



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, March 17, 2026 - 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) **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.

6) **APPROVAL OF MINUTES** (5 minutes)

City Council consideration of the minutes of the March 2, 2026, special City Council meeting and the March 3, 2026, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the March 2, 2026, special City Council meeting and the March 3, 2026, regular City Council meeting as presented.

7) **ORDINANCE 2705 - SECOND READING** (15 minutes)

City Council considered Ordinance 2705 on second reading, an Ordinance of the City of Montrose, Colorado, an ordinance of the City of Montrose, Colorado, updating Title 1 Chapter 2, General Provisions; Title 1 Chapter 14, Municipal Court; Title 6, Chapter 1, Miscellaneous Offenses; and Title 10, Chapter 1, Traffic Code of the Official Code of the City of Montrose, Colorado: amending Title 1 Chapter 2 Section 3 (1-2-3) regarding general penalty; amending Title 1 Chapter 14 Section 4 (1-14-4), regarding sentencing provisions for violations of the Official Code of the City of Montrose; repealing and replacing Title 6 Chapter 1 Section 7 (6-1-7) Petty Theft; repealing and replacing Title 6 Chapter 1 Section 8 (6-1-8) Shoplifting; repealing and replacing Title 6 Chapter 1 Section 9 (6-1-9) Destruction of Property; amending Title 10, Chapter 1, Section 1 (10-1-1) Adoption of Traffic Code; amending Title 10, Chapter 1, Section 4 (10-1-4) Additions or Modifications; and amending Title 10, Chapter 1 Section 16 (10-1-16), regarding penalties in adopted Model Traffic Code. *Staff: Assistant City Attorney Matt Magliaro*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2705 on second reading as presented.

8) **ORDINANCE 2706 - SECOND READING** (15 minutes)

City Council consideration of Ordinance 2706 on second reading, an Ordinance of the City of Montrose, Colorado, updating Title XI Chapter 4, Development Review Procedures; Title XI Chapter 7, Zoning Regulations; Title XI Chapter 11, Supplementary Uses; and Title XI Chapter 15, Definitions: amending Title XI Chapter 4 Section 2 (11-4-2), regarding review process; amending Title XI Chapter 7 Section 6 (11-7-6), regarding district uses; adding Title XI Chapter 11 Section 7 (11-11-7), regarding the supplementary use of an unhoued shelter; and amending Title XI Chapter 15 Section 2 (11-15-2), regarding the definition of an unhoued shelter. *Staff: Community Development Director Jace Hochwalt*



Action: Accept public comment. Consider making a motion to adopt Ordinance 2706 on second reading as presented.

9) **ORDINANCE 2707 - SECOND READING** (15 minutes)

City Council consideration of Ordinance 2707 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title VII Fire Prevention and Safety and adopting by reference the 2025 Colorado Wildfire Resiliency Code. *Staff: Community Development Director Jace Hochwalt*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2707 on second reading as presented.

10) **ORDINANCE 2708 - FIRST READING** (15 minutes)

City Council consideration of Ordinance 2708 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of the open space of the Elder Homestead at Montrose and open space of the Final Plat of the East Pavilion Complex from "P", Public District, to "R-3A", Medium High Density District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2708 on first reading as presented.

11) **ORDINANCE 2709 - FIRST READING** (15 minutes)

City Council consideration of Ordinance 2709 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of a portion of Lot 3R of the McCall Boundary Line Adjustment from "R-3A", Medium Density District, to "R-2", Low Density District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2709 on first reading as presented.



12) **THE BRIDGES AT BLACK CANYON FILING NO. 11 AMENDED PRELIMINARY PLAT**
(10 minutes)

City Council consideration of The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

13) **CITY HALL ROOF CONTRACT AWARD** (10 minutes)

City Council consideration of the authorization of \$347,267.19 for the roof recondition at City Hall, including a contract amount of \$310,059.99 with Garland DBS Incorporated.
Staff: Public Works Director Jim Scheid

Action: Accept public comment. Consider making a motion to approve the authorization of \$347,267.19 for the roof recondition at City Hall, including a contract in the amount of \$310,059.99 with Garland DBS Incorporated as presented.

14) **STAFF REPORTS**

A) Sales, Use, and Excise Tax Report (5 minutes)
Sales Tax Manager Leeanne Whittaker

15) **YOUTH CITY COUNCIL REPORT**

16) **CITY COUNCIL COMMENTS**

17) **MOTION TO ADJOURN**



MONTROSE CITY COUNCIL

March 2, 2026

A special meeting of the Montrose City Council was held on Monday, March 2, 2026, 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, Terri Wilcox, Lisa DelPiccolo

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 10:51 a.m.

EXECUTIVE SESSION

At 10:51 a.m., a motion was made by Judy Ann Files, seconded by Ed Ulibarri, 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 provided for identification purposes: City Manager and City Attorney evaluations. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:17 p.m.

A motion was made by J. David Reed, seconded by Doug Glaspell, to increase the City Manager salary by \$10,000.00 with a bonus of \$10,000.00. All voted yes. Motion passed.

A motion was made by J. David Reed, seconded by Doug Glaspell, to increase the City Attorney salary by \$15,000.00 with a bonus of \$5,000.00. All voted yes. Motion Passed.

At 12:20 p.m. the meeting adjourned with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



MONTROSE CITY COUNCIL

March 3, 2026

A regular meeting of the Montrose City Council was held on Tuesday, March 3, 2026, 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, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, Nik Pridy, Matt Magliaro, Gunnison Clamp, Katie Riley, Thomas Cenicerros, Michelle Wingfield, Tim Cox, Leif Betancourt-Ege, Greg Stunder, Blaine Hall

GUESTS

Beth McCorkle, Michael Badagliacco, Miriam Cardenas, John Brown, Rachel Betancourt-Ege, Aaron Ranstrom, Leah Vandersluice, Phoebe Benziger, Adam Woodden, John Moyer, Sam Aster

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

No changes were made to the agenda.

OATH OF OFFICE FOR ASSISTANT CITY ATTORNEY

City Clerk Lisa DelPiccolo administered an Oath of Office to Assistant City Attorney Greg Stunder.

CALL FOR PUBLIC COMMENT

John Brown requested adoption of a non-sanctuary city declaration by City Council.

APPROVAL OF MINUTES

City Council considered the minutes of the February 17, 2026, special City Council meeting and the February 17, 2026, regular City Council meeting.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the minutes of the February 17, 2026, special City Council meeting and the February 17, 2026, regular City Council meeting as presented. All voted yes. Motion passed.

PLANNING COMMISSION ALTERNATE APPOINTMENT

City Council considered the appointment of Beth McCorkle as an alternate member of the City of Montrose Planning Commission for a term that expires on December 31, 2026.

A motion was made by J. David Reed, seconded by Doug Glaspell, to appoint Beth McCorkle as an alternate member of the City of Montrose Planning Commission for a term that expires on December 31, 2026. All voted yes. Motion passed.

DISPOSAL OF CITY VEHICLES AND EQUIPMENT

City Council considered approval of the disposal of City-owned vehicles and equipment to be replaced in 2026.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the disposal of City-owned vehicles and equipment to be replaced in 2026 as presented. All voted yes. Motion passed.

ORDINANCE 2706 - FIRST READING

City Council considered Ordinance 2706 on first reading, Ordinance of the City of Montrose, Colorado, updating Title XI Chapter 4, Development Review Procedures; Title XI Chapter 7, Zoning Regulations; Title XI Chapter 11, Supplementary Uses; and Title XI Chapter 15, Definitions: amending Title XI Chapter 4 Section 2 (11-4-2), regarding review process; amending Title XI Chapter 7 Section 6 (11-7-6), regarding district uses; adding Title XI Chapter 11 Section 7 (11-11-

7), regarding the supplementary use of an unhoused shelter; and amending Title XI Chapter 15 Section 2 (11-15-2), regarding the definition of an unhoused shelter. A hearing was held.

Community Development Director Jace Hochwalt reported that the land use code within Title XI of the Municipal Code does not currently include a defined land use category or regulatory framework for unhoused shelters. There is limited clarity regarding allowed locations and review and approval processes.

Mr. Hochwalt stated that Ordinance 2706 adds a definition for “Unhoused Shelter,” establishes use-specific standards and permitting requirements, identifies allowed locations, and incorporates review and approval processes. The definition states that the primary purpose is to provide overnight shelter to people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

Mr. Hochwalt said a permit would be required before occupancy is allowed, and allowed use would be within the “P,” Public, zoning district. The Ordinance also incorporates the permitting process within the Review Procedures Chart. A City Council hearing would be required.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to pass Ordinance 2706 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2707 - FIRST READING

City Council considered Ordinance 2707 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title VII Fire Prevention and Safety and adopting by reference the 2025 Colorado Wildfire Resiliency Code. A hearing was held.

Community Development Director Jace Hochwalt reported that the required adoption of the Colorado Wildfire Resiliency Code stems from a response to the growing intensity, frequency and devastation of wildfires. Mr. Hochwalt said that SB23-116 requires local jurisdictions to adopt the Wildfire Resiliency Code by April 1, 2026, and enact enforcement by July 1, 2026.

Mr. Hochwalt reviewed components of the code which apply to new construction and significant remodels. The Wildfire Resiliency Code provides definitions and defines low, moderate and high wildfire intensity zones. A state hazard map will be updated every three years with an option for property owners to request a parcel-level review.

Mr. Hochwalt stated that the City contains only low and moderate risk zones within the southeast portion of the City, and property owners may challenge their classifications under Section 304 – Ground-Truthing.

Mr. Hochwalt recommended adoption of the Colorado Wildfire Resiliency Code by reference within Title 7 (Fire Prevention and Safety) of the Municipal Code.

City Council discussed pending legislation that may delay the required implementation until July of 2027.

Mr. Hochwalt stated that citizen reviews would be conducted at the staff level in conjunction with the Montrose Fire District. Notification of contractors will begin following adoption of the ordinance.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

Adam Woodden asked about the cost associated with the ground truthing option and whether the City could make the Wildfire Resiliency Code more restrictive. Mr. Hochwalt said there are no costs associated with ground truthing, and the City could be more restrictive, but not less restrictive.

John Moyer asked whether the City has discretion with the adoption of the Wildfire Resiliency Code and if landowners could mitigate danger. Mayor Frank said the City cannot redefine the zones and recommended contacting state legislators for requested changes.

Aaron Ranstrom questioned if a retroactive component exists between adoption of the ordinance and the implementation date. City Attorney Chris Dowsey said the City cannot enforce the Code retroactively.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2707 on first reading as presented. All voted yes. Motion passed.

FOURTH OF JULY FIREWORKS DISPLAY PURCHASE

City Council considered the sole source purchase of fireworks from Zambelli Fireworks for the total purchase price of \$63,000.00.

Pavilion and Community Events Manager Kathryn Riley reported that a sole source purchase approval is sought to ensure continuity of service, secure vendor availability, and meet high safety standards for the annual Fourth of July celebration. Ms. Riley recommended approval of the purchase for the 2026 display stating that a limited number of qualified fireworks providers are capable of delivering large-scale fireworks displays at a reasonable price.

Ms. Riley said Zambelli will supply the fireworks and the display is conducted by certified technicians. Zambelli was the provider for last year's Fourth of July display.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to approve the sole source purchase of fireworks from Zambelli Fireworks for the total purchase price of \$63,000.00 as presented. All voted yes. Motion passed.

2026 COMMERCIAL TRASH RECEPTACLE PURCHASE

City Council considered the purchase of 150 300-gallon trash containers with extra lids and hardware from Snyder Refuse for the total purchase price of \$72,460.00.

Public Works Director Jim Scheid reported that Public Works replaces about 100 of the aging containers each year, and this purchase would provide the supply for 2026. Mr. Scheid requested a sole source purchase to retain consistency and said an increase in pricing was verified to be at the CPI rate.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the purchase of 150 300-gallon trash containers with extra lids and hardware from Snyder Refuse for the total purchase price of \$72,460.00 as presented. All voted yes. Motion passed.

2026 STREETS CRACK SEAL MATERIAL PURCHASE

City Council considered the purchase of crack seal material from DISSCO (Denver Industrial Sales) for use by the City's Streets crew for the total purchase amount of \$80,000.00.

Public Works Director Jim Scheid reported that this crack seal material purchase will allow Public Works crews to perform street repairs. Mr. Scheid said the crews are able to prepare streets within designated zones for MoveMo surface treatments and conduct general repairs throughout the City.

Mr. Scheid stated that \$80,000.00 is included in the 2025 budget, and a sole source is needed to purchase the specific material required for the equipment and the climate. Mr. Scheid said the pricing was verified to be fair.

Mr. Scheid reviewed the crack sealing process which is often conducted at night to avoid traffic disruption. Approximately 30-35 miles are treated annually to extend the life of the pavement and prepare for surface treatments.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the purchase of crack seal material from DISSCO (Denver Industrial Sales) for the total purchase price of \$80,000.00 as presented. All voted yes. Motion passed.

MOVING MONTROSE FORWARD 2026 SURFACE TREATMENT CONTRACT AWARD

City Council considered a contract award to A-1 Chipseal Co. in the amount of \$2,134,909.44 for completion of the Moving Montrose Forward 2026 Surface Treatment Project.

City Engineer Scott Murphy reported that \$5 million is allocated for street maintenance annually with an additional \$500,000.00 for repair projects such as crack sealing and patching. The surface treatment contract is a specialty contract with two qualified companies within Colorado. Mr. Murphy said \$2 million to \$2.5 million is spent on surface treatments each year. This project is

designed in house annually and the Utilities Department is consulted to identify possible waterline replacements. Mr. Murphy said the northeast quadrant of the City will be the focus for surface treatment projects in 2026.

The bid process was reviewed. Mr. Murphy said two bids were received with A-1 Chipseal as the low bidder. The contract includes an option to extend for up to three years, but the contract will return to City Council each year.

Public comment was accepted.

Leif Betancourt-Ege asked if sidewalks on Hillcrest Drive will be brought to ADA standards. Mr. Murphy confirmed that the sidewalks will be widened and brought to ADA standards.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to award a contract to A-1 Chipseal Co. in the amount of \$2,134,909.44 for completion of the Moving Montrose Forward 2026 Surface Treatment Project as presented. All voted yes. Motion passed.

ORDINANCE 2703 – SECOND READING

City Council considered Ordinance 2703 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 1 Chapter 14 Section 2 (1-14-2), regarding rules of procedure to have the Montrose Municipal Court become a court of record.

Assistant City Attorney Matt Magliaro reported no changes since the first reading of Ordinance 2703 on February 17. Mr. Magliaro reviewed the statutory requirements for courts of record. The judges must be licensed and admitted to practice law in Colorado. A verbatim record of proceedings and evidence at trials is also required, either by electronic devices or a stenographer.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2703 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2705 – FIRST READING

City Council considered Ordinance 2705 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 1 Chapter 2, General Provisions; Title 1 Chapter 14, Municipal Court; Title 6, Chapter 1, Miscellaneous Offenses; and Title 10, Chapter 1, Traffic Code of the Official Code of the City of Montrose, Colorado: amending Title 1 Chapter 2 Section 3 (1-2-3) regarding general penalty; amending Title 1 Chapter 14 Section 4 (1-14-4), regarding sentencing provisions for violations of the Official Code of the City of Montrose; repealing and replacing Title 6 Chapter 1 Section 7 (6-1-7) Petty Theft; repealing and replacing Title 6 Chapter 1 Section 8 (6-1-8) Shoplifting; repealing and replacing Title 6 Chapter 1 Section 9 (6-1-9) Destruction of Property; amending Title 10, Chapter 1, Section 1 (10-1-1) Adoption of Traffic Code; amending Title 10, Chapter 1, Section 4 (10-1-4) Additions or Modifications; and amending Title 10, Chapter 1 Section 16 (10-1-16), regarding penalties in adopted Model Traffic Code. A hearing was held.

Assistant City Attorney Matt Magliaro reported that this proposed Ordinance amends eight separate sections of the Municipal Code to comply with state statute and to react to binding precedent from the Colorado Supreme Court.

Mr. Magliaro said that the Ordinance amends three sentencing provisions for ordinance violations within the Municipal Code and the Colorado Model Traffic Code. It also strikes an obscure, never charged subsection on failure to appear.

Mr. Magliaro said a typographical error was discovered in the Ordinance in the meeting packet, and a clean version of the Ordinance was printed for the Mayor's signature.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2705 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2704 – SECOND READING

City Council considered Ordinance 2704 on second reading, an Ordinance of the City of Montrose, Colorado, designating the Montrose Post Office, with an historic address of 25-27 North Cascade Avenue, as a City of Montrose Historic Property pursuant to § 11-3 of the Official Code of the City of Montrose.

City Councilor Ed Ulibarri recused himself from this agenda item because he serves as a member of the MADA Board of Directors. Mr. Ulibarri left the City Council Chambers at 7:31 p.m.

Senior Planner William Reis reported no changes since the first reading of the Ordinance on February 17. Mr. Reis said the owners of the building applied to place the property on the City's register of historic places, and the structure is eligible due to its age of over 50 years. The building is also significant for its association with the early development of governmental services in Montrose. Mr. Reis said construction was completed in 1890 and the building was the site of an early Montrose post office. The building was altered in the 1950s. The alterations are old enough to be historic in their own right and represent a post-World War II architectural style.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Ordinance 2704 on second reading as presented. All present voted yes. Motion passed.

Mr. Ulibarri rejoined the meeting at 7:34 p.m.

RESOLUTION 2026-04

City Council considered Resolution 2026-04, setting April 6, 2026, as the hearing date for the Matteo's Addition annexation.

Senior Planner William Reis reviewed the annexation schedule and the location of the 1.23 acre parcel. The property is located within the Urban Growth Boundary and within City of Montrose water and sewer service areas. The applicant is requesting a zoning designation of "R-2", Low Density District, which matches surrounding properties.

Mr. Reis stated that an annexation agreement is required, and an annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Resolution 2026-04 as presented. All voted yes. Motion passed.

BROWN RANCH SUBDIVISION AMENDED PRELIMINARY PLAT 5

City Council considered the Brown Ranch Subdivision Amended Preliminary Plat 5.

Mayor Pro Tem Judy Ann Files recused herself from this agenda item. Ms. Files left the City Council Chambers at 7:37 p.m.

Senior Planner William Reis reported that the 372.07 acre site is located on Outlot C of Brown Ranch Subdivision Filing No. 9, though the 120 proposed residential lots are on a smaller portion of the property. Mr. Reis said the proposed lots are within the "R-2", Low Density, zoning district. Mr. Reis reviewed the subdivision and PD process, subdivision review standards, and the intent of the R-2 zoning designation. Mr. Reis said six phases of completion are proposed for this development, and the majority of the property is reserved as outlots for future development.

Mr. Reis 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-2 zoning designation. The Planning Commission unanimously recommended approval on February 11, 2026.

City Engineer Scott Murphy said a review of traffic, water, sewer, fire protection, drainage, pedestrian connectivity, and infrastructure are all part of this approval process.

Public comment was accepted.

Developer John Moyer said he has been associated with the Brown Ranch project since 1994 and offered to answer any questions.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the Brown Ranch Subdivision Amended Preliminary Plat 5 expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All present voted yes. Motion passed.

Ms. Files rejoined the meeting at 7:45 p.m.

STAFF REPORTS

Citizens Police Academy

Police Chief Blaine Hall invited community members to participate in the 2026 Citizens Police Academy on April 18 from 8:00 a.m. until 5:00 p.m. at the Montrose Police Department.

YOUTH CITY COUNCIL REPORT

A Youth City Council report was not provided.

CITY COUNCIL COMMENTS

City Councilor J. David Reed encouraged citizens to contact elected officials regarding proposed state mandates that would erode local control.

ADJOURNMENT

The meeting adjourned at 7:49 p.m. with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Matthew Magliaro, Assistant City Attorney Public Safety
DATE: February 25, 2026
RE: Proposed Ordinance to Amend Municipal Court Sentencing Provisions and Respond to Law Changes.
CC: William Bell, Chris Dowsey, Judge Thomas LeClaire, Blaine Hall

Action

The consideration of an ordinance amending multiple titles of the Official Code of the City of Montrose, Colorado, to conform to updates to the law governing municipal court practice. This was presented to City Council at a recorded work session held February 17, 2026. The ordinance proposal before Council amends eight separate sections within Titles 1, 6 and 10. The proposal amends three sentencing provisions for ordinance violations with the Official Code of the City of Montrose, and the adopted 2020 State of Colorado Model Traffic Code respectively. It amends Title 6 Miscellaneous Offenses to substantively modify the elements of three separate ordinances: (1) Petty Theft, in violation of MC § 6-1-7; (2) Shoplifting, in violation of MC § 6-1-8; and (3) Destruction of Property, in violation of MC § 6-1-9. Those three municipal ordinances are repealed and replaced in full with the intent to more closely mirror their respective state statutory analogues. The proposal strikes an obscure, never charged subsection on failure to appear that came into Title 10 of our code with the adoption in 2023 of a version of the state’s model traffic code. The impetus for the proposed ordinance is two-fold: (1) the Colorado Supreme Court’s decision on December 22, 2025, *In re People of City of Westminster v Camp*, 581 P.3d 763, 2025 CO 64 (Colo. 2025), and passage by the Colorado General Assembly of Senate Bill 2025-0062.

Background

On December 22, 2025, the Colorado Supreme Court issued a published decision in three consolidated municipal court prosecutions arising out of the Cities of Westminster and Aurora, *In re People of City of Westminster v Aleah Camp, & In re People of City of Aurora v Danielle Simons*, 2025 CO 64. The cases involved prosecutions in the municipal courts for Westminster’s theft ordinance and Aurora’s motor vehicle trespass and general trespass codes, all of which described identical conduct as that proscribed by state law in the Colorado Revised Statutes. The state statutes had lower penalties than the two municipal sentencing schemes. The issue as the Colorado Supreme Court phrased it was: “Specifically, we consider whether home-rule municipalities may sentence offenders in excess of the statutory sentencing caps in section 18-1.3-501(1)(a.5), C.R.S. (2025) (setting sentencing caps for misdemeanors), and section 18-1.3-503(1.5), C.R.S. (2025) (setting the sentencing cap for petty offenses), when the offender violates a municipal ordinance that corresponds to a state offense prohibiting identical conduct.” *Camp*, 581 P.3d at 767. Both general sentencing caps in Title 18 of state statute were amended by the

passage of Senate Bill 2021-271, Misdemeanor Reform, which reduced the penalties for Class 1 and 2 misdemeanors, eliminated Class 3 misdemeanors and classes for petty offenses, created civil infractions, and reclassified and changed the elements for state offenses to align with the new sentencing classifications. Neither Senate Bill 2021-271 nor the clean-up bill that passed the following year, House Bill 22-1229, amended the general statutory authority for municipal court sentencing under C.R.S. § 13-10-113(1)(a) and C.R.S. § 31-16-101(1)(a). Notwithstanding this, the Colorado Supreme Court held that when state law offenses and municipal ordinance violations prohibit identical conduct, the maximum sentencing caps in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5), as amended operationally preempt any municipal penalties that exceed those caps. *Camp*, 581 P.3d at 776. This rule is applicable when the municipality and the state co-regulate non-felony, identical conduct by and through ordinance violation and statute as a state misdemeanor or petty offense respectively. It is not applicable when there is regulation by a municipality by ordinance of something for which there is no identical state counterpart. As the *Camp* Court explained: “In other words, when a municipality regulates an offense for which there is no identical state counterpart, the state’s misdemeanor and petty offense sentencing caps under sections 18-1.3-501(1)(a.5) and 18-1.3-503(1.5) do not apply; rather, the municipality has the power to impose a maximum sentence allowed by the general cap in sections 13-10-113(1)(a) and 31-16-101(1)(a). But when municipalities regulate conduct for which there exists an identical state misdemeanor or petty offense, they may not exceed the specific sentencing caps in sections 18-1.3-501(1)(a.5) and 18-1.3-503(1.5).” *Camp*, 581 P.3d at 777. The Colorado Supreme Court issued mandates in the decision on January 21, 2026, in the Westminster case and February 5, 2026, in the Aurora cases respectively, finalizing the decision after declining petitions for reconsideration.

The City of Montrose, by and through its municipal code, maintain regulations that fall into both descriptions. Accordingly, there is a need to amend the general sentencing provisions within Titles 1 and 10 to have language implementing the Colorado Supreme Court’s ruling.

The City in 2023 adopted the 2020 State of Colorado Model Traffic Code to apply within the municipal limits of the City of Montrose, pursuant to Article II, § 10 of the City Charter authorizing adoption of “appropriate Colorado Statute” by reference, and C.R.S. § 42-4-110(1)(b). There is a provision of the model code, as modified upon adoption within MC § 10-1-1, that authorizes a charge premised upon a failure to appear for court; this is based upon C.R.S. § 42-4-1716(2) and (4)(b)(West 2020). This conflicts with legislation passed in April 2025, Senate Bill 2025-0062, prohibiting municipalities from having a failure to appear in court as a separate, chargeable municipal ordinance violation. C.R.S. § 13-10-127(1), (2). To the undersigned’s knowledge and belief, no person has ever been charged in the Montrose Municipal Court with this esoteric provision. The proposed ordinance seeks to strike the model traffic code language out of our municipal code to comply with the new state law.

Additional Considerations

None.

ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 1 CHAPTER 2, GENERAL PROVISIONS; TITLE 1 CHAPTER 14, MUNICIPAL COURT; TITLE 6, CHAPTER 1, MISCELLANEOUS OFFENSES; AND TITLE 10, CHAPTER 1, TRAFFIC CODE OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO: AMENDING TITLE 1 CHAPTER 2 SECTION 3 (1-2-3) REGARDING GENERAL PENALTY; AMENDING TITLE 1 CHAPTER 14 SECTION 4 (1-14-4), REGARDING SENTENCING PROVISIONS FOR VIOLATIONS OF THE OFFICIAL CODE OF THE CITY OF MONTROSE; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 7 (6-1-7) PETTY THEFT; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 8 (6-1-8) SHOPLIFTING; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 9 (6-1-9) DESTRUCTION OF PROPERTY; AMENDING TITLE 10, CHAPTER 1, SECTION 1 (10-1-1) ADOPTION OF TRAFFIC CODE; AMENDING TITLE 10, CHAPTER 1, SECTION 4 (10-1-4) ADDITIONS OR MODIFICATIONS; AND AMENDING TITLE 10, CHAPTER 1 SECTION 16 (10-1-16), REGARDING PENALTIES IN ADOPTED MODEL TRAFFIC CODE.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, under the Constitution of the State of Colorado home rule municipal governments have “all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control: . . . The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof; . . . The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter” pursuant § 6(c) and (h) of Article XX of the Colorado Constitution; and

WHEREAS, Colorado state law authorizes municipalities to impose upon an adult convicted of violating a municipal ordinance in municipal court a sentence of incarceration for a period not to exceed three hundred sixty-four days, a fine in an amount not to exceed two thousand six hundred fifty dollars, or both, pursuant to C.R.S. § 13-10-113(1)(a) and C.R.S. § 31-16-101(1)(a); and

WHEREAS, the Official Code of the City of Montrose sets the maximum penalty for an adult convicted of violating an ordinance or charter provision as punishable by a fine in an amount not to exceed \$2,650.00 or by imprisonment in jail for a period of not more

than 364 days, or by both such fine and imprisonment, unless a lower maximum sentence is specified; and

WHEREAS, the Colorado Supreme Court has recently issued a published decision in *In re People of City of Westminster v Camp*, 581 P.3d 763, 2025 CO 64 (Colo. Dec. 22, 2025), holding when state law offenses and municipal ordinance violations prohibit identical conduct, the maximum sentencing caps in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5), as amended by passage of Senate Bill 2021-271 Misdemeanor Reform, operationally preempt any municipal penalties that exceed those caps; and

WHEREAS, the Colorado Supreme Court in that same decision expressly recognized home-rule municipalities may, consistent with § 6 of Article XX of the Colorado Constitution, enact ordinances with criminal penalties that co-regulate non-felony conduct on the same subject as a state statute, regulate non-felony conduct by and through ordinance that do not have identical state counterparts as ordinance violation offenses, and to impose municipal penalties that differ from the state sentencing scheme for the latter through municipal courts; and

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

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

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

SECTION 1:

Title 1, Chapter 2 Section 3. (1-2-3.(D)) (General penalty.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

1-2-3. - General penalty.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 2:

Title 1, Chapter 14 Section 4. (1-14-4.(C)) (Sentencing.) of the Official Code of the City of Montrose, Colorado, are hereby amended to read in its entirety as follows:

1-14-4. - Sentencing.

- (C) The minimum fine or term of imprisonment imposed shall not be less than that specified by the applicable ordinance or City Charter provision, and the maximum fine or term of imprisonment shall not exceed that specified by the applicable ordinance or City Charter provision. Notwithstanding the aforementioned and (B) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum fine or term of imprisonment for the corresponding misdemeanor or petty offense in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5)(2026), as from time-to-time amended, shall control. As part of sentencing, the Municipal Court shall conduct a comparative elemental analysis and determination of law on whether the ordinance violation regulates conduct for which there exists an identical state misdemeanor or petty offense, or whether the ordinance regulates conduct as an offense for which there is no identical state counterpart. The Municipal Court has the discretion to make this determination in a written order in advance of sentencing proceedings or orally at the time of sentencing.

SECTION 3:

Title 6, Chapter 1 Section 7. (6-1-7) (Petty theft.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-7. - Petty theft – first and second degree.

- (A) It is unlawful for any person to knowingly obtain or exercise control over anything of value of another without authorization, or by threat or deception or knowing said thing of value to have been stolen; and:
- (1) Intend to deprive the other person permanently of the use or benefit of the thing of value;
 - (2) Knowingly use, conceal, or abandon the thing of value in such a manner as to deprive the other person permanently of its use or benefit;
 - (3) Use, conceal or abandon the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or

- (4) Demand any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on their own person or otherwise, and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of petty theft.
- (C) For the purposes of this section, a thing of value is that of ‘another’ if anyone other than the defendant has a possessory or proprietary interest therein. The offense of petty theft shall not include theft from the person of another.
- (D) A person commits the ordinance violation of Petty Theft in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (E) A person commits the ordinance violation of Petty Theft in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (F) When a person commits the act of theft twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Petty Theft in the First or Second Degree, in which event the thefts so aggregated and charged shall constitute a single offense under (D) or (E) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney’s Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Petty Theft in the First or Second Degree by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (G) For the purposes of this Section, evidence of the value of the thing involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 4:

Title 6, Chapter 1 Section 8. (6-1-8) (Shoplifting.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-8. - Shoplifting – first and second degree.

- (A) It shall be unlawful for any person to willfully take possession of any goods, wares, or merchandise and owned or held by and offered or displayed for sale or by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to their own use without paying the purchase price.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on his or her own person or otherwise, and whether on or off the premises of such store or other mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of shoplifting.
- (C) A person commits the ordinance violation of Shoplifting in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (D) A person commits the ordinance violation of Shoplifting in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (E) When a person commits the act of Shoplifting twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Shoplifting in the First or Second Degree, in which event the acts of Shoplifting so aggregated and charged shall constitute a single offense under (C) or (D) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney's Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Shoplifting by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (F) For the purposes of this Section, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 5:

Title 6, Chapter 1 Section 9. (6-1-9) (Destruction of Property.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-9. - Destruction of Property.

- (A) It shall be unlawful for any person to knowingly and willfully destroy or damage in a single criminal episode the real or personal property belonging to another, including property owned by the person jointly with another person or property owned by the person in which, at the time of the destruction or damage, another person has a possessory or proprietary interest.
- (B) This Section shall not apply where the aggregate damage to personal and real property is \$300.00 or more.

SECTION 6:

Title 10, Chapter 1 Section 1. (10-1-1.(F)(Part17 § 1716)) (Adoption of traffic code.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-1. - Adoption of traffic code.

1716. Notice to appear or pay fine – failure to appear – penalty.

(2) Deleted.

(4)(b) Deleted.

SECTION 7:

Title 10, Chapter 1 Section 4. (10-1-4.(L)) (Additions or modifications.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-4. - Additions or modifications.

(L) MTC 1716. Notice to appear or pay fine – failure to appear – penalty

(2) Deleted.

(4)(b) Deleted.

SECTION 8:

Title 10, Chapter 1 Section 16. (10-1-16.(D)) (Penalties.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-16. - Penalties.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 9:

Except as specifically amended hereby, the Official Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 10:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by updating the code to make it consistent with state statutory updates and sentencing provisions to conform with binding precedent from the Colorado Supreme Court.

SECTION 11:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 12:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 13:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 14:

This Ordinance shall become effective as set forth in the City of Montrose Charter. 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 3rd day of March, 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 17th day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Community Development

MEMO

TO: City Council
FROM: Jace Hochwalt, Community Development Director
DATE: March 17, 2026
RE: Update to Title 11 of the Montrose Municipal Code (Land Development Regulations)
Specific to Unhoused Shelter Uses

ATTACHMENTS:

- Attachment A – Redlined Code Additions

Introduction

The City of Montrose Municipal Code currently does not include a defined land use category or regulatory framework for unhoused shelters. As a result, there is limited clarity regarding where such facilities may be located or how they should be reviewed and approved. The purpose of this item is to amend Title 11 – Land Development Regulations to formally incorporate unhoused shelters into the Municipal Code by establishing a clear definition, identifying appropriate zoning districts, and outlining specific standards and procedural requirements. These amendments are intended to provide a consistent, transparent, and enforceable approach for evaluating unhoused shelter proposals while ensuring alignment with the City’s zoning intent and community objectives.

Background/Proposal

In order to incorporate a new land use into Title 11 of the Montrose Municipal Code, several coordinated steps are required to ensure the regulations are comprehensive and internally consistent. Staff has identified the following four-step process to achieve this:

1. Add a definition for “Unhoused Shelter” to [Chapter 11-15 - Definitions](#).
2. Establish use-specific and permitting criteria for an Unhoused Shelter within [Chapter 11-11 - Supplementary Uses](#).
3. Incorporate “Unhoused Shelter” to [Section 11-7-6 - Use Table](#) to clearly identify the zoning district(s) where the use is permitted.
4. Add “Unhoused Shelter Permit” to [Section 11-4-2 - Table 4.1](#) to reflect the applicable review and approval process for the use.

Step One – Define the use:

The first step in incorporating unhoused shelters into the Municipal Code is to establish a clear definition. The proposed definition was developed after reviewing how other jurisdictions define the use, as well as the State’s definition in the State Model Land Use Code.

Chapter 11-15 – Definitions

Unhoused Shelter - A facility that is used for the primary purpose of providing shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

Step Two – Define the use-specific criteria/permitting requirements:

Several uses within the Municipal Code are subject to use-specific standards, including group homes, accessory dwelling units, manufactured home parks, and travel home (RV) parks. Following detailed staff discussion, it was determined that incorporating use-specific standards, along with an unhoused shelter permitting process, is appropriate to ensure clear and consistent criteria are established prior to approval of such uses. The proposed standards and permitting requirements are outlined below.

Section 11-11-7. – Unhoused Shelters

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.

- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.
- (J) All Unhoused Shelter Permits shall be revocable at will by the City.

Step 3 – Incorporate the use within the use table

Once the use, associated use-specific standards, and permitting process are established, the use must be incorporated into the Use Table in Section 11-7-6 to clearly identify where it is allowed. Following staff discussion, it was determined that the most appropriate location for this use is within the P (Public) District. This use is consistent with the intent of the P District, which is to accommodate uses and services of a public, nonprofit, or charitable nature.

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
<i>RESIDENTIAL USES</i>									
<u>Unhoused Shelter (See Section 11-11-7)</u>		<u>P</u>							
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

Step Four – Incorporate the permitting process within the Review Procedures Chart

In addition to adding the use to the Use Table, the permitting process must also be incorporated into the Review Procedures Chart in Section 11-4-2, Table 1, to clearly reflect the applicable procedural requirements. As proposed, an Unhoused Permit would require a pre-application meeting, completeness review, referral, and final approval by City Council.

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	

<u>Unhoused Shelter Permit</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>Sec. 11-11-7</u>
<u>Key</u>							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

Hotel/Motel Definition Revision

As part of the discussion of this proposal, staff also reviewed other uses that may overlap with or be similar to an unhoused shelter. One consideration was whether the existing code would allow a hotel or motel to be converted into an unhoused shelter. The current definition of a hotel/motel is provided below:

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guest rooms.

To further clarify this definition and distinguish it from an unhoused shelter, staff is proposing the addition of the following sentence:

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guest rooms. Such occupancy is provided for monetary payment and is subject to applicable sales and lodging taxes.

This clarification helps clearly differentiate hotels and motels, which operate as a commercial use involving monetary payment, from unhoused shelters, which do not involve such payment.

Conclusion

The proposed amendments to Title 11 of the Montrose Municipal Code establish a clear, comprehensive, and enforceable framework for the consideration of unhoused shelters within the City. By defining the use, establishing use-specific standards, identifying appropriate zoning districts, and outlining a transparent review and approval process, these changes provide clarity for applicants, decision-makers, and the community. Incorporating unhoused shelters into the Municipal Code ensures that such facilities are reviewed in a consistent and intentional manner, aligns the code with community needs and best practices, and supports the City’s ability to address homelessness while maintaining compatibility with surrounding uses and the overall intent of the Land Development Regulations.

Exhibit A – Redlined Code Additions

The underlined language in this document represents additions to the existing code. No existing language is being removed. Changes are proposed in the following sections: **11-4-2, 11-7-6(H), 11-11-7, and 11-15-2.**

SECTION 1:

Section 11-4-2. – Review Process

Table 4.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	
Site Development Plan - Major	X	X	X	X			Sec. 11-8-1
Site Development Plan - Minor	X	X	X	X			Sec. 11-8-1(B)
Site Development Plan - Large Retail	X	X	X		H	A	Sec. 11-8-9
Annexation	X	X	X		H ¹	H	Sec. 11-4-10
Floodplain Development Permit	R	X		X			Sec. 11-6-3; 11-6-4 (variance)
Manufactured Home Siting Permit	R	X		X			Sec. 11-13-2
Manufactured Home Park Permit	X	X	X		H	X	Sec. 11-13-4
Travel Home Permit	R	X		X			Sec. 11-13-7
Travel Home Park Permit	X	X	X		H	X	Sec. 11-13-8
Tiny Home Community Permit	X	X	X		H	X	Sec. 11-13-11
Sign Permit	R	X		X			Sec. 11-10-4
Temporary Use Permit	R	X		X			Sec. 11-7-6 (E)
Conditional Use	X	X	X		H	A	Sec. 11-7-6 (B)
Rezoning (legislative)		X				H	Sec. 11-7-12 (C)
Rezoning (site specific)	X	X	X		H	H	Sec. 11-7-12 (A)
Variance	X	X	X		H		Sec. 11-7-13; 11-8-1 (E)
Planned Development (PD)							
Sketch Plan	X	X	X		H		Sec. 11-7-8 (F)
Preliminary PD	X	X	X		H	X	Sec. 11-7-8 (F)
Final PD ²	X	X	X			X	Sec. 11-7-8 (F)
PD Amendment -	X	X	X		H	X	Sec. 11-7-8 (H) (2)
Administrative PD	X	X	X	X			Sec. 11-7-8 (D)

PD Amendment - Administrative	X	X	X	X			Sec. 11-7-8 (D) (9)
Subdivision							
Sketch Plan	X	X	X		H		Sec. 11-5-4
Preliminary Plat	X	X	X		H	X	Sec. 11-5-5
Final Plat	X	X	X			X	Sec. 11-5-6
Minor Subdivision	X	X	X	X			Sec. 11-5-3
Plat Amendment - Major	X	X	X		H	X	Sec. 11-5-2
Plat Amendment - Minor	X	X	X	X			Sec. 11-5-3 (C)
Unhoused Shelter Permit	X	X	X			X	Sec. 11-11-7
<u>Key</u>							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

¹ Recommended that initial zoning occur concurrent with annexation; see Rezoning (site specific). PC hearing only required with concurrent zoning action, not on annexation itself.

² A Final PD is eligible to apply for vested rights. No other application type is eligible to receive a vested right.

SECTION 2:

Section 11-7-6. – District Uses.

(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
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C

Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
<u>Unhoused Shelter (See Sec. 11-11-7)</u>		P							
Legend: Zoning District				Legend: Use Type					
OR: Office-Residential				P: Permitted Use					
P: Public				C: Conditional Use					
B-1: Central Business				A: Accessory Use					
B-2: Highway Commercial				T: Temporary Use					
B-2A: Regional Commercial									
B-3: General Commercial				Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).					
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

SECTION 3:

Section 11-11-7. - Unhoused Shelter.

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.
- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This

includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.

(J) All Unhoused Shelter Permits shall be revocable at will by the City.

SECTION 4:

Section 11-15-2. - Definitions.

H

...

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guests. Such occupancy shall be for monetary compensation and shall be subject to Chapter 5-2 Hotel Room Tax.

...

U

...

Unhoused Shelter means a facility that is used for the primary purpose of providing overnight shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

...

ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE XI CHAPTER 4, DEVELOPMENT REVIEW PROCEDURES; TITLE XI CHAPTER 7, ZONING REGULATIONS; TITLE XI CHAPTER 11, SUPPLEMENTARY USES; AND TITLE XI CHAPTER 15, DEFINITIONS: AMENDING TITLE XI CHAPTER 4 SECTION 2 (11-4-2), REGARDING REVIEW PROCESS; AMENDING TITLE XI CHAPTER 7 SECTION 6 (11-7-6), REGARDING DISTRICT USES; ADDING TITLE XI CHAPTER 11 SECTION 7 (11-11-7), REGARDING THE SUPPLEMENTARY USE OF AN UNHOUSED SHELTER; AND AMENDING TITLE XI CHAPTER 15 SECTION 2 (11-15-2), REGARDING THE DEFINITION OF AN UNHOUSED SHELTER.

WHEREAS, the City’s Municipal Code is updated from time to time; and

WHEREAS, the City of Montrose established an unhoused roundtable to discuss the issues surrounding the City’s unhoused population and possible solutions; and

WHEREAS, through the unhoused roundtable, it was found that the City’s code did not have a clear path forward for an unhoused shelter; and

WHEREAS, the City desires to give such path to own, operate, and maintain an unhoused shelter to assist in solving the unhoused issues within the City of Montrose.

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

SECTION 1:

Section 11-4-2. Table 4.1 (Review process.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

Table 4.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	
Site Development Plan - Major	X	X	X	X			Sec. 11-8-1
Site Development Plan - Minor	X	X	X	X			Sec. 11-8-1(B)
Site Development Plan - Large Retail	X	X	X		H	A	Sec. 11-8-9
Annexation	X	X	X		H ¹	H	Sec. 11-4-10
Floodplain Development Permit	R	X		X			Sec. 11-6-3; 11-6-4 (variance)
Manufactured Home	R	X		X			Sec. 11-13-2

Siting Permit							
Manufactured Home Park Permit	X	X	X		H	X	Sec. 11-13-4
Travel Home Permit	R	X		X			Sec. 11-13-7
Travel Home Park Permit	X	X	X		H	X	Sec. 11-13-8
Tiny Home Community Permit	X	X	X		H	X	Sec. 11-13-11
Sign Permit	R	X		X			Sec. 11-10-4
Temporary Use Permit	R	X		X			Sec. 11-7-6 (E)
Conditional Use	X	X	X		H	A	Sec. 11-7-6 (B)
Rezoning (legislative)		X				H	Sec. 11-7-12 (C)
Rezoning (site specific)	X	X	X		H	H	Sec. 11-7-12 (A)
Variance	X	X	X		H		Sec. 11-7-13; 11-8-1 (E)
Planned Development (PD)							
Sketch Plan	X	X	X		H		Sec. 11-7-8 (F)
Preliminary PD	X	X	X		H	X	Sec. 11-7-8 (F)
Final PD ²	X	X	X			X	Sec. 11-7-8 (F)
PD Amendment -	X	X	X		H	X	Sec. 11-7-8 (H) (2)
Administrative PD	X	X	X	X			Sec. 11-7-8 (D)
PD Amendment - Administrative	X	X	X	X			Sec. 11-7-8 (D) (9)
Subdivision							
Sketch Plan	X	X	X		H		Sec. 11-5-4
Preliminary Plat	X	X	X		H	X	Sec. 11-5-5
Final Plat	X	X	X			X	Sec. 11-5-6
Minor Subdivision	X	X	X	X			Sec. 11-5-3
Plat Amendment - Major	X	X	X		H	X	Sec. 11-5-2
Plat Amendment - Minor	X	X	X	X			Sec. 11-5-3 (C)
Unhoused Shelter Permit	X	X	X			X	Sec. 11-11-7
Key							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

¹ Recommended that initial zoning occur concurrent with annexation; see Rezoning (site specific). PC hearing only required with concurrent zoning action, not on annexation itself.

² A Final PD is eligible to apply for vested rights. No other application type is eligible to receive a vested right.

SECTION 2:

Section 11-7-6. (H) (District uses.) of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

(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
INSTITUTIONAL USES									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
Unhoused Shelter (See Sec. 11-11-7)		P							
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

SECTION 3:

Section 11-11-7. (Unhoused Shelter.) of the Official Code of the City of Montrose, Colorado is hereby added to read in its entirety as follows:

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.
- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.
- (J) All Unhoused Shelter Permits shall be revocable at will by the City.

SECTION 4:

Section 11-15-2. (Definitions.) of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

H

...

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guests. Such occupancy shall be for monetary compensation and shall be subject to Chapter 5-2 Hotel Room Tax.

...

U

...

Unhoused Shelter means a facility that is used for the primary purpose of providing overnight shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

...

SECTION 5:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

SECTION 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 8:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

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 3rd day of March 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of March 2026.

ATTEST:



Lisa DelPiccolo, City Clerk





Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 17th day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor



CITY OF MONTROSE
Community Development

MEMO

TO: City Council
FROM: Leonardo Perez, Building Inspector
Jace Hochwalt, Community Development Director
DATE: March 17, 2026
RE: Update to Title 7 of the Montrose Municipal Code (Fire Prevention and Safety)
Specific to the Colorado Wildfire Resiliency Code

ATTACHMENTS

- Exhibit A – Maps and Illustrations
- Exhibit B – Colorado Senate Bill SB23-166 (<https://leg.colorado.gov/bills/sb23-166>)
- Exhibit C – 2025 Wildfire Resiliency Code
(https://drive.google.com/file/d/1bhSESWE9pei6MMsv52VeGtC_WBgD7bVA/view)
- Exhibit D – Wildfire Resiliency Zone GIS Map
(<https://experience.arcgis.com/experience/34c113129c044004bc672ca5493378de/page/Page>)

Introduction

Senate Bill 23-166 requires all Colorado jurisdictions to adopt the Colorado Wildfire Resiliency Code and associated hazard maps to help reduce wildfire risks. The bill sets standards for structural hardening and defensible space, particularly in areas where urban development meets wildfire-prone lands, with the goal of protecting communities. City staff recommends amending Title 7 (Fire Prevention and Safety) of the Montrose Municipal Code to adopt the Colorado Wildfire Resiliency Code by reference, ensuring compliance with the state's adoption deadline of April 1, 2026, and enforcement deadline of July 1, 2026, for properties within Montrose designated as wildfire risk areas.

Background & Overview

In response to the growing frequency, intensity, and devastation of wildfires since the early 2000s, the Colorado Legislature enacted Senate Bill 23-166. This bill mandates all Jurisdictions Having Authority (JHA) to adopt and enforce a statewide Wildfire Resiliency Code, which includes fire hazard maps and specific guidelines for structural hardening and defensible space.

The Colorado Wildfire Resiliency Code was then created as a comprehensive framework to mitigate wildfire risks, especially in the wildland-urban interface (WUI), where urban

development meets wildfire-prone forests and grasslands. The code aims to reduce property loss, improve public safety, and lessen the overall impact of wildfires on communities. It also seeks to promote a culture of preparedness and resilience among residents, local governments, and first responders.

The state requires all jurisdictions to adopt the code by April 1, 2026, with enforcement starting by July 1, 2026, for properties classified as wildfire risk areas. The Colorado Wildfire Resiliency Code is based on chapters 1, 2, 3, and 5 from the 2024 International Wildland-Urban Interface Code (IWUIC) published by the International Code Council (ICC). Currently, the City of Montrose follows the 2018 ICC codes, with specific amendments, under Title 4 of the Municipal Code.

The key elements of the Colorado Wildfire Resiliency Code are as follows:

Chapter 1 - Scope, Administration, and Enforcement:

- This chapter outlines the administration and enforcement responsibilities for the JHA (in this case, the City of Montrose). It mirrors the administrative processes of the current International Residential Code (IRC) and International Building Code (IBC), with additional provisions specific to wildfire resiliency.
- The code applies to new construction, alterations, repairs, or any building modifications that affect more than 500 square feet of the structure, 25% of the roof, or 25% of the exterior walls.

Chapter 2 - Definitions:

- This chapter provides definitions for key terms related to wildfire resiliency and hazard classification.

Chapter 3 - Wildfire Hazard Mapping and Classification:

- This chapter defines the three wildfire intensity classifications: low (yellow), moderate (orange), and high (red), based on factors such as fuel types, flame length, rate of spread, spotting potential, terrain, and suppression difficulty.
- The state's hazard map, which is based on vegetation, topography, weather patterns, and fire behavior modeling, will be updated every three years. A property owner may request a local "ground-truthing" review to verify the accuracy of their parcel's hazard classification.

Chapter 4 - Structural Hardening Requirements:

- Two classes of structural hardening are defined, based on the fire intensity classification of the property:
 - **Class 1:** Required for properties in the low-intensity zone (yellow areas), focusing on roofing, gutters, downspouts, and ventilation openings.

- **Class 2:** Required for properties in the moderate and high-intensity zones (orange and red areas), with additional hardening measures such as protection for eaves, exterior walls, underfloor enclosures, exterior doors, and nearby detached structures.

Chapter 5 - Defensible Space and Site Requirements:

- This chapter establishes three defensible space zones:
 - **Zone 1 (0-5 feet):** Requires clearing of plantings and trees around the structure. Fencing and retaining walls must meet specific guidelines to prevent ember ignition.
 - **Zone 2 (5-30 feet):** Requires management of dead materials, fuel accumulation, and vegetation to reduce fire risk.
 - **Zone 3 (30-100 feet):** Focuses on tree spacing and other vegetation management to prevent fire spread.

Impacts on Montrose:

In Montrose, very few areas are classified as low or moderate wildfire risk, and there are no high-risk zones within city limits. The most significant low and moderate-risk areas are located near 6725 Road, including the Brown Ranch and Grove developments. These neighborhoods will be subject to the structural hardening and defensible space requirements outlined in the Wildfire Resiliency Code.

One key aspect of the Wildfire Resiliency Code that directly impacts Montrose is the ability for property owners to request a "ground-truthing" review to challenge or verify their property's fire intensity classification. Section 304 of the code outlines this formal process, which allows local jurisdictions to assess the accuracy of the state's hazard maps based on actual site-specific conditions.

The "ground-truthing" process is an important deviation from the state's hazard maps. It allows property owners to request a local inspection to determine whether the wildfire risk on their property is accurately classified. Factors such as the presence of vegetative fuels within 300 feet of the property, local topography, weather patterns, and fire behavior modeling are all considered during the review. If these conditions suggest that the state's classification is too high, the local jurisdiction can downgrade the property's fire intensity classification.

This local review process provides flexibility in ensuring that the hazard map more accurately reflects the unique conditions on the ground in Montrose. It empowers property owners to present evidence that may lead to a reclassification of their property's risk level, potentially lowering the required structural hardening and defensible space measures.

For Montrose, the adoption of this code means that while the state provides a broad classification, local authorities will have the ability to tailor wildfire risk assessments more

precisely to our community. The "ground-truthing" process offers an important opportunity for ensuring that the final classifications are reflective of actual conditions, providing a more accurate and responsive approach to wildfire risk management. The city will work closely with the Fire District, GIS, and the local community to support property owners through this process and ensure compliance with the new standards.

Proposal:

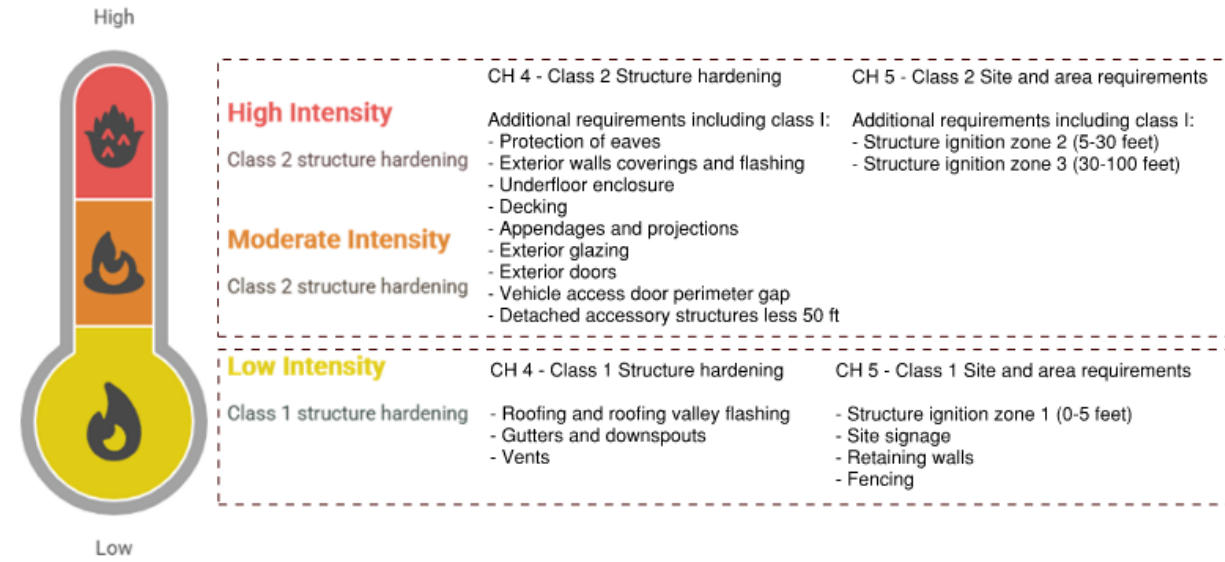
As outlined, the state mandates that all jurisdictions adopt the Colorado Wildfire Resiliency Code by April 1, 2026, with enforcement beginning by July 1, 2026. Given this timeline and the flexibility for deviations through "ground-truthing" reviews, City staff proposes adopting the code by reference into Title 7 (Fire Prevention and Safety) of the Montrose Municipal Code. This will establish minimum standards for structural hardening and defensible space in wildland-urban areas, as outlined by the state.

By adopting these standards, Montrose will align with the state's efforts to reduce wildfire risks, protecting lives, homes, and our local economy. The City's proactive approach, along with the opportunity for property owners to request ground-truthing reviews, will ensure we address local conditions effectively. With collaboration from the community, the Fire District, and GIS, we will work to meet these requirements and enhance wildfire resilience in the risk areas identified by the state's hazard map, building a safer, more resilient future for Montrose.

Exhibit A – Maps and Illustrations

Fire Intensity Classification Requirements

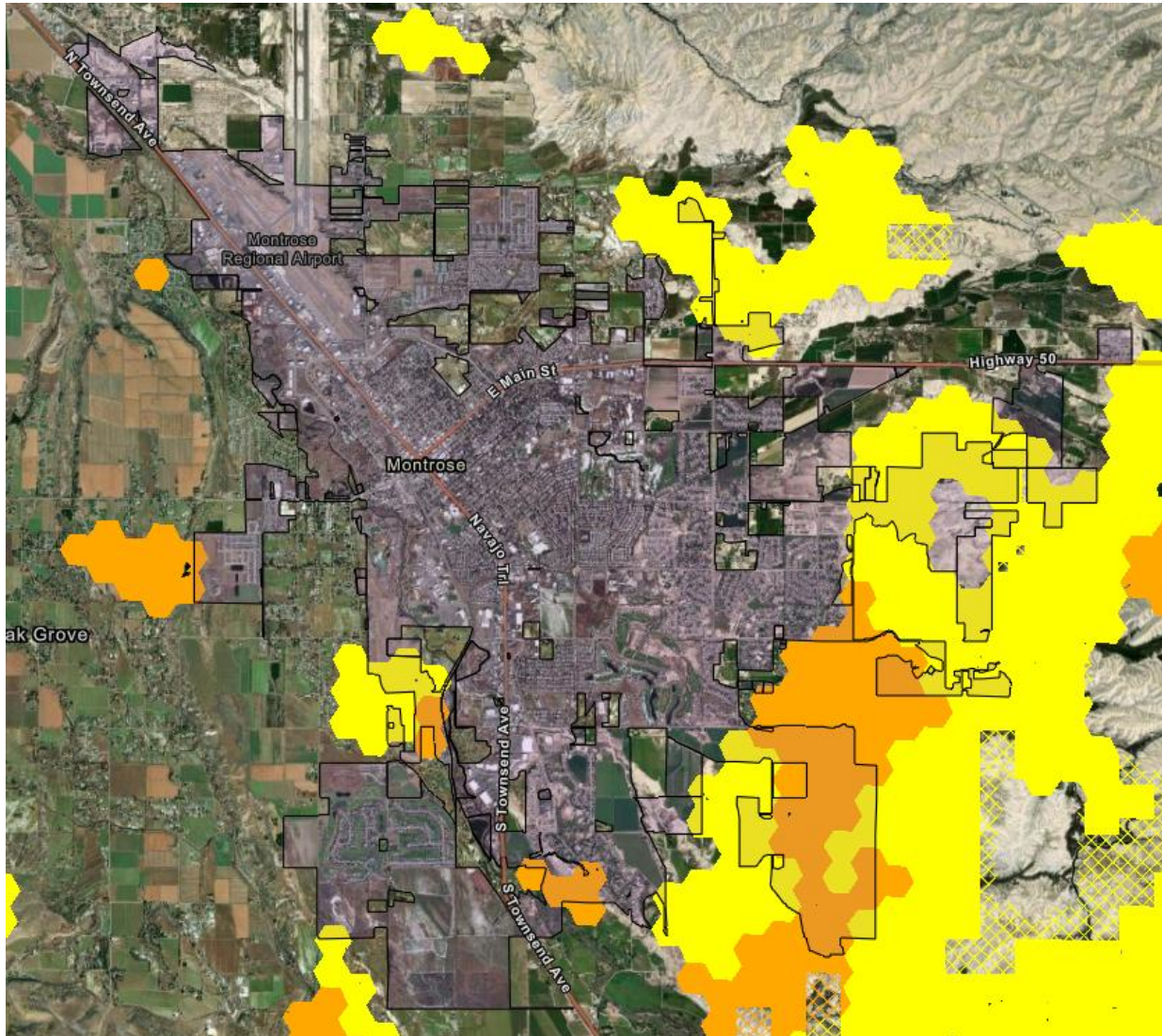
Fire Intensity Classification in accordance with Mapping



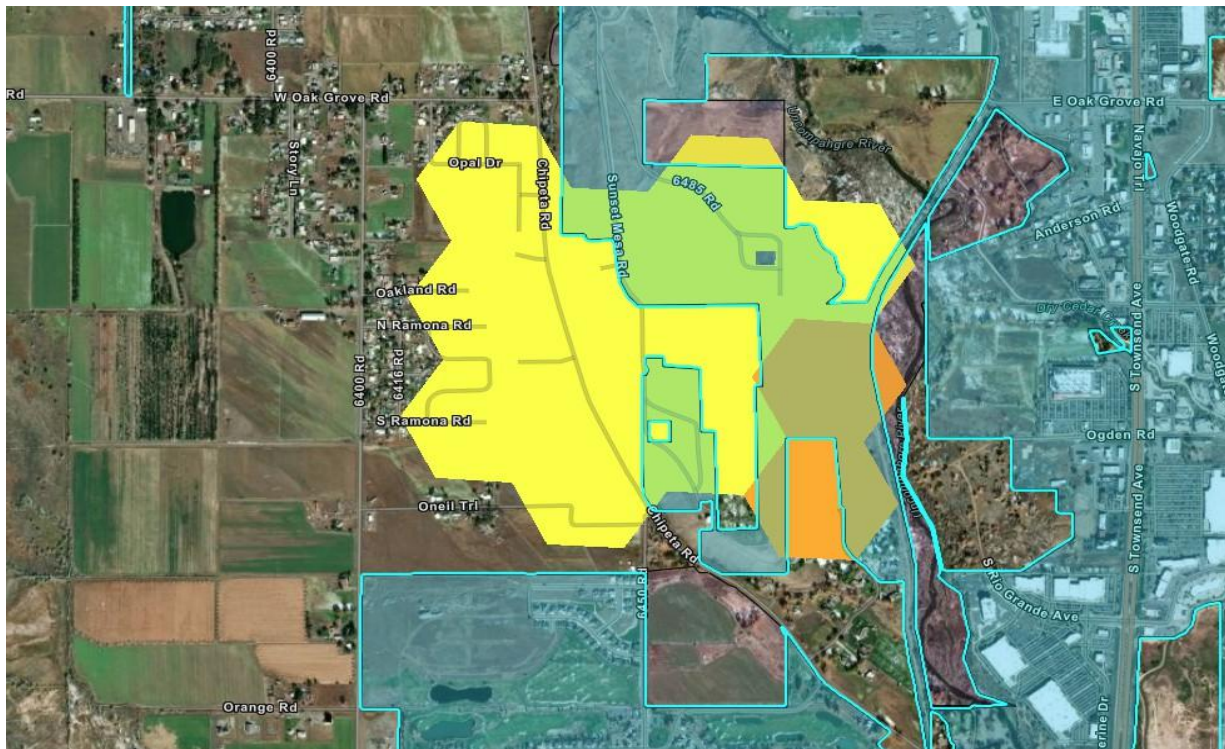
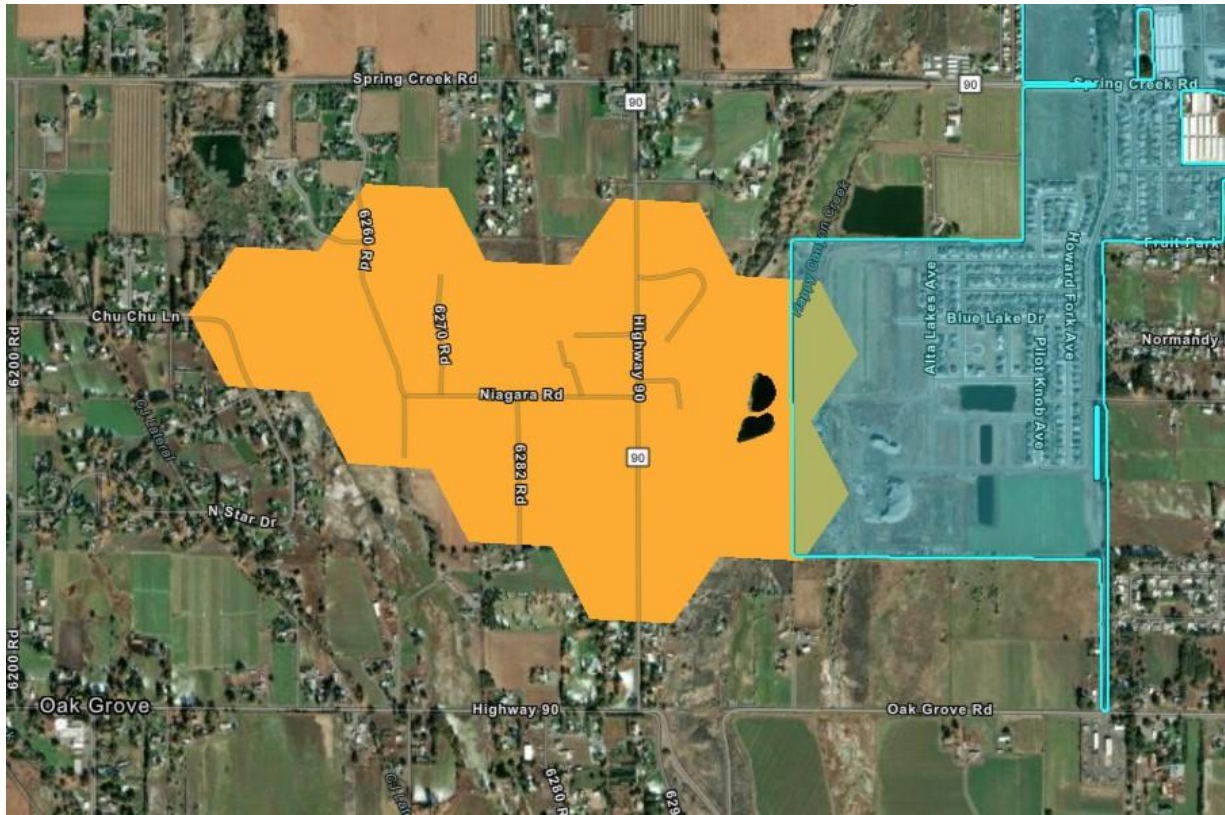
Site and Area Requirements Illustration

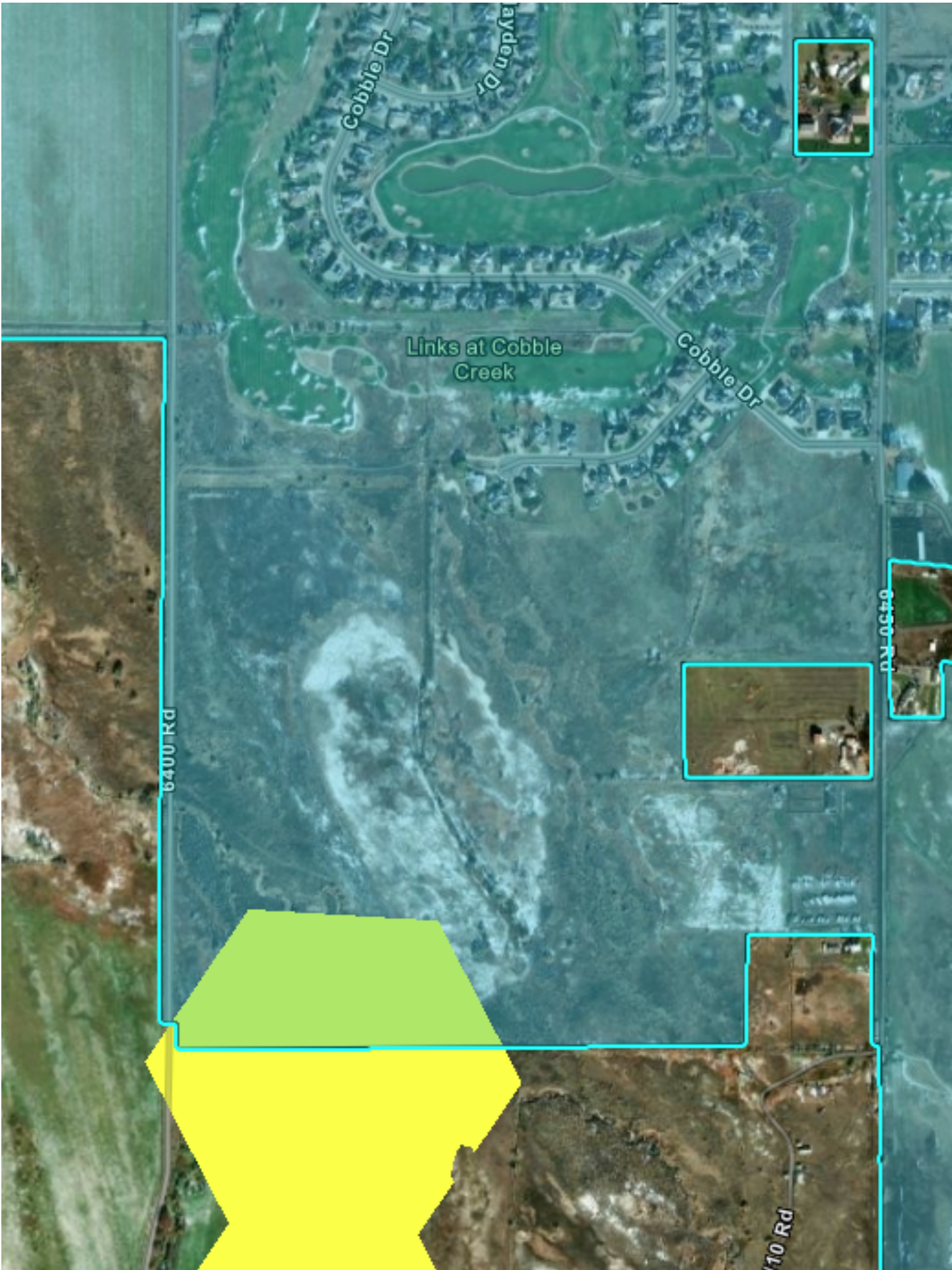


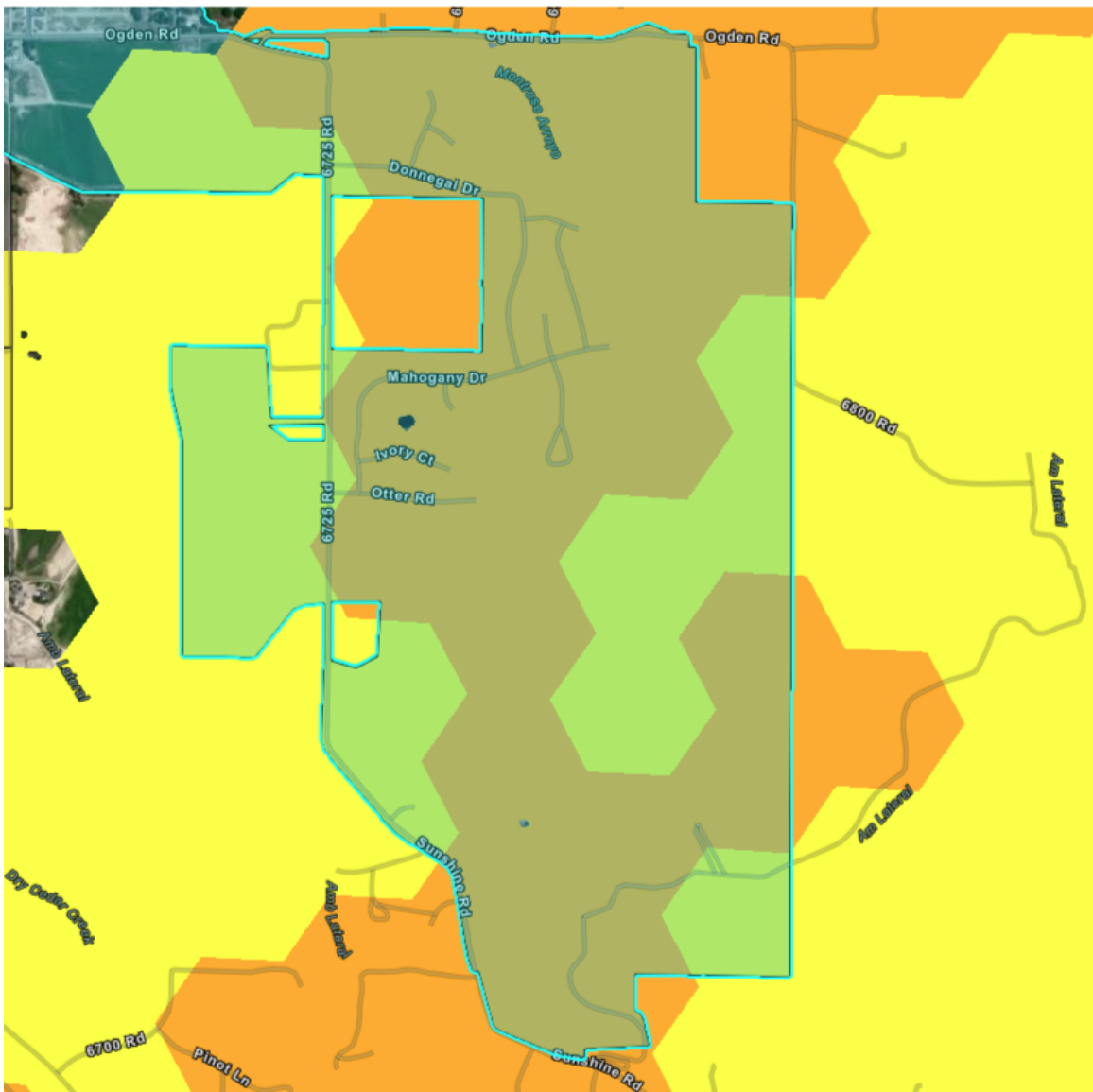
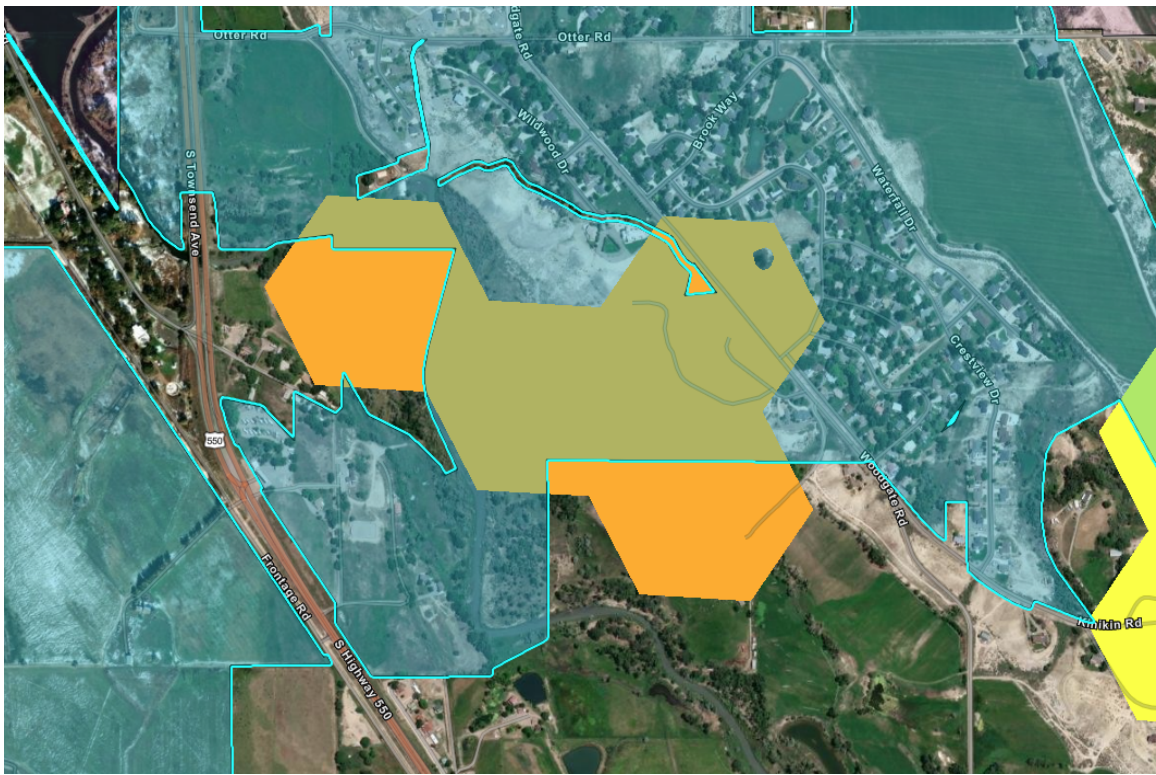
City Limits Map with Wildfire Risk Classifications

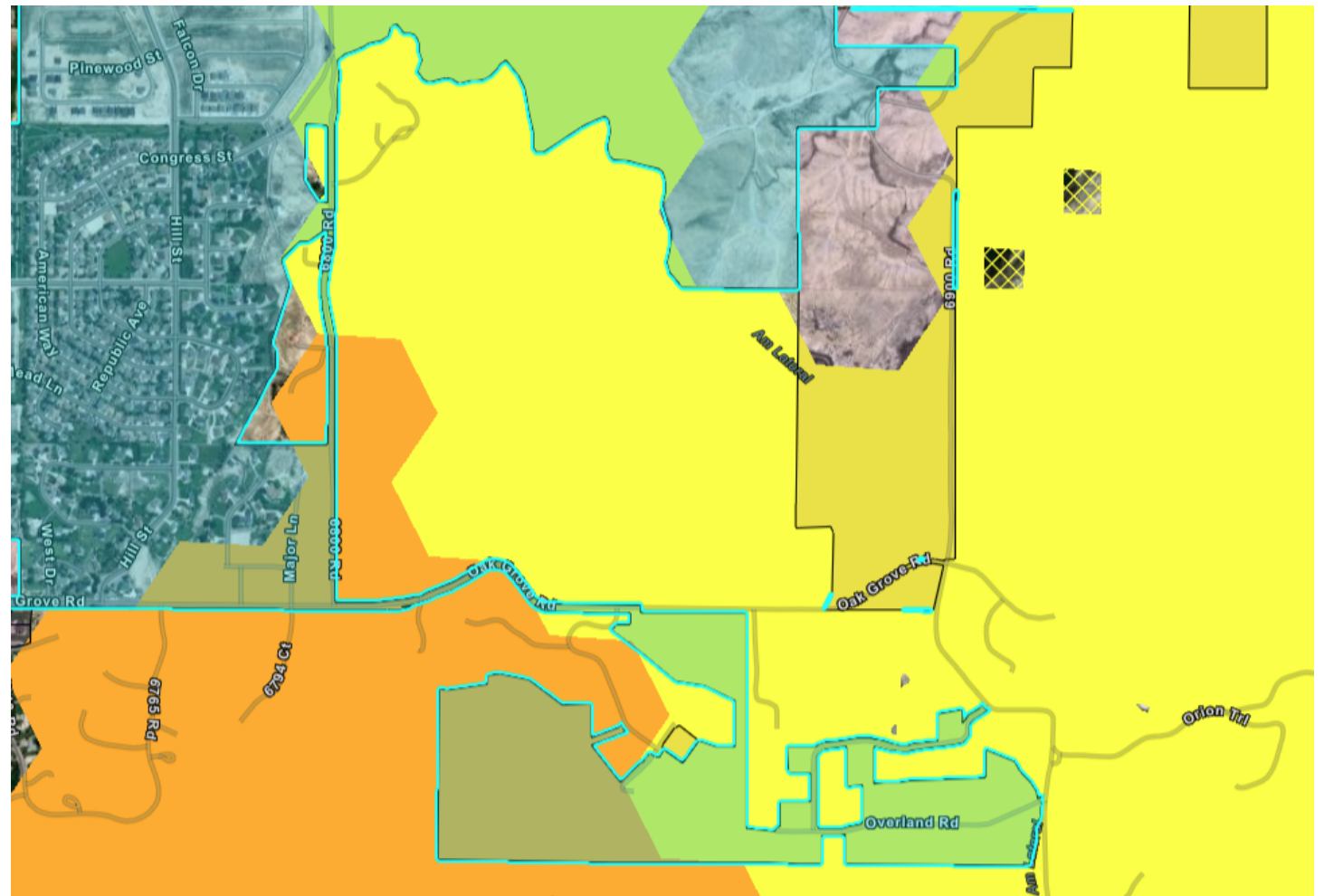
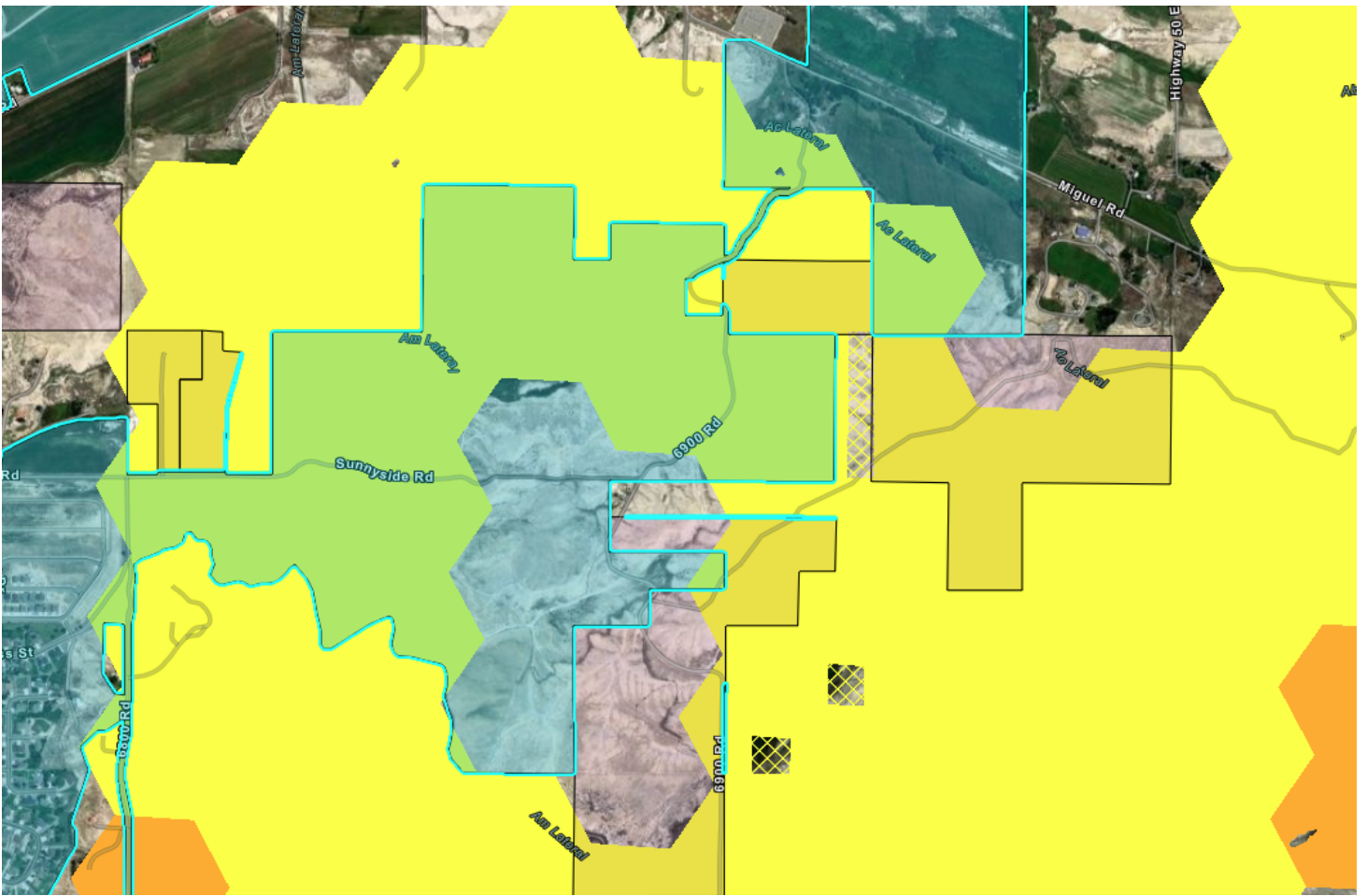


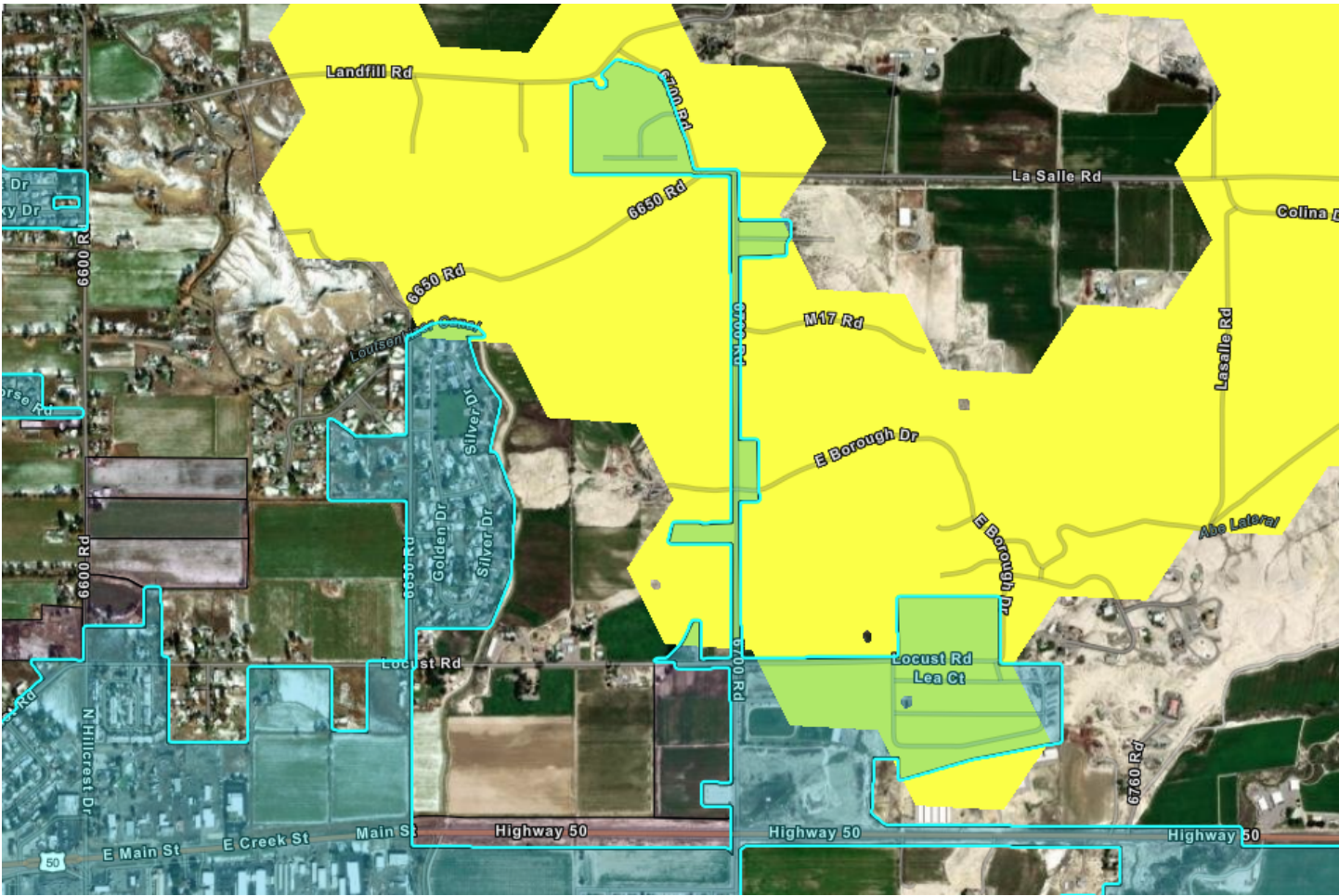
City Areas Affected by Wildfire Risk











ORDINANCE NO. 2707

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE VII FIRE PREVENTION AND SAFETY AND ADOPTING BY REFERENCE THE 2025 COLORADO WILDFIRE RESILIENCY CODE.

WHEREAS, the City’s Municipal Code is updated from time to time; and

WHEREAS, the Colorado Legislature passed Senate Bill 23-166 which created the Wildfire Resiliency Code Board (the “Board”), which was tasked with developing and adopting the Wildfire Resiliency Code; and

WHEREAS, the Board adopted the 2025 Colorado Wildfire Resiliency Code on July 1, 2025; and

WHEREAS, the City of Montrose (“City”) understands the importance of making jurisdictions more resilient to wildfire as Colorado has seen an increase in frequency, intensity, and devastation of wildfires since the early 2000’s, however, the City believes all jurisdictions should have input in the areas that are at risk within their jurisdiction; and

WHEREAS, the City has concerns that the map created by the Board is not accurate and the Board has yet to create a formal process where a municipality may develop its own map for approval by the Board; and

WHEREAS, regardless of its concerns, the City of Montrose (“City”) is required to adopt a code that meets or exceeds the minimum standards of the Wildfire Resiliency Code by April 1, 2026, and begin enforcement by July 1, 2026.

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

SECTION 1:

Section 7-4-1. (B) (Adoption of code.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(B) There is hereby adopted for the purpose of providing minimum standards to promote resiliency against wildfires, protect persons and property, and to promote the health, safety, and welfare. The 2025 Colorado Wildfire Resiliency Code, excluding all appendices, the subject matter of which is regulations for safeguarding of life and property from wildfire by codifying best practice approaches to hardening structures and reducing fire risk in the defensible space surrounding in the wildland-urban interface.

SECTION 2:

Section 7-4-1. (C) (Adoption of code.) of the Official Code of the City of Montrose, Colorado is hereby added to read in its entirety as follows:

(C) One (1) copy of the aforementioned Codes are on file in the office of the City Clerk and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Codes.

SECTION 3:

Section 7-4-2. (B) (General Provisions.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(B) Whenever the term “jurisdiction” is used in The International Fire Code, 2018 Edition or the 2025 Colorado Wildfire Resiliency Code, it shall mean the City. Whenever the term “code official” is used in the 2025 Wildfire Resiliency Code, it shall mean the City’s Building Division.

SECTION 4:

Section 7-4-5. (A) (Violations and penalties.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, the International Fire Code, 2018 Edition, the 2025 Colorado Wildfire Resiliency Code, adopted by reference herein, or any stop order or other order issued by the City or the Montrose Fire Protection District pursuant to said Code or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.

SECTION 5:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

SECTION 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 8:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10:

This Ordinance shall become effective April 1, 2026, but shall not be enforced until required by Colorado law.

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 3rd day of March 2026, at the hour of 6:00 p.m. at the Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 17th day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 17th day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 17, 2026
RE: VOA 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 VOA Rezone. City Council shall consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:

The proposal is to rezone the Elder Homestead at Montrose Open Space and the East Pavilion Complex Open Space, approximately 4.14 acres, from “P” Public District to “R-3A” Medium High Density District.

The Planning Commission unanimously voted to recommend approval of this rezone request at the February 25, 2026 Planning Commission meeting.

Proposed Zoning: “R-3A” Medium High Density 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 recommendation to City Council based on whether it should be rezoned to “R-3A” Medium High Density District. The current zoning is “P” Public District.
 - Zoning Regulations. The "R-3A" Medium High Density District is intended 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.
3. This property is adjacent to properties that are zoned “R-3A” Medium High Density District, “R-4” High Density District, “OR” Office-Residential 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. The Public land use designation is to suggest potential locations for parks, open space, trails, schools, churches, cemeteries, and public buildings.
 - The City of Montrose is selling this property to Volunteers of America. Since the property will no longer be owned by the City, the “P” Public District zoning designation is no longer appropriate for this property.
5. The “R-3A” 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:

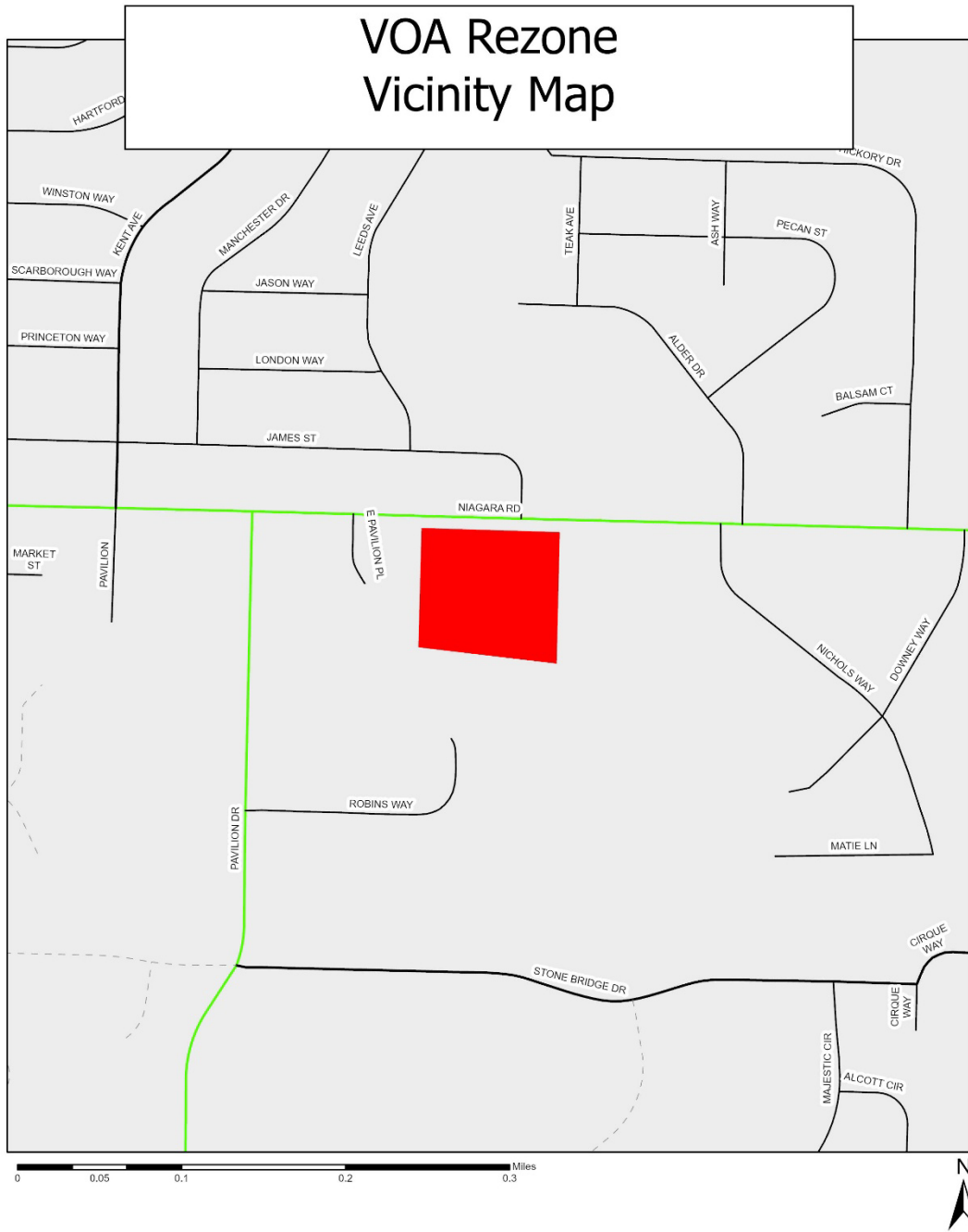
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-3A" Medium High Density District.

City Council Options:

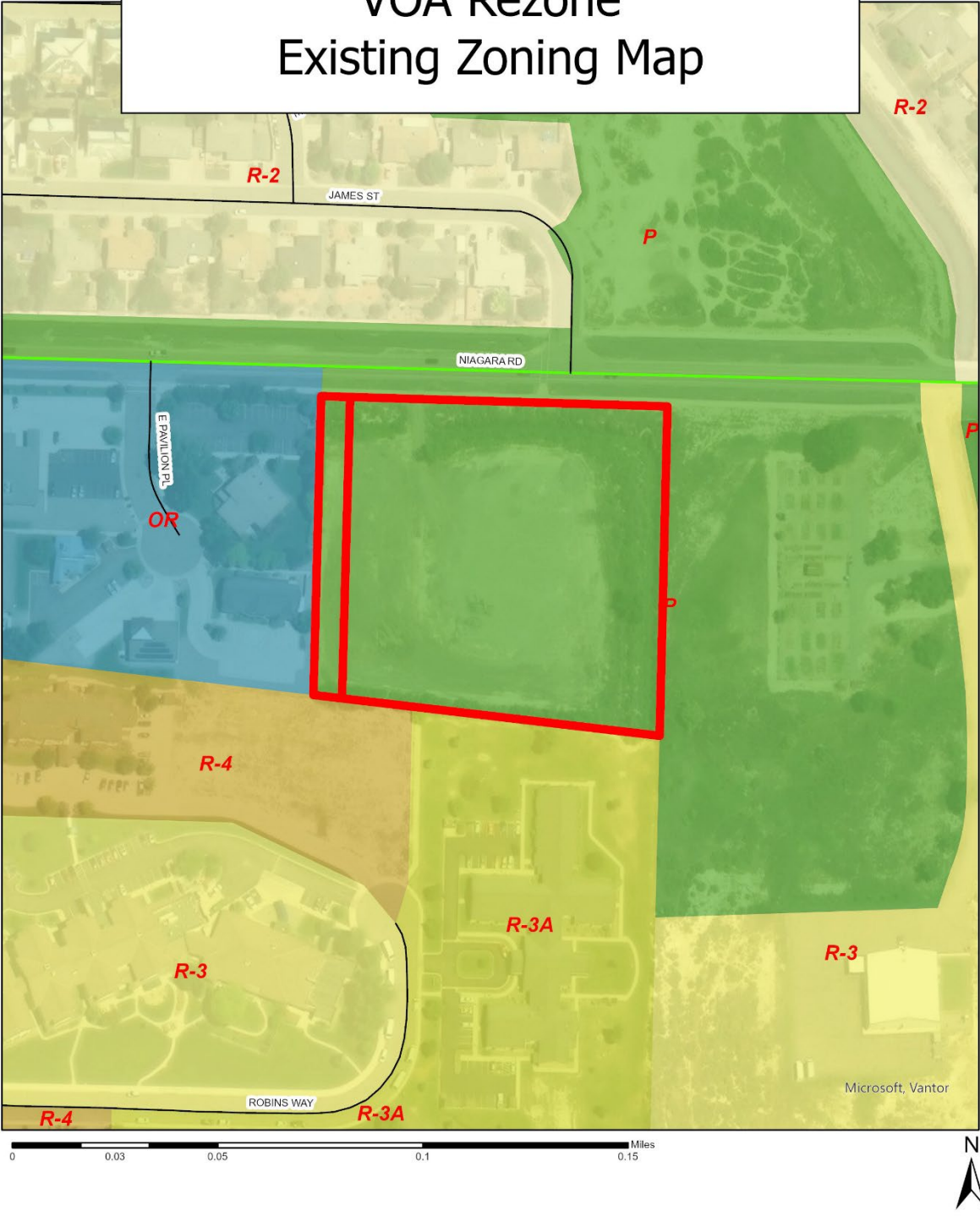
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



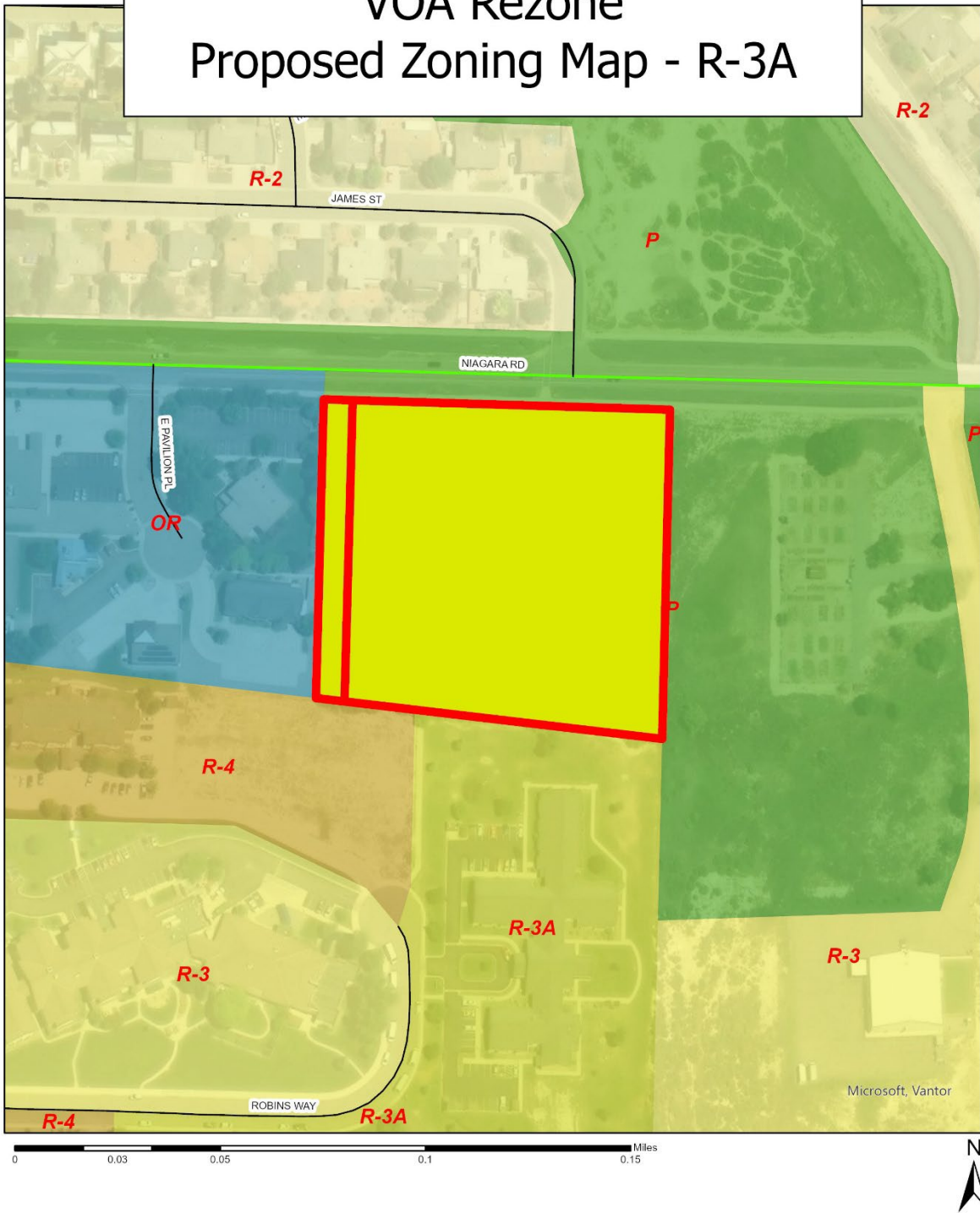
EXHIBIT A: Maps



VOA Rezone Existing Zoning Map



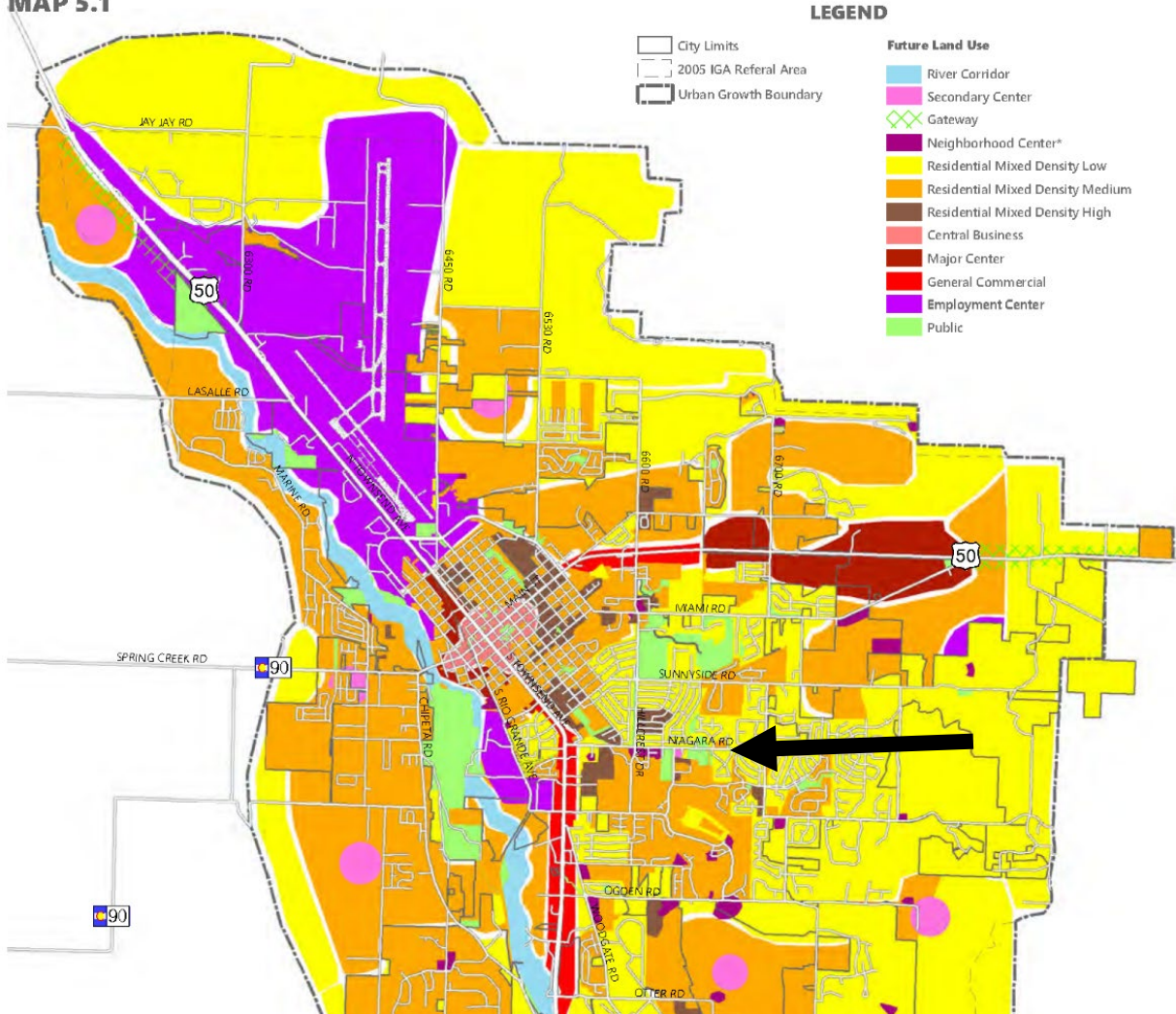
VOA Rezone Proposed Zoning Map - R-3A



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



CHAPTER 11-7. ZONING REGULATIONS¹

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)

¹Ord. 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.

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
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches	P									
Short-term rentals	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL USES										
Assisted living facility					C	C	C		C	C
Childcare facility	C	C	C	C	C	C	C	C	C	C

Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P	P
Schools; Elementary, Middle and High	C	C	C	C	C	C	C	C	C	C
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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				¹				P	P	P
Manufactured home park (See Sec. 11-13)										P
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										

Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))	T	T	T	T	T	T	T	T	T	T
Legend: Zoning Districts					Legend: Use Type					
RL: Rural Living					P: Permitted Use					
R-1: Very Low Density					C: Conditional Use					
R-1A: Large Estate					A: Accessory Use					
R-1B: Small Estate					T: Temporary Use					
R-2: Low Density										
R-3: Medium Density										
R-3A: Medium High Density					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).					
R-4: High Density										
R-5: Low Density/Manufacture Housing										
R-6: Medium Density/Manufacture Housing										
MHR: Manufactured Housing Residential										

¹ 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
COMMERCIAL USES									
Vehicle sales, rental, repair or service establishments			C	C	P	P		P	P
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials business			C	P	P	P		P	P
Commercial greenhouse				C	C	P	C	P	P
Electric vehicle charging station, retail		P	P	P	P	P	C		
Farm implement sales or service establishment					P	P		P	P
Food truck court		P	P	P	P	P	P	C	C
Fueling station or other retail use having fuel pumps (See Sec. 11-11-4)			P	P	P	P	C	C	C
Funeral home			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facility, self-service				P	P	P	P		

Manufactured home, tiny home and travel home sales or service establishments					P	P		P	P
Medical clinic	P		P	P	P	P	P	P	C
Micro-brewery, micro-distillery, or micro-winery			P	P	P	P	P	P	C
Office, business	P		P	P	P	P	P	P	P
Outpatient drug treatment clinic	P								
Travel home park (See Sec. 11-13)				C	C	C			
Campground				C	C	C			
Rental business					P	P		C	C
Restaurant			P	P	P	P	P	C	C
Drive-in or drive-through			C	P	P	P	C	C	C
Retail sales and personal service establishments	C		P	P	P	P	P	P	C
Retail sales and personal service establishments with limited manufacturing				C	C	C		P	C
Sexually oriented business (See Sec. 11-12-1)									P
Shooting range, indoor						C		C	C
Short-term rentals	P		P	P	P	P	P	P	P
Bar or tavern			P	P	P	P	C	C	C
Theater			C	P	P	P			
Veterinary clinic or hospital, small animal				P	P	P		C	C
Veterinary clinic or hospital, large animal					P	P		C	C
INDUSTRIAL USES									
Storage facilities, fuels and chemicals						P		P	P
Aircraft support services								P	P
Construction equipment storage facility						P		P	P
Feed storage and sales establishments						P		P	P
Fulfillment Center				C	C	C		P	P
Manufacturing and non-manufacturing uses (See Sec. 11-11-4)					C	C		P	P
Industrial use, other								C	P
Storage facilities, indoor			C	P	P	P	C	P	P

Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operation			C	C	C	C		P	P
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
<i>MIXED USES</i>									
Live/work unit	P	P	P	P	P	P	P	P	P
Mixed use building	P	P	P	P	P	P	P	P	P
<i>RECREATIONAL USES</i>									
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
<i>RESIDENTIAL USES</i>									
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
Dwelling, Duplex	P	P	P	P	P	P	P	P	P
Dwelling, Fourplex	P	P	P	P	P	P	P	P	P
Dwelling, Multi-household	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Attached	P	P	P	P	P	P	P	P	P

Dwelling, Single Household Detached	P	P	P	P	P	P	P	P	P
Dwelling, Tiny Home		P							
Dwelling, Triplex	P	P	P	P	P	P	P	P	P
Group home - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group home - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group home (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Solar farms								P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

(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 ^{2,3}	Maximum Density	Minimum Lot Size ⁴	Minimum Setbacks				Maximum Building Height
				Front	Rear	Side	Corner Lot	
RL	Dwelling, Single Household Detached	TBD - see footnote #4	⁵	25	20	10	20	35
R-1	Dwelling, Single Household Detached	1 dwelling unit/acre	1 acre	25	20	10	20	35
R-1A	Dwelling, Single Household Detached	2 dwelling units/acre	½ acre	25	20	10	20	35
R-1B	Dwelling, Single Household Detached	3 dwelling units/acre	½ 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
	Duplex	9.3 dwelling units/acre	9375	15	20	5	15	35

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	Single-household attached	15 dwelling units/acre	2,900/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	15 dwelling units/acre	2,900/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-4	Single-household detached	17.4 dwelling units/acre	2,500	15	20; 5 w/ rear-loaded garage	5	10	35
	Duplex	17.4 dwelling units/acre	5,000	15	20	5	15	35
	Single-household attached	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	24 dwelling units/acre	1,815/dwelling unit	15	20	10	15	40
R-5	Single-household detached	3.6 dwelling units/acre	12,000	25	20	5	20	35
	Duplex	7.2 dwelling units/acre	12,000	25	20	5	20	35
	Manufactured Home	3.6 dwelling units/acre	12,000	25	20	10	20	35
R-6	Single-household detached	5.8 dwelling units/acre	7,500	25	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	25	20; 5 w/ rear-loaded garage	10 to bldg. lot line	20	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
	Manufactured Home	5.8 dwelling units/acre	7,500	25	20	5	20	35

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	Tiny Home	5.8 dwelling units/acre	7,500	15	20	5	15	35
MHR	Manufactured Homes except MH Parks ⁶	14.5 dwelling units/acre	3,000	5	10	10	10	35
	Dwelling, Single Household Detached	14 dwelling units/acre	3,125	5	10	10	10	35
	Tiny Home except Tiny Home Communities ⁷	14.5 dwelling units/acre	3,000	5	10	10	10	35
OR	All Non-Residential		6,250	15	15	5	15	35
P ⁸	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-1	No Req.		No Req., except for fueling stations	No Req.	No Req.	No Req.	No Req.	No Req.
B-2	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-2A	All Non-Residential		N/A	25	N/A	N/A	25	35
B-3	All Non-Residential		N/A	25	N/A	N/A	25	35
B-4	All Non-Residential		N/A	25	N/A	N/A	25	35
I-1	All Non-Residential		½ acre	25	N/A	N/A	25	N/A
I-2	All Non-Residential		½ acre	25	N/A	N/A	25	N/A

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

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

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

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

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

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

⁸ City facilities are exempt from these standards.

(B) Additional Dimensional Requirements.

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

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- (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 20 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; Ord. No. 2683, §§ 1, 2, 8-5-2025)

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:
 - (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;

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- (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.
- (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.*

- (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.

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

(E) *Design Criteria.*

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- (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) *Variations.* 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;
 - (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.

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- (c) Specific submittal requirements are listed in Appendix One. Upon submittal of the complete application, with all supporting documentation as may be required, City staff shall provide a review of the same. Following City staff review, administrative approval may be granted if the development proposal is an allowed use in the URBZ or applicable URBZ sub-zone, or is a use by right in the URBZ or applicable URBZ sub-zone, and meets all applicable standards. Development proposals which are not allowed uses or uses by right in the URBZ or applicable URBZ sub-zone, or do not meet all the applicable standards, shall be forwarded to the City Planning Commission for review and approval, under procedures set forth below, accompanied by any comments and recommendations from City staff.
 - (d) All proposals shall identify on a site plan the designated Disturbance Envelope for that portion of the project that is proposed to encroach into the URBZ.
 - (e) The applicant shall mark and identify the Disturbance Envelope on the ground in the field and shall maintain construction barrier fencing around the entire perimeter of the Disturbance Envelope throughout the period of construction, until final landscaping is completed. The applicant shall ensure that all surface disturbances are contained within the designated and marked Disturbance Envelope.
 - (f) The URBZ consists of two sub-areas, as follows:
 - (i) *Streamside Zone*. This area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40-foot buffer area, measured as described above from the HWM. Development in the Streamside Zone is subject to all other applicable permits. Setbacks created herein for the Streamside Zone are in addition to any setbacks which may be applied through the underlying zoning of a parcel.
 - (1) The following are subject to a 40-foot setback from the HWM (i.e., the following shall not be placed or performed within the 40-foot Streamside Zone):
 - (a) Planting of non-native grass turf;
 - (b) Removal of native vegetation;
 - (c) Erection of fences;
 - (d) Construction of hard-surfaced trails that parallel the river;
 - (e) Construction of buildings, other than irrigation pump houses;
 - (f) Construction of parking lots (paved or gravel);
 - (g) Construction or installation of lighting fixtures;
 - (h) Construction or installation of engineered/structural water runoff treatment facilities (such as concrete vaults);
 - (i) Concrete rip-rap;
 - (j) Construction or installation of any other facility not listed in the allowed uses below, and not reasonably compatible with the riparian environment.
 - (2) The following actions, or construction of the following facilities or structures, are permitted within the 40-foot Streamside Zone:
 - (a) Government buildings and facilities;
 - (b) Hard-surfaced trails roughly perpendicular to the river;

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- (c) Soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;
 - (d) Irrigation facilities (including pump houses);
 - (e) Boat put-ins (boat ramps should be soft-surfaced);
 - (f) Planting of native vegetation;
 - (g) Bank stabilization, and river or wildlife habitat restoration;
 - (h) Other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.
- (3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in Section 11-7-13.
- (ii) *Outer Zone.* This area is intended to serve as a buffer between the Streamside Zone, and areas outside the URBZ. Most uses allowed within the underlying zoning district are permitted within the Outer Zone, though certain uses have specific performance standards.
- (1) Uses by right in the Outer Zone:
 - (a) Water runoff treatment structures using swales, native vegetation, and similar measures;
 - (b) Government buildings and facilities;
 - (c) Fences which allow the passage of wildlife; said fences shall be designed as follows:
 - (i) No more than 40 inches in height;
 - (ii) A smooth bottom wire at least 16 inches above ground;
 - (iii) At least 12 inches between the top two wires;
 - (iv) No sharp edges, barbs, or similar devices are permitted;
 - (v) Sheep or woven-wire and wrought-iron style fences with spiked tips are not permitted.
 - (d) Landscaping employing native vegetation types and compatible with the riparian environment;
 - (e) Single household detached dwellings;
 - (f) Recreation trails (all types);
 - (g) Buildings and facilities complying with the underlying zoning district and complying with all of the following performance standards:
 - (i) Structures with windows occupying a minimum of 50 percent of the linear river frontage of the building; and
 - (ii) At least one public entrance directly facing the river; and
 - (iii) Outdoor common areas, seating and/or dining areas; and
 - (iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and
 - (v) Well concealed trash dumpsters; and

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- (vi) Total building facade length shall be less than 50 feet in length parallel to the river; and
 - (vii) Buildings and facilities complying with these performance standards are exempt from the river buffer screening requirements set forth below;
 - (viii) Single household detached dwellings are exempt from these performance standards, except for Subsection (2)(f)(ii)(1)(c) of this Section, as well as the Outer Zone performance standards set forth below.
- (2) The following uses shall not be considered a use by right in the Outer Zone, and are subject to review as Conditional Uses under Section 11-7-6(B) and Chapter 11-4 of this Title:
- (a) Loading docks;
 - (b) Landscaping with non-native vegetation;
 - (c) Engineered or structural water runoff treatment facilities (such as concrete vaults);
 - (d) Other industrial uses;
 - (e) Water treatment facilities employing structural vaults or similar technology are not permitted within the Outer Zone;
 - (f) Parking lots, whether paved or gravel;
 - (g) All other uses not listed in this Subsection.
- (3) *Outer Zone Performance Standards.* If the use or structure does not meet the performance standards in Subsection (2)(f)(ii)(1)(g) of this Section, the following shall be required:
- (a) A minimum 30-foot-wide vegetated buffer with extensive vertical plantings of native vegetation. Said vegetated buffer shall not overlap the 40-foot Streamside Zone.
 - (b) Tree height at maturity shall be as high or higher than the buildings being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible.
 - (c) Said vegetated buffer shall be contiguous to the Streamside Zone, and located between the Streamside Zone, and any parking lot or building.
- (4) *General Standards Applicable within the Outer Zone.*
- (a) Removal of native vegetation is discouraged. Where removal of native vegetation is unavoidable, the removed area shall be mitigated by planting replacement native vegetation, at a minimum 1:1 ratio (measured in square feet, with a result that an equal amount of vegetation is planted, as was removed) within the URBZ.
 - (b) All setbacks oriented toward the river, applicable to or within the Outer Zone, shall be measured from the boundary line between the Streamside Zone, and the Outer Zone.

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- (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.
- (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

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- 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 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.

(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)

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(Supp. No. 12)

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. 2708

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF THE OPEN SPACE OF THE ELDER HOMESTEAD AT MONTROSE AND OPEN SPACE OF THE FINAL PLAT OF THE EAST PAVILION COMPLEX FROM “P” PUBLIC DISTRICT TO “R-3A”, MEDIUM HIGH DENSITY DISTRICT.

WHEREAS, the Planning Commission met on February 25, 2026, to consider a rezoning of the Elder Homestead at Montrose Open Space 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 the Elder Homestead at Montrose Open Space, more particularly described as:

OPEN SPACE, OF THE FINAL PLAT THE ELDER HOMESTEAD AT MONTROSE, CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO AT RECEPTION NO. 655077

and

OPEN SPACE, OF THE FINAL PLAT OF EAST PAVILION COMPLEX, CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO AT RECEPTION NO. 663504.

as an “R-3A”, Medium High 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 17th day of March, 2026, 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 17th day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 6th day of April, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 17, 2026
RE: McCall Replat 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 McCall Replat Rezone. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: Dean McCall and Julie McCall

Application Background:

The proposal is to rezone a portion of Lot 3R of the McCall Replat, approximately 0.07 acres, from “R-3A” Medium High Density District to “R-2” Low Density District. The property is more particularly described as follows:

A tract of land situated in the SW 1/4 NW 1/4 of Section 26, Township 49 North, Range 9 West, N.M.P.M. City of Montrose, County of Montrose, State of Colorado, beginning at a point S01’20’42”W 1000.42 feet from the NW 1/16 corner of Section 26;
thence along the east line of said SW 1/4 NW 1/4, S01’20’42”W 41.41 feet;
thence leaving said line heading S47’46’12”W 77.36 feet;
thence heading North West N86’32’06”W 41.92 feet;
thence N47’46’12”E 135.18 feet to the point of beginning.
Said tract as described contains 0.07 acres (3188 square feet) more or less.



The Planning Commission unanimously voted to recommend approval of this rezone request at the February 25, 2026 Planning Commission meeting.

Proposed Zoning: “R-2” Low Density 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 recommendation to City Council based on whether it should be rezoned to “R-2” Low Density District. The current zoning is “R-3A” Medium High Density District.
 - Zoning Regulations. 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.
3. This property is adjacent to properties that are zoned “R-2” Low Density District “R-3A” Medium High Density District.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Medium. The Residential Mixed Density Medium district provides for a variety of residential types mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.
 - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “R-2” 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:

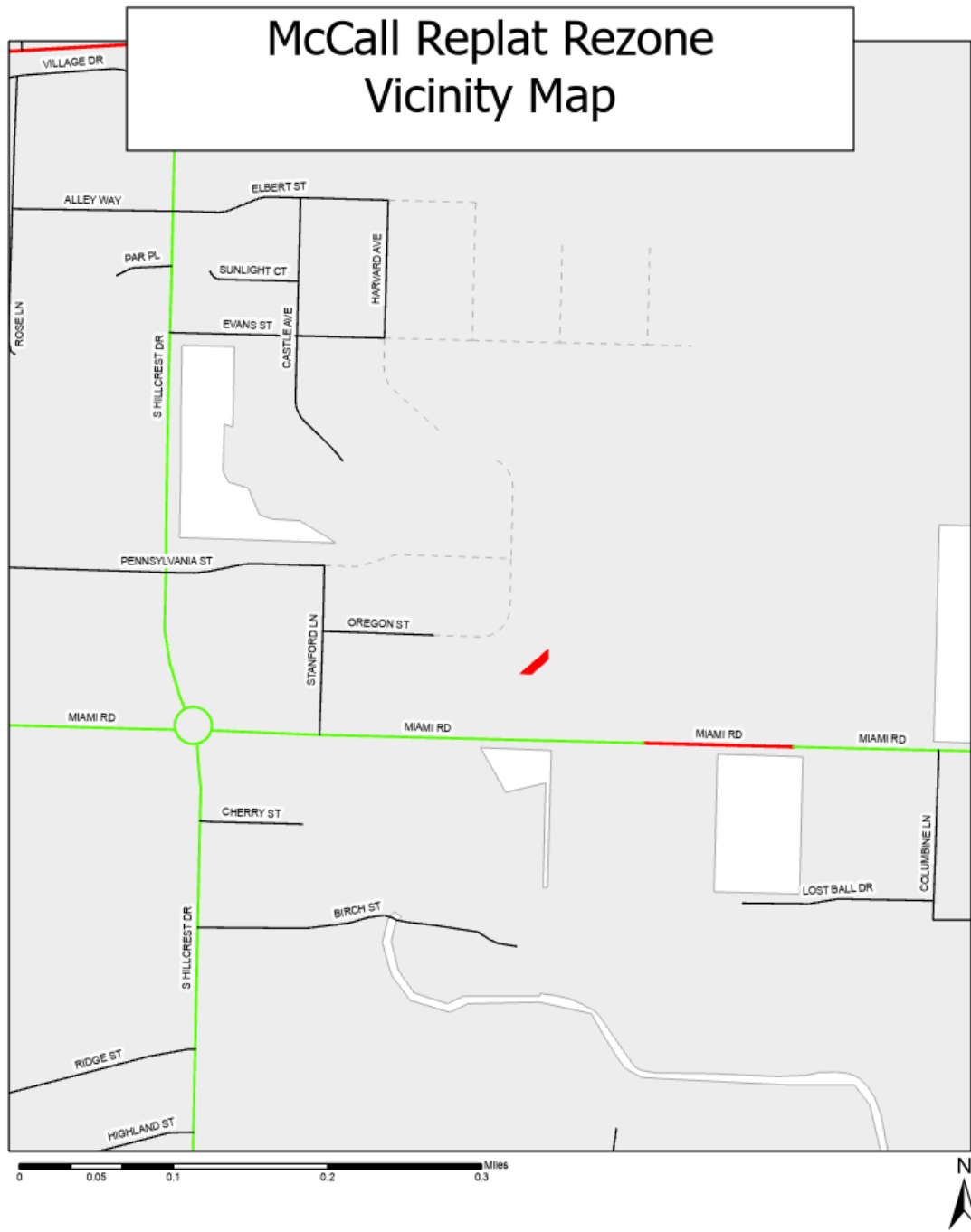
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-2" Low Density District.

City Council Options:

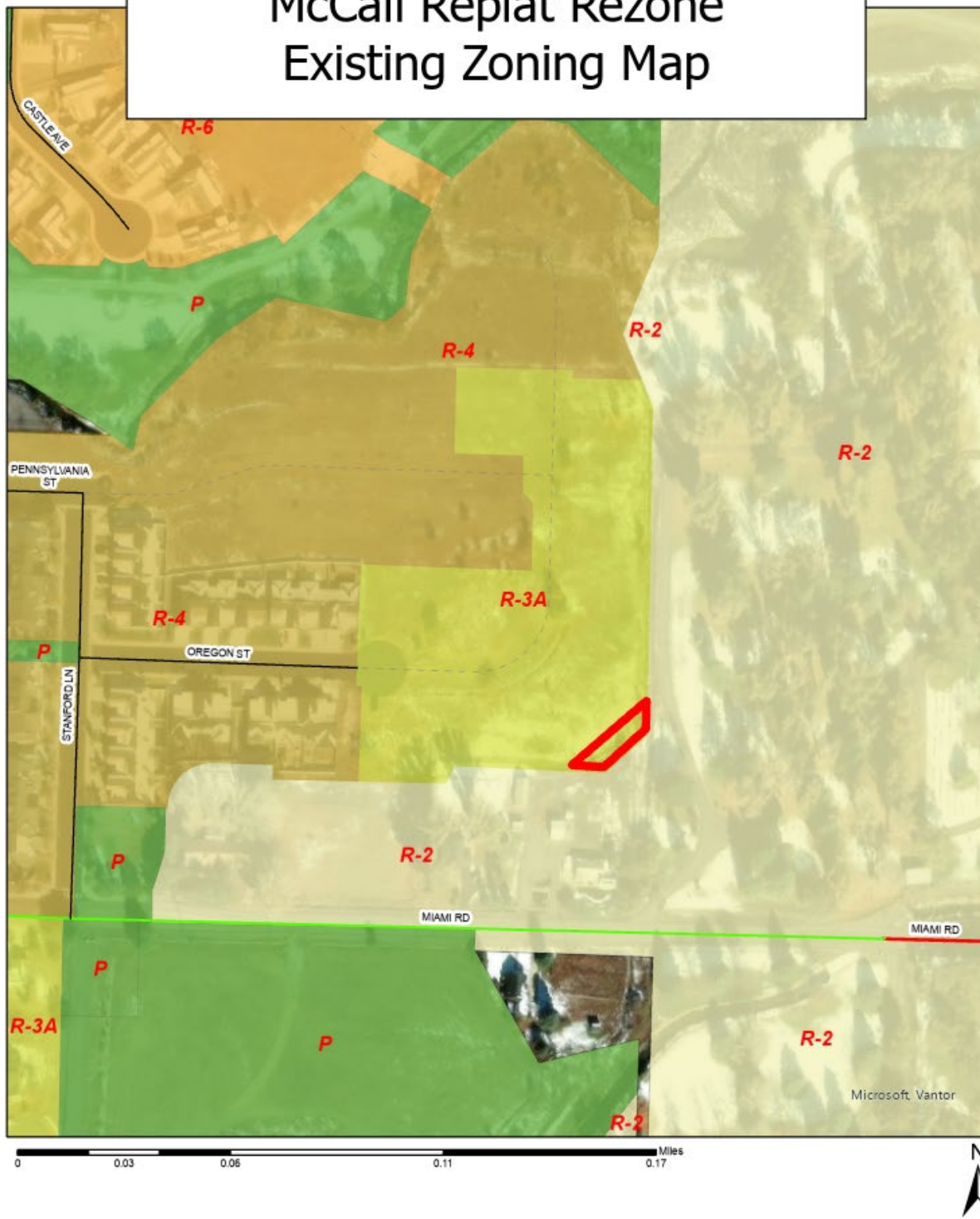
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



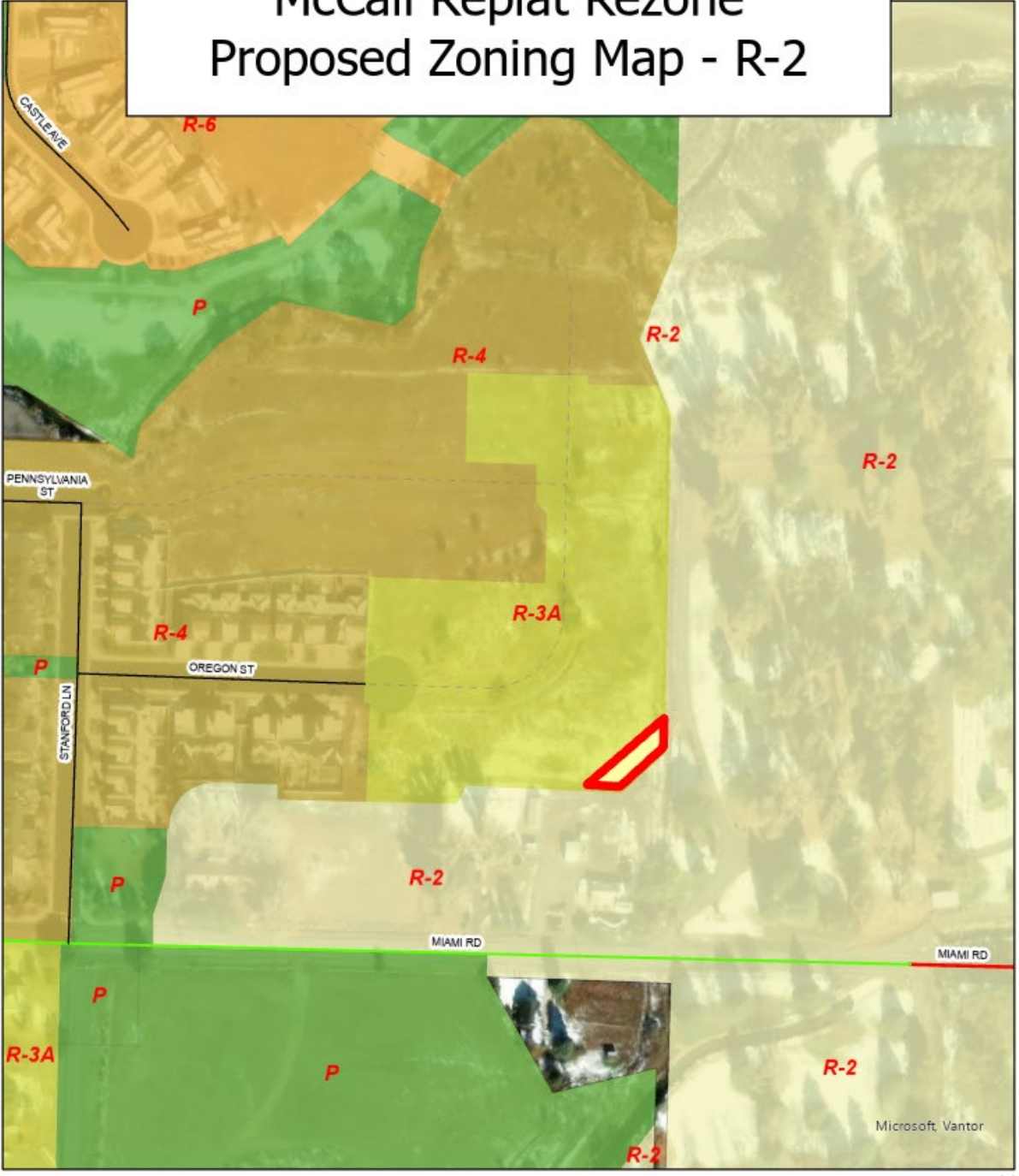
EXHIBIT A: Maps



McCall Replat Rezone Existing Zoning Map



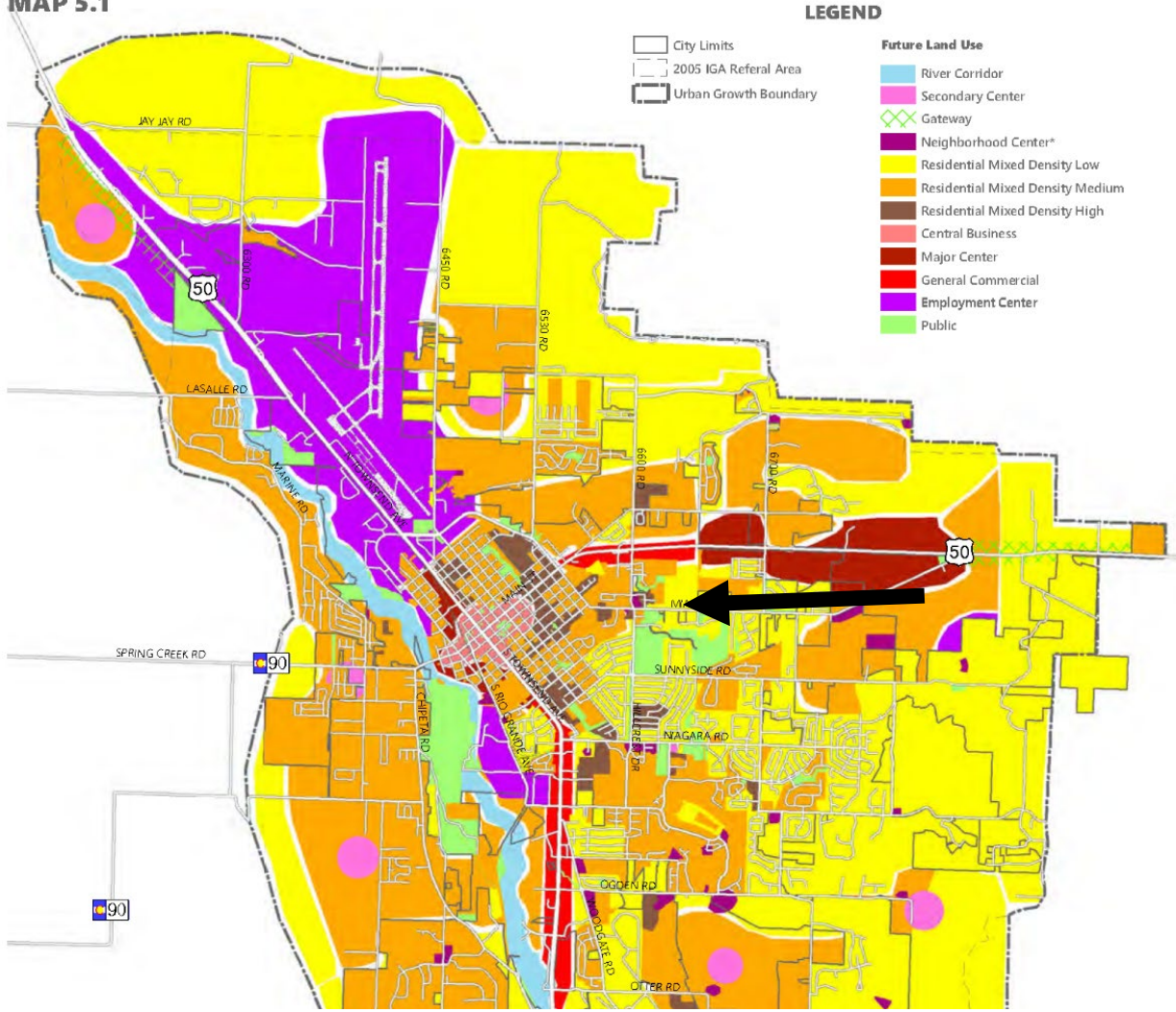
McCall Replat Rezone Proposed Zoning Map - R-2



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



CHAPTER 11-7. ZONING REGULATIONS¹

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)

¹Ord. 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.

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
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches	P									
Short-term rentals	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL USES										
Assisted living facility					C	C	C		C	C
Childcare facility	C	C	C	C	C	C	C	C	C	C

Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P	P
Schools; Elementary, Middle and High	C	C	C	C	C	C	C	C	C	C
RECREATIONAL USES										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL USES										
Accessory Dwelling Unit (See Sec. 11-11-5)	C	C	C	P	P	P	P	P	P	
Dwelling, Duplex				P	P	P	P	P	P	
Dwelling, Fourplex					C	P	P		C	
Dwelling, Multi-household					C	P	P		C	
Dwelling, Single-Household Attached					P	P	P		P	
Dwelling, Single-Household Detached	P	P	P	P	P	P	C	P	P	P
Dwelling, Tiny Home									P	P
Tiny Home Community										P
Dwelling, Triplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (See Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes - handicapped/disabled > 9 persons (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured home				¹				P	P	P
Manufactured home park (See Sec. 11-13)										P
UTILITIES AND TELECOMMUNICATION FACILITIES										
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
OTHER USES										

Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))	T	T	T	T	T	T	T	T	T	T
Legend: Zoning Districts					Legend: Use Type					
RL: Rural Living					P: Permitted Use					
R-1: Very Low Density					C: Conditional Use					
R-1A: Large Estate					A: Accessory Use					
R-1B: Small Estate					T: Temporary Use					
R-2: Low Density										
R-3: Medium Density										
R-3A: Medium High Density					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).					
R-4: High Density										
R-5: Low Density/Manufacture Housing										
R-6: Medium Density/Manufacture Housing										
MHR: Manufactured Housing Residential										

¹ 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
COMMERCIAL USES									
Vehicle sales, rental, repair or service establishments			C	C	P	P		P	P
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials business			C	P	P	P		P	P
Commercial greenhouse				C	C	P	C	P	P
Electric vehicle charging station, retail		P	P	P	P	P	C		
Farm implement sales or service establishment					P	P		P	P
Food truck court		P	P	P	P	P	P	C	C
Fueling station or other retail use having fuel pumps (See Sec. 11-11-4)			P	P	P	P	C	C	C
Funeral home			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facility, self-service				P	P	P	P		

Manufactured home, tiny home and travel home sales or service establishments					P	P		P	P
Medical clinic	P		P	P	P	P	P	P	C
Micro-brewery, micro-distillery, or micro-winery			P	P	P	P	P	P	C
Office, business	P		P	P	P	P	P	P	P
Outpatient drug treatment clinic	P								
Travel home park (See Sec. 11-13)				C	C	C			
Campground				C	C	C			
Rental business					P	P		C	C
Restaurant			P	P	P	P	P	C	C
Drive-in or drive-through			C	P	P	P	C	C	C
Retail sales and personal service establishments	C		P	P	P	P	P	P	C
Retail sales and personal service establishments with limited manufacturing				C	C	C		P	C
Sexually oriented business (See Sec. 11-12-1)									P
Shooting range, indoor						C		C	C
Short-term rentals	P		P	P	P	P	P	P	P
Bar or tavern			P	P	P	P	C	C	C
Theater			C	P	P	P			
Veterinary clinic or hospital, small animal				P	P	P		C	C
Veterinary clinic or hospital, large animal					P	P		C	C
INDUSTRIAL USES									
Storage facilities, fuels and chemicals						P		P	P
Aircraft support services								P	P
Construction equipment storage facility						P		P	P
Feed storage and sales establishments						P		P	P
Fulfillment Center				C	C	C		P	P
Manufacturing and non-manufacturing uses (See Sec. 11-11-4)					C	C		P	P
Industrial use, other								C	P
Storage facilities, indoor			C	P	P	P	C	P	P

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Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operation			C	C	C	C		P	P
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
<i>MIXED USES</i>									
Live/work unit	P	P	P	P	P	P	P	P	P
Mixed use building	P	P	P	P	P	P	P	P	P
<i>RECREATIONAL USES</i>									
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
<i>RESIDENTIAL USES</i>									
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
Dwelling, Duplex	P	P	P	P	P	P	P	P	P
Dwelling, Fourplex	P	P	P	P	P	P	P	P	P
Dwelling, Multi-household	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Attached	P	P	P	P	P	P	P	P	P

Dwelling, Single Household Detached	P	P	P	P	P	P	P	P	P
Dwelling, Tiny Home		P							
Dwelling, Triplex	P	P	P	P	P	P	P	P	P
Group home - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group home - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group home (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Solar farms								P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

(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 ^{2,3}	Maximum Density	Minimum Lot Size ⁴	Minimum Setbacks				Maximum Building Height
				Front	Rear	Side	Corner Lot	
RL	Dwelling, Single Household Detached	TBD - see footnote #4	⁵	25	20	10	20	35
R-1	Dwelling, Single Household Detached	1 dwelling unit/acre	1 acre	25	20	10	20	35
R-1A	Dwelling, Single Household Detached	2 dwelling units/acre	½ acre	25	20	10	20	35
R-1B	Dwelling, Single Household Detached	3 dwelling units/acre	½ 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
	Duplex	9.3 dwelling units/acre	9375	15	20	5	15	35

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	Single-household attached	15 dwelling units/acre	2,900/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	15 dwelling units/acre	2,900/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-4	Single-household detached	17.4 dwelling units/acre	2,500	15	20; 5 w/ rear-loaded garage	5	10	35
	Duplex	17.4 dwelling units/acre	5,000	15	20	5	15	35
	Single-household attached	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	24 dwelling units/acre	1,815/dwelling unit	15	20	10	15	40
R-5	Single-household detached	3.6 dwelling units/acre	12,000	25	20	5	20	35
	Duplex	7.2 dwelling units/acre	12,000	25	20	5	20	35
	Manufactured Home	3.6 dwelling units/acre	12,000	25	20	10	20	35
R-6	Single-household detached	5.8 dwelling units/acre	7,500	25	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	25	20; 5 w/ rear-loaded garage	10 to bldg. lot line	20	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
	Manufactured Home	5.8 dwelling units/acre	7,500	25	20	5	20	35

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	Tiny Home	5.8 dwelling units/acre	7,500	15	20	5	15	35
MHR	Manufactured Homes except MH Parks ⁶	14.5 dwelling units/acre	3,000	5	10	10	10	35
	Dwelling, Single Household Detached	14 dwelling units/acre	3,125	5	10	10	10	35
	Tiny Home except Tiny Home Communities ⁷	14.5 dwelling units/acre	3,000	5	10	10	10	35
OR	All Non-Residential		6,250	15	15	5	15	35
P ⁸	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-1	No Req.		No Req., except for fueling stations	No Req.	No Req.	No Req.	No Req.	No Req.
B-2	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-2A	All Non-Residential		N/A	25	N/A	N/A	25	35
B-3	All Non-Residential		N/A	25	N/A	N/A	25	35
B-4	All Non-Residential		N/A	25	N/A	N/A	25	35
I-1	All Non-Residential		½ acre	25	N/A	N/A	25	N/A
I-2	All Non-Residential		½ acre	25	N/A	N/A	25	N/A

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

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

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

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

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

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

⁸ City facilities are exempt from these standards.

(B) Additional Dimensional Requirements.

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

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- (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 20 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; Ord. No. 2683, §§ 1, 2, 8-5-2025)

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:
 - (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;

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- (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.
- (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.*

- (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.

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

(E) *Design Criteria.*

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- (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) *Variations.* 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;
 - (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.

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- (c) Specific submittal requirements are listed in Appendix One. Upon submittal of the complete application, with all supporting documentation as may be required, City staff shall provide a review of the same. Following City staff review, administrative approval may be granted if the development proposal is an allowed use in the URBZ or applicable URBZ sub-zone, or is a use by right in the URBZ or applicable URBZ sub-zone, and meets all applicable standards. Development proposals which are not allowed uses or uses by right in the URBZ or applicable URBZ sub-zone, or do not meet all the applicable standards, shall be forwarded to the City Planning Commission for review and approval, under procedures set forth below, accompanied by any comments and recommendations from City staff.
 - (d) All proposals shall identify on a site plan the designated Disturbance Envelope for that portion of the project that is proposed to encroach into the URBZ.
 - (e) The applicant shall mark and identify the Disturbance Envelope on the ground in the field and shall maintain construction barrier fencing around the entire perimeter of the Disturbance Envelope throughout the period of construction, until final landscaping is completed. The applicant shall ensure that all surface disturbances are contained within the designated and marked Disturbance Envelope.
 - (f) The URBZ consists of two sub-areas, as follows:
 - (i) *Streamside Zone*. This area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40-foot buffer area, measured as described above from the HWM. Development in the Streamside Zone is subject to all other applicable permits. Setbacks created herein for the Streamside Zone are in addition to any setbacks which may be applied through the underlying zoning of a parcel.
 - (1) The following are subject to a 40-foot setback from the HWM (i.e., the following shall not be placed or performed within the 40-foot Streamside Zone):
 - (a) Planting of non-native grass turf;
 - (b) Removal of native vegetation;
 - (c) Erection of fences;
 - (d) Construction of hard-surfaced trails that parallel the river;
 - (e) Construction of buildings, other than irrigation pump houses;
 - (f) Construction of parking lots (paved or gravel);
 - (g) Construction or installation of lighting fixtures;
 - (h) Construction or installation of engineered/structural water runoff treatment facilities (such as concrete vaults);
 - (i) Concrete rip-rap;
 - (j) Construction or installation of any other facility not listed in the allowed uses below, and not reasonably compatible with the riparian environment.
 - (2) The following actions, or construction of the following facilities or structures, are permitted within the 40-foot Streamside Zone:
 - (a) Government buildings and facilities;
 - (b) Hard-surfaced trails roughly perpendicular to the river;

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- (c) Soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;
 - (d) Irrigation facilities (including pump houses);
 - (e) Boat put-ins (boat ramps should be soft-surfaced);
 - (f) Planting of native vegetation;
 - (g) Bank stabilization, and river or wildlife habitat restoration;
 - (h) Other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.
- (3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in Section 11-7-13.
- (ii) *Outer Zone.* This area is intended to serve as a buffer between the Streamside Zone, and areas outside the URBZ. Most uses allowed within the underlying zoning district are permitted within the Outer Zone, though certain uses have specific performance standards.
- (1) Uses by right in the Outer Zone:
 - (a) Water runoff treatment structures using swales, native vegetation, and similar measures;
 - (b) Government buildings and facilities;
 - (c) Fences which allow the passage of wildlife; said fences shall be designed as follows:
 - (i) No more than 40 inches in height;
 - (ii) A smooth bottom wire at least 16 inches above ground;
 - (iii) At least 12 inches between the top two wires;
 - (iv) No sharp edges, barbs, or similar devices are permitted;
 - (v) Sheep or woven-wire and wrought-iron style fences with spiked tips are not permitted.
 - (d) Landscaping employing native vegetation types and compatible with the riparian environment;
 - (e) Single household detached dwellings;
 - (f) Recreation trails (all types);
 - (g) Buildings and facilities complying with the underlying zoning district and complying with all of the following performance standards:
 - (i) Structures with windows occupying a minimum of 50 percent of the linear river frontage of the building; and
 - (ii) At least one public entrance directly facing the river; and
 - (iii) Outdoor common areas, seating and/or dining areas; and
 - (iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and
 - (v) Well concealed trash dumpsters; and

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- (vi) Total building facade length shall be less than 50 feet in length parallel to the river; and
 - (vii) Buildings and facilities complying with these performance standards are exempt from the river buffer screening requirements set forth below;
 - (viii) Single household detached dwellings are exempt from these performance standards, except for Subsection (2)(f)(ii)(1)(c) of this Section, as well as the Outer Zone performance standards set forth below.
- (2) The following uses shall not be considered a use by right in the Outer Zone, and are subject to review as Conditional Uses under Section 11-7-6(B) and Chapter 11-4 of this Title:
- (a) Loading docks;
 - (b) Landscaping with non-native vegetation;
 - (c) Engineered or structural water runoff treatment facilities (such as concrete vaults);
 - (d) Other industrial uses;
 - (e) Water treatment facilities employing structural vaults or similar technology are not permitted within the Outer Zone;
 - (f) Parking lots, whether paved or gravel;
 - (g) All other uses not listed in this Subsection.
- (3) *Outer Zone Performance Standards.* If the use or structure does not meet the performance standards in Subsection (2)(f)(ii)(1)(g) of this Section, the following shall be required:
- (a) A minimum 30-foot-wide vegetated buffer with extensive vertical plantings of native vegetation. Said vegetated buffer shall not overlap the 40-foot Streamside Zone.
 - (b) Tree height at maturity shall be as high or higher than the buildings being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible.
 - (c) Said vegetated buffer shall be contiguous to the Streamside Zone, and located between the Streamside Zone, and any parking lot or building.
- (4) *General Standards Applicable within the Outer Zone.*
- (a) Removal of native vegetation is discouraged. Where removal of native vegetation is unavoidable, the removed area shall be mitigated by planting replacement native vegetation, at a minimum 1:1 ratio (measured in square feet, with a result that an equal amount of vegetation is planted, as was removed) within the URBZ.
 - (b) All setbacks oriented toward the river, applicable to or within the Outer Zone, shall be measured from the boundary line between the Streamside Zone, and the Outer Zone.

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- (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.
- (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

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- 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 considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements.
- (E) This Section shall not apply to signs. Nonconforming signs shall be governed by the provisions of Section 11-10-3 of this Title.

Sec. 11-7-12. Rezoning.

(A) *Rezoning.*

- (1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive Plan; or:
 - (i) The existing zoning is erroneous; or
 - (ii) Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.
- (2) Rezoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedures of Chapter 11-4 of this Title. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The City Council may initiate rezoning on its own motion, in which case the Council shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately, in substantial compliance with the review procedures of Chapter 11-4 of this Title.
- (3) The City shall not impose conditions on a rezone unless otherwise required by this Title.

(B) *Zoning of Additions.*

- (1) The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
- (2) The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.

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

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

Sec. 11-7-13. Variances.

- (A) The Planning Commission may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedures of Chapter 11-4 of this Title, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting uses by right, accessory and conditional uses within any zoning district.
- (B) Variances shall be granted only if all the following criteria are met:
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
 - (3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.
 - (4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
 - (5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.
- (C) The burden shall be on the applicant to show that these criteria have been met.
- (D) Variances shall be granted for sign regulations only if all of the following criteria are met, in lieu of the criteria of Subsection (B) of this Section.
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) The variance requested is the minimum variance that will afford relief.
 - (3) The variance will not result in signage incompatible with other properties in the area and will not affect or impair the value, use of development of such properties.
 - (4) Strict compliance with the regulation presents practical difficulties or unnecessary hardships, and the variance sought falls within the spirit of the sign regulations (Chapter 10 of this Title) as a whole.

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

ORDINANCE NO. 2709

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF LOT 3R OF THE MCCALL BOUNDARY LINE ADJUSTMENT FROM “R-3A” MEDIUM DENSITY DISTRICT TO “R-2”, LOW DENSITY DISTRICT.

WHEREAS, the Planning Commission met on February 25, 2026, to consider a rezoning of a portion of Lot 3R of the McCall 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 3R of the McCall Boundary Line Adjustment, more particularly described as:

A tract of land situated in the SW 1/4 NW 1/4 of Section 26, Township 49 North, Range 9 West, N.M.P.M. City of Montrose, County of Montrose, State of Colorado, beginning at a point S01'20'42"W 1000.42 feet from the NW 1/16 corner of Section 26;
thence along the east line of said SW 1/4 NW 1/4, S01'20'42"W 41.41 feet;
thence leaving said line heading S47'46'12"W 77.36 feet;
thence heading North West N86'32'06"W 41.92 feet;
thence N47'46'12"E 135.18 feet to the point of beginning.
Said tract as described contains 0.07 acres (3188 square feet) more or less.

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 17th day of March, 2026, 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 17th day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 6th day of April, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 17, 2026
RE: The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat

ATTACHMENTS

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

City Council Consideration:

City Council shall consider approving, denying, or approving with conditions The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: Bridges Development Partners, LLC

Application Background:

The Bridges at Black Canyon Subdivision is located in southeastern Montrose, and is partially developed. This amended preliminary plat consists of 14 residential lots on Outlot B of The Bridges at Black Canyon Subdivision Filing No. 8 Final Plat, located off of E Oak Grove Rd. This application amends the previously approved preliminary plat, which is still valid, eliminating the previously approved Bear Dance Dr, which alters the proposed traffic pattern and slightly alters property lines. There are no further changes to the previous preliminary plat. The property is zoned "R-2" Low Density District and "R-3A" Medium High Density District. Note that all proposed lots are within the "R-2" zoned portion of the property.

The Planning Commission voted to approve The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat during the March 11, 2026 Planning Commission meeting. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat (City of Montrose Municipal Code, Section 11-4-8(A)(3)).



Staff Analysis:

1. Subdivision Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 11-5 and summarized below: (See Exhibit B)

- The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:
 - a. Conformance with the master plan and zoning regulations;
 - b. Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
 - c. Availability of water, means of sewage collection and treatment, storm water drainage, access and other utilities and services;
 - d. Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - e. Adjacent streets and traffic flow, including pedestrian access;
 - f. Availability of fire, police and other emergency services protection;
 - g. Impacts on area schools.

2. Comprehensive Plan - Land Use Map Designation:

- The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: Residential Mixed Density Low and Residential Mixed Density Medium. 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. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.

3. Zoning Regulations:

- Municipal Code, Section 11-7-5 (A)(4): The "R-2" Low Density District is intended to provide for development of single-family residences, along with certain other compatible land uses.
- Municipal Code, Section 11-7-5 (A)(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.



- The proposed use is a use-by-right in the “R-2” zoning district, and is compatible with general conditions in the area. The proposed lots are not within the “R-3A” portion of the property. The property is adjacent to properties that are zoned “R-3A” Medium High Density District and “B-4” Neighborhood Shopping District.

4. Dimensional Requirements:

- a. Municipal Code, Section 11-7-7. The dimensional requirements in the “R-2” zoning district are included in the table below.

District	Use	Maximum Density	Minimum Lot Size	Front	Rear	Side	Corner Lot	Maximum Building Height
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

5. The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat does not appear to be adverse to the public health, safety and welfare and is in compliance with the City’s Subdivision Regulations.

Planning Commission Recommendation:

The Planning Commission recommended approval of The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat during the March 11, 2026 meeting. It was a unanimous vote. “The approval of this Preliminary Plat is 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.”

City Council Options:

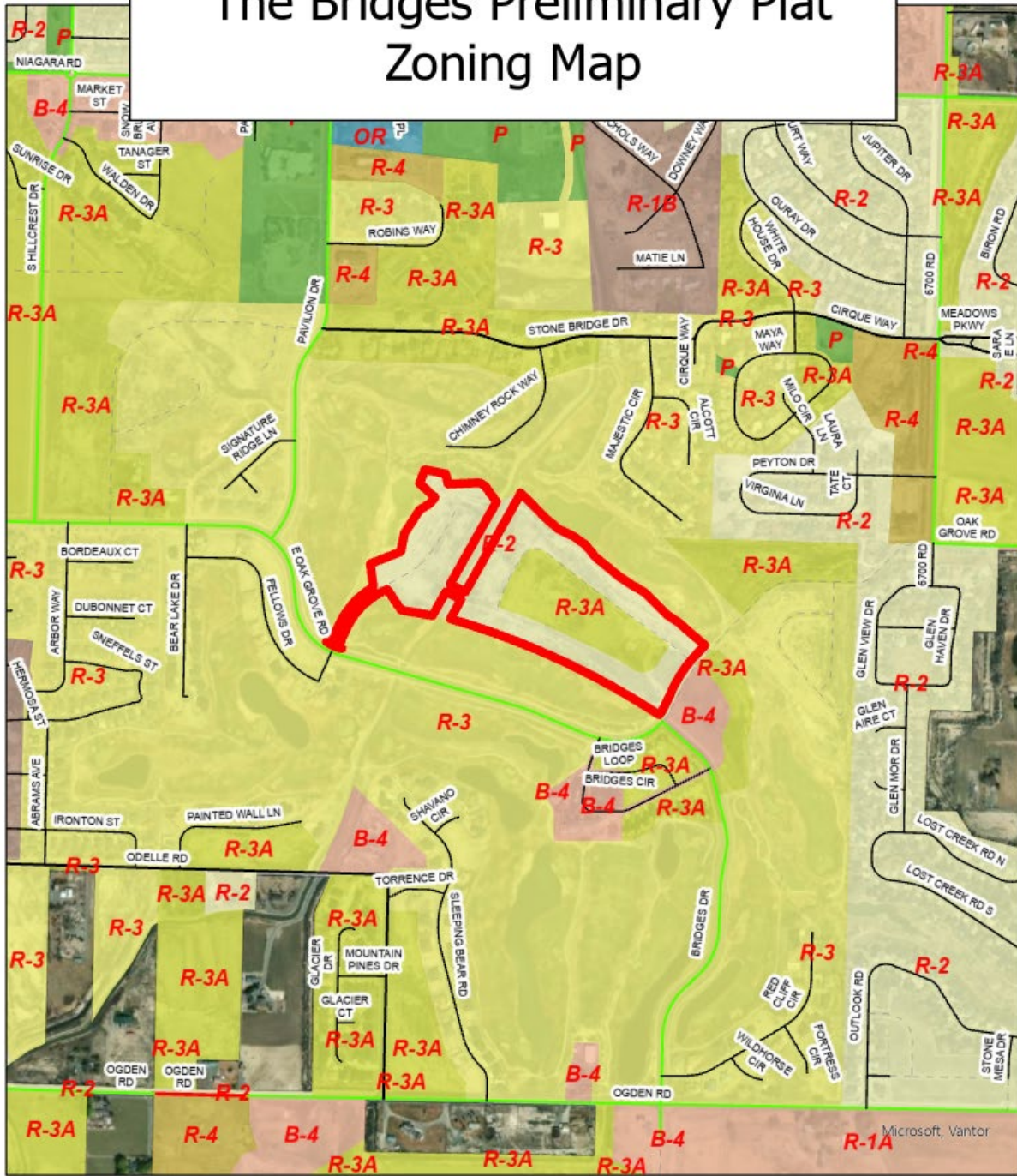
1. Accept the Planning Commission recommendation and approve The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat with the following conditions. “The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal 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.”



2. Approve the preliminary plat subject to conditions necessary to implement the provisions of Chapter 11-5 – Subdivision Regulations
3. Disapprove the plat if Council finds the requirements of these regulations have not been met.



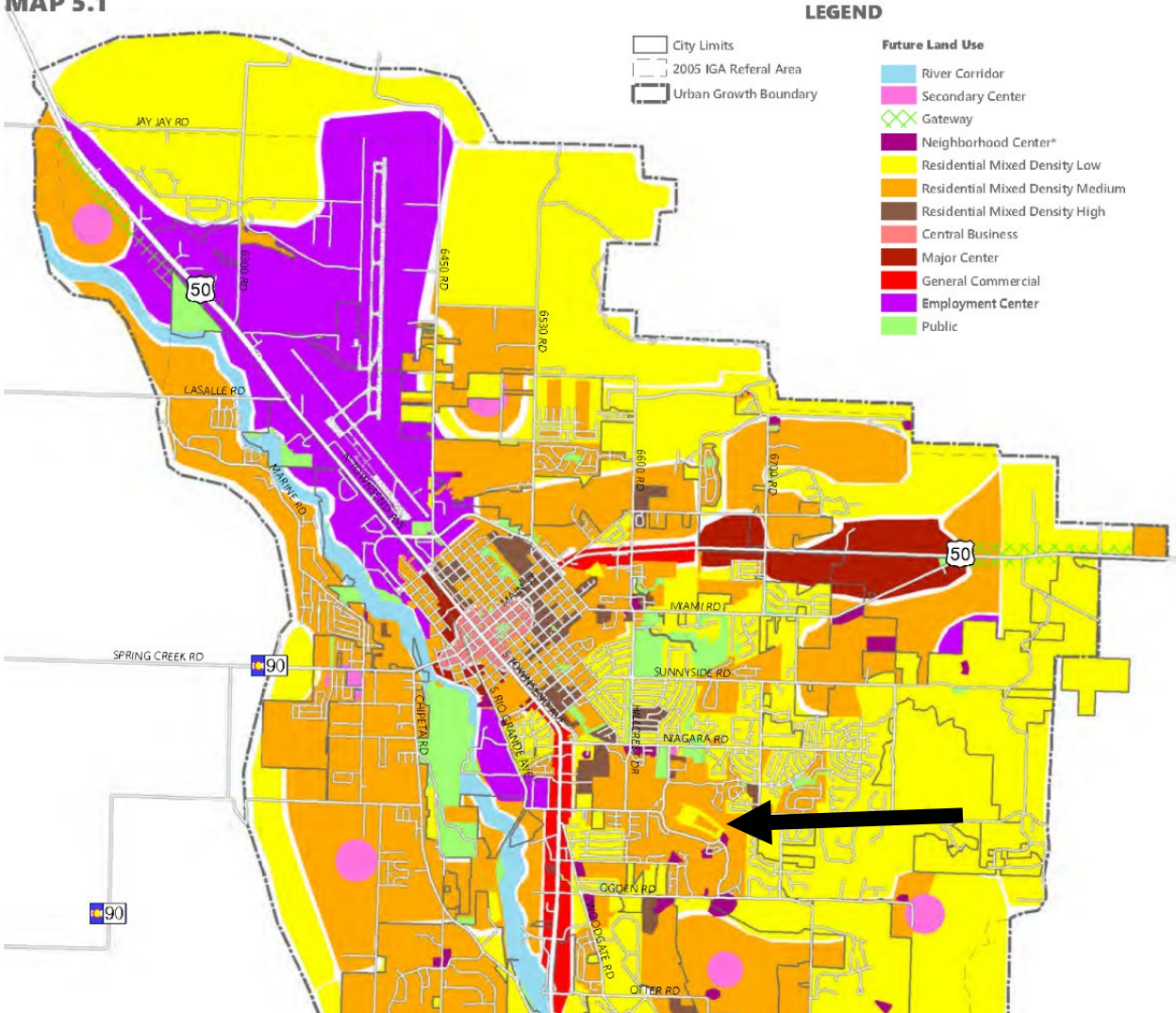
The Bridges Preliminary Plat Zoning Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



THE BRIDGES AT BLACK CANYON FILING NO. 11

AMENDED PRELIMINARY PLAT

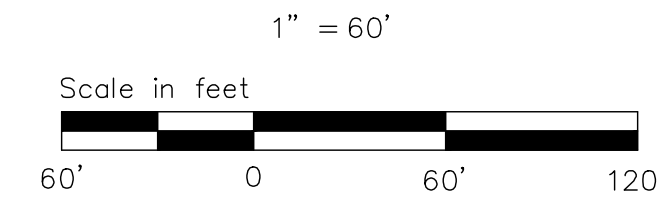
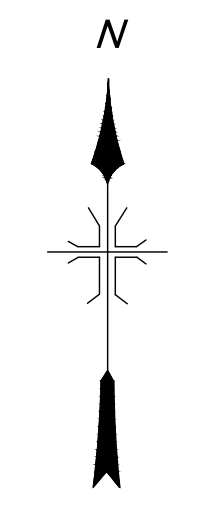
SITUATED IN SECTION 35, TOWNSHIP 49 NORTH, RANGE 9 WEST & SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST, N.M.P.M.

CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LINE TABLE		
LINE #	DIRECTION	LENGTH
L2	S69°08'09"W	17.50'
L3	N23°35'28"W	16.00'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	409.23'	500.00'	046°53'40"	S46°40'56"W	397.90'
C2	349.68'	500.00'	040°04'13"	N50°05'39"E	342.60'
C6	330.36'	525.00'	036°03'15"	S41°15'43"W	324.94'
C7	25.00'	525.00'	002°43'40"	S67°46'22"W	24.99'
C8	28.40'	475.00'	003°25'31"	N67°25'24"E	28.39'
C9	126.23'	475.00'	015°13'36"	N58°05'51"E	125.86'
C10	150.56'	475.00'	018°09'39"	N41°24'14"E	149.93'
C11	18.77'	475.00'	002°15'52"	N31°11'28"E	18.77'
C12	36.14'	50.00'	041°24'55"	N09°21'16"E	35.36'
C13	46.19'	50.00'	052°55'46"	S15°06'51"W	44.56'
C14	34.54'	50.00'	039°35'02"	S61°22'15"W	33.86'
C15	47.43'	50.00'	054°21'06"	N71°39'41"W	45.67'
C16	31.69'	50.00'	036°18'36"	N26°19'50"W	31.16'
C17	36.32'	50.00'	041°36'55"	N12°37'56"E	35.52'
C18	33.19'	50.00'	038°01'44"	N52°27'15"E	32.58'
C19	36.14'	50.00'	041°24'55"	S50°45'50"W	35.36'
C20	26.63'	525.00'	002°54'21"	N31°30'43"E	26.62'
C21	100.45'	525.05'	010°57'41"	N38°26'45"E	100.30'
C22	50.02'	524.97'	005°27'33"	N46°39'20"E	50.00'
C23	180.96'	524.96'	019°45'02"	N59°15'39"E	180.06'
C24	21.84'	475.00'	002°38'05"	S67°49'07"W	21.84'
C25	358.69'	475.00'	043°15'59"	S44°52'05"W	350.23'
C39	60.73'	541.00'	006°25'54"	S63°11'35"W	60.70'



- LEGEND**
- = FD. REBAR & 1" PLASTIC CAP (P.L.S. 35576)
 - = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (P.L.S. 38037)
 - ⊙ = CITY MONUMENT
 - ⊕ = 15' UTILITY EASEMENT
 - 100YR — FLOOD — = 100 YEAR FLOODPLAIN
 - 500YR — FLOOD — = 500 YEAR FLOODPLAIN
 - - - - - = FLOODWAY

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.

DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W. Montrose, CO 81401 W (970) 248-2251 www.del-mont.com service@del-mont.com		CLIENT:	THE BRIDGES OF MONTROSE
		ADDRESS & PHONE:	2500 BRIDGES DRIVE MONTROSE, CO 81401
FIELD BOOK:	DATE:	2026-02-18	
DRAWN BY:	DCC/MGW		
SHEET:	2 of 2	FILE:	24126V_PLAT-PRELIM-F11
JOB NO.:	24126	TYPE:	AMENDED PRELIMINARY PLAT

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
- (B) The purposes of these subdivision regulations are to:
 - (1) Promote and protect public health, safety and welfare;
 - (2) To encourage the harmonious, orderly and progressive development of land;
 - (3) To ensure the development of economically sound and compatible neighborhoods;
 - (4) To require the construction of necessary improvements and utilities;
 - (5) To ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) To ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) To ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and to ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

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

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

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

Sec. 11-5-3. Minor subdivisions.

- (A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets all of the following criteria:
 - (1) The subdivision results in no more than three tracts, lots or interests. See Subsection (B)(3) below for common interest community subdivisions.
 - (2) All lots or tracts are adjacent to a dedicated and accepted public street.
 - (3) The improvements required by these regulations are:

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- (a) Already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (b) In commercial zoning districts only, the improvements required by these regulations shall be required only for lots with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions.
- (4) Each proposed lot, or tract, will meet requirements of Chapter 7, Zoning, without the necessity for any variance and no variance from the minimum lot width, depth, or size required by provisions of Chapter 7, Zoning, has been granted within the three previous years.
 - (5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
 - (6) No material changes to prior plat notes, restrictions or easements are proposed.
- (B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:
- (1) Meets all applicable conditions of any recorded plat governing the original land subdivision.
 - (2) Complies with the required City platting conditions in Subsection (A) above.
 - (3) Complies with the requirements of C.R.S. § 38-33.3-101 et. seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).
 - (4) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot or tract proposed to be further subdivided as a common interest community subdivision.
 - (5) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot, tract or parcel being proposed for common interest community subdivision was based.
 - (6) Is consistent with the City's Comprehensive Plan.
 - (7) Advances the public health, safety and welfare of the residents of the City.
- (C) *Minor Plat Amendments.* Previously approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:
- (1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.
 - (2) All lots or tracts are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance and no variance has been granted within the three previous years. No material changes to prior plat notes, restrictions or easements are proposed.

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- (D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.
- (1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.
 - (2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible Mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
- (E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.

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

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

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

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

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

Sec. 11-5-6. Final plat.

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

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- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The final plat is generally consistent with the preliminary plat, as applicable.
- (D) *Additional Provisions.*
- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
 - (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
 - (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be

limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.

- (4) No final plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

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

Sec. 11-5-7. Administrative review hearing.

- (A) Upon City Council final action concerning either preliminary plat or final plat, the subdivider may request, in writing and submitted to the City within 30 days of said final action, with appropriate fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual, an administrative review hearing before the City Council.
- (B) The administrative review hearing shall be limited to review of:
 - (1) Denial of the plat;
 - (2) Minimum standards and/or conditions imposed as a requirement of approval of the plat.
- (C) The hearing shall be conducted on record, and the Council shall prepare and submit to the subdivider a written summary of its findings and decision in the matter.

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

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

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

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- (2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (3) A final plat has been approved and recorded.
- (B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (C) The two-calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-9. Land dedication.

- (A) All property and easements dedicated to the City on any plat shall become property of the City upon execution of the plat, free and clear of all mortgages, liens and encumbrances.
- (1) Prior to the recordation of the final plat, the subdivider shall provide written evidence to the City Attorney that the title to lands underlying the improvements is free and clear from all liens and encumbrances, except those items or encumbrances that may be approved in writing by the City Attorney.
 - (2) All dedicated improvements shall be subject to the two calendar year construction warranty, as provided above.
- (B) *Parks, Open Space and Trails.*
- (1) For all new residential developments requiring subdivision, the owner shall pay money in lieu of park land dedication as determined by the City to be necessary or required, to defray the cost of and provide parks and open space as calculated below.
 - (2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's parks, trails, and open space plan, or the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (3) When in-lieu payments are permitted, the following standards apply:
 - (a) Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000.00 (value per developed park land acre, based upon \$25,000.00 per acre undeveloped land value plus \$65,000.00 park land development cost) = \$1,575.00 per lot or unit.
 - (b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.
 - (4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
 - (5) Private open space or recreation areas shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.
 - (6) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and

maintenance in accordance to the provisions of Section 11-5-11 (B). All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved.

- (7) For the purposes of these provisions, developed park land shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.
- (8) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.
- (9) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.
- (10) Consistent with the City's Comprehensive Plan, subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half residents.
- (11) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's parks, trails and open space plan or Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.
- (12) Unless otherwise authorized, all sidewalk and recreation trails shall be available for use by the public and shall be dedicated to the City.
- (13) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible. Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.

(C) *School Land Dedication.*

- (1) The subdivider shall dedicate to the City land for development of school based upon the below formula of 17.83 acres of vacant land per density of 1,000 units or lots, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.
- (2) All of the dedicated land shall be of a singular parcel, shall meet the minimum size requirements for the intended use, and shall be suitable for construction of school facilities. The RE-1J School district shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the City land use staff accordingly.

Elementary school	15 acres
Middle school	30 acres
High school	55 acres

- (3) For those subdivisions where the dedication of school land is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for the purposed construction of school facilities, the City shall require a money-in-lieu-of payment equal to the value of the property otherwise developed and dedicated in accordance with these provisions. The value of the property shall be based upon Montrose County Land Values, as adjusted from time to time, and calculated in Table 5.1 as follows:

Table 5.1
School Land Cash-In-Lieu Calculation

School	Student/Lot	Acres/Student	Dollars/Acre	In-Lieu Fees
Elementary	.29	.033	\$25,000.00	\$243.00
Middle	.154	.067	\$25,000.00	\$258.00
High	.192	.037	\$25,000.00	\$178.00
TOTAL				\$679.00

- (4) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and placed into a school land fund to be disbursed to the RE-1J school district on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.
- (5) When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision, or within the recorded declaration of covenants for residential development not requiring subdivision, such as mobile home parks.
- (6) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:
 - (a) Skilled nursing facilities as defined in the Section 11-15-11 of this Title;
 - (b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988;
 - (c) Residential zoning uses that do not accommodate permanent residential housing. Said developments shall be required to record a covenant running with the land, prohibiting permanent residential housing therein, in a form acceptable to the City, if a waiver of the fee in lieu of school land dedication is requested.

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

Sec. 11-5-10. Required improvements.

- (A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (1) Street improvements:
 - (a) Paved streets;
 - (b) Paved alleys, if required by the City;
 - (c) Street signs;
 - (d) Street lights; and
 - (e) On- and off-site traffic mitigation improvements.
 - (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Blocks and lots.
 - (4) Parks, open space and recreation trails.
 - (5) Public utilities.
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system; and

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- (d) Other public utilities, including if available, gas, electricity, telephone, and CATV.
 - (6) Piped drainage facilities and waterways.
 - (7) Survey monuments.
 - (8) Berms, screening and buffers, if applicable.
 - (9) Off-street parking, mailbox location areas and bus stops, if applicable.
- (B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-11. Private improvements.

- (A) The subdivider may provide, at his expense, certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:
- (1) Recreational facilities, parks, open space and trails;
 - (2) Piped drainage facilities and waterways;
 - (3) Mail box location areas;
 - (4) Berms, screening and buffers; and
 - (5) Other private improvements required as a condition of approval.
- (B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed or secured similar to public improvements prior to final plat approval.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-12. Warranty and acceptance of improvements.

- (A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all improvements within two calendar years after approval of the final plat in accordance with this Section.
- (1) Said security shall be in the form of:
- (a) A subdivision lien agreement placing an adequate lien upon the lots of the subdivision, with an escrow account with the City into which the subdivider shall pay, prior to the sale of any lot within the subdivision, an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot; or
 - (b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot.

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- (2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.
 - (3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9 (B) and (C), as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.
 - (4) Even though a final plat will have been recorded, when a subdivider chooses to secure public and necessary on- and off-site improvements with a subdivision improvement agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision will be possible once the purchaser has provided the necessary security.
- (B) The subdivider shall complete all necessary on- and off-site improvements within two calendar years of the approval of the final plat by the Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.
 - (C) The City Council may authorize extensions of time to complete all improvements beyond the two-year limitation as set forth herein.
 - (D) Following the completion of any required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.
 - (1) A letter of substantial completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12 (A) of this Section.
 - (a) In the case of subdivisions that have been issued a letter of substantial completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure Completion, if all public and necessary on- and off-site improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.
 - (2) The subdivider shall warrant the improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.
 - (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay

the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.

- (b) At the end of two calendar years from the date of issuance of the Preliminary Letter of Infrastructure Completion, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.
 - (i) The City Engineer shall conduct an inspection of all public and necessary on- and off-site improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
 - (ii) All public and necessary on- and off-site improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and acceptance by the City Engineer.
 - (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.
- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and acceptance.
 - (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.
 - (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.
 - (iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that are detected. The construction warranty shall continue until the Letter of Infrastructure Completion and acceptance is provided in writing to the subdivider.
- (3) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
- (4) The subdivider may, at the subdivider's option, provide the City financial security for the two calendar year construction warranty in one or a combination of the following forms only:
 - (a) A cash escrow in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public and necessary on- and off-site improvements are completed and accepted by the City.
 - (d) The City shall not be obligated to administer burdensome security arrangements.

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

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

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

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.
- (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.
- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
- (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.

- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. In general, shared access drives shall not be used as an extension to a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.2.

Table 5.2
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (asphalt or Concrete)
Major Arterial—Urban	124 feet *	92 feet ***
Major Arterial—Rural	124 feet *	76 feet ***
Minor Arterial—Urban	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Minor Arterial—Rural	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Collector	70 feet	46 feet
Local—Boulevard Style Alternative 2	50 feet; 50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk

Planned Developments	40 feet	24 feet with attached 6-foot sidewalks in addition to curb and gutter. Supplemental off-street parking may be required.
* ROW width shall be increased by ten feet within 500 feet of an arterial cross street intersection to allow a double left turn lane.		
** ROW width shall be increased by 12 feet within 500 feet of an arterial cross street intersection to allow a double left turn lane.		
*** The decision whether to require urban or rural street widths shall be made at sketch plan review.		

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.3.

Table 5.3
Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
 - (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) A minimum ten-foot-wide concrete recreation trail with the addition of two-foot obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities."
 - (ii) A minimum six-foot-wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
 - (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum 0.4 to 0.5 footcandles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete

recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.

- (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot detached sidewalks are required on collector streets. Five-foot detached or six-foot attached sidewalks are required for local streets.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act.
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.
 - (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet. Lots abutting cul-de-sacs shall have a minimum frontage of 25 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front building line.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least 50 feet in width at the front building line. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*

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- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch water main lines shall be provided in residential zoning districts, and eight-inch water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
 - (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.
 - (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.
- (5) *Piped Drainage Facilities and Waterways.*

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- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.
 - (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.
- (6) *Monuments.* Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18 inches in length and metal cap.
- (7) *Berms, Screening and Buffers.* Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.
- (8) *Street Lights.*
- (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections, with no interval requirements.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (9) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (10) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

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

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

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

- (1) Unusual topography or a hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;
- (3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan;
- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City or the County of Montrose in accordance with applicable laws and regulations.

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



CONTRACT AWARD RECOMMENDATION



TO: Honorable Mayor and Montrose City Council Members
FROM: Brayden Reeder, Facilities Manager
DATE: February 12, 2026
RE: City Hall Roof Recondition
CC: William Bell, Ann Morgenthaler, Jim Scheid

Action

Consider the authorization of \$347,267.19 for the roof recondition at City Hall. This total includes the contract amount of \$310,059.99 with Garland DBS Incorporated.

Background

The existing roof for the Montrose City Hall located at 400 E. Main St. is experiencing areas of failing roofing membrane and substrate material failures which have begun to affect the roofs integrity and ability to remain watertight. This information has been provided by a roof scan that was performed in April of 2025 by Roof Consulting Services. The City contracted Garland Roofing to perform the design, procurement of installation and to provide the materials. The materials proposal provided by Omni-Partners includes repairs of substrates, application of new flashing, repair of membrane, and application of new coatings that will extend the life of the roof sections. Omni-Partners is a cooperative purchasing entity that allows for competitive government pricing. The City has utilized the Omni-Partners and Garland DBS Inc. purchasing program on past City Hall roofing projects such as the 2022 east side lower roof recoating with great success.

This work can be completed without the interruption of city hall operations. The roof sections included are the upper section and the main middle section.

Net Financial Result of Contract

This repair project has been anticipated over the last few years and there is \$400,000 included in the 2026 budget for this project. Awarding to Garland and including an owner's contingency will leave this project approximately \$52,732.81 under budget.

400 East Main Street: Upper and Main Roof Recondition		
Garland DBS Inc	Materials, Installation, Disposal	\$310,059.99
Owner's Contingency	12%	\$37,207.20
Total		\$347,267.19

January 2026 City of Montrose Sales, Use & Excise Tax Collections Report

General Fund Sales and Use Tax

General Fund Retail Sales Tax

Retail sales tax collected in January 2026 at the General Fund tax rate of 3% was \$1,888,446. This amount is 1.8% lower than the revenue collected in January 2025, which totaled \$1,922,808.

General Fund Retail Sales Tax (3%)

Revenue Category	January
2026 Revenue	\$1,888,446
2025 Revenue	\$1,922,808
Percentage Increase or Decrease	- 1.8%

General Fund Construction Use Tax

Construction use tax collected in January 2026 at the General Fund tax rate of 3% was \$44,260. This amount is 52.9% lower than the revenue collected in January 2025, which totaled \$94,018.

General Fund Construction Use Tax (3%)

Revenue Category	January
2026 Revenue	\$44,260
2025 Revenue	\$94,018
Percentage Increase or Decrease	-52.9%

General Fund Use and Auto Tax

Use and auto tax collected in January 2026 at the General Fund tax rate of 3% was \$127,131. This amount is 2.7% lower than the revenue collected in January 2025, which totaled \$130,665.

General Fund Use and Auto Tax (3%)

Revenue Category	January
2026 Revenue	\$127,131
2025 Revenue	\$130,665
Percentage Increase or Decrease	-2.7%

Total Collections, General Fund Sales and Use Tax

Total sales and use tax revenue collected in January 2026 at the General Fund tax rate of 3% was \$2,059,837. This amount is 4.1% lower than the revenue collected in January 2025, which totaled \$2,147,491.

Total Collected General Fund Sales and Use Tax (3%)

Revenue Category	January
2026 Revenue	\$2,059,837
2025 Revenue	\$2,147,491
Percentage Increase or Decrease	-4.1%

General Fund Sales and Use Tax Budget

The sales and use tax budget for January 2026 was \$2,137,687. Actual collections totaled 2,059,837, which resulted in a negative budget variance of 3.6%.

General Fund Sales and Use Tax Budget

Revenue Category	January
2026 Budget	\$2,137,687
2026 Actual Collections	\$2,059,837
Percentage of Variance	-3.6%

Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) Collections

Sales and use tax revenues collected by businesses under the Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) agreement during January 2026 totaled \$17,635. This amount is 15.5% lower than the revenue collected in January 2025, which totaled \$20,877.

MURA TIF Collections

Revenue Category	January
2026 Revenue	\$17,635
2025 Revenue	\$20,877
Percentage Increase or Decrease	-15.5%

Public Safety Sales and Use Tax

Public Safety Retail Sales Tax

Retail sales tax collected in January 2026 at the Public Safety Sales Tax rate of 0.58% was \$366,943. This amount is 2.1% lower than the revenue collected in January 2025, which was \$374,894.

Public Safety Sales Tax – Retail Sales (0.58%)

Revenue Category	January
2026 Revenue	\$366,934
2025 Revenue	\$374,894
Percentage Increase or Decrease	-2.1%

Public Safety Sales Tax, Construction Use Tax

Construction use tax collected in January 2026 at the Public Safety Sales Tax rate of 0.58% was \$8,557. This amount is 57.1% lower than the revenue collected in January 2025, which totaled \$19,926.

Public Safety Sales Tax – Construction Use Tax (0.58%)

Revenue Category	January
2026 Revenue	\$8,557
2025 Revenue	\$19,926
Percentage Increase or Decrease	-57.1%

Public Safety Sales Tax, Use and Auto Tax

Use and auto tax collected in January 2026 at the Public Safety Sales Tax rate of 0.58% was \$24,579. This amount is 2.7% lower than the revenue collected in January 2025, which totaled \$25,262.

Public Safety Sales Tax – Use and Auto Tax (0.58%)

Revenue Category	January
2026 Revenue	\$24,579
2025 Revenue	\$25,262
Percentage Increase or Decrease	-2.7%

Total Collections, Public Safety Sales and Use Tax

Total sales and use tax revenue collected in January 2026 at the Public Safety Sales Tax rate of 0.58% was \$400,070. This amount is 4.8% lower than the revenue collected in January 2025, which totaled \$420,082.

Public Safety Sales Tax – Total Collections (0.58%)

Revenue Category	January
2026 Revenue	\$400,070
2025 Revenue	\$420,082
Percentage Increase or Decrease	-4.8%

Public Safety Sales and Use Tax Budget

The Public Safety Sales and Use Tax budget for January 2026 was \$414,897. Actual collections totaled \$400,070 which results in a negative budget variance of 3.6%

Public Safety Sales and Use Tax Budget

Revenue Category	January
2026 Budget	\$414,897
2026 Actual Collections	\$400,070
Percentage of Variance	-3.6%

Montrose Recreation District Collections

In January 2026, sales and use tax collections at the Montrose Recreation District rate of 0.3% totaled \$206,933. This amount is 4.8% lower than the revenue collected in January 2025, which totaled \$217,285.

Montrose Recreation District (0.3%)

Revenue Category	January
2026 Revenue	\$206,933
2025 Revenue	\$217,285
Percentage Increase or Decrease	-4.8%

Hotel, Lodging, Short Term Rental and Restaurant Excise Taxes

Hotel Excise Tax (6%)

Hotel excise taxes collected at the rate of 6% on hotel, lodging and short term rental retail sales in January 2026 totaled \$44,751. This amount is 2.6% lower than the revenue collected in January 2025, which was \$45,955.

Hotel Excise Tax (6%)

Revenue Category	January
2026 Revenue	\$44,751
2025 Revenue	\$45,955
Percentage Increase or Decrease	-2.6%

Restaurant Excise Tax (0.8%)

Restaurant excise taxes collected at the rate of 0.8% on restaurant retail sales in January 2026 totaled \$55,579. This amount is 7.1% higher than the revenue collected in January 2025, which totaled \$51,895.

Restaurant Excise Tax (0.8%)

Revenue Category	January
2026 Revenue	\$55,579
2025 Revenue	\$51,895
Percentage Increase or Decrease	7.1%

Total Collections, Hotel and Restaurant Excise Tax

Total hotel and restaurant excise tax revenues collected in January 2026 at the rates of 6% and 0.8%, respectively, total \$100,330. This amount is 2.5% higher than the revenue collected in January 2025, which totaled \$97,850.

Total Collections, Hotel (6%) and Restaurant (0.8%) Excise Tax

Revenue Category	January
2026 Revenue	\$100,330
2025 Revenue	\$97,850
Percentage Increase or Decrease	2.5%

Hotel and Restaurant Excise Tax Budget

The Hotel and Restaurant Excise Tax Budget for January 2026 was \$61,121. Actual collections totaled \$100,330, resulting in a positive budget variance of 64.1%.

Hotel (6%) and Restaurant (0.8%) Excise Tax Budget

Revenue Category	January
2026 Budget	\$61,121
2026 Actual Collections	\$100,330
Percentage of Variance	64.1%

Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) Hotel and Restaurant Excise Tax Collections

Hotel and restaurant excise tax revenues collected by businesses under the Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) agreement in January 2026 totaled \$11,951. This amount is 26% lower than the revenue collected in January 2025, which totaled \$16,236.

MURA TIF Hotel and Restaurant Excise Tax

Revenue Category	January
2026 Revenue	\$11,951
2025 Revenue	\$16,236
Percentage Increase or Decrease	-26%

Retail Enhancement Program Collections

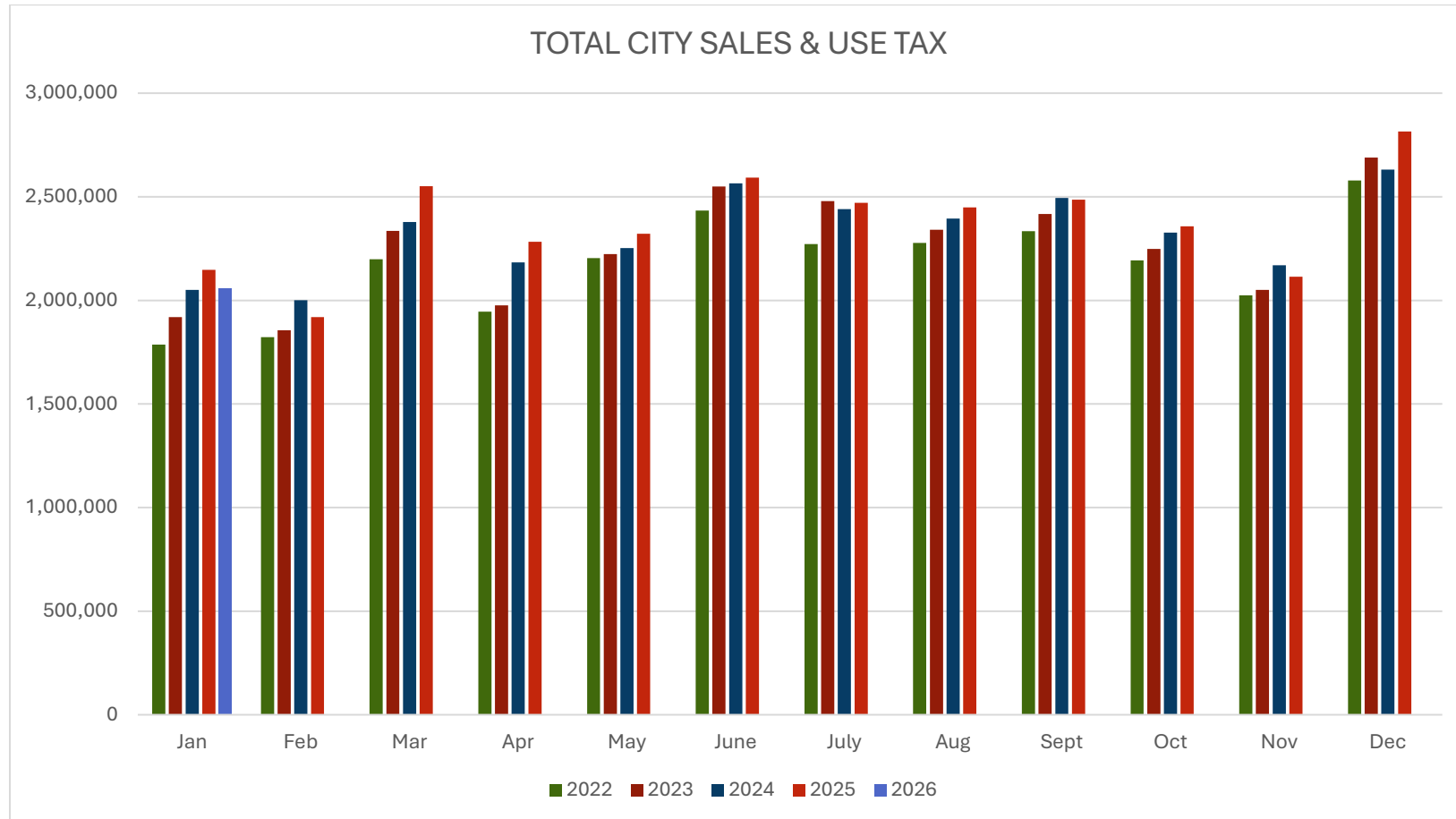
Revenues collected by the Retail Enhancement Program in January 2026 totaled \$49,888. This amount is 3.4% higher than the revenue collected in January 2025, which totaled \$48,263.

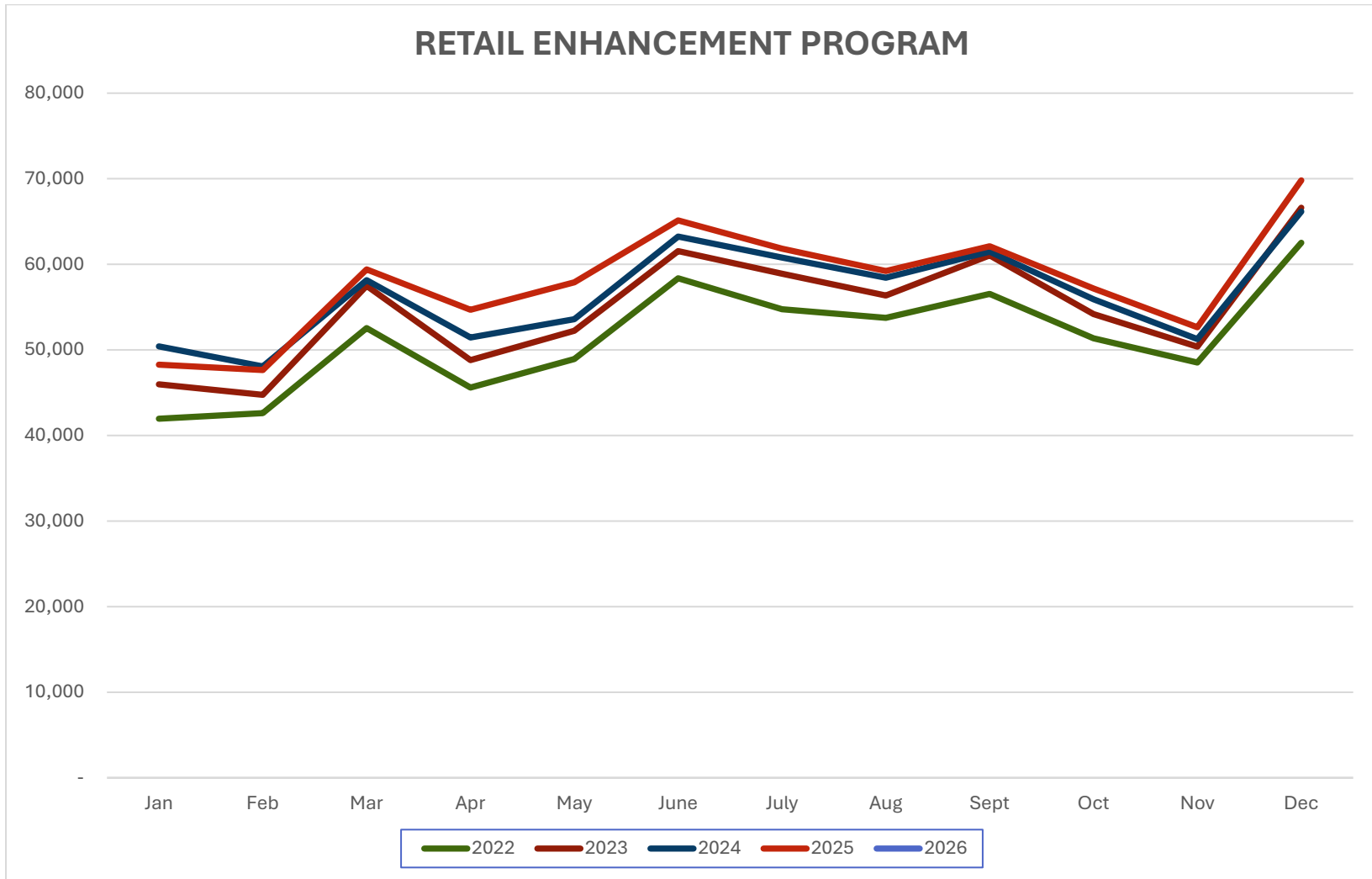
Retail Enhancement Program Collections

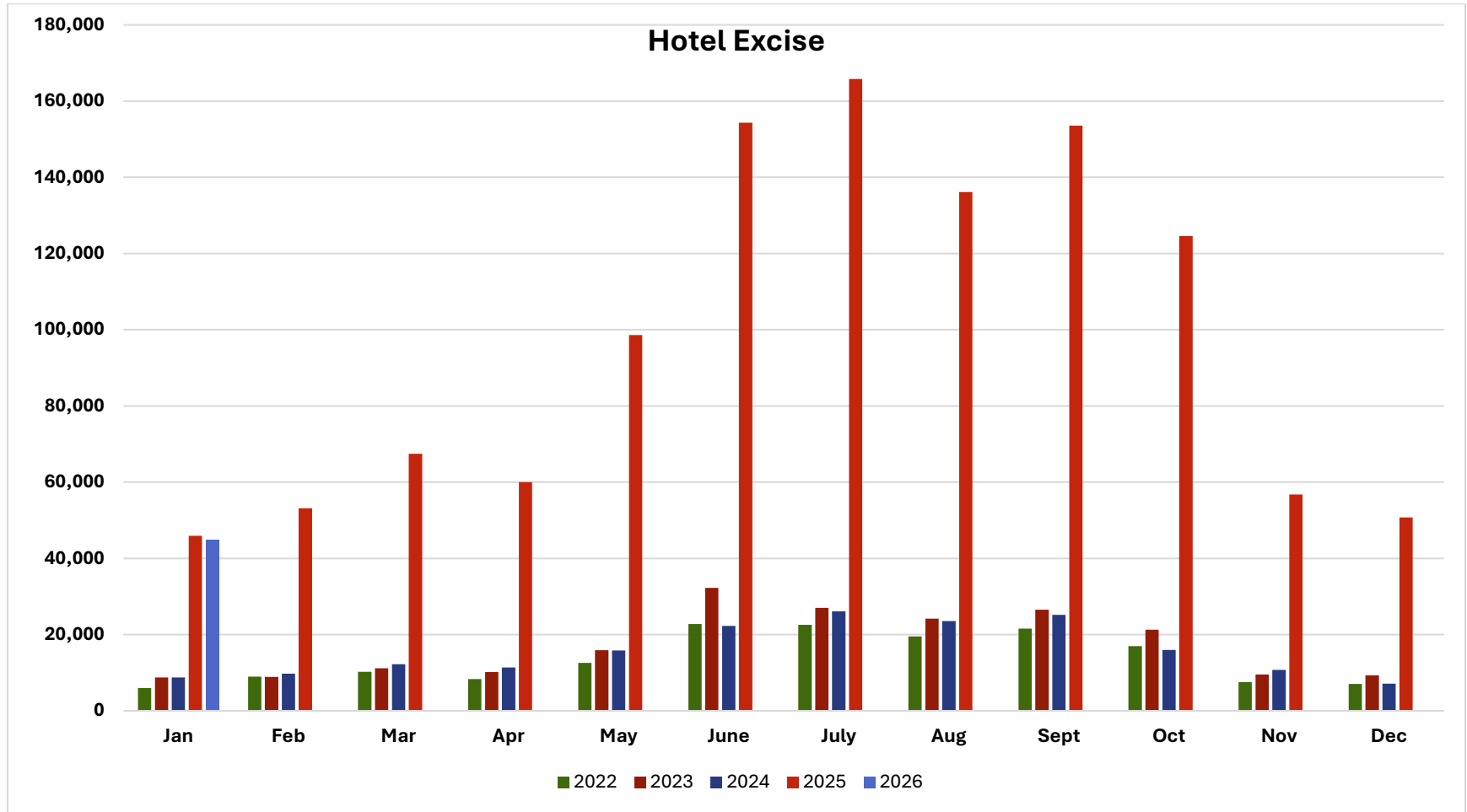
Revenue Category	January
2026 Revenue	\$49,888
2025 Revenue	\$48,263
Percentage Increase or Decrease	3.4%

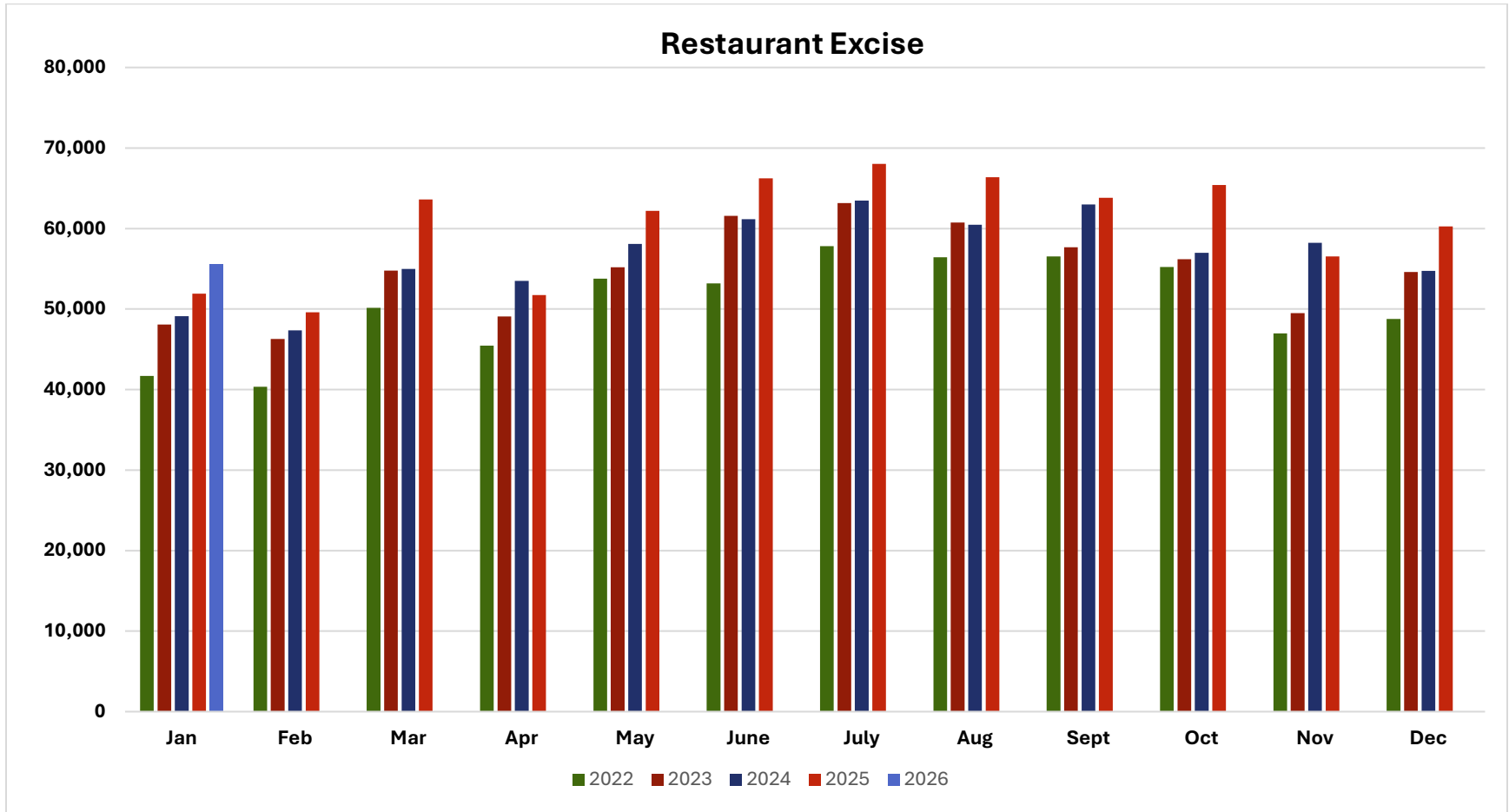
Graphs and Charts:

Total City Sales and Use Tax





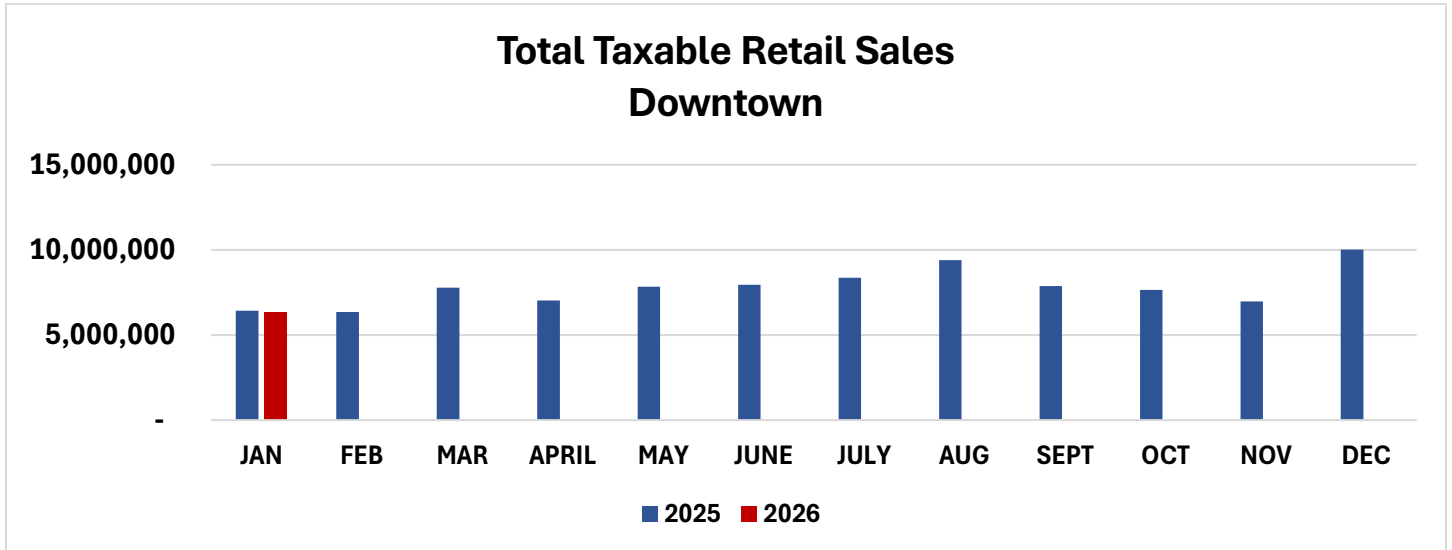




January 2026 Business Area Report

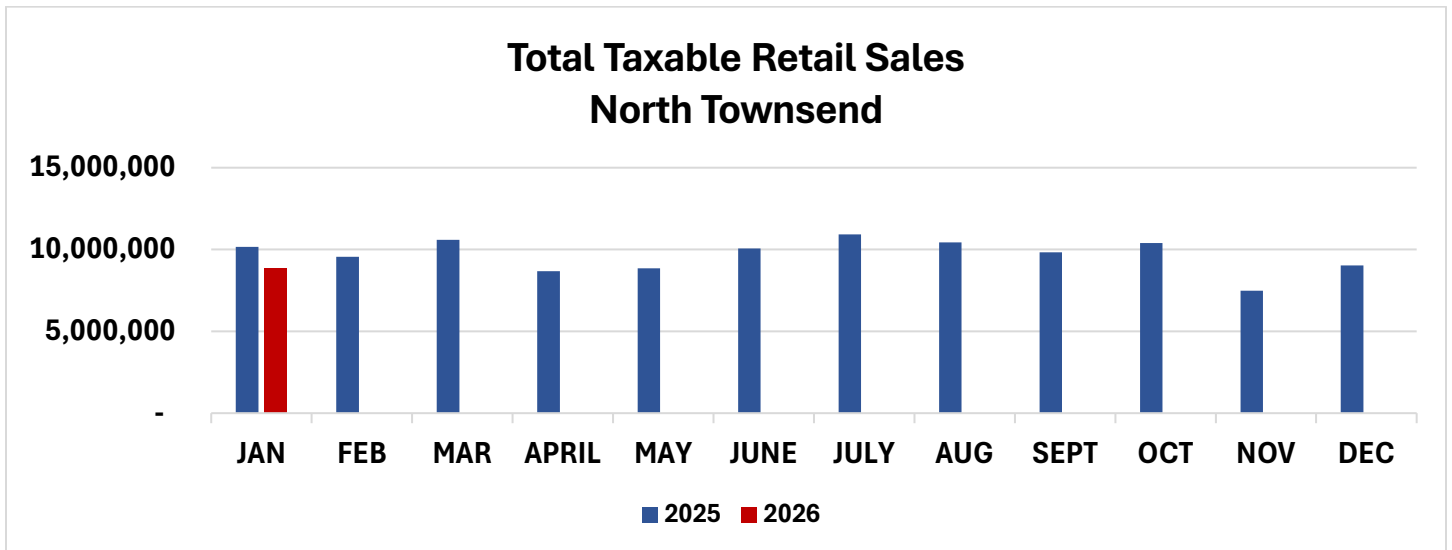
Downtown Total Taxable Retail Sales

January 2026 taxable retail sales in the Downtown business area were lower than January 2025.



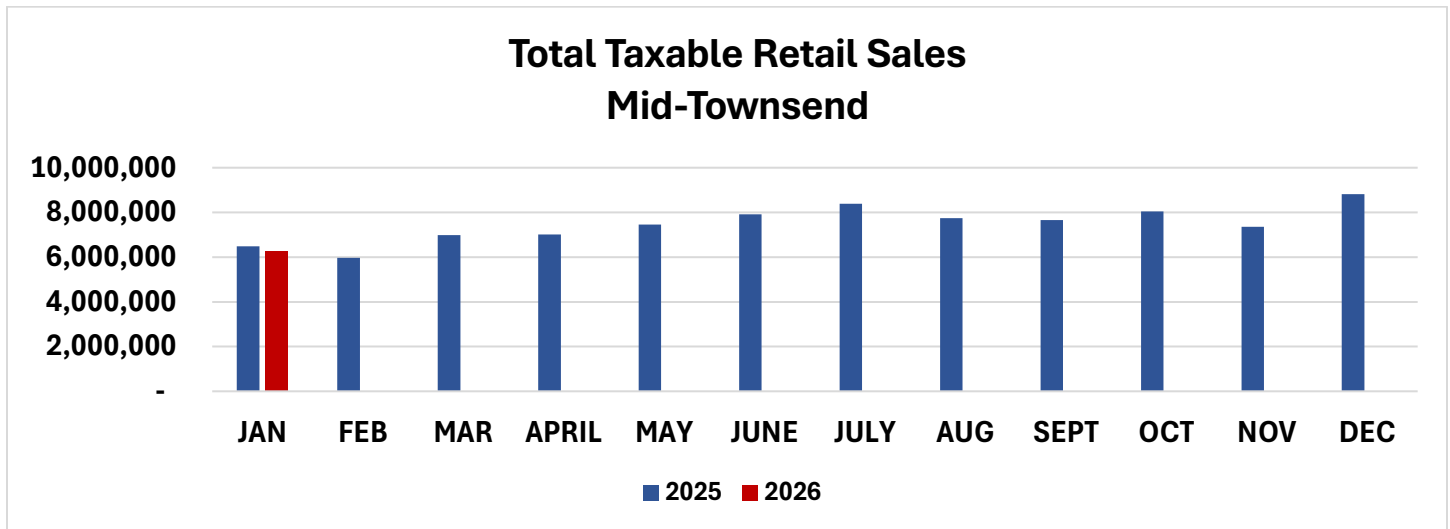
North Townsend Total Taxable Retail Sales

January 2026 taxable retail sales in the North Townsend business area were lower than January 2025.



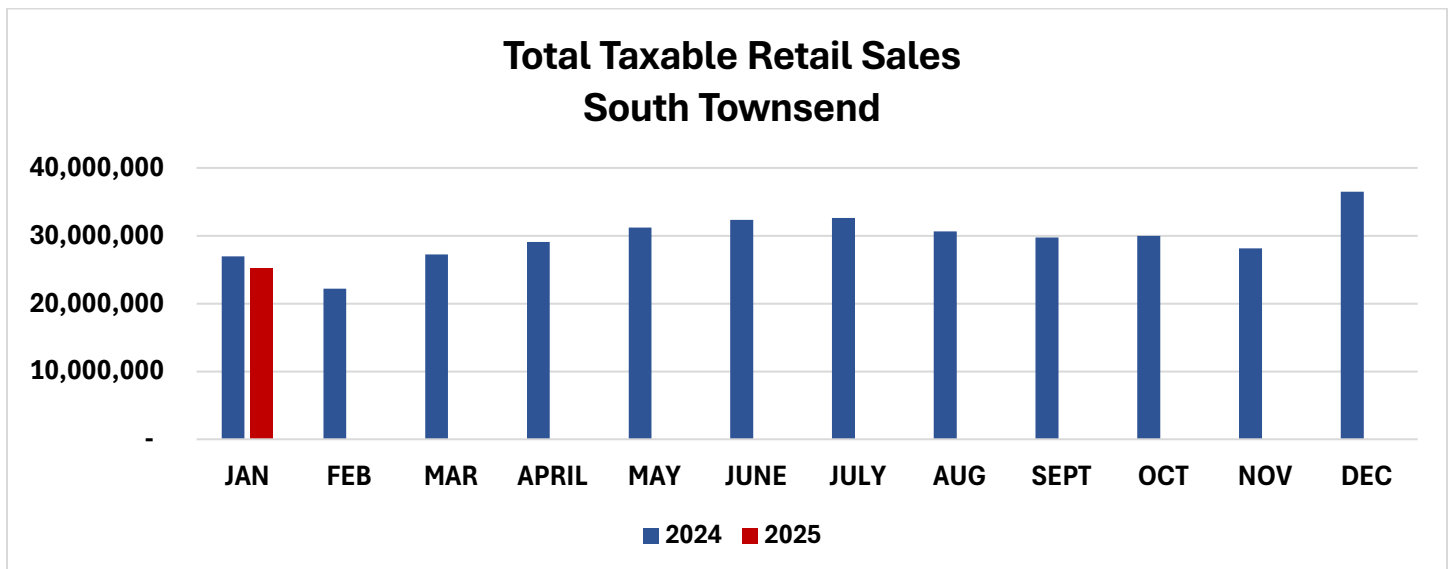
Mid-Townsend Total Taxable Retail Sales

January 2026 taxable retail sales in the Mid-Townsend business area were lower than January 2025.



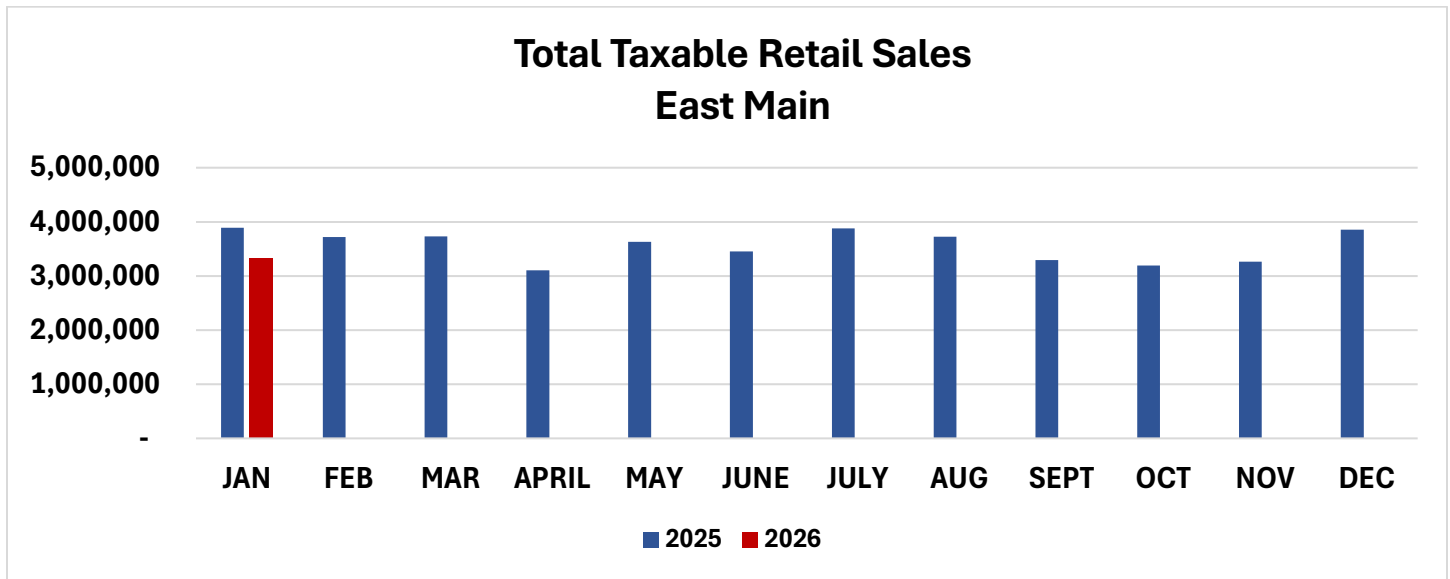
South Townsend Total Taxable Retail Sales

January 2026 taxable retail sales in the South Townsend business area were lower than January 2025.



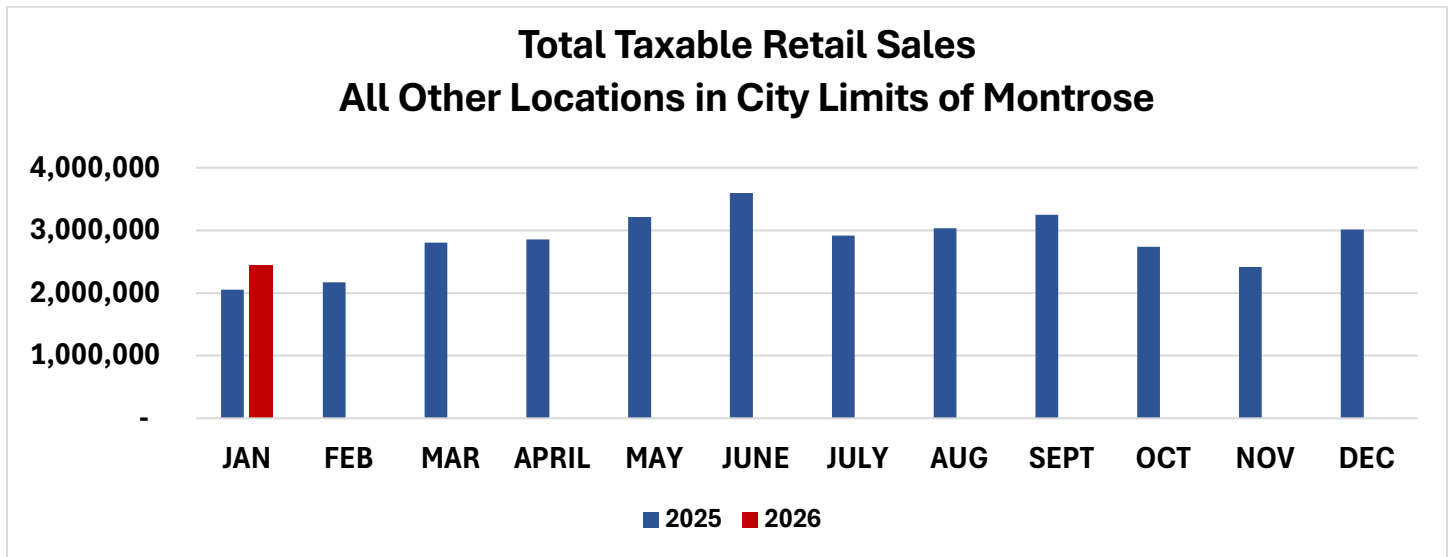
East Main Total Taxable Retail Sales

January 2026 taxable retail sales in the East Main business area were lower than January 2025.



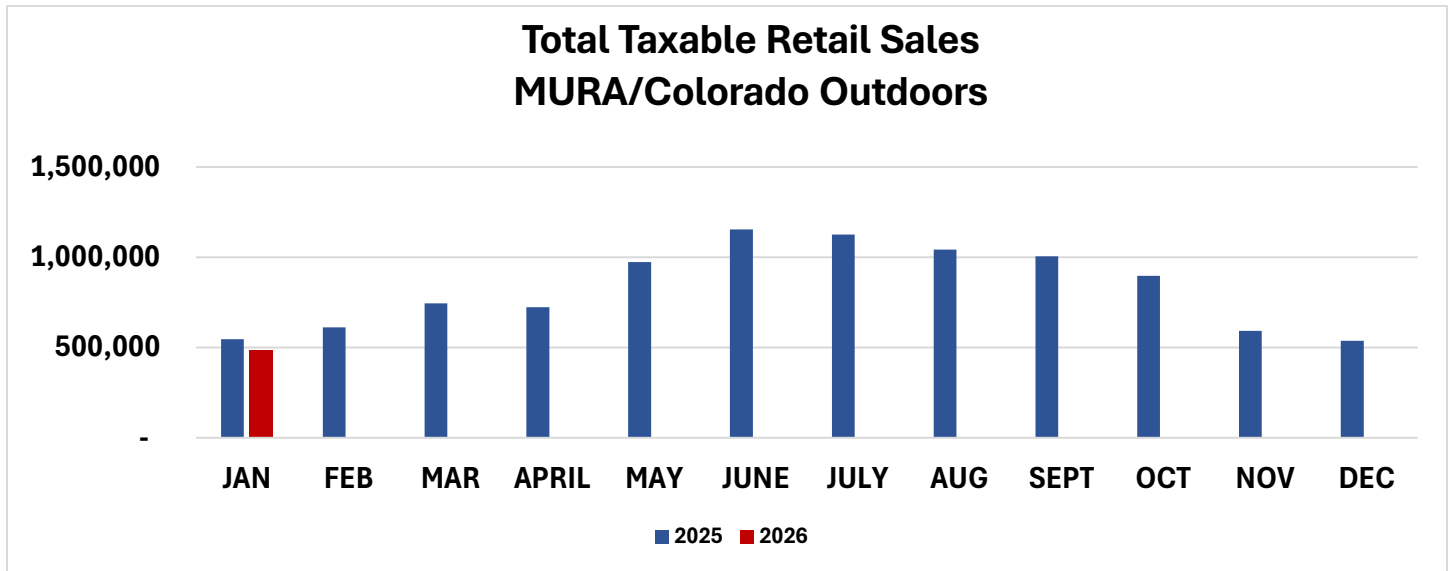
All Other Locations in City Limits of Montrose

January 2026 taxable retail sales from All Other Locations in the City Limits of Montrose were higher than January 2025.



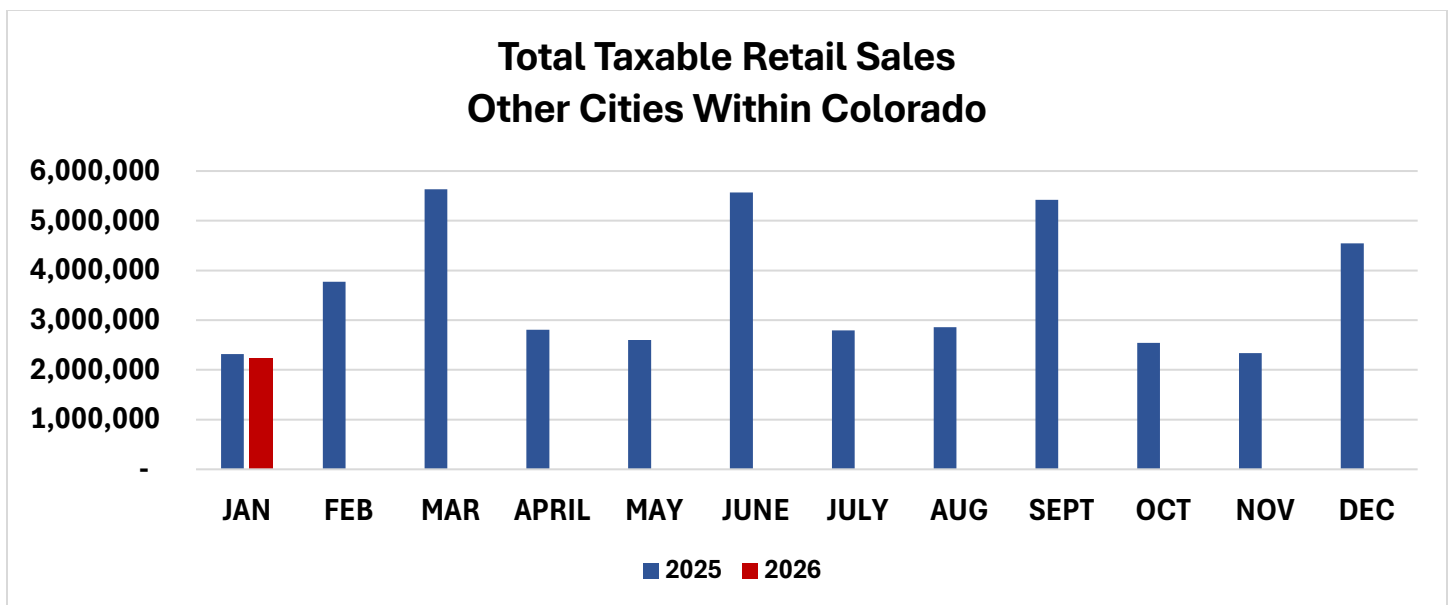
MURA/Colorado Outdoors

January 2026 taxable retail sales in the MURA/Colorado Outdoors business area were lower than January 2025.



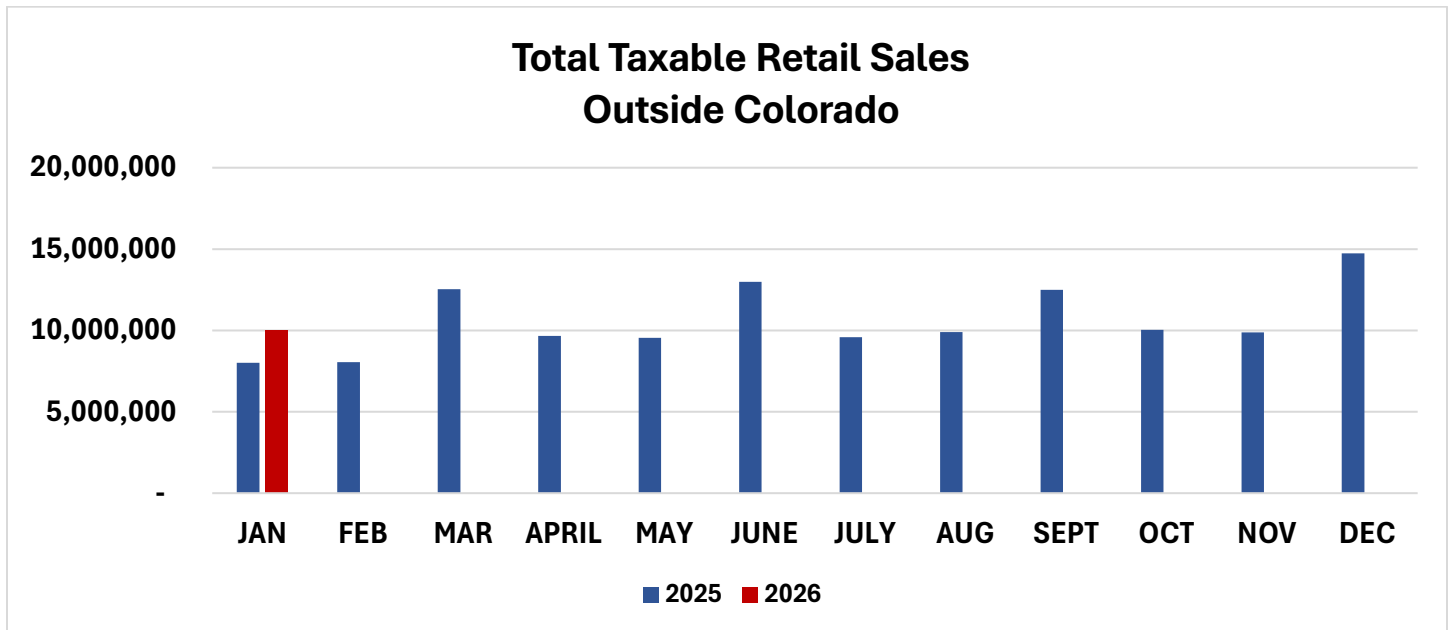
Other Cities Within Colorado

January 2026 taxable retail sales from businesses located in Other Cities Within Colorado were lower than January 2025.



Outside Colorado

January 2026 taxable retail sales from businesses Outside Colorado were higher than January 2025.



Homebase Businesses

January 2026 taxable retail sales from Homebase Businesses were higher than January 2025.

