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## **CHAPTER 11-11. SUPPLEMENTARY USES**

### **Sec. 11-11-1. Bed and Breakfast.**

A Bed and Breakfast may be allowed in the zone districts as indicated in Section 11-7-6 of this Title, provided that the following criteria are met:

- (1) A Bed and Breakfast shall be operated solely by the residents of a lot of at least 6,250 square feet, and provide no more than two bedrooms for rent. The only meal provided on the premises shall be breakfast to the renters.
- (2) A Bed and Breakfast in the R-4 zone district shall have at least 3,125 square feet per rental bedroom.
- (3) Exterior advertising for a Bed and Breakfast shall comply with Chapter 10 of this Title.
- (4) All parking for the Bed and Breakfast shall be in accordance with Section 11-8-3 of this Title.

### **Sec. 11-11-2. Group homes.**

#### **(A) *Number of Persons Permitted.***

- (1) A group home with no more than eight handicapped or disabled residents, as defined in Section 11-15-2 of this Title, is a permitted use in the zone districts as indicated in Section 11-7-6 of this Title. Additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons are allowed.
- (2) Group homes with more than eight handicapped or disabled residents shall be reviewed as a conditional use in the zone districts as indicated in Section 11-7-6 of this Title and processed as an application for a reasonable accommodation under the requirements and standards of the Fair Housing Amendments Act (FHAA), specifically, 42 U.S.C. 3604(f)(3)(B).
- (3) A group home shall not include any person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related to other persons in the group home by blood, marriage or adoption or in foster care.
- (4) Other group homes, e.g., for children and group homes for elderly persons (who are not also handicapped or disabled persons), shall be reviewed as a conditional use in the zone districts as indicated in Section 11-7-6 of this Title.

#### **(B) *Compliance with State and Local Requirements.***

- (1) The group home shall maintain compliance with applicable building codes, fire codes, and health codes based upon the occupancy classification and number of residents and necessary persons for care of the residents.

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- (2) The group home shall comply with the parking standards of this Title. All commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences and uses.
  - (3) Copies of any applicable current state or local certifications, licenses or permits for the group home shall be maintained on the premises.
- (C) *Meetings and Gatherings.* Meetings or gatherings on-site at a group home for handicapped or disabled persons that are consistent with a normal residential family setting are allowed and shall only be for residents, family of residents, and necessary persons required for the support, care and supervision of the handicapped or disabled persons. This does not permit conducting ministerial activities of any private or public organization or agency or permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. See, C.R.S. § 31-23-303(2) (c).

### **Sec. 11-11-3. Home occupations.**

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

- (1) An application must be submitted with a fee as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. Additionally, City and state sales tax licenses must be obtained if sales taxable by the City or state sales taxes are to be made.
- (2) The occupational activity and storage of any items used or sold in the occupation must be entirely within the dwelling unit. Neither the occupational activity nor any storage may be conducted within or utilize any garage, detached buildings, or other place upon the premises other than the residence itself.
- (3) Only the residents of the dwelling unit may be engaged in the home occupation.
- (4) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off of the premises.
- (5) The home occupation activity shall not utilize or occupy more than 20 percent of the net floor area of the dwelling unit.
- (6) Off-street parking shall be required for both the residential and the commercial activity in accordance with the requirements of Section 11-8-3 of this Title.

### **Sec. 11-11-4. Industrial performance.**

- (A) Manufacturing operations or industrial uses, when permitted in a zone district, are subject to the following limitations:
- (1) No structure associated with a manufacturing operation or industrial use shall be constructed within 100 feet of an existing residential zone.
  - (2) Manufacturing and storage associated with manufacturing in the B-2 and B-3 zone districts shall be indoors.

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- (3) No manufacturing operation or industrial use may create a nuisance to other property by emitting any obnoxious or dangerous degree of heat, glare, radiation, fumes, dust, odor, noise, light, smoke, vibration or other adverse effects which cannot be effectively confined on the premises.
  - (4) All applicable environmental standards of the state of Colorado or the United States government shall be complied with at all times.
  - (5) No materials or wastes shall be deposited upon a subject lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- (B) Fueling stations or other retail uses having fuel pumps, when permitted in a zone district, are subject to the following limitations:
- (1) All fuel storage, except propane and non-hazardous Diesel Exhaust Fluid (DEF) dispensers, shall be located underground.
  - (2) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.

**Sec. 11-11-5. Accessory Dwelling Units.**

An accessory dwelling unit (ADU) may be approved as listed on the Schedule of Zone District Uses in Section 11-7-6 (G) and (H) of this Title, provided that an ADU complies with the following criteria:

- (1) An ADU may be attached to a primary dwelling unit, located in a detached unit or located in an attached or detached garage. Only one ADU is permitted on each lot or parcel.
- (2) An ADU may be a tiny home, modular home, or other form of construction in compliance with the City's building codes. Mobile and manufactured homes shall not be used as an ADU.
- (3) The size of the ADU shall be subject to the following limitations:
  - (a) The ADU shall contain at least two hundred square feet of net floor area;
  - (b) The ADU shall be no larger than one thousand square feet of net floor area.
- (4) An ADU shall conform to all setback, height and other dimensional limitations applicable to accessory structures.
- (5) One off-site parking space shall be required for an ADU in all zone districts except for the B-1 zone. The parking space shall be gravel or hard surface. Alleys are not permitted for use as parking.
- (6) The ADU shall be served by adequate facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, and fire protection.
- (7) An ADU shall not be conveyed separately from the primary dwelling unit.

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- (8) To the extent that standards for ADU's in the REDO District (Section 11-7-9 of this Title) conflict with this Section, those standards control.
  - (9) An ADU may not be licensed as a short-term rental after January 1, 2025, but renewals of existing short-term rental licenses will be allowed.

**Section 11-11-6. Solar energy systems.**

Accessory solar energy systems and solar farms, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (1) Accessory solar energy systems.
  - (a) Accessory solar energy system components must be mounted as flush to the roof or structure as practicable.
  - (b) The accessory solar energy system may not extend above the roofline for pitched roofs.
  - (c) Solar collectors installed on flat roofs may be raised up to a maximum of six feet above the height of the building and shall be set back a minimum of three feet from the edge of the roof.
  - (d) Ground-mounted accessory solar systems must meet the minimum setbacks of the zone district and shall not exceed 15 feet in height.
- (2) Solar farms.
  - (a) Minimum lot size: Ten acres.
  - (b) Maximum height: 25 feet.