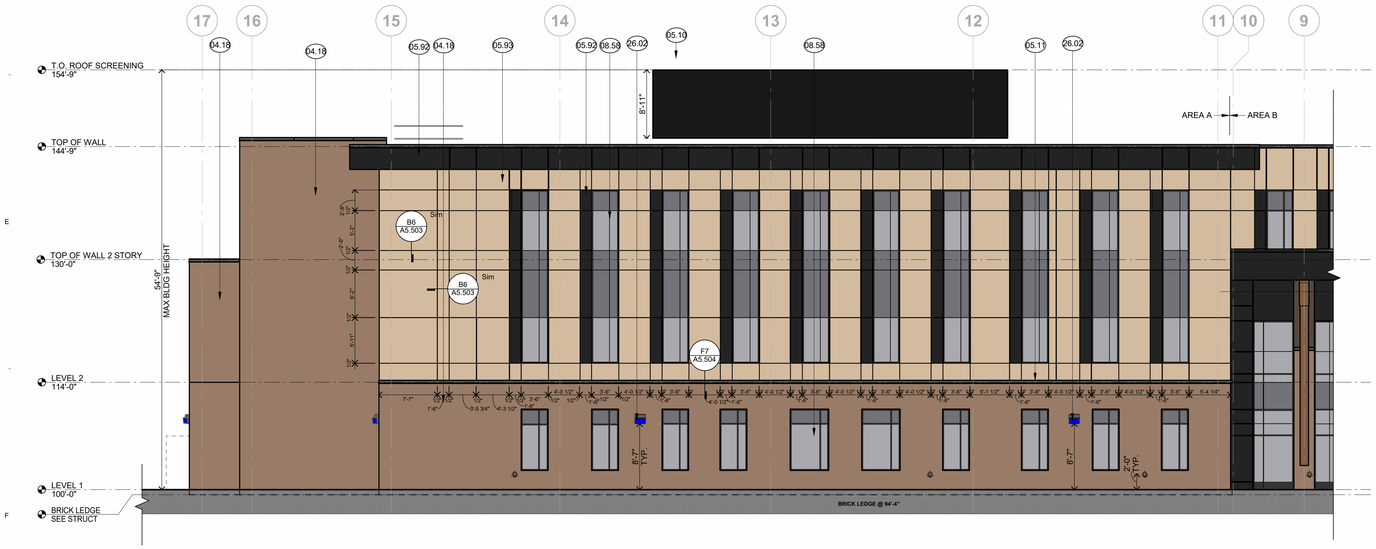



**B6 WEST ELEVATION @ COURTYARD - AREA A**
1/8" = 1'-0"

**D1 SOUTH ELEVATION - AREA A**
1/8" = 1'-0"




**D6 EAST ELEVATION @ COURTYARD - AREA A**
1/8" = 1'-0"




**F1 EAST ELEVATION - AREA A**
1/8" = 1'-0"




**F6 NORTH ELEVATION @ COURTYARD - AREA A**
1/8" = 1'-0"

**F7 SOUTH ELEVATION @ COURTYARD - AREA A**
1/8" = 1'-0"

**100% CONSTRUCTION DOCUMENTS**

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**MONTROSE COUNTY**
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Wold

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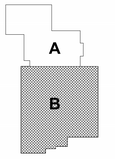


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STATE OF COLORADO
Job Gutierrez
402410
12.15.2023
LICENSED ARCHITECT

**JOB GUTIERREZ**
License Number: **402410** Date: **12.15.2023**

| Revisions | | |
|---|---|---|
| Description | Date | Num |
| | | |

Comm: **235008**
Date: **12.15.2023**
Drawn: **EL**
Check: **AE**

**EXTERIOR ELEVATIONS - AREA 'B'**

Scale: **1/8" = 1'-0"**

**A5.102**

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## *CHAPTER 11-7. ZONING REGULATIONS*

### Sec. 11-7-1. General provisions.

(A) This Chapter, as amended from time to time, and the Official 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 of the present and future inhabitants of Montrose, as described at Section 11-1-4 of this Title.

(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.

### Sec. 11-7-2. Official 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. The City Manager may cause technical corrections to the Official Zoning Map to be made without any requirement that they first be approved by ordinance, provided such corrections simply implement the terms of previously-approved rezoning ordinances and are consistent with the zone district boundary rules of interpretation in Section 11-7-3.

### Sec. 11-7-3. Zone district boundaries.

The regulations for the various residential, mixed use, 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. In establishing the boundaries of the zoning districts shown on the Official Zoning Map, the following rules shall apply:

(1) General rules of interpretation. For unsubdivided property or where a zoning boundary divides a property, or if the zoning boundaries cannot otherwise be determined, the boundaries on the Official Zoning Map shall be based upon the individual zoning or rezoning map approved for the property.

(2) Lot or block lines. Where no rights-of-way exist and the zoning boundaries are indicated as approximately following lot, tract, block or subdivision boundary lines, such limits shall be considered as the zoning district boundaries.

(3) Rights-of-way. Unless otherwise indicated, the zoning district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way. The area within any of the rights-of-way is not granted any of the use rights associated with the overlying or adjacent zoning district(s).

(4) Vacated rights-of-way. Whenever a public street, alley or other right-of-way has been vacated, the zoning district adjoining each side of the right-of-way shall be extended to include the portion of the vacated street, alley, or other right-of-way adjacent to such adjoining property.

(5) City boundaries. Boundaries indicated as approximately following the City limits shall be considered as following the City limits.

(6) Other boundaries. Boundaries indicated as approximately parallel to or extensions of centerlines, lot, or tract lines, City limits, or similar geographic lines shall be considered as the boundaries when no or other reliable documentation is available.

(7) Map discrepancies. Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zoning district boundary, the City Manager shall interpret the map based on the best information available and according to the intent of this title and any other applicable provisions of the Municipal Code.

**Sec. 11-7-4. Zoning annexed land.**

All annexed land shall be zoned within 90 days of annexation following the procedure for rezoning at Section 11-7-12. Zoning of property proposed for annexation may be processed simultaneously with the petition for annexation, provided no ordinance zoning such property may be finally adopted prior to final adoption of an ordinance or ordinances annexing such property.

**Sec. 11-7-5. Districts established.**

(A) The residential districts described below 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 residential dwellings.

(1) The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.

(2) The "R-1" Very Low Density District is intended to provide for large lot rural residential development with a maximum density of one dwelling unit per acre.

(3) The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.

(4) The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.

(5) The "R-3" Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.

(6) The "R-3A" Medium High Density District is intended to provide for an area which is suitable primarily for single household attached, triplex, fourplex and other medium density multi-household dwellings, along with certain other compatible land uses.

(7) The "R-4" High Density District is intended to provide primarily for high density multi-household dwellings and to allow variety in higher density single household and duplex dwellings and other forms of innovative housing development types.

(8) The "R-5" Low Density/Manufactured Housing District is intended to provide primarily for low density development of single-household detached and duplex manufactured home dwellings, along with certain other compatible land uses.

(9) The "R-6" Medium Density/Manufactured Housing District is intended to provide primarily for medium-density development for single-household attached, triplex and fourplex manufactured home dwellings, along with certain other compatible land uses.

(10) The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for manufactured housing developments or tiny home communities, along with certain other compatible land uses.

(B) The mixed-use district described below is established to promote stability in areas in transition; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land.

(1) The "OR" Office-Residential District is intended to provide for a mix of offices and residential dwellings in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.

(C) The commercial districts described below are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner.

(1) The “P” Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.

(2) The "B-1" Central Business District is intended to reflect the character of the original Downtown while allowing additional uses that will strengthen and expand the core of the City.

(3) The "B-2" Highway Commercial District is intended to provide for businesses oriented toward serving the motoring public, encouraging the convenient exchange of goods and services along the major thoroughfares of the City.

(4) "B-2A" Regional Commercial District is intended to provide for a full spectrum of goods and service uses along the major thoroughfares of the City.

(5) The "B-3" General Commercial District is intended to provide for a large variety of goods and services including outdoor storage areas and a limited group of commercial/industrial uses.

(6) The "B-4" Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.

(D) The industrial districts described below are established to provide for normal manufacturing activities and related uses.

(1) The "I-1" Light Industrial District is intended to provide for a limited group of research and manufacturing uses promoting the creation and maintenance of an employment center which will serve the mutual interests of the community as a whole.

(2) The "I-2" General Industrial District is intended to provide for most industrial and manufacturing uses, subject to performance standards.

(E) Dimensional requirements are set out in Section 11-7-7.

**Sec. 11-7-6. District uses.**

(A) *Permitted uses*. Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.

(B) *Conditional uses*. Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:

(1) The use will not be contrary to the public health, safety, or welfare.

(2) The use is not materially averse to the Comprehensive Plan.

(3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.

(4) The use is compatible with existing uses in the area and other allowed uses in the district.

(5) The use will not have an adverse effect upon other property values.

(6) Adequate off-street parking will be provided for the use.

(7) The location of curb cuts and access to the premises will not create traffic hazards.

(8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.

(9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.

(C) *Principal uses*. The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.

(D) *Accessory uses*. Except where specifically modified by this Chapter, accessory uses shall comply with all requirements for the principal use, and the following additional limitations:

(1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.

(2) An accessory use shall be operated and maintained under the same ownership as the permitted use.

(3) An accessory use shall be located on the same lot as a principal use.

(E) *Temporary Use Permits.*

(1) *Permit required.* The City Manager may issue a temporary use permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a limited period of time in accordance with this Subsection. The temporary use permit may be issued by the City Manager only after it determines that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

(2) *Permit conditions.* The City Manager may approve a temporary use permit subject to conditions appropriate to ensure compliance with this Subsection. Such conditions may include, but are not limited to, setting requirements for, or imposing restrictions upon, size, massing, location, open space, landscaping, buffering, screening, lighting, noise, signage, traffic and pedestrian circulation and control, parking design and operations, duration, hours of operation, setbacks, building materials and architectural design, sanitation, trash removal, dust control, drainage, erosion control, and provision of utilities and services.

(3) *Permit renewal.* A temporary use permit will generally not be renewed unless the use is a seasonal use; a temporary improvement associated with an established business; or associated with a construction activity; or as stated otherwise herein. These applications may be renewed for up to one year at any one time using the same procedures as for an initial application.

(4) *Exempt Activities*. The following temporary activities are exempt from these regulations:

(a) Storage or moving containers for a business or residence actively moving or a related activity and not exceeding 14 days in any one year.

(b) Dumpsters for a business or residence actively undergoing construction or a related activity and not exceeding 14 days in any one year.

(c) Temporary uses, structures, and/or vehicles/trailers needed as the result of a natural disaster or other health and/or safety emergency are allowed for the duration of the emergency or as needed to address conditions caused by the emergency.

(5) *Prohibited Uses or Activities.* The following uses and activities are prohibited due to negative visual or other impacts:

(a) Storage in trailers or roll-off containers for longer than 14 days unless associated with an active construction site or a non-residential use, business or residence in the process of moving.

(b) Outdoor storage other than accessory storage for an active construction site. Any other outdoor storage shall conform to the requirements for the zone district in which the property is located.

(c) Outdoor sales of durable goods as a principal use not associated with a farmer's market, special event, business promotional event, or with an approved site plan, unless the operation meets the requirements for a mobile vendor in accordance with the Montrose Regulations Manual.

(6) *Allowed Uses and Activities.* Temporary uses of land are permitted subject to the specific zone districts and time periods listed in Table 7.1. The City Manager may approve other temporary uses and activities if it is determined that such uses meet the intent and criteria of this section.

**Table 7.1**

**Allowed Temporary Uses**

| Use | Zone Districts | Period |
|---|---|---|
| Construction trailer, temporary building, or yard for construction management office and/or storage of materials during active construction within an approved development. | All | Time to be specified by City Manager; must be concurrent with Building Permit; must be terminated within 30 days of issuance of project Certificate of Occupancy for all types of construction. |
| Temporary office for the sale and/or rental of dwelling units under construction within an approved development. | All | Time to be specified by City Manager; must be terminated within 60 days of completion of the sales period. |
| Seasonal or off-site retail sales, which include, but are not limited to: sale of seasonal fruits and vegetables; sale of fireworks; and sale of Christmas trees. | Commercial and Industrial zone districts only | Not to exceed 180 days, and provided that any permits required by law are obtained |

(F) *Uses Not Listed*.

(1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.

(2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:

(a) The appeal must be made in writing and filed within thirty (30) days of the decision being appealed.

(b) The City Council shall consider the appeal at a public hearing held within thirty (30) days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least fifteen (15) days prior to the hearing.

(c) The City Council shall approve or deny the appeal.

(d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) Schedule of Residential Zone District Uses.

| Land Use | RL | R-1 | R-1A/B | R-2 | R-3 | R-3A | R-4 | R-5 | R-6 | MHR |
|---|---|---|---|---|---|---|---|---|---|---|
| ***COMMERCIAL USES*** | | | | | | | | | | |
| Bed and breakfast (See Sec. 11-11-1) | | | | | C | | C | | C | |
| Farms and ranches | P | | | | | | | | | |
| Short-term rentals | P | P | P | P | P | P | P | P | P | P |
| ***INSTITUTIONAL USES*** | | | | | | | | | | |
| Assisted living facility | | | | | C | C | C | | C | C |
| Childcare facility | C | C | C | C | C | C | C | C | C | C |
| Family childcare home | P | P | P | P | P | P | P | P | P | P |
| Government buildings and facilities | P | P | P | P | P | P | P | P | P | P |
| Religious assembly | P | P | P | P | P | P | P | P | P | P |
| Schools; Elementary, Middle and High | C | C | C | C | C | C | C | C | C | C |
| ***RECREATIONAL USES*** | | | | | | | | | | |
| Golf courses | P | | | | | | | | | |
| Parks, open space and recreation facilities | P | P | P | P | P | P | P | P | P | P |
| ***RESIDENTIAL USES*** | | | | | | | | | | |
| Accessory Dwelling Unit (See Sec. 11-11-5) | C | C | C | P | P | P | P | P | P | |
| Dwelling, Duplex | | | | P | P | P | P | P | P | |
| Dwelling, Fourplex | | | | | C | P | P | | C | |
| Dwelling, Multi-household | | | | | C | P | P | | C | |
| Dwelling, Single-Household Attached | | | | | P | P | P | | P | |
| Dwelling, Single-Household Detached | P | P | P | P | P | P | C | P | P | P |
| Dwelling, Tiny Home | | | | | | | | | P | P |
| Tiny Home Community | | | | | | | | | | P |
| Dwelling, Triplex | | | | | P | P | P | | P | |
| Group homes - handicapped/disabled 8 persons or less (See Sec. 11-11-2) | P | P | P | P | P | P | P | P | P | P |
| Group homes - handicapped/disabled > 9 persons (See Sec. 11-11-2) | C | C | C | C | C | C | C | C | C | C |

| Land Use | RL | R-1 | R-1A/B | R-2 | R-3 | R-3A | R-4 | R-5 | R-6 | MHR |
|---|---|---|---|---|---|---|---|---|---|---|
| Group homes, other (See Sec. 11-11-2) | C | C | C | C | C | C | C | C | C | C |
| Home occupation (See Sec. 11-11-3) | A | A | A | A | A | A | A | A | A | A |
| Manufactured home | | | | [1] | | | | P | P | P |
| Manufactured home park (See Sec. 11-13) | | | | | | | | | | P |
| ***UTILITIES AND TELECOMMUNICATION FACILITIES*** | | | | | | | | | | |
| Antennas (See Sec. 11-14-6) | C | C | C | C | C | C | C | C | C | C |
| Public utility service facilities | P | P | P | P | P | P | P | P | P | P |
| Towers (See Sec. 11-14-5) | C | C | C | C | C | C | C | C | C | C |
| ***OTHER USES*** | | | | | | | | | | |
| Accessory uses (See Sec. 11-7-6 (D)) | A | A | A | A | A | A | A | A | A | A |
| Temporary use (See Sec. 11-7-6 (E)) | T | T | T | T | T | T | T | T | T | T |
| Travel home (See Sec. 11-13-6 (2)) | T | T | T | T | T | T | T | T | T | T |

**Legend: Zoning Districts**
RL: Rural Living
R-1: Very Low Density
R-1A: Large Estate
R-1B: Small Estate
R-2: Low Density
R-3: Medium Density
R-3A: Medium High Density
R-4: High Density
R-5: Low Density/Manufacture Housing
R-6: Medium Density/Manufacture Housing
MHR: Manufactured Housing Residential

**Legend: Use Type**
P: Permitted Use
C: Conditional Use
A: Accessory Use
T: Temporary Use

Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).

(H) Schedule of Mixed Use, Commercial and Industrial Zone District Uses.

[1] Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

| Land Use | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|---|---|
| ***COMMERCIAL USES*** | | | | | | | | | |
| Vehicle sales, rental, repair or service establishments | | | C | C | P | P | | P | P |
| Bed and breakfast (See Sec. 11-11-1) | P | | | | | | | | |
| Building materials business | | | C | P | P | P | | P | P |
| Commercial greenhouse | | | | C | C | P | C | P | P |
| Electric vehicle charging station, retail | | P | P | P | P | P | C | | |
| Farm implement sales or service establishment | | | | | P | P | | P | P |
| Food truck court | | P | P | P | P | P | P | C | C |
| Fueling station or other retail use having fuel pumps (See Sec. 11-11-4) | | | P | P | P | P | C | C | C |
| Funeral home | | | C | C | C | C | | | |
| Hotels and motels | | | P | P | P | P | | | |
| Laundry facility, self-service | | | | P | P | P | P | | |
| Manufactured home, tiny home and travel home sales or service establishments | | | | | P | P | | P | P |
| Medical clinic | P | | P | P | P | P | P | P | C |
| Micro-brewery, micro-distillery, or micro-winery | | | P | P | P | P | P | P | C |
| Office, business | P | | P | P | P | P | P | P | P |
| Outpatient drug treatment clinic | P | | | | | | | | |
| Travel home park (See Sec. 11-13) | | | | C | C | C | | | |
| Campground | | | | C | C | C | | | |
| Rental business | | | | | P | P | | C | C |
| Restaurant | | | P | P | P | P | P | C | C |
| Drive-in or drive-through | | | C | P | P | P | C | C | C |
| Retail sales and personal service establishments | C | | P | P | P | P | P | P | C |
| Retail sales and personal service establishments with limited manufacturing | | | | C | C | C | | P | C |
| Sexually oriented business (See Sec. 11-12-1) | | | | | | | | | P |
| Shooting range, indoor | | | | | | C | | C | C |
| Short-term rentals | P | | P | P | P | P | P | P | P |
| Bar or tavern | | | P | P | P | P | C | C | C |

| Land Use | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|---|---|
| Theater | | | C | P | P | P | | | |
| Veterinary clinic or hospital, small animal | | | | P | P | P | | C | C |
| Veterinary clinic or hospital, large animal | | | | | P | P | | C | C |
| ***INDUSTRIAL USES*** | | | | | | | | | |
| Storage facilities, fuels and chemicals | | | | | | P | | P | P |
| Aircraft support services | | | | | | | | P | P |
| Construction equipment storage facility | | | | | | P | | P | P |
| Feed storage and sales establishments | | | | | | P | | P | P |
| Fulfillment Center | | | | C | C | C | | P | P |
| Manufacturing and non-manufacturing uses (See Sec. 11-11-4) | | | | | C | C | | P | P |
| Industrial use, other | | | | | | | | C | P |
| Storage facilities, indoor | | | C | P | P | P | C | P | P |
| Storage facilities, outdoor | | | | | C | P | | P | P |
| Warehouse and wholesale distribution operation | | | C | C | C | C | | P | P |
| ***INSTITUTIONAL USES*** | | | | | | | | | |
| Airport | | | | | | | | P | P |
| Assisted living facility | C | | | P | P | P | | | |
| Childcare facility | P | P | P | P | P | P | P | P | P |
| College or other place of adult education | | | P | P | P | P | | | |
| Daytime social service activities | | | P | P | P | P | | | |
| Family child care home | P | C | P | P | P | P | P | P | P |
| Government buildings and facilities | P | P | P | P | P | P | P | P | P |
| Hospital | P | | | | | | | | |
| Library | | P | P | P | P | P | | | |
| Museum or visitor center | | P | P | P | P | P | | | |
| Parking facility | P | P | P | P | P | P | | | |
| Private and fraternal clubs | | | P | P | P | P | C | | |
| Public transportation facilities | | | P | P | P | P | | C | C |
| Religious assembly | P | P | P | P | P | P | P | C | C |
| Schools; Elementary, Middle and High | C | P | C | C | C | C | C | | |

| Land Use | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|---|---|
| ***MIXED USES*** | | | | | | | | | |
| Live/work unit | P | P | P | P | P | P | P | P | P |
| Mixed use building | P | P | P | P | P | P | P | P | P |
| ***RECREATIONAL USES*** | | | | | | | | | |
| Golf course | | C | | | | | | | |
| Parks, open space and recreation facilities | P | P | P | P | P | P | P | P | P |
| Private recreation facility, indoor | | C | C | P | P | P | C | P | P |
| Private recreation facility, outdoor | | C | | P | P | P | | P | P |
| ***RESIDENTIAL USES*** | | | | | | | | | |
| Accessory Dwelling Unit | P | P | P | P | P | P | P | P | P |
| Dwelling, Duplex | P | P | P | P | P | P | P | P | P |
| Dwelling, Fourplex | P | P | P | P | P | P | P | P | P |
| Dwelling, Multi-household | P | P | P | P | P | P | P | P | P |
| Dwelling, Single Household Attached | P | P | P | P | P | P | P | P | P |
| Dwelling, Single Household Detached | P | P | P | P | P | P | P | P | P |
| Dwelling, Tiny Home | | P | | | | | | | |
| Dwelling, Triplex | P | P | P | P | P | P | P | P | P |
| Group home - handicapped/disabled 8 persons or less (see Sec. 11-11-2) | P | | P | P | P | P | P | P | P |
| Group home - handicapped/disabled > 8 persons (see Sec. 11-11-2) | C | | C | C | C | C | C | C | C |
| Group home (See Sec. 11-11-2) | C | | C | C | C | C | C | C | C |
| Home occupation (See Sec. 11-11-3) | A | | A | A | A | A | A | A | A |
| Supportive housing | C | | | | | C | | C | |
| ***UTILITIES AND TELECOMMUNICATION FACILITIES*** | | | | | | | | | |
| Antennas (See Sec. 11-14-6) | C | C | C | C | C | C | C | C | C |
| Public utility service facilities | P | P | P | P | P | P | P | P | P |
| Solar farms | | | | | | | | P | P |

| Land Use | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|---|---|
| Towers (See Sec. 11-14-5) | C | C | C | C | C | C | C | C | C |
| ***OTHER USES*** | | | | | | | | | |
| Accessory uses (See Sec. 11-7-6 (D)) | A | A | A | A | A | A | A | A | A |
| Temporary use (See Sec. 11-7-6 (E) | T | T | T | T | T | T | T | T | T |
| Travel home (See Sec. 11-13-6 (2)) | T | | T | T | T | T | T | T | T |

**Legend: Zoning District**
OR: Office-Residential
P: Public
B-1: Central Business
B-2: Highway Commercial
B-2A: Regional Commercial
B-3: General Commercial
B-4: Neighborhood Shopping
I-1: Light Industrial
I-2: General Industrial

**Legend: Use Type**
P: Permitted Use
C: Conditional Use
A: Accessory Use
T: Temporary Use

Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).

**Sec. 11-7-7. District standards.**

(A) Tabulated requirements for principal uses by right are as follows (all dimensions in feet or square feet unless otherwise noted):

| | | | | Minimum Setbacks | | | | |
|---|---|---|---|---|---|---|---|---|
| **District** | **Use** [2] [3] | **Maximum Density** | **Minimum Lot Size**[4] | **Front** | **Rear** | **Side** | **Corner Lot** | **Maximum Building Height** |
| RL | Dwelling, Single Household Detached | TBD – see footnote #4 | [5] | 25 | 20 | 10 | 20 | 35 |
| R-1 | Dwelling, Single Household Detached | 1 dwelling unit/acre | 1 acre | 25 | 20 | 10 | 20 | 35 |
| R-1A | Dwelling, Single Household Detached | 2 dwelling units/acre | ½ acre | 25 | 20 | 10 | 20 | 35 |
| R-1B | Dwelling, Single Household Detached | 3 dwelling units/acre | ⅓ acre | 25 | 20 | 10 | 20 | 35 |
| R-2 | Dwelling, Single Household Detached | 5.8 dwelling units/acre | 7,500 | 25 | 20 | 5 | 20 | 35 |
| | Duplex | 7.75 dwelling units/acre | 11,250 | 25 | 20 | 5 | 20 | 35 |
| R-3 | Single-household detached | 7 dwelling units/acre | 6,250 | 15 | 20 | 5 | 15 | 35 |

[2] Residential uses in the OR, P, B-2, B-2A, B-3, B-4, I-1 and I-2 zone districts shall comply with the applicable dimensional requirements as set out for the R-3A zone. Residential uses in the B-1 District shall comply with the density standards in the R-3A zone, but are not required to comply with the dimensional standards.

[3] Commercial and institutional uses in the RL, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-5, R-6 and MHR zone districts shall comply with the applicable dimensional requirements as set out for the "OR" zone.

[4] Applies per lot; not per primary dwelling unit. Where specified as square footage per dwelling unit for multiple unit dwelling types does not imply a minimum dwelling unit size; there is no minimum dwelling unit size.

[5] A minimum lot size shall be determined as a condition of initial zoning of property as "RL." Such lot size shall be designed to limit overall residential units per acre to no more than allowed by Montrose County in comparable areas in the County where sewer is available, and to implement the City Comprehensive Plan as feasible while remaining economically competitive with allowed County densities.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Duplex | 9.3 dwelling units/acre | 9,375 | 15 | 20 | 5 | 15 | 35 |
| | Single-household attached | 9.3 dwelling units/acre | 4,700/ dwelling unit | 15 | 20; 5 w/ rear-loaded garage | 10 to bldg. lot line | 15 | 35 |
| | Triplex or Fourplex | 9.3 dwelling units/acre | 4,700/ dwelling unit | 15 | 20; 10 w/ alley | 15 to bldg. lot line | 20 | 35 |
| | Multi-household | 15 dwelling units/acre | 2,900/ dwelling unit | 15 | 20 | 10 | 15 | 40 |
| R-3A | Single-household detached | 8.7 dwelling units/acre | 5,000 | 15 | 20 | 5 | 15 | 35 |
| | Duplex | 9.3 dwelling units/acre | 9,375 | 15 | 20 | 5 | 15 | 35 |
| | Single-household attached | 15 dwelling units/acre | 2,900/ dwelling unit | 15 | 20; 5 w/ rear-loaded garage | 10 to bldg. lot line | 15 | 35 |
| | Triplex or Fourplex | 15 dwelling units/acre | 2,900/ dwelling unit | 15 | 20; 10 w/ alley | 15 to bldg. lot line | 20 | 35 |
| | Multi-household | 15 dwelling units/acre | 2,900/ dwelling unit | 15 | 20 | 10 | 15 | 40 |
| R-4 | Single-household detached | 17.4 dwelling units/acre | 2,500 | 15 | 20; 5 w/ rear-loaded garage | 5 | 10 | 35 |
| | Duplex | 17.4 dwelling units/acre | 5,000 | 15 | 20 | 5 | 15 | 35 |
| | Single-household attached | 18.9 dwelling units/acre | 2,300/ dwelling unit | 15 | 20; 5 w/ rear-loaded garage | 10 to bldg. lot line | 15 | 35 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Triplex or Fourplex | 18.9 dwelling units/acre | 2,300/ dwelling unit | 15 | 20; 10 w/ alley | 15 to bldg. lot line | 20 | 35 |
| | Multi-household | 24 dwelling units/acre | 1,815/ dwelling unit | 15 | 20 | 10 | 15 | 40 |
| R-5 | Single-household detached | 3.6 dwelling units/acre | 12,000 | 25 | 20 | 5 | 20 | 35 |
| | Duplex | 7.2 dwelling units/acre | 12,000 | 25 | 20 | 5 | 20 | 35 |
| | Manufactured Home | 3.6 dwelling units/acre | 12,000 | 25 | 20 | 10 | 20 | 35 |
| R-6 | Single-household detached | 5.8 dwelling units/acre | 7,500 | 25 | 20 | 5 | 15 | 35 |
| | Duplex | 9.3 dwelling units/acre | 9,375 | 15 | 20 | 5 | 15 | 35 |
| | Single-household attached | 9.3 dwelling units/acre | 4,700/ dwelling unit | 25 | 20; 5 w/ rear-loaded garage | 10 to bldg. lot line | 20 | 35 |
| | Triplex or Fourplex | 9.3 dwelling units/acre | 4,700/ dwelling unit | 15 | 20; 10 w/ alley | 15 to bldg. lot line | 20 | 35 |
| | Multi-household | 15 dwelling units/acre | 2,900/ dwelling unit | 15 | 20 | 10 | 15 | 40 |
| | Manufactured Home | 5.8 dwelling units/acre | 7,500 | 25 | 20 | 5 | 20 | 35 |
| | Tiny Home | 5.8 dwelling units/acre | 7,500 | 15 | 20 | 5 | 15 | 35 |
| MHR | Manufactured Homes except MH Parks[6] | 14.5 dwelling units/acre | 3,000 | 5 | 10 | 10 | 10 | 35 |
| | Dwelling, Single Household Detached | 14 dwelling units/acre | 3,125 | 5 | 10 | 10 | 10 | 35 |

[6] Dimensional requirements for manufactured home parks are controlled by Chapter 11-13-5 of this Title.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Tiny Home except Tiny Home Communities[7] | 14.5 dwelling units/acre | 3,000 | 5 | 10 | 10 | 10 | 35 |
| OR | All Non-Residential | | 6,250 | 15 | 15 | 5 | 15 | 35 |
| P[8] | All Non-Residential | | N/A | 15 | N/A | N/A | 15 | N/A |
| B-1 | No Req. | | No Req., except for fueling stations | No Req. | No Req. | No Req. | No Req. | No Req. |
| B-2 | All Non-Residential | | N/A | 15 | N/A | N/A | 15 | N/A |
| B-2A | All Non-Residential | | N/A | 25 | N/A | N/A | 25 | 35 |
| B-3 | All Non-Residential | | N/A | 25 | N/A | N/A | 25 | 35 |
| B-4 | All Non-Residential | | N/A | 25 | N/A | N/A | 25 | 35 |
| I-1 | All Non-Residential | | ½ acre | 25 | N/A | N/A | 25 | N/A |
| I-2 | All Non-Residential | | ½ acre | 25 | N/A | N/A | 25 | N/A |

(C) Additional Dimensional Requirements.

(1) Accessory use structures or buildings in residential districts may be located on those rear and side property lines which do not abut a street, if the structure is at least ten feet to the rear of the building line of the principal structure and does not occupy more than 30 percent of the rear yard area. In all other situations, accessory structure setbacks are the same as principal structure setbacks.

(2) In a block where a setback line has been established by existing structures 50 percent or more of the block, the average setback of the existing buildings may be used as the minimum setback.

(3) Garage doors which face an alley require a five-foot minimum setback.

(4) In zone districts where residential front setbacks are 15 feet or less, the garage setback shall be a minimum of 25 feet.

[7] Dimensional requirements for tiny home communities are controlled by Chapter 11-13-12 of this Title.

[8] City facilities are exempt from these standards.

(5) Accessory structures shall not be located in the front yard of a principal structure, except for minor and commonplace accessory structures such as public utility installations, mail boxes, lamp posts and structures of a like nature.

(6) Lot depth and width is determined through the subdivision process in Section 11-5-13 (B) (3) of these regulations.

(7) Other permitted exceptions and encroachments into required setbacks and height limits are specified in Section 11-8-11 of this title.

**Sec. 11-7-8. Planned Development (PD).**

(A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units.

(B) *General Provisions.*

(1) A planned development must be in substantial conformity with the Comprehensive Plan.

(2) A minimum of 20 percent of the gross area of the planned development must be preserved as useable open space, as defined in Section 11-15-2. The 20% useable open space requirement shall not apply to a proposed PD containing six or fewer units and processed under Subsection C(5).

(3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.

(4) Residential dwellings may be clustered, including the use of single-household dwelling, duplex and multi-household dwellings.

(5) Affordable housing, as defined in Sec. 11-15-2, may be included in a planned development.

(6) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.

(C) *Permitted Uses in a PD.*

(1) Any use permitted in the underlying zone district, limited as to its status as a use by right, a conditional use, or a temporary use, unless otherwise limited or permitted on the PD plan.

(D) *Administrative PD Procedure.* This procedure is applicable for planned developments containing six or fewer units:

(1) All lots or tracts are adjacent to a dedicated and accepted public street;

(2) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;

(3) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;

(4) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;

(5) No material changes to prior restrictions or easements are proposed; and

(6) Provisions of Section 11-5-3 (B) through and including (E) of this Title shall apply.

(7) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.

(8) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.

(9) Amendments to Administrative PD's may be submitted for review and approval in the same manner as the initial Administrative PD.

(E) *Dimensional Requirements, Densities.*

(1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations are in compliance with the Comprehensive Plan and will promote the public health, safety and welfare.

(2) The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

(F) *Review of Sketch, Preliminary and Final PD Plan.*

(1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 11-5 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.

(2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for applications for PD plan

amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application for purposes of consent; nevertheless, all owners of property within the PD must be given notice of the public hearing at which the amendment is to be considered.

(3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the Comprehensive Plan and promotes the public health, safety and welfare.

(4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.

(5) The PD Plan as approved shall be recorded.

(6) The final PD plan may be treated as a vested right pursuant to the procedure in Section 11-4-9 of this Title.

(G) *Required Improvements.*

(1) All PDs shall provide the same improvements as required for subdivisions in Chapter 11-5 of this Title, and security therefore shall be provided as set out in Section 11-5-12 of this Title.

(2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 11-5 of this Title, except as modified by the PD plan.

(3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.

(4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(H) *Enforcement and Amendments.*

(1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned United Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by 11-5-12 of this Title, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.

(2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 11-4 of this Title, with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 300 feet of the proposed Amended PD plan area.

**Sec. 11-7-9. "REDO" Redevelopment Overlay Zoning District.**

(A) Intent.

(1) The "REDO" Overlay Zoning District is intended to alleviate certain hardships associated with redevelopment. The district is designed to encourage residential development and redevelopment of existing properties in the core downtown area, with allowances for increased densities compatible with the character of the area.

(2) This overlay district allows reduced dimensional standards and a larger variety of housing types than the underlying zoning. Any development making use of the reduced dimensional requirements must meet all applicable criteria in this Section.

(B) Applicability.

(1) The boundaries of the "REDO" Overlay Zoning District shall be as set forth by ordinance of the City Council, may be shown on the City's Official Zoning Map, and shall be fixed in the manner prescribed by Section 11-7-3.

(2) The "REDO" Overlay Zoning District's provisions shall not be applicable to any property within the boundaries of said district, unless the owner of property therein shall deliver written notice to the City, in the manner set forth at subsection 11-7-9 (C) of this Section, of said owner's intent to utilize the "REDO" Overlay Zoning District.

(3) When selected by a property owner in the manner set forth herein, the "REDO" Overlay Zoning District shall supersede the provisions of the underlying zone for all matters addressed by said "REDO" Overlay Zoning District's provisions; the provisions of the underlying zone shall control all matters not addressed by the "REDO" Overlay Zoning District's provisions.

(4) Any requests for use of these "REDO" Overlay Zoning District provisions that involve private use of City property, including rights-of-way, shall be entirely subject to the City's discretion, and shall also be subject to the City's ordinances and regulations pertaining to encroachments and permits for the same

(5) The provisions of the "REDO" Overlay Zoning District shall have no effect whatsoever unless selected in the manner set forth herein.

(C) Procedure.

(1) Use of the REDO District is initiated by filing an application in the form maintained by the Community Development Department and payment of the application fee.

(2) The application shall be reviewed as a minor site development plan under the procedure in Section 11-8-1[B]. In the event the application also proposes to subdivide real property, a minor subdivision under Section 11-5-3 shall be applied for and processed at the same time.

(D) Standards.

(1) All applications shall be subject to the development standards below. To the extent these standards are inapplicable, the standards of the underlying zone apply.

(2) Minimum Lot Size: Lots shall be no less than 2,075 square feet in size.

(3) Minimum setbacks are as follows: 5 feet side, rear, and front yard setbacks. See also Section 11-7-7 (C) (5).

(4) Height: The height of a building shall be as set forth in the underlying zone.

(5) Accessory Dwelling Units in the REDO District:

(a) ADU's within the REDO District shall comply with the requirements and standards set forth in Section 11-11-5 with the exception of the ADU size limitations in 11-11-5 (3), and provided that ADU's may be conveyed separately from the primary dwelling unit.

(b) Lots with ADU's shall be no less than 3,125 square feet.

(c) An ADU shall not be subject to the 30 percent rear yard area coverage maximum.

(E) Design Criteria.

(1) All lots within the "REDO" Overlay Zoning District shall be required to have not less than ten feet of street frontage. It is contemplated that lots having a "panhandle" shape may be allowed.

(2) If an alley is present, any garage shall be set back a minimum of five feet, when practicable, from the nearest right-of-way line of said alley.

(3) Please refer to Section 3-5-12 (A) of the Official Code of the City for the water Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new water service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.

(4) Please refer to Section 3-5-12 (G) (4) of the Official Code of the City for the sewer Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new sewer service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.

(F) Variances. Variance applications may be considered as to any requirements set forth in Subsections (D) and (E) of this Section. Use of the "REDO" Overlay Zoning District is expressly declared to be elective on the part of the property owner, and is entirely at the property owner's discretion.

**Sec. 11-7-10. Uncompahgre River Buffer Overlay Zone.**

The Uncompahgre River Buffer Zone (URBZ) applies to all land lying within 100 feet of the HWM of the Uncompahgre River, as defined above. The standards of the URBZ and its two sub-areas are not applicable to parcels to which stricter standards may apply via separate agreements (e.g., a pre-annexation agreement).

(1) The purpose of the URBZ is to establish minimal acceptable requirements for the design of buffers to protect the Uncompahgre River, its wetlands, and floodplains within the City limits; to protect the water quality of the Uncompahgre River within said jurisdiction; to protect riparian and aquatic ecosystems within said jurisdiction; and to provide for the environmentally sound use of land resources within said jurisdiction. Nothing in this Section shall be used as consideration in a pre-annexation agreement or in a negotiation for annexation of land into the City.

(2) Measurement of the 100 feet URBZ, the two sub-areas within it, and all other related measurements shall be taken as follows: distance is measured horizontally from the HWM, as defined herein, to the location in question. The HWM location used for any given measurement shall be taken from the side of the river closest to the building or other development in issue.

(a) The following graphic illustrates how to measure the URBZ:

(b) The URBZ provisions shall apply to:

(i) Any new development requiring a building permit, except for additions less than 20 percent of the existing building size that do not include any changes to an existing parking lot;

(ii) Any new development requiring site development approval;

(iii) Subdivision or the division of a tract or parcel of land into two or more parcels;

(iv) The improvement of property for any purpose involving construction;

(v) Combination of any two or more lots, tracts, or parcels of property for any purpose;

(vi) Placement of temporary structures that do not require a building permit or site development plan from the City;

(vii) The preparation of land for any of the above purposes.

(c) Specific submittal requirements are listed in Appendix One. Upon submittal of the complete application, with all supporting documentation as may be required, City staff shall provide a review of the same. Following City staff review, administrative approval may be granted if the development proposal is an allowed use in the URBZ or applicable URBZ sub-zone, or is a use by right in the URBZ or applicable URBZ sub-zone, and meets all applicable standards. Development proposals which are not allowed uses or uses by right in the URBZ or applicable URBZ sub-zone, or do not meet all the applicable standards, shall be forwarded to the City Planning Commission for review and approval, under procedures set

forth below, accompanied by any comments and recommendations from City staff.

(d) All proposals shall identify on a site plan the designated Disturbance Envelope for that portion of the project that is proposed to encroach into the URBZ.

(e) The applicant shall mark and identify the Disturbance Envelope on the ground in the field and shall maintain construction barrier fencing around the entire perimeter of the Disturbance Envelope throughout the period of construction, until final landscaping is completed. The applicant shall ensure that all surface disturbances are contained within the designated and marked Disturbance Envelope.

(f) The URBZ consists of two sub-areas, as follows:

(i) Streamside Zone. This area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40-foot buffer area, measured as described above from the HWM. Development in the Streamside Zone is subject to all other applicable permits. Setbacks created herein for the Streamside Zone are in addition to any setbacks which may be applied through the underlying zoning of a parcel.

(1) The following are subject to a 40-foot setback from the HWM (i.e., the following shall not be placed or performed within the 40-foot Streamside Zone):

(a) Planting of non-native grass turf;

(b) Removal of native vegetation;

(c) Erection of fences;

(d) Construction of hard-surfaced trails that parallel the river;

(e) Construction of buildings, other than irrigation pump houses;

(f) Construction of parking lots (paved or gravel);

(g) Construction or installation of lighting fixtures;

(h) Construction or installation of engineered/structural water runoff treatment facilities (such as concrete vaults);

(i) Concrete rip-rap;

(j) Construction or installation of any other facility not listed in the allowed uses below, and not reasonably compatible with the riparian environment.

(2) The following actions, or construction of the following facilities or structures, are permitted within the 40-foot Streamside Zone:

(a) Government buildings and facilities;

(b) Hard-surfaced trails roughly perpendicular to the river;

(c) Soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;

(d) Irrigation facilities (including pump houses);

(e) Boat put-ins (boat ramps should be soft-surfaced);

(f) Planting of native vegetation;

(g) Bank stabilization, and river or wildlife habitat restoration;

(h) Other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.

(3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in Section 11-7-13.

(ii) Outer Zone. This area is intended to serve as a buffer between the Streamside Zone, and areas outside the URBZ. Most uses allowed within the underlying zoning district are permitted within the Outer Zone, though certain uses have specific performance standards.

(1) Uses by right in the Outer Zone:

(a) Water runoff treatment structures using swales, native vegetation, and similar measures;

(b) Government buildings and facilities;

(c) Fences which allow the passage of wildlife; said fences shall be designed as follows:

(i) No more than 40 inches in height;

(ii) A smooth bottom wire at least 16 inches above ground;

(iii) At least 12 inches between the top two wires;

(iv) No sharp edges, barbs, or similar devices are permitted;

(v) Sheep or woven-wire and wrought-iron style fences with spiked tips are not permitted.

(d) Landscaping employing native vegetation types and compatible with the riparian environment;

(e) Single household detached dwellings;

(f) Recreation trails (all types);

(g) Buildings and facilities complying with the underlying zoning district and complying with all of the following performance standards:

(i) Structures with windows occupying a minimum of 50 percent of the linear river frontage of the building; and

(ii) At least one public entrance directly facing the river; and

(iii) Outdoor common areas, seating and/or dining areas; and

(iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and

(v) Well concealed trash dumpsters; and

(vi) Total building facade length shall be less than 50 feet in length parallel to the river; and

(vii) Buildings and facilities complying with these performance standards are exempt from the river buffer screening requirements set forth below;

(viii) Single household detached dwellings are exempt from these performance standards, except for Subsection (2) (f) (ii) (1) (c) of this Section, as well as the Outer Zone performance standards set forth below.

(2) The following uses shall not be considered a use by right in the Outer Zone, and are subject to review as Conditional Uses under Section 11-7-6 (B) and Chapter 11-4 of this Title:

(a) Loading docks;

(b) Landscaping with non-native vegetation;

(c) Engineered or structural water runoff treatment facilities (such as concrete vaults);

(d) Other industrial uses;

(e) Water treatment facilities employing structural vaults or similar technology are not permitted within the Outer Zone;

(f) Parking lots, whether paved or gravel;

(g) All other uses not listed in this Subsection.

(3) Outer Zone Performance Standards. If the use or structure does not meet the performance standards in Subsection (2) (f) (ii) (1) (g) of this Section, the following shall be required:

(a) A minimum 30-foot-wide vegetated buffer with extensive vertical plantings of native vegetation. Said vegetated buffer shall not overlap the 40-foot Streamside Zone.

(b) Tree height at maturity shall be as high or higher than the buildings being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible.

(c) Said vegetated buffer shall be contiguous to the Streamside Zone, and located between the Streamside Zone, and any parking lot or building.

(4) General Standards Applicable within the Outer Zone.

(a) Removal of native vegetation is discouraged. Where removal of native vegetation is unavoidable, the removed area shall be mitigated by planting replacement native vegetation, at a minimum 1:1 ratio (measured in square feet, with a result that an equal amount of vegetation is planted, as was removed) within the URBZ.

(b) All setbacks oriented toward the river, applicable to or within the Outer Zone, shall be measured from the boundary line between the Streamside Zone, and the Outer Zone.

(c) For those zoning districts underlying the URBZ with no side or rear setbacks, the minimum side or rear setbacks shall be ten feet.

(d) New buildings, expansions to existing buildings, or parking lots, or driveways shall have a minimum setback of 20 feet from an existing or proposed trail or path.

(5) Exceptions to the standards and requirements regarding the Outer Zone shall be approved or denied through the procedures applicable to Conditional Uses, as set forth in Section 11-7-6 (B) and Chapter 11-4 of this Title.

(6) The following uses and structures are prohibited within the URBZ and its two sub-areas:

(a) Confined animal feedlots;

(b) Storage of hazardous materials or chemical fuels;

(c) Aboveground or underground petroleum storage facilities;

(d) Septic systems;

(e) Solid waste landfills;

(f) Junkyards, and salvage yards;

(g) Land application of biosolids;

(h) Subsurface discharges from wastewater treatment plants.

(7) All development within the URBZ shall obtain all applicable local, state and federal permits prior to undertaking any construction or land-disturbing activity.

(8) The provisions of the URBZ shall supersede the provisions of the underlying zone, and any other applicable overlay zone, when the provisions of the URBZ are more restrictive.

**Sec. 11-7-11. Nonconforming uses, lots and structures**

(A) Any use, building or structure which at the effective date of the ordinance from which this Title is derived or at the time of annexation, if annexed subsequent to the effective date of the ordinance from which this Title is derived, was lawfully existing and maintained in accordance with the previously applicable County or City regulations and ordinances but which does not conform or comply with all of the regulations provided in this Chapter, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Section. Uses, structures, or buildings which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.

(B) If a use, building or structure is lawfully nonconforming in that it is not a use by right, or a conditional use which has been approved pursuant to the review provisions of Sections 11-7-6 (B) and 11-4-2 of this Title, the following shall apply:

(1) If the building or structure involved in the use is destroyed or damaged so that repair or reconstruction will cost more than 50 percent of the fair market value of the building or structure after repair, it shall no longer be lawful to use the building or premises except in compliance with the use regulations for the district within which it is located.

(2) If the nonconforming use is abandoned or discontinued for a period of six months, then the premises may only be used in compliance with the use regulations for the district within which it is located.

(3) The use may be continued only substantially as it effective date of the ordinance from which this Chapter is derived or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the review procedure provided in Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6 (B) will be met, and that the new use is a more restrictive use than the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Section.

(4) The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following the review procedure of Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6 (B) will be met.

(C) If the use, building or structure is in compliance with the use regulations for the district within which it is located and is nonconforming only with respect to dimensional requirements, off-street parking requirements, or the regulations governing fences, hedges, walls, or canopies, the following provisions shall apply:

(1) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected for any length of time, such nonconformity may not be re-established.

(2) If the building or structure is damaged so that the cost of replacing or restoring it is greater than 50 percent of its fair market value after replacement, the building or

structure may be repaired or replaced only in compliance with these Zoning Regulations.

(3) If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be re-established by any repair or reconstruction, unless it is unfeasible to repair the building without re-establishing the nonconforming feature.

(4) No alteration may be made to the use, building, or structure which would increase the amount or degrees of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degrees or amount of deviation from the requirements of this Chapter.

(D) Nonconforming lots of record.

(1) In any district in which single-household detached dwellings are permitted, a single-household detached dwelling and customary accessory buildings may be erected on any single lot of record, provided that the lot is in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though the lot fails to meet the dimensional requirements of the district in which it is located for area, width or both; provided, however, that the requirements of the district for minimum yard dimensions and lot coverage shall be met.

(2) If two (2) or more lots or combinations of lots and portion of lots with continuous frontage in single ownership are of record, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the property together shall be considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements.

(E) This Section shall not apply to signs. Nonconforming signs shall be governed by the provisions of Section 11-10-3 of this Title.

**Sec. 11-7-12. Rezoning.**

(A) *Rezoning.*

(1) 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 averse to the public health, safety and welfare; and

(b) The amendment is in substantial conformity with the Comprehensive 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) Rezoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedures of Chapter 11-4 of this Title. The Planning Commission shall either

recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The City Council may initiate rezoning on its own motion, in which case the Council shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately, in substantial compliance with the review procedures of Chapter 11-4 of this Title.

(3) The City shall not impose conditions on a rezone unless otherwise required by this Title.

(B) *Zoning of Additions.*

(1) The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:

(a) The amendment is not averse to the public health, safety and welfare; and

(b) The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.

(2) The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.

(C) *Legislative Zoning.* Comprehensive review and re-enactment of all or a significant portion of the Official Zoning Map shall be a legislative action, and shall not be subject to the review procedures of Chapter 11-4 of this Title or any criteria set out in this Section.

(D) *Enactment by Ordinance.* No amendment, addition to or re-enactment of the Official Zoning Map shall become effective until enacted by an ordinance.

**Sec. 11-7-13. Variances.**

(A) The Planning Commission may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedures of Chapter 11-4 of this Title, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting uses by right, accessory and conditional uses within any zoning district.

(B) Variances shall be granted only if all the following criteria are met:

(1) The variance will not adversely affect the public health, safety and welfare.

(2) Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in

good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.

(3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.

(4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.

(5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

(C) The burden shall be on the applicant to show that these criteria have been met.

(D) Variances shall be granted for sign regulations only if all of the following criteria are met, in lieu of the criteria of Subsection (B) of this Section.

(1) The variance will not adversely affect the public health, safety and welfare.

(2) The variance requested is the minimum variance that will afford relief.

(3) The variance will not result in signage incompatible with other properties in the area and will not affect or impair the value, use of development of such properties.

(4) Strict compliance with the regulation presents practical difficulties or unnecessary hardships, and the variance sought falls within the spirit of the sign regulations (Chapter 10 of this Title) as a whole.

CITY OF MONTROSE
Planning Services

**MEMO**

TO: Planning Commission
FROM: Jace Hochwalt, Community Development Director
DATE: February 12, 2025
RE: Hilltop Sketch Plan
ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Sketch Plan Maps and Narrative
- Exhibit C: Excerpts from City of Montrose Municipal Code

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***Public notice requirements have been fulfilled in accordance with Section 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.***

**Planning Commission Consideration:**
The review and discussion of the Sketch Plan by the Planning Commission is informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider in accordance with the City of Montrose Municipal Code. No formal action is taken at this time.

**Applicant:** Housing Partners of Montrose, LLC

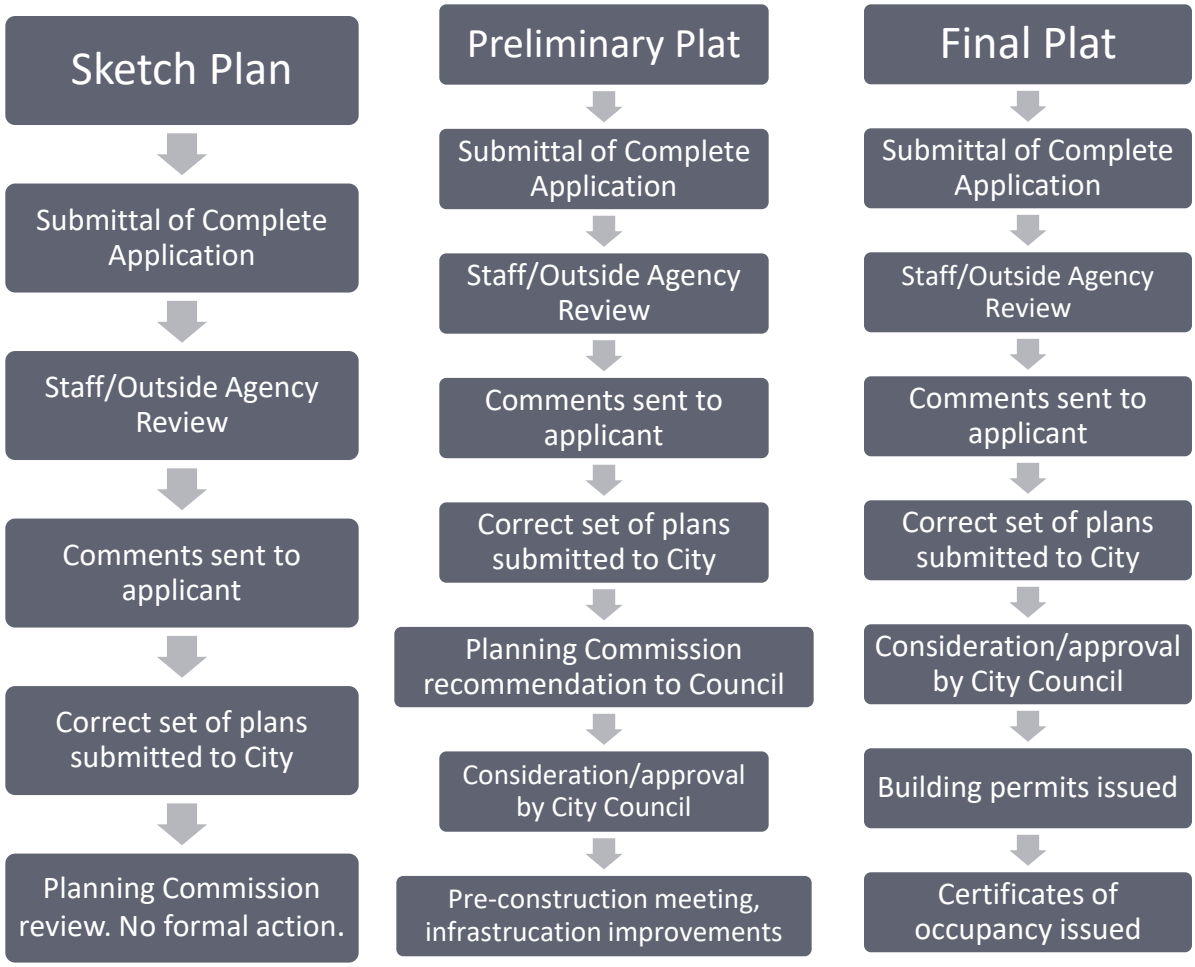
**Application Background:**
The Hilltop Sketch Plan a proposed development located on the east side of 6600 Road, north of its intersection with Locust Road. The proposal is for the public roadway dedication and subdivision of 24.8 acres in anticipation of the development of approximately 402 residential units. The property is zoned “R-4” High Density District.

The Sketch Plan application is only reviewed by the Planning Commission, not City Council, and no formal action is taken at this stage. The applicant has submitted the attached Sketch Plan application materials (Exhibit B) based on a conceptual design and seeks the Planning Commission’s feedback. The sketch plan has been reviewed by City staff and partner agencies and meets the City’s design standards for standard subdivisions. After receiving feedback from the Planning Commission, the applicant will submit, and the City will review a Preliminary Plat for the subdivision and planned development amendment (including engineering design for all

public infrastructure). After those plans are reviewed for compliance with the City of Montrose Municipal Code, it will be placed on a future Planning Commission agenda, and the Planning Commission will make a recommendation to City Council. City Council will review the application and consider the Planning Commission's recommendation.

**Subdivision Process:**

The City of Montrose Municipal Code Section 11-5-2 outlines the process and standards for subdivision applications. The following flowchart shows this overall process.




**Staff Analysis:**

1. Subdivision Regulations:
    a. Municipal Code: Section 11-5-4: The sketch plan application has been reviewed by City staff and partner agencies and meets the City's design standards for standard subdivisions.
2. Relevant Comprehensive Plan and Municipal Code References: To assist the Planning Commission, staff has provided the following relevant information from the City of Montrose Envision 2040 Comprehensive Plan and Municipal Code.

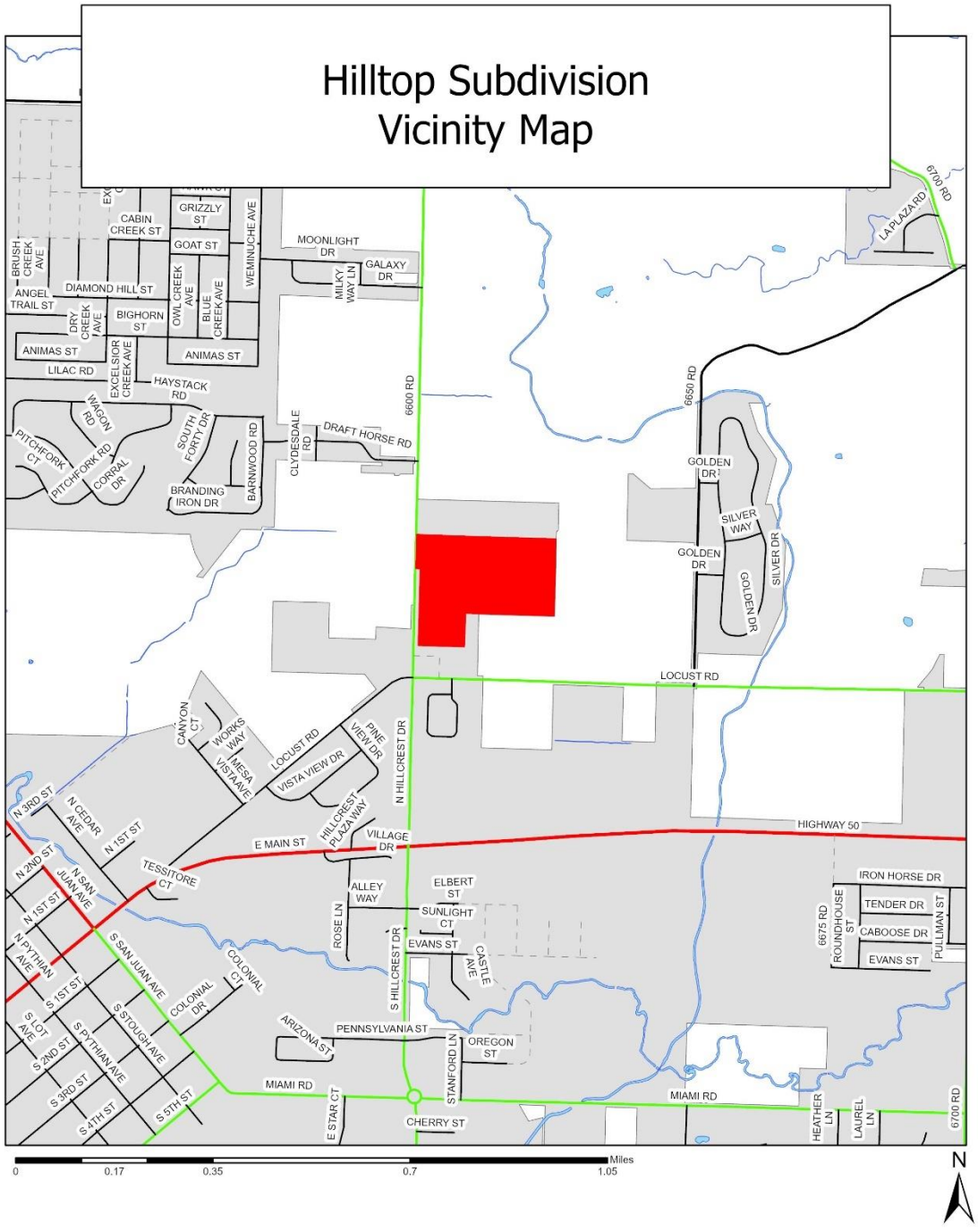
a. A Comprehensive Plan is not legally binding. It provides guidance for zoning and other land use decisions. It is possible for sections of the Comprehensive Plan to conflict, and it is reasonable that a decision may not satisfy every aspect outlined within the Comprehensive Plan.
b. The Future Land Use Map within the Comprehensive Plan illustrates general, somewhat flexible locations and extents for various land uses and densities.
c. The Municipal Code and Zoning regulations specify land uses, densities, bulk and height requirements, setbacks, and other development standards that are allowed within each zoning district in order to achieve the intent of the zoning district.
d. Development on this parcel may occur in accordance with the approved zoning and should also be in general conformance with the Comprehensive Plan.

3. Comprehensive Plan - Land Use Map Designation:
    a. The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **Residential Mixed Density High**. *The Residential Mixed Density High designation is intended for attached buildings on individual lots (such as townhomes), as well as multi-family structures such as apartments and condominiums. Accessory dwelling units (apartments over garage) are encouraged.*
4. Zoning Regulations:
    a. Municipal Code, Section 11-7-5 (A)(7): The "R-4" High Density District is intended to provide primarily for high density multi-household dwellings and to allow variety in higher density single household and duplex dwellings and other forms of innovative housing development types.
    b. The proposed uses are compatible with general conditions in the area, as the subject property is adjacent to properties that are zoned "R-3A" Medium High Density District, "R-4" High Density District, and properties outside of City limits.

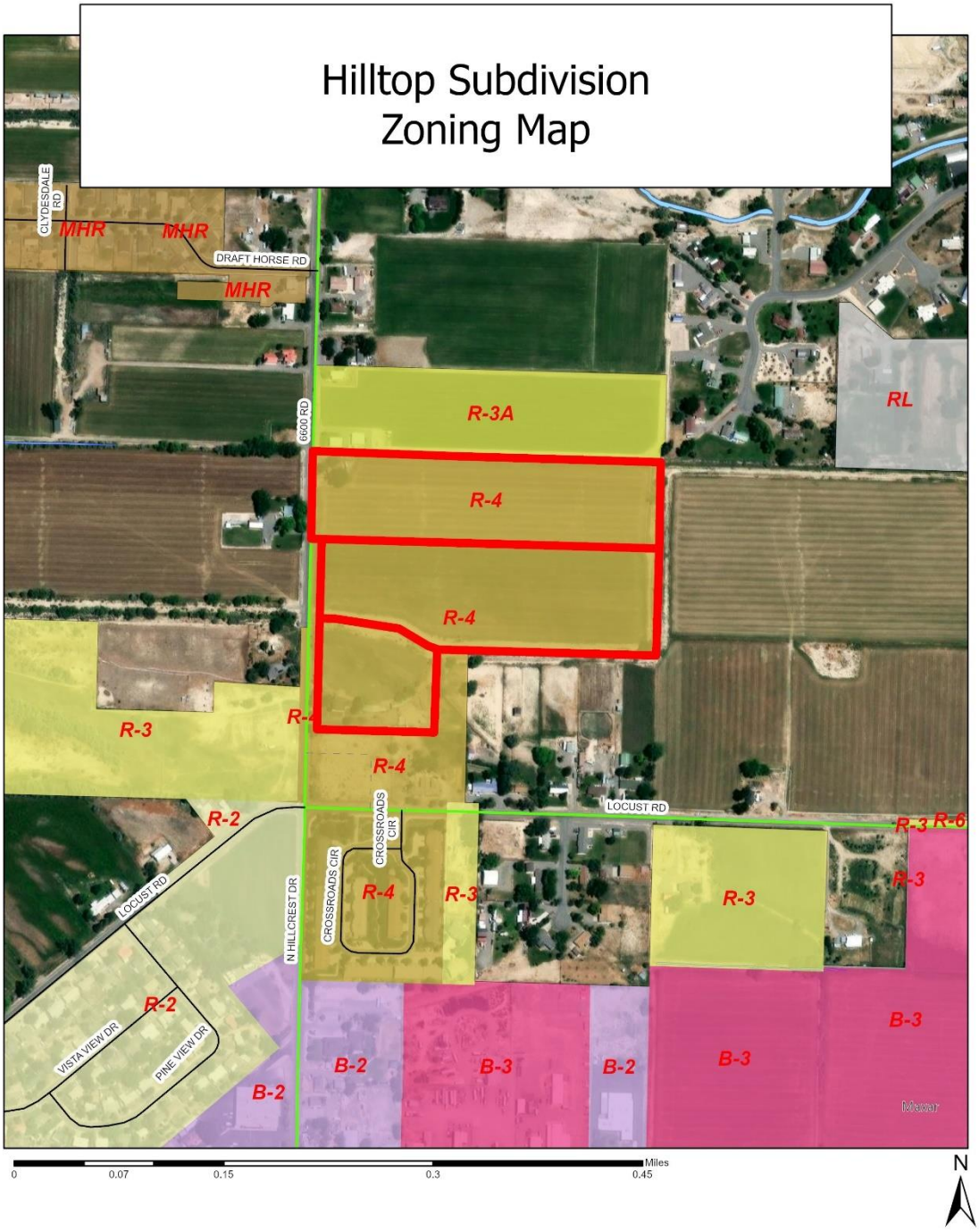
**Staff Guidance to Planning Commission:**
The Sketch Plan application meets all sketch plan requirements as set forth in the City of Montrose Municipal Code, Section 11-5-4. The review and discussion of the sketch plan by the Planning Commission is informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider in accordance with the City of Montrose Municipal Code. No formal action is taken at this time.

Staff recommends that the Planning Commission share feedback with the applicant, so that the applicant may consider the feedback and incorporate proposed changes into their future Preliminary Plat application.

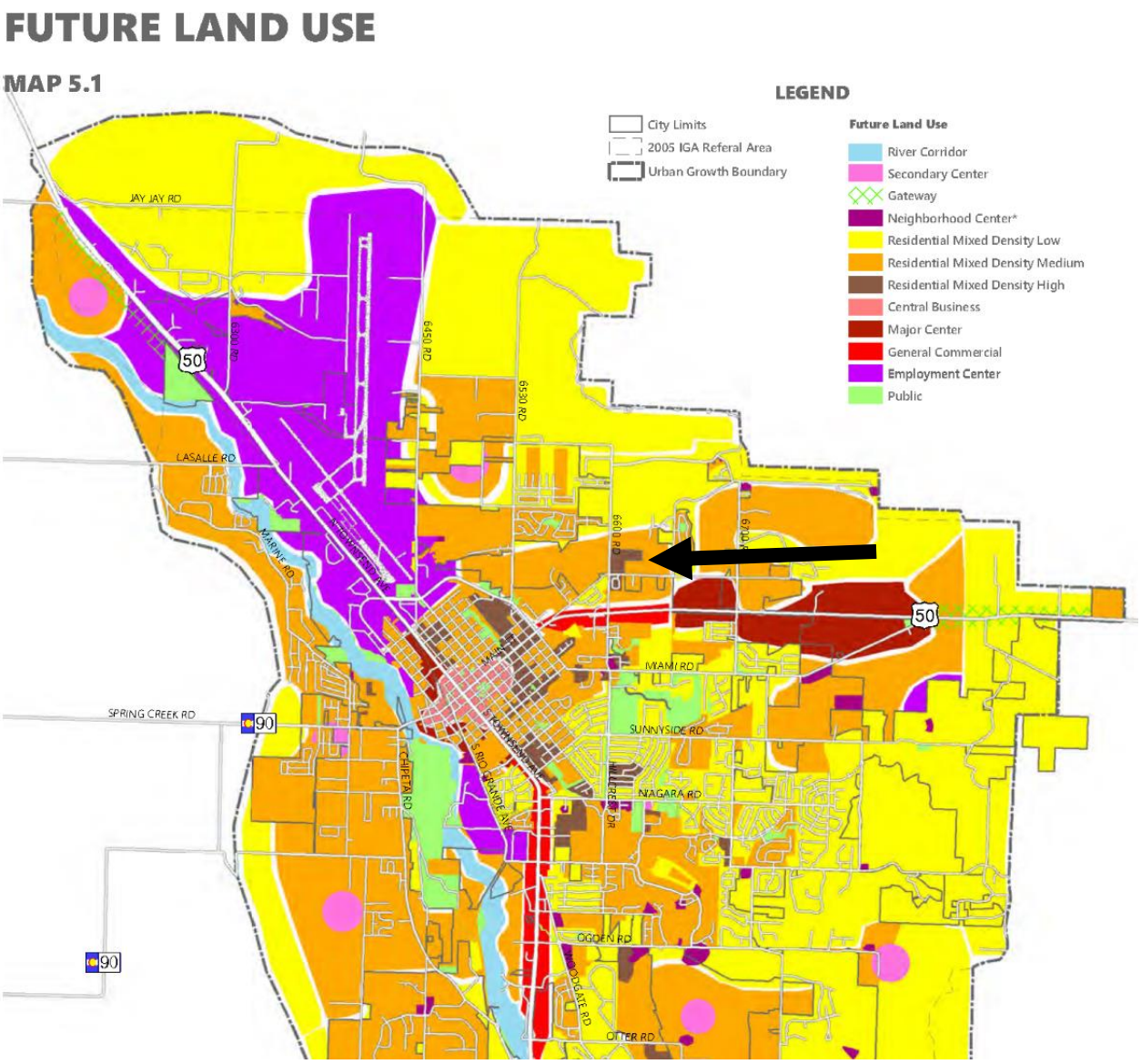
**EXHIBIT A: Area Maps**
**Vicinity Map**



**Zoning Map**


Hilltop Subdivision
Zoning Map
CLYDESDALE RD
MHR
MHR
DRAFT HORSE RD
MHR
6600 RD
R-3A
RL
R-4
R-4
R-3
R-4
R-4
LOCUST RD
R-2
R-3
R-6
CROSSROADS CIR
CROSSROADS CIR
R-4
R-3
R-3
R-3
LOCUST RD
N HILL CREST DR
R-2
VISTA VIEW DR
PINE VIEW DR
B-2
B-2
B-3
B-2
B-3
B-3
Mayer
0
0.07
0.15
0.3
0.45
Miles
N

**Comprehensive Plan Future Land Use Map**



# HILLTOP HOUSING DEVELOPMENT
# SKETCH PLAN NARRATIVE

January 30, 2025

**Owner:**
**Housing Partners of Montrose, LLC**

**Prepared by:**
Del-Mont Consultants, Inc.
125 Colorado Ave.
Montrose, CO 81401
(970) 249-2251
(970) 249-2342 fax

**General**

The Hilltop Housing project is a residential proposed development on 25 acres northeast of Montrose. The three parcels are bordered on the west by 6600 Road, the rest of the property is bordered by agricultural fields and single-family residences.

The property was annexed into the City of Montrose in 2022. The property is zoned R-4(high density). That zoning has not changed and is consistent with the housing density of the adjacent properties. Please see the existing conditions and zoning exhibit of the Sketch Map drawing package (sheets 1 of 3) for more details on neighboring property zoning and current use.

School buses are intended to remain on the public road system (6600 Road or new subdivision internal streets). Stop areas would be near main intersections or mailbox turnout areas.

**Water**

The project will be served by the City of Montrose water system. The City is proposing a 12" waterline main in 6600 Road anticipated to be complete in 2025. The project is anticipating to connect to this new mainline once complete. Additional external water line connections to existing or planned infrastructure will be made at appropriate and opportune locations as the development is designed. Water service to the individual lots will tap off the new 8" internal lines.

Please see the attached sketch (Sheets 2 of 3) showing the conceptual water infrastructure backbone layout and connectivity to the proposed City of Montrose water system. The proposed (12") infrastructure in the vicinity of this development provides more than adequate pressure and volume to support the planned residential buildout for the property, adequate fire flows will be tested during construction of the 12" mainline.

Anticipated water demands are estimated based on City requirements and are as follows:

| Anticipated Land Use | Water Usage (gallons per day per acre) | Total Acres | Anticipated Water Demand (gallons/day) |
|---|---|---|---|
| High Density | 2,500 | 25 | 62,500 |

Formal engineering plans with design of the water system will be completed and submitted with Preliminary Plat applications.

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www.del-mont.com ▼ service@del-mont.com

**Sanitary Sewer**

The project is served by City sewer. All the development on the property will be a classic gravity system with a network of City owned 8" main lines and manholes. The sewer mains will generally flow to the center of the project then south to the City Main.

According to the City of Montrose Sewer Master Plan, these points of connection are operating well within 50% capacity in the ultimate buildout scenario presented in the plan. These points of connection accounted for future additions and this development is in-line with the anticipated land use. The City of Montrose is also in the process of evaluating the sewer system further down the line to ensure adequate capacity exists outside of the point of connection.

Please see the attached sketch (Sheet 2 of 3) showing the conceptual sewer system. Anticipated sewage generation is as follows:

| Anticipated Land Use | Quantity of Sewage (gallons per day per acre) | Total Acres | Anticipated Sewage (gallons/day) |
|---|---|---|---|
| High Density | 2,500 | 25 | 50,000 |

Formal engineering plans with design of the waste water system will be completed and submitted with Preliminary Plat applications.

**Availability of other utilities**

Electric, natural gas, telephone, cable tv, and fiber is available for the development. A complete detailed survey with utility locates will be provided once sketch plan is approved. Please see the accompanying conceptual utility layout for locations (overhead and buried) of the dry utilities. In general, gas/power/fiber available along both sides of (6600 Road frontage).

Specific dry utility designs will be done by the utility providers as formal site plans are completed. Prior to submitting the Sketch Plan, Phil Sanchez at DMEA/Elevate Fiber, and Nathan Hijar with Black Hills Energy, confirmed that there is more than enough capacity for all dry utilities (DMEA/Elevate – power, fiber/phone/TV, and Black Hills – natural gas). Other Montrose area telecom, TV, and fiber providers will be afforded the opportunity to service the development during the design phase.

**Drainage**

The property is well suited for development, sloping from east to west at about an average 1% natural grade. Proposed drainage patterns will follow this natural topography with surface flow routed to the west where it will be collected into designed detention or retention ponds within the planned open space areas. The stormwater ponds will be designed to provide water quality treatment (extended detention or retention), control peak flows, with emergency (> 100 year

storm events) overflow at historical discharge locations.

**Access to property**

There are two planned access points into this development off 6600, with one additional internal road planned for future connection to adjacent undeveloped land to the north. The main entrances will be to the west along 6600 Road. The planned future connection will be to the north to the adjacent undeveloped land (currently in City review for development). Please see the accompanying planned layout for more detail on these intersections (Sheets 2 & 3 of 3).

**Parking**

The development proposes that public streets are built according to City Residential Street Standards and individual lots will provide parking within standard private driveways. No on-street parking will be provided on 6600 Road.

**Mailboxes**

Residential gang mailboxes will be centrally located for the development.

**Total number of proposed dwelling units**

The R-4 zoning (minimum of 2,300 sqft/unit) of the project is planned to have 25 acres of multi-family development.

**Compatibility with Natural Features**

The development will be laid out to fit the natural topography, with generous open space areas throughout the residential areas. This open space concept is driven by the shape of the property and the connection to 6600 Road, and generally matches the other City residential subdivisions in the surrounding area.

The property also has a large drainage ditch/easement that traverses the property. This will remain open space resulting in more than the typically required amount.

**Permits**

The following is a list of known permits required for the Hilltop Housing development.

a. A CDPHE General Permit for Stormwater Discharge Associated with Construction Activity will be required prior to construction of site improvements/infrastructure.
b. The City of Montrose will issue building permits for the individual structures.
c. No wetland permits are required since there are no jurisdictional aquatic features on the property.

**Adjoining Property Owners**

A list of the names and addresses of the property owners of record adjoining or within the 100 feet of the development are included in a separate document.

**Known Public Concerns**

As of the date of this Sketch Plan narrative, there are no know public concerns about this project.

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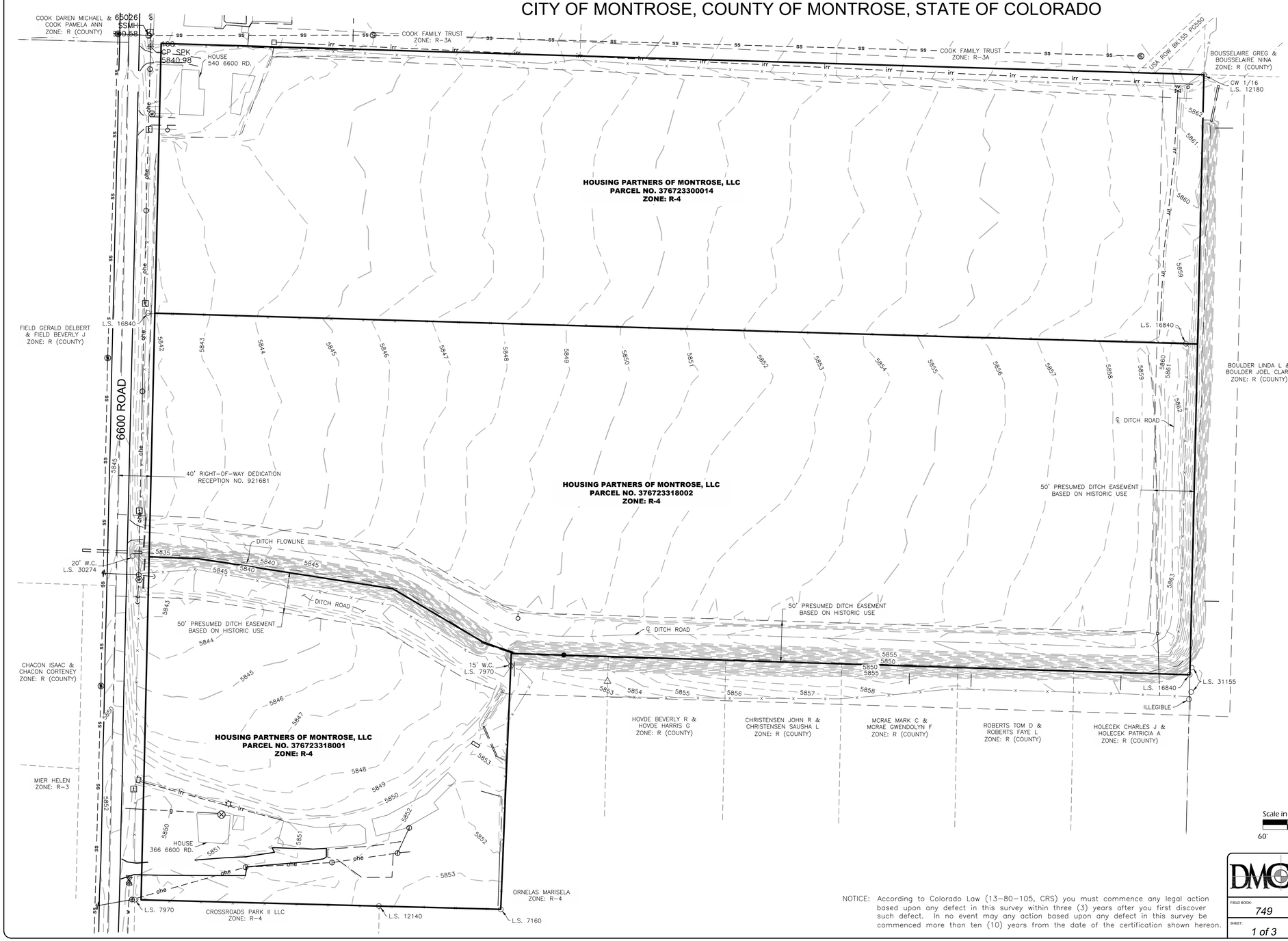
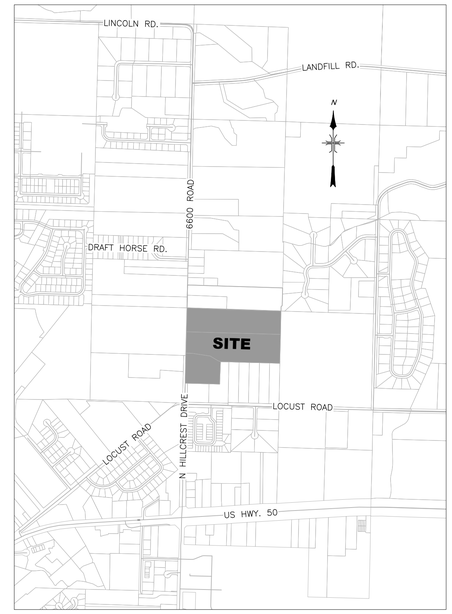
# HILLTOP
# SKETCH PLAN

SITUATED IN SECTION, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO




VICINITY MAP
1"=1000'

## LEGEND

- EXISTING WATER LINE
- EXISTING IRRIGATION LINE
- EXISTING OVERHEAD FIBER-OPTIC LINE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING SEWER LINE
- EXISTING PROPERTY LINE
- EXISTING FENCE
- EXISTING CULVERT
- EXISTING GROUND MAJOR CONTOUR
- EXISTING GROUND MINOR CONTOUR
- EXISTING SANITARY SEWER MANHOLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING GAS VALVE
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING YARD HYDRANT
- EXISTING UTILITY POLE
- EXISTING GUY ANCHOR
- FOUND REBAR & CAP (L.S. AS NOTED)
- FOUND REBAR

N

1" = 60'

Scale in feet

60' 0 60' 120'

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.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www.del-mont.com ▼ service@del-mont.com


| FIELD BOOK: | DRAWN BY: | DATE: |
|---|---|---|
| 749 | PJI | 1-30-2025 |
| SHEET: | FILE: | JOB NO.: |
| 1 of 3 | 24005C_SKETCH | 24005 |

TITLE: EXISTING CONDITIONS

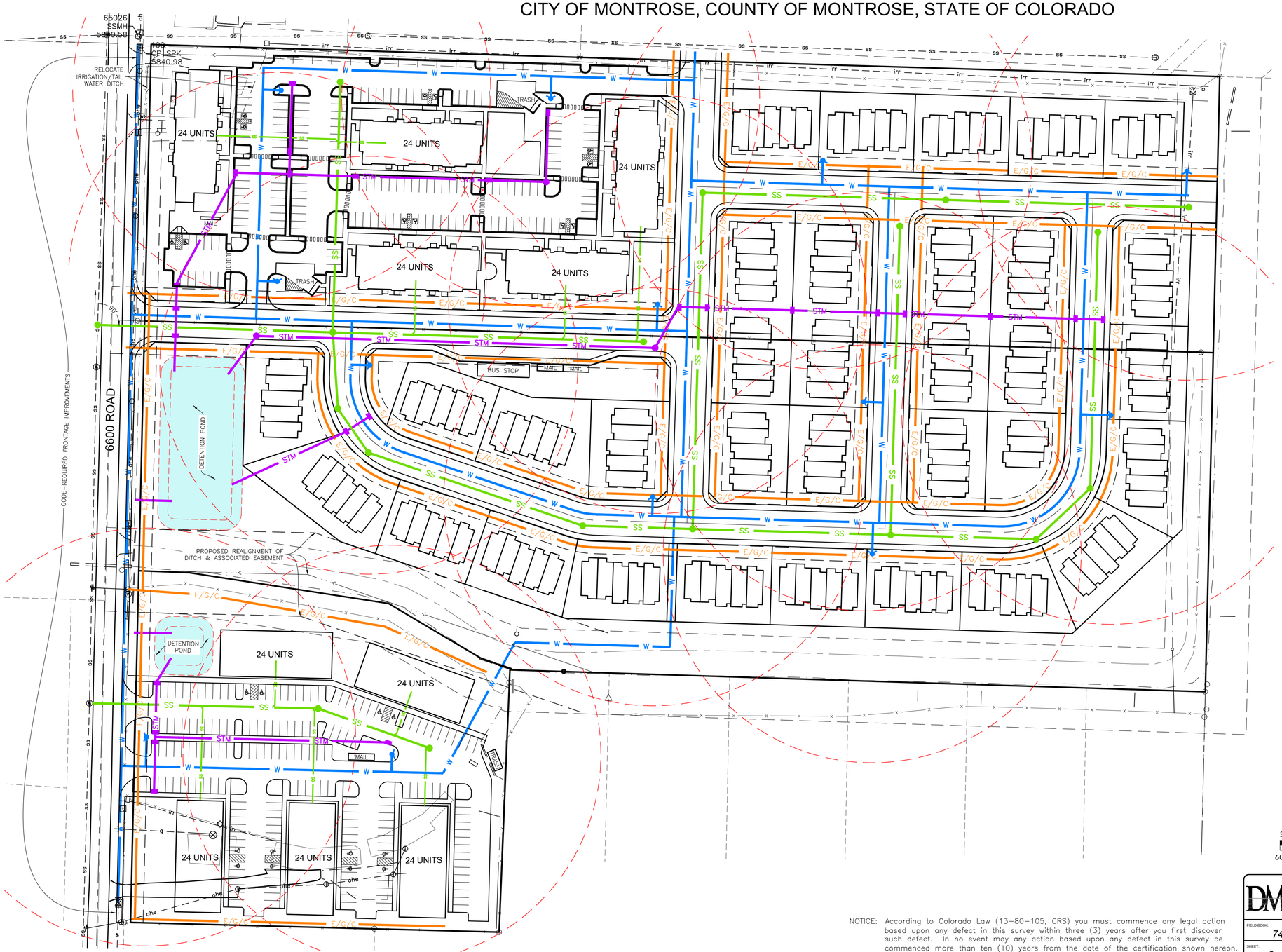
CLIENT: HOUSING PARTNERS OF MONTROSE, LLC

ADDRESS & PHONE: 2555 E. Camelback Road Suite 800 Phoenix, AZ 85016

TYPE: SKETCH PLAN

# HILLTOP
# SKETCH PLAN

SITUATED IN SECTION, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO




## LEGEND

| | |
|---|---|
| w | EXISTING WATER LINE |
| irr | EXISTING IRRIGATION LINE |
| fo | EXISTING OVERHEAD FIBER-OPTIC LINE |
| ohe | EXISTING OVERHEAD ELECTRIC LINE |
| ss | EXISTING SEWER LINE |
| Ⓢ | EXISTING SANITARY SEWER MANHOLE |
| E/G/C | PROPOSED UTILITY CORRIDOR – ELECTRIC/GAS/COMMS |
| W | PROPOSED WATER LINE |
| SS | PROPOSED SANITARY SEWER LINE |
| STM | PROPOSED STORM DRAIN LINE |
| ● | PROPOSED SANITARY SEWER MANHOLE |
| ● | PROPOSED STORM DRAIN MANHOLE |
| ▲ | PROPOSED FIRE HYDRANT |
| ◌ | FIRE HYDRANT COVERAGE (250' RADIUS) |

N

1" = 60'

Scale in feet

60' 0 60' 120'

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| | | | |
|---|---|---|---|
| FIELD BOOK: 749 | DRAWN BY: PJI | DATE: 1-30-2025 | |
| SHEET: 2 of 3 | FILE: 24005C_SKETCH | JOB NO.: 24005 | |

TITLE: *UTILITY PLAN*

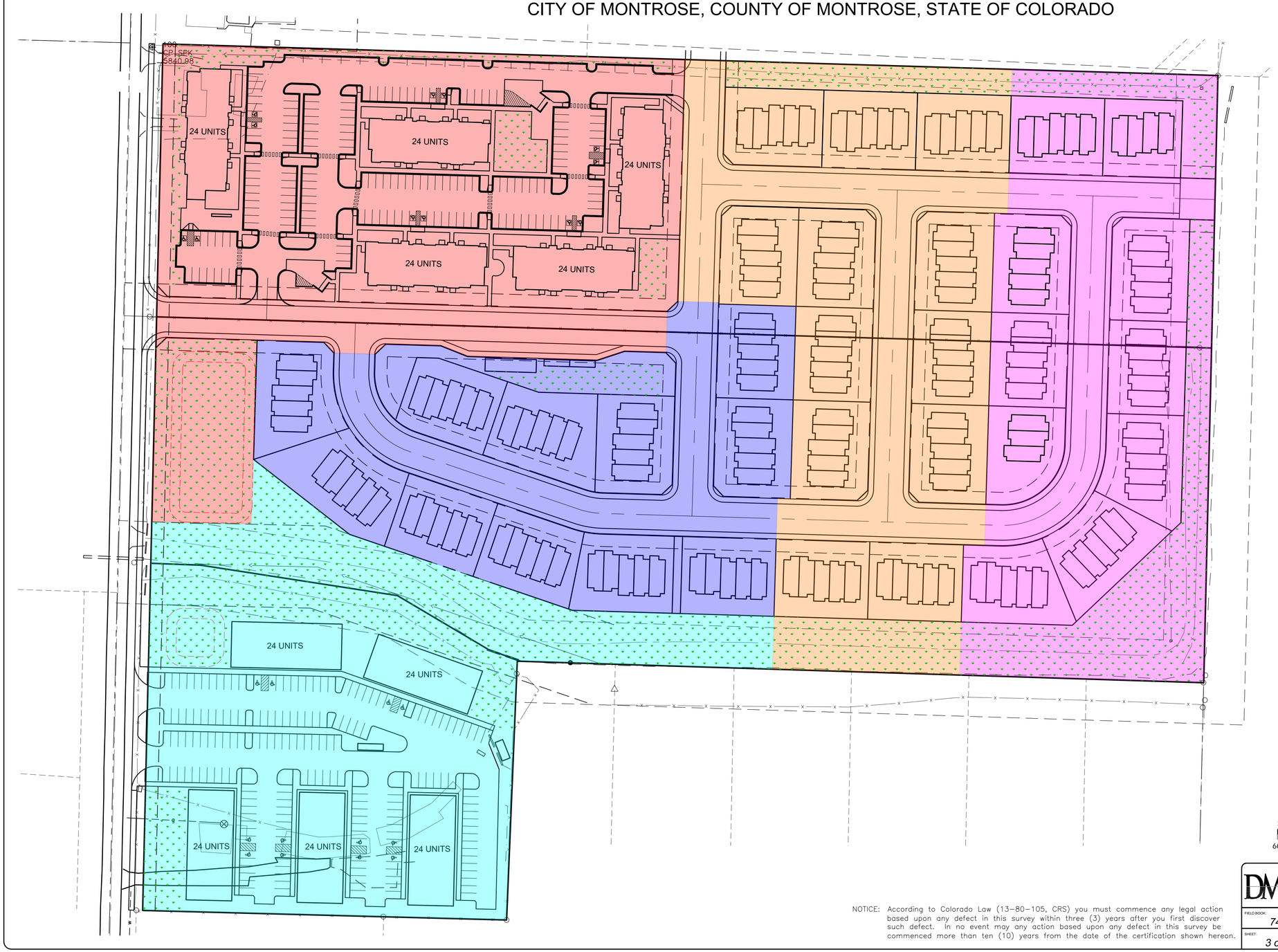
CLIENT: HOUSING PARTNERS OF MONTROSE, LLC

ADDRESS & PHONE: *2555 E. Camelback Road Suite 800 Phoenix, AZ 85016*

TYPE: *SKETCH PLAN*

# HILLTOP
# SKETCH PLAN

SITUATED IN SECTION, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO




| HILLTOP LAND SUMMARY | | | |
|---|---|---|---|
| TOTAL ACREAGE | TOTAL OPEN SPACE | TOTAL RIGHT-OF-WAY DEDICATION | TOTAL MULTIFAMILY DEVELOPMENT |
| 24.80 AC. | 5.02 AC. 20.2% | 4.02 AC. 16.2% | 15.76 AC. 63.6% |

PLANNED USAGE IS 162 TOWNHOMES & 240 APARTMENTS = 402 UNITS TOTAL

## PHASING

- PHASE 1: MULTI-FAMILY; 5.05 ACRES; (5) 24 UNIT APARTMENT BUILDINGS, 120 UNITS TOTAL. ALLOWABLE UNITS PER ZONE: 120 (NEW REGS)
- PHASE 2: MULTI-FAMILY: 3.22 ACRES; (11) 5 UNIT TOWNHOMES, 55 UNITS TOTAL. ALLOWABLE UNITS PER ZONE: 61
- PHASE 3: MULTI-FAMILY: 3.58 ACRES; (12) 5 UNIT TOWNHOMES, 60 UNITS TOTAL. ALLOWABLE UNITS PER ZONE: 67
- PHASE 4: MULTI-FAMILY: 3.75 ACRES; (8) 5 UNIT TOWN-HOMES, (1)3 & (1)4 UNIT TOWNHOMES. 47 UNITS TOTAL. ALLOWABLE UNITS PER ZONE: 71
- PHASE 5: MULTI-FAMILY: 5.18 ACRES; (5) 24 UNIT APARTMENT BUILDINGS, 120 UNITS TOTAL ALLOWABLE UNITS PER ZONE: 120 (NEW REGS)
- OPEN SPACE

N

1" = 60'

Scale in feet

60' 0 60' 120'

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.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| FIELD BOOK: | DRAWN BY: | DATE: |
|---|---|---|
| 749 | PJI | 1-30-2025 |
| SHEET: | FILE: | JOB NO.: |
| 3 of 3 | 24005C_SKETCH | 24005 |

TITLE: PHASING PLAN

CLIENT: HOUSING PARTNERS OF MONTROSE, LLC

ADDRESS & PHONE: 2555 E. Camelback Road Suite 800 Phoenix, AZ 85016

TYPE: SKETCH PLAN

## *CHAPTER 11-5. SUBDIVISION REGULATIONS*

### Sec. 11-5-1. General provisions.

(A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.

(B) The purposes of these subdivision regulations are to:

(1) Promote and protect public health, safety and welfare;

(2) Encourage the harmonious, orderly and progressive development of land;

(3) Ensure the development of economically sound and compatible neighborhoods;

(4) Require the construction of necessary improvements and utilities;

(5) Ensure safe and convenient circulation of vehicular and pedestrian traffic;

(6) Ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;

(7) Ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and

(8) Ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

(C) References in this Chapter to the term “lot” include, as the context requires, “tracts” or “parcels” of real property, to the extent the same are or can be legally described and capable of individual transfer.

### Sec. 11-5-2. Major subdivisions.

(A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new lots; or less than four new lots if not eligible as a minor subdivision in accordance with Section 11-5-3.

(B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.

(C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

**Sec. 11-5-3. Minor subdivisions.**

(A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets the following criteria:

(1) The subdivision results in no more than three lots except as permitted within a common interest community subdivision. See Subsection (B) below.

(2) All lots are adjacent to a dedicated and accepted public street.

(3) The public improvements required by these regulations are:

(a) Already in existence and available to serve each lot, or

(b) Individual lot service line stub improvements are completed and services are available at each lot, or

(c) Only for lots in commercial zoning districts with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions, or

(d) For minor subdivisions creating only two lots in which one lot is already devoted to use as a single household dwelling and to which services for that lot are already in place. The remaining lot may not be issued any building or construction permits until the public improvements necessary to serve the same have been installed, inspected and approved by the City, or the lot is approved for further subdivision.

(4) Each proposed lot will meet requirements of Chapter 7, Zoning, without the necessity for any variance.

(5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.

(6) No material changes to prior plat notes, restrictions or easements are proposed.

(B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:

(1) Is proposed for development of properties contained within a previously approved and recorded subdivision plat.

(2) Meets all applicable conditions of the plat governing the original subdivision.

(3) Complies with the required City platting conditions in Subsection (A) above.

(4) Complies with the requirements of C.R.S. § 38-33.3-101 et. seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).

(5) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot proposed to be further subdivided as a common interest community subdivision.

(6) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot being proposed for common interest community subdivision was based.

(C) *Minor Plat Amendments.* Previously-approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:

(1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.

(2) All lots are adjacent to a dedicated public street.

(3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.

(4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.

(5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance. No material changes to prior plat notes, restrictions or easements are proposed.

(D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.

(1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; dedication of additional right-of-way, easements, open space or park land; or installation of additional improvements. Final plats shall not be recorded until required public and private improvements are installed and approved by the City.

(2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.

(E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.

**Sec. 11-5-4. Sketch plan.**

(A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.

(B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.

(C) *Review Criteria.* A sketch plan shall comply with the following review criteria:

(1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum:

(a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;

(b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;

(c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;

(d) Adjacent streets and traffic flow, including pedestrian access; and

(e) Availability of fire, police and other emergency services protection.

(2) An applicant intending to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

**Sec. 11-5-5. Preliminary plat.**

(A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision, engineering design studies, and final engineering design, with all bearings, distances and survey monumentation.

(B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.

(C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:

(1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;

(2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;

(3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;

(4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;

(5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;

(6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;

(7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;

(8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

(9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.

(D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a reproducible mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the reproducible mylar of the preliminary plat, and supporting documentation as required, the City shall provide signed copies of the preliminary plat which shall serve as notice to proceed with construction of the required subdivision improvements, both public and private.

**Sec. 11-5-6. Final plat.**

(A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.

(B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.

(C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:

(1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;

(2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;

(3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;

(4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;

(5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;

(6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;

(7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;

(8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

(9) The final plat is generally consistent with the preliminary plat, as applicable and proposed improvements comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.

(D) *Additional Provisions.*

(1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.

(2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.

(3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:

(a) The applicant has submitted a phasing plan that has been approved as a part of the preliminary plat, or if subsequent to that time, as an amendment of the approved preliminary plat.

(b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.

(c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.

(4) No final plat shall be approved by the City Council until:

(a) All of the public improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.

(b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer and provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility and infrastructure improvements shall be signed and stamped by a registered Colorado professional engineer.

(c) The final plat has been submitted in final form on reproducible mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.

(d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.

(e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.

(5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

**Sec. 11-5-7. Reserved.**

**Sec. 11-5-8. Issuance of building permits.**

(A) Until any required public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:

(1) All required public and private on- and off-site improvements have been completed;

(2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and

(3) A final plat has been approved and recorded.

(B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.

**Sec. 11-5-9. Land dedication and Fees in Lieu.**

(A) *Purpose & Intent.*

(1) The purpose of the land dedication requirement is to provide public park, open space, trail, and school facilities and/or services made necessary as a consequence of a subdivision, in an amount roughly proportional to the impact of the subdivision upon such facilities and/or services or the increased need for them brought about by a subdivision. New residential subdivisions require these services provided through municipal facilities which are constructed, in part, through dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. In order to provide public services, the City requires certain dedications of land or in the appropriate circumstances, payment of fees-in-lieu of such dedication.

(2) It is the intent of this Section to preserve natural and scenic areas and provide for the public health, recreational, and educational needs by ensuring that school, recreational, and open space land and trails are available to the residents and/or employees of developments in conformance with the City's Comprehensive Plan as updated from time to time.

(B) *Dedication procedure.*

(1) The amount, location, and nature of land interests to be dedicated shall be established prior to final subdivision plat approval. Land dedications and/or conveyances shall be made as a condition of final plat approval and shall be implemented in one or more of the following ways, as appropriate and as provided in the final plat approval:

(a) A fee simple dedication to the City granted via plat note on the final plat;

(b) A fee simple conveyance to the City granted via general warranty deed;

(c) A fee simple dedication to the school district of a school site via plat note on the final plat;

(d) A fee simple conveyance to the school district via general warranty deed; and/or

(e) Payment of fees-in-lieu of land dedications where permitted and approved by the City.

(2) Whenever a subdivision application involves land that is to be dedicated and/or conveyed to the City, the applicant shall submit, with the final plat application, a title insurance commitment indicating the land is owned by the applicant free and clear from all liens, encumbrances and restrictions.

(a) Title insurance shall be provided by the applicant in an amount equal to the approximate value of the property to be dedicated and/or conveyed, as approved by the City.

(b) The executed deed, if applicable, and the payment of the premium for the title insurance policy shall be delivered to the City prior to the recording of the final plat.

(C) *Land dedication standards.*

(1) *General Requirements.* Every approved subdivision shall convey land for the purpose of providing parks, open space, trails, school sites, and other public uses. The standards herein are minimum standards and the City may require dedications and improvements greater than the minimum to adequately meet the needs created by the development.

(a) The City Council shall determine the suitability of the land and improvements proposed for dedication in consideration of the intended purpose of the dedication.

(b) The City may consider recommendations from other agencies which would be directly involved in the development and service of those areas.

(c) Parks, open space, and trails shall be dedicated to the City in conformance with the requirements herein and the adopted standards of the City Comprehensive Plan as may be updated from time to time.

(d) Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.

(2) *Improvement Required.* Any land to be dedicated to the City shall be improved by the developer per the timetable specified at time of final plat subdivision approval for use as park, open space, and/or trails.

(D) *Park Land Standards.* Dedication of land for park purposes shall be based upon the following standards. In the event the subdivider disagrees with the calculation provided by the City, the subdivider may request continuation of final plat review and fund an independent study under Section 11-5-9 (I):

(1) Subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house an average of two and one-half residents.

(2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.

(3) Developed park land proposed for dedication or conveyance to the City shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.

(4) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space

areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.

(5) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.

(E) *Trail and Sidewalk Standards***.**

(1) Trails shall be dedicated as needed to serve the recreational and transportation needs of the subdivision in conformance with the Comprehensive Plan, and shall provide links to schools, the local and regional trail system, parks and open space areas, commercial and employment areas, public transit, community facilities such as libraries, and other destinations. Trails should be provided adjacent to or within natural and scenic areas and open space areas, when possible, in a manner that provides a recreational corridor without degrading the natural or scenic resource.

(2) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.

(3) All sidewalk and recreational trails shall be available for use by the public.

(F) *Open Space and Watercourse Standards*.

(1) If required by the City, open space shall be dedicated as necessary to preserve significant natural areas such as buttes, bluffs, and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands) riparian areas, floodplains, native trees and shrubs and/or other significant native vegetation. Open space shall also be dedicated as necessary to preserve lands which preserve significant views, provide transitions between different densities and uses (buffers) and otherwise serve to give shape and form to the proposed development and surrounding community.

(2) Public access is not required for open space dedications.

(3) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible.

(G) *Fees in Lieu of Dedication.*

(1) In the event the dedication of required park land is not deemed suitable or not in the public interest within the development, the City Manager is hereby authorized to require the applicant, in-lieu thereof, to pay the City a fee-in-lieu-of land based on the amount of required land dedication as calculated in Section 11-5-9(D) above, and pro-rated using the average value of land in the City plus the cost per acre of constructing the improvements for that type of facility. Such fee may be updated from time to time to reflect current market land values and costs of the improvements and shall be adopted by Resolution and included in the City's fee schedule.

(2) Alternatively, and if approved by the City Manager, the subdivider may develop or contribute to the improvement of an off-site facility if said facility conforms to the adopted standards in the Comprehensive Plan. Nothing contained herein shall be construed to prevent the City Manager from requiring that part of the park land dedication requirement be made in the form of dedicated land, and that part of such requirement be made in the form of cash in-lieu of the remaining requirements for such land.

(3) When in-lieu payments are permitted, the following standards apply:

(a) Lot or Unit x 0.0175 (acres park land per lot or unit) x $90,000.00 (value per developed park land acre, based upon $25,000.00 per acre undeveloped land value plus $65,000.00 park land development cost) = $1,575.00 per lot or unit.

(b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.

(4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.

(H) *Relationship to useable open space.*

(1) Useable open space, as defined in Section 11-15-2 of this Title, shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.

(2) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and maintenance in accordance with the provisions of Section 11-5-11 (B).

(3) For useable open space within Planned Developments, see Sec. 11-7-8(B) (2).

(I) *Site specific dedication study.*

(1) In the event that the applicant disagrees with the City's determination concerning dedication of land and/or payment in lieu of dedication, the applicant may request a continuation of any subdivision processing and review by the City, in order for the applicant to prepare a private study evaluating the demand for public facilities made necessary or generated by the proposed development. Upon receipt by the City of the applicant-funded study, the subdivision review process shall recommence.

(2) Such study shall be undertaken at the applicant's cost by a licensed professional engineer or other professional approved in advance by the City.

(3) To the greatest extent possible, the study shall include an evaluation of the City's present supply or capacity and present demand for all public facilities and/or services required by the proposed development.

(4) The study shall identify and quantify the additional demand placed upon such public facilities and/or services by the proposed development.

(5) The study shall identify the necessary public land and improvements required to be dedicated or constructed by the applicant in order to serve the demand generated by the proposed development.

(6) Such study shall be considered by the City in determining the required dedication of land.

(J) *School land dedication requirements.*

(1) Based upon conversations with both the City staff and School District staff during the pre-application phase of any project at the time of filing a sketch plan or preliminary plat for approval, the applicant shall, as part of such filing, either:

(a) Designate the general area or areas the applicant proposes to set aside for school site(s) and shall indicate the number of acres proposed for such uses and the number of proposed dwelling units in the development; or

(b) Agree to make payment of cash-in-lieu of land in an amount as set forth in Section 3-1 of the City of Montrose Regulations Manual; or

(c) Request waiver of the requirement to provide for school land dedication or payment in lieu, per Section 11-5-9 (K) below.

(2) The preliminary plat and final plat of a proposed subdivision shall designate specific areas proposed for use as school sites, the number of acres so designated, and the proposed number of lots by dwelling unit type in the subdivision; or, the waiver of this requirement and agreement to provide cash in-lieu-of land; or a plat note indicating that no children will be generated by the development.

(3) School sites dedicated through this procedure shall conform to the school site size requirements and site criteria policy adopted by the School District and incorporated herein by this reference.

(4) *Determination of School Land Dedication.* If the City Council determines that the dedication of land for school purposes is appropriate, then the applicant shall convey the property and all improvements located thereon in the manner permitted by Section 11-5-9(B) to the School District at the time of recording of the final plat.

(5) *Fees in-Lieu of Land or Guarantee of Future Land Dedication.* When, after recommendation of the School District, dedication of all or portions of required school lands is not deemed feasible or in the public interest, in that event the City Council shall require the payment of fees in-lieu thereof.

(6) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and disbursed to the School District on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.

(7) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:

(a) Skilled nursing facilities as defined in the Section 11-15-2 of this Title;

(b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified

as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.

(K) *Waiver of Requirements.*

(1) The City Council may waive the required dedication of land or the payment in lieu of dedication of open space, parks, trails and/or school lands in the following cases:

(a) When the project has already been fully developed and the subdivision of land is necessary to bring the land into conformance with the as-built or as-constructed development;

(b) When the development does not result in any increase in demand for parks, trails, or open space; or

(c) With respect to school land dedication, the School District approves a waiver request under Section 11-5-9 (J).

**Sec. 11-5-10. Required Public Improvements.**

(A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.

(1) Street improvements:

(a) Paved streets;

(b) Paved alleys, if required by the City;

(c) Street signs;

(d) Street lights; and

(e) On- and off-site traffic mitigation improvements as identified in the subdivision's Traffic Impact Study as necessary to safely support the development.

(2) Curbs, gutters, sidewalks and accessibility ramps.

(3) Parks, open space and recreation trails.

(4) Public utilities:

(a) A water system including fire hydrants and fire mains;

(b) A sanitary sewer system;

(c) A stormwater system; and

(d) Other public utilities, including gas, electricity, and a minimum of three conduits for telecommunications.

(5) Drainage facilities and waterways.

(6) Survey monuments.

(7) As applicable, off-street parking, mailbox location areas and bus stops with accessibility ramps.

(B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.

(C) Public improvements shall be secured by warranty and security instruments as required by Section 11-5-12.

**Sec. 11-5-11. Private improvements.**

(A) The subdivider may provide, or may be required to provide as a condition of certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:

(1) Recreational facilities, parks, open space and trails;

(2) Drainage facilities and waterways;

(3) Mailbox location areas;

(4) Berms, screening and buffers; and

(5) Other private improvements required as a condition of approval.

(B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants, in form approved by the City Attorney, governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed prior to issuance of building permits pursuant to Section 11-5-8.

**Sec. 11-5-12. Security, warranty and acceptance of improvements.**

(A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all required improvements within one year, and all landscaping improvements within two calendar years after approval of the final plat in accordance with this Section.

(1) Said security shall be in the form of:

(a) A subdivision improvements agreement, in a form approved by the City Attorney, in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots; or

(b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots.

(2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.

(3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9 (D) and (J), as such money

payments shall be collected upon issuance of building permits relative to subdivided lots or units.

(4) Even though a final plat will have been recorded, when a subdivider chooses to secure required improvements with a subdivision improvement agreement, as a part of that agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision is permitted once the purchaser has provided the necessary security.

(B) The subdivider shall complete all required improvements within one year, and all landscaping improvements within two calendar years of the approval of the final plat by the City Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the City Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.

(C) The City Council may authorize extensions of time to complete all improvements beyond the one and two-year limitations as set forth herein.

(D) Following the completion of required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.

(1) A Letter of Substantial Completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12 (A) of this Section.

(a) In the case of subdivisions that have been issued a Letter of Substantial Completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure Completion, if all required improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.

(2) The subdivider shall warrant the public improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal within public rights of way in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.

(a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from

use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.

(b) At the end of the warranty period, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.

(i) The City Engineer shall conduct an inspection of all public improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and Acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.

(ii) All public improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and Acceptance by the City Engineer.

(iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.

(c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and Acceptance.

(i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.

(ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.

(iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that are detected. The construction warranty shall

continue until the Letter of Infrastructure Completion and Acceptance is provided in writing to the subdivider.

(3) The subdivider may, at the subdivider's option, provide the City financial security for the two-calendar year construction warranty in one or a combination of the following forms only:

(a) A cash escrow in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.

(b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.

(c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public improvements are completed and accepted by the City.

(d) The City shall not be obligated to administer burdensome security arrangements.

(e) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.

(f) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the construction warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity.

**Sec. 11-5-13. Minimum design standards.**

(A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.

(B) *Minimum Standards.*

(1) *Streets.*

(a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, if necessary to properly serve the subdivision.

(b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical,

or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.

(c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.

(d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.

    (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.

(e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.

(f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.

(g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.

(h) A straight section of 100 feet shall be provided between reverse curves on all streets.

(i) All lots in the subdivision shall have direct access to a dedicated street, subject to the following exceptions:

    (i) One or more private shared access drives may be used to provide access for up to no more than four dwelling units each, subject to City Manager approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.

    (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units sharing a contiguous parking area in commercial zoning districts.

(j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.

(i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.

(k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.

(l) Street names must be approved by the City and respective 911 authority.

(m) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.1.

**Table 5.1**
**Minimum Dedicated Rights-Of-Way and Street Widths**

| Street Classification | Minimum Right-of-Way | Minimum Street Width Urban = Width (Distance Between Curb Flowlines) |
|---|---|---|
| Major Arterial | 124 feet * | 92 feet |
| Minor Arterial | 80 feet * | Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths |
| Collector | 70 feet | 46 feet |
| Local | 50 feet | 28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk |
| Planned Developments | 40 feet | 27 feet with attached 6-foot sidewalks. Supplemental off-street parking may be required. |
| * ROW width shall be increased by 12 feet within 500 feet of an arterial cross street intersection to allow a double left turn lane. | | |

(n) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.

(o) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.2.

**Table 5.2**
**Maximum Street Grade**

| Street Classification | Maximum Percent Grade | Minimum Radius of Curve | Minimum Sight Distance* |
|---|---|---|---|
| Major Arterial | 5 percent | 400 feet | 500 feet |
| Minor Arterial | 5 percent | 400 feet | 500 feet |
| Collector | 8 percent | 300 feet | 300 feet |
| Local | 8 percent | 100 feet | 200 feet |
| * As measured between points four feet above the centerline of the street. | | | |

(p) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.

(2) *Curb, Gutter, Sidewalks and Trails.*

(a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.

(i) Six-foot detached concrete sidewalks are required on collector streets.

(ii) Five-foot detached or six-foot attached concrete sidewalks are required for local streets.

(iii) A 10 foot wide concrete recreation trail on one side and 6 foot detached concrete sidewalk are required on the other side of major and minor arterial roadways, as directed by the City.

(iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.

(b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.

(c) Accessibility ramps shall be provided in accordance with the US Access Board Public Right of Way Accessibility Guidelines (PROWAG).

(d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.

(e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:

(i) High density of the subdivision;

(ii) Special needs of the residents of the subdivision; or

(iii) Connection to existing wider sidewalks or recreation trails.

(3) *Blocks and Lots.*

(a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.

(b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.

(c) The building line on corner lots shall be set back 25 feet from both street front property lines.

(d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet.

(e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:

(i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.

(ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;

(iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).

(f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.

(g) The lot depth shall not be more than three times the lot width at the front of the building line of the principal structure.

(h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.

(i) Lots shall be at least 50 feet in width at the front of the building line of the principal structure. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.

(j) Sight triangles shall be shown on the plat as per the engineering specifications.

(4) *Public Utilities.*

(a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.

(b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out

prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.

(c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. With the exception of terminal lines and fire hydrant laterals where sufficient hydraulic capacity can be demonstrated, all water mains shall be a minimum eight inches diameter in all zoning districts. At a minimum, eight-inch diameter sewer main lines shall be provided in all zoning districts. Individually conveyable lots shall each require a singular water and sewer lateral connection to a public main line.

(d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.

(e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.

(f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.

(g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.

(h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.

(i) All utility extensions shall be subject to City inspection and approval.

(j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and in a digital format compatible with City computer systems.

(k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.

    (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.

(ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.

(5) *Piped Drainage Facilities and Waterways.*

(a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.

(b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.

(c) No discharges of urban stormwater into any irrigation supply facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless approved in writing by the owning interest in said drainage facilities.

(6) *Monuments.* Monument quantity, type, and location shall be established and set in accordance with to Section 38-51-105, Colorado Revised Statues, as amended from time to time.

(7) *Street Lights.*

(a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections.

(b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections with major or minor arterials.

(c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.

(8) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.

(9) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

(10) *Nonfunctional turf, artificial turf, or invasive plant species.* On and after January 1, 2026, no subdivision approved under this Chapter shall permit the installation, planting, or placing of any nonfunctional turf, artificial turf, or invasive plant species as a public or private improvement within the subdivision, except for residential property or as otherwise permitted by CRS 37-99-101, et. seq.

**Sec. 11-5-14. Deviations from standards.**

The Planning Commission may recommend to the City Council a deviation from the standards of Section 11-5-13 during preliminary or final plat review, if one or more of the below criteria are met. The City Council may accept or deny the recommendation accordingly.

(1) Unusual topography or a non-financial hardship exists;

(2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;

(3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan; or

(4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City or the County of Montrose in accordance with applicable laws and regulations.