CITY OF MONTROSE, COLORADO

ORDINANCE NO. 2677

AN ORDINANCE REPEALING AND REENACTING CHAPTERS 4, 5, 7, 8, 10, 11, 13, AND 15 OF TITLE 11 OF THE MONTROSE OFFICIAL CODE AND MAKING CONFORMING AMENDMENTS TO CHAPTERS 3, 6, 12 AND 14 IN CONNECTION THEREWITH

WHEREAS, the City of Montrose is a Colorado home rule municipality, operating under a home rule charter and governed by its elected City Council (the "Council"); and

WHEREAS, the home rule charter and the Colorado revised statutes grant plenary authority to the Council to adopt and enforce ordinances governing land development and for the protection of the public health, safety and welfare; and

WHEREAS, in the exercise of this authority, the Council has previously adopted Title 11 of the Montrose Official Code, entitled Land Development Regulations; and

WHEREAS, the Council adopted Ordinance No. 2626 on May 16, 2023 reorganizing Title 11; and

WHEREAS, the City has engaged in a comprehensive effort to revise certain chapters of Title 11; and

WHEREAS, the passage of Colorado House Bill 21- 1271 includes a menu of different housing strategies that local governments may implement to incentivize affordable housing development; and

WHEREAS, housing strategies associated with 1) Accessory Dwelling Units, 2) small square footage dwelling units, 3) affordable housing as a use by right, 4) allowing planned unit developments (PD's) with integrated affordable housing units, and 5) allowing duplexes as a housing option are recommended for adoption; and

WHEREAS, including amendments to Title 11 associated with these five housing strategies will encourage new housing stock, variety, and affordability within Montrose; and

WHEREAS, the Council has held the required public hearing to take public comment on this ordinance.

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

SECTION 1:

Title 11, Land Development Regulations, amended.

Chapters 4, 5, 7, 8, 10, 11, 13 and 15 of Title 11 are hereby repealed and reenacted in their entirety as set forth in the attached **Exhibit A**, which is fully incorporated herein by this reference.

SECTION 2:

The following sections of Chapter 3 of Title 11 are amended to delete the phrase "senior planner, the chief building official "as it appears in these listed sections:

- 11-3-4 (D) (4): delete "senior planner, the chief building official,"
- 11-3-5 (E) (2): delete "senior planner, the chief building official,"
- 11-3-5 (E) (3): delete "senior planner, the chief building official,"

SECTION 3:

Chapter 6, Section 11-6-5(B)(4)(b) of Title 11, is amended to read as follows:

Revise introductory sentence to read as follows:

"(b) All manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the City's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either…"

SECTION 4:

Chapter 12, Section 11-12-9 of Title 11 is repealed and reenacted to read in its entirety as follows:

Sec. 11-12-9. Adult gaming arcades.

(A) Prohibition of Adult Gaming Arcade Uses.

(1) All uses constituting Adult Gaming Arcades, including without limitation Slot Machines, Gambling Devices and Simulated Gambling Device, as defined at Chapter 11-15 of this Title, are prohibited within the City.

(2) Owning, leasing to, or operating a new establishment or relocating an existing establishment constituting an Adult Gaming Arcade in violation of this Title shall be a nuisance under Section 6-4-1of the Official Code of the City of Montrose. A separate offense shall be deemed committed each day on which a violation of this Section continues. Any violation may be charged separately and punished as an unlawful act subject to the penalty in section 1-2-3 of the Official Code of the City of Montrose. The Montrose Municipal Court may impose consecutive sentences for multiple violations.

SECTION 5:

Section 11-14-2 of Title 11 is amended to read as follows:

Sec. 11-14-2. Applicability.

These provisions shall apply to all towers, antennas, and telecommunication facilities, as defined, except: (1) any tower or antenna not more than 35 feet in height, and owned and operated

by a federally-licensed amateur radio station operator or used exclusively as a receive-only facility and (2) City-owned SCADA instrumentation and communication facilities, including without limitation radios, antennas, towers, boosters, repeaters, data collectors and transmission facilities. Further, high tension electric transmission or distribution line support towers used as mounts for antennas not more than 12 feet in height above the highest point of said tower shall be permitted in all zoned districts and are exempt from the separation requirements contained in this Chapter, but shall meet the specific requirements for telecommunications facilities/telecommunications support facilities for towers contained herein. Towers, antennas, and telecommunication facilities shall be regulated and permitted pursuant to the provisions of this Section and shall not be considered utilities. This Chapter aligns the review and approval process for these facilities with the FCC and any other agency of the federal government with the authority to regulate these facilities.

SECTION 6:

The City Manager or designee is hereby authorized and directed to make such additional revisions to Title 11 which has been amended hereby, to correct errors in spelling and terminology, to ensure consistent internal references, and to make such revisions for proper numbering, formatting and other non-substantive refinements, all as approved by the City Attorney to properly implement the revision of Title 11 adopted hereby.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

Publication and effective date. Pursuant to the home-rule charter of the City, this Ordinance shall be published in full following first reading and a public hearing shall be set not earlier than seven (7) days after publication. This Ordinance shall take effect and be in force five (5) days after publication following final passage. If this Ordinance is published by title, the publication shall include a summary of the subject matter hereof and a notice to the public that copies of the full text are available at the office of the City Clerk.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 3rd day of December, 2024 at the hour of 6:00 p.m. at the Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of December, 2024.

ATTEST:

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE CITY SEAL COLORADO

J. David Reed, Mayor

INTRODUCED, READ and ADOPTED on second reading this 17th day of December, 2024.

ATTEST:

Lisa DelPiccolo, City Clerk

J. David Reed, Mayor

CITY OF MONTROSE CITY SEAL COLORADO