

ZONING ORDINANCE--MONTROSE, COLO.

Ordinance No. 357

AN ORDINANCE AMENDING ORDINANCE NO. 265 AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 271, 274, 312, and 318, RELATING TO ZONING THE CITY OF MONTROSE, COLORADO, TO REGULATE THE LOCATION, APPEARANCE, SIZE, CHARACTER AND USE OF BUILDINGS HEREAFTER ERECTED OR ALTERED, AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS, PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AND TO PROVIDE FOR ITS ENFORCEMENT AND A BOARD OF ADJUSTMENT, SUCH REGULATIONS BEING NECESSARY FOR THE GENERAL WELFARE OF THE COMMUNITY.

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

Section 1. Section 1 of Ordinance No. 265 is hereby amended to read as follows:

SECTION 1

ZONING DISTRICTS

The City of Montrose is hereby divided into the following classes of Zoning Districts, in order to promote public health, safety and general welfare, to regulate and restrict the location of trades, industries, and other uses, and the location of buildings designed or occupied for specific uses, to regulate and limit the height and size of buildings hereafter erected or structurally altered, to regulate and determine the area of yards and other open spaces about buildings, and to regulate and limit the density of population.

- R-1 Residence District, Single Family Dwellings.
- R-2 Residence District, Single Family Dwellings.
- R-3 Residence District, Multiple Family Dwellings.
- R-4 Highway Frontage District.
- B-1 Retail Business District.
- B-2 Commercial Business District.
- I Industrial District.
- F Flood Protection District.
- H Unrestricted District.

The boundaries of the aforesaid Districts are hereby established as designated in Section 19 of this Ordinance.

Except as hereinafter provided:

1. No building shall be erected, reconstructed, or structurally altered or moved, nor shall any land or buildings be used for any purpose except in conformity with the regulations herein prescribed for the District in which such land or building is located.

2. No building shall be erected or structurally altered to exceed the height limit established for the district in which such building is located.

3. No building shall be erected, enlarged or moved nor shall any open spaces surrounding any building be encroached upon or reduced except in conformity with the area and yard requirements established herein for the district in which such building is located. No yard or other open space provided for any building for the purpose of complying with this ordinance shall be considered as providing a yard or other open space for any other building.

Section 2. The sub-section numbered 9 of the paragraph entitled USE of Section 2 of Ordinance No. 265 is hereby amended to read as follows:

9. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business on the premises.

Section 3. The paragraph entitled YARDS of Section 2 of Ordinance No. 265 is hereby amended to read as follows:

YARDS: For every building hereafter erected or structurally altered there shall be a rear yard of not less than twenty-five feet in depth, and a side yard on each side of the building of not less than five feet in width; except that for any building other than a dwelling the minimum width of each side yard shall be fifteen (15) feet; Provided, However, that if accessory buildings are set back sixty (60) feet, the side yard for said accessory buildings shall be not less than two feet. No rear yard shall be required for garages, except for garages opening on the alley so that the vehicular approach to the garage is perpendicular to the alley, in which case said garage shall have a rear yard of not less than twenty-two feet. See Setback regulations below, Also Section 10, Area Exceptions.

Section 4. The paragraph entitled CORNER LOTS of Section 2 of Ordinance No. 265 is hereby amended to read as follows:

CORNER LOTS: On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces. The side of the building shall be set back to not less than half of the setback required for building on lots fronting upon the side street.

Accessory buildings on corner lots; regardless of which way such buildings face, shall be set back not less than twenty-five feet.

Section 5. The paragraph entitled LOT AREA PER FAMILY of Section 2 of Ordinance No. 265 is hereby amended to read as follows:

LOT AREA PER FAMILY: For every dwelling hereafter erected, converted or structurally altered, there shall be provided a lot area of not less than 6,250 square feet per family;

and a minimum frontage width of fifty-feet shall also be required; Provided, However, that where a lot has less area than herein required, as shown by the last recorded sale at the time of the passage of this ordinance, said lot may be occupied by not more than one family.

Section 6. Section 3 of Ordinance No. 265, as amended by Ordinance No. 271, is hereby amended to read as follows:

SECTION 3  
REGULATIONS FOR THE "R-2"  
RESIDENCE DISTRICT

USE: In the "R-2" Residence District no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in the "R-1" Residence District.
2. Commercial greenhouses if approved by the Board of Adjustment as hereinafter provided, and provided further that any greenhouse heating plant shall be distant not less than twenty feet from the boundary line of any adjoining property owner.
3. Within a main building, the office of a surgeon, physician, dentist, chiropractor, osteopath, clergyman, architect, engineer, attorney, musician or similar professional person residing in such main building and employing in said office not more than one non-resident office or laboratory assistant.
4. Customary home occupation for gain carried on in the main building or in a rear building accessory thereto; provided that no non-resident help is employed for that purpose and no trading in merchandise is carried on.

HEIGHT, YARDS, CORNER

LOTS, SETBACK

The same as required in the "R-1" Residence District, except the Setback shall be only fifteen feet.

LOT AREA PER FAMILY: For every dwelling hereafter erected, converted or structurally altered, there shall be provided a lot area of not less than 5,000 square feet per family, and a minimum frontage width of forty feet.

Provided, However, that where a lot has less area than herein required, or less frontage, as shown by the last recorded sale at the time of the passage of this Ordinance, said lots may be occupied by no more than one family.

Section 7. The paragraph entitled CORNER LOTS of Section 4 of Ordinance No. 265 is hereby amended to read as follows:

CORNER LOTS: On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces. The side of the building shall be set back to not less than half of the setback required for buildings on lots fronting upon the side street.

Accessory buildings on corner lots, regardless of which way such buildings face, shall be set back not less than fifteen feet.

Section 8. The paragraph entitled LOT AREA PER FAMILY of Section 4 of Ordinance No. 265 is hereby amended to read as follows:

LOT AREA PER FAMILY: For every building hereafter erected, converted or structurally altered there shall be provided a lot area of not less than seven hundred and fifty square feet per family, and provided further that all residential buildings, one family or multiple families, shall be constructed on a lot area of not less than five thousand square feet.

Section 9. Ordinance No. 265 is hereby amended by adding new  
Section 4 A to read as follows:

SECTION 4 A  
REGULATIONS FOR THE "R-4"  
HIGHWAY FRONTAGE DISTRICT

USE: In the R-4 Highway Frontage District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in the "R-3" Residence District, tourist courts, tourist homes, motels and restaurants, including drive-in restaurants.
2. Filling Stations, provided however, that no major repair or body work shall be permitted.
3. Drug stores, grocery stores, nursery stock and garden supply stores.
4. Trailer Coach Parks, Provided, However, that planting strips shall be provided in front of said parks, not less than twelve feet in width.
5. Barber or beauty shops, custom tailors, laundry agencies, self service laundries, shoe repair shops, dry cleaning, pressing, or tailoring shops employing less than five persons including the manager or owner.

HEIGHT: No building hereafter erected or structurally altered shall exceed two and one-half stories or a height of thirty-five feet, -- See Section 10, Area Exceptions.

REAR YARD: For business and commercial buildings, no rear yard shall be required.

For residential buildings, the rear yard shall be the same as required in the "R-3" Residence District. See Section 10, Area Exceptions.

**SIDE YARD:** For business and commercial buildings, no sideyard is required, but if provided shall be not less than five feet.

For residential buildings, the side yards shall be the same as required in the "R-3" Residence District. See Section 10, Area Exceptions.

**LOT AREA PER FAMILY:** Buildings or parts of buildings hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than seven hundred and fifty square feet per family, and provided further that all residential buildings, one family or multiple families shall be constructed on a lot area of not less than five thousand square feet.

**ALLEYS:** In areas designated as "R-4" Highway Frontage Districts where present alleys are perpendicular to the frontage rather than parallel (i.e. South Townsend Avenue), a property owner desiring to use such property for other than residential purposes, shall be required to dedicate a fifteen foot accessory alley way from the street to the existing alley, Provided, However, that no such alley shall be required where all separate business uses fronting on the avenue, also abut on the street or alley. This alley shall be located in the rear of the building parallel with the Avenue upon which the property fronts, and the far side of such alley shall be not more than one hundred and fifty feet from the Avenue upon which the property fronts.

Section 10. The paragraph entitled REAR YARD of Section 5 of Ordinance No. 265 is hereby amended to read as follows:

**REAR YARD:** On interior lots no building shall be permitted within twenty feet, and on corner lots within ten feet of the center line of the alley.

Section 11. The Paragraph entitled LOT AREA PER FAMILY of Section 6 of Ordinance No. 265 is hereby amended to read as follows:

LOT AREA PER FAMILY: Buildings or parts of buildings hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than seven hundred and fifty square feet per family.

ALLEYS: In areas designated as B-2 commercial Business districts, where present alleys are perpendicular to the frontage rather than parallel, a property owner desiring to use such property for other than residential purposes shall be required to dedicate a fifteen foot accessory alley way from the street to the existing alley, PROVIDED HOWEVER, that no such alley shall be required where all separate business uses fronting on the avenue also abut on the street or alley. This alley shall be located in the rear of the building parallel with the Avenue upon which the property fronts, and the far side of such alley shall be not more than one hundred and fifty feet from the Avenue upon which the property fronts.

Section 12. Section 8 of Ordinance No. 265 is hereby amended to read as follows:

#### SECTION 8

##### "F" Flood Protection District

USE: For the purpose of protecting the City of Montrose from serious damage by floods, and making use of otherwise waste land, it is provided that in this district no land shall be used for any purpose except the following:

1. Farming and gardening, growing and preservation of trees, and nursery stock, provided, that no existing tree groups shall be cut without the approval of the Board of Adjustment, and provided further, that no fence, wall, or any structure shall be erected within this area.



2. Public parks, recreational areas, scenic drives, flood control reservoirs and other protection works, and similar use.

The district hereby created shall extend fifty feet on each side of the center line of the streams hereinafter designated in Section 19 as being in this District.

Section 13. The paragraphs entitled EXISTING RESIDENCES of Section 9 of Ordinance No. 265 are hereby amended to read as follows:

EXISTING RESIDENCES: In the "R-1 and R-2" districts, residences which exist at the time of the passage of this ordinance may be used as two family dwellings, Provided, However, that the provisions in this ordinance as to lot area per family and the floor area per dwelling are observed.

In the "R-1" and "R-2" Residence Districts the non-conforming use of land for parking lots, storage yards, auction yards, junk yards, used car or wrecking yards, golf practice tees, and similar uses, where no building of more than one hundred square feet is in existence at the time of the passage of this ordinance, shall revert to a use conforming with this zoning ordinance within a period of two years after the passage of this ordinance.

Section 14. The Sub-section numbered 2 of the paragraph entitled USES of Section 10 of Ordinance No. 265 is hereby amended to read as follows:

2. The taking of not more than five boarders or the letting of not more than five rooms for sleeping quarters shall be deemed a permitted accessory use in an "R-1" Residence or "R-2" Residence District.

Section 15. Sub-section (a) of the paragraph entitled AREA of Section 10 of Ordinance No. 265 is hereby amended to read as follows:

AREA: (a) In the R-4 Highway Frontage District, a living-room and bedroom may be combined and an auto court or cottage camp may be constructed with or without kitchens.

Section 16. The first two paragraphs of Section 11 of Ordinance No. 265 are hereby amended to read as follows:

#### SECTION 11

##### BOARD OF ADJUSTMENT

A Board of Adjustment, hereinafter referred to as the "Board", consisting of the members of the planning Commission, is hereby established.

Section 17. Sub-section numbered 4 of the paragraph entitled JURISDICTION of Section 11 of Ordinance No. 265 is hereby amended to read as follows:

4. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan where the street layout actually on the ground varies from the street layout as shown on the official maps and plats of the City of Montrose.

Section 18. Section 14 of Ordinance No. 265 is hereby amended to read as follows:

#### SECTION 14

##### BOUNDARIES OF DISTRICTS:

Where uncertainty exists with respect to the boundaries of the various districts the following rules shall apply:

(a) The district boundaries are either streets or alleys unless otherwise indicated.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines.

Section 19. Section 19 of Ordinance No. 265 is hereby amended to read as follows:

SECTION 19

ZONING DESIGNATION

Classification "R-1": Blocks 9, 10, 11, 22, 23, 24; the South half of Block 25; blocks 26 and 27; the South half of Block 37; Blocks 38 and 39; the North half of Block 43; Block 44; lots 7 to 18, inclusive, Block 57; lots 13 to 18, inclusive, Block 58; the South half of Block 84; and Blocks 85 and 86, all in Selig's Addition to the Town of Montrose, Colorado now part of the City of Montrose, Colorado.

Blocks 12 and 13; lots 1 to 13, inclusive, Block 20; and Blocks 21 and 28, all in Marchant and Peabody's Subdivision of Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

That portion of the North half of block 6 which is West of Cedar Creek; the North half of Blocks 7 and 8; Block 9; the South half of Block 10; Blocks 11 and 12; and that portion of Block 13 which is West of Cedar Creek, all in Fairground Plat, being a part of the City of Montrose, Colorado.

The South half of Blocks 1, 2, and 3, all in Loutsenhizer Subdivision No. 1 being a part of the City of Montrose, Colorado.

Blocks 101 to 104, inclusive; Blocks 106 to 110, inclusive; and Blocks 112 to 115, inclusive, all in Loutsenhizer Addition, being a part of the City of Montrose, Colorado.

The North half of block 1; Blocks 2 and 3; the South half of Block 4; Blocks 8 to 11, inclusive; the South half of Block 12; the North half of Block 13; the South half of Block 14; Blocks 16 and 17; the North half of Block 18; the South half of Block 19; Blocks 20, 22, and 23; the South half of Block 28;

Blocks 29 and 30; the North half of Block 37; Blocks 38 to the South half of Block 42; the North half of Block 43; 41, inclusive;/Blocks 44 to 47, inclusive; the South half of Block 49; Block 50 to 53, inclusive; the North half of Block 62; Blocks 66 to 69, inclusive; the North half of Block 70; the North half of Block 79; Blocks 80 to 85, inclusive; Block 96; Lots 1 to 6, inclusive, and 19 to 24, inclusive, Blocks 97 to 102, inclusive; Lots 1 to 6, inclusive, Block 103; and Blocks 104 and 105, all in the Town of Montrose, Colorado, now a part of the City of Montrose, Colorado.

Block 1, Heath's Addition, being a part of the City of Montrose, Colorado.

Block 1, Fertig's Addition, being a part of the City of Montrose, Colorado.

Lots 13 to 18, inclusive, Block 15, Black's Subdivision, being a part of that part of Black's Subdivision, now a part of the City of Montrose, Colorado.

All of Brown's Addition, all of Bryant's Addition, and all of Mountview Park Subdivision, now part of the City of Montrose, Colorado.

Classification "R-2": Blocks 6, 7, 8, 32, 33, and 36; the North half of blocks 37 and 41; Block 42; the South half of Block 43; and Blocks 45, 48, 87, 88, and 89, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Blocks 1 to 5, inclusive; Blocks 14 to 19, inclusive; Lots 14 to 26, inclusive, Blocks 20 and 30; Blocks 31, 34, and 35; Lots 1 to 13, inclusive, and 19 to 26, inclusive, Block 46; and Lots 1 to 11 inclusive and 14 to 26 inclusive, Block 47, all in Marchant and Peabody's Subdivision of Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Block 5; the Easter portion of the North half of Block 6 lying East of Cedar Creek; Lots 1 to 6, inclusive, and 9 to 12, inclusive, Block 10; the East portion of Block 13 lying East of Cedar Creek; and Blocks 14 and 15, all in Fairground Flat, being a part of the City of Montrose, Colorado.

The South half of Block 1; the North half of Block 4; Blocks 5, 6, and 7; the North half of Block 14; Block 15; Blocks 24 to 27, inclusive; the North half of Block 28; Blocks 31 to 36, inclusive; the South half of Block 37; Blocks 54 to 60, inclusive; the South half of Block 70; Blocks 71 to 78, inclusive; and the South half of Block 79, all in the Town of Montrose, Colorado, now a part of the City of Montrose, Colorado.

Lots 2 to 9, inclusive, Block 1; Blocks 2 to 5, inclusive; The North half of Blocks 6 and 7; Blocks 8 and 10; the South half of Block 11; Lots 17 to 25, inclusive, Block 12; and Blocks 14, 15, and 20, all in Willer-Up's Subdivision, being a part of the City of Montrose, Colorado.

Classification "R-3": Lots 1 to 12, inclusive, Block 25; lots 3 to 24, inclusive, Block 40; Lots 13 to 24, inclusive, Block 41; Lots 7 to 12, inclusive, Block 58; Lots 7 to 18, inclusive, Block 59; Lots 13 to 18, inclusive, Block 60; Block 83; and the North half of Block 84, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Blocks 21, 61, and 90, all in the Town of Montrose, Colorado, now a part of the City of Montrose, Colorado.

Block 111, all in Leutsenhizer's Addition, being a part of the City of Montrose, Colorado.

Classification "R-4": Lots 5 to 12, inclusive, Block 49; and Lots 5 to 20, inclusive, Block 50, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

The South half of Blocks 6 to 8, inclusive, all in Fairground Plat, being a part of the City of Montrose, Colorado.

The North half of Blocks 1 to 3, inclusive; and Block 4, all in Loutsenhizer Subdivision No. 1, being a part of the City of Montrose, Colorado.

The North half of Block 12; the South half of Block 13 and 18; the North half of Blocks 19 and 42; the South half of Block 43; Lots 7 to 18, inclusive, Blocks 99 to 102, inclusive; and Lots 7 to 24, inclusive, Block 103, all in the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Block 1, Osborne's Addition, being a part of the City of Montrose, Colorado.

Lots 1 to 4, inclusive, and 19 to 24, inclusive, Block 15; and the Northwesterly half of Block 16, Black's Subdivision, being a part of that part of Black's Subdivision, now a part of the City of Montrose, Colorado.

The South half of Blocks 6 and 7; the North half of Block 11; and Lots 7 to 16, inclusive, Block 12, all in Willerup's Subdivision, being a part of the City of Montrose, Colorado.

Classification "B-1": Lots 1 and 2, Block 40, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Lots 14 to 18, inclusive, Block 46; and Lots 12 and 13, Block 47, all in Marchant & Peabody's Subdivision of Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Classification "B-2": Lots 1 to 4, inclusive, Block 49; Lots 1 to 4, inclusive, and 21 to 24, inclusive, Block 50; Blocks 51 to 56, inclusive; Lots 1 to 6, inclusive, and 19 to 24, inclusive, Blocks 57 to 59, inclusive; the North half and Lots 19 to 24, inclusive, Block 60; Blocks 61 to 66, inclusive; Blocks 80 to 82, inclusive; the North half of Block 91; the South half of Block 92; all of that land lying between the North half of Block 82 and the North half of Block 91; all of that land lying between the South half of Block 81 and the South half of Block 92; and a fifty foot strip of land extending from the Northerly boundary of Lots 1 and 2, Block 66 Northerly along Townsend Avenue to the City limits, diminishing in depth where necessary, to maintain a distance of 15 feet from the nearest railroad track, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Lots 7 and 8, Block 10, all in Fairground Plat, being a part of the City of Montrose, Colorado.

Block 48; the North half of Block 49; the South half of Block 62; Blocks 63, 64, 65, 86 to 89, inclusive, and 91 to 95, inclusive; Lots 7 to 18, inclusive, Blocks 97 and 98, all in the Town of Montrose, Colorado, now a part of the City of Montrose, Colorado.

Lots 1 to 6, inclusive, Block 12, Willerup's Subdivision, being a part of the City of Montrose, Colorado.

Classification "I": Blocks 77, 78, 79, and 90; the South half of Block 91; the North half of Block 92; Block 93; and the South half of Block 94, all in Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

Block 29; and Lots 1 to 13, inclusive, Block 30, all in Marchant and Peabody's Subdivision of Selig's Addition to the Town of Montrose, Colorado, now part of the City of Montrose, Colorado.

All of the railroad right of way within the boundaries of the City of Montrose, excepting that land therein specifically placed in other classifications.

None

Lot 1, Block 1; Block 9; Blocks 16 to 19, inclusive; Blocks 21 and 22; the North half of Block 23; Blocks 24 and 25; and the North half of Block 27, all in Willerup's Subdivision, being a part of the City of Montrose, Colorado.

Section 20. All sections of Ordinance No. 265 and amendments thereto, referring to zoning classifications A, B, C, D, E, F, and G are hereby amended by deleting said classifications and substituting therefor the following:

Section 21. In the opinion of the City Council an emergency exists and this Ordinance is necessary for the immediate protection of the public health and safety. Therefore, this Ordinance shall be in full force and effect immediately after its final publication, as required by the Charter of the City of Montrose.



Passed first reading this 21st day of February, 1957.

Herbert W. Bon  
Mayor

ATTEST:

Harriett Barnes  
City Clerk

Passed final reading this 7th day of March, 1957.

Herbert W. Bon  
Mayor

ATTEST:

Harriett Barnes  
City Clerk