

MONTROSE COUNTY ZONING RESOLUTION

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TABLE OF CONTENTS

Section I	<u>Purpose, Authority Title</u>	4
	A. Purpose	4
	B. Authority	4
	C. Title	4
Section II	<u>Zone Districts Established</u>	5
Section III	<u>Definitions</u>	6
Section IV	<u>Zone Districts:</u>	10
	A. General Agricultural "A"	11
	B. General Residential "R"	16
	C. Manufactured Home Park Residential "R-MHP"	18
	D. Multiple Family Residential "R-MF"	20
	E. General Business "B"	22
	F. General Commercial "C"	26
	G. Light Industrial "I-L"	30
	H. Heavy Industrial "I-H"	34
	I. Planned Development "PD"	38
	J. Public Lands District "P-L"	42
Section V	<u>Detailed Development Standards:</u>	43
	A. Signs	43
	B. Parking and Loading	45
	C. Gravel Mining Mitigation Standards	48
	D. Gravel Mining Administration and Enforcement	52
	E. Manufactured Home Parks	54
Section VI	<u>Administration and Enforcement:</u>	61
	A. Nonconforming Uses	61
	B. Special Uses	61
	C. Amendments	62
	D. Filing Fees	66
	E. Administration	66
	F. Violations	66
	G. Penalties	66
	H. Revisions	67
Section VII	<u>Board of Adjustment</u>	68
	A. Creation of Board of Adjustment	68
	B. Appeals to Board of Adjustment	68

	C. Rules and Procedures	68
Section VIII	<u>Severability and Effective Date</u>	69
	A. Severability	69
	B. Effective Date	69
Appendix 1	<u>Special Use Permit Submittal Requirements</u>	70
Appendix 2	<u>Rezoning and Planned Development Submittal Requirements</u>	72
Appendix 3	<u>PD Final Development Plan (FDP) Submittal Requirements</u>	74
Appendix 4	<u>Short-Term Rental Registration Requirements</u>	74

SECTION I
PURPOSE, AUTHORITY, TITLE

A. PURPOSE:

These regulations shall be designed and adopted for the purpose of promoting the health, safety, and welfare of the present and future inhabitants of the County of Montrose, Colorado, and the State of Colorado.

B. AUTHORITY:

The Board of County Commissioners of Montrose County has authority to adopt this Zoning Resolution pursuant to the Colorado Constitution and Articles 65 and 67 of Title 24, Articles 1 and 20 of Title 29, and Articles 11, 20, and 28 of Title 30 of the Colorado Revised Statutes, as amended, and such other authorities and provisions that are established in the common or statutory law of the State of Colorado.

C. TITLE:

This resolution, including this text and the Official Zoning District Map, shall be known as the "Montrose County Zoning Resolution".

SECTION II
ZONE DISTRICTS ESTABLISHED

A. ZONE DISTRICTS ESTABLISHED:

1. Official Zoning District Map: The unincorporated area of Montrose County is hereby divided into districts as shown on the Official Zone District Map, which together with all explanatory material thereon, is hereby adopted and incorporated herein by reference and declared to be part of this resolution.
2. Identification of Official Map: The Official Zone District Map shall be located in the Office of the County Clerk and Recorder and shall be identified by the signatures of the Chairman of the County Planning Commission, the Chairman of the Board of County Commissioners, and attested by the County Clerk and Recorder together with the date of certification to the Board of County Commissioners and the date of adoption of this resolution and any amendment thereto by the Board of County Commissioners.
3. District Boundaries: As to the boundaries of districts as shown on the Official Zone District Map and where no legal description of the district exists, the following rules shall apply:
 - a. District boundaries that follow highways, roads, streets, water courses or railroad right-of-way shall be construed to follow the center line thereof.
 - b. District boundaries that bisect a lot or parcel shall be construed to mean that the zone district that contains the greatest acreage shall apply to the entire lot or parcel, except that overlay zone districts shall prevail as described in this resolution irrespective of whether or not the district boundary coincides with established property lines.
 - c. Interpretation of district boundaries shown on the Official Zone District Map or described in this resolution shall be determined by the County Planner (Land Use Department Head) on the basis of the most current information available and the most appropriate professional reasoning. Any determination by the County Planner may be appealed to the Board of Adjustment pursuant to Section VII.

SECTION III DEFINITIONS

For the purpose of this Zoning Resolution, the following definitions shall apply:

ACCESSORY USE: A use or structure located on the same lot or tract with the principal use, which is customarily subordinate or incidental to the principal use and contributes to the comfort, convenience or necessity of the occupants of the principal building or use.

ADJACENT: A lot or tract of land which shares all or part of a common lot line with another lot or tract of land, or is located across a public road, a water course, or other fee title right-of-way not exceeding eighty (80) feet in width.

BUILDING: Any structure attached to the ground and intended for shelter, housing, or enclosure of persons, animals, or property for which a building permit is required pursuant to the Uniform Building Code (UBC). Also includes all agricultural structures notwithstanding any exception from the requirement for a building permit.

BUILDING LINE: A line parallel to the property line beyond which no exposed portion of a building may extend, excluding steps.

BUILDING SETBACK: The minimum permitted horizontal distance between the building line and the property line.

CUSTOM FEEDLOT: An operation for the growing, feeding, and fattening of livestock owned by third parties.

DENSITY: The number of dwelling units divided by the amount of gross acreage.

DIRECTIONAL SIGN: A sign used for the primary purposes of identifying and showing direction.

DISTRICT: A portion of the territory of the County of Montrose within which certain uniform regulations and requirements apply as established in this resolution.

DOG, CAT Or HOUSEHOLD PET KENNEL: – Any place or establishment where dogs, cats or household pets owned by persons other than the business establishment or owner are boarded or trained ordinarily for compensation

DUPLEX: A residential structure on a single lot containing two dwelling units which share an unpierced common wall, including the wall of a fully enclosed attached garage

DWELLING: A building used for residential purposes and includes manufactured homes and conventional site built housing.

DWELLING UNIT SINGLE FAMILY: A structure designed, arranged and intended to be occupied by one occupant or living unit, containing a primary heat source and living facilities for sleeping, cooking, eating and sanitation. An accessory kitchen may be located in a portion of the dwelling unit if that portion of the building has a direct access connection or opening to the main dwelling unit.

EFFECTIVELY SCREEN: Any combination of trees and vegetation, berms, fences, and the like that will serve to minimize the visual impression of an intensive use or alteration of land.

EXCESSIVE NOISE: Noise that when measured at the property boundary has a noise level that inherently or recurrently exceeds sixty (60) decibels, during the hours of 7:00 a.m. to 7:00 p.m., or that exceeds fifty-five (55) decibels from 7:00 p.m. to 7:00 a.m. During the hours of 7:00 a.m. to 7:00 p.m. the noise level permitted may increase a maximum of five (5) decibels for a period not to exceed fifteen (15) minutes in any one (1) hour.

FAMILY: One or more individuals occupying a dwelling unit and living as a single housekeeping unit.

FEEDLOT: An operation for the growing, feeding, and fattening of livestock owned by the operator.

HOME OCCUPATION: Any occupation conducted entirely within a dwelling or accessory building and carried on by persons residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. The home occupation shall not generate vehicular traffic not normally associated with residential use. No home occupation shall create a nuisance by reason of noxious or objectionable odor, excessive noise, dust, vibration, fumes, smoke, electrical interference, or other causes. A home occupation shall not include the outdoor storage of material, and shall not include retail sales, excepting sales incidental to the principal occupation or which take place at an off-site location.

HOUSEHOLD PETS: Animals that are customarily kept for personal use or enjoyment within the home or yard such as dogs, cats, tropical fish, ferrets, small rodents (e.g. rabbits, gerbils, hamsters, etc.), and small birds (e.g. parrots, canaries, pigeons, etc.), when not kept, bred, or raised for commercial purposes. Livestock, poultry, and animals generally considered wild and non-domesticated as a species are not considered household pets.

JUNK: Scrap, waste, reclaimable material, or debris stored for sale, or in the process of being dismantled, destroyed, processed, salvaged, baled, disposed of, or other similar use or disposition, such as; unregistered or inoperable vehicles, tires, vehicle or machinery parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

JUNK YARD: An area, lot, land or parcel, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk; but not including the storage and use of salvaged materials as part of a manufacturing operation on the same property.

LOT: A subdivided parcel of land occupied or intended for occupation by one or more buildings or uses, including such open spaces as are required by this resolution.

MANUFACTURED HOME: A pre-constructed building unit, or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle [ref. C.R.S. 42-1-102 (106) (b)]. Effective January 1, 2001, a manufactured home shall be "HUD Approved" (certified pursuant to the National Housing Construction and Safety Standards Act of 1974, 42, U.S.C. 5401 et seq., as amended) or certified by the State of Colorado as in compliance with the requirements of the Uniform Building Code, as adopted by the State of Colorado, and as enforced and administered by the Colorado Division of Housing. Generally, manufactured homes constructed after 6/15/76 have been "HUD Approved".

MANUFACTURED HOME PARK: A lot, tract, or parcel of land with improvements and utilities for the accommodation of two or more manufactured homes. Notwithstanding this definition, properties that meet the criteria for an accessory use pursuant to Section IV. A. 2. o. (2) shall not be considered a Manufactured Home Park.

MANUFACTURED HOME SUBDIVISION: Land subdivided into two or more lots and intended for sale or development with lots designed for the specific use of manufactured homes.

MICRO-DISTILLERY: An establishment known as a craft or designer distillery that manufactures spirituous liquors in quantities not to exceed 10,000 gallons in a calendar year. A micro-distillery must be licensed by the appropriate state authorities.

MINI-WAREHOUSE: A building, group of buildings or other facility having compartments, rooms, spaces or other types of units that are individually rented or leased or otherwise contracted by customers for the storage of personal or business goods or property. For the purposes of this Title, “mini-warehouse” shall be considered synonymous with mini-storage or self storage facility.

NON-CONFORMING USE: An existing use which, after the date of the adoption of this resolution, does not comply with the established use regulations of the district.

NOXIOUS OR OBJECTIONABLE ODOR: An order emitted or discharged from a lot or parcel of land that adversely affects the health, is offensive to the senses, or interferes with the comfortable enjoyment of lives or property.

PERSON: Person includes individuals, joint ventures, partnership or corporation.

PLANNED DEVELOPMENT: An area of land which has been designated (zoned) as a PD and conforms to the provisions of a PD as described in the PD Zone District.

PUBLIC ROAD: Any road established within a public right-of-way or easement that is classified as a local street, local road, collector road, minor arterial, or major arterial. Includes State highways (major arterial).

RECREATIONAL VEHICLE: A vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. Recreational vehicle (RV) includes camping trailers, fifth wheel trailers, motor homes, travel trailers, and truck campers; can be licensed as a vehicle; and do not exceed 8 feet in width, 40 feet in length, or 320 square feet in floor area [ref. C.R.S. 24-32-902 (9)].

SECONDARY PUBLIC ROAD: Any public road established within a public right-of-way or easement that is classified as a collector road or minor arterial (often referred to as a “County Road”). Does not include State highways (major arterial).

SETBACK: The required minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building or structure, including terraces or any covered projections thereof, excluding steps.

SHALL: Means mandatory.

SHORT-TERM RENTALS: A primary dwelling or accessory dwelling structure that is rented for

durations of less than 30 consecutive days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity

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.

SIGN AREA: The entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, or framing of any figure of similar character, together with any material or color forming an integral part of the background of the display.

SPECIAL USE: A specific use of land, structures, or both which are only authorized subject to a special use as itemized in each zone district.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land, excluding signs.

TEMPORARY: A use of property established for a fixed period of time with the intent to discontinue such use upon the expiration of a time period or the occurrence of a specific event.

TRACT: An unsubdivided parcel of land occupied or intended for occupation by one or more buildings or uses.

USEABLE OPEN SPACE: Open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, landscape buffers and dividers, gardens, parks and walkways. The terms shall not include space devoted to streets, parking and loading areas.

USE-BY-RIGHT: The principal use or uses of land, structures, or both which are authorized by the district zoning classification. The development standards of any given zone district comprise the essential site plan requirements for placement of a use on a parcel.

UTILITY SUBSTATION: A facility that switches steps down or regulates utilities. Substations also serve as control or transfer points in an electrical system. Their purpose is to route and control electricity, alter voltage levels and serve as delivery points. [Amended 4/16/12]

VEHICLE: A self propelled device used primarily for the transportation of people and goods over public roads and licensed as a motor vehicle.

VIBRATION: An inherent or recurrent ground vibration that is perceptible without instruments at any point along a boundary line of property on which the vibration is being generated.

WINERY: An establishment where grapes are produced to make wine (vinous liquors) and the storage of wine in cellars. A winery must be licensed by the appropriate state authorities.

SECTION IV
ZONE DISTRICTS

The following districts are established to encourage the most appropriate use of land within the unincorporated areas of Montrose County:

- | | | |
|-----|---|-------|
| 1. | General Agricultural District | A |
| 2. | General Residential District | R |
| 3. | Manufactured Home Park Residential District | R-MHP |
| 4. | Multiple Family Residential District | R-MF |
| 5. | General Business District | B |
| 6. | General Commercial District | C |
| 7. | Light Industrial District | I-L |
| 8. | Heavy Industrial District | I-H |
| 9. | Planned Development District | PD |
| 10. | Public Lands District | P-L |

Within each zone district, uses are listed as a "use-by-right", a "special use", or a "prohibited use". For uses not listed, or not clearly fitting within one or more categories, the County Planner (Land Use Department Head) shall determine in what zone district the use is allowed and by what measure (use-by-right or special use). When classifying an unlisted use, the County Planner, or on appeal, the Board of Adjustment, shall first make a finding that all of the following conditions exist:

1. That the use is not already specifically listed in another zone district.
2. That the use and its operation are compatible with the listed uses in the district within which it is proposed to be allowed.
3. That the use is similar in operating characteristics and effect to uses listed in the district within which it is proposed to be allowed.
4. That the use will not cause substantial injury to the value of property in neighborhoods or districts within which it is likely to be located.
5. That the use will be so controlled that the public health, safety, and general welfare will be protected.

The County Planner shall notify the Planning Commission Chairman and the Chairman of the Board of County Commissioners in writing of any determination made pursuant to this Section. Any determination by the County Planner may be appealed to the Board of Adjustment pursuant to Section VII.

A. GENERAL AGRICULTURAL DISTRICT "A":

1. **Purpose:** Agriculture is considered to be a highly valued resource in Montrose County. The primary intent of this district is to provide for the conduct of agriculture related to ranching, farming, and forestry production; and maintaining and promoting agriculture as an essential and economic factor in the County.

2. **Uses-By-Right:**
 - a. Agricultural and agribusiness uses, operations, and related activities, including but not limited to:
 - (1) Elevators and feed grain storage and mixing operations.
 - (2) Storage and sale of motorized and non-motorized farm and ranching equipment and structures, other than dwelling units.
 - (3) Animal stables and associated training, and boarding facilities - (excluding dog, cat or household pet kennels).
 - (4) Livestock or equipment auction yards and facilities.
 - (5) Truck and sod farms, nursery stock and green houses without retail sales.
 - (6) Dairies (milk and dairy product processing).
 - (7) Poultry hatcheries and production facilities, fish hatcheries, specialty domestic animal production farms, dairy farms, fur farms, bee keeping operations.
 - (8) Feedlots (livestock owned by operator)
 - (9) Custom feedlots (livestock owned by third parties) existing at the time of adoption of Zoning Amendment No. 20-94 [10/13/94] or subsequent expansion of existing operations within existing property boundaries.
 - (10) Farm machinery manufacture and assembly.
 - (11) Timber production and farming, including raising of trees for any purpose.
 - (12) Veterinary clinics, hospitals, small animal kennels, and large animal holding facilities for medical purposes.
 - (13) Wineries and micro-distilleries, without retail sales
 - b. One single family dwelling manufactured for residential use (site built or manufactured home).
 - c. State licensed group home for the aged, developmentally disabled, or mentally ill having not more than eight (8) persons pursuant to 30-28-115 C.R.S., if not located within 750 feet of another such group home. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - d. Mining of minerals other than sand and gravel existing at the time of adoption of Zoning Amendment No. 20-94 [10/13/94] or subsequent expansion of existing operations within existing property lines.
 - e. Sand and gravel mining operations with a "permitted acreage" of less than ten (10) acres pursuant to an active division of Minerals and Geology Reclamation Permit existing on the date of adoption of Zoning Amendment 33-97 [10/20/97].
 - f. Existing sand and gravel mining operations with a "permitted acreage" of ten (10) acres or more pursuant to an active Division of Minerals and Geology Reclamation permit shall adhere to the Mitigation Standards and the Administration & Enforcement Procedures contained in Section XII of these regulations, pursuant to Zoning Amendment 33-97

[10/20/97].

- g. Oil and gas exploration, drilling, and production facilities.
- h. Mineral resource exploration.
- i. Multifamily, residential, office, commercial, industrial, and associated accessory uses existing at the time of adoption of Zoning Amendment No. 20-94 [10/13/94].
- j. Short-Term rental of primary and accessory dwelling units. The property owner must obtain a "Short-Term Rental Registration" from the County prior to Short-Term rental operations (Appendix 4). [Amended 9/28/16]
- k. State licensed day-care for not more than 8 children. An approved State License for the Day-Care, Foster-Care or Group Home shall be filed with the Planning and Development Department. [Amended 4/24/19]
- l. County certified family foster-care home for not more than 6 children. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
- m. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
- n. One recreational vehicle for temporary occupancy on property comprising a minimum 35 acres with an approved ISDS and placed on the property for a period not to exceed 180 days in any one calendar year. A "Registration of Temporary Occupancy" form shall be filed with the ISDS Permit Application.
- o. Astronomical observatory – not open to the public. [Amended 9/25/03]
- p. Montrose County Facilities, Fire Stations for publicly funded fire protection districts and Public Schools. [Amended 5/18/09]
- q. Garages, parking, and other equipment storage and supply buildings for use in all agricultural and agribusiness uses, operations and related activities. [Amended 4/16/12]
- r. Accessory Uses:
 - (1) Ham radio and/or television tower and satellite TV dish.
 - (2) Additional living quarters (site built or manufactured home).
 - (3) Farm and/or ranch and associated business offices.
 - (4) Roadside stands and farmer's markets for the seasonal sale of locally grown vegetables, fruits and farm products if accessed via a secondary public road. [Amended 4/16/12]
 - (5) Farm and ranch buildings, storage sheds, and silos for storage and protection of farm and ranch products and livestock.
 - (6) Household pets when confined to the premises.
 - (7) Petroleum, fertilizer and chemical storage for personal use and commercial sale
 - (8) Home occupations and offices associated with home occupations.
 - (9) Storage of equipment, supplies and vehicles related to home occupations.
 - (10) Recreational vehicles owned by the property owner and stored on the property when not in use.
 - (11) One recreational vehicle for temporary occupancy by visiting family or friends placed on the property for a period not to exceed 90 days in any one calendar year.
 - (12) One recreational vehicle for temporary occupancy during construction of a primary residence pursuant to an active building permit when connected to an approved ISDS or community sewer system and placed on the property for a period not to

exceed 12 months. A "Registration of Temporary Occupancy" form shall be filed with the Building Permit Application.

- (13) Agribusiness and/or home occupation sign, pursuant to Section V. A.
- (14) Yard and garage sales of a temporary and infrequent nature.

3. Special Uses:

- a. Schools, if accessed via a secondary public road.
- b. Churches, if accessed via a secondary public road.
- c. Golf courses, if accessed via a secondary public road.
- d. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]
- e. Recreation facilities, if accessed via a secondary public road.
- f. New custom feedlot operations (livestock owned by third parties).
- g. Airstrips and heliports.
- h. Cemeteries and crematoriums.
- i. Campgrounds and recreational vehicle (RV) parks, if accessed via a secondary public road. Each RV Park may include up to five (5) designated spaces for guest lodging facilities. Any site built or prefabricated structures to be used for guest lodging facilities shall be limited to a maximum size of 400 square feet (excluding porches and patios) in area and shall be required to meet all county and state building codes.
- j. Custom feed lots (livestock owned by third parties).
- k. Dude Ranches, retreats, convalescent centers and short term rental of structures that do not meet the Montrose County Building Regulations for residential occupancy (i.e. RV's, tents, teepees).
- l. New mineral resource development and extraction operations and facilities. All new sand and gravel mining operations (irrespective of their size) shall adhere to the Mitigation Standards and the Administration & Enforcement Procedures contained in Section V.C. and V. D. of these regulations.
- m. Solid waste disposal site/land fill, incinerator, or processing facility, if accessed via a secondary public road; with an APPROVED Certificate of Designation (CD) pursuant to C.R.S. 30-20-101 et seq. Not including hazardous waste disposal.
- n. Water and sewer treatment and storage facilities.
- o. Indoor/outdoor shooting ranges and courses, if accessed via a secondary public road.
- p. Greenhouses and nurseries with retail sales, if accessed via a secondary public road.
- q. Housed commercial swine feeding operations, when developed and operated pursuant to C.R.S. 25-7-138 and 25-8-501.1.
- r. Vehicular and animal race tracks, if accessed via a secondary public road.
- s. State Licensed day-care centers and Group homes for persons not covered pursuant to C.R.S. 30-28-115.
- t. State licensed large day-care home for not more than 12 children if not located within 750 feet of another such home.
- u. Communication and telecommunication facilities and associated antenna support structure if not located in an aviation restriction area, not to exceed 150 feet in height, with or without occupied studios or offices.
- v. Areas and activities of state interest covered under Title 24, Article 65.1 of Colorado Revised Statutes, as amended (Ref. Appendix 4).

- w. Waste transfer station, if accessed via a secondary public road.
- x. Food processing and packaging, but excluding the killing and dressing of any meat or fowl product.
- y. Wineries and micro-distilleries, with tasting room and/or retail sales.
- z. Power plants and power generation facilities (Where the primary purpose of the facility is to generate power for offsite consumption). [Amended 4/18/11]
- aa. Bio-fuels processing facilities and auxiliary uses. [Amended 4/18/11]
- bb. Colorado wine and micro-distillery tasting rooms and or/ retail sales in association with roadside stands or farmer’s markets with structures permitted for commercial/public use. The tasting room shall not occupy more that 30% of the retail floor area.
- cc. Dog, cat and household pet kennels and associated training and boarding facilities. (All existing facilities in operation prior to the adoption of this amendment that meet the requirements of State of Colorado Title 35, Article 80, Pet Animal Care and Facilities Act, shall be subject to Section VI.A – Nonconforming Uses). [Amended 7/5/17]

4. Prohibited Uses:

- a. Any use not listed in Section A.2&3. [Amended 8/4/14]
- b. Home Occupations that do not meet the definition as outlined in Section III. [Amended 8/4/14]

5. Development Standards:

- a. Lot Size: There shall be a minimum lot size of a gross one (1) contiguous acre.
- b. Sewer and Water: All uses shall conform to the state and county health and sanitation requirements regarding potable water supply and sewage disposal.
- c. Setbacks: A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
- d. Signs: All uses shall conform to the sign standards of Section V. A.
- e. Parking: All uses shall conform to the parking requirements of Section V. B.
- f. Density: The maximum density allowed for additional living quarters shall be one additional dwelling unit for lots from one to ten acres and one additional dwelling unit for each additional ten-acre segment of the same property.
- g. Buffering: When a special use is located adjacent to a residential zone district or an approved residential subdivision, provide any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site that will effectively insulate the adjacent residential uses from the adverse impacts of the special use.

6. Site Plan Review:

- a. Before any building or structure is constructed or erected in this District pursuant to an approved special use, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with the terms and conditions of the approved special use. Prior to issuance of a certificate of occupancy pursuant to a building permit for the approved special use, the site and building(s) shall be improved and constructed in compliance with the terms and

conditions of the approved special use and the applicable development standards of the District.

- b. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

B. GENERAL RESIDENTIAL DISTRICT “R”:

1. **Purpose:** The General Residential District is intended for residential dwellings and their related accessory uses. It may include duplex dwellings and Manufactured Home Subdivisions.
2. **Uses-By-Right:**
 - a. One single family dwelling (site built or manufactured home).
 - b. One duplex dwelling (site built or manufactured home).
 - c. Manufactured home subdivision with one manufactured home per subdivided lot.
 - d. State licensed group home for the aged, developmentally disabled, or mentally ill having not more than 8 persons pursuant to 30-28-115 C.R.S. if not located within 750 feet of another such group home. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - e. State licensed family day-care home for not more than 8 children. An approved State License for the day care facility shall be filed with the Planning and Development Department [Amended 4/24/19]
 - f. County certified family foster-care home for not more than 6 children. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - g. Parks and common areas.
 - h. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
 - i. Garages and sheds not designed for human habitation. [Amended 4/16/12]
 - j. Short-Term rental of primary and accessory dwelling units. The property owner must obtain a “Short-Term Rental Registration” from the County prior to Short-Term rental operations (Appendix 4).
 - k. **Accessory Uses:**
 - (1) Home occupations.
 - (2) Parking of licensed vehicles.
 - (3) Household pets when confined to the premises.
 - (4) Yard and garage sales of a temporary and infrequent nature.
 - (5) Home occupation sign, pursuant to Section V. A.
 - (6) Two recreational vehicles owned by the property owner and stored on the property when not in use.
 - (7) One recreational vehicle for temporary occupancy by visiting family or friends placed on the property for a period not to exceed ninety (90) days in any one calendar year.
 - (8) One recreational vehicle for temporary occupancy during construction of a primary residence pursuant to an active building permit when connected to an approved ISDS or community sewer system and placed on the property for a period not to exceed 12 months. A "Registration of Temporary Occupancy" form shall be filed with the Building Permit Application.
 - (9) Livestock when confined to the premises, not to exceed two large animals per acre or ten small animals per acre, and poultry when confined to the premises, not to exceed twenty-five fowl per acre.

- (10) Stables, barns, pens, corrals, and coops sized to accommodate allowed livestock and poultry.
- (11) Additional living quarters (site built or manufactured home).

3. Special Uses:

- a. Schools, churches, and State licensed day-care centers, if located on a secondary public road.
- b. Recreation centers and facilities (including golf courses), if located on a secondary public road.
- c. Fire stations and libraries, if located on a secondary public road.
- d. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]
- e. State licensed large day-care home for not more than 12 children if not located within 750 feet of another such home.

4. Prohibited Uses:

- a. Any use not listed in Section B.2&3. [Amended 8/4/14]
- b. Home Occupations that do not meet the definition as outlined in Section III. [Amended 8/4/14]

5. Development Standards:

- a. Lot Size: The minimum lot size shall be a gross one (1) contiguous acre. When connected to community water and sewer service, the minimum lot size shall be 15,000 square feet for a duplex, 10,000 square feet for a single family dwelling, and 6,500 square feet for a manufactured home in a manufactured home subdivision.
- b. Sewer and Water: All uses shall conform to the state and county health and sanitation requirements regarding potable water and sewage disposal.
- c. Setbacks: A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
- d. Parking: All uses shall conform to the parking requirement of Section V. B.
- e. Density: The maximum density allowed for additional living quarters shall be one additional dwelling unit with a livable floor area not to exceed 1,100 square feet for lots from 10,000 square feet to 43,559 square feet. Additional living quarters for lots 43,560 (one-acre) or greater shall be one accessory dwelling unit per lot.

6. Site Plan Review:

- a. Before any building or structure is constructed or erected in this District pursuant to an approved special use, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with the terms and conditions of the approved special use. Prior to issuance of a certificate of occupancy pursuant to a building permit for the approved special use, the site and building(s) shall be improved and constructed in compliance with the terms and conditions of the approved special use and the applicable development standards of the District.

- b. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

C. MANUFACTURED HOME PARK RESIDENTIAL DISTRICT “R-MHP”:

1. **Purpose:** The Manufactured Home Park Residential District is intended for manufactured home dwellings and their related accessory uses. Paving of interior streets and connection to community sewer and water service are required.
2. **Uses-By-Right:**
 - a. Manufactured homes sited within a manufactured home park constructed and operated in conformance with Section V. E.
 - b. State licensed group home for the aged, developmentally disabled, or mentally ill having not more than 8 persons pursuant to 30-28-115 C.R.S. if not located within 750 feet of another such group home. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - c. State licensed family day-care home for not more than 6 daytime children plus 2 after school children if not located within 750 feet of another such home. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - d. County certified family foster-care home for not more than 6 children. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - e. Parks, outdoor storage areas, and common areas.
 - f. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
 - g. Garages and sheds not designed for human habitation. [Amended 4/16/12]
 - h. **Accessory Uses:**
 - (1) Home occupation.
 - (2) Parking of licensed vehicles.
 - (3) Household pets, when confined to the premises.
 - (4) Yard and garage sales of a temporary and infrequent nature.
 - (5) Community recreation facilities and State licensed day-care centers.
 - (6) Recreational vehicles owned by an occupant of the manufactured home park and stored in an approved storage area when not in use.
3. **Special Uses:**
4. **Prohibited Uses:**
 - a. Any use not listed in Section C.2&3. [Amended 8/4/14]
 - b. Home Occupations that do not meet the definition as outlined in Section III. [Amended 8/4/14]
5. **Development Standards:**
 - a. **Lot Size:** The minimum size of the park shall be three (3) acres.
 - b. **Sewer and Water:** All uses shall conform to the state and county health and sanitation requirements regarding potable water and sewage disposal.
 - c. **Setbacks:** Setbacks shall conform to the requirements Section V. E.
 - d. **Parking:** All uses shall conform to the parking requirements of Section V. B.
 - e. **School Fee:** In compliance with the Montrose County School Land Dedication Policy (Ref. Section 3.27, Montrose County Subdivision Regulations); prior to occupancy of the

manufactured home park, a "fee in lieu of land dedication" shall be paid to the applicable school district in the amount prescribed for each manufacture home space in the park, or an approved phase thereof.

6. Site Plan Review:

- a. Before any building or structure is constructed or erected in this District pursuant to an approved special use, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with the terms and conditions of the approved special use. Prior to issuance of a certificate of occupancy pursuant to a building permit for the approved special use, the site and building(s) shall be improved and constructed in compliance with the terms and conditions of the approved special use and the applicable development standards of the District.
- b. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

D. MULTIPLE FAMILY RESIDENTIAL DISTRICT "R-MF":

1. **Purpose:** The Multiple Family Residential District is intended for multiple family (3 or more dwelling units) residential structures and their related accessory uses. Connection to community sewer and water service shall be required.
2. **Uses-By-Right:**
 - a. Multiple family attached dwellings (3 or more dwelling units per building).
 - b. State licensed group home for the aged, developmentally disabled, or mentally ill having not more than 8 persons pursuant to 30-28-115 C.R.S. if not located within 750 feet of another such group home. A "Registration of Day-Care, Foster-Care, or Group Home" form shall be filed with the Land Use Office.
 - c. Parks, outdoor storage areas, and common areas.
 - d. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
 - e. Garages and sheds not designed for human habitation. [Amended 4/16/12]
 - f. **Accessory Uses:**
 - (1) Home occupation.
 - (2) Parking of licensed vehicles.
 - (3) Household pets, when confined to the premises.
 - (4) Yard and garage sales of a temporary and infrequent nature.
 - (5) Community recreation facilities and State licensed day-care centers.
 - (6) Home occupation sign, pursuant to Section V. A.
 - (7) Recreational vehicles owned by an occupant of the multiple family residence and stored in an approved storage area when not in use.
3. **Special Uses:**
 - a. Schools, churches, and State licensed day-care centers; if located on a secondary public road.
 - b. Recreation centers and facilities (including golf courses); if located on a secondary public road.
 - c. Fire stations and libraries; if located on a secondary public road.
 - c. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]
4. **Prohibited Uses:**
 - a. Any use not listed in Section D.2&3. [Amended 8/4/14]
 - b. Home Occupations that do not meet the definition as outlined in Section III. [Amended 8/4/14]
5. **Development Standards:**
 - a. **Lot Size:** The minimum lot size shall be 10,000 square feet per dwelling unit, or 1 acre, whichever is less.
 - b. **Sewer and Water:** All uses shall conform to the state and county health and sanitation requirements regarding potable water and sewage disposal.
 - c. **Setbacks:** A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings

and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.

- d. Parking: All uses shall conform to the parking requirement of Section V. B.
- e. Density: The maximum density allowed shall be 15 dwelling units to the acre.
- f. School Fee: In compliance with the Montrose County School Land Dedication Policy (Ref. Section 3.27, Montrose County Subdivision Regulations); prior to occupancy of the dwelling, a "fee in lieu of land dedication" shall be paid to the applicable school district in the amount prescribed for each dwelling unit.

6. Site Plan Review:

- a. Before any building or structure is constructed or erected in this District pursuant to an approved special use, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with the terms and conditions of the approved special use. Prior to issuance of a certificate of occupancy pursuant to a building permit for the approved special use, the site and building(s) shall be improved and constructed in compliance with the terms and conditions of the approved special use and the applicable development standards of the District.
- b. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

E. GENERAL BUSINESS DISTRICT "B":

1. **Purpose:** A general sales, office, and service district designed to provide a broad range of compatible services for both the general and traveling public. All operations shall be for sales or rental of products, and the provision of personal or business services.
2. **Uses-By-Right:**
 - a. Administrative offices.
 - b. Amusement centers.
 - c. Animal hospital
 - d. Art, antique, and collectibles dealers.
 - e. Assembly halls, auditoriums, auction house, and theaters.
 - f. Banks, savings & loan institutions.
 - g. Christmas tree lots.
 - h. Churches and places of worship.
 - i. Clinics, medical or dental.
 - j. Communication and telecommunication facilities and associated antenna support structure if not located in an aviation restriction area, not to exceed 150 feet in height, with or without occupied studios or offices.
 - k. Convenience retail store, with gas pumps if set back a minimum 40' from the public road right-of-way.
 - l. Dry cleaners with approved emission control equipment.
 - m. Eating and drinking establishments.
 - n. Farm supply sales.
 - o. Fire station.
 - p. Furniture refinishing and upholstery service.
 - q. Gas or fuel stored below ground for use on or off the property.
 - r. Greenhouses and nurseries.
 - s. Health studios and spas.
 - t. Hotels and motels.
 - u. Libraries.
 - v. Lodges, fraternal, and social organizations.
 - w. Mini-warehouse (mini-storage)
 - x. Nursing homes.
 - y. Office buildings.
 - z. Printing and copying services.
 - aa. Retail sales stores, outlet malls, and shopping centers.
 - bb. Schools.
 - cc. State Licensed day-care centers and Group homes for persons not covered pursuant to 30-28-115 C.R.S.
 - dd. State licensed large day-care home for not more than 12 children if not located within 750 feet of another such home.
 - ee. Telemarketing and telecommunication centers.
 - ff. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]

gg. Other similar compatible uses.

hh. Accessory Uses:

- (1) Outside storage or display of non-hazardous materials, equipment, boats, and vehicles. Outside storage of materials, equipment, boats, and vehicles that exceed eight feet in height shall require a 10 foot setback from all property lines.
- (2) Drive-in facilities, when designed to prevent traffic queues from backing onto the public road.
- (3) One single family dwelling (site built or manufactured home) for caretaker or security purposes. [Amended 4/16/12]
- (4) Business sign, pursuant to Section V. A.

3. Special Uses:

- a. Heliports.
- b. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]
- c. Automobile, motorcycle, manufactured home, trailer and boat sales and service.
- d. Battery, tire, muffler, glass and seat cover sales and service.
- e. Building Materials sales, storage and service.
- f. Building, electrical, mechanical and plumbing contractors.
- g. Car washing, waxing and detailing

4. Prohibited Uses:

Uses prohibited within this district include commercial and industrial uses which may either create a hazard or emit noxious or objectionable odors, excessive noise, vibrations, fumes, glare or other nuisance characteristics that result in the general disruption of other uses within the district.

5. Development Standards:

- a. Lot Size: There shall be a minimum lot size of a gross one (1) contiguous acre. Where central water and sewer systems are available to serve the site, the minimum lot size shall be 10,000 sq. ft.
- b. Sewer and Water:
 - (1) Sewer:
 - (a) Where a non-residential use is proposed, EPA will review the project proposal. Where EPA has determined that only domestic (sanitary) waste will be generated, an engineered ISDS shall be installed pursuant to the standards adopted in the Montrose County Board of Health Resolution.
 - (b) Where a non-residential use is proposed and there is a potential for commercial/industrial waste to be generated, EPA will review the commercial/industrial waste disposal system design in accordance with the Underground Injection Control Class V Program pursuant to C.F.R. Title 40, Parts 144-146 (Ref. Appendix 5). The commercial/industrial waste disposal system shall be designed by the project engineer (Colorado Registered Professional Engineer) and submitted to EPA for review and approval prior to building permit issuance. In the event the EPA design review has not been completed within ninety days of receipt, the

- commercial/industrial waste disposal system may be reviewed by the County and the building permit may be issued.
- (c) When a central sewer system is available to serve the property, EPA review is not required, although written confirmation of sewer service availability is required.
 - (2) Water: A central water system is required to serve the property with potable water. Written confirmation of water service availability (i.e. water tap) is required.
 - c. Setbacks: A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
 - d. Parking: All uses shall conform to the parking requirement of Section V. B.
 - e. Signs: All uses shall conform to the sign standards of Section V. A.
 - f. Drainage: For all uses that that will result in impervious or semi-impervious coverage exceeding 10% of the site area, retain a Colorado Registered Professional Engineer to provide calculations and designs for a detention or retention facility as may be appropriate, sufficient to prevent surface water from exiting the site above historical flows for a 25-year event. If detention is proposed and drainage water will be received by a man-made drainage entity (e.g. Uncompahgre Valley Water Users Association), provide written documentation of approval from the receiving entity.
 - g. Access and Circulation:
 - (1) For all uses which access onto a secondary public road, obtain a Driveway and Access Permit from the County Engineer pursuant to the adopted Montrose County Standard Specifications for Roads and Bridges.
 - (2) Where access will be directly onto a State Highway, obtain an Access Permit from the Colorado Department of Transportation (CDOT).
 - (3) Where the site is located adjacent to developed or undeveloped property zoned for similar uses, parking lots and access roads shall be designed to maximize opportunities to provide direct vehicle and pedestrian connections between properties.
 - h. Fire Protection: For all uses, provide written certification from the applicable Fire Protection District that adequate fire protection will be provided, either from a designated fire hydrant(s) with adequate fire flow or from other site or building improvement requirements.
 - i. Buffering: When located adjacent to a residential zone district or a residential home with the residence being the primary use, provide any combination of setbacks, berms, fencing, landscaping, lighting and arrangement of uses on the site that will effectively insulate the adjacent residential uses from the adverse impacts of the commercial uses.
 - j. Lighting: All lighting shall be fully shielded and shall not exceed 25 feet in height. This shall apply to all light fixtures located on buildings, on poles, flag poles or other apparatus. Fully shielded means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. Temporary holiday, special events and construction lights shall be exempt. Holiday and special event lights shall be illuminated for a period not to exceed 60 days in a calendar year and installed and directed in a manner to prevent objectionable light at and across property lines and to prevent glare

on or off the property.

- k. Building Height: All properties located along Highway 550 south of the Montrose City Limits to the Montrose County Line adjoining Ouray County and Highway 50 East, from the Montrose City Limits to Kinikin Road shall be subject to a restricted building height to preserve the view corridor. Building Height shall be limited to the following: 30 feet - when within 0 - 300 feet of the State Highway right of way; 40' when within 300 - 600 feet of the State Highway right of way and 50' when within 600 - 1000 feet of the State Highway right of way.

6. Site Plan Review:

- a. Before any building or structure is erected in this District, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with these district development standards; including other applicable County, State or Federal development standards, and any special use that may have been approved and recorded. In addition, such review shall determine that facilities and improvements are so arranged on the site that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect. Prior to the issuance of a Certificate of Occupancy pursuant to a Building Permit (including a change of use or a building addition), the site and buildings shall have been developed or upgraded to meet these district development standards, as approved with the Site Plan Review.
- b. When reviewing plans for a project located on property that was developed in commercial uses prior to the adoption of these regulations (9/3/02), the Land Use Department is authorized to negotiate the required development standards to accommodate existing site or building improvements that may be difficult to change or to upgrade. Each development standard shall be addressed in writing and/or in the applicable plan as either (1) completely achievable, (2) partially achievable, or (3) not achievable. Where cost is determined to be a severely limiting factor, a phase-in plan that spans several years may be negotiated.
- c. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

F. GENERAL COMMERCIAL DISTRICT "C":

1. **Purpose:** A general sales, business, contractor, service, processing, transportation, and warehouse district designed to provide for a variety of compatible businesses, including limited light industrial uses.

2. **Uses-By-Right:**
 - a. Animal hospital.
 - b. Automobile, motorcycle, manufactured home, trailer, and boat sales and service.
 - c. Battery, tire, muffler, glass, and seat cover sales and service.
 - d. Beverage bottling and distribution.
 - e. Building materials sales, storage, and service.
 - f. Building, electrical, mechanical, and plumbing contractors.
 - g. Cabinet and metal fabrication shops.
 - h. Canvas, clothing, or cloth manufacturing.
 - i. Car washing, waxing, and detailing.
 - j. Christmas tree lots.
 - k. Cold storage plants.
 - l. Communication and telecommunication facilities and associated antenna support structure if not located in an aviation restriction area, not to exceed 150 feet in height, with or without occupied studios or offices.
 - m. Dry cleaners with approved emission control equipment.
 - n. Farm supply and equipment sales and service.
 - o. Fire station, if located on a collector or arterial public road.
 - p. Fireworks stand.
 - q. Flea markets, if located on a collector or arterial public road.
 - r. Food processing and packaging, but excluding the slaughter and dressing of any meat or fowl product.
 - s. Frozen food storage and distribution.
 - t. Garage - motor vehicle repair and service, with no outdoor dismantling or storage of wrecked vehicles.
 - u. Gas or fuel stored below ground for use on or off the property, and above ground propane tanks.
 - v. Golf driving ranges and miniature golf courses.
 - w. Hand crafts production and sales.
 - x. Kennels, animal shelters, and animal boarding.
 - y. Sign manufacture and repair.
 - z. Taverns, bars, and dance halls.
 - aa. Truck stop, including restaurant, truck service and repair.
 - bb. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
 - cc. Warehousing and wholesaling, including mini-warehouse (mini-storage).
 - dd. Welding and sheet metal shops.
 - ee. Other similar compatible uses.

- ff. Accessory Uses:
- (1) Office and sales areas associated with a use-by-right or special use.
 - (2) Outside storage or display of non-hazardous materials and equipment and/or outside construction or fabrication areas.
 - (3) One single family dwelling (site built or manufactured home) for caretaker or security purposes. [Amended 4/16/12]
 - (4) Business and/or outdoor advertising signs, pursuant to Section V. A.
 - (5) Retail and wholesale sales of products produced on the site.

3. Special Uses:

- a. Heliports.
- b. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]
- c. Vehicle painting and body shops with approved emission control equipment.

4. Prohibited Uses:

Uses prohibited within this district include commercial and industrial uses which may either create a hazard or emit noxious or objectionable odors, excessive noise, vibrations, fumes, glare or other nuisance characteristics that result in the general disruption of other uses within the district.

5. Development Standards:

- a. Lot Size: There shall be a minimum lot size of a gross one (1) contiguous acre, as defined. Where central water and sewer systems are available to serve the site, the minimum lot size shall be 10,000 sq. ft.
- b. Sewer and Water:
 - (1) Sewer:
 - (a) Where a non-residential use is proposed, EPA will review the project proposal. Where EPA has determined that only domestic (sanitary) waste will be generated, an engineered ISDS shall be installed pursuant to the standards adopted in the Montrose County Board of Health Resolution.
 - (b) Where a non-residential use is proposed and there is a potential for commercial/industrial waste to be generated, EPA will review the commercial/industrial waste disposal system design in accordance with the Underground Injection Control Class V Program pursuant to C.F.R. Title 40, Parts 144-146 (Ref. Appendix 5). The commercial/industrial waste disposal system shall be designed by the project engineer (Colorado Registered Professional Engineer) and submitted to EPA for review and approval prior to building permit issuance. In the event the EPA design review has not been completed within ninety days of receipt, the commercial/industrial waste disposal system may be reviewed by the County and the building permit may be issued.

- (c) When a central sewer system is available to serve the property, EPA review is not required, although written confirmation of sewer service availability is required.
 - (2) Water: A central water system is required to serve the property with potable water. Written confirmation of water service availability (i.e. water tap) is required.
- c. Setbacks: A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
- d. Parking: All uses shall conform to the parking requirement of Section V. B.
- e. Signs: All uses shall conform to the sign standards of Section V. A.
- f. Drainage: For all uses that that will result in impervious or semi-impervious coverage exceeding 10% of the site area, retain a Colorado Registered Professional Engineer to provide calculations and designs for a detention or retention facility as may be appropriate, sufficient to prevent surface water from exiting the site above historical flows for a 25-year event. If detention is proposed and drainage water will be received by a man-made drainage entity (e.g. Uncompahgre Valley Water Users Association), provide written documentation of approval from the receiving entity.
- g. Access and Circulation:
 - (1) For all uses which access onto a secondary public road, obtain a Driveway and Access Permit from the County Engineer pursuant to the adopted Montrose County Standard Specifications for Roads and Bridges.
 - (2) Where access will be directly onto a State Highway, obtain an Access Permit from the Colorado Department of Transportation (CDOT).
 - (3) Where the site is located adjacent to developed or undeveloped property zoned for similar uses, parking lots and access roads shall be designed to maximize opportunities to provide direct vehicle and pedestrian connections between properties.
- h. Fire Protection: For all uses, provide written certification from the applicable Fire Protection District that adequate fire protection will be provided, either from a designated fire hydrant(s) with adequate fire flow or from other site or building improvement requirements.
- i. Buffering: When located adjacent to a residential zone district or a residential home with the residence being the primary use, provide any combination of setbacks, berms, fencing, landscaping, lighting and arrangement of uses on the site that will effectively insulate the adjacent residential uses from the adverse impacts of the commercial uses.
- j. Lighting: All lighting shall be fully shielded and shall not exceed 25 feet in height. This shall apply to all light fixtures located on buildings, on poles, flag poles or other apparatus. Fully shielded means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. Temporary holiday, special events and construction lights shall be exempt. Holiday and special event lights shall be illuminated for a period not to exceed 60 days in a calendar year and installed and directed in a manner to prevent objectionable light at and across property lines and to prevent glare on or off the property.

- k. Building Height: All properties located along Highway 550 south of the Montrose City Limits to the Montrose County Line adjoining Ouray County and Highway 50 East, from the Montrose City Limits to Kinikin Road shall be subject to a restricted building height to preserve the view corridor. Building Height shall be limited to the following: 30 feet - when within 0 - 300 feet of the State Highway right of way; 40' when within 300 - 600 feet of the State Highway right of way and 50' when within 600 - 1000 feet of the State Highway right of way.

- 6. Site Plan Review:
 - a. Before any building or structure is erected in this District, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with these district development standards; including other applicable County, State or Federal development standards, and any special use that may have been approved and recorded. In addition, such review shall determine that facilities and improvements are so arranged on the site that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect. Prior to the issuance of a Certificate of Occupancy pursuant to a Building Permit (including a change of use or a building addition), the site and buildings shall have been developed or upgraded to meet these district development standards, as approved with the Site Plan Review.
 - b. When reviewing plans for a project located on property that was developed in commercial uses prior to the adoption of these regulations (9/3/02), the Land Use Department is authorized to negotiate the required development standards to accommodate existing site or building improvements that may be difficult to change or to upgrade. Each development standard shall be addressed in writing and/or in the applicable plan as either (1) completely achievable, (2) partially achievable, or (3) not achievable. Where cost is determined to be a severely limiting factor, a phase-in plan that spans several years may be negotiated.
 - c. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII._

G. LIGHT INDUSTRIAL DISTRICT "I-L":

1. Purpose: An industrial district intended to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products, as well as allowing service facilities for industries and their employees.

2. Uses-By-Right:
 - a. Animal hospital.
 - b. Auction yard.
 - c. Bakery.
 - d. Beverage bottling and distribution.
 - e. Cabinet and metal fabrication shops.
 - f. Cold storage plants and ice manufacturing.
 - g. Communication and telecommunication facilities and associated antenna support structure if not located in an aviation restriction area, not to exceed 150 feet in height, with or without occupied studios or offices.
 - h. Dairy processing and distribution.
 - i. Dry cleaning plants, with approved emission control devices.
 - j. Electronic small appliance and electronic manufacturing.
 - k. Fire station.
 - l. Food processing and packaging, but excluding the slaughter and dressing of any meat or fowl product.
 - m. Firewood splitting, storage, and sales.
 - n. Garage – motor vehicle repair and service, including outdoor dismantling or storage of wrecked vehicles where visibility from the public road is fully screened.
 - o. Gas or fuel stored above or below ground for use on or off the property.
 - p. Grain elevators.
 - q. Industrial parks.
 - r. Log home builders and custom manufactured housing builders.
 - s. Truck and trailer sales and service.
 - t. Truck terminal, storage, and transfer area.
 - u. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
 - v. Vehicle painting and body shops with approved emission control equipment.
 - w. Warehouse and wholesaling, including mini-warehouse (mini-storage).
 - x. Waste transfer station.
 - y. Water and sewer treatment plants.
 - z. Other similar compatible uses.
 - aa. Accessory Uses:
 - (1) Office and sales areas associated with a use-by-right or special use.
 - (2) Outside storage or display of non-hazardous materials and equipment and/or outside construction or fabrication areas.
 - (3) Business and/or outdoor advertising signs, pursuant to Section V.A.
 - (4) Retail and wholesale sales of products produced on the site.
 - (5) One single family dwelling (site built or manufactured home) for caretaker or security purposes. [Amended 4/16/12]

3. Special Uses:
 - a. Heliports.
 - b. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]

4. Prohibited Uses:
 - a. Uses prohibited within this district include commercial and industrial uses which may either create a hazard or emit noxious or objectionable odors, excessive noise, vibrations, fumes, glare or other nuisance characteristics that result in the general disruption of other uses within the district.

5. Development Standards:
 - a. Lot Size: There shall be a minimum lot size of a gross three (3) contiguous acres, as defined in Section 3.1.1, Montrose County Board of Health Resolution. Where central water and sewer systems are available to serve the site, the minimum lot size shall be 10,000 sq. ft.
 - b. Sewer and Water:
 - (1) Sewer:
 - (a) Where a non-residential use is proposed, EPA will review the project proposal. Where EPA has determined that only domestic (sanitary) waste will be generated, an engineered ISDS shall be installed pursuant to the standards adopted in the Montrose County Board of Health Resolution.
 - (b) Where a non-residential use is proposed and there is a potential for commercial/industrial waste to be generated, EPA will review the commercial/industrial waste disposal system design in accordance with the Underground Injection Control Class V Program pursuant to C.F.R. Title 40, Parts 144-146 (Ref. Appendix 5). The commercial/industrial waste disposal system shall be designed by the project engineer (Colorado Registered Professional Engineer) and submitted to EPA for review and approval prior to building permit issuance. In the event the EPA design review has not been completed within ninety days of receipt, the commercial/industrial waste disposal system may be reviewed by the County and the building permit may be issued.
 - (c) When a central sewer system is available to serve the property, EPA review is not required, although written confirmation of sewer service availability is required.
 - (2) Water: A central water system is required to serve the property with potable water. Written confirmation of water service availability (i.e. water tap) is required.
 - c. Setbacks: A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
 - d. Parking: All uses shall conform to the parking requirement of Section V. B.
 - e. Signs: All uses shall conform to the sign standards of Section V. A.
 - f. Drainage: For all uses that that will result in impervious or semi-impervious coverage

exceeding 10% of the site area, retain a Colorado Registered Professional Engineer to provide calculations and designs for a detention or retention facility as may be appropriate, sufficient to prevent surface water from exiting the site above historical flows for a 25-year event. If detention is proposed and drainage water will be received by a man-made drainage entity (e.g. Uncompahgre Valley Water Users Association), provide written documentation of approval from the receiving entity.

- g. Access and Circulation:
 - (1) For all uses which access onto a secondary public road, obtain a Driveway and Access Permit from the County Engineer pursuant to the adopted Montrose County Standard Specifications for Roads and Bridges.
 - (2) Where access will be directly onto a State Highway, obtain an Access Permit from the Colorado Department of Transportation (CDOT).
 - (3) Where the site is located adjacent to developed or undeveloped property zoned for similar uses, parking lots and access roads shall be designed to maximize opportunities to provide direct vehicle and pedestrian connections between properties.
 - h. Fire Protection: For all uses, provide written certification from the applicable Fire Protection District that adequate fire protection will be provided, either from a designated fire hydrant(s) with adequate fire flow or from other site or building improvement requirements.
 - i. Buffering: When located adjacent to a residential zone district or an approved residential subdivision, provide any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site that will effectively insulate the adjacent residential uses from the adverse impacts of the industrial uses.
 - j. Lighting: All lighting shall be fully shielded and shall not exceed 25 feet in height. This shall apply to all light fixtures located on buildings, on poles, flag poles or other apparatus. Fully shielded means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. Temporary holiday, special events and construction lights shall be exempt. Holiday and special event lights shall be illuminated for a period not to exceed 60 days in a calendar year and installed and directed in a manner to prevent objectionable light at and across property lines and to prevent glare on or off the property.
 - k. Building Height: All properties located along Highway 550 south of the Montrose City Limits to the Montrose County Line adjoining Ouray County and Highway 50 East, from the Montrose City Limits to Kinikin Road shall be subject to a restricted building height to preserve the view corridor. Building Height shall be limited to the following: 30 feet - when within 0 - 300 feet of the State Highway right of way; 40' when within 300 - 600 feet of the State Highway right of way and 50' when within 600 - 1000 feet of the State Highway right of way.
6. Site Plan Review:
- a. Before any building or structure is erected in this District, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with these district development standards;

including other applicable County, State or Federal development standards, and any special use that may have been approved and recorded. In addition, such review shall determine that facilities and improvements are so arranged on the site that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect. Prior to the issuance of a Certificate of Occupancy pursuant to a Building Permit (including a change of use or a building addition), the site and buildings shall have been developed or upgraded to meet these district development standards, as approved with the Site Plan Review.

- b. When reviewing plans for a project located on property that was developed in commercial uses prior to the adoption of these regulations (9/3/02), the Land Use Department is authorized to negotiate the required development standards to accommodate existing site or building improvements that may be difficult to change or to upgrade. Each development standard shall be addressed in writing and/or in the applicable plan as either (1) completely achievable, (2) partially achievable, or (3) not achievable. Where cost is determined to be a severely limiting factor, a phase-in plan that spans several years may be negotiated.
- c. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

H. HEAVY INDUSTRIAL DISTRICT "I-H":

1. Purpose: A heavy industrial district designed to accommodate most industrial enterprises, as well as allowing service facilities for industries and their employees. In cases where the intended use may produce smoke, fumes, excessive noise, noxious or objectionable odor, vibration, or dust; use of land and structures shall be restricted to protect the surrounding area and the public health, safety, and general welfare.

2. Uses-By-Right:
 - a. Aggregate processing.
 - b. Asphalt and concrete batch plants.
 - c. Beverage manufacturing, including alcoholic beverages.
 - d. Brick or tile manufacturing.
 - e. Candy products manufacturing.
 - f. Cement, cinder block, lime, or plaster manufacturing.
 - g. Communication and telecommunication facilities and associated antenna support structure if not located in an aviation restriction area, not to exceed 150 feet in height, with or without occupied studios or offices.
 - h. Creosote manufacturing and treatment plants.
 - i. Distillation of bones, refuse, grain, and wood products.
 - j. Electroplating.
 - k. Enameling, lacquering, or galvanizing of metals.
 - l. Farm machinery manufacture and assembly.
 - m. Fat rendering from animal or vegetable products.
 - n. Fertilizer manufacturing and processing.
 - o. Fire station.
 - p. Firewood splitting, storage, and sales.
 - q. Flour mills.
 - r. Food processing and packaging, including the slaughter and dressing of meat or fowl product.
 - s. Forging plants and foundries.
 - t. Gas or fuel stored above or below ground for use on the property.
 - u. Glass or glass products manufacture.
 - v. Grain elevators.
 - w. Junk, scrap metal, auto wrecking, storage, and salvage yards where visibility from the public road is fully screened.
 - x. Industrial parks.
 - y. Linseed oil, shellac, turpentine manufacturing or refinery.
 - z. Log home builders and production manufactured housing builders.
 - aa. Machine shops and machine tool manufacture.
 - bb. Manufacturing, assembly, and production of small components and instruments.
 - cc. Metal products manufacture.
 - dd. Paint and enamel manufacturing.
 - ee. Plastics manufacturing.
 - ff. Pottery, porcelain and vitreous china manufacturing.
 - gg. Sawmills and wood processing plants.

- hh. Textile or cloth manufacturing.
- ii. Truck, trailer, and RV manufacturing.
- jj. Truck terminal, storage, and transfer area.
- kk. Utility transmission, distribution and service lines, transformers, service pedestals, and pump stations. [Amended 4/16/12]
- ll. Vehicle painting and body shops with approved emission control equipment.
- mm. Warehousing and wholesaling.
- nn. Waste transfer station.
- oo. Water and sewer treatment plants.
- pp. Other similar compatible uses.
- qq. Accessory Uses:
 - (1) Office and sales areas associated with a use-by-right or special use.
 - (2) Outside storage or display of materials and equipment and/or outside construction or fabrication areas.
 - (3) Business and/or outdoor advertising signs, pursuant to Section V. A.
 - (4) Retail and wholesale sales of products produced on the site.
 - (5) One single family dwelling (site built or manufactured home) for caretaker or security purposes. [Amended 4/16/12]

3. Special Uses:

- a. Explosives manufacture and storage.
- b. Heliports.
- c. Smelting or refinery of metals.
- d. Petroleum refining.
- e. Solid waste disposal site/land fill, incinerator, or processing facility; with an APPROVED Certificate of Designation (CD) pursuant to C.R.S. 30-20-101 et seq. Not including hazardous waste disposal.
- f. Utility substations, storage tanks, and pump stations. [Amended 4/16/12]

4. Prohibited Uses:

- a. Residential [except as permitted under Section H.2.qq(5)]

5. Development Standards:

- a. Lot Size: There shall be a minimum lot size of a gross three (3) contiguous acres, as defined in Section 3.1.1, Montrose County Board of Health Resolution. Where central water and sewer systems are available to serve the site, the minimum lot size shall be 10,000 sq. ft.
- b. Sewer and Water:
 - (1) Sewer:
 - (a) Where a non-residential use is proposed, EPA will review the project proposal. Where EPA has determined that only domestic (sanitary) waste will be generated, an engineered ISDS shall be installed pursuant to the standards adopted in the Montrose County Board of Health Resolution.
 - (b) Where a non-residential use is proposed and there is a potential for commercial/industrial waste to be generated, EPA will review the

commercial/industrial waste disposal system design in accordance with the Underground Injection Control Class V Program pursuant to C.F.R. Title 40, Parts 144-146 (Ref. Appendix 5). The commercial/industrial waste disposal system shall be designed by the project engineer (Colorado Registered Professional Engineer) and submitted to EPA for review and approval prior to building permit issuance. In the event the EPA design review has not been completed within ninety days of receipt, the commercial/industrial waste disposal system may be reviewed by the County and the building permit may be issued.

- (c) When a central sewer system is available to serve the property, EPA review is not required, although written confirmation of sewer service availability is required.
- (2) **Water:** A central water system is required to serve the property with potable water. Written confirmation of water service availability (i.e. water tap) is required.
- c. **Setbacks:** A front setback of 25 feet from property line, or 55 feet from center line of a public road when the road is not a dedicated right-of-way, shall be required for all buildings and structures. All buildings shall be a minimum of 10 feet from side and rear property lines.
- d. **Parking:** All uses shall conform to the parking requirement of Section V. B.
- e. **Signs:** All uses shall conform to the sign standards of Section V. A.
- f. **Drainage:** For all uses that that will result in impervious or semi-impervious coverage exceeding 10% of the site area, retain a Colorado Registered Professional Engineer to provide calculations and designs for a detention or retention facility as may be appropriate, sufficient to prevent surface water from exiting the site above historical flows for a 25-year event. If detention is proposed and drainage water will be received by a man-made drainage entity (e.g. Uncompahgre Valley Water Users Association), provide written documentation of approval from the receiving entity.
- g. **Access and Circulation:**
 - (1) For all uses which access onto a secondary public road, obtain a Driveway and Access Permit from the County Engineer pursuant to the adopted Montrose County Standard Specifications for Roads and Bridges.
 - (2) Where access will be directly onto a State Highway, obtain an Access Permit from the Colorado Department of Transportation (CDOT).
 - (3) Where the site is located adjacent to developed or undeveloped property zoned for similar uses, parking lots and access roads shall be designed to maximize opportunities to provide direct vehicle and pedestrian connections between properties.
- h. **Fire Protection:** For all uses, provide written certification from the applicable Fire Protection District that adequate fire protection will be provided, either from a designated fire hydrant(s) with adequate fire flow or from other site or building improvement requirements.
- i. **Buffering:** When located adjacent to a residential zone district or an approved residential subdivision, provide any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site that will effectively insulate the adjacent residential uses

from the adverse impacts of the industrial uses.

- j. Lighting: All lighting shall be fully shielded and shall not exceed 25 feet in height. This shall apply to all light fixtures located on buildings, on poles, flag poles or other apparatus. Fully shielded means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. Temporary holiday, special events and construction lights shall be exempt. Holiday and special event lights shall be illuminated for a period not to exceed 60 days in a calendar year and installed and directed in a manner to prevent objectionable light at and across property lines and to prevent glare on or off the property.
- k. Building Height: All properties located along Highway 550 south of the Montrose City Limits to the Montrose County Line adjoining Ouray County and Highway 50 East, from the Montrose City Limits to Kinikin Road shall be subject to a restricted building height to preserve the view corridor. Building Height shall be limited to the following: 30 feet - when within 0 - 300 feet of the State Highway right of way; 40' when within 300 - 600 feet of the State Highway right of way and 50' when within 600 - 1000 feet of the State Highway right of way.

6. Site Plan Review:

- a. Before any building or structure is erected in this District, a site plan (including elevation plan, utility plan, drainage plan, sign plan, etc.) shall have been reviewed and approved by the Land Use Department. Such review shall be for the purpose of determining that the proposed development is in compliance with these district development standards; including other applicable County, State or Federal development standards, and any special use that may have been approved and recorded. In addition, such review shall determine that facilities and improvements are so arranged on the site that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect. Prior to the issuance of a Certificate of Occupancy pursuant to a Building Permit (including a change of use or a building addition), the site and buildings shall have been developed or upgraded to meet these district development standards, as approved with the Site Plan Review.
- b. When reviewing plans for a project located on property that was developed in commercial uses prior to the adoption of these regulations (9/3/02), the Land Use Department is authorized to negotiate the required development standards to accommodate existing site or building improvements that may be difficult to change or to upgrade. Each development standard shall be addressed in writing and/or in the applicable plan as either (1) completely achievable, (2) partially achievable, or (3) not achievable. Where cost is determined to be a severely limiting factor, a phase-in plan that spans several years may be negotiated.
- c. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

I. PLANNED DEVELOPMENT DISTRICT "PD":

1. **Purpose:** The Planned Development district is established to encourage innovations in residential, commercial, industrial, and recreational development by allowing for mixed land uses, variations in development densities and variety in the type, design, and layout of subdivisions, uses and buildings in a manner not allowed under traditional zoning district standards. The PD district provides a means for clustering development and allowing for the preservation of usable open space, more effective land utilization, and for more cost-effective and efficient extensions of infrastructure such as roads and utilities. The PD district is intended to provide a means for developing tracts of land into building and use complexes with a continuity of design and development.

2. **PD General Requirements:**
 - a. The PD shall be consistent with the intent and policies of the County's Master Plan.
 - b. The PD shall be designed in a manner such that it protects the environmental assets of the area including considerations of elements such as plants and wildlife, streams and storm drainage courses and scenic vistas.
 - c. The planned development's relationship to and compatibility with its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy. Criteria below may be used to assess compatibility. These criteria include, but are not limited to:
 - (1) The proposed uses are commonly developed adjacent to the surrounding land uses.
 - (2) The proposed roads follow the general contours of the land without extensive cutting and filling.
 - (3) Agreements are made to confine potential off-site impacts to the proposed project ditch and fence maintenance and weed control site such as pet control, ditch and fence maintenance and weed control.
 - (4) The proposed development generally "fits in" with the surrounding property when viewed from bordering public access roads by incorporating visual mitigation techniques into the development plan. These techniques may include, but are not limited to:
 - (a) Avoidance of excessive heights of improvements.
 - (b) Avoidance of placing improvements on ridge lines.
 - (c) Screening of improvements by existing vegetation, landscaping or landforms.
 - (d) Using materials, colors and designs improvements to "blend in" with the surrounding environment and land uses.
 - d. The PD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users of the PD.
 - e. Design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking, and loading space.
 - f. The mixture of uses and densities in a PD is negotiable. The applicant must demonstrate the positive benefits to the County of the PD district classification versus a traditional

single-district one classification.

g. The minimum parcel size for proposing a PD shall be 35 acres.

3. Submittal Requirements - Pre-application Conference: The applicant shall submit documents to the planning staff as required in Step One of the rezoning process, Section V, subsection 4.b.(1).

4. Submittal Requirements - Planned Development District:

a. The plans for the proposed planned development shall indicate the particular portions of the project that are intended to be developed under various use categories. Densities, acreage, and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to entire PD and/or separate areas within the PD will be required. A proposed development schedule or phasing plan must also be included.

b. The total parking requirements of the PD will equal the sum of the parking that would be required for each use as listed in Section VI. However, all the parking required by Section VI may be reduced, if the applicant demonstrates to the County, using industry standards, that the total number of spaces is not needed within the PD.

c. Planned open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants and/or declarations running with the land, or by conveyances or dedications. These documents are to be submitted to the County for review.

d. A portion of the total PD area shall be devoted to open-air recreation, landscaping or other usable open space (public or quasi-public). Minimum useable open space requirements include the following:

(1) Single family residential detached - 5%

(2) Multi-family residential - 40%

(3) Commercial - 15%

(4) Industrial - 10%

Publicly dedicated land for parks and open space may be included in order to meet the open space requirement.

e. A traffic circulation plan shall be submitted and the submission of a traffic study may be required. The PD must have an adequate internal street circulation system. Public streets must serve all planning areas, and meet minimum County construction standards and adequately sized for police and fire department vehicles for emergency purposes. The PD shall also provide for adequate egress and ingress so as not to impede traffic along existing public roads. Each nonresidential structure or use in the PD must provide off-street loading spaces, loading berths, service courts, or accesses for delivery and service vehicles.

f. A fiscal impact analysis of the proposed development which compares costs of providing County services to the development to the revenue generated by the development may be required by the County.

g. A general engineering study which addresses the provision of sewer and water service, identifies drainage problems, proposes a conceptual drainage scheme and identifies issues related to the provision of other utilities to the development will be required.

h. The submittal requirements of Appendix 2 applicable for rezoning also must be complied with.

5. Submittal Requirements - Final Development Plan: The list of submittal requirements for this stage of the process are listed in Appendix 3.

6. PD Approval Process:
 - a. Where PD District zoning and a Final Development Plan (FDP) already exists on a parcel the development shall conform to all standards and restrictions specified in the FDP. Subdivision of the property may be required, as well as an approved improvements agreement with the County. If the PD consists of only a PD District Plan, a Final Development Plan (FDP) approval must be obtained prior to commencement of development and issuance of building permits.
 - b. Where PD zoning does not exist on a parcel, the developer must apply for PD zoning district designation utilizing the rezoning process of Section V.4.
 - c. In approving a PD district, the Planning Commission and the Board of County Commissioners must find that:
 - (1) The PD documents as described in the proposed plans conform to the policies and intent of any applicable County comprehensive plans;
 - (2) The application is complete;
 - (3) The project is in the best interest of the residents of Montrose County;
 - (4) The project does not place an extraordinary financial burden on the County; and,
 - (5) The intent of applicable regulations in the County are met.
 - d. Review Bodies:
 - (1) Pre-application Conference - Planning Staff
 - (2) PD Zone District Plan - Planning Staff, public hearing before the Planning Commission, public hearing before the Board of County Commissioners. Approval of the PD Zone District Plan establishes the PD Zone District which is recorded by case number and the PD area outlined on the Official Zoning Map.
 - (3) Final Development Plan (FDP) - Planning Staff, Planning Commission public hearing, Board of County Commissioners public hearing.
 - e. Amendments to Final Development Plans (FDPs). Amendments to a FDP may be made under the following conditions:
 - (1) Minor changes in locations, siting, bulk of structures, height or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the FDP was approved.
 - (2) All other changes in use, any rearrangement in lots, or changes in the provision of usable open space must be approved by the Planning Commission and the Board of County Commissioners.

7. Enforcement and Modifications of PD Provisions:
 - a. To further the mutual interest of the residents, occupants, and owners of a planned development and of the public in the preservation of the integrity of the PD Plan, the provisions of the PD Plan relating to the use of land and the location of common open space shall be in the best interests of the County and shall be enforceable in law or in equity by the County without limitation on any powers or regulation otherwise granted by law.
 - b. All provisions of the PD Plan shall run in favor of the residents, occupants, and owners of the planned development, but only to the extent expressly provided in the PD Plan and in

accordance with the terms of the PD Plan, and to that extent, said provisions, whether recorded by Planned Development District Plan, FDP, plat, covenant, easement, or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization designated in the PD Plan to act on their behalf. However, no provisions of the PD Plan shall be implied to exist in favor of residents, occupants, and owners except as to those portions of the plan which have been fully approved.

- c. All those provisions of the PD Plan authorized to be enforced by the County may be modified, removed, or released by the County subject to the following:
- (1) No modification, removal, or release of the provisions of the PD Plan by the County shall affect the rights of the residents, occupants, and owners of the planned development to maintain and enforce those provisions at law or equity as provided above.
 - (2) No substantial modification, removal, or release of the provisions of the PD Plan by the County shall be permitted except upon a finding by the County Board of Commissioners, following a public hearing called and held in accordance with the provisions of these regulations, that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned development, does not affect in a substantially adverse manner either the enjoyment of land adjacent from the planned development or the public interest, and is not granted solely to confer a special benefit upon any person.
 - (3) Residents and owners of the Planned Development may, to the extent and in the manner expressly authorized by the provisions of the PD Plan, modify, remove, or release their rights to enforce the provisions of the PD Plan, but no such action shall affect the right of the County to enforce the provisions of the PD Plan.

J. PUBLIC LANDS DISTRICT "P-L": [Amended 9/19/11]

1. Purpose: The Public Lands District shall include all land owned by the U.S. Government and State of Colorado, located in the unincorporated areas of Montrose County and not included in any other zone district, with the exception of all federally owned lands under the jurisdiction of the Department of Energy. The Public Lands District has been created to accommodate and encourage the greatest possible range of uses within the district and to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. Uses within the Public Lands District shall include, but are not limited to: natural resource development, recreation/tourism, transportation, agricultural, commercial, industrial, residential and business.
2. Uses-By-Right:
 1. Any and all uses which are listed as Uses-By-Right, Special Use or Accessory Uses in all other districts described in this Resolution.
 2. Other similar compatible uses.
3. Special Uses:
 - a. No Montrose County Special Use Permits as defined by this Resolution shall be required within the Public Lands District.

SECTION V
DETAILED DEVELOPMENT STANDARDS

A. SIGNS:

1. Signs are any advertising device displaying any word, letter, picture, symbol, trademark, or other object, and any such decoratively illustrated building surface including window glass. Advertising devices attached to motor vehicles, trailers, or other movable objects if regularly located for fixed display are also considered “signs.” In determining the square footage of signs, each sign surface will be added together for determining total square footage, unless two identical sign faces that face opposite directions are placed on the same plane as in a double-faced sign or signs on the opposite ends of a building. The sign area is the entire surface of a sign, including nonstructural trim.
2. Business Signs are allowed in the commercial and industrial zone districts (and other districts subject to a special use) to advertise businesses or institutions on the premises, provided they do not exceed 35 feet in height and do not encroach into the public right-of-way. Business signs shall not exceed 150 square feet in area per sign or 300 square feet in area per property. No flashing, rotating, moving, or animated signs shall be allowed. External (indirect) lighting is allowed, provided that the intensity of sign lighting does not exceed that necessary to illuminate and make legible a sign from the adjacent travel way. These business sign standards shall not be interpreted to disallow or otherwise restrict permanent on-premise signs for instructional or directional purposes; or temporary on-premise signs for real estate sales purposes, or for a business special event, or for a campaign, drive, or event of a civic, philanthropic, political, educational, or religious nature.
3. Outdoor Advertising Signs (billboards) are allowed in the commercial and industrial zone districts to advertise a business off the premises, subject to the Business Sign design standards (above), and providing that it is not located within 300 feet of another outdoor advertising sign and that it is located a maximum of 5 miles from the business or institution advertised. Outdoor Advertising Signs erected for the sole purpose of advertising a non-profit civic, cultural, educational, or philanthropic activity or institution may be allowed in the General Agricultural Zone District.
4. Agribusiness Signs are allowed in the General Agricultural Zone District to advertise an agricultural or agribusiness use on or off the premises, subject to the Business Sign design standards (above). These agribusiness sign standards shall not be interpreted to disallow or otherwise restrict temporary on-premise signs for real estate sales purposes, or for a campaign, drive, or event of a civic, philanthropic, political, educational, or religious nature.
5. Home Occupation Signs are allowed in the residential and agricultural zone districts to identify the business or service conducted on the premises, provided they do not exceed 8 feet in height and do not encroach into the public right-of-way. Home Occupation Signs shall not exceed 16 square feet in area per single sided sign (pole, wall, or ground sign) or 8 square feet in area per double sided sign (pole or projecting sign) and shall be limited to one sign per property. No flashing, rotating, moving, or animated signs shall be allowed. External (indirect) lighting is

allowed, provided that the intensity of sign lighting does not exceed that necessary to illuminate and make legible a sign from the adjacent travel way. A Home Occupation Sign may also be utilized to identify a manufactured home park in the R-MHP District, the entrance to a major subdivision developed pursuant to the Montrose County Subdivision Regulations, or a multiple family complex in the R-MF District. These home occupation sign standards shall not be interpreted to disallow or otherwise restrict temporary on-premise signs for real estate sales purposes, or for a campaign, drive, or event of a civic, philanthropic, political, educational, or religious nature.

B. PARKING AND LOADING:

1. Parking and loading requirements are designed to provide adequate space for parking and loading, and to prevent traffic congestion and hazards.
2. Off-Street Parking Standards:
 - a. Off-street parking areas shall be designed to prevent the maneuvering of vehicles in to or out of parking spaces or the storage of vehicles within any portion of an entrance driveway lane that is within twenty (20) feet of the right-of-way line of a public road.
 - b. Off-street parking areas shall be so designed to permit all vehicles to turn around on the site in order to prevent the necessity of any vehicle backing onto a public road from such site.
 - c. No required off-street parking space including adjacent parking lanes or maneuvering space shall be located within the existing or proposed right-of-way of a public road, including sidewalk areas.
 - d. All off-street parking areas shall access onto a public road.
 - e. All required parking spaces shall measure 10 feet. x 20 feet in size.
 - f. For each parking area located adjacent to a residential subdivision or a residential zone district, a wall, fence, or screen planting of a year round nature shall be installed to a minimum four feet in height to serve as a barrier for passage of persons and waste material, to conceal glare from headlights, and to reduce noise and fumes.
 - g. Except for the General Agricultural Zone District, required off-street parking areas shall be surfaced and maintained with a portland or asphaltic concrete surface.
 - h. Drainage shall be provided in accordance with the drainage requirements of the zone district.
 - i. Any lighting used to illuminate required off-street parking areas shall be so arranged as to direct light away from adjacent residential subdivisions.
 - j. Only signs indicating entrances and exits or designating conditions of use, direction, or identification shall be maintained in a parking area. Such signs shall not exceed four square feet in area, nor shall there be more than one entrance or exit sign for each entrance or exit.
 - k. Required off-street parking shall be provided on the same property as the principal building or use, except where joint use of parking facilities may be feasible. Joint parking facilities may be determined as feasible where they can be shown to meet the following criteria:
 - (1) The off-street parking facilities are located within 600 feet of all the buildings or uses proposed to use the joint parking facilities.
 - (2) There is no substantial conflict in the principal operating hours of the involved building or uses proposed to use the joint parking facilities.
 - (3) At a minimum, the combined area of off-street parking shall be equal to the greatest requirement of any involved use, plus 25% for each additional use.
 - (4) A properly drawn legal instrument is provided for approval of the County Attorney and executed by the parties involved.
 - l. Parking areas shall be designed in conformance with "Parking Dimensions" and "Parking Layouts", Transportation Section, Chapter 1, Architectural Graphic Standards,

Ramsey/Sleeper, American Institute of Architects, Eighth Edition.

m. The minimum number of required parking spaces are:

- (1) One-family and two-family detached dwellings: Two (2) parking spaces for each dwelling unit.
- (2) Apartments and townhouses: Two (2) parking spaces for each dwelling unit, except senior citizen housing projects shall require one (1) parking space per unit, plus 25% for visitor parking spaces.
- (3) Motels, hotels, tourist homes, rooming or boarding houses: One (1) parking space per sleeping or dwelling unit, plus adequate space for accessory uses, such as restaurants.
- (4) Nursing or Convalescent Home: One (1) parking space for every five beds.
- (5) Barber and beauty shops: Three (3) parking spaces for each beauty chair or barber chair.
- (6) Banks, financial and business or professional offices: One (1) parking space for every one hundred fifty (150) square feet of gross floor area.
- (7) Retail and service stores, except when otherwise specifically covered herein: One (1) parking space for every one hundred fifty (150) square feet of gross floor area.
- (8) Stores for the retail sale of furniture, appliances or hardware: One (1) parking space for every five hundred (500) square feet of gross floor area.
- (9) Laundromats: One (1) parking space for every two (2) washing machines.
- (10) Restaurants, cafeterias, taverns, bars: One (1) parking space for every three (3) customer seats.
- (11) Drive-in restaurants: One (1) parking space for every eighty (80) square feet of gross floor area.
- (12) Shopping Center: Five and one-half (5 ½) parking spaces per 1,000 square feet of gross leasable area.
- (13) Auditorium, Theater, Church Sanctuary, Auction House: One (1) parking space for each three seats, plus 5% for employees.
- (14) Auto Body, Mechanical Services, Auto Repair: Four (4) parking spaces for each service bay.
- (15) Auto, Truck, Manufactured Housing Sales: One (1) parking space for every 600 sq. ft. of gross floor area, plus one (1) parking space for every 2,000 sq. ft. of outside display area.
- (16) Wholesale, Service, or Warehousing: One (1) parking space for every 200 sq. ft. of office floor area, plus one (1) parking space for every 1,000 square feet of storage floor area.
- (17) Manufacturing, Fabrication, or Processing: One and one half (1 ½) parking spaces for every one thousand (1,000) sq. ft. of gross floor area.

3. For uses not listed or not fitting within one of the above categories, the Land Use Department shall determine the parking requirements, taking into account similar uses and requirements or needs of similar businesses. Where adequate evidence based on comparable studies or shared parking with adjoining properties is presented to justify a reduced standard for the number of required parking

spaces, the Land Use Department may approve such reduction. Any determination relating to parking lot design or the number of required parking spaces may be appealed to the Board of Adjustment pursuant to Section VII.

4. Disabled Accessible Parking Spaces:

Off street parking areas shall include disabled accessible parking spaces according to the following table:

NUMBER OF SPACES REQUIRED BY ADA GUIDELINES

<u>Total parking in lot</u>	<u>Required accessible spaces</u>	<u>Required van-accessible spaces</u>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
01-150	5	1
51-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1,000	10	2

Required accessible parking spaces shall measure 8 feet wide, plus a 5 foot wide access isle. Required van-accessible parking spaces shall measure 8 feet wide, plus an 8 foot wide access isle.

5. Off-Street Loading Standards:

For every building, structure, or part thereof, having over three thousand five hundred (3,500) square feet of gross building floor area erected and occupied for office, commerce, hotel, hospital, laundry, dry cleaning, places of public assembly, industry, and other similar uses involved in the receipt and distribution by vehicle of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with the public use of public roads and parking areas.

C. GRAVEL MINING MITIGATION STANDARDS:

1. Definitions:

EFFECTIVELY SCREEN: Trees and/or vegetation, berms, fences and the like that minimize the visual impression of an intensive alteration of the natural landscape caused by a gravel mining operation.

EXISTING RESIDENCE:

- a. As concerns a gravel mining operation for which a Special Use Permit has been issued, a residence in existence prior to the date of the application for a Special Use. Such existence may be established by the records of the County Land Use Department, the County Assessor's Office, or the County Treasurer's Office.
- b. As concerns a gravel mining operation for which a Special Use Permit has not been issued, a residence in existence prior to the date of such gravel mining operation's most current application for a Reclamation Permit from the State Division of Minerals and Geology. Such existence may be established by the records of the County Land Use Department, the County Assessor's Office, or the County Treasurer's Office.

EXISTING PLATTED SUBDIVISION:

- a. As concerns a gravel mining operation for which a Special Use Permit has been issued, a platted subdivision which has received preliminary plan or final plat approval prior to the date of the application for a Special Use Permit.
- b. As concerns a gravel mining operation for which a Special Use Permit has not been issued, a platted subdivision which has received preliminary plan or final plat approval prior to the date of such gravel mining operation's most current application for a Reclamation Permit from the State Division of Minerals and Geology.

GRAVEL MINING OPERATION: The development, extraction or processing of sand or gravel from its natural occurrences on affected land to be utilized for off-site construction purposes, specifically including, but not limited to, on-site transportation, screening, crushing, breaking, blasting, inventory stockpiling, asphalt plant operation, concrete plant operation, or other similar operations or utilization of similar equipment. Such definition shall not be affected by the type of Reclamation Permit required by the State Division of Minerals and Geology.

2. Buffers:

- a. No mining excavation or stockpiling of material shall take place within twenty-five feet (25') of the boundary of adjacent property including easements and/or rights-of-way unless written agreement is obtained from the owner of such adjacent property.
- b. No mining excavation shall take place within one-hundred twenty-five feet (125') of any existing residence or existing platted subdivision unless written agreement is obtained from the owner of such residence or subdivision.

- c. No blasting, use of screening, crushing, or breaking equipment, asphalt plant operation, concrete plant operation, or other similar equipment usage shall take place within two-hundred fifty feet (250') of the property boundary of any existing residence or existing platted subdivision unless written agreement is obtained from the owner of such residence or subdivision.

3. Landscaping:

- a. If located within thirteen-hundred and twenty feet (1320') of any existing residence or existing platted subdivision, Gravel Mining Operator shall provide any combination of trees and/or vegetation, berms, fencing and/or other appropriate landscaping that will effectively screen such property from the visual impact of the gravel mining operation unless written agreement is obtained from the owner of such residence or subdivision.
- b. If located within twenty-six hundred and forty feet (2640') of any road designated a Scenic Byway by the State of Colorado or a Scenic Drive by Montrose County, Gravel Mining Operator shall provide any combination of trees and/or vegetation, berms, fencing and/or other appropriate landscaping that will effectively screen such byway and/or drive from the visual impact of the gravel mining operation. Gravel mining operations with an approved Special Use or in production prior to the date of the adoption of these Mitigation Standards (adopted 10/20/97) shall be exempt from the requirements of this paragraph.

4. Dust:

- a. If located with thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision, Gravel Mining Operator shall maintain all roads within the mining property in conformance with the Colorado Air Quality Control Commission Regulation No. 1, as it applies to the regulation of fugitive particulate emissions and the measurement of opacity and off-property transport of fugitive particulate emissions.
- b. If located within thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision, Gravel Mining Operator shall operate screening, crushing, digging equipment, asphalt plant, concrete plant or other similar equipment in conformance with the Colorado Air Quality Control Commission Regulation No. 1, as it applies to the regulation of fugitive particulate emissions and the measurement of opacity and off-property transport of fugitive particulate emissions.
- c. If located within twenty-six hundred and forty feet (2640') of an existing residence or an existing platted subdivision, asphalt batch plants shall be operated only between 6:00 a.m. (6:00 a.m. to 7:00 a.m. shall provide for a machinery warm-up period only) and 6:00 p.m., Monday through Saturday, unless written agreement is obtained from the owner of such existing residence or existing platted subdivision. The County Administrator or designee may expand such operating hours for a limited period of time and for special circumstances as might be deemed appropriate within the sole discretion of such County Administrator or designee.

5. Noise:

- a. Montrose County shall establish two sets of noise standards which shall be applicable to gravel mining operations located within thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision. One set of such noise standards shall

encompass Monday through Friday gravel mining operations and a second more restrictive set of noise standards shall encompass Saturday gravel mine operations and any "expanded operating hours" that may be allowed by the County Administrator or designee pursuant to subsection (3) of this section.

- b. As concerns such noise standards, Title 25, Article 12, Sections 101 through 105, and 108, Colorado Revised Statutes, are hereby adopted and incorporated herein by reference for the purpose of establishing noise standards prescribed pursuant to subsection (1) of this section. Pursuant to 25-12-102(4), C.R.S., the definition for "industrial zone" shall apply to gravel mining operations in Montrose County. Pursuant to 25-12-103(1), C.R.S., the industrial zone establishes a maximum permissible noise level of 80 db(A) which shall be controlling for gravel mining operations in Montrose County for the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and establishes a more restrictive maximum permissible noise level of 75 db(A) which shall be controlling for gravel mining operations in Montrose County for the hours of 7:00 a.m. to 6:00 p.m. Saturdays, as well as any expanded operating hours that may be allowed by the County Administrator or designee pursuant to subsection (3) of this section.
- c. As concerns such noise standards, if located within thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision, gravel mining operations shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, unless written agreement is obtained from the owner of such residence or subdivision. The County Administrator or designee may expand such operating hours for a limited period of time and for special circumstances as might be deemed appropriate after written decision of the County Administrator (Manager) or designee, such decision may be appealed by Public Hearing to the Montrose County Board of County Commissioners. In conjunction with the Public Hearing, all property owners within thirteen-hundred and twenty feet (1320') will be notified at least 14 days prior to the Public Hearing". [Amended 1/16/07]
- d. As concerns such noise standards, if located within thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision, gravel mining operations may be extended to include Saturday operations from 7:00 a.m. to 6:00 p.m. where conformance with the more restrictive established noise standards for Saturday gravel mining operations has been demonstrated.

6. Haul Routes:

- a. If a gravel mining operation is located where it will access a County Road, the Gravel Mining Operator shall be required to obtain an Access and Driveway Permit for a Commercial Driveway from the County Land Use Department.
- b. Under appropriate circumstances, and at the discretion of the Board of County Commissioners, a written agreement between Montrose County and the Gravel Mining Operator may be required in order to mitigate haul route impacts upon the County Road(s).

7. Site Development:

- a. If located within thirteen-hundred and twenty feet (1320') of an existing residence or an existing platted subdivision, Gravel Mining Operator shall submit a development schedule describing the life span of the gravel mining operation in years and, if applicable, the years per phase of said development schedule. Requests for extensions of such development

schedule up through five (5) years will be considered by the Board of County Commissioners at a noticed public hearing.

- b. Gravel Mining Operator shall provide adequate sanitation facilities on site in accordance with State and County regulations.
- c. The placement, construction or erection of any building or structure on the gravel mining operation property shall require a Building Permit in accordance with the County Building Code.
- d. Gravel Mining Operator shall provide a Weed Management Plan and submit it for approval to the Weed Management Commission.
- e. Gravel Mining Operator shall provide adequate parking space in conformance with the Parking and Loading Standards of the Montrose County Zoning Resolution.
- f. Signage erected at the gravel mining operation shall be in conformance with the Sign Standards provided in the Montrose County Zoning Resolution.

8. Reclamation:

- a. If the gravel mining operation site will be reclaimed as anything other than pasture, range land or farm land, the Gravel Mining Operator shall provide a plan (both written and diagrammatic) to the County Land Use Department for approval.
- b. At such time as on-site gravel stockpiles have been depleted, gravel mined elsewhere shall not be stockpiled on the site.

D. GRAVEL MINING ADMINISTRATION AND ENFORCEMENT:

1. These gravel mining operation Mitigation Standards shall apply to: NEW gravel mining operations, i.e., gravel mining operations as to which the application for County's Special Use Permit is filed with the County Land Use Department subsequent to the date of the adoption of these Mitigation Standards and EXISTING gravel mining operations with a "permitted acreage" of ten (10) acres or more pursuant to an active Division of Minerals and Geology Reclamation Permit, i.e., gravel mining operations in existence prior to the date of the adoption of these Mitigation Standards and as to which the two-year amortization period has expired.
2. These gravel mining operation Mitigation Standards shall be enforced by the County's Zoning Enforcement Officer with the technical assistance of the County's Environmental Health Specialist. The County's Zoning Enforcement Officer with the technical assistance of the County's Environmental Health Specialist shall observe the following enforcement procedures:
 - a. Confer with the Gravel Mining Operator in order to review alleged violations of these Mitigation Standards and to inform the Gravel Mining Operator as to these enforcement procedures.
 - b. Attempt to negotiate an agreement with the Gravel Mining Operator as to the required corrective action concerning Mitigation Standards violations and as to the appropriate time table for the accomplishment of such corrective action.
 - c. Following successful negotiations, provide a written "Contact Report" to the Gravel Mining Operator documenting the Mitigation Standards violations, required corrective actions and agreed time schedule.
 - d. Following timely completion of the corrective actions, provide an appropriate Letter of Completion of Corrective Action to Gravel Mining Operator.
3. In the event that the County Zoning Enforcement Officer with the technical assistance of the County's Environmental Health Specialist and the Gravel Mining Operator are unable to agree as to the alleged violations of these Mitigation Standards or are unable to agree as to the appropriate corrective actions or are unable to agree as to the appropriate time schedule of the corrective actions, the County Zoning Enforcement Officer shall issue a certified "Notice of Non-Compliance" and shall mail an original of such Notice of Non-Compliance to the Gravel Mining Operator by certified mail, return receipt requested, which Notice shall advise the Gravel Mining Operator that he has the right to file an appeal of such Notice of Non-Compliance with the Montrose County Board of Adjustment within fifteen (15) days of Gravel Mining Operator's receipt of the Notice of Non-Compliance. This appeal to the Montrose County Board of Adjustment shall be conducted in accordance with Section VII of the Montrose County Zoning Resolution and also in accordance with C.R.S. 30-28-118, as amended.
4. In the event that the Gravel Mining Operator does not file a timely appeal with the County Board of Adjustment or in the event that the County Board of Adjustment denies the Gravel Mining Operator's appeal and the Gravel Mining Operator does not timely effectuate the required corrective actions, the Montrose County Attorney shall issue to the Gravel Mining Operator a

certified "Cease and Desist Order" and the Montrose County Attorney shall thereafter prosecute such violation of these Mitigation Standards pursuant to Section VIII of the Montrose County Zoning Resolution and/or applicable State statute.

5. The provisions of this section shall not be construed to preempt or limit the authority of the State of Colorado, nor shall any State standards be construed to preempt or limit the authority of the County of Montrose to adopt and enforce standards which are no less restrictive than the corresponding State statute or administrative rule/regulation.

E. MANUFACTURED HOME PARKS:

1. General Provisions

- a. Title: This resolution shall be referred to as the Montrose County Manufactured Home Park Regulations and shall become a part of the Montrose County Zoning Resolution.
- b. Authority: The Montrose County Manufactured Home Park Regulations are authorized by 30-28-111 through 116, et. Seq., Colorado Revised Statutes, as amended, and are hereby declared to be in accordance with all provisions of those statutes.
- c. Purpose: The purpose of these regulations shall be:
 - (1) To establish minimum standard governing the construction and maintenance of manufactured home parks.
 - (2) To establish minimum standards governing utilities and other physical facilities and conditions.
 - (3) To make manufactured home parks safe and sanitary for human habitation.
 - (4) To set forth the responsibilities and duties of owners and operators of manufactured home parks.
 - (5) To fix penalties for violations, and
 - (6) To regulate the installation of individual manufactured homes within these parks.These regulations do not address manufactured home subdivisions, which are regulated by the Montrose County Subdivision Regulations.
- d. Control of Manufactured Home Parks: It shall be unlawful for any person to operate, maintain, construct, expand or alter any manufactured home park within the unincorporated area of Montrose County, Colorado, except in compliance with these Manufactured Home Park Regulations.
- e. Interpretation: In the interpretation and application of the provisions of these regulations, the following criteria shall govern: Whenever a provision of these regulations and a provision of any other law, ordinance, resolution, rule or regulation contain restrictions covering the same subject matter, that regulation which is the more restrictive or imposes higher standards or requirements shall govern.
- f. Jurisdiction: These regulations shall include all of the unincorporated area within Montrose County, Colorado.
- g. Enforcement and Construction:
 - (1) It shall be unlawful to construct, maintain, operate, alter or expand any manufactured home park within Montrose County without a valid permit issued by Montrose County for that manufactured home park (the maintenance, operation and alteration of non-conforming manufactured home parks shall be excepted). All applications for permits shall be made in accordance with these regulations.
 - (2) Except as permitted by these regulations, no manufactured home shall be parked, stored, or occupied for a period greater than one year except in a manufactured home park, (or) in a manufactured home subdivision as regulated in the Montrose County Subdivision Regulations, (or) on a parcel of land that is one (1) acre or greater in size, (or) on a manufactured home dealers lot, (or) on a manufactured home repair business lot, (or) on a manufactured home transport business lot.

- (3) Fees: A fee structure as defined in the Montrose County Fee Schedule Resolution or any amendments thereof shall be assessed to offset the costs of administering these regulations.
 - (4) All manufactured home park permit applications shall be reviewed and approved by the appropriate agency for compliance with the following; Montrose County Flood Plain Resolutions, Montrose County Uniform Fire Code, Montrose County Board of Health Resolution, Montrose County Subdivision Regulations, Montrose County Zoning Resolution, State of Colorado Sanitary Standards and Regulations for Manufactured Home Parks, State of Colorado Electric Code, State of Colorado Plumbing Code, State Highway Access Code, School Land Dedication Policies, Wildlife Management Practices (DOW), Municipal Development Codes (within 3 miles), and other applicable local, state, or federal codes, regulations, etc..
- h. Definitions: For the purpose of these regulations, the following words and phrases shall have the meanings ascribed to them in this section.
- (1) Camping Unit: Any motor home, travel trailer, tent trailer or similar recreational unit licensed as a recreational vehicle, or pick-up camper designed primarily for use as a temporary unit for human occupancy, and which may or may not have self-contained units for storage of potable water and wastewater.
 - (2) Board: The Montrose County Board of County Commissioners.
 - (3) Dependent Manufactured Home: Any manufactured home unit which had no toilet, lavatory, or bathing facilities installed at its time of construction, and is dependent upon a service building for these facilities (i.e.-construction trailers, etc.).
 - (4) Montrose County: The Board of County commissioners or its authorized representatives.
 - (5) Independent Camping Vehicle: A camping vehicle that has toilet lavatory, and bathtub or shower facilities which may or may not require connection to a sanitary sewer.
 - (6) Dependent Camping Vehicle: A camping vehicle that has no toilet, lavatory, or bathing facilities and is dependent upon a service building for these facilities.
 - (7) Manufactured Home: A factory built manufactured home designed to be transported, in one or more sections, on its own chassis after fabrication, which exceeds eight (8) feet in body width, or forty (40) feet in body length, and which exceeds 300 square feet in size and which is suitable for year-round habitation when the required sewer, water, gas, electrical utilities, etc. are connected, and is located on a temporary foundation.
 - (8) Manufactured Home Park: The placement of more than one manufactured home on any plot of ground where the plot is for rent or lease to the general public for periods exceeding ninety (90) days. The term Manufactured Home Park shall not include manufactured homes placed on agricultural property for the use of employees or family members of the landowner.
 - (9) Manufactured Home Space: A plot of ground within a manufactured home park designed for the accommodation of one manufactured home.
 - (10) Manufactured Home Subdivision: A residential subdivision designed for and occupied only by manufactured and modular homes. Such a subdivision shall not be included in the definition of a “Manufactured Home Park” and shall be regulated

under the Montrose County Subdivision Regulations.

- (11) Non-Conforming Manufactured Home Park: Any manufactured home park which is not in compliance with these regulations and is in existence at the time of their enactment.
- (12) Permit: A written authorization by the County Commissioners or their authorized representative, permitting the construction, alteration, expansion, or use of a manufactured home park.
- (13) Person: Any individual, firm, partnership, corporation, joint venture, company or association.
- (14) Manufactured Home Park Plan: That plan submitted in compliance with Special Use Permit requirements as prescribed in the Montrose County zoning Resolution, and filed with the Montrose County Land Use Office.

2. Requirements and Procedures

a. General Park Requirements

- (1) Manufactured home parks shall be maintained in a clean, sanitary condition. Grasses, weeds and other such vegetation not considered as part of the ornamental landscape, shall not exceed twelve (12) inches in height, or be allowed to accumulate in a dry or dead condition so as to constitute a fire hazard.
- (2) A manufactured home shall not be occupied for dwelling purposes in a park unless it is properly placed on a conforming manufactured home space and connected to all utility services, including water, sewage, electrical and gas lines and such connections are permitted and approved by the appropriate state and local enforcement agency and/or utility. All utility service connections shall be located on each space served.
- (3) The owner of the park shall be responsible for the supervision, operation and maintenance of the park.
- (4) Rules and regulations for operation of the park shall be established by the park developer and a copy of these rules shall be made available by the park manager in the park area for use by park occupants and the park manager.
- (5) Manufactured home spaces shall be clearly and sequentially numbered and an approved plan filed with the Montrose County Land Use Department and the Montrose County Assessor's Office.

b. Construction and Utility Permits: All manufactured homes, buildings, and utilities to be constructed, installed, sited, altered, or repaired in a manufactured home park shall comply with all applicable regulations and codes of Montrose County Building Department, and the State of Colorado, including building, electrical, plumbing, and similar codes, and shall require a permit issued by the proper County or State authorities. It shall be the responsibility of the park owner or manager to see that all permits are obtained and complied with.

3. Manufactured Home Park Design Criteria

a. Manufactured Home Park Site Selection Criteria

No permit shall be issued for any manufactured home park plan which substantially conflicts with the following Design Criteria:

- (1) The manufactured home park shall be on a site which is naturally, or by design, well-drained, and shall be located so that its drainage will not cause adverse effects on adjacent or nearby areas. Manufactured home parks shall be graded and/or surfaced when necessary to facilitate drainage and prevent earth movement, and shall be free from depressions in which water collects and stagnates.
 - (2) The manufactured home park design shall address fire and safety hazards, flooding from ground or surface water, and nuisances such as noise, smoke, fumes or odors.
- b. Setbacks, Landscaping, and Placement of Manufactured Homes
- (1) Setbacks along the perimeter of the park shall be twenty-five (25) feet front and twenty (20) feet side and rear and shall be landscaped except for those portions used for ingress and egress. Each manufactured home within a manufactured home park shall be set back at least fifteen (15) feet from any interior roadway with such measurement being taken between the edge of the roadway and the wall of the manufactured home, and not the hitch or towing device attached to the manufactured home.
 - (2) Requirements for landscaping may be increased for high density parks or decreased for low density parks, on approval of the Planning Commission and Board.
 - (3) The setback of structures and manufactured homes from the edge of the public Right of Way or interior drives shall be as follows:
 - (a) Fifty (50) feet from federal highways.
 - (b) Fifty (50) feet from state highways.
 - (c) Twenty-five (25) feet from county roads.
 - (d) Fifteen (15) feet from interior development or service drives.
 - (4) All manufactured homes shall be parked in spaces so that there will be a minimum of twenty (20) feet between manufactured homes. Manufactured homes parked end-to-end shall have an end-to-end clearance of not less than twenty (20) feet. Enclosed additions to the manufactured home structure shall be considered a part of the manufactured home in measuring required yard distance and setback.
 - (5) It shall be unlawful to park a manufactured home so that any part of such manufactured home will obstruct any roadway or walkway in a manufactured home park.
 - (6) It shall be unlawful to allow any manufactured home to be occupied in a manufactured home park unless the manufactured home is situated on a manufactured home space.
 - (7) No manufactured home shall be permitted in a manufactured home park where the roof snow load requirements of the County Building Department exceed the snow load rating of the manufactured home.
- c. Manufactured Home Space Requirements – The minimum area of a manufactured home space shall be 5000 square feet.
- d. Access and Interior Roadways
- (1) The park site shall access a county, state or federal road and that access must be constructed in compliance with the Montrose County Road specifications.
 - (2) Each manufactured home must access an interior drive which shall be constructed and maintained in compliance with the Montrose County Road Specifications. All interior drives shall be named and clearly identified and maintained to allow free

movement of emergency and service vehicles at all times. Dust abatement shall be required on an as needed basis in all manufactured home parks with gravel interior drives.

- e. **Public Sites and Recreation Areas**
 - (1) **School Sites.** In compliance with the Montrose County School Land Dedication Policy (Ref. Section 3.27, Montrose County Subdivision Regulations); prior to occupancy of the manufactured home park, a "fee in lieu of land dedication" shall be paid to the applicable school district in the amount prescribed for each manufacture home space in the park, or an approved phase thereof.
 - (2) **Recreation Areas.** Each manufactured home park shall provide a central area which may or may not contain recreational equipment, but shall be available and maintained by the park owner/manager for the recreational use of park residents. A minimum of eight (8) percent of the gross manufactured home park area shall be designated for this central area. This requirement may be waived on recommendation by the Planning Commission and approval by the Board, if a proponent agrees to contribute to the construction, improvement and/or maintenance of an existing recreational area which will serve park residents.
- f. **Off-Street Parking** – A minimum of two (2) off-street parking spaces shall be provided for each manufactured home space. The minimum size of each off-street space shall be ten (10) by twenty (20) feet. Guest off-street parking spaces shall be provided at a ratio of one (1) parking space for every two (2) manufactured home spaces.
- g. **Storage Areas** – An outdoor storage area surfaced with gravel, asphalt, concrete or similar substance for disabled vehicles, boats, boat trailers, camping units, and horse trailers shall be provided within the manufactured home park in an amount equal to one hundred (100) square feet per manufactured home space. The required storage area may be increased or decreased upon recommendation by the Planning Commission and approval by the Board.
- h. **Skirting, Stairs, Foundation Supports, Ventilation, Crawl Space Access, and Smoke Detector Requirements**
 - (1) All manufactured homes shall be skirted with a rigid material. Such skirting must be in place within thirty (30) days after the manufactured home is set on the manufactured home space. Straw, hay, sawdust, or other flammable materials shall not be stored beneath a manufactured home.
 - (2) Stairs, foundation supports, ventilation, crawl space access, and smoke detectors shall be installed on all manufactured homes and in conformance with Installation Requirements for Manufactured Housing in Montrose County.
 - (3) It shall be the responsibility of the park manager to assure that skirting is in place in compliance with these regulations.
- i. **Dependent Manufactured Homes; Independent Camping Vehicles**
 - (1) Dependent manufactured homes as herein defined shall not be allowed in manufactured home parks.
 - (2) Independent camping vehicles may be allowed in conforming manufactured home parks, providing all necessary sewer, water, and electrical hook-ups are made. Independent camping vehicles shall be segregated from the full-time manufactured home residential area.
- j. **Fire Protection** - Every manufactured home park shall be equipped at all times with fire

hydrants in good working order of such type, size and number, and as located within the park as prescribed by the applicable Fire Protection District.

k. Utilities – Utility systems shall conform to the following standards:

- (1) Water Supply. All manufactured homes shall be served by a water supply system designed, constructed and protected in accordance with the Colorado Department of Health, “Colorado Primary Drinking Water Regulations”, and in accordance with the Colorado State Plumbing Code. Where a public water supply is available, the park shall be connected to that system, and that source shall be used exclusively.
- (2) Sewage Disposal. Facilities shall be provided and properly maintained for the collection and disposal of sewage from manufactured homes, service buildings, and other facilities. These sewage disposal and collection facilities must meet the State Health Sanitary Standards and Regulations for Manufactured Home Parks (as per the Consumer Protection Division) and the proper engineering practices (as per the Water Quality Control Division of the State Health Department and/or the Montrose County Individual Sewage Disposal Systems Regulations).
- (3) Electricity. The installation shall comply with all state and local electrical regulations.
- (4) Refuse disposal.
 - (a) The storage, collection and disposal of refuse in a manufactured home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution or other nuisance conditions.
 - (b) Refuse containers shall be provided at central screened areas no more than 200 feet from any manufactured home space, and shall be provided at the rate of at least two 30 gallon (8 cu. ft.) containers for each manufactured home space, or an equivalent storage capacity.
 - (c) The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers. Refuse shall be disposed of routinely (minimum of once a week) at a lawful disposal site in accordance with requirements of the Colorado Solid Waste Disposal Sites and Facilities Act.

4. Application for Park Permit

- a. Application for issuance of a Special Use Permit to construct, alter or expand a manufactured home park shall be made first to the Montrose County Land Use Department prior to the commencement of any such construction, alteration, or expansion. Submission of information and procedural compliance shall be as required for Special Use Permit applications as outlined in the Montrose County Zoning Resolution.
- b. All improvements shall be completed, inspected, and approved prior to occupancy of the manufactured home park or an approved phase thereof.

5. Supervision and Penalties

- a. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with these regulations, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.
- b. Subject to a 30-day notice period, any person who violates any provision of these regulations shall upon conviction be punished by a fine of not less than \$50 nor more than

§300. Each day's failure of compliance shall constitute a separate violation.

6. Administrative Provisions

- a. When an existing non-conforming manufactured home park is damaged by fire or other cause to the extent of more than fifty (50) percent of its actual value, as determined by the Montrose County Assessor, such non-conforming manufactured home park shall thereafter be discontinued, or shall be reconstructed in complete compliance with the requirements and standards of these regulations.
- b. No existing manufactured home park shall increase its non-conformance under these regulations. Any expansion, alteration, or new construction shall comply with all these regulations.
- c. Severability Clause. It is hereby declared to be the legislative intent that the provisions of these regulations shall be severable in accordance with the provisions set forth below:
 - (1) If any provision of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (a) The effect of such decision shall be limited to the provisions which are expressly stated in the decision to be invalid; and
 - (b) Such decisions shall not affect, impair, or nullify these regulations as a whole or any part thereof, but the rest of these regulations shall continue in full force and effect.
 - (2) If the application of any provision of these regulations to any manufactured home park is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (a) The effect of such decision shall be limited to that manufactured home park immediately involved in the controversy, action, or proceeding in which the judgment or degree of invalidity was rendered; and
 - (b) Such decision shall not affect, impair or nullify these regulations as a whole or the application of any provision thereof, to any other manufactured home park.
- d. Amendments or Additions. After study and recommendation by the Board and upon public hearing, these regulations may be amended and sections added thereto or repealed by the Board in accordance with the provisions of state law and the Montrose County Zoning Resolution.
- e. Waivers and Modifications. Should the developer clearly demonstrate that, because of peculiar physical conditions pertaining to the land, the literal enforcement of one or more of these regulations is impractical or will exact undue hardship, the Board may permit such waiver or modification as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations.

SECTION VI
ADMINISTRATION AND ENFORCEMENT

Except as otherwise provided, no land or structure, or part, or part thereof, shall, after the effective date of this resolution, be used, erected, altered, or moved unless in conformity with the provisions of the district in which it is located.

A. NONCONFORMING USES:

Any use existing at the date of adoption of this resolution may be continued, even though such use does not conform to the use provisions established for the district in which it is located. These nonconforming uses may be allowed to remain provided that they (1) do not cease to operate for a period of time over six months in all zone districts except the period of time will be sixty (60) months in the General Agricultural District, (2) setback requirements of that zoning district are met, (3) are not extended beyond existing property lines, and (4) existing residential structures in the Heavy Industrial District shall be exempt from this definition. A "Registration of Nonconforming Use" form shall be filed with the Land Use Office.

B. SPECIAL USES:

These uses are extraordinary in nature and a complete site plan and impact mitigation plan will be required to be reviewed and approved. The special use review criteria are to be used to judge the acceptability of a particular special use proposed in a specific zone district. The Planning Commission is to make written findings regarding the review of such uses based on public testimony, staff recommendations and the criteria listed below. Planning Commission findings and recommendations for approval, approval with conditions or denial are to be forwarded to the Board of County Commissioners who will review the application in a public hearing and, based on the evidence presented at the hearing, make findings approving, approving with conditions, or denying the special use. Criteria which may be used for review of special uses include, but are not limited to:

1. The use and its location as proposed are in conformance with the Master Plan of Montrose County and where it does not, variations are to be identified and approved as part of the Special Use.
2. All the application documents and technical reports present a clear picture of how uses are to be developed and arranged on the site.
3. The site plan conforms to the district design standards of these Regulations; where it does not, variations are to be identified and approved as part of the Special Use.
4. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements, buffering or other mitigation measures.
5. The special use promotes the best interest of the general public's health, safety and welfare as set by either federal, state or county regulation.
6. The special use proposed is not planned to be developed on a nonconforming parcel.
7. The applicant has willingly forwarded to the County all pertinent technical information, has levied by the County in a timely manner for application processing and review.
8. The proposed Special Use is likely to have a positive economic impact and/or result in the creation of new jobs in Montrose County or the region.

C. AMENDMENTS:

1. **Amendments to Zoning Resolution and Map - County Initiated:** The County Commissioners may amend the number, shape, boundaries or area of any district, or any regulation of or within such district, or any other provisions of the Zoning Resolution, in accordance with the procedures of Title 30 (30-28-116), Colorado Revised Statutes, as amended.
2. **Amendments requested by petition of the public or by property owner application:** Any property owner or group of property owners may request by petition or application that the zoning of property be changed (rezoning) according to Steps 1, 2 and 3 of the following general procedure. In addition, this general procedure is to be used for review of Special Uses (Steps 1, 2 and 3), Planned Development District Plans (Steps 1, 2 and 3) and Final Development Plans for Planned Developments (Steps 1, 2 and 3).
3. **Step One: Pre-application Conference.**
 - (1) Applicants shall submit a sketch plan and any documents describing the proposed development to the Land Use Department. The staff shall schedule a meeting with the applicant to review the sketch plan no sooner than 7 days from the date of submittal. The staff shall review the sketch plan, make comments and inform the applicant of subsequent review procedures and submittal requirements involved in processing an application during the pre-application conference.
- b. **Step Two: Planning Commission Review.**
 - (1) The Application shall include a Land Survey Plat drawn by a Colorado Registered Land Surveyor and a written Legal Description of the property to be rezoned, and shall be submitted by the applicant to the County staff for review and referral at least forty-three (43) days in advance of a regularly scheduled Planning Commission meeting. This review period will allow staff time to prepare written comments, send referrals as necessary to appropriate review agencies, receive comments back, and conduct technical meetings, as appropriate, concerning the submittals. Staff will forward any written comments to the applicant and the Planning Commission no later than four (4) working days prior to the hearing date.
 - (2) The Planning Commission shall conduct a hearing and prepare recommendations to the Board of County Commissioners on the proposed Application. Before submitting a report and recommendation on any Application, the Planning Commission shall hold a public hearing on the proposed Application.
 - (3) A written notice shall be sent by first class mail at least fourteen (14) days prior to the hearing date, to property owners within thirteen hundred and twenty (1320) feet of the property in question, as such ownership is available in the office of the County Assessor.
 - (4) A notice declaring that the Application is to be reviewed shall be placed in a newspaper of general circulation in the County at least fourteen (14) days prior to the hearing on the Application. In addition, notice declaring that the Application is to be reviewed shall be placed on a sign or signs provided by the County at least fourteen (14) days prior to the hearing. The sign, or signs, shall be posted on the property and along a public street or road fronting or adjacent to the property in full view of the general public. The planning staff shall determine the number of signs

to be posted.

- (5) The Planning Commission may continue or table a hearing in order to obtain additional information pertaining to the Application.
- (6) The Planning Commission, after study of the Application, may recommend that the Board of County Commissioners approve or deny the Application. The Planning Commission may recommend rezoning to a more restrictive zone district if it finds that a more restrictive zone district is (1) more consistent with the Master Plan; (2) is necessary in order to avoid “spot zoning”; (3) is necessary in order to best serve the interests of the public health, safety, and general welfare; or (4) is necessary in order to be in harmony with the present land uses in the immediate area. The Planning Commission may also state conditions to be met for its recommendation of approval. Recommendations of the Planning Commission must be forwarded to the Board of County Commissioners no later than sixty (60) days after the completion of its hearing.

c. Step Three: Board of County Commissioners Review.

- (1) Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall set a hearing date and direct that a notice of said hearing be placed in a newspaper of general circulation in the County at least fourteen (14) days prior to the hearing date.
- (2) Hearing procedures shall be conducted with reasonable formality so as to provide for fair and reasonable testimony and other input by and interchange between all applicants, interested citizens (or other representatives), planning staff, and to accommodate full inquiry by members of the Board of County Commissioners. All public hearings shall be tape recorded and minutes of such hearing shall be prepared and made available to interested parties by staff. Transcripts of public hearings or portions thereof may be requested at cost.
- (3) The Board of County Commissioners must be satisfied that the Application meets each of the review criteria listed for each type of Application or that one or more of them is not applicable and that a practical solution consistent with public interest has been achieved by the decision rendered by the Board.
- (4) Within thirty (30) days following the public hearing of the Board, the Board shall approve, conditionally approve, or deny the Application. The Board may approve rezoning to a more restrictive zone district if it finds that a more restrictive zone district is (1) more consistent with the Master Plan; (2) is necessary in order to avoid “spot zoning”; (3) is necessary in order to best serve the interests of the public health, safety, and general welfare; or (4) is necessary in order to be in harmony with the present land uses in the immediate area.
- (5) If the Application is approved subject to conditions, the formal acceptance by recording of such approval (Notice of Decision) shall not be made until the applicant has completed any conditions that may be required.
- (6) The Board shall direct the planning staff to record the pertinent written and graphic documents of the approved Application with the Montrose County Clerk and Recorder. All recording costs are to be paid by the applicant. Copies of all records are to be kept in the files of the planning administrative staff for the County. The Official Zoning Map shall be modified within 90 days of approving the

rezoning application.

- (7) After approval of any accompanying or subsequent Final Subdivision Plat, and after the Special Use, Final Development Plan for a Planned Development and Final Subdivision Plat are filed and recorded, building permits may be applied for subject to all requirements or conditions of the Montrose County Building Code.
- (8) If the Application is disapproved, the applicant shall be notified within thirty (30) days in writing, detailing the findings on which the Application was denied. The applicant may submit a new Application no sooner than twelve (12) months from the date of denial.

d. Vested Rights:

- (1) The purpose of this Section is to implement the Colorado Vested Property Rights Statute.
- (2) A Vested Right is established under C.R.S. 24-68-101 et seq., as amended, upon approval of a Site Specific Development Plan by the Board of County Commissioners. Site Specific Development Plans are defined as those plans and specifications approved as part of a Special Use or a Final Development Plan approved as part of a Planned Development.
- (3) A Vested Right is automatically created upon the approval or conditional approval of a Site Specific Development Plan. Vesting occurs on the date of the hearing when approval or conditional approval is granted. Failure to abide by the terms and conditions of approval will result in a forfeiture of Vested Rights.
- (4) The County Planner shall publish a notice of the County Commissioners' approval of a Site Specific Development Plan in a newspaper of general circulation no later than 14 days after approval.
- (5) A Vested Right created by approval of a Site Specific Development Plan remains in effect for 3 years from the date of the County Commissioners' approval unless the County Commissioners determine, as part of the Site Specific Development Plan approval, that a longer period is warranted in light of relevant circumstances. Those circumstances may include, but are not limited to, the size and phasing of the development, economic cycles, or market conditions.
- (6) Approval of any revision or modification to a Site Specific Development Plan does not extend the term of a Vested Right unless expressly authorized by the Board of County Commissioners.
- (7) A Vested Right does not preclude any zoning or land use action taken by the County under the following circumstances:
 - (a) With the consent of the affected property owner; or
 - (b) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of the Site Specific Development Plan approval, and which hazards, if uncorrected, would pose a serious threat to the public's health, safety and welfare; or
 - (c) To the extent that the affected property owner receives just compensation for all costs, expenses and liabilities incurred by the property owner after approval by the County. These include but are not limited to, costs incurred in preparing the site for development consistent with the Site

Specific Development Plan; all fees paid in consideration of financing; and all architectural, planning, marketing, legal and other consultants' fees, together with interest at the legal rate until paid. Just compensation does not include any diminution in the value of the property caused by such action.

- (8) A Vested Right does not preclude the application of regulations that are general in nature and applicable to all property subject to land use regulation by the County, including, but not limited to, zoning development standards, or building, fire, plumbing, electrical and mechanical codes.
- (9) Nothing in this section is intended to create any Vested Property Rights but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed, and the provisions hereof no longer effective. Nothing contained in this section is intended to or shall affect the County's rights of eminent domain and condemnation as otherwise granted by law.

3. Criteria to be Considered: The wisdom of amending the text of this Zoning Resolution or the Official Zone District Map is a matter committed to the legislative discretion of the Planning Commission and Board of County Commissioners and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or conditions, or disapprove a proposed amendment, the following criteria should be considered:

- a. Whether the proposed amendment is in conformance with the County's Master Plan, and/or amendments thereto;
- b. Whether development conditions have changed in the area to warrant a rezoning;
- c. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute "spot-zoning" except as allowed for Planned Developments (PD), as applied by Colorado law;
- d. Whether the proposed amendment is in the best interests of or would enhance the public health, safety and general welfare of the citizens of the county;
- e. Whether the original zoning was in error and therefore should be changed;
- f. Whether the proposed rezoning would be in harmony with the present land uses in the immediate area;
- g. Whether the surrounding property owners have been given appropriate notice of the pending rezoning application.
- h. Whether the proposed rezoning will result in minimal off-site impacts imposed by the proposed use that will require additional infrastructure (utilities, drainage, and roads) and upgrades to County or Special Districts, or, if significant impacts will result, they have been satisfactorily mitigated either through agreement, public improvements, site plan requirements, buffering, or other mitigation measures.
- i. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- j. Whether the proposed rezoning is likely to have a positive economic impact and/or result in creation of new jobs within Montrose County or the region.

D. FILING FEES:

Filing fees, as set by resolution of the Board of County Commissioners, shall be required to accompany an application from a property owner for amending the text of this resolution, amending the Official Zone District Map, requesting a Zoning Variance, a Special Use, or a Final Development Plan, or for an appeal of a determination made by the Land Use Department.

E. ADMINISTRATION:

1. The provisions of this resolution shall be administered by the County Land Use Department Head and the County Building Official and their authorized representatives.
2. No building shall be erected, moved or structurally altered unless the applicable building permit has been issued by the County Building Official or his authorized representative, excepting agricultural buildings located on a tract of land zoned General Agricultural (A) which has not been subdivided pursuant to State and County subdivision regulations.
3. The Building Official and his authorized representatives are hereby empowered to conduct inspections as required by this resolution.
4. The procedure for application for required building permits shall be established by the Building Official and made available to the public.
5. No land or building, or part thereof, hereafter erected, moved or structurally altered shall be used or occupied until the Building Official or his authorized representative has issued a Certificate of Occupancy or Certificate of Use. Such certificate shall state that the land, building, or part thereof, is found to be in conformity with the provisions of this resolution applicable to the district in which such land or building is located.
5. The powers of the Building Official and his authorized representative to issue such permits and certificates as necessary shall also include the power to refuse issuance of these documents. Reasons for any refusal shall be submitted in writing to the Board of County Commissioners.

F. VIOLATIONS:

1. A person shall be guilty of a violation of this resolution in any case where:
 - a. Violations of any of the provisions of this resolution that come into existence in any building or on any lot or tract of land after the adoption of this resolution.
 - b. An order to remove or correct any such violation has been served upon the owner, general agent, lessee, or tenant of the building or tract of land, or any part thereof, or upon the architect, builder, contractor or any other person who commits or assists in such violation; and such person fails to initiate compliance with such order within thirty (30) days after being served with such an order.

G. PENALTIES:

Any person, firm or corporation violating any provision of this resolution or amendment thereto, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than Two Hundred Dollars (\$200) or imprisoned not more than ten (10) days, or both. Each day during which the illegal, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

H. REVISIONS TO AN APPROVED SPECIAL USE OR SITE PLAN:

1. Revisions to an approved Special Use shall be considered by the Planning Commission and the Board of County Commissioners pursuant to the procedures for a new application.
2. Modifications to an approved Special Use or Site Plan, may be approved by the Land Use Department for slight modifications in location, size, use, design, appearance, parking, utilities, landscaping, heights of structures, fences, buildings, and other factors upon the showing that such modification is necessitated by engineering requirements, building requirements, or other physical circumstances not foreseen at the time of approval, provided that such modification does not:
 - a. Violate a specific standard, requirement, or condition of approval.
 - b. Change the character of the project or substantially increase the intensity of use.
 - c. Substantially reduce the separation between buildings, setbacks from property lines, off-street parking and loading areas, driveway and walkway areas, or fencing.
 - d. Substantially increase external effects on adjacent property or increase internal problems of circulation, safety, and utilities.
 - e. Substantially decrease the common open space or recreation facilities.
 - f. Substantially change the subject, size, lighting, or orientation of any signs.

The Land Use Department shall notify the Planning Commission Chairman and the Chairman of the Board of County Commissioners in writing of any Special Use modification that has been approved pursuant to this Section. Any determination made by the Land Use Department may be appealed to the Board of Adjustment pursuant to Section VII.

SECTION VII
BOARD OF ADJUSTMENT

A. CREATION OF BOARD OF ADJUSTMENT:

A Board of Adjustment for the County is hereby created pursuant to C.R.S. 30-28-117, as amended. It shall be comprised of five members appointed by the Board of County Commissioners for a term of five years. Two Associate Members shall also be appointed for five year terms and may serve as a voting member in the absence of a Board Member. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments. Members of the Board shall serve without compensation except for actual expenses approved by the Board of County Commissioners.

B. APPEALS TO THE BOARD OF ADJUSTMENT:

Appeals or requests for a Variance from County Zoning Requirements shall be made pursuant to C.R.S. 30-28-118, as amended.

C. RULES AND PROCEDURES:

1. Appeals to the Board of Adjustment must be made in writing and filed with the Land Use Department within fifteen (15) days of the act or the failure to act.
2. Meetings of the Board of Adjustment shall be held at call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by application to the district court. The court upon proper showing may issue subpoenas and enforce obedience by contempt proceedings. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
3. The Board shall meet to consider appeals not later than 30 days after an appeal has been filed.
4. All hearings of the Board of Adjustment upon any appeal shall be held not earlier than fifteen (15) days from the date that publication of the notice of said hearing in a newspaper of general circulation in the County shall have been made. Such publication shall contain the name of the appellant, the description of the property involved, a statement of the nature of the prayer of the appellant and the time and place of the hearing.
5. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or agency or to decide in favor of the appellant.

SECTION VIII
SEVERABILITY & EFFECTIVE DATE

A. SEVERABILITY:

If any of the provisions of this resolution, or the application thereof to any person or circumstances, is held to be invalid, such ruling shall not affect the other provisions or applications of this resolution, as a whole or any other part than that portion ruled invalid.

B. EFFECTIVE DATE:

This resolution shall be in effect from the date of its adoption by the Board of County Commissioners of Montrose County, Colorado, and recorded with the County Clerk & Recorder.

APPENDIX 1
SPECIAL USE SUBMITTAL REQUIREMENTS

An application for a Special Use shall include the following items:

- (1) The name, address, and phone number of the applicant on a completed application form supplied by the County.
- (2) Narrative description of the proposal.
- (3) Names and addresses of all property owners within 1320 feet of the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney derived from such records, or from the County Clerk and Recorder.
- (4) Legal description of the property affected.
- (5) Vicinity map.
- (6) Site development plan drawing or drawings, 24" X 36" with 2-foot contours, as applicable showing the following:
 - (a) Property dimensions, including lot lines.
 - (b) Dimensions and location of all proposed structures, their footprints and height, location of entrances and loading points. All structures must be dimensioned and setbacks shown. Any structure within 10 feet of an easement must show the distance between the closest point of the structure to the nearest point of the easement. Note total building coverage - percent and square footage. Include setback dimensions from property lines.
 - (c) Name and dimension of all public and private road right-of-ways, points of access on or adjacent to the proposed site and surface materials.
 - (d) Location, dimension and surface materials of required off-street parking and loading areas. (Note total number of parking spaces provided and parking lot lighting arrangements).
 - (e) The structure's use (for parking calculations), the gross floor area, and an estimate of the number of vehicle trips generated by the various uses on the site.
 - (f) Dimensions and locations for all curb cuts, driving lanes, bicycle lanes and pedestrian ways. All public improvements should be labeled, with dimensions, and ties out to property lines.
 - (g) Various notes, as necessary shall be included.
 - (h) Dimensions and location of all walls, fences, and screen plantings adjacent to public right-of-ways and on the site, particularly around equipment storage areas and trash disposal facilities.
 - (i) Location and dimensions of all existing and proposed drainage, utility and other easements, water and sewer lines, and fire lanes and hydrants. Location and size of drainage facilities, and the direction of flow.

- (7) Certified boundary survey, monumented with legal descriptions.
- (8) Improvement agreements and Performance guarantee (as applicable).
- (9) A written discussion explaining conformance with special use criteria, water and sewer system contemplated, and the street and circulation system contemplated and connections to off-site streets.
- (10) Any other information deemed appropriate by the planning staff for complete review of the application.

APPENDIX 2
REZONING (ZONING AMENDMENT) AND PLANNED DEVELOPMENT
SUBMITTAL REQUIREMENTS

A petition for rezoning shall include copies of the following items:

- (1) The name, address and phone number of the petitioner on a completed application form supplied by the County.
- (2) A general description of all land affected if the amendment is to the zoning district map and a vicinity map.
- (3) Appropriate filing fee amount.
- (4) A description of the proposed zoning change and a narrative describing the reasons or logic necessitating the proposed change.
- (5) Legal description of the property affected, tied to original boundary survey.
- (6) Proof of ownership in the form of a Title Policy or Title Commitment, including a schedule of exceptions to title, dated within 60 days of the application, showing that the applicant is the fee title owner of all subject property.
- (7) A list of all property owners (names and addresses) within 1320 feet of the subject property, disregarding any intervening public right-of-way. The source of such a list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the County Clerk and Recorder.
- (8) Evidence that the property can be served by public sewer and water services where applicable. Such evidence shall be in the form of a written commitment by the appropriate provider stating that such service will be available to the property ("commitment to serve" letter).
- (9) A map showing the location of the property at an appropriate scale.
- (10) Documented proof of legal access if the property does not have direct contiguous access to a public street or road.
- (11) Any other information deemed appropriate by the Planning Staff for complete review of the application. Such information may include, but is not limited to, a certified boundary survey and/or a site plan.
- (12) For Planned Development District applications, the following additional information is required:
 - (a) A description of the project stating purpose, need that is being met, relationship to surrounding properties and other information describing the project.
 - (b) A land use chart showing use areas in acres, residential densities, numbers of units, nonresidential densities or Floor Area Ratios (FARs), and nonresidential square footage.
 - (c) Development Plan Sheet showing:
 - use list for all planning areas and maximum heights of uses;
 - major circulation system;

- planning area acreages and densities;
 - open space areas/trails/parks/ recreation facilities;
 - utility facilities (water, sewer, drainage, etc., on a generalized engineering level);
 - public facilities locations and proposed dedication areas.
- (d) Initial development phasing time table.

APPENDIX 3
PLANNED DEVELOPMENT FINAL DEVELOPMENT PLAN (FDP)
SUBMITTAL REQUIREMENTS

The submission requirements for a Final Development Plan shall contain the following material:

- (1) An application for approval of a FDP must be filed by a person having an interest in the property to be included in the planned development and must include consent by the owners of all property to be included in the FDP.
- (2) A complete site plan showing the major details of the proposed planned development prepared at a scale of not less than 1" = 100' shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the final planned development. The site plan and supporting documents shall also indicate:
 - (a) A listing of all permitted uses within the PD and/or each separate planning area.
 - (b) The location of all existing and proposed buildings, structures, and improvements, separated into planning areas, if applicable.
 - (c) The maximum height of all buildings.
 - (d) The density and type of dwellings. Gross square footage and ground coverage of all nonresidential structures (Floor Area Ratio).
 - (e) The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public right-of-ways.
 - (f) The location, height, and size of proposed signs, lighting and advertising devices.
 - (g) The areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and as sites for schools or other public buildings.
 - (h) The proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per unit basis.
 - (i) An explanation of the objectives to be achieved by the planned development, including building descriptions, sketches or elevations as may be required to describe the objectives.
 - (j) Complete engineering reports and plans (which can match development phasing plans) for sewer, water, streets, drainage and other public improvements to be constructed both on and off the development site.

- (k) A refined development phasing schedule indicating the approximate date when construction of the planned development or stages of the planned development can be expected to begin and be completed.
- (l) A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, areas and thoroughfares.
- (m) Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned development and any of its common areas. Such documents shall be in conformance with the requirements of 24-67-101, et seq. C.R.S. 1963, as amended and commonly referred to as the Planned Unit Development Act of 1972.
- (n) Sections (a), (c), (d), and (h) should be combined into a chart/table.

APPENDIX 4
SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

1. The owner(s) must complete an application for and obtain approval of a Short-Term Rental Registration from the County Planning Department. An approved Registration is valid for three years and must be renewed for each additional three-year period.
2. If the Short-Term Rental is not served by a municipal or community sewer system the dwelling must have an approved Onsite Wastewater Treatment System (OWTS) adequate for the proposed Short-Term Rental.
3. Occupancy is limited to the capacity of the onsite wastewater treatment system. Additional persons may be authorized through a specific Administrative Review of the OWTS to determine if it is adequate for the proposed short-term rental, so as not to create a public health hazard.
4. If the property owner/manager does not live on site, the name, address and 24-hour telephone number of the local contact person shall be provided to the County, and updated as it may change from time to time.
5. A Montrose County or State of Colorado access permit to the property shall be approved prior to use of the short-term rental.
6. The Short Term Rental Registration will be posted in a location that is visible to the visiting guests.
7. The registration shall not be transferable. If ownership of the property changes a new registration will be required.

By signature of the Registration application, the owner/operator of the short-term rental affirms the following:

- All sleeping rooms have operable windows that are a minimum of 5.7 square feet in the open position.
- The ingress/egress paths of travel to exit doors from each bedroom will be large enough for two average sized adults to pass.
- Each bedroom to be rented has a functioning smoke detector with a smoke detector in an adjacent hallway.
- Each bedroom is located on a floor equipped with a functioning carbon monoxide alarm if the dwelling unit has a carbon monoxide source.
- An operable fire extinguisher has been placed in proximity to the kitchen.
- All guests shall park vehicles on the short-term rental property. Exceptions to this regulation may be granted by the Planning and Development Department.
- The property has an insurance policy that is adequate for short-term rental operations.
- Trash facilities are sufficient to address guest impacts.

- Guests will be provided with a 24-hour contact telephone number of the current local contact person.
- The house number is clearly visible from the street.
- If a sign is used to advertise the short term rental, the sign shall be limited to ten square feet.
- Outdoor amplified sound shall cease by 10:30pm on Sunday through Thursday, and 11:30pm on Friday and Saturday.
- Upon request, the property owner/manager shall provide neighbors/citizens with the name and 24-hour contact telephone number of a local contact person.
- The applicant will notify the Montrose County Planning and Development Department and return the registration if the short-term rental is no longer in use.

Short-term rentals shall adhere to the above noted items throughout the time the facility is in operation.

Notice to neighbors:

All property owners within 500 feet of the short-term rental shall receive notification from Montrose County. The notification will include a copy of the registration from and the property owner/managers name and the 24-hour contact telephone number and name of the local contact person

Revocation of County Permit:

Short-Term rentals shall be subject to revocation in accordance with a permittee’s failure to comply with any of the terms and/or conditions of the registration. The Planning and Development shall provide the permittee with written findings identifying any infractions. Permittee shall have an opportunity to resolve complaints without being subject to the revocation of the permit.

Short-term rentals may also be subject to revocation upon receipt of three written complaints (within one calendar year) from citizens negatively affected by the permittee’s failure to comply with any of the terms and/or conditions of the registration.

If a Short-Term Rental registration is revoked, a new Short-Term Rental permit will not be issued for the same property for at least one year.

Administrative Action Appeal:

The owner or applicant of a Short-Term rental who is aggrieved by any determination, interpretation, decision or similar actions taken by the Planning and Development Department under the provisions of the requirements may appeal such action to the Board of County Commissioners. The appeal shall be in writing and shall state the basis of appeal. Such appeals shall only be for the purpose of determining whether the Planning and Development Staff have misread, misinterpreted, or misapplied a provision of these requirements, not for the relief from a standard or requirement itself. Appeals will be placed on a Board of County Commissioners’ Agenda no later than 45 days after the written appeal is received by the Planning and Development Department.

