



**REGULAR CITY COUNCIL MEETING AGENDA**  
**Tuesday, July 7, 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. Spanish interpretation may be provided upon request, subject to availability. Please [email the City](#) at least three days in advance to coordinate this service.

- 1) City Council meeting called to order by Mayor Michael J. Badagliacco
- 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 June 15, 2026, special City Council meeting, and the June 16, 2026, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the June 15, 2026, special City Council meeting, and the June 16, 2026, regular City Council meeting as presented.

7) **FORMATION OF A CITY CHARTER COMMISSION** (30 minutes)

City Council consideration of directing the City Attorney to begin drafting a resolution to form a City Charter Commission. *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to direct the City Attorney to begin drafting a resolution to form a City Charter Commission.

8) **DART BUDGET CORRECTION RELATED TO PROFESSIONAL CONTRACT SERVICES** (20 minutes)

City Council consideration of the correction of a typographical error in the 2027 budget to fully fund the DART Professional Contract Services budget at \$272,620.00. *Staff: City Manager Bill Bell*

Action: Accept public comment. Consider making a motion to approve the correction of a typographical error in the 2027 budget to fully fund the DART Professional Contract Services budget at \$272,620.00 as presented.

9) **QUASI-JUDICIAL ITEMS**

A) **EL CHAPIN ADDITION ANNEXATION HEARING** (15 minutes)

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

**Resolution 2026-08:** City Council consideration of Resolution 2026-08, Findings of Fact for the El Chapin Addition Annexation.



Action: Accept public comment. Consider making a motion to adopt Resolution 2026-08 as presented.

**Ordinance 2717 - First Reading:** City Council consideration of Ordinance 2717 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the El Chapin Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2717 on first reading as presented.

**B) ORDINANCE 2718 - FIRST READING**

City Council consideration of Ordinance 2718 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the El Chapin Addition as an "R-3," Medium Density District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2718 on first reading as presented.

**C) ORDINANCE 2719 - FIRST READING (10 minutes)**

City Council consideration of Ordinance 2719 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of a portion of Lot 39 of the Amended Ponderosa Ranch Subdivision Filing No. 2 Lots Park and 39 from "R-6," Medium Density/Manufactured Housing District to "B-3," General Commercial District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2719 on first reading as presented.

**D) ORDINANCE 2720 - FIRST READING (15 minutes)**

City Council consideration of Ordinance 2720 on first reading, an Ordinance of the City of Montrose, Colorado, designating the Lathrop Hardware building, with an historic address of 439 East Main Street, as a City of Montrose Historic Property pursuant to § 11-3 of the Official Code of the City of Montrose. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2720 on first reading as presented.



E) **ORDINANCE 2721 - FIRST READING** (15 minutes)

City Council consideration of Ordinance 2721 on first reading, an Ordinance of the City of Montrose, Colorado, designating the E.A. Lee Garage, with an historic address of 219 East Main Street as a City of Montrose Historic Property pursuant to § 11-3 of the Official Code of the City of Montrose. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2721 on first reading as presented.

F) **HORSESHOE RIDGE SUBDIVISION AMENDED PRELIMINARY PLAT** (10 minutes)

City Council consideration of the Horseshoe Ridge Subdivision Amended Preliminary Plat. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Horseshoe Ridge Subdivision 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.

10) **STAFF REPORTS**

A) **Wastewater Treatment Plant Project Update** (5 minutes)  
*Staff: Utilities Director David Bries*

11) **CITY COUNCIL COMMENTS**

12) **MOTION TO ADJOURN**



## **MONTROSE CITY COUNCIL**

**June 15, 2026**

A special meeting of the Montrose City Council was held on Monday, June 15, 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**

Michael Badagliacco, Ed Ulibarri, J. David Reed, Adam Woodden, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Stunder, Anthony Russo, Lisa DelPiccolo

### **ABSENT**

Dave Frank

### **GUESTS**

Bob Beyer, Burt Bullington

### **CALL TO ORDER**

Mayor Michael Badagliacco called the special meeting to order at 12:13 p.m.

### **EXECUTIVE SESSION**

At 12:13 p.m., a motion was made by Ed Ulibarri, seconded by J. David Reed, to enter into an executive session to discuss the purchase, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); and the following additional details are added for identification purposes: potential real estate transaction. All voted yes. Motion passed.

### **RECONVENEMENT AND ADJOURNMENT**

The special meeting reconvened at 12:55 p.m.

At 12:56 p.m., a motion was made by J. David Reed, seconded by Ed Ulibarri, to adjourn the meeting with no further action taken.

ATTEST:

\_\_\_\_\_  
Michael J. Badagliacco, Mayor

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



## **MONTROSE CITY COUNCIL**

**June 16, 2026**

A regular meeting of the Montrose City Council was held on Tuesday, June 16, 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**

Michael Badagliacco, Ed Ulibarri, J. David Reed, Adam Woodden, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, David Bries, Greg Stunder, Leeanne Whittaker, Chris Velasquez, Larry Witte, Jim Scheid, Gunnison Clamp

### **ABSENT**

Dave Frank

### **GUESTS**

Dave Stockton, Beth McCorkle, Alice Murphy, Janet Eckerdt, Tony Hoag, Jim Haugsness, Esly Cano, Famai Boonim, John Brown, Bob Nicholson, Jodi Woodden, Ryan Sedgeley, Charles Vanderwist, Cliff Faurer, Jennifer Jones, Dennis Vanderwist

### **CALL TO ORDER**

Mayor Michael Badagliacco 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.

## **CALL FOR PUBLIC COMMENT**

Mayor Michael Badagliacco made a statement about restoring and maintaining decorum and respect during public comment at work sessions and City Council meetings.

Charles Vanderwist and Dennis Vanderwist spoke in support of the DART program and in favor of reinstating DART funding by correcting a typographical error in the 2026 budget.

Cliff Faurer spoke regarding the differences between a constitutional republic and a representative democracy. Mr. Faurer stated that as a nonpartisan, home rule municipality with a Council-Manager form of government, the City is a representative democracy.

Dave Stockton apologized to the Montrose LGBTQ+ community for the lack of a Pride Month proclamation by the City Council.

John Brown spoke in favor of recent changes regarding public comment at work sessions and City Council meetings.

Jennifer Jones spoke in support of the Shepherd's Hand organization and in favor of the City offering support to Shepherd's Hand and to the unhoused population. Ms. Jones invited City Council to a fundraising work session on July 1.

Tony Hoag spoke in support of proceeding with charter amendments in the same manner as the City of Delta did in 2024.

Ryan Sedgeley spoke in opposition to specific changes to the City Charter being brought forward by a minority group of citizens.

Jim Haugsness spoke in support of the DART program. Mr. Haugsness thanked City Manager Bill Bell for creating an effective organizational culture.

## **APPROVAL OF MINUTES**

City Council considered the minutes of the June 1, 2026, special City Council meeting and the June 2, 2026, regular City Council meeting.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to approve the minutes of the June 1, 2026, special City Council meeting and the June 2, 2026, regular City Council meeting as presented. All voted yes. Motion passed.

### **FIREWORKS DISPLAY PERMIT APPLICATION**

City Council considered an application for a Fireworks Display Permit for the annual Fourth of July fireworks.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to approve a Fireworks Display Permit for the annual Fourth of July fireworks as presented. All voted yes. Motion passed.

### **NEW HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION**

City Council considered an application for a new Hotel & Restaurant liquor license at 44 S. Grand Avenue/116 W. Main Street, for Star Cajun Seafood Boil Inc., doing business as Star Cajun Seafood Boil Inc., for consumption on the licensed premises. A hearing was held.

City Attorney Chris Dowsey reported that the application is in order, the fees have been paid, and a staff review of the application found no issues that would prevent the license from being issued.

Applicants Esly Cano and Famai Boonim introduced themselves and said they also operate Chang Thai Cuisine in Montrose. Mr. Cano reviewed their plan for a seafood restaurant that offers a unique dining experience. Mr. Cano agreed to the City of Montrose as the designated neighborhood and stated that the issuance of the license would help meet the needs and desires of the neighborhood.

Mr. Dowsey reviewed a summary of petitions received. A total of 100 signatures were submitted with 36 insufficient and 64 determined to be valid and in support of the license being issued.

Mr. Cano stated that the owners and staff at Chang Thai Cuisine completed alcohol server training, and employees at Star Cajun Seafood Boil will receive training to prevent overservice and service to minors. Mr. Cano stated that all licensees, managers, and servers who are not already certified would attend the next city-sponsored class.

Mayor Michael Badagliacco opened the hearing.

Public comment was accepted. No comments were received.

Mayor Badagliacco closed the hearing.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to approve an application for a new Hotel & Restaurant liquor license at 44 S. Grand Avenue/116 W. Main Street, for Star Cajun Seafood Boil Inc., doing business as Star Cajun Seafood Boil Inc., for consumption on the licensed premises. All voted yes. Motion passed.

### **CAPITAL IMPROVEMENT PROJECT 3 (CIP3) SANITARY SEWER EXTENSION CONSTRUCTION CONTRACT**

City Council considered \$4,321,422.25 in expenditures for construction of the Capital Improvement Project 3 (CIP3) Sanitary Sewer Extension Project. This includes the award of a construction contract to Mountain Valley Contracting in the amount of \$4,164,322.25 and a survey and engineering support contract to Del-Mont Consultants in the amount of \$157,100.00.

Public Works Director Jim Scheid reported no changes since the work session discussion on June 2. Mr. Scheid said the project upsizes a sewer main across E. Main Street and San Juan Avenue. Mr. Scheid stated that the project is identified in the Capital Improvement Plan. This portion of the system is currently at capacity and an upgrade is needed. Mr. Scheid said the project was designed and bid in April of 2026. Construction will begin this year and conclude in 2027.

Mr. Scheid stated that funding for this project is included in the revenue bonds for the Wastewater Treatment Plant project. A total of \$6.5 million was allocated, and the actual costs are significantly under budget. Mr. Scheid reviewed the path of the project which starts on north San Juan Avenue next to the Montrose County Event Center, proceeds south behind the Shell station, then moves east on Main Street to Hillcrest Drive. Some street closures are needed but will be planned for minimal impact to the public.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Adam Woodden, to approve \$4,321,422.25 in expenditures for construction of the Capital Improvement Project 3 (CIP3) Sanitary Sewer Extension Project as presented. All voted yes. Motion passed.

## **ORDINANCE 2716 – SECOND READING**

City Council considered Ordinance 2716 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 15 Sections 7 and 22, to reflect recodification of certain sections of the Colorado Revised Statutes.

City Attorney Chris Dowsey reported that Ordinance 2716 implements a sales and use tax exemption on the sale of coins and precious metal bullion within the City of Montrose. Mr. Dowsey stated that 40 of 45 states that implement a sales tax have a similar exemption in place. Mr. Dowsey said this Ordinance mirrors a Colorado state sales tax exemption, and if passed, the city will forgo \$10,000.00-\$20,000.00 in revenue annually. No changes were made to the Ordinance since it was passed on first reading on June 2.

Mr. Dowsey confirmed that Sales Tax Manager Leeanne Whittaker will notify the applicable vendors following adoption of Ordinance 2716.

Public comment was accepted.

John Brown questioned what percentage of the City's annual revenues will no longer be collected. Ms. Whittaker stated that the projected revenue reduction is less than one percent of total revenues collected.

Ryan Sedgeley spoke in opposition to the ordinance.

A motion was made by Adam Woodden, seconded by Ed Ulibarri, to adopt Ordinance 2716 on second reading as presented. All voted yes. Motion passed.

## **STAFF REPORTS**

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

Sales Tax Manager Leeanne Whittaker provided a sales, use, and excise tax report for the month of April 2026. Ms. Whittaker reported that total General Fund collections were down 2.4 percent as compared to April of 2025 with a negative budget variance of 0.5 percent. Year-to-date collections for the General Fund were down 1.0 percent with a negative budget variance of 1.0 percent.

### **CITY COUNCIL COMMENTS**

City Councilor Adam Woodden announced that beginning Monday, June 22, the City will reinstate comments on social media pages, with the exception of the Montrose Police Department pages. City staff will not automatically respond to posted comments.

City Councilor J. David Reed read humorous comments related to government.

### **ADJOURNMENT**

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

ATTEST:

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Michael J. Badagliacco, Mayor

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Lisa DelPiccolo, City Clerk

## **DART (Retail Sales Enhancement)**

**DART funds within this budget will continue to build upon our very successful programs related to establishing strong business, social, and cultural centers through business development activities, physical infrastructure improvements, events, and promotions. DART will focus on its city-wide impact and encourage business owners to pursue the Facade Improvement Matching Grant Program and the recently implemented Mural Program as ways to renovate existing structures and improve the beauty of our community. Local business event support and sponsorships are also included within the DART budget.**

| Account Number   | Account Title  | 2023-23<br>Prior year 2<br>Actual | 2024-24<br>Prior year<br>Actual | 2025-25<br>Current year<br>Actual | 2025-25<br>Current year<br>Projected budget | 2026-26<br>Future year<br>Budget |
|------------------|--|-----------------------------------|---------------------------------|-----------------------------------|---|----------------------------------|
| 200-6050-331-000 | MARKETING & ADVERTISING  | 9,325.65                          | 5,536.96                        | 8,690.04                          | 9,200.00                                    | 10,000.00                        |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$7,200 for Daily Press Ads (20% of \$3,000 monthly cost); \$2,800 for event marketing and campaigns.  |                                   |                                 |                                   |   |                                  |
| 200-6050-332-000 | DUES/MEMBERSHIP/SUBS   | 500.00                            | 900.00                          | 781.01                            | 1,000.00                                    | 1,050.00                         |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$490 for DCI Membership; \$375 for National Main Street Membership; \$100 for Colorado Preservation Inc. Membership; \$85 CCCMA Emerging Manager Membership.  |                                   |                                 |                                   |   |                                  |
| 200-6050-341-000 | UTILITIES  | 2,643.40                          | 1,919.09                        | 331.88                            | 500.00                                      | 2,000.00                         |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 Utility fees for food truck electricity and public restrooms   |                                   |                                 |                                   |   |                                  |
| 200-6050-344-000 | COMMUNICATIONS   | 7,200.00                          | 4,200.00                        | .00                               | .00   | .00                              |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 Cell Service for Golf Cart GPS Units.  |                                   |                                 |                                   |   |                                  |
| 200-6050-353-000 | PROFESSIONAL/CONTRACT SERVICE  | 118,132.23                        | 254,342.08                      | 63,394.95                         | 140,000.00                                  | 272,620.00                       |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$6,500 for 50 flower baskets (\$130/basket); \$5,100 for horse carriage rides (\$425*12); \$75,000 for the façade improvement program; \$75,000 for murals; \$10,000 for concerts/musicians for downtown events; \$40,000 for emergency restaurant grants; \$6,000 for projected moving murals; \$22,000 for artist stipends; \$2,020 for CaFÉ Plus Plan for 4 Call For Entries for public art programming like roundabouts or downtown sculptures; \$1,000 for Holiday reindeer, and Montrose Lifestyle Community Marketing Contract |                                   |                                 |                                   |   |                                  |
| 200-6050-356-000 | COMMUNITY PROGRAM SUPPORT  | 24,925.01                         | 25,000.00                       | 25,000.00                         | 25,000.00                                   | 25,000.00                        |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 Colorado Flights Alliance match with Tourism and General Fund.   |                                   |                                 |                                   |   |                                  |
| 200-6050-358-000 | PROGRAMS   | 23,608.66                         | 23,886.80                       | 7,968.20                          | 24,200.00                                   | 25,000.00                        |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$25,000 - Montrose Bucks program; \$5,000 for Region 10 Small Business Resource Center  |                                   |                                 |                                   |   |                                  |
| 200-6050-358-100 | VOLUNTEER APPRECIATION   | .00                               | 1,512.62                        | 208.33                            | 1,500.00                                    | 2,000.00                         |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$2,000 for DART volunteer appreciation events or volunteer swag   |                                   |                                 |                                   |   |                                  |
| 200-6050-360-000 | PROMOTIONAL ITEMS  | 451.38                            | 1,206.65                        | 6,733.65                          | 8,000.00                                    | 3,000.00                         |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 DART promotional items for public awareness/marketing. Inclusive of swag such as koozies, stickers, and gift baskets for conferences.  |                                   |                                 |                                   |   |                                  |
| 200-6050-370-000 | TRAINING/CONFERENCE/TRAVEL   | 8,214.37                          | 15,341.10                       | 13,186.57                         | 14,500.00                                   | 16,500.00                        |
|                  | Budget notes:  |                                   |                                 |                                   |   |                                  |
|                  | ~2026 \$2500 for National Main Street Conference; \$9,000 for DCI Conference (staff and DARTarians); \$1,000 for Main Street Managers Summit; \$2000 for Colorado Creative Industries Summit; \$1000 for Emerging Managers' Summer Camp; \$1000 for CCCMA Conference   |                                   |                                 |                                   |   |                                  |



| Account Number   | Account Title  | 2023-23<br>Prior year 2<br>Actual | 2024-24<br>Prior year<br>Actual | 2025-25<br>Current year<br>Actual | 2025-25<br>Current year<br>Projected budget | 2026-26<br>Future year<br>Budget |
|------------------|--|-----------------------------------|---------------------------------|-----------------------------------|---|----------------------------------|
| 200-6050-331-000 | MARKETING & ADVERTISING  | 9,325.65                          | 5,536.96                        | 11,235.01                         | 9,200.00                                    | 10,000.00                        |
|                  | Budget notes:<br>~2026 \$7,200 for Daily Press Ads (20% of \$3,000 monthly cost); \$2,800 for event marketing and campaigns.   |                                   |                                 |                                   |   |                                  |
| 200-6050-332-000 | DUES/MEMBERSHIP/SUBS   | 500.00                            | 900.00                          | 781.01                            | 1,000.00                                    | 1,050.00                         |
|                  | Budget notes:<br>~2026 \$490 for DCI Membership; \$375 for National Main Street Membership; \$100 for Colorado Preservation Inc. Membership; \$85 CCCMA Emerging Manager Membership.   |                                   |                                 |                                   |   |                                  |
| 200-6050-341-000 | UTILITIES  | 2,643.40                          | 1,919.09                        | 511.85                            | 500.00                                      | 2,000.00                         |
|                  | Budget notes:<br>~2026 Utility fees for food truck electricity and public restrooms  |                                   |                                 |                                   |   |                                  |
| 200-6050-344-000 | COMMUNICATIONS   | 7,200.00                          | 4,200.00                        | .00                               | .00   | .00                              |
|                  | Budget notes:<br>~2026 Cell Service for Golf Cart GPS Units.   |                                   |                                 |                                   |   |                                  |
| 200-6050-353-000 | PROFESSIONAL/CONTRACT SERVICE  | 118,132.23                        | 254,342.08                      | 102,426.01                        | 160,000.00                                  | 4,200.00                         |
|                  | Budget notes:<br>~2026 \$6,500 for 50 flower baskets (\$130/basket); \$5,100 for horse carriage rides (\$425*12); \$75,000 for the façade improvement program; \$75,000 for murals; \$10,000 for concerts/musicians for downtown events; \$40,000 for emergency restaurant grants; \$6,000 for projected moving murals; \$22,000 for artist stipends; \$2,020 for CaFÉ Plus Plan for 4 Call For Entries for public art programming like roundabouts or downtown sculptures; \$1,000 for Holiday reindeer and Montrose Lifestyle Community Marketing Contract |                                   |                                 |                                   |   |                                  |
| 200-6050-356-000 | COMMUNITY PROGRAM SUPPORT  | 24,925.01                         | 25,000.00                       | 25,165.00                         | 25,000.00                                   | 25,000.00                        |
|                  | Budget notes:<br>~2026 Colorado Flights Alliance match with Tourism and General Fund.  |                                   |                                 |                                   |   |                                  |
| 200-6050-358-000 | PROGRAMS   | 23,608.66                         | 23,886.80                       | 23,534.06                         | 24,200.00                                   | 25,000.00                        |
|                  | Budget notes:<br>~2026 \$20,000 - Montrose Bucks program; \$5,000 for Region 10 Small Business Resource Center   |                                   |                                 |                                   |   |                                  |
| 200-6050-358-100 | VOLUNTEER APPRECIATION   | .00                               | 1,512.62                        | 328.33                            | 1,500.00                                    | 2,000.00                         |
|                  | Budget notes:<br>~2026 \$2,000 for DART volunteer appreciation events or volunteer swag  |                                   |                                 |                                   |   |                                  |
| 200-6050-360-000 | PROMOTIONAL ITEMS  | 451.38                            | 1,206.65                        | 11,797.12                         | 8,000.00                                    | 3,000.00                         |
|                  | Budget notes:<br>~2026 DART promotional items for public awareness/marketing. Inclusive of swag such as koozies, stickers, and gift baskets for conferences.   |                                   |                                 |                                   |   |                                  |
| 200-6050-370-000 | TRAINING/CONFERENCE/TRAVEL   | 8,214.37                          | 15,341.10                       | 14,186.57                         | 14,500.00                                   | 16,500.00                        |
|                  | Budget notes:<br>~2026 \$2500 for National Main Street Conference; \$9,000 for DCI Conference (staff and DARTarians); \$1,000 for Main Street Managers Summit; \$2000 for Colorado Creative Industries Summit; \$1000 for Emerging Managers' Summer Camp; \$1000 for CCCMA Conference  |                                   |                                 |                                   |   |                                  |

*Typo*  
*Should Be \$272,620*



CITY OF MONTROSE  
Planning Services

# MEMO

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: July 7, 2026  
RE: El Chapin Addition Annexation  
ATTACHMENTS:

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

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**City Council Consideration:**

City Council is considering the annexation application and the associated zoning of the El Chapin Addition. Council will consider all of the information in this memo in making a decision.

**Proposed schedule:**

May 18: Council Work Session Overview  
June 2: Council Resolution to set a hearing date  
June 10: Planning Commission zoning hearing  
July 7: City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance  
July 21: 2nd reading of annexation and zoning ordinances

**Application Background:**

The El Chapin Addition is a proposed annexation approximately 12.28 acres in size. The annexation consists of Parcel #376723210005, adjacent to 6600 Road. It is within the City's Urban Growth Boundary, the City of Montrose Sewer Service Area, and the City of Montrose Water Service Area.

**Proposed Zoning:** "R-3" Medium Density District

**Applicant:** Selvin Sandoval, El Chapin Investment Group, LLC



**Staff Analysis:**

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
  - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. "The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
    - i. The amendment is not averse to the public health, safety and welfare; and
    - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated."
  - b. Municipal Code, Section 11-7-5: The "R-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.
  - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-3A" Medium High Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the El Chapin Addition as 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 dwellings 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.



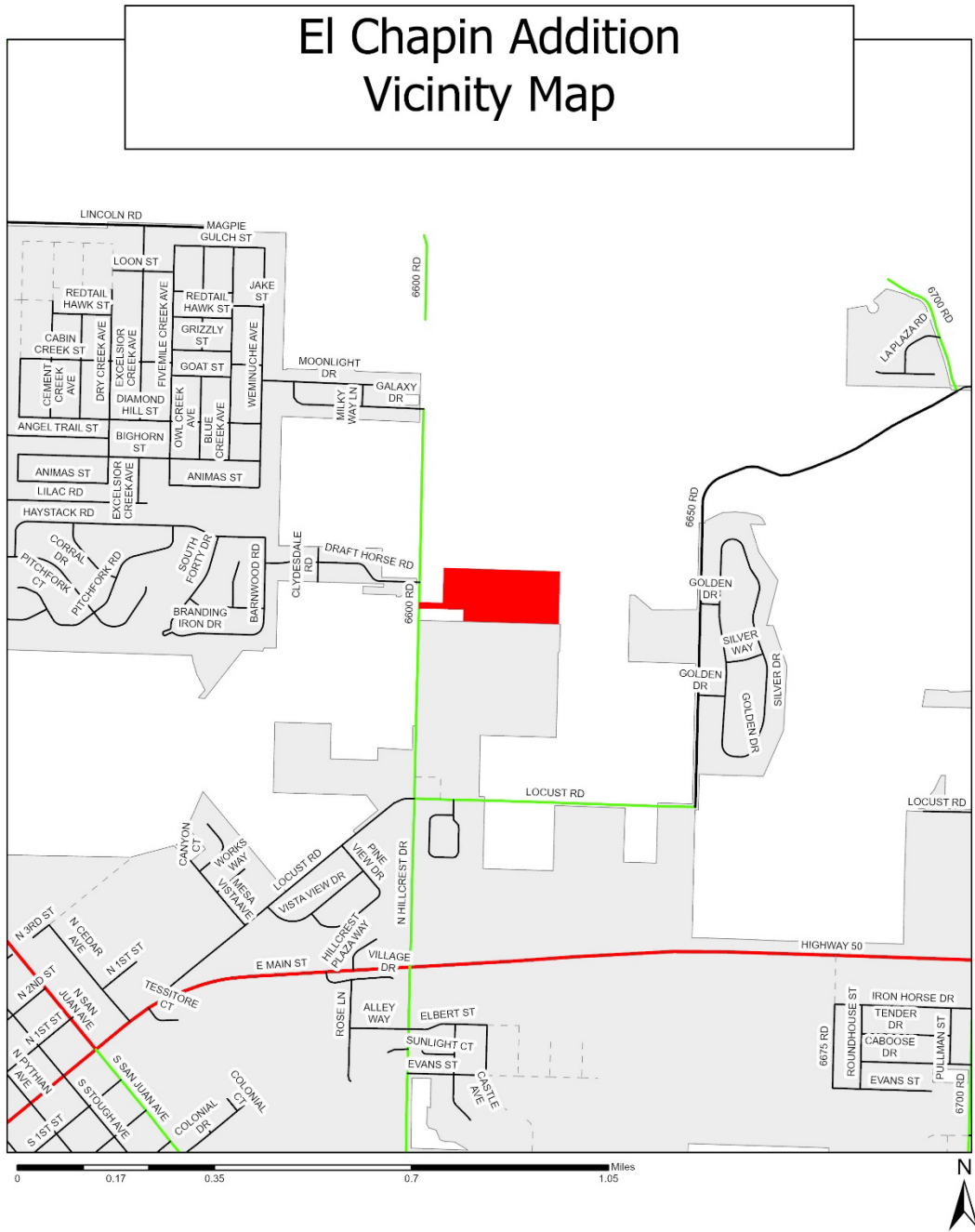
5. The property is located within Growth Area 2. According to the Comprehensive Plan, Growth Area 2 contains an area that has some level of, or moderate proximity to, existing infrastructure.
6. The “R-3” zoning does not appear to be averse to the public health, safety and welfare. The Planning Commission made a unanimous recommendation of approval of the “R-3” zoning designation during the June 10, 2026 Planning Commission meeting.

**Staff Recommendation:**

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



EXHIBIT A: Maps



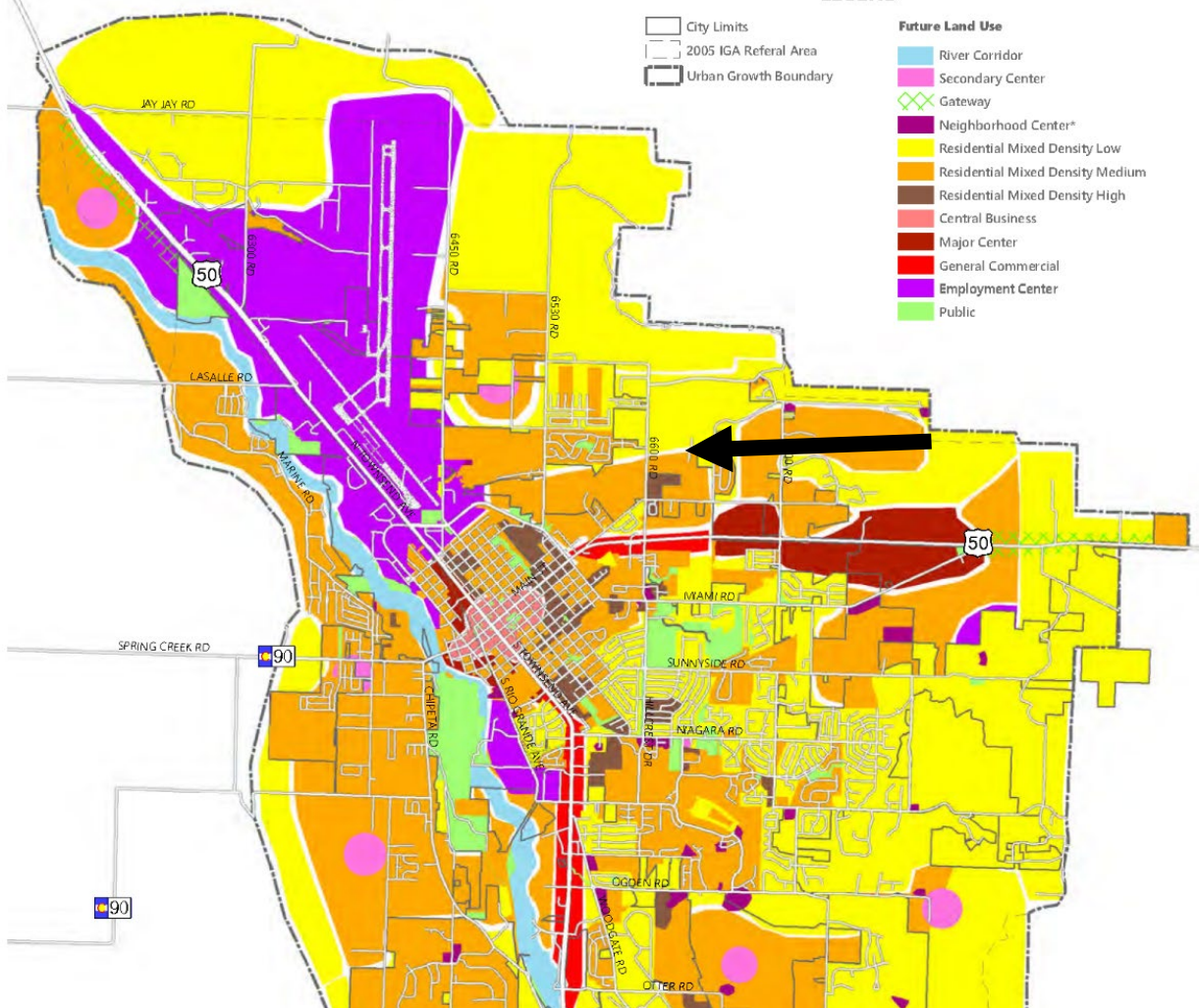
# El Chapin Addition Proposed Zoning: "R-3"



# Comprehensive Plan Future Land Use Map

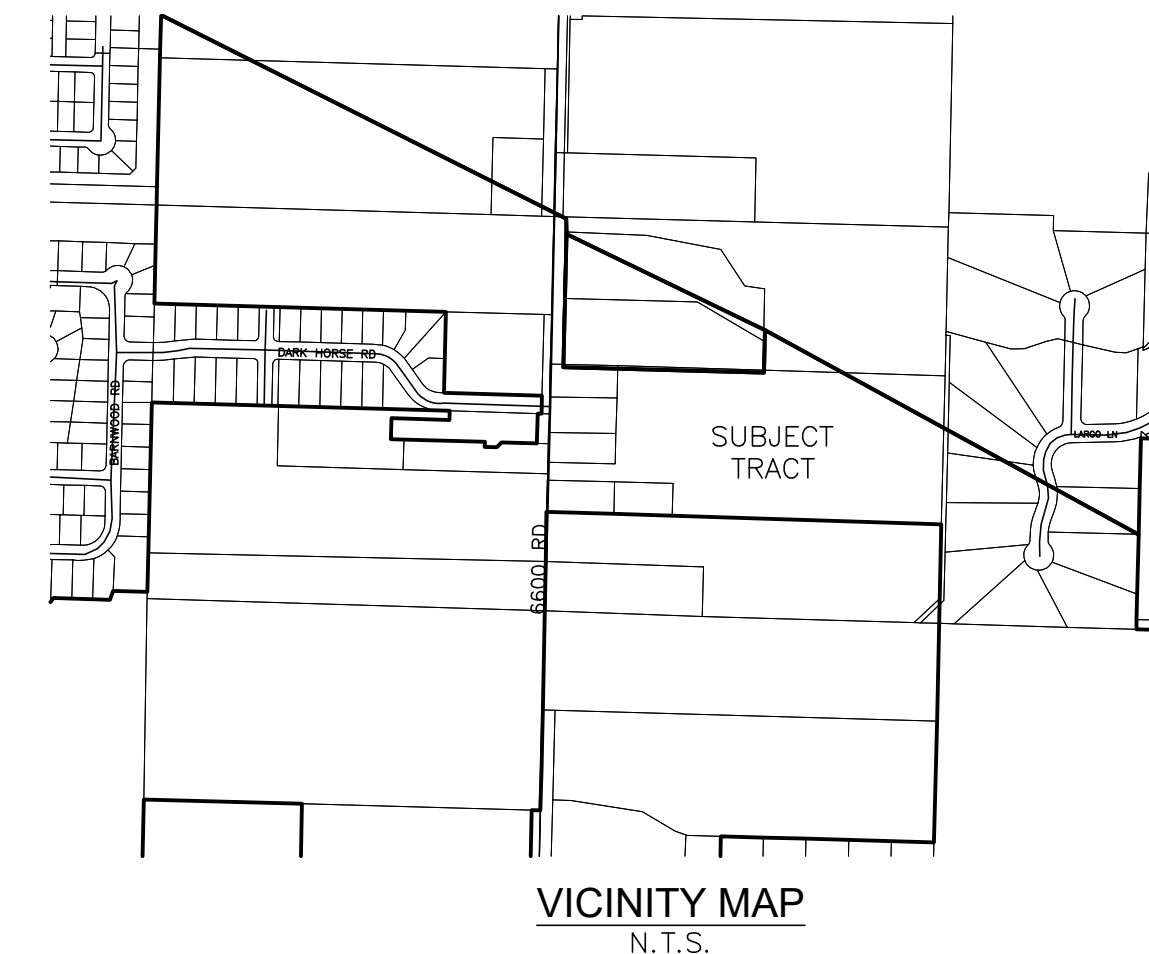
## FUTURE LAND USE

MAP 5.1



# EL CHAPIN ADDITION

SITUATED IN SW1/4NW1/4 SECTION 23, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN  
COUNTY OF MONTROSE, STATE OF COLORADO



## LEGEND

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

## CITY LIMITS

TOTAL PERIMETER = 3630.71'  
PERIMETER CONTIGUOUS TO CITY LIMITS 899.57'

## NOTE:

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

## PROPERTY DESCRIPTION:

A TRACT OF LAND SITUATED IN THE S1/2 N3/4 SW1/4 NW1/4 OF SECTION 23, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN MONTROSE COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE S1/2 N3/4 SW1/4 NW1/4 SECTION 23; THENCE SOUTH 00°00'54" EAST, 495.84 FEET TO THE SOUTHEAST CORNER OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE NORTH 89°38'19" WEST ALONG THE SOUTH LINE OF SAID S1/2 N3/4 SW1/4 NW1/4, A DISTANCE OF 899.57 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH, 108.19 FEET; THENCE WEST, 419.52 FEET TO A POINT ON THE WEST LINE OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE NORTH ALONG SAID WEST LINE S1/2 N3/4 SW1/4 NW1/4, A DISTANCE OF 60 FEET; THENCE LEAVING SAID WEST LINE EAST, 224.76 FEET; THENCE NORTH, 328.63 FEET TO A POINT ON THE NORTH LINE OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE SOUTH 89°39'06" EAST ALONG SAID NORTH LINE A DISTANCE OF 1094.20 FEET TO THE POINT OF BEGINNING, AS SHOWN AS TRACT NO. 1 ON PLAT OF SURVEY RECORDED FEBRUARY 10, 2022 UNDER RECEPTION NO. 946776, COUNTY OF MONTROSE, STATE OF COLORADO.

## SURVEYORS CERTIFICATE:

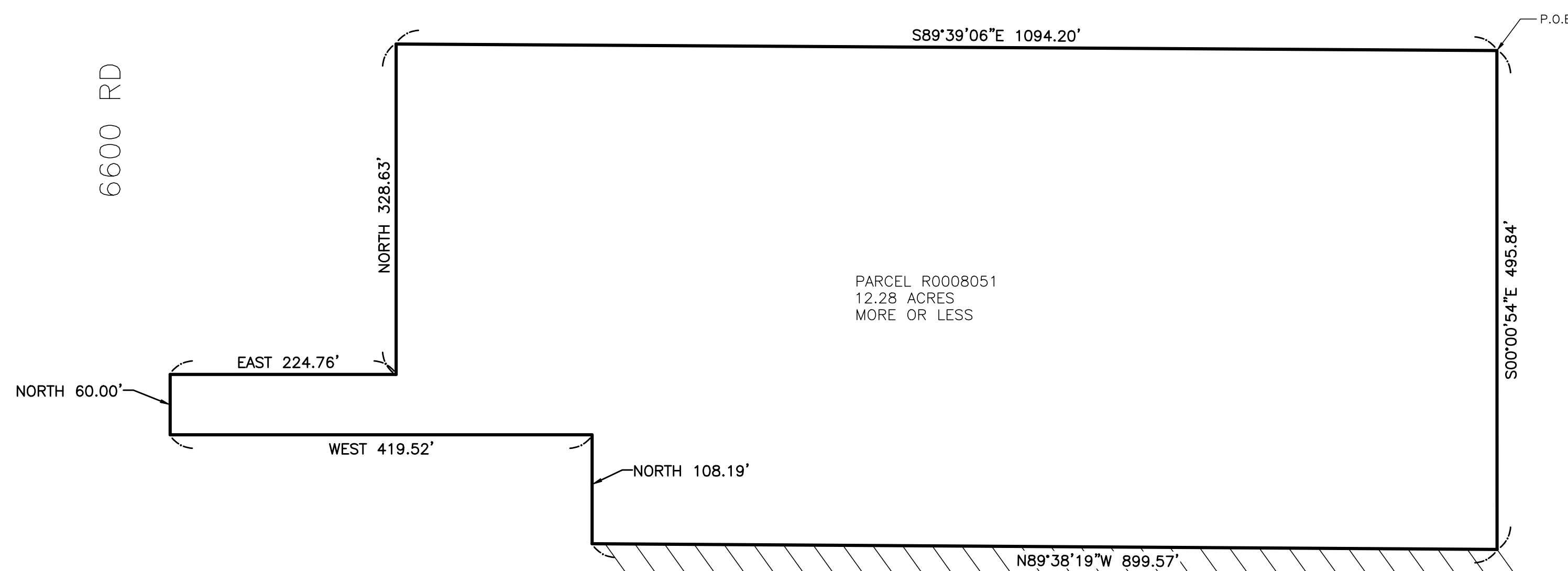
I, Frederick Ballard, a Professional Land Surveyor in the State of Colorado, do hereby certify Sandoval Addition Annexation Map prepared under my direct supervision.

## FOR REVIEW

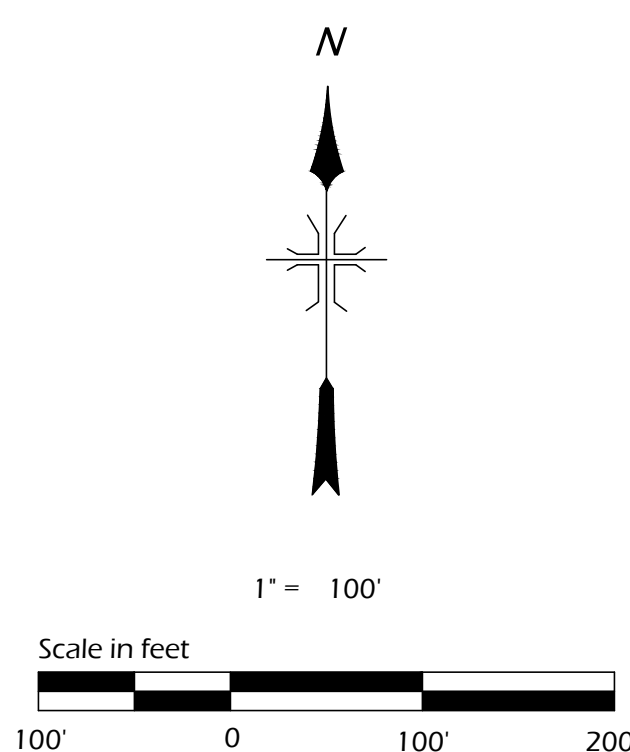
Frederick A. Ballard P.L.S. 37690

## RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at \_\_\_\_\_  
m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Reception No. \_\_\_\_\_  
County Clerk & Recorder by \_\_\_\_\_ Deputy



SUNSET VILLAGE ADDITION  
RECEPTION NO. 963700



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.  
\\DMS14\PROJECTS\ACTIVE\_PROJECTS\2025\25186-SANDOVAL\_6600\_ROAD\_SUBDIVISION\C3D\25186V\_ANNX.DWG

|                         |  |  |  |  |  |
|-------------------------|--|--|--|--|--|
|                         |  | <b>DEL-MONT CONSULTANTS, INC.</b><br>ENGINEERING & SURVEYING<br>125 Colorado Ave. Montrose, CO 81401 (970) 248-2251<br>www.del-mont.com service@del-mont.com |  | CLIENT:<br><b>EL CHAPIN INVESTMENT GROUP LLC</b>                 |  |
| FIELD BOOK:             |  | DRAWN BY:<br><b>TRS</b>  |  | DATE:<br><b>2026-02-04</b>                                       |  |
| SHEET:<br><b>1 of 1</b> |  | FILE:<br><b>25186V_ANNX</b>  |  | JOB NO.:<br><b>25186</b>   |  |
|                         |  |  |  | TYPE:<br><b>ANNEX</b>  |  |
|                         |  |  |  | TITLE:<br><b>EL CHAPIN ADDITION</b>                              |  |
|                         |  |  |  | ADDRESS & PHONE:<br><b>PO BOX 3538 MONTROSE, CO 970-240-1808</b> |  |

## EXHIBIT B: Zoning Code Excerpt

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

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
  - (2) The use is not materially adverse to the City's Comprehensive Plan.
  - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
  - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
  - (5) The use will not have an adverse effect upon other property values.
  - (6) Adequate off-street parking will be provided for the use.
  - (7) The location of curb cuts and access to the premises will not create traffic hazards.
  - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
  - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
  - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
  - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
  - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

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

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
  - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
  - (c) The City Council shall approve or deny the appeal.
  - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

| Land Use   | RL | R-1 | R-1A/B | R-2 | R-3 | R-3A | R-4 | R-5 | R-6 | MHR |
|--|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| Bed and breakfast (See Sec. 11-11-1)   |    |     |        |     | C   |      | C   |     | C   |     |
| Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals. | P  |     |        |     |     |      |     |     |     |     |



|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| Rental storage units with a maximum rental unit size of 200 square feet. |   |   |   |   |   |   |   |   |   | C |
| Short-term rentals   | P | P | P | P | P | P | P | P | P | P |
| Assisted living facilities   |   |   |   |   | C | C | C |   | C | C |
| Childcare facilities   | C | C | C | C | C | C | C | C | C | C |
| Family childcare home  | P | P | P | P | P | P | P | P | P | P |
| Government buildings and facilities                                      | P | P | P | P | P | P | P | P | P | P |
| Religious assembly   | C | C | C | C | P | P | P | C | C | P |
| Schools  | C | C | C | C | C | C | C | C | C | C |
| Golf courses   | P |   |   |   |   |   |   |   |   |   |
| Parks, open space and recreation facilities                              | P | P | P | P |   | P | P | P | P | P |
| Duplex   |   |   |   |   | P | P | P |   | P |   |
| Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)    | P | P | P | P | P | P | P | P | P | P |
| Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)          | C | C | C | C | C | C | C | C | C | C |
| Group homes, other (see Sec. 11-11-2)                                    | C | C | C | C | C | C | C | C | C | C |
| Home occupation (See Sec. 11-11-3)                                       | A | A | A | A | A | A | A | A | A | A |
| Manufactured housing   |   |   |   | 1 |   |   |   | P | P | P |
| Mobile homes (See Sec. 11-13)  |   |   |   |   |   |   |   |   |   | P |
| Mobile home parks (See Sec. 11-13)                                       |   |   |   |   |   |   |   |   |   | P |
| Modular housing  |   |   |   |   |   |   |   | P | P | P |
| Multi-family dwelling  |   |   |   |   | C | P | P |   | C |   |
| Single-family dwelling   | P | P | P | P | P | P | P | P | P | P |
| Antennas (See Sec. 11-14-6)  | C | C | C | C | C | C | C | C | C | C |
| Public utility service facilities  | P | P | P | P | P | P | P | P | P | P |
| Towers (See Sec. 11-14-5)  | C | C | C | C | C | C | C | C | C | C |



|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| Accessory uses (See Sec. 11-7-6(D))                            | A | A | A | A | A | A | A | A | A | A |
| Temporary use (See Sec. 11-7-6(E)(1-3))                        | T | T | T | T | T | T | T | T | T | T |
| Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4)) | T | T | T | T | T | T | T | T | T | T |
| Travel home (See Sec. 11-13-6(2))                              |   | T | T | T | T | T | T | T | T | T |

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

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

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



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



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



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



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

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



## EXHIBIT B: Zoning Code Excerpt

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

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
  - (2) The use is not materially adverse to the City's Comprehensive Plan.
  - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
  - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
  - (5) The use will not have an adverse effect upon other property values.
  - (6) Adequate off-street parking will be provided for the use.
  - (7) The location of curb cuts and access to the premises will not create traffic hazards.
  - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
  - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
  - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
  - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
  - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

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

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
  - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
  - (c) The City Council shall approve or deny the appeal.
  - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

| Land Use   | RL | R-1 | R-1A/B | R-2 | R-3 | R-3A | R-4 | R-5 | R-6 | MHR |
|--|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| Bed and breakfast (See Sec. 11-11-1)   |    |     |        |     | C   |      | C   |     | C   |     |
| Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals. | P  |     |        |     |     |      |     |     |     |     |



|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| Rental storage units with a maximum rental unit size of 200 square feet. |   |   |   |   |   |   |   |   |   | C |
| Short-term rentals   | P | P | P | P | P | P | P | P | P | P |
| Assisted living facilities   |   |   |   |   | C | C | C |   | C | C |
| Childcare facilities   | C | C | C | C | C | C | C | C | C | C |
| Family childcare home  | P | P | P | P | P | P | P | P | P | P |
| Government buildings and facilities                                      | P | P | P | P | P | P | P | P | P | P |
| Religious assembly   | C | C | C | C | P | P | P | C | C | P |
| Schools  | C | C | C | C | C | C | C | C | C | C |
| Golf courses   | P |   |   |   |   |   |   |   |   |   |
| Parks, open space and recreation facilities                              | P | P | P | P |   | P | P | P | P | P |
| Duplex   |   |   |   |   | P | P | P |   | P |   |
| Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)    | P | P | P | P | P | P | P | P | P | P |
| Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)          | C | C | C | C | C | C | C | C | C | C |
| Group homes, other (see Sec. 11-11-2)                                    | C | C | C | C | C | C | C | C | C | C |
| Home occupation (See Sec. 11-11-3)                                       | A | A | A | A | A | A | A | A | A | A |
| Manufactured housing   |   |   |   | 1 |   |   |   | P | P | P |
| Mobile homes (See Sec. 11-13)  |   |   |   |   |   |   |   |   |   | P |
| Mobile home parks (See Sec. 11-13)                                       |   |   |   |   |   |   |   |   |   | P |
| Modular housing  |   |   |   |   |   |   |   | P | P | P |
| Multi-family dwelling  |   |   |   |   | C | P | P |   | C |   |
| Single-family dwelling   | P | P | P | P | P | P | P | P | P | P |
| Antennas (See Sec. 11-14-6)  | C | C | C | C | C | C | C | C | C | C |
| Public utility service facilities  | P | P | P | P | P | P | P | P | P | P |
| Towers (See Sec. 11-14-5)  | C | C | C | C | C | C | C | C | C | C |



|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| Accessory uses (See Sec. 11-7-6(D))                            | A | A | A | A | A | A | A | A | A | A |
| Temporary use (See Sec. 11-7-6(E)(1-3))                        | T | T | T | T | T | T | T | T | T | T |
| Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4)) | T | T | T | T | T | T | T | T | T | T |
| Travel home (See Sec. 11-13-6(2))                              |   | T | T | T | T | T | T | T | T | T |

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

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

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



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



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



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



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

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



**RESOLUTION NO. 2026-08**

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **El Chapin Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on July 7, 2026.

**FINDINGS OF FACT**

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

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

### CONCLUSIONS

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

ADOPTED this 7<sup>th</sup> day of July, 2026, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By \_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

**ORDINANCE NO. 2717**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE EL CHAPIN ADDITION.**

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

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

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

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

**SECTION 1:**

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

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7<sup>th</sup> day of July, 2026, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7<sup>th</sup> day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

## **EXHIBIT A**

### **Legal Description**

A TRACT OF LAND SITUATED IN THE S1/2 N3/4 SW1/4 NW1/4 OF SECTION 23, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN MONTROSE COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE S1/2 N3/4 SW1/4 NW1/4 SECTION 23; THENCE SOUTH 00°00'54" EAST, 495.84 FEET TO THE SOUTHEAST CORNER OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE NORTH 89°38'19" WEST ALONG THE SOUTH LINE OF SAID S1/2 N3/4 SW1/4 NW1/4, A DISTANCE OF 899.57 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH, 108.19 FEET; THENCE WEST, 419.52 FEET TO A POINT ON THE WEST LINE OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE NORTH ALONG SAID WEST LINE S1/2 N3/4 SW1/4 NW1/4, A DISTANCE OF 60 FEET; THENCE LEAVING SAID WEST LINE EAST, 224.76 FEET; THENCE NORTH, 328.63 FEET TO A POINT ON THE NORTH LINE OF SAID S1/2 N3/4 SW1/4 NW1/4; THENCE SOUTH 89°39'06" EAST ALONG SAID NORTH LINE A DISTANCE OF 1094.20 FEET TO THE POINT OF BEGINNING, AS SHOWN AS TRACTS NO. 1 AND NO. 2 ON PLAT OF SURVEY RECORDED FEBRUARY 10, 2022 UNDER RECEPTION NO. 946776, COUNTY OF MONTROSE, STATE OF COLORADO.

**ORDINANCE NO. 2718**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE EL CHAPIN ADDITION AS AN "R-3," MEDIUM DENSITY DISTRICT.**

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

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

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

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

The Official Zoning Map is hereby amended to designate the **El Chapin Addition**, according to the Official Annexation Map thereof, as an "R-3", Medium Density District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of July 2026, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

INTRODUCED, READ and ADOPTED on second reading this 21<sup>st</sup> day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: July 7, 2026  
RE: Ponderosa Ranch BLA Rezone  
ATTACHMENTS:

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

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**City Council Consideration:**

City Council is considering the approval of the Ponderosa Ranch BLA Rezone. The City Council will consider all of the information in this memo in making a decision.

**Applicant:** BAM Investments, LLC

**Application Background:**

The proposal is to rezone a portion of Lot 39 of the Amended Ponderosa Ranch Subdivision Filing No. 2, approximately 1.12 acres, from "R-6" Medium Density/Manufactured Housing District to "B-3" General Commercial District. The property is more particularly described as follows:

Beginning at the North West Corner of Lot 39 Monumented by a rebar and cap LS 36067; thence S 88°34'22" E a distance of 153 feet to a rebar and cap LS 16840; thence S 01°22'22" W a distance of 321.06 feet to a number five rebar; thence N 88°10'35" W a distance of 151.83 feet to a rebar and cap LS 16840; thence N 01°09'45" E a distance of 319.99 feet to the point of beginning.

Containing 1.12 Acres +/-



The Planning Commission unanimously voted to recommend approval of this rezone request during the June 24, 2026 Planning Commission meeting.

**Proposed Zoning:** “B-3” General Commercial District

**Staff Analysis:**

1. Municipal Code, Section 11-7-12(A), Rezoning.  
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
  - a) The amendment is not adverse to the public health, safety and welfare; and
  - b) The amendment is in substantial conformity with the master plan; or:
    - i. The existing zoning is erroneous; or
    - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to “B-3” General Commercial District. The current zoning is “R-6” Medium Density/Manufactured Housing District.
  - Zoning Regulations. 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.
3. This property is adjacent to properties that are zoned “R-6” Medium Density/Manufactured Housing District, “P” Public District, “B-3” General Commercial District, and properties outside of City limits.
4. General Conformance with the Comprehensive Plan:
  - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density 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.
5. The “B-3” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and zoning in the surrounding area.

**Staff Recommendation:**

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



**City Council Options:**

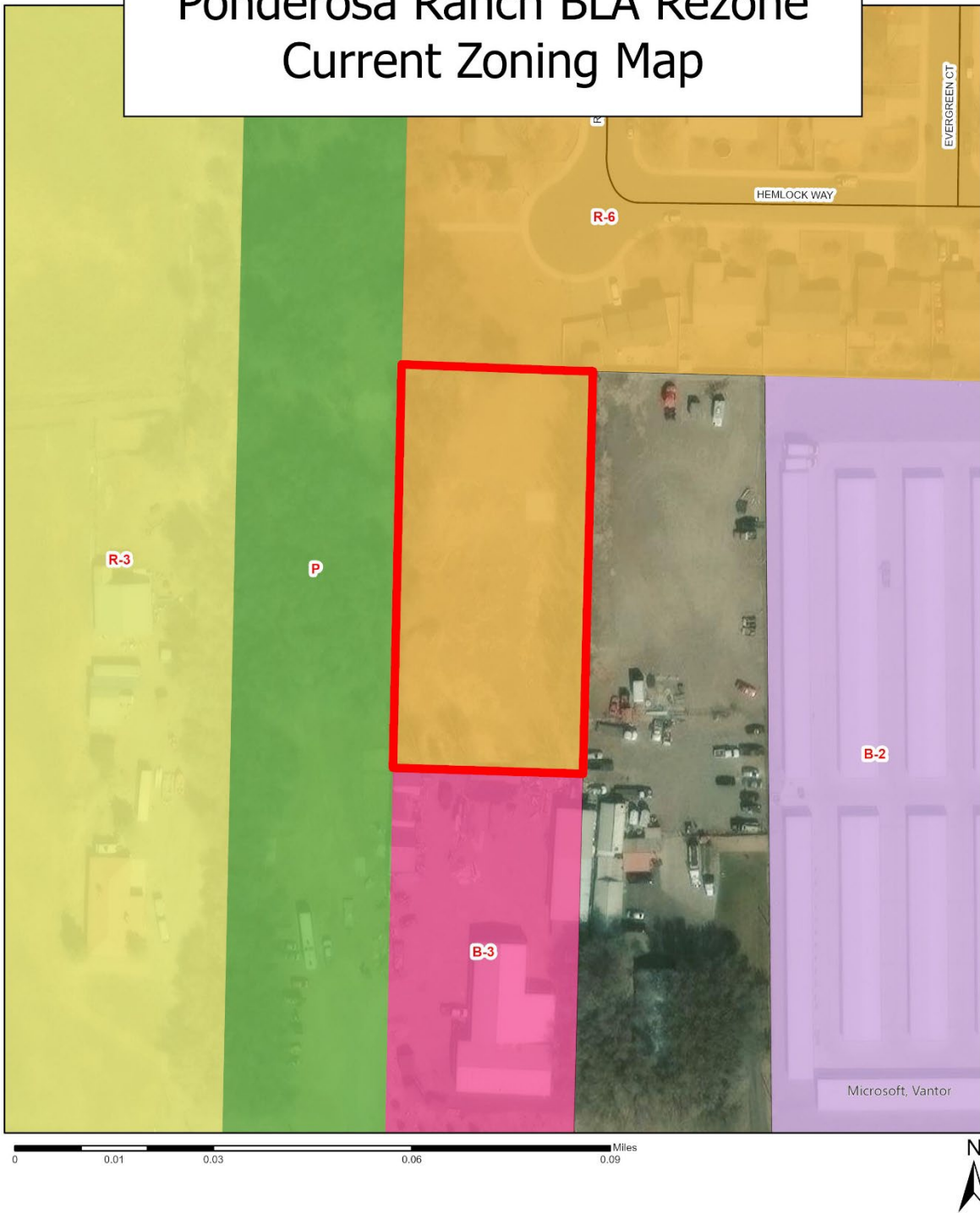
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



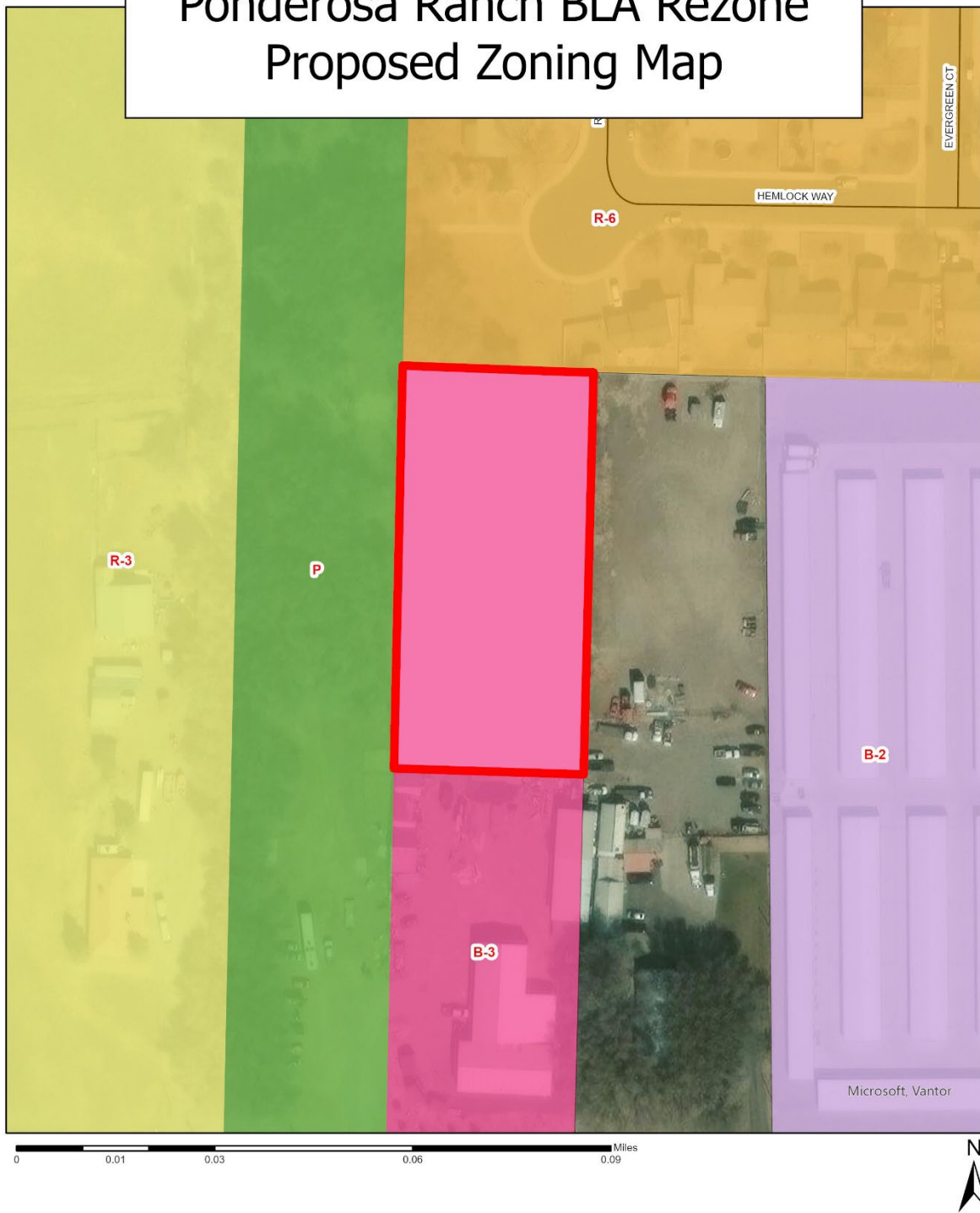
EXHIBIT A: Maps



# Ponderosa Ranch BLA Rezone Current Zoning Map



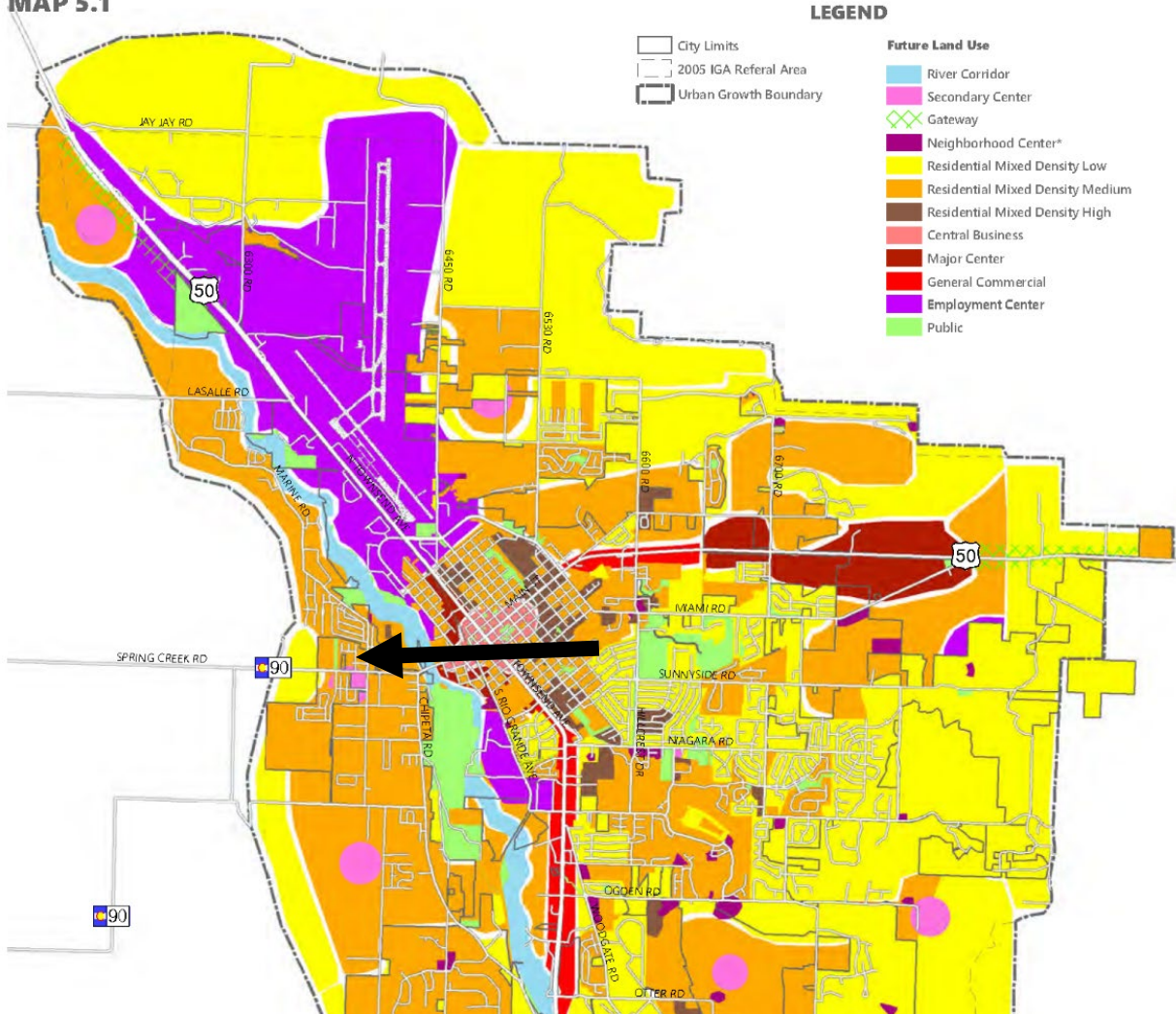
# Ponderosa Ranch BLA Rezone Proposed Zoning Map



# Comprehensive Plan Future Land Use Map

## FUTURE LAND USE

MAP 5.1



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

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

- (A) This Chapter, as amended from time to time, and the Official Zoning Map of the City, as amended from time to time, may be cited as the City's Zoning Regulations or Zoning Ordinance.
- (B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare of the present and future inhabitants of Montrose, as described at Section 11-1-4 of this Title.
- (C) The City hereby declares that the regulation and development of land, including regulation by these Zoning Regulations, is exclusively a matter of local and municipal concern, and any provisions of any Statute or regulation of the state in conflict with the provisions of these Zoning Regulations, or any limitation imposed by any Statute or regulation of the state otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by state law with respect to land development regulations and zoning even though not specified within this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.
- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any federal, state or local law or regulation, shall be considered a use by right, a conditional use, or a lawful nonconforming use under this Chapter, in any zoning district within the City limits.

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

### **Sec. 11-7-2. Official zoning map.**

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. The City Manager may cause technical corrections to the Official Zoning Map to be made without any requirement that they first be approved by ordinance, provided such corrections simply implement the terms of previously-approved rezoning ordinances and are consistent with the zone district boundary rules of interpretation in Section 11-7-3.

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

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

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

The regulations for the various residential, mixed use, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map. In establishing the boundaries of the zoning districts shown on the Official Zoning Map, the following rules shall apply:

- (1) *General Rules of Interpretation.* For unsubdivided property or where a zoning boundary divides a property, or if the zoning boundaries cannot otherwise be determined, the boundaries on the Official Zoning Map shall be based upon the individual zoning or rezoning map approved for the property.
- (2) *Lot or Block Lines.* Where no rights-of-way exist and the zoning boundaries are indicated as approximately following lot, tract, block or subdivision boundary lines, such limits shall be considered as the zoning district boundaries.
- (3) *Rights-of-Way.* Unless otherwise indicated, the zoning district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way. The area within any of the rights-of-way is not granted any of the use rights associated with the overlying or adjacent zoning district(s).
- (4) *Vacated Rights-of-Way.* Whenever a public street, alley or other right-of-way has been vacated, the zoning district adjoining each side of the right-of-way shall be extended to include the portion of the vacated street, alley, or other right-of-way adjacent to such adjoining property.
- (5) *City Boundaries.* Boundaries indicated as approximately following the City limits shall be considered as following the City limits.
- (6) *Other Boundaries.* Boundaries indicated as approximately parallel to or extensions of centerlines, lot, or tract lines, City limits, or similar geographic lines shall be considered as the boundaries when no or other reliable documentation is available.
- (7) *Map Discrepancies.* Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zoning district boundary, the City Manager shall interpret the map based on the best information available and according to the intent of this title and any other applicable provisions of the Municipal Code.

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

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

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

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

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

- (A) The residential districts described below are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residential dwellings.

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- (1) The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.
  - (2) The "R-1" Very Low Density District is intended to provide for large lot rural residential development with a maximum density of one dwelling unit per acre.
  - (3) The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.
  - (4) The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.
  - (5) The "R-3" Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
  - (6) The "R-3A" Medium High Density District is intended to provide for an area which is suitable primarily for single household attached, triplex, fourplex and other medium density multi-household dwellings, along with certain other compatible land uses.
  - (7) The "R-4" High Density District is intended to provide primarily for high density multi-household dwellings and to allow variety in higher density single household and duplex dwellings and other forms of innovative housing development types.
  - (8) The "R-5" Low Density/Manufactured Housing District is intended to provide primarily for low density development of single-household detached and duplex manufactured home dwellings, along with certain other compatible land uses.
  - (9) The "R-6" Medium Density/Manufactured Housing District is intended to provide primarily for medium-density development for single-household attached,, triplex and fourplex manufactured home dwellings, along with certain other compatible land uses.
  - (10) The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for manufactured housing developments or tiny home communities, along with certain other compatible land uses.
- (B) The mixed-use district described below is established to promote stability in areas in transition; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land.
- (1) The "OR" Office-Residential District is intended to provide for a mix of offices and residential dwellings in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.
- (C) The commercial districts described below are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner.
- (1) The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
  - (2) The "B-1" Central Business District is intended to reflect the character of the original Downtown while allowing additional uses that will strengthen and expand the core of the City.
  - (3) The "B-2" Highway Commercial District is intended to provide for businesses oriented toward serving the motoring public, encouraging the convenient exchange of goods and services along the major thoroughfares of the City.
  - (4) "B-2A" Regional Commercial District is intended to provide for a full spectrum of goods and service uses along the major thoroughfares of the City.

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- (5) The "B-3" General Commercial District is intended to provide for a large variety of goods and services including outdoor storage areas and a limited group of commercial/industrial uses.
  - (6) The "B-4" Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.
- (D) The industrial districts described below are established to provide for normal manufacturing activities and related uses.
- (1) The "I-1" Light Industrial District is intended to provide for a limited group of research and manufacturing uses promoting the creation and maintenance of an employment center which will serve the mutual interests of the community as a whole.
  - (2) The "I-2" General Industrial District is intended to provide for most industrial and manufacturing uses, subject to performance standards.
- (E) Dimensional requirements are set out in Section 11-7-7.  
(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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

- (A) *Permitted Uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional Uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
  - (1) The use will not be contrary to the public health, safety, or welfare.
  - (2) The use is not materially averse to the Comprehensive Plan.
  - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
  - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
  - (5) The use will not have an adverse effect upon other property values.
  - (6) Adequate off-street parking will be provided for the use.
  - (7) The location of curb cuts and access to the premises will not create traffic hazards.
  - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
  - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal Uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory Uses.* Except where specifically modified by this Chapter, accessory uses shall comply with all requirements for the principal use, and the following additional limitations:

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- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
  - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
  - (3) An accessory use shall be located on the same lot as a principal use.

(E) *Temporary Use Permits.*

- (1) *Permit Required.* The City Manager may issue a temporary use permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a limited period of time in accordance with this Subsection. The temporary use permit may be issued by the City Manager only after it determines that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
- (2) *Permit Conditions.* The City Manager may approve a temporary use permit subject to conditions appropriate to ensure compliance with this Subsection. Such conditions may include, but are not limited to, setting requirements for, or imposing restrictions upon, size, massing, location, open space, landscaping, buffering, screening, lighting, noise, signage, traffic and pedestrian circulation and control, parking design and operations, duration, hours of operation, setbacks, building materials and architectural design, sanitation, trash removal, dust control, drainage, erosion control, and provision of utilities and services.
- (3) *Permit Renewal.* A temporary use permit will generally not be renewed unless the use is a seasonal use; a temporary improvement associated with an established business; or associated with a construction activity; or as stated otherwise herein. These applications may be renewed for up to one year at any one time using the same procedures as for an initial application.
- (4) *Exempt Activities.* The following temporary activities are exempt from these regulations:
  - (a) Storage or moving containers for a business or residence actively moving or a related activity and not exceeding 14 days in any one year.
  - (b) Dumpsters for a business or residence actively undergoing construction or a related activity and not exceeding 14 days in any one year.
  - (c) Temporary uses, structures, and/or vehicles/trailers needed as the result of a natural disaster or other health and/or safety emergency are allowed for the duration of the emergency or as needed to address conditions caused by the emergency.
- (5) *Prohibited Uses or Activities.* The following uses and activities are prohibited due to negative visual or other impacts:
  - (a) Storage in trailers or roll-off containers for longer than 14 days unless associated with an active construction site or a non-residential use, business or residence in the process of moving.
  - (b) Outdoor storage other than accessory storage for an active construction site. Any other outdoor storage shall conform to the requirements for the zone district in which the property is located.
  - (c) Outdoor sales of durable goods as a principal use not associated with a farmer's market, special event, business promotional event, or with an approved site plan, unless the operation meets the requirements for a mobile vendor in accordance with the Montrose Regulations Manual.
- (6) *Allowed Uses and Activities.* Temporary uses of land are permitted subject to the specific zone districts and time periods listed in Table 7.1. The City Manager may approve other temporary uses and activities if it is determined that such uses meet the intent and criteria of this section.

Table 7.1  
Allowed Temporary Uses

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

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
  - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
  - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
  - (c) The City Council shall approve or deny the appeal.
  - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

| Land Use                             | RL | R-1 | R-1A/B | R-2 | R-3 | R-3A | R-4 | R-5 | R-6 | MHR |
|--------------------------------------|----|-----|--------|-----|-----|------|-----|-----|-----|-----|
| <b>COMMERCIAL USES</b>               |    |     |        |     |     |      |     |     |     |     |
| 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   |
| <b>INSTITUTIONAL USES</b>            |    |     |        |     |     |      |     |     |     |     |
| 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 |
| <b>RECREATIONAL USES</b>  |   |   |   |              |   |   |   |   |   |   |
| Golf courses  | P |   |   |              |   |   |   |   |   |   |
| Parks, open space and recreation facilities                             | P | P | P | P            | P | P | P | P | P | P |
| <b>RESIDENTIAL USES</b>   |   |   |   |              |   |   |   |   |   |   |
| Accessory Dwelling Unit (See Sec. 11-11-5)                              | C | C | C | P            | P | P | P | P | P |   |
| Dwelling, Duplex  |   |   |   | P            | P | P | P | P | P |   |
| Dwelling, Fourplex  |   |   |   |              | C | P | P |   | C |   |
| Dwelling, Multi-household   |   |   |   |              | C | P | P |   | C |   |
| Dwelling, Single-Household Attached                                     |   |   |   |              | P | P | P |   | P |   |
| Dwelling, Single-Household Detached                                     | P | P | P | P            | P | P | C | P | P | P |
| Dwelling, Tiny Home   |   |   |   |              |   |   |   |   | P | P |
| Tiny Home Community   |   |   |   |              |   |   |   |   |   | P |
| Dwelling, Triplex   |   |   |   |              | P | P | P |   | P |   |
| Group homes - handicapped/disabled 8 persons or less (See Sec. 11-11-2) | P | P | P | P            | P | P | P | P | P | P |
| Group homes - handicapped/disabled > 9 persons (See Sec. 11-11-2)       | C | C | C | C            | C | C | C | C | C | C |
| Group homes, other (See Sec. 11-11-2)                                   | C | C | C | C            | C | C | C | C | C | C |
| Home occupation (See Sec. 11-11-3)                                      | A | A | A | A            | A | A | A | A | A | A |
| Manufactured home   |   |   |   | <sup>1</sup> |   |   |   | P | P | P |
| Manufactured home park (See Sec. 11-13)                                 |   |   |   |              |   |   |   |   |   | P |
| <b>UTILITIES AND TELECOMMUNICATION FACILITIES</b>                       |   |   |   |              |   |   |   |   |   |   |
| 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 |
| <b>OTHER USES</b>   |   |   |   |              |   |   |   |   |   |   |

|   |   |   |   |   |  |   |   |   |   |   |
|---|---|---|---|---|--|---|---|---|---|---|
| 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 |
| <b>Legend: Zoning Districts</b>         |   |   |   |   | <b>Legend: Use Type</b>  |   |   |   |   |   |
| 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   |   |   |   |   |  |   |   |   |   |   |

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

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

| Land Use   | OR | P | B-1 | B-2 | B-2A | B-3 | B-4 | I-1 | I-2 |
|--|----|---|-----|-----|------|-----|-----|-----|-----|
| <b>COMMERCIAL USES</b>   |    |   |     |     |      |     |     |     |     |
| 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 |
| <b>INDUSTRIAL USES</b>   |   |  |   |   |   |   |   |   |   |
| 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 |   |
| <b>UTILITIES AND TELECOMMUNICATION FACILITIES</b>                      |   |   |   |   |  |   |   |   |   |
| 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 |
| <b>OTHER USES</b>  |   |   |   |   |  |   |   |   |   |
| 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 |
| <b>Legend: Zoning District</b>   |   |   |   |   | <b>Legend: Use Type</b>  |   |   |   |   |
| 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 <sup>2,3</sup>                  | Maximum Density          | Minimum Lot Size <sup>4</sup> | Minimum Setbacks |                            |                      |            | Maximum Building Height |
|----------|-------------------------------------|--------------------------|-------------------------------|------------------|----------------------------|----------------------|------------|-------------------------|
|          |                                     |                          |                               | Front            | Rear                       | Side                 | Corner Lot |                         |
| RL       | Dwelling, Single Household Detached | TBD - see footnote #4    | <sup>5</sup>                  | 25               | 20                         | 10                   | 20         | 35                      |
| R-1      | Dwelling, Single Household Detached | 1 dwelling unit/acre     | 1 acre                        | 25               | 20                         | 10                   | 20         | 35                      |
| R-1A     | Dwelling, Single Household Detached | 2 dwelling units/acre    | ½ acre                        | 25               | 20                         | 10                   | 20         | 35                      |
| R-1B     | Dwelling, Single Household Detached | 3 dwelling units/acre    | 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 <sup>6</sup>     | 14.5 dwelling units/acre | 3,000                                | 5       | 10      | 10      | 10      | 35      |
|                | Dwelling, Single Household Detached                 | 14 dwelling units/acre   | 3,125                                | 5       | 10      | 10      | 10      | 35      |
|                | Tiny Home except Tiny Home Communities <sup>7</sup> | 14.5 dwelling units/acre | 3,000                                | 5       | 10      | 10      | 10      | 35      |
| OR             | All Non-Residential                                 |                          | 6,250                                | 15      | 15      | 5       | 15      | 35      |
| P <sup>8</sup> | All Non-Residential                                 |                          | N/A                                  | 15      | N/A     | N/A     | 15      | N/A     |
| B-1            | No Req.   |                          | No Req., except for fueling stations | No Req. | No Req. | No Req. | No Req. | No Req. |
| B-2            | All Non-Residential                                 |                          | N/A                                  | 15      | N/A     | N/A     | 15      | N/A     |
| B-2A           | All Non-Residential                                 |                          | N/A                                  | 25      | N/A     | N/A     | 25      | 35      |
| B-3            | All Non-Residential                                 |                          | N/A                                  | 25      | N/A     | N/A     | 25      | 35      |
| B-4            | All Non-Residential                                 |                          | N/A                                  | 25      | N/A     | N/A     | 25      | 35      |
| I-1            | All Non-Residential                                 |                          | ½ acre                               | 25      | N/A     | N/A     | 25      | N/A     |
| I-2            | All Non-Residential                                 |                          | ½ acre                               | 25      | N/A     | N/A     | 25      | N/A     |

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

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

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

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

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

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

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

**(B) Additional Dimensional Requirements.**

- (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

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

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

### **Sec. 11-7-10. Uncompahgre river buffer overlay zone.**

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

- (1) The purpose of the URBZ is to establish minimal acceptable requirements for the design of buffers to protect the Uncompahgre River, its wetlands, and floodplains within the City limits; to protect the water quality of the Uncompahgre River within said jurisdiction; to protect riparian and aquatic ecosystems within said jurisdiction; and to provide for the environmentally sound use of land resources within said jurisdiction. Nothing in this Section shall be used as consideration in a pre-annexation agreement or in a negotiation for annexation of land into the City.
- (2) Measurement of the 100 feet URBZ, the two sub-areas within it, and all other related measurements shall be taken as follows: distance is measured horizontally from the HWM, as defined herein, to the location in question. The HWM location used for any given measurement shall be taken from the side of the river closest to the building or other development in issue.
  - (a) The following graphic illustrates how to measure the URBZ:
  - (b) The URBZ provisions shall apply to:
    - (i) Any new development requiring a building permit, except for additions less than 20 percent of the existing building size that do not include any changes to an existing parking lot;
    - (ii) Any new development requiring site development approval;
    - (iii) Subdivision or the division of a tract or parcel of land into two or more parcels;
    - (iv) The improvement of property for any purpose involving construction;
    - (v) Combination of any two or more lots, tracts, or parcels of property for any purpose;
    - (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.

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(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)

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### **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. 2719**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF LOT 39 OF THE AMENDED PONDEROSA RANCH SUBDIVISION FILING NO. 2 LOTS PARK AND 39 FROM "R-6," MEDIUM DENSITY/MANUFACTURED HOUSING DISTRICT TO "B-3," GENERAL COMMERCIAL DISTRICT.**

WHEREAS, the Planning Commission met on June 24, 2026, to consider the rezoning of a portion Lot 39 of the Amended Ponderosa Ranch Subdivision Filing No. 2 Lots Park and 39, an approximately 1.12 acre parcel; 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 Lot 39 of the Amended Ponderosa Ranch Subdivision Filing No. 2 Lots Park and 39, more particularly described on **Exhibit A**, attached hereto, as an "B-3," General Commercial District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of July, 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 7th day of July, 2026.

ATTEST:

\_\_\_\_\_  
Michael Badagliacco, Mayor

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

INTRODUCED, READ and ADOPTED on second reading this 21st day of July, 2026.

ATTEST:

\_\_\_\_\_  
Michael Badagliacco, Mayor

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

## EXHIBIT A

Beginning at the North West Corner of Lot 39 Monumented by a rebar and cap LS 36067; thence S  $88^{\circ}34'22''$  E a distance of 153 feet to a rebar and cap LS 16840; thence S  $01^{\circ}22'22''$  W a distance of 321.06 feet to a number five rebar; thence N  $88^{\circ}10'35''$  W a distance of 151.83 feet to a rebar and cap LS 16840; thence N  $01^{\circ}09'45''$  E a distance of 319.99 feet to the point of beginning.

Containing 1.12 Acres +/-



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: July 7, 2026  
RE: Historic Property Designation Application for Lathrop Hardware

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**City Council Consideration:**

On May 26, 2026, the City of Montrose Historic Preservation Commission considered an application for historic property designation of Lathrop Hardware, located at 439 East Main Street, according to Section 11-3 of the Montrose Municipal Code. The commission voted unanimously to recommend to the City Council for approval as a historic property.

**Staff Analysis:**

In reviewing the application, City staff submitted and the commission concurred with the following findings:

1. The structure meets the eligibility criteria per Montrose Municipal Code 11-3-3 (B) as follows:
  - a. The building is over fifty years old.
  - b. The building is associated with the history of downtown Montrose, having been the site of one of the city's earliest and longest lived hardware stores.
2. The structure has been found to also meet the integrity criteria per Montrose Municipal Code 11-3-3 (C).

**ORDINANCE NO. 2720**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING THE LATHROP HARDWARE, WITH AN HISTORIC ADDRESS OF 439 EAST MAIN STREET, AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 11-3 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE**

WHEREAS, pursuant to Montrose City Code, Chapter 11-3, City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties within the City; and

WHEREAS, by motion approved on May 26, 2026, the City of Montrose Historic Preservation Commission (the “Commission”) determined the Lathrop Hardware building, with an historic address of 439 East Main Street in Montrose, as more specifically described in the legal description below (the “Property”), is eligible for the historic property designation pursuant to Montrose City Code § 11-3-3 as follows: the building is over fifty (50) years old; it is significant for its association with the history of downtown Montrose, having been the site of one of the City’s earliest and longest lived hardware store; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 11-3-3, is eligible for designation as an historic property, and has recommended to the City Council the Property be designated as an historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property’s significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as an historic property; and

WHEREAS, designation of the Property as an historic property is necessary for the prosperity, civic pride, and welfare of the public.

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

**Section 1.** The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

**Section 2.** The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

Lot 22, Block 88, Town of Montrose, now a part of the City of Montrose,  
County of Montrose, State of Colorado.

also known by street and number as 439 EAST MAIN STREET, MONTROSE, CO 81401

**Section 3.** Alteration, additions, and other changes to the building and structures located on the Property will be reviewed for compliance with Montrose City Code § 11-3-5, as currently enacted or hereafter amended.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of July, 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 7th day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

INTRODUCED, READ and ADOPTED on second reading this 21st day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: July 7, 2026  
RE: Historic Property Designation Application for the E.A. Lee Garage

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**City Council Consideration:**

On June 23, 2026, the City of Montrose Historic Preservation Commission considered an application for historic property designation of the E.A. Lee Garage, located at 219 East Main Street, according to Section 11-3 of the Montrose Municipal Code. The commission voted unanimously to recommend to the City Council for approval as a historic property.

**Staff Analysis:**

In reviewing the application, City staff submitted and the commission concurred with the following findings:

1. The structure meets the eligibility criteria per Montrose Municipal Code 11-3-3 (B) as follows:
  - a. The building is over fifty years old.
  - b. The building is associated with the history of transportation in Montrose, having been an early automotive garage.
2. The structure has been found to also meet the integrity criteria per Montrose Municipal Code 11-3-3 (C).

**ORDINANCE NO. 2721**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING THE E.A. LEE GARAGE, WITH AN HISTORIC ADDRESS OF 219 EAST MAIN STREET, AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 11-3 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE**

WHEREAS, pursuant to Montrose City Code, Chapter 11-3, City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties within the City; and

WHEREAS, by motion approved on July 23, 2026, the City of Montrose Historic Preservation Commission (the “Commission”) determined the E.A. Lee Garage building, with an historic address of 219 East Main Street in Montrose, as more specifically described in the legal description below (the “Property”), is eligible for the historic property designation pursuant to Montrose City Code § 11-3-3 as follows: the building is over fifty (50) years old; it is significant for its association with the history of transportation in Montrose; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 11-3-3, is eligible for designation as an historic property, and has recommended to the City Council the Property be designated as an historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property’s significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as an historic property; and

WHEREAS, designation of the Property as an historic property is necessary for the prosperity, civic pride, and welfare of the public.

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

**Section 1.** The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

**Section 2.** The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

**LOTS 17 AND 18, BLOCK 62, SELIG'S ADDITION TO THE TOWN OF MONTROSE, NOW A PART OF THE CITY OF MONTROSE, EXCEPT AN UNDIVIDED 1/2 INTEREST IN THE WEST WALL, AS CONVEYED TO RUTH G. PARSONS, BY DEED RECORDED JANUARY 23, 1953 IN BOOK 354 AT PAGE 360, COUNTY OF MONTROSE, STATE OF COLORADO.**

also known by street and number as 219 EAST MAIN STREET, MONTROSE, CO 81401

**Section 3.** Alteration, additions, and other changes to the building and structures located on the Property will be reviewed for compliance with Montrose City Code § 11-3-5, as currently enacted or hereafter amended.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of July, 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 7th day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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

INTRODUCED, READ and ADOPTED on second reading this 21st day of July, 2026.

\_\_\_\_\_  
Michael Badagliacco, Mayor

ATTEST:

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



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: City Council  
FROM: William Reis, Senior Planner  
DATE: July 7, 2026  
RE: Horseshoe Ridge Subdivision Amended Preliminary Plat

**ATTACHMENTS**

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

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**City Council Consideration:**

City Council shall consider approving, denying, or approving with conditions the Horseshoe Ridge Subdivision Amended Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

**Applicant:** Donald Walker and Teresa Walker

**Application Background:**

The Horseshoe Ridge Subdivision is located in southern Montrose, and is partially developed. This amended preliminary plat consists of 5 residential lots on Outlot B of the Horseshoe Ridge Subdivision Filing No. 2, also addressed as 66391 Crestview Drive. This property also has frontage on Kinikin Road. This application renews a previous preliminary plat within this portion of the Horseshoe Ridge Subdivision. The property is zoned "R-1B" Small Estate District.

The Planning Commission voted to recommend approval of the Horseshoe Ridge Subdivision Amended Preliminary Plat during the June 10, 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 Residential Mixed Density Low. The Residential Mixed Density Low district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.

### 3. Zoning Regulations:

- Municipal Code, Section 11-7-5 (A)(3): The "R-1B" Small Estate District is intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.
- The proposed use is a use-by-right in the "R-1B" Small Estate District and is compatible with general conditions in the area. The property is adjacent to properties that are zoned "R-1B" Small Estate District, and properties outside of City limits.

### 4. The Horseshoe Ridge Subdivision 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:**

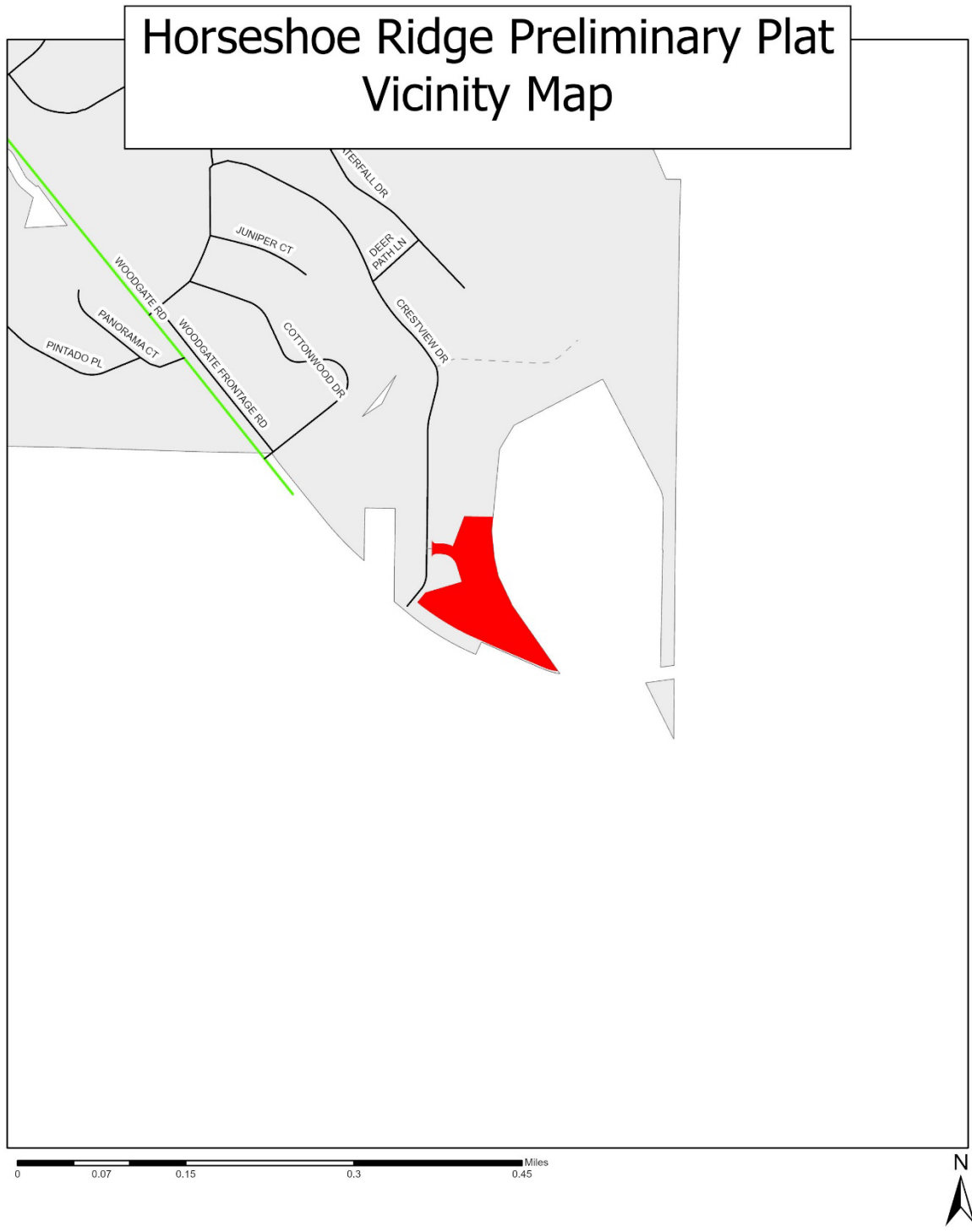
The Planning Commission recommended approval of Horseshoe Ridge Subdivision Amended Preliminary Plat during the June 10, 2026 meeting. It was a unanimous vote. “The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal 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:**

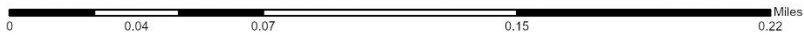
1. Accept the Planning Commission recommendation and approve The Bridges at Black Canyon Filing No. 11 Amended Preliminary Plat with the following conditions. “The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal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



EXHIBIT A: Area Maps



# Horseshoe Ridge Preliminary Plat Zoning Map

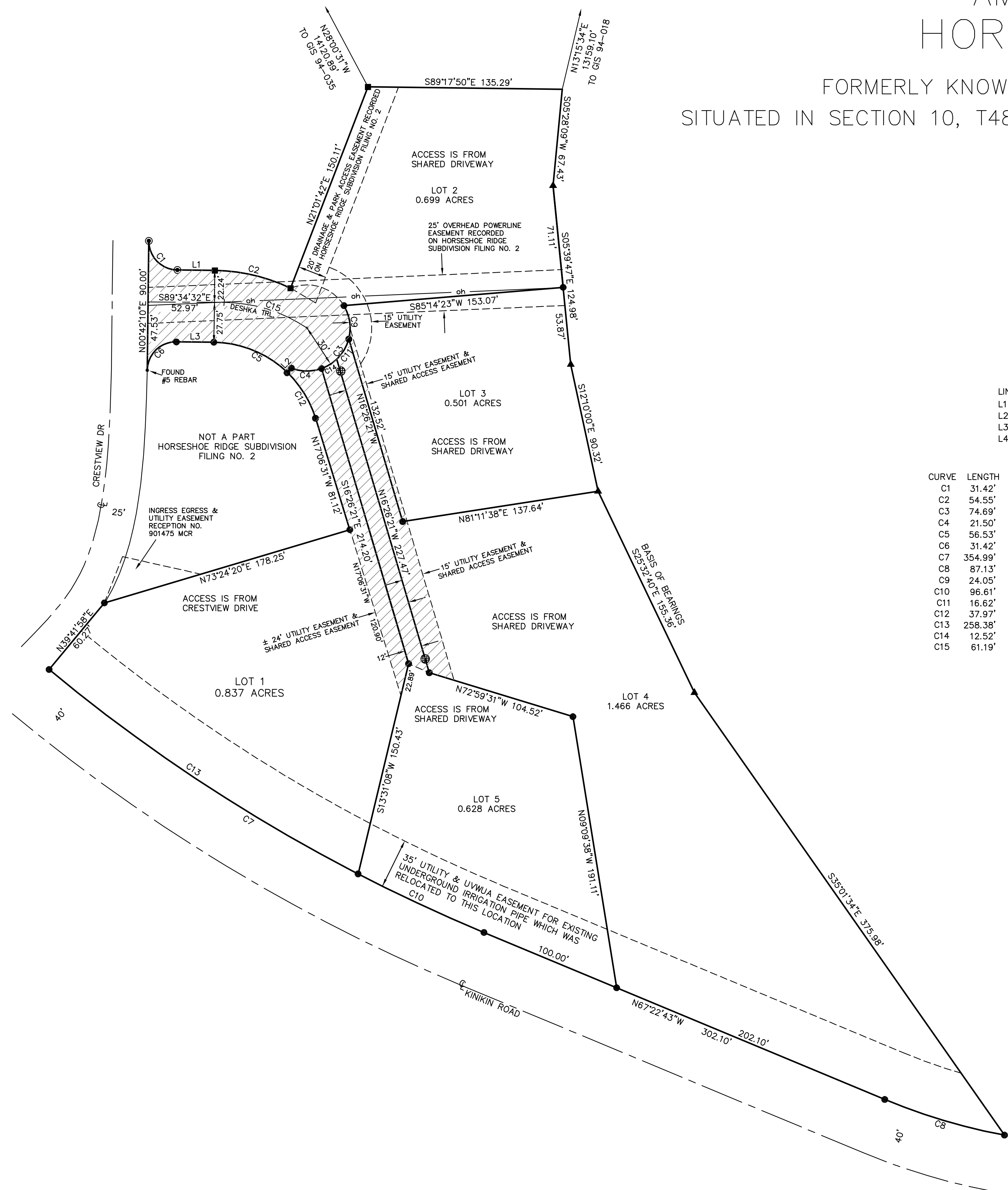






# AMENDMENT TO PRELIMINARY PLAT HORSESHOE RIDGE SUBDIVISION

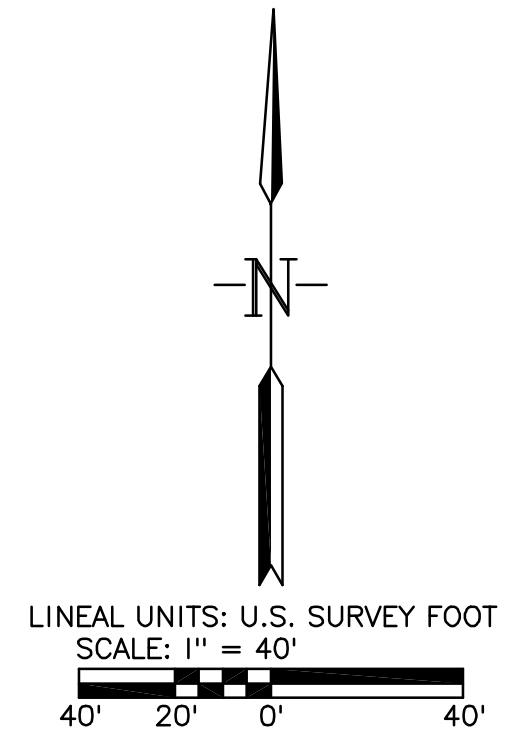
FORMERLY KNOWN AS OUTLOT B, HORSESHOE RIDGE SUBDIVISION FILING NO. 2  
SITUATED IN SECTION 10, T48N, R9W, N.M.P.M., CITY AND COUNTY OF MONTROSE, STATE OF COLORADO



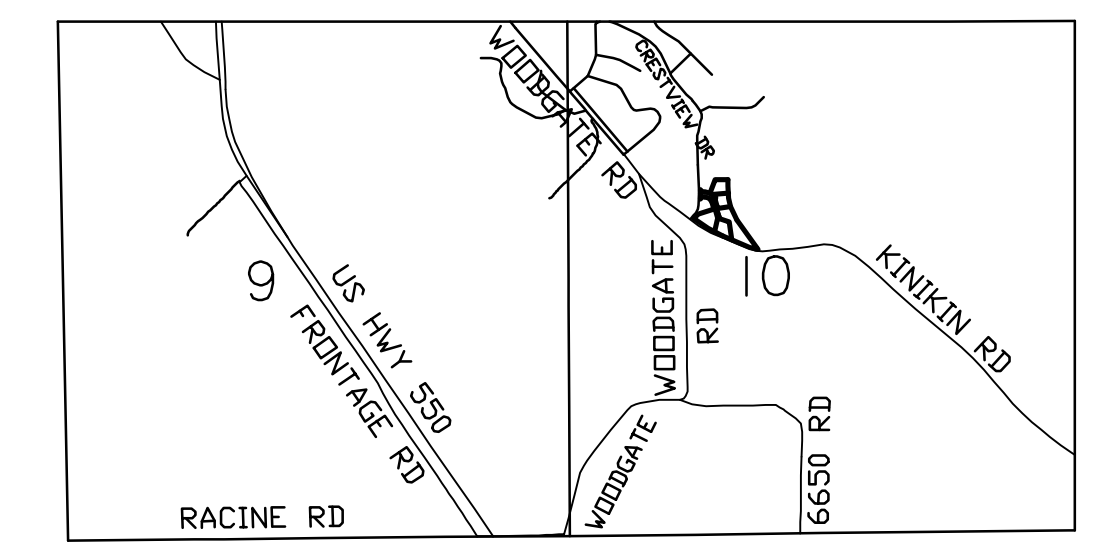
| LINE TABLE |                     |  |  |
|------------|---------------------|--|--|
| LINE       | COURSE              |  |  |
| L1         | S89°17'50"E, 26.12' |  |  |
| L2         | S43°37'45"W, 4.08'  |  |  |
| L3         | N89°17'50"W, 26.12' |  |  |
| L4         | N73°24'19"E, 12.84' |  |  |

| CURVE TABLE |         |          |            |                     |
|-------------|---------|----------|------------|---------------------|
| CURVE       | LENGTH  | RADIUS   | DELTA      | CHORD               |
| C1          | 31.42'  | 20.00'   | 90°00'00"  | S44°17'53"E 28.28'  |
| C2          | 54.55'  | 125.00'  | 25°00'08"  | N76°47'46"W 54.11'  |
| C3          | 74.69'  | 30.00'   | 142°38'33" | S40°05'09"W 56.84'  |
| C4          | 21.50'  | 30.00'   | 41°03'14"  | S89°07'12"E 21.04'  |
| C5          | 56.53'  | 75.00'   | 43°11'03"  | N67°42'19"W 55.20'  |
| C6          | 31.42'  | 20.00'   | 90°00'00"  | S45°42'12"W 28.28'  |
| C7          | 354.99' | 1191.00' | 17°04'40"  | S58°50'23"E 353.68' |
| C8          | 87.13'  | 413.00'  | 12°05'16"  | S73°25'21"E 86.97'  |
| C9          | 24.05'  | 30.00'   | 45°56'01"  | N08°16'07"W 23.41'  |
| C10         | 96.61'  | 1191.00' | 04°38'52"  | N65°03'17"W 96.59'  |
| C11         | 16.62'  | 30.00'   | 31°44'10"  | N30°33'58"E 16.41'  |
| C12         | 37.97'  | 75.00'   | 29°00'18"  | N31°36'41"W 37.56'  |
| C13         | 258.38' | 1191.00' | 12°25'48"  | N56°30'57"W 257.87' |
| C14         | 12.52'  | 30.00'   | 23°55'08"  | N58°23'37"E 12.43'  |
| C15         | 61.19'  | 105.00'  | 33°23'22"  | S72°52'51"E 60.33'  |



- LEGEND**
- ▲ = FOUND REBAR AND SURVEY CAP LS #1760
  - = FOUND REBAR AND SURVEY CAP LS #15933
  - = FOUND REBAR AND SURVEY CAP LS #12180
  - ⊙ = SET REBAR AND SURVEY CAP LS #12180
  - ⊘ = MAN HOLE
  - ▨ = SHARED ACCESS & UTILITY EASEMENT



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

|   |   |
|---|---|
| CF: 25-36 HSR F3<br>Plot Scale: 1" = 40'<br>Book: 791 Page: 1                                 | AMENDMENT TO PRELIMINARY PLAT<br>HORSESHOE RIDGE SUBDIVISION  |
| DATE: 10/10/25<br>REVISIONS:<br>12/1/25 per review<br>1/21/26<br>3/9/26 per review<br>4/27/26 | FORMERLY KNOWN AS OUTLOT B,<br>HORSESHOE RIDGE SUBDIVISION FILING NO. 2<br>SITUATED IN SECTION 10, T48N, R9W, N.M.P.M.,<br>CITY AND COUNTY OF MONTROSE, STATE OF COLORADO |
|   | FOR: DON & TERRY WALKER<br>66391 CRESTVIEW DR<br>MONTROSE, CO 81403<br>970.596.6996   |
|   | <b>MESA SURVEYING INC.</b><br>P.O. Box 1287 Montrose, CO 81402<br>(970)-240-9994  |
| Sheet: 2 of 2   | File No. 25-36  |

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**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:

- 
- (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)

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**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

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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;

- 
- (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

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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

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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)

