

RESOLUTION

OF THE MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONTROSE COUNTY ZONING RESOLUTION

WHEREAS, the Board of County Commissioners is authorized by statute, including but not limited to C.R.S. 30-28-102, 30-28-111, 30-28-113 and 30-28-116 to provide for the physical development of the unincorporated territory within the county and for the zoning of all or any part of such unincorporated territory, to adopt and revise zoning regulations, and to adopt regulations governing the size, uses and construction of buildings, structures, and uses of property in the unincorporated territory of the county; and

WHEREAS, regulations adopted by the Board of County Commissioners regulating the zoning and land uses in the unincorporated territory of the county shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state, including lessening the congestion of streets or roads or reducing the waste of excessive amounts of roads, promoting energy conservation, securing safety from fire, floodwaters, and other dangers, providing adequate light and air, classifying land uses and distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, and protecting both urban and nonurban development; and

WHEREAS, the planning commission has reviewed and considered the proposed revised zoning regulations at a meeting on October 28, 2021 and has forwarded to the Board a recommendation to approve the proposed revised zoning regulations; and

WHEREAS, the Board of County Commissioners reviewed, considered, and approved the proposed revised zoning regulations at a meeting on December 15, 2021; and

WHEREAS, the Board of County Commissioners rescinded said approval of the proposed revised zoning regulations at a meeting on February 2, 2022 because of comments and concerns from a member of the public at a meeting held on January 19, 2022; and

WHEREAS, the Board of County Commissioners finds that these concerns have been addressed and the Zoning Regulations align with the mission of the Board of County Commissioners; and

WHEREAS, The Montrose County Zoning Resolution will be amended and renamed to the Montrose County Zoning Regulations to amend the entire document including, but not limited to, sign standards, definitions, updates to federal and state law, standards for uses-by-right, submittal information, and document format; and

WHEREAS, The Montrose County Zoning Regulations will amend each section of the Montrose County Zoning Resolution and is attached; and

NOW THEREFORE BE IT RESOLVED, that the undersigned Board of County Commissioners of Montrose County, Colorado, does hereby repeal the Montrose County Zoning Resolution and adopt the attached Montrose County Zoning Regulations; and

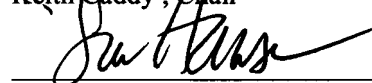
BE IT FURTHER RESOLVED, that this zoning amendment will be titled the Montrose County Zoning Regulations.

ADOPTED this 15 day of June, 2022.

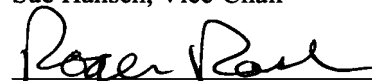
BOARD OF COUNTY COMMISSIONERS,



Keith Caddy, Chair



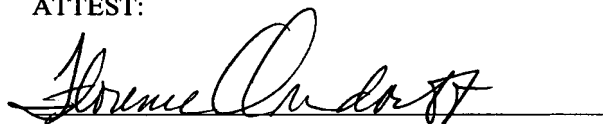
Sue Hansen, Vice-Chair



Roger Wash, Commissioner



ATTEST:



Clerk/Deputy Clerk to the Board

Date 6/15/2022





MONTROSE COUNTY ZONING REGULATIONS

*ADOPTED JUNE 15, 2022
EFFECTIVE JUNE 15, 2022
RESOLUTION 45-2022
RECEPTION NUMBER 952175*

NOTE: This document contains internal hyperlinks to increase efficient and effective navigation. Table of Contents, List of Tables, and List of Figures, header, and footer content are all links. Further, all references to sections within

Montrose County Zoning Regulations

the document (for example: Section IV.E, Special Use Permit) are hyperlinks to the referenced section of the document as well. Definitions can be found in Section VIII on page 115.

TABLE OF CONTENTS

SECTION I	GENERAL ADMINISTRATION.....	1
A.	General Provisions.....	1
1.	Purpose.....	1
2.	Authority.....	1
3.	Title.....	2
4.	Severability.....	2
5.	Effective Date.....	2
6.	Applicability.....	2
7.	Jurisdiction.....	2
8.	Building Permits.....	2
9.	Enactment.....	2
10.	Repeal of Regulations.....	2
11.	Interpretation of the Provisions of this Zoning Regulation.....	3
12.	Rules of Construction of Language.....	3
13.	Computation of Time.....	3
14.	Liability.....	3
15.	Safety Clause.....	3
16.	Violations and Penalties.....	4
17.	Saving Provisions.....	4
B.	Administration.....	4
C.	Vested Property Rights.....	5
D.	Duties and Responsibilities of Decision-Making Bodies.....	5
1.	Board of County Commissioners.....	5
2.	Powers and Duties.....	5
3.	Planning Commission.....	6
4.	Board of Adjustment.....	6
E.	Right to Farm.....	6
1.	General.....	6
2.	Agricultural Activities and Operations Within the County Shall Not Be Considered to Be Nuisances.....	6
SECTION II	ZONE DISTRICT STANDARDS.....	8
A.	General Provisions.....	8
1.	Official Zone District Map.....	8
2.	Identification of Official Map.....	8

B.	District Boundaries.....	8
C.	Zoning Districts Established.....	8
D.	General Agricultural A.....	10
1.	Purpose.....	10
2.	Use Table.....	10
3.	Dimensional Standards	11
E.	General Residential R.....	13
1.	Purpose.....	13
2.	Use Table.....	13
3.	Dimensional Standards	14
F.	Manufactured Home Park Residential R-MHP	15
1.	Purpose.....	15
2.	Use Table.....	15
3.	Dimensional Standards	16
4.	Development Standards.....	17
G.	Multiple Family Residential R-MF.....	19
1.	Purpose.....	19
2.	Use Table.....	20
3.	Dimensional Standards	21
H.	General Business B	21
1.	Purpose.....	21
2.	Use Table.....	22
3.	Dimensional Standards	23
I.	General Commercial C.....	24
1.	Purpose.....	24
2.	Use Table.....	24
3.	Dimensional Standards	26
J.	Industrial I	27
1.	Purpose.....	27
2.	Use Table.....	28
3.	Dimensional Standards	30
K.	Planned Development PD.....	32
1.	General Provisions	32
2.	PD General Requirements:	33
3.	Review Procedures	35
4.	PD Zoning.....	35

5.	Major PD Amendment	42
6.	Minor PD Amendment	44
L.	Public Lands District P-L	46
1.	Purpose	46
2.	Uses Permitted By Right	46
3.	Uses Permitted Following Special Use Permit	46
SECTION III	USE STANDARDS	47
A.	General Use Standards	47
1.	Campgrounds	47
2.	Group Homes	47
3.	Kennels	47
4.	Livestock/Fowl	48
5.	Livestock Confinement Operations	48
6.	Manufactured Homes	48
7.	RV Parks	49
8.	Salvage Yards	50
9.	Short-Term Rental	50
10.	Storage Areas and Facilities	52
11.	Sexually Oriented Businesses	52
12.	Natural Resource Exploration	52
B.	Temporary Uses	53
1.	General Provisions	53
2.	Temporary Uses	53
C.	Accessory Uses and Structures	54
1.	General Provisions	54
2.	Standards for Specific Accessory Uses and Structures	55
D.	Telecommunications Facilities	56
1.	General Provisions	56
2.	Applicability	57
3.	General Requirements	57
4.	Additional Submittal Requirements for Telecommunication Facilities	60
5.	Approval Process	61
SECTION IV	APPLICATIONS AND REVIEW PROCEDURES	62
A.	Purpose	62
B.	Multiple Applications	62
C.	General Application Review Procedures	62

1.	Table of Zoning Application Types and Processes	62
2.	General Review Procedures.....	63
3.	Post Adoption.....	66
D.	Rezoning	66
1.	General Provisions	66
2.	Review Procedures	67
E.	Special Use Permit	69
1.	General Provisions	69
2.	Existing Special Use Approvals	69
3.	Review Procedures	70
F.	Site Plan	73
1.	General Provisions	73
2.	Review Procedures	74
3.	Criteria to be Considered.....	76
G.	Manufactured Home Park	76
1.	Application for New Manufactured Home Park Developments.....	76
2.	Application for Altering or Expanding Manufactured Home Park Developments	76
H.	Variance	76
1.	General Provisions	76
2.	Review Procedures	77
3.	Criteria to be Considered.....	78
I.	Appeal	78
1.	General Provisions	78
2.	Appeal to Court	78
3.	Review Procedures	78
J.	Text Amendment.....	79
1.	General Provisions	79
2.	Review Procedures	80
3.	Criteria to be Considered:.....	80
SECTION V	DETAILED DEVELOPMENT STANDARDS	81
A.	Signs.....	81
1.	General Provisions	81
2.	Signs Not Requiring a Permit.	82
3.	Prohibited Signs	84
4.	Nonconforming Signs	84
5.	Sign Standards.....	85

6.	Sign Permit Review Process	86
B.	Parking and Loading	87
C.	Lighting	92
D.	Access and Circulation.....	93
E.	Water and Sewer	94
1.	Source of Water	94
2.	Public water Distribution and Wastewater Systems	95
3.	Wastewater System Standards	95
F.	Screening and Landscaping.....	95
1.	Screening.....	95
G.	Drainage	96
H.	View Corridor Height Limits.....	96
I.	Gravel Mining Mitigation Standards	97
SECTION VI	NONCONFORMING USES AND STRUCTURES	102
A.	General Provisions.....	102
B.	Prohibited Enlargements or Alterations	102
C.	Change of Land Use	103
SECTION VII	ENFORCEMENT	104
A.	General Provisions.....	104
1.	Enforcement Authority	104
2.	Compliance Required	104
3.	Permits and Approvals	104
4.	Continuation of Prior Enforcement Actions	104
5.	Continuing Violations.....	104
6.	Responsibilities for Enforcement	104
7.	Remedies Cumulative	105
8.	Persons Liable.....	105
B.	Violations	105
C.	Enforcement Process.....	106
1.	Complaint and Verification of Violation	106
2.	Authority to Enter and Inspect	106
3.	Notice of Violation and Response.....	106
4.	Notice Requirements	106
5.	Remedies and Penalties.....	106
SECTION VIII	DEFINITIONS	111
A.	General Interpretations	111

1.	Words and Terms.....	111
B.	General Definitions	111
1.	A – B	111
2.	C – F	116
3.	G – L	119
4.	M – O	120
5.	P – R	123
6.	S – U	127
7.	V – Z	131
APPENDIX A – PROCESS FLOWCHARTS.....		133

LIST OF TABLES

Table T-II.1 – Zone District Abbreviations.....	9
Table T-II.2 – General Agricultural Use Table	10
Table T-II.3 – General Agricultural Dimensional Standards	12
Table T-II.4 – General Residential Use Table.....	13
Table T-II.5 – General Residential Dimensional Standards.....	14
Table T-II.6 – Manufactured Home Park Residential Use Table	16
Table T-II.7 – Manufactured Home Park Residential Dimensional Standards	16
Table T-II.8 – Multiple Family Residential Use Table	20
Table T-II.9 – Multiple Family Residential Dimensional Standards	21
Table T-II.10 – General Business Use Table.....	22
Table T-II.11 – General Business Dimensional Standards.....	23
Table T-II.12 – General Commercial Use Table	25
Table T-II.13 – General Commercial Dimensional Standards	26
Table T-II.14 – Industrial Use Table.....	28
Table T-II.15 – Industrial Dimensional Standards.....	30
Table T-II.16 – Planned Development Application Types and Processes.....	35
Table T-III.1 – ADU Densities	55
Table T-IV.1 – Zoning Application Types and Processes.....	62
Table T-V.1 – Minimum Off-Street Parking Standards by Use	89
Table T-V.2 – Minimum Number of Accessible Parking Spaces	90
Table T-V.3 – Minimum Off-Street Loading Requirements.....	91
Table T-V.4 – View Corridor Height Limits.....	96

LIST OF FIGURES

Figure F-II.1 – General Agricultural Dimensional Standards Graphic.....	12
Figure F-II.2 – General Park Residential Dimensional Standards Graphic	15
Figure F-II.3 – Manufactured Home Park Residential Dimensional Standards Graphic	17
Figure F-II.4 – Multiple Family Residential Dimensional Standards Graphic	21
Figure F-II.5 – General Business Dimensional Standards Graphic	24
Figure F-II.6 – General Commercial Dimensional Standards Graphic	27
Figure F-II.7 – Industrial Dimensional Standards Graphic.....	31
Figure F-V.1 – Parking Standards	88
Figure F-V.2 – Accessible Parking Standards	91
Figure F-V.3 – Loading and Unloading Standards	92
Figure F-V.4 – Lighting Standards	93
Figure F-V.5 – Access and Circulation Standards	94
Figure F-V.6 – View Corridors.....	97
Figure F-VIII.1 – Building Height.....	115
Figure F-VIII.2 – Building Line	116
Figure F-VIII.3 – Sight Distance Triangle.....	128
Figure F-VIII.4 – Sign Area	128
Figure F-App.1 – Appeal Flowchart	133
Figure F-App.3 – PD Major Amendment Flowchart.....	134
Figure F-App.4 – PD Minor Amendment Flowchart.....	135
Figure F-App.5 – PD Zoning Flowchart	136
Figure F-App.6 – Rezoning Flowchart	137
Figure F-App.7 – Sign Permit Flowchart.....	138
Figure F-App.8 – Site Plan Flowchart	139
Figure F-App.9 – Special Use Permit Flowchart.....	140
Figure F-App.10 – Text Amendment Flowchart.....	141
Figure F-App.11 – Variance Flowchart	142

Section I General Administration

A. GENERAL PROVISIONS

1. Purpose

Montrose County (“County”) has a proud history and culture rooted in rural land uses and an agriculture-based economy. It is the intent of the Board of County Commissioners to foster, protect, and encourage the continuation of this rich history through the application of land use standards and regulations. These regulations are 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.

2. Authority

- a. The Board of County Commissioners of Montrose County has authority to adopt these Zoning Regulations 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.
- b. It is the intention of the Board of County Commissioners in adopting these Montrose County Zoning Regulations (“Regulation”) to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:
 - (1) Colorado Constitution. All the powers reserved to the county by the Colorado Constitution.
 - (2) State Enabling Legislation. All the powers granted to the county by the Colorado Revised Statutes (C.R.S.):
 - (a) Title 16, Article 13, Part 3, C.R.S., Restraint and Abatement of Nuisance;
 - (b) Title 24, Article 65.1, C.R.S., Areas and Activities of State Interest (1041 Regulations);
 - (c) Title 24, Article 65.5-101, C.R.S., Notification of Surface Development;
 - (d) Title 24, Article 67, C.R.S., Planned Unit Development Act of 1972;
 - (e) Title 24, Article 68, C.R.S., Vested Property Rights;
 - (f) Title 25, Article 10, C.R.S., On-Site Wastewater Treatment Systems Act;
 - (g) Title 29, Article 20, C.R.S., Local Government Regulation of Land Use;
 - (h) Title 29, Article 22.5-101, C.R.S., Wildland Fire Planning;
 - (i) Title 30, Article 11, C.R.S., County Powers and Functions;
 - (j) Title 30, Article 15, C.R.S., County Regulation Under Police Power;
 - (k) Title 30, Article 28, C.R.S., County Planning and Building Codes;
 - (l) Title 34, Article 1 Part 3, C.R.S., Preservation of Commercial Mineral Deposits;
 - (m) Title 38, Article 30.5, C.R.S., Conservation Easements; and

(n) Title 43, Article 2, C.R.S., State, County, and Municipal Highways.

3. Title

These Regulations, including this text and the Official Zoning District Map, shall be known as the "Montrose County Zoning Regulations" or "Regulations".

4. Severability

If any of the provisions of these Regulations, or the application thereof to any lot, tract, property, parcel of land, person, or circumstances, is held to be invalid by a court of competent jurisdiction, such ruling shall not affect the other provisions or application of these Regulations, as a whole or any other part than that portion ruled invalid.

5. Effective Date

These Regulations 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.

6. Applicability

These Regulations are not intended to abrogate, annul, govern over, or prevail over any permits or easements issued prior to the effective date of adoption of these Regulations, except as expressly stated within these Regulations.

7. Jurisdiction

These Regulations shall apply to all the unincorporated land and buildings, land uses, changes of land use, and development located within the limits of Montrose County, Colorado.

8. Building Permits

No building permit will be issued unless the plans for the proposed building's erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of these Regulations.

9. Enactment

These Regulations shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Planning Commission, pursuant to the procedures set forth in these Regulations.

10. Repeal of Regulations

All county land use and development regulations contained in the Montrose County Zoning Resolution in effect prior to the date of adoption of these Regulations by the Board of County Commissioners are repealed, provided, however, all land use applications submitted for review prior to the date of adoption of these Regulations shall be reviewed pursuant to the process and under the criteria set forth in the prior regulations which were in force at the time the application was submitted. Such prior regulations are continued in force and effect for that limited purpose only. In no event shall any resubmission of an application after its rejection or any development application filed after the effective date of these regulations be reviewed under any such prior regulations. Repeal of prior regulations does not revive any other regulation. Repeal of prior regulations shall not affect the prosecutions of any person for prior violation of the repealed regulation.

11. Interpretation of the Provisions of this Zoning Regulation

- a. The provisions of these Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- b. These Regulations shall be interpreted in a manner to further its underlying purposes.
- c. If a conflict occurs between provisions of these Regulations, or between provisions of these Regulations and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified in these Regulations or preempted by a direct conflict with state statute.
- d. Unless otherwise specified in these Regulations, the requirements of these Regulations are presumed to apply to actions related to a change in land use as defined herein.

12. Rules of Construction of Language

- a. Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
- b. The particular controls the general.
- c. The word “shall” is always mandatory.
- d. The words “may” and “should” are permissive.
- e. Unless the context clearly indicates otherwise, words used in the singular number include the plural and words used in the plural number include the singular.
- f. If there is a conflict between figures and words expressing a number, the words govern.
- g. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

13. Computation of Time

- a. In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday, or legal holiday, in which case the last day shall be the next working day.
- b. Unless otherwise specified in these Regulations, the term “days” shall refer to calendar days.

14. Liability

These Regulations shall not be construed to hold the County or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or for failure to inspect or re-inspect or by reason of issuing a building permit as herein provided.

15. Safety Clause

The Montrose County Board of County Commissioners hereby finds, determines and declares that these Regulations are necessary for the immediate preservation of the public peace, health, safety, and welfare of the County of Montrose.

16. Violations and Penalties

Any person, firm, or corporation violating any provisions of the regulations set forth in these Regulations shall be subject to penalties set forth in these Regulations, current Colorado Revised Statutes, as amended, and other legal action provided by law.

17. Saving Provisions

- a. The enactment or amendment of these Regulations shall not apply to any permits that the county has approved under prior zoning resolution or pending applications that the county has determined to be complete under prior land use regulations. Such applications shall be processed under the prior land use regulations until a final decision is rendered, as set forth in Section I.A.10, *Repeal of Regulations*.
- b. The enactment or amendment of these Regulations shall not be construed as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.
- c. The enactment or amendment of these Regulations shall not be construed as waiving any right of the county under any provision existing prior to the adoption of these Regulations.
- d. The enactment or amendment of these Regulations shall not be construed as vacating or annulling any rights obtained by any person by lawful action of the county.
- e. If any clause, section, or other part of the application of these Regulations shall be held by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the Board of County Commissioners that such clause, section, or other part of the application shall be considered eliminated and not affecting the validity of the remaining clauses, sections, or applications remaining in full force and effect.

B. ADMINISTRATION

1. The provisions of these Regulations shall be administered by the County Planning and Development Director and the County Building Official.
2. No building shall be erected, moved, or structurally altered unless the applicable building permit has been issued by the County Building Official, Planning and Development Director, or designee.
3. The Planning and Development Director and Building Official are hereby empowered to conduct inspections as required by these Regulations.
4. The procedure for application for required building permits shall be established by the Planning and Development Director 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 has issued a Certificate of Occupancy or Certificate of Use.
6. The powers of the Building Official to issue such permits and certificates as necessary shall also include the power to refuse issuance of these documents.

C. VESTED PROPERTY RIGHTS

1. The purpose of this Subsection C is to implement the Colorado Vested Property Rights Statute.
2. A Vested Property Right is established under C.R.S. 24-68-101 et seq., as amended, upon approval or conditional approval of a Site Specific Development Plan by the Board of County Commissioners.
 - a. Site Specific Development Plans are defined as those plans and specifications approved as part of a Special Use, Site Plan, Final Plat, or a PD Development Plan.
3. A Vested Property 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 Property Rights.
4. A Vested Property Right created by approval of a Site Specific Development Plan remains in effect for three (3) years from the date of the Board of County Commissioners' approval unless the Board of 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.
5. Approval of any revision or modification to a Site Specific Development Plan does not extend the term of a Vested Property Right unless expressly authorized by the Board of County Commissioners.
6. 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.

D. DUTIES AND RESPONSIBILITIES OF DECISION-MAKING BODIES

1. **Board of County Commissioners**
 - a. Membership and Term. Section 1-4-205, C.R.S., County Commissioners, as amended, describes the membership requirements and term of office for members of the Board of County Commissioners.
2. **Powers and Duties**
 - a. The authority granted to the Board of County Commissioners under Section 30-11-107, C.R.S., as amended, includes, but is not limited to:
 - (1) Adoption and Amendment of Zoning and Subdivision Regulations;
 - (2) Regulations for Removal of Weeds and Rubbish;
 - (3) Adoption of Building Codes;
 - (4) Review of Service Plans for Special Districts; and
 - (5) Enter into Intergovernmental Agreements for Land Use and Development.

3. Planning Commission

- a. The Montrose County Planning Commission (hereafter referred to as “Planning Commission”) is established pursuant to Article 28 of Title 30 C.R.S, as amended.
- b. In general, the Planning Commission shall be the land use-planning group for the county. It is responsible for preparation of the county’s master plan, zoning regulations, and subdivision regulations. The Planning Commission will serve as an investigative and advisory group to the Board of County Commissioners in the administration of land use regulations, including preparation of needed amendments and additions to the regulations. It may also advise the Board on any other land use decisions when requested to do so by the Board. In addition, the following specific duties are assigned to the Planning Commission:
 - (1) Review subdivision proposals received by the county pursuant to criteria and requirements contained in the Montrose County Subdivision Regulations.
 - (2) Review applications for rezoning requests based on criteria to consider and in accordance with procedures contained within Section IV.D, *Rezoning* of these Regulations.
 - (3) Review applications for special uses based on criteria and in accordance with procedures contained within Section IV.E, *Special Use Permit* of these Regulations and the Subdivision Regulations.
 - (4) Receive and study proposed text amendments to these Regulations and transmit its recommendation to the Board of County Commissioners.
 - (5) Review applications for Manufactured Home Parks and Manufactured Home Park Subdivisions for compliance with criteria contained in these Regulations.

4. Board of Adjustment

- a. A Board of Adjustment (hereafter referred to as “BOA”) for Montrose County is hereby created pursuant to C.R.S. 30-28-117, as amended.
- b. The Board of County Commissioners may fulfill the functions of the Board of Adjustment as set forth in the C.R.S., as amended.

E. RIGHT TO FARM

1. General

It is the policy of the Board of County Commissioners that ranching, farming, and all manner of agricultural activities and operations throughout Montrose County are integral elements of, and necessary for, the continued vitality of the county’s history, economy, landscape, lifestyle, and culture. Given their importance to the county and the state, agricultural lands and operations are worthy of recognition and protection.

2. Agricultural Activities and Operations Within the County Shall Not Be Considered to Be Nuisances.

Colorado is a “Right to Farm State” pursuant to Section 35-3.5-101, C.R.S., as amended. Landowners, residents, and visitors must be prepared to accept the activities, sights, sounds, and smells of Montrose County agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities,

sights, sounds and smells as inconveniences, eyesores, noises, and odors. However, state law and county policy provide that ranching, farming, or other agricultural activities and operations within Montrose County shall not be considered to be nuisances so long as they are operated in conformance with the law and in a non-negligent manner. Therefore, all landowners, residents, and visitors must be prepared to encounter sounds, smells, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, any one or more of which may naturally occur as a part of a legal agricultural operation compliant with all applicable local, state and federal rules and regulations.

Section II Zone District Standards

A. GENERAL PROVISIONS

1. Official Zone 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 these Regulations.

2. Identification of Official Map

The Official Zone District Map shall be located in the County Assessor's Office and on the county Geographic Information Systems (GIS) website.

B. 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:

1. District boundaries that follow highways, roads, streets, water courses, or railroad rights-of-way shall be construed to follow the center line thereof.
2. 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 these regulations irrespective of whether or not the district boundary coincides with established property lines.
3. Where a zone district boundary line is shown as closely and approximately following subdivision plat lot lines, municipal boundary, or county boundary lines, the zone district boundary line shall be deemed to coincide with such known lot lines or boundaries.
4. Where a parcel within a zone district has a boundary line shown by a specific dimension, that dimension shall control.
5. Where a zone district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control.
6. The location of a zone district boundary line located with reference to a natural feature shall be at the outer edge or boundary of the natural feature.
7. Interpretation of district boundaries shown on the Official Zone District Map or described in these regulations shall be determined by the Planning and Development Director on the basis of the most current information available and the most appropriate professional reasoning. Any determination by the Planning and Development Director may be appealed to the Board of Adjustment pursuant to Section IV.I, *Appeal*.

C. ZONING DISTRICTS ESTABLISHED

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

Table T-II.1 – Zone District Abbreviations

<i>District Designations</i>	<i>Abbreviation</i>
<i>Agricultural Districts</i>	
General Agricultural District	A
<i>Residential Districts</i>	
General Residential District	R
Manufactured Home Park Residential District	R-MHP
Multiple Family Residential District	R-MF
<i>Commercial Districts</i>	
General Business District	B
General Commercial District	C
<i>Industrial Districts</i>	
Industrial District	I
<i>Public and Recreation Districts</i>	
Public Lands District	P-L
<i>Overlay Districts</i>	
Planned Development Overlay	PD

2. Within each zone district, uses are listed as a use allowed by right or requiring a special use permit within the district use table. Unless otherwise determined by the Planning and Development Director as set forth in Section II.C.3, *Unlisted Uses* below, any use not identified as one of those classifications shall be prohibited within that particular zone district.
3. **Unlisted Uses.** For uses that do not clearly fit within a listed use, the Planning and Development Director shall determine within which zone district(s) the proposed use is allowed and by what measure (use-by-right or special use). When classifying an unlisted use, the Planning and Development Director, or on appeal, the Board of Adjustment, shall first make a finding that all the following conditions exist:
 - a. That the use is not already specifically listed in another zone district.
 - b. That the use and its operation are compatible with the listed uses in the district within which it is proposed to be allowed.
 - c. That the use is similar in operating characteristics and effect to uses listed in the district within which it is proposed to be allowed.
 - d. 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.
 - e. That the use will be so controlled that the public health, safety, and general welfare will be protected.
4. The Planning and Development Director shall notify the Planning Commission Chair and the Chair of the Board of County Commissioners in writing of any determination made pursuant to this Section. Any determination by the Planning and Development

Director may be appealed to the Board of Adjustment pursuant to Section IV.I, *Appeal*. Records of all determinations by the Planning and Development Director shall be permanently maintained in a file at the Planning and Development Department.

D. GENERAL AGRICULTURAL 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 agricultural activities related to ranching, farming, and forestry production; including activities that support, maintain, and promote agriculture as an essential economic factor in the county. Land uses in the General Agricultural District are encouraged to provide for the maintenance of agricultural production and preservation of the associated lifestyles.

2. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the General Agricultural District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

Table T-II.2 – General Agricultural Use Table

GENERAL AGRICULTURAL USE TABLE

Agricultural Uses:

Agricultural Products Distribution and/or Storage	R	General Farming and/or Ranching	R
Agricultural Products Sales	R	Livestock Confinement Operation	R
Retail Nursery	S	Stable	R

Animal Services:

Kennel (See Sec. III.A.3)	S	Veterinary Clinic	R
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Child Care Facilities:

Child Care Center	R		
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Community & Cultural Facilities:

Cemetery	R	Places of Assembly or Worship	S
Cemetery, with crematorium	S		

Educational Facilities:

Educational Facility	S		
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Food & Beverage:

Winery	R	Tasting Room	S
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Group Living:

Group Home (See Sec. III.A.2)	S		
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Healthcare Facilities:

Hospital	S		
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Household Living:

Dwelling, Single-Family	R	Short-Term Rental (See Sec. III.A.9)	R
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Natural Resource Exploration & Production:

Natural Resource Exploration	R	Natural Resource Extraction	S
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Parks:

Park	R		
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Public Utilities & Facilities:

Utility Transmission, Distribution, and/or Service Lines	R	Public Utility Facility	R
Government Facility	S	Telecommunication Facility (See Sec. III.D)	S
Power Generation	S		

Recreation Facilities:

Campground (See Sec. III.A.1)	S	RV Park (See Sec. III.A.7)	S
Recreation Facility, Indoor	S		

Vehicles & Equipment:

Airport, Heliport	S		
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Warehousing & Freight:

Solid Waste Disposal	S		
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Accessory Uses:

Accessory Dwelling Units (ADU) (See Sec. III.C.2.a)	R	Alternate Onsite Energy Generation	R
Accessory Structure or Building (See Sec. III.C.2.b)	R	Home Occupation (See Sec. III.C.2.c)	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R

Temporary Structures & Uses:

Roadside Stands (See Sec. III.B.2.b(5))	R	Yard or Garage Sale (See Sec. III.B.2.b.(7))	R
Temporary Occupancy of RV (See Sec. III.B.2.b(6))	R		

3. Dimensional Standards

- a. Dimensional Standards within the General Agricultural Zone District are identified in the following table and illustrated in the graphic below:

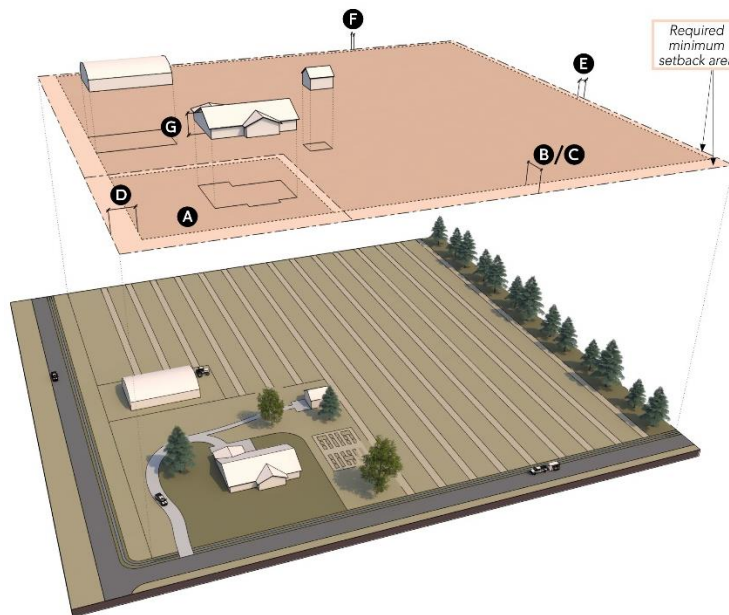
Table T-II.3 – General Agricultural Dimensional Standards

Standard		Required Dimension	Standard		Required Dimension
a	Lot Size	1 contiguous acre	e	Side Setback*	10'
b	Front Setback*	25' from property Line	f	Rear Setback*	10'
c		55' from centerline of public road**	g	Building Height	N/A
d	Side Street Setback*	Same as Front Setback			

*All Primary and Accessory structures must meet these setbacks.

**When road is not dedicated public right-of-way.

Figure F-II.1 – General Agricultural Dimensional Standards Graphic



E. GENERAL RESIDENTIAL R

1. Purpose

The General Residential District is intended for residential dwellings and their related accessory uses. Land uses may include single-family, duplex dwelling units, and accessory dwelling units (ADUs).

2. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the General Residential District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

Table T-II.4 – General Residential Use Table

GENERAL RESIDENTIAL USE TABLE

Child Care Facilities:

Child Care Center	R	
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Community & Cultural Facilities:

Community Center	S	Public Facilities	S
Places of Assembly or Worship	S		

Educational Facilities:

Educational Facility	S	
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Group Living:

Group Home (See Sec. III.A.2)	S	
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Household Living:

Dwelling, Duplex	R	Short-Term Rental (See Sec. III.A.9)	R
Dwelling, Single-Family	R		

Parks:

Park	R	
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Public Utilities & Facilities:

Utility Transmission, Distribution, and/or Service Lines	R	Telecommunication Facility (See Sec. III.D)	S
Public Utility Facility	R		

Accessory Uses:

Accessory Dwelling Units (ADU) (See Sec. III.C.2.a)	R	Alternate Onsite Energy Generation	R
Accessory Structure or Building (See Sec. III.C.2.b)	R	Home Occupation (See Sec. III.C.2.c)	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R

Temporary Structures & Uses:

Construction Offices (See Sec. III.B.2.b.(3))	R	Yard or Garage Sale (See Sec. III.B.2.b.(7))	R
Temporary Occupancy of RV (See Sec. III.B.2.b.(6))	R		

3. Dimensional Standards

- a. Dimensional Standards within the General Residential Zone District are identified in the following table and illustrated in the graphic below:

Table T-II.5 – General Residential Dimensional Standards

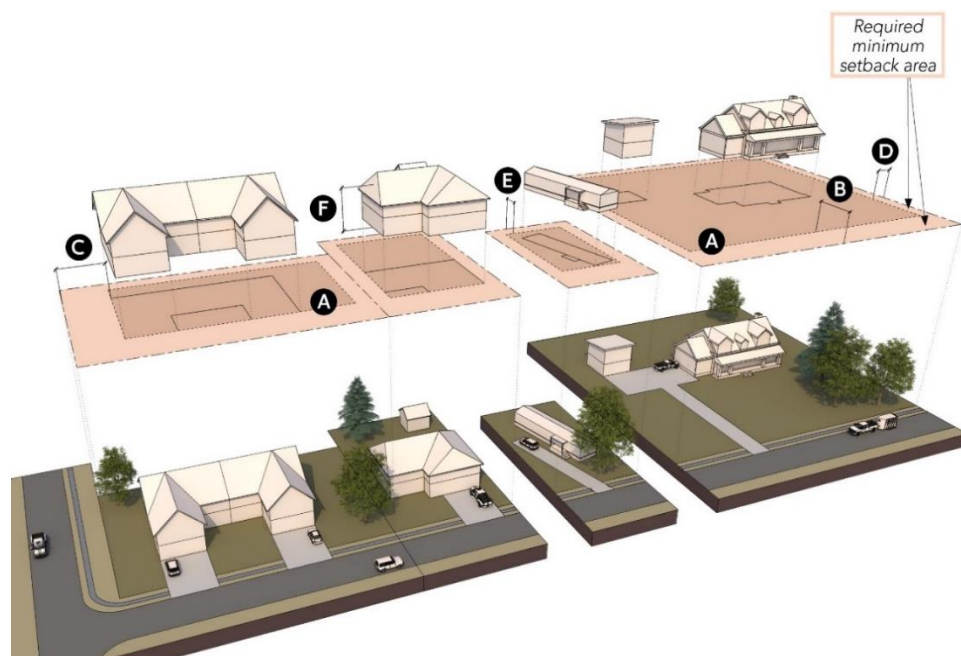
Standard		Required Dimension	Standard		Required Dimension
a	Lot Size	OWTS: 1 contiguous acre* Public water & sewer systems: Duplex: 15,000sf; Single-family dwelling: 10,000sf	d	Side Setback**	5'
b	Front Setback**	25' from property line 55' from centerline of public road***	e	Rear Setback**	10'
c	Side Street Setback**	Same as Front Setback	f	Building Height	35'

*Refer to Montrose County Board of Health Resolution On-Site Wastewater Treatment Systems for additional standards.

**All Principal and Accessory buildings must meet these setbacks.

***When the road is not dedicated public right-of-way.

Figure F-II.2 – General Residential Dimensional Standards Graphic



F. MANUFACTURED HOME PARK RESIDENTIAL R-MHP

1. Purpose

The Manufactured Home Park Residential District is intended to facilitate the development of small manufactured home dwellings and their related accessory uses which are located on identified home sites within one parcel under singular ownership. The dwelling unit may be owned by the occupant, but the home site is leased by a managing entity. Development standards for Manufactured Home Parks are identified in Section III.A.6, *Manufactured Homes*, and include standards such as paving of interior streets, connection to community sewer and water service, parking and access standards, allowed accessory structures, and separation between units.

2. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the Manufactured Home Park Residential District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

Table T-II.6 – Manufactured Home Park Residential Use Table

MANUFACTURED HOME PARK RESIDENTIAL USE TABLE

Child Care Facilities:

Child Care Center	R	
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Group Living:

Group Home (See Sec. III.A.2)	S	
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Household Living:

Dwelling, Single-Family	R	Short-Term Rental (See Sec. III.A.9.b)	R
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Public Utilities & Facilities:

Public Utility Infrastructure	S	Utility Transmission, Distribution, and/or Service Lines	R
Telecommunication Facility (See Sec. III.D)	S		

Accessory Uses:

Accessory Structure or Building (See Sec. III.C.2.b)	R	Home Occupation (See Sec. III.C.2.c)	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R
Alternate Onsite Energy Generation	R		

Temporary Structures & Uses:

Construction Office (See Sec. III. B.2.b.(3))	R	Yard or Garage Sale (See Sec. III.B.2.b.(7))	R
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3. Dimensional Standards

- a. Dimensional Standards within the Manufactured Home Park Residential R-MHP District are identified in the following table and illustrated in the graphic below:

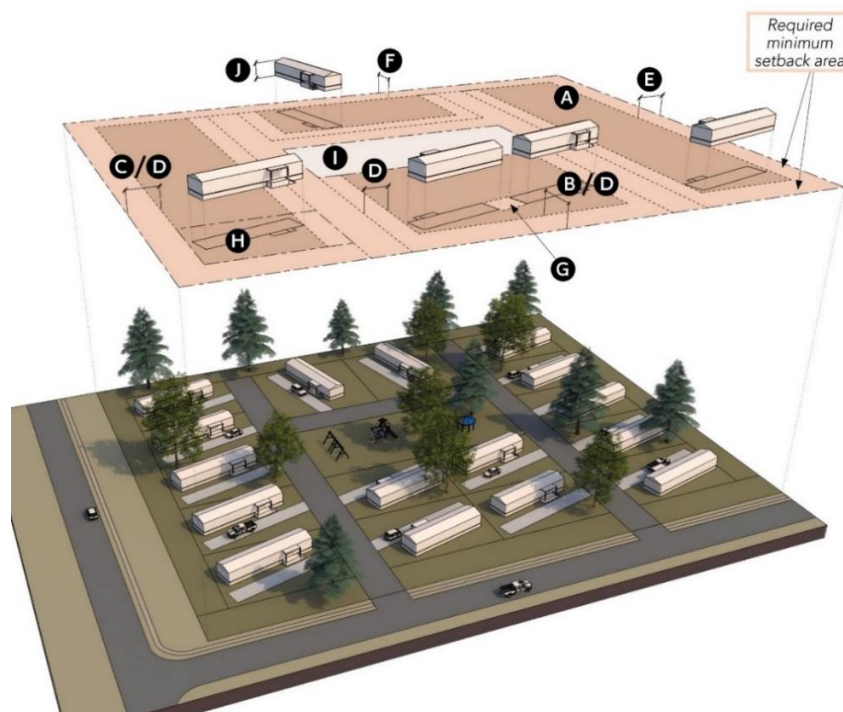
Table T-II.7 – Manufactured Home Park Residential Dimensional Standards

Required Dimension			Required Dimension		
Standard			Standard		
a	Lot Size	3 acres	F	Rear Setback*	20'
B	Front Setback	25'	G	Separation between MFH	20'
C	Side Street Setback	25'	H	Min. MFH Space	3600sf
D	Setbacks from Roadways	50' from state or federal highways 25' from county roads 15' from interior roadway	I	Community Area	8% of gross park area
E	Side Setback	20'	J	Building Height	35'

*Setback distances from Exterior property lines.

**Separation shall be met on all sides of a MFH and any enclosed additions attached to the unit.

Figure F-II.3 – Manufactured Home Park Residential Dimensional Standards Graphic



4. Development Standards

a. General Provisions

- (1) 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.

b. 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 County Planning and Development Department and the Montrose County Assessor's Office.
- c. **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.
- d. **Manufactured Home Park Design Criteria**

No approval shall be granted for any manufactured home park which does not substantially comply with the following design criteria in addition to other applicable standards set forth in Section V, *Detailed Development Standards*.

- (1) **Hazard Area.** Manufactured home parks and all manufactured homes placed within the park located in any area(s) identified as a floodplain shall attain a certification of elevation stamped by a certified engineer. Such certification shall be submitted to the Planning and Development Director.
- (2) **Landscaping.** Open areas adjacent to public rights-of-way shall be landscaped. 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) 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.
- (4) 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.
- (5) 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.
- (6) **Off-Street Parking:** Parking standards are set forth in Section V.B, *Parking and Loading*.
- (7) **Storage Areas:** An outdoor storage area surfaced with gravel, asphalt, concrete, or similar substance shall be provided within the manufactured home park in an amount equal to one hundred (100) square feet per manufactured home space. Storage areas shall be screened in compliance with the standards set forth in Section V.G, *Screening and Landscaping*. The required storage area may be increased or decreased upon recommendation by the Planning Commission and approval by the Board.
- (8) **Skirting, Stairs, Foundation Supports, Ventilation, Crawl Space Access, and Smoke Detector Requirements**
 - (a) 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 or used as skirting.
- (b) 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.
 - (c) It shall be the responsibility of the park manager to assure that skirting is in place in compliance with these regulations.
- (9) **Fire Protection:** Every manufactured home park shall be equipped at all times with fire hydrants in good working order.
- (10) **Utilities:** Utility systems shall conform to the following standards:
- (a) **Water Supply.** All manufactured homes shall be served by a water supply system designed, constructed, and protected in accordance with the standards set forth in Section V.E, *Water and Sewer* of these Regulations.
 - (b) **Sewage Disposal.** Facilities shall be provided and properly maintained for the collection and disposal of sewage from manufactured homes, service buildings, and other facilities in accordance with the standards set forth in Section V.E, *Water and Sewer* of these Regulations. Connection to community sewer shall be required.
 - (c) **Electricity.** The installation shall comply with all state and local electrical regulations.
- (11) **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, and other nuisance conditions.
 - (b) Refuse containers shall be provided at central screened areas no more than two-hundred (200) feet from any manufactured home space and shall be provided at the rate of at least two (2) thirty (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 at a lawful disposal site in accordance with requirements of the Colorado Solid Waste Disposal Sites and Facilities Act.

G. MULTIPLE FAMILY RESIDENTIAL 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. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the Multiple Family Residential District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

Table T-II.8 – Multiple Family Residential Use Table

MULTIPLE FAMILY RESIDENTIAL USE TABLE

Child Care Facilities:

Child Care Center	R		
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Community & Cultural Facilities:

Community Center	S	Places of Assembly or Worship	S
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Educational Facilities:

Educational Facility	S		
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Group Living:

Group Home (See Sec. III.A.2)	R		
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Household Living:

Dwelling, Duplex	R	Dwelling, Single-Family	R
Dwelling, Multiple-Family	R		

Parks:

Park	R		
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Public Utilities & Facilities:

Government Facility	R	Telecommunication Facility (See Sec. III.D)	S
Public Utility Facility	S	Utility Transmission, Distribution, and/or Service Lines	R

Accessory Uses:

Accessory Structure or Building (See Sec. III.C.2.b)	R	Alternate Onsite Energy Generation	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R

Temporary Structures & Uses:

Construction Office (See Sec. III.B.2.b.(3))	R	Yard and Garage Sale (See Sec. III.B.2.b.(7))	R
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3. Dimensional Standards

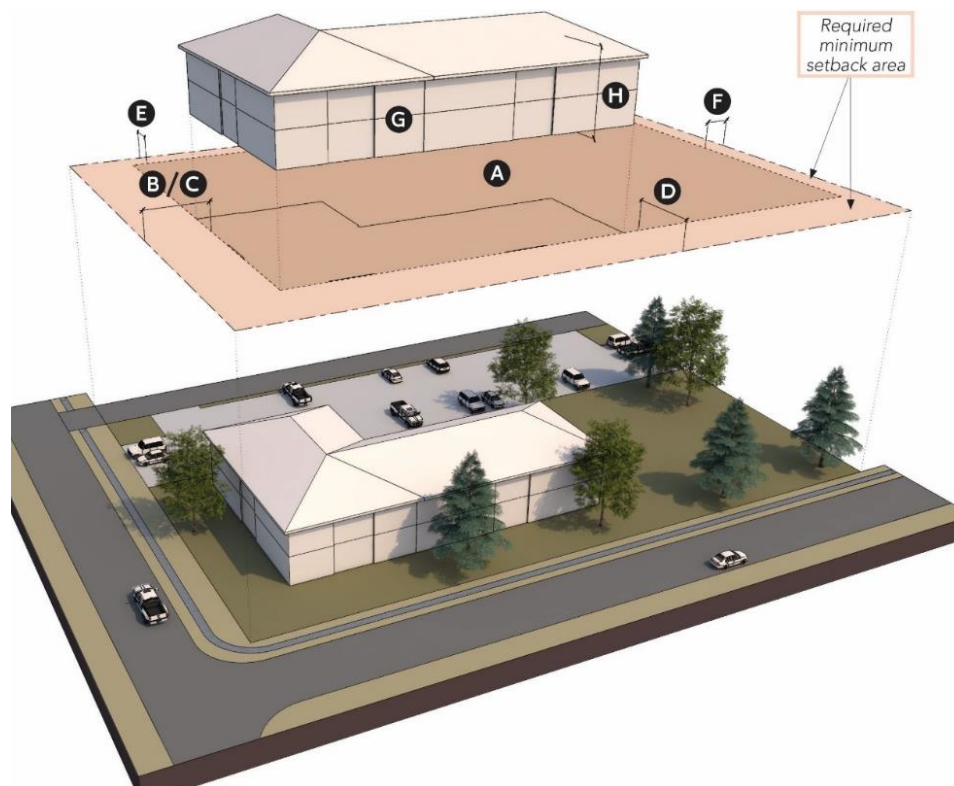
Table T-II.9 – Multiple Family Residential Dimensional Standards

Standard		Required Dimension	Standard		Required Dimension
A	Lot Size	20,000sf per dwelling unit	E	Side Setback*	10'
B	Front Setback*	25' from property Line	F	Rear Setback*	10'
C		55' from centerline of public road**	G	Density	15 dwelling units per acre
D	Side Street Setback*	Same as Front Setback	H	Building Height	40'

*All Principal and Accessory Building must meet these setbacks.

**When road is not dedicated public right-of-way.

Figure F-II.4 – Multiple Family Residential Dimensional Standards Graphic



H. GENERAL BUSINESS 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. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the General Business District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

Table T-II.10 – General Business Use Table

GENERAL BUSINESS USE TABLE

Animal Services:

Veterinary Clinic	R		
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Child Care Facilities:

Child Care Center	R		
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Community & Cultural Facilities:

Community Center	R	Places of Assembly or Worship	R
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Educational Facilities:

Educational Facility	R		
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Food & Beverage:

Bar or Tavern	R	Microbrewery, Distillery	R
Brewpub	R	Restaurant	R

Group Living:

Group Home	R	Senior Housing	R
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Healthcare Facilities:

Medical and/or Dental Clinic	R		
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Household Living:

Dwelling, Single-Family	R	Short-Term Rental (<i>See Sec. III.A.9</i>)	R
Caretaker Residence	R		

Lodging Facilities:

Hotel/Motel	R		
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Manufacturing & Production:

Commercial Nursery	R		
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Parks:

Park	R		
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Personal Services and Office:

Personal Service Establishment	R	Professional Office	R
		Professional Services Establishment	R

Public Utilities & Facilities:

Government Facility	R	Telecommunication Facility (See Sec. III.D)	R
Public Utility Facility	R	Utility Transmission, Distribution, and/or Service Lines	R

Recreation Facilities:

Amusement and Entertainment Facility, Indoor	R		
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Retail:

General Retail	R		
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Vehicles & Equipment:

Heliport	S		
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Warehousing & Freight:

Mini-Storage Warehouse	R		
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Accessory Uses:

Accessory Structure or Building (See Sec. III.C.2.b)	R	Alternate Onsite Energy Generation	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R

Temporary Structures & Uses:

Construction Offices (See Sec. III.B.2.b.(3))	R		
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3. Dimensional Standards

Table T-II.11 – General Business Dimensional Standards

Standard		Required Dimension	Standard		Required Dimension
A	Lot Size	OWTS: 1 contiguous acre* Public water & sewer systems: 10,000sf	F	Rear Setback**	10'
B	Front Setback**	25' from property Line	G	Buffer	Required adjacent to residential zone district or residential subdivision.****.
C		55' from centerline of public road***	H	Building height	N/A
D	Side Street Setback**	Same as Front Setback	I	Outdoor storage exceeding 8' in height	10' setback from all property lines.

E	Side Setback**	10'			
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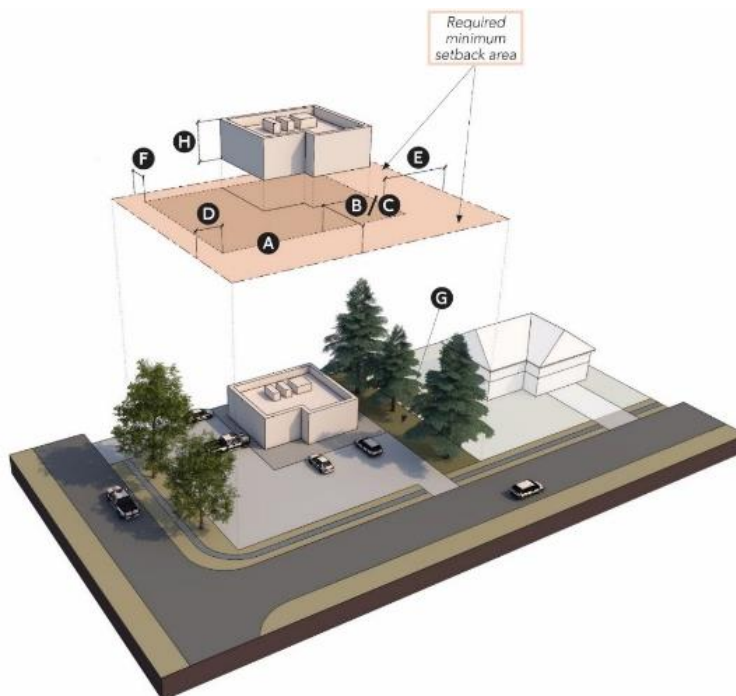
*Refer to Montrose County Board of Health Resolution On-Site Wastewater Treatment Systems for additional standards.

**All Principal and Accessory Buildings must meet these setbacks.

***When road is not dedicated public right-of-way.

****Any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site to effectively insulate adjacent uses from adverse impacts of the commercial uses.

Figure F-II.5 – General Business Dimensional Standards Graphic



I. GENERAL COMMERCIAL C

1. Purpose

A general sales, business, contractor, service, processing, transportation, and warehouse district designed to provide for a variety of compatible businesses. The businesses that produce goods and products on site are also allowed to offer those items for retail sale as an accessory use in this district.

2. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the General Commercial Zone District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.

- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.
- d. Any uses allowed by right in the General Business Zone District shall also be allowed by right in the General Commercial Zone District unless specified otherwise in this section

Table T-II.12 – General Commercial Use Table

GENERAL COMMERCIAL USE TABLE

Agricultural Uses:

Agricultural Product Manufacturing	R	Commercial Nursery	R
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Animal Services:

Kennel (See Sec. III.A.3)	R	Veterinary Clinic	R
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Child Care Facilities:

Child Care Center	R		
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Community & Cultural Facilities:

Community Center	R	Places of Assembly or Worship	R
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Educational Facilities:

Educational Facility	R		
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Food & Beverage:

Bar or Tavern	R	Microbrewery, Distillery	R
Brewpub	R	Restaurant	R

Group Living:

Group Home	R	Senior Housing	R
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Healthcare Facilities:

Hospital	R	Medical and/or Dental Clinic	R
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Household Living:

Dwelling, Single-Family	R	Short-Term Rental (See Sec. III.A.9)	R
Caretaker Residence	R		

Lodging Facilities:

Hotel/Motel	R		
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Manufacturing & Production:

Commercial Nursery	R	Manufacturing, fabrication, assembly, and/or processing which <i>will not</i> cause noise, heat, dust, fumes, excessive traffic or parking or other adverse consequences that will impact the neighborhood	R
Food Processing and/or Packaging	R		

Parks:

Park	R		
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Personal Services & Office:

Personal Service Establishment	R	Professional Services Establishment	R
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Public Utilities & Facilities:

Government Facility	R	Telecommunication Facility (See Sec. III.D)	R
Public Utility Facility	R	Utility Transmission, Distribution, and/or Service Lines	R

Recreation Facilities:

Amusement and Entertainment Facility, Indoor	R	Recreation Facility, Indoor	R
Amusement and Entertainment Facility, Outdoor	S	Recreation Facility, Outdoor	S
RV Park	R		

Retail:

General Retail	R		
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Vehicles & Equipment:

Automobile Service and Repair	R	Heliports	S
Automobile, truck, trailer, farm equipment, marine, or RV services and sales	R	Truck Stop	R

Warehousing & Freight:

Distribution and Warehousing Facility	R	Wholesale Establishment	R
Mini-Storage Warehouse	R		

Accessory Uses:

Accessory Structure or Building (See Sec. III.C.2.b)	R	Caretaker Residence	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R
Alternate Onsite Energy Generation	R		

Temporary Structures & Uses:

Construction Office (See Sec. III.B.2.b.(3))	R	Roadside Stand (See Sec. III.B.2.b.(5))	R
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3. Dimensional Standards

Table T-II.13 – General Commercial Dimensional Standards

Standard		Required Dimension	Standard		Required Dimension
A	Lot Size	OWTS: 1 contiguous acre* Public water & sewer systems: 10,000sf	E	Side Setback**	10'
B		25' from property Line	F	Rear Setback**	10'

C	Front Setback**	55' from centerline of public road***	G	Buffer	Required adjacent to residential zone district or residential subdivision. ****
D	Side Street Setback**	Same as Front Setback	H	Building height	N/A

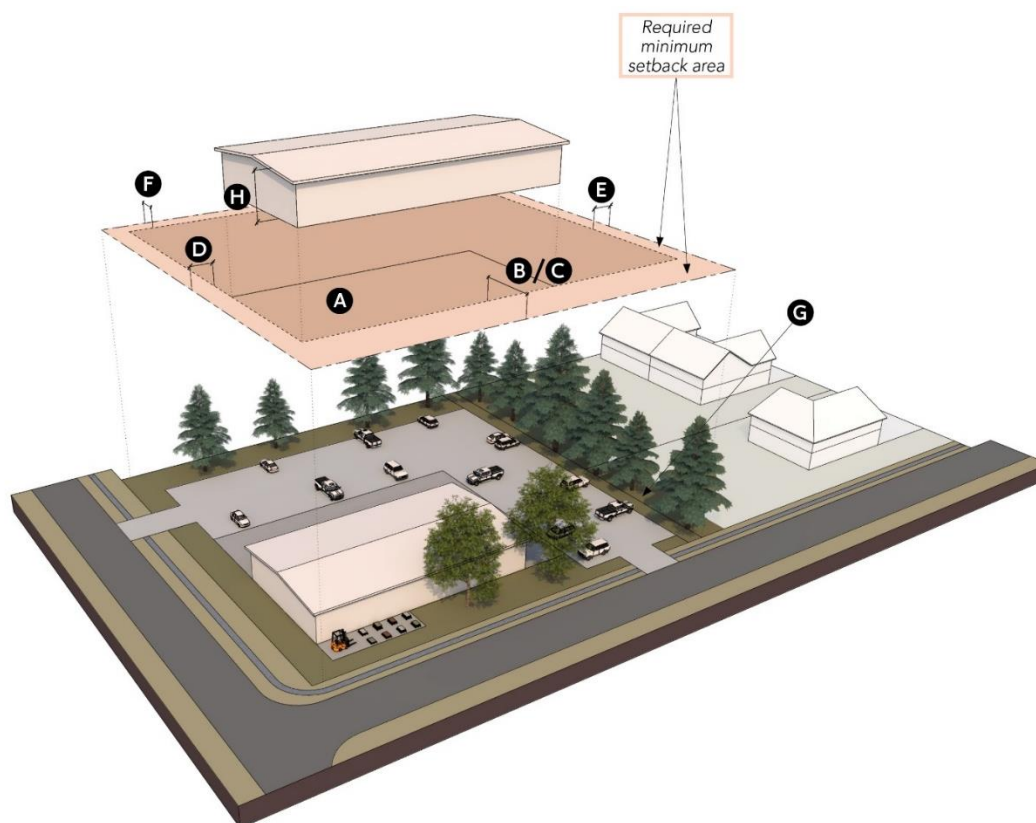
*Refer to Montrose County Board of Health Resolution On-Site Wastewater Treatment Systems for additional standards.

**All Principal and Accessory Buildings must meet these setbacks.

***When road is not dedicated public right-of-way.

****Any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site to effectively insulate adjacent uses from adverse impacts of the commercial uses.

Figure F-II.6 – General Commercial Dimensional Standards Graphic



J. INDUSTRIAL I

1. Purpose

The industrial district is intended to accommodate manufacturing, processing, fabrication, assembly, and storage of material and products, and most commercial, or similar compatible uses, and industrial enterprises, as well as allowing service facilities for industries and their employees. This district may also accommodate warehousing, distribution, and wholesaling services with increased heavy truck traffic in locations and upon sites which are able to accommodate increased truck traffic.

2. Use Table

- a. The following table identifies the uses allowed by right (“R”) or the uses requiring a special use permit (“S”) within the Industrial District. Any use not listed shall be prohibited except as set forth in Section II.C.3, *Unlisted Uses*.
- b. All uses shall meet all applicable provisions set forth in Section III, *Use Standards* and Section V, *Detailed Development Standards* regardless of the approval level identified in the Use Table below. Where able, the Use Table identifies the additional standards applicable to uses.
- c. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.
- d. Any uses allowed by right in the General Commercial Zone District shall also be allowed by right in the Industrial Zone District unless specified otherwise in this section

Table T-II.14 – Industrial Use Table

INDUSTRIAL USE TABLE

Agricultural Uses:

Agricultural Products Manufacture	R	Hemp Processing (<i>See Definition</i>)	R
Commercial Nursery	R	Composting Facility	R

Animal Services:

Kennel (<i>See Sec. III.A.6</i>)	R	Veterinary Clinic	R
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Child Care Facilities:

Child Care Center	R		
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Community & Cultural Facilities:

Community Center	R	Places of Assembly or Worship	R
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Educational Facilities:

Educational Facility	R		
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Food & Beverage:

Bar or Tavern	R	Restaurant	R
Brewery, Distillery, Winery, Microbrewery	R	Tasting Room	R
Brewpub	R		

Group Living:

Group Home (<i>See Sec. III.A.2</i>)	R		
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Healthcare Facilities:

Hospital	R	Medical and/or Dental Clinic	R
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Household Living:

Dwelling, Single-Family	R	Short-Term Rental (See Sec. III.A.9)	R
Caretaker Residence	R		

Lodging Facilities:

Hotel/Motel	R		
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Manufacturing & Production:

Food Processing and/or Packaging Manufacturing, fabrication, assembly, or processing which produces hazardous, dangerous, or combustible materials and/or conditions before, during, and/or after any processing	R	Manufacturing, fabrication, assembly, or processing which <i>may</i> cause noise, heat, dust, fumes, excessive traffic or parking or other adverse consequences that will impact the neighborhood	R
Power Generation	R		

Parks:

Park	R		
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Personal Services & Office:

Personal Service Establishment	R	Professional Services Establishments	R
Professional Offices	R		

Public Utilities & Facilities:

Government Facility	R	Telecommunication Facility (See Sec. III.D)	R
Public Utility Facility	R	Utility Transmission, Distribution, and/or Service Lines	R

Recreation Facilities:

Amusement and Entertainment Facility, Indoor	R	Recreation Facility, Indoor	R
Amusement and Entertainment Facility, Outdoor	R	Recreation Facility, Outdoor	R
RV Park	R	Shooting Range, Commercial	R

Retail:

General Retail	R		
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Sexually Oriented Business:

Sexually Oriented Business (See Sec. III.A.11)	R		
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Vehicles & Equipment:

Automobile Service and Repair	R	Salvage Yard (See Sec. III.A.8)	R
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Automobile, truck, trailer, farm equipment, marine, or RV services and sales.	R	Truck Stop	R
Helipoint	R		

Warehousing & Freight:

Distribution and Warehousing Facility	R	Solid Waste Disposal	R
Mini-Storage Warehouse	R	Wholesale Establishment	R

Accessory Uses:

Accessory Structure or Building (See Sec. III.C.2.b)	R	Caretaker Residence	R
Accessory Use (See Sec. III.C.1)	R	Outdoor Storage (See Sec. III.A.10)	R
Alternate Onsite Energy Generation	R		

Temporary Structures & Uses:

Construction Office (See Sec. III.B.2.b.(3))	R	Roadside Stands (See Sec. III.B.2.b.(5))	R
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3. Dimensional Standards

Table T-II.15 – Industrial Dimensional Standards

Standard		Required Dimension	Standard		Required Dimension
A	Lot Size	OWTS: 3 acres* Public water & sewer systems: 10,000sf	E	Side Setback**	25'
B		25' from property Line	F	Rear Setback**	25'
C	Front Setback**	55' from centerline of public road***	G	Buffer	Required adjacent to all zone districts and/or use that is not industrial.****
D	Side Street Setback**	Same as Front Setback	H	Building height	N/A

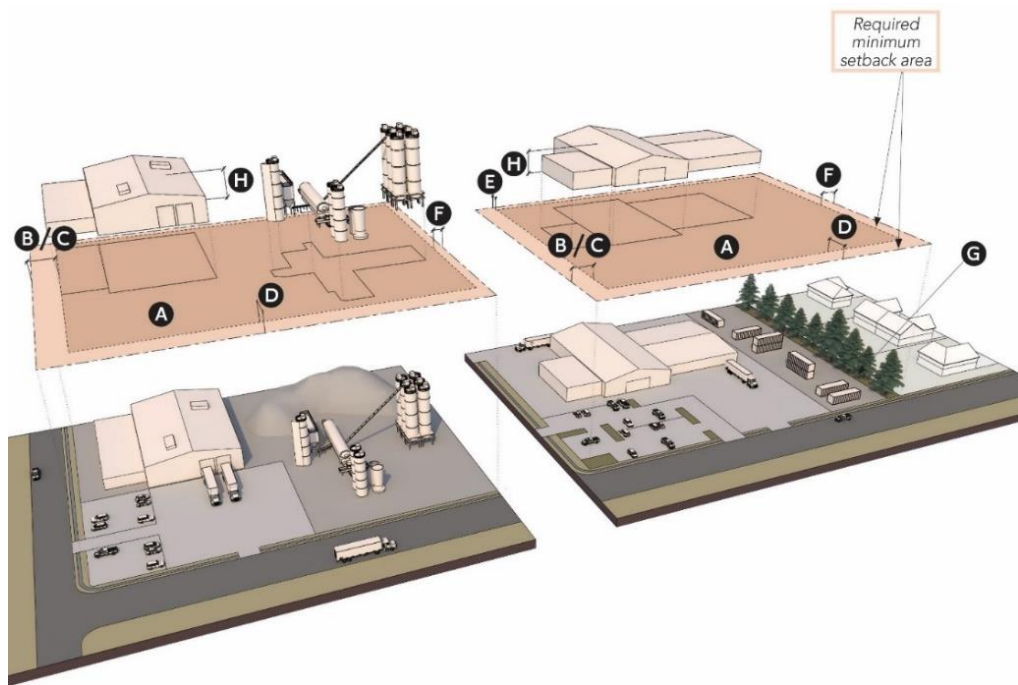
*Refer to Montrose County Board of Health Resolution On-Site Wastewater Treatment Systems for additional standards.

**All Principal and Accessory Buildings must meet these setbacks.

***When road is not dedicated public right-of-way.

****Any combination of setbacks, berms, fencing, landscaping, and arrangement of uses on the site to effectively insulate adjacent uses from adverse impacts of the industrial uses.

Figure F-II.7 – Industrial Dimensional Standards Graphic



K. PLANNED DEVELOPMENT PD

1. General Provisions

a. Purpose

The Planned Development (PD) overlay 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 overlay provides a means for clustering development and allowing for the preservation of usable open space, more effective land utilization, and more cost-effective and efficient extensions of infrastructure such as roads and utilities. The PD overlay is intended to provide a means for developing tracts of land into building and use complexes with a continuity of design and development. These PD regulations and standards are intended to:

- (1) Allow flexibility in the development of medium and large-scale sites;
- (2) Permit development in a manner varying from standards and regulations set forth in these Regulations in exchange for innovative design and creative land use that might otherwise not be permitted by traditional zoning districts when narrowly construed;
- (3) Promote the unified and integrated development and use of land at its highest feasible economic and visual values while protecting the natural physical environment of the county;
- (4) Foster development that arranges various land uses in appropriate relationship to each other, to commonly shared open space, and to common facilities;
- (5) Provide a greater variety in type, design, and layout of buildings and open space;
- (6) Utilize land and public services more efficiently; and
- (7) Provide a range of housing options at market and affordable rates.

b. Authorization

Planned Developments (PD) are authorized by state statute at Title 24, Article 67, C.R.S.

c. Application

A PD Overlay District may be requested for land located in any zoning district. A land use application and all submittal requirements shall be submitted to the Planning and Development Department as set forth in Section IV.C.2.a, *Application Submittal Requirements*.

d. Permitted Uses

Uses that are consistent with the intent of applicable portions of the Montrose County Master Plan in the reasonable judgment of the Board of County Commissioners and compatible with the site's physical and environmental characteristics may be allowed in a PD.

e. Coordination with Subdivision and Zoning Regulations

The PD is a type of customized zoning district. All standards and regulations set forth in these Regulations and the Subdivision Regulations as applicable, apply to the PD and such criteria shall be met in addition to all standards and criteria set forth in this section, unless specifically permitted to be waived or varied by the Board of County Commissioners.

- (1) At the discretion of the applicant and subject to approval by the Board of County Commissioners as a part of the PD review, the applicant may choose to delay initiation of review of a division of land application until final approval of PD is obtained for the entire project area.

f. Modification of Requirements

The Board of County Commissioners may waive or modify specifications, standards, and requirements such as density, setbacks, height restrictions, land dedications, improvement standards, and related requirements that would otherwise be applicable to a particular land use if such waiver or modification furthers the objectives of these PD regulations.

g. Enforcement of PD

The provisions and standards of an approved and recorded PD development plan and development guide is an extension of the Zoning Regulations and shall have the same authority and enforcement as the standards and provisions within these Regulations. Any violation of the PD development plan or development guide shall be enforced through the provisions set forth in Section VII, *Enforcement*.

2. PD General Requirements:

- a. The PD shall be consistent with the intent and policies of the Montrose County 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, wildlife, streams, storm drainage, and scenic vistas.
- c. The PD'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 or allowed land uses adjacent to the area proposed as a PD.
 - (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 on the site.
 - (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, and/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 thirty-five (35) acres.
- h. 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 V.C.2.m, *Required Off-Street Parking*. However, all the parking required by Section V.C.2.m, *Required Off-Street Parking*, may be reduced, if the applicant demonstrates to the Planning Commission and Board of County Commissioners, using industry standards, that the required sum of spaces is not needed within the PD.
- i. 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 Planning and Development Department for review.
- j. 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 for each proposed use 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.
- k. 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.

3. Review Procedures

This section outlines the review procedures which shall be followed for PD Zoning requests and any major or minor amendments to a current PD overlay district. Specific submittal requirements, review procedures, and review criteria are laid out in Table-II.16 below.

Table T-II.16 – Planned Development Application Types and Processes

	Pre-Application Conference (§IV.C.2.a)	Completeness Review (§IV.C.2.d)	Referrals (§IV.C.2.e)	Notice of Hearing (§IV.C.2.g)	Planning Commission (§IV.C.2.h)	BOCC (§IV.C.2.h)	Recording (§IV.C.2.g)
<i>R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision</i>							
PD Zoning (§ II.L.4)	R	R	R	R <i>Publication Mailing</i>	R <i>PH/Rec</i>	R <i>PH/D</i>	R
Major PD Amendment (§ II.L.5)	R	R	R	R <i>Publication Mailing</i>	R <i>PH/Rec</i>	R <i>PH/D</i>	R
Minor PD Amendment (§ II.L.6)	O	R	R	O	R <i>PH/Rec</i>	R <i>PH/D</i>	R

4. PD Zoning

a. General Provisions

An application for a PD zoning is a type of rezoning. A PD zoning application shall be accompanied by a PD development plan and a PD development guide. The review process for PD zoning applications is set forth in Section IV.D.2, *Review Procedures*. Upon approval, the applicable zoning district standards shall be those established by the PD development plan and the PD development guide.

b. Review Flowchart

Figure F-App.5, *PD Zoning Flowchart*, depicts the PD zoning application review process described in greater detail in this section.

c. Application Submittal Requirements

The following are the application materials required to be submitted for a PD zoning request. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

(1) **Basic Application Materials.** All materials set forth in Section IV.C.2.a, *Basic Application Materials*.

(2) **PD Written Description**

A written description of the proposal shall be submitted with a PD zoning application including and addressing the following information:

- (a) The names and addresses of owner, applicant and representative;
- (b) General project concept and purpose of the request including, but not limited to, the character of the PD, character and density of residential uses, acreage for each proposed use, proposed permitted uses within all development areas, and an explanation of how employee housing needs associated with the PD will be met within the PD and elsewhere;
- (c) Relationship of the proposed PD development to the existing land uses and adjacent property land uses;
- (d) The expected schedule and phasing of the project including an explanation of how the phasing plan will satisfy basic needs of residents, visitors and future business owners of the project;
- (e) Compliance with the Montrose County Master Plan;
- (f) Source of and legal right to water. Written confirmation of service availability from a water and sanitation provider or district if the property lies within a service boundary. Hauling of water shall not be acceptable means of serving proposed PD and/or underlying development;
- (g) Method of wastewater treatment and disposal;
- (h) Method of fire protection;
- (i) Names and addresses of severed mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners;
- (j) Description of natural and manmade hazards which may exist on the property;
- (k) Discussion of impacts on services, including but not limited to county services, town services, schools, and emergency services;
- (l) Discussion of impacts on existing flora and fauna, air quality, wildlife, historic lands or sites, drainage or mineral extraction;
- (m) A list of the modifications of standard zoning standards and regulations being requested and justification for such requests;

(3) **PD Development Plan**

The development plan for a PD zoning application must depict and contain the following information:

- (a) The size of the plan shall be prepared at a scale that is legible for reasonable review and interpretation, as determined by the Planning and Development Director;
- (b) Name or identifying title of the proposed development or use;
- (c) Legal description, date of preparation, north arrow, scale, and legend;
- (d) Vicinity map at a suitable scale;
- (e) Total area of the site, in acres and square footage. If there are two or more lots included in the PD, the gross and net acreage of individual lots, open space, common areas, and rights-of-way;

- (f) Name, address, telephone number, and e-mail address of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant;
- (g) The following signature and certificate blocks:
 - (i) Certification of title showing the applicant is the landowner, contract purchaser or option-holder;
 - (ii) Certification by the project surveyor certifying to the accuracy of the survey and plat;
 - (iii) Certification for approval of the Montrose County Board of County Commissioners; and
 - (iv) Certification for the Montrose County Clerk and Recorder.
- (h) Existing land uses and zoning on adjoining properties;
- (i) Public or private sources of utility services and facilities including a statement concerning proposed financing and, where appropriate, types of financial security anticipated to assure installation of such facilities;
- (j) Location and size of all existing and proposed land uses, including proposed densities, where applicable;
- (k) Proposed use and gross floor area of structures and anticipated number of employees if commercial or industrial uses;
- (l) Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred-year (100-yr) flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corp of Engineers or another recognized source;
- (m) Building envelopes in hazardous areas to protect natural resources, if deemed appropriate by the county;
- (n) Areas where geologic hazard, mineral resources, wildfire hazards, or other natural hazards may exist;
- (o) Land to be used for common areas devoted to community use, and land dedicated to the county;
- (p) The maximum height of all buildings;
- (q) Areas that are to be conveyed, dedicated or reserved as public parks or open space, recreational areas, and as sites for schools or other civic uses;
- (r) Topography at ten-foot (10') contours, with delineation of areas having slopes twenty percent (20%) or more and other significant topographic conditions at more defined contours;
- (s) The traffic and circulation network, off-street parking areas, service areas, loading areas and major points of access including the widths, lines, and names of all existing and proposed streets, drives, alleys, and roads on or affecting the site, and names of existing streets and

- alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown;
- (t) Conceptual building elevations identifying the architectural intent and the means by which the intent will be achieved;
 - (u) Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility;
 - (v) Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;
 - (w) Primary control points, or descriptions and “ties” to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
 - (x) Location and description of monuments;
 - (y) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves;
 - (z) Number to identify each lot, parcel, tract, outlot, or site, such as lot and block numbers;
 - (aa) Preliminary street and road plans and profiles; and
 - (bb) The location, size and character of proposed signs, lighting and advertising devices.
 - (cc) 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.

(4) **PD Development Guide**

- (a) **General.** All PD applications must include a proposed development guide that will be applicable only to that particular PD and not to any other zone district or development. The development guide shall formally establish the standards and requirements for development within the entire PD. The standards and requirements for development in the approved development guide may be different from the standards and practices established by these Regulations if the requested modifications from those regulations are, in the opinion of the Board of County Commissioners, reasonable as well as necessary to the overall project development, and not detrimental to the county or the residents thereof. The regulations and standards contained within these Regulations, existing or as may be amended, shall be applicable to any matter which is not addressed in the approved development guide. Each PD owner as well as their heirs, successors, or assigns shall be bound by all matters, covenants, restrictions, terms, and conditions contained in the approved and recorded development plan and development guide, and the same shall run with the land. The PD development guide may be included as notation sheets within the PD

development plan or submitted as a separate document to be recorded with the PD materials.

(b) **Contents of Development Guide.** If no amendments or modifications are proposed within the PD for a particular standard or regulation, the standard or regulation set forth in these Regulations shall apply to all uses and areas within the PD. The development guide for all PD applications must contain, at a minimum, provisions regarding the following development features:

(i) Objective, purpose and intent. The development guide shall further public health, safety, and the general welfare; facilitate the efficient utilization of land; ensure that there shall be an appropriate relationship with surrounding land and generally encourage compatibility with overall County planning objectives.

(ii) Zoning Regulations. The development guide shall supersede these Regulations to the extent there are conflicts between the development guide and these Regulations.

A summary chart indicating development standards applicable to the entire PD and/or separate areas within the PD will be required to be provided in the development guide.

(iii) Definitions. Any term or word not defined within these Regulations shall be defined within the PD development guide. Any term not explicitly defined by the development guide shall default to the terms and words defined in Section VIII, *Definitions*, of these Regulations.

(iv) Land use planning areas. Land use planning areas and the uses permitted within each planning area.

(v) Dimensional Standards. Dimensional standards for each land use planning area including setbacks, building height, lot size, and densities.

(vi) Streets. Street scape and cross-section design depicting the total right-of-way width, vehicle travel lanes, surface material, lighting, landscaping and/or sidewalk as required by these Regulations.

(vii) Public facilities. Utilities and services (including water, sewer, roads, electric, gas, telephone, fiber optic, police, fire, medical, solid waste, schools, and snow storage and removal) and the financing for construction, installation, and/or maintenance of those facilities and services.

(viii) Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.

(ix) Signs and outdoor advertisement. Signs shall conform to the requirements in effect for the underlying zone district pursuant to Section V.B, *Signs*, except that the PD development guide may include amendments to those standards when it is determined by

the Board of County Commissioners that such amendments will result in better relationship of the signs to the general layout and design of the PD.

- (x) Parking. On-and off-street parking and loading area requirements for each use and planning area. If no standards are proposed, the standards set forth in these Regulations shall apply to all uses and areas within the PD.
- (xi) Landscaping. Landscaping design guidelines which enhance the PD project shall include design standards and criteria for the construction of parks, trails, rights-of-way (where applicable), common areas, and non-residential uses. Such standards shall identify species, layout, maintenance, and design that will survive the Montrose climate and geography.
- (xii) Accessory structure and uses. Any desired accessory structure or use may be allowed within a PD provided any potential impacts of the structure or use are mitigated to an acceptable level.
- (xiii) General development schedule. A general development schedule of construction of each phase including necessary public improvements for each phase.

(c) Supplemental Submittal Materials

- (i) Domestic water supply and wastewater treatment systems complying with the standards of Section V.F, *Water and Sewer*, and the State Division of Water Resources regulations.
- (ii) Proposed covenants, conditions, and restrictions.
- (iii) Erosion control plan and drainage report.
- (iv) Mechanism for maintaining and preserving open space and common areas.

(d) Supplemental Materials. The following items are also required to be submitted to the Planning and Development Department:

- (i) Proof of minimum guaranteed water supply.

(5) Additional Requirements

Any additional information that may be reasonably requested by the Planning and Development Director and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

d. Completeness Review

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

e. Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Planning and Development Director shall refer the application to additional reviewing agencies as set forth in Section

IV.C.2.c, *Referral Agencies* and review the application for conformance with the requirements and standards of these Regulations.

f. **Staff Review Letter**

A staff review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

g. **Review and Recommendation by Planning Commission**

The Planning Commission shall review the PD zoning application in a manner consistent with Table T-II.16 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Planning Commission may continue the review of application to a date certain.

h. **Review and Action by Board of County Commissioners**

The final decision to approve, approve with conditions or modifications, or deny a PD zoning application shall be made by the Board of County Commissioners in a manner consistent with Table T-II.16 and be based upon the criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Board of County Commissioners may continue the review of application to a date certain.

i. **Recordation**

The applicant shall cause the PD development plan and PD development guide to be recorded with the Montrose County Clerk and Recorder as required by Section IV.C.3, *Post Adoption*.

j. **Criteria to be Considered**

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Board of County Commissioners to recommend approval or approve a PD zoning application and associated development plan and development guide:

- (1) There is a legitimate need for the proposed development to be processed as a PD;
- (2) The PD does not negatively impact the immediate area, including employee housing requirements;
- (3) An exception from the zoning regulations and subdivision regulations and requirements is warranted by virtue of the design and amenities incorporated in the development plan and development guide;
- (4) The land surrounding the proposed PD can be planned in coordination with the proposed PD;
- (5) The proposed PD zoning is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body;
- (6) Existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are acceptable to the County;

- (7) The PD creates a desirable and stable environment, and does not cause unacceptable air, water or noise pollution; and
- (8) The overall PD design concept as well as the general phasing scheme are suitable to the land, community, and local economy.

5. Major PD Amendment

a. General Provisions

- (1) Major PD amendments include any modification or amendment to an approved PD development plan or development guide which:
 - (a) Modifies the approved phasing plan;
 - (b) Modifies a use or density established by the PD; or
 - (c) Removes or substantially modifies any standard or plan provision.
- (2) Amendments and modifications to an approved PD development plan and/or development guide may be requested in accordance with this Section II.K.5, *Major PD Amendment*.
- (3) No amendments may be made to an approved PD development plan and/or development guide during the construction of the improvements governed by the PD.

b. Review Flowchart

Figure F-App.3, *Major PD Amendment Flowchart*, depicts the major PD amendment application review process described in greater detail in this section.

c. Application Submittal Requirements

The following are the application materials required to be submitted for a major PD amendment request. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All materials set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative**
 - (a) General description of the amendment(s) being requested including the proposed amendments to the PD general description, PD development plan, and/or PD development guide.
 - (b) Written narrative and description of how the proposed PD amendment(s) comply with the standards of these Regulations and the criteria set forth in Section II.K.4.j, *Criteria to be Considered*.
- (3) **PD Development Plan**

All materials and information required to be included in a PD zoning request as set forth in Section II.K.4.c(3), *PD Development Plan*, shall be submitted with a major PD amendment request.

(4) **PD Development Guide**

All materials and information required to be included in a PD zoning request as set forth in Section II.K.4.c(4), *PD Development Guide* shall be submitted with a major PD amendment request.

(5) **Supplemental Materials.** The following items are also required to be submitted to the Planning and Development Department:

(a) Proof of minimum guaranteed water supply.

(6) **Additional Requirements**

(a) Any other information deemed necessary by the Planning and Development Director to assist in the review of the application.

d. **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

e. **Evaluation by Staff and Referral Agencies**

Upon determination of completeness, the Planning and Development Director shall refer the application to additional reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies*, and review the application for conformance with the requirements and standards of these Regulations.

f. **Staff Review Letter**

A staff review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

g. **Review and Recommendation by Planning Commission**

The Planning Commission shall review the PD zoning application in a manner consistent with Table T-II.16 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Planning Commission may continue the review of the application to a date certain.

h. **Review and Action by Board of County Commissioners**

The final decision to approve, approve with conditions or modifications, or deny a PD zoning application shall be made by the Board of County Commissioners in a manner consistent with Table T-II.16 and be based upon the criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Board of County Commissioners may continue the review of the application to a date certain.

i. **Recordation**

The applicant shall cause the PD development plan and PD development guide to be recorded with the Montrose County Clerk and Recorder as require by Section IV.C.3, *Post Adoption*.

j. **Approval Criteria**

The approval criteria for a major PD amendment application set forth in Section II.K.4.j, *Criteria to be Considered* for a PD zoning request shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Board of County Commissioners to recommend or approve a major PD amendment application and associated development plan and development guide.

6. **Minor PD Amendment**

a. **General Provisions**

- (1) Minor PD amendments include any modification or amendment to an approved PD development plan or development guide which does not constitute a major PD amendment as defined in Section II.K.5.a, *General Provisions*.
- (2) No minor PD amendment shall affect the rights of the residents, occupants and owners of the PD to maintain and enforce all provisions of law or in equity, except as to those lawfully modified, removed, or released.
- (3) Minor amendments and/or modifications to an approved PD development plan and/or development guides may be requested in accordance with this Section II.K.6, *Minor PD Amendment*.

b. **Review Flowchart**

Figure F-App.4, *Minor PD Amendment Flowchart*, depicts the minor PD amendment application review process described in greater detail in this section.

c. **Application Submittal Requirements**

The following are the application materials required to be submitted for a minor PD amendment request. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic PD Application Materials.** All materials set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative**
 - (a) General description of the amendment(s) being requested including the proposed amendments to the PD general description, PD development plan, and/or PD development guide.
 - (b) Written narrative and description of how the proposed PD amendment(s) comply with the standards of these Regulations and the criteria set forth in Section II.K.4.j, *Criteria to be Considered*.
- (3) **PD Development Plan**
 - (a) Updated PD development plan depicting the proposed minor amendment(s), as applicable. The requirements of a PD development

plan identified in Section II.K.4.c(3), *PD Development Plan*, should be used as a template.

(4) **PD Development Guide**

(a) Updated PD development guide depicting the proposed minor amendment(s), as applicable. The requirements of a PD development guide identified in Section II.K.4.c(4), *PD Development Guide* should be used as a template.

(5) **Supplemental Materials.** The following items are also required to be submitted to the Planning and Development Department:

(a) Proof of minimum guaranteed water supply.

(6) **Additional Requirements**

(a) Any other information deemed necessary by the Planning and Development Director to assist in the review of the application.

d. **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

e. **Evaluation by Staff and Referral Agencies**

Upon determination of completeness, the Planning and Development Director shall refer the application to additional reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies* and review the application for conformance with the requirements and standards of these Regulations.

f. **Staff Review Letter**

A staff review letter shall be prepared and provided to the applicant in accordance with Section IV.C.2.d, *Staff Review Letter*.

g. **Review and Recommendation by Planning Commission**

The Planning Commission shall review the minor PD amendment application in a manner consistent with *Table T-II.16* to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Planning Commission may also continue the review of the application to a date certain.

h. **Review and Action by Board of County Commissioners**

The final decision to approve, approve with conditions or modifications, or deny a minor PD amendment shall be made by the Board of County Commissioners in a manner consistent with *Table T-II.16* and be based upon the review criteria set forth in Section II.K.4.j, *Criteria to be Considered*. The Board of County Commissioners may also continue the review of the application to a date certain.

i. **Recordation**

The PD development plan and PD development guide shall be recorded with the Montrose County Clerk and Recorder as required by Section IV.C.3, *Post Adoption*.

j. **Criteria to be Considered**

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Board of County Commissioners to recommend or approve a minor PD amendment application and associated development plan and development guide:

- (1) The minor PD amendment is consistent with the efficient development and preservation of the entire PD;
- (2) The minor PD amendment is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body;
- (3) The minor PD amendment does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PD; and
- (4) The minor PD amendment protects the public interest.

L. PUBLIC LANDS DISTRICT P-L

1. Purpose

- a. 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.
- b. Any standard set forth in these Regulations not met by the property owner or operator shall constitute a violation of these Regulations and shall be enforced as set forth in Section VII, *Enforcement*.

2. Uses Permitted By Right

Any and all uses which are listed as Uses-By-Right, Special Use, or Accessory Uses in any other county zone district.

3. Uses Permitted Following Special Use Permit

No Special Use Permit(s) shall be required within the Public Lands District.

Section III Use Standards

A. GENERAL USE STANDARDS

The following standards and regulations shall apply to each of the specific uses identified below in addition to any and all other applicable provisions of these Regulations.

1. Campgrounds

- a. **Purpose.** The principal business of a campground shall be to provide sites for tents only. RVs and mobile homes are prohibited within a campground.
 - (1) **Lot Size.** Campgrounds shall be a minimum of two (2) acres in area and provide at least twelve (12) camping spaces.
- b. **Accessory Uses.** The following uses are accessory to a campground:
 - (1) Service buildings associated with the campground, including utilities, management office, sanitary facilities, and recreation facilities.
 - (2) Up to two (2) residential dwelling units and one RV for the purpose of housing a resident manager or caretaker may be allowed. A combination of dwelling units and RV may also be allowed.
- c. **Parking.** A minimum of one (1) parking space shall be provided for each campsite within the campground.

2. Group Homes

- a. **Purpose.** These provisions are set forth to manage the impacts of group homes on neighborhoods and to preserve the characteristics of the neighborhood within which these uses are located.
- b. **Parking Standards.** A group home shall provide one (1) off-street parking space for visitors and one for each employee, in addition to off-street parking otherwise required pursuant to Section V.B, *Parking and Loading*.
- c. **Maximum Occupancy.** In no case shall the total number of persons residing on premises, including staff, be more than one (1) person per four hundred (400) square feet of usable building floor area.
- d. **License Required.** Any group home that requires a state license to operate shall be so licensed before operation commences.

3. Kennels

- a. **Purpose.** These provisions are set forth to limit the impacts of kennels on adjacent property owners and to preserve the characteristics of the neighborhood within which these uses are located.
- b. **Standards**
 - (1) All kennel facilities shall have a minimum of one hundred (100) foot setback from all adjacent properties that are zoned R, R-MHP, and/or R-MF.
- c. **Written Narrative.** The following items shall be described in the application for all kennel uses in all zone districts. If a Special Use Permit is required, these items shall be required in addition to the requirements set forth in Section IV.E, *Special Use Permit*.

- (1) The method of feces disposal;
- (2) Drainage improvements necessary to protect adjacent rivers, streams, or other bodies of water from contaminated surface stormwater runoff;
- (3) The number and species of animals to be kept on the property and the duration each is anticipated to stay on the property;
- (4) Description of proximity to adjacent properties, adjacent property uses and zone districts, any potential impacts on adjacent properties including, but not limited to, noise, lighting, odors, traffic, and waste, and proposed methods to mitigate those impacts; and
- (5) Description of operations including, but not limited to, if and when animals will be kept outside and the impact noise may have on adjacent property owners, length of stay anticipated for animals, how noise, lighting, and odors will be mitigated, and any other impact on adjacent properties.

4. Livestock/Fowl

- a. Livestock may be kept as an accessory use to primary uses in the R District provided the following standards are met:
 - (1) Livestock shall be confined to the lot.
 - (2) Lots shall be a minimum of five (5) acres in gross area.
 - (3) No more than ten (10) animals shall be allowed.
- b. Fowl may be kept as an accessory use to primary uses in the R District provided the following standards are met:
 - (1) Fowl shall be confined to the lot.
 - (2) Ten (10) fowl for properties less than one acre.
 - (3) Twenty-five (25) fowl for properties greater than one acre.
 - (4) Roosters shall be prohibited in the R District

5. Livestock Confinement Operations

- a. Livestock Confinement Operations, including Confined Animal Feeding Operations (CAFO) and Animal Feeding Operations (AFO), must meet federal standards and meet or exceed Colorado's Confined Animal Feeding Regulations.

6. Manufactured Homes

- a. All manufactured homes shall be installed and inspected pursuant to Colorado Division of Housing standards.
- b. Manufactured homes may be used as a single-family dwelling unit as permitted in the use table within each zone district section of these Regulations.
- c. All manufactured homes shall be permanently attached per Montrose County adopted Building Code and applicable Housing and Urban Development (HUD) requirements.
- d. Manufactured homes shall obtain all required local building permits.

7. RV Parks

- a. **Purpose.** The principal business of an RV park shall be to provide sites for RV's, travel trailers, camper vehicles, camping cabins, park models, and tents. Mobile homes and manufactured homes are prohibited within RV parks.
- b. **Minimum Size.** RV parks in the General Agricultural A District shall be a minimum of five (5) acres in area. RV parks in all zone districts shall provide spaces for at least ten (10) RVs.
- c. **Accessory Uses.** The following uses are accessory to an RV park:
 - (1) Service buildings associated with the RV park, including utilities, management office, equipment storage, sanitary facilities, laundry facilities, and recreation facilities.
 - (2) Up to two (2) residential dwelling unit and/or permanent RV for the purpose of housing a resident manager or caretaker may be allowed. A combination of dwelling units and RVs may also be allowed.
 - (3) Site built cabins that do not exceed three-hundred and ninety-nine (399) square feet in floor area.
 - (4) Accessory structures including covered awnings, carports, and storage sheds shall be limited to a total of four-hundred (400) square feet for each RV space. Additional enclosed living areas are not allowed and no structure may be permanently attached to an RV.
 - (5) RV parks may include tent camping sites.
- d. **Standards**
 - (1) Wheels and/or similar devices shall not be removed from RV's parked within an RV park, nor shall any fixture be added or removed, which will prevent the RV from being moved under its own power or by a passenger vehicle.
 - (2) Skirting of RV's is permitted, provided it can easily be removed and there are proper openings for ventilation.
 - (3) One (1) parking space shall be provided for each RV and camping site.
 - (4) Each RV site shall be a minimum of fifteen hundred (1,500) square feet.
 - (5) Signage shall be subject to the requirements as set forth in Section V.A, *Signs*.
 - (6) Any residential or accessory structure may be subject to building permit requirements.
 - (7) One (1) additional vehicle parking space shall be provided for every five (5) RV/camping sites provided within the RV park.
- e. **Site Improvements**
 - (1) **Access.** Entrances into RV parks or onto RV park access roads off state or federal highways when large motor homes or travel trailers will be accessing, shall meet applicable Montrose County Road and Bridge or state standards.

- (2) **Water Supply and Distribution.** If an RV park proposes use of domestic water, the water supply and distribution system shall be in compliance with Section V.E, *Water and Sewer*.
- (3) **Sewage Disposal.** If an RV park proposes use of a sewage system, the sewage system shall be designed, constructed and maintained in accordance with state laws and Section V.E, *Water and Sewer*.

8. Salvage Yards

- a. Salvage yard activities shall have a minimum of one hundred (100) foot setback from any property zoned A, R, R-MHP, or R-MF.
- b. Junk or salvage yards shall be screened with a minimum of a six (6) foot tall, permanent, opaque fence.

9. Short-Term Rental

a. General Provisions

- (1) Short-term rentals may only be permitted in a legally approved single-family dwelling unit, duplex, or accessory dwelling unit (ADU).
- (2) Short-term rentals shall not commence unless and until a short-term rental registration application is approved and all registration requirements and standards are met.
- (3) If, at any point, the short-term rental registration requirements and standards are not met by the property and/or the property owner, the short-term rental use shall be considered a violation of these Regulations and may be remedied as set forth in Section VII, *Enforcement*.

b. Short-Term Rental Standards

- (1) The owner(s) must complete an application for and obtain approval of a short-term rental registration from the Planning and Development Department. An approved registration is valid for three (3) 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 and/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.
- (8) By signature of the Registration application, the owner/operator of the short-term rental affirms the following:
 - (a) All sleeping rooms have operable windows that are a minimum of 5.7 square feet in the open position.
 - (b) The ingress/egress paths of travel to exit doors from each bedroom will be large enough for two (2) average sized adults to pass.
 - (c) Each bedroom to be rented has a functioning smoke detector with a smoke detector in an adjacent hallway.
 - (d) Each bedroom is located on a floor equipped with a functioning carbon monoxide alarm if the dwelling unit has a carbon monoxide source.
 - (e) An operable fire extinguisher has been placed in proximity to the kitchen.
 - (f) All guests shall park vehicles on the short-term rental property. Exceptions to this regulation may be granted by the Planning and Development Department.
 - (g) The property has an insurance policy that is adequate for short-term rental operations.
 - (h) Trash facilities are sufficient to address guest impacts.
 - (i) Guests will be provided with a 24-hour contact telephone number of the current local contact person.
 - (j) The house number is clearly visible from the street.
 - (k) If a sign is used to advertise the short-term rental, the sign shall be limited to ten (10) square feet.
 - (l) Outdoor amplified sound shall cease by 10:30pm on Sunday through Thursday, and 11:30pm on Friday and Saturday.
 - (m) Upon request, the property owner/manager shall provide neighbors/citizens with the name and 24-hour contact telephone number of a local contact person.
 - (n) The applicant will notify the Planning and Development Department and return the registration if the short-term rental is no longer in use.
 - (o) Short-term rentals shall adhere to the above noted items throughout the time the facility is in operation.

c. Notice to neighbors:

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

d. Revocation of County Permit:

- (1) 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.
- (2) Short-term rentals may also be subject to revocation upon receipt of three (3) written complaints within one (1) calendar year from citizens negatively affected by the permittee's failure to comply with any of the terms and/or conditions of the registration.
- (3) 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 (1) year.

e. 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 Department has misread, misinterpreted, or misapplied a provision of these short-term rental 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 forty-five (45) days after the written appeal is received by the Planning and Development Department.

10. Storage Areas and Facilities

- a. Materials and Wastes Contained on Property. No materials or wastes shall be deposited on any property in a form or manner that may be transferred off the property by any reasonably foreseeable natural cause or force.
- b. Outdoor Storage Enclosed or Concealed.
 - (1) Outdoor storage areas shall be enclosed or have adequate provisions to conceal these facilities from adjacent properties.
 - (2) No storage of any item(s) shall be allowed in a front yard in the R, R-MHP, or R-MF zone districts or any residential use in any zone district.
 - (3) Storage of any item located in a side street setback shall be screened from view of public rights-of-way with a minimum of a six (6) foot opaque, solid wood or masonry fence in the R, R-MHP, or R-MF zone districts or any residential use in any zone district.
 - (4) Outdoor storage of RV's, trailers, boats, vehicles, and materials that exceed eight (8) feet in height shall meet the required outdoor storage setback set forth in each zone district's dimensional standards table.

11. Sexually Oriented Businesses

- a. No sexually oriented business shall be located within 1320 feet of a public or private school, church, public or private day care center, preschool, nursery or similar use, or a public or private park or playground

12. Natural Resource Exploration

- a. Prior to any natural resource exploration, an access permit shall be required from Montrose County. If natural resource exploration is located off of a state highway, a copy of the access permit shall be provided to the Montrose County Planning and development Department.

B. TEMPORARY USES

1. General Provisions

- a. The purpose of this section is to authorize the establishment of certain uses for a limited period of time. This section is intended to ensure that such uses do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.
- b. In addition to any use specific standard applicable to the proposed use, temporary uses are limited in duration as specified by specific uses.

2. Temporary Uses

- a. Temporary uses are permitted in each zone district (unless restricted to particular zone district) subject to the conditions and time limits of this section, and to other applicable regulations of the district in which the use is occurring.
- b. In addition to the provisions in Section III.B.1, *General Provisions* above, the following temporary uses shall meet the applicable standards and provisions below:
 - (1) **Auctions, flea markets, carnivals, circuses, and bazaars.** These uses are permitted for 7 days not including setup and removal time.
 - (2) **Christmas Tree Sales.** This use is for seasonal purposes not to exceed two (2) months. Display of Christmas trees are not required to comply with the setback requirements of this code provided that no tree or structure shall be displayed within a sight distance triangle, obstruct the safe ingress or egress upon the property the temporary use is located, or be located in any public right-of-way.
 - (3) **Construction Office.** Contractors' office or living quarters and equipment sheds accessory to a construction project are permitted in all zone districts. These uses may be continued only during the duration of the project.
 - (4) **Real Estate Offices.** Real estate offices incidental to a new housing development are permitted in all residential zone districts. This use may continue until there are no additional new homes for sale within the housing development.
 - (5) **Roadside Stand.** A roadside stand may be allowed on properties zoned A, B, C, or I.
 - (6) **Temporary Occupancy of RVs.** RVs are allowed to be temporarily occupied within the County under the following circumstances:
 - (a) RVs may be allowed to be placed on vacant property and be occupied during construction of a primary residence pursuant to an active

building permit provided the RV is connected to an approved OWTS or community sewer system. Such use shall be limited to twelve (12) months with the option of extension for up to six (6) months upon approval of the Planning and Development Director.

(b) One (1) RV may be temporarily occupied by guests of a property owner provided such occupancy does not exceed ninety (90) days in one (1) calendar year.

(c) One (1) RV may be allowed on property thirty-five (35) acres or larger in the A District provided such use does not exceed one-hundred and eighty (180) days in one (1) calendar year and the RV is hooked up to an approved OWTS.

(7) **Yard or Garage Sales.** Yard and Garage sales may be allowed for no more than five (5) consecutive days and fifteen (15) total days in one (1) calendar year. Such uses shall only be allowed on properties where the principal use is residential.

C. ACCESSORY USES AND STRUCTURES

1. General Provisions

a. Purpose

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are listed in the table of allowed uses and comply with the standards set forth in this section to reduce potentially negative impacts on adjacent properties.

b. Accessory uses and structures are allowed pursuant to the following provisions.

- (1) The Use Table for each zone district identifies the allowed accessory uses and structures within each zone district.
- (2) All principal uses allowed in a zone district shall be deemed to include those accessory uses, structures, and activities typically associated with the principal use, unless specifically prohibited in this section.
- (3) All accessory uses are subject to the provisions of this Section III.C, *Accessory Uses and Structures*, in addition to use-specific standards set forth in Section III.A, *General Use Standards*.

c. Relationship to principal use or structure.

- (1) Except as otherwise expressly allowed in these Regulations, an accessory use or structure shall not be established or constructed before the establishment of the principal use or structure.
- (2) If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.
- (3) Accessory uses shall not be permitted as the exclusive use of any property.

- (4) Accessory structures may be allowed without a principal structure in the General Agriculture A zone district.

d. Location of accessory uses and structures.

- (1) No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in any areas designated as a fire lane or emergency access route.
- (2) No accessory structure shall impede the access to or function of an area required for the circulation or parking of vehicles.
- (3) Accessory uses and structures shall comply with the minimum applicable zone district setbacks.
- (4) All accessory structures are subject to height limitations applicable to the zone district within which it is located.

2. Standards for Specific Accessory Uses and Structures

a. Accessory Dwelling Units (ADU)

- (1) An ADU established pursuant to these Regulations shall meet the dimensional standards for the zone district within which the ADU is proposed.
- (2) An ADU shall conform to all setback, height, and other dimensional standards of the zone district within which the ADU is located.
- (3) Prohibited as Accessory to Multi-Family Dwelling Units. An ADU shall not be allowed in conjunction with duplex or multi-family units.
- (4) Adequate Utilities Required. An ADU is required to be served by adequate facilities for potable water supply and sewage disposal, as outlined in Section V.E, *Water and Sewer*.
- (5) Parking. The following parking requirements shall apply to all ADUs and are in addition to the number of parking spaces required for the primary use.
 - (a) Studio or one-bedroom ADU: 1 parking space
 - (b) Two or more bedrooms ADU: 2 parking spaces
- (6) An ADU shall not be sold separately from the principal unit on the property.
- (7) Construction or modification of an ADU shall comply with the standards set forth in these Regulations and with all applicable building code requirements.
- (8) Density: ADU's shall be limited to the densities in Table T-III.1 below:

Table T-III.1 – ADU Densities

Zone District	Lot Size (acres)	Maximum No. of ADUs
General Agricultural District	Under 20 acres	1 for property under 20 acres.
	20 acres or greater	1 for the first 20 acres and 1 additional ADU for each 10 acres of contiguous property under the same ownership above 20 acres.

General Residential District	Less than 1 acre	1 ADU not exceeding 1,100sf
	1 acre or greater	1 ADU

b. Accessory Storage Buildings and Containers

- (1) Storage buildings and unmodified containers are permitted as an accessory use in residential and agricultural zone districts as set forth in the use table for each zone district subject to the following limitations:
 - (a) All accessory storage buildings and containers shall meet all required setbacks for the applicable zone district.
 - (b) Manufactured homes or mobile homes shall not be used as an accessory storage building, container, or parked on a parcel except as permitted by these Regulations.

c. Home Occupations

(1) Purpose and Objective

The purpose and objective of these home occupation provisions are to provide for the operation of commercial activities on lots, parcels, properties, or tracts of land used for residential purposes under certain conditions. The intent of this section is to allow the reasonable and complementary use of premises for non-residential purposes that do not negatively impact the residential character of an area. It is not to encourage the expansion or proliferation of commercial and industrial areas throughout the county.

(2) Standards

- (a) 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.
- (b) A home occupation shall not include the outdoor storage of material unless such storage is adequately screened from public roadways.
- (c) All vehicles used for the home occupation, including trailers, shall have current license and registration and may only be parked in driveways and other areas of the property where parking of vehicles is permitted.
- (d) A home occupation shall not include retail sales, excepting sales incidental to the principal occupation or which take place at an off-site location.
- (e) A home occupation is required to comply with any state or federal regulations.
- (f) No home occupation shall be conducted by persons residing off the property where the home occupation is located.

- d. **Storage.** Storage accessory uses shall comply with the standards set forth in Section III.A.10, *Storage Areas and Facilities*.

D. TELECOMMUNICATIONS FACILITIES

1. General Provisions

- a. All proposed telecommunication facilities shall be subject to the following regulations. Prior to the issuance of any building or electrical permit for any telecommunication facility regulated under these Regulations, a special use permit shall be applied for, reviewed, and approved by the County in accordance with Section IV.E, *Special Use Permit*.
- b. The purpose and intent of this section is to accommodate the telecommunication needs of residents and businesses while protecting the public health, safety, and welfare of the community. These telecommunication facilities regulations are adopted to:
 - (1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the county;
 - (2) Minimize adverse visual effects of towers through design and siting standards;
 - (3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
 - (4) Encourage and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

2. Applicability

The standards and procedures contained in this section apply to all applications for telecommunication facilities. The PD overlay process is not available to vary the standards applicable to telecommunication facilities. The applicant shall demonstrate that its proposed telecommunication facility meets all standards and provisions of these Regulations.

- a. The standards and provisions of this section do not apply to the following:
 - (1) Towers or antennas which are owned or operated by a federally licensed amateur radio station operator or used exclusively for receive-only antennas. All other applicable zoning district requirements must be met.
 - (2) Residential dish or antenna or other installation of any dish or antenna of less than three (3) feet in diameter or seven (7) square feet of frontal surface area.
 - (3) Towers in existence as of the effective date of these Regulations may be maintained/replaced with a tower or facility of equal or less visual impact without obtaining a special use permit. The Planning and Development Director shall determine if a special use permit is required following a review of the request.
 - (4) Towers owned by or principally operated for law enforcement, public safety, and emergency response agencies.

3. General Requirements

Unless otherwise provided by this section or other applicable law, the following general requirements shall apply to all telecommunication facilities located within the unincorporated areas of the county.

- a. **Federal Requirements.** All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by these Regulations shall bring such towers and antennas into compliance with such revised standards and regulations within the time period required by the controlling federal agency. Failure to bring a tower or antenna into compliance with revised standards or regulations shall be a violation of this section and constitute grounds for removal of the tower or antenna at the owner's expense.
- b. **Radio Frequency Standards**
 - (1) All owners of telecommunication facilities shall comply with federal standards for radio frequency emissions.
 - (2) If at any time any operational telecommunications facility within the County is found to not meet federal standards, the County may require corrective action within a reasonable period of time. If not corrected, the County may require removal of the telecommunication facility at the owner's expense. Any reasonable costs incurred by the County to determine compliance, including reasonable consultant fees, shall be paid by the owner.
- c. **Design Standards.** Telecommunication facilities shall meet the following standards:
 - (1) Designed and maintained to minimize visual impact and carry gravity and wind loads required by law.
 - (2) Located, when possible, on existing vertical infrastructure such as utility poles, public buildings, or utility structures;
 - (3) Roof mounted antennas shall be located as far away as feasible from the edge of the building:
 - (a) All roof-mounted facilities and accessory equipment shall be set back from the roof or parapet edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.
 - (b) If roof-mounted equipment is visible from the street or adjacent residential properties, facilities and accessory equipment shall be screened by materials that are architecturally compatible with and colored to match the building or structure to which they are attached.
 - (c) Roof-mounted accessory equipment shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
 - (4) Antennas attached to the building should be painted or otherwise treated to match the exterior of the building:
 - (a) Such facilities shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached.
 - (b) The antenna shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be four (4) feet.

- (c) Panel antennae shall not extend above the building wall or parapet to which they are mounted.
 - (5) Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building unless expressly approved as a part of the required special use permit.
 - (6) Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback requirements of the zone district in which it is located.
- d. **Co-location of Telecommunication Facilities**
 - (1) Shared use/co-location of telecommunication facilities on existing structures, towers, or buildings in a manner that precludes the need for the construction of a freestanding structure is encouraged.
 - (2) The applicant shall further demonstrate that at least one of the following conditions is present:
 - (a) The planned new equipment and antenna would exceed the structural capacity of the existing or approved tower or antenna support structure as documented by a qualified Colorado Professional Engineer (PE), or in the alternative, that the existing or approved tower or antenna support structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost;
 - (b) Existing or approved towers and antenna support structures within the search area cannot accommodate the planned telecommunications facilities at a height necessary to function reasonably, as documented by a qualified Colorado Professional Engineer (PE); or
 - (c) Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- e. **Advertising Prohibited on Tower.** The use of any portion of a tower for sign or advertising purposes, including company name, banners, streamers etc., shall be strictly prohibited, except as required by any federal agency.
- f. **Max Tower Loads.** No telecommunication tower shall be permitted beyond its loading capacity.
- g. **Height and Setbacks**
 - (1) The height of the telecommunication tower shall not exceed one hundred fifty (150) feet. Tower height shall be measured from the finished ground level.
 - (2) Other height, bulk, lot coverage, and setback requirements for a telecommunication facility shall be controlled by the zoning district within which it is located. Accessory equipment shall be compatible with the surrounding area and must conform with all zoning requirements.

- h. **Building Permit.** When a telecommunication facility or associated structure meets the criteria of requiring a building permit pursuant to the adopted codes, a permit shall be obtained from the Montrose County Building Division.
- i. **No Parking of Equipment on the Site.** Mobile or immobile equipment not used in direct support of a tower, or in the housing of equipment needed to operate the tower, shall not be stored or parked on the site, unless new construction or repairs are being made.
- j. **Abandoned Facilities.** All abandoned or unused telecommunication facilities shall be removed by the owner/operator within ninety (90) days of the cessation of use. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner and recovered by certification of the same to the county treasurer for collection in the same manner as real estate taxes, or by any other means available under law.
- k. **Transfer of Approved Telecommunications Tower.** An approved telecommunication tower may be transferred to a successor who must adhere to and assigns all of the conditions which apply to the initial application and any amendments.
- l. **Maintenance.** Every owner of a telecommunications facility shall take special care to operate, repair, and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries, or nuisances to the neighborhood and public. All wires, cables, fixtures, and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state, and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions, or all other electromagnetic communications or otherwise cause a safety hazard.

4. Additional Submittal Requirements for Telecommunication Facilities

In addition to the application material requirements for special use permits outlined in Section IV.E, *Special Use Permit*, telecommunication facilities are required to submit the following items:

- a. **Certification to withstand High Winds.** A statement from a qualified Colorado Professional Engineer (PE) that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222 latest revision standards; and shall describe the tower's capacity, including an example of the number and type of antennas it can accommodate.
- b. **Site Development Plan.** In addition to the required submittal requirements for a special use permit review as outlined in Section IV.F.2.b(2), *Site Development Plan*, a telecommunication facility shall submit a Site Development Plan with the following items:
 - (1) Provide a vicinity map of the project location,
 - (2) Graphically identify the project's lease area and or telecommunication compound, by a surveyed metes and bounds, which locates the proposed tower, cabinets, and equipment buildings,
 - (3) Graphically identify the tower's fall zone/radius based on tower height,
 - (4) Graphically identify the site's access drive and surface material,

- (5) Graphically identify requested fencing and access gates,
- (6) Provide elevations for the tower, graphically identifying the tower height and antenna locations/heights; and,
- (7) Provide elevations for equipment buildings and proposed fencing, graphically identifying heights and materials.

5. Approval Process

The County shall review and act upon all applications for permits for telecommunication facilities within the following time periods:

- a. Within thirty (30) days the county will give notice of completeness or incompleteness through the Montrose County Planning and Development Citizen Permit Portal if so determined, specifying the code section(s) that requires such missing information. This determination pauses the remaining deadlines until a complete application is filed.

Once the application is complete, the Planning and Development Director will schedule application for the next available public hearing. Within sixty (60) days the county will act on applications for existing permitted towers where no substantial change to the permit is requested. Non-substantial changes include replacement of equipment including antennae, but not the addition of new equipment resulting in additional antennae or structures.

- b. The final action of the County on any application shall be in writing and shall advise the applicant of the reasons for approval, approval with conditions, or denial.

Section IV Applications and Review Procedures

A. PURPOSE

This section lays out the application types, requirements, and review procedures for requests associated with zoning changes and land use approvals within the unincorporated areas of Montrose County.

B. MULTIPLE APPLICATIONS

1. Concurrent Review Permitted. Where multiple applications concern the same property, the Planning and Development Director may permit concurrent review of the applications for efficiency and practicality.
2. Continued work on Application. Applicants shall continuously and diligently pursue their application(s). An applicant who fails to respond to staff comments or requests for a period of six (6) months may be administratively withdrawn by the Planning and Development Director. An applicant may request, in writing, an extension to the Planning and Development Director. The Planning and Development Director may allow such extension if it is determined that good cause exists to extend the application time frame.

C. GENERAL APPLICATION REVIEW PROCEDURES

This section outlines the review procedures that are common to all applications regulated within Section IV, *Applications and Review Procedures*. Table T-IV.1, *Zoning Application Types and Processes*, identifies the various application types and associated review procedures regulated by this section. The submittal requirements, review procedures, and review criteria for each application type are laid out in subsequent sections of this article as identified in *Table T-IV.1*. All documents and materials identified in this Section IV.C, *General Application Review Procedures* and the particular application type section below shall be required.

1. Table of Zoning Application Types and Processes

Table T-IV.1 – Zoning Application Types and Processes

	Completeness Review (§IV.C.2.b)	Referrals (§IV.C.2.c)	Notice of Hearing (§IV.C.2.e)	Planning and Development Director	Planning Commission (§IV.C.2.f)	BOCC (§IV.C.2.f)	BOA (§IV.C.2.f)
R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision							
Rezone (§IV.D)	R	R	R Publication Mailing Posting	Rec	R PH / Rec	R PH / D	
Special Use Permit (§IV.E)	R	R	R Publication Mailing Posting	Rec	R PH / Rec	R PH / D	
Site Plan (§IV.F)	R	R		Rec D			

	Completeness Review (§IV.C.2.b)	Referrals (§IV.C.2.c)	Notice of Hearing (§IV.C.2.e)	Planning and Development Director	Planning Commission (§IV.C.2.f)	BOCC (§IV.C.2.f)	BOA (§IV.C.2.f)
Variance (§IV.H)	R	R	R <i>Publication Mailing Posting</i>	Rec			R <i>PH/D</i>
Appeal (§IV.I)	R	R	R <i>Publication Mailing Posting</i>	Rec			R <i>PH/D</i>
Text Amendment (§IV.J)	R	O	R <i>Publication</i>	Rec	R <i>PH/Rec</i>	R <i>PH/D</i>	

2. General Review Procedures

The following procedures shall apply to all classifications of development applications which are required in these Regulations.

a. Application Submittal Requirements

All of the documents, information, materials, and plans described in this Section, in addition to the specific application type submittal requirements, shall be submitted to the Montrose County Planning and Development Department in order to receive a determination for completeness. Information and materials required to be submitted for specific application types identified in *Table T-IV.1* are specified within the subsection describing the review procedures for each process. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal. Information will be provided in the Citizen Permit Portal regarding the status of completeness.

(1) Basic Application Materials

The following materials are required for all applications regulated by Section IV, *Applications and Review Procedures*, unless waived by the Planning and Development Director.

(a) **Application Form.** An application form for the request shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal. Completed application forms and accompanying materials shall be submitted to the Citizen Permit Portal by the owner, applicant, or their designee.

(i) **Authorized Agent.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.

(ii) **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all

owners or an association representing all the owners, by which all owners consent to or join in the application.

(b) Filing Fees

- (i) All filing fees, as set by resolution of the Board of County Commissioners, shall be required to accompany an application from a property owner for any application type regulated by this Section IV, *Applications and Review Procedures*. A schedule of fees is available through the Montrose County Planning and Development Department.
- (c) **Proof of Ownership.** Proof of ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (d) **Legal Description.** Legal description of the property subject to the development application.
- (e) **Vicinity Map.** A map locating the project limits, parcel(s), and property within the county. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (f) **General Written Narrative.** A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable review criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

b. Completeness Review

When a completeness determination is required pursuant to *Table T-IV.1*, the followings shall apply:

- (1) The Planning and Development Director shall administratively review the application and determine whether it includes all the application content requirements of these Regulations for the requested application type.
- (2) All plans, reports, maps and other information required for the application must be complete. A failure of the application to meet the requirements of these regulations may delay the processing of the application until the application is sufficient and complete.
- (3) When the Planning and Development Director determines that the application is complete as submitted, the Planning and Development Director shall schedule the application for review in accordance with the provisions set forth in this Section IV, *Applications and Review Procedures*.
- (4) In the event the Planning and Development Director determines that the application is incomplete, the Planning and Development Director shall inform the applicant via the Montrose County Planning and Development Citizen Permit Portal of the deficiencies in the application. No further

processing of the incomplete application shall be undertaken until the Planning and Development Director determines that the applicant has remedied the application's deficiencies.

c. Referral Agencies

In accordance with *Table T-IV.1*, applications shall be referred to referral agencies the Planning and Development Director determines is necessary to the complete and comprehensive review of the request. Referral of applications to departments and agencies shall be for a maximum of twenty-one (21) days. The time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified.

d. Staff Review Letter

The Planning and Development Director shall review the application to determine if the proposal satisfies the applicable standards. The Planning and Development Director shall prepare a staff review letter discussing whether the applicable standards of these Regulations have been satisfied.

e. Notice Requirements

All public notices of hearings required by these Regulations shall include 1) the date, time, place, and purpose of the hearing and 2) a general description of the property affected. When required, notice shall be given in accordance with the requirements set forth in *Table T-IV.1* and may include notice by publication, posting, mailing, or a combination of these methods. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public.

- (1) **Notice by Publication.** When notice by publication is required for a public hearing by *Table T-IV.1*, notice of the hearing shall be published in the designated newspaper of Montrose County at least fourteen (14) days before the date of the hearing.
- (2) **Notice by Mailing.** When notice by mailing is required for a public hearing by *Table T-IV.1*, public notices shall be sent by first class mail to all property owners identified under Section IV.C.2.a.(1), *Basic Application Materials*. The deposit in the U.S. Mail or delivery by another comparable service shall be made at least fourteen (14) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.
 - (a) When notice by mailing is required for a public hearing, mailed notice shall be addressed to owners of property within thirteen – hundred and twenty (1,320) feet of the subject property boundary as their names and addresses appear in the real property records of the Montrose County Assessor.
- (3) **Mineral Estate Notice.** Per §24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification not less than thirty (30) days before the date scheduled for the public hearing for the application.

f. **Public Hearings**

When an application requires a public hearing before the Planning Commission, the Board of County Commissioners, or the Board of Adjustment as required in *Table T-IV.1*, the following shall apply:

- (1) The county shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with *Table T-IV.1* and Section IV.C.2.e, *Notice Requirements*.
- (2) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and review criteria for the request.
- (3) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
- (4) When required, the Planning Commission recommendation shall be forwarded to the Board of County Commissioners. Following a public hearing, the Board of County Commissioners shall approve, approve with conditions or modifications, or deny the application. The Planning Commission or Board of County Commissioners may continue the review of the application to a date certain.
- (5) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by these Regulations. Any recommendation or decision by the reviewing body shall be based upon a consideration of all evidence presented during the public hearing.

3. **Post Adoption**

- a. **Recording.** Any documents required to be recorded with the Montrose County Clerk and Recorder shall be submitted to the Planning and Development Department to be executed and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
- b. **Effective Upon Recording.** The approval does not become effective until all approved documents have been properly recorded with the Montrose County Clerk and Recorder.

D. REZONING

1. **General Provisions**

Rezoning are changes to the officially adopted Montrose County Official Zone District Map. The review process for zoning amendments is set forth in Section IV.D.2, *Review Procedures*.

- a. **When A Rezoning Should be Considered.** For the purpose of establishing and maintaining sound, stable and desirable development within the County, the rezoning of some parcels of land is permitted. Rezoning should only be considered if:

- (1) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the goals and policies of the Montrose County Master Plan;
- (2) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area;
- (3) The proposed rezoning is necessary in order to provide land for a use which was not anticipated at the time of the adoption of the Montrose County Zone District Map, and that such rezoning will be consistent with the goals and policies of the Master Plan and these Regulations; or
- (4) The area for which rezoning is requested is of such a nature and so located that the proposed rezoning will not adversely affect existing or anticipated uses or property values in the vicinity, and the proposed rezoning will not result in land uses that are incompatible with the Master Plan.
- (5) Authorization to Initiate. Any amendment to the Montrose County Zone District Map may be initiated by the Board of County Commissioners, the Planning Commission, or by application of a property owner or their authorized agent.

2. Review Procedures

a. Rezoning Flowchart

Figure F-App.6, *Rezoning Flowchart*, in Appendix A – *Process Flowcharts* depicts the zoning amendment application review process described in greater detail in this section.

b. Application Submittal Requirements

The following are the application materials required to be submitted for a rezoning request. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All materials set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative.** A written narrative shall be submitted addressing all of the following items and any other information.
 - (a) A general written narrative describing the purpose of the project;
- (3) **Rezoning Map**
 - (a) The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Planning and Development Director.
 - (b) Legal description of the parcel.
 - (c) North arrow, scale, and legend.

(d) Outline of the parcel boundary or the portion of the parcel that the application applies to.

(e) The location and names of all roads and highways abutting the site.

c. Completeness Review

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

d. Staff and Referral Agency Review

Upon determination of completeness, the Planning and Development Director shall refer the application to reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies* and review the application for conformance with the requirements and standards of these Regulations.

e. Staff Review Letter

A review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

f. Review and Recommendation by Planning Commission

The Planning Commission shall review the rezoning application in a manner consistent with *Table T-IV.1* to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the criteria set forth in Section IV.D.2.h, *Criteria to be Considered*. The Planning Commission may continue the review of application to a date certain.

g. Review and Action by Board of County Commissioners

The final decision to approve, approve with conditions or modifications, or deny a rezoning application shall be made by the Board of County Commissioners in a manner consistent with *Table T-IV.1* and be based upon the criteria set forth in Section IV.D.2.h, *Criteria to be Considered*. The Board of County Commissioners may continue the review of application to a date certain.

h. Criteria to be Considered

The wisdom of amending 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 approve, approve with conditions or modifications, or deny a proposed amendment, the following criteria should be considered:

- (1) Whether the proposed amendment is in conformance with the County's Master Plan, and/or amendments thereto;
- (2) Whether development conditions have changed in the area to warrant a rezoning;
- (3) 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;

- (4) 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;
- (5) Whether the original zoning was in error and therefore should be changed;
- (6) Whether the proposed rezoning would be in harmony with the present land uses in the immediate area;
- (7) Whether the surrounding property owners have been given appropriate notice of the pending rezoning application.
- (8) 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 infrastructure, or, if significant impacts will result, they have been satisfactorily mitigated either through agreement, public improvements, site plan requirements, buffering, or other mitigation measures.
- (9) Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- (10) Whether the proposed rezoning is likely to have a positive economic impact and/or result in creation of new jobs within the county or the region.

E. SPECIAL USE PERMIT

1. General Provisions

Special use permits are required for land uses that have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, special uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and the county at large. Special uses may be permitted subject to such conditions and limitations as the county may prescribe. The intent is to ensure that the location and operation of the special use is in accordance with the development objectives of the County, these Regulations, and the Master Plan and will not be detrimental to other uses or properties. All special uses shall meet all applicable site development standards as detailed in these Regulations. The review process for special uses is set forth in Section IV.E.3, *Review Procedures*.

2. Existing Special Use Approvals

Special Use Permits issued prior to the effective date of these Regulations shall be allowed to continue as long as the use is consistent with the conditions of the permit and the provisions of Section VI, *Nonconforming Land Uses and Structures* and is renewed as required by the Special Use Permit.

a. Special Use Approval Limitations

- (1) It is the county's policy to accommodate special uses applied for, and conditions and modifications will be offered as a means of mitigating the adverse effects of the use in order to make it possible to approve rather than deny the application.
- (2) Issuance of a special use approval shall authorize only the particular use for which it is issued.

- (3) A special use that has been approved must be in operation within twenty-four (24) months from the date of the approval by the Board of County Commissioners or the special use approval becomes null and void and must be resubmitted for review and approval pursuant to Section IV.E, *Special Use Permit*.
 - (a) The Planning and Development Director may allow one extension of up to twelve (12) months provided the extension is requested, in writing, thirty (30) days prior to the expiration date of the Special Use Permit.
 - (b) An extension exceeding twelve (12) months or a second extension may be considered by the Board of County Commissioners upon written request and adequate review by the Planning and Development Department and other applicable county departments.
- (4) A special use approval extension may be applied for and shall be reviewed by the Board of County Commissioners.
- (5) A special use permit shall run with the property upon which it was approved. Provided all conditions of the approval are met, such approval shall transfer with ownership of the property.
- (6) If the conditions of approval are not maintained, it shall be considered a violation of these Regulations, punishable in a manner set forth in Section VII, *Enforcement*. In addition, the County may revoke the special use.

b. Review and Revocation of a Special Use

- (1) At such intervals as the Board of County Commissioners may have specified in its original decision, or when there is an alleged violation of the provisions of a special use approval, the Planning and Development Director shall review the terms, conditions, and other provisions of special use approval(s) issued by Board of County Commissioners.
- (2) Upon review of the terms, conditions, and provisions of a special use approval, the Planning and Development Director shall make recommendations to the Board of County Commissioners at its next available meeting to remedy any violations, the reasons for such recommendations, and specific time period(s) in which violations of the provisions of the permit shall be corrected.
 - (a) The Board of County Commissioners may apply any and all remedies and penalties set forth in these Regulations to correct violations of a special use approval.
- (3) If the Board of County Commissioners finds that terms, conditions, and/or provisions of a special use approval have been violated, the approval shall be revoked and such use shall be considered in violation of these Regulations.

3. Review Procedures

a. Review Flowchart

Figure F-App.9, *Special Use Permit Flowchart*, in Appendix A – *Process Flowcharts*, depicts the special use permit application review process described in greater detail in this section.

b. Application Submittal Requirements

The following are the application materials required to be submitted for special use requests. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All items set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative.** A written narrative shall be submitted addressing all of the following items and any other information:
 - (a) A general written narrative describing the purpose of the project;
 - (b) Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land uses on all adjoining property;
 - (c) A time schedule for construction and/or operation;
 - (d) Description of how the use will be operated;
 - (e) How ongoing maintenance of the use and site will be provided;
 - (f) How the use's impacts on surrounding properties will be minimized and mitigated;
 - (g) A statement describing how the proposed use would be in compliance with the provisions of the Montrose County Master Plan;
 - (h) The proposed sources of water and sanitary sewer; and
 - (i) A listing of additional local, state and/or federal permits required prior to commencing the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
- (3) **Site Development Plan**
 - (a) The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Planning and Development Director.
 - (b) Legal description of the parcel;
 - (c) North arrow; scale, and legend;
 - (d) A vicinity map at a suitable scale;
 - (e) Outline of the parcel boundary or the portion of the parcel that the special use applies to;
 - (f) The location and name of any streams, ponds, waterways and irrigation ditches within the special use area;
 - (g) The location and names of all roads and highways abutting the site;
 - (h) All existing and proposed structures and their dimensions;

- (i) The location, and dimensions of any existing and proposed signs on the site;
- (j) All utility easements, rights-of-way, transmission lines, and/or service lines;
- (k) Proof of minimum guaranteed water supply appropriate for the requested use;
- (l) The location and dimensions of vehicular drives, entrances, exits, and acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks, and walkways;
- (m) General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking, and other similar information;
- (n) Any other information deemed necessary by the Planning and Development Director to assist in the review of the application.

(4) **Supplemental Materials.** The following items are to be submitted to the Planning and Development Department as required by the Planning and Development Director:

- (a) Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- (b) Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

(5) **Additional Requirements**

- (a) Any additional information that may be reasonably requested by the Planning and Development Director and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (b) For Telecommunications Facilities, see Section III.D, *Telecommunication Facilities*, for additional application submittal requirements.
- (c) For Natural Resource Extraction Permits, see Section V.I.3, *Description of Submittal Requirements*, for additional application submittal requirements.

c. **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

d. **Staff and Referral Agency Review**

Upon determination of completeness, the Planning and Development Director shall refer the application to reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies* and review the application for conformance with the requirements and standards of these Regulations.

e. **Staff Review Letter**

A staff review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

f. **Review and Recommendation by Planning Commission**

The Planning Commission shall review the special use permit application in a manner consistent with *Table T-IV.1* to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the criteria set forth in Section IV.E.3.h, *Criteria to be Considered*. The Planning Commission may continue the review of the application to a date certain.

g. **Review and Action by the Board of County Commissioners**

The final decision to approve, approve with conditions or modifications, or deny a special use permit shall be made by the Board of County Commissioners in a manner consistent with *Table T-IV.1* and be based upon the criteria set forth in Section IV.E.3.h, *Criteria to be Considered*. The Board of County Commissioners may continue the review of the application to a date certain.

h. **Criteria to be Considered**

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or the Board of County Commissioners to recommend approval or to approve a special use permit.

- (1) The application complies with all requirements imposed by this code;
- (2) The application complies with all applicable laws and regulations;
- (3) The proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
- (4) The proposed use does not result in undue traffic congestion or traffic hazards.
- (5) On and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements, buffering, or other mitigation measures.

F. SITE PLAN

1. General Provisions

The purpose of a site plan when applying for a nonresidential or multifamily building permit is to ensure that nonresidential and multifamily uses comply with access, parking, setbacks, signage, and other site design standards as required by these Regulations. When site plan review is required, structures shall not be constructed or installed and uses may not begin until a site plan showing the proposed development has been approved in accordance with the procedures and provisions of this section. The review process for site plans is set forth in Section IV.F.2, *Review Procedures*.

- a. The following projects require site plan approval:

- (1) All new uses and structures which are not exempted in Section IV.F.1.b;
 - (2) Any modification of an existing use, structure, or site where, in the opinion of the Planning and Development Director, significant changes to the use, structure, or site are proposed; or
 - (3) Any modification of an existing structure where the exemption limits set forth in Section IV.F.1.b are exceeded.
- b. The following projects are exempt from site plan approval:
- (1) Single-family attached or detached dwellings; or
 - (2) Any proposed modification of an existing structure where less than twenty (20) percent of gross floor footage of the existing structure is being modified, provided that the modification does not exceed one thousand (1,000) gross square feet.

2. Review Procedures

a. Review Flowchart

Figure F-App.8, *Site Plan Flowchart*, in Appendix A – *Process Flowcharts*, depicts the site plan application review process described in greater detail in this section.

b. Application Submittal Requirements

The following are the application materials required to be submitted for site plan requests. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All items set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Site Development Plan**
 - (a) The size of the map shall be of a size that is legible for reasonable interpretation, as determined by the Planning and Development Director.
 - (b) A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Planning and Development Director;
 - (c) Legal description of the parcel;
 - (d) North arrow, scale, and legend;
 - (e) A vicinity map at a suitable scale;
 - (f) Outline of the parcel boundary or the portion of the parcel that the site plan applies to;
 - (g) The location and name of any streams, ponds, waterways, and irrigation ditches within the property boundaries;
 - (h) A land use table identifying total areas of building footprints, parking areas, landscaped areas, and other uses making up the total parcel area;

- (i) Current and proposed grading and drainage patterns including:
 - (i) Drainage arrows depicting surface flow;
 - (ii) Drainage facilities and improvements; and
 - (iii) A grading plan depicting existing and proposed site contours at two-foot intervals;
 - (j) The location and names of all roads and highways abutting the site;
 - (k) All existing and proposed structures and their dimensions with dimensional ties to nearest property lines;
 - (l) The location, dimensions, and design of any existing and proposed signs on the site;
 - (m) All existing and proposed utility easements, service or transmission lines, or rights-of-way for telephone, gas, electric, water, or sewer lines;
 - (n) The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks, and walkways;
 - (o) General location, arrangement, and dimensions of parking spaces, width of aisles, width of bays, angle of parking, and other similar information; and
 - (p) A notation on the site development plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards.
- (3) **Supplemental Materials.** The following items may be required to be submitted to the Planning and Development Department:
- (a) Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
 - (b) Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

c. **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

d. **Staff and Referral Agency Review**

Upon determination of completeness, the Planning and Development Director shall refer the application to reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies* and review the application for conformance with the requirements and standards of these Regulations.

e. **Decision by Planning and Development Director.**

The Planning and Development Director shall review the site plan application to evaluate compliance with applicable standards. Following the review, the Planning and Development Director may approve, approve with condition or modifications, or deny a site plan based on the criteria set forth in Section IV.F.3, *Criteria to be Considered*.

f. **Appeal of Decision**

The decision of the Planning and Development Director may be appealed to the Board of Adjustment in accordance with Section IV.I, *Appeal*.

3. Criteria to be Considered

Prior to making a decision on a site plan application, the Planning and Development Director shall consider the following criteria and find that each criterion has been met or determined to be inapplicable:

- a. The application complies with all requirements imposed by these Regulations; and
- b. The application complies with all applicable laws and regulations.

G. MANUFACTURED HOME PARK

1. Application for New Manufactured Home Park Developments

- a. Application to develop a new manufactured home park shall follow all submittal, review, and approval procedures required for a Special Use Permit as set forth in Section IV.E, *Special Use Permit*.
- b. In addition to a Special Use Permit, a Rezoning application shall also be submitted in accordance with Section IV.D, *Rezoning*. These applications may be submitted and reviewed concurrently.
- c. All improvements shall be completed, inspected, and approved by the Planning and Development Director, or designee, prior to occupancy of the manufactured home park, or an approved phase thereof.

2. Application for Altering or Expanding Manufactured Home Park Developments

- a. Application to alter or expand an existing manufactured home park in the R-MHP district shall follow all submittal, review, and approval procedures required for a Special Use Permit as set forth in Section IV.E, *Special Use Permit*.
- b. Such a request shall be made first to the Planning and Development Department prior to the commencement of any such construction, alteration, or expansion.
- c. All improvements shall be completed, inspected, and approved by the Planning and Development Director, or designee, prior to occupancy of the alteration or expanded portion of the manufactured home park, or an approved phase thereof.

H. VARIANCE

1. General Provisions

Variances are deviations from the zoning dimensional standards set forth in these Regulations that would not be contrary to the public interest when, owing to special

circumstances or conditions like exceptional topographic conditions, narrowness, shallowness, or the shape of a specific piece of property, the literal enforcement of the provisions of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.

2. Review Procedures

a. Review Flowchart

Figure F-App.11, *Variance Flowchart*, in Appendix A – *Process Flowcharts*, depicts the variance application review process described in greater detail in this section.

b. Application Submittal Requirements

The following are the application materials required to be submitted for variance requests. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All items set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative.** A written narrative shall be submitted addressing all of the following items and any other information.
 - (a) Explanation of the request(s) and justification for why the standard for which the variance is being requested is unable to be met;
 - (b) Any efforts the applicant or property owner has made to meet the minimum standards;
 - (c) Justification for the request and how the request is the minimum required standard(s); and
 - (d) Description of how the request meets each of the criterion set forth in Section IV.H.3, *Criteria to be Considered*.
- (3) **Site Development Plan**
 - (a) All existing, required, and proposed dimensional standards clearly depicting the location and increase/decrease of the variance request.
 - (b) Identify the required standard(s) and the numerical value being requested by the variance.
- (4) **Additional Requirements**
 - (a) Any additional information requested by the Planning and Development Director to assist in the review of the application.

c. Completeness Review

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

d. Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Planning and Development Director shall refer the application to additional reviewing agencies as set forth in Section IV.C.2.c, *Referral Agencies*, and review the application for conformance with the requirements and standards of these Regulations.

e. Staff Review Letter

A staff review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

f. Review and Decision by Board of Adjustment

The Board of Adjustment shall conduct a review of the variance application in a manner consistent with *Table T-IV.1* to evaluate compliance with applicable standards. Following its review of the application, the Board of Adjustment shall approve, approve with conditions or modifications, or deny the application based on the criteria set forth in Section IV.H.3, *Criteria to be Considered*.

3. Criteria to be Considered

The Board of Adjustment may only approve a variance upon a finding that the following criteria have been met:

- a. Literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the applicant;
- b. The granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area; and
- c. That the demonstrable hardship is not self-imposed.

I. APPEAL

1. General Provisions

Administrative interpretations and final decisions of the Planning and Development Director may be appealed to the Board of Adjustment. Recommendations to a decision-making authority are not subject to appeal pursuant to this Section IV.I, *Appeal*.

2. Appeal to Court

Any person applying for judicial review of a final determination of an action of the Board of County Commissioners or the County pursuant Rule 106 of the Colorado Rules of Civil Procedure, shall do so within twenty-eight (28) days of the final decision.

3. Review Procedures

a. Review Flowchart

Figure F-App.1, *Appeal Flowchart*, in Appendix A – *Process Flowcharts*, depicts the Board of Adjustment appeal application review process described in greater detail in this section.

b. Application Submittal Requirements

The following are the application materials required to be submitted for appeal requests. The Planning and Development Director may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary

to determining if the application satisfies applicable standards. All information and materials necessary for a determination of completeness shall be submitted online via the Montrose County Planning and Development Citizen Permit Portal.

- (1) **Basic Application Materials.** All items set forth in Section IV.C.2.a.(1), *Basic Application Materials*.
- (2) **Written Narrative** including the following:
 - (a) A short statement indicating the nature of the application, the application number, the date of the decision by the Planning and Development Director;
 - (b) A copy of the written decision of the Planning and Development Director; and
 - (c) A short but specific statement setting forth the relief being sought and the grounds on which the relief should be granted. The statement shall include the particular section number(s) of the code with which the applicant believes the written decision by the Planning and Development Director does not comply. No evidence or information not presented with the application materials and part of the administrative record of the decision may be presented or considered by the Board of Adjustment.

c. **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*.

d. **Staff Review Letter**

The pertinent county staff may respond to the appeal with such information as is appropriate to explain or substantiate the decision made, but no information may be presented to the Board of Adjustment that was not in the record for the decision from which the appeal is taken.

e. **Review and Decision by Board of Adjustment**

The Board of Adjustment shall conduct a review of the appeal application in a manner to evaluate compliance with applicable standards. Following its review of the application, the Board of Adjustment shall approve, approve with conditions or modifications, or deny the application based on the criteria set forth in C.R.S. 30-28-118. The Board of Adjustment shall review an appeal on the grounds provided for in C.R.S. 30-28-118.

J. TEXT AMENDMENT

1. General Provisions

Amendments to this Zoning Regulation may be proposed and submitted pursuant to this section to respond to changed conditions, changes to public policy, or to advance the general welfare of the county. The amendment process may not be used in lieu of procedures to change zoning for a specific parcel or parcels of land, or for a variance from these regulations. The review process for text amendments shall be reviewed as set forth in Section 30-28-116, C.R.S. and in Section IV.J.2, *Review Procedures*.

Decisions to amend this Zoning Regulation are at the sole discretion of the Board of County Commissioners.

2. Review Procedures

a. Review Flowchart

Figure F-App.10, *Amendment Flowchart*, in Appendix A – *Process Flowcharts*, depicts the amendment application review process described in greater detail in this section.

b. Staff Review Letter

A staff review letter shall be prepared and provided to the reviewing body in accordance with Section IV.C.2.d, *Staff Review Letter*.

c. Review and Recommendation by Planning Commission

The Planning Commission shall review the proposed amendment application in a manner consistent with *Table T-IV.1* to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions or modifications, or deny the application to the Board of County Commissioners based on the review criteria set forth in Section IV.J.3, *Criteria to be Considered*. The Planning Commission may continue the review of the application to a date certain.

d. Review and Action by the Board of County Commissioners

The final decision to approve, approve with conditions or modifications, or deny an amendment shall be made by the Board of County Commissioners in a manner consistent with *Table T-IV.1* and be based upon the review criteria set forth in Section IV.J.3, *Criteria to be Considered*. The Board of County Commissioners may continue the review of the application to a date certain.

3. Criteria to be Considered:

The wisdom of amending the text of these Regulations 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 approve, approve with conditions or modifications, or deny a proposed amendment, the following criteria should be considered:

- a. The amendment is consistent with the intent of applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- b. The proposed amendment is necessary to correct an omission or error in these Regulations;
- c. The proposed amendment is necessary to adapt to a change in conditions within the County; or
- d. Changes in public policy are needed to advance the general welfare of the County.

Section V Detailed Development Standards

A. SIGNS

1. General Provisions

a. Purpose

The purpose of this section is to define the kinds of signs and advertising devices that will be permitted in various zone districts and the conditions and requirements under which they are permitted and maintained. These sign regulations are established to safeguard the health, safety, convenience, order, and welfare of all residents of the county. The purpose of this section is to provide a balanced and fair legal framework for the design, construction, and placement of signs.

b. Intent.

This Section V.A, *Signs* is intended to coordinate the use, placement, physical dimensions, and design of all signs within unincorporated areas of the county while preserving the right of free speech and expression. These sign regulations are intended to:

- (1) Recognize that signs are a necessary means of visual communication for the convenience of the public;
- (2) Lessen the visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height and area of all signs that compete for the attention of pedestrian and vehicular traffic;
- (3) Protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed, and maintained in a safe and satisfactory manner;
- (4) Ensure that signs are appropriately sized for the particular lots, building frontages, and rights-of-way;
- (5) Promote the safety of persons and property by ensuring that signs do not create a hazard by:
 - (a) Confusing or distracting motorists; or
 - (b) Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
- (6) Promote the efficient communication of messages and ensure that persons exposed to signs are not overwhelmed by the number of messages presented;
- (7) Assist in wayfinding;
- (8) Provide fair and consistent permitting and enforcement;
- (9) Provide proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of this section to regulate signs based on the content of their messages. Rather, this section advances important, substantial, and compelling governmental interests;

- (10) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this subsection;
 - (a) The County has a substantial and/or compelling interest in preventing traffic accidents; and
 - (b) The County has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of streets if they are not removed.

c. Applicability

These standards shall apply to all signs for all uses on all lands, properties, parcels, lots, or tracts within the unincorporated areas of the county, unless otherwise stated in these Regulations.

d. Permit Required

No person shall erect, alter, display, relocate, replace, or maintain any sign, including a sign face replacement without the prior issuance of a sign permit issued pursuant to Section V.A.6, *Sign Permit Review Process*, unless the sign is exempt from permit requirements pursuant to Section V.A.2, *Signs Not Requiring a Permit*.

e. Sign Measurement

- (1) **Area.** In determining the square footage of signs, each sign surface will be added together for determining total square footage. When 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, only one sign surface will count towards the total square footage.
- (2) **Height.** The height of a sign shall be measured from the average grade at the base of the sign to the highest point of a sign. Average grade is determined by averaging the finished grade elevation of all corners of the base of the sign.

f. Other Requirements and Conditions

- (1) No permit shall be issued nor shall any sign be erected which simulates any official, directional, or warning sign erected or maintained by the United States, State of Colorado, or Montrose County or which involves lights simulating or resembling traffic signals or traffic control signs.

2. Signs Not Requiring a Permit.

The following signs shall comply with all provisions of this subsection, but may be erected and maintained in all districts without a sign permit:

- a. **Artwork:** Works of art, including but not limited to wall murals painted on a building or structure, shall not require a sign permit pursuant to this subsection.
- b. **Banners:** A banner meeting the following criteria shall not require a sign permit pursuant to this subsection:

- (1) No more than one (1) banner shall be displayed on a property at one time.
 - (2) Banners shall not exceed sixteen (16) square feet.
 - (3) Banners shall be kept in good repair and installed and maintained in a way that does not create a safety hazard.
 - (4) Banners not meeting one or more of the above criteria may be permitted with a sign permit pursuant to Section V.A.6, *Sign Permit Review Process*.
- c. **Bulletin Boards:** Bulletin Boards not over twenty (20) square feet in area located on the premises of public, charitable, or religious institutions.
 - d. **Construction Signs:** One temporary on-site construction sign may be allowed after the commencement of construction on a site. The sign shall not exceed twenty (20) square feet in area. The site sign shall be removed upon completion of the project. Additional signs may be permitted with a sign permit pursuant to Section V.A.6, *Sign Permit Review Process*
 - e. **Flags and Emblems:** Flags that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
 - f. **Residential Signs:** Allowed in the any zone district where a Home Occupation is allowed, provided they are not visible from the adjacent right of way. Signs shall not exceed sixteen (16) square feet in area per single sided sign or eight (8) square feet in area per double sided sign and shall be limited to one (1) sign per property.
 - g. **Entry Signs.** May also be utilized in the R-MHP District, the entrance to a major subdivision developed pursuant to the Subdivision Regulations, or a multiple family complex. Entry Signs shall not exceed eight (8) feet in height, and sixteen (16) square feet in area per single sided sign or eight (8) square feet per double sided sign.
 - h. **Public Signs:** Signs that are located within public rights-of-way and required by any local, state, or federal government or agency, or special district, including traffic, streets, utility, schools, safety, railroad crossing, wayfinding, public notices, and identification signs for public facilities.
 - i. **Address Identification Signs:** Identification signs not exceeding six (6) square feet in gross area may be attached to a residential structure.
 - j. **Signs in Display Window:** Signs in display window of a commercial use, which is incorporated with a display of merchandise or a display relating to services offered.
 - k. **Signs Required by Building Code.** All signs required by the building code adopted by the county shall be exempt from these standards provided they do not exceed six (6) square feet in area.
 - l. **Signs within Buildings:** Signs within buildings that comply with state and local building codes.
 - m. **Vehicle Signs.** Any sign displayed on a parked vehicle or trailer; however, no sign may be placed on a vehicle or trailer that does not function, does not have current registration, and is abandoned.
 - n. **Yard Signs.** Yard signs meeting the following criteria shall not require a sign permit pursuant to this section:

- (1) No person shall post any yard sign upon private property without permission from the property owner;
- (2) Yard signs shall not exceed six (6) square feet in area on a single sided sign or twelve (12) total square feet on a double sided sign.
- (3) Yard signs shall not be permitted on any utility pole, light pole, or similar structure; and
- (4) No person shall post any yard sign upon public property.

3. Prohibited Signs

All signs within this section are prohibited in all zone districts:

a. Glaring Signs

Signs with light sources or that reflect brightness (such as mirrors) to constitute a hazard or nuisance as determined by the Planning and Development Director. This includes signs with neon, LED lights, fluorescent text, graphics, or background, as well as holographic signs.

b. Obstructive Signs or Signs in the Public Right-of-Way

Any sign that obstructs free and clear vision of an intersection or traffic approaching the intersection or a roadway or any sign in, on, or above a public right-of-way that in any way interferes with normal or emergency use of that right-of-way.

c. Posters and Handbills

Any exterior sign affixed to any structure, fence, tree, pole, or natural vegetation except in designated community areas or as otherwise permitted by these Regulations.

d. Abandoned Signs

Any unused abandoned sign, including any pole or structure supporting such sign, shall be removed within six (6) months after becoming abandoned. If an existing sign pole or structure is expected to be used for future use of an existing building, then such structure may remain; however, the copy, text, icon, or any messages on such sign shall be removed.

e. Permanent Banners

Banners shall only be allowed as a temporary sign not exceeding ninety (90) consecutive days or one-hundred and eighty (180) aggregate days in one calendar year.

f. Roof Mounted Signs

No sign shall be permitted to be mounted on the roof of a building.

4. Nonconforming Signs

A nonconforming sign may remain, provided that it is maintained in good repair, pursuant to the following provisions:

a. **Modification**

Nonconforming signs shall not be enlarged, extended, structurally reconstructed, or altered in any manner unless such modifications comply with the standards set forth in this Section V.A, *Signs*.

b. **Damage**

(1) A nonconforming sign or the structure supporting a nonconforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of the replacement cost shall not be altered, repaired, replaced, or reinstalled unless it is done so in compliance with the standards set forth in this Section V.A, *Signs*.

(2) A nonconforming sign or structure supporting a nonconforming sign that is damaged or destroyed to the extent of less than fifty (50) percent of the replacement cost may be replaced provided the following provisions are met:

(a) Repairs shall return the sign to previous conditions prior to the damage, or shall bring the sign into compliance with the standards set forth in this Section V.A, *Signs*;

(b) Repairs shall commence within sixty (60) days of the date the damage or destruction occurred; and

(c) Repairs shall be completed within six (6) months from the date of damage or destruction.

(3) Prior to commencing any such repairs, a new sign permit shall be obtained pursuant to Section V.A.6, *Sign Permit Review Process*.

c. **Abandonment.**

Nonconforming signs that also constitute an abandoned sign shall be brought into compliance with the standards set forth in this Section V.B, *Signs*.

d. **Change in Location**

Nonconforming signs shall not be moved to a new location either on-site or off-site, unless the new location of such sign eliminates all nonconformities associated with the sign.

5. Sign Standards

a. Signs are allowed in the B, C, I, and PD zone districts, provided they meet the following standards:

(1) No sign is more than thirty-five (35) feet in height;

(2) The total sum of all sign area does not exceed one-hundred and fifty (150) square feet in area per sign or three-hundred (300) square feet in area per property.

(a) A property greater than three (3) acres may have up to six-hundred (600) square feet in total sign area.

(3) Indirect external 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.

- (4) Each property shall be limited to one freestanding sign. One additional freestanding sign may be permitted for properties greater than three (3) acres.
 - b. No sign mounted or attached to a building shall extend above the roofline of the building to which it is mounted or attached.
 - c. Signs may be permitted within any sight distance triangle if the sign does not exceed 42 inches in height.
- 6. Sign Permit Review Process**
- a. **General Provisions**
 - (1) These procedures shall be required for all signs requiring a permit pursuant to Section V.A.1.d, *Permit Required*.
 - (2) Any electrical work associated with a sign requiring an electrical permit shall obtain such permit through the State of Colorado.
 - b. **Review Process**
 - (1) **Review Flowchart**

Figure F-App.7, *Sign Permit Flowchart*, in Appendix A – *Process Flowcharts*, depicts the sign permit review process described in greater detail in this section.
 - (2) **Application Submittal Requirements**

Sign permit applications shall be submitted on forms provided by the County and shall include the following:

 - (a) Address where the proposed sign is to be located;
 - (b) Name, mailing address, e-mail, and phone number of the applicant;
 - (c) Name, mailing address, e-mail, and phone number of property owner;
 - (d) Site plan showing the location of the sign(s) on the premises in relation to lot lines, sight distance triangle, buildings, sidewalks, parking lots, drive aisles, streets, and public rights-of-way;
 - (e) Drawing or photograph of the proposed sign with specification indicating height, perimeter, area of sign and/or area of copy, dimensions, type of lettering proposed, means of support, method of illumination, and any other significant characteristics;
 - (f) Any other information requested by the Planning and Development Director to determine compliance with the regulations and standards of this section; and
 - (g) The required sign permit fee.
 - (3) **Completeness Review**

The Planning and Development Director shall review the application for completeness in accordance with the provisions of Section IV.C.2.b, *Completeness Review*. The Planning and Development Director shall make a determination that the application, with all required data, has been properly prepared and submitted and is complete or is incomplete.

(a) If the application is determined to be incomplete, the Planning and Development Director shall notify the applicant of deficiencies in the application. No further processing of the application shall be undertaken until the Planning and Development Director receives information, materials, and documentation necessary for a complete application.

(4) **Permit Application Review and Action**

The Planning and Development Director shall review the sign permit application for compliance with this Section V.A, *Signs*, and shall either ask for additional information, issue the permit as complying with the applicable standards, issue the permit with conditions designed to ensure compliance with applicable standards, or deny the permit as not complying with the applicable standards.

c. **Post-Approval Actions**

(1) **Expiration of Sign Permit**

(a) If a sign authorized by any sign permit has not been erected within one (1) year from the date of permit approval, the sign permit shall be deemed expired. Prior to the deadline, the applicant may request an extension, in writing, from the Planning and Development Director.

(b) The Planning and Development Director may allow an extension of time for the sign to be installed at the time of permit approval, if requested.

(2) **Revocation of Sign Permit**

(a) If any sign, new or preexisting, is damaged, moved, or otherwise altered, either intentionally or by natural forces, in a manner that causes the sign to no longer comply with the regulations or standards of this section or to be a hazard or danger to the public, the Planning and Development Director shall provide written notice to the property owner of the violation.

(b) At such time a violation notice is issued, the sign permit shall be deemed revoked.

(3) **Violations**

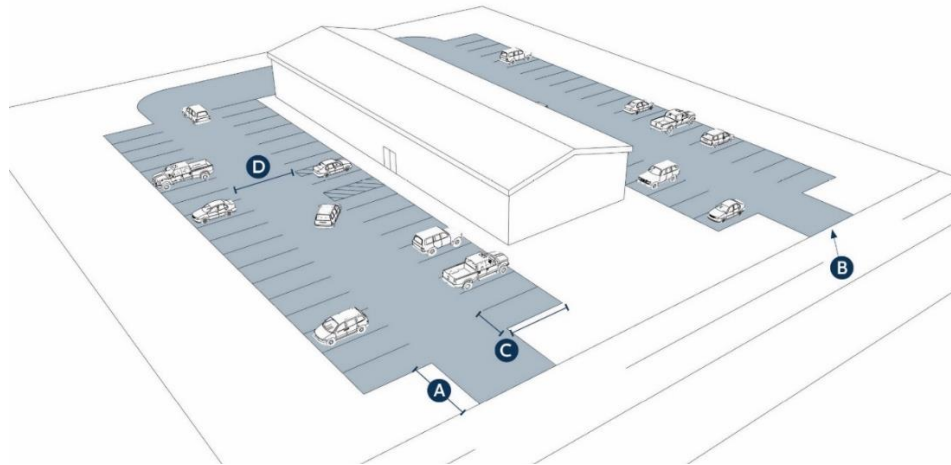
Any sign that has not been permitted or has not been designated a legal nonconforming sign shall be deemed to be in violation of this section and may be removed. Any costs for removal shall be the responsibility of the sign owner or the property owner. Failure to comply will result in the County proceeding with enforcement procedures pursuant to Section VII, *Enforcement*.

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 standards only apply to properties in the B, C, and I zone districts.

- b. 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. (A in *Figure F-V.1* below)
- c. 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.
- d. 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.
- e. All off-street parking areas shall access onto a public road. (B in *Figure F-V.1* below)
- f. All required parking spaces shall measure ten (10) feet by twenty (20) feet in size. (C in *Figure F-V.1* below)
- g. The minimum drive aisle width shall be: (D in *Figure F-V.1* below)
 - (1) Twenty-five (25) feet for 90° parking layout
 - (2) Fifteen (15) feet for 60° parking layout
 - (3) Thirteen (13) feet for 45° parking layout

Figure F-V.1 – Parking Standards



- h. 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 (4) 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.
- i. Except for the General Agricultural District, required off-street parking areas shall be surfaced and maintained with an all-weather surface. Driveways connecting these parking areas to county roads shall also be provided by an all-weather

surface. All-weather surfaces may include, but not be limited to pavement, or concrete.

- j. Drainage shall be provided in accordance with the drainage requirements set forth in Section V.G, *Drainage*, of these Regulations.
- k. Any lighting used to illuminate required off-street parking areas shall comply with the lighting standards set forth in Section V.C, *Lighting*, of these Regulations.
- l. Parking lot signs shall be designed and installed in compliance with the standards set forth in Section V.A, *Signs*, of these Regulations.
- m. 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 six hundred (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 twenty-five (25) percent for each additional use.
 - (4) A properly drawn legal instrument is provided for approval of the County Attorney and executed by the parties involved.

3. The minimum number of required parking spaces are:

Table T-V.1 – Minimum Off-Street Parking Standards by Use

USE	PARKING STANDARD
Residential Uses	
<i>Single Dwelling-Unit</i>	2 Spaces Per Unit
<i>Two Dwelling Units</i>	2 Spaces Per Unit
<i>Three or More Dwelling Units</i>	1.5 Spaces Per Unit
<i>Manufactured Home Park</i>	2 Spaces Per Unit
<i>Group Homes, Senior Housing, or Community Residential Housing</i>	1 space per resident room plus 25% for visitor parking
<i>Accessory Dwelling Unit (ADU)</i>	See Sec. III.C.2.a(6) for ADU parking standards
Public/Institutional Uses	
<i>Auditorium or Places of Assembly</i>	1 space per every 4 seats or per 8 feet of bench length in the main auditorium.
<i>Public Facilities or Health Facilities</i>	1 space per 300 sf of net floor area ¹
Commercial Uses	
<i>Lodging Unit; Hotel/Motel</i>	1 space per room plus adequate spaces for accessory uses.
<i>Retail, Service, or General Commercial Uses</i>	1.5 spaces per 400 sf of patron serving area

<i>Vehicle or Equipment Uses</i>	1 space for each 250 sf of gross floor area, but not less than 3 spaces per service bay
<i>Professional Service and Office Uses</i>	One space per 150 sf of gross floor area
<i>Food or Beverage Uses</i>	1 space per 100 sf of gross floor area

Industrial Uses

<i>Manufacturing or Production Uses</i>	1 space for each 1000 sf of gross floor area of warehouse space and 1 space for every 200 sf of office space.
<i>Warehouse, Rail, or Truck Freight Terminals</i>	1.5 space for each 1,000 sf of gross floor area.

¹ Net floor area includes only those areas that are not designated to be leased or occupied for commercial or office purposes and does not include any area dedicated to foyers, bathrooms, stairways, corridors, mechanical areas, and storage areas used solely by the tenants on site.

- a) The surface material for any additional spaces beyond the minimum required may be gravel.
- 4. For uses not listed or not fitting within one of the above categories, the Planning and Development Director 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 Planning and Development Director 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 IV.I, *Appeal* of these Regulations.
- 5. **Accessible Parking Spaces:**
 - a. All required accessible parking spaces shall be designed in accordance with ICC ANSI A 117.1.
 - b. *Table T-V.2* below identifies the minimum number of accessible parking spaces required in all off-street parking areas based on the number of total parking spaces provided:

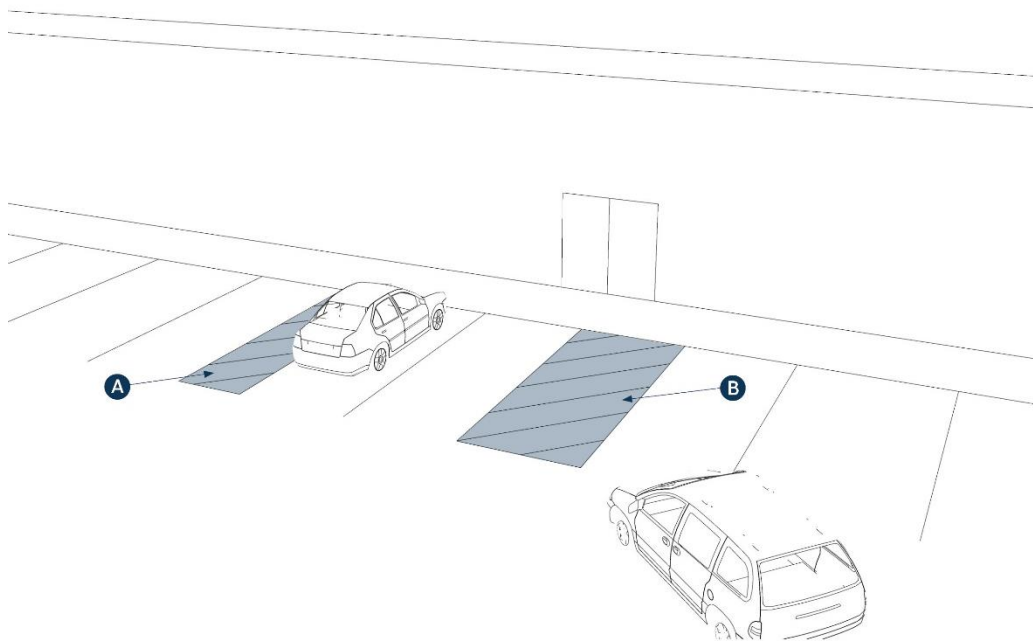
Table T-V.2 – Minimum Number of Accessible Parking Spaces

Total Parking Spaces in Parking Lot	Minimum Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	10

Over 1,000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1000.
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- (1) Required accessible parking spaces shall measure eight (8) feet wide, plus a five (5) foot wide access aisle. (A in Figure F-V.2 below)
- (2) Required van-accessible parking spaces shall measure eight (8) feet wide, plus an eight (8) foot wide access aisle. (B in Figure F-V.2 below)
- (3) All facilities that require more than 4 accessible spaces shall contain at least one (1) van-accessible parking space.

Figure F-V.2 – Accessible Parking Standards



6. Off-Street Loading Standards:

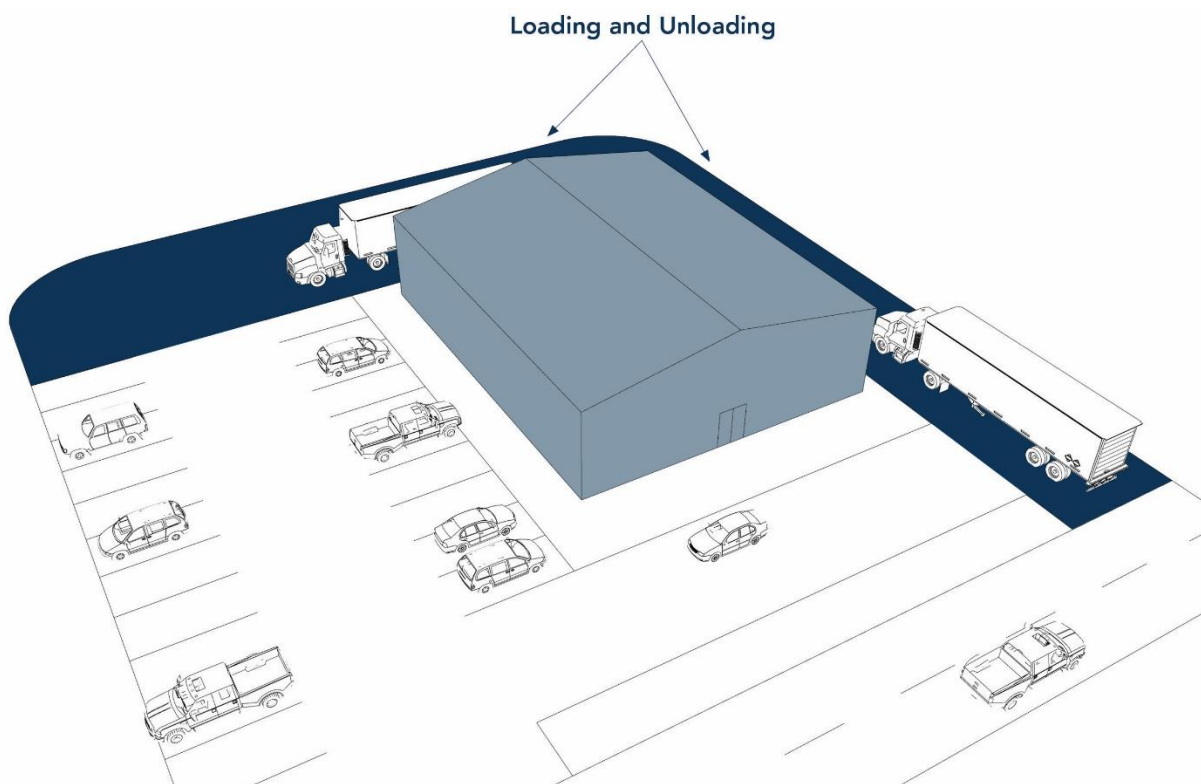
- a. For every building, structure, or part thereof, having over three thousand five hundred (3,500) square feet of gross building floor area erected and occupied for office, commerce, hotel, hospital, laundry, dry cleaning, places of public assembly, industry, and other similar uses involved in the 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.

Table T-V.3 – Minimum Off-Street Loading Requirements

GROSS FLOOR AREA OF THE BUILDING	NUMBER OF REQUIRED SPACES
Up to 10,000 sf	1
Greater than 10,000 sf	2

- b. Farming, ranching, and residential uses are exempt from these off-street loading standards.
- c. Specific spaces for loading and unloading shall be required for the following uses:
 - (1) Any school having a capacity greater than twenty-five (25) students or
 - (2) Any building or structure that receive and distribute material or merchandise by truck.
- d. Loading area(s) shall be of a sufficient size so that typical vehicles used in connection with the proposed use are able to utilize the area(s).
- e. Loading spaces shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
- f. Off-street parking areas used to fulfill the off-street loading requirements shall not be used for loading and unloading operations except during periods of the day when they are not needed for parking.

Figure F-V.3 – Loading and Unloading Standards

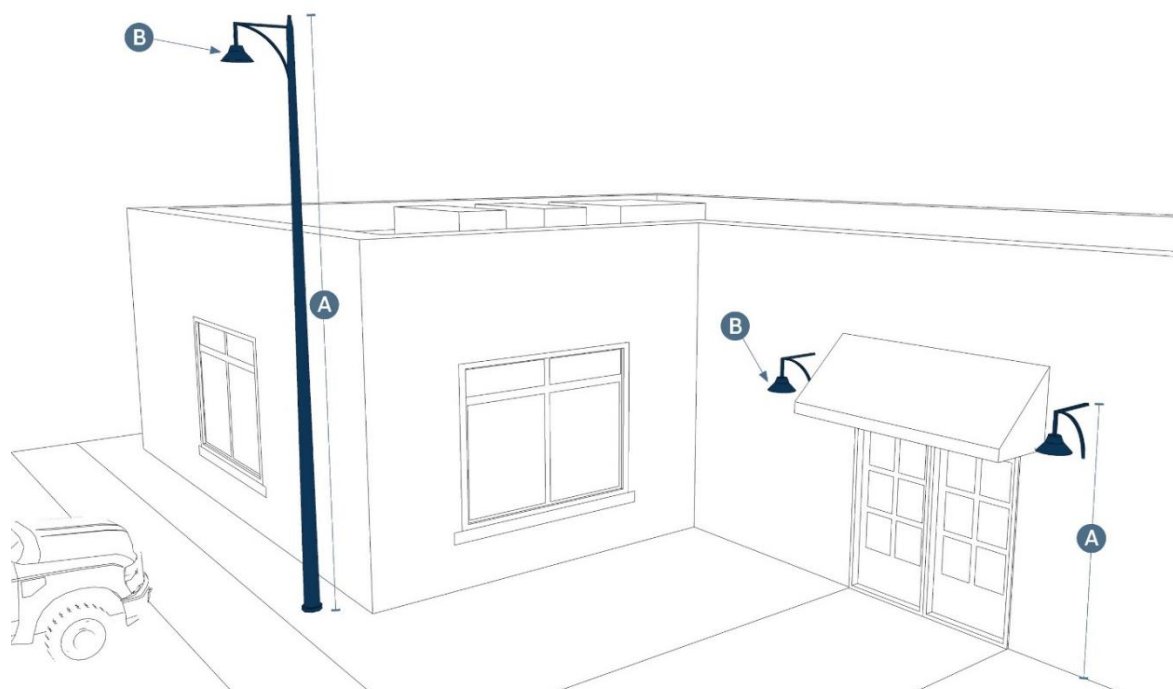


C. LIGHTING

1. The following standards apply to all outdoor lights and light fixtures in the B, C, and I zone districts.
2. All lighting, including fixtures located on buildings, poles, flag poles, or other apparatus, shall not exceed twenty-five (25) feet in height. (A in Figure F-V.4 below)

3. All lighting shall be fully shielded. Fully shielded means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane of the shield. (B in *Figure F-V.4* below)
4. Exemptions from these standards:
 - a. Temporary holiday, special events and construction lights shall be exempt from the standards set forth in Section V.C, *Lighting*.
 - (1) Holiday and special event lights shall be illuminated for a period not to exceed sixty (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.
 - b. The direct or reflected light from any light source shall not create a traffic hazard. Colored lights shall not be used in such a way as to be confused with or construed as traffic control devices.
 - c. Blinking, flashing or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color shall be prohibited in all zone districts.

Figure F-V.4 – Lighting Standards

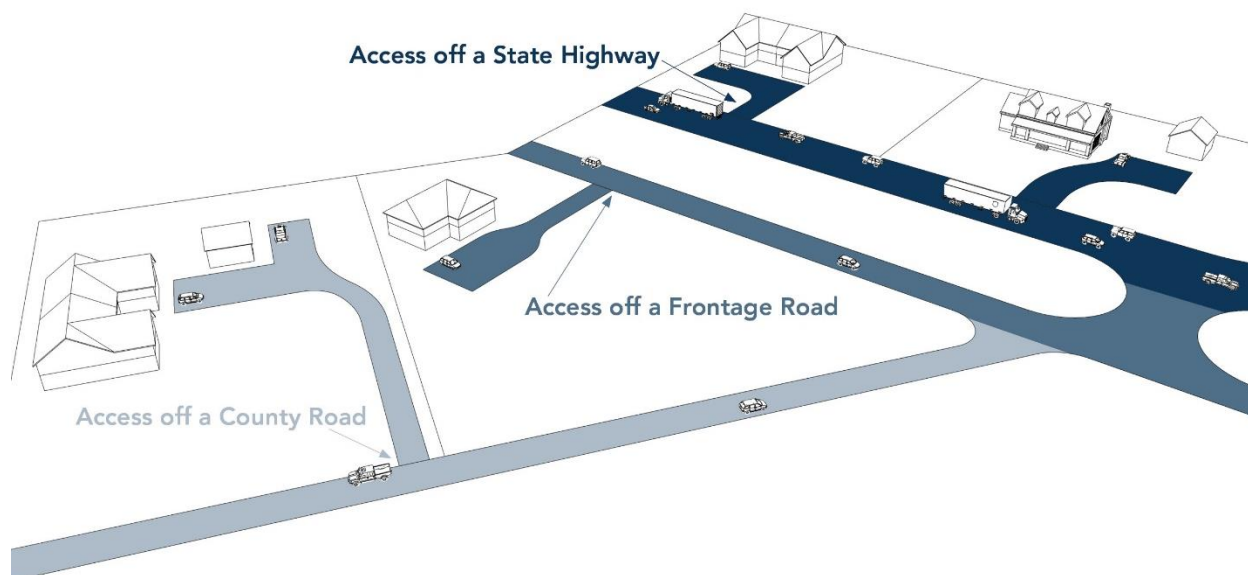


D. ACCESS AND CIRCULATION

All roadways and accesses shall comply with the construction specifications contained in the Montrose County Standard Specifications for Roads and Bridges, the Subdivision Regulations, and the following standards for the design and arrangement of roadways and accesses:

1. Access to all lots, parcels, or properties requesting development shall be provided from a public or private street system. Private street systems shall provide legal access to all properties.
2. For all uses which access onto a county road, the applicant shall obtain a Driveway and Access Permit from the Montrose County Engineer pursuant to the adopted Montrose County Standard Specifications for Roads and Bridges.
3. Where access will be directly onto a State Highway, the applicant shall obtain an Access Permit from the Colorado Department of Transportation (CDOT).
4. 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.
5. Access shall be prohibited for any nonresidential, manufactured home park, or multifamily use onto any State Highway or Frontage Road. All such uses shall be accessed from a County Road.

Figure F-V.5 – Access and Circulation Standards



E. WATER AND SEWER

1. Source of Water

All land use applications shall be served by an adequate, reliable and legal physical water supply to serve the use and be in compliance with the Colorado safe drinking water standards developed by CDPHE Water Quality Control Commission. Proposed uses which do not require water or that are temporary uses or structures where alternative water supply is approved by the County are exempt from this section.

a. Adequate Water Supply Determination

The County, pursuant to Section 29-20-301, C.R.S. as amended, shall not approve a zoning, land use, or division of land application unless it determines in its sole

discretion, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. Nothing in this section shall be construed to require that the applicant own or have acquired the proposed water supply or constructed the related infrastructure at the time of the application.

2. Public water Distribution and Wastewater Systems

a. Water Distribution Systems

All proposed land use applications shall be served by a water distribution system that is adequate to serve the proposed use and density.

- (1) All uses shall be connected to an approved public water system. This would include wells approved by the State of Colorado.
- (2) Where water service through a public water system is not physically or economically feasible, a central well and distribution system may be utilized subject to applicable laws and regulations.
- (3) Where a proposed application site is able to connect to a public water system and the system is available and adequate to serve the proposed development, the development must connect to the public water system.
- (4) Written approval for community and individual wells shall be provided to the Planning and Development Department by the Colorado Division of Water Resources, as required.

3. Wastewater System Standards

All proposed land use applications shall be served by a wastewater system that is adequate to serve the proposed use and density.

- a. All wastewater systems shall meet Montrose County Board of Health requirements. Wastewater systems with flows in excess of 2000 gallons per day shall comply with all regulations of the state of Colorado Water Quality Control Division.
- b. Development applications proposing to be connected to a central wastewater system shall provide written confirmation of sanitary sewer capacity and availability to serve the proposed use to the Planning and Development Director.
- c. Where a proposed development site is able to connect to a central wastewater system, the development must connect to the central wastewater system.
- d. If the property is not suitable for an OWTS pursuant to the Montrose County Board of Health Resolution OWTS Regulations, the development shall connect to an approved central wastewater system.

F. SCREENING AND LANDSCAPING

1. Screening

- a. Fences, walls, or hedges may be permitted in any required setback provided that within any sight distance triangle fences do not exceed forty-two (42) inches in height.
- b. Fences and walls shall not exceed six (6) feet in height in any zone district except with an approved building permit.

- c. When being used as a screening or buffering measure, a fence shall be a minimum of six (6) feet in height and be a solid fence.
- d. Fences for agricultural purposes shall be exempt.

G. DRAINAGE

1. Construction sites that disturb one (1) acre or greater are required to follow Colorado Department of Public Health and Environment (CDPHE) requirements and obtain a stormwater discharge permit as required by CDPHE.
2. For all uses that will result in impervious or semi-impervious coverage exceeding ten (10) percent of the site area, the applicant shall retain a Colorado Professional Engineer (PE) to provide calculations and designs for a detention or retention facility as may be appropriate and sufficient to prevent surface water from exiting the site above historical flows for a twenty-five (25) year event.
 - a. The calculations and design of all such facilities shall be reviewed and approved in conjunction with the applicable land use application(s) set forth in Section IV, *Applications and Review Procedures* of these Regulations, or the Subdivision Regulations.
 - b. If detention is proposed and drainage water will be received by a man-made drainage entity, provide written documentation of approval from the receiving entity.

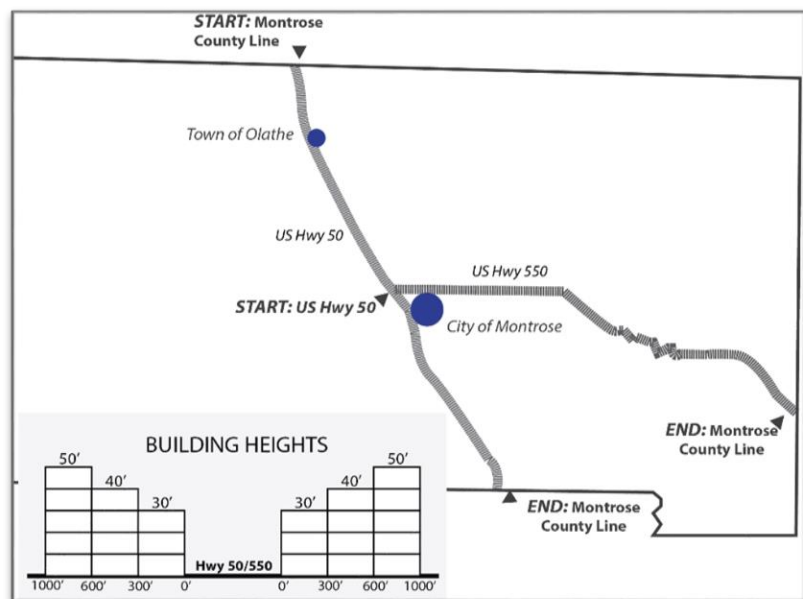
H. VIEW CORRIDOR HEIGHT LIMITS

All properties located along Highway 550 or Highway 50 within the unincorporated areas of Montrose County, as may be amended from time to time, shall be subject to a restricted building height to preserve the view corridor.

Table T-V.4 – View Corridor Height Limits

Location	Maximum Height Limit
Less than 300' from State Highway ROW	30'
Between 300' – 600' from State Highway ROW	40'
Greater than 600', but not more than 1,000 feet from State Highway ROW	50'

Figure F-V.6 – View Corridors



I. GRAVEL MINING MITIGATION STANDARDS

1. Gravel Mining Mitigation Standards.

a. 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.

b. **Buffers:**

- (1) 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.
- (2) 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.
- (3) 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.

c. **Landscaping:**

- (1) 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.
- (2) 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.

d. **Dust:**

- (1) 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.
- (2) 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.
- (3) 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.

e. Noise:

- (1) 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 4.1.d (3) of this section.
- (2) 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 4.1.d (3) of this section.
- (3) 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”.

- (4) 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.

f. Haul Routes:

- (1) 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.
- (2) 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).

g. Site Development:

- (1) 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.
- (2) The Mining Operator shall provide adequate sanitation facilities on site in accordance with State and County regulations.
- (3) 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.
- (4) Gravel Mining Operator shall provide a Weed Management Plan and submit it for approval to the Weed Management Commission.
- (5) Gravel Mining Operator shall provide adequate parking space in conformance with the Parking and Loading Standards of the Montrose County Zoning Resolution.

- (6) Signage erected at the gravel mining operation shall be in conformance with the Sign Standards provided in the Montrose County Zoning Resolution.

h. Reclamation:

- (1) 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.
- (2) At such time as on-site gravel stockpiles have been depleted, gravel mined elsewhere shall not be stockpiled on the site.

Section VI Nonconforming Uses and Structures

A. GENERAL PROVISIONS

1. Any lawful use or structure, including divisions of land and signs, existing at the date of adoption of these Regulations may be continued, even though such use does not conform to the use provisions established for the district in which it is located.
2. Any use or structure, including divisions of land and signs, which were unlawful prior to the adoption of these Regulations shall remain unlawful and be subject to enforcement as provided in these Regulations.
3. Nonconforming uses or structures may be allowed to remain provided that they meet the following provisions:
 - a. The nonconforming use does not cease to operate for a period of time over six (6) months in all zone districts except the General Agricultural District;
 - b. The nonconforming use does not cease to operate for a period of time over twelve (12) months in the General Agricultural District;
 - c. The setback requirements of the zone district within which a nonconforming structure or use is located are met; of
 - d. The nonconforming use or structure are not extended beyond existing property lines.
4. If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion, or act of God, the owner shall be allowed to rebuild the structure to the same or smaller size and thereby retain its nonconforming status. Restoration must be started within twelve (12) months of such calamity and completed within twenty-four (24) months of initiating restoration.
5. Existing residential structures which are the primary use in B, C, and I districts are exempt from these provisions and shall not be expanded or continued.
6. Nonconforming signs shall be governed by Section V.A.4, *Nonconforming Signs*.

B. PROHIBITED ENLARGEMENTS OR ALTERATIONS

The right to continue a nonconforming use or structure terminates immediately when the nonconforming use or structure is enlarged, expanded, extended, demolished, or altered in any of the following ways:

1. The alteration, repair, or enlargement of a nonconforming structure in any manner which would increase the degree of nonconformity with respect to the floor area, setback, or height requirements of these Regulations.
2. The addition of a new structure containing, or accessory to, the nonconforming use.
3. The enlargement or alteration of a conforming structure containing, or accessory to, a nonconforming use, including an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure which violates the requirements of these Regulations.
4. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated, or

- contemplated such an increase or alteration.
5. Any enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.

C. CHANGE OF LAND USE

A nonconforming use shall only be changed to a land use which conforms to the standards within the zoning district in which the use is located. Any change of a nonconforming use to another use shall immediately terminate the right to continue the nonconforming use, and thereafter the property shall only be used in conformity with the use provisions of its zoning district.

Section VII Enforcement

A. GENERAL PROVISIONS

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

This section establishes procedures through which the county may ensure compliance with the provisions, standards, and requirements of these Regulations and obtain corrections for violations. This section also sets forth the remedies and penalties that apply to violations of these Regulations.

1. Enforcement Authority

Provisions of these Regulations shall be enforced by the Planning and Development Director, County Attorney, Board of County Commissioners, or their designees through their authority granted by Colorado law.

- a. The Planned Development regulations of these Regulations set forth in Section II.L *Planned Development*, shall be enforced in accordance with Article 67 of Title 24, C.R.S., as amended, in addition to applicable zoning and subdivision regulation remedies.
- b. All other provisions shall be enforced as a violation of these Regulations in accordance with Sections 30-28-124 and 30-28-124.5, C.R.S., as amended.

2. Compliance Required

No person shall develop or use any land, building, or structure within the county in violation of these Regulations, regulations authorized under these Regulations, or the terms and conditions of permits or other approvals, agreements, or entitlements issued under these Regulations.

3. Permits and Approvals

No permit or approval may be issued under these Regulations unless all structures and uses of land to be authorized by the permit or approval conform to these Regulations, and the terms and conditions of other applicable permits and approvals issued under these Regulations. Except as otherwise required by Colorado law, a permit or approval issued in violation of these Regulations is void.

4. Continuation of Prior Enforcement Actions

Nothing in these Regulations shall prohibit the continuation of previous enforcement actions undertaken by the county pursuant to previous regulations or resolutions.

5. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of these Regulations.

6. Responsibilities for Enforcement

The provisions of these Regulations shall be administered and enforced by the Planning and Development Director or their designee.

7. Remedies Cumulative

The remedies for violations of these Regulations, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

8. Persons Liable

Any person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirement of these Regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies provided in these Regulations.

B. VIOLATIONS

Each of the following activities constitutes a violation of these Regulations:

1. Activity Inconsistent with these Regulations

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with these Regulations or any regulation adopted pursuant to these Regulations.

2. Activity Inconsistent with Permit or Approval

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity and that was issued under or required by these Regulations.

3. Illustrative Examples

Examples of activities inconsistent with these Regulations or with any permit or approval issued under these Regulations include, but are not limited to, the following:

- a. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of these Regulations;
- b. Reduction or diminishment of lot area, setbacks, required buffer, landscaping, or open space area, or other standards below the minimum requirements set for in these Regulations;
- c. Creation, expansion, replacement, or change of a nonconformity inconsistent with these Regulations and all other applicable regulations;
- d. Failure to erect or remove any sign installed, created, erected, or maintained in violation of these Regulations;
- e. Failure to abide by the condition(s) of any application approval or agreements executed in connection with a grant of approval; or
- f. Failure to comply with applicable provisions or requirements of a certificate of occupancy or building permit.

C. ENFORCEMENT PROCESS

1. Complaint and Verification of Violation

Upon complaint made or filed by a member of the public or by a county official or employee, the Planning and Development Director shall verify whether or not the complaint is a violation of these Regulations, other state statutes, or resolutions.

2. Authority to Enter and Inspect

The Planning and Development Director or authorized representative is authorized to enter upon private property for the purpose of administering these Regulations. The owner of the property shall give the Planning and Development Director or designee free access after the county has given reasonable notice for such survey or inspection. If access is denied, the Planning and Development Director may apply to the District Court of Montrose County for an order authorizing entry.

3. Notice of Violation and Response

If a violation is verified and determined to exist, the Planning and Development Director shall send written notice of a violation of these Regulations to the property owner of record, as identified on the county tax records, and the property address, if different. The notice shall be sent by certified mail, return receipt.

4. Notice Requirements

- a. **Content of Notice.** The notice of violation shall contain the following information:
 - (1) A list and description of all violation(s) with references to the section or sections of these Regulations which have been violated.
 - (2) An order requiring correction of the violation(s).
 - (3) The date by which compliance shall be attained.
 - (4) The appeal process, if applicable, for the violation(s).
- b. **Response.** Unless otherwise provided by these Regulations, a period of thirty (30) calendar days after the date of notice shall be allowed for response to a notice of violation.
 - (1) The alleged violator shall respond by providing evidence satisfactory to the Planning and Development Director to show that the determination is in error; or
 - (2) The alleged violator shall restore the site, structure, or use of the property to compliance. An inspection by the Planning and Development Director, or designee shall be required to confirm compliance; or
 - (3) The alleged violator may request, in writing, a reasonable extension of time to attain compliance. Such request shall identify good cause for the requested extension.

5. Remedies and Penalties.

If the violation is not remedied within the allowed period of time, the Planning and Development Director shall have the following remedies and powers to enforce these Regulations:

- a. **Deny or Withhold Entitlements.** The Planning and Development Director may deny or withhold all entitlements, including building permits, certificates of occupancy, business licenses, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.
- b. **Revoke Entitlements**
 - (1) Any entitlement or other form of authorization required under these Regulations may be revoked after proper notice, when the Planning and Development Director determines that:
 - (a) There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
 - (b) The entitlement was procured by false representation;
 - (c) The entitlement was issued in error; or
 - (d) There is a violation of any provision of these Regulations by the owner or holder of the entitlement.
 - (2) Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.
 - (3) Issuance of a permit under these Regulations does not authorize violation of any other standard, regulation, requirement, or provision of these Regulations.
- c. **Criminal or Civil Penalties**
 - (1) Any person, firm, or corporation violating any provision of these Regulations or amendment thereto, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred (200) dollars 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.
 - (2) Violation of any provision of these Regulations, or any amendments to it, shall also subject the offender to a civil monetary penalty in an amount to be established by the Board of County Commissioners. If the offender fails to pay this penalty within fifteen (15) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of a debt. A civil penalty may not be appealed if the offender was sent a final notice of violation in accordance with this section and did not take an appeal to the county within twenty (20) days of the date of such final notice.
- d. **Injunctive Relief.** The Planning and Development Director may seek injunctive relief or other appropriate relief in District Court or other court of competent jurisdiction against any person who fails to comply with any provision of these Regulations, or any requirement or condition imposed pursuant to these Regulations. In any court proceedings in which the county seeks a preliminary injunction, it shall be presumed that a violation of these Regulations is a real,

immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject violation.

- e. **Abatement.** The county may abate the violation pursuant to this subsection.
- (1) **Notice To Abate:** The Planning and Development Director, upon receipt of a verified complaint that a nuisance exists on public or private property in the county, may in the exercise of his/her discretion, notify the owner, lessee, tenant, or occupant (hereinafter, "responsible party") in writing, requesting the responsible party to voluntarily remove and abate the described nuisance. In the event the nuisance is not voluntarily abated, service of a notice of violation by the Planning and Development Director shall be considered service of a notice to abate and the county may begin the abatement process. For any nuisance which does not threaten imminent danger of damage or injury, and for which a discretionary notice to abate has been issued, the reasonable time for abatement shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not reasonably be made within seven (7) days or that a good faith attempt at compliance is being made.
 - (2) **Service of Notice:** If written notice to abate is given, it shall be served by:
 - (a) Personally delivering a copy of the notice to a responsible party described in the notice; or
 - (b) Mailing a copy of the notice by first class or certified mail, return receipt requested, to the last known address of a responsible party as reflected in the county real estate records; or
 - (c) Posting a copy of the notice in a conspicuous place at the site of the nuisance.
 - (3) **Abatement Order:** Upon the expiration of the period of notice, or at any time thereafter, if the nuisance has not been abated on the property described in such notice, the Planning and Development Director may apply to the court of applicable jurisdiction for an abatement order, as follows:
 - (a) The application shall be accompanied by an affidavit affirming that the county has complied with the notice requirements of Section VII.C.5.e, *Abatement*, and that the owner has failed to abate the identified nuisance upon the property.
 - (b) The county shall give notice to the responsible party of its application for the abatement order in the same manner as provided above for service of the original notice to abate. The county's notice to the last known address of a responsible party as reflected in the records of the Montrose County Assessor's Office shall be considered adequate notwithstanding any error in the county's records. The Planning and Development Director may reasonably rely upon current county records to obtain an accurate address for a responsible party.
 - (c) The notice of application for an abatement order shall include a copy of the county's application and its affidavit in support thereof, as well as

- the time, date, and place at which the county will appear before the court of applicable jurisdiction to request entry of the abatement order.
- (d) At the stated time, date, and place, the court of applicable jurisdiction judge shall review the application for administrative abatement order, the affidavit, any statement of the county in support thereof, as well as any statement and evidence presented by the responsible party, if present.
 - (e) Thereafter, the court of applicable jurisdiction is authorized to enter an order permitting the county to enter upon such property, abate the same and recover its costs as provided by Section VII.C.5.e(7), *Violations and Penalty*, of these Regulations.
- (4) **Abatement Without Notice or Court Order on Public Property:** Any nuisance located or found in or upon any street, avenue, alley, public sidewalk, highway, public right of way, public grounds, park, recreation facility, or public property in the county may be abated without notice.
 - (5) **Adequate Notice:** The court of applicable jurisdiction judge may consider evidence of actual notice received by a responsible party in determining whether adequate notice of a violation or of a citation has been provided. The judge may find that notice is adequate despite a lack of technical compliance with this Section VII.C.5.e, *Abatement* upon evidence that a responsible party received actual notice of a written notice to abate a reasonable amount of time prior to the expiration of the abatement period.
 - (6) **Emergency Abatement.** If in the judgment of the Planning and Development Director in consultation with the County Attorney a nuisance is a cause of imminent danger to the public health, safety or welfare, any such nuisance may be summarily abated by the county, and costs of abatement shall be charged and recovered as provided by Section VII.C.5.e(7), *Violations and Penalty*, of these Regulations. In all such cases, the responsible party shall be given notice of a post-abatement hearing before the court of applicable jurisdiction and an opportunity at that time to contest the validity of the abatement.
 - (7) **Violations and Penalty**
 - (a) Any person violating any provision of these Regulations shall be subject to the penalties set forth in Section VII, *Enforcement* of these Regulations; provided however that nothing contained within Section VII, *Enforcement* of these Regulations shall impair the ability of the county to enforce the other remedial provisions provided in these Regulations.
 - (b) As a portion of any judgment, fine or assessment levied upon conviction of a violation of these Regulations the court may order that the violation be abated within a time established by the court, but in no event to exceed thirty (30) days from the date of conviction. Failure to abate within the time so ordered may constitute contempt of court and shall be punishable as such. The order shall also provide that, in the event the defendant has not abated the nuisance within thirty (30) days after the court order, the county or its agents are authorized to do so.

- (c) In addition to any fines levied hereunder, the court shall impose, as a portion of the costs assessed against the defendant, any costs incurred by the county in prosecuting, enforcing, and abating the nuisance.
 - (d) Each day during which any person commits, or allows to remain unabated, any of the actions specified as unlawful in these Regulations shall constitute a separate offense. Multiple violations of these Regulations may be included on a single notice to abate or a single summons and complaint.
- f. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the owner of record of the property.
- g. Unless this notice is appealed to the Board of County Commissioners within ten (10) days of the delivery of the final warning, the Planning and Development Director shall proceed to abate the violation.
- h. The Planning and Development Director shall keep an account of the cost, including incidental expenses incurred by the county in the abatement of any violation. The Planning and Development Director shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term “incidental expenses” shall include, but not be limited to, the actual expenses and costs to the county in the preparation of the notices, specifications and contracts, work inspections, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- i. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owner, tenant, or violator(s) of the property upon which the abatement occurred. Such charges shall become a lien upon the real property upon which the violation was located.
- j. **Non-Liability for Damages**

These Regulations shall not be construed to hold the county in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect or resulting from the issuance or denial of a permit or other authorization as herein provided, or resulting from the institution of court action as hereinabove set forth or the forbearance by the county to so proceed.
- k. **Non-Liability of Officials**

Any county official or employee, charged with the enforcement of these Regulations, acting in good faith and without malice on behalf of Montrose County in the discharge of his or her official duties, shall not thereby render himself or herself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by him or her in the enforcement or attempted enforcement of any provision of these Regulations, shall be defended by the legal officer(s) of the county until final termination of the proceedings.

Section VIII Definitions

A. GENERAL INTERPRETATIONS

1. Words and Terms

The words and terms used, defined, interpreted or further described in these Regulations may be construed as follows:

- a. The word "shall" is always mandatory. The word "may" is permissive.
- b. Words used in the present tense include the future unless the context clearly indicates the contrary.
- c. Words used in the singular include the plural and words used in the plural include the singular unless the context clearly indicates the contrary.
- d. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- e. In case of any difference of meaning or implication between the text of these Regulations and the caption for each section, the text shall control.

B. GENERAL DEFINITIONS

For the purpose of these Regulations, the following definitions shall apply:

1. A – B

ABATEMENT: Any action taken to reduce, relieve, or suppress another continuing action. There are two relevant forms: a summary abatement, which is a legal action taken to suppress the continuation of an offensive land use.

ABUTTING: Having a common boundary line except where two or more lots adjoin only at a single point, such as a corner.

ACCESS: The way by which pedestrians and vehicles enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure located on the same lot as the principal building or structure, the use of which is incidental to the principal use.

ACCESSORY DWELLING UNIT (ADU): A dwelling unit considered secondary to a principal dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use and which meets dimensional and other requirements applicable to the principal use.

ACCESSORY EQUIPMENT: Equipment, including telecommunication facilities as defined herein, used to protect and enable radio switching equipment, back-up power, support structures, and other devices incidental to a telecommunication facility, but not including towers, antennas or alternative telecommunication facilities.

ACCESSORY OUTSIDE STORAGE: The outside placement of items which are customary and

incidental to the principal use of the property.

ACCESSORY USE: A use which is customarily supportive, secondary and subordinate to the principal use on the parcel.

ACRE: A unit or area used in the measurement of land equal to one hundred sixty (160) square rods, four thousand and eight hundred forty (4,840) square yards, or forty-three thousand and five hundred sixty (43,560) square feet.

ADDITION: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

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.

ADJACENT PROPERTY OWNER: An owner of record of any estate, right or interest in real property, which is adjacent to the subject property.

ADMINISTRATIVE DECISION: Any decision made by the Planning and Development Director, or their designee.

ADMINISTRATIVE REVIEW: The land use change permit application and review process, by which the Planning and Development Director approves applications for land uses.

AGRICULTURAL LAND: Any land used primarily for the production of crops or livestock, including irrigated meadows, irrigated and dry pasture, and irrigation ditches; stock drive routes; lands used for barns, corrals and storage of crops or agricultural products. "Agricultural Land" does not include lands used primarily for the production of commercial timber.

AGRICULTURAL PRODUCT: Products grown or raised on a property, intended for direct human or animal consumption or use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hemp, hay, bedding plants and wool. Business offices are typical accessory uses to all types of agricultural production activities.

AGRICULTURAL PRODUCT MANUFACTURE, DISTRIBUTION, AND/OR SALES: The manufacture, sale or lease, distribution and/or storage of plants and animals.

AGRICULTURAL PRODUCTION RELATED TO THE COMMERCIAL PRODUCTION OF ANIMALS: Raising or fattening animals for the sale of animals or animal products. Includes establishments such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale.

AGRICULTURAL USE: The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for harvesting, packing, treating, or storing the produce, excluding forestry.

AIRPORT: The area, including all runways, taxiways, hangers, and related facilities designed for the takeoff, landing, storage, refueling and maintenance of aircraft.

ALTERATION: Any change, addition or modification in construction, occupancy, or use.

ALTERNATE ONSITE ENGERGY GENERATION: Energy generation methods other than a public power supply which produce power only for the property upon which it is located.

ALTERNATIVE TELECOMMUNICATION FACILITY: A telecommunication facility with an alternative design that camouflages or conceals the presence of antennas or towers such as, but not limited to, artificial trees, clock and bell towers, light standards, flagpoles, and steeples.

- A. Freestanding telecommunication facility:** A telecommunication facility that consists of a stand-alone support structure or tower, antennas, and accessory equipment.
- B. Low power telecommunications facility:** A telecommunications facility necessary to broadcast telecommunications for voice, data or video with emitted power levels less than 36dBm (or such other levels as may be authorized by the Federal Communications Commission to be low power telecommunications) with total frontal surface areas of all antennas not exceeding ten square feet for any single parcel.
- C. Roof and/or wall mounted telecommunication facility:** A telecommunication facility that is mounted to the roof or any rooftop appurtenance, or to the face of a legally existing building or structure.

AMENDMENT: A change in the wording, context, or substance of an official document, including related maps, illustrations, concepts, or plans.

AMUSEMENT AND ENTERTAINMENT FACILITIES: Predominantly spectator uses conducted indoor and in open or partially enclosed or screened facilities.

ANIMAL FEEDING OPERATION (AFO): An animal feeding operation is a livestock confinement operation, and is defined by the EPA as a lot or facility where the following conditions are met:

- A.** Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- B.** Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the facility.
- C.** The AFO classification is meant to apply to all sizes of livestock confinement operations and is the first step in defining whether an operation is a Concentrated Animal Feeding Operation.

ANTENNA: Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of wireless communications signals.

APARTMENT: A dwelling unit within a multi-family building, commonly a rented unit.

APPLICANT: The owner of land or the owner's authorized representative of the land, as well as mineral owners and lessees, when the same are applicants for land development approval.

AUTOMOBILE SERVICE AND REPAIR: A building or lot where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale, and where repair service is secondary. Fueling pumps and storage tanks may be located on-site.

AUTOMOBILE, TRUCK, MARINE, OR RV SALES: Premises on which new or used passenger automobiles, trucks, recreational vehicles, boats, or trailers, in operating condition are displayed in the open for sale or trade.

AUTOMOBILE, TRUCK, TRAILER, MARINE, OR RV SERVICES: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles.

BAR OR TAVERN: An establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

BED AND BREAKFAST: A building of a residential character other than a hotel or motel providing:

- A. Temporary lodging for less than one (1) month;
- B. At least one (1) meal daily for guests; and
- C. Manager residing on the premises.

BERM: A mound of earth used to screen or separate one area from another to reduce visual, noise, and similar impacts. Berm may also mean the act of pushing earth into a mound.

BOARD OF ADJUSTMENT: The body appointed by the Board of County Commissioners whose authority and procedures are described in Section I.D.4, *Board of Adjustment* of these Regulations.

BOARDING FACILITY: A building where, for compensation, directly or indirectly, lodging is provided with or without provision of meals.

BREWERY: An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than it stores and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

BREW PUB: An eating place that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting.

BUFFER OR NATURAL SCREENING: Land, berm, or planted vegetated area and/or naturally vegetated area used to visibly separate one use from another.

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

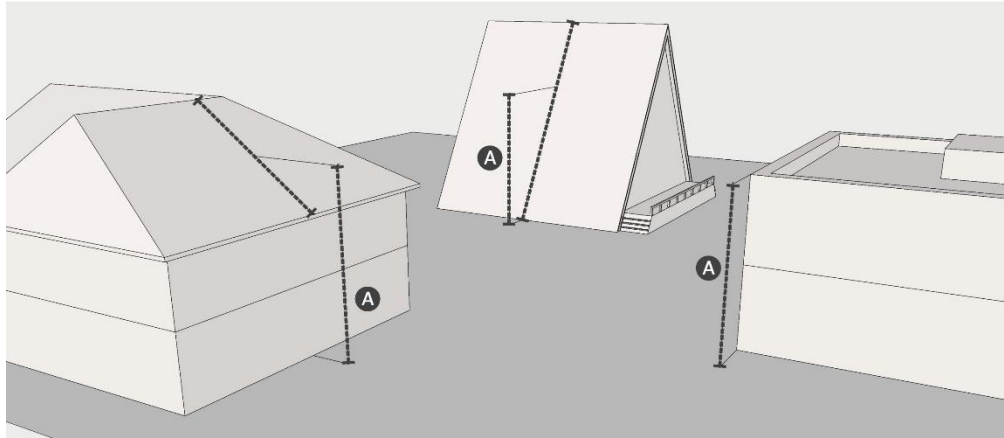
BUILDING COVERAGE: Any area or a portion of lot, which is covered by buildings on that lot.

BUILDING ENVELOPE: A designated area on a lot, property, tract, or parcel in which all structures and development shall be constructed or must occur, unless specifically excepted or exempted.

BUILDING FOOTPRINT: The outline of the total area which is covered by a building's perimeter at ground level.

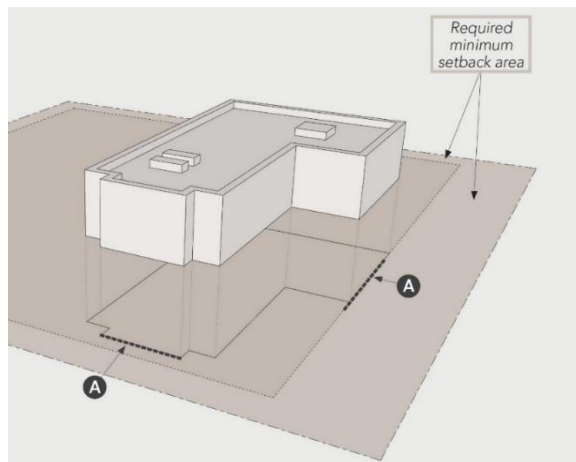
BUILDING HEIGHT: The distance, measured vertically, from the pre-construction undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof. For A-Frame buildings, the height shall be measured to a point 2/3 between the natural ground surface and the roof peak. (See A in Figure F-VIII.1 below)

Figure F-VIII.1 – Building Height



BUILDING LINE: A line parallel to the property line beyond which no exposed portion of a building may extend, excluding steps. (See A in Figure F-VIII.2 below)

Figure F-VIII.2 – Building Line



BUILDING OFFICIAL: The Montrose County staff member or their designee that enforces building regulations in the county.

BUILDING PERMIT: A permit issued by an authorized agent of the county allowing construction, reconstruction, alteration, or installation of a building in accordance with applicable county, state, or federal regulations.

BUILDING, PRINCIPAL: The primary building on a parcel intended for principal use as defined herein.

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

2. C – F

CAMPGROUND: An outdoor area providing space for vacationers to temporarily occupy in tents. A campground may also include an area with rental cabins, rental tents, and site amenities, but its primary function is to accommodate visitors providing their own shelter.

CAMPING: The act of using a tent or recreational vehicle for transient dwelling purposes.

CAMPING, TENT: Tent means a portable, temporary cover or shelter made of canvas, nylon, plastic, or similar materials supported by poles, with or without side panels, used for recreation purposes.

CARETAKER RESIDENCE: A single-family dwelling unit accessory to a professional, commercial, or industrial use for occupancy by the owner or caretaker.

CDOT: Colorado Department of Transportation.

CEMETERY: Land used or intended for the burial of the dead and dedicated for cemetery purposes, which may include, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CENTERLINE: The linear centerline of a roadway or public right-of-way.

CHANGE IN LAND USE: Any development, grading, construction, activity, or operation that changes the basic character, configuration or use of land or structures after the enactment of the Montrose County Zoning Regulations.

CHILD CARE CENTER: Shall be a facility that meets the definition of Sec. 26-6-102(5), C.R.S, as amended, and be limited to no more than twelve children who are eighteen years of age or younger.

CHURCH: See Place of Assembly or Worship.

CLUBS AND LODGES: Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests, or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and/or places of worship.

COLORADO MEDICAL MARIJUANA CODE: Refers to Article 43.3 of Title 12, C.R.S., as amended.

COLORADO RETAIL MARIJUANA CODE: Refers to Article 43.4 of Title 12, C.R.S., as amended.

COMMERCIAL: Having to do with commerce; designed for profit or mass appeal.

COMMERCIAL FIREWOOD SALES: Any commercial operation involving the growing or cutting of wood and the display and stacking of wood for sale.

COMMERCIAL VEHICLE: A motor vehicle used regularly in conjunction with trade or gainful employment that may or may not have the name of a corporation or logo on the exterior of the vehicle.

COMMUNICATION FACILITY: A non-inhabitable structure or tower and accessory building, supporting antennas, and microwave dishes that send and/or receive radio frequency signals, including television and data impulses, through space by means of electromagnetic waves. Individual/personal direct-to-home satellite services are not included in the definition of "Communication Facility".

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. May also be referred to as a convention center or civic center.

COMMUNITY SEWER: A sewage disposal system operated by a public entity, a sewer system corporation, or sewer district. This would include a shared Onsite Wastewater Treatment System which includes no more than one soil treatment area.

CONSTRUCTION OFFICES: A mobile office trailer, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project.

COUNTY: The County of Montrose County, State of Colorado.

COUNTY ROAD: A public road which has been deeded to, dedicated to, or granted to and accepted and maintained by the county or a road which the county identifies as a County Road by inclusion in the County Road System.

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

DEVELOPER: Any person, firm, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer, seller or agent in the planning, platting, development, promotion, sale, or lease of a development.

DEVELOPMENT: Any activity or construction, excluding normal agricultural activities, that changes the existing character or use of the land.

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

DISTILLERY: A facility for the on-site distillation of spirits in quantities not to exceed seventy-five thousand (75,000) gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The distillery operation does not include the production of any other alcoholic beverage. A distillery may include a tasting room open to the public.

DISTRIBUTION AND WAREHOUSING FACILITY: Facilities characterized by extensive warehousing, frequent heavy truck activity, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

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

DWELLING, DUPLEX: A residential structure on a single lot containing two dwelling units which share an unpierced common wall.

DWELLING, MULTIPLE-FAMILY: A dwelling containing three (3) or more dwelling units, (typically apartments, condos, and townhomes) not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

DWELLING, 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, which is not attached to any other dwelling. 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.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Dwellings may exist in many configurations, including but not limited to single-family, duplex, townhomes, multi-unit dwellings, and group homes. Dwellings do not include boarding, rooming, or lodging facilities, hotels, motels, extended stay lodgings.

EDUCATION FACILITIES: Buildings and uses for instruction or research activities associated with an academic institution which has curriculum for technical or vocational training, including but not limited to kindergarten, elementary, secondary, or higher education. Educational facilities include residential facilities for faculty, staff, and students.

EFFECTIVELY SCREEN: Any combination of trees and vegetation, berms, fences, and the like that will provide year-round screening and 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.

FAA: The Federal Aviation Administration.

FEEDLOT: See Livestock Confinement Operation

FENCE: A structure, which serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to shield or screen view, or to serve any similar purpose constructed of materials other than vegetation.

FIXTURE, FULLY SHIELDED: A fixture that projects light downward only with a 90 degree cutoff. The bulb shall not extend below the shielded portion of the fixture.

FOOD PROCESSING AND PACKAGING: The processing and packaging of food products to be sold. Food processing and packaging shall not include the slaughtering of animals.

3. G – L

GARAGE: A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

GENERAL OFFICE A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

GENERAL RETAIL: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

GROUP HOME: A facility operated by a public, nonprofit, or private agency, which provides twenty-four (24) hour care or supervision of nine (9) or more persons who are not related by blood, marriage or adoption, to the facility's owner, operator, or manager.

HELIPORT: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HEMP PROCESSING: The processing, manufacturing, infusion and/or sale of a plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis.

HOME OCCUPATION: Any lawful commercial activity carried on or conducted entirely within a dwelling or an associated 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.

HOSPITAL: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL, MOTEL: A commercial building with sleeping rooms used or designated for use by or hired for occupancy by persons on a temporary basis.

HOUSEHOLD: A domestic establishment including a member or members of a family and/or another person or persons living within a dwelling unit.

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 VEHICLE: A vehicle that is inoperable (unable to move under its own power), or is partially or totally dismantled or has all or portions of its body work missing or substantially damaged or is not registered with the State of Colorado as required by Sections 42-3-103 or 42-12-401 and 42-12-402, C.R.S. The number plate assigned to it is not permanently attached to the vehicle as required by Section 42-3-202, C.R.S. or is lacking proper equipment to the extent that would be unsafe or illegal to use on public road rights-of-way or otherwise not equipped with lamps and other equipment as required by Sections 42-4-202—42-4-227, C.R.S. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation.

KENNEL: Any use, other than a veterinary clinic in which household pets are kept commercially for board, propagation, grooming, or sale. Animals used as a part of an agricultural activity are not included in this definition.

KITCHEN: A room or area where food is prepared and cooked which would include cabinets, sink, refrigerator, stove, oven, and other similar appliances.

LIVESTOCK: Domestic animals that are used for food for human or animal consumption, breeding, draft, or profit.

LIVESTOCK CONFINEMENT OPERATION: A place of confinement for livestock, corralled, penned, or otherwise caused to remain in pens or corrals, where feeding is other than grazing. An LCO may include dairies, feedlots and poultry and swine production facilities. An LCO may include AFO's and CAFO's as defined by State or Federal Regulations.

LOGGING OPERATION: Lands owned, leased, or managed for the primary purpose of generating profit through the processing and sale of forest products.

LOT: A subdivided parcel of land occupied or intended for occupation by one or more buildings or uses.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: The boundary of a lot dividing it from the adjacent street.

LOT LINE, REAR: The property line opposite the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

4. M – O

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 International 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, LARGE: A single-family dwelling which: (1) is partially or entirely manufactured in a factory; (2) is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; (3) is installed on an engineered, permanent foundation; (4) is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended; and (5) is built for the Colorado climate and snow load according to the Department of Housing and Urban Development Standards established under the provisions of 42 U.S.C. Section 5401, et seq.

MANUFACTURED HOME PARK: A lot, tract, or parcel of land with improvements, streets, and utilities for the accommodation of manufactured homes. This may include other amenities, parks, open space, clubhouses, or storage areas for onsite tenant use.

MANUFACTURED HOME PARK PLAN: That plan submitted in compliance with Special Use Permit requirements as prescribed in the Montrose County Zoning Regulations and filed with the Montrose County Planning and Development Department.

MANUFACTURED HOME, SMALL: A single-family dwelling which: (1) is partially or entirely manufactured in a factory; (2) is less than twenty-four (24) feet in width and thirty-six (36) feet in length; (3) is installed on an engineered, permanent foundation; (4) is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended; and (5) is built for the Colorado climate and snow load according to the Department of Housing and Urban Development Standards established under the provisions of 42 U.S.C. Section 5401, et seq.

MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designed for the placement and connection of one manufactured home which shall meet the minimum size and setback standards of the zone district.

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MANUFACTURING, PROCESSING, AND ASSEMBLY: The manufacture, fabrication, processing, reduction, recycling, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

MASTER PLAN: The comprehensive plan or master plan adopted by Montrose County in accordance with Section 30-28-106, C.R.S.

MEDICAL MARIJUANA ESTABLISHMENT: A medical marijuana infused products manufacturer facility, an optional premises cultivation operation, a medical marijuana transporter licensed premises, a medical marijuana off-premises storage facility, or a medical marijuana testing facility.

MEDICAL MARIJUANA REGULATIONS: The Colorado Department of Revenue, Marijuana Enforcement Division's Medical Marijuana Code, 1 C.C.R. 212-1, as amended.

MEDICAL OR DENTAL OFFICES/CLINICS: An office, other than a hospital as herein defined, used by one or more licensed physicians for the purpose of receiving and treating patients.

MICROBREWERY: A facility for the production and packaging of malt beverages of law alcohol content for distribution, retail, or wholesale, on or off-premises, with a capacity not to exceed the limit set by C.R.S. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

MICRO-DISTILLERY: An establishment known as a craft or designer distillery that manufactures spirituous liquors in quantities not to exceed those established by C.R.S. A micro-distillery must be licensed by the appropriate state authorities. Where applicable, the tasting room shall not occupy more than 30% of the retail floor area.

MINERAL ESTATE: A mineral interest in real property that may be severed from the surface estate of the subject real property; which if severed, is shown in the real estate records of the county in which the real property is situated; and which if severed, is not owned as part of the full fee title to the real property. (Section 24-65.5-102,

MINERAL EXTRACTION: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

MINERAL RESOURCE AREA: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise, as to be capable of economic recovery. The term includes a new find of mineral resources in any location, reopening of a previously existing operation that had been closed, an old find that has not previously been developed and an area into which an existing and ongoing mining operation expands.

MINERAL RESOURCE EXPLORATION: The exploration of mineral resources in the ground. Such resources may include, but are not limited to, oil, natural gas, gravel, or sand.

MINI-STORAGE 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.

MOBILE HOME: A structure which: (1) is transportable in one or more sections; (2) is built on a permanent chassis; (3) is designed to be used as a place of living for a single-family, with or without a permanent foundation, when connected to the required utilities; and (4) includes the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home", large or small, is not included within the definition of "mobile home."

NATURAL RESOURCE EXPLORATION OR EXTRACTION: The exploration, extraction and production of natural resources.

NONCONFORMING: A legally approved, permitted, or allowed existing use, structure, or building which, after the date of the adoption of these Regulations, does not comply with the established standards, rule, or regulations of the district within which the use, structure or building is located.

NOXIOUS OR OBJECTIONABLE ODOR: An odor 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.

NUISANCE: Anything, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

NURSERY, RETAIL: A use where plants, seeds, seedlings, trees, shrubs, flowers, vegetables, and other similar products are grown to be sold as retail to the public where the point of sale is on the property.

OIL AND GAS DRILLING AND PRODUCTION: Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development and/or production of oil or gas.

ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS): An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works.

OPEN SPACE: Any land or water area which serves the specific use of providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archeological, or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

OPEN SPACE, USABLE: 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, ponds, and walkways. The terms shall not include space devoted to streets, parking and loading areas.

OUTDOOR AMUSEMENT AND ENTERTAINMENT FACILITY: The provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, or miniature golf course.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more that twenty-four hours.

5. P – R

PARCEL: One piece of real property as identified by the Montrose County Assessor.

PARK: Areas open to the general public and reserved for recreational, educational, or scenic purposes.

PERMIT: A written authorization made by the Board of County Commissioners, or its authorized agent issued pursuant to the provisions, standards, and procedures set forth in these Regulations.

PERMITTED USE: A use allowed by right in conformance with standards of the particular zone district.

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

PERSONAL SERVICE ESTABLISHMENT: Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; and laundromats.

PLACES OF ASSEMBLY: A meeting place at which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

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.

PLANNING AND DEVELOPMENT DIRECTOR: The Montrose County staff member or their designee that oversees the Planning and Development Department.

PLANNING COMMISSION: The officially appointed Planning and Zoning Commission of Montrose County, Colorado.

POWER GENERATION: An electrical generating facility for the purpose of generating power for public use. This does not include alternative onsite energy generation.

PRE-EXISTING TELECOMMUNICATION FACILITIES: Any telecommunication facility for which county approval has been properly issued prior to the effective date of these Zoning Regulations.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure within which the principal use is located.

PRINCIPAL USE: The primary purpose or function for which the land, building or structure is used.

PROFESSIONAL AND BUSINESS OFFICE: The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

PROFESSIONAL SERVICES ESTABLISHMENT: Work done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career (e.g., doctors, lawyers, accountants).

PUBLIC BUILDING: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, public agency, or special district without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

PUBLIC FACILITY: A permanent or temporary structure or facility, place, or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation,

sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters.

PUBLIC HEARING: A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend with the principal purpose of receiving testimony or public comment on a specific application or issue.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, utility line or treatment plant, pedestrian way, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

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).

PUBLIC UTILITIES: Electricity, natural gas, water and wastewater service, wire telephone service, and similar public services. The term “public utilities” does not include wireless telecommunication facilities.

PUBLIC UTILITY FACILITY: The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. “Public utility” also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for, or commodities delivered to the public or any portion thereof. Private energy production, transmission relay, repeater, translator, radio, waste transfer station and television towers and equipment, and cable television facilities are also considered public utilities. “Public utility facilities” does not include airports or television, radio or community television antenna system administration offices, or other types of administrative offices or maintenance yards.

RECREATION FACILITIES, INDOOR: Any structure or location designed or intended for indoor recreational activities, relaxation or to promote physical or emotional well-being.

RECREATION FACILITIES, OUTDOOR: Any structure or location designed or intended for outdoor recreational activities, relaxation or to promote physical or emotional well-being.

RECREATIONAL VEHICLE: A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include but are not limited to: camping trailer or tent trailer; motorized camper, motor home, recreational conversion van or bus; pick-up camper; travel trailer.

A. *Camping trailer or tent trailer.* A folding structure constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and to be used as a temporary shelter for travel and recreation purposes.

B. *Motorized camper, motor home, recreational conversion van or bus.* A self-propelled vehicle consisting of a portable, temporary shelter to be used for travel

and recreation purposes.

- C. *Pick-up camper*: A structure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary shelter for travel and recreation purposes.
- D. *Tiny home*: A towed vehicle designed as a temporary shelter used for travel and recreation or short term living purposes.
- E. *Travel trailer*: A towed vehicle designed as a temporary shelter used for travel and recreation purposes.

RECREATION VEHICLE PARK: Any lot or parcel of land used or intended to be used for the accommodation of a minimum of ten or more recreational vehicles for transient dwelling purposes. Tent camping sites are also allowed in an RV Park.

RIGHT-OF-WAY: A strip of land acquired by purchase, reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.

RESEARCH INSTITUTES: A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

RESTAURANT: A structure in which the principal use is the preparation and sale of food and beverages.

RETAIL MARIJUANA ESTABLISHMENT: A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana testing facility, a retail marijuana transporter licensed premises, a retail marijuana off-premises storage facility, or a retail marijuana product manufacturing facility.

RETAIL MARIJUANA REGULATIONS: The Colorado department of Revenue, Marijuana Enforcement Division's Retail Marijuana Code, 1 C.C.R. 212-2, as amended.

RETAIL USE: Space within any structure or portion thereof intended or primarily suitable for occupancy by persons or utilities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, etc.

ROAD: All property dedicated or intended for public transportation purposes including roads, streets, alleys, highways, and freeways.

ROADSIDE STANDS: A temporary or permanent establishment which may have a building enclosure typically involved in the sale of locally produced fruits, vegetables, or products.

ROOF: A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

ROOFLINE: A horizontal line intersecting the highest point or points of a roof.

RUBBISH: Garbage and trash, including but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or

cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

6. S – U

SALVAGE YARD: A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition, or sale of material that is unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in such condition that it is not useable or not safe or fit for human use or habitation.

SAND AND GRAVEL EXTRACTION: The extraction of sand and gravel materials from the ground.

SENIOR HOUSING: A residential establishment or institution other than a hospital or nursing home that provides living accommodations and medical services primarily to individuals 55 years of age or over and to individuals who, due to illness or disability, require care similar to that provided to persons who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

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, eaves, or any covered projections thereof, excluding steps, decks, or other improvements under 30 inches in height.

SETBACK, FRONT YARD: The distance a building or structure must be placed from the front lot line.

SETBACK, REAR YARD: The distance a building or structure must be placed from the rear lot line.

SETBACK, SIDE YARD: The distance a building or structure must be placed from the side lot line.

SETBACK, SIDE STREET YARD: The distance a building or structure must be placed from the side street lot line.

SEXUALLY ORIENTED BUSINESS: A business having as a substantial and significant portion of its revenues or space dedicated to one or more of the following: (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, laser discs, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities (3) A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas.

SHALL: Means mandatory.

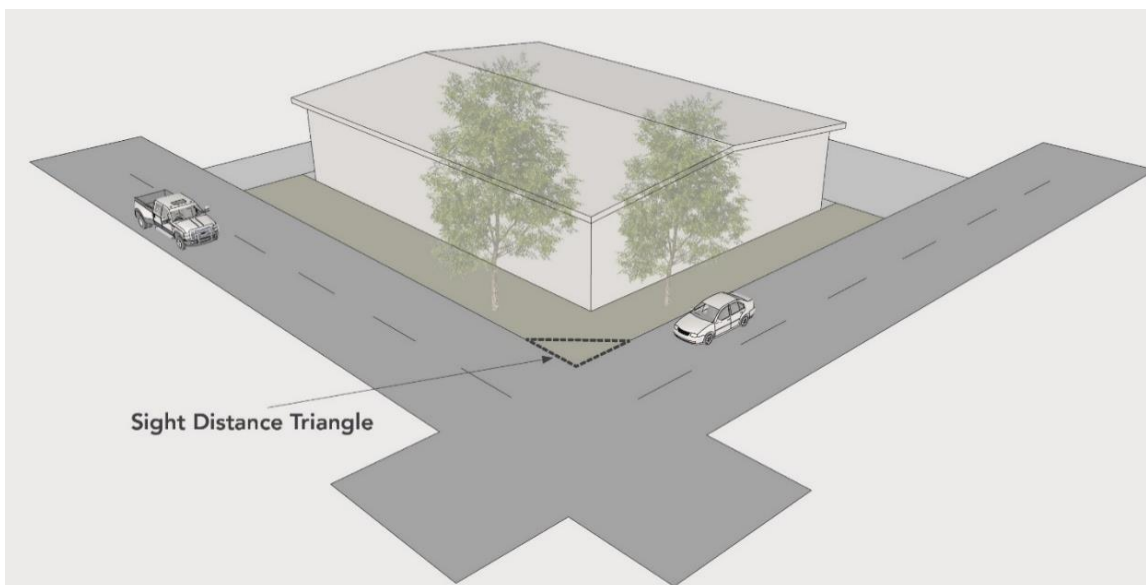
SHOOTING RANGE, COMMERCIAL: A property utilized for commercial and/or public use for the discharge of firearms for purposes including, but not limited to, training, organized competition and club/team practices and events. This definition does not include and

shall have no effect upon the discharge of firearms on private property for hunting, non-commercial and private purposes.

SHORT-TERM RENTAL: 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

SIGHT DISTANCE TRIANGLE: The area of a corner lot bounded by the right-of-way lines and a line connecting the two points on the property lines 30 feet from the intersection of the property lines.

Figure F-VIII.3 – Sight Distance Triangle



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 another similar medium.

SIGN, ABANDONED: A sign that advertises a use or a facility that has been abandoned or a sign, sign face, or other element of the sign structure which is in such disrepair that it poses a danger to the health, safety, or welfare of the general public or visitors to the site upon which the sign is located.

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.

Figure F-VIII.4 – Sign Area



SIGN, BANNER: A temporary sign composed of lightweight materials, including cloth or canvas or a like material of sturdy construction which is not easily torn and which is intended for the purpose of advertising a business, special event, sale, opening, new product line or service, special hours of operation or other temporary message.

SIGN, CANOPY, AWNING, OR MARQUEE: A sign which is mounted on a permanently roofed shelter where such shelter may be wholly supported by the bounding or may be wholly or partially supported by columns, poles or braces extended from the ground.

SIGN, ENTRY: A permanent sign identifying a vehicular entrance to a residential subdivision, residential complex, or institutional use.

SIGN, FREESTANDING: A permanent sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground where no part of the sign is attached to any part of a building, structure, or other sign.

- *Monument:* A freestanding sign erected on the ground designed with a base.
- *Pole:* A freestanding sign that is mounted on a pole(s) or other support(s) that is placed on and anchored in the ground or on a base that is independent from any building or other structure.

SIGN, PROJECTING: A building mounted sign with the face(s) of the sign projecting from and not parallel to the wall.

SIGN, WALL: A building mounted sign where the face of the sign is parallel to the plane of the wall and is wholly supported by the wall.

SIGN, YARD: A temporary sign made of plastic, wire frame, wood, metal, or similar materials which are installed for a temporary period of time.

SITE PLAN: A required submission, prepared, and approved, that is a detailed drawing of the proposed improvements required in the development of a particular lot, tract, parcel, or property. The plan would generally include setbacks, buildings, drives, utilities, and other development information.

SITE SPECIFIC DEVELOPMENT PLAN: The approved plan which has been submitted to the county to establish a vested right pursuant to Title 24, Article 68, C.R.S.

SOLAR ENERGY FACILITY: A generation facility which uses solar energy and the required components to distribute the transformed solar energy.

SOLID WASTE DISPOSAL: A lot of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means and for what purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

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.

STABLES: A facility used for the keeping of livestock.

STORAGE: The keeping of equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

STREET: A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, and lane.

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

TASTING ROOM: A facility for the tasting and sale of wine products located on the same premises as the vineyard or winery from which the wine products originate.

TELECOMMUNICATION FACILITIES: A facility that transmits and/or receives electromagnetic wireless communications signals. It includes antennas, microwave dishes, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

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.

TEMPORARY USES: Uses established for limited duration at a specific location, with the intent to discontinue such use upon the expiration of a set time period established by this Land Development Code; temporary uses are land uses that do not require any new permanent structures or improvements for their operation, may use existing buildings or improvements, shall not include continuing a nonconforming use or building, and do not result in any long-term impact on surrounding properties.

TIMBER PRODUCTION: The growing of trees for the production of timber.

TINY HOME: See Recreational Vehicle (RV).

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and alternative telecommunication facilities.

TOWER OR TELECOMMUNICATION FACILITY HEIGHT: When referring to a tower or telecommunications facility, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

TOWNHOUSE: A single family, attached residence with individual exterior entries that will never have units above or below and does not have more than two walls in common.

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

TREE FARM: Any parcel of land used to raise, harvest, or transplant trees for wood products such as lumber, posts and poles, fuel wood, and Christmas trees.

TRUCK STOP: A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.

USE: The purpose of which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

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 serves or regulates utilities. Substations also serve as control, transfer, and delivery points for electrical or gas systems.

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VARIANCE: A deviation from the zoning requirements standards set forth in Article II, Zoning Regulations, that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Land Development Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property.

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

VESTED PROPERTY RIGHT: The right to undertake and complete the development and use of the property under the terms and conditions of a Site-Specific Development Plan as defined in Section 24-68-102(5), C.R.S.

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the hospital or clinic use.

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.

WAIVER: A modification of the standards of these Regulations.

WHOLESALE: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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.

YARD OR GARAGE SALES The sale of miscellaneous used items commonly associated with residential use. Yard and garage sales shall not be for the sale of primarily a single commodity. A yard or garage sale shall be limited to a period of no more than five consecutive days. The terms “yard sale” and “garage sale” includes “sidewalk sale,” “basement sale,” and “estate sale.

ZONING DISTRICT: Any district delineated on the official zoning district map under the terms and provisions of these Regulations, or which may hereinafter be created subsequent to the enactment of this code for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development of existing uses or structures, are uniform.

Appendix A – Process Flowcharts

Figure F-App.1 – Appeal Flowchart

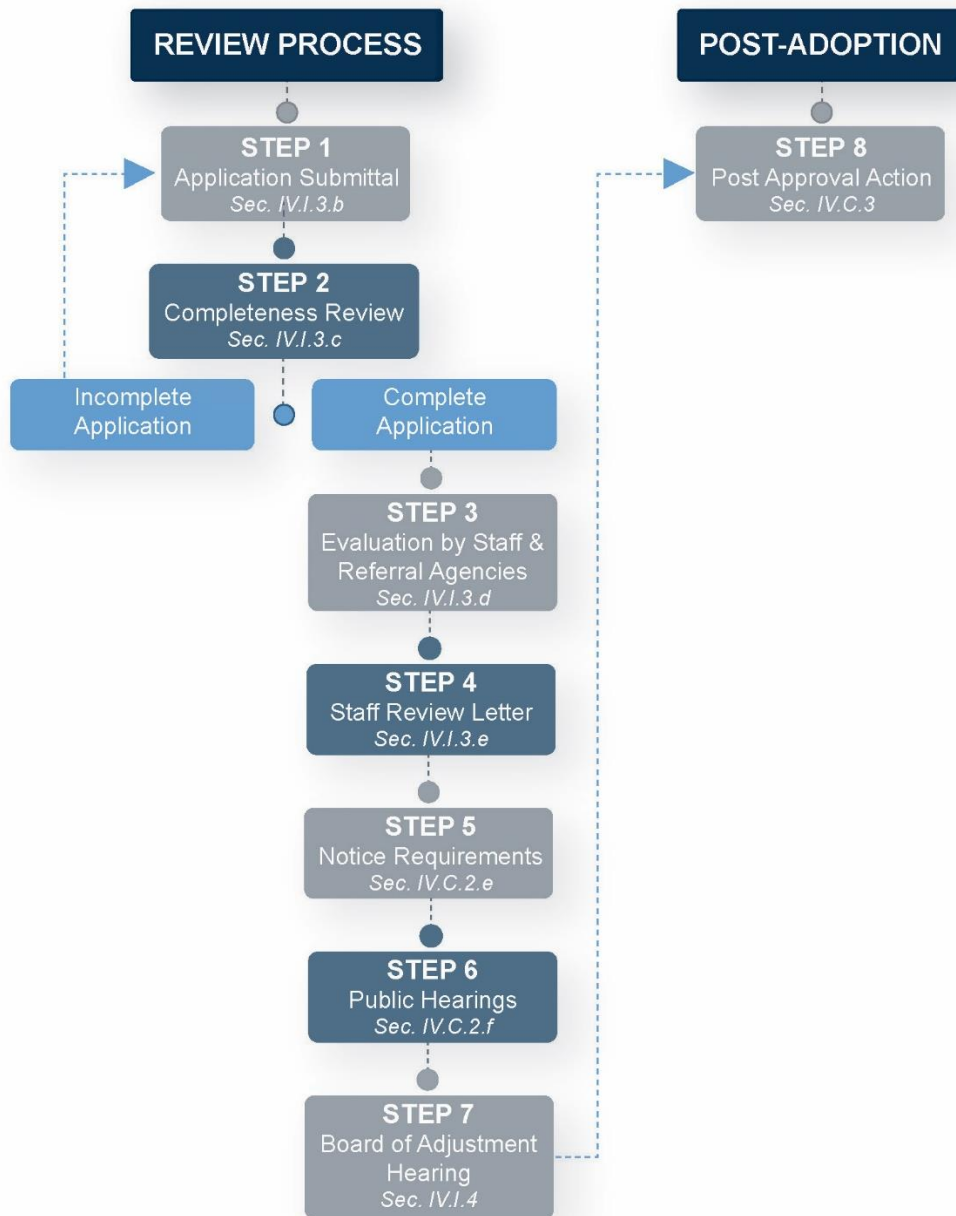


Figure F-App.3 – PD Major Amendment Flowchart

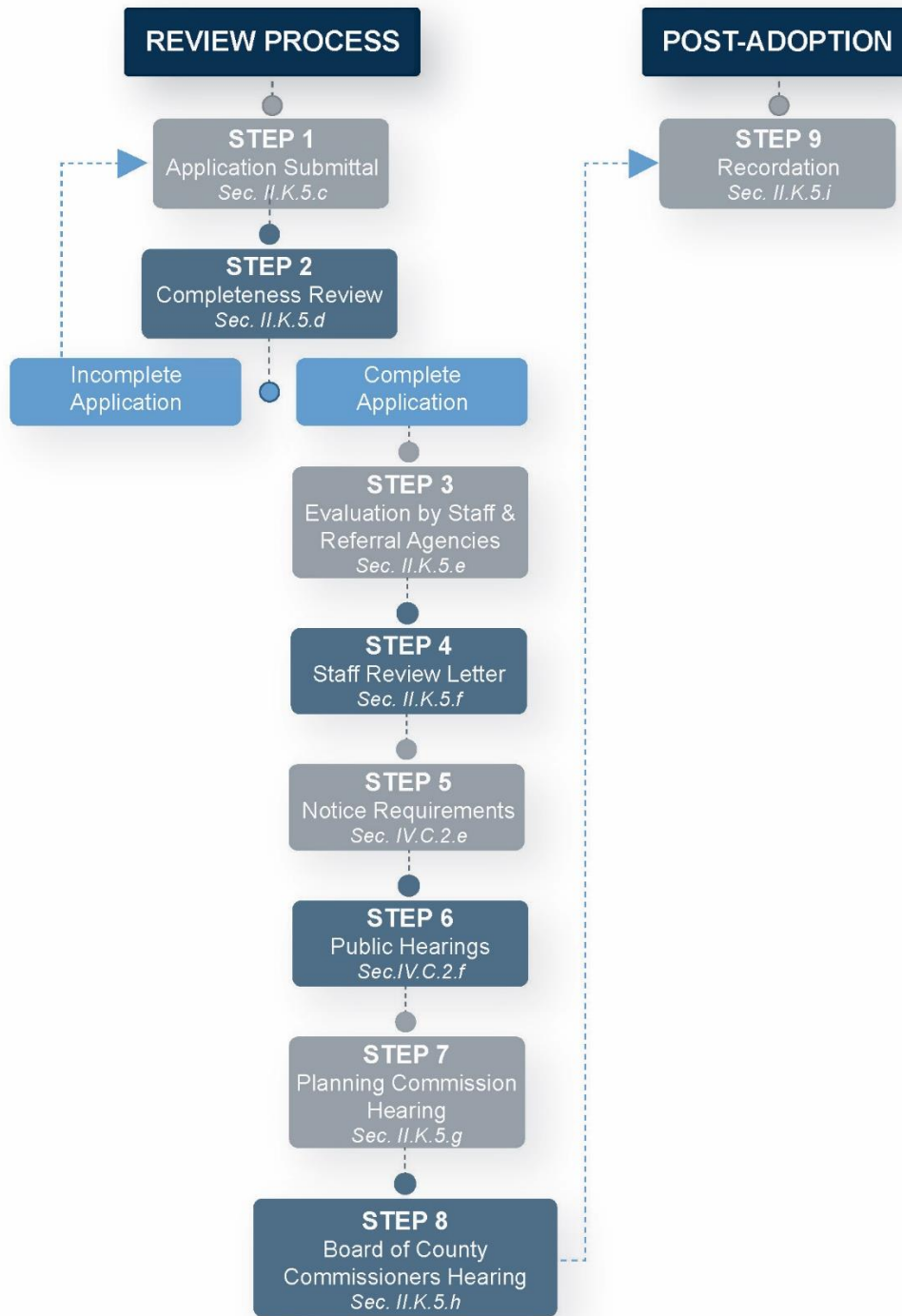


Figure F-App.4 – PD Minor Amendment Flowchart

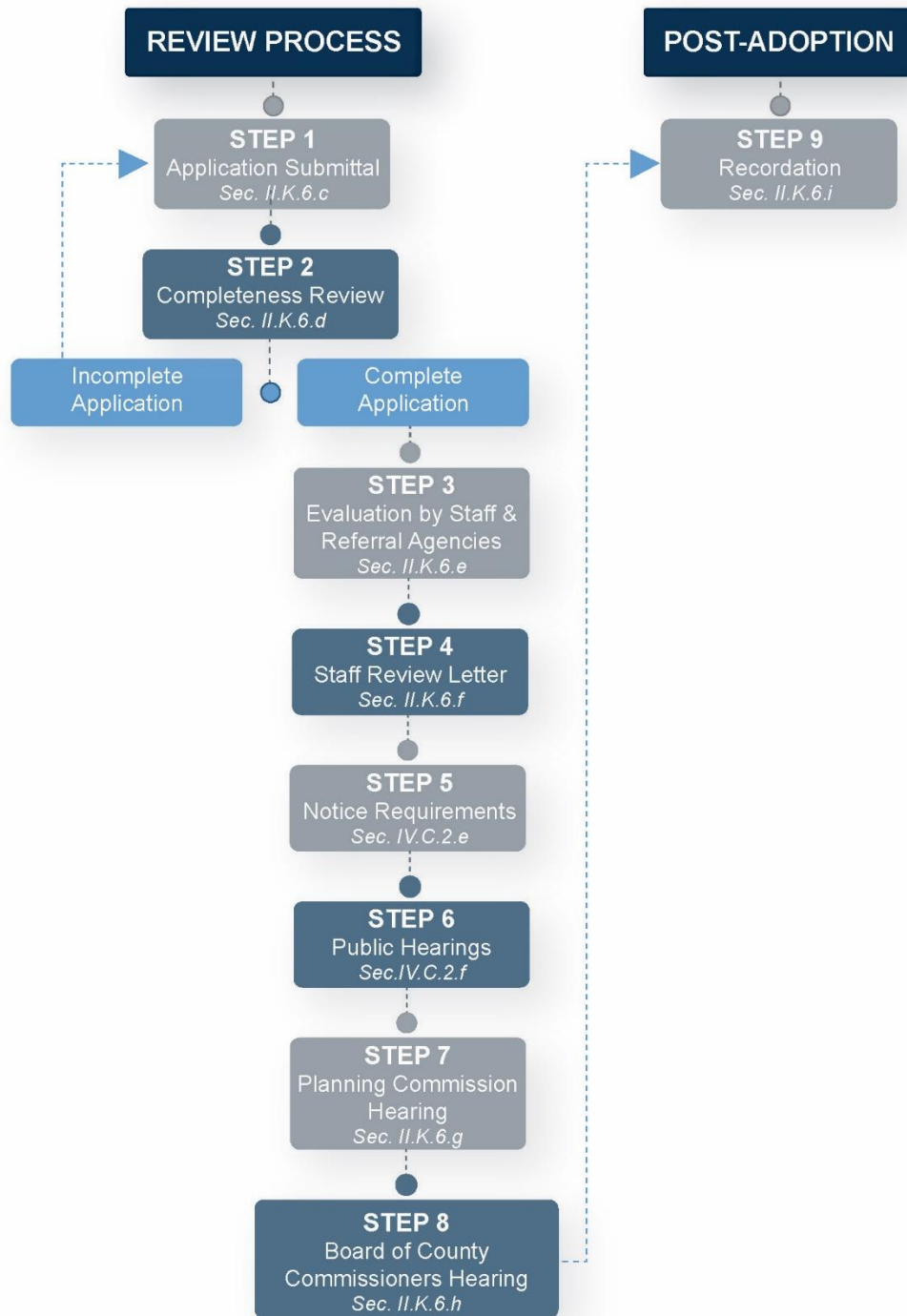


Figure F-App.5 – PD Zoning Flowchart

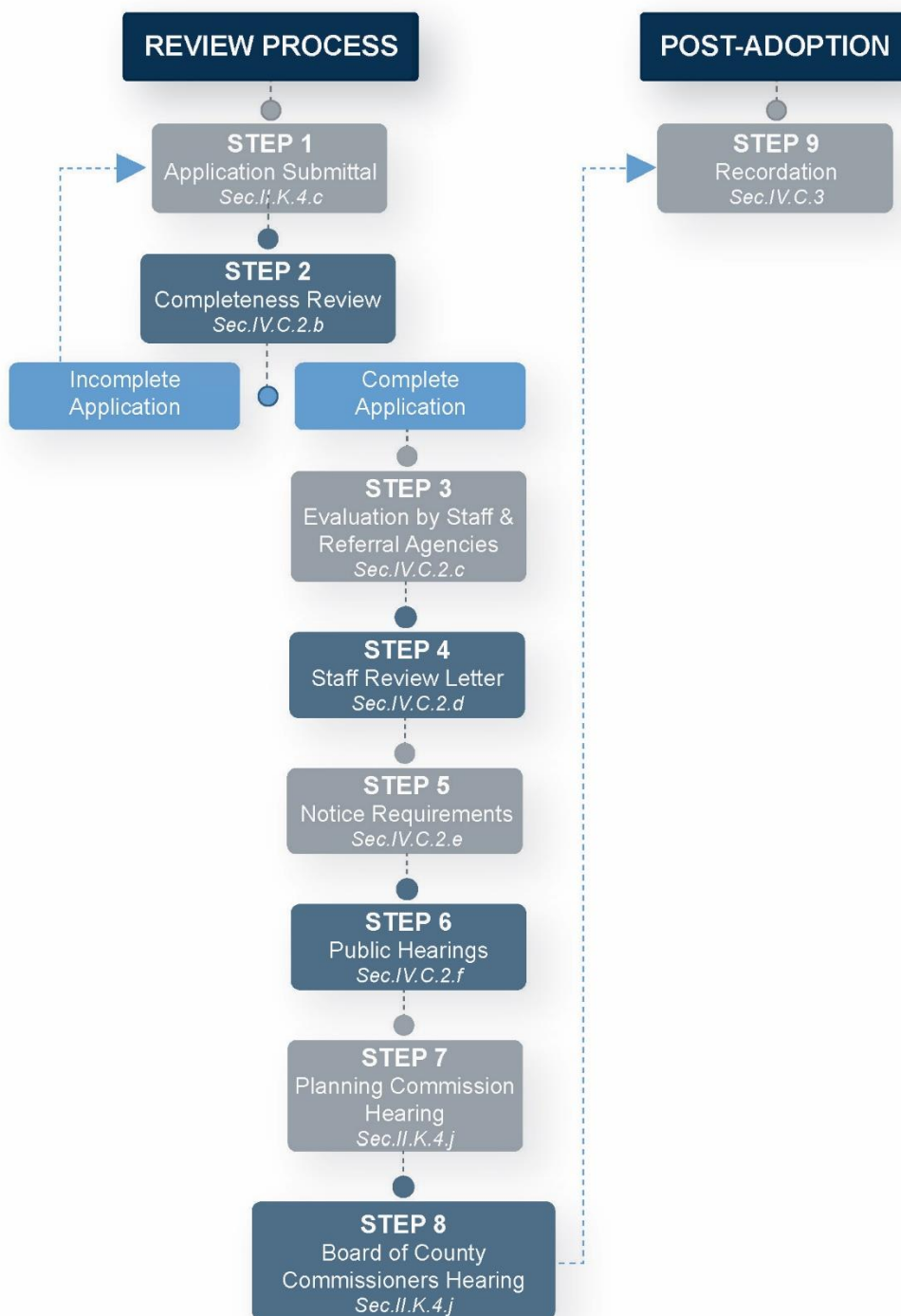


Figure F-App.6 – Rezoning Flowchart

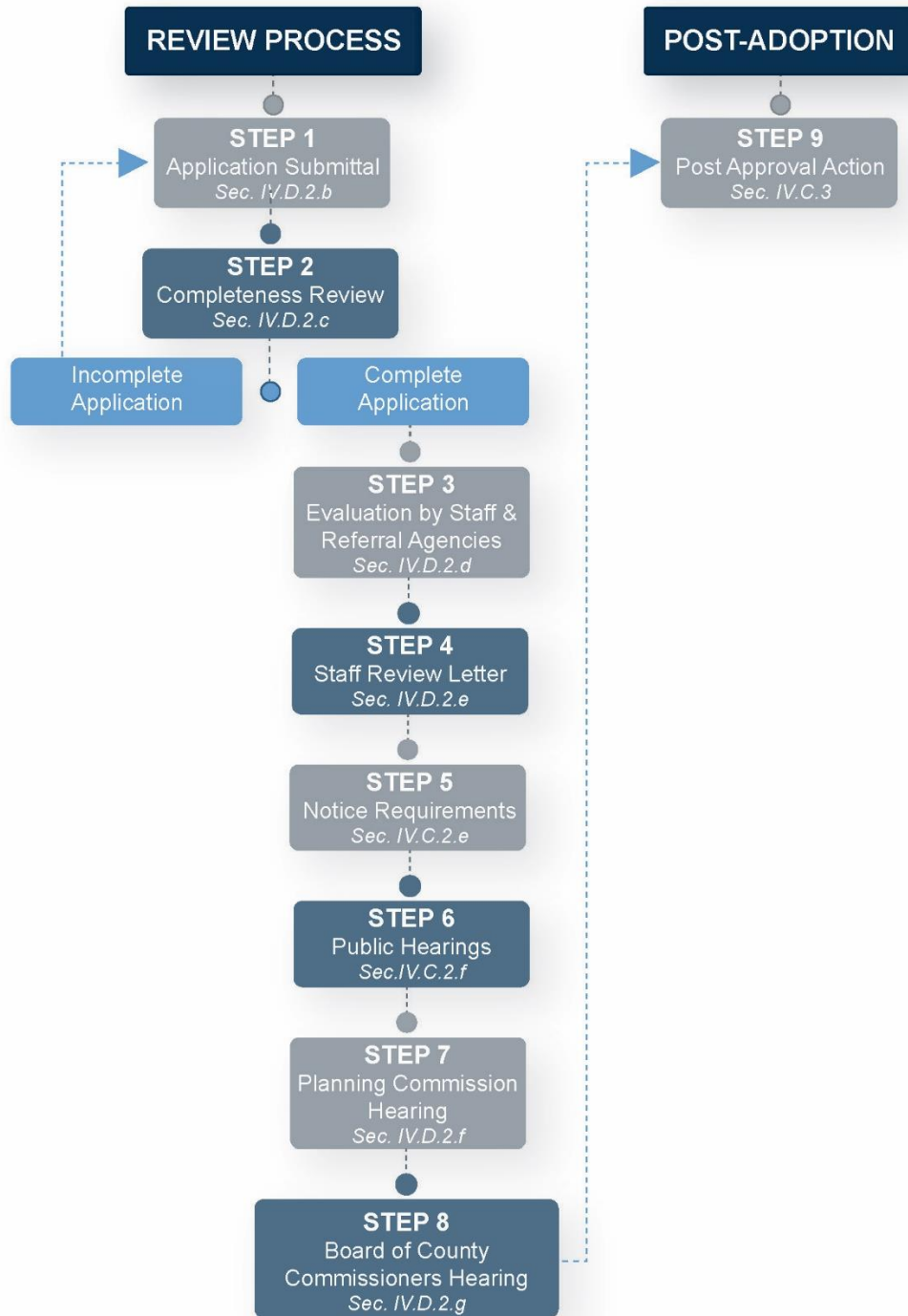


Figure F-App.7 – Sign Permit Flowchart

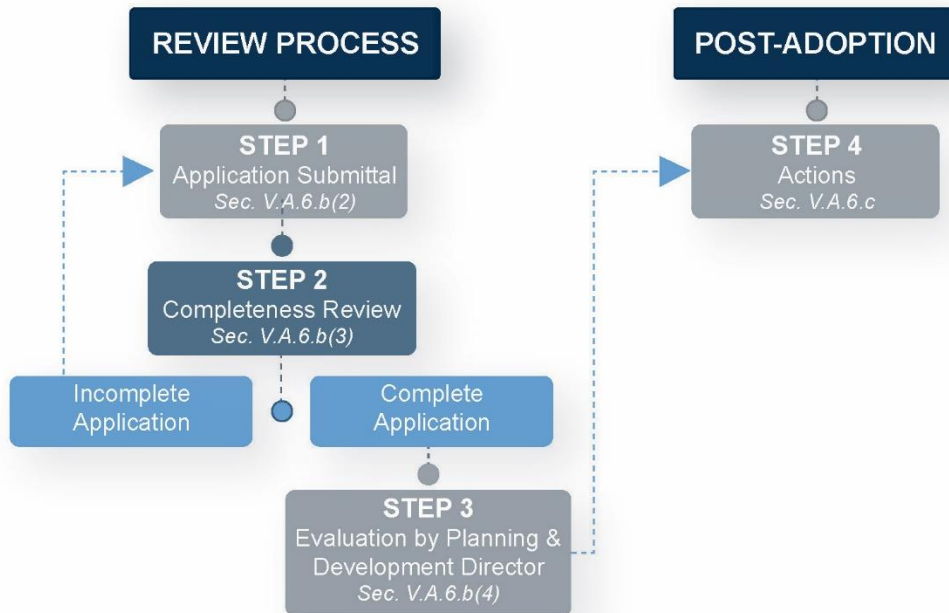


Figure F-App.8 – Site Plan Flowchart

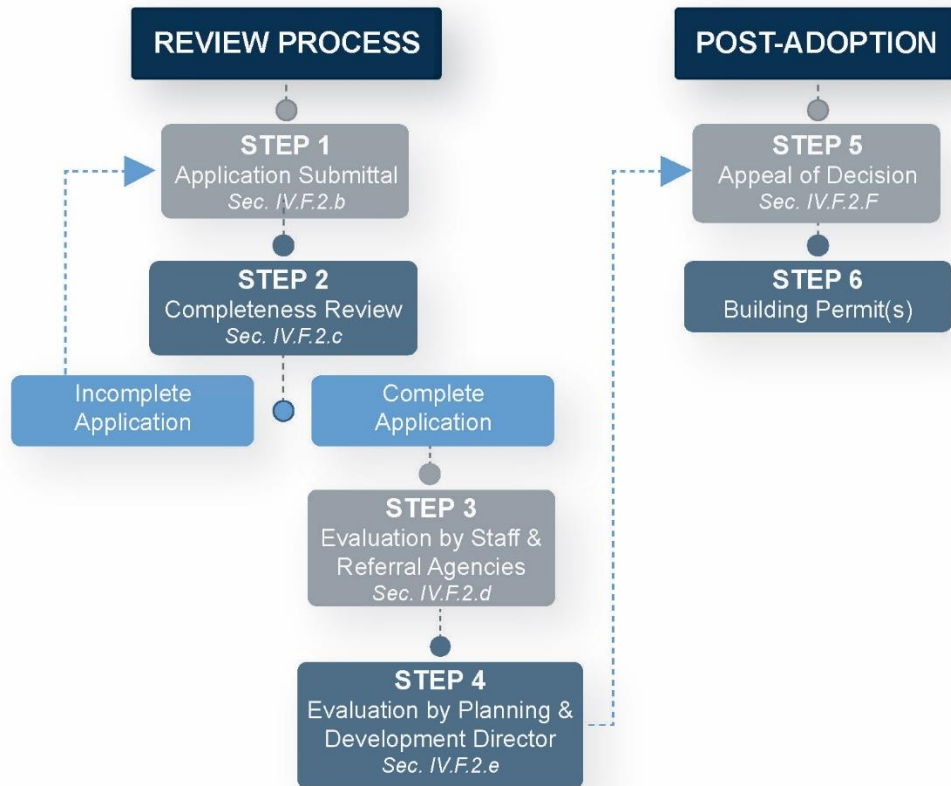


Figure F-App.9 – Special Use Permit Flowchart

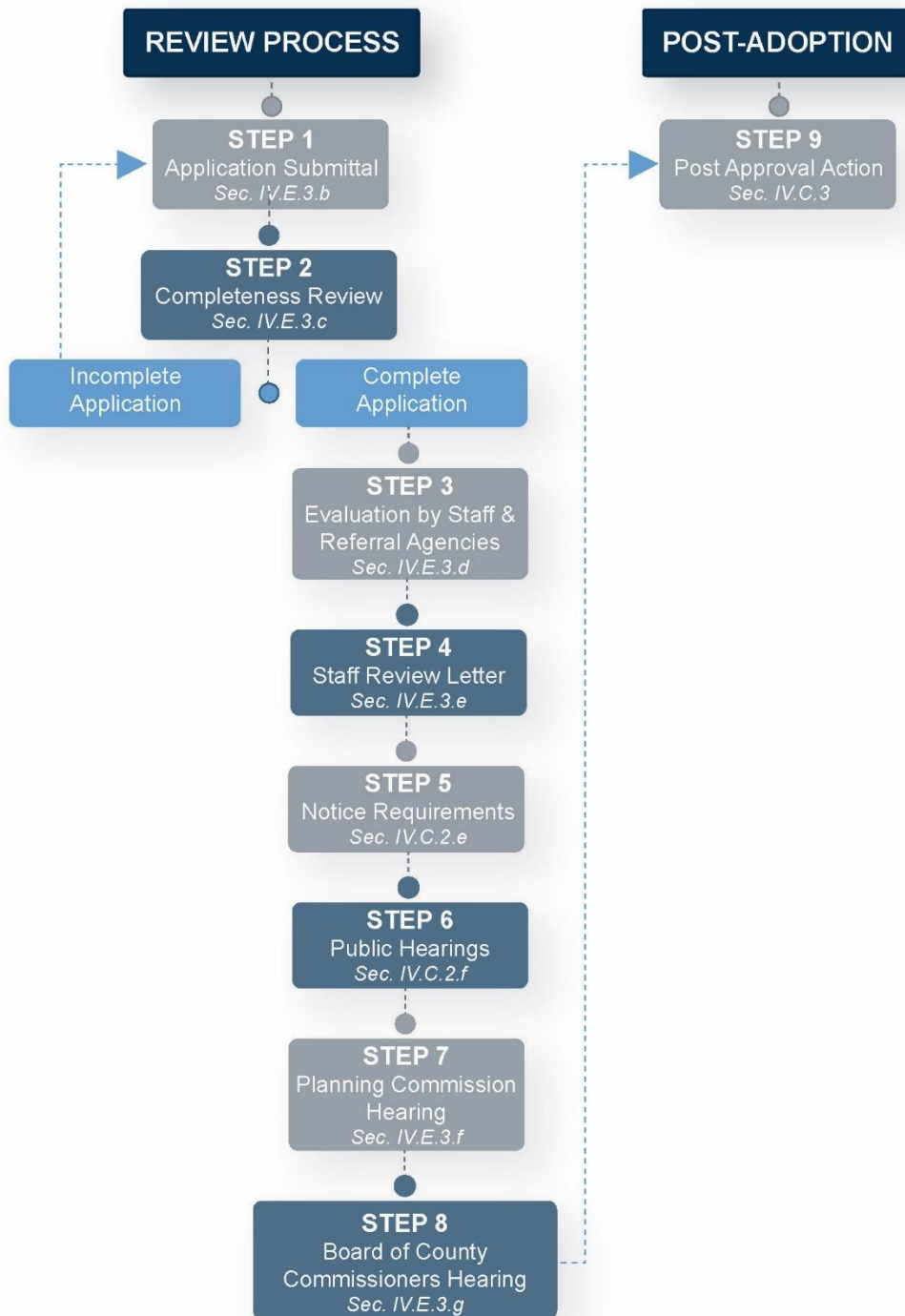


Figure F-App.10 – Text Amendment Flowchart

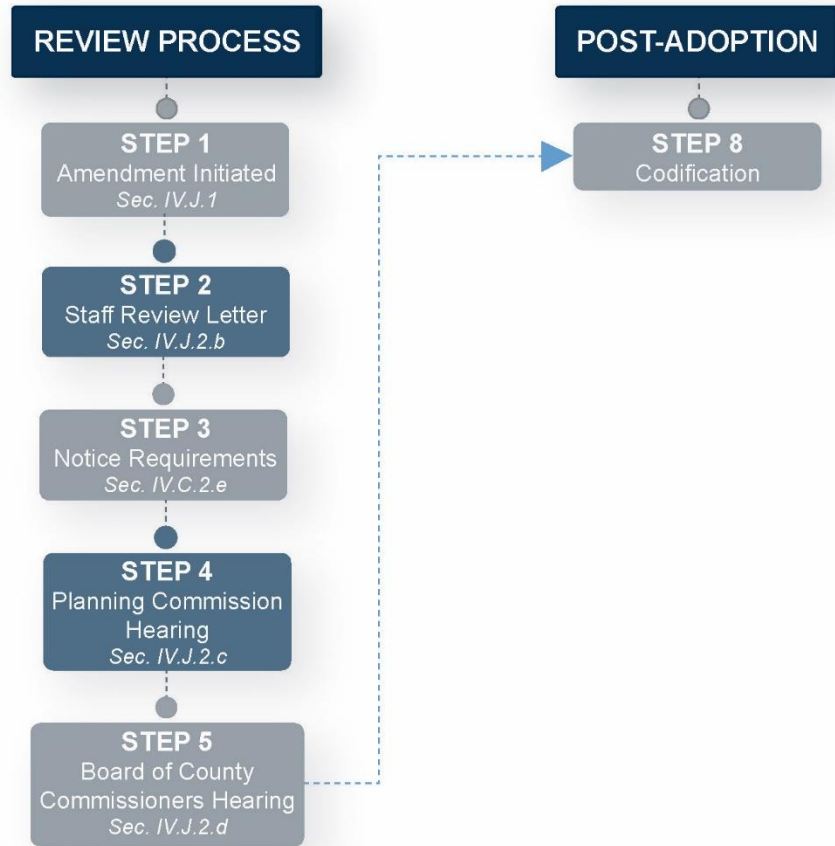


Figure F-App.11 – Variance Flowchart

