

Chapter 16

LAND USE AND DEVELOPMENT¹

ARTICLE I. GENERAL PROVISIONS

Sec. 16-1-10. Title and short title.

This Chapter, as amended from time to time, shall be known and may be cited as the *City of Salida Land Use Code*. It may also be called the *Land Use and Development Code*.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-20. Authority.

This Chapter is authorized by Section 31-23-101, *et seq.*, C.R.S.; Section 29-20-101, *et seq.*, C.R.S., Section 31-12-101, *et seq.*, C.R.S., and Section 24-65-101, *et seq.*, C.R.S., as amended.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-30. Purposes.

This Chapter is enacted for the purpose of promoting the health, safety, quality of life, convenience, order, prosperity, and welfare of the present and future inhabitants of the City by lessening of congestion in the streets or roads, securing safety from fires and other dangers, providing light and air, avoiding undue congestion of the population, facilitating the adequate provision of transportation, water, wastewater, schools, and other public requirements, securing protection of the tax base, and by other means in accordance with the City of Salida Comprehensive Plan.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-40. Jurisdiction.

These regulations shall apply to all land and all land uses within the municipal boundaries of the City of Salida, Colorado.

¹Editor's note(s)—Ord. No. 2014-05 , adopted May 6, 2014, repealed the former Ch. 16, Arts. I—XX, §§ 16-1-10—16-20-40, and enacted a new Ch. 16, Arts. I—XII, §§ 16-1-10—16-12-130 as set out herein. The former Ch. 16 pertained to similar subject matter and derived from Ord. 03, 2002 §§ 9-1-1—9-20-15, §§ 11-1-1—11-1-5; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §1—11; Ord. 2006-08 §1—25; Ord. 2006-14 §1—3; Ord. 2006-20 §1—19; Ord. 2007-02 §1; Ord. 2007-04 §1, 2; Ord. 2007-11 §§ 1—4; Ord. 2007-12 §1, 2; Ord. 2007-23 §1—8; Ord. 2008-28 § 1, 2; Ord. 2008-33 § 1—3; Ord. 2009-08 §2, 3; Ord. 2011-01 §§ 5—7, 10—12, 14—17.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-50. Presumption of validity.

All provisions of this Land Use Code are presumed to be valid and enforceable. In any challenge to the validity of any provision, the burden of proof shall rest with the person bringing the challenge.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-60. Rules of construction.

Section 1-2-20 of this Code establishes rules that shall be observed and applied when interpreting the language of this Chapter, unless the context clearly requires otherwise.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-70. Severability.

If any section, subsection, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-1-80. Definitions.

This Article defines words, terms and phrases contained within this Land Use Code. The following terms shall have the following meanings when used in this Land Use Code:

Accessory building or structure means a detached, subordinate building or structure located upon the same lot as the principal building or structure to which it is related, which is:

- a. Clearly incidental, subordinate, secondary and devoted to the principal building or structure.
- b. Customarily found in conjunction with the principal building or structure.

Accessory dwelling unit (ADU) means a legally-permitted residential dwelling unit located on the same lot as a principal dwelling unit and subordinate to that principal unit in conditioned living space. ADUs may be internal to, attached to, or detached from the principal dwelling unit and generally include living, sleeping, kitchen and bathroom facilities, and a separate lockable entrance door.

Accessory use means a use incidental, customary, and subordinate to the principal use of the lot, structure, or building and on the same lot and not prohibited in the zone district in which it is located.

Addition means any work which adds square footage, volume or exterior wall or roof area to an existing structure.

Adult bookstore, adult novelty shop, or adult video store means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined in Chapter 6, Article VIII.

Adult entertainment establishment means an entertainment or commercial establishment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to sexual activities or sexual anatomical areas, including, but not limited to, adult movie theaters, adult arcades, adult cabarets, and adult theaters, as defined in Chapter 6, Article VIII, and other similar adult services establishments.

Alley means a strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.

Alteration, small means any alteration to an existing residential building or an alteration or change of use to a mixed-use or nonresidential building that increases the gross floor area or lot coverage (by structures or impervious area) by less than twenty-five percent (25%) and does not increase the parking requirements on the property by more than ten (10) spaces. Construction of one (1) or more dwellings in an existing building in the C-2 zone district where the construction results in four (4) or fewer dwelling units shall be considered a small alteration.

Alteration, large means any alteration or change of use to a mixed-use or nonresidential building that increases the gross floor area, or lot coverage (by structures or impervious area) by twenty-five percent (25%) or more or increases the parking requirements on the property by more than ten (10) spaces, whether or not the parking spaces exist or need to be constructed.

Annexation means the process of incorporating an unincorporated portion of Chaffee County into the boundaries of the City pursuant to the Municipal Annexation Act of 1965, Section 31-12-101, *et seq.*, C.R.S.

Apartment building means a building containing three (3) or more separate dwelling units for rent, which may be separated vertically or horizontally, but not including condominiums, commercial lodging, or bed and breakfast inns.

Attention-attracting device means any device or object visible from any public street which is primarily designed to attract the attention of the public to a business, institution, sign or activity through such means, including, but not limited to, illumination, color, size or locations. Attention-attracting devices or objects often-times incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, internally illuminated translucent canopies or panels, banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other devices or objects designed to attract attention. Approved traffic-control devices are not considered attention-attracting devices for purposes of this Code.

Awning means a shelter constructed of nonrigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Banner means a sign made of fabric, plastic or other nonrigid material which has no enclosing framework.

Bed and breakfast inn means an overnight lodging establishment that provides short-term lodging, and temporary accommodations, services and amenities, including at least one (1) meal per day, to overnight guests for a fee for periods of less than thirty (30) days, having an owner or manager residing on the site and operating such establishment. Incidental sale of supplies or products associated with the bed and breakfast shall be permitted on premises. An appropriate sales tax license shall be obtained and maintained during the course of business.

Bedroom means a room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.

Board means the Board of Adjustment of the City.

Boarding or rooming house means a building, other than a hotel, bed and breakfast, cafe or restaurant, where, for direct or indirect compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers, exclusive of the occupant's family.

Brewery, distillery, winery means an industrial use that creates ales, beers, meads, wines, spirits, and/or similar beverages on site for wholesale production. Small tasting rooms may be an accessory use. This definition excludes small breweries (less than five thousand (5,000) barrels of beverages per year) operated in conjunction with a bar or restaurant defined herein as an accessory use.

Building means any structure used or intended for supporting or sheltering any use or occupancy and within the purview of the building codes as adopted by the City.

Building area means the maximum horizontal area within the outer perimeter of the building walls, dividers or columns at ground level or above, whichever is the greater area, including exterior stairways, and inner courts but excluding uncovered decks, uncovered porches, patios, terraces and steps of less than thirty (30) inches in height, and completely open, uncovered, cantilevered balconies that have a minimum of eight (8) feet vertical clearance below.

Building, enclosed means a building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

Building height means the distance measured on a vertical plane from the average preconstruction or post-construction grade around the perimeter foundation of a building or structure, whichever is lower, to the highest point on the roof surface of the building or structure.

Building line means the average setback of the primary structures on a block.

Building, principal means a building in which the primary use for the lot on which the building is located is conducted.

Bus station means any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers. Stations may include ticket purchase facilities, toilets, restaurants and retail stores.

Campground means a parcel of land used or intended to be used, let or rented for overnight or short-term occupancy by campers, trailers, tents or recreational vehicles.

Certificate of approval or *CA* means the official document/permit issued by the City Administrator approving and/or concerning, without limitation, the erection, moving, demolition, renovation, rehabilitation, remodeling, restoration, reconstruction, repair or alteration of any historic landmark building, site or structure, or any building, site or structure within a designated historic district.

Church means any building that is architecturally designed and/or particularly adapted for the primary use of conducting formal religious services on a regular basis.

Clear sight triangle means the area at the intersection of any two (2) streets that is to be kept clear of any shrubs, groundcovers, berms, signs, structures or other materials greater than two (2) feet in height above the street centerline grade. A clear sight triangle is measured at the intersection of any two (2) streets. A triangle measuring fifteen (15) feet for alleys, thirty (30) feet for local streets, fifty (50) feet for collector streets and one hundred (100) feet for arterial streets along each curb or edge of roadway/pavement from their point of intersection, the third side being a diagonal line connecting the first two (2).

Club means a membership organization catering exclusively to members and their guests, whose facilities are limited to use by the membership except on occasion, and whose activities are not conducted principally for monetary gain.

Commercial, large scale means a commercial use where the total area utilized by a single tenant or group of tenants in an attached structure, exclusive of parking, occupies twenty thousand (20,000) square feet or more.

Commercial lodging means hotels, motels, lodges or convention centers which have sleeping accommodations and similar commercial facilities that provide temporary lodging in guest rooms, which have common facilities for reservations, reception and maintenance, and in which meals, entertainment and various personal services for the public may or may not be provided for remuneration.

Commercial use means an activity involving the sale of goods or services carried out for profit.

Commercial zones refers to Residential Mixed Use (RMU), Commercial or Central Business (C-1, C-2) and Industrial (I) zones. These zones are also referred to as *residential mixed used, commercial, central business and industrial zone districts*.

Commission means the Planning Commission of the City.

Communication facility means, but is not limited to, unmanned facilities, equipment, parabolic-shaped devices or antennae for the reception, transmission or switching of satellite or electronic signals, including television, radio, telemetry, personal wireless communication, data communication or any other signals which use air space as a medium, whether for commercial or private use and that may or may not be licensed by the Federal Communications Commission.

Community building or use means a building which is owned by the City, the County, the State, United States Government or a nonprofit organization that is open to the general use, participation and enjoyment of the public for the purposes of group assembly, a museum, and other civic functions, and which, notwithstanding anything to the contrary in this Code, includes use primarily for offices.

Comprehensive Plan means that plan and amendments thereto for the City which provides objectives, guiding principles and recommended actions to guide the current and long-range development of the City.

Conditional use means a use that is generally compatible with the other uses permitted in a zone district, but which requires site-specific review of its location, design, configuration, density, intensity and operating characteristics, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and to ensure that it complies with all of the standards of this Chapter.

Condominium unit means a physical portion of a common interest community which is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration.

Contributing building or structure means a building or other structure originally identified and listed as having historical and architectural significance by the National Park Service of the United States Department of the Interior pursuant to the creation and designation of a National Register Historic District and which is still so identified and listed.

Day care, adult means a facility providing care for adults sixty (60) years of age or older and/or functionally impaired adults in a protective setting for part of a twenty-four-hour day.

Day care center means a non-residential facility or preschool which provides regular care and supervision for any number of children during the day for compensation.

Day care home means state-licensed child care facility serving up to twelve (12) children and operated by a person who resides in the same dwelling where the care is provided.

Demolition means the total or partial destruction, disassembly, damage, razing or tearing down of a structure or any portion thereof. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure. The term excludes the sudden or cataclysmic destruction of or damage to a structure due to acts of nature, including fire, earthquake, wind, excessive snow load or flood.

Demolition by neglect means any total or partial destruction of or damage to a structure, or any portion thereof, due to the failure of the owner or lessee to adequately maintain or repair the structure.

Design standards means local, state or national criteria, specifications or requirements referenced within this Chapter and used for the design of public or private infrastructure.

Development permit means a permit issued by the City which certifies that a proposed development has undergone and completed the required development review procedures. The development permit may include one (1) or more conditions, which conditions shall apply to any future development or use of the land, regardless of ownership changes, unless a new development permit is obtained.

Duplex means a detached residential structure containing two (2) dwelling units separated by a building code-compliant common wall. A duplex dwelling unit may have a side-by-side or stacked configuration.

Drive-in facility means an establishment which provides such products and services as, but not limited to, food, beverages or financial services, to customers in vehicles.

Dwelling unit means a building or portion thereof that provides complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Eating and drinking establishment means a permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.

Exterior architectural feature means the architectural style and general arrangement of the exterior of a structure, including the type and texture of the building materials, and including all windows, doors, lights, painted wall signs or displays, and other fixtures appurtenant thereto.

Family means an individual, two (2) or more persons related by blood, marriage, adoption or between whom there is a legally recognized relationship, or not more than five (5) unrelated persons who occupy a single dwelling unit.

Floodplain means that ground covered by water in the case of the flood of 100-year frequency, as delineated by federal flood insurance maps and the flood control regulations of the City.

Floor area, gross means total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor area, habitable means the total floor area contained within the inside walls of a structure with at least seven (7) feet of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements, and utility rooms less than fifty (50) square feet. All other areas of an accessory dwelling unit shall count towards habitable floor area.

Fully shielded light fixture means an outdoor light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Gasoline service station means a building or premises in which is conducted the retail sale of batteries, tires, oil, gasoline or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, and where the only repair work is done is the exchange of parts and maintenance requiring no open flame or welding.

Good repair means a condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, structural soundness and usefulness.

Government administrative facilities, services and buildings mean office buildings, maintenance facilities and operations centers owned and operated by a governmental agency.

Grade means the elevation of the surface of the ground.

Group home means a residential building that is owned and operated by a nonprofit organization or is owner-occupied, which is occupied by not more than eight (8) persons who are sixty (60) years of age or older who do not require skilled or intermediate care facilities; or a residential building that contains a state-licensed facility

for the exclusive use of not more than eight (8) developmentally disabled persons having such illnesses as cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S.

Heliport means a paved area designated expressly for the landing and take-off of helicopters.

Historic district means a defined neighborhood or area determined by the City, State or National Park Service within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including proportion, form and architectural detail, the design of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

Historical and/or architectural significance means that which has a special historic or aesthetic interest or value as part of the development, heritage or cultural character of the City, region, State or Nation.

Home business means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off-premises, which may serve patrons on the premises.

Home occupation means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling and employees residing off-premises which does not serve patrons on the premises, except in an incidental manner.

Hospice means a facility for the treatment and support of terminally ill patients which may occur in an institutional or residential setting, but not including when such treatment or support occurs in the patient's own residence.

Hospital means a building or portion thereof used for the overnight accommodation, medical care of and ancillary services for human patients.

Hotel, lodge, hostel means an establishment providing transient, overnight accommodations for individuals who are lodged.

Industrial, heavy means the basic processing or manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial uses may involve extensive exterior operations such as material storage, aggregate processing and batch plants.

Industrial, light means a use engaged in the repair or manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial does not allow for large structures outside of principal buildings, such as refineries

Landmark means City of Salida, State of Colorado or National Park Service designation of a particular building, structure or site that represents historic significance because of its style of architecture, its association with historic events or persons or its archeological interest.

Landscape area means an area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetative groundcover and turf grasses. *Landscape area* may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not include areas covered by buildings, parking or access areas. In subdivisions, PDs and mobile home and RV parks, *landscape area* may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.

Lot means a portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards, as are required under the provisions of this Land Use Code, having not less than the minimum area and off-street parking spaces required by this Land Use Code for a lot in the zone district in which it is situated, and having frontage on any improved public street or on an approved private street.

Lot area means the number of square feet included within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

Lot coverage means that area or portion of a lot which is occupied or covered by all buildings on that lot. The area included as *coverage* shall be that area defined herein as *building area*.

Lot, double frontage means a lot which runs through a block from street to street and which abuts two (2) or more streets.

Lot frontage means lot width measured at the street frontage.

Lot length means the average distance from the street to the rear of a lot, measured perpendicularly from the street line upon which the lot faces.

Lot line adjustment means an adjustment of a lot line between two (2) contiguous lots that is necessary to correct a survey or engineering error in a recorded plat, to allow boundary change between adjacent lots or parcels to relieve hardship or practical necessity, or to allow a transfer of land from a larger conforming lot to a smaller nonconforming lot so as to make both lots conforming.

Lot line, front means the property line dividing a lot from a street right-of-way. On a corner lot, the front line shall be designated by the location of the primary entrance or front porch.

Lot line, rear means the property line opposite the front lot line. On a corner lot the owner shall choose which lot line is designated the rear lot line, typically this lot line is opposite the front lot line.

Lot line, side means any lot line other than a front or rear lot line.

Major activity (see Article XII, Historic Preservation) means and includes:

- a. An activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to, reconstruction, rehabilitation, remodeling, renovation, relocation or demolition;
- b. Alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface;
- c. The installation, alteration or removal of a window or door opening;
- d. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design;
- e. The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means;
- f. Application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element;
- g. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the Administrator or his or her designee.

Major subdivision means a subdivision that results in the creation of more than five (5) parcels, lots, units, sites, tracts or interests out of the property as it existed prior to any subdivision.

Manufactured home means a factory-built dwelling that is manufactured or constructed to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 and is to be used as a place for human habitation.

Marijuana cultivation store means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Minor activity (see Article XII, Historic Preservation) means and includes:

- a. The replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design;
- b. The installation, removal or replacement of a fence, awning, roofing material or dumpster enclosure;
- c. The reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing;
- d. Those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be minor upon petition to and determination by the Administrator or his or her designee.

Minor subdivision means the division of previously unsubdivided land into five (5) or fewer separate parcels, lots, units, sites, tracts or interests.

Mobile home means a dwelling which is designed to be transported on its own permanent chassis after fabrication, and is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating and electrical facilities are connected. Mobile homes shall comply with the HUD Code. New or used mobile homes installed after July 7, 2002, shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter referred to as the *HUD Code*).

Mobile home lot means that area of a mobile home park allotted and designed for the location of one (1) mobile home.

Mobile home park means a plot of ground upon which two (2) or more mobile homes, either occupied or intended to be occupied for dwelling or sleeping purposes, are located regardless of whether a charge is made for such accommodations.

Multi-family dwelling means a building containing three (3) or more separate dwelling units, which may be separated vertically or horizontally, but not including commercial lodging or bed and breakfast inns.

Nonconforming lot means any lot which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this Chapter for the zone district in which the lot is located regarding minimum lot size or minimum lot frontage.

Nonconforming structure means any structure which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not comply with the standards of this Chapter for the zone district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density, minimum landscape area, minimum building width, minimum floor area or the applicable standards for off-street parking, landscaping or improvements.

Nonconforming use means any use of a structure or land which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which use is not designated in this Chapter as a permitted or conditional use in the zone district in which the use is located.

Nursing home means any place or institution which operates and maintains facilities providing full-time or part-time convalescent and/or chronic care, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and

chronic care may include, but need not be limited to, the procedures commonly employed in palliative services, nursing and caring for the sick. *Nursing home* may include continuing care retirement facilities and hospice care facilities.

Open space means any parcel or area of land or water, essentially unimproved and set aside for public use, enjoyment or benefit.

Ordinary maintenance and/or repair means any work for which a building permit is not required by law and where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage, and which work does not substantially alter the appearance, composition or texture of the exterior surface of the structure.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision or be conveyed to an owners' association.

Outdoor amusement establishment means 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, archery range or miniature golf course and similar establishments. This use does not include a stadium.

Overlay zone means a zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

Owner means a person, firm, association, syndicate, joint venture, partnership, governmental unit or corporation holding fee simple title to property.

Ownership parcel means *lot*, as defined herein.

Parcel means *lot*, as defined herein.

Park means an area open to the public and reserved for gathering spaces, community agriculture and recreational, educational, cultural or aesthetic purposes.

Parking area means an open area or an enclosed structure or building used for the temporary parking of automobiles or other vehicles.

Parking, off-street means a parking area located wholly within the limits of a parcel of land.

Parking space means that part of a parking area, exclusive of aisles, turning areas or loading space, devoted to parking for one (1) automobile or vehicle.

Parkway means the area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

Permitted use means a use which is allowed in a zone district, subject to all of the restrictions applicable to that zone district and all of the standards of this Chapter.

Personal service means an establishment primarily engaged in providing individual services generally related to personal needs. Typical uses may include but are not limited to bank, credit and loan service; beauty and barber shop; catering service; chiropractic clinic; funeral home and mortuary; laundry and dry cleaners; massage facilities; photographic studio; tailor and shoe repair service; and yoga or dance studio.

Personal wireless telecommunication service facility means an unmanned facility or equipment for the reception, transmission or switching of personal wireless telecommunications and/or telecommunication services utilizing frequencies that may or may not be licensed by the Federal Communications Commission.

Porch means a roofed, open area, which may be screened, attached to or part of a building and with direct access to or from it.

Principal use means the purpose or function for which a lot, structure, or building is intended, designed, or constructed, or the activity which is carried out within said lot, structure or building.

Professional office means a business which primarily provides professional services in an office environment. Typical uses may include but are not limited to services such as legal, accounting, investment, insurance and real estate; medical, dental and other health services; engineering, architecture, survey and design services; counseling, psychiatric and social services; editing/publishing; and administrative and sales offices for business, industry and government, provided that only the administrative, bookkeeping and clerical activities of the sales office are conducted on-site.

Prohibited use means a use that is not permitted in a zone district.

Recreation facilities means a place designed and equipped for the conduct of indoor or outdoor sports and leisure time activities.

Recreational vehicle (RV) means a pickup camper, motor home, travel trailer, tent trailer or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy.

Recreational vehicle park means a plot of ground upon which two (2) or more recreational vehicles, either occupied or intended to be occupied on a short-term or seasonal basis for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.

Retail, large scale means a store engaged in the sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant or group of tenants, exclusive of parking, occupies twenty thousand (20,000) square feet or more.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana product to consumers.

Retail sales establishment means a store engaged in the sale of tangible personal property for any purpose other than for resale.

Right-of-way means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel or for other public purposes.

Salida Downtown Historic District means that geographic area within historic commercial area of the City designated and listed as a national historic place on the National Register of Historic Places by the National Park Service of the United States Department of the Interior.

School means any building or part thereof that is designed, constructed or used for education or instruction in any branch of knowledge.

Service building means a structure housing toilet, laundry facilities, recreation equipment and such other facilities incidental to maintenance and management of a mobile home park or recreational vehicle park.

Setback means the distance required by this Chapter between the face of a building or structure and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets or similar features exist, the setback shall be taken as the closest distance.

Short Term Rental Unit means a privately owned residential dwelling unit, such as a single-family detached unit, duplex, condominium, or townhome that is rented for occupancy for the purpose of lodging for any period

less than thirty (30) consecutive days, not to include accessory dwelling units, apartment buildings, bed and breakfast inns, hotels, lodges, and hostels.

Sign means any device, structure, fixture, display or placard which is permanently affixed to, painted on, placed on, incorporated in or displayed from within a building surface or structure, or is freestanding upon a site.

Sign area means that area within the marginal lines of the sign surface which bears the advertisement or message; or in the case of messages, figures or symbols attached directly to or painted on the surface of a building, that area which is included in the smallest geometric figure which encloses the message, symbol or figure displayed thereon.

Single-family dwelling means a detached principal building, designed for or used as a dwelling exclusively by one (1) family as an independent living unit.

Site specific development plan means a plan that has been submitted to the City by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right.

Solar access means access which protects reasonably placed solar energy systems from shadow-blocking exposure to the sun during hours of high insolation which are between 10:00 a.m. and 3:00 p.m. on December 21.

Storage yard means a site used for the keeping, in an outdoor area, of any goods, equipment, personal property, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Story, half means a space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

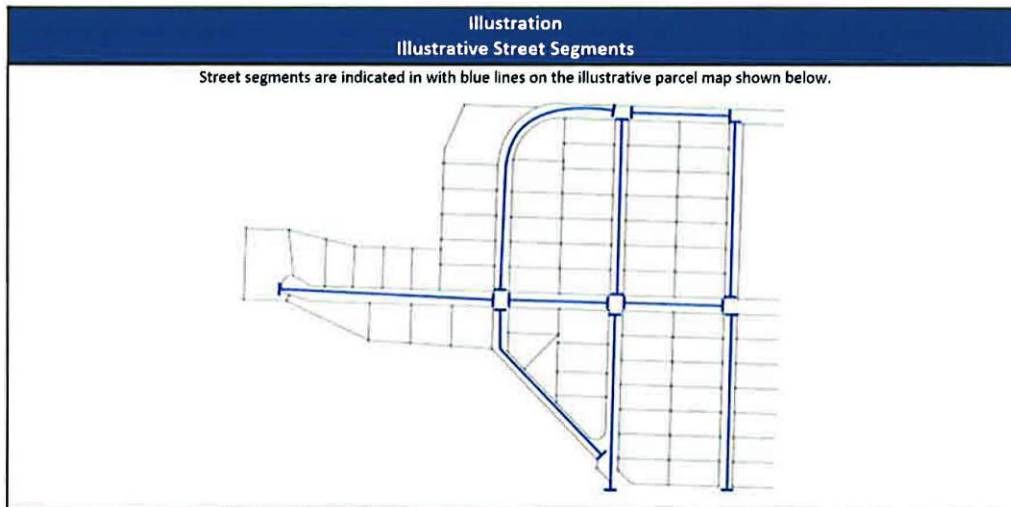
Street means a dedicated public right-of-way or private road which provides vehicular and pedestrian access to adjacent properties. Street shall include *road, lane, place, avenue, drive* and similar terms. The following are types of streets addressed in this Chapter:

- a. *Arterial street* means the major street in the street hierarchy, which has a high traffic volume and is not intended to be a residential street. An arterial street provides connections with or is a major state or interstate roadway and is often the location of significant community facilities as well as retail, commercial and industrial facilities.
- b. *Collector street* means a street whose function is to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume.
- c. *Cul-de-sac street* means a local street with only one (1) outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the nearest point where the cul-de-sac intersects with the intersecting street.
- d. *Local street* means a street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy.

Street frontage means that portion of the boundary of a parcel of land which is parallel with any single public street or way. Corner lots, by way of illustration, are deemed to have two (2) street frontages.

Street frontage, primary means the street frontage on which the residential or business address abuts.

Street segment means a portion of a street that is located between two (2) intersections or between an intersection and the end of a cul-de-sac or dead end.



Structural alteration means an addition to or subtraction of parts from a structure, including walls, columns, beams, girders, foundation, doors, windows and roof.

Structure means any manmade item constructed or erected, which requires location on the ground or attached to something having a location on the ground, including, but not limited to, signs, buildings, and fences. Porches, slabs, patios, decks, walks and steps which are uncovered and do not exceed thirty (30) inches above grade are excluded from the definition of structures.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, units, or other divisions of land for the purpose, whether immediate or future, of sale, transfer of ownership or building development; and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Temporary commercial activity means general retail sales or other commercial uses such as, but not limited to: Food carts, trucks or trailers operated outdoors, fireworks stands, artisan booths, farm stands, farmers' markets, holiday tree sales, etc. Temporary commercial activities do not include yard sales, children's lemonade stands, catering for events, outdoor accessory sales of an existing business established on the property, or those commercial activities conducted by non-profit organizations for less than two (2) days in a calendar month.

Trail means a pathway designed for and used by the public for non-motorized recreation and transportation. A trail may include amenities such as parking areas, benches, restrooms and signage.

Truck terminal means a facility for the receipt, transfer, short-term storage and dispatch of goods transported by heavy truck.

Uncovered parking and access area means that portion of a parcel which is used for or intended to be used for vehicle parking or loading areas, circulation areas to and within vehicle parking and loading areas, and access driveways from a public or private right-of-way, whether such areas are kept in paved, gravel or other surface.

Vacation rental means the rental of any dwelling for overnight or vacation lodging for periods of less than thirty (30) days (see short-term rental unit).

Vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site specific development plan.

Veterinary clinic means a building or area in which animals requiring special medical care are treated or temporarily housed. The term shall not be construed to include *kennel*.

Warehouse means an enclosed building designed and used primarily for the storage of goods and materials.

Wholesale business means the sale of goods and merchandise for resale instead of for direct consumption.

Yard means an open space not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

Yard, front means a yard extending across the width of the lot and measured from the front line of the lot or street to the nearest line of the building on which it fronts.

Yard, rear means a yard extending across the width of the lot and measured between the rear line of the lot and the nearest line of the building.

Yard, side means a yard on each side of the building between the building and the side line of the lot and extending from the front yard to the rear yard.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2017-07 , § 3, 4-18-2017; Ord. No. 2019-13 , § 5, 9-6-2019; Ord. No. 2019-18 , § 2, 12-20-2019; Ord. No. 2021-13 , § 2, 9-7-2021; Ord. No. 2021-15 , § 5, 10-5-2021; Ord. No. 2022-01 , § 3, 3-1-2022)

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 16-2-10. Fees and deposits.

- (a) Every land use and development application shall be submitted with the appropriate fees and charges for the type of application being submitted along with a cost reimbursement agreement in a form approved by the City Attorney. For purposes of this Section, "land use and development application" shall include any and all applications filed pursuant to the Land Use Code, requests for pre-annexation agreements and can and will serve letters from developments in unincorporated Chaffee County, and Title 32 special district service plan reviews pursuant to C.R.S. §32-1-201, *et seq.* The amount of such fees and charges shall be established by resolution of the City Council, as may be amended from time to time, and available for review by the public at City Hall during normal business hours.
- (b) In addition to the minimum application fees, the applicant will also be charged the actual review costs and fees for outside professional services for review of the application. The minimum application fees shall be due and payable upon submission of the application. In addition, at the time of submittal of the application, the applicant shall deposit funds equal to two (2) times the minimum application fee to be used as the initial payment to offset the costs of outside professional services for review of the application. After exhaustion of the initial deposit, statements for professional review services will be mailed to the applicant, and payment of such amounts is due within thirty (30) days of receipt of the statement. Interest shall be imposed at a rate of one and one-half percent (1.5%) per month on all balances not paid within thirty (30) days of the date of the statement. All costs of providing notice, including publication, mailing and posting, shall be borne by the applicant. Recording and filing fees imposed by the Chaffee County Clerk and Recorder, and others, as a result of the application, shall be advanced by the applicant prior to the documents being tendered for recording.
- (c) No subdivision plat or other land use approval document shall be deemed effective until the plat is recorded in the real property records of Chaffee County and all fees and charges owed to the City are paid in full by the applicant.
- (d) In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, the City shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid. The City reserves the right to suspend review of an application, withhold approval, or postpone public hearings if an applicant fails to pay outstanding review fees as required hereunder.

Delinquent charges may be certified to the County Treasurer and collected in the same manner as municipal taxes according to the procedure established in Chapter 4, Article VII of this Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-20. Vested property rights.

- (a) For all site specific development plans, a vested property right shall be deemed established upon the approval of the plan by the City Council in accordance with this Section and the applicable requirements of this Chapter. The following shall be considered site specific development plans:

Development Review Procedure	Site Specific Development Plan
Subdivision Review pursuant to Article VI, including major subdivisions, minor subdivisions, resubdivisions and limited review subdivisions	Final Subdivision Plat, approved by the City Council, Planning Commission, or Administrator
Planned Development Review, pursuant to Article VII, not accompanied by subdivision of land	Final Development Plan approved by the City Council and adoption of the PD zoning ordinance
Planned Development Review, pursuant to Article VII, accompanied by subdivision of land	Final Development Plan approved by the City Council, adoption of PD zoning ordinance, and Final Plat approved by the City Council

- (b) The following are specifically excluded from, and shall not constitute, a site specific development plan:
- (1) Variances issued by the Board of Adjustment,
 - (2) Sketch plans,
 - (3) Floodway or flood plain permits,
 - (4) Franchises, temporary use permits,
 - (5) Zoning or rezoning,
 - (6) Final architectural plans,
 - (7) Final construction drawings and related documents specifying materials and methods for construction of improvements.
- (c) A vested property right shall be deemed established with respect to any property upon the approval, or conditional approval, of a site specific development plan, following notice and public hearing, by the City. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, as approved, including any amendments thereto.
- (d) Subject to Subsection 16-2-10(c), a site specific development plan shall be deemed approved upon the effective date of the City Council's approval action. In the event amendments to an approved site specific development plan are proposed and approved, the effective dates of such amendments, for purposes of the duration of a vested property right, shall be the effective date of the approval of the original site specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment.

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- (e) The City may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the City Council, after public hearing, result in the forfeiture of vested property rights. This subsection shall be strictly construed.
- (f) Duration and termination of vested property rights.
- (1) A property right, which has been vested pursuant to this Section and Article 68 of Title 24, C.R.S., shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the City.
- (2) Notwithstanding the provisions of subsection (1) above, the City is authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years where warranted in the light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.
- (3) Following approval or conditional approval of a site specific development plan, nothing contained in this Section or Article 68 of Title 24, C.R.S. shall exempt such a plan from subsequent reviews and approvals by the City to ensure compliance with the terms and conditions of the original approval, if such further reviews and approvals are not inconsistent with said original approval.
- (g) An applicant may waive a vested property right by separate agreement, which shall be recorded in the office of the Chaffee County Clerk and Recorder. Unless otherwise agreed to by the City, any landowner requesting annexation to the City shall waive in writing any preexisting vested property rights as a condition of such annexation.
- (h) A vested property right, once established as provided in this Section and Article 68 of Title 24, C.R.S., as may be amended, precludes any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except:
- (1) With the consent of the affected landowner;
- (2) Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
- (3) To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner after approval by the City, including, but not limited to, costs incurred in preparing the site for development consistent with the site specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property, which is caused by such action.
- (i) Establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the City, including, but not limited to, building, fire, plumbing, electrical, housing, mechanical, and dangerous building codes. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Chapter pertaining to the development and use of property.
- (j) This Section provides the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S. Nothing in this Section is intended to create any vested property right. In the event of the repeal of said Article or judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed and the provisions hereof no longer effective.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-30. Public notice.

- (a) For all actions of the City described in this Chapter requiring public hearings, the applicant shall provide public notice and shall demonstrate that such public notice conforms to the following requirements.
 - (1) Exception for Major Certificates of Approval. Publication of notice shall not be required when a major certificate of approval is requested. The site must be posted in accordance with subsection 16-12-80(b)(1).
- (b) Except as otherwise required by law, notice shall be sent by first class mail to all property owners within one hundred seventy-five (175) feet of the property in question at least fifteen (15) days in advance of the hearing.
- (c) Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the City at least fifteen (15) days in advance of the hearing.
- (d) Pursuant to C.R.S. Section 24-65.5-103, as may be amended, not less than thirty (30) days before the date scheduled for the first public hearing for a subdivision or development application specified in the statute, the applicant shall provide notice to the owners of the mineral estate. Such notice shall be by certified mail, return receipt requested.
- (e) Notice shall be posted by the applicant on the subject property at least fifteen (15) days in advance of the hearing. The dimensions of the sign shall be at least eleven (11) inches by seventeen (17) inches, and the materials to which the notice form is affixed shall be upright, sturdy and waterproof or shall have a waterproof covering.
- (f) All notices shall include:
 - (1) A statement of the nature of the matter being considered;
 - (2) The time, date and place of the public hearing;
 - (3) The agency or office and phone number where further information may be obtained; and
 - (4) A legal description, and address if one has been assigned, of the subject property.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 4, 6-21-2019)

Sec. 16-2-40. Amendments.

The text of this Land Use Code may be amended, supplemented or repealed pursuant to the procedures and standards of this Article.

- (a) Initiation of Text Amendment. An amendment to the text of this Land Use Code may be initiated by the City Council, the Planning Commission, the Administrator, a resident of the City, an owner of a business within the City or any person who holds a recognized interest in real property within the City.
- (b) Procedure for Text Amendments. An applicant requesting an amendment shall follow the stages of the process outlined below:
 - (1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an amendment to the text of this Land Use Code or the boundaries of zoning districts, as depicted on the Official Zoning Map.
 - (2) Submittal of Application. The applicant shall submit a complete text amendment application to the Administrator which contains the precise amended wording. The Administrator shall be

responsible for submitting the application materials for an amendment initiated by the City Council or Planning Commission.

- (3) **Staff Review.** The Administrator shall review the application to determine whether it is complete. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the applicable review standards contained in Section 16-2-50 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.
- (4) **Public Notice and Action by Commission.** The Planning Commission shall hold a public hearing to review the conformance of the application with all applicable provisions of this Chapter. Public notice shall be provided as specified in Section 16-2-30 of this Chapter. The Commission shall make a recommendation that the City Council approve, approve with conditions or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.
- (5) **Public Notice and Action by Council.** The City Council shall consider the recommendations of the Planning Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 16-2-30 of this Chapter. The City Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification or additional information or action.
- (6) **Actions Following Approval.** Upon approval of the amendment and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall cause the amended text of this Chapter to be officially codified.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-50. Review standards for text amendments.

An application for an amendment to the text of this Chapter shall comply with the following standards:

- (1) **Consistency With Purposes.** The proposed amendment shall be consistent with the purposes of this Chapter.
- (2) **No Conflict With Other Provisions.** The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.
- (3) **Consistency With Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.
- (4) **Public Health, Safety and Welfare.** The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-60. Subdivision improvements agreements and development improvements agreements.

- (a) Subdivision Improvements Agreement. The City Council shall not approve a Subdivision Final Plat application until a subdivision improvements agreement and related documents, setting forth financial arrangements to secure the actual construction of subdivision improvements required by the City Council, has been agreed upon by the applicant or developer and the City. The subdivision improvements agreement shall include a guarantee to construct all required development improvements together with collateral, which shall be sufficient to make provision for the completion of the improvements in accordance with the subdivision engineering design and the development schedule.
- (b) Development Improvements Agreement. The City Council, on a case by case basis and in conformance with the Code, may require that an applicant for a site plan or building permit enter into a development improvements agreement which shall include a guarantee to construct all required development improvements together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the engineering design and the development schedule.
- (c) Construction of Improvements. The applicant or developer, at its sole expense, shall design, purchase, and install all elements of all public and other necessary subdivision or development improvements whether such improvements are located within the subdivision or development property (on-site) or outside of the subdivision (off-site). The public and other necessary subdivision or development improvements shall be designed and built in conformance with the City of Salida Public Works Manual in effect as of the date of the subdivision improvements agreement or development improvements agreement, unless otherwise provided in the approved plans and specifications. All such public or other subdivision or development improvements shall be designed and approved by a registered professional engineer retained by the developer or applicant. All drawings and plans for such improvements shall be stamped by the engineer. Prior to the commencement of construction of subdivision or development improvements, the City Engineer shall review and approve the drawings and plans.
- (d) Schedule of Improvements. The subdivision improvements agreement or the development improvements agreement shall include a schedule of improvements showing in detail the public and other required subdivision or development improvements, including shallow utilities, landscaping, revegetation and other subdivision or development improvements that the developer or applicant shall be responsible for constructing, and the costs therefor. No work shall be commenced on such improvements by the developer or applicant until such time as the schedule of improvements has been approved by the City and the performance guarantee provided pursuant to appropriate sections of the subdivision improvements agreement or development improvements agreement. All improvements shall be constructed in accordance with the applicable provisions of the City of Salida Public Works Manual.
- (e) Construction schedule. The subdivision improvements agreement or development improvements agreement shall include a time schedule for the construction and completion of the public and other required subdivision improvements or development improvements. Said schedule shall provide for a commencement date as well as a date when such improvements will be substantially completed. Under such schedule, all public and other required subdivision or development improvements shall be completed no later than one (1) year following the start of development. Where the developer or applicant is prevented from commencing or completing any of the public and other required improvements within the time periods set forth in the construction schedule or otherwise set forth in the subdivision improvements agreement or development improvements agreement due to an unforeseeable cause or delay beyond the control and without the fault or negligence of the developer or applicant the times for commencement and/or completion of such improvements may be extended by the City Council in an amount equal to the time lost due to such delay if a request is made in writing to the City by the developer or applicant. Delays beyond the control of the developer or applicant shall include, but not be limited to, acts of neglect by the City, fires,

floods, epidemics, abnormal weather conditions, strikes, freight embargos or acts of God. Time extensions, however, will not be granted for rain, snow, wind or other natural phenomena at normal intensity within Chaffee County. Delays attributable to and within the control of the developer's or applicant's contractors, subcontractors or suppliers shall be deemed to be delays within the control of the developer or applicant.

- (f) Warranty. The applicant or developer shall warrant any and all public improvements constructed by the applicant or developer which are conveyed or dedicated to the City pursuant to the subdivision improvements agreement or development improvements agreement for a period of one (1) year from the date the City Engineer certifies that the same conform to the approved specifications. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved construction drawings submitted to the City shall be warranted for a period of two (2) years following completion and approval. Specifically, but not by way of limitation, the applicant or developer shall warrant the following:
- (1) That the title conveyed shall be good and its transfer rightful; and
 - (2) Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
 - (3) Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.
- (g) City Inspections. The City shall have the right to make engineering inspections and require testing during construction of the public and other required improvements in such reasonable intervals as the City Engineer may request. Inspection, acquiescence and approval of any engineering inspector of the construction of physical facilities, at any particular time, shall not constitute the approval by the City of any phase of the construction of such public and other improvements. Such approvals shall be made by the City only after completion of construction and in the manner hereinafter set forth.
- (h) Approval by City Engineer. Upon completion of construction by the applicant or developer of such public and other improvements, the City Engineer shall inspect the improvements and certify with specificity its conformity or lack thereof to the approved plans and specifications. The applicant or developer shall make all corrections necessary to bring the system or improvements into conformity with applicable City standards and the construction plans, as approved. The City shall be under no obligation to provide water or wastewater service until all such facilities are brought into conformance with the applicable plans and specifications and approved by the City Engineer.
- (i) Provision of "As-built" Drawings. The applicant or developer shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all public improvements and utility improvements, which shall be subject to review and approval by the City Engineer, and any incidental services related to the construction of the improvements, at its sole cost and expense. The legal description of all utility service lines shall be prepared by a registered land surveyor at the applicant's or developer's sole expense. In addition, all expenses incurred by the City in updating the City's base maps shall be paid by the applicant or developer, to the City.
- (j) Conveyance of Public Improvements. All public improvements constructed by the applicant or developer in accordance with the subdivision improvements agreement or development improvements agreement, including water mains, service lines, laterals, fire hydrants and other water distribution facilities; all irrigation lines and facilities; all wastewater collection mains, lines, laterals and related improvements; handicap ramp improvements; and required curbs, sidewalks and street improvements shall be dedicated to the City. Upon completion of construction in conformity with the plans, and any properly approved changes, the applicant or developer shall convey to the City, by bill of sale, all physical facilities constructed by the applicant or developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities. Acceptance of said conveyance shall be authorized by the City Council. Following such dedication or conveyance, the City shall be solely responsible for the maintenance of such improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.

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- (k) **Revegetation Required.** All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work unless a building permit application has been requested for a particular lot. In addition, the applicant or developer shall control all noxious weeds within such areas to the reasonable satisfaction of the City until conveyed to individual lot owners.
 - (l) **Performance Guarantee Security Required.** In order to secure the construction and installation of the public and other required improvements itemized in the schedule of improvements, for which the applicant or developer is responsible, the applicant or developer shall furnish the City with a cash, letter of credit, cash bond, performance bond, or other security acceptable to the City Attorney to secure the performance and completion of such public and other required improvements included in a subdivision improvements agreement or development improvements agreement, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of said improvements.
 - (m) **Partial Release.** Upon completion of portions of the improvements by the applicant or developer, evidenced by a detailed cost breakdown of the completed improvements, and submittal of as-built drawings, a subdivider may apply to the City for a release of part or all of the collateral deposited with the City. Upon inspection and approval, the City may authorize the reduction of the amount of any performance guarantee security issued pursuant to the subdivision improvements agreement or development improvements agreement may be reduced by seventy-five percent (75%) of the approved estimated cost for the installation of such improvements, upon written request of the applicant or developer, and approval by the City Council. Upon completion of all of the public and other required improvements by the applicant or developer, and upon final inspection and approval by the City Engineer of all such improvements, the City Council shall further authorize the reduction of the amount of the security guaranteeing the public and other required improvements to ten percent (10%) of the approved total estimated cost of such improvements.
 - (n) **Full Release.** A performance guarantee issued pursuant to a subdivision improvements agreement or development improvements agreement shall be fully released and discharged upon expiration of the one (1) warranty period, and the correction of any defects discovered during such warranty period.
 - (o) **Notice of Default.** Upon failure to perform its obligations under the terms of a subdivision improvements agreement or development improvements agreement within the time periods set forth in the subdivision improvements agreement or development improvements agreement, the Administrator shall give written notice to the applicant or developer of the nature of the default and an opportunity to be heard before the City Council concerning such default. If such default has not been remedied within thirty (30) days of receipt of the notice or of the date of any hearing before the City Council, whichever is later, (or such reasonable time period as is necessary to cure the default provided that the applicant or developer has commenced to cure the default), the City Administrator may then give written notice to the applicant or developer and to the issuer or holder of the performance guarantee security that the City, as agent for the applicant or developer, is proceeding with the task of installing the public and other required improvements in whole or in part and that the said security will be expended by the City for the installation of public or other improvements required by the development improvements agreement or subdivision improvements agreement.
 - (p) **Increase in Amount of Performance Guarantee Security.** If a substantial amount of time elapses between the time of posting of the performance guarantee security and actual construction of the improvements, the City reserves the right to require a reasonable increase in the amount of the applicable security, if necessary, because of estimated increased costs of construction.
 - (q) **Cost Estimate Not Binding.** The purpose of the cost estimate described in Subsection 16-2-60(d) above is solely to determine the amount of security required and may be revised from time to time to reflect the actual costs. No representations are made as to the accuracy of these estimates, and the applicant or developer shall agree to pay the actual cost of all such public and other required improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the applicant's or developer's liability.

- (r) Reimbursement of Costs. Prior to the approval and acceptance of the construction and installation of the required public and other necessary improvements, the applicant or developer shall pay to the City the actual cost of all inspections of such improvements made or conducted at the direction of the City Council and consultant fees incurred in preparing and administering the subdivision improvements agreement or development improvements agreement.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-70. Appeals.

- (a) Appeal. An order, decision or interpretation rendered by the Administrator, any commission or any board may be appealed to the designated body outlined in Table 16-A. Decisions by the Board of Adjustment, Board of Appeals, and City Council shall be final and may not be appealed further except in court.

TABLE 16-A		
Appealing Body From Specific Orders, Decisions or Interpretations		
Decision Appealed From:	Type of Land Development Application	Decision Appealed To:
Administrator or his or her designee	Interpretation Verification of zoning compliance Reuse, change in use or further development Sign permits and comprehensive sign plans	Planning Commission
Board of Adjustment	Variance	Court system
Board of Appeals	Appeal	Court system
Building Official	Interpretation of codes enforced by the Building Official	Board of Appeals*
City Council	Amendment to Official Zoning Map or text of Code Annexation Major Impact Review Designation of a historic district or landmark Off-premises sign	Court system
Fire Chief	Interpretation of codes enforced by the Fire Chief	Board of Appeals*
Administrator or his or her designee Historic Preservation Commission	Certificate of Approval—minor Certificate of Approval—major	Historic Preservation Commission City Council
Planning Commission	Creative sign Comprehensive sign plans for multiple owners Limited Impact Review	City Council

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(Supp. No. 10, Update 2)

Planning Chair	Subdivision exemption	Planning Commission
* Refer to Chapter 18, Article VIII, Building Regulations, Appeals Process for additional information		

- (b) **Appeal Contents.** The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Administrator within fifteen (15) days of the date the interpretation or decision was first postmarked. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:
- (1) **Facts and Reasons.** The facts and reasons for the appeal, including any relevant citation to any rule, regulation or Code section relied upon
 - (2) **Copy.** A copy of the order, decision or interpretation being appealed if the same was issued in writing.
- (c) **Actions Following Receipt of Appeal.** Upon receipt of the appeal, the Administrator shall schedule the appeal for a regular or special meeting of the appropriate body within thirty-one (31) days of the filing of the notice to appeal.
- (d) **Notice.** Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than fifteen (15) days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided as outlined in Section 16-2-30 of this Chapter.
- (e) **Appeal Hearing.**
- (1) **Evidence.** Formal rules of evidence shall not be followed during hearings. The chairman shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice. The burden of persuasion on appeal shall rest with the appellant.
 - (2) **Basis of a Decision.** Review of the land use decision being appealed shall be limited to the record established before and relied upon by the designated decision making body. An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.
 - (3) **Recording.** Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the City pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.
 - (4) **Notice of Decision.** The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 5, 6-21-2019)

Sec. 16-2-80. Void permits.

- (a) **Permits Issued Which Conflict With Land Use Code.** All officials of the City vested with the authority to issue permits shall comply with the provisions of this Chapter. No permit, certificate or license for the use,

construction or occupancy of structures or land shall be issued which conflicts with the provisions of this Chapter.

- (b) Permits Issued Based on False or Erroneous Information. Any permit, certificate or license issued for the use, construction or occupancy of structures or land which is issued in reliance upon information knowingly and intentionally provided by the Applicant to mislead and which is materially false or erroneous whether provided in the application, in supporting documents or in oral statements is null and void and shall be revoked in the manner provided for below. In the event a permit is issued on erroneous information not knowingly and intentionally provided the permit holder shall correct the erroneous information and shall bring the permit into compliance with the code. If such compliance is impossible or impracticable the permit shall be revoked.
- (c) Process for Voiding Permits. Any permit which was issued pursuant to this Chapter shall be revoked only upon a minimum of fifteen (15) days written notice to the Applicant. The decision maker revoking a permit shall be the same as approved the permit if the permit is being revoked by the Planning Commission or the City Council applicant shall be provided written notice of the time, date and location of the hearing sent by regular mail to the Applicant not less than fifteen (15) days to the hearing. A permit revocation may be appealed as provided for in Section 16-2-70.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-90. Zoning complaints.

- (a) All zoning complaints shall be submitted to the Administrator in writing on forms supplied by the City. Each such complaint shall be signed by the complaining party. Upon receipt of a written complaint the Administrator or her designee shall investigate the complaint and provide a written response to the complaining party within fourteen (14) days from the date the complaint was submitted.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-2-100. Violations and penalty.

- (a) It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provision of this Chapter. Any person, either as owner, lessee, occupant, or otherwise, who violates or interferes in any manner with any person in the performance of a right or duty granted or imposed upon him or her by this Chapter shall be subject to the provisions of Chapter 1, Article IV of this Code.
- (b) In case any building or structure is or is proposed to be erected, constructed, altered, maintained, or used, or any land is proposed to be used, in violation of this Chapter, the City Attorney, at the direction of City Council, and in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or another appropriate action or proceeding to enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.
- (c) The City's remedies include, but are not limited to, issuance of an administrative citation as provided in Chapter 1, Article VII of this Code.
- (d) All remedies provided for in this Section are cumulative, are not exclusive and shall be in addition to any other remedies provided by law.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-05 , § 13, 3-5-2019)

ARTICLE III. APPLICATION AND REVIEW PROCEDURES

Sec. 16-3-10. Purpose of article.

The purpose of this article is to provide consistent, equitable procedures for the review of development proposals such that the time and cost involved in the review process are in relative proportion to the potential impact of the proposed development on the community, its citizens and the environment and to ensure that proposed development will be in accordance with the purposes and provisions of this Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-20. Development permits.

- (a) All types of land uses and developments except planned developments and uses specifically exempted under Section 16-3-30, and those listed in Subsection 16-3-40(b) below, shall require a development permit. This permit shall be issued only after the proposal has been approved in accordance with this Article and is prerequisite for a building permit. The development permit shall not be valid until signed by the Administrator. The development permit shall be incorporated into the building permit and all conditions shall apply to the building permit. If the development proposal includes subdivision, the submittal requirements and review standards set forth in Article VI of this Chapter shall apply, and the approval of a final subdivision plan herein shall constitute the development permit for the property.
- (b) Term of development permits. Any development permit shall be valid for a period of three (3) years after final approval of the development permit by the City, unless a different term for the development permit is expressly included in the development permit. The development permit shall expire and become null and void if the developer fails to make application for a building permit for the development within the aforesaid three-year period. If the developer makes timely application for a building permit according to a development permit, the development permit shall remain in effect for so long as the building permit remains in effect.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-30. Exemption from development permits.

Uses noted as Permitted ("P") in Table 16-D, Schedule of Uses, are exempt from the requirement to obtain a development permit if the proposed use or activity complies with applicable zone district regulations and use restrictions set forth in Article IV, Zoning, Article V, Zoning Overlays, and Article VII, Planned Developments. Exemption from development permit requirements is not an exemption from other federal, state and local permit requirements applicable to the proposed development or land use including, without limitation, building permits and floodplain development permits.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-40. Classification of developments.

- (a) Generally, there are three (3) levels of review for land use and development in the City. Unless otherwise exempted from review, a change in land use is subject to one (1) of the following three (3) levels of review according to impact. The level of review for specific land uses is set forth in Table 16-B.
 - (1) Administrative Review. Development permits and administrative subdivision approval may be issued for the following types of land use and development following review by the Administrator. The development permit may be reviewed concurrently with a building permit application:

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- (i) Multi-family residential, three to four (3—4) units in project, without regard to phasing;
 - (ii) Administrative conditional use permit;
 - (iii) Administrative variance;
 - (iv) Nonresidential or mixed-use, <20,000 square feet gross floor area;
 - (v) Amended plat (as defined in Section 16-6-50);
 - (vi) Lot line adjustments;
 - (vii) Lot line elimination;
 - (viii) Duplex conversion subdivision;
 - (ix) Land use actions that the State of Colorado has exempted from the definition of *subdivision*.
- (2) Limited Impact Review. Minor subdivision and development permit applications that will have limited or minimum impact will be reviewed by the Planning Commission at a noticed public hearing including the following types of land use and development:
- (i) Variance (Reviewed by Board of Adjustment);
 - (ii) Nonresidential or mixed-use, twenty thousand one (20,001) square feet—fifty thousand (50,000) square feet gross floor area;
 - (iii) Large alteration;
 - (iv) Minor subdivision;
 - (v) Conditional use permit;
- (3) Major Impact Review. Rezoning, planned developments, major subdivisions and development permit applications that will have significant impact will be submitted first to the City Council for conceptual plan review. They will then be reviewed by the Planning Commission and then City Council at noticed public hearings. Applications that are adopted by ordinance must be heard at two (2) City Council meetings, including planned development, rezoning, and right-of-way vacation:
- (i) Multi-family residential, twenty (20) or more units in project, without regard to phasing;
 - (ii) Nonresidential or mixed-use, fifty thousand one (50,001) square feet or greater gross floor area.
 - (iii) Planned development.
 - (iv) Rezoning.
 - (v) Right-of-way vacation.
 - (vi) Major subdivision.
- (4) Exceptions. A subdivision or development otherwise meeting the criteria for an administrative or limited impact review shall be classified as a major impact review if it includes any one (1) of the following:
- (i) The extension of municipal facilities beyond locations or other limits set forth in the City Code, Salida Regional Transportation Plan, or an extension of municipal facilities which requires City Council approval pursuant to other provisions of this Code. Such extensions shall include water mains, sewer mains and collector or arterial streets; or
 - (ii) A dedication of land which the City will be required to maintain including a street, alley, park, trail or other public land or right-of-way.

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- (iii) The use will generate a wastewater flow of two thousand (2,000) gallons or greater per day per lot.
 - (iv) The use will include either storage or generation of more than fifty (50) gallons of hazardous materials per year.
- (b) Other Application Types. The following applications will be reviewed as determined in the referenced articles:
- (1) Certificate of Approval, Article XII.
 - (2) Landmark Designation, Article XII.
 - (3) Text Amendment, Article II.
 - (4) Annexation, Article IX.
 - (5) Sign Permit, Article X.
 - (6) Creative Sign, Article X.
- (Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-50. Development plan.

Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. If the application is for subdivision approval, the submittal requirements and review standards set forth in Article VI of this Chapter shall apply and constitute the development plan. The development plan shall include the following, as further specific for each level of review on the pre-application checklist:

- (1) A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;
- (2) A brief written description of the proposed development signed by the applicant;
- (3) Developments involving construction shall provide the following information:
 - (i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:
 - a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
 - b. The location and dimensions, including building heights, of all existing and proposed buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
 - c. Parking spaces;
 - d. Utility distribution systems, utility lines, and utility easements;
 - e. Drainage improvements and drainage easements;
 - f. Roads, alleys, curbs, curb cuts and other access improvements;
 - g. Any other improvements;

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- h. Any proposed reservations or dedications of public right-of-way, easements or other public lands; and
 - i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.
 - (ii) Twenty-four-inch-by-thirty-six (24" × 36") paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:
 - a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
 - b. Plans and profiles for sanitary and storm sewers;
 - c. Profiles for municipal water lines; and
 - d. Street plans and profiles;
 - (iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Subsection 16-3-40(a)(3).
 - (4) Any request for zoning action, including review criteria for a requested conditional use (Section 16-4-110) or zoning variance (Section 16-4-180);
 - (5) Any subdivision request including a plat meeting the requirements of Section 16-6-120;
 - (6) Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:
 - (i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.
 - (ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.
 - (iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.
 - (iv) Engineering specifications for any improvements.
 - (v) A plan for erosion and sediment control, stabilization and revegetation.
 - (vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed

development on surrounding City streets and to evaluate the need for road improvements to be made.

- (vii) A storm drainage analysis consisting of the following:
 - a. A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.
 - b. The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.
 - c. The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.
- (viii) Evidence of adequate water supply and sanitary sewer service—Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.
- (ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.
- (x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.
- (xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.
- (xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.
- (xiii) If applicable, a report shall be submitted identifying the location of the 100-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a 100-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.
- (xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.
- (xv) A landscape plan, meeting the specifications of Section 16-8-90.

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- (xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.
 - (xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.
 - (xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County.
- (7) An access permit from the Colorado Department of Transportation; and
 - (8) A plan for locations and specifications of street lights, signs and traffic control devices.
- (Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-60. Administrative review procedure.

- (a) Development plan. The applicant shall submit a development plan including the information described in Section 16-3-50.
- (b) Development Plan Submittal. Three (3) copies of the development plan, four (4) copies for nonresidential and multi-family projects, and associated material shall be submitted to the Administrator. The application shall be accompanied by the development review fee as set forth in the development review fee schedule. An application shall be submitted that conforms to the pre-application checklist and the requirements of this Code. Upon receipt of the submittal, the Administrator shall review the application for "completeness"; i.e., consistency with the pre-application checklist and the applicable requirements of this Code. Within three (3) days of the submittal, the Administrator shall determine if the application is "complete" and entitled to proceed with the Department/agency review. If the application is deemed "incomplete," the Administrator shall notify the applicant by writing stating the deficiencies. The applicant shall make the necessary revisions/additions to the application prior to review for compliance with this Chapter.
- (c) Department/Agency Review. The Administrator shall distribute copies of the development plan to City departments and other agencies as appropriate. These departments and agencies shall review the development plan with site visits as needed to determine whether it conforms with this Code and the City's goals and policies in their areas of responsibility. They shall submit their comments to the Administrator within seven (7) days. The Administrator shall compile these comments and shall consider them in reviewing the proposal.
- (d) Administrative Review. If needed, the Administrator may compile a summary of issues and department and agency comments. A copy of the summary and comments shall also be furnished to the applicant. Following review and within ten (10) days of receipt of a complete application the Administrator shall take one (1) of the following actions:
 - (1) Approve the development proposal and authorize issuance of a development permit subject to such conditions as the Administrator finds necessary to ensure that the proposed development complies with this Code;
 - (2) Require changes or additional information which they find necessary to determine whether the proposed development complies with this Code; or
 - (3) Deny the development proposal stating the specific reasons therefore.
- (e) Further Review.

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- (1) If the Administrator requests changes or additional information under subsection (d)(2) above the applicant shall submit copies of the required changes or information to the Administrator. The Administrator shall review the additional submittal with appropriate City departments and other agencies.
 - (2) The Administrator shall reconsider the proposal and they shall take one (1) of the following actions:
 - (i) Approve the development proposal and authorize issuance of a development permit subject to such conditions as the Administrator finds necessary to ensure that the proposed development complies with this Code; or
 - (ii) Deny the development permit stating the specific reasons of noncompliance.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-70. Pre-application conference for development review.

- (a) Requirement. When proposing a development requiring a limited or major impact review, the applicant shall first request a pre-application conference with the Administrator to discuss and review procedures and requirements as well as the City goals and policies. The applicant shall provide for the conference:
 - (1) An application for development permit on a form prescribed by the Administrator from time to time;
 - (2) A conceptual plan of the proposed development which may be a freehand drawing of the proposed development, depicting topography of the land to be developed, the existing and proposed street system with approximate right-of-way widths, the block and lot pattern with approximate areas noted, and the location of utilities and existing development on the land; and
 - (3) Proof of ownership of the land proposed for development.
- (b) Classification of Development. At the pre-application conference, the Administrator shall classify the proposal for limited impact review or major impact review. If the Administrator cannot determine whether the proposal is to be classified for limited impact review or major impact review, the determination shall be made by the Planning Commission at its next regular meeting.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-80. Limited impact review procedure.

- (a) Development Plan. At the applicant's request, the Administrator will prepare and deliver or mail to the applicant, within one (1) week after the pre-application conference, a written summary of the issues discussed. The applicant shall then submit a development plan including the information described in Section 16-3-50.
- (b) Development Plan Submittal. Fifteen (15) copies of the limited impact development plan and associated material shall be submitted to the Administrator at least four (4) weeks before the Planning Commission or Board of Adjustment meeting at which it is to be reviewed. The application shall be accompanied by the development review fee and deposit as set forth in the development review fee schedule. An application shall be submitted that conforms to the pre-application checklist and the requirements of this Code. Upon receipt of the submittal, the Administrator shall review the application for "completeness"; i.e., consistency with the pre-application checklist and the applicable requirements of this Code. Within seven (7) days of the submittal, the Administrator shall determine if the application is "complete" and entitled to proceed with the department/agency review. If the application is deemed "incomplete," the Administrator shall notify the

applicant by writing stating the deficiencies. The applicant shall make the necessary revisions/additions to the application prior to being scheduled for the next regularly scheduled public meeting.

- (c) Department/Agency Review. The Administrator shall distribute copies of the development plan to City departments and other agencies as appropriate. These departments and agencies shall review the development plan with site visits as needed to determine whether it conforms with this Code and the City's goals and policies in their areas of responsibility. They shall submit their comments to the Administrator at least ten (10) days before the appropriate Planning Commission meeting. The Administrator shall compile these comments and shall prepare for the Planning Commission or Board of Adjustment a summary of the issues which they should consider in reviewing the proposal.
- (d) Planning Commission Review (acting Board of Adjustment for variance applications). The Administrator shall distribute copies of the development plan to the Planning Commission members, along with the summary of issues and department and agency comments. A copy of the summary and comments shall also be furnished to the applicant. The Planning Commission shall review the proposal at a regular meeting at which it shall hold a public hearing on the proposal. Public notice shall be given pursuant to Section 16-2-30. The applicant or his/her representative shall be present to represent the proposal. The Planning Commission shall take one (1) of the following actions at the meeting:
 - (1) Approve the development proposal and authorize issuance of a development permit subject to such conditions as the Planning Commission finds necessary to ensure that the proposed development complies with this Code;
 - (2) Require changes or additional information which they find necessary to determine whether the proposed development complies with this Code; or
 - (3) Deny the development proposal stating the specific reasons therefore.
- (e) Further review.
 - (1) If the Planning Commission requests changes or additional information under subsection (d)(2) above the applicant shall submit fifteen (15) copies of the required changes or information to the Administrator at least ten (10) days prior to the meeting at which the proposal is to be reconsidered. The Administrator shall review the additional submittal with appropriate City departments and other agencies and shall distribute copies of the submittal to the Planning Commission members, along with comments from the departments and agencies.
 - (2) The Planning Commission shall reconsider the proposal at a regular meeting at which the applicant or his/her representative shall be present to represent the proposal. At this meeting, they shall take one (1) of the following actions:
 - (i) Approve the development proposal and authorize issuance of a development permit subject to such conditions as the Planning Commission finds necessary to ensure that the proposed development complies with this Code; or
 - (ii) Deny the development permit stating the specific reasons of noncompliance.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-90. Major impact review procedure.

- (a) Conceptual Review. In order to provide for exchange of information and ideas between the applicant, Planning Commission, and the City Council at the conceptual stage of a proposed development, the applicant shall discuss his/her proposal with the City Council at a joint Planning Commission and Council meeting before submitting the development plan. The Administrator shall provide to the Planning Commission and

City Council members copies of the development review request and the conceptual plan for discussion at the joint meeting. At the meeting, the Planning Commission and City Council may make comments and informal recommendations regarding the proposed development which shall not be binding but may be considered by the applicant as he/she prepares the development plan.

- (b) Development Plan. At the applicant's request, the Administrator will prepare and deliver or mail to the applicant, within one (1) week after the pre-application conference, a written summary of the issues discussed. The applicant shall then submit a development plan including the information described in Section 16-3-50.
- (c) Development Plan Submittal. Within six (6) months of the conceptual review described in subsection (a) above and no later than four (4) weeks before the Planning Commission meeting at which it is to be reviewed, twenty (20) copies of the major impact development plan map and description shall be submitted to the Administrator. If more than six (6) months elapses from the date of conceptual review to the date of development plan submittal, the applicant shall be required to recommence the development approval proceedings in accordance with this Article. The Administrator shall review the application for "completeness"; i.e., consistency with the pre-application checklist and the applicable requirements of this Code. Within seven (7) days of the submittal, the Administrator shall determine if the application is "complete" and entitled to proceed with the department/agency review and to be scheduled for a public hearing. If the application is deemed incomplete, the Administrator shall notify the applicant by writing, noting the deficiencies. The applicant shall have one (1) week to make the necessary revisions/additions to the application. Failure to submit the revised application materials within the prescribed timelines will result in the postponement of the hearing date. All timelines will then begin anew.
- (d) Department/Agency Review. The Administrator shall distribute copies of the development plan to City departments and other agencies as appropriate. These departments and agencies shall review the development plan with site visits as needed to determine whether it conforms to this Code and the City's policies in their areas of responsibility. They shall submit their comments to the Administrator at least ten (10) days before the appropriate Planning Commission meeting. The Administrator shall compile these comments and shall prepare for the Planning Commission a summary of the issues which the Planning Commission should consider in reviewing the proposal.
- (e) Planning Commission Review. The Administrator shall distribute copies of the development plan to the Planning Commission members, along with the summary of issues and department and agency comments. A copy of the summary and comments shall also be submitted to the applicant. The Planning Commission shall review the proposal at a regular meeting at which it shall hold a public hearing on the proposal. Public notice shall be given pursuant to Section 16-2-30. The applicant or his/her representative shall be present at the meeting to represent the proposal. The Planning Commission shall take one (1) of the following actions at the meeting:
 - (1) Approve the development proposal and recommend to City Council that a development permit be issued subject to such conditions as it finds necessary to ensure that the proposed development complies with the Comprehensive Plan, other adopted City plans, this Code, and City policies as adopted by ordinance or resolution;
 - (2) Deny the development proposal and recommend to the City Council that such application for development be denied since it does not comply with the Comprehensive Plan, other adopted City plans, this Code, or City policies as adopted by ordinance or resolution. The recommendation to deny shall specify which provisions of the Comprehensive Plan, this Code or City policies as adopted by ordinance or resolution have not been complied with, with respect to the proposed development; or
 - (3) Continue the hearing to a regular Planning Commission meeting with the requirement that the applicant submit changes or additional information which the Planning Commission finds necessary to determine whether the proposal complies with this Code and the City's policies as adopted by

ordinance or resolution. The date of the meeting shall be set by the Planning Commission upon recommendations from staff, the applicant and members of the public in attendance. Nothing herein shall prohibit the Planning Commission from continuing a matter more than once before making a recommendation decision to the City Council. In the event the applicant or a member of the public disagrees with the number of continuances granted by the Planning Commission, or the overall length of review of a particular major impact development application, such person may appeal to the City Council. The City Council shall have the authority to direct the Commission to change the review period. The Planning Commission shall comply with the City Council directive.

(f) Further review.

- (1) In the event the hearing is continued pursuant to subsection (e)(3) above, the applicant shall submit fifteen (15) copies of the required changes or information to the Administrator at least ten (10) days prior to the Planning Commission meeting at which the proposal is to be reconsidered. The Administrator shall review the additional submittal with appropriate City departments or other agencies and shall distribute copies of the submittal to the Planning Commission members along with comments from the departments and agencies.
- (2) At the continued hearing, the applicant or his/her representative shall be present to represent the proposal. At this meeting, the Planning Commission shall take one (1) of the following actions:
 - (i) Approve the development proposal and recommend to the City Council that a development permit be issued subject to such conditions as the Planning Commission finds necessary to ensure that the proposed development complies with this Code; or
 - (ii) Recommend denial of a development permit stating the specific reasons of noncompliance.

(g) City Council Review.

- (1) After the Planning Commission has made its recommendation for issuance or denial of the development permit, the Administrator shall distribute copies of the development plan to the City Council members, along with excerpts from Planning Commission meeting minutes and copies of department or agency comments.
- (2) The City Council shall review the proposed development at a regular meeting at which the applicant shall be present to represent the proposal. Following a public hearing at this meeting, the City Council shall take one (1) of the following actions:
 - (i) Affirm the decision of the Planning Commission after a finding that the proposed development does or does not comply with this Code; or
 - (ii) Reverse or modify the decision of the Planning Commission after finding that the proposed development does or does not comply with this Code.
- (3) If the proposed development is approved by the City Council, pursuant to subsection (2) above, the City Council shall authorize issuance of a development permit subject to such conditions as the City Council finds necessary to ensure that the proposed development complies with this Code. If the proposal is denied, the City Council shall state the specific reasons of noncompliance.
- (h) Changes in Development Plans. Any change in the development plan made after original submittal of the plan, but before issuance of the development permit, shall require the proposal to be re-entered in the review procedure at the appropriate planning review step unless, in the opinion of the Administrator, the change does not materially change the development plan and it complies with this Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-100. Steps following approval of a development plan.

- (a) Filing of Development Plan. If a development permit is authorized, a copy shall be filed within sixty (60) days of its approval by the City Council with the Community Development Department, along with a copy of the approved development plan, both of which shall become part of the permanent records of the City.
- (b) As-builts. Before the issuance of any certificate of occupancy for the development, the applicant shall submit to the Administrator a set of as-built plans and profiles on twenty-four-inch-by-thirty-six-inch (24" × 36") reproducible Mylar sheets for all water mains, sanitary sewers and storm sewers as well as a surveyed map of utility easements. Such plans and profiles shall be of a scale and accuracy sufficient to enable location of the improvements and easements and shall be subject to the approval of the City Engineer.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-110. Public hearings.

Table 16-C, Decision-Making Bodies and Public Hearing Requirements for Development Applications, identifies the types of review processes for land development applications which shall be considered during a public hearing and at what step during the review process that hearing shall occur. Public notice shall be provided for each application type which is identified as requiring notice to be given in accordance with Section 16-2-30 of this Code.

TABLE 16-C Decision-Making Bodies and Public Hearing Requirements for Development Applications		
Application Type	Decision-Making Bodies	Public Hearing Required? When?
Interpretation	Administrator	No
Administrative Review	Administrator	No
Limited Impact Review	Planning Commission	Yes
Major Impact Review	Planning Commission recommendation to City Council	Yes—for Planning Commission review and for Council review or ordinance adoption
Appeal of specific orders, decisions or interpretations	Designated body as outlined in Table 16-A	Yes—if appeal is from a decision rendered during a public hearing
Designation of historic district or landmark	Historic Preservation Commission	Yes—For Historic Preservation Commission review and Council ordinance adoption
Minor certificate of approval	Staff and two (2) Historic Preservation Commission members as needed	No

Major certificate of approval	Historic Preservation Commission	Yes— Posting of the site only, not by mail or newspaper
Text Amendment	Planning Commission recommendation to City Council	Yes—for Council ordinance adoption
Sign Permit	Administrator	No
Creative Sign Permit	Planning Commission	Yes
Verification of zoning compliance	Administrator	No
Annexation	Planning Commission recommendation to Council	Yes—for Planning Commission review and for Council ordinance adoption
Appeal (Board of Appeals)	Board of Appeals	No

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 6, 6-21-2019)

Sec. 16-3-120. Concurrent review.

When a development project involves multiple application types, whether subdivision or development permits, the requests may be made and reviewed concurrently at the option of the applicant. In the case of concurrent applications, the final decision making body on the more intensive application path shall make the final decision on the multiple applications.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-130. Format of final submissions.

All final subdivision plats, development plans, record drawings and annexation maps shall be submitted to the City on a method of data transfer acceptable to the City, in PDF and a format compatible with DXF or DWG files. This requirement may be waived at the discretion of the Administrator.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-3-140. Insubstantial changes or amendments to an approved development plan.

Once the development application has been approved, no substantial variation of the plan shall be permitted without approval of the Administrator. Modifications to approved plans shall be reviewed and may be approved by the Administrator upon finding that the amended plan is in substantial compliance with the originally approved plan. Modifications to approved development applications may be brought to the approving body for review at the discretion of the Administrator.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE IV. ZONING

Sec. 16-4-10. Purpose of article.

This Article specifies the purpose and intent of zone districts that regulate the type and intensity of land uses within the City. The zone districts have been organized into broad district classifications, these being residential, mixed-use, commercial, and industrial. The incorporated area of the City is divided into zone districts to achieve compatibility of uses and character within each zone district, guided by the vision of the Salida Comprehensive Plan and to achieve the purposes of this Land Use Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-20. Zone districts established.

To carry out the purpose and provisions of this Article, the City is divided into the following zone districts:

- (1) R-1, Single-Family Residential District.
- (2) R-2, Medium Density Residential District.
- (3) R-3, High Density Residential District.
- (4) R-4, Manufactured Housing Residential District.
- (5) RMU, Residential Mixed Use District.
- (6) C-1, Commercial District.
- (7) C-2, Central Business District.
- (8) I, Industrial District

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-30. Official zoning map.

- (a) Map Established. The boundaries of the zone districts established by this Land Use Code are shown on the map entitled "The City of Salida Official Zoning Map" (hereinafter, "Official Zoning Map"). The Official Zoning Map, and all explanatory materials contained therein, is hereby established and adopted as part of this Land Use Code, incorporated into this Land Use Code by reference and made a part hereof.
- (b) Location. The Official Zoning Map is filed in the Office of the City Clerk. It is on display and available for inspection during normal business hours.
- (c) Amendment. If, pursuant to Section 16-4-210 below, an amendment is made to the Official Zoning Map, such amendment shall be entered on the map by the Administrator promptly following its adoption.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-40. Determination of zone district boundaries.

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, one-quarter ($\frac{1}{4}$) section lines, one-half ($\frac{1}{2}$) section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of City or County roads or highways or right-of-way lines or extensions thereof. For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Zone District Map. Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall

then follow the centerline of the former right-of-way. Land not part of a public, railroad, or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad, or utility right-of-way.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-50. Zoning of annexed territory.

All territory annexed to the City subsequent to July 3, 2002 shall be zoned according to district classifications of this Article. Such classification shall be determined by the City Council, upon recommendation of the Planning Commission. The proposed zoning shall be established in accordance with applicable state statutes.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-60. Application of regulations.

- (a) **Conformity to Use Regulations.** Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the zone district regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the City of Salida.
- (b) **Conformity to Setback, Bulk, Site Area and Height Provisions.** Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the zone district regulations for the district in which such buildings, structures or open space is located.
- (c) **Lot Area, Yard, Frontage, Landscape Area, and Parking Restrictions.** Except as hereinafter provided, no lot area, yard, frontage, landscape area or parking provided about any building for the purpose of complying with provisions of this Chapter shall be considered as providing lot area, yard, frontage, landscape area or parking for any other building, and no lot area, yard, frontage, landscape area or parking for a building on any other lot.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-70. Residential zone districts.

Specific uses that are permitted, conditional or not allowed are outlined in this Article, Table 16-D, Schedule of Uses, as are references to the review process required for various uses. The general purposes of the residential zone districts established within this Chapter are as follows:

- (1) **Single-Family Residential (R-1).** The purpose of the Single-Family Residential (R-1) zone district is to provide for residential neighborhoods comprised of detached single-family dwellings at relatively low densities. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses. Areas designated Single-Family Residential (R-1) include low-density developing areas.

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- (2) Medium-Density Residential (R-2). The purpose of the Medium-Density Residential (R-2) zone district is to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings and multi-family residences on smaller lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.
 - (3) High-Density Residential (R-3). The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.
 - (4) Manufactured Housing Residential (R-4). The purpose of the Manufactured Housing Residential (R-4) zone district is to provide for relatively high density manufactured housing, mobile home residences and mobile home parks. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-80. Commercial, business and industrial zone districts.

Specific uses that are permitted, conditional or not allowed are outlined in this Article, Table 16-D, Schedule of Uses. The general purposes of the commercial and industrial zone districts established within this Chapter are as follows:

- (1) Residential Mixed Use (RMU). The purpose of the Residential Mixed Use (RMU) zone district is to provide for opportunities for an integration of residential and commercial uses that are developed and operated in harmony. The district should provide a variety of housing choices and promote pedestrian connections.
- (2) Commercial (C-1). The purpose of the Commercial (C-1) zone district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. Typically, residential uses are conditional within a C-1 zone district. Areas designated Commercial (C-1) are located primarily along the City's main entrance corridors.
- (3) Central Business (C-2). The purpose of the Central Business District (C-2) zone district is to provide for the business and civic functions that make up the City's core. The Central Business District (C-2) has a strong pedestrian character and provides for concentrated commercial activity. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and of visitors to the community.
- (4) Industrial (I). The purpose of the Industrial (I) zone district is to provide for industrial activity, both general and light, and service businesses, in areas where conflicts with commercial, residential and other land uses can be minimized. Typically, residential uses are conditional within an I zone district.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-90. Principal and accessory uses.

- (a) The primary use of a lot is referred to as a "principal use" which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and light industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the zone district regulations. Only one (1) principal building and its customary

accessory buildings may be erected on any single lot in an R-1 residential zone district. Multiple principal residential structures may be allowed in an R-2 district if approved through a limited impact review.

- (b) A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an accessory use. Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Chapter.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-17 , § 2(Exh. A), 12-3-2019)

Sec. 16-4-100. Permitted uses.

Those uses designated as permitted in Table 16-D, Schedule of Uses are allowed as a matter of right and without special authorization. The Administrator shall verify that development of a use allowed by right complies with all standards and requirements of this Chapter.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-110. Conditional uses.

- (a) General. Conditional uses are those land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. It is the intent of these regulations to provide a review of conditional uses so that the community is assured that any proposed conditional uses are suitable for the proposed location and are compatible with the surrounding land uses. Conditional uses are generally appurtenant to the property supporting the use; however, conditional use permits may also be made specific to the permit holder if appropriate under the circumstances.
- (b) When Allowed. Conditional uses may be permitted in designated zone districts upon approval of the Administrator or Planning Commission as provided in these regulations.
- (c) Application and Review. All applications for conditional uses will be reviewed according to the procedures set forth in Section 16-3-60 for Administrative Conditional Uses and Section 16-3-80 for Conditional Uses.
- (d) Review Standards. An application for conditional use approval shall comply with the following standards. In addition an application for a conditional use must demonstrate compliance with any review standards particular to that use specified in Table 16-D.
- (1) Consistency with Comprehensive Plan. The use shall be consistent with the City's Comprehensive Plan.
 - (2) Conformance to Code. The use shall conform to all other applicable provisions of this Chapter, including, but not limited to:
 - a. Zoning district standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article V.
 - b. Site development standards. The parking, landscaping, sign and improvements standards.
 - (3) Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

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- (4) Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.
 - (5) Nuisance. The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare and similar conditions.
 - (6) Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.
 - (7) Environment. The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-120. Expiration of conditional use permit.

- (a) Conditional use permit approval shall be valid for one (1) year from the date of approval or within a longer period determined by the Administrator or Planning Commission, as applicable, for uses which involve phasing, but in no event longer than five (5) years from the date of approval. The conditional use approval may contain conditions as deemed appropriate by the Administrator or Planning Commission in approving the permit. Within the one-year period, or other approved period, the permit holder must either begin construction or establish the land use authorized by the conditional use permit, including any conditions attached to the conditional use approval. Failure to start construction or establish such use within the one-year or other applicable time period shall result in automatic expiration of the conditional use permit. Once a conditional use is established, any discontinuance of the use for a period of one (1) year, for any reason, shall result in automatic expiration of the conditional use permit, unless otherwise provided in the permit. The approval of a conditional use may or may not identify an initial term for the conditional use. Upon expiration of the term, if the permit is so limited, the conditional use permit shall automatically expire.
- (b) Prior to expiration of the initial term or an extended term, the applicant may submit a request to the Administrator to extend the conditional use approval, which request shall specify the reasons why the use should be permitted to continue. The approval shall be deemed extended until the Administrator or Planning Commission, as applicable, has acted upon the request for extension. The City shall be authorized to deny an extension or extend the approval and to impose additional conditions, if necessary.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-130. Revocation of conditional use permit.

- (a) Violations. All stipulations submitted as part of a conditional use permit and all conditions imposed by the Administrator or Planning Commission, as applicable, shall be maintained in perpetuity with the conditional use. If at any time the stipulations or conditions are not met or have been found to have been altered in scope, application or design, the use shall be in violation of the conditional use.
- (b) Abatement. If and when any conditional use is determined to be in violation of the terms and conditions of approval, the Administrator shall notify the permit holder in writing and shall provide the permit holder with a thirty (30) day period in which to abate the violation.
- (c) Revocation. If the violation of the conditional use continues after the thirty (30) day period specified in the written request for abatement of the violation, the Administrator shall schedule a hearing before the

Planning Commission. Notice of the hearing shall be provided to the permit holder in accordance with Section 16-2-30 of this Chapter. Following a proper hearing, the Planning Commission shall issue a decision either revoking or sustaining the conditional use permit.

- (d) Appeals. Appeals of the Planning Commission decision regarding revocation of the conditional use permit may be brought by the permit holder according to the procedure established at Section 16-2-70 of this Chapter.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-140. Uses not itemized.

Uses not specifically described in a particular zone district may be considered a conditional use in that zone district if the Administrator determines, in writing, that the proposed use is substantially similar to a use specifically described in that particular zone district.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-150. Schedule of uses and review process.

- (a) Uses.
- (1) Permitted Uses. "P" indicates uses which are permitted.
 - (2) Administrative Conditional Uses. "AC" indicates conditional uses which are allowed subject to administrative review.
 - (3) Conditional Uses. "C" indicates uses which are allowed, subject to conditional use review. The Planning Commission shall conduct a public hearing to determine whether the conditional use complies with all standards and requirements of this chapter, pursuant to the limited impact review process.
 - (4) Not Permitted. "N" indicated uses which are prohibited.
- (b) Development Permits.
- (1) Administrative Review. "AR" indicates uses which are allowed subject to administrative review.
 - (2) Limited Impact Review. "LR" indicates uses which are allowed, subject to approval through the limited impact review process.
 - (3) Major Impact Review. "MR" indicates uses which are allowed, subject to approval through the major impact review process.
- (c) Standards. The "Standards" column refers the reader to the subsection of the text which contains review standards applicable to particular uses.
- (d) Intensity of Use. Table 16-D describes the minimum review process for uses within the City. The size or intensity of a proposed nonresidential or mixed-use project may trigger a more intensive review process under the size parameters set forth in Section 16-3-40 of this Chapter.

TABLE 16-D Schedule of Uses	
N = Not Permitted P = Permitted AC = Administrative	

Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
Residential Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards ¹
Accessory buildings and structures.	P	P	P	P	P	P	P	P	Sec. 16-4-190(c)
Multiple principal residential structures	N	LR	AR	AR	AR	P	P	P	Sec. 16-4-190(b)
Accessory dwelling units	AR	AR	AR	AR	AR	AR ⁴	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	N	P	P	P	P	P ⁴	LR ³	LR ³	
Residential (3—4 units)	N	AR	AR	AR	AR	AR	AR ³	AR ³	
Residential (5—19 units)***	N	LR	AR	AR	LR	AR	LR ³	LR ³	
Residential (20 or more units)***	N	MR	MR	MR	MR	MR	MR ³	MR ³	
Single-family dwelling units	P	P	AR ³	AR ³	AR	AR ⁴	AR ³	AR ³	
Single Mobile Home	N ³	N ³	N ³	P	N ³	N ³	N ³	N ³	
Medical marijuana cultivation—patient or primary caregiver—up to six plants	P	P	P	P	P	P	P	P	Sec. 16-4-190(j)
Medical marijuana cultivation—patient or primary caregiver—more than six plants	N	N	N	N	N	N	LR	N	Sec. 16-4-190(j)
Mobile home parks	N	N	N	LR	N	N	N	N	Sec. 16-4-190(d)
One or more dwelling units on the same site as a commercial or industrial use	N	N	N	N	AR	AR	LR	LR	
Recreational vehicles—long term occupancy	N	N	N	AR	N	N	AR	N	Sec. 16-4-190(i)

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Recreational vehicle parks	N	N	N	LR	N	N	LR	N	Sec. 16-4-190(e)
Rooming or boarding houses ²	N	N	LR ³	LR ³	LR ³	LR ³	LR ³	N	
Residential Business Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Bed and breakfast inns	AR	AR	AR	AR	AR	AR	AR	AR	
Day care, adult	C	C	C	C	LR	AR	AR	LR	Sec. 16-4-190(f)
Day care home	P	P	P	P	P	P	P	P	Sec. 16-4-190(f)
Day care center	C	C	C	C	C	AC	AC	C	Sec. 16-4-190(f)
Home occupations	P	P	P	P	P	P	P	P	Sec. 16-4-190(g)
Home Businesses	LR	LR	LR	LR	AR	P	P	P	Sec. 16-4-190(g)
Short-term rental units	AR	AR	AR	AR	AR	AR	AR	AR	Sec. 16-4-190(q)
Public/Institutional Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Bus Stations	N	N	N	N	N	LR	LR	LR	
Churches, parish homes and religious education buildings	AR	AR	AR	AR	AR	AR	AR	AR	
Clubs operated by and for their members	LR	LR	LR	LR	LR	P	P	P	
Community buildings	LR	LR	LR	LR	LR	AR	AR	N	
Government administrative facilities and services	LR	LR	LR	LR	LR	AR	AR	AR	
Group homes	C	C	C	C	C	N	C	N	
Hospitals	N	N	N	N	MR	MR	MR	MR	
Nursing homes	N	MR	MR	MR	MR	N	MR	N	
Parks	AR	AR	AR	AR	AR	AR	AR	AR	
Public parking facilities	N	N	N	N	LR	LR	LR	LR	

Recreation facilities	C	AR	AR	AR	AR	AR	AR	AR	
Schools	LR	LR	LR	LR	LR	LR	LR	LR	
Commercial, Personal Service and Office Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Adult entertainment establishments	N	N	N	N	N	N	N	C	Sec. 16-4-190(s)
Adult bookstores, adult novelty shops, adult video stores	N	N	N	N	N	C	C	C	Sec. 16-4-190(t)
Commercial lodging	N	N	N	N	LR	AR	AR	N	
Commercial parking lots and garages	N	N	N	N	LR	LR	LR	LR	
Downtown street patio	N	N	N	N	N	C	N	N	Sec. 16-4-190(r)
Drive-in facilities	N	N	N	N	N	LR	LR	N	Sec. 16-4-190(l)
Drive-in food or beverage facilities	N	N	N	N	N	LR	LR	N	Sec. 16-4-190(l)
Outdoor amusement establishment	N	N	N	N	N	N	LR	LR	
Eating and drinking establishments	N	LR	LR	LR	P	P	P	LR	
Medical marijuana centers	N	N	N	N	N	N	AR	N	Sec. 16-4-190(k)
Retail marijuana store	N	N	N	N	N	N	AR	N	Sec. 16-4-190(k)
Marijuana cultivation facilities	N	N	N	N	N	N	LR	LR	Sec. 16-4-190(p)
Professional offices	N	N	N	N	P	P	P	LR	
Campground	N	N	N	N	N	N	MR	MR	
Retail sales and rental establishments	N	LR	LR	LR	P	P	P	LR	Sec. 16-4-190(m)
Temporary commercial activities**	N	N	N	N	AR	AR	AR	AR	Sec. 16-4-190(n)
General Services	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹

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Automobile sales, service and repairs	N	N	N	N	N	LR	P	P	
Gasoline service stations and car washes	N	N	N	N	N	N	AR	AR	
Mobile home and recreational vehicle sales and services	N	N	N	N	N	N	P	P	
Veterinary clinics	N	N	N	N	N	LR	LR	LR	
Industrial Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Light industrial	N	N	N	N	LR	LR	AR	AR	
Heavy industrial	N	N	N	N	N	N	MR	MR	
Marijuana infused products manufacturing operation (Medical or Retail)	N	N	N	N	N	N	N	N	
Medical marijuana optional premises cultivation operation	N	N	N	N	N	N	N	N	
Communication facility	N	N	N	N	N	N	MR	LR	Sec. 16-4-190(o)
Storage yards	N	N	N	N	N	N	LR	LR	
Warehouses, enclosed storage and truck terminals	N	N	N	N	N	N	LR	P	
Wholesale businesses	N	N	N	N	N	LR	LR	P	
Bulk fuel storage facilities and wholesale sales of fuels	N	N	N	N	N	N	N	LR	
Junkyards, salvage yards or automobile wrecking yards	N	N	N	N	N	N	N	MR	
Notes: 1 The standards referenced herein are in addition to all other applicable standards of this Land Use Code. 2 Provided that State Health Code space and sanitation requirements are met. 3 An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F. 4 Ground floor residential uses are limited in the Central Business Economic Overlay per Section 16-5-90. * The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District. ** Any site or lot where more than two (2) temporary commercial activities or vendors are proposed must receive limited impact review approval for the entire site. *** See inclusionary housing requirements of Section 16-13-20.									

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(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2017-07 , § 4, 4-18-2017; Ord. No. 2018-07 , § 2(Exh. A), 3-20-2018; Ord. No. 2018-20 , § 4, 1-11-2019; Ord. No. 2019-13 , § 7, 9-6-2019; ; Ord. No. 2019-17 , § 2(Exh. A), 12-3-2019; Ord. No. 2019-18 , § 3, 12-20-2019; Ord. No. 2021-13 , § 4, 9-7-2021; Ord. No. 2021-15 , § 6, 10-5-2021; Ord. No. 2022-01 , § 4, 3-1-2022; Ord. No. 2022-05 , § 2, 4-5-2022)

Sec. 16-4-160. Nonconformities.

- (a) Intent. Within the City there exist uses, structures and lots which were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of this Chapter. It is the intent of the City to permit these nonconformities to continue, but not to allow them to be enlarged or expanded, so as to preserve the integrity of the zone districts and the other provisions of this Chapter.
- (b) Continuation of Nonconforming Use. Uses of a nonconforming building or structure may be continued subject to the following conditions:
 - (1) Use of a nonconforming building or structure shall not be expanded, altered, enlarged or relocated, except as permitted in Subsection 16-4-160(c) below.
 - (2) Whenever a nonconforming building or structure has been damaged by fire or other cause to the extent of more than eighty percent (80%) of its replacement cost, as determined by the Administrator, it shall only be reconstructed in compliance with the provisions of this Chapter.
 - (3) Nonconforming buildings may be repaired and maintained.
 - (4) A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.
- (c) Additions to Nonconforming Building or Structure.
 - (1) A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.
 - (2) An extension to a nonconforming structure may be permitted by the Administrator to comply with the provisions of the Americans With Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.
- (d) Discontinuation, Damage or Destruction. A nonconforming building, premises, land, property or use shall be required to come into conformity with all applicable requirements of this Code if any of the following occur:
 - (1) The nonconforming use ceases for a period of one (1) year or more.
 - (2) Except as otherwise specifically permitted by this Code, a nonconforming building, premises, land, property or use is enlarged, altered or expanded.
 - (3) A nonconforming building, premises, land, property or use is changed to a conforming building, premises, land, property or use.
 - (4) A nonconforming building, premises, land or property which is destroyed in any manner, or is damaged in any manner not at the fault of the property owner, the building, premises, land, property or use may be restored to its original condition, provided that such restoration shall be started within six (6) months and shall be completed within twenty-four (24) months of the event of said damage or destruction.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-170. Nonconforming lots.

- (a) A primary structure and customary accessory buildings and structures may be developed on a lot which is nonconforming as to minimum lot size or minimum lot frontage, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to Article III above, and provided that the development complies with all other standards of this Chapter.
- (b) No lot that is conforming as to minimum lot size or minimum lot frontage may be reduced in size or subdivided in such a way that it creates a nonconforming lot, causes any structure or use to become nonconforming, or causes the nonconformity of any use to increase.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-180. Zoning variances

- (a) Purpose. Variances are authorization to deviate from the literal terms of this Land Use Code that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this Land Use Code would result in undue or unnecessary hardship. A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.
- (b) Variances Authorized. Variances from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum lot size, minimum setbacks and parking requirements.
- (c) Administrative Variances. Because the development of much of historic Salida preceded zoning, subdivision and construction regulations, many buildings within the older neighborhoods of the City do not conform to contemporary zoning standards. In order to encourage restoration and rehabilitation activity that would contribute to the overall historic character of the community, variances from underlying zoning requirements for side and front setbacks may be granted by the Administrator under the following circumstances:
 - (1) Existing Primary Structure. The Administrator may grant a variance from a setback requirement for an addition to a primary structure if it continues the existing building line. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that maintenance of the building addition can be provided on the subject property and that it is not injurious to adjacent neighbors.
 - (2) Traditional Neighborhood Setbacks. The Administrator may grant a variance from a front setback requirement for a primary structure if the neighboring properties encroach into the front setback. The variance shall not permit the structure to encroach further into the front setback than the neighboring primary structures. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that such encroachments are the existing development pattern of the block on which the subject property is located and that the encroachment would not be injurious to adjacent neighbors.
- (d) Use Variances Not Authorized. Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance.
- (e) Required Showing for Variances. The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

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- (1) Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;
 - (2) Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant;
 - (3) Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land or building;
 - (4) Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building;
 - (5) Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building;
 - (6) No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and
 - (7) Consistency With Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.
- (f) Authorization to Impose Conditions. The Administrator, in approving an administrative variance, or the Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-4-190. Review standards applicable to particular uses.

- (a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.
- (b) Multiple Principal Residential Structures.
 - (1) Scale. The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. *Scale* shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setbacks and orientation.
 - (2) Parking and Access. Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.
 - (3) Provision of Adequate Services. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13, Municipal Utilities, of this Code.
- (c) Accessory Dwelling Unit/Accessory Building.

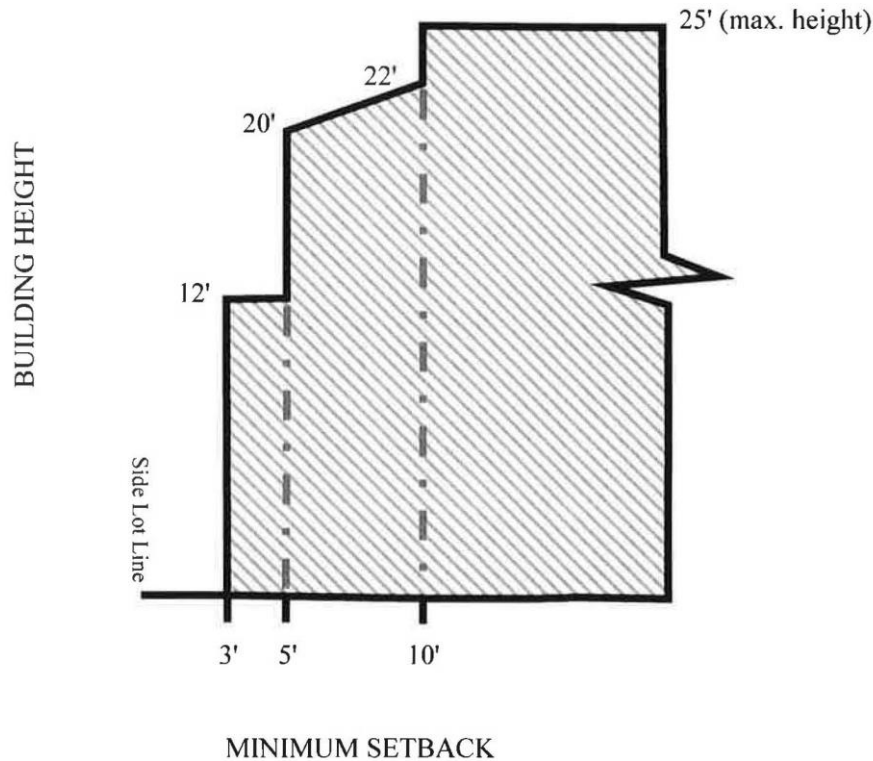
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(Supp. No. 10, Update 2)

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- (1) Location. A legally-permitted accessory dwelling unit (ADU) may be located internal to, attached to, or detached from a principal dwelling unit on the same lot. Only one (1) ADU is allowed per lot.
 - (2) Square Footage.
 - a. Internal or Attached ADU. An accessory dwelling unit within or attached to the principal dwelling may include no more than one thousand (1,000) square feet of conditioned living space provided that the remainder of the principal dwelling is greater in square footage than the ADU and provided that no more than eight hundred (800) square feet of conditioned living space is located above the first floor. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than fifty (50) square feet. All other areas of an ADU shall count towards conditioned living space. For principal dwellings existing prior to the effective date of Ordinance 2019-18, an internal ADU (only) may be permitted at any size provided that the remaining square footage of the existing principal dwelling is greater than that of the ADU.
 - b. Detached ADU Fifteen (15) Feet in Height or Less. An accessory dwelling unit within a detached accessory building up to fifteen (15) feet in total height may include a maximum of one thousand (1,000) square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than fifty (50) square feet. All other areas of an ADU shall count towards conditioned living space.
 - c. Detached ADU Greater than Fifteen (15) Feet in Height. An accessory dwelling unit within a detached accessory building greater than fifteen (15) feet in total height shall not exceed eight hundred (800) square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than fifty (50) square feet. All other areas of an ADU shall count towards conditioned living space.
 - (3) Parking. There shall be one (1) additional off-street parking space provided for the accessory dwelling unit. Where alley access to the property exists, the required parking for detached ADUs shall be accessed from the alley, unless sufficient off-street parking with unencumbered access to the ADU can be provided on the remainder of the lot, or as allowed for corner lots in Section 16-8-20(e)(1)(i).
 - (4) Occupancy. The accessory dwelling unit shall not be condominiumized or sold and shall not be rented for periods of less than thirty (30) consecutive days. Maximum occupancy is determined per applicable fire code.
 - (5) Side Lot Line Setbacks for Detached Accessory Buildings. Applies to all zones except for the Central Business (C-2) Zone. (See Figure 16-1 below for a visual description.)
 - a. Any part of a detached accessory building, excluding eaves (per Section 16-8-130), up to twelve (12) feet high must be set back a minimum of three (3) feet from all side lot lines.
 - b. Any part of a wall plane (including windows and façades greater than forty-five (45) degrees from the horizontal) over twelve (12) feet up to twenty (20) feet high must be set back a minimum of five (5) feet from all side lot lines.
 - c. Any part of a wall plane (including windows and façades greater than forty-five (45) degrees from the horizontal) over twenty (20) feet high must be set back a minimum of ten (10) feet from all side lot lines.

- d. Any part of a detached accessory building, excluding eaves (per Section 16-8-130), over twenty-two (22) feet high must be set back a minimum of ten (10) feet from all side lot lines.

Fig. 16-1 Detached Accessory Building Side Lot Line Setback Parameters



- (d) Mobile Home Park. New mobile home parks shall comply with the standards of the underlying zone district, except as otherwise specified herein. This Section applies to new parks. Mobile home parks existing as of June 3, 2002 may maintain the plan currently on file with the City Clerk. However, if any mobile home park existing at the time of adoption alters its plan in any way, the new plan must comply with the provision of this Chapter. Additionally, replacement mobile homes shall meet the National Manufactured Home Construction and Safety Standards Act of 1974 (hereinafter referred to as "the HUD Code.")
- i. Replacement of Mobile Homes. A mobile home within a nonconforming mobile home park may be replaced with another mobile home, even if the dimensions of the replacement mobile home result in an increase in the degree of nonconformity of the mobile home park with respect to the minimum setbacks set forth in Paragraph 16-4-190(d)(4) below.
- (1) Minimum Park Size. The placement of two (2) or more mobile homes on a single lot of record constitutes the creation of a mobile home park and shall meet the standards of this Section.
- (2) Maximum Density. The maximum density in a mobile home park shall be twelve (12) mobile home units per gross acre.
- (3) Minimum Space Size. The minimum space size of a mobile home is provided below. Larger mobile homes may require larger minimum lot sizes.

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- a. Single-section unit. The minimum space size for a single-section or single-wide mobile home unit shall be three thousand (3,000) square feet.
 - b. Multi-section unit. The minimum space size for a multi-section or double-wide mobile home unit shall be four thousand (4,000) square feet.
- (4) Minimum Setbacks of Each Unit Space.
- a. Perimeter. All permanent structures, mobile homes and accessory structures shall be set back a minimum of fifteen (15) feet from all boundaries of the mobile home park.
 - b. Front yard. The unit shall be a minimum of ten (10) feet from the front lot line. Accessory structures are not permitted in the front yard.
 - c. Side spacing. A minimum of twenty (20) feet between units shall be provided. Accessory detached structures shall be set back a minimum of five (5) feet from any other structure.
 - d. Rear. The unit shall be a minimum of ten (10) feet from the rear lot line. Accessory structures shall be set back a minimum of five (5) feet from any other structure.
- (5) Recreation Area.
- a. Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer for recreation use. The recreation area shall not include any area designated as a roadway, unit space or storage area and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district. The recreation area requirement may be waived by the Planning Commission in the conditional use process if it is determined that sufficient public recreation facilities are available in the immediate vicinity of the park but a fee-in-lieu shall be required.
 - b. Assurances. As part of the application for the mobile home park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely manner so as to be suitable for active recreation use in accord with the approved plan and adequately maintained for as long as the park is in existence.
- (6) Utilities Installation and Connection.
- a. Connection required. No mobile home shall be occupied within any mobile home park unless it meets all minimum setbacks and space size requirements and is connected to all utility services, including the City water system, a public sewage disposal system and electrical lines. Utility connections shall be located on the space served.
 - b. Code compliance. Utility installations and connection taps shall be installed to comply with all state and local codes. Fire hydrants shall be installed to comply with City standards and fire codes.
 - c. Underground. All utilities, except major power transmission lines, shall be placed underground.
 - d. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-8-100 below.
- (7) Site Conditions. All parks shall be drained, graded and surfaced as necessary to facilitate drainage and prevent erosion, and shall be free from depressions in which water collects and stagnates, other than approved on-site retention facilities.
- (8) Parking. There shall be a minimum of one (1) off-street parking space provided on each mobile home space. Guest parking shall also be provided in a common parking area, with one (1) guest space provided for every four (4) mobile home spaces in the park.

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- (9) Roadways and Walkways.
- a. Private. Internal roadways and walkways within the mobile home park shall be privately owned, paved and maintained, and shall be designed for safe access to all mobile home spaces and parking areas.
 - b. Walkways. Walkways of not less than three (3) feet in width shall be provided from unit spaces to all service buildings and recreation areas, and on at least one (1) side of all roadways within the mobile home park.
 - c. Entrance. The entrance to the mobile home park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection and shall be a minimum of thirty (30) feet in width.
- (10) Location of Unit.
- a. Obstruction prohibited. No mobile home shall be parked so that any part of such unit will obstruct any roadway or walkway in a park.
 - b. Located on an approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.
- (11) Outdoor Storage.
- a. Individual buildings required. Individual outdoor storage buildings shall be provided on each unit space for the personal use of the occupants of said space. Such storage buildings shall have a minimum floor space of fifty (50) square feet and shall be not less than six (6) feet in height. Space beneath the mobile homes shall not fulfill this requirement.
 - b. Outdoor storage prohibited. No outdoor storage, other than that accommodated in individual outdoor storage buildings or boats, trailers and vehicles where stored on separate and additional parking spaces, shall be allowed on mobile home spaces, except cut and stacked firewood.
- (12) Skirting. All mobile home units shall be skirted with a material which has been manufactured for skirting. Such skirting shall be in place within ninety (90) days after the mobile home is set on the mobile home space.
- Note: straw, hay, sawdust or other like material shall not be placed beneath or around the mobile home.
- (13) Unit Space Numbering. Each space in a mobile home park shall have its space number displayed uniformly with reflective numbers of a minimum height of three (3) inches.
- (e) Recreational Vehicle Park. A recreational vehicle park shall comply with the standards of the underlying zone district, except as otherwise specified herein.
- (1) Minimum Park Size. A recreational vehicle park shall be developed and operated on a site of at least three (3) acres.
 - (2) Minimum Space Size. Each recreational vehicle unit space shall contain a surfaced area of not less than ten (10) feet by thirty (30) feet. Surfacing shall consist of asphalt, concrete or not less than four (4) inches of gravel, with edging required. A recreational vehicle shall be parked in its entirety on the surfaced area.
 - (3) Minimum Setbacks for Recreational Vehicles. The minimum setback requirements for all permanent structures and recreation vehicles shall be as follows:
 - a. Perimeter. A minimum of fifteen (15) feet from all boundaries of the park.

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- b. Separation. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.
 - (4) Recreation Area.
 - a. Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer for recreation use. The recreation area shall not include any area designated as a roadway, unit space, parking area or storage area, and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district.
 - b. Assurances. As part of the application for the recreational vehicle park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely way so as to be suitable for active recreation use in accordance with the approved plan and adequately maintained for as long as the park is in existence.
 - (5) Landscaping. Landscaping shall be required for an area amounting to not less than fifteen percent (15%) of the gross area of the park. The landscape area may include the recreation area and common landscape areas, and shall include a landscape area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties. The required landscape area shall comply with Section 16-8-90 of this Chapter.
 - (6) Utilities Installation and Connection.
 - a. Code compliance. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes.
 - b. Underground. All utilities, except major power transmission lines, shall be placed underground.
 - c. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-8-100 of this Chapter.
 - (7) Fire Protection. Every recreational vehicle park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the Fire Marshal, with reference to the City's fire code. Fire hydrants shall be installed to comply with City standards and fire codes.
 - (8) Roadways and Walkways.
 - a. Private. Internal roadways and walkways within the recreational vehicle park shall be privately owned, built and maintained, and shall be designed for safe access to all spaces, parking areas, service buildings and recreation areas.
 - b. Entrance. The entrance to the recreational vehicle park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection, shall be a minimum of thirty (30) feet in width, and shall be designed to comply with minimum American Association of State Highway and Transportation Officials (AASHTO) standards.
 - (9) Location of Unit.
 - a. Obstruction prohibited. No recreational vehicle shall be parked so that any part of such unit will obstruct any roadway or walkway in a park.
 - b. Locating on approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.

- (10) Dump Stations. Dump stations may be installed, in accordance with City specifications.
- (11) Refuse and Garbage. Every four (4) recreational vehicle spaces shall have provided one (1) container for trash and garbage and a rack or holder at a permanent location for the same. Trash and garbage containers shall be located within one hundred (100) feet of any unit space they serve.
- (12) Service Building. A service building shall be installed in all recreational vehicle parks. The number and type of facilities required to be contained in the building shall be as shown in Table 16-C. The service building shall also meet the following standards:
- Private compartments. Each water closet, bath or shower shall be in a private compartment and shall meet the requirements of the City's plumbing code.
 - Sound-retardant wall. A sound-retardant wall shall separate the toilet facilities for each sex when provided in a single building.
 - Utility sink. A minimum of one (1) utility sink shall also be provided for disposal of liquid wastes and for clean-up and maintenance of the service building.
 - Construction. The service building shall be of permanent construction and be provided with adequate light, heat and positive ventilation in shower and bathing areas. Interior construction of the service building shall use cleanable, moisture resistant materials on walls, ceilings and floors, and use slip-resistant materials on floors.
 - Openings screened. All windows, doors or other openings shall be screened to keep out insects.
 - Plumbing. All plumbing shall conform to the most recently adopted version of the building code and the local plumbing code. Hot and cold running water shall be provided in the service building.
 - Telephones. At least two (2) public telephones shall be provided at the service building.

TABLE 16-E Minimum Required Service Building Facilities								
	TOILETS		URINALS		LAVATORIES		SHOWERS	
	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.
15	1	1		2	1	2		2
	1	2			1	2		2
16— 30	1	2		3	1	3		2
	1	3			1	3		2
31— 45	1	3		3	1	4		3
	1	4			1	4		4
46— 60	1	4		4	1	5		4
	1	5			1	5		5
61— 80	1	4		4	1	5		5
	1	6			1	5		6

Ind. = Independent status recreational vehicle park

Dep. = Dependent status recreational vehicle park

MEN
WOMEN

(f) Day Care Home, Center, and Adult.

- (1) Day Care Home. Day care homes shall meet all certification and licensing requirements of the State of Colorado, shall be operated by a person who resides in the same dwelling where the care is provided, and shall not serve more than twelve (12) children.
- (2) Day Care Center and Adult Day Care.
 - a. Parking. A day care center or adult day care, shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.
 - b. Drop-off/Pickup Area. One (1) designated off-street drop-off/pick-up space shall be provided per each four (4) children at a day care center and for every four (4) clients at an adult day care. The space shall be available during operating hours for loading and unloading of children or clients.
 - c. State Codes. The day care facility shall comply with all applicable State codes.
 - d. Hours of Operation. The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

(g) Home Occupation and Home Business.

- (1) Use Subordinate. The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character. The use shall not exceed thirty percent (30%) of the total structure's square footage.
- (2) Activity Conducted Indoors. All on-site activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation or home business shall be stored in a building.
- (3) Employment.
 - a. Home occupation. A home occupation shall be conducted only by persons residing on the premises and no more than one (1) employee residing off-premises.
 - b. Home business. A home business shall be conducted by persons residing on the premises and no more than three (3) employees residing off-premises.
- (4) Patrons. A home occupation shall not serve patrons on the premises. A home business may serve patrons on the premises, provided that all other standards of this Section are met.
- (5) Parking. One (1) off-street parking space shall be required for each employee residing off-premises. These spaces shall be provided in addition to the parking required for the principal residential use of the property.
- (6) Sales. Incidental sale of supplies or products associated with the home occupation or home business shall be permitted on the premises. A home occupation or home business whose primary activity is retail sales shall be prohibited, except if the function of the home occupation or home business is catalogue sales. An appropriate sales tax license shall be obtained and maintained during the course of business.
- (7) Nuisance. A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.

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- (8) Codes. The building shall comply with all applicable City building, fire and safety codes for the particular business.
 - (9) Advertising. No outdoor advertising of the home occupation or home business shall be permitted, except as provided in Table 16-I of this Chapter.
 - (h) Group Home.
 - (1) Neighborhood Density. A group home shall not be located closer than seven hundred fifty (750) feet to another group home.
 - (2) Health and Safety Codes. The group home shall comply with all applicable local, state or federal health, safety, fire and building codes.
 - (i) Recreational Vehicles.
 - (1) Except as otherwise provided for in this section, recreational vehicles may be occupied for residential or commercial use for no more than five (5) days on private property within a thirty-day period. Otherwise, recreational vehicles shall be used for human occupancy only when permitted as a conditional use in accordance with this Chapter or when located within a lawful mobile home park or recreational vehicle park. Occupancy of a recreational vehicle for commercial or residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted as a conditional use in designated zone districts in accordance with the standards of such underlying zone district and as specified herein.
 - (2) Long-term occupancy of recreational vehicles for residential or commercial use shall only be permitted as a conditional use in accordance with Tables 16-D, respectively, if the following standards are met.
 - a. The recreational vehicle proposed for long-term occupancy must be located on a previously established mobile home site.
 - b. All long-term occupancy recreational vehicles shall have a minimum square footage of one hundred twenty (120) square feet and hard-sided exteriors. No soft-sided exteriors shall be permitted.
 - c. The minimum setbacks for long-term occupancy recreational vehicles shall meet the standards for a primary structure in the underlying zone district.
 - d. Each long-term occupancy recreational vehicle shall count towards one (1) unit of a lot's allowed density. Long-term occupancy recreational vehicles shall not exceed the permitted density for any lot.
 - e. Long-term occupancy recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carport shall be considered part of the recreational vehicle for purposes of this requirement.
 - f. Landscaping shall be installed to meet the underlying zone district standards in compliance with Section 16-8-90 of this Chapter.
 - g. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes. All utilities, except major power transmission lines, shall be placed underground.
 - h. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-8-100 of this Chapter.
 - i. Water and wastewater fees and charges shall be paid in compliance with Chapter 13 of this Code.

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- j. Only one (1) access shall be granted to a site with long-term occupancy recreational vehicles. The access point must be from an alley where alley access is available.
 - k. Parking. One (1) additional parking space for every recreational vehicle shall be provided in compliance with Section 16-8-80 of this Chapter.
 - l. Every long-term occupancy recreational vehicle shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the Fire Marshal, with reference to the City's standards and fire codes.
- (j) Cultivation of Medical Marijuana by Patients and Primary Care-givers. Medical marijuana, as defined at Section 16-1-80 of this Chapter, may only be grown, cultivated, or processed by patients or primary care-givers within the City in compliance with the following regulations.
- (1) The growing, cultivation, or processing of medical marijuana shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, Section 25-1.5-106, C.R.S., as may be amended, and other applicable laws.
 - (2) When medical marijuana is grown in a primary residence, medical marijuana may not be grown, cultivated, or processed in the yard, curtilage, or other area outside of the patient's or his or her primary caregiver's primary residence.
 - (3) Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients, or a by patient for himself or herself.
 - (4) Not more than six (6) medical marijuana plants may be grown, cultivated, or processed within a primary residence; provided, however, that up to twelve (12) medical marijuana plants may be grown, cultivated, or processed within a primary residence if more than one (1) patient or primary caregiver resides within the primary residence.
 - (5) Medical marijuana shall not be grown, cultivated, or processed within the common area of any real property that is devoted to a residential use.
 - (6) The growing, cultivation, and processing of medical marijuana shall not be perceptible from the exterior of the primary residence or other building.
 - (7) The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person from any adjoining lot, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right-of-way.
 - (8) The space within the primary residence or other building where medical marijuana is grown, cultivated, or processed shall meet all applicable requirements of the City's Building Codes at Chapter 18 of this Code.
 - (9) If a patient or primary caregiver grows, cultivates, or processes medical marijuana within a primary residence that he or she does not own, the primary caregiver or patient shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property.
 - (10) No chemical shall be used by a patient or primary caregiver to enhance or extract tetrahydrocannabinol (THC) from medical marijuana that is grown in a primary residence.
 - (11) Violations of this Section shall be subject to the general penalty provisions of the City set forth at Chapter 1, Article IV of this Code and to the provisions of Article II of this Chapter 16.
- (k) Medical Marijuana Centers.
- (1) No medical marijuana center or retail marijuana store as defined at Section 16-1-80 and Section 6-3-10 shall be established except in accordance with the following location requirements:

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- a. Each medical marijuana center and retail marijuana store shall be operated from a permanent and fixed location. No medical marijuana center shall be located in a movable, mobile or transitory location.
 - b. No medical marijuana center and retail marijuana store shall be located within one thousand (1,000) feet of another medical marijuana center. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.
 - c. No medical marijuana center or retail marijuana store shall be located within one thousand (1,000) feet of a school as defined at Section 16-1-80 of this Code. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.
 - (l) Drive-in Facility.
 - (1) Circulation. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings or barriers.
 - (2) Minimize Impacts. Drive-through lanes shall be designed and located to minimize impacts on adjoining properties, including screening or buffers to minimize noise impacts. A fence, wall or other opaque screen of at least six (6) feet in height shall be provided on all sides of the site that are located adjacent to property that is zoned for or occupied by residential uses.
 - (m) Retail Sales Establishment. Goods may be produced on a small scale within a retail sales establishment and be sold in the local area, provided that:
 - (1) Areas Limited. Production shall be limited to no more than seventy percent (70%) of the area of the retail establishment.
 - (2) Safety and Environmental Hazards Prohibited. Production shall not pose any safety or environmental hazards to the public in the retail or production area.
 - (n) Temporary Commercial Uses and Activities. Temporary commercial uses and activities may be allowed only when:
 - (1) Use Allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.
 - (2) Parking. Adequate parking is provided for the use, as determined by the Administrator.
 - (3) Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official.
 - (4) Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.
 - (5) Chapter 6 Article II. The use complies with Chapter 6 Article II of this Code, which establishes other conditions of approval of temporary commercial activities/vending permits, as applicable.
 - (o) Communication Facilities.
 - (1) FCC Compliant. The owner/operator of a proposed facility shall document in writing that it complies, and will continue to comply, with current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities and electromagnetic fields, and Federal Communications Commission regulations prohibiting localized interference with the reception of television and radio broadcasts.
 - (2) Maximum Height. A proposed facility, including antennae, shall not exceed the maximum structure height established for the zoning district in which the facility is to be located. Building- or structure-

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- mounted antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
- (3) Siting. The siting of a proposed facility must utilize existing or new land forms, vegetation, landscaping and structures so as to screen the facility from surrounding properties and public rights-of-way to the maximum extent feasible, and/or blend the facility with its surrounding environment.
 - (4) Compatibility. Facility design, materials, color and support structures, if any, shall be compatible with the surrounding environment, and monopole antennae and/or support structures shall be tapered from base to tip.
 - (5) Accessories. Any accessory equipment, shelters or components shall be grouped together as closely as possible and screened from view.
 - (6) Mounted Facilities. The maximum protrusion of such facilities from the building or structure to which they are attached shall be two (2) feet unless it can be shown by the applicant that it is not feasible to meet this criterion.
 - (7) Financial Security. All permits for communication facilities shall be subject to a bond or other adequate financial security posted by the permittee and deposited with the City to ensure the disassembly and removal of the facility upon the expiration of the facility. The bond or other security shall designate the City as beneficiary.
- (p) Marijuana Cultivation Facilities.
- (1) No marijuana cultivation facility shall be established except in accordance with the licensing requirements of Section 6-3-140.
 - (2) No marijuana cultivation facility shall be located within one thousand (1,000) feet of a school as defined at Section 16-1-80 of this Code. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.
 - (3) Nuisance. A marijuana cultivation facility shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the commercial character of the premises.
 - (4) Activity Conducted Indoors. All on-site activities associated with marijuana cultivation facility shall be conducted indoors. Materials and equipment used in the marijuana cultivation facilities shall be stored in a building.
 - (5) Health and Safety Codes. The use complies with all applicable health and safety codes and a building permit for the use is obtained from the Chaffee County Building Department.
- (q) Short-term Rentals.
- (1) Purpose. The purpose of this Section is to protect the health, safety and welfare of the general public and to ensure that the rental of private dwelling units as short-term rentals does not result in adverse impacts to the quality of residential neighborhoods due to excessive noise, parking congestion, and overcrowding and the availability of dwelling units for long term rentals.
 - a. Registration and licensing requirements.
 1. All short-term rentals shall comply with Chapter 6 Article VI of the Salida Municipal Code, which establishes the conditions under which a property owner may apply for a short-term rental business license.
 2. A separate short-term license is required for each short-term rental property. The permit shall be issued only to the owner of the short-term rental property. No more than one (1)

short-term rental permit is permitted per property owner, which for these purposes shall be considered the person controlling a corporate owner. Owners of property purchased, or under valid and executed contract to be purchased, in the RMU, C-2, C-1 and I zone districts, prior to December 19, 2021, are excepted from the preceding sentence, provided that the unit existed or had a valid building permit for construction before December 19, 2021, and provided that the short-term license applications are filed on or before June 1, 2022. All short-term rental permits shall be granted solely to the applicant at the address for which the permit is issued and shall not be transferable to any other person or legal entity or property. The owner of the short-term rental is responsible for compliance with the provisions of this Section and Chapter 6 Article VI pertaining to short-term rental licensing.

3. Properties that cannot comply with the criteria set forth in this Section and in Chapter 6 Article VI of the Salida Municipal Code may appeal the decision of the Administrator or his or her designee in conformance with Section 16-2-70 of the Land Use and Development Code.
4. Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:
 - i. Contact information for the property management;
 - ii. The City short-term rental business license number;
 - iii. Contact information for emergencies;
 - iv. Location of fire extinguishers and fire escape routes;
 - v. The maximum number of people in terms of permitted sleeping occupancy;
 - vi. The maximum number of persons permitted in the unit at any one (1) time;
 - vii. The location for parking vehicles and the maximum number of parked vehicles permitted for the unit;
 - viii. Alternative parking locations for extra vehicles, trailers and campers;
 - ix. Requirements for smoking;
 - x. Method and timing of trash disposal;
 - xi. Snow removal instructions;
 - xii. Notice to keep noise to a minimum between 10:00 p.m. and 7:00 a.m.;
 - xiii. The total number of bedrooms; [and]
 - xiv. Policy regarding pets.

(2) Conditions and Standards.

- a. The maximum number of short-term rentals in the residential zones (R-1, R-2, R-3, and R-4) shall not exceed three and one-half (3½) percent of the total number of dwelling units eligible as short-term rentals (not including apartment units and accessory dwelling units) in those residential zones. This number shall be based on the survey of dwelling units in the residential zones completed in 2017 with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. Permitted short-term rentals in existence at the time of the adoption of this Section shall be included in the calculation of the maximum number of units allowed. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the residential zones exists, new

permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this Section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.

- b. The maximum number of short-term rentals in the non-residential zones (e.g., RMU, C-1, C-2 and I) shall not exceed the caps set forth in Section 6-6-20. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the non-residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this Section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.
 - c. In the residential zones (R-1, R-2, R-3, and R-4), short-term rentals shall be rented as a short-term rental for no more than one hundred eighty-five (185) calendar days a year.
 - d. A maximum of one (1) short-term rental is permitted per street segment (which includes the dwelling units on both sides of the street) in the residential zones (R-1, R-2, R-3, and R-4).
 - e. Short-term rentals are not permitted in an apartment building at any time in any zone district.
 - f. Applicants wishing to rent an individual room(s) on a short-term basis in an owner-occupied dwelling unit shall comply with Table 16-D of the Land Use and Development Code listing for bed and breakfast inns.
 - g. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
 - h. No short-term rental shall be operated in such a way as to constitute a nuisance.
 - i. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing. Events, such as concerts and wedding events are prohibited.
 - j. The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage, and shall meet the off-street parking standards identified in Table 16-J.
- (r) Downtown Street Patios. The downtown street patio program allows the use of public street right-of-way in the downtown for outdoor dining and retail activities. Downtown is defined as that area zoned Central Business (C-2) and generally within the boundaries of Fourth Street, the Monarch Spur Trail, D Street and the Arkansas River. The purpose of this policy is to enliven the outdoor environment and promote economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors. These requirements are for applications for patios submitted after March 20, 2018.
- (1) Siting and Use Standards. A downtown street patio will be allowed with approval of a conditional use permit, issuance of a revocable license and all applicable fees are paid. The use permit shall be subject to the conditions below or as modified by the approving body:
- a. Downtown street patios will be allowed year-round for businesses that are open year-round. If the business is not open year-round the patio shall be removed from the right-of-way from October 1 to May 1 of each year. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by City snow plows, within twenty-four (24) hours of a storm event.
 - b. Patios shall not exceed a size of eight (8) feet by twenty (20) feet within the roadway. The structures may extend over the sidewalk up to one (1) foot. Any proposed roof or covers shall be shown as a part of the application. Patios cannot obstruct access to City infrastructure such as water meters, curb shut-offs, manholes and tree grates.
 - c. Ramps for accessibility shall be integral to the design and not present an obstacle within the sidewalk.

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- d. Patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles.
 - e. Once there is one (1) downtown street patio established within a block to include both street frontages, an additional patio may only be allowed through the conditional use process if the additional review standard to Section 16-4-110(d) is met:
 - 8. Additional Downtown Street Patio per Block. The additional patio will allow vehicle movements in the street; pedestrian passage and not overly restrict parking within the block.

It shall be the applicant's responsibility to provide justification that the additional patio meets this standard.
 - f. The location of the patio must be in proximity to the front door of the business being served within an existing parking space.
 - g. Signage is not allowed on the patios except for customer menus and signage approved by the City for public purposes.
 - h. Use of the patios shall be for retail food and beverage establishments and retail establishments that serve specialty foods and beverages (e.g. ice cream shops, coffee houses, and bars/distilleries/brew pubs) located within buildings in the downtown. Alternative uses may be considered through the conditional use process if an additional review standard to Section 16-4-110(d) is met:
 - 9. Alternative Uses for Downtown Street Patios. The alternative use meets the intent of the downtown street patio program by enlivening the outdoor environment and promotes economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors and by meeting the siting and use standards above. The alternative use should have a high customer turnover; be an attraction; provide interest to pedestrian level views; and allowing the use al fresco adds to the intrinsic value of the use.

It shall be the applicant's responsibility to provide justification that the alternative use meets this standard.
 - i. The applicant shall reduce the impact on parking in the downtown by providing a minimum of one (1) off-street parking space for customers or employees. The parking space shall either be owned or leased within the C-2 district. Verification shall be provided with the application. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement. Proceeds will dedicated to parking purposes for the downtown.
 - j. Installation of the downtown street patio shall be approved by the Community Development Department.
 - k. A downtown street patio may not be combined with encroachment permits for use of sidewalks in accordance with Section 11-4-20.
 - l. The initial approval of a downtown street patio shall be for one (1) year. After review by the approving body after the initial period, the conditional use permit may be renewed for longer periods.
- (2) Revocable License Required. Business owners who receive conditional use approval for downtown street patios will have to enter into a revocable license agreement with the City, as approved by the City Council, prior to installation of the patio.
- (s) Adult Entertainment Establishments.

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- (1) Design and Layout. The following limitations shall apply to the design and layout of all adult entertainment establishments.
- a. Exterior doors shall remain closed during business hours.
 - b. All materials, projections, entertainment, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible from off-premises areas or from portions of an establishment accessible to minors.
 - c. Sounds from projections, entertainment, or other activities shall not be audible from off-premises areas.
 - d. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.
 - e. All building openings, entries, and windows shall be located, covered, or screened to prevent the interior from being viewed from any public or semi-public area.
- (2) Location and Access.
- a. Adult entertainment establishments shall not be located within one thousand (1,000) feet of another adult entertainment establishment, measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest exterior wall of any other adult entertainment establishment.
 - b. Adult entertainment establishments shall not be located within two hundred (200) feet of the following protected uses, measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest lot boundary of the protected use, provided such protected use is established on or before the date the application for the proposed adult entertainment establishment is filed:
 1. Day care homes and day care centers; or
 2. Schools.
 - c. Adult entertainment establishments shall not be located within two hundred (200) feet of the following zoning district boundaries: R-1, R-2, R-3, R-4, or RMU measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest edge of the zoning district boundary.
- (3) Operation and Ownership.
- a. No licensee, manager, or employee serving food or drinks or mingling with the patrons shall be nude or in a state of nudity.
 - b. Separate restroom facilities shall be provided for employees and independent contractors that shall only be accessible by employees and independent contractors.
 - c. No licensee, manager, or employee shall encourage or knowingly permit any person, including patrons, to engage in prohibited sexual activities on the premises. Such conduct is unlawful and shall be subject to penalties, as set forth in Chapter 1, Article IV of this Code.
 - d. Adult entertainment establishments shall be closed to the public between the hours of 1:00 a.m. and 9:00 a.m.
 - e. No one under eighteen (18) years of age, including patrons, licensees, managers, employees, agents, and independent contractors, shall be admitted into any adult entertainment establishment, unless alcohol is served, in which case all relevant city, state and federal liquor regulations shall apply.

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- f. Any person who operates or causes to be operated an adult entertainment establishment without a valid license issued pursuant to Chapter 6, Article VIII of the Code or who violates any provision of this Subsection commits unlawful conduct and shall be subject to an injunction, civil penalties, and criminal penalties, as set forth in Chapter 1, Article IV of this Code.
 - g. Each day of operation in violation of any provision of this Subsection shall constitute a separate offense.
 - (t) Adult Bookstores, Adult Novelty Shops, Adult Video Stores.
 - (1) Design and Layout. The following limitations shall apply to the design and layout of all adult bookstores, adult novelty shops and adult video stores.
 - a. Exterior doors shall remain closed during business hours.
 - b. All materials, projections, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible from off-premises areas or from portions of an establishment accessible to minors.
 - c. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.
 - d. All building openings, entries, and windows shall be located, covered, or screened to prevent the interior from being viewed from any public or semi-public area.
 - (2) Location and Access.
 - a. Adult bookstores, adult novelty shops and adult video stores shall not be located within two hundred (200) feet of the following protected uses, measured from the nearest exterior wall of the proposed adult bookstore, adult novelty shop and adult video store to the nearest lot boundary of the protected use, provided such protected use is established on or before the date the application for the proposed adult bookstore, adult novelty shop and adult video store is filed:
 - 1. Day care homes and day care centers; or
 - 2. Schools.
 - b. Adult bookstores, adult novelty shops and adult video stores shall not be located within two hundred (200) feet of the following zoning district boundaries: R-1, R-2, R-3, R-4, or RMU measured from the nearest exterior wall of the proposed adult bookstore, adult novelty shop and adult video store to the nearest edge of the zoning district boundary.
 - (3) Operation and Ownership.
 - a. Adult bookstores, adult novelty shops and adult video stores shall be closed to the public between the hours of 1:00 a.m. and 9:00 a.m.
 - b. No one under eighteen (18) years of age, including patrons, managers, employees, agents, and independent contractors, shall be permitted within any adult bookstore, adult novelty shop or adult video store. Should a conventional bookstore, or any retail establishment, display printed materials or other items for sale as described within the definition of adult bookstores in Section 16-1-80, such materials shall be segregated from the rest of the retail or bookstore and no one under the eighteen (18) years of age shall be permitted within such section of the store.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2017-07 , § 2, 4-18-2017; Ord. No. 2018-07 , § 2(Exh. A), 3-20-2018; Ord. No. 2019-13 , § 6, 9-6-2019; Ord. No. 2019-17 , § 2(Exh. A), 12-3-2019; Ord. No. 2019-18 , § 5, 12-20-2019; Ord. No. 2021-13 , § 3, 9-7-2021; Ord. No. 2021-15 , § 7, 10-5-2021; Ord. No. 2021-17 , §§ 3, 4, 11-16-2021; Ord. No. 2022-01 , §§ 5, 6, 3-1-2022)

Sec. 16-4-200. Zone district dimensional standards.

Table 16-F, Schedule of Dimensional Standards, specifies the dimensional standards applicable to development in the City's residential and commercial, business and industrial zone districts. All residential and nonresidential development shall meet these standards, unless other standards are specified for a use or by a zone district overlay in this Land Use Code.

- (1) **Buildings Occupying More Than One (1) Lot.** Where a building project has been constructed on more than one (1) lot, it shall be considered to be occupying one (1) lot for purposes of complying with district regulations such as lot coverage, minimum lot size, lot frontage and setbacks. For purposes of this Section, the boundaries of the one (1) lot shall be the outermost lot lines of all lots occupied by a building project.
- (2) **Zero Lot Line Conditions.** Where an individual owns two (2) or more adjoining lots, a zero lot line concept may be used as to the side yard setback for commercial or single-household dwelling unit developments. In residential districts, this may result in the creation of a two-household residential structure, only in districts permitting such a structure. In all such cases, the minimum side yard setback shall be maintained adjacent to the exterior side, or nonzero lot line side, of the structure.
- (3) **Maximum Height for Public and Institutional Uses.** The maximum height allowed for public and institutional uses in commercial zones as listed in Table 16-D shall be fifty-four (54) feet. For each foot of height above thirty-five (35) feet, the required side yard setback shall be increased by one (1) foot. Public and institutional structures which are constructed in accordance with the provisions of this Chapter may be converted to private use, after which transfer they shall be considered legally nonconforming. The maximum height for public and institutional uses in residential zones as listed in Table 16-D shall remain thirty-five (35) feet unless altered through the Planned Development process.
- (4) **Lots of Record.** An existing lot of record which is unencumbered and non-conforming as to minimum lot size or minimum lot frontage as found in Table 16-F may have a primary structure and customary accessory buildings and structures developed on a lot, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to Article III above, and provided that the development complies with all other standards of this Chapter.

TABLE 16-F								
Schedule of Dimensional Standards								
Dimensional Standard	R-1	R-2	R-3	R-4	RMU	C-1	C-2	I
Min. lot size (sq. ft.)	7,500	5,625 5,063 ⁶ 3,750 ⁷	5,625 5,063 ⁶ 3,750 ⁷	4,000 3,600 ⁶	5,625 5,063 ⁶ 3,750 ⁷	5,625 5,063 ⁶ 3,750 ⁷	N/A	5,625
Density (Min. lot sq. footage per principal dwelling unit)	3,750	3,125 2,734 ⁶	2,400 2,100 ⁶	2,400 2,100 ⁶	3,125 2,734 ⁶	2,800 2,450 ⁶	N/A	2,800
Min lot size (sq. ft.)—attached units	N/A	3,125 2,812 ⁶	2,400 2,160 ⁶	2,400 2,160 ⁶	3,125 2,812 ⁶	2,800 2,520 ⁶	N/A	2,800
Min. lot frontage	50'	37'-6" 25' ⁷	37'-6" 25' ⁷	37'-6" 25' ⁷	37'-6" 25' ⁷	37'-6" 25' ⁷	No Req.	37'-6"

Min. lot frontage— attached units	N/A	20'	15'	15'	20'	20'	N/A	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	35%	40% 45% ⁶	45% 50% ⁶	45% 50% ⁶	45% 50% ⁶	60% 66% ⁶	100% ³	60%
Max. lot coverage: uncovered parking/access (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2) ⁵	10%	15%	25%	25%	25%	60%	No Req. ³	30%
Min. landscape area	55%	45%	30%	30%	30%	10%	No Req. ¹	10%
Min. setback from side lot line for a primary bldg.	8'	5'	5'	5'	5'	5'***	No Req.	5'***
Min. setback from side lot line for a detached accessory bldg.	3', 5', or 10' ⁸	3', 5', or 10' ⁸	3', 5', or 10' ⁸	3', 5', or 10' ⁸	3', 5', or 10' ⁸	3', 5', or 10' ⁸	No Req.	3', 5', or 10' ⁸
Min. setback from rear lot line: principal bldg.	30'	20'	20'	15'	15'	5' ²	No Req.	5' ²
Min. setback from rear lot line: accessory bldg.	5'	5'	5'	5'	5'	5'	N/A	5'
Min. setback from front lot line ⁴	30'	20'	20'	15'	15'	10'	No Req.	10'
Max. building height for a primary bldg.	35'	35'	35'	35'	35'	35'	35'	35'
Max. building height for a detached accessory bldg.	25'	25'	25'	25'	25'	25'	25'	25'
Notes: 1 If a property does not utilize the zero setback allowance, the minimum landscape area shall be ten (10) percent. 2 If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone. 3 Existing structures are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.								

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- 4 A covered porch may encroach into the front yard setback by twenty-five (25) percent.
- 5 If a front-loaded garage is set back at least ten (10) feet behind the primary street-facing building façade, the lot coverage between the garage entrance and the primary, street-facing building façade shall not be included in the calculation of lot coverage for uncovered parking/access.
- 6 Standards for inclusionary housing development per Section 16-13-50.
- 7 Fifteen (15) percent of the single-family lots within an inclusionary housing development may be twenty-five (25) feet by one hundred fifty (150) feet.
- 8 See Section 16-4-190(c) for a description of side lot line setbacks for all accessory buildings, including ADUs.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2018-14 , § 2(Exh. A), 10-2-2018; Ord. No. 2019-18 , § 4, 12-20-2019; Ord. No. 2022-05 , § 3, 4-5-2022)

Sec. 16-4-210. Rezoning.

The City may, from time to time, amend the number shape or boundaries of any zone district. Such an amendment to a zone district is known as rezoning. Rezoning applications are reviewed pursuant to the provisions of Section 16-3-90, Major Impact Review.

- (a) Initiation of Rezoning. An amendment to the Zoning Map may be initiated by the City Council, the Planning Commission, the Administrator, or the owner of that real property subject to the proposed rezoning.
- (b) Application Contents.
 - (1) Zone Districts. The present zone district designation of the property and the zoning of all adjacent properties.
 - (2) Survey Map. An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.
 - (3) Existing Uses. A description of existing uses on the property and on all adjacent properties.
 - (4) Statement of Intended Development. A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses.
- (c) Review Standards for Map Amendments. An application for an amendment to the Zoning Map shall comply with the following standards:
 - (1) Consistency With Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.
 - (2) Consistency With Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.
 - (3) Compatibility With Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.
 - (4) Changed Conditions or Errors. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Zoning Map have occurred.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE V. ZONING OVERLAYS

Sec. 16-5-10. General.

This Article specifies the purpose and intent of zone district overlays established by this Chapter. It is the intent and purpose of this Article to ensure the quality of development in the zone district overlays by establishing design criteria and standards that will allow the City to review and direct the development and redevelopment of properties within the zone district overlays. Zone district overlays shall be designated on the City's Zoning Map. The provisions of this Article shall be applied in addition to any other applicable regulations of this Chapter.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-5-20. Zone district overlays established.

The following zone district overlays are hereby established to carry out the purpose and provisions of this Article:

- (1) SDHD, Salida Downtown Historic District Overlay.
- (2) HPO, Historic Protection Overlay.
- (3) 291 CO, SH 291 Corridor Overlay.
- (4) 50 CO, Highway 50 Corridor Overlay.
- (5) LHLO, Local Historic Landmark Overlay.
- (6) Sackett's Addition Overlay.
- (7) PD, Planned Development District.
- (8) CBEO, Central Business Economic Overlay.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2018-20 , § 2, 1-11-2019)

Sec. 16-5-30. Salida Downtown Historic District Overlay (SDHD).

- (a) Purpose. The Salida Downtown Historic District is established for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating the buildings, sites, structures and character of the City's original historic downtown area.
- (b) Applicability. The standards for the Salida Downtown Historic District Overlay, which are located in Article XII of this Chapter, shall apply to all development on parcels or lots which are located within the area falling within the boundaries of the Salida Downtown Historic District established and identified by the National Park Service of the U.S. Department of the Interior. All areas within the district shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Chapter.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-5-40. Historic Protection Overlay (HPO).

- (a) Purpose. The purpose of the Historic Protection Overlay (HPO) is to provide for the protection of the historic character of the areas surrounding or in the vicinity of the Salida Downtown Historic District and to ensure that the planning and development of the downtown is compatible with and enhances the historic, cultural and architectural heritage of the City.
- (b) Applicability. The standards of the Historic Protection Overlay (HPO) shall apply to all development on parcels or lots which are located within the boundaries of the Central Business District (C-2) zoning district but are outside the Salida Downtown Historic District Overlay (SDHD). This Section establishes standards and criteria to be used in the review of development applications proposed within the Historic Protection Overlay District. In no instance shall this Chapter require renovation or changes to existing properties or structures when no development applications are required to be submitted. These regulations shall only be applicable when development is proposed by an applicant.
- (c) Areas. The boundaries of the Historic Protection Overlay (HPO) are congruent with those of the Central Business (C-2) zone district on the Official Zoning Map, excluding any structures or lots located in the Salida Downtown Historic District Overlay (SDHD).
- (d) Uses. The uses permitted in the Historic Protection Overlay (HPO) are those uses specified in the Central Business District (C-2) zoning district.
- (e) Standards. The standards listed below shall apply to development in the Historic Protection Overlay (HPO). These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Historic Protection Overlay (HPO) absent compliance of the structure with the following standards:
 - (1) Setbacks. Historic settlement patterns often contribute to the distinct character of the district, and therefore they should be preserved. Setbacks shall follow the traditional building line.
 - (2) Mass and Scale. The traditional similarity in scale of the buildings within the area enhances the character of the street and visual continuity. The construction of a new building or addition shall be similar in mass and scale to those in the immediate area.
 - (3) Building Form. Use building forms that are similar to those seen traditionally on the block. Simple rectangular solids are typically appropriate.
 - (4) Façade Proportions. The overall proportion is the ratio of the width to height of the building and shall be similar to those of historic buildings in the immediate area.
 - (5) Roofs. Roof forms shall be similar to those seen traditionally in the block.
 - (6) Architecture. Architectural details contribute to the sense of character of the street. To enhance the distinction between old and new buildings, contemporary interpretations of traditional details are encouraged. Existing historical details shall be preserved.
 - (i) Materials. The principal materials used on building façades shall be indigenous to the Salida Downtown Historic District Overlay, including brick or wood. Two (2) or more materials shall be used for exterior materials and architectural form, excluding roofing materials. Tilt-up concrete and cinder blocks are prohibited, and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials excluding roofs. The façades of buildings shall be articulated with architectural treatments; long blank walls shall be avoided.
 - (ii) Windows. A new building or addition should maintain the basic window proportions and placement seen traditionally in the area. Windows with vertical emphasis are encouraged.

Sec. 16-5-50. SH 291 Corridor Overlay (291 CO).

- (a) Purpose. The purpose of the SH 291 Corridor Overlay (291 CO) is to establish standards for development along one (1) of the primary entrances to the City along the Highway 291 Corridor, and to provide for a transitional area between the City's commercial and residential uses, by allowing for relatively lower intensity commercial uses which are compatible with residential uses and which maintain the character of the existing residential neighborhood. This is accomplished by a combination of provisions for pedestrian and vehicular access and building setbacks which provide for attractive, functional development while allowing for the continued growth of the commercial and residential uses within this corridor.
- (b) Applicability. The standards of the SH 291 Corridor Overlay (291 CO) shall apply to all development on parcels which have frontage on S.H. 291 within the sub-areas described herein.
- (c) Areas. The boundaries of the SH 291 Corridor Overlay (291 CO) are shown on the Official Zoning Map. There are two (2) sub-areas within this district as follows:
 - (1) Established Commercial. The Established Commercial sub-area establishes the initial entry image for the City on its northwestern and southern entrances. It extends from "O" Street to the northwestern City limits along S.H. 291 and from Wood Avenue in a southerly direction along S.H. 291 to U.S. 50.
 - (2) Established Residential. The Established Residential sub-area continues the entry image for the City along S.H. 291 as the highway approaches the commercial core. It extends from "O" Street southeasterly along S.H. 291 to the boundary of the Salida Downtown Historic District Overlay; and from Wood Avenue in a northwesterly direction along S.H. 291 to the boundary of the Salida Downtown Historic District Overlay.
- (d) Standards. The standards listed below shall apply to development in the SH 291 Corridor Overlay (291 CO). These standards shall be in addition to those of the underlying zone district in which the property is located, in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the SH 291 Corridor Overlay (291 CO) absent compliance of the structure with the following standards:
 - (1) Building Setbacks.
 - (i) Established Commercial. The Established Commercial sub-area shall meet the underlying zone district setback requirements.
 - (ii) Established Residential. The Established Residential sub-area shall meet the underlying zone district setback requirements, except for the front yard setback. The front yard setback in Established Residential shall relate to those of existing adjacent structures. The building should be constructed at a distance not more than five (5) feet in front of or behind the existing front setbacks of adjacent buildings. When developing lots adjacent to buildings having significantly greater or lesser setbacks than the uniform historic setback of other buildings on S.H. 291, new buildings should be located in compatible relationships to the uniform setback provided by most structures on S.H. 291.
 - (2) Parking and Access.
 - (i) Established Commercial. The Established Commercial sub-area shall meet the off-street parking standards of Section 16-8-80. Shared access is encouraged.

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- (ii) Established Residential. Required off-street parking in the Established Residential sub-area shall be located to the rear of the building. Curb cuts on S.H. 291 shall be discouraged. Off-street parking standards are located in Section 16-8-80.
 - (iii) Highway access. Any access onto the highway requires approval from the Colorado Department of Transportation. Curb cuts shall meet the Colorado Department of Transportation's "Highway Access Code." The provisions of the Highway 291 Corridor Overlay District shall be complied with in addition to, and to the extent not in conflict with, the State Highway Access Law and Code.
 - (iv) Pedestrian access. Sidewalks shall be provided within the 291 CO. Sidewalks along S.H. 291 are typically detached with a width of five (5) feet. The parkway located between the curb or travel lane shall be a minimum of four (4) feet wide. In areas where a sidewalk is being installed that will connect with an existing sidewalk, the placement and dimensions shall match the existing sidewalk. Installation of improvements within the Colorado Department of Transportation's right-of-way requires approval via a Utilities/Special Use permit from the Colorado Department of Transportation.
- (3) Mass and Scale for Established Residential. New infill development within the Established Residential sub-area shall be similar to the size and scale of buildings adjacent to the development. The design of buildings shall look appropriate to and compatible with their surroundings and shall not exceed two (2) stories.
 - (4) Architectural Standards for Established Commercial. With new construction, including an addition, two (2) or more materials must be used for exterior materials within the 291 CO, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials, excluding roofs. Specifically exempt from the requirement of using two (2) or more materials are single-family residences, duplex family residences and the accessory structures for single-family and duplex family development.
 - (5) Uses by Right and Conditional Uses.
 - (i) Residential development. Single-family, duplex dwelling and multifamily dwellings (three (3) units or less) are allowed uses by right in the SH 291 Corridor Overlay (291 CO). Multifamily dwelling units (four (4) units or greater) are a conditional use.
 - (ii) Commercial development. Some of the commercial uses that are allowed in the underlying C-1 zone district are only allowed as a conditional use in the overlay districts. The uses that are conditional are indicated by an asterisk in Table 16-D, Schedule of Uses for Commercial/Industrial Zone Districts, contained in Article IV of this Chapter.
 - (6) Other Standards. Other standards throughout this Chapter may apply to a particular development. Additional standards include Use and Dimensional Standards, Off-Street Parking Standards, Landscaping and Illumination Standards, Sign Standards and Improvement Standards. The Administrator can assist with any questions as to the applicability of a particular standard.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-5-60. Highway 50 Corridor Overlay (50 CO).

- (a) Purpose. The purpose of the Highway 50 Corridor Overlay (50 CO) is to establish standards for the efficient, well-ordered and safe development of one (1) of the primary entrances to the City which is also one (1) of its major highways. A combination of landscape and architectural standards and provisions for pedestrian and vehicle access will provide for attractive and functional development while allowing continued commercial growth within this corridor.

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- (b) **Applicability.** The standards of the Highway 50 Corridor Overlay (50 CO) shall apply to parcels which front Highway 50. In no instance shall this Chapter require changes or renovation to existing properties or structures when no development applications are required to be submitted. Interior renovations are not subject to these regulations; however, new construction, a change of use of the property or an expansion of use will be applicable. These regulations shall only be applicable when development is proposed by an applicant.
- (c) **Standards.** The standards listed below shall apply to development in the Highway 50 Corridor Overlay (50 CO). These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Highway 50 Corridor Overlay (50 CO) absent compliance of the structure with the following standards:
- (1) **Access.**
- (i) **Vehicular access.** Vehicular access to the property shall be obtained using curb cuts which are shared with other properties whenever feasible and provided for with appropriate easements. Curb cuts shall meet the Colorado Department of Transportation's "Highway Access Code." The provisions of Highway 50 Corridor Overlay (50 CO) shall be complied with in addition to, and to the extent not in conflict with, the State Highway Access Code. Any access onto the highway requires approval from the Colorado Department of Transportation.
- (2) **Streetscape and Lighting.**
- (i) **Sidewalks.** Sidewalks shall be provided within the Highway 50 Corridor Overlay (50 CO). Sidewalks fronting Highway 50 shall be detached sidewalks with a width of six (6) feet. The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet wide. A sidewalk design may be modified, with approval from the Administrator, if attaching to an existing sidewalk that does not meet this standard or if the existing site development is such that the standard sidewalk and parkway width requirements would adversely affect existing required parking or would not fit between the road edge and front of an existing building. When extraordinary conditions prohibit the installation of the sidewalk, a fee-in-lieu may be allowed. Installation of improvements within the Colorado Department of Transportation's right-of-way requires approval via a Utilities/Special Use permit from the Colorado Department of Transportation.
- (ii) **Parkways.** The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet in width. The parkway shall be stamped, colored concrete as proposed in the Highway Corridor Improvement Plan or as approved by the Public Works Director.
- (iii) **Lighting.** Streetlights shall be installed in the parkway. The streetlights shall meet the model and specifications identified in the Highway Corridor Improvement Plan. Approximate streetlight locations are shown in the Highway Corridor Improvement Plan. Exact locations will be subject to the approval of the Public Works Director.
- (3) **Building Setbacks.** To create a consistent image throughout the corridor, new construction should be developed in a manner that complements the historic pattern of buildings being located close to the highway.
- (4) **Landscaping Standards.** The minimum landscape area applicable to any property in the Highway 50 Corridor Overlay (50 CO) shall be that required in the underlying zone district. At a minimum, this landscaping shall be located along the road frontages identified herein and shall also be located within and around the parking areas, as described in Section 16-8-90 below.
- (i) **Highway frontage buffer.** There shall be an average of one (1) tree planted per thirty (30) feet of the property's highway frontage adjacent to the highway. These trees shall be planted on the subject property, along the property's frontage adjacent to the highway, and may be clustered.

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- (ii) Side road buffer. If the subject property is a corner lot, there shall also be an average of one (1) tree planted per forty (40) feet of the property's side road frontage. These trees shall be planted in a minimum four-foot-wide landscape strip along either side of the pedestrian path. These trees shall be planted on the subject property, along the property's frontage adjacent to the side road and may be clustered.
 - (5) Storage Areas. Storage areas shall be visually screened from pedestrian paths and the highway, using a fence, wall, trees or large shrubs. Storage areas include, but are not limited to, outside storage areas, open areas where machinery or heavy equipment is parked, loading docks and trash receptacles.
 - (6) Architectural Standards.
 - (i) Materials. With new construction, including an addition, two (2) or more materials must be used for exterior materials excluding roofing and structural materials. Exposed tilt-up concrete is prohibited and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials excluding roofs.
 - (ii) Façade treatment. Long, blank walls must be avoided. The principal materials used on building façades should be wood (including siding), stone, brick or stucco. The façades of buildings must be broken up by the use of different materials or architectural treatments.
 - (iii) Fenestration. A minimum of twenty percent (20%) of the front façade of a building which houses a principal use on the parcel shall be glass. When a building containing a principal use is completely screened from the view from the highway, the structure shall be exempt from the fenestration requirement.
 - (iv) Building Height. Additional height may be considered through the Planned Development process if it results in achieving one (1) or more goals of the Comprehensive Plan regarding infill development, redevelopment, economic development or the provision of affordable housing. Approval of the additional height must meet the criteria contained in Section 16-7-40(8). For the purposes of this overlay, adverse visual impacts shall mean impacts greater than the underlying zoning would afford.
 - (7) Other Standards. Other standards throughout this Chapter may apply to a particular development. Additional standards include Use and Dimensional Standards, Off-Street Parking Standards, Landscaping and Illumination Standards, Sign Standards and Improvement Standards. The Administrator can assist with any questions as to the applicability of a particular standard.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2018-05 , § 2(Exh. A), 3-6-2018)

Sec. 16-5-70. Local Historic Landmark Overlay (LHLO).

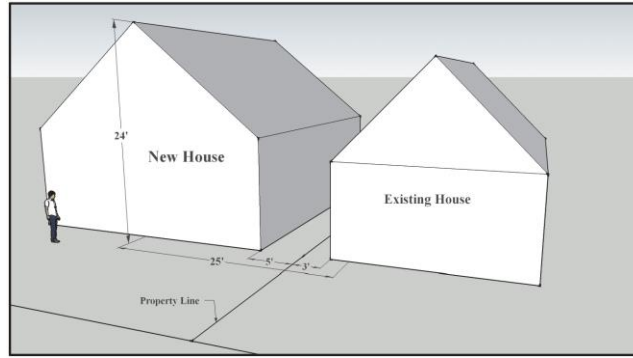
- (a) Purpose. The Local Historic Landmark Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating individual historic buildings, sites and structures that exemplify the history of the City.
- (b) Applicability. The standards for the Local Historic Landmark Overlay, which are located in Article XII of this Chapter, shall apply to all development on parcels or lots which are designated as local historic landmarks in this Chapter. All areas within the Overlay shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within Article XII.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-5-80. Sackett's Addition Overlay.

- (a) Purpose. The purpose of the Sackett's Addition Overlay is to ensure that future construction in this historic area, including the alteration of an existing structure and infill development, be designed in such a way that it will be compatible with existing structures and will protect and preserve the character of the neighborhood. This objective is accomplished through a variety of building standards complimented by recommended design elements.
- (b) Applicability. The standards of the Sackett's Addition Overlay shall apply to all development on parcels or lots located within the boundaries of the Sackett's Addition Overlay as established and identified by the City and shown on the map of the neighborhood prepared by the Planning Department and available for inspection at City Hall. Additionally, the boundaries of the Sackett's Addition Overlay are shown on the Official Zoning Map of the City. These regulations shall establish standards and criteria to be used in review of development applications proposed within the Sackett's Addition Overlay and shall be applicable only when development is proposed by an applicant. In no instance shall this Section require changes or renovation to existing properties or structures when no development applications are required to be submitted.
- (c) Standards. The standards listed below shall apply to development in the Sackett's Addition Overlay. These standards shall be in addition to those of the underlying zone district in which the property is located and to other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Sackett's Addition Overlay absent compliance of the structure with the following standards:
- (1) Building Setbacks.
- (i) The front setback for new primary structures must be the same as that for other primary structures on that side of the block. If the front setbacks on the block are variable, the front setback of the new structure must be within the established range of those seen on that side of the block. The setback of an addition must be equal to or greater than the front setback of the primary façade of the existing structure.
- (ii) Recognizing the importance of preserving the existing scale and proportion to adjacent primary structures and the critical role that side setbacks play in the perception of mass, the required side setbacks are dependent on the maximum height of the roof line of a new primary structure or addition. The setback from each side lot line does not have to be equal; however, each side setback must be at least five (5) feet and meet or exceed the minimum horizontal distance from the roof apex to neighboring house foundation.

Table 16-G	
Height/Setback Relationship for Sackett's Addition Overlay	
Structure Height	Min. horizontal distance from roof apex to widest point of the neighboring house foundation*
15 or less ft. tall	10-ft.
>15-21 ft. tall	16-ft.
>21-23 ft. tall	21-ft.
>23-26 ft. tall	25-ft.



*If the actual side setback of the neighboring primary structure is less than five (5) feet, the property owner may use five (5) feet rather than the lesser amount in determining if the minimum horizontal distance between structures has been met. Example: the proposed house or addition is twenty-four (24) feet tall. The neighboring house is only three (3) feet from the property line. The **apex** of the proposed house needs to be at least twenty (20) feet off the property line ($20+5=25$) rather than twenty-two (22) feet off the property line ($22+3=25$) to meet the minimum horizontal distance.

- (iii) A roof pitch of 4:12 or less is considered to be a flat roof such that the height of the apex is projected to the edge of the roof adjacent to the side setbacks. Dormers projecting towards the side setbacks may not displace more than fifty percent (50%) of the roof area from which they project.
 - (iv) Attached residential units on separate parcels are not subject to the height/setback relationship along the shared lot line between the two (2) structures. New attached residential units on separate parcels or additions to such existing structures shall be subject to height limitations derived from distance to foundations of neighboring structures or twenty-six (26) feet, whichever is less.
- (2) Mass and Scale. New single family structures and additions in the neighborhood must appear from the street to be similar in mass and scale to other single family structures on that side of the block. Multi-family structures must also appear to be similar in mass and scale to existing structures on that side of the block and complement the existing streetscape. Historically, square footage is "hidden" in the roof line or behind the front façade:
- (i) Height. Maximum height allowed for a new primary structure or addition is twenty-six (26) feet. However, if an existing primary structure taller than twenty-six (26) feet should be completely destroyed by a natural cause such as fire, a new structure may be built to the height and square footage of the original structure. Any additional footprint must adhere to the design requirements. Within the overlay area, height is measured to the top of the ridge or parapet but does not include chimneys, solar installations, etc.
 - (ii) Mass. Size of primary structures is limited as shown in Table 16-H. If more than one (1) primary structure is proposed, they must share the allotted floor area. If an existing primary structure greater in mass than what is allowed in the design requirements should be completely destroyed by a natural cause such as fire, a new structure may be built to the square footage of the structure prior to destruction.

Table 16-H Allowed Floor Area for Sackett's Addition Overlay	
Lot Size	Size of primary structure
0—3,750	(lot area)(0.4)
3,750—7,500	$1,500 + (.106667)(\text{lot area} - 3,750)$

7,500—11,250	$1,900 + (.106667) (\text{lot area} - 7,500)$
11,250—15,000	$2,300 + (.106667) (\text{lot area} - 11,250)$
Note: No lot shall be allowed less than 1,200 sq. ft.	

- (3) Accessory structures. New accessory structures must be subordinate in terms of mass, scale, and height to the primary structure.
 - (i) The maximum height allowed for new accessory structures is one and one-half stories (1½). The height of a new accessory structure must be subordinate to the height of the primary structure.
 - (ii) Garages must be detached from the primary structure and must be accessed from the alley where there is alley access.
- (4) Restorations. When the primary façade of an older structure is to be restored to its original, historic appearance, a deviation request pursuant to subsection (5) will not be required if the restoration will conflict with the front setback requirements.
- (5) Deviations. Deviations from the requirements of these design guidelines may be permitted upon a finding by the Planning Commission that the proposed design solution is consistent with the existing mass and height of the block where the new structure or addition is proposed. In reviewing an application for a deviation the Planning Commission may consider the unique challenges of a particular site or existing structures of the site. Such challenges may include but are not limited to, narrow lot width, low foundation heights of adjacent structures, or unusual setbacks on existing or adjacent structures. Deviations will follow the development review procedures of Article III of the Land Use Code for applications where the Planning Commission is the decision making body. If a variance is requested from other provisions of the code not addressed in these design guidelines, that variance will follow the normal procedure of Section 16-4-180 of the Land Use Code.
- (d) Design Recommendations. In addition to the Sackett's Addition Overlay building standards set forth in subsection (c) above, the City strongly encourages compliance with the Sackett's Addition Design Recommendations, a copy of which is available for inspection at City Hall. These design elements were created to ensure that new infill construction or the alteration of existing structures will enhance the existing character and historic nature of the Sackett's Addition neighborhood. Although compliance with the design recommendations is not mandatory, structures designed without considering these elements may be incompatible with the Sackett's Addition neighborhood.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-5-90. Central Business Economic Overlay (CBEO).

- (a) Purpose. The purpose of the Central Business Economic Overlay (CBEO) is to establish standards to preserve and protect the downtown area as a viable commercial district, and to ensure that future development be designed and planned in a manner compatible with those goals.
- (b) Applicability. The standards of the Central Business Economic Overlay (CBEO) shall apply to all development on parcels within the CBEO.
- (c) Areas. The boundaries of the Central Business Economic Overlay (CBEO) are shown on the Official Zoning Map.
- (d) Standards. The standards listed below shall apply to development in the Central Business Economic Overlay (CBEO). These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter.

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- (1) Street Frontage.
 - (i) The street frontage on the street level of buildings shall not be used for residential uses as defined by Table 16-D, Schedule of Uses.
 - (ii) No more than fifty percent (50%) of the remaining area of the ground floor occupancy may be used for residential uses.
 - (iii) If the limitation on residential uses will create a significant economic hardship, an owner may apply for and receive conditional use approval if the additional review standard to Section 16-4-110(d) is met:
 11. Increase in Ground Floor Residential in CBEO. The amount of ground floor residential uses may be increased above 50 percent (50%) if the approving authority makes the finding that the subject property cannot be put to any other reasonably beneficial use.
 - (2) Parking.
 - (i) All parking standards pursuant to this Chapter apply, except that a commercial business applicant may seek an alternative to providing the required on-site parking by paying a fee in lieu of providing said on-site parking in an amount established and periodically amended by the City's fee schedule. Funds received by the City for the fee in lieu shall be designated for the purposes of providing additional public parking for City's downtown or for the enforcement of parking regulations.

(Ord. No. 2018-20 , § 3, 1-11-2019)

ARTICLE VI. SUBDIVISION²

Sec. 16-6-10. Types of subdivisions.

The division of land into two (2) or more separate parcels, lots, sites, tracts or interests, including any parcel of land which is to be used for condominiums or any other multiple-dwelling units with separately conveyed interests, is a subdivision and is regulated by the provisions of this Chapter. The subdivision of land is a significant step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational, utility and other public purposes will determine to a large degree the qualities of health, safety, convenience, environment and general welfare of the City. The following are types of subdivisions in the City.

- (1) Major subdivisions are subdivisions that result in the creation of more than five (5) parcels, lots, units, sites, tracts or interests out of the property as it existed prior to any subdivision.
- (2) Resubdivision is the further subdivision of any existing lot, lots or tracts; or changing of any rights-of-way that were defined by any subdivision plat previously recorded with the County Clerk and Recorder. The classes of resubdivisions are as follows:
 - (i) Amended plats that involve more than ten (10) lots.
 - (ii) A resubdivision that results in more than five (5) parcels, lots, units, sites, tracts or interests within the previously recorded subdivision plat is a major subdivision.

²Editor's note(s)—Ord. No. 2018-21 , § 2(Exh. A), adopted Jan. 11, 2018, amended Art. VI in its entirety to read as herein set out. Former Art. VI, §§ 16-6-10—16-6-140, pertained to similar subject matter and derived from Ord. No. 2014-05 , adopted May 6, 2014.

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- (iii) A resubdivision that results in five (5) or fewer parcels, lots, units, sites, tracts or interests within the previously recorded subdivision is a minor subdivision.
 - (3) The division of previously unsubdivided land into five (5) or fewer separate parcels, lots, units, sites, tracts or interests is a minor subdivision. Additionally, public and private utility mains must be available and in place to serve each proposed lot such that only a service line connection for each lot to a main is necessary
 - (4) An amended plat is a subdivision action that affects no more than ten (10) lots within a subdivision and do not create additional lots or interests in property and that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, reconfiguration, division or aggregation of existing platted lots or correction of technical errors on subdivision plats are amended plats.
 - (5) The division of a single lot on which an existing duplex dwelling is located, or is to be constructed, into two (2) separate lots is a duplex conversion subdivision.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-20. Major subdivision.

A major subdivision is subject to the major impact review process established in Article III of this Chapter unless the subject property has an approved overall development plan, in which case conceptual plan is waived. Major subdivisions must meet the requirements of Article XIII, Inclusionary Housing.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-30. Minor subdivision.

A minor subdivision is generally subject to the limited impact review process established in Article III of this Chapter. Minor subdivisions must meet the requirements of Article XIII, Inclusionary Housing.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-40. Resubdivisions.

Resubdivisions are reviewed in the same manner as a major or minor subdivision as defined in 16-6-10(2) with the same purposes. To the extent that submittal information, otherwise required in Section 16-6-110, was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision does not need to submit the information again and may reference such submittal information in the resubdivision application. The Community Development Director will determine the technical adequacy of previously submitted information.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-50. Amended plats.

- (a) Amended plats do not create additional lots or interests in property but are subdivision actions that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, or the reconfiguration, division or aggregation of existing platted lots. Amended plats are also used to correct errors on a subdivision plat. The amended plat process is limited to applications that affect no more than ten (10) lots within a subdivision. Amendments affecting more than ten (10) lots or

amendments within a subdivision with an expired subdivision improvements agreement or which affect existing subdivision improvements agreements shall be considered re-subdivisions. Amended plats shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. Amended plat review ensures the technical accuracy of the amended plat and to maintain the record of associated real estate activities.

(b) Amended plat approval shall be granted provided:

- (1) The lot line adjustment does not result in the creation of additional lots.
- (2) The lot line adjustment does not result in the creation of lots that do not comply with zoning requirements.
- (3) The lot line adjustment does not result in the creation of a lot or lots that cannot be built upon under City requirements.
- (4) The requirements of utility companies serving the property have been satisfied, and easements are appropriately maintained or granted in the deed(s) affecting the adjustment or dissolution.
- (5) The lot line dissolution does not change the location of any remaining lot lines in the subdivision.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-60. Duplex conversion subdivision.

A duplex conversion subdivision is generally subject to the administrative review process established in Article III of this Chapter. The subdivision of a single lot on which an existing duplex dwelling is located or is to be constructed, into two (2) separate lots will be approved if all of the following conditions have been met:

- (1) Common Wall. The duplex is to be divided along a code-compliant fire-resistant common wall into two (2) separate single-family dwelling units on separate lots.
- (2) Separate Utilities. Utilities are available and each of the dwelling units is served by its own separate utility service lines and meters, inclusive of water, sewer, electricity and natural gas.
- (3) Maintenance Agreement. A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed duplex lots.
- (4) Zone District Compliance. Except for the original primary structure comprising the dwelling units and any common and/or side-by-side or connected garages or driveways, all new structures, or the expansion of any existing structures on the two (2) new duplex lots shall be subject to the setback requirements for the underlying zone district in which the lots are located.
- (5) Lot Size. Each separate lot created shall meet the minimum lot size (square feet) for the underlying zone district in which the lots are located. The proposed duplex lots shall be the same size, or approximately the same.
- (6) Inclusionary Housing. Duplex conversion subdivisions must meet the requirements of Article XIII, Inclusionary Housing.

(Ord. No. 2018-21 , § 2, 1-11-2019; Ord. No. 2022-05 , § 4, 4-5-2022)

Sec. 16-6-70. Lot line adjustments.

The adjustment of a lot line between two (2) contiguous lots that is necessary to correct a survey or engineering error in a recorded plat, to allow a boundary change between adjacent lots or parcels to relieve

hardship or practical necessity or to allow a transfer of land from a larger conforming lot to a smaller nonconforming lot so as to make both lots conforming is generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. The lot lines between contiguous lots which are under separate or single ownership may be adjusted if the following conditions are met:

- (1) The owners of affected properties whose lot lines are being adjusted shall provide written consent to the application.
- (2) The adjustment shall not create the opportunity to further subdivide either lot to create a new lot for resale or development.
- (3) All resulting lots shall meet the standards of this Chapter. If any of the lots or structures thereon are nonconforming prior to the adjustment, no adjustment shall be allowed that increases the net nonconformity of the lots or structures.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-80. Insubstantial change to recorded plat.

An insubstantial change shall be limited to changes to address engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change to a plat which has no material effect on the character of the approved plat, the representations made by the applicant or the conditions of approval. Street locations and street rights-of-way shall not be changed. A change to a plat which is not insubstantial, including any resubdivision of a lot other than a boundary line adjustment, shall be considered an amendment and shall follow the review procedures applicable to minor subdivisions. Applications for an insubstantial change to a recorded plat are generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. An insubstantial change to a recorded plat will be approved if following approval of the insubstantial change, the recorded plat shall continue to conform to all applicable standards of this Chapter.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-90. Elimination of lot lines.

The elimination of lot lines to merge not more than two (2) conforming lots, or two (2) or more nonconforming lots, to create no more than two (2) conforming lots within the applicable zone district shall be generally subject to administrative review and approval according to the procedure established at Article III of this Chapter. A lot line elimination meeting the requirements established herein shall be approved if the following conditions are met:

- (1) Public and private utilities must be present and available to serve the newly created conforming lots. Utilities (whether public or private) to existing structures that, with the elimination of lot lines, will cross a newly created conforming lot shall be provided an easement where the existing utilities are located or shall be relocated into an easement.
- (2) The lots to be consolidated shall be under single ownership.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-100. Condominiums.

- (a) In addition to the subdivision submittal requirements described in Section 16-6-110, an application for a condominium plat approval shall contain the following information:

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- (1) Required parking spaces and joint trash collection areas;
 - (2) Floor plans, elevations, and site plan as required to show separate ownership of all separate units, common elements, and limited common elements labeled as such;
 - (3) Number, type, and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; floor area ratio; and
 - (4) Statement of the total number of units shown on the proposed plat;
 - (5) Documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-201 et seq., as may be amended.
- (b) For condominium projects requiring limited impact or major impact review (see standards for multi-family projects), the applicant shall submit detailed engineering plans and specifications for all improvements, whether private or public.
- (c) Condominium plats must meet the requirements of Article XIII, Inclusionary Housing.
- (d) After buildings have been constructed and final "as-built" surveys have been completed, the applicant shall submit an amended condominium plat showing graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site. These condominium plats shall comply with the requirements of C.R.S. § 38-33.3-209, as may be amended, and may be approved by the Administrator. No individual condominium unit shall be sold into separate ownership until and unless a condominium plat has been approved by the City based upon an "as-built" survey of the unit boundaries and such plat has been recorded in the real estate records of Chaffee County. A plat note on the final subdivision plat for each condominium development shall be included to this effect.

(Ord. No. 2018-21 , § 2, 1-11-2019; Ord. No. 2022-05 , § 5, 4-5-2022)

Sec. 16-6-110. Subdivision plat requirements.

- (a) Application Contents. An application for a subdivision plat approval shall contain the following information:
- (1) Subdivision Plat. A subdivision plat shall be drawn which reflects the layout of the lots, blocks and structures in the proposed subdivision. The preferred scale of the plat is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the plat on more than one (1) sheet, a sheet index shall be placed on the first sheet. The subdivision plat shall contain the following:
 - (i) Name of subdivision.
 - (ii) Legal description.
 - (iii) Names and addresses of the owner, subdivider, land planner and land surveyor registered in the State.
 - (iv) Scale of the plat.
 - (v) North arrow.
 - (vi) Date the plat was prepared.
 - (vii) Boundary lines and dimensions. The boundary lines of the proposed subdivision (shown as a heavy solid line), the proposed zoning boundary lines, approximate dimensions of all lots, blocks

and all land intended to be held in common for use by all property owners in the proposed subdivision.

- (viii) Contours. Existing and proposed topographic contours, with intervals of five (5) feet or less, referring to U.S.G.S. datum.
- (ix) Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed subdivision.
- (2) Vicinity Map. A vicinity map shall be submitted, if the application has not been reviewed at the conceptual plan review phase, along with the plat. The vicinity map shall show the location of the proposed subdivision, all adjacent lands owned or under option by the applicant, commonly known landmarks and federal, state and local streets with names, and the zone districts in which the proposed subdivision and adjacent properties are located.
- (3) Boundary Survey. An accurate and complete boundary survey and survey of interior street lines shall be made of the land to be subdivided. Every lot shall close mathematically within one-hundredth (0.01) of a foot. Field measurements shall be accurate within a limit of one (1) foot to ten thousand (10,000) feet. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION." Adjacent subdivisions shall be identified by official names.
- (4) Survey Data. The final subdivision plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearings or angles, continued with distances and deflection angles for all circular corners. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one (1) of which the subdivision shall be referenced.
- (5) Land to be Dedicated. All lots, blocks and parcels offered for dedication shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets and easements, shall be designated by letter or number, which shall be explained on the plat.
- (6) Linear, Angular and Curve Data. Sufficient linear, angular and curve data shall be shown to readily determine the bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and, wherever practicable, blocks in their entirety, shall be shown on one (1) sheet. Ditto marks shall not be used for lot dimensions. All lots and blocks shall be numbered systematically. Building setback lines shall be shown by long thin dash lines. The use of the lots and the zoning shall be designated on the plat.
- (7) Streets. The plat shall show the right-of-way lines and names of each street and the width of any portion being dedicated, and the widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final plat.
- (8) Easements. The sidelines of all easements, including easements for utilities, ditches and drainage, shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easement shall be designated, or so shown, that the plat will clearly indicate the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall

be shown. All easements shall be clearly labeled and identified. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the City. If an easement shown on the plat is already of record, its recorded reference shall be given.

(9) Certificates. The following certificates, as appropriate, are required to appear on the final subdivision plat.

(i) Certificate of Dedication and Ownership.

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien Holder(s) of certain land in the City of Salida, Chaffee County, Colorado, described as follows: Beginning _____, containing _____ acres, more or less, _____ have by these presents laid out, platted and subdivided the same into lots, blocks or tracts, as shown on this plat, under the name and style of _____, and do hereby dedicate to the City of Salida as public roads, the streets and roads as shown on said plat, these being _____. The undersigned hereby further dedicate to the public all utility easements on the property as described and as shown hereon. The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision or property contiguous thereto, under, along and across public roads as shown on this plat and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book _____ at Page _____ of the records of Chaffee County, Colorado.

Executed this _____ day of _____, 20__.

Owner(s):

Mortgagee(s)/Lienholder(s):

County of Chaffee)
) ss.
State of Colorado)

The foregoing dedication was acknowledged before me this _____ day of _____, 20__, by _____.

My commission expires _____.

Notary Public

(ii) Certificate of Street and Utility Maintenance.

Public notice is hereby given that neither the dedicated public roads nor the public utilities shown on this plat will be maintained by the City of Salida until and unless the subdivider constructs the streets, roads and utilities in accordance with the subdivision agreement, if any, and the subdivision regulations in effect at the date of the recording of this plat, and approval of the City has been issued to that effect. When the City approves a street or utility for maintenance, the street or utility shall become public in all senses of the word and the subdivider has no further obligations in regards to that particular street or utility.

(iii) Surveyor's Certificate.

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision, the monuments shown thereon actually exist and this plat accurately represents said survey.

Registered Land Surveyor

(iv) Title Certificate.

I, _____, an (attorney at law duly licensed to practice before the Courts of Record or a licensed title insurance agent representing _____) in the State of Colorado, certify that I have examined title to the property described herein and that in my opinion title to the above described real property is held by _____.

Signed this ____ day of _____, 20__.

Attorney at Law

(v) City Administrator Approval.

This plat is approved by the Salida City Administrator this __ day of 20__.

City Administrator

(vi) Planning Commission Approval.

This plat is approved by the City of Salida Planning Commission this ____ day of _____, 20__.

Chairman

(vii) City Council Approval.

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this ____ day of _____, 20__.

City of Salida

By: _____
Mayor

(viii) Recorder's Certificate.

This plat was filed for record in the office of the County Clerk and Recorder of Chaffee County at _____.m. on the ____ day of _____, 20__, Reception No. _____.

County Clerk and Recorder

By: _____
Deputy

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-120. Subdivision review standards.

In order to achieve the intent and purpose of this Chapter, the proposed subdivision shall comply with the following standards:

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- (1) Comprehensive Plan. The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform with all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.
 - (2) Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the uses.
 - (3) Improvements. The proposed subdivision shall be provided with improvements which comply with Section 16-2-60 and landscaping which complies with Section 16-8-90.
 - (i) Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
 - (ii) Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - (iii) Phases. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.
 - (4) Natural Features. The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.
 - (5) Floodplains. Tracts of land or portions thereof lying within the 100-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.
 - (6) Noise Reduction. Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.
 - (7) Future Streets. When a tract is subdivided into lots or parcels which are intended for future resubdivision, such lots or parcels shall be arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.
 - (8) Parks, Trails and Open Space. Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.
 - (i) Dedication requirement. Land for parks, trails and open space shall be dedicated in the ratio of two-hundredths (0.02) acre per residential unit of the proposed subdivision. When a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat.

All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.

- (ii) Fee-in-lieu. For those subdivisions where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may require a cash fee in lieu of dedication based upon Salida land values. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at the time of approval of the final plat and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space. In extraordinary circumstances, the City Council may authorize the deferral of the payment of cash in lieu of dedication as required by this Section. In such event, the owner of the property shall agree with the City, in such form as shall be acceptable to the City Council, to pay such sums at the time of issuance of any building permit upon the property. Notice shall be given of such deferred payment by the recording of a first mortgage or other security instrument with the County Clerk and Recorder. In no event, however, shall the deferral of any dedication fee required by this Section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of the dedication fee calculated in accordance with this Section at the time originally owed or at the time actually paid.
- (iii) Residential subdivisions or the residential portion of mixed use subdivisions. For the square footage of required land not provided on the site the value of the fee shall be based upon the most recent available formula used by the Chaffee County Assessor's office for valuing vacant land in Salida subdivisions. The amount of such fees and charges shall be established by resolution of the City Council, as may be amended from time to time, and available for review by the public at City Hall during normal business hours.
- (iv) Condominiums. For condominium projects with five (5) or more residential units developed after the effective date of the ordinance codified herein, which have not already provided open space through an approved subdivision, a fee established by resolution of the City Council shall be paid for each residential unit, as may be amended from time to time, and available for review by the public at City Hall during normal business hours.
- (v) Extraordinary contributions. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.
- (vi) Dedication at alternate site. In lieu of dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number of acres in another area, if the City determines it is capable of use for recreational purposes and will serve the proposed development.
- (vii) When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.

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- (viii) Whenever a subdivision includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.
 - (ix) Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the subdivision.
- (9) Common Recreation Facilities. Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.
- (10) Lots and Blocks.
- (i) Pattern. The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.
 - (ii) Frontage. Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.
 - (iii) Right angles. Side lot lines shall be approximately at right angles or radial to street lines.
 - (iv) Double frontage lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.
 - (v) "T" intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.
 - (vi) Solar energy. For purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.
- (11) Architecture. The following architectural standard is intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles. To avoid uniformity and lack of variety in design among housing units within the subdivision, no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street (e.g., the first and fifth lots in a row may contain the same façade elevation, but the second, third, and fourth lots must contain some different façade elevations). No residential elevation shall be repeated directly across the street from the same façade elevation. Mirror images of the same residential façade shall not count as two (2) distinctly different façades. In unusual circumstances, the Planning Commission may grant a petition seeking waiver of this requirement. Such an exception may be granted if the petitioner demonstrates that the proposed plan uses repetition for an architectural purpose, such as allusion to historical repetition that would not create a monotonous streetscape of the type this standard seeks to prevent.
- (12) Codes. The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development.
- (13) Inclusionary Housing. Minor and major subdivisions; and condominium plats of five (5) units or greater must meet the requirements of Article XIII, Inclusionary Housing.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-130. Vacation of recorded plat, right-of-way or easement.

An applicant requesting to vacate a recorded subdivision plat, public right-of-way or dedicated easement shall same process by which it was originally approved.

- (1) Evaluation Standards. The following items shall be considered in evaluating the vacation of a recorded plat, right-of-way or easement outlined below:
 - (i) Access to public road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.
 - (ii) Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.
 - (iii) Comprehensive Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Comprehensive Plan.
 - (iv) Transfers or sales of lots. A subdivision plat may be vacated if none of its lots have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.
- (2) Quitclaim Deed. Whenever the City approves an application vacating a public right-of-way, the City shall provide abutting landowners with a quitclaim deed for the vacated lands. Each abutting landowner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.

(Ord. No. 2018-21 , § 2, 1-11-2019)

Sec. 16-6-140. Fair contributions for public school sites.

- (a) General. Growth in residential land development and the construction of new residential dwellings in the City and Chaffee County necessitates the acquisition of additional public school capital facilities to accommodate increases in student population. Requiring land dedication or conveyance for public school capital facilities or payments in lieu of such dedication or conveyance ("Fair Contribution for Public School Sites") is intended to provide a portion of the resources to meet such demand.
- (b) Referral. All residential subdivision applications and planned developments creating residential dwelling units shall be referred to the Salida School District R-32-J for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities. If a nonresidential land development application may have influence or effect on property owned by or activities of the Salida School District R-32-J, the information pertaining to that application shall also be referred to the School District for review and comment.
- (c) Dedication Requirement.
 - (1) If recommended by the Salida School District R-32-J, the applicant shall dedicate or convey land for a public school facility to the School District based on one hundred thirty-eight thousandths (0.0138) acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount established by resolution of the City Council. The applicant may elect for such amount (as adjusted) to be paid by the owner of a particular lot at the time a

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residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the City, a separate covenant.

- (2) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:
- (i) Title shall be conveyed by a general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.
 - (ii) At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half (0.5) of street development costs, and shall either provide, or pay or make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The applicant shall also have furnished any off-site easements which the School District needs to develop the site.
 - (iii) The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.
 - (iv) The person or entity conveying the land to the School District shall satisfy the City's water rights dedication requirements, as may be amended, prior to conveying the property to the School District.
 - (v) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.
- (d) Exemptions. The following uses shall be excepted from Fair Contribution for Public School Sites:
- (1) Construction of any nonresidential building or structure;
 - (2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;
 - (3) Construction of any building or structure for limited term stay or for long term assisted living, including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;
 - (4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;
 - (5) The construction of accessory buildings or structures; and
 - (6) Construction of any low-income housing unit, on lots designated as such by the City.

(Ord. No. 2010-14 , § 2, 9-21-2010; Ord. No. 2018-21 , § 2(Exh. A), 1-11-2019)

ARTICLE VII. PLANNED DEVELOPMENTS

Sec. 16-7-10. Purpose and objectives.

- (a) Planned developments are intended to facilitate the purposes and objectives of this Land Use Code and the City's Comprehensive Plan and to permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts. The purpose of a planned development (PD) is to encourage innovation and flexibility in the development of land so as to promote variety in the type, design and layout of buildings; improve the integration, character and quality of land uses; promote the more efficient use of land and infrastructure while achieving compatibility of land uses; achieve economy in the delivery and maintenance of public services, and promote the preservation of open space and natural and scenic areas.
- (b) This Article is enacted pursuant to the authority contained in the Planned Unit Development Act of 1972, Sections 24-67-101, *et seq.*, C.R.S., as amended.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-20. Zoning classification.

A planned development constitutes a zoning classification and is established by overlaying the designation upon land within an existing or newly created zone district. Approval of a PD shall be illustrated and its land area defined on the City's Official Zone District Map. When an area that is already zoned is approved for a PD overlay, the underlying zone district's regulations shall remain intact; and in the event the PD is not completed or is terminated, the underlying zone district regulations shall apply to and govern land uses and development in the subject area.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-30. Procedure.

Approval of a PD shall be subject to the submission of a full and complete application, the payment of all review and approval fees, and major impact review as described in Article III of this Chapter. Review and submission requirements for a PD incorporating the subdivision and resubdivision of land shall be construed and applied together with the subdivision processing requirements at Article VI of this Chapter. Whenever the PD, subdivision, and/or development permit application procedures or requirements overlap, the overlapping procedures or requirements shall not be applied cumulatively, and the procedure or requirement pertinent to the PD application shall supersede the development permit and/or subdivision procedure or requirement.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-40. PD Development Plan evaluation criteria; general requirements.

- (a) No land shall be designated PD in the absence of a PD Development Plan, which plan shall set forth the written and graphic materials as described in this Article. All PD Development Plans must conform to and be consistent with the City's Comprehensive Plan and other adopted plans. PD Development Plans shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the evaluation criteria described in subsection (b). The PD Development Plan may allow for the mixture of uses and greater diversity of building types, promote environmental protection, limit sprawl, improve design quality and offer a higher-quality living environment, encourage innovative design and a variety of housing types, preserve historic buildings and sites, promote bicycles and walking as an alternative

to the automobile, and manage the increase in demand for public amenities as is feasible for the site and proposed use.

- (b) The PD Development Plan shall meet the following criteria, depicted on a site plan furnished by the applicant, unless the applicant can demonstrate that one (1) or more of them is not applicable or that another practical solution has been otherwise achieved:
- (1) Minimum Dimensional Standards. The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Planning Commission and City Council require minimum dimensional standards, including setbacks and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light and air between buildings and to ensure that the PD is compatible with other developments in the area.
 - (2) Trails. Reasonable effort must be made to connect to nearby recreation trails, parks and public open space such that green corridors define and connect urbanized areas. Any trails identified for the area in the City's Comprehensive Plan or Parks Master Plan must be included in the PD.
 - (3) Ownership and Maintenance. No PD shall be approved unless the City Council is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives, parking or other common assets to ensure maintenance of such areas.
 - (4) Water and Sewer. The developer shall provide municipal water and sewer facilities within the PD as required by the City.
 - (5) Residential Density. Density shall be limited as required by the Planning Commission and City Council upon consideration of the overall development plan, individual characteristics of the subject land and surrounding uses. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas, encourage pedestrian access and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. In high-density development, housing will be designed to provide adequate privacy between dwelling units.
 - (6) Relationship to the Subdivision Regulations. The provisions of these regulations concerning Planned Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the City.
 - (7) Improvement Standards. The PD may deviate from the Design Standards described in Article VIII of this Chapter, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development. Deviations may be incorporated only with the approval of the Planning Commission and City Council as a part of its review of the Overall Development Plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the improvement standards is not specifically addressed and approved under the Overall Development Plan, the improvement shall comply with all improvement standards of this Chapter.
 - (8) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:

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- a. Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.
 - b. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.
 - c. Inability to provide adequate fire protection using equipment currently in use by the Fire Department.
- (9) Gross Building Floor Area. The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses.
- (10) Permitted Uses. A PD may include any permitted principal or accessory uses by right and conditional review uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted. Uses within the PD will be permitted upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses. The PD shall be designed, insofar as practicable when considering the overall size of the PD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.
- (11) Transportation design. The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways and enhance the greater transportation pattern of the City and surrounding area. The street design and circulation system must be adequate to support the anticipated traffic. The proposed land uses may not generate traffic volumes which exceed the capacity of existing transportation systems, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts. The internal street circulation system shall be designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained, access for maintaining public infrastructure within the right-of-way is explicit and provisions for using and maintaining such streets are imposed upon the private users and approved by the Planning Commission and City Council. Bicycle lanes, paths and sidewalks shall be provided for all residential uses, retail establishments and public buildings and amenities. Nonmotorized transportation ways shall be adequate in terms of safety, separation, convenience and access to points of destination and attractiveness.
- (12) Development Standards. The PD may deviate from the Development Standards described in this Chapter only if the reasons for such deviations are well-documented and are necessary for realizing the purposes described in the objectives of development. Any variation from the development standards of this Chapter must be specifically addressed and approved in the Overall Development Plan. If an area of development (parking, landscaping, illumination, fences, signs, etc.) is not specifically addressed and approved under the Overall Development Plan, the area of development shall meet or exceed the standards of this Chapter applying to that area of development.
- (13) The PD provides for design that is energy-efficient and reduces the amount of energy consumption and demand of typical development.
- (14) Where residential uses are proposed, the PD shall provide for a variety in housing types and densities, other facilities and common open space.
- (15) The fiscal impacts of the PD have been satisfactorily addressed and the City or special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts.

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- (16) Higher levels of amenities than would be achieved by using established zone districts, including open spaces, parks, recreational areas, trails and school sites, will be provided to serve the projected population.
 - (17) There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.
 - (18) The adjacent and nearby developments will not be detrimentally affected by the proposed PD and approval period.
- (c) Evaluation Standards for Major Planned Developments. In addition to the above evaluation standards, the following standards or requirements shall govern the application of a major planned development and shall be utilized by the Planning Commission and the City Council in evaluating any major PD plan:
- (1) Staging of Development. Each stage within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.
 - (2) Parks, Trails and Open Space. Each major planned development shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces are developed and preserved as the community grows.
 - a. Dedication Requirement. Land for parks, trails and open space shall be dedicated in the ratio of two hundredths (0.02) acre per residential unit of the proposed development. When a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat. All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.
 - b. Fee-in-lieu. For those planned developments where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may require a cash fee in lieu of dedication based upon Salida land values. The City Council shall set an in-lieu fee schedule from time to time by resolution. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at time of approval of the final development plan and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space.
 - 1. Residential planned developments or the residential portion of mixed use planned developments. For the square footage of required land not provided on the site the value of the fee shall be established by resolution of the City Council, as may be amended from time to time.
 - c. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

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- d. Dedication at alternate site. In lieu of dedicating land within the planned development, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number of acres in another area if the City determines it is capable of use for recreational purposes and will serve the proposed development.
 - e. When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.
 - f. Whenever a planned development includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of, or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.
 - g. Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the planned development.
- (3) Civic Engagement. Civic buildings and public gathering places should be provided to reinforce community identity and support civic engagement.
- (d) Evaluation Standards for Minor Planned Developments. In addition to the above evaluation standards in subsection (a) of this Section that apply to all PD applications, the following standards or requirements shall govern the application of a minor planned development and shall be utilized by the Planning Commission and the City Council in evaluating any minor PD plan:
- (1) Staging of Development. There shall be no staging of development in a minor PD.
 - (2) Types of Uses. A minimum of twenty-five percent (25%) of the floor area of the project is recommended for nonresidential, commercial uses.
 - (3) Public Places. Public gathering places should be provided to reinforce community identity and support civic engagement.
 - (4) Economic Opportunity. The PD provides a unique economic opportunity or provides a service, industry or housing type that will benefit the City and would not be possible under the existing zone districts or dimensional standards of the City.
 - (5) Open Space. A minor PD is not expected to provide a dedication of open space on the site; however, it is required that any PD contribute to meeting the goals for open space through a negotiated fee in lieu of open space or other contribution.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-50. Design standards.

- (a) Design standards within the PD may deviate from the design standards described in Article VIII of this Chapter and the City of Salida Construction Standards and Specifications, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development. Deviations may be incorporated only with the approval of the Planning

Commission and City Council as a part of its review of a PD Development Plan and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the Article VIII design standards is not specifically addressed and approved as part of the PD Development Plan, the improvement shall comply with all design standards of this Chapter and the City of Salida Construction Standards and Specifications.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-60. Maximum height and floor area.

- (a) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:
 - (1) Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.
 - (2) Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.
 - (3) Inability to provide adequate fire protection using equipment currently in use by the Fire Department.
- (b) The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the PD Development Plan, individual characteristics of the subject land and surrounding uses.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-70. Permitted uses.

A PD may include any permitted uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted. Uses within the PD will be permitted upon consideration of the PD Development Plan, individual characteristics of the subject land and surrounding uses. The PD shall be designed, insofar as practicable when considering the overall size of the PD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-80. Transportation design.

The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways, follow the recommendations of the Salida Regional Transportation Plan and enhance the greater transportation pattern of the City and surrounding area. The street design and circulation system must be adequate to support the anticipated traffic. The proposed land uses may not generate traffic volumes which exceed the capacity of existing transportation systems, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts. The internal street circulation system shall be designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained, access for maintaining public infrastructure within the right-of-way is explicit and adequate provisions for using and maintaining such streets are imposed upon the private users. Bicycle lanes, paths and sidewalks shall be provided for all residential uses, retail establishments and public buildings and amenities.

Nonmotorized transportation ways shall be adequate in terms of safety, separation, convenience and access to points of destination and attractiveness.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-90. Submittal requirements.

The PD process requires the preparation of a PD Development Plan, which application shall include the following components.

- (1) PD Development Plan. The plan document shall have an outer dimension of twenty-four (24) inches by thirty-six (36) inches, and shall also be duplicated in eleven-by-seventeen-inch (11" × 17") reproducible size; along with an electronic file containing the following information:
 - (i) Parcel size stated as gross acres and square footage.
 - (ii) Existing topographical character of the land with elevation contours at ten-foot intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features and existing vegetation and critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.
 - (iii) Approximate acreage and gross density of each area proposed for residential and nonresidential uses; number and type of residential units and estimated floor area and types of nonresidential uses.
 - (iv) Total land area and proposed location and amount of land for parks, trails and/or open spaces. If land is not to be provided on site, the applicant must provide detailed information on how the parks, trails and open space requirement is to be met.
 - (v) Approximate alignment of proposed and existing streets and pedestrian, trail and bicycle routes, including major points of access.
 - (vi) Approximate location and number of acres of any public use such as parks, trails, school sites and other public or semi-public uses.
 - (vii) Height, yard, lot, setback, lot coverage, landscape area and other dimensional standards.
 - (viii) Location of existing and proposed primary utility lines.
 - (ix) An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter (¼) mile showing the following:
 - a. Zoning districts.
 - b. Traffic circulation systems.
 - c. Major public facilities.
 - d. Location of existing municipal boundaries, service and school district boundaries.
- (2) Written Narrative. The applicant shall provide the following written information:
 - (i) A legal description of the total site, including any recorded easements proposed for development and a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.
 - (ii) Evidence of the present ownership or agents thereof of all lands included within the planned development in the form of a current commitment for title insurance or title insurance policy.
 - (iii) A statement of planning objectives.

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- (iv) A statement of proposed ownership, improvements and maintenance of parks, trails and open space.
 - (v) A proposed development phasing schedule.
 - (vi) Any general physiographic and environmental studies of the proposed site.
 - (vii) A statement of the proposed method for controlling architectural design throughout the development.
 - (viii) A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
 - (ix) Water and sewer demand for projected uses.
 - (x) Letters from the City, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.
 - (xi) A generalized trip generation study for the entire development and its subparts. Also, a statement of the general intent of the applicant as regards the designation of public versus private roads.
 - (xii) A statement explaining how the development shall be served and what measures have been taken to reduce the fiscal impacts of the development on the City.
- (3) Information Required for Adequate Review. Any information or reports required by this Section may be postponed or waived by the Administrator on the basis that the information is not necessary for a review of the application. There may be additional information or reports required to evaluate the character and impact of the PD Development Plan
- (4) Copies. The Administrator will determine the number of copies required for each item.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-100. Phasing.

Based upon both development and planning considerations, it may be desirable to develop a PD in several phases. Accordingly, the applicant may elect to apply for development in any number of phases. Regardless of the proposed number of phases, the initial application shall be for a PD Development Plan that includes the entire site.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-110. Development schedule.

- (a) Unless otherwise provided in the PD Development Plan, the applicant must begin development of the PD within three (3) years from the time of its final approval by the City Council; provided, however, that the PD may be developed in stages or phases. The applicant must complete the development of each stage or phase of the PD as a whole substantially in conformity with the development schedule approved as part of the PD Development Plan.
- (b) If the applicant does not comply with the time limits imposed by subsection (a) above, the City Council shall review the PD and extend the time for completion of the PD, may revoke approval for the uncompleted portion of the PD, or require that the PD be amended.

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- (c) Each stage a phase within a PD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PD or its surroundings.
 - (d) Each PD Development Plan must contain a detailed development schedule of public and private improvements. The Administrator shall monitor this schedule, and failure of the developer to substantially adhere to it shall be cause for a special review by the Planning Commission. The Planning Commission may extend for not more than two (2) periods of twelve (12) months each, the time for beginning the project. The Planning Commission special review shall be commenced if one (1) or more of the following situations arise:
 - (1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within eighteen (18) months of the scheduled starting date or extensions thereto.
 - (2) Inactivity or documented lack of progress as determined by either the Administrator or the Planning Commission on any stage of the project for more than two (2) years from the last completed benchmark in the approved development schedule.
 - (3) Request for extensions to the starting dates by the developer.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-120. Public hearings.

All public hearings required under this Article may be simultaneously noticed and conducted with any other public hearing as required or authorized under the City's subdivision and/or development permit regulations.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-130. Form of PD approval.

All decisions of the City approving a PD shall be in the form of a written ordinance and contain, at a minimum, the information set forth below. No building permit may issue and no development activity may commence within the PD area until the PD approval and the plat have been duly executed and recorded along with any necessary PD agreement.

- (1) The density allocated to the property by type and number of units;
- (2) The approved uses, including by right, conditional, and other, on each development parcel or use areas within the PD site;
- (3) Approved densities in total numbers of units for each development parcel identified;
- (4) Approved density transfers from one (1) parcel to another, if any;
- (5) The phasing and general timetable of development that shall permit the logical and efficient provision of municipal services;
- (6) Specific conditions applied to the development of any parcels that, by their nature, are subject to special development constraints; and
- (7) Variations in any dimensional limitations expressed as either an allowable maximum or a specific maximum.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-140. PD agreement.

Appropriate terms and conditions for development of a PD in accordance with this Chapter shall be established in a Development Agreement and/or subdivision improvements agreement, as appropriate, described in Section 16-2-60 of this Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-150. Modifications.

- (a) All provisions of the PD Development Plan authorized to be enforced by the City may be modified, removed or released by the City subject to the following:
 - (1) No modification, removal or release of the provisions of the PD Development Plan by the City shall affect the rights of the residents, occupants and owners of the PD to maintain and enforce those provisions in law or in equity; and
 - (2) No substantial modification removal or release of the provisions of a PD Development Plan by the City shall be permitted except upon a finding by the City Council, following a public hearing upon notice as required by this Chapter, that the modification, removal or release is:
 - (i) Consistent with the efficient development and preservation of the entire PD;
 - (ii) Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PD or the public interest; and
 - (iii) Is not granted solely for a special benefit upon any person.
- (b) Residents and owners of land in the PD, may to the extent and in the manner expressly authorized by the provisions of the PD Development Plan, modify, remove or release their rights to enforce the provisions of the plan; but no such action shall affect the right of the City to enforce the provisions of the plan.
- (c) An insubstantial modification to an approved PD Development Plan may be authorized by the Administrator. However, insubstantial modifications may only be approved if they promote the terms, purposes and conditions of the original PD Development Plan and approval. The applicant shall make a written request to the Administrator justifying the proposed modification and clearly showing on the PD Development Plan and accompanying written narrative that portion which is proposed for modification. A record of such approved insubstantial modification shall be filed and recorded in the same manner as the original. The following shall NOT be considered an insubstantial modification:
 - (1) A change in land use or development concept.
 - (2) An increase in residential density levels or building coverage of nonresidential uses.
 - (3) An increase in the permitted height.
 - (4) A realignment of major circulation patterns or a change in functional classification of the street network.
 - (5) A reduction in approved open space or common amenities.
 - (6) Other significant changes which involve policy questions or issues of overriding importance to the community.
- (d) During the review of any proposed substantial modification to the PD, the City Council may require such new conditions of approval as are necessary to ensure that the development will be compatible with the current community standards and regulations. This shall include, but not be limited to, applying the portions of the

PD which have not obtained building permits, or are subject to the proposed amendment, any new community policies or regulations which have been implemented since the PD was originally approved. An applicant may withdraw a proposed modification at any time during the review process. A request for a substantial modification shall be accompanied by the same type and quality of information as was necessary for the original PD Development Plan approval and shall include a map of the entire PD Development Plan area which clearly defines that portion which is proposed for modification and a written justification of the proposed modification, including a discussion of any changes in impact which would result from the modification.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-7-160. Enforcement.

- (a) Development of the area within a PD shall be limited to the uses, densities, configuration and terms, elements and conditions contained within the approved PD Development Plan and PD Agreement, and may be enforced by the City at law or equity. The configuration and mix of the units may be modified as provided for in this Chapter or the PD Agreement, but no portion of the density allocation may be transferred to land not included in the PD Development Plan.
- (b) In addition to any and all other remedies as available to the City under law, the City Administrator may serve a written notice on the PD developer, or any landowner within the PD, to appear before the City Council when reasonable grounds exist to believe that the PD Development Plan and PD Agreement, or any part thereof, is not being adhered to. The City Council shall conduct a public hearing to determine the existence of any alleged failure or violation of the PD approval, and may enter orders directing the correction of same.
- (c) All provisions of the PD Development Plan as finally approved run in favor of the residents, occupants and owners of the PD, but only to the extent expressly provided in the PD Development Plan and in accordance with the terms of the PD Development Plan; and to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE VIII. DESIGN STANDARDS

Sec. 16-8-10. Purpose and applicability.

The purpose of this Article is to establish site development standards applicable to all development within the City requiring a development permit. All development shall comply with the standards of this Article and with the City of Salida Construction Standards and Specifications. Except as provided in Article VII the requirements and provisions of this Article shall apply to every development permit. Appropriate provisions shall also apply to subdivisions without development plans.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-20. Road, driveway and sidewalk standards.

- (a) Access to Roads. All lots and developments shall have direct access to a public street.
- (b) Standards. All public roadways shall be paved, engineered and constructed to comply with the City of Salida Construction Standards and Specifications.

(Supp. No. 10, Update 2)

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- (c) City Maintenance. Upon acceptance by the City, all public roadways shall be maintained by the City.
- (d) Emergency Vehicle Access. The City may require greater widths of roads when needed for movement of emergency and utility vehicles. Such streets shall be clearly identified, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times.
- (e) Driveway Standards.
- (1) Access to Single-Family. Only one (1) access will be allowed to single-family residences.
- (i) Exception: A single-family corner lot having frontage to local streets on two sides and alley access, may have driveway access from a detached accessory structure from the street closest to the alley provided there is a maximum ten (10) feet rear setback from the rear lot line.
- (2) Driveway access must be located from the alley where alley access is available.
- (3) Width of Driveways. Driveway width is measured within City right-of-way from the right-of-way line to the edge of pavement, with an allowable three-foot angled or radial taper. The width of any driveway connecting an off-street parking area with a public street or highway shall fall within the ranges as shown below, as measured within the City right-of-way:

Single-Family homes	9 feet minimum, 12 feet maximum
Duplexes or Multi-Family Units	9 feet minimum, 12 feet maximum (one way), 24 feet maximum (two-way)
Commercial and Business	12 feet (one way), 24 feet (two-way)

- (4) Driveway Spacing. No two (2) driveways connecting to a public street, alley or highway shall be within thirty (30) feet of one another measured from edge of driveway to edge of driveway within the City right-of-way.
- (5) Angle of Intersection. All driveways shall intersect the access street at ninety (90) degrees.
- (6) Grade. Driveways may be up to eight percent (8%) in grade.
- (7) Exemption and Conformity. Driveways which are to be repaved (existing paved driveways) can be done to the previous width. Existing gravel driveways which are to be paved shall conform to these requirements.
- (8) Temporary Dead-End. Where a street will eventually be extended beyond the development, but is temporarily dead-ended, an interim turnaround should be provided.
- (9) Street Names. All street naming shall be subject to approval by the City.
- (i) Duplicate names. No street name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County.
- (ii) Street extensions. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the same names as the existing streets.
- (iii) Street name signs. Street name signs which comply with City specifications shall be furnished and installed at the developer's cost.

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- (10) Street Improvements, Widths and Grades. Streets shall have such curbs, gutters, sidewalks, culverts and lights as required by the City. These improvements shall be constructed by the developer to comply with the City of Salida Construction Standards and Specifications. Maximum and minimum street widths and grades shall comply with the design standards specified in the City of Salida Construction Standards and Specifications.
- (11) Access to Adjacent Lands. When a development abuts and controls access to public lands or existing streets, access shall be provided in the manner requested by the City. When a development abuts private lands, the City may require the developer to provide access thereto when said access is in conformance with the City's streets plan or is the only reasonable and logical access to the private property.
- (12) Street Lights. In new subdivisions and for development along arterial streets street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.
- (13) Sidewalks.
- (i) Local streets. A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along both sides of all local streets in a limited impact review or major impact review development. Sidewalks along local streets shall be separated by a distance of at least five and one-half (5½) feet from the curb or street pavement edge. Street sidewalk systems shall connect to open space walks, trails and adjacent walks in appropriate places.
 - (ii) Collector and arterial streets. Sidewalks shall be a minimum of six (6) feet wide along collector streets shall be separated from the curb or street pavement by a distance of at least five and one-half (5½) feet and arterial streets shall be separated by a distance of at least seven and one-half (7½) feet from the curb or street pavement edge.
 - (iii) Parkway. Where such separated sidewalks are required, the parkway shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used, subject to City approval of the location and species of planting materials to be installed in accordance with the Tree Board's *A Guide To Salida Trees*. Within the Hwy. 50 Corridor Overlay, parkways shall be finished with stamped concrete in accordance with the color and pattern detailed in the Highway Corridor Improvement Plan or as approved by the Administrator.
- (f) Design Variance. A design variance from the Road and Sidewalk Standards may be granted by the Administrator or requested during the development permit process in accordance with Article III or in accordance with Article VII, considering the development's proposed traffic generation, its functional street classification and provisions for pedestrian safety and emergency vehicle access, and the design of its off-street parking and public improvements, including but not limited to water supply, sewage treatment, electricity, irrigation water, solid waste disposal and storm drainage.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-30. Survey monuments.

- (a) Street Intersection. Two (2) concrete survey monuments, at least thirty-six (36) inches in length and four (4) inches square, with a suitable center point, shall be set into the ground at each street intersection on the street right-of-way line.

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- (b) Boundary Lines. Iron pin survey monuments five-eighths ($\frac{5}{8}$) inch in diameter and twenty-four (24) inches long shall be placed in the ground at all points on a property boundary line where there is a change in direction, and at all lot corners, before a permit is issued for development.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-40. Street tree standards.

Design and Standards. Trees will be located within the parkway. At a minimum, there shall be an average of at least one (1) tree planted for every fifty (50) feet on each side of the street. Species selection and placement are subject to approval by the Administrator.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-50. Undergrounding of utilities.

- (a) Service Lines Underground. The developer shall install service lines for local utilities underground to the maximum extent feasible, including those for telephone, electricity, natural gas and cable television. If such lines are placed in a street or alley, they shall be in place prior to surfacing.
- (b) Extend Full Length of Property. Utility lines, water and sewer lines and storm drainage facilities shall extend the full length of the property.
- (c) Easements. Utility easements shall be dedicated at the time of development approval as a condition of obtaining service. Utility easements shall be at least twenty (20) feet wide in public right-of-way. Widths of utility easements on private property shall be determined by the utility provider.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-60. Stormwater management standards.

- (a) Applicability. Stormwater management standards shall apply to nonresidential and mixed-use developments, multi-family units of five (5) or more and major subdivisions.
- (b) Drainage Study. A drainage study for a site which is to be developed shall be prepared and the site's drainage system shall be designed by a registered professional engineer, according to generally accepted storm drainage practices. The plan shall be reviewed and approved by the City Engineer.
- (c) Runoff Control Structures. The developer shall provide storm sewers, culverts, bridges and other flood and runoff control structures, as determined necessary by the drainage study, which comply with the City of Salida Construction Standards and Specifications.
- (d) Historic Runoff. The drainage system shall be designed and constructed so that only historic runoff, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. The design storm is for the twenty-five year, twenty-four-hour rainfall. All costs associated with handling runoff generated by a development shall be paid by the developer.
- (e) Floodplain. Land located within an adopted 100-year floodplain shall not be used for occupancy, unless the hazards from flooding are mitigated in conformance with the City's floodplain regulations.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-70. Grading and erosion control.

- (a) Applicability. Grading and erosion control standards shall apply to nonresidential and mixed-use developments, multi-family units of five (5) or more and major subdivisions.
- (b) Grading Plan. The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two (2) feet.
- (c) Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal and use. The basic steps are as follows:
 - (1) Fit to Topography. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.
 - (2) Block and Lot Grading. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.
 - (3) Easements. Determine any easements and other provisions needed for adequate block drainage and erosion control.
 - (4) General Limitations. Determine general lot grading limitations for local conditions, such as minimum gradients for grass swales and slopes and maximum for walks and drives.
 - (5) Specific Limitations. For each type of house and lot, determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.
 - (6) Street Profiles. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.
 - (7) Elevations. For each property, determine proposed elevations for key points on the lot and for the building floor, giving due consideration to street elevations, existing topography and lot grading limitations.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-80. Off-street parking standards.

This Section establishes parking standards for land uses in the City. The standards are intended to lessen congestion on the streets and to ensure an adequate supply of parking spaces within a reasonable distance of uses. The standards of this Section shall apply to all development in the City requiring a development permit or change of the use of land or structures.

- (a) Off-Street Parking Required. All uses shall be required to meet the standards set forth in Table 16-J, Off-Street Parking Standards by Use, except for uses in the Central Business District (C-2), which do not expand the footprint of the existing structure. New structures or additions shall meet the requirements of this section.
 - (1) Multiple Uses. If two (2) or more principal uses occupy a single parcel or structure, the standard for off-street parking shall be the additive total for each principal use of the parcel or structure.

- (2) **Shared Parking.** When it can be shown that the peak use period for required parking for one (1) land use will not overlap with the peak use period for required parking for another land use located on the same or adjoining site, the Administrator may reduce the required number of off-street parking spaces by up to twenty-five percent (25%) of the total required. Written approval by the property owner for use of property is required. The shared parking area may not be across a street unless the adjoining property is separated by a local or collector street. A change in land use will require evaluation by the Administrator and additional spaces may be required.
- (3) **Alternative Standards.** Alternative off-street parking standards to those required below may be considered if the applicant demonstrates that such standards better reflect local conditions. The applicant must demonstrate provision for a sufficient number of spaces for the highest expected volume of users. Such determination may be based upon the following standards:
 - (i) **Capacity.** The designed capacity of such facilities.
 - (ii) **Plan.** An overall plan for concentrations of parking with appropriate consideration of designed landscaping and relation to surroundings.
- (b) **Required Fractional Spaces.** When any calculation of off-street parking results in a required fractional space, such fraction shall be rounded up if five-tenths (0.5) or greater.
- (c) **Location of Required Spaces.** Required off-street parking spaces shall be located:
 - (1) **On Same Lot.** On the same lot as the structure the spaces are intended to serve; or
 - (2) **Within Common Parking Area.** Within a parking area commonly owned by individuals who also own living or commercial units adjacent to the area which the parking spaces are intended to serve.
- (d) **Prohibited Uses of Required Spaces.** Off-street parking spaces shall be available for the parking of operable automobiles of the residents, customers and employees of the use for which they are required. Prohibited uses of required spaces shall be as follows:
 - (1) **Storage.** The storage of inoperable vehicles or materials.
 - (2) **Delivery Vehicles.** The parking of delivery vehicles for the business.
 - (3) **Vehicles for Sale.** The display of vehicles for sale in commercial or industrial parking areas, except for the casual display of vehicles by owners who are employees or customers using the premises.
 - (4) **Repair Work.** Repair work that renders a vehicle inoperable for periods of more than twenty-four (24) hours in a parking area required for a commercial use.
 - (5) **Snow Storage.** Parking lot snow storage shall not be provided by using required spaces.

TABLE 16-J	
Off-Street Parking Standards by Use	
Use	Parking Standard
Residential Uses—1 space per unit unless specified below	
Single-family, Duplex, ADU	1 space per unit
Multi-family dwelling unit	One (1) space per first unit, plus one and one-half (1.5) spaces per additional unit One (1) space per unit ¹
Rooming or boarding house	1 space per bed

Mobile home and recreational vehicle parks	1 space per unit plus an additional 0.25 spaces per unit
Residential Business Uses	
Bed and breakfast inn	½ space per guest room, plus 1 space for owner/manager's unit
Day care, small and large	1 off-street parking space per nonresident employee, plus those spaces required for the dwelling unit. Large day care centers shall provide 1 designated off-street loading/unloading space per 4 children/adult
Home business or home occupation	1 additional space
Short-term rentals	One (1) space per first two (2) bedrooms, plus one-half (½) space for each additional bedroom
Public and Institutional Uses—1 space per 500 s.f. unless specified below	
Church, parish home and religious education building	1 space per every 6 seats in the main sanctuary, plus 1 space for the parish home
Clubs, recreation buildings and areas operated by and for their members	1 space per every 4 persons allowed within the maximum rated occupancy established by local fire, building or health codes
Community buildings; government administrative facilities, services and buildings	1 space per 400 s.f.
Group home	1 space per employee, plus 1 visitor space per 4 beds
Nursing home	1 space per employee, plus 1 visitor space per 3 beds
Schools	1 space per employee, plus 1 per 4 enrolled students
Hospital	1 space per 2 beds and 1 space per employee
Recreation facilities	1 space per 1,000 s.f.
Commercial Uses, Personal Service, and Office Uses—1 space per 300 s.f. unless specified below	
Commercial lodging	1 space per guest room (in a suite, each bedroom shall constitute a separate guest room), plus 1 space per 150 s.f. of group assembly area (such as conference/meeting rooms), plus 1 space per 500 s.f. of accessory commercial space, plus 1 space for the manager/front desk person
Eating and drinking establishment	1 space per 200 s.f.; if a drive-in facility is offered, a minimum of 3 queuing spaces shall also be provided at each station
Outdoor amusement establishment	1 space per 500 s.f. of outdoor area use for amusement proposes
Medical marijuana centers	1 space per 250 s.f.

Professional office—general	1 space per 400 s.f.
Campground	1 space per camp site, plus 2 spaces for office
Retail sales establishment	1 space per 250 s.f.
General Services—1 space per 500 s.f. unless specified below	
Automobile service and repair	2 spaces per service bay (service bay is not a parking space), plus 1 space per employee
Gasoline service stations	1 space per 300 s.f., spaces for gas pumps do not count towards this requirement
Mobile home and recreational vehicle sales and service	1 space per employee plus 1 space per 500 s.f.
Industrial Uses—1 space per 750 s.f. unless specified below	
Light industrial—general	1 space per 500 s.f.
Warehouse	1 space per 1,000 s.f. or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
General industrial	1 space per employee of the business plus 1 space per company vehicle, or as established by the Planning Commission if a conditional use review is required
Notes: 1 Standards for inclusionary housing development per Section 16-13-50. Where the use is identified as "general," it means all those uses in the commercial/industrial use schedule for that category which are not specifically listed in this parking table. Existing structures in the CBD are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements. Floor area shall be measured as gross floor area within a building, exclusive of mechanical rooms, closets or storage areas and kitchen spaces, unless specifically stated otherwise. Where parking requirement is on a per-employee basis, employment shall reflect the maximum number on any single shift. For uses not listed, parking requirements shall be determined by the Administrator based upon the parking requirements of a land use in this table that is most similar to the use not identified in this table, or using other professional sources.	

(e) Design Standards for Parking Areas.

- (1) Parking Surface. Off-street parking areas, aisles and access drives shall be paved and striped, except for parking areas and access drives for single-family and duplex dwelling units or when the parking requirement is for five (5) or less spaces, which may be gravel and need not be paved. Unpaved parking shall provide some form of curb stop to identify each parking space. Paved parking areas shall be paved

with concrete, paving blocks, asphalt, pavers, or other durable all-weather surface. The surface shall be graded and drained to permit drainage of surface water without damage to public or private land or improvements.

- (2) Dimensions. The minimum dimensions for parking spaces, rows and aisles are:
 - (i) Thirty (30) degree to ninety (90) degree—The minimum size for their type of parking shall accommodate an eighteen and one half (18.5) feet by nine (9) feet rectangle within the stall.
 - (ii) Parallel spaces—Shall be twenty-two (22) feet as measured along the street and eight (8) feet wide.
 - (iii) Aisle widths shall be a minimum of ten (10) feet wide for each direction of traffic.
- (3) Existing nonconforming off-street parking shall be allowed to continue and be credited towards required off-street parking when the spaces are located within the subject property and the existing spaces meet the minimum standards of City of Salida Construction Standards and Specifications. Modification of the existing parking shall require compliance with the current Parking Design Standards.
- (4) Backing on to Roads Prohibited. All parking areas shall be designed so that vehicles exiting from a parking space shall not back on to the right-of-way of public streets, but may back on to the right-of-way of alleys adjacent to the property. Vehicles exiting from a parking space for a single-family or duplex dwelling unit may back onto a residential street.
- (5) Tandem Parking. Tandem parking (one (1) vehicle parking directly behind another) shall not be permitted and shall not be credited toward meeting any off-street parking requirement for this Article, except for single-family or duplex residential uses; provided that the tandem spaces are assigned to the same dwelling unit.
- (6) Unobstructed Access. Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.
- (7) Compact Car Spaces. In parking areas containing more than ten (10) spaces, up to twenty percent (20%) of the spaces over and above the first ten (10) may be designed for compact cars; provided that any such spaces are designated for exclusive use by compact cars with painted identification. The standard colors shall be white on green.
- (8) Parking for Handicapped. Any use requiring handicapped access, as defined in the adopted building code, shall provide spaces for use only by physically handicapped persons as outlined in the adopted building code.
 - (i) Size. Shall be a minimum eight (8) feet wide by eighteen and one half (18.5) feet long, with a five-foot accessibility lane or eight-foot accessibility lane for vans. Handicap stalls placed on an angle shall accommodate an eight (8) feet wide by eighteen and one half (18.5) feet long rectangle within the stall and accessibility lane as measured perpendicular to the stall.
 - (ii) Signage. All spaces designated as being for the handicapped shall have painted identification. The standard colors shall be white on blue.
- (9) Parking Area Landscaping and Illumination. Landscaping and illumination for parking areas shall comply with the standards of Section 16-8-90 below.
- (10) Drainage. Development Standards for drainage retention are outlined in Section 16-8-60 of this Chapter.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2018-14 , § 3(Exh. B), 10-2-2018; Ord. No. 2021-15 , § 8, 10-5-2021)

Sec. 16-8-90. Landscaping standards.

The purpose of this Section is to provide standards for landscaping of all development within the City so as to maintain the character of residential neighborhoods, commercial centers and industrial areas. This is accomplished by requiring minimum planting, buffering and screening around and within residential and nonresidential development and their associated parking areas, and by requiring long-term maintenance of landscaped areas.

- (a) Applicability. The standards of this Section shall apply to all development within the City, except as follows:
 - (1) Central Business District (C-2). Development in the Central Business District (C-2) zone district shall be exempt from the landscaping standards of this Article if the primary structure on the lot has a zero-foot setback from the property line. If a property does not utilize the zero-foot setback allowance, the minimum landscape area shall be ten percent (10%) and shall be located in both the front and side yard, where applicable.
 - (2) Single-Family or Duplex Dwelling. The construction, reconstruction, modification, conversion, structural alteration, relocation or enlargement of a single-family or duplex dwelling shall only be required to meet the landscape standards of Table 16-F and provide the minimum number of trees as required in Table 16-K.
 - (3) Alteration or Repair. An alteration or repair which does not change the existing use of the property or does not expand the use of the property shall be exempt from the landscaping standards of this Article.
- (b) Landscape plan. A landscape plan shall be submitted for review as part of an application for any development within the City, except that development specifically exempted in Subsections 16-8-90(a)(1)—(3) above. The landscape plan shall contain the following materials:
 - (1) Drawing. A drawing identifying all existing deciduous trees and coniferous trees of four (4) inches in caliper or greater and illustrating the location, size and type of all proposed landscaping. The drawing shall identify all existing vegetation which is to be preserved and demonstrate how irrigation is to be provided. The drawing shall be to scale and shall contain a legend.
 - (2) Calculations. A written summary of all calculations used to determine the landscaping required for the site.
 - (3) Cost Estimate. An estimate of the cost of supplying and installing the materials depicted in the landscape plan.
 - (4) Erosion Control. A description of how erosion will be controlled on-site, during construction and following completion of development.
 - (5) Maintenance Program. A description of the proposed program to maintain the landscaping after it has been installed.
- (c) Landscaping standards applicable to all development:
 - (1) Plants Compatible With Local Conditions. All plants depicted on the landscape plan shall be of a variety which is compatible with local climate and the soils, drainage and water conditions of the site.
 - (2) Save Existing Vegetation. The landscape plan shall be designed to save all existing healthy trees and shrubs whenever possible. Existing trees and shrubs which are preserved shall count toward the landscaping standards of this Article.
 - (3) Living Cover. A minimum of sixty percent (60%) of the required landscape area shall be live ground cover. Expected mature shrub coverage will count towards this requirement; a tree's canopy shall not.
 - (4) Obstructions Prohibited.

- (i) Fire hydrants and utilities. Landscaping shall be located so as not to obstruct fire hydrants or utility boxes and so it will not grow into any overhead utility lines.
 - (ii) Curb cuts and intersections. No plant material greater than two (2) feet in height shall be located within the *clear sight triangle* as defined by this Chapter, or so as to otherwise cause visibility obstructions or blind corners at intersections.
- (5) Minimum Size. Trees and shrubs depicted on the landscape plan shall be of the following minimum size at the time of their planting:
- (i) Deciduous trees. Deciduous trees shall be a minimum of one and one-half (1½) inches in caliper, measured six (6) inches above the ground.
 - (ii) Coniferous trees. Coniferous trees shall be a minimum of six (6) feet in height.
 - (iii) Shrubs. Shrubs shall be a minimum two-gallon container.
- (6) Minimum Number. The following minimum number of trees shall be provided per required landscaped area in various zone districts:

Table 16-K	
<i>Zone District</i>	<i>Number of Trees Per Required Landscape Area</i>
Single-Family Residential (R-1)	1 per 800 s.f.
Medium Density Residential (R-2)	1 per 800 s.f.
High Density Residential (R-3)	1 per 800 s.f.
Manufactured Housing Residential (R-4)	1 per 800 s.f.
Residential Mixed Use (RMU)	1 per 500 s.f.
Commercial (C-1)	1 per 300 s.f.
Commercial (C-2)	1 per 600 s.f.
Industrial (I)	1 per 1,000 s.f.

- (7) Parking and Storage Prohibited. The required landscape area shall not be used for parking or open storage.
 - (8) Trash Receptacles. Screening shall be provided for all trash receptacles of two (2) cubic yards in volume or greater, and shall consist of landscaping or a structural visual barrier, such as a fence, to block the view of the trash receptacle and to keep trash contained. One (1) side of the screening shall be designed for easy access for trash removal. Any landscaping so provided shall count toward the landscaping standards of this Article.
- (d) Landscaping Standards Applicable to Parking Areas.
- (1) Buffer Strip. A landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided between the parking area and any adjoining public street right-of-way. This strip shall be of sufficient width to contain plant materials and be credited toward the landscaping required for the zone district.

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- (2) Outdoor Sales Lots. Sales lots for mobile home, recreational vehicle, heavy equipment and automobiles shall be landscaped along all lot lines. This landscaping shall be credited toward the landscaping required for the zone district.
 - (3) Interior Landscaping. Any parking area containing more than thirty (30) parking spaces or four thousand five hundred (4,500) square feet of area shall provide six (6) plants, which may be trees or shrubs, for each fifteen (15) parking spaces. A minimum of one (1) of the six (6) plants shall be a tree, which shall be located around the perimeter of the lot and in landscaped islands within the lot. These planted areas shall count toward the minimum landscape area standard of the underlying zone district.
 - (i) Curbs for area definition. The landscaped islands shall have curbs which may be used to define parking lot entrances, the ends of parking aisles and the location and pattern of primary internal access ways or any combination thereof.
 - (ii) Dispersed. The landscaped islands shall be dispersed throughout the parking area and in the parking area in such a way as to provide visual relief, particularly of parking aisles, by using flowering ornamental plantings, and to provide physical relief by using seasonal shade trees.
 - (iii) Area. The area contained within the landscape islands shall be a minimum of seven (7) square feet for each required parking space.
- (e) Installation and maintenance requirements.
- (1) Security. Prior to the issuance of a development permit, the Administrator may require the applicant to submit to the City a surety or cash bond, letter of credit or other collateral found to be suitable by the City Attorney to guarantee the installation of the required landscaping. The security shall be in an amount equal to one hundred twenty-five percent (125%) of the cost of supplying and installing the materials depicted in the approved landscape plan, based on estimates provided by the applicant and approved by the City.
 - (2) Certification and Release. Following installation of the required landscaping, the applicant shall certify that the landscaping has been installed in conformance with the approved plan. One hundred percent (100%) of the performance guarantee shall be released within seven (7) calendar days following receipt of the certification and inspection by the City. The remaining twenty-five percent (25%) of the performance guarantee shall be released after two (2) growing seasons after required landscaping is installed and successfully maintained.
 - (3) City Use of Security. In the event the landscaping is not installed, or is installed in a manner which does not conform with the approved plan, the City may draw upon the security to bring the landscaping into conformance with the approved plan or, if development was initiated but never carried through to completion, to return the site to its predevelopment condition.
 - (4) Required Time for Completion—Date of Occupancy. Landscaping required for all uses shall be installed within six (6) months of its initial date of occupancy, excluding the months of October through April.
 - (5) Irrigation for Live Cover. That portion of the landscaped area which is live cover shall be provided with an adequate means of irrigation for the type of plants installed.
 - (6) Maintenance. All vegetation shall be healthy at the time of its installation and shall remain alive, or shall be replaced.
 - (i) Landowner responsible. Maintenance of landscaped areas shall be the responsibility of the landowner.
 - (ii) Replacement. Landscaping which does not survive shall be replaced within three (3) months, or during the next planting season. The replacement vegetation shall be similar in size and type to

the vegetation which did not survive, so the integrity of the approved landscape plan is preserved.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-100. Illumination standards.

This Section establishes standards for controlling light and glare. Outdoor illumination levels should provide for safety, security and energy efficiency. Illumination standards should prevent excessive lighting which would create a glare, detract from the use or enjoyment of adjoining property or cause traffic hazards to motorists. Neighbors, motorists and the night sky should be protected from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources. The following standards shall apply to all exterior lighting on private property within the City:

- (1) **Required Lighting.** With the exception of subdivision lighting, lighting is not required. Unless otherwise approved through a planned development, this regulation shall apply to all lighting for subdivisions, land uses, developments, buildings and new or replaced fixtures. In addition, any site modification that requires a reuse application will necessitate compliance for all existing and proposed lighting on the site.
- (2) **Fully Shielded.** Lighting fixtures must be constructed in such a manner that all light emitted by the fixture, either directly from the lamp or diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.
- (3) **After Hours.** Except for residential lights, subdivision lighting and security lighting, all lighting shall be turned off between 11:00 p.m. and 6:00 a.m. Exceptions shall be granted to those businesses which operate during these hours; such lighting may remain illuminated only while the establishment is actually open for business.
- (4) **Maximum Foot-candles.** All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential properties and 1.0 onto commercial properties and public rights-of-way.
- (5) **Facade Lighting.** Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features with the exception of directional fixtures used to illuminate flagpoles (State, United States).
- (6) **Light Poles.** Light poles shall be set back from adjacent property zoned for or used for residential purposes a distance equal to the height of the pole. The maximum height of any light pole (excluding road lights and traffic safety lights) shall be twenty-five (25) feet; however, poles of a lower height which are more compatible in scale with pedestrians are encouraged.
- (7) **Canopy Lighting.** Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy.
- (8) **Parking Lot Lighting.** Parking lot lighting shall not exceed light levels necessary for safety and locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward, and/or incorporate design features with the intent of reducing off-site light pollution. The average illumination on the surface of the lot shall not exceed three (3) foot-candles. Applications that include freestanding parking lot fixtures shall submit for approval a preliminary lighting plan which includes the following:

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- (i) Site plan with location of all light fixtures and a numerical grid of lighting levels (in foot-candles) that the fixtures will produce on the ground (photometric report).
 - (ii) Calculation of average foot-candles in the subject area.
 - (iii) Area of illumination.
 - (iv) Lamp type and wattage.
 - (v) Mounting height of all fixtures.
- (9) Exemptions.
- (i) Holiday Lighting. Seasonal lighting for holidays, which may use bare, low-watt bulbs (equivalent of a 10-watt incandescent bulb or less).
 - (ii) Sports and Athletic Field Lighting. Lighting for sports and athletic fields may need to exceed illumination standards for general recreational needs in order to meet higher standards required for play. The Administrator may approve relaxations of these lighting standards, provided that the following minimum standards are met:
 - a. Fixture height shall be that necessary to provide adequate light while minimizing the number of poles in excess of fifty (50) feet in height.
 - b. If floodlights are used, they shall not be aimed above sixty-two (62) degrees and should use internal louvers and external shields to help minimize light pollution.
 - c. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted (spillover levels at the property line shall not exceed three tenths (0.3) foot-candles).
 - d. Lighting shall be extinguished no later than one (1) hour after the event ends.
 - (iii) Historic City Lamps. Historic lamps located in the Central Business (C-2) zone district.
- (10) Nonconforming light fixtures
- (i) Authority to Continue. Any outdoor light fixture in existence on the effective date of this Land Use Code which does not conform with any provisions of this Land Use Code shall be allowed to remain and to be maintained in good repair.
 - (ii) Discontinuance. In the event an outdoor light fixture is destroyed or damaged by fifty percent (50%) or more, or if the nonconforming light fixture is taken out of service for any period of time as a result of either an intentional act of the owner (other than for maintenance which shall not exceed two (2) weeks), an unintentional act of another or an act of nature, the replacement fixture shall be constructed in conformance with the provisions of this Land Use Code.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-110. Fences.

- (a) General Applicability. A fence, wall or any similar type of screen, including hedges, may be erected on any lot including within a setback, subject to the following standards.
- (b) Standards.
 - (1) Fence Height. Fences or walls shall be no more than four (4) feet high between the face of a building or structure and the front property line. Fences shall not exceed six (6) feet along the side and rear yard.

Fences shall not exceed the aforementioned heights when measured from the existing natural grade at the base to the highest point of fence or wall. No fence or wall may be artificially elevated by means of a berm or other method for purposes of height calculation. A written request may be made to the Administrator for a fence of greater height for a demonstrated unique security purpose. If granted, the fence shall require a building permit and be subject to the adopted building code.

- (2) Location. Fences may be allowed on the property line. Fences along alleys, when on the property line, shall contain an offset section or some provision for trash containers to be located on the property so as to be convenient for trash collection. It is the responsibility of the property owner to locate all property lines. No fence may extend beyond or across a property line.
- (3) Obstruction of Visibility. When fences are on a corner lot, the height and material used along the streets shall be such that it will not impair visibility of intersecting traffic and/or pedestrians. Any fence located within the clear sight triangle shall have opacity of not more than fifty percent (50%) and shall not be higher than four (4) feet.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-120. Large scale commercial design guidelines.

- (a) Purpose. The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of large retail stores and commercial centers. The architectural design of large retail and commercial buildings must consider and accommodate the overall desire of the City to create and enhance community image. The City's identity and livability will be strengthened through thoughtful design and development. The identification and application of architectural design requirements will assist the City in achieving a strong community image. It is further the intent to provide for the reuse of large retail stores. The following standards and guidelines are intended to be used as design aid by developers proposing large commercial developments.
- (b) Applicability. These standards and guidelines apply to all projects for retail or commercial establishments of twenty thousand (20,000) square feet or greater as a use by right or any retail or commercial center in which the overall square footage of the entire development equals or exceeds twenty thousand (20,000) square feet. This standard does not apply to industrial structures in industrial zones.
- (c) Façades and Exterior Walls. Façades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. The intent is to encourage a more human scale that the City's residents will be able to identify with their community.
 - (1) Articulation. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
 - (2) "360 Degree" Architecture. All sides of all buildings are to be treated with the same architectural style, use of materials and details as the front elevation of the building. Rear and side articulation, unless on a corner lot, may be reduced by fifty percent (50%). Six-foot tall fences constructed of natural materials such as wood, stone or river rock may be installed to screen the rear elevation in lieu of articulation on that elevation. Said fence must screen the entire rear yard and shall be constructed *finished side out*, which shall be defined as not having its supporting members significantly visible, and erected such that the finished elevation of the fence is exposed to the adjacent property.
 - (3) Cohesive Design. A single building or development or multiple buildings within a development must maintain a consistent style/architectural theme. Architectural design, building materials, colors, forms,

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(Supp. No. 10, Update 2)

roof style and detailing must all work together to express a harmonious and consistent design, yet shall avoid uniformity of design. This includes all "pads" within a retail development, as well as gasoline pump canopies or other accessory structures.

(4) Façade Treatments.

- (i) Pattern. Building façades must include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 - a. Color change.
 - b. Texture change.
 - c. Material module change.
 - d. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
 - e. Brick.
 - f. Wood.
 - g. Sandstone.
 - h. Other native stone.
 - i. Tinted, textured, concrete masonry units.
 - (ii) Colors. Façade colors shall be low reflectance, subtle, neutral or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (d) Outdoor Display. Big box retail developments may offer for direct sale to the public merchandise which is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed twenty-five percent (25%) of the total square footage of the retail buildings. Sales of recreational vehicles, autos, agricultural implements (i.e., tractors, cultivator, balers, etc.) and plant nurseries are excluded from limitations of outdoor display and storage. Outdoor displays may not occupy required parking spaces.
- (e) Adaptability for Reuse/Compartmentalization. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for:
- (1) The interior subdivision of the structure into separate tenancies.
 - (2) Façades that readily adapt to multiple entrances.
 - (3) Landscaping schemes that complement the multiple entrance design.
 - (4) Other elements of design which facilitate the multi-tenant reuse of the building and site.
- (f) Pedestrian Design. Walkways shall be designed to provide safe and functional pedestrian connections from the parking lot and adjacent properties, and must be integrated into the site design. All interior pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-8-130. Eaves, architectural projections, at-grade structures and covered porches.

- (a) Building eaves and architectural projections. Building eaves and architectural projections may project eighteen (18) inches into a setback, provided that they are in compliance with the City's Building Code.
 - (1) Architectural Projection. A nonfunctional or ornamental building feature.
- (b) At-grade Structures. Uncovered porches, slabs, patios, decks, walks and steps which do not exceed thirty (30) inches above or below grade may project into a setback. Projections may exceed thirty (30) inches below grade if required by the Building Official for window or other building egress.
- (c) Covered Porches. Covered porches which are unenclosed may encroach into the front yard setback by twenty-five percent (25%).

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE IX. ANNEXATION

Sec. 16-9-10. General.

From time to time, a property owner and the City may mutually agree that it is in both parties' mutual interest to annex land into the City's jurisdiction. The following Sections establish the procedure for annexation.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-9-20. Procedure.

An applicant requesting annexation shall follow the stages of the land development process outlined below in addition to the procedure set forth at Section 31-12-101, *et seq.*, C.R.S.

- (1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit a petition for annexation to the City.
- (2) Application Submittal. The applicant shall submit a complete application to the City Clerk which contains those materials listed in Section 16-9-40 of this Chapter.
- (3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-9-40 of this Chapter. The Administrator shall forward a report to the City Council, which report summarizes the application's compliance with the applicable review standards contained in Section 16-9-40(4) below, the Colorado Municipal Annexation Act of 1965 and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.
- (4) Setting Hearing Date. Upon receipt of the staff report from the Administrator, the City Council shall by resolution establish a date for a public hearing. The City Council shall also direct the Planning Commission to review the annexation map and all required supportive information and submit a written recommendation to the City Council.
- (5) Public Notice. Upon the establishment of a public hearing date, the City Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965. In addition, notice shall be provided as specified in Section 16-2-30 of this Chapter.

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- (6) Action by Council. Upon the submission of documentation in accordance with this Article and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, the City Council may consider the approval of an ordinance annexing the subject property to the City.
 - (7) Actions Following Approval. Upon approval of the annexation ordinance and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall place the annexation on the Official Zoning Map. The annexation shall be noted on the Official Zoning Map, together with the ordinance number and date, and initials of the draftsman making the change.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-9-30. Annexation fees.

- (a) Each petition for annexation must be accompanied by a fee intended to reimburse the City for the costs associated with the review of the annexation. The review fee is based on the actual cost of reviewing the petition for annexation. In addition, the petitioner will be required to pay the actual City review costs including, but not limited to, the costs of outside City consultants and City legal fees. All costs related to recording the annexation documents shall also be paid by the petitioner.
- (b) In addition to the review fees, additional fees are charged for park land dedication and water rights acquisition fees (or water dedications, if applicable). Some of the fees may be deferred pending the zoning and development of the annexed property. The City Council will make the final determination on required fees.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-9-40. Application contents.

The Annexation application shall include:

- (1) Letter of Intent. The applicant shall provide a letter of intent addressed to the City Council to serve as a cover letter to the formal petition, introducing the applicant(s) to the City Council, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
- (2) Annexation Application Form. The City's annexation application form shall be completed, signed and dated.
- (3) Cost Reimbursement Agreement. The application shall be accompanied a signed standard form cost reimbursement agreement for the payment of development review expenses incurred by the City.
- (4) Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The City's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the City Attorney before the City accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the City's standard form petition.

The petition shall contain the following statements:

- (i) An allegation that it is desirable and necessary that the area be annexed to the municipality.
- (ii) An allegation that eligibility requirements and limitations have been met or addressed respectively.

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- (iii) An allegation that the petitioners comprise the land owners of more than fifty percent (50%) of the territory included in the proposed annexation area (excluding streets and alleys).
 - (iv) A request that the annexing municipality approve the annexation.
 - (v) If not already included, consent to the inclusion of the property into the applicable special districts as appropriate.
 - (vi) A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
 - (vii) The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the City Clerk.
 - (viii) The mailing address of each signer of the petition.
 - (ix) The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
 - (x) The affidavit of each petition circulator that each petitioner's signature is valid.
- (5) Annexation Map. All annexation petitions shall provide an annexation map. The preferred scale of the map is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the map on more than one (1) sheet, a sheet index shall be placed on the first sheet. The annexation map shall contain the following:
- (i) Name of the annexation.
 - (ii) Legal description of the perimeter.
 - (iii) Names and addresses of the owners, subdivider, land planner and land surveyor registered in the State.
 - (iv) Scale of the plat and north arrow.
 - (v) The date the map was prepared.
 - (vi) Boundary lines of the proposed annexation. Distinction of the boundary that is contiguous to the City and the length of the same boundary on the map, including required showing of contiguity in feet.
 - (vii) Lot and block numbers if the area is already platted.
 - (viii) The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed annexation.
 - (ix) Vicinity map showing the location of the proposed annexation in relation to the City.
 - (x) Total acreage to be annexed.
 - (xi) Certificate of Dedication and Ownership, Surveyor's Certificate, City Clerk Certificate, Title Certificate, County Treasurer Certificate, Planning Commission approval, and City Council approval blocks required to appear on the final subdivision plat in the format approved by the City.
 - (xii) Digital copy of the plat compatible with the City GIS.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE X. SIGN STANDARDS

Sec. 16-10-10. Declaration of intent; findings and purposes.

- (a) Findings. The City finds with respect to the display of signs:
- (1) That the time, place and manner in which signs are displayed on property within the City's jurisdiction has a significant impact on the public health, safety and welfare.
 - (2) That signs serve many important functions in the efficient operations and economic vitality of the City, including communication, identification and direction.
 - (3) That the number, location, size, relative scale, design and construction of signs for public display has a significant impact on the community's aesthetics and beauty.
 - (4) That poorly designed, constructed, installed or maintained signs can present a significant danger to traffic and public safety and a harmful impact on the aesthetics and economic vitality of the City.
 - (5) That, because legitimate and necessary interests of each zone district are different, each district requires the application of different time, place and manner regulations to achieve the purposes furthered in the sign code.
 - (6) That the cumulative impacts that would accrue if every member of a residential neighborhood chose to display a sign could be harmful to the best interests of the City and its residents.
- (b) Purpose. The purpose of this Article is to promote the public health, safety and welfare, by providing uniform standards for the times, places, and manners in which all signs within each zone in the City shall be displayed. This Article advances the following legitimate and necessary public purposes:
- (1) Communication, Identification and Direction. To allow the reasonable display of signs for the purposes of communication, identification and direction, while protecting the public from the display of signs that are unsafe, unattractive, obsolete, out-of-scale or incompatible with surrounding property uses.
 - (2) Transportation Safety. To protect the public, including motorists, bicyclists and pedestrians, by prohibiting the display of signs in a manner that results in visual distractions, impaired visibility or other dangerous conditions that impair transportation safety.
 - (3) Safety. To protect the public by prohibiting the display of signs that are designed, constructed, installed or maintained in a dangerous manner.
 - (4) Aesthetics. To protect, enhance and preserve the visual beauty and aesthetic character of the City by prohibiting the display of signs in a manner that detracts from the beauty and character of their particular location, adjacent buildings and uses and the surrounding neighborhood.
 - (5) Economic Vitality. To support the economic vitality of commercial enterprises and investments while providing uniform standards that allow equal opportunity in the competition to attract and inform customers.
 - (6) Equal Opportunity. To divide and allocate the cumulative benefits and impacts realized through the display of signs so that each member of the community possesses an equal opportunity to communicate, or not communicate, through the display of signs.
 - (7) Privacy. To protect the privacy of the community members who do not wish to be overwhelmed by unsolicited communications displayed on signs visible to the public.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-20. Applicability.

This article shall apply to all signs or attention-attracting devices located within the City. Signs or attention-attracting devices shall only be allowed as permitted by this article. The provisions of Section 16-10-110, nonconforming signs, also apply to signs within the City.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-30. Sign permits and administration.

- (a) Purpose. The purpose of the sign permit requirement is to assure compliance with the sign code, prevent waste and provide for the orderly, fair and uniform application of the sign code to all individuals and situations. This Section only addresses which signs require permits prior to installation.
- (b) Permit Required. A sign permit is required prior to the installation of any sign or group of signs, whose total aggregate square footage equals more than nine (9) square feet per property. In multiple-tenant nonresidential buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this Code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application pursuant to the requirements of Section 16-10-100 of this Article. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.
- (c) Exempt Signs. A sign permit is not required for the display of a sign or group of signs, whose total square footage equals nine (9) square feet or less per property.
- (d) Application for Sign Permit. The application for a sign permit shall include the following information:
 - (1) Applicant's name, mailing address and phone number.
 - (2) Location of the property where the sign will be installed.
 - (3) Sign Type. Identification of the type of signs proposed.
 - (4) Sketch. A sketch showing the proposed sign, including dimensions and any other information needed to calculate permitted sign area, sign height and type of illumination. A certification by a structural engineer may be required for a pole sign or projecting sign.
 - (5) Location. A site plan which identifies the proposed location of the sign on the property, and the location and size of all other existing signs on the building or parcel.
 - (6) Consent. A letter of consent from the owner of the building or property, if the applicant is not the owner.
 - (7) Form. Any other information required on the form provided by the Administrator.
 - (8) Nonrefundable permit fee.
- (e) Determination of Sufficiency. After receiving the permit application, the Administrator shall determine whether it is complete. If the application is not complete, the Administrator shall notify the applicant within ten (10) business days following receipt of the application and take no further action until the deficiencies are remedied.
- (f) Issuance of Permit.

(Supp. No. 10, Update 2)

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- (1) Compliance with Standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this Article. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.
 - (2) Review. Review of the application shall be completed and notice sent to the applicant within ten (10) business days from the date the application was deemed complete.
 - (3) Inspections Generally. All signs shall be subject to inspection to determine that the sign is being installed and/or maintained in accordance with the terms of this Chapter.
- (g) Expiration. Whenever the construction of any sign has not been completed within one hundred eighty (180) days after its approval, the permit shall expire and be of no further force of effect.
- (Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-40. Types of signs.

- (a) Awning Sign. An awning sign is a type of wall sign that is painted, stitched, sewn or stained onto the surface of an awning. An awning is a shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.
- (b) Canopy Sign. A canopy sign is a type of wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
- (c) Election Signs. An election sign is a temporary sign displayed during the election season beginning ninety (90) days prior to an election and ending fifteen (15) days following the election for the purpose of expressing opinions concerning candidates, ballot issues and ideological positions.
- (d) Externally Illuminated Sign. An externally illuminated sign is a sign that is lighted from an external source.
- (e) Ground Sign. A ground sign is a freestanding sign where the entire bottom is in contact with the ground. Ground signs are also referred to as "monument signs."
- (f) Internally Illuminated Sign. An internally illuminated sign is a sign that is lighted from an internal source, including signs that are lighted from fixtures attached to the structure of the sign such as light tubes or exposed neon tube lighting.
- (g) Mural. A mural is a painted image located on a building wall. A mural is a type of wall sign.
- (h) Neon Sign. A neon sign is an internally illuminated sign that utilizes gas-filled tubes.
- (i) Nonconforming sign. A nonconforming sign is a sign that was lawfully established pursuant to the sign codes in effect at the time of its erection, but which does not conform to the standards of this Article.
- (j) Pole Sign. A pole sign is a freestanding sign being supported by a pole or poles and otherwise separated from the ground by air. Pole signs shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
- (k) Projecting Sign. A projecting sign is any sign structurally supported by a building wall and projecting from the surface of the building or wall. Projecting signs shall not be higher than the eave line or parapet wall of the building, shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way and shall not extend more than four (4) feet six (6) inches from the building wall. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face if both faces are of equal area, or the area of the larger face if the faces are not of equal area.

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- (l) Sidewalk Sign. A sidewalk sign is an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Sidewalk signs are also referred to as "sandwich board signs."
 - (m) Temporary Sign. A temporary sign is a sign, attention-attracting device or advertising display constructed of cloth, vinyl, canvas, fabric, plywood or other light material that is intended for display for less than ninety (90) days per calendar year.
 - (n) Window Sign. A window sign is a sign that is painted on, applied or attached to a window that can be read through the window.
 - (o) Wall Sign. A wall sign is a permanent sign that is painted on, incorporated into, hanging from or affixed to the building wall, in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Wall signs shall not be higher than the eave line or parapet wall of the building, and no sign part, including cut-out letters, shall project more than six (6) inches from the building wall.
- (Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-50. Time, place and manner for display of signs.

- (a) Residential Zones (R-1, R-2, R-3, R-4). Each dwelling unit on a lot with a nonresidential use in a residential zone may display up to the total sum of nine (9) square feet of signs. The display of signs in residential zones is limited to pole or ground signs that do not exceed five (5) feet in height, wall signs and window signs. Signs in residential zones may not be illuminated.
- (b) Residential Uses in Commercial Zones. Each lot with a residential use in a commercial zone may display up to the total sum of nine (9) square feet of sign area per dwelling unit. The display of signs related to residential uses shall be limited to pole, ground wall, and window signs.
- (c) Subdivisions and Planned Developments. Each subdivision or planned development may display one (1) pole or ground sign not to exceed sixteen (16) square feet per street entrance. Each final plat of a subdivision or final plan of a planned development must have an approved comprehensive sign plan for the display of signs on property owned or utilized in common by the lot owners or tenants of the subdivision or planned development. Up to thirty-two (32) square feet of sign area may be displayed at each entrance to a subdivision or planned development for no more than two (2) years from the beginning of the physical development process for the purposes of advertising the development and advertising property sales.
- (d) Nonresidential Uses in Commercial Zones. An owner or tenant of a lot used for nonresidential purposes in a commercial zone may display the following types of signs. No individual sign may exceed one hundred (100) square feet in area. In no event shall the total amount of sign area displayed exceed two hundred fifty (250) square feet.
 - (1) Wall, Pole, Ground or Projecting Signs: The owners or tenants of a lot used for nonresidential purposes in a commercial zone may display an aggregate sign area totaling no more than the larger of twenty-five (25) square feet or one (1) square foot of sign area for each linear foot of lot frontage on a street. If there is more than one (1) floor of nonresidential uses, an additional one-half (0.5) square foot of sign area for each linear foot of building frontage on a street is available for each additional floor above the first.
 - (2) Sidewalk Signs: The owners of businesses operating in a building in C-1 or C-2 zones may display one (1) sidewalk sign per building on the sidewalk adjacent to the public business entrance of the building. If the business entrance is not adjacent to a city street, the sidewalk sign may be placed at the nearest sidewalk, but only with the express permission of the owner of the business that is adjacent to the location of the sidewalk sign. All sidewalk signs are limited in size to a maximum width of three (3) feet

and maximum height of five (5) feet. No sidewalk sign shall be displayed that presents a danger to the public or impedes the reasonable flow of pedestrian traffic. Sidewalk signs may only be displayed while the business is open to the public and must be removed at all other times. Sidewalk signs do not require a sign permit and do not count towards total area allowed.

- (3) **Temporary Signs:** The owners of businesses operating in a building in a commercial zone may display no more than one (1) temporary sign at any given time. The total size of a temporary sign shall not exceed sixteen (16) square feet. The total number of days in which signs may be displayed shall not exceed ninety (90) days per calendar year (January 1 to December 31). Temporary signs shall be of professional quality and displayed in a safe manner. Temporary signs may not be affixed to public property or infrastructure. Temporary signs do not require a sign permit and do not count towards total area allowed.
- (4) **Window Signs:** Window signs do not require a permit and do not count towards total area allowed. Window signs must meet all other requirements and standards for the display of signs under this Code.
- (e) **Election Signs; Additional Allowed Signage During an Election Season.** During the political campaign period beginning ninety (90) days prior to an election and ending fifteen (15) days following the election, each residential dwelling unit in any zone shall be allowed an additional nine (9) square feet of sign area for the purpose of expressing opinions concerning candidates, ballot issues and ideological positions. The height of individual election signs shall be limited as established in Table 16-L.

TABLE 16-L		
Time, Place and Manner for the Display of Signs		
<i>Zone District</i>	<i>Sign Type Permitted</i>	<i>Maximum Sign Area</i>
Residential (R-1, R-2, R-3, R4)	Wall, pole or ground	9 sq. ft. per dwelling unit
Commercial (RMU, C-1, C-2, I) Residential Use	Wall, pole or ground	9 sq. ft. per dwelling unit
Commercial (RMU, C-1, C-2, I) Nonresidential Use	Wall, pole, ground or projecting	First floor: 25 sq. ft. or up to 1.0 times the linear footage of lot frontage Additional floors: Up to 0.5 times the linear footage of building frontage
Notes: Every Planned Development, subdivision, multi-tenant building or coordinated development shall have a comprehensive sign plan approved. The maximum size of any individual sign shall be 100 sq. ft.		

TABLE 16-M		
Illumination and Height of Signs		
<i>Zone District</i>	<i>Illumination</i>	<i>Maximum Sign Height</i>
Residential (R-1, R-2, R-3, R-4)	May not be illuminated	5 feet for pole and ground signs
RMU, C-1, C-2, I Residential Use	May not be illuminated	5 feet for pole and ground signs
Residential Mixed Use (RMU) Nonresidential Use	Externally illuminated	6 feet for pole and ground signs

Commercial (C-1) and Industrial (I) Nonresidential Use	Externally or internally illuminated	20 feet for pole signs and 8 feet for ground signs
Central Business (C-2) Nonresidential Use	Externally illuminated	20 feet for pole signs and 5 feet for ground signs
SH 291 Corridor Overlay (291 CO)	Externally illuminated	5 feet for pole and ground signs

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-60. Prohibited signs.

The following signs are inconsistent with the policy, purposes and standards in this Article and are prohibited in all zoning districts.

- (1) **Off-Premises Signs.** The right to display signs on a property is limited to the actual residents of the property where the sign is displayed or to commercial entities actually doing business on the property where the sign is displayed, with the exception that a nonresident owner may display signs on a property for the purpose of promoting the sale or lease of the property where the sign is displayed. The City Council may allow off-premises signs to be displayed following a finding that the proposed sign promotes a legitimate and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information or other economic vitality of a commercial district. The City Council shall review sign permit applications for off-premises signs and approval shall be by resolution. The City Council shall determine at that time whether the sign area requested would apply towards the square footage of sign area permitted on the site.
- (2) **Signs on Public Property.** Unless otherwise provided for in the Code, no sign shall be displayed on public property or within the right-of-way of any road or highway without the written approval of the City Council and following a finding that the proposed sign promotes a legitimate and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information or the economic vitality of a commercial district.
- (3) **Moving Signs.** Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices, are prohibited.
- (4) **Hazardous Signs.** No sign shall be displayed that is erected in such a manner or location as to cause visual obstruction or interference with a motor vehicle, bicycle, pedestrian traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
- (5) **Dangerous Signs.** No sign shall be displayed that poses a danger due to poor design, construction, installation or maintenance.
- (6) **Decrepit Signs.** No sign shall be displayed that is in a state of disrepair, wear or ruin due to age or neglect. All signs, including signs exempt from these regulations with respect to permits and fees, shall be maintained in good condition and in compliance with all building and electrical codes.
- (7) **Roof Signs.** A roof sign is a sign which is erected, placed or maintained, in whole or in part, upon, against or directly above the roof, or which projects above the eaves of a pitched roof or above the

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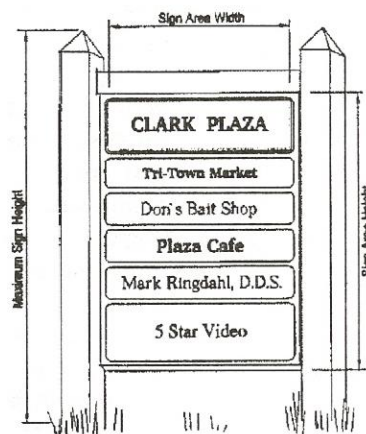
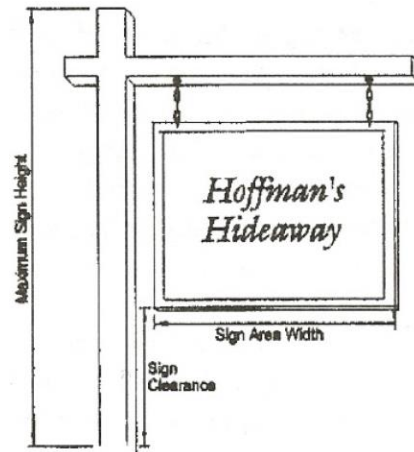
walls of a flat roof. Signs which are manufactured into the material of awnings shall not be considered roof signs.

- (8) **Obsolete Signs.** An obsolete sign is a sign or sign structure, excluding murals, which advertises an activity, product or business which no longer occupies the premises on which the sign is located. Obsolete signs shall be removed by the legal owner of record of the property within a period of ninety (90) days after the business, product or service is no longer located upon the premises where the sign is located. Obsolete signs that are an integral part of the façade or which are determined to be historically significant by the Administrator but which do not advertise a business or product on the site, are permitted.
- (9) **Attention-Attracting Devices.** Attention-attracting devices in general are prohibited, unless otherwise approved under this Article.
- (10) **Uncivil Signs.** There shall be no signs or pictures of an obscene, indecent or immoral character such as will offend morals or decency in accordance with constitutional standards.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-70. Sign measurement.

- (a) **All Signs Counted.** The aggregate area allowed for signs shall include all signs displayed on the site.
- (b) **Sign Surface Area.** Sign area shall be the area within the outer boundaries of standard geometrical shapes which encompasses the sign facing, including copy, insignia, background and borders.
- (c) **Sign Support.** Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (d) **Cut-Out Letter Signs.** The area of cut-out letter signs shall be considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign and shall include the open space between letters of words within that rectangle or square. The height of letters will be measured on the uppercase letters.
- (e) **Multi-Face Signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from a single point, unless otherwise specified in this Article. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face.
- (f) **Sign Height.** The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.



Sign Measurement Details

Sign Measurement Details

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-80. Sign location and appearance standards.

- (a) **Creative Design.** Creative designs are encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The City encourages imaginative and innovative sign design. The creative sign application procedure (Section 16-10-90 below) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.
- (b) **Externally Lit Signs.** Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. Lighting shall be placed so as to light downward onto a sign and be fully shielded. Fixtures used to illuminate signs shall be aimed so as not to project their light beyond the sign.
- (c) **Internally Lit Signs.** Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. To reduce glare and increase the ability to read signs at night, it is recommended that internally lit signs use white lettering against a dark background color.

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- (d) Location of Signs. The following setbacks for signs shall be met for street and driveway intersections: No sign shall be located within a "clear sight triangle" between the height of two (2) and ten (10) feet above the ground.
 - (e) Architectural Elements. Signs should not be placed so that they cover essential, character-defining architectural details of a building.
 - (f) Construction. All signs shall be made by a commercial sign manufacturer or be of similar professional quality. All signs shall be completed and erected in a professional manner and in accordance with this Chapter.
 - (g) Right-of-way. Any sign which projects over a right-of-way in such a manner that it may cause a danger to the public shall have supports, hangers or fasteners certified by a Colorado-licensed structural engineer.
- (Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-90. Creative signs.

- (a) Policy and Purpose. It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination and inventiveness. The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs which, due to their unique design and construction, will make a significant contribution to the aesthetic beauty, historic character and cultural identity of the community, yet due to their creative qualities or site constraints would not be otherwise allowed under this Code.
- (b) Applicability. An applicant may only request the approval of a sign permit under the creative sign section for a sign that employs design standards that differ from the provisions of Sections 16-10-50 and 16-10-60 above, and otherwise comply with all other provisions of the sign code.
- (c) Approval Authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.
- (d) Procedure.
 - (1) Submittal of Application. The applicant shall submit a complete application including all of the materials required in Subsection 16-10-30(d) above.
 - (2) Staff Review. The Administrator shall review the application to determine whether it is complete. The Administrator shall forward a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in subsection (e) below and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.
 - (3) Public Notice. Public notice that the Planning Commission will conduct a public hearing to consider the application for a creative sign shall be provided as specified in Section 16-2-30 of this Chapter.
 - (4) Public Action by Planning Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Planning Commission shall approve, approve with conditions or deny the application, or remand it to the applicant with instructions for modification or additional information or action.
- (e) Review Standards.
 - (1) Impact Review Standards. No sign shall be approved under the creative sign process that the Planning Commission finds:

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- a. Will have a significant adverse impact on adjacent properties. The sign shall not adversely affect neighboring property owners, businesses or residents and should be compatible with the uses, character and identity of the area in which it is displayed;
 - b. Creates a dangerous condition. Granting the creative sign permit will not adversely affect public safety. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets; or
 - c. Distracts from the important architectural, natural or historic features of the building or neighborhood in which the sign is displayed.
- (2) Design Review Standards. In addition to the Impact Review Standards, to approve a sign under the creative sign process, the Planning Commission must find that the unique and creative design of the sign will meet Standards a, b and c or Standard d:
- a. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area that justifies departure from the parameters of Section 16-10-50 and/or 16-10-60 above.
 - b. Utilize and/or enhance the architectural or historic elements of the building or location where it is displayed in an historic, unique and/or creative manner that justifies departure from the parameters of Section 16-10-50 and/or 16-10-60 above.
 - c. Provide strong artistic character through the imaginative use of design, graphics, color, texture, quality of materials, scale and proportion uses, character and identity of the area in which it is displayed.
 - d. A creative sign may be appropriate to provide reasonable visibility of a business's main sign in some rare situations where topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. Despite the possibility of a creative sign permit, visibility of a sign or attention-attracting device may not be possible.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-100. Comprehensive sign plan

Every multi-tenant building or coordinated development, such as office parks, civic uses, shopping centers and business parks, shall have a comprehensive sign plan approved. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this Code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application for a new sign at the site. Where a comprehensive sign plan is required for an existing development with multiple owners, all such owners shall be given notice and have the opportunity to participate in development of the comprehensive sign plan or provide written approval of said plan. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within fifteen (15) days of notice, that owner will be deemed to have consented to the plan's adoption. Planned Developments shall include a comprehensive sign plan at the final development plan stage. Applications for final subdivision plat shall include a comprehensive sign plan application.

- (1) Purpose. The general purpose of the comprehensive sign plan is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by

this Article. The comprehensive sign plan shall address the following topics and demonstrate the following characteristics:

- a. Identification signs: Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate minimum and maximum height. Sign locations should anticipate impact of pad buildings and landscaping, as well as the provision of adequate spacing between façade signs for effective readability.
 - b. Permitted area, height, illumination and number of signs: The permitted amount of sign area, height, illumination and similar restrictions should follow the total area permitted in Tables 16-K and 16-L of this Article for each site within the development. In Planned Developments, the permitted area, height and illumination should be proposed in relation to the types of uses in each portion of the development. The applicant shall designate how much sign area of the total permitted signage should be apportioned to each tenant space for both individual identification signs and common freestanding signs.
 - c. Appearance: Signs shall be durable, attractive and designed to complement and reinforce the design of the project buildings.
 - d. Consistency: Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical.
 - e. Exempt signs: Signs not requiring a permit under this Article shall still be permitted in a development with a comprehensive sign plan unless stated otherwise in the comprehensive sign plan.
- (2) Approval of Comprehensive Sign Plans. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Administrator.
- a. Submittal of application. The applicant shall submit a complete application to the Administrator meeting the requirements of Subsection 16-10-30(d) for each project requiring comprehensive sign plan approval at the time of final development plan application, final plat application or prior to issuance of any certificate of occupancy if no final development plan or plat was required.
 - b. Compliance with standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this Article. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.
 - c. Review. Review of the application shall be completed and notice sent to the applicant concurrent with the approval of a final development plan or building permit application.
- (3) Comprehensive Sign Plan Modifications. Minor modifications to a sign scheme that are still within the overall concept and intent of the approved plan may be approved by the Administrator. Major modifications or a new comprehensive sign plan will require a new application, including a plan to bring any existing signs in the development into conformance with the new plan.
- (4) Permits Required for Individual Signs Within the Comprehensive Sign Plan. In multiple-tenant commercial buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-10-110. Nonconforming signs.

- (a) Authority to Continue. Any sign legally established on the effective date of this Land Use Code or any amendment thereto which does not conform with any provisions of the Land Use Code shall be allowed to remain and to be maintained in good repair, subject to the discontinuance provisions below.
- (b) Discontinuance. A legal nonconforming sign shall be removed if any one (1) of the following conditions occurs. In all such cases of discontinuance, if a replacement sign is proposed it shall be constructed in accordance with the provisions of this Land Use Code.
 - (1) If a change of use occurs, regardless of ownership, such that the new use would be a different classification under Table 16-D;
 - (2) The principal use with which the sign is associated terminates for ninety (90) days or longer;
 - (3) The principal building with which the sign is associated is demolished or destroyed;
 - (4) The nonconforming sign is destroyed or damaged as a result of either an intentional act of the owner (other than for maintenance which shall not exceed two (2) weeks), an unintentional act of another or an act of nature, the replacement sign shall be constructed in conformance with the provisions of this Land Use Code if the estimated cost of restoration to its condition before the occurrence exceeds fifty percent (50%) of the value of the sign structure prior to being damaged;
 - (5) The building official determines that the sign is an immediate hazard to the public health, safety and welfare because of disrepair, unsafe mounting, imminent dislodging or other safety factors.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE XI. FLOOD CONTROL

Sec. 16-11-10. Statutory authorization.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Salida, Colorado, does hereby adopt the following floodplain management regulations.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-20. Findings of fact.

- (a) The flood hazard areas of Salida, Colorado are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-30. Statement of purpose.

It is the purpose of this Article to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is located in a flood hazard area.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-40. Methods of reducing flood losses.

In order to accomplish its purposes, this Article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-50. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.

100-Year Flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means activity that expands the enclosed footprint or increases the square footage of an existing structure.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Conditional Letter of Map Revisions (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 16-11-230, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 16-11-230.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of water from channels and reservoir spillways;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or

(3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the City Administrator, who shall administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six (6) inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior or;
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Mean sea level means for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement means the reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before *start of construction* of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-60. Lands to which this Article applies.

This Article shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Salida, Colorado.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-70. Basis for establishing special flood hazard areas.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study for Chaffee County, Colorado and Incorporated areas," effective date December 7, 2017, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2017-22 , § 1, 10-23-2017)

Sec. 16-11-80. Establishment of floodplain development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this Article.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-90. Compliance.

No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this Article and other applicable regulations.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-100. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-110. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-120. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-130. Designation of floodplain administrator.

The City Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Article and other appropriate Sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-140. Duties and responsibilities of floodplain administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 16-11-150.
- (2) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Article.
- (3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.
- (6) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (7) When Base Flood Elevation data has not been provided in accordance with Section 16-11-70, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions for flood hazard reduction.
- (8) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the

cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (½) foot at any point within the community

- (9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
- (10) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (11) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-150. Permit procedures.

- (a) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 16-11-180;
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with Section 16-11-140.
- (b) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

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- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (10) The relationship of the proposed use to the comprehensive plan for that area.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-160. Variance procedures.

- (a) The Board of Adjustment, as established by the City Council, shall hear and render judgment on requests for variances from the requirements of this Article.
- (b) The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Article.
- (c) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
- (d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 16-11-30 of this Article have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as stated in Section 16-11-30.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;

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- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria outlined in subsections (a) through (i) are met, and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-170. General standards and provisions for flood hazard reduction.

In all special flood hazard areas the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-180. Specific standards for flood hazard reduction.

In all special flood hazard areas where base flood elevation data has been provided as set forth in (i) Section 16-11-70, (ii) Section 16-11-140(7), or (iii) Section 16-11-220, the following provisions are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) **Non-residential Construction.** With the exception of critical facilities, outlined in Section 16-11-230, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 16-11-140.

- (3) **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) **Manufactured Homes.** All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. For purposes of this subsection "expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

- (i) The lowest floor of the manufactured home is one (1) foot above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational Vehicles. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- (i) Be on the site for fewer than one hundred eighty (180) consecutive days,
 - (ii) Be fully licensed and ready for highway use, or
 - (iii) Meet the permit requirements of Section 16-11-150 and the elevation and anchoring requirements for "manufactured homes" in subsection (4) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- (6) Prior Approved Activities. Any activity for which a Floodplain development permit was issued by the City or a CLOMR was issued by FEMA prior to 2012 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Article if it meets such standards.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-190. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard. Located within special flood hazard area established in Section 16-11-70 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-200. Alteration of a watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or Certified professional hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable Federal, State and City floodplain requirements and regulations.
- (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 16-11-190 of this Article.
- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-210. Properties removed from the floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one (1) foot of freeboard that existed prior to the placement of fill.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-220. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of Section 16-11-80; Section 16-11-150; and the provisions for flood hazard reduction (Sections 16-11-170 through 250) established by this Article.

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- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 16-11-70 or Section 16-11-140 of this Article.
 - (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-230. Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. Critical facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services. It is the responsibility of the City Council to identify and confirm that specific structures in their community meet the following criteria:

- (1) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
 - (i) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - (ii) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - (iii) Designated emergency shelters;
 - (iv) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - (v) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - (vi) Air Transportation lifelines (airports—municipal and larger, helicopter pads and structures serving emergency functions, and associated infrastructure: aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are

either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

(2) Hazardous materials.

- (i) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c. Refineries;
 - d. Hazardous waste storage and disposal sites; and
 - e. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.

- (ii) Specific exemptions to this category include:
 - a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

- (3) At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
 - (i) Elder care (nursing homes);
 - (ii) Congregate care serving twelve (12) or more individuals (day care and assisted living);

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- (iii) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children).
 - (4) Facilities vital to restoring normal services including government operations. These facilities consist of:
 - (i) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - (ii) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-240. Protection for critical facilities.

All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Article, protection shall include one (1) of the following:

- (1) Location outside the special flood hazard area; or
- (2) Elevation or floodproofing of the structure to at least two (2) feet above the base flood elevation.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-11-250. Ingress and egress for new critical facilities.

New critical facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE XII. HISTORIC PRESERVATION

Sec. 16-12-10. Purpose.

The purpose of this Article is to:

- (1) Effect and accomplish the protection, preservation, enhancement and perpetuation of historic buildings, sites, structures and neighborhoods which capture, exemplify and reflect the City's cultural, social, architectural and economic history and character.
- (2) Promote high standards of building design and preservation in historic neighborhoods for the purpose of protecting and perpetuating an atmosphere reflective of and consistent with the historic character and past of the City.

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- (3) Promote and maintain the attractiveness and use of historic buildings, sites, structures and neighborhoods for the benefit and enjoyment of City residents, tourists and visitors, and enhance and strengthen business and the economy of the City.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-20. Establishment of Salida Downtown Historic District Overlay.

- (a) Established. There hereby is created and established the Salida Downtown Historic District Overlay for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating the buildings, sites, structures and character of the City's original historic downtown area, and which shall contain and be comprised of all that area falling within the boundaries of the Salida Downtown Historic District established and identified by the National Park Service of the U.S. Department of the Interior. All areas within the district shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Article.
- (b) District Map. The District Boundary and Local Historic Landmark Overlay are incorporated into the official Zoning Map of the City, defining and illustrating the geographical boundaries of the historic district. Not less than one (1) copy of the map shall at all times be maintained and available in the office of the City Clerk for public inspection during regular business hours. Copies of the map may be ordered for purchase by interested persons at such cost as deemed necessary and reasonable by the City Clerk.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-30. Establishment of Local Historic Landmark Overlay.

- (a) Established. There hereby is created and established the Local Historic Landmark Overlay for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating individual historic buildings, sites and structures that exemplify the history of the City. All areas within the Overlay shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Chapter.
- (b) District Map. The Overlay shall apply to individual properties that meet the designation criteria of this Chapter and may be located anywhere within the City. Upon approval of a designation ordinance, the Administrator shall place the amendment on the Official Zoning Map.
- (c) Local Landmarks. The following properties have been designated as local historic landmarks and are included in the Local Historic Landmark Overlay:
 - (1) Salida Opera House. The site includes that area described as Lots 5, 6 and 7, Block 21, Sackett's Addition, City of Salida.
 - (2) Denver and Rio Grande Railroad Hospital. The site includes the original 1904 Denver & Rio Grande Railroad Hospital building only (which is part of the larger, contiguous, nonhistoric hospital building complex), which structure can easily be identified as that part of the current complex under the red tile roof; plus land directly in front of the original 1904 structure extending approximately south thirty-four (34) feet and nine (9) inches to the sidewalk along First Street; plus land to the approximate east side of the original 1904 structure extending approximately one hundred two (102) feet and eight (8) inches to the edge of the sidewalk and including the wall structure currently in existence, the east fountain and statue in the center of the east fountain; plus land adjacent to, and in some cases beneath attached buildings, to the approximate north and west of the 1904 structure and extending approximately five (5) feet and no inches in each direction from the 1904 structure.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-40. Designation of local historic districts and landmarks; procedure.

- (a) Procedure. A local historic district or landmark may be designated by the submission of a nomination petition. The petition shall follow the stages of the City land development process outlined below. No building permit, demolition permit or other permit required to undertake an external improvement or alteration on any lot, building, structure or site under consideration for designation or within an area under consideration for designation as a historic district shall be processed, issued or allowed pending the final processing and determination of the historic district or landmark designation petition by the City Council.
- (1) Preapplication Conference. Attendance at a preapplication conference is recommended for an applicant intending to submit a nomination petition to establish a historic district or landmark.
 - (2) Submit Application. The applicant shall submit a complete application to the Administrator containing those materials listed in subsection (b) below, application contents. Applications for the establishment of a historic district or landmark may be initiated by any resident within the City, any property owner owning the proposed landmark or any property owner owning property within the proposed district, or upon the initiative of the Historic Preservation Commission (HPC), Planning Commission or City Council.
 - (3) Staff Review. The Administrator shall review the application to determine whether it is complete. Upon determination of the application being complete, the Administrator and one (1) member of the HPC shall contact the owners of the proposed landmark or historic district outlining the reasons and effects of designation and, if possible, secure the consent of the owners to such designation. The Administrator shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 16-12-50, Historic Districts and Landmarks Designation Review Standards, and other applicable provisions of this Code. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.
 - (4) Public Notice by HPC. Public notice that a nomination for establishment of a historic district or landmark is being considered by the HPC shall be provided as specified in Paragraph 16-2-30(a), Publication of Notice, of this Chapter. Such notice shall contain a name for the new district or landmark and accurately describe the district's or landmark's proposed geographical boundaries. Additionally, written notice of the public hearing shall be mailed via certified mail to all of the owners of record, as reflected by the records of the County Assessor, of all of the property included to be designated. Mailing shall be accomplished fifteen (15) days prior to the hearing.
 - (5) Action by HPC. The HPC shall conduct a public hearing to review the conformance of the nomination application with all applicable provisions of this Chapter. If the HPC finds that the application is in conformance, it shall make a recommendation that the City Council approve the application. The HPC shall make written findings and recommendations concerning the merits of the petition and forward the same on to the City Council.
 - (6) Public Notice by City Council. Notice that the City Council shall consider the nomination application to establish a historic district or landmark shall be provided as required in Section 16-2-30.
 - (7) Action by Council. The City Council shall thereafter conduct a public hearing on the petition preceded by timely published notice in the form described above. A determination by the City Council to establish a historic district or landmark shall be made by written ordinance that shall, at a minimum, contain an accurate description of the district's or landmark's geographical boundaries and be accompanied by an accurate map depicting the boundaries as finally determined by the City Council and a statement of findings supporting the granting or denial of landmark designation status. Attendance by the owner at the City Council meeting shall not, at the owner's option, be required, but

shall be strongly recommended. A copy of the ordinance shall be promptly sent by certified mail, return receipt requested, or personally delivered to the owner of the subject property.

- a. Designation of a Landmark with a Nonconsenting Owner. If a property owner does not consent to the review, approval shall require the assent of at least five (5) of the six (6) City Council members. The basis for approval shall be that the property has overwhelming historic importance to the entire community. The term *overwhelming significance* shall, for the purposes of this Section, encompass the following: possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Salida.

(8) Actions Following Approval.

- a. Recordation. The ordinance shall be promptly published in a newspaper of general circulation within the City or a certified copy of the same, inclusive of the final approved district map, shall be recorded in the real property records of the County Clerk and Recorder.
- b. Copies. The final approved ordinance shall be maintained in the office of the City Clerk.

(b) Application Contents. An application for designation of a historic district or landmark shall contain the following information.

(1) General Development Application.

(2) Geographic Boundaries.

- a. Map. An adequate description of the geographical boundaries of the proposed district or landmark and a map accurately defining the boundaries of the proposed district or landmark.
- b. Name. A proposed name for the proposed historic district or landmark.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 7, 6-21-2019)

Sec. 16-12-50. Historic district and landmark designation review standards.

In determining whether a historic district or landmark shall be established, one (1) or more of the following criteria shall be satisfied:

(1) Historic District.

- a. Whether the proposed district contains and is defined by a certain style of buildings, sites, structures and/or appearance associated with a significant period, person, event or architectural style in the City's past.
- b. Whether the buildings, sites, structures and/or appearance of the proposed district possess historical and/or architectural significance which identifies or differentiates the district from surrounding areas, and/or whether allowing variations or changes thereto would harm the unique historic character or value of the buildings, sites and structures within the district.
- c. At least fifty-one percent (51%) of the property owners in the desired district must not object to the designation. A survey of support for the creation of the district must be solicited via certified mail, with each property owner in the proposed district permitted one (1) response. A lack of response will not be considered either an affirmation of support or a negative response to the creation of the district. Certified mailings must be sent at least thirty (30) days prior to action by the HPC, with responses due at least fifteen (15) days prior to action by the HPC.

(2) Landmark.

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- a. Exemplary property. The subject property exemplifies or reflects the City's cultural, social, economic, political, engineering or architectural history.
 - b. Historic significance. The subject property is identified with a historically important person or persons, or with an important event in the history of the City, region, State or Nation.
 - c. Architectural significance. The subject property embodies the distinguishing characteristics of an architectural style, type or specimen valuable for the study of a period, type or method of construction, or the use of indigenous materials or craftsmanship.
 - d. Noted designer. The subject property is representative of the work of a notable or master architect, builder, engineer or designer whose work influenced architecture, building, design or development in the City, region, State or Nation.
 - e. Archeological importance. The subject property contains or reflects significant archeological importance.
 - f. Contributing building or structure. The subject property has been listed as a contributing building or structure within a historic district or nominated for inclusion and/or listed on the National Register of Historic Places or the State Inventory of Historic Places.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 8, 6-21-2019)

Sec. 16-12-60. Activities subject to review and certificate of approval with regard to landmarks or within historic districts.

Unless otherwise specifically provided for in this Article, no person may or shall engage in, or allow or direct others to engage in, any of the following activities within a historic district or on a landmarked building structure or site without first applying for and obtaining a certificate of approval as outlined in Section 16-12-80 below.

- (1) The construction, erection, demolition, moving, exterior alteration or relocation of or exterior addition to any building or structure.
- (2) The exterior renovation, rehabilitation, reconstruction, repair or remodeling of any building or structure, excepting ordinary maintenance and/or repair.
- (3) The removal, modification, reconstruction, covering up or destruction of an exterior architectural feature.
- (4) The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means which could cause physical damage to the building or structure.
- (5) The construction of public or private improvements upon public property by any person or unit of government which alters the layout, design or character of a street, alley, sidewalk, pedestrian way, right-of-way, utility installation, street light, wall or fence.
- (6) The application of any sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-70. Demolition or relocation of buildings, structures or sites.

Consistent with the purposes of this Article, it is the intent of this Section to preserve the historic districts and historical and architectural resources of the City through limitations on the demolition and relocation of landmark and contributing buildings, structures or sites to the maximum extent feasible, and to regulate the demolition and relocation of nonlandmark and noncontributing structures within historic districts. The demolition and/or relocation of landmark and contributing buildings, structures and sites are to be discouraged in favor of preservation, renovation, adaptive reuse or relocation within a historic district. Notwithstanding the foregoing, it is recognized that structural deterioration, economic hardship and other factors not within the control of a property owner may cause or require the demolition or relocation of a landmark or contributing building, structure or site.

- (1) **Certificate of Approval Required.** No landmark or contributing building, structure or site, and no building, structure or site within a historic district, may be demolished or relocated without first having been approved through the issuance of a certificate of approval as outlined in Section 16-12-80 below.
- (2) **Major Activity.** An application for a certificate of approval to demolish a landmark or contributing building, structure or site, or a building, structure or site within a historic district, shall be considered a substantial or major activity.
- (3) **Demolition by Neglect Prohibited.** No owner or person occupying or using a landmark or contributing building, structure or site shall allow or cause the demolition, destruction, damage or deterioration of such building, structure or site by neglect.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-80. Certificates of approval; procedure.

- (a) No building permit for work or activity requiring a certificate of approval shall be valid or issued by the Building Official absent the receipt by the official of the necessary certificate of approval (CA). Conversely, the issuance of a CA shall not relieve an applicant from having to obtain any and all other permits or approvals for the subject work or activity as may be required under the City's zoning, subdivision, building or other life/safety codes.
- (b) Certificates of approval may be made subject to such terms, conditions or limitations as determined necessary to protect and preserve the structural, aesthetic and/or historic integrity and value of the building, structure or site to which it pertains. A CA shall not constitute a site-specific development plan or vested property right and, unless acted upon in a substantial fashion or otherwise specifically authorized and provided for in the permit, shall automatically expire one (1) year from its date of issuance, unless extended by order of the Historic Preservation Commission.
 - (1) **Procedure.** Applications for a CA shall follow the stages of the land development process outlined below:
 - a. **Preapplication Conference.** Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.
 - b. **Application Submittal.** The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection 16-12-80(b)(2) below.
 - c. **Staff Review.** The Administrator or their designee shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator or their designee shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 16-12-90 below, and other applicable

provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

- d. Posting of Notice. Posting of notice that the HPC will hold a public hearing for major certificate of approval shall be accomplished by the City as specified in Table 16-C of this Chapter. Public notice is not required for applications for a minor certificate of approval.
 - e. Action by the Historic Preservation Commission.
 - 1. Minor Activity. An application regarding minor activity shall be reviewed and ruled upon by the Community Development Department and, as needed, two (2) designated members of the HPC within ten (10) business days from the date the application was deemed complete. If it is determined that the application pertains to minor activity only or to activity that will not detrimentally impact or influence the historic integrity and/or appearance of a landmark or designated historic district, a CA shall be issued authorizing the activity. If it is determined that the application pertains to major activity, it shall be referred to the HPC for review and determination at a regular or special meeting.
 - 2. Major Activity. An application regarding major activity shall be reviewed and ruled upon by the HPC at a regular or special meeting to be conducted within thirty-one (31) days from the date the application was determined complete, or within such longer time period as necessary to reasonably accommodate the application on an HPC meeting agenda. Written notice of the date, time and location of the meeting shall be mailed by regular mail or personally delivered to the applicant not less than fifteen (15) days prior to the meeting. The unexcused absence of the applicant from the meeting shall cause the HPC to deny the application or, at the HPC's option, continue the matter to a later meeting date of its choosing.
 - f. Actions following approval. A copy of each approved certificate of approval shall be transmitted by the Administrator to the Building Official promptly upon its issuance.
- (2) Application Contents. An application for a certificate of approval shall contain the following information:
- a. Minimum Contents: The minimum contents for all applications specified in Subsection 16-12-40(b) of this Chapter.
 - b. Photographs: All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application. Include photographs showing all sides of the structure, particularly the front and any side affected by the proposed project and detailed photographs of the features affected by the project.
 - c. Drawing Format: Drawings shall be large enough so that all information is legible but no smaller than eleven (11) inches by seventeen (17) inches. Sketch drawings are acceptable if they provide accurate information and are reasonable drawn to scale.
 - d. Dimensioned Site Plan: Site plan showing street locations, existing structure and proposed new elements or structures.
 - e. Dimensioned Floor Plan(s): Floor plans showing existing structures and proposed new elements or structures.
 - f. Dimensioned Roof Plan: Roof plan showing proposed new roof elements in context of the existing roof.

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- g. Dimensioned Exterior Elevations: Exterior elevations showing appearance of proposed project with all materials and indicating finishes.
 - h. Building Sections and Construction Details: Sections and details as required adequately explaining and clarifying the project. Note all materials and finishes.
 - i. Specification of Materials: Manufacturer's product literature and material samples. Product literature is required for replacement windows.
 - j. Bids: If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.
 - k. Window Replacement: If proposing to replace historic windows (aside from wooden replica sash replacement) justification shall be provided as outlined in National Park Service Preservation Brief #9. Submittal must include written assessment of condition of existing windows.
 - l. New Construction shall include the following information:
 - 1. Block Site Plan: A site plan or aerial photograph showing relationship of proposed structure to existing structures.
 - 2. Written Statement: A written statement of the design philosophy and building program.
 - 3. Massing Model: A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
 - 4. Photographs: Photographs of the surrounding structures including both block faces and side streets.
 - m. Demolition or relocation of a building, structure or site shall include the following:
 - 1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.
 - 2. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.
 - 3. Elevations, building sections, construction details, specifications and massing model of proposed replacement structure similar to those required for new construction.
 - 4. For landmark or contributing structures the applicant must submit a report prepared by an architect, appraiser, engineer or other qualified person experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites addressing:
 - a) The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.
 - b) The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure or site at its current location.
 - c) The economic and structural/engineering feasibility of relocating the building, structure or site.

(Ord. No. 2014-05 , 5-6-2014; Ord. No. 2019-10 , § 9, 6-21-2019)

Sec. 16-12-90. Certificates of approval; review standards.

- (a) Historic Landmark and/or Contributing Buildings, Structures or Sites. All work performed in completion of an approved certificate of approval shall be in conformance with the most recent edition of the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C. (available for review at the Community Development Department).
- (b) Supplemental Guidelines. The Administrator or his or her designee with advice from the HPC may, subject to final approval by the City Council, devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this Section for the review, evaluation and approval of certificates of approval. Upon their approval by the City Council, said guidelines shall be enforced and have the same effect and authority as if fully set forth in this Section, and violations thereof shall be subject to the same penalties for violations of any other section contained in this Article. In addition, the following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a historic landmark or contributing building, structure or site:
 - (1) Architectural Character. Whether and/or to what extent the proposed work will preserve, protect, change, diminish, disguise, obscure, detract from or destroy the appearance or structural integrity of the historic features, design, materials, character or value of the structure or site.
 - (2) Original Materials. Whether original designs, materials, finishes and construction techniques that characterize the historic value and appearance of a structure or site can be retained, restored or repaired as opposed to replaced, and whether replacement designs, materials or finishes can match and/or accurately replicate the originals.
 - (3) Minimum Change. Whether and/or to what extent the proposed work will require more than a minimal change to the historic appearance, materials or integrity of the structure or site.
 - (4) New Construction. New additions, exterior alterations and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible, and such new work or alterations shall be differentiated from, but compatible with, the existing size, scale and exterior architectural features of the structure or site so as to protect its historic identity and integrity.
 - (5) Historic Appearance. Work that will protect or return the original historic appearance of a structure or site, especially where documented by photographs, historic research or other credible evidence, shall be encouraged and favored.
 - (6) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.
- (c) Activities Within Designated Historic Districts. The following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a nonlandmark or noncontributing building, structure or site within a designated historic district.
 - (1) Enhance District. Whether and/or to what extent the proposed work will enhance and advance the purposes and intent underlying the establishment of the district.
 - (2) Overall Character. New structures and additions to, or the exterior repair or alteration of, existing nonlandmark and noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, façades and materials predominant in the district to the maximum extent feasible.

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- (3) Specific Compatibility. New structures and additions to, or the exterior repair or alteration of, existing nonlandmark and noncontributing structures shall specifically harmonize with neighboring landmark and/or contributing structures or sites with regard to height, scale, shape, size, façade, materials, setback, landscaping and exterior architectural features to the maximum extent feasible.
 - (4) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.
- (d) Demolition or Relocation of a Landmark or a Building, Structure or Site Within a Historic District. The following criteria shall be used in determining whether a certificate of approval should be issued for the demolition or relocation of a landmark or a building, structure or site within a historic district:
- (1) The historic, social or architectural significance of the building, structure or site.
 - (2) The structural soundness and safety of the building, structure or site.
 - (3) In the case of a landmark or contributing building, structure or site, whether the same can be rehabilitated, renovated or restored at its current location as part of an economically feasible and beneficial use of the property.
 - (4) In the case of a landmark or contributing building, structure or site, whether the same has been properly maintained and/or been subject to disrepair, deterioration and/or demolition by neglect.
 - (5) In the case of a landmark or contributing building, structure or site, whether the same can be relocated to a historically appropriate alternative location in a manner that will protect and ensure its structural integrity.
 - (6) The impacts of the proposed demolition or relocation of the building, structure or site, and the planned redevelopment of the site, on the historical character of the existing neighborhood.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-100. Exempt activity.

A CA shall not be required for the interior alteration, renovation, repair, reconstruction or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within a historic district. Similarly, a CA shall not be required to undertake ordinary exterior maintenance and/or repair if such work involves and is carried out using materials and elements identical in appearance to the materials and elements being repaired or worked on, and such maintenance and/or repair does not substantially alter the appearance, composition or texture of the exterior appearance, feature or surface of the building or structure.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-110. Exceptions.

Nothing in this Article shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any landmark, contributing or other building, structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the City, and/or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure. However, when the need for emergency action is not present, all work or activity normally subject to the provisions and procedures contained in this Article shall be undertaken and performed in compliance therewith.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-120. Removal of landmark, contributing or historic district designation.

- (a) Finding by City Council required. The removal of a landmark or contributing designation for any building, structure or site, or the removal of the designation of a district as a historic district, shall only be approved upon a finding by the City Council after a noticed public hearing that the building, structure, site or district no longer satisfies the eligibility criteria for landmark, contributing or historic district status, and that it would be in the public interest and welfare to remove or rescind such designation.
- (b) Procedure. The procedures contained in Section 16-12-50 above with regard to the designation of landmark, contributing or historic buildings, structures, sites or districts, respectively, shall be followed in applying for and processing a petition for the removal or rescission of such a designation. Notwithstanding the foregoing, no landmark or other historic designation awarded to any building, structure, site or district by the United States Department of the Interior and/or the State, respectively, shall be removed, rescinded or modified except in accordance with the procedures and standards established by said governmental authority.

(Ord. No. 2014-05 , 5-6-2014)

Sec. 16-12-130. Violations and penalties.

- (a) Violation of the provisions of this Chapter shall be punishable as set forth in Chapter 1 Article IV of this Code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this Section.
- (b) Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this Article, or the terms and conditions of a CA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the City, in which event the City shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.
- (c) All penalties and remedies for violations of the provisions of this Article shall be nonexclusive and cumulative, and the City's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies.

(Ord. No. 2014-05 , 5-6-2014)

ARTICLE XIII. INCLUSIONARY HOUSING

Sec. 16-13-10. Purpose and objectives.

- (a) Promote the construction of housing that is affordable to the community's workforce;
- (b) Retain opportunities for people that work in the City to also live in the City;
- (c) Maintain a balanced community that provides housing for people of all income levels; and
- (d) Ensure that housing options continue to be available for very low-income, low-income, moderate, and middle-income residents, for special needs populations and for a significant proportion of those who work or live in the City.

(Ord. No. 2018-14 , § 1, 10-2-2018)

Sec. 16-13-20. General inclusionary housing requirements.

- (a) Any application brought under the annexation or planned development sections of this Code; condominium plats of any size; duplex conversion subdivisions; and minor and major subdivision sections of this Code, as well as multi-family residential projects of five (5) or more units are required to include at least sixteen and seven-tenths (16.7) percent of the total number of residential dwelling units as affordable dwelling units, pursuant to requirements set forth in this Article, and subject to the following standards:
 - (1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning the applicable percentage of Area Median Income (AMI) for Chaffee County as defined annually by the Colorado Housing Finance Authority (CHFA), at the time such unit is sold or rented, and as further specified in Sections 16-13-60 and 16-13-70.
 - (2) Affordable dwelling units shall be permanently restricted as defined by the administrative regulations, or unless a different timeframe is required as a part of a Low Income Housing Tax Credit project.
 - (3) If the calculation for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided per Section 16-13-40.
 - (4) The proportion of required affordable units, whether for-sale or rental, shall follow the proportion of for-sale and rental market rate units, unless otherwise approved by the decision-making body. For example, if the project includes one hundred (100) percent for-sale units, then one hundred (100) percent of the required affordable units shall be for-sale units. If the project includes fifty (50) percent for-sale units and fifty (50) percent rental units, that same percentage of for-sale and rental affordable units shall be provided.
- (b) The City Administrator is authorized to adopt administrative regulations to be utilized in the enforcement of the provisions of this Article.
- (c) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall project.
- (d) Income Eligibility Required. No person shall sell, rent, purchase or lease an affordable dwelling unit created pursuant to this Article except to a program eligible household. A private owner of a single affordable unit may rent the unit in accordance with the provisions of this Article as set forth in Section 16-13-60 "Program Requirements for For-Sale Units." All sales, rentals, purchases and leases shall comply with the provisions of this Article.
- (e) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale pursuant to this Article shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the County Recorder, a covenant or declaration of restrictions in a form provided and approved by the City Attorney and applicable Housing Authority. Such covenant or declaration of restrictions shall reference applicable contractual arrangements, restrictive covenants and resale restrictions as are necessary to carry out the purposes of this Article.
- (f) Good Faith Marketing Required. All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.
- (g) Required Agreements. Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the City Council. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Article including:

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- (1) Defining the inclusionary housing development, including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided;
 - (2) The application of allowed density, parking and development standards allowed for projects that provide one hundred (100) percent of the inclusionary housing requirements, as provided in Section 16-13-50;
 - (3) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development;
 - (4) The requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the City; and
 - (5) The restrictive covenants and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Article.
- (h) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.

An applicant shall not be eligible to submit for a building permit until the affordable housing agreement and any required restrictive covenants are approved by the City Council and recorded with the Chaffee County Recorder.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2022-05 , § 6, 4-5-2022)

Sec. 16-13-30. Options for satisfaction of inclusionary housing requirement.

An applicant may seek an alternative to providing the required percentage of affordable housing under this Article by any of the following methods:

- (a) Providing the Required Housing Off-Site. This may be met only through the dedication of land to the City or a qualified non-profit housing developer for the required development of such units as approved by the City, with the guarantee that the land to be dedicated will allow for, and be developed with a minimum number of twenty-five (25) percent of the total units in the subject development as affordable housing.
- (b) Dedicating Land Within the Project. Provided it is large enough and located appropriately to accommodate at least the minimum number of required affordable units, land within a project may be dedicated to the City or a qualified non-profit housing developer for the required development of such units, as approved by the City. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project.
- (c) Paying a Fee in Lieu of Providing Units as Defined in Section 16-13-40. This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for five (5) units or less.
- (d) Providing fewer units, but which are affordable to households earning sixty (60) percent or less of the AMI for Chaffee County for rental projects, or one hundred (100) percent or less of the AMI for Chaffee County for for-sale projects. For the purposes of this option, an affordable dwelling unit at the above AMI levels shall equal one and one-half (1.5) inclusionary housing units at any other AMI level specified in Sections 16-13-60 and 16-13-70 below.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2022-05 , § 7, 4-5-2022)

Sec. 16-13-40. In-lieu fee.

If an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the City's fee schedule, established, adopted and amended by City Council from time to time, and be due prior to issuance of the certificate of occupancy.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2021-10 , 7-6-2021; Ord. No. 2022-05 , § 8, 4-5-2022)

Sec. 16-13-50. Density, parking and development incentives for inclusionary housing developments.

Residential development within the zoning districts of C-1, R-2, R-3, R-4 and RMU; and portions of a planned development with the underlying zoning districts of C-1, R-2, R-3, R-4 and RMU; that are subject to inclusionary housing development requirements and are providing one hundred (100) percent of the required affordable housing within the development, may increase the allowed density and utilize the lowered dimensional standards stated in Table 16-F, Schedule of Dimensional Standards, within these districts and utilize the reduced parking requirements for multi-family dwellings stated in Table 16-J, Off-Street Parking Standards by Use. To ensure the integration of the affordable residential units into the development, these standards shall apply to all of the residential units of the subject development within parcels with the above zoning or underlying zoning, that include a minimum of sixteen and seven-tenths (16.7) percent affordable housing.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2022-05 , § 9, 4-5-2022)

Editor's note(s)—Ord. No. 2022-05 , § 9, adopted Apr. 5, 2022, amended the title of § 16-13-50 to read as herein set out. The former § 16-13-50 title pertained to density, parking and development standards for inclusionary housing developments.

Sec. 16-13-60. Program requirements for for-sale units.

- (a) **Affordable Unit Price.** The prices charged for any affordable units shall not exceed prices greater than what is affordable to households earning one hundred twenty (120) percent, one hundred forty (140) percent, or one hundred sixty (160) percent of the Area Median Income (AMI) for Chaffee County. Furthermore, for-sale affordable units shall be subject to the following additional requirements:
 - (1) The average sales price of all affordable housing units shall not exceed a price affordable to households earning one hundred forty (140) percent or less of the AMI for Chaffee County; and
 - (2) For projects providing multiple affordable units, and to create parity across levels of affordability, the total number of affordable units deed-restricted at one of the applicable AMI levels shall not exceed the total number of affordable units deed-restricted at any of the other applicable AMI levels by more than one unit.
 - (3) Studio units above one hundred twenty (120) percent AMI for Chaffee County and one-bedroom units above one hundred forty (140) percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.
- (b) **Approved Purchasers for Affordable Dwelling Units.** A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the City and applicable housing authority.
- (c) **Sale Restriction.** No person shall sell an affordable dwelling unit except to a person that meets the income, asset and other eligibility requirements of this Article or any asset and income eligibility requirement that is

included in any applicable contract, covenant or declaration of restrictions or any other agreements to which the City is a party or beneficiary.

- (d) Resale Restrictions. All affordable ownership dwelling units developed under this Article shall be subject to the resale restrictions itemized within the deed restriction required pursuant to Section 16-13-20(e).
- (e) Ownership Associations. When accepting a for-sale unit as meeting the inclusionary housing obligation, the City Administrator and/or applicable housing authority will review the condominium association declarations to assess the impact on buyers of affordable units. The City Administrator and/or applicable housing authority is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this Article are accomplished.
- (f) Rental Restriction. The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations and/or applicable deed restriction. At no point shall such rent price exceed a price that is affordable to a household earning one hundred (100) percent of the Area Median Income (AMI) for Chaffee County, as defined annually by CHFA.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2022-05 , § 10, 4-5-2022)

Sec. 16-13-70. Program requirements for rental units.

Maximum Rent. Rents charged for any affordable unit shall not exceed a price greater than what is affordable to households earning eighty (80) percent or one hundred (100) percent of the AMI for Chaffee County, as defined by CHFA. Furthermore, affordable rental units shall be subject to the following additional requirements:

- (a) At least fifty (50) percent of all provided units shall be rented at prices affordable to households earning eighty (80) percent or less of the AMI for Chaffee County.
- (b) Studio units rented above eighty (80) percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.

(Ord. No. 2018-14 , § 1, 10-2-2018; Ord. No. 2022-05 , § 11, 4-5-2022)

Sec. 16-13-80. Administrative regulations.

To the extent the City Administrator deems necessary, rules and regulations pertaining to this Article will be developed and approved by the City Council, and thereby maintained and enforced in order to assure that the purposes of this Article are accomplished. No person shall violate any rule or regulation issued by the City Administrator under this Article.

(Ord. No. 2018-14 , § 1, 10-2-2018)