

ORDINANCE NO. 2366

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REENACTING THE CITY'S ZONING REGULATIONS AND OFFICIAL ZONING MAP PURSUANT TO § 4-4 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City's Zoning Regulations and Official Zoning Map are updated from time to time;

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

Chapter 4-4 of the Official Code of the City of Montrose, Colorado, as such has been amended from time to time, is hereby repealed in its entirety along with all ordinances which have amended it and is reenacted to read as follows in Exhibit "A".

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on first reading on Tuesday, the ____ day of _____, 2016, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2016.

David Romero, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this ____ day of _____, 2016.

David Romero, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT “A”

Chapter 4-4

ZONING REGULATIONS

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4-4-1: GENERAL PROVISIONS

- (A) This Chapter, as amended from time to time, and the March, 2016 Revised Zoning Map of the City as amended from time to time, may be cited as the City’s zoning regulations or Zoning Ordinance.
- (B) The purpose of these zoning regulations is to promote the public health, safety and welfare.
- (C) The City hereby declares that the regulation and development of land, including regulation by these zoning regulations, is exclusively a matter of local and Municipal concern, and any provisions of any statute or regulation of the State in conflict with the provisions of these zoning regulations, or any limitation imposed by any statute or regulation of the State otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by State law with respect to land development regulations and zoning even though not specified within this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.
- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any Federal, State or local law or regulation, shall be considered a “use by right”, a “conditional use”, or a “lawful non-conforming use” under this Chapter, in any zoning district within the city limits of the City of Montrose.
- (E) A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate state statutes and regulations.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.
- (F) No use shall be established or maintained in a district that will result in any public or private nuisance.

4-4-2: DEFINITIONS

The following words and terms shall be defined as follows for the purpose of these zoning regulations:

ACCESSORY USE:	<p>A use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use. A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time.</p> <p>Home occupations which meet the criteria set out in subsection 4-4-4(A) shall be considered an accessory use to a residence in all districts.</p> <p>Renewable energy facilities are considered an accessory use to a residence.</p>
BUILDING LINE:	A line parallel to a property line beyond which no exposed portion of a building other than its eaves extends.
CHILD CARE FACILITY:	Any facility, including a residence, which provides less than 24 hour care and supervision for minor children other than children of the family living in the residence but excluding schools.
CONDITIONAL USE:	A use which is permitted only after review and approval pursuant to Section 4-4-26 and 4-4-31.
DUPLEX:	A single residential building with two dwelling units.
DWELLING UNIT:	An area in a building containing cooking, living and sanitary facilities designed for use and used by a single family for residential purposes.
FAMILY:	One or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults.
FUELING STATION:	Any building or lot having facilities for the sale of gasoline, diesel and other fuels for use by motor vehicles, and which may include incidental facilities for service and minor repair of motor vehicles.
GOVERNMENT BUILDINGS AND FACILITIES:	Any building or facility owned and operated by the United States of America, the State of Colorado, the City of Montrose, or any agency or political subdivision thereof.

HOME OCCUPATION: Any commercial activity, whether for profit or nonprofit, conducted within a dwelling unit.

HOMEOWNERS' ASSOCIATION: Any entity whether a corporation, partnership, unincorporated association, or other entity existing for the purpose of maintaining commonly owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved.

MANUFACTURED HOUSING: Single Family Homes substantially or entirely manufactured in a factory which are moved on site in substantial component parts, including modular homes, and those manufactured and certified pursuant to 42 USC 5401 *et seq.* or manufactured pursuant to other construction standards. Manufactured Housing for single family homes is allowed only in the "MHR", "R-5", and "R-6" zoning districts, and manufactured housing for duplexes is allowed only in the "R-6" zoning district. Manufactured housing for multiple family residences is allowed only in the "R-6" zoning district as a conditional use. All of these uses are subject to specified performance criteria. Manufactured housing may be allowed as specified in an approved REDO application. Manufactured Housing is prohibited elsewhere in the City except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

MOBILE HOME: A single family home substantially or entirely manufactured in a factory which is moved on site in substantial component parts, including homes commonly known as mobile homes, and those manufactured and certified pursuant to 42 USC 5401 *et seq.* or manufactured pursuant to other construction standards, as stipulated in Chapter 4-12 of this Code. Travel homes as defined below shall not be considered a mobile home, as defined herein.

MULTIPLE FAMILY RESIDENCE: Any residence with three or more dwelling units in a single building.

NONCONFORMING USE: A use which does not comply with the use regulations, dimensional requirements or other regulations of these zoning regulations.

PUBLIC UTILITY

SERVICE FACILITIES: Transmission and distribution facilities for natural gas, electricity, and telecommunications necessary to provide service to customers located in the various districts of the City, such as pipes, lines, mains, wires, transformers, valves, and other related appurtenances, but not including buildings, offices, and production or generation facilities.

SETBACK: The perpendicular distance between a property line and the building line.

**RECREATIONAL
VEHICLE PARK:**

Travel home and travel home park are defined as defined in Chapter 12 of this Title.

USE: The activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

USE-BY-RIGHT: A use which is permitted or allowed in the district involved, without review by the Review Board, and complies with the provisions of these zoning regulations and other applicable City Ordinances and regulations.

4-4-3: ZONING MAP

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection. Periodically copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.
- (C) The regulations for the various residential, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map, shall be construed to follow the center lines of streets, to follow platted lot lines or the lines of undivided parcels of property, or to follow the City limits when the boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

4-4-4: RESIDENTIAL DISTRICTS

The Residential Districts described in Section 4-4-4.1 through 4-4-10 are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are set out in Section 4-4-23 for each district.

(A) Home Occupations: Home occupations may be conducted within a dwelling unit in any district as an accessory use only if the following criteria are met:

- (1) An application must be submitted with a fee as set by Resolution and referred to in the City Regulations Manual. Additionally, City and State sales tax licenses must be obtained if sales taxable by the City or State sales taxes are to be made.
- (2) The occupational activity and storage of any items used or sold in the occupation must be entirely within the dwelling unit. Neither the occupational activity nor any storage may be conducted within or utilize any garage, detached buildings, or other place upon the premises other than the residence itself.
- (3) Only the residents of the dwelling unit may be engaged in the home occupation.
- (4) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off of the premises.
- (5) The home occupation activity shall not utilize or occupy more than twenty percent (20%) of the floor area of the dwelling unit.
- (6) Off-street parking shall be required for both the residential and the commercial activity in accordance with the requirements of Section 4-4-23.

4-4-4.1: "RL" RURAL LIVING DISTRICT

(A) Intent: The "RL" Rural Living District provides for overall low density by allowing farms and ranches and clustered development with open space and is designed to dovetail with allowed County residential densities.

(B) Uses by Right:

- (1) Single family homes.

- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks, open space and recreation facilities owned or operated by a homeowner's association.
- (5) Golf courses.
- (6) Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.
- (7) Accessory uses.

(C) Conditional Uses:

- (1) Schools.
- (2) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (3) Places of worship.

4-4-4.2: "R-1" VERY LOW DENSITY DISTRICT

(A) Intent: The "R-1" Very Low Density District provides for overall very low density residential development.

(B) Uses by Right:

- (1) Single family homes.
- (2) Public utility service facilities
- (3) Government buildings and facilities.
- (4) Parks, open space and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.

(C) Conditional Uses:

- (1) Schools.
- (2) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (3) Places of worship.

4-4-5: "R-1A" LARGE ESTATE DISTRICT AND "R-1B" SMALL ESTATE DISTRICT

(A) Intent: The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide an area of large single family residential lots with semi-rural environment.

(B) Uses by Right:

- (1) Single family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.

(C) Conditional Uses:

- (1) Places of worship.
- (2) Schools.
- (3) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the

residence, in accordance with state statutes and regulations.

4-4-6: "R-2" LOW DENSITY DISTRICT

(A) Intent: The "R-2" Low Density District is intended to provide a quiet, low density development for single family residences. Environmental protection is provided by allowing only single family residences along with certain other compatible land uses.

(B) Uses by Right:

- (1) Single family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.

(1) Child care facilities.

A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate state statutes and regulations.

(C) Conditional Uses:

- (1) Places of worship.
- (2) Schools.
- (3) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

4-4-7: "R-3" MEDIUM DENSITY DISTRICT

(A) Intent: The "R-3" Medium Density District is intended to provide an area which is suitable for single family homes and duplexes. The District provides for other uses which are compatible with such uses.

(B) Uses by Right:

- (1) Single family homes and duplexes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Places of worship.
- (6) Accessory uses.
 - (1) Child care facilities.

A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate state statutes and regulations.

(C) Conditional Uses:

- (1) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.
- (2) Skilled nursing and assisted living facilities.
- (3) Multiple family residences.
- (4) "Bed and breakfast" operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than two bedrooms for rent in

the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.

- (5) Schools.

4-4-7.1 "R-3A" MEDIUM HIGH DENSITY DISTRICT

(A) Intent: The “R-3A” Medium High Density District is intended to provide an area which is suitable for single family homes, duplexes and multi-family residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.

(B) Uses by right:

- (1) Single family homes, duplexes, multi-family residences.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner’s association.
- (5) Places of worship.
- (6) Accessory uses.

(1) Child care facilities.

A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate state statutes and regulations.

(C) Conditional uses:

- (1) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (2) Skilled nursing and assisted living facilities.
- (3) Schools.

4-4-8: "R-4" HIGH DENSITY DISTRICT

(A) Intent: The "R-4" High Density District is intended to provide for high density multiple family residences and to allow variable densities. This allows variety in the types of residences.

(B) Uses by Right:

- (1) Single family homes, duplexes, and multiple family residences.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Places of worship.
- (6) Accessory uses.

(1) "Bed and Breakfast" operations operated solely by the residents of a residence providing no more than four bedrooms for rent in the dwelling unit and the only meal provided on the premises shall be breakfast to the renters. The lot shall be at least 6,250 square feet and at least 3,125 square feet per rental bedroom.

(2) Child care facilities.

A child care facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a child care facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate state statutes and regulations.

(C) Conditional Uses:

- (1) Skilled nursing and assisted living facilities.

- (2) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (3) Schools.

4-4-8.1: "R-5" LOW DENSITY / MANUFACTURED HOUSING DISTRICT

(A) Intent: The "R-5" Low Density / Manufactured Housing District is intended to provide a quiet, low density development for single family residences. Environmental protection is provided by allowing only single family residences with certain other compatible land uses. Manufactured housing meeting the performance standards of Subsection (D) below is allowed.

(B) Uses by Right:

- (1) Single family homes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.

(C) Conditional Uses:

- (1) Places of worship.
- (2) Schools.

(D) Performance Standards:

- (1) Single family homes must have a minimum roof pitch of 3.5:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) Each single family home must have an accessory garage.

4-4-8.2: "R-6" MEDIUM DENSITY / MANUFACTURED HOUSING DISTRICT

(A) Intent: The "R-6" Medium Density / Manufactured Housing District is intended to provide a quiet, medium-density development for single family residences and duplexes. Manufactured housing meeting the performance standards of Subsection (D) below is allowed.

(B) Uses by Right:

- (1) Single family homes and duplexes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner's association.
- (5) Accessory uses.

(C) Conditional Uses:

- (1) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (2) Skilled nursing and assisted living facilities.
- (3) Multiple family residences.
- (4) "Bed and breakfast" operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
- (5) Schools.
- (6) Places of worship.

(D) Performance Standards:

- (1) Single family homes must have a minimum roof pitch of 3.5:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) Duplexes must have a minimum roof pitch of 3.5:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet per dwelling unit, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.

4-4-9: "MHR" MANUFACTURED HOUSING RESIDENTIAL DISTRICT

(A) Intent: This District is intended to provide a suitable environment for single family conventional and mobile homes and is designed to allow a high density of single family residences and related uses.

(B) Uses by Right:

- (1) Single family homes.
- (2) Manufactured housing/single family homes
- (3) Mobile homes.
 - (1) Mobile home parks.
- (4) Government buildings and facilities.
- (5) Parks and recreation facilities owned or operated by a homeowner's association.
- (6) Places of worship.
- (7) Public utility service facilities.
- (8) Accessory uses.

(C) Conditional uses:

- (1) Skilled nursing and assisted living facilities.
- (2) Rental storage units with a maximum rental unit size of 200 square feet.
- (3) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

(4) Schools.

(D) Mobile home parks shall comply with the requirements of Chapter 12 of this Title, in addition to these zoning regulations. Chapter 12 of this Title shall control with respect to any conflict with these regulations.

4-4-10: "OR" OFFICE-RESIDENTIAL DISTRICT

(A) Intent: The "OR" Office-Residential District is intended to allow for a mix of offices and residences in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.

(B) Uses by Right:

(1) Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.

(2) Single family homes.

(3) Duplexes.

(4) Government buildings and facilities.

(5) Places of worship.

(6) Parks and recreation facilities owned or operated by a homeowner's association.

(7) Public utility service facilities.

(8) Child care facilities.

The facility must comply with all appropriate state statutes and regulations.

(9) "Bed and breakfast" operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than four bedrooms for rent in

the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.

- (10) Hospitals.
- (11) Parking facilities.
- (12) Accessory uses.

(C) Conditional uses:

- (1) Multi-family residences.
- (2) Skilled nursing and assisted living facilities.
- (3) Offices not allowed as a use by right.
- (4) Schools.
- (5) Retail sales and services establishments which cater to the general shopping public.

(D) Performance Standards:

Buildings with offices must be architecturally compatible with the residential character of the area and comply with City design standards.

4-4-11: COMMERCIAL DISTRICTS

The Commercial Districts provided for in Sections 4-4-11.1 through 4-4-15 are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner. Dimensional requirements are set out in Section 4-4-22, and off-street parking requirements are found in section 4-4-23.

4-4-11.1: "P" DISTRICT

(A) Intent: The Public District provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.

(B) Uses by Right:

- (1) Government buildings and facilities.
- (2) Schools.

- (3) Libraries.
- (4) Public museums and visitor centers.
- (5) Public parks.
- (6) Public recreation land and facilities.
- (7) Private recreation facilities.
- (8) Open space corridors.
- (9) Places of worship.
- (10) Parking facilities.
- (11) Renewable energy facilities.
- (12) Accessory uses.

(C) Conditional Uses:

- (1) Commercial businesses.
- (2) Single family homes.
- (3) Multiple family residences.
- (4) Golf courses.
- (5) Child care facilities.

A child care facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with state statutes and regulations.

- (6) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

4-4-12: "B-1" CENTRAL BUSINESS DISTRICT

- (A)** Intent: The "B-1" District is intended as a shopping and business center for the City and surrounding area. The most intensive commercial use of buildings and

land is encouraged with parking primarily of public concern. No off-street parking is required, except where otherwise specified. This District is oriented to pedestrian traffic.

(B) Uses by Right:

- (1) Retail stores, business and professional offices, and service establishments which cater to the general shopping public.
- (2) Libraries and museums.
- (3) Government buildings and facilities.
- (4) Public utility service facilities.
- (5) Private and fraternal clubs.
- (6) Theaters.
- (7) Restaurants and taverns.
- (8) College or other place of adult education.
- (9) Fueling stations which comply with the following criteria:
 - (a) All fuel storage, except propane, shall be located underground.
 - (b) All fuel pumps, lubrication and service facilities shall be located at least 20' from any street right-of-way line.
- (10) Places of worship.
- (11) Child care facilities.
- (12) Parks and Playgrounds.
- (13) Accessory uses.
- (14) Hotels and motels (off-street parking required).
- (15) Single family homes, duplexes, and multiple family residences (off-street parking required).
- (16) Parking facilities.
- (17) Public transportation facilities.

(18) Renewable energy facilities.

(C) Conditional Uses:

(1) Schools.

(2) Funeral homes.

(3) Building materials businesses.

(4) Automobile and other vehicle sales or service establishments.

(5) Automobile body shops.

(6) Distribution, warehouse and wholesale operations.

(7) Drive-in or drive-thru restaurants.

(8) Storage facilities.

(9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) Businesses that need outdoor storage are not compatible with this district.

4-4-13: "B-2" HIGHWAY COMMERCIAL DISTRICT

(A) Intent: The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This District provides for the convenient exchange of goods and services along the major thoroughfares of the City.

(B) Uses by Right:

(1) Those listed in the "B-1" District as "uses by right".

(2) Self-service laundry facilities.

(3) Drive-in or drive-thru restaurants.

(4) Car washes.

(5) Child care facilities.

- (6) Rental storage units inside a building.
- (7) Veterinary clinics or hospitals for small animals.
- (8) Skilled nursing and assisted living facilities and hospitals.
- (9) Retail building material supply businesses.
- (10) Parking facilities.
- (11) Renewable energy facilities.

(C) Conditional Uses:

- (1) Those “conditional uses” listed for the “B-1” District.
- (2) Recreational Vehicle parks and campgrounds.
- (3) Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) The following uses are not to be construed as a “use by right” or “conditional use” in the “B-2” Highway Commercial District:

- (1) Farm implement sales or service establishments.
- (2) Construction and contractor’s equipment storage facilities.
- (3) Machine and welding shops.
- (4) Manufacturing and industrial uses except as allowed by Subsection 4-4-13(C)(3).
- (5) Storage facilities (small rental storage units are allowed see Section 4-4-13(B)(7)).

(E) Performance Standards: No use shall be established, maintained or conducted in any “B-2” Highway Commercial District that will result in any public or private nuisance.

4-4-13.1: "B-2A" REGIONAL COMMERCIAL DISTRICT

(A) Intent: "B-2A" Regional Commercial District is intended for a full spectrum of retail and services uses including both convenience goods and general merchandise.

(B) Uses by Right:

- (1) Uses listed as "uses by right" in the "B-2" and "B-1" Districts.
- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Veterinary clinics or hospitals for large animals.
- (8) Automobile body shops.
- (9) Automotive repair and service establishments.
- (10) Parking facilities.
- (11) Renewable energy facilities.

(C) Conditional Uses:

- (1) Uses listed as conditional uses in the "B-1" and "B-2" Districts.
- (2) Warehouses and storage facilities.
- (3) Manufacturing uses allowed in the "I-1" Light Industrial District.
- (4) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) The following uses are not to be construed as a "use by right" or a "conditional use" in the "B-2A" Regional Commercial District:

- (1) Manufacturing and industrial uses, except as allowed by Subsections 4-4-13.1(C)(1) and 4-4-13.1(C)(3).
- (2) Above ground storage facilities for hazardous fuel.
- (3) Construction and contractor's equipment storage facilities.
- (4) Animal boarding facilities.

(E) Performance Standards:

- (1) Manufacturing and storage associated with manufacturing shall be indoors.
- (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

4-4-14: "B-3" GENERAL COMMERCIAL DISTRICT

(A) Intent: The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers.

(B) Uses by Right:

- (1) Uses listed as "uses by right" in the "B-1", "B-2" and "B-2A" Districts.
- (2) Automobile and vehicle sales or service establishments.
- (3) Farm implement sales or service establishments.
- (4) Mobile home sales or service establishments.
- (5) Building materials sales establishments.
- (6) Rental businesses.
- (7) Feed storage and sales establishments.
- (8) Veterinary clinics or hospitals for large animals.
- (9) Automobile body shops.
- (10) Automotive repair and service establishments.

- (11) Construction and contractor's office and equipment storage facilities.
- (12) Above ground storage facilities for hazardous fuels.
- (13) Parking facilities.
- (14) Renewable energy facilities.

(C) Conditional Uses:

- (1) Uses listed as conditional uses in the "B-1", "B-2" and "B-2A" Districts.
- (2) Warehouses and storage facilities.
- (3) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) The following uses are not to be construed as a "use by right" or a "conditional use" in the "B-3" General Commercial District:

- (1) Manufacturing and industrial uses except as allowed by subsection 4-4-14(C)(1).

(E) Performance Standards:

- (1) Manufacturing and storage associated with manufacturing shall be indoors.
- (2) No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

4-4-15: "B-4" NEIGHBORHOOD SHOPPING DISTRICT

(A) Intent: The "B-4" Neighborhood Shopping District is intended to provide for retail shopping and services on a parcel or parcels of land collectively no greater than approximately five acres in size, with a convenient location relative to residential neighborhoods.

(B) Uses by Right:

- (1) Government buildings and facilities.
- (2) Public utility service facilities.

- (3) Retail stores, business and professional offices and service establishments which cater to the general shopping public.
- (4) Restaurants.
- (5) Self-service laundry facilities.
- (6) Places of worship.
- (7) Single family homes, duplexes, and multiple family residences.
- (8) Child care facilities.

(C) Conditional Uses:

- (1) Fuel stations or other retail uses having fuel pumps.
- (2) Drive-in or drive-thru restaurants.
- (3) Car washes.
- (4) Rental storage units inside a building.
- (5) Taverns.
- (6) Private and fraternal clubs.
- (7) Schools.
- (8) Renewable energy facilities.
- (9) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) The following uses are not to be construed as a “use by right” or a “conditional use” in the “B-4” Neighborhood Shopping District:

- (1) Automobile or vehicle sales or service establishments
- (2) Farm implement sales or service establishments.
- (3) Trailer home or mobile home sales or service establishments.
- (4) Feed storage and sales establishments.

- (5) Veterinary clinics or hospitals.
- (6) Automobile body shops.
- (7) Construction and contractor's equipment storage facilities.
- (8) Machine and welding shops.
- (9) Warehouse and storage facilities (small rental storage units are allowed - see Section 4-4-15(C)(4)).
- (10) Manufacturing and industrial uses.

(E) Performance Standards:

- (1) All uses shall be easily accessible by pedestrians from surrounding areas and shall provide appropriate sidewalk connections to the surrounding sidewalk system.
- (2) Common access and shared parking is required for multiple tenants and encouraged for multiple parcels.
- (3) Landscaping shall be reasonably compatible with that existing in the neighborhood.
- (4) Buildings shall be architecturally compatible with the residential character of the area and comply with City design standards.

4-4-16: INDUSTRIAL DISTRICTS

The Industrial Districts provided for in Sections 4-4-17 and 4-4-18 provide for normal manufacturing activities and related uses as indicated. No use shall be established, maintained or conducted in any Light Industrial District that will result in any public or private nuisance.

4-4-17: "I-1" LIGHT INDUSTRIAL DISTRICT

(A) Intent: The purpose of the Light Industrial District is to accommodate a limited group of research, manufacturing uses, and transportation hub. This promotes the creation and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial park area.

(B) Uses by Right:

- (1) Uses which meet the intent of subsection (A) and the performance standards of subsection (C) of this section are uses by right. Typical examples of such manufacturing and non-manufacturing uses include: food processing; metal finishing and fabrication; power generation and transformer stations; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities.
- (2) Parks and open spaces.
- (3) Government buildings and facilities, to include airport and accessory uses.
- (4) Public utility service facilities.
- (5) Warehouse and wholesale distribution centers.
- (6) Renewable energy facilities.
- (7) Single family homes, duplexes, and multiple family residences.
- (8) Accessory Uses.
- (9) Aircraft support services, including but not limited to aircraft maintenance and passenger and crew services.

(C) Conditional Uses:

- (1) Any commercial use other than the uses by right which complies with the performance standards of Subsection (C) and is consistent with the intent of Subsection (A) above.

(D) Performance Standards:

- (1) No structure shall be constructed within 100' of an existing residential zone.

4-4-18: "I-2" GENERAL INDUSTRIAL DISTRICT

(A) Intent: The "I-2" General Industrial District allows most industrial and manufacturing uses, provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.

(B) Uses by Right:

(1) Those uses which are uses by right in "I-1" District.

(2) Other industrial uses.

(C) Conditional Uses:

(1) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(D) Performance Standards:

(1) No structure shall be constructed within 100' of a residential or commercial district.

4-4-19: "REDO" REDEVELOPMENT OVERLAY ZONING DISTRICT

(A) The "REDO" Overlay Zone is intended 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. 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) The "REDO" Overlay Zone is an optional set of provisions, which may be utilized by owners of property within the boundaries of said Zone. The "REDO" Overlay Zone's provisions shall not be applicable to any property within the boundaries of said Zone, unless the owner of property therein shall deliver written notice to the City, on forms acceptable to the City, of said owner's intent to utilize the "REDO" Overlay Zone.

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

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

(3) The boundaries of the "REDO" Overlay Zone 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 the Official Code of the City of Montrose, § 4-4-3.

- (4) The purpose of the “REDO” Overlay Zone is to alleviate certain hardships associated with the redevelopment of lots or parcels included within the area platted as lots and blocks on the “Map of Montrose, Colorado with Additions and Subdivisions”, dated April, 1911; applications to re-zone lots or parcels, other than those included on said plat, for the purpose of including them in the “REDO” Overlay Zone, shall be denied.
 - (5) Any requests for use of these “REDO” Overlay Zone 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.
 - (6) “Accessory dwelling unit” shall be defined, for the purposes of this § 4-4-19, as the residential dwelling unit on a lot closest to the alley or rear of said lot; mobile homes, “park models”, and travel homes shall not be included within the definition of “accessory dwelling unit”. Manufactured homes may be allowed at the exclusive discretion of the City.
 - (a) An accessory dwelling unit shall have no setback requirement, and shall not be subject to the 30% rear yard area coverage maximum. However, a ten-foot separation shall be required between the building lines of the primary structure and the accessory dwelling unit.
- (C) Variance applications may be considered as to any requirements set forth in subsections “F” and “G” of this Section. Use of the “REDO” Overlay Zone is expressly declared to be elective on the part of the property owner, and is entirely at the property owner’s discretion.
- (D) Lots equal to 6250 sq. ft. or greater. For lots within the “REDO” Overlay Zone having a size equal to 6250 sq. ft. or greater, the following provisions shall apply:
- (1) Additional Uses by Right:
 - (a) One accessory dwelling unit shall be allowed in addition to the primary dwelling unit. The accessory dwelling unit may be located in a detached manufactured home structure. The detached structure must meet all other applicable dimensional standards in the underlying zoning district, except as modified by this § 4-4-19, as well as all building, and other codes.
 - (2) One off-street parking space shall be required for each dwelling unit, except for those located within an underlying “B-1” zoning district.

- (a) For properties located within an underlying “B-1” zoning district, the City may require that residential parking spaces be leased to provide adequate parking, in the City’s sole discretion.

(E) Lots less than 6250 sq. ft., but greater than or equal to 2075 sq. ft. For lots within the “REDO” Overlay Zone having a size of less than 6250 sq. ft., but greater than or equal to 2075 sq. ft., the following provisions shall apply:

(1) Uses by Right:

- (a) Single Family Homes and manufactured homes.

(2) Setbacks:

- (a) Five foot side setback(s)

(3) Height

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

(4) One off-street parking space shall be required for each dwelling unit, except for those located within an underlying “B-1” zoning district.

(F) Design Criteria made applicable to all lots, regardless of size, within the “REDO” Overlay Zone:

(1) All lots within the “REDO” Overlay Zone 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.

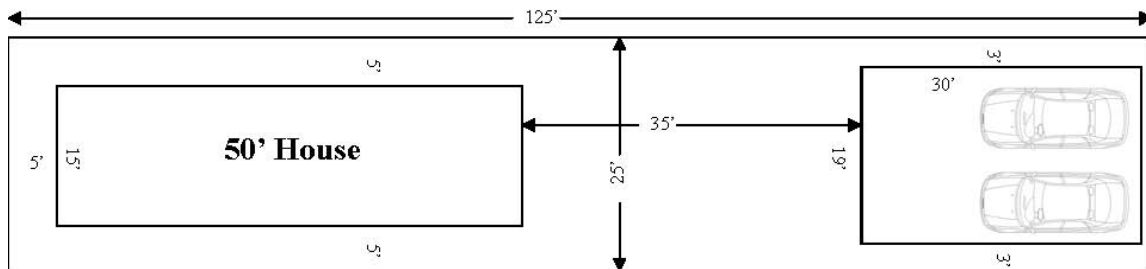
(2) If an alley is present, any garage shall be set back a minimum of five feet, when practicable, from the nearest right-of-way line of said alley.

(3) Please refer to § 3-5-12 (A)(1) of the Official Code of the City of Montrose 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 Zone.

(4) Please refer to § 3-5-12 (G)(4) of the Official Code of the City of Montrose 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 Zone.

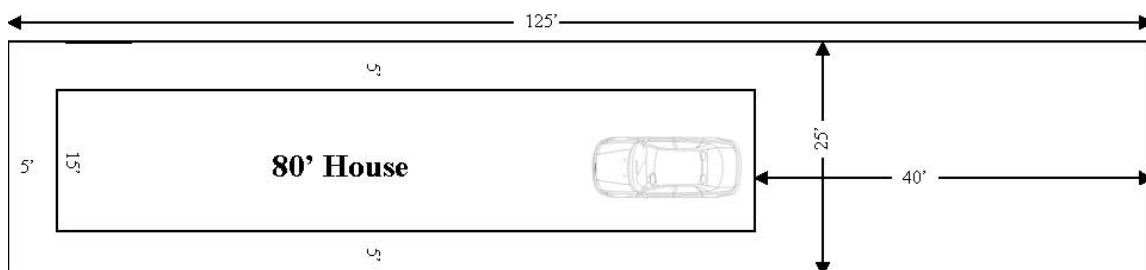
- (G) The subdivision of lots in configurations substantially similar to those shown in figures “3”, “4”, and “5” shall be acceptable in the “REDO” Overlay Zone:

Figure 1



- This conceptual site plan shows a possible layout with a detached two-car garage
- Actual dimensions may vary from those shown
- Note: three-foot garage setback is not allowed on corner lots

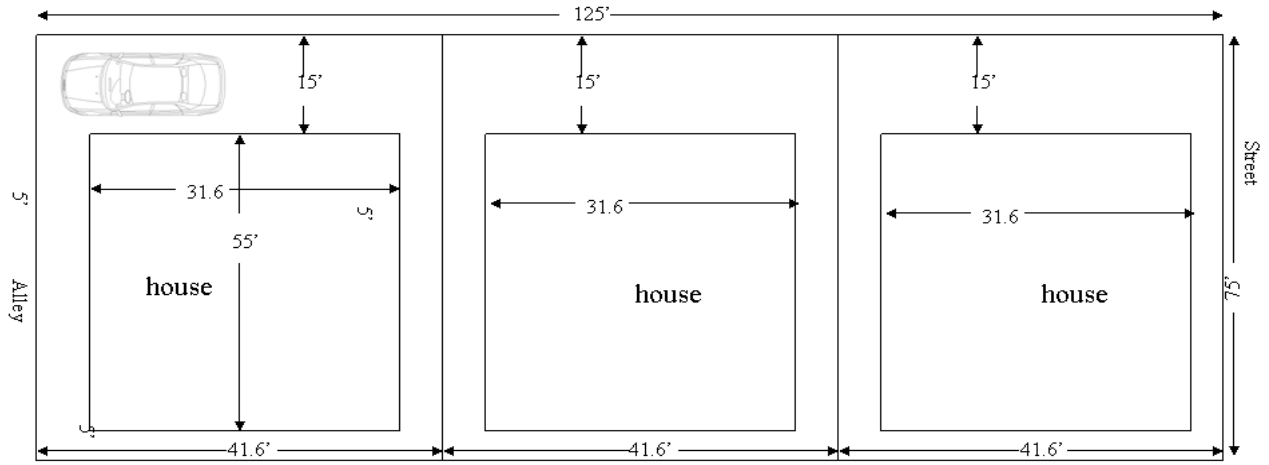
Figure 2



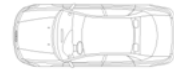
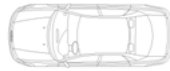
- This conceptual site plan shows a possible layout with an attached one-car garage
- Actual dimensions may vary from those shown.

Figure 3

Potential Subdivision on a 75' corner lot



Street



Drawing not to scale.

Figure 4

Potential Subdivision on 50' corner lot

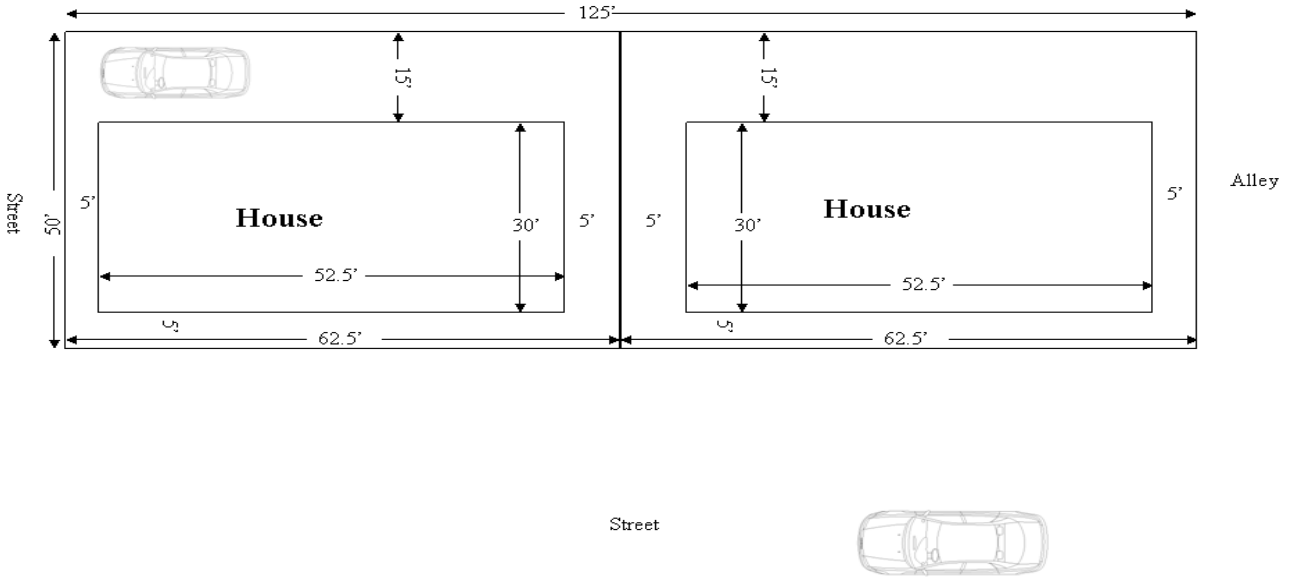
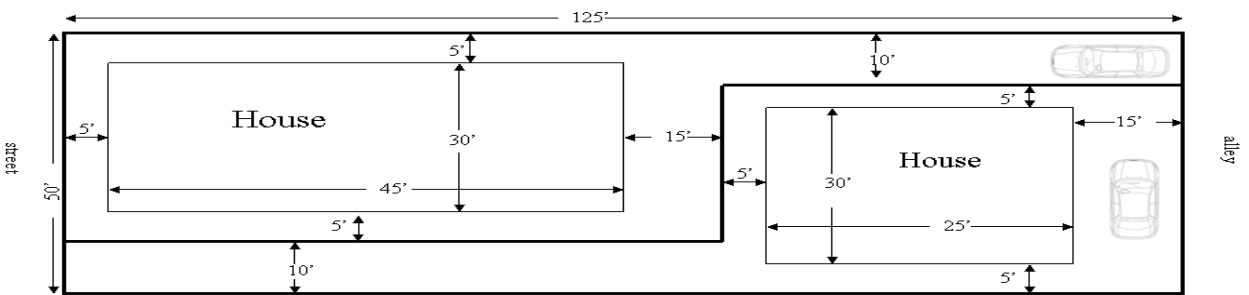
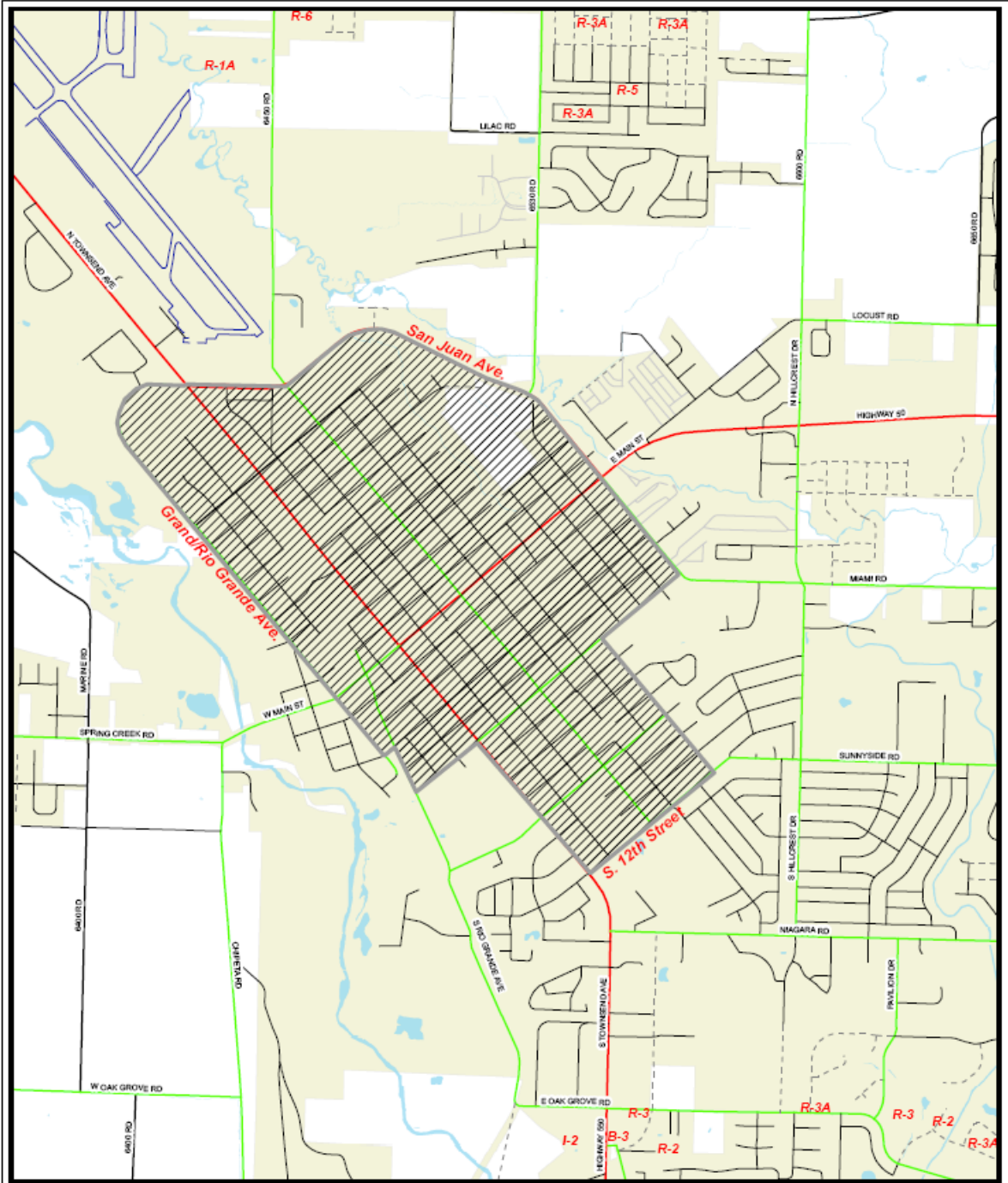


Figure 5

Potential subdivision on a 50' lot



Drawing not to scale.



- Legend**
- City Street and Highway
 - Water
 - Water
 - Water
 - Water
 - Water
 - Water
 - Water
 - Water
 - Water



City of Montrose Infill Overlay District

THE INFORMATION CONTAINED ON THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT INTENDED TO BE USED AS A BASIS FOR ANY LEGAL ACTION OR AS A SUBSTITUTE FOR A PROFESSIONAL SURVEY. THE CITY OF MONTROSE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS MAP. THE CITY OF MONTROSE SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.

Plan No. 0, 200

4-4-20: UNCOMPAHGRE RIVER BUFFER OVERLAY ZONE

Definitions: the following words and terms shall be defined as follows for the purpose of this § 4-4-20:

AVERAGE YEARLY HIGH WATER MARK:

The point on the bank, edge or channel at which the Uncompahgre River’s waters reach their maximum average height on an annual basis; sometimes referred to as “HWM” herein. The average HWM shall be calculated based upon the depth of the Uncompahgre River at a cross-section on the subject property, using a yearly peak flow rate of 2000 cubic feet per second.

DISTURBANCE ENVELOPE:

The area or areas which will be directly affected by a proposed development located within the Uncompahgre River Buffer Zone.

NATIVE VEGETATION:

Species of plants considered indigenous to the State of Colorado by government or reputable academic sources; species of plants that are not listed as “non-native” by agencies of the State of Colorado or the U.S. Bureau of Land Management.

UNCOMPAHGRE RIVER:

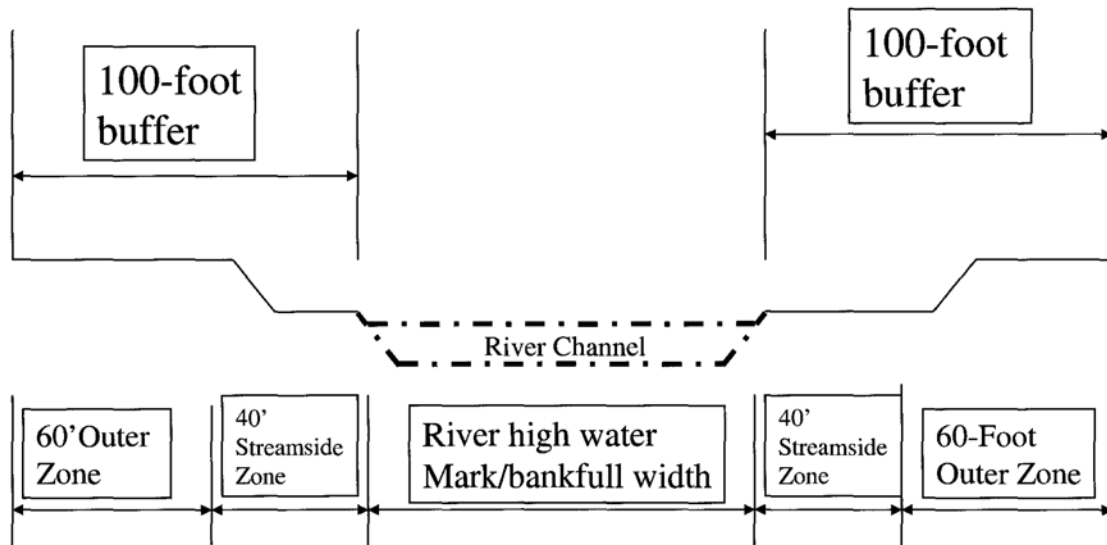
The river flowing through Montrose County, Colorado, shown on the United States Geological Survey, National Hydrologic Survey Map, in the area identified by Hydrologic Unit Code (basin) 14020006, and labeled thereon as the “Uncompahgre River”; also sometimes referred to herein as “the river”.

- (1) The Uncompahgre River Buffer Zone (hereinafter sometimes referred to as “URBZ”) applies to all land lying within 100’ 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).
 - (a) 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 of the City of Montrose; 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.

(1) Nothing in this §4-4-20 shall be used as consideration in a pre-annexation agreement or in a negotiation for annexation of land into the City.

(b) Measurement of the 100' 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.

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



(2) The URBZ provisions shall apply to:

- (a) Any new development requiring a building permit, except for additions less than 20% of the existing building size that do not include any changes to an existing parking lot;
- (b) Any new development requiring site development approval;
- (c) Subdivision or the division of a tract or parcel of land into two or more parcels;

- (d) The improvement of property for any purpose involving construction;
 - (e) Combination of any two or more lots, tracts, or parcels of property for any purpose;
 - (f) Placement of temporary structures that do not require a building permit or site development plan from the City;
 - (g) The preparation of land for any of the above purposes.
- (3) Specific submittal requirements are listed in § 4-1-12 of the Official Code of the City of Montrose, Colorado. Upon submittal of the complete application, with all supporting documentation as may be required, the City Land Use Staff shall provide a review of the same. Following City Land Use 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 of Montrose Planning Commission for review and approval, under procedures set forth below, accompanied by any comments and recommendations from the City Land Use Staff.
- (4) 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.
- (5) 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.
- (6) The URBZ consists of two sub-areas, as follows:
- (a) **Streamside Zone**: this area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40' 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' setback from the HWM

(i.e. the following shall not be placed or performed within the 40' 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' Streamside Zone:
- (a) government buildings and facilities;
 - (b) hard-surfaced trails roughly perpendicular to the river;
 - (c) soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;
 - (d) irrigation facilities (including pump houses)
 - (e) boat put-ins (boat ramps should be soft-surfaced)
 - (f) planting of Native Vegetation;

- (g) bank stabilization, and river or wildlife habitat restoration;
 - (h) other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.
- (3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in § 4-4-28 of the Official Code of the City of Montrose.
- (b) **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 family homes;

- (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% of the linear river frontage of the building; and
 - (ii) At least one public entrance directly facing the river; and
 - (iii) Outdoor common areas, seating and/or dining areas; and
 - (iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and
 - (v) Well concealed trash dumpsters; and
 - (vi) Total building façade 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 family homes are exempt from these performance standards, except for § 4-4-20(6)(b)(1)(c) above, 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 § 4-4-26 of the Official Code of the City of Montrose:
 - (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 § 4-4-20(6)(b)(1)(g), above, the following shall be required:
- (a) A minimum 30' wide vegetated buffer with extensive vertical plantings of Native Vegetation. Said vegetated buffer shall not overlap the 40' Streamside Zone. Tree height at maturity shall be as high or higher than the building(s) being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible. 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.
 - (1) For those zoning districts underlying the URBZ with no side or rear setbacks, the minimum side or rear setbacks shall be ten

feet.

- (c) New buildings, expansions to existing buildings, or parking lots, or driveways shall have a minimum setback of 20' 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 § 4-4-26 of the Official Code of the City of Montrose.
- (7) 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.
- (8) All development within the URBZ shall obtain all applicable local, state and federal permits prior to undertaking any construction or land disturbing activity.
- (9) The provisions of the URBZ shall supersede the provisions of the underlying zone, and any other applicable overlay zone(s), when the provisions of the URBZ are more restrictive.

4-4-21: SUPPLEMENTAL REGULATIONS

(A) Fence, Hedge, and Wall Regulations:

- (1) No fence may be installed until a fence permit has been approved pursuant to this Section. The permit fee will be set pursuant to the city regulation manual.

- (2) For all uses in residential districts, fences and free-standing walls shall not exceed four feet in height when located within the required front yard setback and six feet elsewhere. An eight foot fence may be used in backyards if it does not impede visibility.
- (3) For all uses in commercial and industrial districts, fences and freestanding walls shall not exceed four feet in height when located within the required front yard setback and eight feet elsewhere. An additional two feet shall be allowed for barbed wire where it meets the requirements of Subsection (5) below.
- (4) No fence, free-standing wall, hedge or other plantings shall be located, constructed, or maintained in such a way as to obstruct the view of abutting streets or intersections by motorists and pedestrians
- (5) Electrically charged fences are allowed within the City only if in a location made inaccessible to persons, who would not know the fence is electrified, by virtue of another fence or structure.
- (6) Barbed wire fences are allowed in industrial and commercial districts only if the barbed wire is a minimum of eight feet above the ground. No barbed wire fence may be maintained in other districts unless necessary to confine livestock lawfully kept within the City.
- (7) Temporary fences installed to provide security and protection around a construction site are permitted and need not be in conformance with the standard height requirements set forth in (1) and (2) above.
- (8) Chain-link and similar type fencing of open wire material which does not obstruct views around sports facilities and which is installed for security and safety, sports play, including, but not limited to, tennis courts, baseball outfields, backstops, batting cages, and golf courses are not subject to the height requirements set forth in (1) and (2) above.

(B) Screens:

- (1) Screening shall be required between a non-residential, commercial or industrial use located in any zone and an adjacent residence located in the "OR" or other residential zoning Districts, if the residence was in use as a residence prior to the commencement of the commercial use, and the commercial use will create or is creating unreasonable noise, dust, odor, emanation of light or other conditions which are incompatible with the reasonable enjoyment of the abutting premises as a residence and such conditions can be ameliorated by the erection of screening.

- (2) The screening shall be of a type and design meeting the requirements of the City standards, which will provide significant relief to the affected residence without undue hardship to the commercial activity. Tall thick hedges may be used in lieu of artificial screening.

(C) Canopies and Awnings

- (1) No canopy or other permanent structure, other than an awning unsupported by the ground, or a sign allowed under the provisions of Section 4-4-25, may project over any public right-of-way, except one within a "B-1" District which meets the criteria of this subsection.
- (2) A permit shall be obtained for any awning projecting over any public right-of-way in the B-1 District from the City.
- (3) All awnings shall be a minimum of eight feet above the grade of the right-of-way. No awning shall extend past the curb of the City right-of-way.
- (4) No awning may be installed, permitted or maintained which interferes with City landscaping, streetscape, lights, signs or other use of the right-of-way, or extends over an alley right-of-way.
- (5) No vested right to maintain an awning extending over or upon the public right-of-way shall ever be acquired, and the City may require it to be removed or remove it at any time for any reason in its sole discretion.

(D) Temporary Construction or Sales Office(s)

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 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.

(E) Temporary Use Permits:

- (1) The City Manager or its 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 three months in accordance with this subsection (E).
- (2) The temporary use permit may be issued by the City Manager or its designee only after it determines that unusual circumstances exist, not

created by the applicant, such as damage, destruction or delay in construction of applicants 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 its designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in its opinion. The permit may be granted subject to conditions appropriate to insure compliance with the criteria of this Section.

(F) Antenna and Tower Siting

- (1) Purpose. The purpose of this subsection is to protect residential areas and lands by minimizing adverse impacts of antennas and towers; to encourage the location of antennas and towers in nonresidential zone districts; and to minimize the total number of antennas and towers in the community. In addition, these provisions are established to encourage the joint use of new and existing tower locations; to ensure that towers are located in areas that minimize adverse impacts; to ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate site, landscape screening, and innovative camouflaging techniques. Further, these provisions are established to enhance the ability to provide telecommunications services to the community quickly, effectively, and efficiently; to protect public health and safety; to avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures; to encourage the attachment of antennas to existing structures; and to facilitate the provision of telecommunications services throughout the City.
- (2) Applicability. These provisions shall apply to all towers, antennas, and telecommunication facilities as defined, except any tower or antenna not more than 35 feet in height, and owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive-only facility. Further, high tension electric transmission or distribution line support towers used as mounts for antennas not more than 12 feet in height above the highest point of the said tower shall be permitted in all zoned districts and are exempt from the separation requirements contained in this Section, but shall meet the specific requirements for telecommunications facilities/telecommunications support facilities for towers contained in this Section 4-4-21 and in Chapter 3-7 of the City regulations. Towers, antennas, and telecommunication facilities shall be regulated and permitted pursuant to the provisions of this Section and the provisions contained in Chapter 3-7 of the City regulations and shall not be considered utilities.

- (3) Definitions. For the purposes of this Title, the following definitions shall apply:
- (a) "Antenna(s)" shall mean any exterior transmitting or receiving devices mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals, including, but not limited to antenna used for personal wireless services as defined in 47 U.S.C. 332 (c)(7).
 - (b) "Telecommunications facilities" shall mean the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, promote, or offer telecommunications services.
 - (c) "Tower(s)" shall mean any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.
 - (d) "Tower height" shall mean, when referring to a tower or alternative tower structure, the distance measured from the lowest point within ten feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.
- (4) Location. Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 herein below and the other applicable requirements of City ordinances and regulations. A request to locate a tower, antenna, or telecommunication facility is subject to the provisions of Section 4-4-21 herein below and may be granted only when the goals contained in Section 4-4-21 (F)(1) are met or the following conditions as will advance those goals:
- (a) Moving the location of the tower or antenna to a more appropriate available site;
 - (b) Using a different technology that will lessen the impact of the tower or antenna;
 - (c) Requiring an appropriate alternative tower structure;

- (d) Other actions designed to disguise or otherwise lessen the impact of the tower.
- (5) Application and Review Procedures.
- (a) Application. Each application for a tower shall include all of the following:
 - (i) The first application for a permit by a provider shall include a complete inventory of the provider's existing towers, antennas, or site approved for towers or antennas, that are either within the City or within one thousand (1,000) feet of the City's urban growth boundary and the provider shall also comply with the inventory and tracking requirement of this Section.
 - (ii) A vicinity map drawn to scale showing adjacent land uses that require separation.
 - (iii) Upon the request of the City or their designees, the telecommunications provider shall meet with and provide the requesting official information concerning the proposed system design, which information shall not be reduced to writing and shall be treated as a confidential trade secret.
 - (iv) A scaled set of plans containing the following information:
 - (1) Location and legal description of the proposed site;
 - (2) Type and height of the proposed tower;
 - (3) On-site land uses and zoning;
 - (4) Adjacent roadways;
 - (5) Proposed means of access;
 - (6) Setbacks from property lines;
 - (7) Architectural elevation drawings of the proposed tower and any other telecommunications support facilities;
 - (8) Site topography;

- (9) Parking;
 - (10) A landscape plan showing specific landscape materials;
 - (11) The method of fencing, finished color, and, if applicable, the method of camouflage and illumination.
- (vi) An affidavit from the owner of the property acknowledging that the owner of the property is responsible for the removal of a tower that is abandoned or is unused for a period of 12 months.
- (b) Review Procedure. The review procedure for all applications for locating or relocating towers and/or antennas shall be as provided in Sections 4-4-26 and 4-4-31 of this Code provided, however, that the application must be reviewed by the City Land Use Review Committee prior to submission to the Planning Commission.
- (6) Public Records. The City may share information, except for the confidential proposed system design, with other applicants applying for approval or use exceptions or other organizations seeking to locate towers or antennas in the City, except that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4-4-22: DIMENSIONAL REQUIREMENTS

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

Dist	Use	Minimum Lot			Minimum Setbacks				Max. Bldg Ht.
		Width at Bldg Line	Depth	Size	Front	Rear	Side	Crn Lot	
RL	All	100	150	* * * *	25	20	10	20	35
R-1	All	100	150	1 acre	25	20	10	20	35
R-1A	All	100	150	½ acre*	25	20	10	20	35

Dist	Use	Minimum Lot			Minimum Setbacks				Max. Bldg Ht.
		Width at Bldg Line	Depth	Size	Front	Rear	Side	Crn Lot	
R-1B	All	100	150	1/3 acre*	25	20	10	20	35
R-2	All	N/A	N/A	7500	25	20	6	20	35
R-3	Single family	N/A	N/A	6250	15	25	5	15	35
	all others	N/A	N/A	9375	15	25	5	15	35
R-3A	Single family	N/A	N/A	6250	15	25	5	15	35
	Duplex	N/A	N/A	9375	15	25	5	15	35
	All others	N/A	N/A	lgr 9375 or 2900/unit	15	20	10	15	35
R-4	Single family	N/A	N/A	6250	15	25	5	15	35
	Duplex	N/A	N/A	9375	15	25	5	15	35
	All others	N/A	N/A	lgr 9375 or 2300/unit	15	20	10	15	35
R-5	All	100	120	12,000	25	20	10	20	35
R-6	Single Family	N/A	N/A	7,500	25	20	6	20	35
	All Others	N/A	N/A	9375	25	20	6	20	35
MHR	All except MH Parks**	N/A	N/A	3125	5	10	10	10	35
MHR	MH Parks**	N/A	N/A	6250	12 ***	10	5 ***	12	35
OR	Single Family	50	100	6250	15	15	5	15	35
	Duplexes	50	100	6250	15	15	5	15	35
	All Others	50	100	6250	15	15	5	15	35
B-1	no requirements	no req.	no req.	see subsection 4-4-12(B)(8)	no req.	no req.	no req.	no req.	no req.
B-2	All *****	50	100	N/A	15	N/A	N/A	15	N/A

Dist	Use	Minimum Lot			Minimum Setbacks				Max. Bldg Ht.
		Width at Bldg Line	Depth	Size	Front	Rear	Side	Crn Lot	
B-2A	All *****	50	100	N/A	25	N/A	N/A	25	35
B-3	All *****	50	100	N/A	25	N/A	N/A	25	35
B-4	All *****	N/A	N/A	N/A	25	N/A	N/A	25	35
I-1	All *****	N/A	N/A	½ acre	25	N/A	N/A	25	N/A
I-2	All *****	N/A	N/A	½ acre	25	N/A	N/A	25	N/A
All Zones Except I-1, I-2	Renewable Energy Facilities	N/A	N/A	N/A	25	25	10	25	35
I-1, I-2	Renewable Energy Facilities	N/A	N/A	N/A	25	25	10	25	N/A

- * Garage doors which face an alley require a five foot minimum setback.
- ** Dimensional requirements for mobile home parks are controlled by Chapter 4-12. These provisions shall apply subject to nonconforming use regulations
- *** The front setback or one of the side setbacks shall be a minimum to 20'.
- **** 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 master plan as feasible while remaining economically competitive with allowed County densities.
- ***** Residential uses shall comply with the applicable dimensional requirements as set out for the "R-3A" zone.

(B) Proper dimensional requirements for conditional uses shall be determined in accordance with Section 4-4-22 and 4-4-26, provided, that as a general rule, they shall be no less strict than the dimensional requirements specified for uses-by-right in the district concerned or as specified for the use concerned in a zone in which it is a use-by-right. Provided, further, that the following minimum lot sizes shall apply to duplexes and multi-family residences when allowed as a conditional use:

<u>District</u>	<u>Use</u>	<u>Minimum Lot Size</u>
R-3 & R-6	Multi-Family Residence	the larger of 9375 or 2900 per dwelling unit
OR	Multi-Family Residence	the larger of 9375 or 2900 per dwelling unit

(C) Additional Dimensional Requirements:

- (1) Fueling stations must comply with the dimensional requirements set out in subsection 4-4-12(B)(9) in any district.
- (2) 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% of the rear yard area.
- (3) In a block where a setback line has been established by existing structures 50% or more of the block, the average setback of the existing buildings may be used as the minimum setback.

4-4-23: OFF-STREET PARKING

- (A)** The intent of off-street parking requirements is to alleviate the need of residents, customers, employees or visitors of any use to park on the street in order to improve the safe and convenient movement of traffic on City streets.
- (B)** Each lot or leased premises shall provide a minimum number of off-street parking spaces as specified in subsection (C). If a use is not identified in the table, the City may determine the required minimum number of parking spaces.
- (C)**

Single Family Homes & duplex	Two spaces per dwelling unit
Multifamily (three units and above)	One and a half spaces per dwelling unit
Assemblies including but not limited to places of worship, other religious assemblies, movie theatres, performance theatres, entertainment venues, and funeral homes	One parking space for every six seats in main seating area or one parking space per 50 square feet if not permanent seating
Hospitals, nursing homes, group homes, skilled nursing and assisted living facilities	One parking space for every three resident or patient rooms

Retail stores, service establishments, general office, general business	Buildings under 10,000 square feet: One parking space per 250 square feet of gross floor area Buildings over 10,000 square feet: One parking space per 300 square feet of gross floor area
Restaurants and lounges, including restaurants with counter service	One parking space per 100 square feet of gross floor area
Drive-in and Drive-thru business	One parking space per 100 square feet of gross floor area, plus adequate room off-public right of way for four cars queuing at the window and behind the ordering location
Car wash	One parking space for every bay, plus adequate room off public right of way for two cars queuing in front of each bay
Car rental and leasing	One parking space per 1,000 square feet of gross floor area
Car dealerships and automobile repair or service	One parking space per 375 square feet of sales and service building gross floor area
Day care	One parking space per 375 square feet of gross floor area
Building material and lumberyard businesses	One parking space per 375 square feet of sales and service building gross floor area
Hotels and motels	One parking space for every guest room, plus one parking space per 600 square feet of meeting/conference area
Bed and Breakfasts	One parking space for every guest room, plus two parking spaces for each dwelling unit
Gas stations, auto service shops	Four parking spaces, plus one parking space for every enclosed auto stall
Bowling alleys	Two and a half spaces per every 1000 square feet of gross floor area
Medical clinics and offices	Three parking spaces for each examination room
All industrial; wholesale industrial;	One parking space per 1,000 square feet of gross floor area
REDO District (Separate application required)	One space per dwelling unit
B-1 District	No off-street parking required

(D) Bicycle Parking:

- (1) Bicycle parking is encouraged. Inverted “U” racks and “hitching post” styles are the most versatile and consume the least amount of space. Each “U”/“hitching post” rack is considered to provide two bicycle parking spaces.
- (2) The required vehicular parking may be reduced by one vehicular space for each six bicycle spaces provided.
 - (a) Racks and other fixtures must be securely affixed to the ground and allow for the bicycle to be locked and chained. The design of bicycle racks and fixtures may be included in final site plans and should be separately marked.
 - (b) Bicycle parking spaces shall be located within 75 feet of the primary entrance to the building(s). Areas used for bicycle parking spaces shall provide an all-weather surface, have adequate drainage, and lighting. Bicycle parking may not be located where it would impede pedestrian movement.
- (3) Bicycle parking spaces shall be a minimum six feet in length. Bike racks shall be separated a minimum of 30 inches side to side. Where more than one row of bicycle parking is provided, rows of bicycle parking shall provide a 48 inch minimum aisle.

(E) General Requirements:

- (1) Parking spaces shall be sized and designed in accordance with standard City specifications and the provisions of the site development requirements of this Code. All spaces and maneuvering areas shall be paved and maintained in good and safe condition, subject to the following exceptions:
 - (a) Spaces required for employee parking in industrial zoning districts need not be paved if:
 - (i) The employee parking area is delineated and physically separated from the general public parking areas;
 - (ii) The employee parking area conforms to City specifications for street sub-base and base course, per plans to be approved by the City Engineer, and

- (iii) General public parking and access areas in all cases shall be paved in accordance with City specifications.
 - (b) Equipment yards and storage areas in commercial and industrial zoning districts need not be paved if
 - (i) Such areas are delineated and physically separated from general public parking areas;
 - (ii) The equipment and storage areas conform to City specifications for street sub-base and base course, per plans to be approved by the City Engineer; and
 - (iii) General public parking and access areas in all cases shall be paved in accordance with City specifications.
 - (c) Driveways or parking/maneuvering areas directly adjacent and accessing an unpaved public right of way need not be paved.
- (2) Variances to these requirements shall only be allowed in strict accordance with the provisions of Section 4-4-28 of this Code. All variances shall require a restrictive covenant, enforceable by the City, to be recorded on forms approved by the City, limiting the use of the property accordingly.
- (3) Shared parking lots are allowable as long as the aggregate spaces required are provided, and a recorded covenant or lease agreement or plat restriction, on forms approved by the City, allows for exclusive use of the parking by the premises, and further allow the City to enforce maintenance of the parking area.
- (4) Off-street parking requirements may be subject to partial credit of one space for every two spaces of lawfully developed on-street parking within the public right-of-way adjoining the premises, on local and collector streets, in accordance with the provisions of Section 4-1-13 of this Code and the City Regulations Manual.

4-4-24: PLANNED DEVELOPMENT (P.D.)

- (A) 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 and to provide for procedures and requirements for multi-building residential development.
- (B) General Provisions:

- (1) A planned development must be in substantial conformity with the City's master plans.

No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section, or unless the property is subdivided pursuant to City Subdivision Regulations. Provided all other applicable Municipal Code provisions are satisfied, this subsection is not intended to prohibit the issuance of building permits for property that has obtained:

- (a) a PD Plan; or
 - (b) a Subdivision Preliminary Plat; or
 - (c) an approved Final Plat.
- (2) A minimum of 20% of the gross area of the Planned Development must be preserved as parks or open space.
 - (3) The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
 - (4) 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) Parks, open space, growing of agricultural crops, golf courses; and "uses by right" and "conditional uses" in the zone or zones in which the PD is located shall be permitted when approved as part of the Planned Development.
- (2) Planned Developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
- (3) Residences may be clustered, including the use of duplexes and multi-family residences.
 - (a) Planned Developments containing six or fewer units may be approved by following the administrative procedures set forth in §

4-4-24 (C)(4) of the Official Code of the City of Montrose, Colorado.

- (b) The twenty percent (20%) open space requirement applicable to Planned Developments shall be optional for those Planned Developments meeting the standards set forth in subsection 4-4-24 (C)(3)(a) herein.
- (c) Developments containing airspace units with undivided interests in common areas, shall show and describe said airspace units in three dimensions on the plat thereof. Developments of this type shall be known as “Condominiums”, and shall be labeled as such on the plat thereof.
- (d) Developments having zero lot-line setbacks, but containing non-airspace-only units, may not be required to show said units in three dimensions on the plat thereof, though certain party wall details may be required, in the City’s sole discretion. Developments of this type shall be known as “Townhomes”, and shall be labeled as such on the plat thereof. Townhomes shall include the underlying real property, and shall typically include yard area not encumbered by limited or general common elements, when applicable.

(4) Administrative P.D. Procedures:

- (a) All lots or tracts are adjacent to a dedicated and accepted public street; and
- (b) The lots are part of a subdivision or P.D. plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records; and
- (c) All improvements required by applicable City ordinances and regulations, including those related to P.D. Plans, are already in existence and available to serve each lot, or secured; and
- (d) No part of the Administrative P.D. has been approved as part of an Administrative P.D. within three years prior to the date of submission of the Administrative P.D. plat; and
- (e) No material changes to prior restrictions or easements are proposed; and
- (f) Provisions of §§ 4-7-9 (B) through and including (E) shall apply.

- (g) Approval of an Administrative P.D. 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 P.D. requirements, and proceed through the applicable approval process.

(D) 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 will promote the public health, safety and welfare. 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.

(E) 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 Chapters 4-7. 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) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's master plans and promotes the public health, safety and welfare.
- (3) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.
- (4) The Planned Development Plan as approved shall be recorded.
- (5) The final PD plan may be treated as a vested right if and only if the following procedures are met:

- (a) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
- (b) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested right in said plan which shall be subject to the provisions and limitations of C.R.S. §§24-68-103, 104 and 105, as may be amended from time to time. For purposes of these provisions, PD plan shall mean the same as a "site specific development plan" as defined in the aforementioned statutes.
- (c) Vested rights shall include only the final PD plan as approved, and shall not include the sketch plan or preliminary plat thereof, architectural plans, construction plans, variances, conditional uses, public utility filings and other related documents.

(F) Required Improvements:

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 4-7, and security therefore shall be provided as set out in Section 4-7-8.
- (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 Section 4-7 except as modified by the 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.
- (5) Enforcement and Amendments:

- (a) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended, C.R.S. 1973, 24-67-101, et seq. as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by Section 4-7-8 of the City's subdivision regulations, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.
- (b) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan.

4-4-25: SIGN REGULATIONS

(A) Purpose and Intent:

- (1) It is the purpose of this Section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. The provisions in this Section are intended to:
 - (a) Enable the identification of places of residence and business.
 - (b) Allow for the communication of information necessary for the conduct of commerce.
 - (c) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
 - (d) Enhance the attractiveness and economic well-being of the City as a place to live, vacation and conduct business.
 - (e) Protect the public from the dangers of unsafe signs.
 - (f) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
 - (g) Encourage signs that are appropriate to the zoning district in which they are located.

- (h) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
 - (i) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
 - (j) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- (2) On private property and traditional public fora, subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. A noncommercial substitution of message may be made without any additional approval or permitting; a commercial substitution of message shall require approval and permitting as set forth herein. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- (3) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section and/or any other provisions are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the validity or enforceability of any other prohibition herein.

(B) Definitions:

ANIMATED SIGN: Any sign or part of a sign which changes, or appears to change, physical position by any movement or rotation, including search lights, streamers, balloons, inflatable signs and figures, and air or wind-driven signs.

BULLETIN BOARD SIGNS: A sign used for the purpose of notification to the public of an event or occurrence of public interest such as a church service, school activity, political rally, civic meeting or other similar event.

CANOPY or HANGING SIGN:	A sign suspended from a permanent roofed structure. Canopy or hanging signs are allowed in all zones.
DISPENSER TYPE DISPLAY:	A facility whose primary purpose is to dispense goods and products including gas pumps, beverage, candy or ice machines, wiper blades, motor oil displays or similar products.
ELECTRIC SIGN:	Any sign containing electrical wiring, or including signs illuminated by an exterior light source.
ELECTRONIC READER BOARD:	Any sign that displays text over a fixed background by digital or electronic means.
ELECTRONIC SIGN:	Any sign that contains a digital or electronic display that can be changed, similar to a computer or television screen.
FLASHING SIGN:	Any electronic or illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.
FREE STANDING SIGN:	A non-movable sign which is entirely supported by one or more uprights, poles, braces, or base in or upon the ground. Free standing signs are allowed in all zones.
HOME OCCUPATION SIGN:	A sign intended to advertise a home occupation.
PORTABLE SIGN:	Signs designed to be physically moved and changed periodically to attract attention to a special circumstance, price or sale situation.
PRIMARY SIGN:	A sign related to or facing on a public right-of-way.
PRINCIPAL STREET FRONTAGE:	The street or frontage with the highest functional classification under the most current version of the City's comprehensive or master plan.
PROJECTING SIGN:	A sign (other than a wall sign) which projects from and is supported by a wall of a building. Projecting signs are allowed only within commercial zones.

ROOF SIGN: A sign erected upon or constructed directly over any part of the roof or parapet of a building whether or not actually attached to the roof.

SIGN: An object or device which is used for the primary purpose of conveying a message by means of letters, numbers, figures, symbols, colors or other similar medium. The sign definition shall exclude on premise directional signs used for the sole purpose of providing information related to access to the premise, house numbers, and any signs which are required by local, State or Federal laws, so long as the City determines that the intent of this Section is maintained. Signs merely describing a secondary commercial use or business within a structure shall not be considered directional signs.

- SIGN AREA:**
- (1) The area of signs with regular geometric shapes shall be measured using standard mathematical formulas. Regular geometric shapes shall include, but not be limited to, squares, rectangles, triangles, parallelograms, circles, or combinations thereof.
 - (2) The area of signs with irregular shapes or of individual letter signs shall be the entire area within a single continuous perimeter of not more than eight straight lines enclosing the extreme limits of the sign.
 - (3) The total measured area of a sign shall include the area of all writing, representation, lines, emblems or figures contained within all modules, together with any air space, material or color, forming an integral part or background of the display if used to differentiate such sign from the backdrop or structure against which it is placed.
 - (4) On all signs other than projecting signs, the sign area shall be figured on one side only.
 - (5) The area of all freestanding signs shall include the area of the sign face(s) as calculated in subsections one through four above, together with any portion of the sign structure which exceeds 75% of the area of the sign face(s). The intent of this subsection is to encourage architectural decoration, ornamentation, or embellishment without deducting from the allowed sign area.

SECONDARY SIGN: A sign on a public right-of-way or alley in addition to the primary sign.

TEMPORARY SIGN: Any sign, banner, pennant, valance, or advertising display constructed of cloth, cardboard, wallboard, or other light materials, with or without frames.

VEHICLE: “Vehicle” means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes any bicycle, but such term does not include any wheelchair, or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

VEHICLE-MOUNTED SIGNS: Any sign affixed to or mounted upon any type of Vehicle, as the term “Vehicle” is defined herein.

WALL SIGN: Any sign attached to or erected with the exposed face of the sign parallel to the wall of a building or structure. Wall signs are allowed in all zones.

WINDOW SIGN: A temporary or permanent sign attached to the window of a building.

(C) General Provisions:

- (1) All allowed signs, except temporary signs, official traffic control devices, signs and notices erected, owned and maintained by the City of Montrose, signs within outdoor athletic venues, such as ballparks, golf courses, football fields, and soccer fields which are directed to spectators and participants in a manner to minimize visual impact outside of the venue, window and portable signs, and dispenser type displays, shall require a sign permit, on forms acceptable to the City, issued by the City Manager or its designee following the same procedure as a building permit, and with administrative fees as set forth in the City of Montrose Regulation Manual. Said permits shall include an elevation drawing of all proposed and existing signs, and a plot plan showing the proposed location of the subject sign(s) on the permittee’s property.
- (2) Signs shall identify or advertise only that activity conducted on the premises upon which the sign is located, except for the following circumstances:
 - (a) Collective identification signs for churches and service clubs.
 - (b) Signs within the boundary of a new subdivision unless less than ten percent of the lots remain for initial sale.

- (c) Signs on City owned property.
 - (d) Signs within outdoor athletic venues, such as ballparks, golf courses, football fields, and soccer fields which are directed to spectators and participants in a manner to minimize visual impact outside of the athletic venue.
 - (e) Signs included within a coordinated sign plan.
 - (f) All signs whether on or off premises shall be located on a premises with a permanent building consisting of a foundation and at least 500 square feet of floor area.
 - (g) Signs described in subsection 4-4-25(A)(2) and signs allowed by 4-4-25 (D)(5).
 - (h) Circumstances specifically provided for elsewhere in this Section 4-4-25.
- (3) No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring their vision or obstructing their travel.
 - (4) The color or format shall not resemble or conflict with traffic signs or signals, as shown or described by the Manual of Uniform Traffic Control Devices (MUTCD), as amended from time to time.
 - (5) All signs must be maintained in good repair.
 - (6) Illumination of signs shall be arranged to reflect away from residential properties, and shall otherwise comply with Chapter 4-13.
 - (7) This Section is not intended to control or limit appropriate seasonal decorations which do not constitute a public nuisance or hazard.
 - (8) Dispenser type displays such as soft drink machines, gasoline pumps, tire displays and ice machines, with information printed by the manufacturer on the dispenser shall be allowed without a permit, provided the City determines they are not detrimental to the general appearance and character of the area.
 - (9) Signs may be placed on City property by other parties only if authorized by the City or specifically allowed by City ordinances or regulations, a revocable encroachment permit, easement, or other specific authorization. The City may issue a revocable encroachment permit to the owner of

abutting premises on street rights of way with at least a one hundred foot right of way width, on terms appropriate to protect the City's interests, when the area encroached is not currently needed for vehicular or pedestrian traffic, so long as no nuisance or safety hazard will be created. Signs placed on City property without authorization are subject to removal and disposal by the City.

- (10) Existing signs on nonconforming uses may be permitted to continue for as long as the nonconforming use exists, but may not be extended or altered in any way.

(D) Special Requirements:

- (1) No rotating, flashing, roof, or animated signs or signs containing a moving message shall be permitted. This does not prohibit scrolling signs in windows.
- (2) Time and temperature signs shall be permitted in all commercial and industrial zoning districts. Electronic reader boards and electronic signs, and any portion of the sign face thereof may be changed no more frequently than once every eight seconds. Non-electronic changeable signs shall not be changed more often than once every eight seconds. Use of electronic reader boards and electronic signs shall be limited to the "B2", "B2-A" and "B3" zoning districts, and said signs shall be no larger than 48 square feet. The City may inspect the settings for electronic reader boards and electronic signs at any time during business hours for the business operating the sign, to determine compliance with these provisions.
 - (a) The burden shall be upon the applicant for a sign permit to prove compliance with applicable provisions of the City's outdoor lighting ordinances and regulations. (Municipal Code Title 4-13)
- (3) Window and electric signs shall only be permitted in commercial and industrial zones, except that a sign may be permitted in a window to temporarily advertise property for sale or rent.
- (4) Each business may have one temporary sign or banner at a time, in all non-residential zoning districts without a permit so long as the sign or banner is no larger than 64 square feet in area, complies with applicable height limitations, is maintained in accordance with subsection 5(c), and does not interfere with the reasonable use of adjoining property, or create a nuisance. The area of such a temporary sign shall not be included in the maximum sign area subject to a permit.
- (5) Festivals, fairs, markets, commercial or non-commercial sales, and public

events shall obtain a Special Event sign permit for all signage, and shall be exempt from the temporary sign limitations of 5(a), provided said festival, fair, market, commercial or non-commercial sale or event is open for public use no more than 96 consecutive hours, or four calendar days (including those times when the festival, fair, market, commercial or non-commercial sale or event is not in actual operation). The sign face area of Special Event signs shall not be included in the maximum sign area subject to a sign permit. All signage related to the festival, fair, market commercial or non-commercial sale or event shall be promptly removed at the conclusion thereof. Festivals, fairs, markets, commercial or non-commercial sales, and public events may obtain Special Event sign permits up to 12 times per calendar year; said permits may run consecutively. Balloons, streamers, flags and pennants may be allowed up to the maximum height of a freestanding sign allowed in the zone in which the event is located. All balloons of any shape must fit within a three-foot cube (three feet high x three feet deep x three feet wide). Human-held and human-powered signs, and live costumed advertisers or performers shall also be allowed; all other animated signs not listed specifically in this paragraph shall be prohibited. All signage subject to a Special Event sign permit shall be on-premise. The permit may contain conditions as appropriate to protect the reasonable use of adjoining property, and the public.

- (6) Temporary signs not maintained in good condition, including but not limited to those that have faded, torn, become tattered, droopy, hazardous, or un-tethered, shall be removed or repaired. Temporary signs not maintained in good condition shall be considered a nuisance, and may be abated by the City in accordance with the City's nuisance abatement procedures. The City's sight triangle requirements shall apply to temporary signs, and all signs used pursuant to a Special Event sign permit.
- (7) One portable sign per business or use may be erected without a City sign permit in all commercial zones, not to exceed 16 square feet in sign area and four feet in height, in addition to the maximum sign area permitted as indicated in the tabulated provisions of this Section. The permittee shall be required to obtain additional permits from other agencies, if required by law. Such signage shall not create a nuisance; nuisances created by such signs may be abated in accordance with the City's nuisance laws.
 - (a) In the "B-1" zone only, a business may place one portable sign directly in front of, or directly beside their business premises, so long as the sign does not create a traffic or other safety hazard, or unreasonably impede pedestrian traffic on the sidewalk, and conforms substantially to the design guidelines developed by the applicable retail merchants' association or downtown merchants'

association for such signs, if any; responsibility for enforcement of said retail merchants' design guidelines shall not be upon the City.

- (8) Development Identification Signs: developments, including subdivisions, planned developments, multi-family dwelling complexes, mobile home parks, and industrial parks, may have a total of two signs. The sign message shall be limited to identifying the development and businesses therein. The total sign area of the two signs taken together shall not exceed 80 square feet. No part of either sign shall exceed ten feet in height. Such signs are not allowed upon any City property, including public rights-of-way. The signs shall be kept in good repair by the sign owner or owner of the appurtenant property.
- (9) The permanent sign base of a freestanding sign shall have an aggregate width of at least 40% of the width of the sign cabinet or face. All supporting structures of a freestanding sign shall match the primary finish and colors of the associated building(s).
 - (a) One freestanding sign shall be permitted per multi-tenant lot or parcel.
 - (b) 150 square feet of landscaping shall be required around the base of any freestanding sign located within 50 feet of a public right-of-way.
 - (c) Permanent freestanding signs 12 feet or lower in total height shall be exempt from the 40% base width requirements set forth in this Section, provided that the sign shall have a sign face area not to exceed 40 square feet per sign face.
- (10) If a business has more than one frontage on streets and alleys, it may have one additional wall sign not to exceed 32 square feet.
- (11) The maximum sign area and number of signs allowed by the table contained in the tabulated provisions of this Section shall apply to a lot or parcel which has more than one separately owned or operated business or function thereon. The allowable sign area shall be computed based upon the linear feet of principal street frontage. The total allowable sign area may be apportioned by the owner or landlord of said lot or parcel to each of the businesses or functions on the lot or parcel, which may each then have one separate primary sign per street and/or parking lot frontage. The total area of such signs with respect to such lot or parcel shall be limited to the maximum set forth in the tabulated provisions of this Section.

- (a) One freestanding sign shall be allowed per lot or parcel, as set forth in subsection (D)(8) herein; the area of any freestanding signage shall be counted toward the maximum allowed signage area.
- (12) Sight triangle provisions: for traffic safety reasons, whenever practicable, a 15' minimum setback shall apply to all freestanding signs in all zoning districts, except "B-1".
- (13) A projecting sign shall be a minimum height of nine feet above ground level. A projecting sign shall not extend more than five feet over the public right-of-way, and it shall not be higher than the roofline of the building at the point where it is attached. An encroachment permit on forms acceptable to the City, as set forth in Chapter 9-8 herein, shall be required for signs projecting over City-owned rights-of-way. Other agencies may have requirements in addition to those set forth herein.
- (14) The maximum sign area permitted per business or function present upon a single lot or parcel shall be as specified in the table contained in the tabulated provisions of this Section. Where the maximum sign area is based upon a computation determined by the linear feet of principal street frontage, the allowed maximum shall be applied to the entire lot or parcel, regardless of the number of businesses or functions thereon, in accordance with the provisions of subsection 10 of this Section.
- (15) All vehicle-mounted signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than 18 inches above the surface to which they are attached; and any sign which is mounted upon the roof, hood or trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two square feet in area per face.
 - (a) Banners displayed on vehicles shall be subject to the provisions contained in Section 4-4-25 (D)(5).

(E) Non-conforming Signs:

- (1) The following non-conforming signs may continue to be used and maintained only in accordance with and subject to the limitations, criteria and requirements of this subsection
 - (a) Signs which were or are lawfully erected and maintained under applicable existing Federal, State and County regulations prior to and at the time of annexation to the City and which have been or are maintained as legally non-conforming signs in accordance with

City regulations thereafter; and

- (b) Signs which were or are lawfully erected and maintained in accordance with City sign regulations in effect at the time of their erection, but which became or become non-conforming on account of subsequent amendment to the City sign regulations.
 - (c) Signs which would otherwise not be permitted may be temporarily allowed, for a period of up to 12 months, in the discretion of the City Manager or its designee, if an emergency, hardship, or new business in that location requires such temporary forbearance from this section, and the owner submits a cash escrow in the amount of 150% of the estimated cost, to the City for installation of signage compatible with current City regulations.
- (2) Signs which are non-conforming in the following respects shall not be permitted and shall be brought into conformity immediately, or upon annexation, notwithstanding any other provision of this subsection.
- (a) Any rotating, flashing or animated sign
 - (b) Any sign which was erected in violation of the requirements of applicable Federal, State, County or City regulations in effect at the time of erection.
 - (c) Any sign which creates a hazard to pedestrians or vehicular traffic by creating sight barriers, by having a color or format which resembles or conflicts with traffic control devices, or otherwise.
 - (d) Any sign which is not maintained in reasonably good repair or which creates a safety hazard to persons or property.
 - (e) Any sign which creates a public or private nuisance.
- (3) Signs which were lawfully non-conforming on February 1, 1984 or upon annexation subsequent thereto may be used and maintained only substantially as such sign existed on February 1, 1984 or the date of annexation. No material change or alteration may be made which increases the nonconformity, or which alters the size or the message of the sign; provided, however, ordinary maintenance of the sign is permitted.
- (4) The right provided herein to maintain a nonconforming sign shall be terminated and the sign removed or brought into compliance with these regulations along with any other signs related to the same business under the following conditions:

- (a) Abandonment of the sign, abandonment or termination of the related business, or an interruption in continuance of the related business for a period of 90 days.
- (b) A change in the name of the business or change in the sign message.
- (c) A violation of any provision of this Section by the owner or party in lawful possession of the sign. The destruction of the sign, or damage to the sign such that the cost of repair is greater than 50% of the replacement cost of the sign.

(F) Coordinated Sign Plan Regulations:

(1) General Provisions:

- (a) The Coordinated Sign Plan Regulations as enacted by Ordinance 2155 shall continue in full force and effect solely as to properties which have recorded a Coordinated Sign Plan Declaration of Covenants. The Declarant, its heirs, successors and assigns may at any time elect to record a document revoking said Declaration of Covenants, making the property encumbered thereby subject to the current version of the Sign Code.

(G) Tabulated Provisions:

The following tabulated provisions apply with respect to the zones and uses indicated.

Zoning District	Maximum Number of Signs	Maximum Square Footage of Signs Per Lot – All Signs Combined	Maximum Height of a Freestanding Sign	Maximum Size of a Freestanding Sign*
B-1	Two Primary One Secondary**	The lesser of one and a half ft ² per linear foot of principal street frontage or 200 ft ²	20'	Single tenant: 96 ft ² Multi-tenant: 144 ft ²
B-1A, B-4	Two Primary One Secondary**	The lesser of 1 ½ ft ² per linear foot of principal street frontage or 200 ft ²	ten feet	Single tenant: 96 ft ² Multi-tenant: 144 ft ²
B-2, B-2A, B-3	Two Primary One Secondary**	The lesser of one and a half ft ² per linear foot of principal	25'	Single tenant: 96 ft ² Multi-tenant:

		street frontage or 300 ft ²		144 ft ²
Lots with two or more separate businesses in the B-1A, B-2, B-2A, and B-3 zones	One Freestanding One primary wall sign for each business frontage on a street or parking lot	One and a half ft ² per linear foot of principal street frontage (no maximum ft ²). Building wall signs are limited to one and a half ft ² per linear foot of business frontage.	25'	144 sq. ft.
I-1, I-2	One Primary	The lesser of one and a half ft ² per linear foot of principal street frontage or 200 ft ²	ten feet	Single tenant: 96 ft ² Multi-tenant: 144 ft ²
OR	One Primary One Secondary	Buildings 2000 ft ² or less: six ft ² Buildings over 2000 ft ² : 32 ft ² Secondary sign: six ft ²	six feet	Buildings 2000 ft ² or less: four ft ² Buildings over 2000 ft ² : 32 ft ²
RL, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-5, R-6	One Primary One Secondary***	Buildings 3000 ft ² or less: six ft ² Buildings more than 3000 ft ² : 32 ft ²	Buildings 3000 ft ² or less: six ft ² Buildings over 3000 ft ² : six ft ²	Buildings 3000 ft ² or less: six ft ² Buildings over 3000 ft ² : 32 ft ²
MHR	One Primary One Secondary***	12 ft ²	Four'	Six ft ²
Other Tabulated Requirements	Number	Sign Size	Maximum Height of a Freestanding Sign	Permit Required
All Zones			--	
(B-2, B2-A and B-3 Only) Electronic Reader Boards	--	May be no larger than 48 ft ²	25'	Yes
(Non-residential	One Temporary	64 ft ²	25'	No

zoning only) Temporary signs and Banners	Sign or Banner			
(Commercial Zones only) Portable Sign	One sign per business or use	16 ft ²		No
All Zones Development Identification Sign	Two	80 ft ²	ten feet	Yes
(Non-residential zones only) Secondary Sign	One	--	--	Yes

* Freestanding sign square footage shall be included in the maximum square footage of signage per lot.

** Secondary signs in Commercial zones are limited to 32 ft²

***Secondary signs in Residential zones are allowed only for buildings over 3,000 ft², and are limited to six ft²

4-4-26: CONDITIONAL USES

(A) Uses listed as conditional uses for the various zoning districts provided in this Chapter shall be allowed only if the Review Board determines, following review pursuant to Section 4-4-31, 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 master 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.

(B) The burden shall be upon the applicant to prove that these requirements are met.

4-4-27: NONCONFORMING USES

(A) Any use, building or structure which at the effective date of this Chapter or at the time of annexation, if annexed subsequent to the effective date of this Chapter, 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 these zoning regulations, may continue to be maintained and used as a lawful non-conforming 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 non-conforming in that it is not a "use by right", or a "conditional use" which has been approved pursuant to the review provisions of Section 4-4-31 and 4-4-26, 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% of the fair market value of the building or structure after repair, it shall no longer be lawful to use the building or premises except in compliance with the use regulations for the district within which it is located.
- (2) If the non-conforming 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 existed at the effective date of this Chapter or of annexation, and no material change in the type of use shall be allowed, unless the Review Board determines, following the hearing procedure provided in Section 4-4-31, that the criteria set out in Section 4-4-26 will be met, and that the new use is a more restrictive use than the existing non-conforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a non-conforming 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 Review Board determines, following the review procedure of Section 4-4-31, that the criteria set out in Section 4-4-26 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 non-conforming 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% 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 non-conforming feature may not be re-established by any repair or reconstruction, unless it is unfeasible to repair the building without re-establishing the non-conforming feature.
- (4) No alteration may be made to the use, building, or structure which would increase the amount or degree of the non-conforming feature. Changes in the use, building, or structure may be made which will decrease the degree or amount of deviation from the requirements of this Chapter.

(D) This Section shall not apply to signs. Non-conforming signs shall be governed by the provisions of subsection 4-4-25(E).

4-4-28: VARIANCES

(A) The Review Board may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedure of Section 4-4-31, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting "uses by right" 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).

- (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 code as a whole.

4-4-29: AMENDMENTS AND ADDITIONS TO THE OFFICIAL ZONING MAP

(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 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) Rezoning may be requested or initiated by the City Manager, the Planning Commission, or the owner of any legal or equitable interest in the property or his representative. The rezoning shall be reviewed for compliance with the criteria of this subsection in accordance with the review procedure of Section 4-4-31. 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 procedure of Section 4-4-31. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application.
- (3) The City may impose conditions as necessary to insure that the above criteria are met.

(B) Zoning of Additions:

- (1) The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare.
- (2) The City may impose conditions on the zoning necessary to insure that the above criteria are met and as appropriate to insure comparability with the City's master plans.

(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 procedure of Section 4-4-31 or any criteria set out in this Section.

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

4-4-30: AMENDMENTS TO THIS CHAPTER

Amendments to this Chapter may be made only by an ordinance.

4-4-31 : REVIEW PROCEDURE

- (A) All requests for approval of a variance, a planned development, a conditional use, a change in a nonconforming use, or amendments or changes to the Official Zoning Map, or review of an administrative denial of a Coordinated Sign Plan, or other action which is required to be reviewed pursuant to this Section by these zoning regulations or other City ordinances, shall be reviewed by a Review Board consisting of the Planning Commission or such Planning Commission members as may be provided for by the bylaws of the Planning Commission.
- (B) The applicant requesting approval of a variance, conditional use, change in a nonconforming use, or review of an administrative denial of a Coordinated Sign Plan, or rezoning shall submit an application upon forms supplied by the City accompanied by any other required information. A single application may contain a request for more than one action. The application shall be accompanied by an application fee in an amount as set by City Council. No formal application need be submitted or fee paid for an amendment or addition to the Official Zoning Map initiated by the City Manager, City Council or Planning Commission. An adequate legal description shall be provided by the applicant for proposed zoning boundaries or when otherwise deemed necessary by the City.
- (C) A hearing shall be set before the Review Board not sooner than 20 days, nor more than 60 days after receipt by the City of a properly completed application form and all other required information.
- (D) Notice of the hearing shall be given as follows:
 - (1) The applicant shall be advised of the date set for the hearing. The City shall be responsible to post a sign upon the property affected, easily legible from an abutting street which briefly describes the requested action and time and location of the hearing. Such sign shall be posted at least 15 days before the hearing and shall be reasonably maintained until final action is taken by the Review Board or City Council.
 - (2) The City shall also cause a notice to be published in a legal newspaper which describes the action or actions requested and the property affected. The property shall be described by street address, or relationship to a

street, other property with an address or other known landmarks and not by a legal description. It shall not be necessary to publish such a notice if the only action requested is for a variance.

(3) The City shall either hand deliver, or deposit in the U.S. mail a copy of the above notice addressed to the owner of record of any property located within 100' of the property affected, to include property across the street.

(E) At the hearing, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Review Board may limit testimony, evidence, and cross-examination, which are merely cumulative. The Review Board shall not be required to follow any set procedure during the hearing, nor to strictly follow the rules of evidence as applied by the courts. The chairman of the Review Board shall make all rulings on admissibility of testimony or evidence. The hearing shall be tape recorded or otherwise electronically recorded. The applicant, or other interested party may, if desired, may have the hearing recorded by a court reporter, at their expense. The hearing may be continued from time to time as necessary. The City Manager, or authorized representative, may appear as a party at the hearing. The burden is upon the applicant in all cases to establish that all applicable criteria for any action are met, including proper notice.

(F) The Review Board shall announce its decision within 30 days of the completion of the hearing. It shall not be necessary for the Review Board to provide written findings or conclusions, except upon the request of the applicant, or other party appearing or participating in the hearing.

(G) The Review Board may approve the requested action only upon finding that all applicable criteria and requirements of these zoning regulations or other City ordinances have been met. If it determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Review Board determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties in writing as part of the decision. The decision of the Review Board with respect to requests for approval of a variance or conditional use shall be final. However, upon receipt of a written request filed within five days of the date of the Review Board's decision by the applicant, the City Manager, the City Council or a taxpayer or elector of the City who appeared or participated at the hearing before the Review Board, the City Council shall hold a hearing de novo in substantial conformity with the procedure of this Section.

(H) The Review Board's decisions with respect to amendments to the Official Zoning Map shall be submitted to the City Council as a recommendation. The Council may, without further hearing, ratify the recommendation, take no action if no

action is recommended or upon its own motion schedule the matter for a de novo hearing. However, it shall, upon receipt of a written request filed within five days of the date of the Review Board's decision by the applicant, the City Manager or a taxpayer or elector of the City who appeared or participated at the hearing before the Review Board, hold a hearing de novo in substantial conformity with the procedure of this Section. Such hearing may be held in conjunction with the public hearing on a rezoning ordinance on second reading or separately.

- (I) The City Manager shall set all application fees related to land use action under this Chapter per resolution as set forth in Section 3-1 of the City of Montrose Regulations Manual.

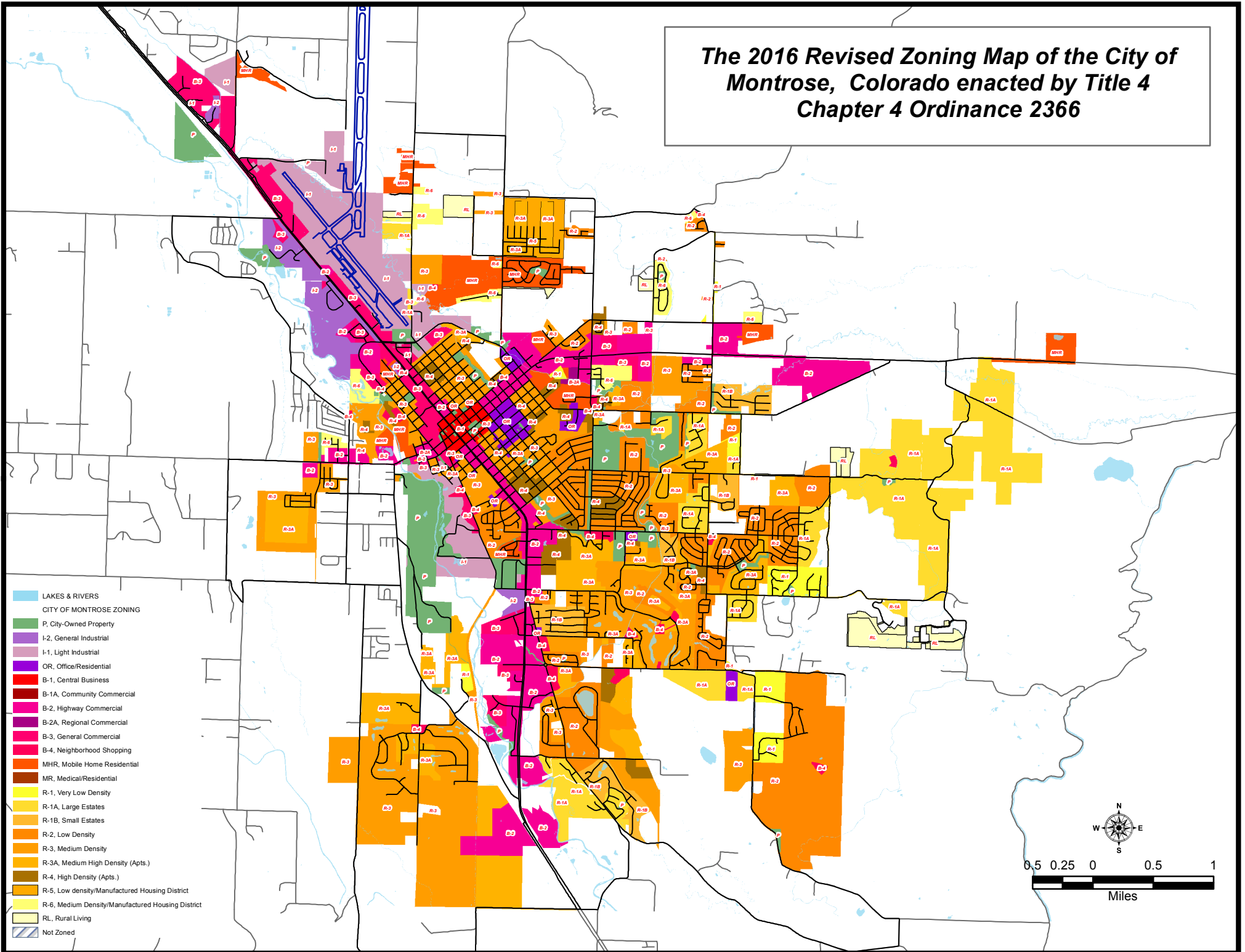
4-4-32: ENFORCEMENT AND ADMINISTRATION

- (A) The City Manager shall be responsible for the interpretation, administration and enforcement of the provisions of this Chapter, as amended, the Official Zoning Map, as amended, and of any decisions entered by the Review Board or the City Council pursuant to this Chapter.
- (B) No building permit, occupancy permit, or other permit or license shall be issued, nor shall any action be taken or allowed by the City which is not in compliance with the provisions of these zoning regulations, and any decision issued by the Review Board or City Council pursuant to this Chapter.
- (C) Whenever necessary to make an inspection to enforce any of the provisions of these zoning regulations, or any provision of a decision entered by the Review Board or the City Council, pursuant to this Chapter, or whenever there is reasonable cause to believe that a violation of any provision of these zoning regulations, or any decision issued by the Review Board or City Council, pursuant to this Chapter exists, the City Manager or his authorized representative, shall have the right to enter upon such building or premises at all reasonable times for purposes of inspection or to perform any other duty imposed by this Chapter. Prior to entry they shall identify themselves and request permission to enter from the occupant or person in charge of the premises if they can be found by reasonable efforts. If entry is refused, the City Manager or an authorized representative shall have recourse to any remedy provided by law to secure entry.
- (D) The City may maintain an action in a court of competent jurisdiction to enjoin any violation of these zoning regulations or of any decision entered by the Review Board or City Council pursuant to this Chapter. Continuing violations of this Chapter are hereby declared to be a nuisance.
- (E) It shall be unlawful to violate any of the provisions of these zoning regulations, or the terms of any decision entered by the City Council or Review Board pursuant to this Chapter. Any person convicted of such a violation may be punished by a

fine of up to \$2,000.00, or a jail sentence of up to one year, or by both such fine and imprisonment; provided, however, that no person under the age of 18 years shall be subject to any term of imprisonment in excess of ten days. Each day a violation continues shall constitute a separate violation.

- (F) The Code Enforcement Officer of the City shall be deemed a peace officer, as defined in Rule 203 of the Colorado Municipal Court Rules of Procedure, for the limited purpose of enforcing the provisions of this Chapter under the direction of the City Manager. The Code Enforcement Officer shall exercise the authority of a peace officer in the enforcement of these provisions, including the power to issue summons and complaints and initiate prosecution of violations thereof.

**The 2016 Revised Zoning Map of the City of
Montrose, Colorado enacted by Title 4
Chapter 4 Ordinance 2366**



- LAKES & RIVERS
- CITY OF MONTROSE ZONING**
- P, City-Owned Property
- I-2, General Industrial
- I-1, Light Industrial
- OR, Office/Residential
- B-1, Central Business
- B-1A, Community Commercial
- B-2, Highway Commercial
- B-2A, Regional Commercial
- B-3, General Commercial
- B-4, Neighborhood Shopping
- MHR, Mobile Home Residential
- MR, Medical/Residential
- R-1, Very Low Density
- R-1A, Large Estates
- R-1B, Small Estates
- R-2, Low Density
- R-3, Medium Density
- R-3A, Medium High Density (Apts.)
- R-4, High Density (Apts.)
- R-5, Low density/Manufactured Housing District
- R-6, Medium Density/Manufactured Housing District
- RL, Rural Living
- Not Zoned

