



**REGULAR CITY COUNCIL MEETING AGENDA**  
**Tuesday, October 7, 2025 - 6:00 PM**  
**City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.**

*The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).*

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be [viewed online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

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

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



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

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

7) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the September 15, 2025, special City Council meeting and the September 16, 2025, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the September 15, 2025, special City Council meeting and the September 16, 2025, regular City Council meeting as presented.

8) YOUTH CITY COUNCIL APPOINTMENT

City Council consideration of applicant Keira Oldroyd for a position on the 2025-2026 Montrose Youth City Council. *Staff: Youth City Council Coordinators Briceida Ortega and Gunnison Clamp*

Action: Interview applicant. Consider making a motion to appoint Keira Oldroyd to the Montrose Youth City Council for the 2025-2026 term.

9) SOLE SOURCE PURCHASE REQUEST FOR MONTROSE PAVILION LIGHTING (10 minutes)

City Council consideration of a sole source waiver and purchase totaling \$181,850.00 from Barbizon Lighting Company for Montrose Pavilion lighting upgrades in the auditorium and lobby area. *Staff: Pavilion Operations Coordinator Dan Kinimaka, Pavilion and Community Events Manager Katie Riley, Facilities Manager Mark Armstrong*

Action: Accept public comment. Consider making a motion to approve a sole source waiver and purchase totaling \$181,850.00 from Barbizon Lighting Company for Montrose Pavilion lighting upgrades as presented.



10) CHILDCARE FACILITY OPERATOR AGREEMENT (15 minutes)

City Council consideration of an Operating Agreement between the City of Montrose and Access Early Education Foundation for childcare operations at 703 S. 9th Street. *Staff: Community Development Director Jace Hochwalt*

Action: Accept public comment. Consider making a motion to approve an Operating Agreement between the City of Montrose and Access Early Education Foundation for childcare operations at 703 S. 9th Street as presented.

11) JC MITCHELL ADDITION ANNEXATION (15 minutes)

A hearing will be held on the annexation of the JC Mitchell Addition. *Staff: Senior Planner William Reis*

- A) Resolution 2025-16: City Council consideration of Resolution 2025-16, findings of fact for the JC Mitchell Addition annexation.

Action: Accept public comment. Consider making a motion to adopt Resolution 2025-16 as presented.

- B) Ordinance 2691 - First Reading: City Council consideration of Ordinance 2691 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the JC Mitchell Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2691 on first reading as presented.

12) ORDINANCE 2692 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2692 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the JC Mitchell Addition as an "R-2," Low Density District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2692 on first reading as presented.

13) ORDINANCE 2693 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2693 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of lot 1 of the Murphy Boundary Line adjustment from "R-1A," Large Estate District, to "OR," Office-Residential District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2693 on first reading as presented.

14) ORDINANCE 2694 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2694 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of a portion of Lot 1 of the Black Canyon Golf Course Boundary Line Adjustment from "P," Public District, to "R-1A," Large Estate District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2694 on first reading as presented.

15) STAFF REPORTS16) YOUTH CITY COUNCIL REPORT17) CITY COUNCIL COMMENTS18) MOTION TO ADJOURN



# PROCLAMATION

## *Hispanic Heritage Month*

**WHEREAS,** Hispanic Heritage Month is celebrated nationally from September 15 through October 15 to honor the histories, cultures, and contributions of Americans whose ancestors came from Spain, Mexico, the Caribbean, Central America, and South America; and

**WHEREAS,** the observance begins on September 15, the anniversary of independence for Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, with Mexico celebrating independence on September 16 and Chile on September 18; and

**WHEREAS,** Hispanic Americans have long enriched the social, cultural, and economic fabric of our nation, and in Montrose their contributions are evident in our schools, businesses, arts, agriculture, and community leadership; and

**WHEREAS,** the Mexican American Development Association (MADA), founded in 1973, has been a cornerstone of community life in Montrose, advocating for civil rights, providing education and leadership development, preserving cultural traditions, and fostering economic opportunity for generations of families; and

**WHEREAS,** the City of Montrose recognizes the ongoing efforts of MADA and community partners to celebrate and preserve Hispanic heritage through events, storytelling, education, food, music, and cultural exchange that bring people together and strengthen our shared future; and

**WHEREAS,** this month provides an opportunity for all residents of Montrose to learn from and celebrate the Hispanic community's resilience, creativity, and leadership, and to reaffirm our commitment to equity, inclusion, and belonging;

**NOW THEREFORE,** we, the City Council of the City of Montrose, Colorado, do hereby proclaim the month of September 15 through October 15, 2025, as

### **Hispanic Heritage Month**

in the City of Montrose and encourage all residents to join in celebrating the contributions and culture of our Hispanic community.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused to be affixed the Seal of the City of Montrose, this 7<sup>th</sup> day of October, 2025.

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***Dave Frank, Mayor***



## **MONTROSE CITY COUNCIL**

**September 15, 2025**

A special meeting of the Montrose City Council was held on Monday, September 15, 2025, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers located in the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

### **PRESENT**

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Chris Dowsey, Lisa DelPiccolo

### **CALL TO ORDER**

Mayor Dave Frank called the special meeting to order at 11:09 a.m.

### **EXECUTIVE SESSION**

At 11:10 a.m., a motion was made by J. David Reed, seconded by Doug Glaspell, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f); and the following additional details are added for identification purposes: City Manager and City Attorney mid-cycle reviews. All voted yes. Motion passed.

### **RECONVENEMENT AND ADJOURNMENT**

The special meeting reconvened at 12:03 p.m.

At 12:04 p.m. the meeting adjourned with no further action taken.

ATTEST:

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Dave Frank, Mayor

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Lisa DelPiccolo, City Clerk



## **MONTROSE CITY COUNCIL**

**September 16, 2025**

A regular meeting of the Montrose City Council was held on Tuesday, September 16, 2025, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

### **PRESENT**

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Chris Dowsey, Greg Story, Lisa DelPiccolo, Scott Murphy, Blaine Hall, Jim Scheid, Jace Hochwalt, Chris Velasquez, Matt Magliaro, Briceida Ortega, Gunnison Clamp, Leeanne Whittaker

### **GUESTS**

John Brown, Brad Switzer, Matt Goetsch, Paul Gottlieb, Gordon Printz, Graysen Vidmar, Sydney Bell, Robin Kittell, Niyati Patel, Kathryn Jakino, Reign Icasiano, Vivika Printz, Gary Cook, Sandy Cook, Floyd Cook, Sam Aster, Connie Pittenger, Leah Vandersluis, Cherie Collins

### **CALL TO ORDER**

Mayor Dave Frank called the meeting to order at 6:00 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **CHANGES TO THE AGENDA**

A Constitution Week proclamation was added to the agenda as item 4a.

## **CONSTITUTION WEEK PROCLAMATION**

Mayor Dave Frank and the Montrose City Council proclaimed the week of September 17 through September 23, 2025, as Constitution Week in the City of Montrose. Mayor Frank presented the proclamation to Cherie Collins with Daughters of the American Revolution.

## **CALL FOR PUBLIC COMMENT**

Bradley Switzer spoke in support of the City of Montrose offering deferred prosecution to Montrose United Methodist Church rather than proceeding with the charges as filed.

John Brown spoke in support of a non-sanctuary city declaration by the City Council.

Connie Pittenger spoke in support of the city providing records as requested through the open records process.

Linda (no last name given) spoke in support of the City of Montrose as a welcoming community.

## **APPROVAL OF MINUTES**

City Council considered the minutes of the September 2, 2025, regular City Council meeting.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to approve the minutes of the September 2, 2025, regular City Council meeting as presented. All voted yes. Motion passed.

## **YOUTH CITY COUNCIL APPOINTMENTS**

City Council interviewed applicants for positions on the Montrose Youth City Council for the 2025-2026 term.

A motion was made by J. David Reed, seconded by Judy Ann Files to appoint Jordyn Simo, Graysen Vidmar, Sydney Bell, Robin Kittell, Niyati Patel, Kathryn Jakino, Shiloh Warthen, Reign Icasiano, and Vivika Printz to the Montrose Youth City Council for the 2025-2026 term. All voted yes. Motion passed.

## **METSA THIRD AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT**

City Council considered the METSA Third Amended and Restated Intergovernmental Agreement.

City Councilor J. David Reed recused himself from agenda items 8, 9, and 10 due to conflicts. Mr. Reed left the City Council Chambers at 6:25 p.m.

City Attorney Chris Dowsey reported that this IGA is between the Montrose Emergency Telephone Service Authority and member entities. Mr. Dowsey said seven of the member entities have signed the IGA, and Montrose would be the eighth if City Council approves. Mr. Dowsey stated that the only substantive change is that one member entity, the Ouray Emergency Telephone Service Authority, is being dissolved, and Ouray County is added as a new member.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the METSA Third Amended and Restated Intergovernmental Agreement as presented. All present voted yes. Motion passed.

### **RESOLUTION 2025-15**

City Council considered Resolution 2025-15, a Resolution of the City of Montrose, Colorado, appointing Deputy Police Chief Larry Witte as an alternate City of Montrose representative to the METSA Board of Directors.

Police Chief Blaine Hall reported that Resolution 2025-15 is a formality that appoints Deputy Chief Witte as an alternate in the event that Chief Hall is unable to attend a meeting.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Ed Ulibarri, to adopt Resolution 2025-15 as presented. All present voted yes. Motion passed.

### **CHILDCARE FACILITY RENOVATION AUTHORIZATION**

City Council considered an overall authorization of \$850,000.00 for the creation of a childcare facility by renovating a City-owned facility located at 703 S. 9th Street, including a contract award to Stryker and Company in the amount of \$530,000.00.

Public Works Director Jim Scheid reported that the design of the facility was reviewed at the work session held on September 15. Mr. Scheid reviewed proposed renovations including replacement

of mechanical systems and lighting, updates to restrooms, and upgrades to the exterior of the building including fencing. The facility would accommodate up to 50 children in 4 classrooms, ages 6 weeks to 5 years.

Mr. Scheid stated that Blythe Group was the architect, and childcare experts were consulted on the design. Five proposals were received for the construction contract, and Mr. Scheid recommended awarding the contract to Stryker and Company which submitted the low bid.

Mr. Scheid said the project is split between the 2025 and 2026 budget years, with \$600,000.00 budgeted in 2025 and \$250,000.00 in 2026. The construction contract totals \$530,000.00, and \$194,000.00 is included for owner expenses, such as furniture, playground equipment, and security cameras. A total of \$71,000.00 was allocated for design consultants, and a contingency is included in the construction contract.

Public comment was accepted.

Linda (no last name given) questioned how the facility would be operated, and who would oversee teacher certification and monitor credentialing.

Leah Vandersluis raised concerns about the expenditure of the funds and questioned why the City is venturing into childcare. City Manager Bill Bell stated that the City is financially sound, and the 2026 budget will be brought forward at a public meeting in the near future.

Mr. Hochwalt stated that the City is contracting the childcare services and the contractor will maintain all required licensing. Mr. Hochwalt said details regarding this contract will be presented at an upcoming city council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to authorize \$850,000.00 for the creation of a childcare facility by renovating a City-owned facility located at 703 S. 9th Street including a contract award to Stryker and Company in the amount of \$530,000.00 as presented. All present voted yes. Motion passed.

City Councilor J. David Reed rejoined the meeting at 6:39 p.m.

## **SUNSET VILLAGE PRELIMINARY PLAT**

City Council considered the Sunset Village Preliminary Plat

Community Development Director Jace Hochwalt reviewed the location of the 9.15 acres at 616 6600 Road and said the applicant is the Cook Family Trust. The property is zoned “R-3A,” Medium-High Density District. Mr. Hochwalt stated that the subdivision proposal is for four lots and one tract with associated easements and dedicated rights of way. A phasing plan indicates 68 units of senior housing in the form of duplexes and fourplexes. The Planning Commission voted unanimously to recommend approval on August 27.

Mr. Hochwalt recommended approval with the standard condition stating that the Preliminary Plat is in compliance with subdivision regulations and the Comprehensive Plan, and the proposal meets the intent of the “R-3A” zoning district. Mr. Hochwalt stated that before any vertical construction can occur, a site development plan must be approved administratively.

Public comment was accepted.

Leah Vandersluis questioned whether any low income housing for seniors is included in this development.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the Sunset Village Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

## **STAFF REPORTS**

### **Sales, Use, and Excise Tax Report**

Sales Tax Manager Leeanne Whittaker provided a sales, use, and excise tax report for the month of July 2025. Ms. Whittaker reported that total General Fund sales and use tax collections were up 1.5 percent as compared to July of 2024 with a positive budget variance of 0.9 percent. Year-to-date collections were up 2.7 percent with a positive budget variance of 1.7 percent.

### **Project Update**

City Engineer Scott Murphy provided updates on ongoing projects. Mr. Murphy stated that the City's first multi-lane roundabout at Woodgate and E. Oak Grove Roads will open at noon on September 19, and the West Main Street project will be completed by the end of next week.

Mr. Murphy said that concrete repairs are ongoing on East Main Street and milling of the street is scheduled to begin the week of September 29. Paving and striping of the road will be finished by October 10.

### **CITY COUNCIL COMMENTS**

No comments were made.

### **ADJOURNMENT**

The meeting adjourned at 6:57 p.m. with no further action taken.

ATTEST:

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Dave Frank, Mayor

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Lisa DelPiccolo, City Clerk

# SOLE SOURCE WAIVER RECOMMENDATION

**PROJECT:** Pavilion Auditorium Lighting Upgrade  
**TO:** City Council  
**Cc:** Shani Wittenberg, Finance Director  
Lisa DelPiccolo, City Clerk  
**FROM:** Danny Kinimaka  
**DATE:** September 10, 2025



## Action

Approve a Sole Source Waiver allowing the lighting upgrade project to go forward. This would allow the purchase of materials and manufacturer's submittal work to proceed at a cost of \$181, 850. We would purchase the equipment and manufacturer's work this year and schedule the installation for the following summer with a local Electrical contractor providing the high voltage wiring and work. The Electrical work will have a separate RFP and is estimated to be in the range of \$30,000.

## Background

The Pavilion lighting system for the Auditorium controls three main areas, the performance stage lighting, The auditorium house lighting, and the entire front lobby lighting. This allows control from the lighting booth control position to provide professional shows without running to different light switches. The equipment at the pavilion is original to the building and the manufacturer for the dimmer system went out of business in 2008. A main driver for upgrading the dimmer system is to be able to integrate LED lighting in the Auditorium stage and house lighting. Old dimmer systems do not work well with LEDs. We would not be able to go to a full dark house setting with our current dimmer system without a costly upgrade via a third party system, and we would still be relying on the 35 year old dimming system.

The replacement system includes new LED lighting units which would install into the existing pendants and sconces in the auditorium house. The lobby is already running LED bulbs as it is not critical that the lobby go to blackout conditions. The stage lighting fixtures would remain as is, with a mixture of high intensity and LED fixtures, and be better controlled. The new dimming system utilizes equipment which is industry standard, made by a company with a long history of providing top notch gear and service. The dimmers themselves are individually replaceable and upgradeable. The company providing the equipment has been a representative of the manufacturer for many years and has done work in Montrose pavilion before, providing a lighting upgrade to our stage fixtures, and controller in the early 2000s and our current lighting controller in 2017. Their work has always been exceptional. The new system is by the same manufacturer as our current controller and will integrate seamlessly. The new system will also give us better control of our house and lobby lighting from the existing wall control locations.

Staff recommends the purchase of the auditorium lighting upgrade package as listed in quotation #R230501-DDH1-R4 as attached.

## APPROVAL

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Date

☐ Approved ☐ Not Approved



**VENDOR NAME:** Barbizon Lighting Company **COST:** \$181,850.00

**Barbizon Light**

8269 E. 23rd Ave. - Suite 111

Denver, CO 80238

Ph: (303) 394-9875

Fax: (303) 355-5996

**Project Name:**
**Montrose Pavilion**
**Lighting Upgrades**

Systems Integrator: Derry D Hirsch

Estimated By: Derry D Hirsch

Quotation Number: R230501-DDH1-R4

Date: 8/27/2025

**Quoted To:** City of Montrose  
**Attn:** Danny Kinimaka  
**Telephone:** (970)249-7015  
**Email:** dkinimaka@ci.montrose.co.us  
**Location:** Montrose, CO 81401  
**Terms:** Net 30, WAC  
 Quote good for 30 days  
**Delivery:** TBD  
**FOB:** Origin - See Freight Estimate Below

**Ship to:**

Montrose Pavilion  
 1800 Pavilion Drive  
 Montrose, CO 81401

101.0 This is a proposal for various upgrades to the lighting system at the Montrose Pavilion. There are two areas of  
 102.0 concern. The first is retrofitting the auditorium house light pendants and wall sconces with long lasting, low  
 103.0 maintenance LEDs. For the pendants, we are recommending the Canto Retro Fusion LED units. These energy  
 104.0 efficient units simply screw into the existing sockets, thus eliminating the cost and labor of replacing the  
 105.0 fixtures. We have been advised that the existing 300 watt lamps do not provide adequate illumination. The  
 106.0 Canto units we are recommending have the equivalent output of a conventional 700 watt lamp but only draw 72  
 107.0 watts of power. They have a selection of reflectors to choose from. We would arrange for a few demo units for  
 108.0 you to try out to determine which reflector would be the best fit for your facility.

109.0  
 110.0 For the wall sconces, we recommend using the Ushio Uphoria Pro Gold PAR 38 LED WW30 lamps. We have  
 111.0 had very good experience with using these lamps with standard SCR dimmers.

112.0  
 113.0 The second area is the dimming and ontrol system. We are recommending replacing the aging dimming system  
 114.0 with an ETC Sensor3 dimmer / relay system, with a Paradigm processor, two 7" touch screens and four  
 115.0 Heritage fader stations.  
 116.0

**I. LED RETROFIT AND ETC SENSOR RACKS:**
**Sub Total:**
**\$181,850.00**

|       |    |               |                                                          |
|-------|----|---------------|----------------------------------------------------------|
| 201.0 | 29 | FUSION_700_3K | Fusion 700 3K                                            |
| 202.0 | 29 | TOP000014     | Top 3571 Fusion with Edison Base                         |
| 203.0 | 29 | EXTN00004     | 1.25 inch E26 to E26 Extender                            |
| 204.0 | 29 | REF460005     | W 46 / 47 Degree Reflector Tall - RPL-003 (TBD)          |
| 205.0 |    |               |                                                          |
| 206.0 | 24 | USHIO         | Uphoria Pro Gold PAR 38 WW30 (Quantity is minimum order) |
| 207.0 |    |               |                                                          |
| 208.0 |    |               |                                                          |
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**Barbizon Light**
**8269 E. 23rd Ave. - Suite 111**
**Denver, CO 80238**
**Ph: (303) 394-9875**
**Fax: (303) 355-5996**
**Project Name:**
**Montrose Pavilion**
**Lighting Upgrades**

Systems Integrator: Derry D Hirsch

Estimated By: Derry D Hirsch

Quotation Number: R230501-DDH1-R4

Date: 8/27/2025

219.0

**220.0 I. Power Control Devices to consist of:**
**221.0 A. Sensor Dimming Rack to consist of:**

|       |    |             |                                                                                                                                                                                                                                                                    |
|-------|----|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 222.0 | 2  | 7141A1005-4 | <b>SR3-48</b> - Black Sensor3 48-Module Dimmer Rack - Designed for 3 phase 4 wire and ground operation at a maximum of 800A, 120/208V, 60Hz AC                                                                                                                     |
| 223.0 |    |             |                                                                                                                                                                                                                                                                    |
| 224.0 | 2  | 7141A2006-4 | <b>SR3-48 DOOR</b> - Black SR3-48 Locking Door with Filter                                                                                                                                                                                                         |
| 225.0 | 2  | 7140A1003   | <b>CEM3</b> - CEM3 Control Module for use in Sensor3 Dimmer Racks. Includes front network connector, front USB reader, backlit number keypad, selector wheel, and backlit display. Supports 2- DMX IN, 1-additional Network, Panic Input, and RTO or BP connection |
| 226.0 |    |             |                                                                                                                                                                                                                                                                    |
| 227.0 |    |             |                                                                                                                                                                                                                                                                    |
| 228.0 | 2  | 7140K1001   | <b>SR3-RTO</b> - Sensor3 Ride Thru Kit - supplies power to CEM3 Control Module for a minimum of 6 seconds during brief power outages                                                                                                                               |
| 229.0 |    |             |                                                                                                                                                                                                                                                                    |
| 230.0 | 77 | 7050A1003   | <b>D20</b> - Dual 20A Dimmer Module, 350µs rise time (154 Dimmers)                                                                                                                                                                                                 |
| 231.0 | 6  | 7083A1185   | <b>R20</b> - Dual 20A Relay module                                                                                                                                                                                                                                 |
| 232.0 | 4  | 7050A1293   | <b>ELV10-S</b> - Dual 10A Electronic Reverse Phase Module (8 Dimmers) for Sensor dimming only                                                                                                                                                                      |
| 233.0 | 9  | 7050A1014   | <b>AFM</b> - Air Flow Module                                                                                                                                                                                                                                       |

234.0

**235.0 II. Equipment Racks to consist of:**
**236.0 A. Control Equipment Rack to consist of:**

|       |   |             |                                                                                                             |
|-------|---|-------------|-------------------------------------------------------------------------------------------------------------|
| 237.0 | 1 | QUOTE-10031 | <b>RACK</b> - Black 19" rack sized as job requires and to include: quad power box, and blank panels to fill |
| 238.0 |   |             |                                                                                                             |
| 239.0 | 1 | QUOTE-10273 | <b>REAR</b> - Mounting or securing system for rack above with quad power box                                |
| 240.0 | 1 | QUOTE-10032 | <b>DOOR</b> - Door for Rack                                                                                 |
| 241.0 | 1 | QUOTE-10274 | <b>RACK HW KIT</b> - Hardware Kit for Equipment racks with blank panels and required hardware               |

**242.0 B. Unison Paradigm External Processing Rack to contain:**

|       |   |           |                                                                                                                                                                                                                                                                                           |
|-------|---|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 243.0 | 1 | 7180A1013 | <b>ERN2-RM-120</b> - ERn2 Enclosure Rack-mount 100-120V                                                                                                                                                                                                                                   |
| 244.0 | 1 | 7180A1029 | <b>P-ACP3</b> - Paradigm Architectural Control Processor for use in DRd Racks and ERn Units. Includes front network connector, front USB, and front SD card reader, backlit number keypad, selector wheel, and backlit display. Supports 1,024 channels of DMX and a max of 128 stations. |
| 245.0 |   |           |                                                                                                                                                                                                                                                                                           |
| 246.0 |   |           |                                                                                                                                                                                                                                                                                           |
| 247.0 | 1 | 7182A1701 | <b>P-SPM-E</b> - Paradigm Station Power Module - supports 63 stations and (1) 500m wire segment                                                                                                                                                                                           |

**248.0 C. Network Control Equipment to consist of:**

|       |   |              |                                                                                                                                                                                                               |
|-------|---|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 249.0 | 1 | 2100A2004    | <b>PATCH PANEL 16</b> - 1U 19" rack-mount patch panel with 16 open slots                                                                                                                                      |
| 250.0 | 8 | N2027        | Cat5e Modular Jack for above Patch Panel                                                                                                                                                                      |
| 251.0 | 1 | PJE1021      | Snap-in blank for above Patch Panel                                                                                                                                                                           |
| 252.0 | 1 | SGE1061      | <b>MAP BR1</b> - 1U Brush Grommet Panel                                                                                                                                                                       |
| 253.0 | 8 | N4035        | 2' CAT5 Patch cable, black                                                                                                                                                                                    |
| 254.0 | 1 | SGN-CBS10P-M | <b>CBS350-8P-E-2G-NA</b> - Cisco Business 350 Switch with:<br>8 10/100/1000 PoE+ ports with 67W power budget<br>2 Gigabit copper/SFP combo ports<br>Fanless operation<br>standard ETC configuration preloaded |
| 255.0 |   |              |                                                                                                                                                                                                               |
| 256.0 |   |              |                                                                                                                                                                                                               |
| 257.0 |   |              |                                                                                                                                                                                                               |
| 258.0 |   |              |                                                                                                                                                                                                               |
| 259.0 | 2 | 2204A3014    | <b>RK EAR 10/16P</b> - Single flush rack ears for 10 port or 16 port network switch (NEED 2 PER SWITCH)                                                                                                       |
| 260.0 |   |              |                                                                                                                                                                                                               |
| 261.0 |   |              |                                                                                                                                                                                                               |
| 262.0 |   |              |                                                                                                                                                                                                               |
| 263.0 |   |              |                                                                                                                                                                                                               |
| 264.0 |   |              |                                                                                                                                                                                                               |
| 265.0 |   |              |                                                                                                                                                                                                               |

**Barbizon Light**
**8269 E. 23rd Ave. - Suite 111**
**Denver, CO 80238**
**Ph: (303) 394-9875**
**Fax: (303) 355-5996**
**Project Name:**
**Montrose Pavilion**
**Lighting Upgrades**

Systems Integrator: Derry D Hirsch

Estimated By: Derry D Hirsch

Quotation Number: R230501-DDH1-R4

Date: 8/27/2025

266.0

267.0

 268.0 **III. Architectural Control Devices to consist of:**

 269.0 **A. Unison Heritage Control Station to consist of:**

 270.0 4 QUOTE-20039 **UH30407- Z** - Standard Color (color TBD) 3-gang faceplate assembly to include the following:

271.0 4 - Slider Assemblies

272.0 7 - Select Switches

273.0 Custom nomenclature to be determined

 274.0 4 7181B2013 **UH30407** - 3-gang, 4-fader, 7-button electronics assembly w/IR Port

275.0

 276.0 **B. Unison Paradigm Control Station to consist of:**

 277.0 2 7184A1541-4 **P-TS7-E-4** - Paradigm 7" Touchscreen Station to include:

278.0 - 7" Black Touchscreen Assembly

279.0 - Mounting Collar

280.0 - Ethernet termination kit

 281.0 2 7184A1503 **P-LCD-SBB** - Paradigm surface mount touchscreen back box

282.0

 283.0 **IV. Manufacturer's Services:**

284.0 A. Drawings for approval submitted within 6-8 weeks of receipt of order are included.

 285.0 B. Two (2) year limited warranty as detailed in ETC's Terms and Conditions <http://www.etcconnect.com/support/warranty.aspx> is inc

286.0 C. Production typically requires 1-6 weeks for delivery of equipment after receipt of written approval and release. (see note A below)

287.0 D. Operation Manuals as required are included.

288.0

289.0 1 FREIGHT Estimated Freight

290.0

**Services Provided By Barbizon**

292.0 \* Provide coordination between owner, architect, and other trades.

293.0 \* Terminate all low voltage control wiring.

294.0 \* Commission dimming system &amp; test to ensure accuracy of installation.

295.0 \* Program new entry stations and train on their usage.

296.0

**Services Provided By the Montrose Pavilion**

298.0 \* The Pavilion will install and test Canto demo units to determine the correct reflector configurations.

299.0 \* The Pavilion will install all new Canto units in the existing pendants.

300.0 \* The Pavilion will install new Ushio lamps in the existing wall sconces.

301.0 \* The Pavilion will install both 7" ETC touch screens.

302.0 \* The Pavilion will provide and install all ethernet wiring required for the above system.

303.0 \* The Pavilion will dispose of the existing dimmer racks and entry stations once removed by the electrical contractor.

304.0

**Services Provided By Electrical Contractor**

306.0 \* Demolition of existing dimmer racks and entry stations.

307.0 \* Installation of dimmer racks.

308.0 \* Installation of wall mounted processor and equipment racks.

309.0 \* Installation of new entry stations including any necessary finishing work.

310.0 \* Electrical distribution, including mounting and termination of line voltage wiring.

311.0 \* All conduit systems including materials, installation in walls and wiring pulls.

312.0 \* Line voltage wiring, including materials, pulls through conduit and terminations.

**Barbizon Light**
**8269 E. 23rd Ave. - Suite 111**
**Denver, CO 80238**
**Ph: (303) 394-9875**
**Fax: (303) 355-5996**
**Project Name:**
**Montrose Pavilion**
**Lighting Upgrades**

Systems Integrator: Derry D Hirsch

Estimated By: Derry D Hirsch

Quotation Number: R230501-DDH1-R4

Date: 8/27/2025

- 313.0 \* Main and Branch circuit breakers and feeder cable including materials, installation and terminations.
- 314.0 \* Low Voltage control wiring, including materials and pulls through conduit.

**II. OPTIONAL EXTENDED WARRANTIES FOR ETC SENSOR3 SYSTEM:**

|       |                                    |            |
|-------|------------------------------------|------------|
| 401.0 | Extended System Warranty - 1 Year: | \$3,986.00 |
| 402.0 | Extended System Warranty - 2 Year: | \$5,979.00 |
| 403.0 | Extended System Warranty - 3 Year: | \$6,975.00 |

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- Please Note:**
- \* Freight charges are *ESTIMATED*, pre-pay and add.
  - \* All prices are subject to change without prior notice due to market fluctuations, including, but not limited to, changes in raw material costs, tariffs, or currency exchange rates. Prices at the time of shipment shall apply. In addition to the quoted prices, the buyer shall be responsible for all applicable federal, state, and local taxes, duties, tariffs, and other governmental charges imposed on the goods.
  - \* No Bonding, job permits, or fees have been included in this quotation.
  - \* Barbizon's standard insurance applies, certificates available upon request.
  - \* Sales tax is not included in this quotation.
  - \* See [www.barbizon.com](http://www.barbizon.com) for terms and conditions.
  - \* This quotation is not a contract.
  - \* **Thank You for the Opportunity to Quote!**

**I. LED RETROFIT AND ETC SENSOR RACKS:**
**BONDING**
**SALES TAX**
**Subtotal**
**\$181,850.00**
**Not included**

%

**Not included**
**TOTAL:**
**\$181,850.00**



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: Jace Hochwalt, Community Development Director  
DATE: October 7, 2025  
RE: Childcare Operator Agreement  
ATTACHMENTS  
● Exhibit A: Childcare Operator Agreement

---

**City Council Consideration:**

City Council is considering approval of an operating agreement between the City of Montrose and Access Early Education Foundation for childcare operations at 703 S. 9<sup>th</sup> Street in Montrose, CO.

**Project History and Background:**

In 2021, Root Policy completed the Montrose County Childcare Needs Assessment, which identified a significant shortage of childcare spaces and classified Montrose County as a “childcare desert.” With City Council support, staff began exploring solutions by engaging local employers and learning from other non-local organizations who had already developed childcare strategies of their own. These combined efforts helped shape four key goals:

- Expanding the number of available childcare spots in Montrose
- Extending hours to better match the schedules of public employees and first responders
- Increasing staff wages for childcare workers
- Ensuring the delivery of high-quality care

In June 2024, the City applied for a state grant for construction costs of a childcare facility. While the application was not awarded, it revealed new opportunities. Most notably, a City-owned facility at 703 S. 9th Street that was being leased by the Montrose County School District. Working closely with the district, staff coordinated a timeline that allowed them to remain in the building through the summer of 2025, ensuring a smooth and cooperative transition.

To keep the project momentum, the 2025 approved budget included \$600,000 for design and renovations to the facility. Around the same time, in November 2024, voters approved a ballot measure increasing the lodging tax from 0.9% to 6.0%. Of that revenue, 17% was dedicated to early childhood care and education. It is noteworthy to mention that the first year of funding will be directed toward construction and start-up costs for the city-owned childcare center. In



subsequent years, the funds are expected to support capital improvements for other providers across Montrose, including facility upgrades, expanded capacity, and new infrastructure.

In February 2025, the City contracted with Blythe Group, Co. for the facility renovation design. Design work ran from February through July of 2025. During this same period, the City also issued a Request for Proposals (RFP) for a qualified childcare operator. After careful review of two submissions, Access Early Education Foundation was selected as the preferred operator.

Access Early Education Foundation, a nonprofit based in Grand Junction, has a strong reputation and currently operates facilities in Grand Junction, Clifton, Gunnison, and Rifle, with plans to open another in Vail in late 2026. They were chosen for a few reasons:

- Their proposal was flexible and cost-effective.
- They bring extensive experience partnering with municipalities and large employers across the Western Slope.

Because of the timing of the design process and the RFP, Access Early Education Foundation was able to participate in facility planning. Their input was particularly valuable for licensing requirements and allowed the project team to reconfigure the layout to accommodate a fourth classroom, ultimately expanding the center's capacity.

The construction contract was awarded to Stryker and Company at the September 16, 2025 City Council meeting, following a competitive RFP process. Construction is now underway, with completion anticipated in February 2026. The sections that follow provide details on the facility and its services, as well as the terms of the proposed operator agreement with Access Early Education Foundation.

### **Facility Overview:**

The building at 703 S. 9th Street is an existing, City-owned facility totaling approximately 4,200 square feet. It was most recently used by the Montrose County School District, which vacated the property at the end of the 2024–2025 school year (July 2025).

As we moved through the design process, several deficiencies were identified, along with updates needed to bring the facility up to current childcare licensing standards. These items, along with the construction approach, were discussed in prior work sessions and at the City Council meeting on September 16, 2025, where the construction contract was approved. This authorization was for \$850,000, which includes the \$600,000 previously approved in the 2025 budget, along with \$250,000 that is proposed within the 2026 budget.

Once complete, the facility will feature four classrooms with an anticipated enrollment of 50 children:

- Infant (6 weeks–12 months): 10 spots



- Wobbler (8–18 months): 10 spots
- Toddler (15–36 months): 14 spots
- Preschool (36 months+): 16 spots

Construction is expected to be completed in February 2026, with licensing and occupancy to follow shortly after.

### **Operator Agreement Summary:**

As outlined in the *Project History and Background* section above, City staff is recommending the award of an operator contract to Access Early Education Foundation. Through a competitive RFP process, they emerged as the clear top choice. The proposed operator agreement establishes the terms and conditions of operations, as well as the respective responsibilities of the City and the operator. The initial agreement is for a five-year term with the City leasing the property to the operator at a nominal fee and covering the majority of utility costs.

The operator will be responsible for the overall management and day-to-day operation of the facility, including oversight of the four classrooms. This includes ensuring compliance with all applicable licensing requirements and maintaining adherence to state and local regulations. Additionally, the operator will be expected to actively participate in relevant childcare programs, including Colorado Shines, Universal Preschool, and the Colorado Child Care Assistance Program (CCCAP), to ensure the highest quality of care and access to available resources for families.

Market rates for the facility are estimated at \$72 per day for infants, \$66 per day for wobblers/toddlers, and \$58 per day for preschoolers, which are consistent with rates at existing childcare centers in the area. Under the agreement, City employees would be eligible for a 20% discounted rate, providing meaningful savings while supporting recruitment and retention, particularly for staff who are parents or planning to become parents. The discount is designed to benefit City employees without undercutting other local childcare providers.

To address workforce challenges in the childcare sector, the agreement also sets teacher pay at 10% above market rates and includes a healthcare incentive for all staff, currently proposed as a Trailhead Clinics membership. These measures are intended to attract and retain highly qualified early childhood educators, ensuring a safe, nurturing, and high-quality learning environment. Under the current structure, all staff would earn \$20 per hour or higher, reflecting the City's commitment to fairly compensating childcare professionals and supporting the long-term stability of the program.

To support these enhancements, the City will provide financial assistance to the operator, including \$50,000 in initial startup funding and ongoing monthly subsidies tied to actual staffing and enrollment levels. Once the facility is fully operational and occupied, the annual subsidy is



anticipated to be approximately \$200,000 per year in order to maintain financial sustainability of the facility.

The facility will be open Monday through Friday from 6:30 a.m. to 6:30 p.m. Most childcare centers operate from 7:30 a.m. to 5:30 p.m., or with even shorter hours, so the extended schedule is designed to better accommodate the needs of City staff, first responders, and those who work 10-hour shifts. Families will also have the option to enroll their children on a full-time or part-time basis.

Enrollment will be prioritized first for City employees, who are expected to account for under half of the total enrollment based on recent staff surveys. The second tier of priority will be families of public and quasi-public partners, such as MRD, the hospital, and the County, who will pay full market rates unless their employer chooses to subsidize tuition. Any remaining spaces will then be made available to the general public.

Once fully operational, the facility will employ up to 15 staff members, with a gradual ramp-up anticipated. In addition, a five-member advisory board will be established prior to the facility's opening to provide strategic guidance on operations and usage, assist in the allocation of enrollment slots, and review and approve tuition rates and any grant allocations. Given the City's significant financial contribution, three of the five board members will be City staff.

#### **Conclusion:**

Following careful review and consideration, staff recommends approval of the operator agreement with Access Early Education Foundation as presented. Upon approval, staff will work with the operator to finalize a lease agreement and address remaining items including licensing, tuition rates, staffing plans, the ramp-up schedule, and the official opening date. This agreement represents a significant step forward in supporting local families, strengthening the workforce, and advancing the City's commitment to community well-being.



## **OPERATING AGREEMENT**

**THIS OPERATING AGREEMENT** is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **CITY OF MONTROSE**, State of Colorado, a Colorado home rule municipal corporation, whose address is 400 E. Main St., P.O. Box 790, Montrose, Colorado 81402-0790, hereinafter referred to as "City" and **ACCESS EARLY EDUCATION FOUNDATION**, a Colorado nonprofit corporation, whose address is 354 Echo Canyon Ct., Grand Junction, CO 81507, hereinafter referred to as "Operator"; the aforementioned entities may sometimes be collectively referred to as the "Parties".

WHEREAS, in consideration of the mutual covenants and obligations herein expressed, it is agreed by and between the Parties hereto as follows:

### **I. PREMISES AND PURPOSE**

The City owns the property located at 703 S. 9<sup>th</sup> St., Montrose, CO 81401 ("Premises") and shall lease the Premises to Operator, such lease shall be executed contemporaneously with this Operating Agreement. The Premises shall be used for the sole and exclusive use of operating a childcare facility and other related and necessary incidental activities. No other uses, business or personal, are permitted without prior express written consent of the City.

### **II. TERM AND RENEWAL**

- a. The initial term of this Agreement shall commence on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and shall continue for five (5) years thereafter, subject to Section VI of this Agreement.
- b. Except as expressly set forth in this Agreement, Operator has the right to renew this Agreement past the expiration of the Initial Term for an additional five (5) year period on the same terms and conditions by providing notice to the City at lease one hundred twenty (120) days prior to the expiration of the Initial Term.

### **III. RESPONSIBILITIES OF THE PARTIES**

- a. **CITY RESPONSIBILITIES.**
  - i. Lease the Premises to the Operator at a nominal rate.
  - ii. The City shall pay a one-time subsidy in the amount of fifty thousand dollars and 00/100 (\$50,000.00) for any start up costs of the childcare facility.
  - iii. The City shall pay a monthly subsidy to Operator for actual costs of the following:
    1. The discounted amount given to any City employee as required by this Agreement;
    2. The premium paid to Operator employees as required by this Agreement; and
    3. One hundred dollars and 00/100 (\$100.00) per employee for healthcare, as required by this Agreement.
  - iv. Pay all utilities associated with the Premises, excluding telephone and

internet.

b. OPERATOR RESPONSIBILITIES.

- i. Operate the Facility from 6:30 AM – 6:30 PM, Monday – Friday.
- ii. Operate and maintain four (4) classrooms based upon age/advancement of children.
- iii. Procure and maintain all needed licenses and certifications in order to operate a childcare facility, including recordkeeping, enrollment capacity, and classroom ratios.
- iv. Apply and participate in programs like Colorado Shines, Universal PreSchool, and CCCAP, contingent upon program funding and availability. Any grants received will be to offset operating costs and shall be
- v. Have a tiered prioritization of enrollment as follows:
  1. Tier 1 – City Employees
  2. Tier 2 – Partner Public and Nonprofit Employees (This list shall be provided to Operator by the City.)
  3. Tier 3 – General Public.

Each Tier shall be offered a vacancy for ten (10) days before opening the next Tier, beginning with Tier 1. Upon initial opening of the childcare facility, Tier 1 shall have a minimum of twenty (20) days before any vacancies are offered to Tier 2.

- vi. Offer City employees a minimum twenty percent (20%) discount on rates. Should a City employee's employment terminate, they shall then lose this discount. Such employee will be able to maintain their child's spot in the childcare facility until the end of the school year.
- vii. In efforts to have a low turnover of employees, Operator shall offer employees of the childcare facility a rate of pay of ten percent (10%) higher than the market rate in Montrose. The market rate is to be determined through the Colorado Department of Labor and Employment. Additionally, Operator shall offer healthcare benefits.
- viii. Any required teacher service days shall be scheduled for Friday.
  1. Shall provide monthly report to an Advisory Committee inclusive of enrollment numbers and revenues.

c. JOINT RESPONSIBILITIES

- i. Collaborate to name and brand the childcare facility.
- ii. Form and participate in an Advisory Committee ("Committee"). The Committee shall provide guidance and direction concerning the overall operation and use of the facility, assist with administration of the allocation of the designated spaces, and the appropriate rates for the facility, the allocation of any grants that are received by the Operator. The Committee shall meet, at a minimum, monthly for the first six (6) months of the opening of the childcare facility, then quarterly unless agreed to by the Committee. Members of the Committee shall consist of:
  1. three (3) seats representing the City to be determined by the City Manager, or designee;

2. one (1) seat representing the Operator of the Operator's choosing, and;
3. one (1) at large representing the Tier 2 entities agreed upon by the City and the Operator.

#### **IV. INSURANCE**

- a. The Operator agrees to procure and maintain, at its own cost, the following policies of insurance. The Operator shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.
- b. Operator shall cause each subcontractor of the Operator to procure and maintain or insure the activity of the Operator's subcontractors in Operator's own policy, the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained from the date of commencement of services hereunder through the term of this contract. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.
- c. Workers' Compensation insurance to cover obligations imposed by the Workers' Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of services under this Agreement, and Employers' Liability insurance with minimum limits of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) each accident, FIVE HUNDRED THOUSAND DOLLARS (\$500,000) disease - policy limit, and FIVE HUNDRED THOUSAND DOLLARS (\$500,000) disease - each employee.
- d. Comprehensive General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and TWO MILLION DOLLARS (\$2,000,000) aggregate. The coverage shall be provided on an "occurrence" basis as opposed to a "claims-made" basis. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interests provision.
- e. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate with respect to each of Operator's owned, hired and non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision.
- f. The Comprehensive Automobile Liability insurance required above shall be endorsed to include the City and the City's officers and employees as additional insureds. Every policy required above shall be primary insurance and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by Operator. The additional insured endorsement for the Commercial General Liability Insurance required above shall

not contain any exclusion for bodily injury or property damage arising from completed operations. The Operator shall be responsible for any deductible losses under any policy required above.

- g. Professional Liability (errors and omissions) Insurance with a minimum limit of coverage of ONE MILLION DOLLARS (\$1,000,000) per claim and annual aggregate. Such policy of insurance shall be obtained and maintained for one (1) year following completion of all services under this contract.
- h. Prior to the commencement of services, certificates of insurance shall be completed by the Operator's insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. Each certificate shall name the project or services as indicated in this Agreement, in form acceptable to the City. Every policy of insurance shall provide that the City will receive no less than thirty (30) days prior to any cancellation, termination, or material change in such policy. In addition, the Operator shall immediately provide to the City upon Operator's receipt any notice of cancellation, terminations, or material change received by Operator concerning the required insurances. If the words "endeavor to" appear in the portion of the certificate addressing the cancellation, those words shall be stricken from the certificate by the agents completing the certificate. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto. The City may, at its election, withhold payment for services until the requested insurance policies are received and found to be in accordance with this Agreement.
- i. Failure on the part of the Operator to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion City may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Operator to the City upon demand, or the City may offset the cost of the premiums against any monies due to Operator from the City.
- j. The Parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, (C.R.S. § 24-10-101 *et seq.*), as from time to time amended, or otherwise available to the City.

## **V. INDEMNIFICATION**

To the fullest extent permitted by law, the Operator agrees to indemnify and hold harmless the City, its officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the performance of the services under this contract, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the Operator or any subcontractor of the Operator, or any officer, employee, or agent of the Operator or any subcontractor, or any other person for whom Operator is responsible. The Operator shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims and demands, and to bear all other

costs and expenses related thereto, including court costs and attorneys' fees. The Operator's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

## **VI. TERMINATION**

It is the Parties intention that this Agreement be concurrent with the Lease. The expiration or earlier termination of the Lease will automatically terminate this Operating Agreement. Should Operator lose any certification or license required to operate a childcare facility, this Agreement shall terminate immediately.

## **VII. GOVERNING LAW**

This Agreement shall be governed by the laws of the State of Colorado.

## **VIII. NOTICE**

Any notice required or permitted by this Agreement may be delivered in person or sent by registered or certified mail, return receipt requested, to the party at the address as hereinafter provided, and if sent by mail it shall be effective when posted in the U.S. Mail Depository with sufficient postage attached thereto:

City: City of Montrose  
Attn: Community Development Director  
P.O. Box 790  
Montrose, CO 81401

Operator: Access Early Education Foundation  
Attn: Jennifer Knott  
354 Echo Canyon Ct.  
Grand Junction, CO 81507

## **IX. INTEGRATION & SEVERABILITY**

- a. This Agreement constitutes the final agreement between the Parties. It is the complete and exclusive expression of the Parties' agreement on the matters contained in this Agreement. All prior and contemporaneous negotiations and agreements between the Parties on the matters contained in this Agreement are expressly merged into and superseded by this Agreement. The provisions of this Agreement may not be explained, supplemented, or qualified through evidence of trade usage or a prior course of dealings. In entering into this Agreement, neither Party has relied upon any statement, representation, warranty, or agreement of the other Party except for those expressly contained in this Agreement. There are no conditions precedent to the effectiveness of this Agreement other than those expressly stated in this Agreement.
- b. This Agreement may not be modified except in writing.
- c. If any provision of this Agreement is held invalid, illegal or unenforceable, the Parties shall negotiate in good faith so as to replace each invalid, illegal or unenforceable provision with a valid, legal and enforceable provision which will, in effect, from an economic viewpoint, most nearly and fairly approach the effect

of the invalid, illegal or unenforceable provision and the intent of the Parties in entering into this Agreement. The provisions of this Agreement shall be deemed to be severable, and if any term, phrase or portion of the Agreement shall be determined to be unlawful or otherwise unenforceable, the remainder of the Agreement shall remain in full force and effect, so long as the clause severed does not affect the intent of the parties.

**X. MISCELLANEOUS**

- a. Each Party hereto agrees to cooperate in all reasonable respects necessary to consummate the transactions contemplated by this Agreement, and from time to time to do such acts and things and execute and deliver such documents and instruments as may reasonably be required in order to implement the transactions contemplated hereby. Each Party hereto agrees to cooperate in the execution of subsequent addenda, or to re-execute an amended version of this Agreement, in the event that a Party discovers: 1) a clerical error; or 2) a misinterpretation of law; or 3) an error as to form; when such error(s) obviate or hinder the consideration, performance or enforcement of this Agreement.
- b. The Parties agree that the City’s payment of any monies under this Agreement is subject to annual budget appropriations as required by provisions of the Taxpayers’ Bill of Rights (“TABOR”) contained in Article X, Section 20 of the Colorado Constitution, as amended. The Parties further agree that any failure to fund the obligations set forth herein as a result of TABOR-related monetary constraints shall not give rise to any legal or equitable cause of action whatsoever.
- c. Any work product or document given to the City in an electronic format must be produced, designed, and created in accordance with Web Content Accessibility Guidelines (“WCAG”) 2.1 AA. This includes technology accessibility standards for people using adaptive technology who are low vision, blind, hearing impaired or deaf, and people with cognitive disabilities, seizures or other physical challenges that create limitations. Operator assumes all liability for any monetary damages assessed by any entity for noncompliance with WCAG 2.1 AA after July 1, 2024.

EXECUTED AND EFFECTIVE the date above first written.

**CITY OF MONTROSE**

**CONTRACTOR**

\_\_\_\_\_  
William E. Bell, City Manager

\_\_\_\_\_  
Jennifer Knott, its \_\_\_\_\_  
(Officer)

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025,  
by **William E. Bell**, City Manager.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_.

(SEAL)

Notary

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by Jennifer Knott, \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_.

(SEAL)

---

Notary



## CITY OF MONTROSE

Planning Services

# MEMO

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: October 7, 2025  
RE: JC Mitchell Addition Annexation  
ATTACHMENTS:

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

---

### City Council Consideration:

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

### Proposed schedule:

|             |                                                                                                           |
|-------------|-----------------------------------------------------------------------------------------------------------|
| August 4:   | Council Work Session Overview                                                                             |
| August 19:  | Council Resolution to set a hearing date                                                                  |
| August 27:  | Planning Commission zoning hearing                                                                        |
| October 7:  | City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance |
| October 21: | 2nd reading of annexation and zoning ordinances                                                           |

### Application Background:

The JC Mitchell Addition is a proposed annexation approximately 4.85 acres in size. The annexation consists of a portion of property located at 15238 6720 Rd, as a result of a boundary line adjustment with the properties at 67278 Sunnyside Rd and 67304 Sunnyside Rd. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. An Annexation Agreement is required.



**Proposed Zoning:** "R-2" Low Density District

**Applicant:** Justin Mitchell

**Staff Analysis:**

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
  - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. "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:
    - i. The amendment is not averse to the public health, safety and welfare; and
    - ii. 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."
  - b. Municipal Code, Section 11-7-5: 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.
  - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-2" Low Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the JC Mitchell Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.



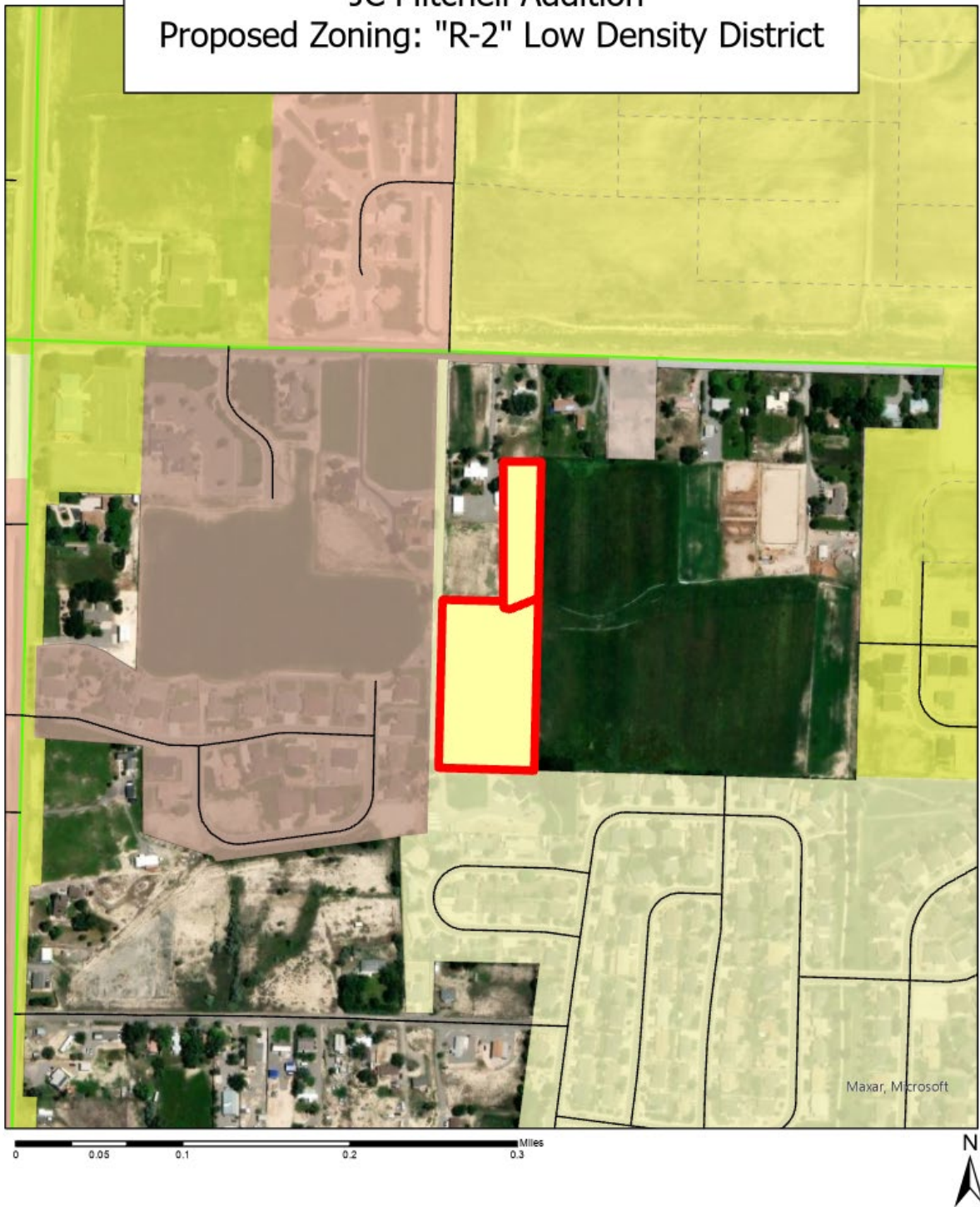
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises of platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “R-2” zoning does not appear to be adverse to the public health, safety and welfare. The Planning Commission made a unanimous recommendation of approval of the “R-2” zoning designation during the August 27, 2025 Planning Commission meeting.



EXHIBIT A: Maps



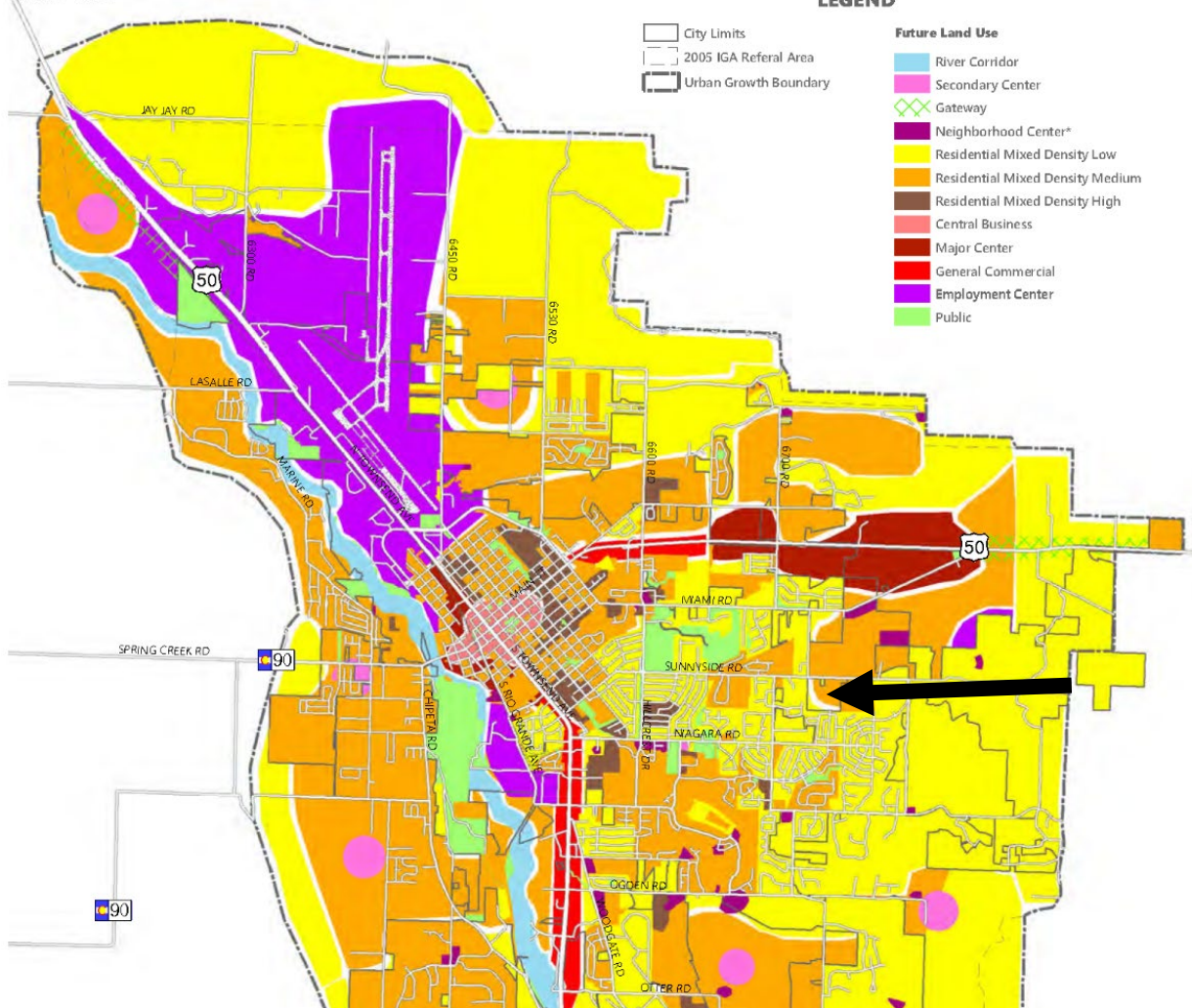
JC Mitchell Addition  
Proposed Zoning: "R-2" Low Density District



## Comprehensive Plan Future Land Use Map

### FUTURE LAND USE

MAP 5.1

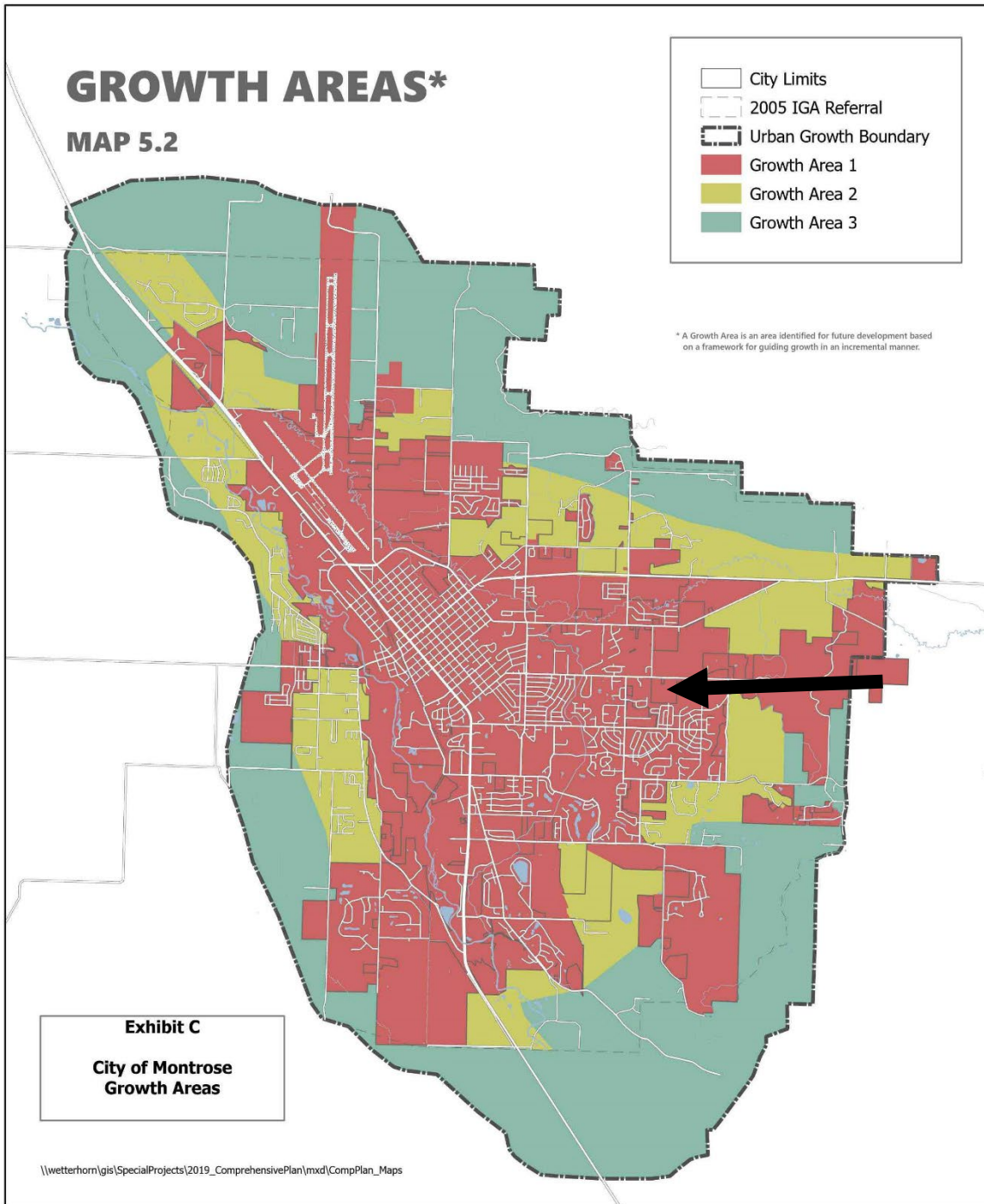


# GROWTH AREAS\*

MAP 5.2

-  City Limits
-  2005 IGA Referral
-  Urban Growth Boundary
-  Growth Area 1
-  Growth Area 2
-  Growth Area 3

\* A Growth Area is an area identified for future development based on a framework for guiding growth in an incremental manner.



**Exhibit C**  
**City of Montrose**  
**Growth Areas**

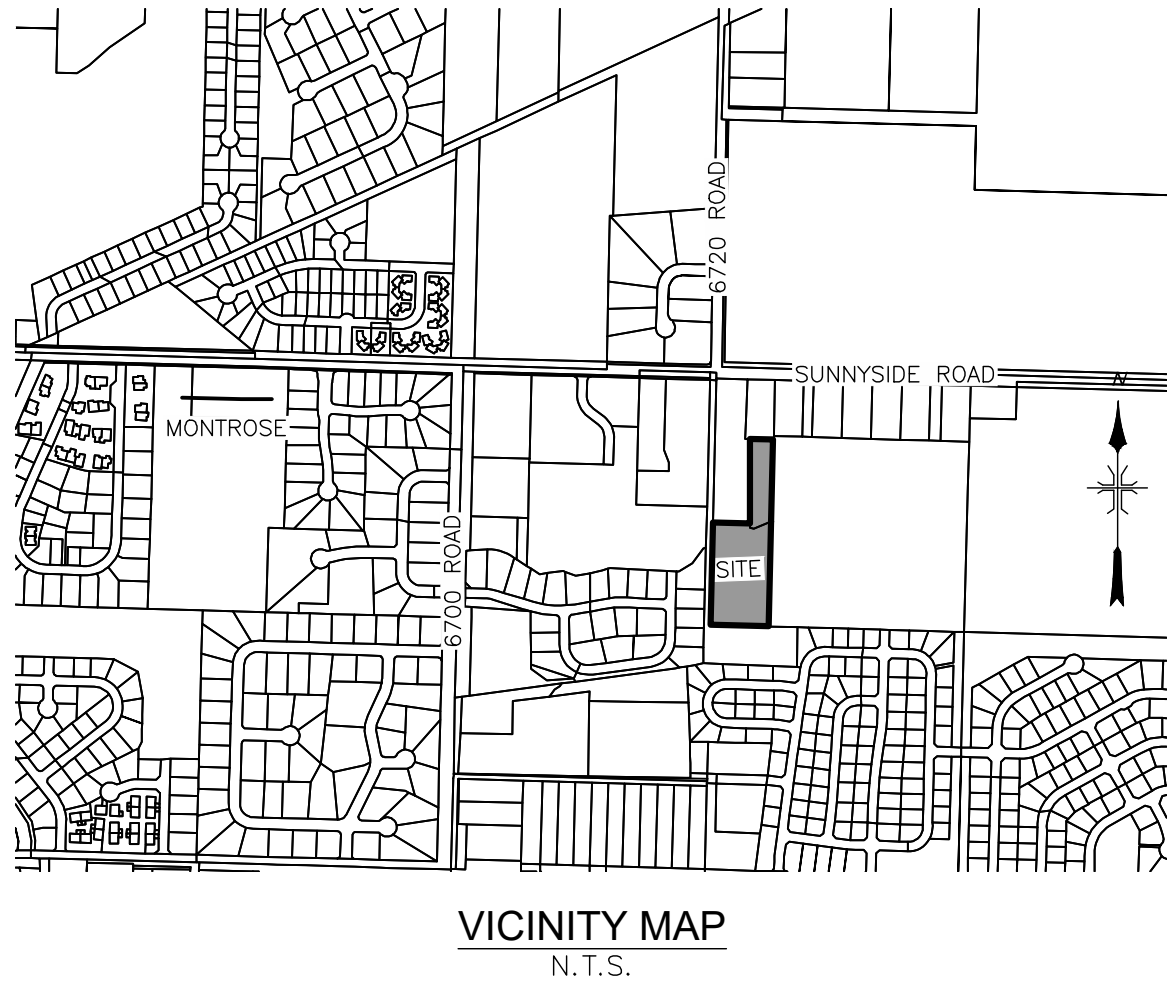
\\wetterhorn\gis\SpecialProjects\2019\_ComprehensivePlan\mxd\CompPlan\_Maps



JC MITCHELL ADDITION

SITUATED IN SECTION 36, TOWNSHIP 49 NORTH, RANGE 9 WEST, N.M.P.M.

COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

//// CITY LIMITS

— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 2562.25'

PERIMETER CONTIGUOUS TO CITY LIMITS = 833.91'

NOTE:

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

PROPERTY DESCRIPTION

A parcel of land situated in Section 36, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Alford Replat as recorded at Reception No. 775455 in the Montrose County Records;

Thence N88°21'17"W 302.56 feet along the South line of said Lot 2 to the Southwest corner of said Lot 2;

Thence N01°22'30"E 531.35 feet along the West line of said Lot 2;

Thence S88°37'30"E 193.17;

Thence N00°06'25"W 441.18 feet;

Thence S88°40'00"E 120.08 feet;

Thence S01°20'00"W 973.91 feet to the Point of Beginning.

Containing 4.85 Acres more or less as described.

County of Montrose, State of Colorado

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify JC Mitchell Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

Nicholas Barrett, P.L.S.  
Registration No. 38037

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. \_\_\_\_\_ adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, annexed the property hereon to the City of Montrose.

Mayor

Attest: \_\_\_\_\_  
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_ under Reception No. \_\_\_\_\_.

Clerk and Recorder  
Montrose County, Colorado

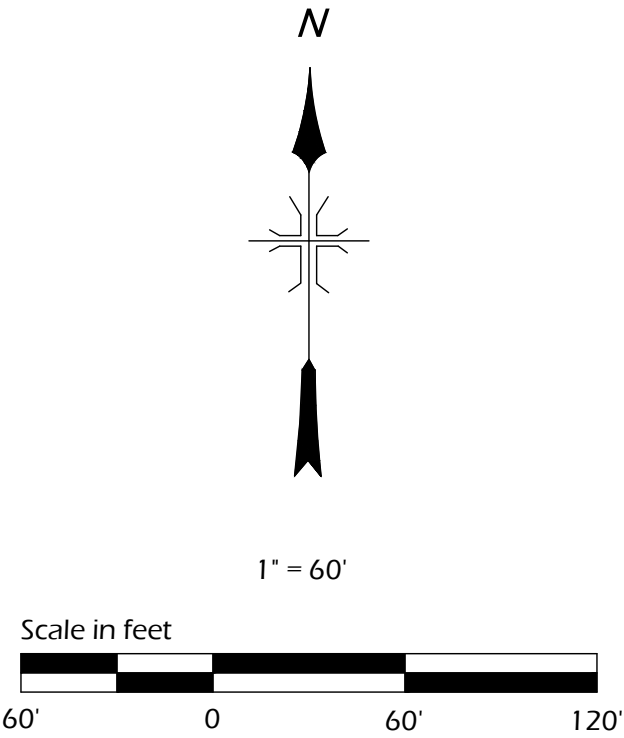
Deputy

ASHER ADDITION  
RECEPTION NO. 708960

EAST SUNNYSIDE  
ADDITION NO. 2  
RECEPTION NO. 659321

4.85 ACRES

MAJOR VIEW ADDITION  
RECEPTION NO. 652450



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.

\\DMS14\PROJECTS\ACTIVE PROJECTS\2024\24190-MITCHELL\_BLA\C3D\24190V\_ANNEX.DWG

|                                                                                                                                                          |  |  |  |                                  |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|----------------------------------|-----------------|
| DMCDEL-MONT CONSULTANTS, INC.<br>ENGINEERING & SURVEYING<br>125 Colorado Ave. Montrose, CO 81401 (970) 249-2251<br>www.del-mont.com service@del-mont.com |  |  |  | TITLE<br>JC MITCHELL<br>ADDITION |                 |
| FIELD BOOK:                                                                                                                                              |  |  |  | CLIENT:                          | JUSTIN MITCHELL |
| DRAWN BY: DCC                                                                                                                                            |  |  |  | ADDRESS & PHONE:                 |                 |
| DATE: 2024-11-26                                                                                                                                         |  |  |  |                                  |                 |
| SHEET: 1 of 1                                                                                                                                            |  |  |  | TYPE:                            | ADDITION        |
| FILE: 24190V_ANNEX                                                                                                                                       |  |  |  |                                  |                 |
| JOB NO: 24190                                                                                                                                            |  |  |  |                                  |                 |

## EXHIBIT B: Zoning Code Excerpt

### 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 adverse to the City's 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.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following 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) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
  - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and 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.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(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 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| Bed and breakfast (See Sec. 11-11-1)                                                                                                                                                           |    |     |        |     | C   |      | C   |     | C   |     |
| Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals. | P  |     |        |     |     |      |     |     |     |     |



|                                                                          |   |   |   |   |   |   |   |   |   |   |
|--------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|
| Rental storage units with a maximum rental unit size of 200 square feet. |   |   |   |   |   |   |   |   |   | C |
| Short-term rentals                                                       | P | P | P | P | P | P | P | P | P | P |
| Assisted living facilities                                               |   |   |   |   | C | C | C |   | C | C |
| Childcare facilities                                                     | 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                                                       | C | C | C | C | P | P | P | C | C | P |
| Schools                                                                  | C | C | C | C | C | C | C | C | C | C |
| Golf courses                                                             | P |   |   |   |   |   |   |   |   |   |
| Parks, open space and recreation facilities                              | P | P | P | P |   | P | P | P | P | P |
| Duplex                                                                   |   |   |   |   | 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 |
| 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 housing                                                     |   |   |   | 1 |   |   |   | P | P | P |
| Mobile homes (See Sec. 11-13)                                            |   |   |   |   |   |   |   |   |   | P |
| Mobile home parks (See Sec. 11-13)                                       |   |   |   |   |   |   |   |   |   | P |
| Modular housing                                                          |   |   |   |   |   |   |   | P | P | P |
| Multi-family dwelling                                                    |   |   |   |   | C | P | P |   | C |   |
| Single-family dwelling                                                   | P | P | P | P | P | P | P | P | P | P |
| 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 |

|                                                                |   |   |   |   |   |   |   |   |   |   |
|----------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|
| 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)(1-3))                        | T | T | T | T | T | T | T | T | T | T |
| Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4)) | 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 |

<sup>1</sup> Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

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

| Land Use                                                                                                                                                                                                                                               | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---|-----|-----|------|-----|-----|-----|-----|
| Automobile and vehicle sales, repair or service establishments                                                                                                                                                                                         |    |   | C   | C   | P    | P   |     |     |     |
| Automobile body shops                                                                                                                                                                                                                                  |    |   | C   | C   | P    | P   |     |     |     |
| Bed and breakfast (See Sec. 11-11-1)                                                                                                                                                                                                                   | P  |   |     |     |      |     |     |     |     |
| Building materials businesses                                                                                                                                                                                                                          |    |   | C   | P   | P    | P   |     |     |     |
| Car washes                                                                                                                                                                                                                                             |    |   |     | P   | P    | P   | C   |     |     |
| Commercial businesses                                                                                                                                                                                                                                  |    | C |     |     |      |     |     |     |     |
| Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).                                                                           |    |   |     |     |      |     |     | C   |     |
| Farm implement sales or service establishments                                                                                                                                                                                                         |    |   |     |     | P    | P   |     |     |     |
| Fueling stations or other retail uses having fuel pumps which comply with the following criteria:<br>(a) All fuel storage, except propane, shall be located underground.<br>(b) All fuel pumps, lubrication and service facilities shall be located at |    |   | P   | P   | P    | P   | C   |     |     |



|                                                                                                                                                                                                                                                                                         |   |  |   |   |   |   |   |  |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|---|---|---|---|---|--|---|
| least 20 feet from any street right-of-way line.                                                                                                                                                                                                                                        |   |  |   |   |   |   |   |  |   |
| Funeral homes                                                                                                                                                                                                                                                                           |   |  | C | C | C | C |   |  |   |
| Hotels and motels                                                                                                                                                                                                                                                                       |   |  | P | P | P | P |   |  |   |
| Laundry facilities, self-service                                                                                                                                                                                                                                                        |   |  |   | P | P | P | P |  |   |
| Mobile and travel home sales or service establishments                                                                                                                                                                                                                                  |   |  |   |   | P | P |   |  |   |
| Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers. | P |  |   |   |   |   |   |  |   |
| Offices not allowed as a use by right.                                                                                                                                                                                                                                                  | C |  |   |   |   |   |   |  |   |
| Travel home parks and campgrounds (See Sec. 11-13)                                                                                                                                                                                                                                      |   |  |   | C | C | C |   |  |   |
| Rental businesses                                                                                                                                                                                                                                                                       |   |  |   |   | P | P |   |  |   |
| Restaurants                                                                                                                                                                                                                                                                             |   |  | P | P | P | P | P |  | P |
| Restaurants, drive-in or drive-through                                                                                                                                                                                                                                                  |   |  | C | C | C | C | C |  |   |
| Retail sales and services establishments which cater to the general shopping public                                                                                                                                                                                                     | C |  |   |   |   |   |   |  |   |
| Retail stores, business and professional offices, and service establishments which cater to the general shopping public.                                                                                                                                                                |   |  | P | P | P | P | P |  | P |
| Retail stores, business and service establishments serving the general public but which also involve                                                                                                                                                                                    |   |  |   | C | C | C |   |  |   |

|                                                                                                                                                                                                                                                          |   |   |   |   |   |   |   |   |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| limited manufacturing of the products supplied                                                                                                                                                                                                           |   |   |   |   |   |   |   |   |   |
| Sexually oriented business (See Sec. 11-12-1)                                                                                                                                                                                                            |   |   |   |   |   |   |   |   | P |
| Short-term rentals                                                                                                                                                                                                                                       | P |   | P | P | P | P | P | P | P |
| Taverns                                                                                                                                                                                                                                                  |   |   | P | P | P | P | C |   |   |
| Theaters                                                                                                                                                                                                                                                 |   |   | P | P | P | P |   |   |   |
| Veterinary clinics or hospitals for small animals                                                                                                                                                                                                        |   |   |   | P | P | P |   |   |   |
| Veterinary clinics or hospitals for large animals                                                                                                                                                                                                        |   |   |   |   | P | P |   |   |   |
| Above ground storage facilities for hazardous fuels                                                                                                                                                                                                      |   |   |   |   |   | P |   |   | P |
| Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.                                                                                                                                          |   |   |   |   |   |   |   | P | P |
| Construction and contractor's office and equipment storage facilities                                                                                                                                                                                    |   |   |   |   |   | P |   |   | P |
| Feed storage and sales establishments                                                                                                                                                                                                                    |   |   |   |   |   | P |   |   | P |
| Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4) |   |   |   |   | C | C |   | P | P |
| Other industrial uses                                                                                                                                                                                                                                    |   |   |   |   |   |   |   |   | P |
| Storage facilities, indoor                                                                                                                                                                                                                               |   |   | C | P | P | P | C |   | P |
| Storage facilities, outdoor                                                                                                                                                                                                                              |   |   |   |   | C | P |   | P | P |
| Warehouse and wholesale distribution operations                                                                                                                                                                                                          |   |   | C | C | C | C |   | P | P |
| Airport                                                                                                                                                                                                                                                  |   |   |   |   |   |   |   | P | P |
| Assisted living facilities                                                                                                                                                                                                                               | C |   |   | P | P | P |   |   |   |
| Childcare facilities                                                                                                                                                                                                                                     | P | C | P | P | P | P | P | P | P |
| College or other place of adult education                                                                                                                                                                                                                |   |   | P | P | P | P |   |   |   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |   |   |   |   |   |   |   |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time. |   |   | 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 |
| Hospitals                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | P |   |   |   |   |   |   |   |   |
| Libraries                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   | P | P | P | P | P |   |   |   |
| Museums and visitor centers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   | P | P | P | P | P |   |   |   |
| Parking facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P | P | P | P | P | P |   |   |   |
| Private and fraternal clubs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   |   | P | P | P | P | C |   |   |
| Public transportation facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |   | P | P | P | P |   |   |   |
| Religious assembly                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P | P | P | P | P | P | P |   |   |
| Schools                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | C | P | C | C | C | C | C |   |   |
| Golf courses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |   | C |   |   |   |   |   |   |   |
| Parks, open space and recreation facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | P | P | P | P | P | P | P | P | P |
| Private recreation facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |   | P |   |   |   |   |   |   |   |
| Duplex                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | P |   | P | P | P | P | P | P | P |



|                                                                                  |   |   |   |   |   |   |   |   |   |
|----------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Group homes—<br>handicapped/disabled 8<br>persons or less (see Sec. 11-<br>11-2) | P |   | P | P | P | P | P | P | P |
| Group homes—<br>handicapped/disabled > 8<br>persons (see Sec. 11-11-2)           | C |   | C | C | C | C | C | C | C |
| Group homes, other (See<br>Sec. 11-11-2)                                         | C |   | C | C | C | C | C | C | C |
| Home occupation (See Sec.<br>11-11-3)                                            | A |   | A | A | A | A | A | A | A |
| Multifamily dwelling                                                             | C | C | P | P | P | P | P | P | P |
| Single-family dwelling                                                           | P | C | P | P | P | P | P | P | P |
| Supportive housing                                                               | C |   |   |   |   | C |   | C |   |
| Antennas (See Sec. 11-14-6)                                                      | C | C | C | C | C | C | C | C | C |
| Public utility service<br>facilities                                             | P | P | P | P | P | P | P | P | P |
| Towers (See Sec. 11-14-5)                                                        | C | C | C | C | C | C | C | C | C |
| Accessory uses<br>(See Sec. 11-7-6(D))                                           | A | A | A | A | A | A | A | A | A |
| Temporary use (See Sec. 11-<br>7-6(E)(1—3))                                      | T | T | T | T | T | T | T | T | T |
| Temporary Construction or<br>Sales Office (See Sec. 11-7-<br>6(E)(4))            | T | T | T | T | T | T | T | T | T |
| Travel home (See Sec. 11-<br>13-6(2))                                            | T |   | T | T | T | T | T | T | T |

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



## RESOLUTION NO. 2025-16

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **JC Mitchell Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on October 7, 2025.

### FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. §§ 31-12-104, 105 have been met including the following:
  - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City as can be seen from the annexation map.
  - B. A community of interest exists between the area proposed to be annexed and the City, due to the proximity of the area to the City, the desire the owners to annex and existing City services in the area.
  - C. The area is urban or will be urbanized in the near future and the area is already substantially integrated with, and is capable of being fully integrated with the City.
  - D. It is practical to extend City services to the area on the same terms and conditions on which services are available to City citizens generally.
  - E. No land held in identical ownership has been divided into separate parts. No tract over 20 acres with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
  - F. This annexation will not result in any detachment of area from the Montrose School District No. RE-IJ. No part of the area to be annexed extends any more than three miles from the existing City boundaries. The City has in place a plan for that area as required by C.R.S. § 31-12-105.
  - G. The entire width of any streets to be annexed are included within the annexation.
  - H. Access shall be allowed to annexed portions of the street to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2).

3. The City Council has determined that additional terms and conditions will not be imposed.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing was published and mailed as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report is not required.

### CONCLUSIONS

1. The area proposed for annexation as the **JC Mitchell Addition** is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Addition may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without election.

ADOPTED this 7<sup>th</sup> day of October, 2025, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By \_\_\_\_\_  
David Frank, Mayor

ATTEST:

\_\_\_\_\_  
Lisa DelPiccolo, City Clerk

## ORDINANCE NO. 2691

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE **JC MITCHELL ADDITION**.

WHEREAS, a petition for the annexation of a tract of land known as the **JC Mitchell Addition** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys; and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended.

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

### **SECTION 1:**

The property described in **Exhibit A**, known as the **JC MITCHELL ADDITION**, is hereby annexed to the City of Montrose, Colorado.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7<sup>th</sup> day of October, 2025, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7<sup>th</sup> day of October, 2025.

\_\_\_\_\_  
David Frank, Mayor

ATTEST:

\_\_\_\_\_  
Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of October, 2025.

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David Frank, Mayor

ATTEST:

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Lisa DelPiccolo, City Clerk

## **EXHIBIT A**

### **Legal Description**

A parcel of land situated in Section 36, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of Lot 2 Alford Replat as recorded at Reception No. 775455 in the Montrose County Records;

Thence N88°21'17"W 302.56 feet along the South line of said Lot 2 to the Southwest corner of said Lot 2;

Thence N01°22'30"E 531.35 feet along the West line of said Lot 2;

Thence S88°37'30"E 193.17;

Thence N00°06'25"W 441.18 feet;

Thence S88°40'00"E 120.08 feet;

Thence S01°20'00"W 973.91 feet to the Point of Beginning.

Containing 4.85 Acres more or less as described.

County of Montrose, State of Colorado

**ORDINANCE NO. 2692**

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE **JC MITCHELL ADDITION** AS AN "R-2," LOW DENSITY DISTRICT.

WHEREAS, the **JC Mitchell Addition** has been recently annexed to the City of Montrose, Colorado; and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code; and

WHEREAS, the proposed recommendation is substantially in accord with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

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

The Official Zoning Map is hereby amended to designate the **JC Mitchell Addition**, according to the Official Annexation Map thereof, as an "R-2," Low Density District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of October 2025, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of October, 2025.

\_\_\_\_\_  
David Frank, Mayor

ATTEST:

\_\_\_\_\_  
Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of October, 2025.

\_\_\_\_\_  
David Frank, Mayor

ATTEST:

\_\_\_\_\_  
Lisa DelPiccolo, City Clerk



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: October 7, 2025  
RE: M4 Rezone  
ATTACHMENTS:

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

---

**City Council Consideration:**

City Council is considering the approval of the M4 Rezone. City Council shall consider all of the information in this memo in making a decision.

**Applicant:** Lakeview Contractors, Inc.

**Application Background:**

The proposal is to rezone Lot 1 of the Murphy Boundary Line Adjustment, approximately 3.91 acres, from “R-1A” Large Estate District to “OR” Office-Residential District.

The Planning Commission unanimously voted to recommend approval of this rezone request at the August 27, 2025 Planning Commission meeting.

**Proposed Zoning:** “OR” Office-Residential District

**Staff Analysis:**

1. Municipal Code, Section 11-7-12(A), Rezoning.  
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:



- a) The amendment is not adverse to the public health, safety and welfare; and
  - b) The amendment is in substantial conformity with the master plan; or:
    - i. The existing zoning is erroneous; or
    - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to “OR” Office-Residential District. The current zoning is “R-1A” Large Estate District.
  - Zoning Regulations. 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.
3. This property is adjacent to properties that are zoned “R-1A” Large Estate District and properties outside of City limits.
4. General Conformance with the Comprehensive Plan:
  - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Low. The Residential Mixed Density Low district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
  - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “OR” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

#### **Staff Recommendation:**

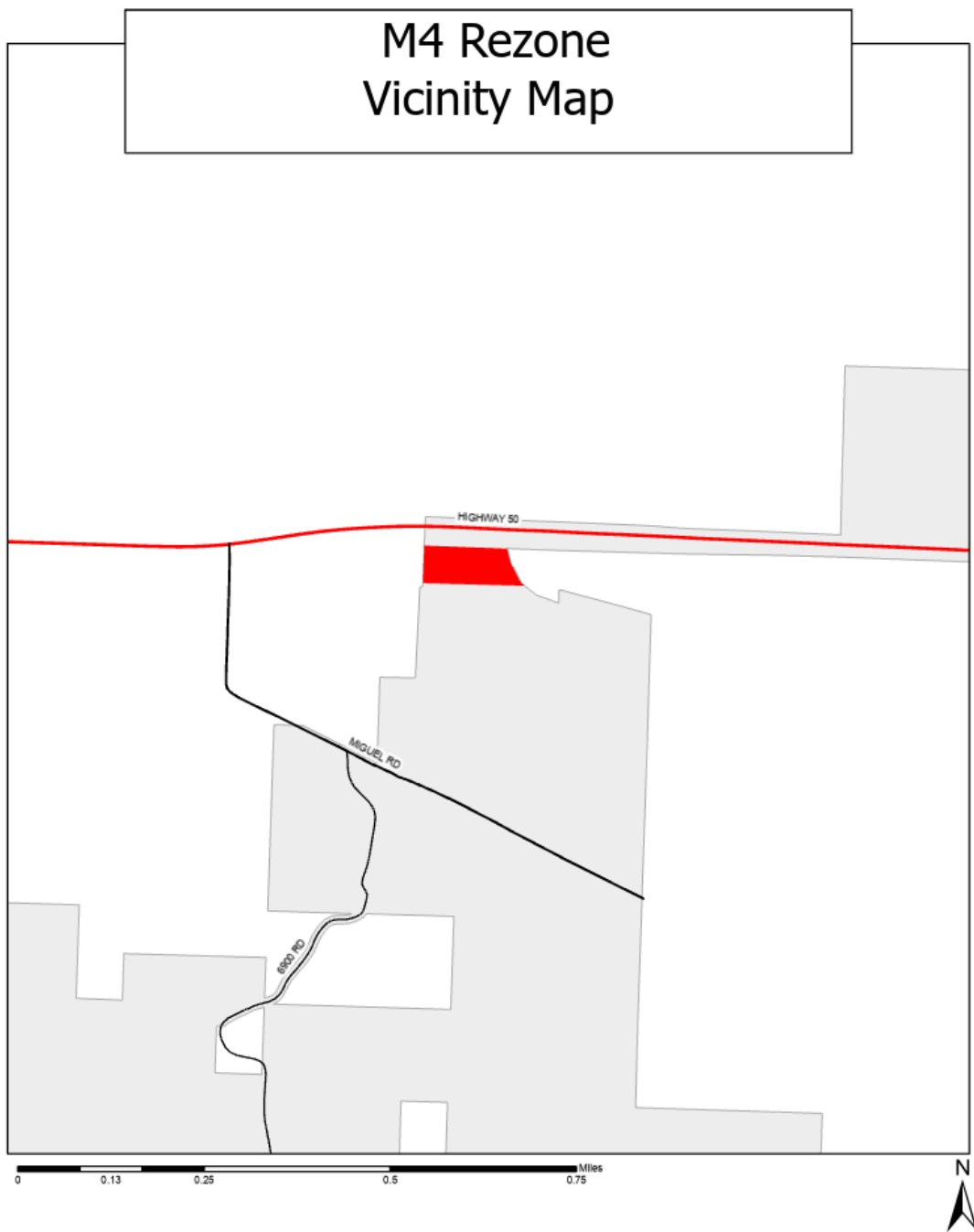
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "OR" Office-Residential District.

#### **City Council Options:**

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



EXHIBIT A: Maps



# M4 Rezone Current Zoning Map



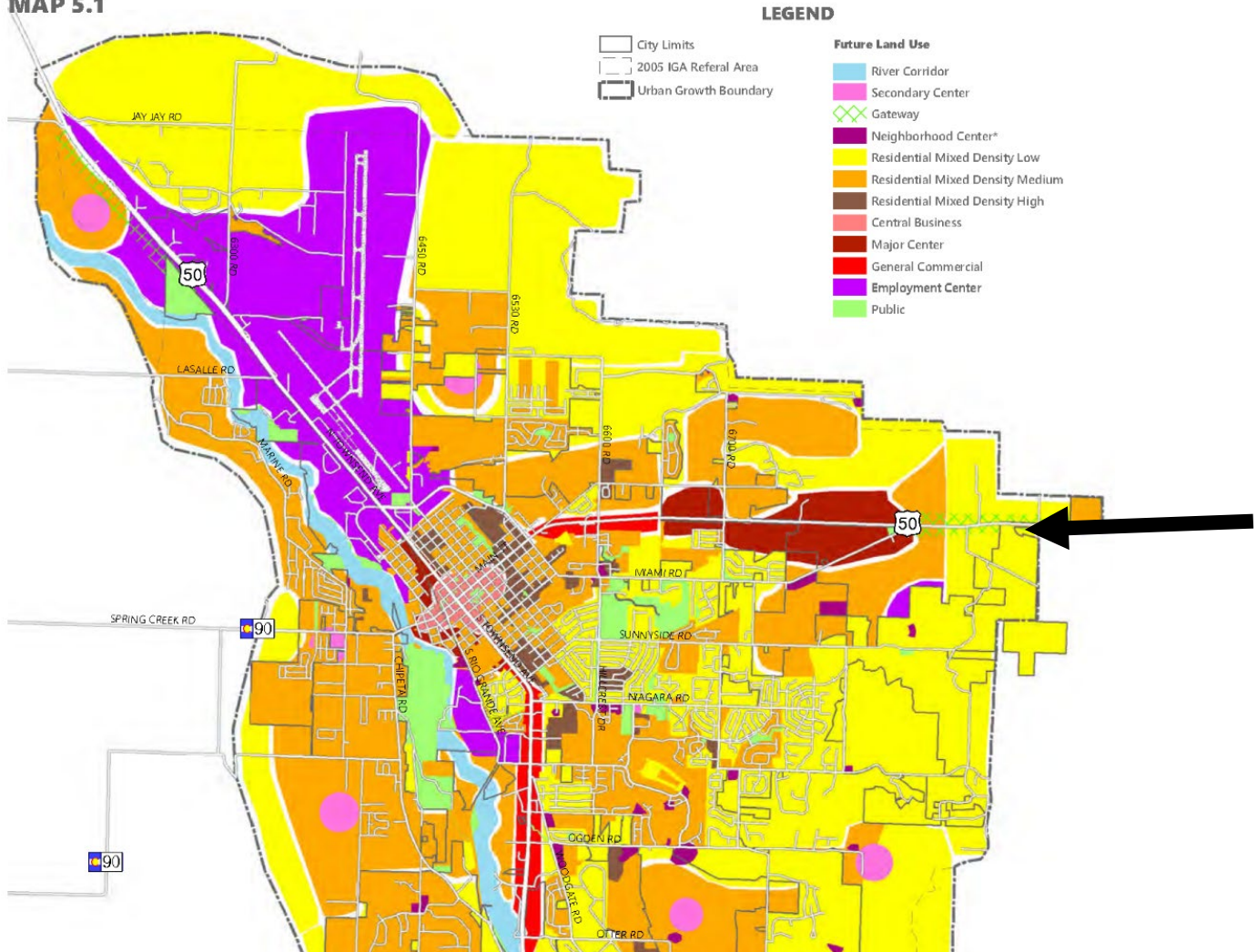
# M4 Rezone Proposed Zoning Map



## Comprehensive Plan Future Land Use Map

### FUTURE LAND USE

MAP 5.1



## Memorandum

**To:** William Reis & Jace Hochwalt (collectively, “City Planning”)

**From:** M4 Ranch Group, LLC

**Date:** December \_\_, 2024

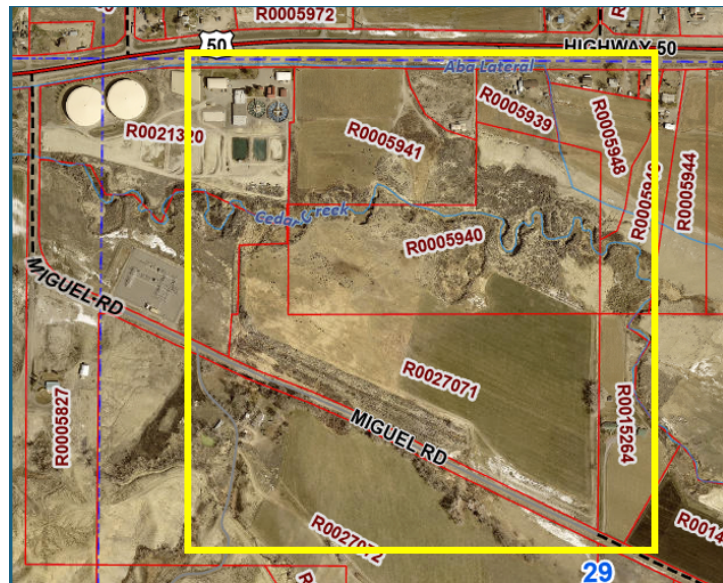
**Re:** Montrose Property – Rezoning and Subdivision Application

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### INTRODUCTION

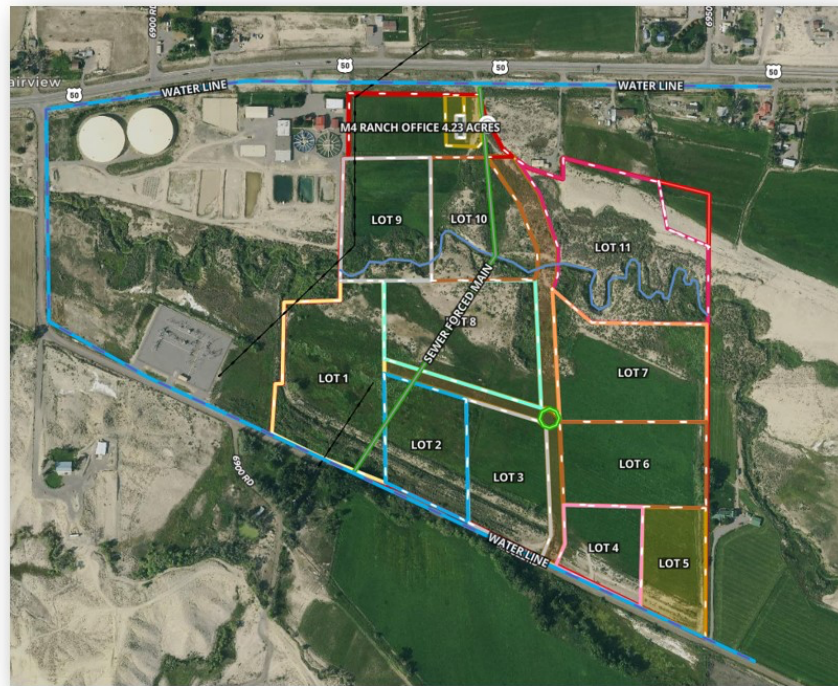
M4 Ranch Group, LLC (“M4” or the “Applicant”) respectfully submits this proposed rezoning and boundary line adjustment memorandum (the “Memo”) of the real property (and any improvements located thereon) in the municipal limits of the City of Montrose, Colorado (the “City”) in and for the County of Montrose, Colorado (the “County” or “Montrose”) located at County Tax Assessor #s: R0005941 (“Property 1”); R0005940 (“Property 2”); and R00027071 (“Property 3”, collectively with Property 1 and Property 2, the “Parcels”). Attached hereto and as depicted below is an accurate boundary and parcel identification of the Parcels created by Land id mapping software.

The Parcels were purchased by M4 on or around August 30, 2024, from the previous owner, Circle H Ranches, Inc. It is the intention of M4 to subdivide all but the northern approximate 4 acres (3.91 Acres) of Property 1 into Property 2 under new ownership (i.e., J&K Consulting, Inc., proposed quit claim deed).



## **SUBDIVISION & REZONING PROPOSAL**

On or around, June 17, 2024, M4 Ranch and City Planning held a pre-application meeting for future development of the Parcels (the “Intended Development Meeting”). During the Intended Development Meeting, M4 discussed three possible initial future developments of the Parcels (the “Initial Development”), including, but not limited to: (i) subdivision of Property 1 down to approximately 4 acres on the northern side of Property 1 – near Highway 50 – then include the remaining severed acreage from Property 1 into Property 2; (ii) a rezoning of Property 1 from R-1A to I-1 under the City’s Land Development Code (the “LDC”); and (iii) development of a Planned Development (“PD”) under the LDC of Property 2 and Parcel 3 for approximately eleven (11) lots for residential use under the LDC. Attached hereto and as depicted below is an approximate boundary and lot identification of the proposed PD created by Land id mapping software.



In the alternative to the Initial Development, and as discussed during the Intended Development Meeting, M4 and City Planning agreed that in lieu of a recommendation of approval from City Planning to subdivide Property 1 and move for a rezoning to I-1, to instead, rezone Property 1 to either B-2, B-3, or B-4 under the LDC. Thereafter, on or around June 28, 2024, M4 sent to City Planning a proposed rezoning plan.

Subsequently, City Planning contacted M4 and proposed a future use of "OR" Office-Residential District on or around October 10, 2024 (*see* attached pertinent correspondence by and between City Planning and M4) for the approximate 4 acres of Property 1. The proposed use of the OR is, according to City Planning and agreed to by M4, a better solution for the intended use of the “M4 Ranch Office...”.

The subdivision of the approximate 4 acres of Property 1 into Property 2, along with the rezoning of the approximate 4 acres to “OR” would run concurrently through the City quasi-judicial process.

## **WATER and SEWER**

During the Initial Development Meeting, the issue of water and sewer connection was addressed and discussed by both M4 and City Planning, attached hereto and as depicted below is an accurate and **current** water and sewer placement for the Parcels created by Land id mapping software.



## **CONCLUSION**

In sum, M4 Ranch respectfully requests the City to: (i) subdivide Property 1, wherein the northern most 3.91 acres are subdivided, and the remaining acreage of Property 1 are subsumed by Property 2; (ii) rezone the newly subdivided 3.91 acres from R-1A to OR in accordance with the City’s rezoning criteria. Final Boundary Survey is attached below as well.

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# MURPHY BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 29, TOWNSHIP 49 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

## IRRIGATION EASEMENTS

The irrigation easement(s) shown hereon shall be owned and maintained by the owners of all lots encumbered by the easement, jointly and severally and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner(s), and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

## VEHICULAR ACCESS TO OR FROM PROPERTY ADJOINING A STATE HIGHWAY

Vehicular access to or from property adjoining a state highway shall be provided to the general street system, unless such access has been acquired by a public authority. Pursuant to C.R.S. § 43-2-147(1)(b), all lots and parcels created by this subdivision will have access to the state highway system in conformance with the state highway access code.

## APPLICABILITY OF SUPPLEMENTAL SITE DEVELOPMENT STANDARDS FOR HIGHWAY CORRIDORS

Property located within 400 feet of a right-of-way line of U.S. Highway 50, east of Hillcrest and north of North 9th Street; of U.S. Highway 550, south of East Oak Grove Road, and of Highway 90 west of the Uncompaghe River; and of North San Juan Avenue between Main Street and Townsend Avenue, shall be subject, as provided in §11-8-8 of the Official Municipal Code of the City of Montrose, to the Supplemental Site Development Standards for Highway Corridors.

## CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Tract 1:  
The W½NE¼NW¼ and the E½NW¼NW¼, Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian:

Excepting the following tracts of land:

The South 12 acres of the W½NE¼NW¼ and the E½NW¼NW¼, Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian,

A strip of land along North side of W½NE¼NW¼ and along North side of E½NW¼NW¼, Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian deeded to the County of Montrose, Deed recorded May 5, 1932 in Book 260 at Page 502.

A tract of land in Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian described as beginning at a point 660 feet West and 50 feet South of North ¼ corner said Section 29, Thence South 2°25' West, 374 feet; Thence North 69°35' West, 165 feet; Thence North 50°51' West, 141.5 feet; Thence North 26°5' West, 164 feet; Thence North 13°0' West, 100 feet; Thence South 87°15' East, 375 feet to the Point of Beginning.

A tract of land in Section 29, Township 49 North, Range 8 West, deeded to the City of Montrose, being more particularly described in deed recorded April 24, 1968 in Book 567 at Page 420.

Any portion of subject property deeded to the City of Montrose, being more particularly described in deed recorded July 22, 1962 in Book 715 at Page 264 (Also described in deed recorded March 10, 1917 in Book 157 at Page 46).

A tract of land situated in Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian described as beginning at a point on the North line of said Section 29 whence the Northwest corner of said Section 29 bears West, 1006.71 feet; Thence South, 300 feet to the True Point of Beginning; Thence South, 15.00 feet; Thence West, 21.49 feet to the West line of the E½NW¼NW¼ of said Section 29, Thence North 0°31'19" East, 15.00 feet along said West line; Thence East, 21.35 feet to the True Point of Beginning.

Tract 2:  
The E½NE¼NW¼ and the South 12 acres of the W½NE¼NW¼ and the E½NW¼NW¼, Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian,

Excepting the following tracts of land:

A tract of land in Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian described as beginning at a point 660 feet West and 50 feet South of North ¼ corner said Section 29, Thence South 2°25' West, 374 feet; Thence North 69°35' West, 165 feet; Thence North 50°51' West, 141.5 feet; Thence North 26°5' West, 164 feet; Thence North 13°0' West, 100 feet; Thence South 87°15' East, 375 feet to the Point of Beginning.

Any portion of a tract of land shown on plats recorded December 15, 1970 in Book 583 at Page 569 and Page 570, also described in deed recorded May 20, 1974 in Book 608 at Page 828 that may overlap subject property.

That part of the E½NE¼NW¼, Section 29, Township 49 North, Range 8 West, New Mexico Principal Meridian beginning at a point 475 feet South of Northeast corner, Thence North 475 feet to Northeast corner NE¼NW¼, Thence West along the North line of said NE¼NW¼ to middle point of said North line said NE¼NW¼; Thence South 312 feet; Thence in a direct line Southeasterly to Point of Beginning.

Have by these presents laid out, plotted and subdivided the same into lots, as shown on this plat, under the name and style of MURPHY BOUNDARY LINE ADJUSTMENT as hereon shown.

Executed this 5th day of May, 2025.

 Secretary  
Signature  
Lakeview Contractors, Inc.

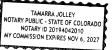
STATE OF COLORADO } ss.

COUNTY OF MONTROSE }

The above Certificate of Dedication and Ownership was acknowledged before me on this 5th day of May, 2025, by Michelle Murphy, the Secretary of Lakeview Contractors Inc.

Witness my hand and official seal.  
My commission expires November 4, 2027

Notary 



## ATTORNEY'S CERTIFICATE

I, Michael R. Hays, an attorney at Law, duly licensed to practice in Colorado, do hereby certify that I have examined the title of all land herein platted and described in the above Certificate of Ownership and Dedication, and that title to such land is in the owners and dedicators; and that the title to all dedicated property herein described is free and clear of all liens and encumbrances, except those exceptions to title as set forth on Title Commitment No. MR8-B7024365-11 issued by Land Title Guarantee Company effective August 21, 2024 at 5:00 P.M. This attorney's Certificate is issued by the undersigned based solely upon an examination of the Title Commitment referred to herein.

Attorney  
Atty. Reg. No. 55334  
Date: May 14, 2025

## APPROVAL OF CITY MANAGER

Approved this 2nd day of July, 2025, by Ann Morganthaler  
Deputy City Manager of the City of Montrose.

  
Deputy City Manager

## APPROVAL OF CITY ATTORNEY

Approved for recording this 2nd day of July, 2025,  
by Christophe Jolly, City Attorney of the City of Montrose.

City Attorney  
Atty. Reg. No. 52045

## BASIS OF BEARINGS:

The bearing between the found Steel Rod NGS Monument H426 and the found 3" Brass Disk in Concrete for NGS Monument H10, bears N33°05'31"W (ASSUMED)

## LINEAL UNIT STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

## SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title policy issued by Land Title Guarantee Company, dated 04/01/2024, bearing order number MR8B7024365.



Colorado Registered Land Surveyor  
Registration No. 28037  
Date: December 20, 2024

## RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of 2:12pm on the 7th day of July, 2025, under

Registration No. 722667

Clerk and Recorder  
Montrose County, Colorado



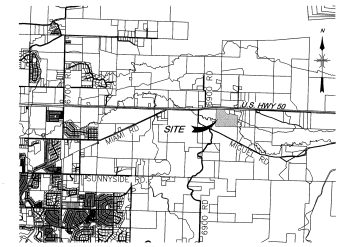
|                                                                                                                    |                            |                  |                                  |
|--------------------------------------------------------------------------------------------------------------------|----------------------------|------------------|----------------------------------|
| <b>MURPHY</b><br>BOUNDARY LINE ADJUSTMENT                                                                          |                            |                  |                                  |
| CLERK: DAN MURPHY                                                                                                  |                            |                  |                                  |
| ADDRESS & PHONE: 228 Colorado Ave. • Montrose, CO 81401 • (970) 246-2201<br>www.dnrmont.com • services@dnrmont.com |                            |                  |                                  |
| RECORD BOOK: 722                                                                                                   | BOOK: DCO                  | DATE: 2025-05-02 | THIS<br>BOUNDARY LINE ADJUSTMENT |
| SHEET: 1 of 1                                                                                                      | PLAT: 722667 PLAT-BORY-ADJ | 24081            |                                  |

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.

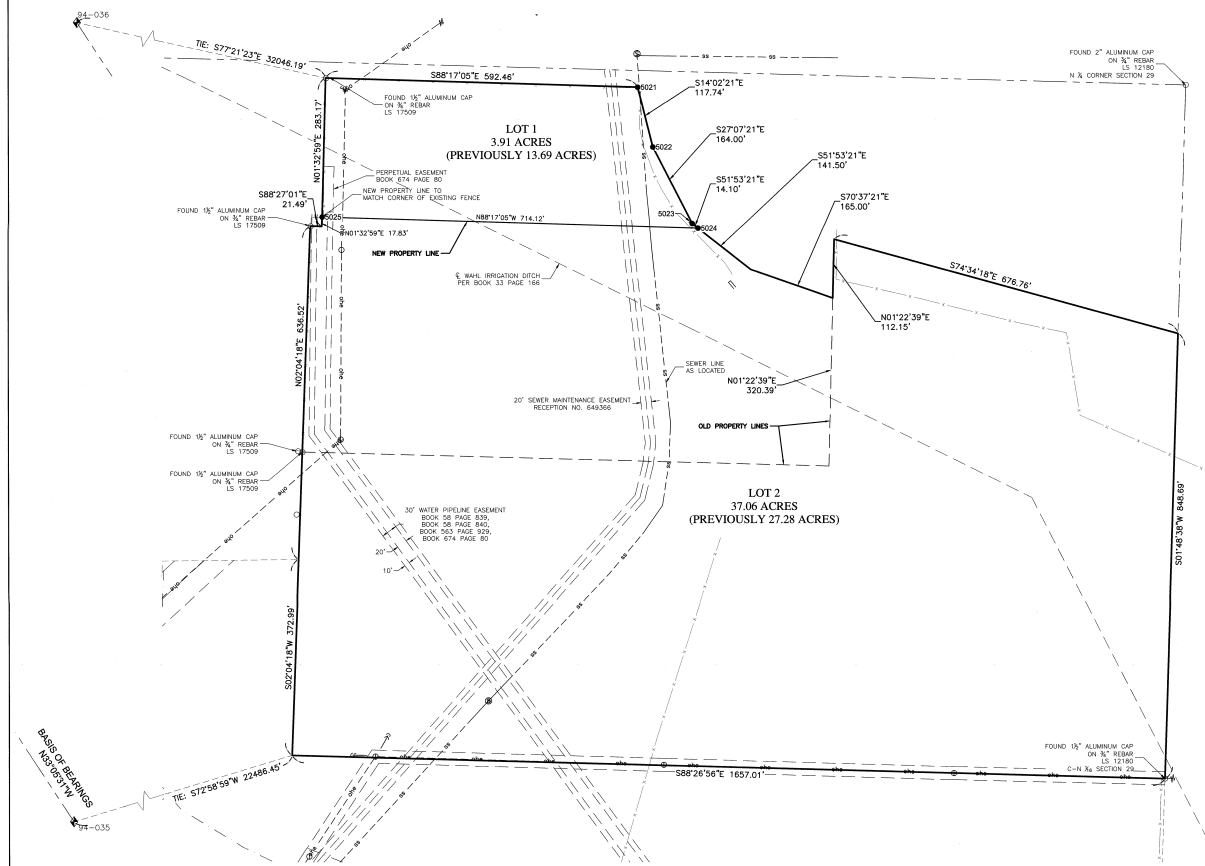
\\SMB14\PROJECTS\ACTIVE PROJECTS\2024\4368-140806\_Road Dedication\2024\BORY-PLAT-BORY-ADJ-24081

# MURPHY BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 29, TOWNSHIP 49 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP  
N.T.S.



RECEIVED: 06/27/2025 12:17 PM  
Page 2 of 2 - PLAT RECORDING 54308  
Montrose County, CO, Town of Montrose, Clerk and Recorder

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 herein.

|                        |                                      |                                                                                                                                                                    |                                                     |
|------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|                        |                                      | <b>DEL-MONT CONSULTANTS, INC.</b><br>PROFESSIONAL SURVEYING<br>125 Colorado Ave. • Montrose, CO 81401 • P: 970.248.0201<br>www.del-mont.com • service@del-mont.com |                                                     |
| RECORD<br><b>722</b>   | DRAWN BY<br><b>DCG</b>               | DATE<br><b>2025-05-02</b>                                                                                                                                          | CLIENT<br><b>MURPHY</b><br>BOUNDARY LINE ADJUSTMENT |
| SHEET<br><b>2 of 2</b> | PLAT<br><b>24081V, PLAT-BDRY-ADJ</b> | FILE NO.<br><b>24081</b>                                                                                                                                           | PROJECT NAME<br><b>BOUNDARY LINE ADJUSTMENT</b>     |

**Subject:** Re: M4 - Montrose Property Development  
**Date:** Wednesday, July 10, 2024 at 12:37:16 PM Central Daylight Time  
**From:** William Reis  
**To:** Kasey Feltner  
**CC:** jhochwalt@ci.montrose.co.us  
**Attachments:** image001.png, image002.png

Hi Kasey,

Apologies for the delay. We took this to some of our other members of staff, and we believe that a rezone to OR Office-Residential may be a good solution for all. This would allow for the intended use of office and professional services, while preventing a potential unintended use of a larger-scale commercial or industrial use that may not be appropriate for this location. I think this fits in better with the comprehensive plan, and will be an easier sell to Planning Commission/City Council. Let me know if you have any questions, and I'd be happy to hop on a call.

Thanks,

On Wed, Jul 10, 2024 at 10:31 AM Kasey Feltner [wrote:](#)

Good morning,

I just tried to call William, but I also see that from the City's website that your office might still be in flux, so I just wanted to send a quick inquiry as to whether the City needs anything else from me at this time to address the message below.

Thank you as always!

Sincerely,

Kasey Feltner, Esq.

Managing Partner

KFeltner Law, PLLC

## ***CHAPTER 11-7. ZONING REGULATIONS<sup>1</sup>***

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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<sup>1</sup>Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-7, §§ 11-7-1—11-7-13, and enacted a new Ch. 11-7 as set out herein. The former Ch. 11-7 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023; Ord. No. 2646, §§ 1, 2, adopted Nov. 14, 2023; and Ord. No. 2672, §§ 1, 2, adopted Sept. 17, 2024.

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### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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- (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.

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- (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.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

#### **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:

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- (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 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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 |
|--------------------------------------|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| 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   |
| 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 |
| Golf courses                                                            | P |   |   |              |   |   |   |   |   |   |
| Parks, open space and recreation facilities                             | P | P | P | P            | P | P | P | P | P | P |
| 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 |
| 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                                                       |   |   |   | <sup>1</sup> |   |   |   | P | P | P |
| Manufactured home park (See Sec. 11-13)                                 |   |   |   |              |   |   |   |   |   | P |
| 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 |
| 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 |
|-----------------------------------|---|---|---|---|---|---|---|---|---|---|

<sup>1</sup> Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

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

| Land Use                                                                     | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|------------------------------------------------------------------------------|----|---|-----|-----|------|-----|-----|-----|-----|
| 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   |

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| Sexually oriented business<br>(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 |
| Theater                                                            |   |   | C | P | P | P |   |   |   |
| Veterinary clinic or hospital,<br>small animal                     |   |   |   | P | P | P |   | C | C |
| Veterinary clinic or hospital,<br>large animal                     |   |   |   |   | P | P |   | C | C |
| Storage facilities, fuels and<br>chemicals                         |   |   |   |   |   | P |   | P | P |
| Aircraft support services                                          |   |   |   |   |   |   |   | P | P |
| Construction equipment<br>storage facility                         |   |   |   |   |   | P |   | P | P |
| Feed storage and sales<br>establishments                           |   |   |   |   |   | P |   | P | P |
| Fulfillment Center                                                 |   |   |   | C | C | C |   | P | P |
| Manufacturing and non-<br>manufacturing uses (See Sec.<br>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<br>distribution operation                  |   |   | C | C | C | C |   | P | P |
| 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<br>adult education                       |   |   | P | P | P | P |   |   |   |
| Daytime social service<br>activities                               |   |   | P | P | P | P |   |   |   |
| Family child care home                                             | P | C | P | P | P | P | P | P | P |
| Government buildings and<br>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<br>facilities                                |   |   | P | P | P | P |   | C | C |

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|------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Religious assembly                                                     | P | P | P | P | P | P | P | C | C |
| Schools; Elementary, Middle and High                                   | C | P | C | C | C | C | C |   |   |
| Live/work unit                                                         | P | P | P | P | P | P | P | P | P |
| Mixed use building                                                     | P | P | P | P | P | P | P | P | P |
| 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 |
| 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 |   |
| 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 |
| Towers (See Sec. 11-14-5)                                              | C | C | C | C | C | C | C | C | C |
| 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 |

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(Ord. No. 2677, § 1(exh. A), 12-17-2024)

**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):

| District | Use <sup>2 3</sup>                  | Maximum Density          | Minimum Lot Size <sup>4</sup> | Front | Rear                        | Side                 | Corner Lot | Maximum Building Height |
|----------|-------------------------------------|--------------------------|-------------------------------|-------|-----------------------------|----------------------|------------|-------------------------|
| RL       | Dwelling, Single Household Detached | TBD - see footnote #4    | <sup>5</sup>                  | 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                      |
|          | 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                      |

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(Supp. No. 11, Update 2)

|     |                           |                          |                     |    |                             |                      |    |    |
|-----|---------------------------|--------------------------|---------------------|----|-----------------------------|----------------------|----|----|
|     | Duplex                    | 9.3 dwelling units/acre  | 9375                | 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 |

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|                |                                                     |                          |                                      |         |         |         |         |         |
|----------------|-----------------------------------------------------|--------------------------|--------------------------------------|---------|---------|---------|---------|---------|
|                | 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 <sup>6</sup>     | 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      |
|                | Tiny Home except Tiny Home Communities <sup>7</sup> | 14.5 dwelling units/acre | 3,000                                | 5       | 10      | 10      | 10      | 35      |
| OR             | All Non-Residential                                 |                          | 6,250                                | 15      | 15      | 5       | 15      | 35      |
| p <sup>8</sup> | 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     |

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Dimensional requirements for manufactured home parks are controlled by Chapter 11-13-5 of this Title.

<sup>7</sup> Dimensional requirements for tiny home communities are controlled by Chapter 11-13-12 of this Title.

<sup>8</sup> City facilities are exempt from these standards.

**(B) Additional Dimensional Requirements.**

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- (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.
  - (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 11-8-10 of this title.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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 percent 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 Section 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:

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- (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 PDs 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.

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- (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 11-4-9.
- (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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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

- (A) *Intent.*

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- (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(I). 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: Five feet side, rear, and front yard setbacks. See also Section 11-7-7(B)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) ADUs 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(2), and provided that ADUs may be conveyed separately from the primary dwelling unit.
    - (b) Lots with ADUs shall be no less than 3,125 square feet.

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- (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)(1) 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.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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;

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- (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.

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- (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

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- (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

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(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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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- (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 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

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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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

**ORDINANCE NO. 2693**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 1 OF THE MURPHY BOUNDARY LINE ADJUSTMENT FROM “R-1A,” LARGE ESTATE DISTRICT TO “OR”, OFFICE-RESIDENTIAL DISTRICT.**

WHEREAS, the Planning Commission met on August 27, 2025, to consider a rezoning of Lot 1 of the Murphy Boundary Line Adjustment in the City of Montrose; and

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

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

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

**SECTION 1:**

The Official Zoning Map is amended to designate a portion of Lot 1 of the Murphy Boundary Line Adjustment, more particularly described as:

LOT 1, OF THE MURPHY BOUNDARY LINE ADJUSTMENT, SITUATED IN SECTION 29, TOWNSHIP 49 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

as a “OR”, Office-Residential District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7<sup>th</sup> day of October, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7<sup>th</sup> day of October, 2025.

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Dave Frank, Mayor

ATTEST:

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Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of October, 2025.

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Dave Frank, Mayor

ATTEST:

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Lisa DelPiccolo, City Clerk



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: October 7, 2025  
RE: Black Canyon Golf Course Boundary Line Adjustment Rezone  
ATTACHMENTS:

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

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**City Council Consideration:**

City Council is considering the approval of the Black Canyon Golf Course Boundary Line Adjustment Rezone. City Council shall consider all of the information in this memo in making a decision.

**Applicant:** James Renfrow

**Application Background:**

The proposal is to rezone a portion of Lot 1 of the Black Canyon Golf Course Boundary Line Adjustment, approximately 0.62 acres, from “P” Public District to “R-1A” Large Estate District. The property is addressed as 2400 Columbine Lane. This property recently underwent a boundary line adjustment between two properties with different zoning designations, and this rezone will remove the current split zoning designation.

The Planning Commission unanimously voted to recommend approval of this rezone request at the August 27, 2025 Planning Commission meeting.

**Proposed Zoning:** “R-1A” Large Estate District



**Staff Analysis:**

1. Municipal Code, Section 11-7-12(A), Rezoning.  
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
  - a) The amendment is not adverse to the public health, safety and welfare; and
  - b) The amendment is in substantial conformity with the master plan; or
    - i. The existing zoning is erroneous; or
    - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to “R-1A” Large Estate District. The current zoning is “P” Public District.
  - Zoning Regulations. The "R-1A" Large Estate District is intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.
3. This property is adjacent to properties that are zoned “R-1A” Large Estate District and “P” Public District.
4. General Conformance with the Comprehensive Plan:
  - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Public. This land use designation is to suggest potential locations for parks, open space, trails, schools, churches, cemeteries, and public buildings.
  - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “R-1A” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

**Staff Recommendation:**

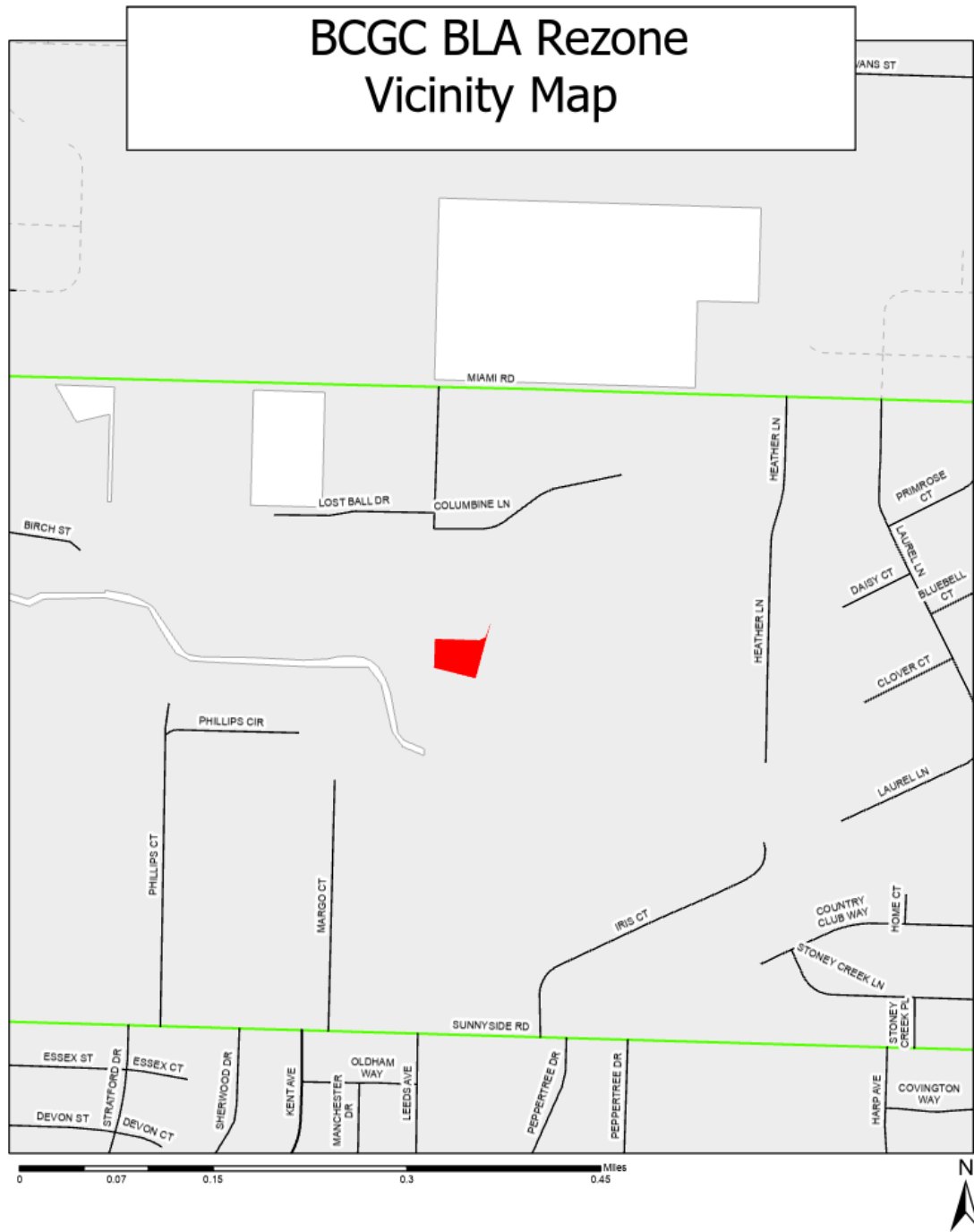
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-1A" Large Estate District.

**City Council Options:**

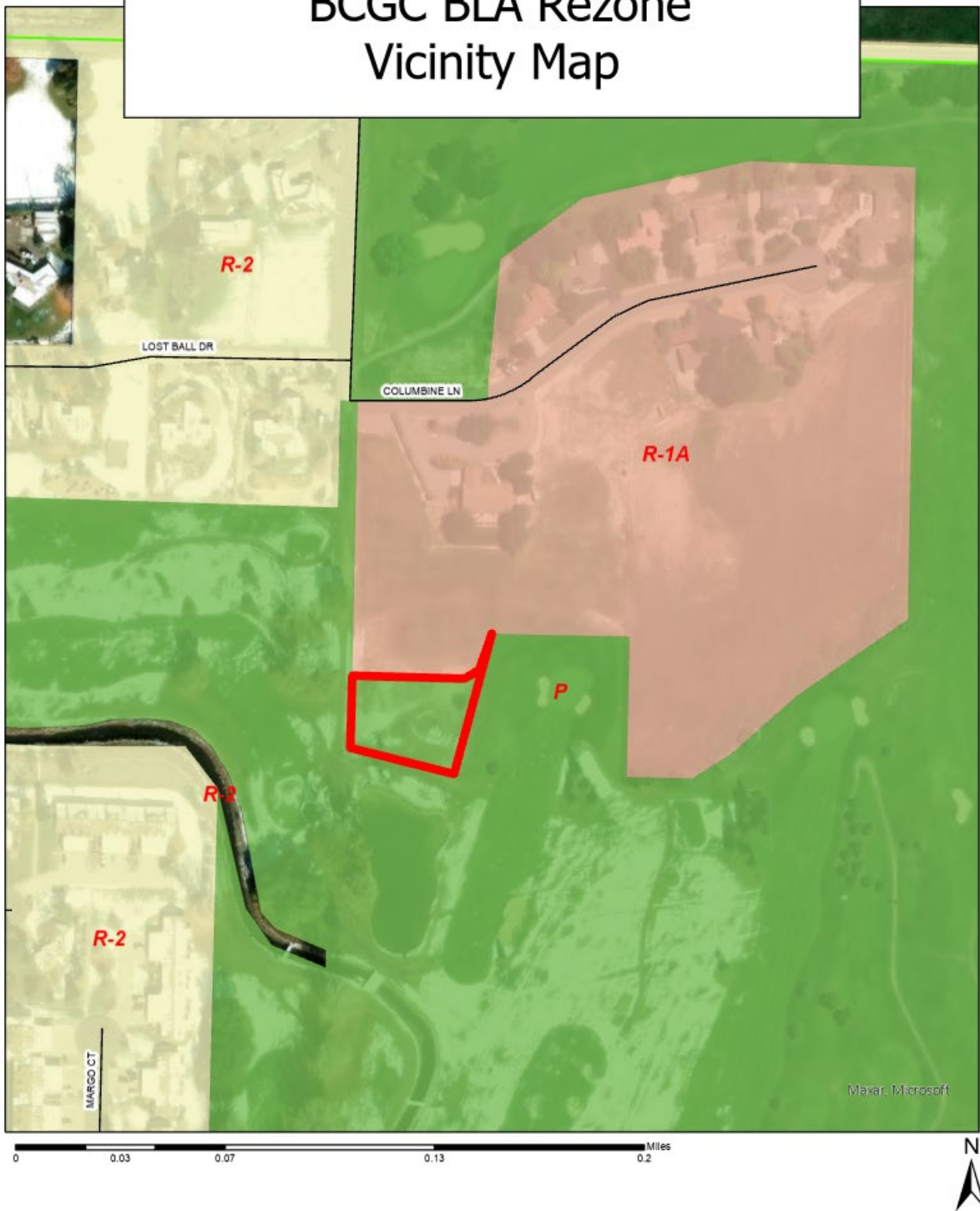
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



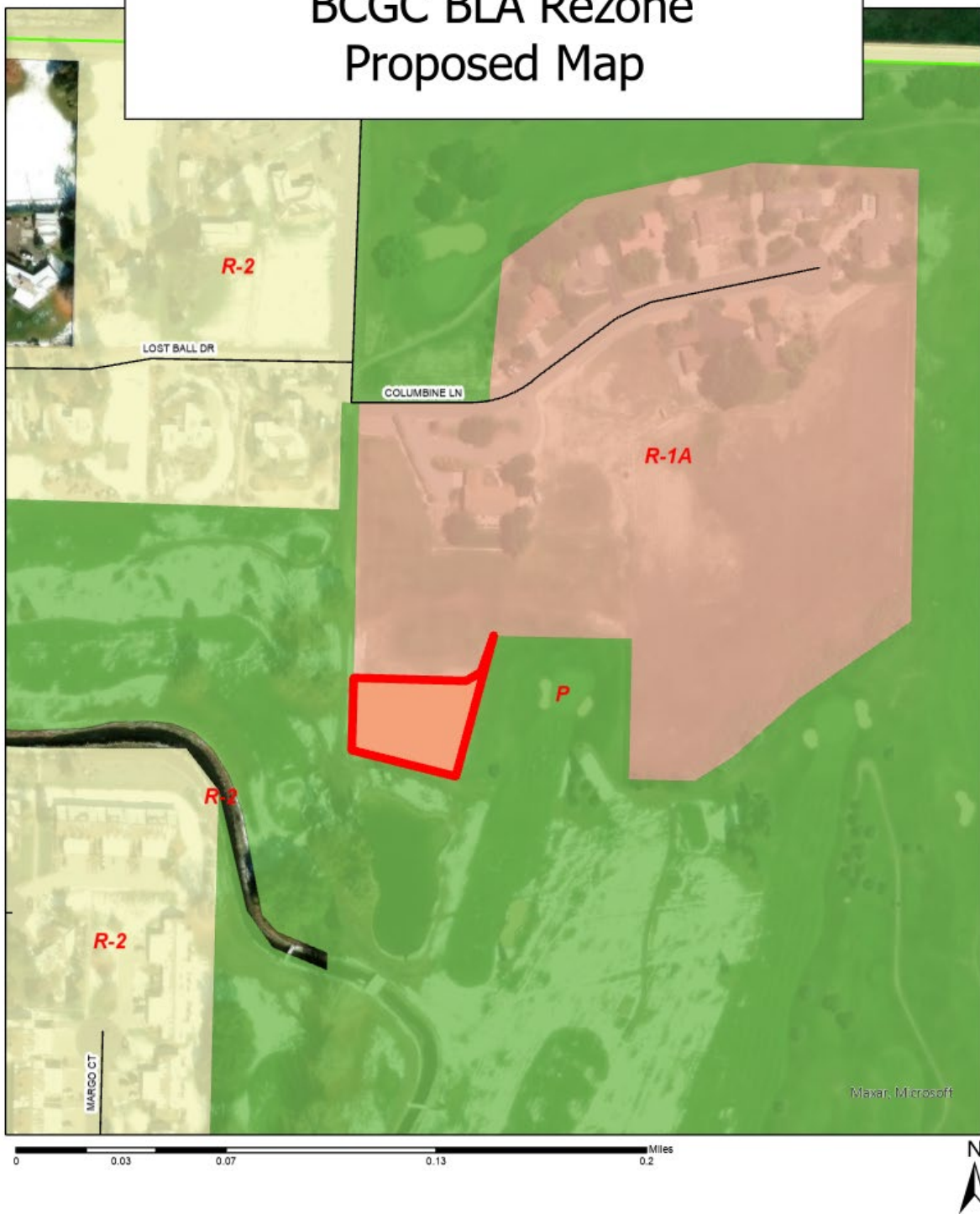
## EXHIBIT A: Maps



# BCGC BLA Rezone Vicinity Map



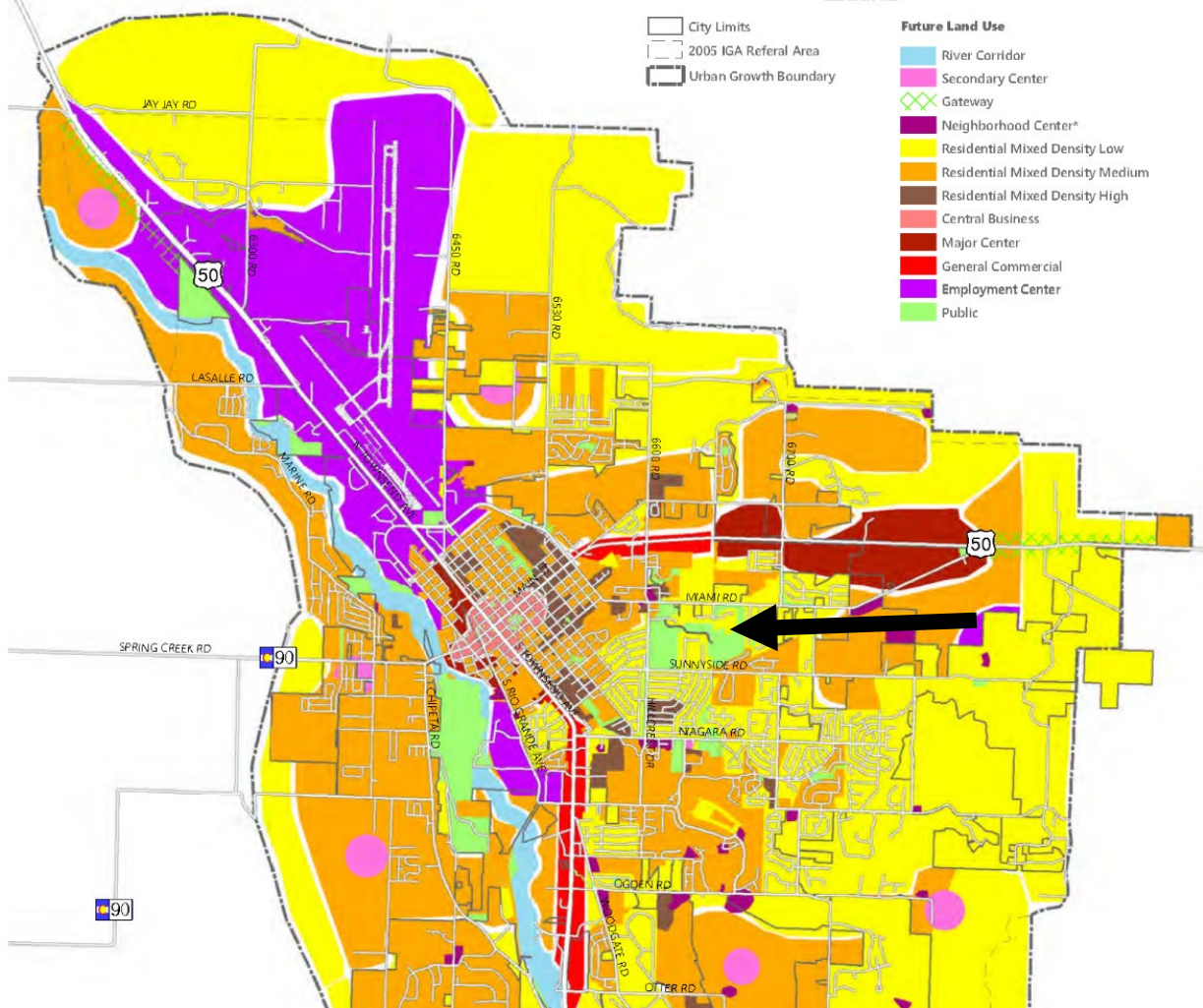
# BCGC BLA Rezone Proposed Map



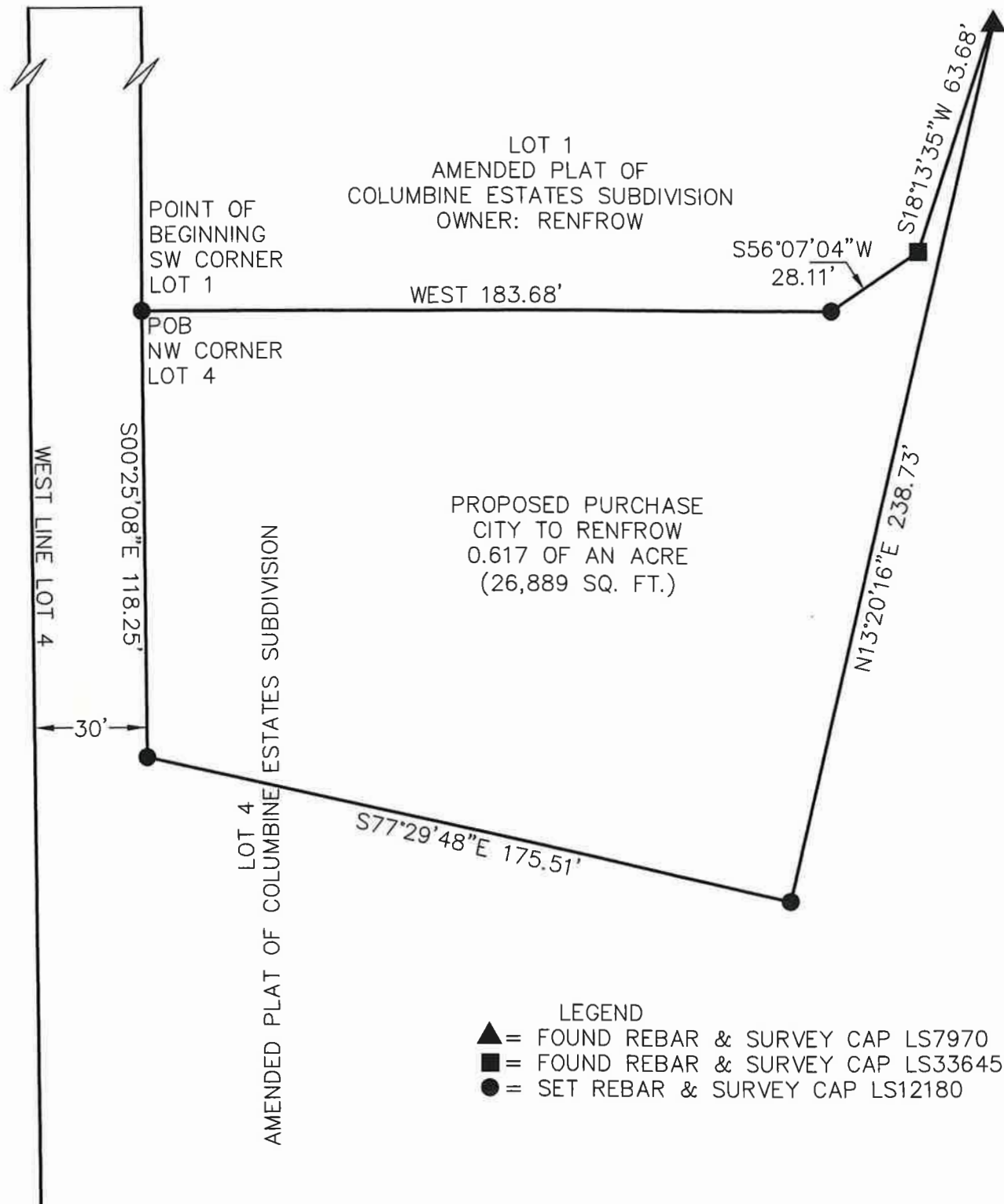
## Comprehensive Plan Future Land Use Map

### FUTURE LAND USE

MAP 5.1



REVISED SKETCH FOR PROPOSED PURCHASE FROM CITY OF MONTROSE  
A PORTION OF LOT 4, AMENDED PLAT OF COLUMBINE ESTATES SUBDIVISION  
SITUATED IN THE W1/2SE1/4 SEC. 6, T49N, R9W, N.M.P.M.  
CITY OF MONTROSE, MONTROSE COUNTY, COLORADO

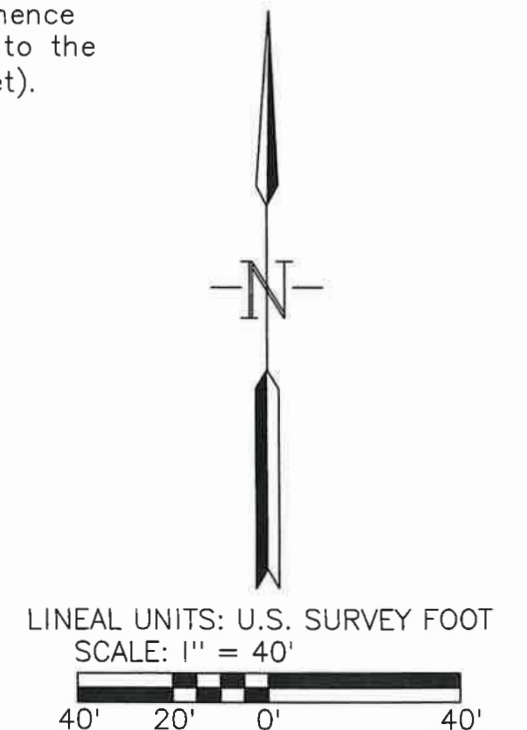
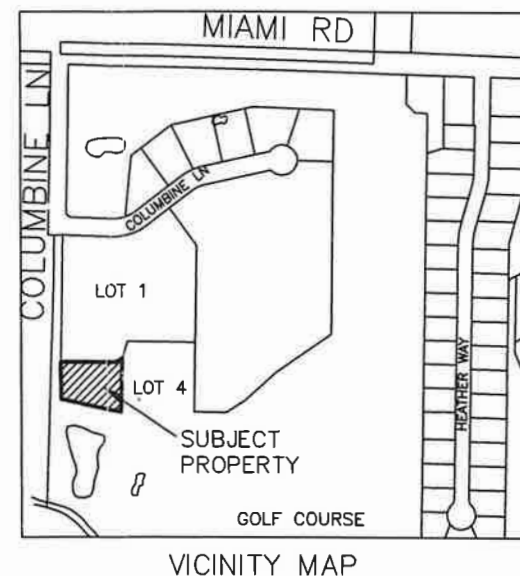


- LEGEND
- ▲ = FOUND REBAR & SURVEY CAP LS7970
  - = FOUND REBAR & SURVEY CAP LS33645
  - = SET REBAR & SURVEY CAP LS12180

PROPERTY DESCRIPTION

A tract of land situated in W1/2SE1/4 Section 6, Township 49 North, Range 9 West, N.M.P.M. and being a part of Lot 4, Amended Plat of Columbine Estates Subdivision, City of Montrose, Montrose County, Colorado and being more particularly described as follows: Beginning at the southwest corner of Lot 1, said Amended Plat of Columbine Estates Subdivision; thence S00°25'08"E parallel to and 30 ft. east of the west line of said Lot 4, a distance of 118.25 ft.; thence S77°29'48"E, 175.51 ft.; thence N13°20'16"E, 238.73 ft. to a found rebar and survey cap stamped LS7970 marking a corner of said Lot 4, Amended Plat of Columbine Estates Subdivision; thence S18°13'35"W along the boundary line of said Lot 4, a distance of 63.68 ft. to a rebar and survey cap stamped LS33645 marking a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, S56°07'04"W, 28.11 ft. to a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, West, 183.68 ft. to the point of beginning, containing 0.617 of an acre (26,889 square feet).

*William D. Wiley* 10-8-2021  
William D. Wiley  
Colorado Registered Land Surveyor  
#12180



BOOK 766  
PAGE 13  
DATE 10/8/21

FOR: JIM RENFROW

MESA SURVEYING ASSOCIATES  
P.O. BOX 1287 MONTROSE, CO 81402  
(970) 240-9994

FILE NO.  
21-99

## ***CHAPTER 11-7. ZONING REGULATIONS<sup>1</sup>***

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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<sup>1</sup>Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-7, §§ 11-7-1—11-7-13, and enacted a new Ch. 11-7 as set out herein. The former Ch. 11-7 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023; Ord. No. 2646, §§ 1, 2, adopted Nov. 14, 2023; and Ord. No. 2672, §§ 1, 2, adopted Sept. 17, 2024.

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### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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- (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.

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- (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.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

#### **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:

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- (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 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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 |
|--------------------------------------|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| 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   |
| 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 |
| Golf courses                                                            | P |   |   |              |   |   |   |   |   |   |
| Parks, open space and recreation facilities                             | P | P | P | P            | P | P | P | P | P | P |
| 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 |
| 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                                                       |   |   |   | <sup>1</sup> |   |   |   | P | P | P |
| Manufactured home park (See Sec. 11-13)                                 |   |   |   |              |   |   |   |   |   | P |
| 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 |
| 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 |
|-----------------------------------|---|---|---|---|---|---|---|---|---|---|

<sup>1</sup> Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

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

| Land Use                                                                     | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|------------------------------------------------------------------------------|----|---|-----|-----|------|-----|-----|-----|-----|
| 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   |

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|                                                                    |   |   |   |   |   |   |   |   |   |
|--------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Sexually oriented business<br>(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 |
| Theater                                                            |   |   | C | P | P | P |   |   |   |
| Veterinary clinic or hospital,<br>small animal                     |   |   |   | P | P | P |   | C | C |
| Veterinary clinic or hospital,<br>large animal                     |   |   |   |   | P | P |   | C | C |
| Storage facilities, fuels and<br>chemicals                         |   |   |   |   |   | P |   | P | P |
| Aircraft support services                                          |   |   |   |   |   |   |   | P | P |
| Construction equipment<br>storage facility                         |   |   |   |   |   | P |   | P | P |
| Feed storage and sales<br>establishments                           |   |   |   |   |   | P |   | P | P |
| Fulfillment Center                                                 |   |   |   | C | C | C |   | P | P |
| Manufacturing and non-<br>manufacturing uses (See Sec.<br>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<br>distribution operation                  |   |   | C | C | C | C |   | P | P |
| 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<br>adult education                       |   |   | P | P | P | P |   |   |   |
| Daytime social service<br>activities                               |   |   | P | P | P | P |   |   |   |
| Family child care home                                             | P | C | P | P | P | P | P | P | P |
| Government buildings and<br>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<br>facilities                                |   |   | P | P | P | P |   | C | C |

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|------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Religious assembly                                                     | P | P | P | P | P | P | P | C | C |
| Schools; Elementary, Middle and High                                   | C | P | C | C | C | C | C |   |   |
| Live/work unit                                                         | P | P | P | P | P | P | P | P | P |
| Mixed use building                                                     | P | P | P | P | P | P | P | P | P |
| 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 |
| 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 |   |
| 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 |
| Towers (See Sec. 11-14-5)                                              | C | C | C | C | C | C | C | C | C |
| 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 |

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(Ord. No. 2677, § 1(exh. A), 12-17-2024)

**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):

| District | Use <sup>2 3</sup>                  | Maximum Density          | Minimum Lot Size <sup>4</sup> | Front | Rear                        | Side                 | Corner Lot | Maximum Building Height |
|----------|-------------------------------------|--------------------------|-------------------------------|-------|-----------------------------|----------------------|------------|-------------------------|
| RL       | Dwelling, Single Household Detached | TBD - see footnote #4    | <sup>5</sup>                  | 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                      |
|          | 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                      |

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|     |                           |                          |                     |    |                             |                      |    |    |
|-----|---------------------------|--------------------------|---------------------|----|-----------------------------|----------------------|----|----|
|     | Duplex                    | 9.3 dwelling units/acre  | 9375                | 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 |

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|                |                                                     |                          |                                      |         |         |         |         |         |
|----------------|-----------------------------------------------------|--------------------------|--------------------------------------|---------|---------|---------|---------|---------|
|                | 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 <sup>6</sup>     | 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      |
|                | Tiny Home except Tiny Home Communities <sup>7</sup> | 14.5 dwelling units/acre | 3,000                                | 5       | 10      | 10      | 10      | 35      |
| OR             | All Non-Residential                                 |                          | 6,250                                | 15      | 15      | 5       | 15      | 35      |
| p <sup>8</sup> | 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     |

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Dimensional requirements for manufactured home parks are controlled by Chapter 11-13-5 of this Title.

<sup>7</sup> Dimensional requirements for tiny home communities are controlled by Chapter 11-13-12 of this Title.

<sup>8</sup> City facilities are exempt from these standards.

**(B) Additional Dimensional Requirements.**

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- (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.
  - (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 11-8-10 of this title.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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 percent 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 Section 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:

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- (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 PDs 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.

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- (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 11-4-9.
- (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 Unit 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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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

- (A) *Intent.*

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- (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(I). 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: Five feet side, rear, and front yard setbacks. See also Section 11-7-7(B)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) ADUs 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(2), and provided that ADUs may be conveyed separately from the primary dwelling unit.
    - (b) Lots with ADUs shall be no less than 3,125 square feet.

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- (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)(1) 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.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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;

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- (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.

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- (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

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- (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

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(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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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- (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 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

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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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

### **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.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

## **ORDINANCE NO. 2694**

### **AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF LOT 1 OF THE BLACK CANYON GOLF COURSE BOUNDARY LINE ADJUSTMENT FROM “P,” PUBLIC DISTRICT TO “R-1A,” LARGE ESTATE DISTRICT.**

WHEREAS, the Planning Commission met on August 27, 2025, to consider a rezoning of a portion of Lot 1 of the Black Canyon Golf Course Boundary Line Adjustment in the City of Montrose; and

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

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

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

#### **SECTION 1:**

The Official Zoning Map is amended to designate a portion of Lot 1 of the Black Canyon Golf Course Boundary Line Adjustment, more particularly described as:

A tract of land situated in W1/2SE1/4 Section 26, Township 49 North, Range 9 West, N.M.P.M., and being a part of Lot 4, Amended Plat of Columbine Estates Subdivision, City of Montrose, Montrose County, Colorado and being more particularly described as follows: Beginning at the southwest corner of Lot 1, said Amended Plat of Columbine Estates Subdivision; thence S00°25'08"E parallel to and 30 ft. east of the west line of said Lot 4, a distance of 118.25 ft.; thence S77°29'48"E, 175.51 ft.; thence N13°20'16"E, 238.73 ft. to a found rebar and survey cap stamped LS7970 marking a corner of said Lot 4, Amended Plot of Columbine Estates Subdivision; thence S18°13'35"W along the boundary line of said Lot 4, a distance of 63.68 ft. to a rebar and survey cap stamped LS33645 marking a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, S56 °07'04W, 28.11 ft. to a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, West, 183.68 ft. to the point of beginning containing 0.617 of an acre (26,889 square feet).

as a “R-1A”, Large Estate District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7<sup>th</sup> day of October, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7<sup>th</sup> day of October, 2025.

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Dave Frank, Mayor

ATTEST:

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Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of October, 2025.

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Dave Frank, Mayor

ATTEST:

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Lisa DelPiccolo, City Clerk