

**TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES**

ORDINANCE NO. 438

**AN ORDINANCE AMENDING THE MORRISON TOWN CODE TO
PROVIDE FOR REGULATION OF ROOFTOP PATIOS IN THE
COMMERCIAL TRANSITIONAL ZONE DISTRICT AND DECLARING
AN EMERGENCY**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, in the exercise of its authority to refer questions to the electorate of the Town, the Board of Trustees referred an advisory ballot question 2D, concerning regulation of rooftop patios in the Commercial Transitional (CT) zone district, at the November 8, 2016 election; and

WHEREAS, the voters of the Town were in favor of permitting rooftop patios with restrictions; and

WHEREAS, the Board of Trustees wishes to implement the will of the Town electorate by adopting regulations governing rooftop patios, with immediate effect.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado:

Section 1. Municipal Code amended.

Title 10 the Morrison Municipal Code is hereby amended by the addition of a new Section 10-16-18 to read:

10-16-18 ROOFTOP PATIOS

A. DEFINITIONS: As used in this Section, the following terms are defined:

ROOFTOP PATIO: A space located upon the roof of a commercial building in the CT zone district, which is designed for and used by customers of the principal business within the building.

B. RESTRICTIONS: All rooftop patios shall be designed, constructed, and maintained in compliance with the following requirements:

1. The rooftop patio must be constructed in compliance with all Town building, height, and safety codes.
2. Rooftop patios are restricted to use by customers and employees of the principal business within the building, for seating and consumption of food and beverages, to the extent permitted to the principal business.
3. Hours of operation: 8:00 a.m. - 9:00 p.m. Sunday through Thursday; 8:00 a.m. – 11:00 p.m. Friday and Saturday.
4. No lighting above 4 feet from floor level; all lighting must comply with the Town’s commercial lighting regulations.
5. No amplified sound or live music permitted.
6. Service of alcohol beverages on a rooftop patio is permitted only upon approval of valid modification of (liquor-licensed) premises and within the limitations of such approved modification of premises as well as all requirements of state liquor laws.
7. Maximum square feet shall not exceed 750 square feet including walkways, service area, and seating.
8. Parking plan for customers required prior to approval of special use permit.
9. Rooftop patios cannot be covered.
10. Additional conditions may be imposed upon the (required) special use permit.

C. OTHER RESTRICTIONS UNAFFECTED: Nothing in this Section modifies all other Town zoning and licensing requirements. In the event of conflict between such other requirements and this Section, the more restrictive requirement shall control.

Section 2. Use chart amended. Section 10-1E-6.A for the Morrison Municipal Code is amended to add the following line to the chart for Commercial Use Groups:

Commercial Use Groups	Zoning Districts		
	CT	C1	C2
Rooftop patio	R	No	No

Section 3. Moratorium repealed. The moratorium on receipt and processing of rooftop patio applications adopted by Ordinance 433 is hereby repealed as of the effective date of this Ordinance.

Section 4. Emergency Declared; Effective Date. Pursuant to Section 3.10(a) of the Home Rule Charter, the Board of Trustees hereby declares that an emergency exists requiring immediate effectiveness of this Ordinance in order to place in effect necessary regulation upon rooftop patios prior to the expiration of the previously adopted moratorium concerning the same. This ordinance shall take effect immediately upon adoption and publication as provided by Section 3.10 of the Home Rule Charter.

INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED IN FULL this 6th day of December, 2016, by a vote of ___ ayes and ___ nays.

TOWN OF MORRISON:

Sean K. Forey, Mayor

ATTEST:

Charla Bryant, Town Clerk