Chapter 16

Land Use Code (LUC)

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Article 16-1 General Provisions

16-1-10 Title, Authority, and Effective Date

(a) Title and Short Title

This Chapter 16, 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 referred to within this document as the "Land Use Code," "Chapter 16," or "this Code."

(b) Authority

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

(c) Presumption of Validity

All provisions of this 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.

(d) Effective Date

This Code shall become effective December 22, 2025.

16-1-20 Purpose

This Code is enacted for the purpose of promoting the health, safety, quality of life, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City by:

(a) Providing streets and roads that work for all methods of transportation;

(b) Providing a variety of housing types for a variety of income levels and physical abilities;

(c) Preserving natural resources and the environment on land designated for such;

(d) Ensuring the efficient use of land and infrastructure;

(e) Facilitating the adequate provision of transportation, water, wastewater, schools, and other public requirements;

(f) Securing protection of the tax base; and

(g) By other means in accordance with the City of Salida Comprehensive Plan.

16-1-30 Applicability

(a) Jurisdiction

This Code applies to all land and all land uses within the municipal boundaries of the City of Salida, Colorado.

(b) Compliance Required

(1) No permit, certificate, or approval of any use that is subject to this Code shall be issued or granted by any department, agency, City official, or City employee without a finding of substantial compliance with this Code having been issued by the appropriate review authority.

(2) Unless otherwise stated in this article, no building or structure shall be erected, converted, enlarged, reconstructed, or altered without a determination of substantial compliance with this Code.

(3) No lot of record shall be created by subdivision or otherwise unless it complies with this Code.

(c) Municipal Code

Whenever any provision of this Code conflicts with other provisions of the Municipal Code, the stricter provision, as determined by the City Attorney, shall govern.

16-1-40 Severability

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

16-1-50 Transition from Prior Regulations

(a) Development Approvals

(1) Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval, provided the approval has not expired and subject to the following:

a. The development complies with any applicable standards of this Code regarding ongoing operations and maintenance.

b. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

(2) Within any subdivision and/or planned development that was approved prior to the date of this Code, the standards of this Code shall apply to any future development application submitted after the effective date of this Code, unless such application is specifically exempted by the prior subdivision or planned development approval.

(b) Pending Applications

A development application that has been determined to be complete pursuant to §16-8-30(c)(6), *Determination of Application Completeness*, prior to the effective date of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant (in writing, prior to start of review). Applications shall not be processed under a combination of prior regulations and this article.

(c) Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations. No paid fees and/or penalties shall be returned or otherwise reimbursed.

16-1-60 Nonconformities

(a) Purpose

The purpose of this section is to regulate and limit the development and continued existence of legal uses, structures, lots, and site features established prior to the effective date of this Code, and any future amendments, that no longer conform to the requirements of this Code. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the intent of this section is to curtail substantial investment in nonconformities to bring about their eventual elimination and to preserve the integrity of this Code and the stated policies of the City of Salida.

(b) Regulations Applicable to All Nonconformities

(1) Determination of Nonconformity Status
The burden of establishing the existence of a legal nonconformity shall be solely on the owner of property containing the nonconformity.

(2) Maintenance and Minor Repair

a. Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the repairs and/or maintenance do not increase the nonconformity of any structure, use, or lot. Maintenance and repairs that qualify as "minor" include the following:

1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure, without expanding the building or structure;

2. Maintenance of land to protect against and mitigate health and environmental hazards;

3. Repairs that are required to remedy otherwise unsafe conditions; and

4. Repairs necessary to comply with current building code requirements.

b. Minor repairs and maintenance shall only be conducted in compliance with building code requirements.

(3) Cumulative Enlargements, Expansions, Repairs, and Replacements
Requests, applications, or permits to enlarge, expand, repair, and/or replace uses, buildings, structures, and site features after the effective date of this Code shall remain on record with the City. Any subsequent application or permit to enlarge, expand, repair, and/or replace uses, buildings, structures, and site features on the same property shall be cumulative to any prior request, application, or permit. The total square footage of such enlargements, expansions, repairs, and replacements shall be used to determine the applicability of the standards in this section.

(4) Change of Ownership or Tenancy
Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.

(5) Compliance to the Maximum Extent Practicable
Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

(c) Nonconforming Uses

(1) Limitations on Continuation of Nonconforming Uses of Land or Structures

a. A nonconforming use may be extended throughout the same building, provided that:

1. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted unless it complies with §16-1-60(d)(1), *Additions to Nonconforming Building or Structure*, below, and Article 16-3, *Use Regulations*, and all other applicable sections of this Code;

2. No additional dwelling units shall be permitted in the building;

3. No additional nonresidential units or uses shall be permitted; and

4. No additional structure is erected in connection with the nonconforming use.

b. Any existing single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.

(2) Change of Use
A nonconforming use may be changed to another nonconforming use, provided the Director determines that the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and no exterior structural alterations to the building are required to accommodate such change. A nonconforming use that has been changed to a less nonconforming use pursuant to this section may not subsequently be changed back to a more nonconforming use.

a. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Code.

b. A conforming use may not be changed to a nonconforming use.

(3) Discontinuation of Nonconforming Use
Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this Code.

(d) Nonconforming Structures

(1) Additions to Nonconforming Building or Structure

a. A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity or create a new nonconformity.

b. Any structure or portion of a structure may be altered to decrease the nonconformity of the structure. Any extension or addition shall comply with the applicable requirements of this Code.

c. An extension to a nonconforming structure may be permitted by the Director 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 that increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.

d. Any existing single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.

(2) Restoration Following Damage or Destruction
A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within six months of such event and completed within 24 months of such event. By written request from the property owner, the Director may grant one extension not to exceed 12 months of either the work commencement and/or the completion of work time-period.

(3) Movement of a Nonconforming Structure
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.

(e) Nonconforming Site Features

(1) Applicability

a. For purposes of this subsection, the term "nonconforming site feature" includes any driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting element that lawfully existed per regulations in place prior to the effective date of this article, as well as the lack of any such feature required by subsequently enacted City regulations.

b. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this article, subject to the requirements of this subsection.

c. No action shall be taken that increases the degree of the nonconformity of a site feature.

(2) Nonconforming Parking

a. Continuation of Nonconforming Parking
Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Code that are made nonconforming by virtue of enactment of this article shall be allowed to continue, provided that:

1. Any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with §16-4-70, *Off-Street Parking*.
2. Nonconforming parking areas shall not be expanded, except pursuant to paragraph b., below.

b. Upgrading Nonconforming Parking
Nonconforming off-street parking facilities shall be upgraded to comply with this Code's parking count, layout, design space, and landscaping requirements when an addition to or expansion of one or more structures occurs that, over a five-year period beginning on the effective date of this Code, would increase the total gross floor area of the structures by more than 50 percent.

(3) Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting
An application for enlargement or addition to a use or structure on a site that contains nonconforming buffers, landscaping, screening elements, and/or exterior lighting is encouraged to bring such features into conformance with this Code's applicable standards for such features.

16-1-70 Enforcement

(a) Purpose

This section establishes procedures through which the City of Salida seeks to ensure compliance with the provisions of this article and obtain corrections for violations of this Code. This section also sets forth the remedies and penalties that apply to violations of this Code.

(b) Violations

Any person who violates any provision of this Code shall be deemed guilty of a violation punishable in accordance with §16-1-70(e), *Penalties and Remedies*. Each of the following activities constitutes a violation of this Code:

(1) Activity Inconsistent with this Article
Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this Code.

(2) Activity Inconsistent with a Permit or Approval
Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this Code.

(3) Illustrative Examples of Violations
Examples of violations of this Code include, but are not limited to:

a. Increase of the density or intensity of any use of land or structure except in accordance with the requirements of this Code;

b. Reduction or diminishment of lot area, setbacks, vegetative buffers, open space, or other standards below the minimum requirements set forth in this Code;

c. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code;

d. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;

e. Failure to abide by conditions of any approval or agreement executed in association with an approval; and

f. Failure to comply with applicable requirements for a certificate of occupancy or building permit.

(4) Continuing Violations
Any violation of this Code shall be considered a separate offense for each day during any portion of which any violation of this Code is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with §16-1-70(e), *Penalties and Remedies*.

(c) Nonconforming Lots

(1) A primary structure and customary accessory buildings and structures may be developed on a lot that 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 §16-8-70(b), *Variances*, and provided that the development complies with all other standards of this article.

(2) 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.

(3) A lot shall not be deemed nonconforming solely due to noncompliance with the minimum density or maximum lot size requirements of this Code. Future development on such lots shall comply with minimum density and maximum lot size requirements.

(d) Void Permits

(1) Permits Issued that Conflict with This Article
All officials of the City vested with the authority to issue permits shall comply with the provisions of this Code. No permit, certificate, or license for the use, construction, or occupancy of structures or land shall be issued that conflicts with the provisions of this Code.

(2) Permits Issued Based on False or Erroneous Information

a. Any permit, certificate, or license issued for the use, construction, or occupancy of structures or land that is issued in reliance upon information knowingly and intentionally provided by the applicant to mislead and that 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.

b. 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.

(e) Enforcement Actions

(1) Responsibility for Enforcement
This Code shall be administered and enforced by the Administrator, Director, Building Official, and City Engineer, or such other person as may be designated by the Director.

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

(3) Persons Liable
The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code or a permit or approval issued pursuant to this Code may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

(4) Procedures Upon Discovery of Violations

a. If the Director finds that any provision of this Code is being violated, the Director shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Director's discretion.

b. If the person responsible for the violation does not take action to correct the violation within 30 days of the first notice, a final written notice shall be sent by certified mail with return receipt required to the

owner of record of the subject property, or to the homeowner association, as applicable. The final written notice shall state the action the Director intends to take if the violation is not corrected and shall advise that the Director's decision or order may be appealed to the City Council, pursuant to §16-8-70(c), *Appeals*.

c. When a delay would seriously threaten the effective enforcement of the Code, or pose a danger to the public health, safety, and welfare, the Director may immediately issue an order for compliance by personal service, posting of the property, or certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable, and seek enforcement through the municipal court as authorized below.

(5) Continuation of Prior Enforcement Actions
Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

(6) Process for Voiding Permits
Any permit that was issued pursuant to this Code shall be revoked only upon a minimum of 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, the 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 15 days to the hearing. A permit revocation may be appealed per §16-8-70(c), *Appeals*.

(f) Penalties and Remedies

The Director, Building Official, City Attorney, or City Engineer, or such other person as may be designated by the Director, shall have the power to enforce this Code subject to the following penalties:

(1) Fines
Any violation of this Code shall be subject to the provisions of Chapter 1, Article IV, of this Code. Each day's continuing violation shall be a separate and distinct offense.

(2) Administrative Citation
The City may issue an administrative citation as provided in Chapter 1, Article VII, of this Code.

(3) Deny, Withhold, or Revoke Entitlements

a. The issuing/approval authority shall have the power to deny, withhold, or revoke permits for violation of this Code or violations of any conditions of approval.

b. The issuing/approval authority shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City to enter onto the premises and to take the corrective measures required by the authority, the cost to be borne by the violator. If the issuing/approval authority is the Director, then the hearing shall be held at the Planning Commission.

c. Any entitlement or other form of authorization may be denied, withheld, or revoked after notice and a hearing, when the Director determines that:

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;

2. The entitlement was established by false representation;

3. The entitlement was issued in error; or

4. There is any other violation of this Code.

(4) Injunction or Mandamus
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 Code, 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.

(5) Continuation of Prior Enforcement Actions
Nothing in this section shall be construed to prevent the City from pursuing any other remedies it may have for violations of this Code.

(6) Remedies Cumulative
All remedies provided for in this section are cumulative, are not exclusive and shall be in addition to any other remedies provided by law.

Article 16-2 Zoning Districts

16-2-10 General

(a) Base Zoning Districts Established

Table 2-A, below, lists the zoning districts established by the City. Zoning districts are established by the City's adoption of the Official Zoning Map pursuant to §16-2-10(b).

Table 2-A: Base Zoning Districts Established
Proposed District
Residential Districts
R1 Lower-Density Residential
R2 Medium-Density Residential
R3 Higher-Density Residential
MMP Manufactured/Mobile Home Park
Mixed-Use Districts
MN Mixed-Use Neighborhood
MC Mixed-Use Highway Center
MH Mixed-Use Highway
MD Mixed-Use Downtown
Other Districts
IN Industrial
AG Agricultural Reserve
OS Parks and Open Space
CF Community Facilities

(b) Official Zoning Map

(1) Incorporation

a. The location and boundaries of the zoning districts established by this Code are shown on the "City of Salida Official Zoning Map" ("Official Zoning Map"), which is incorporated into this Code.

b. The Official Zoning Map is filed and on display at City Hall and available for inspection during normal business hours.

(2) Zoning District Boundaries

a. Except where otherwise indicated, zoning district boundaries shall follow the City's corporate limits, section lines, quarter-section lines, half-section lines, center lines of major rivers or tributaries, lot lines, center lines of City or County roads or highways, or right-of-way lines extensions of such lines.

b. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Official Zoning Map by the Director, or via previously platted surveys.

c. Where a zoning district boundary coincides with a right-of-way line and that right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.

d. Land that is not indicated as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district.

(3) Boundary Clarification

a. If a zoning district boundary is unclear or disputed, the Director shall determine the location of the zoning district boundary.

b. Any appeal of the Director's determination of the zoning district boundary shall be heard by the Planning Commission per §16-8-70(c), *Appeals*.

(4) Amendment
A change to the boundary of any zoning district requires an amendment to the Official Zoning Map per §16-8-40(a), *Rezoning*.

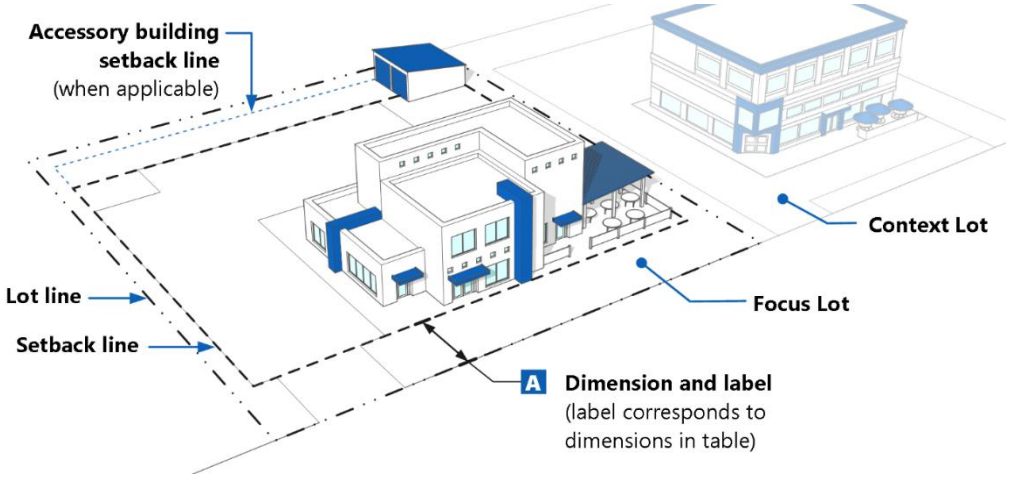
(5) Annexation
All territory annexed to the City shall be zoned within 90 days as determined by the City Council, upon recommendation of the Planning Commission. The proposed zoning shall be established in accordance with applicable state statute.

(c) Organization of this Article

(1) Base Zoning Districts

a. Content
§16-2-40 through §16-2-60 of this article follow a common structure and describe the purpose and intended character of the established zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards. The summary of key lot and building standards are illustrative and do not include the full range of requirements of this Code that may apply to a particular project. The entirety of this Code applies.

b. Graphics
For each base zoning district, this article includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.



(2) Overlay Districts

a. Overlay zoning districts are superimposed over one or more underlying base zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district or another applicable overlay district, the more restrictive standards shall apply.

b. Overlay zoning districts may also be superimposed over one or more planned development (PD) districts. The applicability of the overlay shall be established by the planned development agreement.

c. §16-2-70 identifies the overlay zoning districts and sets forth the purpose and the standards of the overlay districts that modify those of underlying zoning districts.

16-2-20 Summary of Dimensional Standards

Table 2-B: Summary of Dimensional Standards

	Residential				Mixed-Use				Other			
	R1	**R2**	**R3**	**MMP**	**MN**	**MC**	**MH**	**MD**	**IN**	**AG**	**OS**	**CF**
Lots												
Lot size, detached (min.)	7500 sf	5625 sf 4500 sf [1]	3000 sf 2500 sf [1]	½ acre (site size)	5625 sf 4500 sf [1]	NA	5625 sf 4500 sf [1]	NA	5625 sf	5 acres	NA	NA
Lot size, attached (min.)	5625 sf	3000 sf 2500 sf [1]	2000 sf 1500 sf [1]	NA	2750 sf 2250 sf [1]	NA	NA	NA	NA	NA	NA	NA
Lot frontage, detached (min.)	50 ft	37.5 ft 30 ft [1]	25 ft	NA	37.5 ft 30 ft [1]	NA	37.5 ft	NA	37.5 ft	NA	NA	NA
Lot frontage, attached (min.)	37.5 ft	20 ft	15 ft	NA	20 ft	NA	NA	NA	NA	NA	NA	NA
Residential density (max.)	5625 sf/primary unit	3000 sf/primary unit 2500 sf/primary unit [1]	2000 sf/primary unit 1500 sf/primary unit [1]	NA	2750 sf/ primary unit 2250 sf/ primary unit [1]	NA	2000 sf/ primary unit 1500 sf/ primary unit [1]	NA	2750 sf/unit	5 acre/unit	NA	NA
Residential density (min.)	22,500 sf/ primary unit	16,875 sf/ primary unit	8000 sf/ primary unit	NA	11,250 sf/ primary unit [6]	3000 sf/ primary unit [6]	8000 sf/ primary unit [6]	3000 sf/ primary unit [6]	NA	NA	NA	NA
Structure coverage (max.)	40%	45% 50% [1]	65% [2]	50%	70% [2]	100% [8]	60% [2]	100%	60% [2]	15%	NA	60%
Uncovered parking/ access coverage (max.)	10%	20%	40% [2]	30%	30% [2]	40% [2]	60% [2]	90%	40% [2]	10%	NA	90%
Landscape area (min.)	50%	35% 30% [1]	25%	20%	20%	NA [3] [8]	10%	NA [3]	10%	NA	NA	10%

Table 2-B: Summary of Dimensional Standards

	Residential				Mixed-Use				Other			
	R1	**R2**	**R3**	**MMP**	**MN**	**MC**	**MH**	**MD**	**IN**	**AG**	**OS**	**CF**
Setbacks (min.)										[7]	[7]	
Front (all)	25 ft	15 ft	10 ft	15 ft	10 ft	10 ft	10 ft	NA	15ft	25 ft	15	15 ft
Side (primary)	8 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	NA	10ft	5 ft	5 ft	5 ft
Rear (all) [9]	10 ft	10 ft	10 ft	10 ft	5 ft	10 ft	10 ft	NA	10 ft	25 ft	5 ft	5 ft
Side [10] (accessory)	3/5 ft	3/5 ft	3/5 ft	3/5 ft	3/5 ft	5 ft	5 ft	NA	5 ft	5 ft	5 ft	5 ft
Height (max.) [5]												
Building height	28/35 ft	28/35 ft	35 ft	28/35 ft	28/35 ft	38 ft 45 ft [1]	35 45 ft [1]	35/38 ft [4] 45 ft [1]	45 ft	35 ft	45 ft	54 ft
Building height (accessory)	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	45 ft	35 ft	45 ft	54 ft

Notes

[1] Inclusionary housing developments may achieve the increased building heights indicated in the table with this note [1] by complying with §16-9-50, *Development Incentives for Inclusionary Housing* , all applicable requirements of Article 16-9, *Inclusionary Housing,* and the district-specific standards of 16-2-40 through 16-2-60. The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[2] The maximum combined coverage from structures and uncovered parking shall not exceed 75% in the R-3 district, 80% in the MN district, 90% in MH and IN districts, and 100% in the MC district.

[3] A minimum of 10 percent landscape area is required if lot used solely for parking or primary structure is set back more than 0 feet from front or side setback.

[4] 38 feet within SDHD overlay.

[5] See §16-2-30(d), *Height*, for rules of measurement.

[6] For mixed-use development: Ground-floor commercial square footage shall be subtracted from lot size for purposes of determining minimum residential density compliance. Residential Minimum Density only applies where residential units are proposed.

[7] In order to facilitate potential future redevelopment and future trail and transportation corridors, the siting of new construction is subject to minor site plan review and maximum setbacks may apply.

[8] This only applies to internal pads/lots of the overall site (e.g., Two Rivers Commons). Setbacks and landscaping requirement of 10% still apply to perimeter of site from adjacent ROW and non-MC properties.

[9] Rear setback is 10 feet for all buildings in new subdivisions with alleys (to better accommodate utilities and parallel parking). Five feet rear setbacks may be allowed for both primary or accessory structures subject to demonstration and approval of adequate utility services. If a lot backs up to another lot, then the rear setback should be the same as the front setback.

[10] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

16-2-30 Measurements and Exceptions

(a) Purpose

This section is intended to provide uniform measures for Interpretation and enforcement of dimensional standards, and to list any exceptions to the dimensional standards in this Code.

(b) Lots

(1) Lot Size

a. Every building or structure shall be located and maintained on a lot as defined in this Code.

b. No lot shall be created, developed, used, or occupied that has less than the minimum lot area or frontage as required by the zoning district in which it is located. Pre-existing nonconforming lots shall follow the requirements of §16-1-60, *Nonconformities*.

c. An existing legal lot that is unencumbered and nonconforming by virtue of the minimum lot area or frontage of the zoning district in which it is located may be developed with a primary structure and customary accessory buildings and structures, provided that any structures meet all other standards of this Code, including dimensional standards. A minor modification or variance or from those standards may be obtained pursuant to §16-8-70(a), *Minor Modification*, and §16-8-70(b), *Variances*.

(2) Buildings on Multiple Lots

Where one structure occupies two or more lots:

a. The lot coverage, minimum lot size, lot frontage, minimum and maximum density, and setback standards shall be determined as though the development is occupying one consolidated lot, and

b. The Director shall determine the front, side, and rear lot lines for the purpose of measuring setbacks.

(3) Lot Coverage

a. Measurement

1. Lot coverage for structures is the maximum horizontal area within the outer perimeter of all structures, measured to the outside edge of walls, dividers, or columns at or above ground level, whichever is the greater area. Exterior stairways and decks greater than 30 inches above natural grade shall be considered as part of lot coverage. Covered balconies, or balconies less than eight feet above natural grade, shall count towards lot coverage.

2. Lot coverage for uncovered parking is the maximum horizontal area of uncovered parking areas, vehicle loading and unloading, driveways, vehicle circulation, or other similar areas.

b. Exceptions

1. Cantilevered balconies more than eight feet above natural grade with no walls or roof, and exterior decks that are less than 30 inches above natural grade, shall not count towards lot coverage.

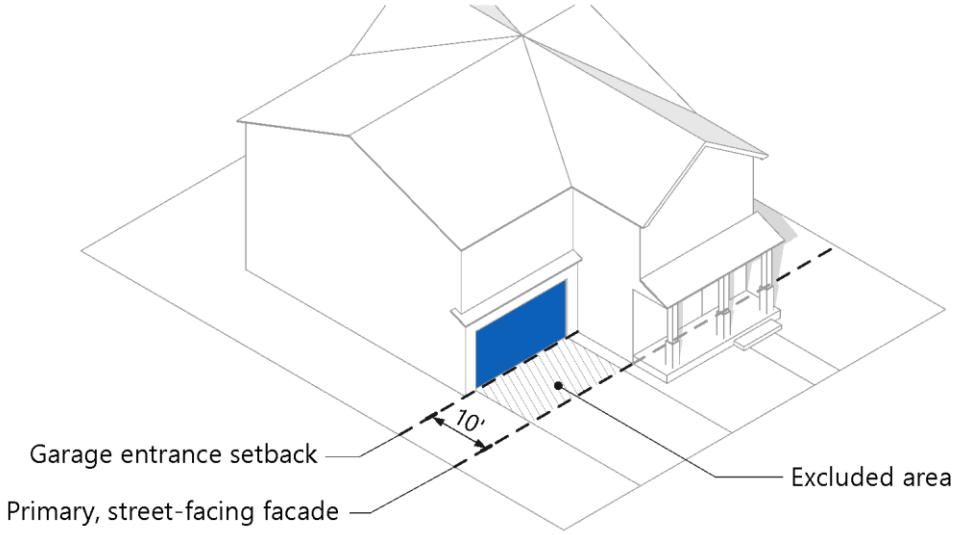


Figure 2-1: Measuring Lot Coverage with Front-Loaded Garage

2. If a front-loaded garage is set back at least ten feet behind the primary street-facing building façade, the lot coverage between the garage entrance and the primary, street-facing building façade may be excluded from uncovered parking coverage. See Figure 2-1.
3. There is no maximum combined lot coverage in the Mixed-Use Downtown (MD) district.

(4) Lot Frontage
Lot frontage shall be measured along a public street or approved private drive.

(c) Setbacks

(1) Measurement

a. Front
The minimum horizontal distance that a structure must be setback from the front lot line. The front setback extends across the full width of the lot.

b. Rear
The minimum horizontal distance that a structure must be setback from the rear lot line. The rear setback extends across the full width of the lot.

c. Side
The minimum horizontal distance that a structure must be setback from a side lot line. The side setback extends the full depth of the lot from the front property line to the rear property line. Per §16-2-30(d), side setbacks may vary based on building or structure height in some districts.

d. Special Lots

1. Double-Frontage Lots
In the case of lots that front more than one street, but are not corner lots, front setbacks shall apply to all frontages.

2. Corner Lots
In the case of corner lots, the required front setback shall be observed along the front lot line as determined by the Director. The front lot line is typically designated by the location of the primary entrance or the street upon which the address is assigned. The rear setback shall be that lot line most opposite the front lot line. A side setback shall be observed along the remaining street and any other remaining lot lines.

3. Irregularly Shaped Lots

a) Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that the front lot line, as determined by the Director, shall comply with the front setback and the lot line farthest from the front lot line, as determined by the Director, shall comply with the rear setback. See Figure 2-2.

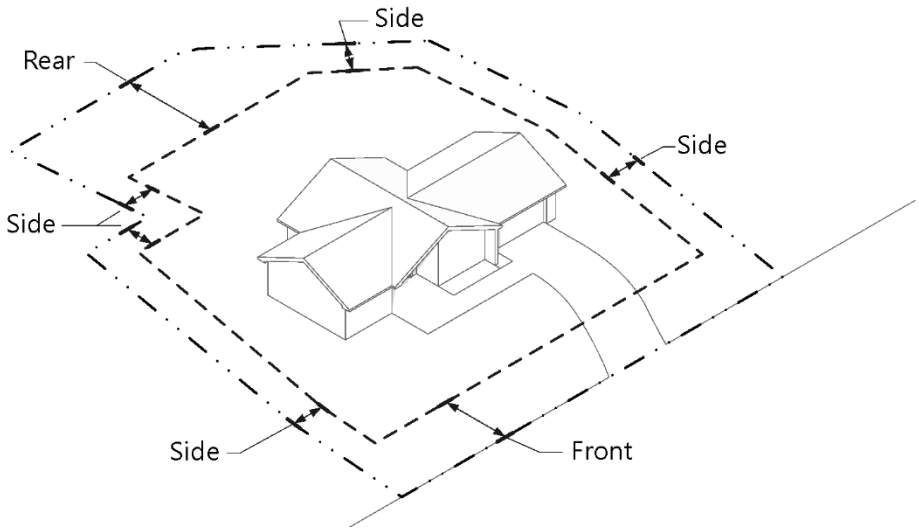


Figure 2-2: Irregularly Shaped Lots

b) The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

4. Adjoining Lots

In the case of townhouse dwellings, multi-family dwellings, and nonresidential development on two or more adjoining lots that are used in the same development, a zero-foot side setback may be applied on interior side lot lines within the development.

e. Setback Averaging

The required front yard setback may be reduced for a principal structure on any lot if more than 50 percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios, or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face.

(2) Exceptions

No building or part of a building shall be permitted to project into the required setbacks of the applicable zoning district unless authorized in Table 2-C, below, or elsewhere in this Code.

Table 2-C: Authorized Exceptions to Setback Standards	
Exception Type	**Exception Extent**
ADA accessibility ramps	May extend the smallest possible distance into any setback with written approval of the Director
Roof eaves	May extend up to 1.5 feet into any setback (including gutters)
Covered front porch	May extend up to five feet into the minimum front setback, including porch roof eaves but at no point closer than 10 feet from ROW and subject to approval of utilities.
Uncovered porches, patios, walkways, and steps	May encroach into any setback area by any amount, provided that all components of the encroachment are no greater than 30 inches above natural grade and no safety hazard is created as determined by the Director
Foundation insulation	Foundation cladding and insulation may extend up to six inches into a setback.

(d) Height

(1) Measurement

a. Generally

For a building or structure, height shall be measured as the vertical distance above 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.

b. Uneven Lots

Buildings or structures on uneven lots shall have no vertical dimension that exceeds 125% of the maximum allowable building height. In no case shall the height be greater than the maximum allowable height when facing a public right-of-way. See Figure 2-3.



Figure 2-3: Measurement of Building Height on Uneven Lot

d. Primary Structure

1. R1, R2, MN, and AG Districts

a) Any part of a structure above 28 feet shall be stepped back a minimum of 25 feet from the front and rear lot lines. See figure below.

b) The highest point of a roof shall not exceed 35 feet.

c) See exceptions in Table 2D.



2. All Other Districts
Refer to dimensional standards table.

e. Accessory Structure

1. Residential and MN Districts
All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

2. All Other Districts
Refer to dimensional standards table.

(2) Exceptions
No building or part of a building shall exceed the maximum building height within any zoning district unless authorized in Table 2-D, below, or elsewhere in this Code.

Table 2-D: Authorized Exceptions to Height Standards	
Exception Type	**Exception Extent**
Multi-family dwellings	In the MN, and MH districts, multi-family dwellings may have a maximum height of 35 feet, regardless of roof type
Chimneys	May extend up to 20 percent above the maximum allowable height
Flagpoles	Flagpoles may extend up to 27 feet as measured from natural grade. A maximum of one flagpole is permitted in residential districts, and a maximum of three flagpoles are permitted in all other districts.
Inclusionary housing	Provision of inclusionary housing meeting the requirements of §16-9-50, *Development Incentives for Inclusionary Housing* , may allow an increase in building or structure height up to 45 feet.
The following exceptions apply to commercial, multi-family, and mixed-use. buildings only:	
Elevator and stair towers	May extend up to eight feet above the maximum building height if no more than 150 square feet and set back from all property lines by at least ten feet
Ornamental architectural features (added to a building for purposes of decoration or embellishment)	May extend up to ten percent above the maximum building height
Rooftop antennae	May extend up to ten feet above the maximum building height
Rooftop equipment	Rooftop solar equipment, skylights, water tanks, and other mechanical equipment may extend up to eight feet above the maximum building height

(e) Density

(1) Measurement

a. Minimum Density

Minimum densities are established for some zoning districts to help ensure that development complies with the Future Land Use Map and to help ensure there is sufficient land supply for development that makes efficient use of City infrastructure.

1. Minimum density shall be calculated by the maximum lot area per dwelling unit within a proposed development site, excluding public and private streets, rights-of-way, and public and private access easements that restrict the surface use of the property. Other areas deemed undevelopable due to extreme topography, presence of water, or other permanently constraining features may also be excluded from the calculation, as determined by the Director.
2. A lot shall not be deemed nonconforming solely due to noncompliance with the minimum density or maximum lot size requirements of this Code. Future development on such lots shall comply with minimum density and maximum lot size requirements, which may require subdivision of lots in order to conform.
3. Accessory dwelling units do not count towards minimum density requirements.

b. Maximum Density

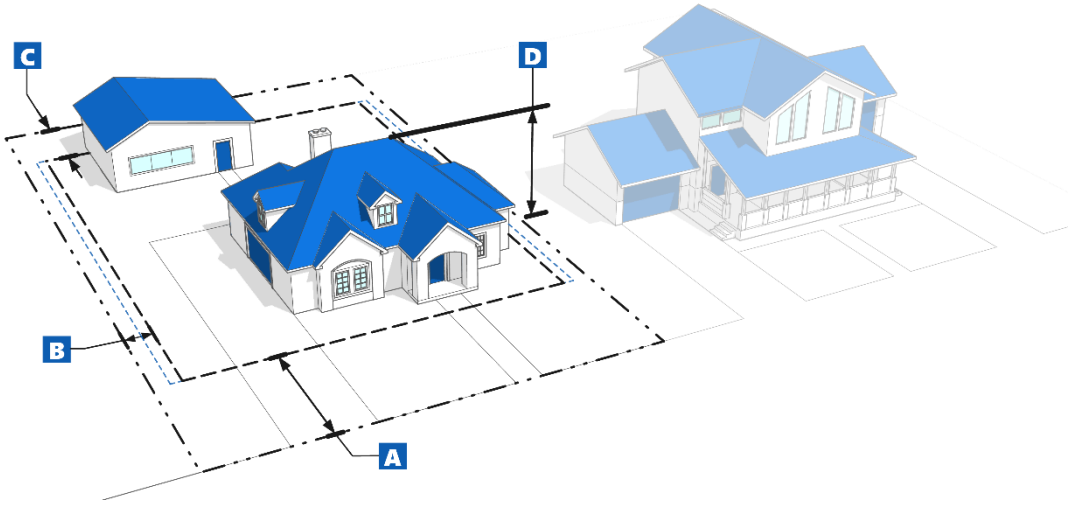
1. Maximum density shall be calculated by the minimum lot area per dwelling unit within a proposed development site, excluding public and private streets and rights-of-way, and including public and private access easements that restrict the surface use of the property.
2. One accessory dwelling unit per lot may be excluded from the maximum allowable density for the zoning district.
3. Inclusionary housing developments may exceed the maximum allowable density for the zoning district where explicitly permitted by Table 2-B: Summary of Dimensional Standards.

16-2-40 Residential Districts

(a) Lower-Density Residential (R1)

(1) Purpose

The Lower-Density Residential (R1) district is intended to accommodate and preserve lower-density residential neighborhoods with a variety of one- and two-family dwelling forms and limited complementary community, educational, and accessory uses.



(2) Dimensional Standards

Lots	Detached	Attached
Lot size, min. (sf)	7500	5625
Lot frontage, min. (ft)	50	37.5
Residential density, max. (sf/primary unit)	5625	
Residential density, min. (sf/primary unit)	22,500	
Structure coverage, max.	40%	
Uncovered parking/access area, max.	10%	
Landscape area, min.	50%	
Setbacks, min. (ft)		**Accessory**
A Front	25	25
B Side	8	3/5 [3]
C Rear [2]	10	10
Height, max. (ft)		**Accessory**
D Building height [1]	28/35	25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] Building height measured per §16-2-30(d).

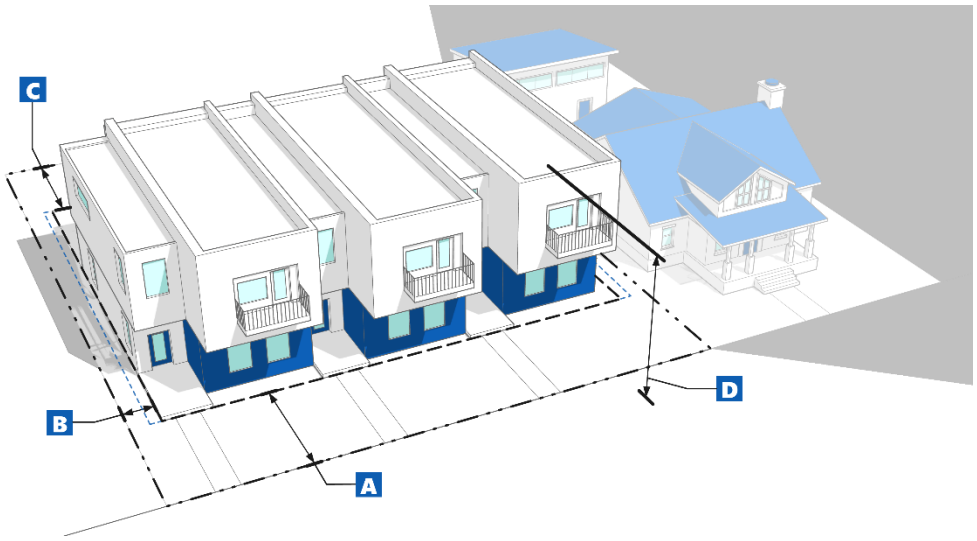
[2] Rear setback is 10 feet for all buildings in new subdivisions with alleys (to better accommodate utilities and parallel parking). Five feet rear setbacks may be allowed for both primary or accessory structures subject to demonstration and approval of adequate utility services. If a lot backs up to another lot, then the rear setback should be the same as the front setback.

[3] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

(b) Medium-Density Residential (R2)

(1) Purpose

The Medium-Density Residential (R2) district is intended to provide for medium-density residential neighborhoods with a variety of single-family dwelling forms and smaller multi-family residences. Limited complementary community and educational uses may be permitted along with incidental or accessory uses.



(2) Dimensional Standards

Lots	Detached	Attached	Accessory
Lot size, min. (sf)	5625 4500 [1]	3000 2500 [1]	NA
Lot frontage, min. (ft)	37.5 30 [1]	20	NA
Residential density, max. (sf/primary unit)	3000 2500 [1]		NA
Residential density, min. (sf/primary unit)	16,875		NA
Structure coverage, max.	45% 50% [1]		45% 55% [1]
Uncovered parking/access area, max.	20%		NA
Landscape area, min.	35% 30% [1]		NA
Setbacks, min. (ft)			
A Front	15		15
B Side	5		3/5 [4]
C Rear [3]	10		10
Height, max. (ft)			
D Building height [2]	28/35		25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[2] Building height measured per §16-2-30(d).

[3] Rear setback is 10 feet for all buildings in new subdivisions with alleys (to better accommodate utilities and parallel parking). Five feet rear setbacks may be allowed for both primary or accessory structures subject to demonstration and approval of adequate utility services. If a lot backs up to another lot, then the rear setback should be the same as the front setback.

[4] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

(c) Higher-Density Residential (R3)

(1) Purpose

The Higher-Density Residential (R3) district is intended to provide for higher-density single- and multi-family residential areas. Limited complementary community and educational land uses may occur alongside incidental or accessory uses.



(2) Dimensional Standards

Lots	Detached	Attached	Accessory
Lot size, min. (sf)	3000 2500 [1]	2000 1500 [1]	NA
Lot frontage, min. (ft)	25	15	NA
Residential density, max. (sf/primary unit)	2000 1500 [1]		NA
Residential density, min. (sf/primary unit)	8000		NA
Structure coverage, max. [2]	65%		65%
Uncovered parking/access area, max. [2]	40%		NA
Landscape area, min.	25%		NA
Setbacks, min. (ft)			
A Front	10		10
B Side	5		3/5 [4]
C Rear [5]	10		10
Height, max. (ft)			
D Building height [3]	35		25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[2] Maximum combined coverage of structures and uncovered parking/access is 75%.

[3] Building height measured per §16-2-30(d).

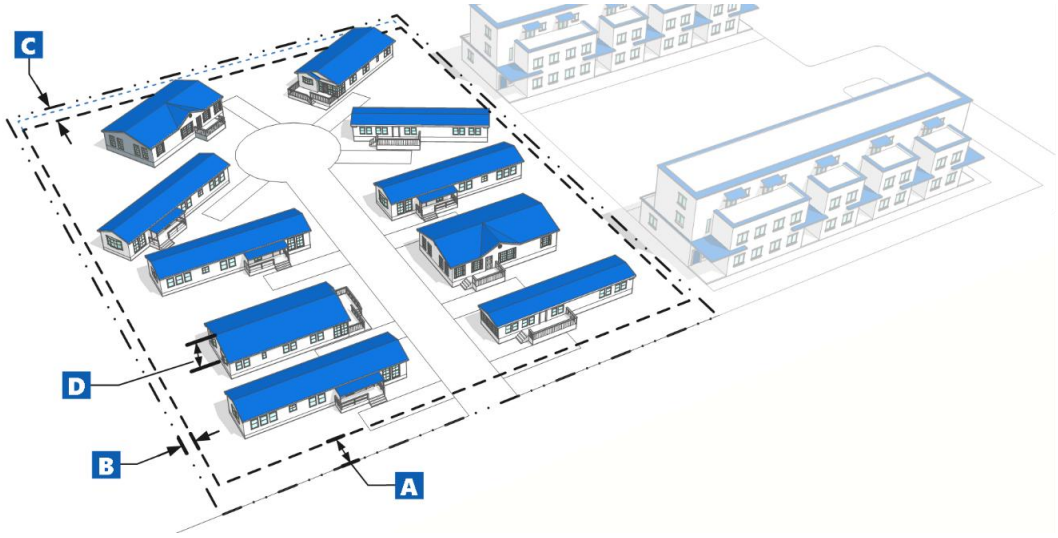
[4] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

[5] Rear setback is 10 feet for all buildings in new subdivisions with alleys (to better accommodate utilities and parallel parking). Five feet rear setbacks may be allowed for both primary or accessory structures subject to demonstration and approval of adequate utility services. If a lot backs up to another lot, then the rear setback should be the same as the front setback.

(d) Manufactured/Mobile Home Park (MMP)

(1) Purpose

The Manufactured/Mobile Home Park (MMP) district is intended to provide for manufactured/mobile home parks. Complementary land uses include community, educational, and accessory uses.



(2) Dimensional Standards

Lots	Detached	Accessory
Lot size, min. (sf)	½ acre (site size)	NA
Lot frontage, min. (ft)	NA	NA
Residential density, max. (sf/primary unit)	NA	NA
Residential density, min. (sf/primary unit)	NA	NA
Structure coverage, max.	50%	50%
Uncovered parking/access area, max.	30%	NA
Landscape area, min.	20%	NA
Setbacks, min. (ft)		
A Front	15	15
B Side	5	3/5 [3]
C Rear [2]	10	10
Height, max. (ft)		
D Building height [1]	28/35	25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] Building height measured per §16-2-30(d).

[2] Rear setback is 10 feet for all buildings in new subdivisions with alleys (to better accommodate utilities and parallel parking). Five feet rear setbacks may be allowed for both primary or accessory structures subject to demonstration and approval of adequate utility services. If a lot backs up to another lot, then the rear setback should be the same as the front setback.

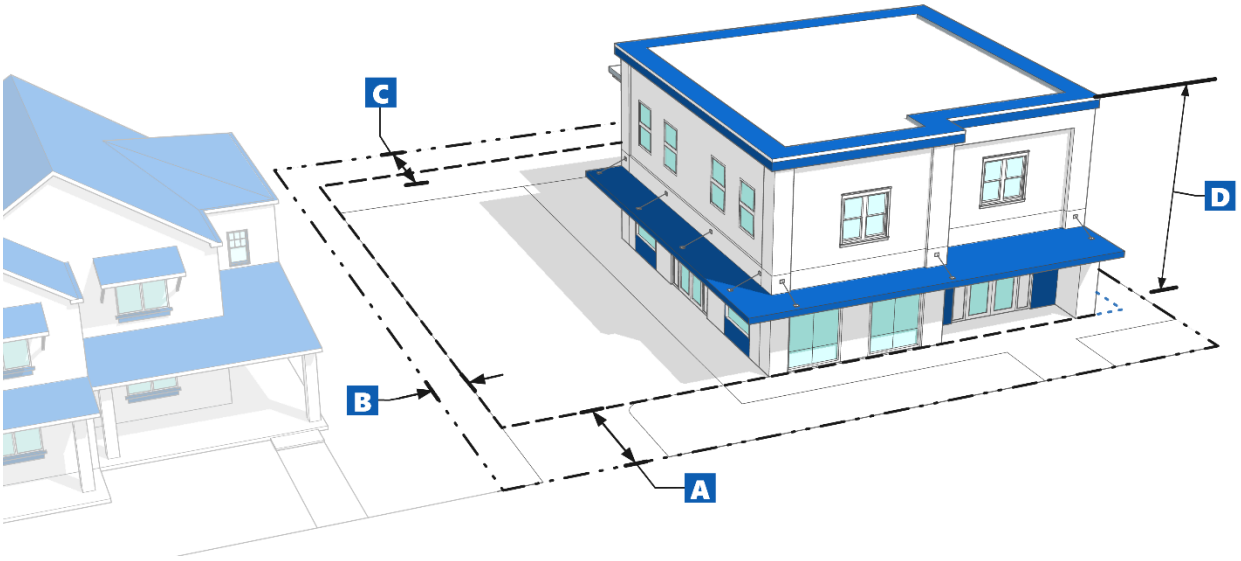
[3] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

16-2-50 Mixed-Use Districts

(a) Mixed-Use Neighborhood (MN)

(1) Purpose

The Mixed-Use Neighborhood (MN) district is intended to provide for a variety of housing choices and integration of complementary residential and commercial uses in a walkable neighborhood.



(2) Dimensional Standards

Lots	Detached	Attached	Accessory
Lot size, min. (sf)	5625 4500 [1]	2750 2250 [1]	NA
Lot frontage, min. (ft)	37.5 30 [1]	20	NA
Residential density, max. (sf/primary unit)	2750 2250 [1]		NA
Residential density, min. (sf/primary unit)	11,250 [5]		NA
Structure coverage, max.	70% [2]		70%
Uncovered parking/access area, max.	30% [2]		NA
Landscape area, min.	20%		NA
Setbacks, min. (ft)			
A Front	10		10
B Side	5		3/5 [6]
C Rear	5		5
Height, max. (ft)			
D Building height [4]	28/35		25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[2] Maximum combined coverage of structures and uncovered parking is 80%.

[4] Building height measured per §16-2-30(d).

[5] For mixed-use development: Ground-floor commercial square footage shall be subtracted from lot size for purposes of determining minimum residential density compliance. Residential minimum density only applies where residential units are proposed.

[6] All ADUs shall be set back a minimum of 5 feet from the property line. All other accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher).

(3) District-Specific Standards

a. Generally

These general MN district standards apply in addition to the other applicable standards of this Code:

1. All mixed-use and nonresidential structures shall use two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.
2. For mixed-use or nonresidential structures, glazing shall comprise a minimum of 20 percent of any building facade adjacent to a public right-of-way unless the building containing the primary use is completely screened from view from the right-of-way.

b. First Street Standards

On lots fronting 1st Street, between O Street and Wood Avenue, new structures shall be designed so that the primary building façade setback is within five feet, forward or back, from the existing location of front façades of adjacent buildings, notwithstanding the minimum setback required by 16-2-20, *Summary of Dimensional Standards*.

c. Historic Blocks

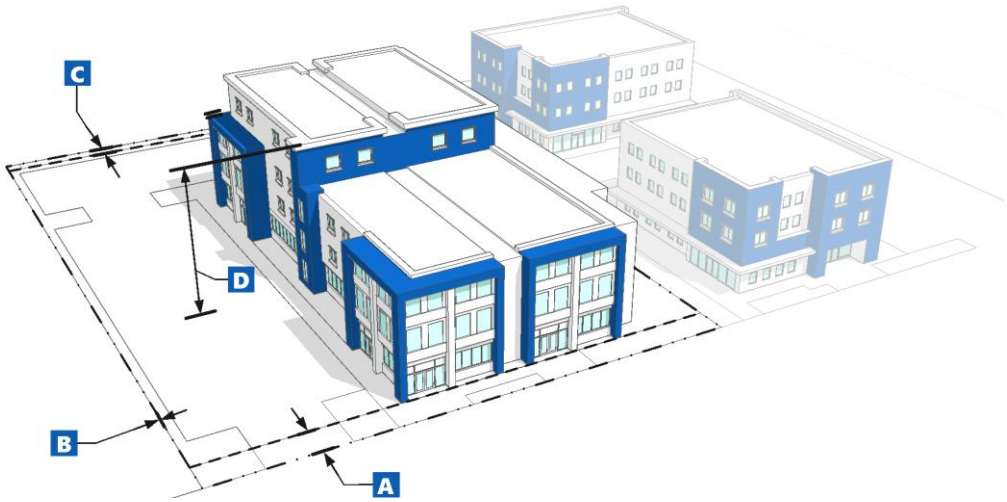
The following additional standards apply to blocks between 3rd and 4th, and from D to H streets. In case of conflict with the general standards in paragraph a. above, the following standards shall apply:

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. **Facade 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.
7. **Materials**
   The principal materials used on building facades shall be indigenous to the Salida downtown, including brick or wood. Two 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 25 percent of the surface area of exterior materials excluding roofs. The facades of buildings shall be articulated with architectural treatments; long blank walls shall be avoided.
8. **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.

(b) Mixed-Use Highway Center (MC)

(1) Purpose

The Mixed-Use Highway Center (MC) district is intended to accommodate a mixture of residential, commercial, office, and other non-residential uses at key nodes in Salida. The MC District provides for a variety of housing choices and integration of complementary neighborhood services with an emphasis on walkable and active streetscapes.



(2) Dimensional Standards

Lots	Detached	Attached	Accessory
Lot size, min. (sf)	NA		NA
Lot frontage, min. (ft)	NA		NA
Residential density, max. (sf/primary unit)	NA		NA
Residential density, min. (sf/primary unit)	3000 [6]		NA
Structure coverage, max. [5]	100% [1]		80%
Uncovered parking/access area, max.	40% [1]		NA
Landscape area, min.	NA		NA
Setbacks, min. (ft) [2] [5]			
A Front	10		10
B Side	5		5
C Rear	10		10
Height, max. (ft) [2]			
D Building height [3]	38 45 [4]		25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] Maximum combined coverage of structures and uncovered parking is 100%.

[2] See §16-4-90(f), *Residential Adjacency* Minimum required side interior setback is zero if the adjoining parcel is also within the MC district.

[3] Building height measured per §16-2-30(d).

[4] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[5] In the MC district, setbacks are measured from public rights-of-way.

[6] For mixed-use development: Ground-floor commercial square footage shall be subtracted from lot size for purposes of determining minimum residential density compliance. Residential minimum density only applies where residential units are proposed.

[5] These setbacks apply to perimeter of site from adjacent ROW and non-MC properties. No setbacks are required for pads/lots that are wholly internal to the site (e.g., Two Rivers Commons).

(3) District-Specific Standards

The following standards shall apply in the MC district:

a. Projects providing a minimum of 25 percent affordable housing, consistent with the requirements of Article 9, *Inclusionary Housing*, will be allowed a maximum height of 45 feet.

b. The coverage maximum standards only apply to internal pads/lots of the overall site (e.g., Two Rivers Commons). Setbacks still apply to perimeter of site from adjacent ROW and non-MC properties.

c. All structures shall use two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.

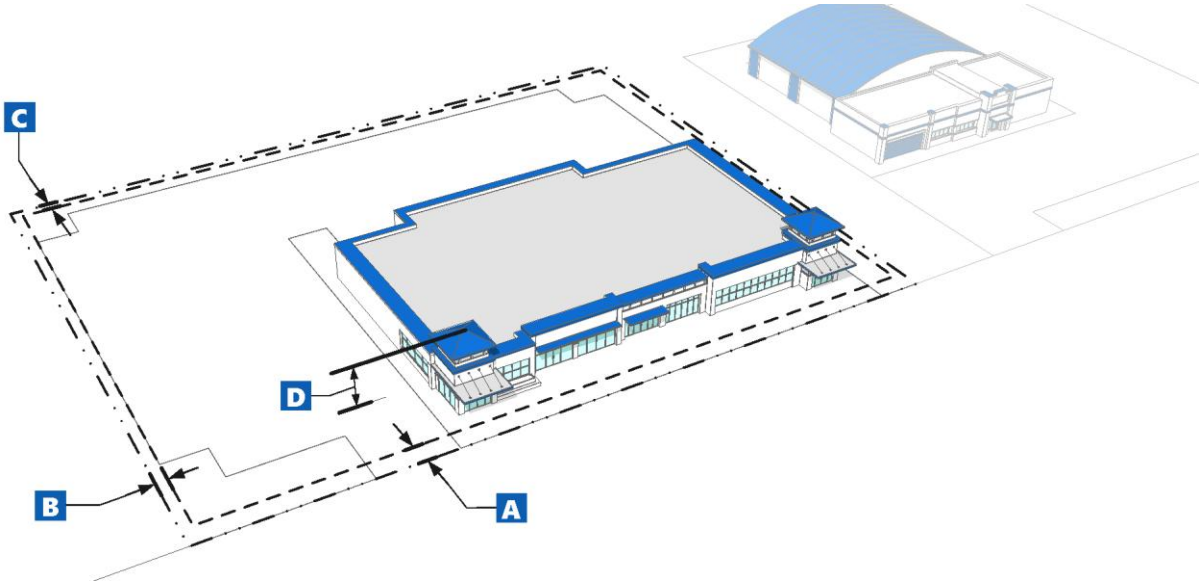
d. Blank façade walls greater than 50 feet in length shall be avoided and broken up using different materials and architectural elements.

e. Glazing shall comprise a minimum of 20 percent of any building facade adjacent to a public right-of-way unless the building containing the primary use is completely screened from view from the right-of-way.

(c) Mixed-Use Highway (MH)

(1) Purpose

The Mixed-Use Highway (MH) district is intended to accommodate a mix of general commercial and service uses as well as certain residential uses along Salida's Highway 50 corridor. Other light nonresidential uses may also be permitted. The intent of the MH district is to create attractive commercial and mixed-use development with safe access for all road users, sufficient parking area, and to buffer the impacts of these uses from surrounding residential areas.



(2) Dimensional Standards

Lots	Primary	Accessory
Lot size, min. (sf)	5625 4500 [1]	NA
Lot frontage, min. (ft)	37.5	NA
Residential density, max. (sf/primary unit)	2000 1500 [1]	NA
Residential density, min. (sf/primary unit)	8000 [6]	NA
Structure coverage, max. [2]	60%	60%
Uncovered parking/access area, max. [2]	60%	NA
Landscape area, min.	10%	NA
Setbacks, min. (ft) [3]		
A Front	10	10
B Side	5	5 [4]
C Rear	10	10
Height, max. (ft) [3]		
D Building height [4]	35 45 [1]	25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.
[2] Maximum combined coverage of structures and uncovered parking is 90%.
[3] See §16-4-90(f), *Residential Adjacency*.
[4] Building height measured per §16-2-30(d).
[6] For mixed-use development: Ground-floor commercial square footage shall be subtracted from lot size for purposes of determining minimum residential density compliance. Residential minimum density only applies where residential units are proposed.

(3) District-Specific Standards

The following standards shall apply in the MH district:

a. All structures shall use two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of all exterior materials excluding roofs but including glazing.

b. Blank façade walls greater than 50 feet in length shall be avoided and broken up using different materials and architectural elements.

c. Glazing shall comprise a minimum of 20 percent of any building facade adjacent to a public right-of-way unless the building containing the primary use is completely screened from view from the right-of-way.

d. Projects providing a minimum of 25 percent affordable housing, consistent with the requirements of Article 9, *Inclusionary Housing*, will be allowed a maximum height of 45 feet in the MH zone district; however, any part of the building(s) over 35 feet that are not specifically excepted from the height must be a minimum of 75 feet from the front lot line.

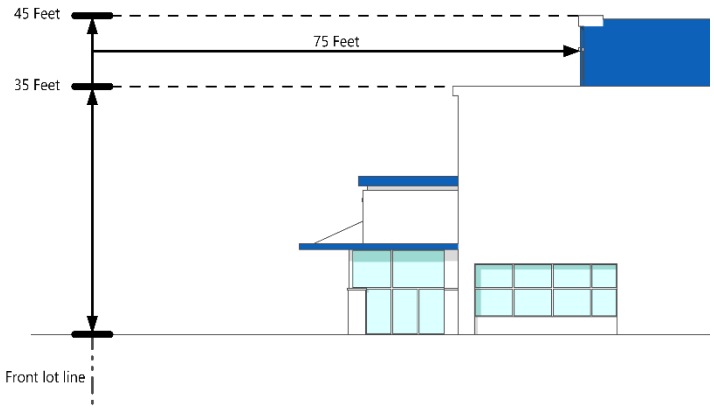
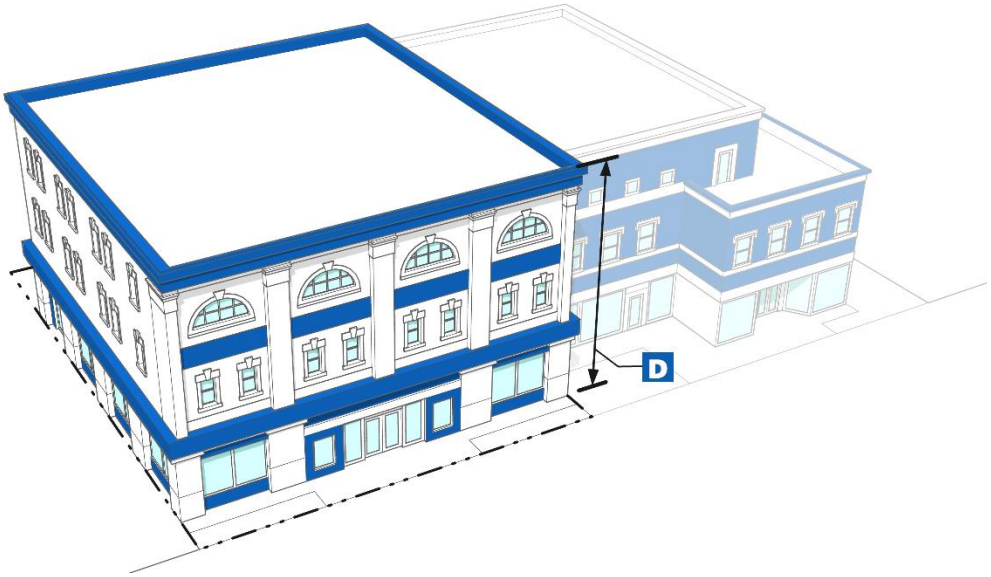


Figure 2-4: 75-foot Stepback for Projects that Receive 45-foot Bonus

(e) Mixed-Use Downtown (MD)

(1) Purpose

The Mixed-Use Downtown (MD) district is intended to provide for the business and civic functions that make up the City's core and encourage a mix of commercial, office, and residential uses in a walkable and active downtown. Structures typically follow historic architectural styles with higher ceilings and ornamentation that increase building height. The MD District includes the most prominent areas of Salida and therefore places an emphasis on high-quality building, site, and streetscape design.



(2) Dimensional Standards

Lots	Primary	Accessory
Lot size, min. (sf)	NA	NA
Lot frontage, min. (ft)	NA	NA
Residential density, max. (sf/primary unit)	NA	NA
Residential density, min. (sf/primary unit)	3000 [5]	NA
Structure coverage, max.	100%	100%
Uncovered parking/access area, max.	90% [1]	NA
Landscape area, min.	0% [1]	NA
Setbacks, min. (ft)		
A Front	NA	NA
B Side	NA	NA
C Rear	NA	NA
Height, max. (ft)		
D Building height [2] [3]	35/38 45	25

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Notes

[1] A minimum of 10 percent landscape area is required if lot used solely for parking or primary structure is set back more than 0 feet from front or side setback.

[2] Building height measured per §16-2-30(d). Max. building height is 38 feet within SDHD Overlay.

[3] The second referenced number is an incentive available for inclusionary housing projects meeting the requirements of §16-9-50.

[5] For mixed-use development: Ground-floor commercial square footage shall be subtracted from lot size for purposes of determining minimum residential density compliance. Residential minimum density only applies where residential units are proposed.

(3) District-Specific Standards

To reflect historic settlement patterns, support the economic vitality of Downtown Salida, and encourage the development of structures that enhance the historic character of the MD district, the following standards shall apply to any construction in the MD district outside of the SDHD overlay district. There are additional requirements in the Salida Downtown Historic District Overlay.

a. Front Setbacks

New structures shall be designed so that the primary building façade aligns with the façades of adjacent buildings. If the majority of structures on a block are at zero front setback, then any new structures shall be at zero front setback, with exceptions being allowed by approval of the Director.

b. Building Form

Any construction shall be similar in form to existing development on the block that reflects traditional building form.

c. Architectural Style and Historic Detail

1. Alterations and remodels shall preserve existing historical details.

2. Structures shall use similar architectural details to existing development in the district to contribute to the sense of character of the street. However, to enhance the distinction between old and new buildings, contemporary interpretations of traditional details are encouraged.

3. New structures shall use similar architectural features to existing development on the block, including but not limited to:

a) Articulated front façades, and side façade of a corner lot, with architectural treatments (no long, blank walls).

b) Roof form;

c) Window proportions and placement (vertical emphasis is encouraged);

d. Building Materials

Structures shall use similar materials to existing development on the block, including but not limited to:

1. Primary use of brick or wood on building facades; and

2. Two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.

e. Standards for Area of Central Business Economic Activity

Except for areas in the MD district between 3rd and 4th Street, and east of E Street:

1. Limitation on Ground-Floor Uses

a) The ground-floor street frontage of buildings shall not be used for residential uses as defined by 16-10-20, *Definitions of Use Categories and Use Types,* and no more than 50 percent of the remaining area of the ground floor occupancy may be used for residential uses. The applicant may request conditional use approval to allow more than 50 percent of ground floor occupancy if the Director determines that the limitation on residential uses will create a significant economic hardship and subject property cannot be put to any other reasonably beneficial use.

b) If the limitation on residential uses will create a significant economic hardship, an owner may apply for and receive conditional use approval if the following additional review standard is met: The amount of ground-floor residential uses may be increased above 50 percent if the approving authority makes the finding that the subject property cannot be put to any other reasonably beneficial use.

2. Fee-in-lieu for Parking

a) With approval of the Director, a fee-in-lieu of providing required on-site parking for all development within the MD district may be paid by the applicant in an amount established and periodically amended by the City's fee schedule as the Business Occupier Fee.

b) Fees accepted by the City in lieu of required parking shall be designated for the purposes of providing additional public parking in and around Downtown Salida or for the enforcement of parking regulations.

c) Any off-street parking satisfied through this section shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.

d) The number of parking spaces required and used to calculate the fee in-lieu shall be determined according to the provisions of this §16-4-70 and any other applicable provisions of this Code.

e) A change of ownership or the dividing or merging of properties shall not affect an obligation for parking fees in-lieu or a determination that parking requirements have been met according to fees paid for a particular use.

f. Maximum Height with Inclusionary Housing

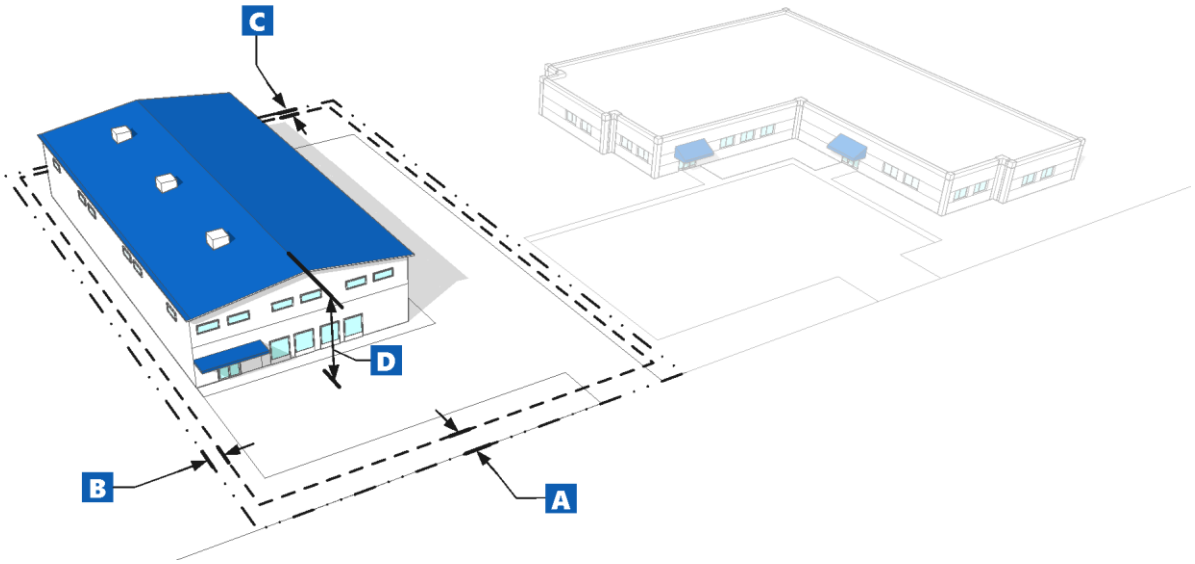
Projects providing a minimum of 25 percent affordable housing, consistent with the requirements of Article 9, *Inclusionary Housing*, will be allowed a maximum height of 45 feet in the MD zone district but only in areas outside of the SDHD and west of F Street.

16-2-60 Other Districts

(a) Industrial (IN)

(1) Purpose

The Industrial (IN) district is intended to provide for industrial, manufacturing, and other nonresidential activity, both general and light, in areas where conflicts with commercial, residential, and other land uses can be minimized.



(2) Dimensional Standards

Lots	Primary	Accessory
Lot size, min. (sf)	5625	NA
Lot frontage, min. (ft)	37.5	NA
Residential density, max. (sf/primary unit)	2750	NA
Residential density, min. (sf/primary unit)	NA	NA
Structure coverage, max.[2]	60%	60%
Uncovered parking/access area, max. [2]	40%	NA
Landscape area, min.	10%	NA
Setbacks, min. (ft) [1]		
A Front	15	15
B Side	10	10
C Rear	10	10
Height, max. (ft		
D Building height	45	45

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

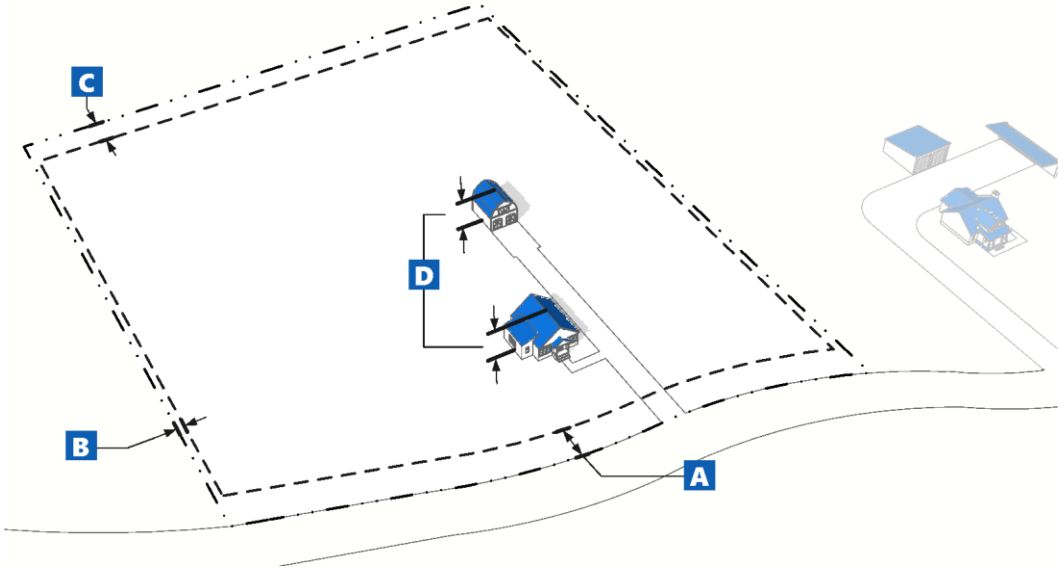
Note

[1] See §16-4-90(f), *Residential Adjacency*.
[2] The maximum combined coverage from structures and uncovered parking shall not exceed 75% in R-3 district, 80% in the MN district, and 90% in MC, MNH, and IN districts

(b) Agriculture (AG)

(1) Purpose

The Agriculture (AG) district is intended to preserve the continuation of historic agricultural uses and very low-density single-family residential development in certain locations while allowing for limited agricultural and civic uses, including protection of sensitive environmental resources. The district may also be used to allow annexation of new land into the City prior to establishing detailed development plans, or to serve as a transition between surrounding agricultural or public lands and more urbanized areas within the City.



(2) Dimensional Standards

Lots	Primary	Accessory
Lot size, min. (acres)	5	NA
Lot frontage, min. (ft)	NA	NA
Density, max. (acres/primary unit)	5	NA
Density, min. (acres/primary unit)	NA	NA
Uncovered parking/access area, max.	15%	15%
Hardscape area, max.	10%	NA
Landscape area, min.	0%	NA
Setbacks, min. (ft)		
A Front	25	25
B Side	5	5
C Rear	25	25
Height, max. (ft)		
D Building height	35	35

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

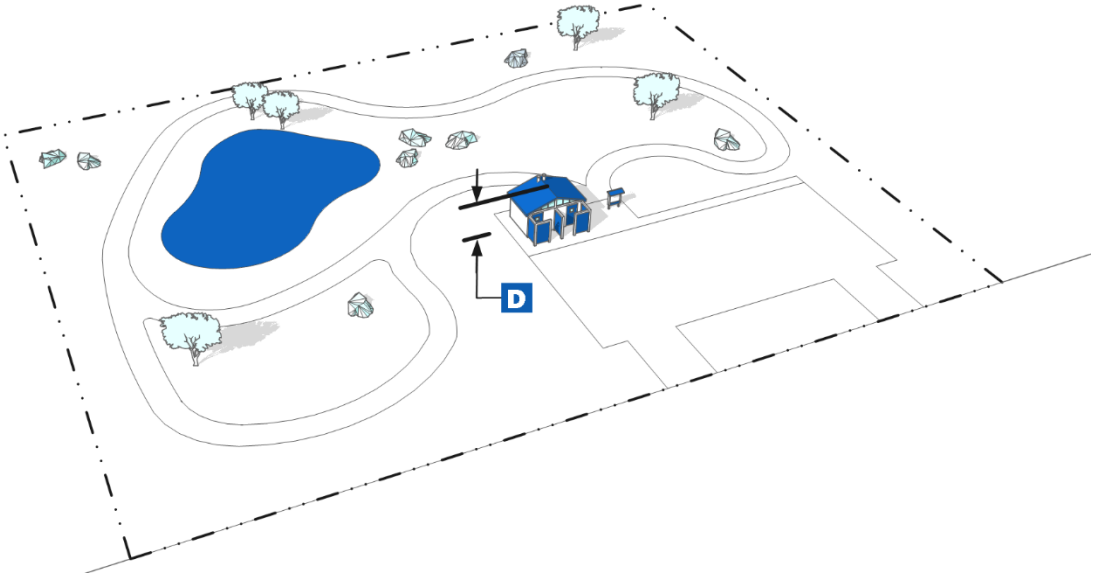
Note

Siting Requirements for New Construction:
In order to facilitate potential future redevelopment and future trail and transportation corridors, the siting of new construction shall generally not be further than 50 feet from a property line and is subject to minor site plan review.

(c) Parks and Open Space (OS)

(1) Purpose

The Parks and Open Space (OS) district is intended to accommodate and preserve adequate lands for recreational use, open space, or landscape preservation. The district allows for the protection of public and quasi-public lands, along with compatible incidental and accessory uses, from being used for purposes other than parks or open space. The district may also be used for lands designated "Undeveloped Reserve" in the Future Land Use Map prior to conducting additional planning or establishing detailed development plans.



(2) Dimensional Standards

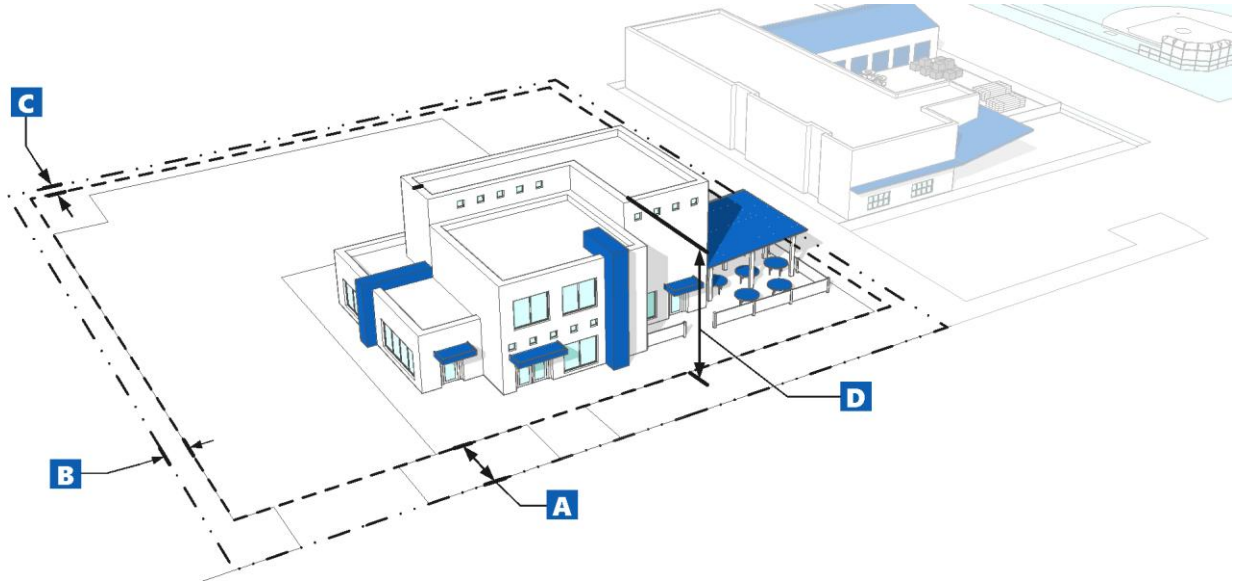
Lots	Primary	Accessory
Lot size, min. (acres)	NA	NA
Lot frontage, min. (ft)	NA	NA
Density, max. (acres/primary unit)	NA	NA
Density, min. (acres/primary unit)	NA	NA
Structure coverage, max.	NA	NA
Uncovered parking/access area, max.	NA	NA
Landscape area, min.	NA	NA
Setbacks, min. (ft)		
A Front	15	15
B Side	5	5
C Rear	5	5
Height, max. (ft)		
D Building height	45	45

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

(d) Community Facilities (CF)

(1) Purpose

The Community Facilities (CF) district is intended to accommodate public and quasi-public uses and activities related to community services or activities such as community centers, libraries, public safety facilities, multi-family residential, hospitals, utilities, and municipal operations.



(2) Dimensional Standards

Lots	Primary	Accessory
Lot size, min. (sf)	NA	NA
Lot frontage, min. (ft)	NA	NA
Density, max. (sf/primary unit)	NA	NA
Density, min. (sf/primary unit)	NA	NA
Structure coverage, max.	60%	60%
Uncovered parking/access area, max.	90%	NA
Landscape area, min.	10%	NA
Setbacks, min. (ft)		
A Front	15	15
B Side [1]	5	5
C Rear [1]	5	5
Height, max. (ft)		
D Building height [1] [2]	54	54

Other Standards	
Overlay Districts	§16-2-70
Measurements/Exceptions	§16-2-30
Use Regulations	Article 16-3
Development Standards	Article 16-4

Note

[1] The required side and rear setback shall be increased by one-foot for each foot in height above 45 feet.

[2] Maximum height applies to institutional uses only.

16-2-70 Overlay Districts

(a) Purpose and Applicability

(1) To ensure the quality of development within overlay districts, this section establishes design criteria and standards that will allow the City to review and direct the development and redevelopment of properties within the overlay districts.

(2) The provisions of this article shall be applied in addition to any other applicable regulations of this Code.

(b) Overlay Districts Established

Table 2-E lists the overlay districts established by the City. Overlay districts are established by the City's adoption of the Official Zoning Map pursuant to §16-2-10(b), *Official Zoning Map*.

Table 2-E: Overlay Districts Established

Overlay Districts	Section
Salida Downtown Historic District (SDHD) Overlay	§16-2-70(c)
Local Historic Landmark (LHLO) Overlay	§16-2-70(d)
Sackett's Addition (SA) Overlay	§16-2-70(e)
Planned Development (PD) Overlay	§16-2-70(f)

(c) Salida Downtown Historic District (SDHD) Overlay

(1) Purpose
The Salida Downtown Historic District (SDHD) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating the buildings, sites, structures, and character of Salida's original historic downtown area.

(2) Applicability
The standards for the SDHD Overlay (16-7-20) shall apply to all development on parcels or lots located within the boundaries of the SDHD, as established and identified by the National Park Service of the U.S. Department of the Interior. All areas within the SDHD Overlay shall remain subject to the City's zoning, subdivision, and building regulations, in addition to the regulations contained within this Code.

(3) Standards
See §16-7-60, *Certificates of Approval*.

(d) Local Historic Landmark (LHLO) Overlay

(1) Purpose
The Local Historic Landmark (LHLO) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating individual historic buildings, sites, and structures that exemplify the history of Salida.

(2) Applicability
The standards for the LHLO Overlay (16-7-30) shall apply to all development on parcels or lots that are designated as local historic landmarks. All areas within the LHLO Overlay shall remain subject to the City's zoning, subdivision, and building regulations, in addition to the regulations contained within Article 16-7, *Historic Preservation*.

(3) Standards
See 16-7-60, *Certificates of Approval*.

(e) Sackett's Addition (SA) Overlay

(1) Purpose

The purpose of the Sackett's Addition (SA) Overlay is to protect and preserve the character of the historic neighborhood by ensuring that future development, including the alteration of existing structures, be designed to be compatible with existing structures and neighborhood character.

(2) Applicability

a. The standards of the SA Overlay shall apply to all development on parcels within the boundaries of the SA Overlay, as shown on the Official Zoning Map.

b. This section establishes the standards and criteria to be used in review of development applications proposed within the SA Overlay.

c. The standards of this section shall be in addition to those of the underlying zoning district and other applicable standards of this Code.

d. This section shall not be interpreted to require changes or renovation to existing properties or structures when no development applications are required to be submitted.

(3) Standards

Development in the SA Overlay shall meet the following standards:

a. Building Setbacks

1. The minimum front setback for new primary structures shall be the same as other primary structures on the same side of the block. If the front setbacks of other primary structures on the same side of the block are variable, the minimum front setback of the new structure must be within the established range of those seen on the same side of the block.

2. Additions to existing primary structures shall be setback equal to or greater than the primary façade of the existing structure.

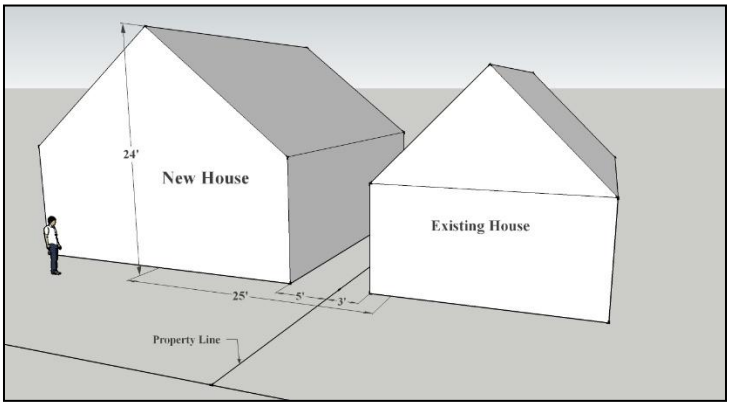
3. The minimum side setback for new primary structures, or additions to existing primary structures, shall be five feet unless a greater setback is required per Table 2-F, below.

Table 2-F: Sackett's Addition Overlay Setback Standards

Structure Height	Setback from Roof Apex to Widest Point of Neighboring House Foundation [1]
15 ft. or less	10 ft.
>15 to 21 ft.	16 ft.
>21 to 23 ft.	21 ft.
>23 to 26 ft.	25 ft.

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

4. 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.
5. Dormers projecting towards the side setbacks may not displace more than 50 percent of the roof area from which they project.



6. Attached residential units on separate parcels are not subject to the height/setback relationship along the shared lot line between the two 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 26 feet, whichever is less.

b. Mass and Scale

New primary structures, and additions to existing primary structures, shall appear from the street to be similar in mass and scale to other single-family primary structures on the same side of the block.

1. Height

The maximum height for a new primary structure or addition is 26 feet. However, if an existing primary structure taller than 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.

2. Mass

Size of primary structures is limited as shown in Table 2-G. If more than one 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 2-G: Sackett's Addition Overlay Mass and Scale Standards

Lot Size	Primary Structure Size
1,200 to 3,749 sf [1]	Lot Area x 0.4
3,750 to 7,499 sf	1,500 + (.106667) x (Lot Area - 3,750)
7,500 to 11,249 sf	1,900 + (.106667) x (Lot Area - 7,500)
11,250 to 15,000 sf [2]	2,300 + (.106667) x (Lot Area - 11,250)

[1] No lot shall be allowed less than 1,200 square feet.
[2] No lot shall be allowed more than 15,000 square feet.

c. Accessory Structures

1. New accessory structures shall be subordinate in terms of mass, scale, and height to the primary structure.
2. New accessory structures shall be no more than 1 ½ stories.
3. Garages must be detached from the primary structure.
4. Where there is alley access, garages must be accessed from the alley.

d. Alternative Compliance

1. Alternatives to 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.

2. In reviewing an application for an alternative, 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.

3. If the restoration of an existing primary façade of an older structure is proposed to be restored to its original, historic appearance and the restoration will conflict with the minimum front setback standard, the Director may determine that an alternative compliance request will not be required.

4. Applications for alternative compliance shall follow the procedures for major site plan review (§16-8-50(b)). However, if a variance is requested from other provisions of this Code, that application shall follow the procedures for a variance (§16-8-70(b)).

(4) Design Recommendations

a. In addition to the development standards set forth this section, the City strongly encourages compliance with the Sackett's Addition Design Recommendations, a copy of which is available for inspection at City Hall.

b. The Sackett's Addition Design Recommendations ensure that new development or the alteration of existing structures will enhance the existing character and historic nature of the Sackett's Addition neighborhood.

(f) Planned Development (PD) Overlay

(1) Purpose

The Planned Development (PD) overlay district is intended to achieve the following purposes:

a. To implement the Salida Comprehensive Plan and other plans for particular areas or topics.

b. To allow for greater flexibility and variety in the development of land than would otherwise be achieved through a base zoning district to improve the compatibility and quality of land uses; promote the more efficient use of land, infrastructure, and public services; and preserve open space and natural and scenic areas.

c. To facilitate more innovative site planning and design concepts with a higher level of amenities and public benefits than is otherwise possible through a base zoning district.

(2) Establishment

a. A PD district shall be established as an overlay district pursuant to the procedures in §16-8-40(b), *Rezoning to Planned Development Overlay*. Development in a PD District shall be subject to the standards of an approved PD plan.

b. This district is only available to properties that are a minimum of two acres.

c. There are several existing PDs that were established prior to the effective date of this Code and function as base districts, not overlay districts. The specific dimensional standards for those developments can be found within their respective approved Planned Development development plans.

Article 16-3 Use Regulations

16-3-10 Purpose and Organization

(a) Purpose

This article identifies the land uses allowed in Salida's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

(b) Organization

(1) §16-3-20 lists land uses allowed by district and provides cross-references to applicable use-specific standards.

(2) §16-3-30 establishes use-specific standards applicable to specific land uses.

(3) §16-3-30(f) establishes standards applicable to accessory uses and structures.

(4) §16-3-30(g) establishes standards applicable to temporary uses and structures.

16-3-20 Table of Allowed Uses

(a) Explanation of Table 3A Abbreviations

(1) Uses Permitted by Right
"P" in a cell indicates that the use is permitted in the respective zoning district per §16-8-50(a)(2). These uses may require building permits and other approvals and are subject to all other applicable regulations of the Code, including any listed use-specific standards. Confirm requirements with the Planning Department.

(2) Uses Requiring a Minor Site Plan Approval
"P*" in a cell indicates that the use is only permitted in the respective zoning district with approval of a Minor Site Plan per §16-8-50(a).

(3) Uses Requiring a Major Site Plan Approval
"M" in a cell indicates that the use is only permitted in the respective zoning district with approval of a Major Site Plan per §16-8-50(b).

(4) Uses Requiring a Conditional Use Permit Approval
"C" in a cell indicates that the use is only permitted in the respective zoning district with approval of a Conditional Use Permit per §16-8-50(c).

(5) Prohibited Uses
"N" in a cell indicates that the use is prohibited in the respective zoning district.

(6) Use-Specific Standards
Regardless of how a use is permitted, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 3-A. All uses, whether or not subject to use-specific standards, may require building permits and other approvals and are subject to all dimensional, development, and other applicable regulations of the Code.

(b) Table Organization

In Table 3-A, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the volume of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category. Certain uses

may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

(c) Use for Other Purposes Prohibited

Approval of a use listed in Table 3-A, and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in Table 3-A. All other uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in §16-3-20(d), below.

(d) Classification of New and Unlisted Uses

The following procedure shall apply if an application is submitted for a use type that is not specifically listed in Table 3-A. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

(1) Director Determination of Appropriate Use Type
The Director shall determine the appropriate use type for the proposed use. In making such determination, the Director shall consider similarities to uses that are specifically listed and the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

(2) Uses and Use-Specific Standards Requiring a Code Text Amendment
In making a determination on a new or unlisted use, the Director may determine that such new or unlisted use requires a text amendment of this Code. The Director may also determine that Code text amendments for additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community. Code text amendments shall follow the procedures in §16-8-40(c), *Code Text Amendment*.

(3) Appeal of Director's Determination
An appeal of the Director's determination shall be made pursuant to the procedures in §16-8-70(c), *Appeals*.

(e) Table of Allowed Uses

Table 3-A: Table of Allowed Uses									P = Permitted P* = Minor Site Plan Approval M = Major Site Plan Approval C = Conditional Use Permit Approval N = Not Permitted				
	RESIDENTIAL				MIXED-USE				OTHER				Use-Specific Standards
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Residential Uses													
Household Living													
Dwelling, Single-Family (Detached)	P	P	P	N	P	N	P*	N	N	P*	N	N	16-3-30(b)(1)
Dwelling, Single-Family (Multiple Principal)	P*	P*	P*	N	P*	N	P*	N	N	N	N	N	16-3-30(b)(2)
Dwelling, Duplex	P	P	P	N	P	M	P*	M	N	N	N	N	
Dwelling, Townhouse	P	P	P	N	P	M	M	M	N	N	N	N	16-3-30(b)(3)
Dwelling, Multi-Family (3-4 units)	N	P	P	N	P	M	P*	P*	N	N	N	P*	
Dwelling, Multi-Family (5-19 units)	N	P*	P*	N	P*	P*	P*	P*	N	N	N	P*	
Dwelling, Multi-Family (20+ units)	N	M	P*	N	M	P*	M	P*	N	N	N	M	
Dwelling, Co-Housing/ Cottage Housing	N	P*	P*	N	P*	N	N	M	N	N	N	N	16-3-30(b)(4)
Dwelling, Live/Work	N	N	N	N	P*	M	P*	M	M	N	N	N	16-3-30(b)(5)
Manufactured/Mobile Home (HUD)	N	N	P*	P	N	N	N	N	M	P*	N	M	16-3-30(b)(6)
Manufactured/Mobile Home Park (HUD)	N	N	N	P*	N	N	N	M	N	N	N	N	16-3-30(b)(7)
Recreational Vehicle (Long-Term Occupancy)	P*	P*	P*	P	P*	N	N	P*	P*	P*	N	N	16-3-30(b)(10)
Tiny House	N	P	P*	P	P	N	N	N	N	P	N	N	

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Group Living													
Continuing Care Retirement Facility	M	M	M	N	M	M	M	M	N	N	N	M	
Group Home, Large	N	P*	P*	N	P*	P*	P*	P*	N	N	N	P*	16-3-30(b)(8)
Group Home, Small	P	P	P	P	P	M	P*	M	M	P*	N	P*	16-3-30(b)(9)
Dormitory	N	N	N	N	N	N	N	N	N	N	N	M	
Public, Institutional, and Civic Uses													
Community and Cultural													
Civic or Community Building	C	C	C	C	P	P	P	P	P	N	P	P	
Club or Fraternal Organization	C	C	C	C	P	P	P	P	N	N	N	N	
Day Care, Adult	C	C	C	N	P	P	P	P	N	N	N	N	16-3-30(c)(1)
Day Care Center	C	C	C	N	P*	P*	P*	P*	N	N	N	N	16-3-30(c)(1)
Day Care Home	P	P	P	P	P	P	P	P	N	N	N	N	16-3-30(c)(2)
Hospital	N	N	N	N	N	M	N	M	N	N	N	M	
Public Recreation, Outdoor	P	P	P	P	P	P	P	P	P	P*	P	P	
Public Recreation, Indoor	P	P	P	P	P	P	P	P	P	P*	P	P	
Religious Assembly	P	P	P	N	P	P	P	P	P	N	N	N	
School	M	M	M	N	P*	P*	P*	P*	N	N	N	P*	

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Transportation													
Parking Facility	N	N	N	N	P	P	M	P	P	N	M	P	
Transit Stop	P	P	P	P	P	P	P	P	P	P	P	P	
Transit Terminal or Station	N	N	N	N	P*	P	P*	P	M	N	M	P	
Commercial Uses													
Agriculture and Animal-Related Services													
Commercial Farming and Plant or Animal Husbandry	N	N	N	N	N	N	N	M	M	P	N	N	
Garden Center, Greenhouse, or Nursery	M	M	M	N	P	P*	P*	P	P*	P*	N	N	
Kennel	N	N	N	N	C	N	N	C	C	C	N	N	16-3-30(d)(1)
Veterinary Clinic or Hospital	N	N	N	N	P*	C	N	P	P*	P*	N	N	16-3-30(d)(2)
Business and Professional Services													
Office	N	N	N	N	P	P	P	P	N	N	N	P	
Food and Beverage													
Bar, Lounge, or Tavern	N	N	N	N	P	P	P	P	N	N	C	C	
Microbrewery, Distillery, or Winery	N	N	N	N	P	P	P	P	N	C	N	N	
Restaurant	N	N	N	N	P	P	P	P	N	N	C	C	

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Lodging													
Bed and Breakfast	P*	P*	P*	N	P*	C	P*	P*	N	P*	N	N	16-3-30(d)(3)
Hotel or Motel	N	N	N	N	P	P	P	P	N	N	N	N	
Short-Term Rental	P*	P*	P*	N	P*	P*	P*	P*	N	P*	N	N	16-3-30(d)(4)
Marijuana													
Medical Marijuana Store	N	N	N	N	C	C	C	P*	N	N	N	N	16-3-30(d)(5)
Retail Marijuana Store	N	N	N	N	C	C	C	P*	N	N	N	N	16-3-30(d)(6)
Personal Services													
General Personal Service, Small	C	C	C	N	P	P	P	P	N	N	N	N	
General Personal Service, Large	N	N	N	N	P*	P	P	P	N	N	N	N	
Natural Medicine Healing Center	N	N	N	N	P	P	P	P	P	N	N	N	16-3-30(d)(12)
Self-Service Laundromat	N	N	N	N	P	P	P	P	N	N	N	N	
Recreation and Entertainment													
Adult Entertainment	N	N	N	N	N	N	N	C	N	N	N	N	16-3-30(d)(7)
Adult Bookstore/Novelty	N	N	N	N	P*	P*	P*	P*	N	N	N	N	16-3-30(d)(8)
Campground	N	N	N	N	N	N	N	C	N	C	C	C	16-3-30(d)(9)
Commercial Recreation, Outdoor	N	N	N	N	C	N	N	P	C	C	C	C	

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Commercial Recreation, Indoor (Large)	N	N	N	N	M	M	M	P*	C	C	C	C	
Commercial Recreation, Indoor (Small)	N	N	N	N	P	P	P	P	C	C	C	C	
Recreational Vehicle Park	N	N	N	M	N	N	N	M	N	N	N	N	16-3-30(d)(10) 16-3-30(b)(10)
Retail													
General Retail, Large	N	N	N	N	M	M	M	P*	N	N	N	N	16-3-30(d)(11)
General Retail, Small	N	N	N	N	P	P	P	P	N	N	N	N	16-3-30(d)(11)
Vehicles and Equipment													
Gasoline Service Stations and Car Wash	N	N	N	N	M	M	N	P*	N	N	N	N	
Manufactured Home and RV Sales and Service	N	N	N	N	N	N	N	P*	M	N	N	N	
Vehicle Sales and Service	N	N	N	N	P*	M	M	P*	M	N	N	N	
Industrial Uses													
Manufacturing and Processing													
Brewery or Bottling Plant	N	N	N	N	N	N	N	P*	P*	N	N	N	16-3-30(e)(1)
Commercial Laundry and Dry Cleaning	N	N	N	N	N	N	N	C	P*	N	N	N	
Natural Medicine Businesses other than Healing Centers	N	N	N	N	N	N	N	N	P	N	N	N	16-3-30(d)(12)
Manufacturing, Artisan	N	N	N	N	P*	P*	P*	P	P	C	N	N	16-3-30(e)(2)
Manufacturing, Heavy	N	N	N	N	N	N	N	M	M	N	N	N	

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Manufacturing, Light	N	N	N	N	M	M	M	P*	P	N	N	N	16-3-30(e)(3)
Marijuana													
Marijuana Cultivation	N	N	N	N	N	N	N	N	C	C	N	N	16-3-30(e)(5)
Marijuana Product Testing and Manufacturing	N	N	N	N	N	N	N	C	C	C	N	N	16-3-30(e)(6)
Storage and Warehousing													
Salvage Yard	N	N	N	N	N	N	N	M	P*	N	N	N	
Self-Storage or Mini-Warehouse	N	N	N	N	M	N	N	P*	P*	N	N	N	16-3-30(e)(7)
Storage of Hazardous Liquids and Gases	N	N	N	N	N	N	N	N	C	N	N	N	
Storage Yard	N	N	N	N	C	N	N	C	P	N	N	P	
Warehouse, Enclosed Storage, or Truck Terminal	N	N	N	N	C	N	N	M	P	N	N	N	
Wholesale	N	N	N	N	M	N	N	P*	P*	N	N	N	
Utilities													
Wireless Communications Facility, excluding Small Cell Facility	N	N	N	N	C	C	N	C	P*	C	P*	P*	16-3-30(e)(8)
Small Cell Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	16-3-30(e)(8)
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Minor	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Accessory Uses													

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	RESIDENTIAL				**MIXED-USE**				**OTHER**				**Use-Specific Standards**
Districts	**R1**	**R2**	**R3**	**MMP**	**MN**	**MC**	**MD**	**MH**	**IN**	**AG**	**OS**	**CF**	
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Dwelling Unit	P	P	P	N	P	P	P	P	N	P	N	N	16-3-30(f)(1)
Outdoor Storage, Accessory	N	N	N	N	P	P	P	P	P	P	P	P	16-3-30(f)(2)
Drive Through	N	N	N	N	C	N	N	P*	N	N	N	N	16-3-30(f)(3)
Home Occupation	P	P	P	P*	P	P	P	P	N	P	N	N	16-3-30(f)(4)
Outdoor Retail and Display	N	N	N	N	P	P	P	P	N	P	N	N	16-3-30(f)(5)
Sale of Produce and Plants Raised on Premises	P	P	P	P*	P	P	P*	P	N	P	P	P	16-3-30(f)(6)
Downtown Street Patio	N	N	N	N	N	N	C	N	N	N	N	N	16-3-30(f)(8)
Tiny Home	P	P	P	N	P	P	P	P	N	P	N	N	
Temporary Uses													
Construction Support Activity	P	P	P	P	P	P	P	P	P	P	P	P	16-3-30(g)(1)
Outdoor Vendor	N	N	N	N	P*	P*	P*	P*	P*	P*	P*	P*	16-3-30(g)(2)
Outdoor Vendors (multiple)	N	N	N	N	C	C	C	C	C	C	C	C	16-3-30(g)(3)

16-3-30 Use-Specific Standards

(a) General Applicability

(1) The use-specific standards listed in this section shall apply to those uses listed on the same line of the Table 3-A, regardless of their respective level of permission. All uses are defined in §16-10-20, *Definitions of Use Categories and Use Types*.

(2) These use-specific standards cannot be modified through the conditional use permitting process, but relief may be granted through the variance procedure established in §16-8-70(b).

(3) In case of a conflict between these use-specific standards and the standards in Article 16-4, *Development & Design Standards*, these use-specific standards shall apply unless otherwise noted.

(4) All uses, whether or not subject to use-specific standards, may require building permits and other approvals and are subject to all dimensional, development, and other applicable regulations of the Code.

(b) Residential Uses

(1) Dwelling, Single-Family (Detached)
In the MD District, a single-family dwelling is only allowed as part of a mixed-use building and shall meet all applicable requirements of this Code, including those of the Salida Downtown Historic District.

(2) Dwelling, Single-Family (Multiple Principal)

a. Design and Layout

1. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13.

2. All development shall meet minimum density requirements.

3. In the R1 district, no more than two principal dwellings are permitted per lot.

4. In the MD District, two single-family dwellings are only allowed as part of a mixed-use building and shall meet all applicable requirements of this Code.

b. Location and Access

1. Required parking shall be provided on the site.

2. Access shall be consolidated to reduce curb cuts and shall be provided through alleys where available.

(3) Dwelling, Townhouse
In the R1 district, no more than two principal dwellings are permitted per lot.

(4) Dwelling, Co-Housing/Cottage Housing

a. Design and Layout

1. The maximum size of each co-housing or cottage housing unit is 1,500 square feet of conditioned living space.

2. A shared open space containing a minimum of ten percent of the project area shall be provided.

3. Underlying zoning district lot size and setback requirements shall apply to the project site boundaries as a whole, but not to individual dwellings, unless dwellings are on individual lots.

4. Each detached dwelling unit shall be subject to Building Code separation requirements.

5. Each dwelling unit shall be on a permanent foundation and shall connect separately to public water and sanitary sewer, regardless if they are on individual lots or not.

6. One accessory storage structure less than 200 square feet may be permitted per unit. In addition, one accessory storage structure less than 600 square feet may be permitted as a shared

maintenance storage facility for the co-housing project. Said structure shall be enclosed on all sides and separated from other structures by a minimum of five feet.

b. Location and Access

1. Access drives within a co-housing or cottage housing development shall be constructed to City standards.

2. Parking and access drives shall be designed to limit curb cuts and most efficiently park vehicles.

c. Operation and Ownership

1. Co-housing/cottage housing projects may be organized as subdivisions, condominiums, cooperatives, or other forms allowed by state law.

2. New developments shall enter into a development agreement with the City requiring the condominium or other property owner's association to maintain all streets, utilities, and infrastructure that is not dedicated to and accepted by the City.

3. Co-housing/cottage housing dwelling units shall not be used as a short-term rental as defined by Article 16-10.

(5) Dwelling, Live/Work

a. Residential areas shall be located on upper floors above non-residential areas, or in the rear of the building behind non-residential areas (no more than 50 percent of the ground floor).

b. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

(6) Manufactured/Mobile Home

a. A single- or multi-unit manufactured or mobile home (built to HUD code standards, and not including modular or other homes built to IRC standards) outside of a manufactured home park shall comply with the standards of the underlying zone district, except as otherwise specified in this Code.

b. A manufactured or mobile home may be replaced if already existing in any zone district, as long as the replacement conforms to the dimensional standards for that zone.

(7) Manufactured/Mobile Home Park

a. Applicability

1. Any four or more manufactured/mobile homes (HUD code) on a single lot of record shall be considered a manufactured home park.

2. New manufactured/mobile home parks shall comply with the standards of the underlying zone district, except as otherwise specified in this Code.

3. Any existing manufactured/mobile home park that alters the adopted plan shall bring the entire plan into conformance with this Code.

b. Design and Layout

1. A manufactured/mobile home park shall not exceed the maximum allowable density of the respective zoning district.

2. All manufactured/mobile homes and accessory structures shall have a minimum setback of ten feet from the boundaries of the manufactured home park.

3. All manufactured/mobile homes shall have a minimum setback of ten feet from any other manufactured/mobile home. All accessory structures shall have a minimum setback of six feet from any other structure.

4. A shared open space containing a minimum of ten percent of the manufactured/mobile home park area shall be provided. The open space shall be improved and designed for recreation and shall not include any roadways, private space, storage area, or natural hazard area.

5. One accessory storage structure less than 200 square feet may be permitted per manufactured/mobile home. Outdoor storage is prohibited. In addition, one accessory storage

structure less than 600 square feet may be permitted as a shared maintenance storage facility for the manufactured/mobile home project. Said structure shall be enclosed on all sides and separated from other structures per Building Code requirements.

6. No manufactured/mobile home shall be located within a 100-year floodplain. Manufactured/mobile home parks shall be drained, graded, and surfaced 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.

c. Location and Access

1. Parking

a) The guest parking spaces required by Table 4-B: Off-Street Parking Spaces Required, shall be provided in a common parking area.

b) No manufactured/mobile home shall be located so that any part of such unit will obstruct any roadway or walkway in the development.

c) No manufactured/mobile home shall be occupied unless the unit is located on an approved unit space.

2. Access

a) Internal roadways shall provide access to each manufactured/mobile home and parking area, unless otherwise approved by Public Works Director, and shall be privately owned and maintained.

b) The entrance to the manufactured/mobile home park shall be from a public road, at least 150 feet from any public street intersection, unless otherwise approved by the Public Works Director, and at least 20 feet in width.

d. Operation and Ownership

1. Utilities

a) Each manufactured/mobile home dwelling unit within a manufactured/mobile home park shall connect at minimum to public water, electrical, and sanitary sewer, generally via private utility lines.

b) All utilities, except major power transmission lines, shall be placed underground.

2. Replacement of Manufactured Homes

a) Replacement manufactured/mobile homes shall meet the National Manufactured Home Construction and Safety Standards Act of 1974 (HUD Code).

b) A conforming manufactured home within a nonconforming manufactured home park may be replaced with another manufactured home if the replacement manufactured home does not result in an increase in the degree of nonconformity of the manufactured home park.

(8) Group Home, Large

a. A Large Group Home may be established in any Residential zoning district or portion of a Mixed-Use zoning district or PD district that permits Multi-Family Residential dwellings, provided that they meet the definition of Large Group Home in §16-10-20, and are located in zoning districts where facilities of that size are allowed pursuant to Table 3-A, and subject to the licensing requirements of the state and the City of Salida.

b. A Large Group Home shall comply with all applicable local, state, or federal health, safety, fire, and building codes.

(9) Group Home, Small

a. A Small Group Home may be established in any Residential zoning district or portion of a Mixed-Use zoning district or PD district that permits any type of residential dwelling, provided that they meet the definition of Small Group Home in §16-10-20, and are located in zoning districts where facilities of that size are allowed pursuant to Table 3-A, and subject to the licensing requirements of the state and the City of Salida.

b. A Small Group Home shall comply with all applicable local, state, or federal health, safety, fire, and building codes.

(10) Recreational Vehicle (Long-Term Occupancy)

a. Except as otherwise provided for in this section, visiting recreational vehicles (not those parked by property owner) may be occupied for residential use for no more than five days on private property within a 30-day period. Otherwise, recreational vehicles shall be used for residential use only when permitted by an approved minor site plan in accordance with this chapter or when located within a lawful mobile home park or recreational vehicle park. Occupancy of a recreational vehicle for residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted by an approved minor site plan in designated zone districts in accordance with the standards of such underlying zone district and as specified herein.

b. Recreational Vehicle (Long-Term Occupancy) shall only be permitted if the following standards are met:

1. All long-term occupancy recreational vehicles shall have a minimum square footage of 120 square feet and hard-sided exteriors but shall not exceed 26 feet in length.

2. The minimum setbacks for long-term occupancy recreational vehicles shall meet the standards for a primary structure in the underlying zone district. Additionally, no portion of a long-term occupancy recreational vehicles may be located between a primary building or structure and the front lot line.

3. Long-term occupancy recreational vehicles shall be separated from each other and from other structures by at least ten feet. Any accessory structure such as attached awnings or carport shall be considered part of the recreational vehicle for purposes of this requirement.

4. Only one 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.

5. 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.

6. Long-term occupancy recreational vehicles shall not be used as a short-term rental as defined by Article 16-10, *Rules of Construction and Definitions*.

7. No more than one long-term occupancy recreational vehicle may be permitted per lot.

8. The standards of §16-4-20(c)(6)d.5, *Recreational Vehicles*, are met, if applicable.

(c) Public, Institutional, and Civic Uses

(1) Day Care (Adult and Center)

a. Location and Access

1. In addition to any parking required for other uses of the property, a minimum of one off-street parking space shall be provided for nonresident employees.

2. One designated off-street drop-off/pick-up space shall be provided for every four children or clients and shall be available during operating hours for loading and unloading of children and clients.

b. Operation and Ownership

1. The facility shall be licensed by the state and comply with all applicable state codes.

2. 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.

(2) Day Care Home

a. Shall meet all certification and licensing requirements of the State of Colorado.

b. Shall be operated by a person who resides in the same dwelling where childcare is provided.

c. Shall not serve more than 14 children, or as limited by state law.

(d) Commercial Uses

(1) Kennel

a. Design and Layout

1. Areas of the facility dedicated to animal boarding shall be fully enclosed and secured and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

2. Outdoor activity areas of animal care facilities shall be located and designed to minimize impacts on surrounding properties.

b. Location and Access
Outdoor activities shall not be located within 300 feet of a lot in a residential zoning district. Indoor activities shall not be located within 100 feet of a lot in a residential zoning district (measured from the residentially zoned lot line to the closest building site).

c. Operation and Ownership
Between the hours of 7:00 p.m. and 7:00 a.m., all boarding and activities shall occur indoors.

(2) Veterinary Clinic or Veterinary Hospital
Veterinary clinics or veterinary hospitals with outdoor activity areas shall comply with the standards for outdoor activity established for Kennels.

(3) Bed and Breakfast

a. Bed and breakfast lodging shall not be allowed in any dwelling unit(s) permitted as an Accessory Dwelling Unit.

b. The establishment shall be owner-occupied. That owner shall also be the on-site manager and shall be onsite while lodgers are present.

c. No cooking facilities such as stoves, hot plates, or microwave ovens shall be provided in the guest rooms.

(4) Short-Term Rental
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, the following standards shall apply:

a. Location and Access

1. Short-term rentals may be allowed via administrative review in the following zone districts: R1, R2, R3, MN, MC, MH, MD, and AG. The maximum number of short-term rentals in each zone district shall not exceed the caps set forth in Chapter 6, Article VI, of the Salida Municipal Code. 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-served basis.

2. In the R1, R2, and R3 districts, no more than one short-term rental is permitted per street segment, which includes the dwelling units on both sides of the street. If the definition of the street segment is in question, the Director will determine the extent.

3. Planned Developments shall be subject to the caps and restrictions of the underlying zone district unless specifically noted as a deviation to the Code within the approved Planned Development plan and/or noted in Chapter 6, Article VI, of the Salida Municipal Code.

b. Registration and Licensing

1. 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 rental 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 short-term rental permit is permitted per property owner, which for these purposes shall be considered the person controlling a corporate owner. 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 Director per §16-8-70(c), *Appeals*.

c. Operation and Ownership

1. Short-term rentals are not permitted in rental apartment units at any time in any zone district, except for the MD district.

2. Short-term rentals are not permitted in accessory dwelling units at any time in any zone district.

3. Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:

a) Contact information for the property management;

b) The short-term rental business license number issued by the City;

c) Contact information for emergencies;

d) Location of fire extinguishers and fire escape routes;

e) The maximum permitted sleeping occupancy;

f) The maximum number of persons permitted in the unit at any time;

g) The location for parking vehicles and the maximum number of parked vehicles permitted for the unit;

h) Alternative parking locations for extra vehicles, trailers, and campers;

i) Requirements for smoking;

j) Method and timing of trash disposal;

k) Snow removal instructions;

l) Notice to keep noise to a minimum between 10:00 p.m. and 7:00 a.m.;

m) The total number of bedrooms; and

n) Policy regarding pets.

4. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.

5. No short-term rental shall be operated in such a way as to constitute a nuisance.

6. The maximum number of bedrooms and 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.

7. 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. In the MD District, parking requirements that cannot be met onsite shall be met through compliance with §16-4-70(e)(3), *Fee-in-lieu for Parking within the MD District*.

(5) Medical Marijuana Store

a. Any medical 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 store shall be located within 1,000 feet of another medical marijuana store. 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 1,000 feet of a School or Daycare. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

(6) Retail Marijuana Store

a. Any retail marijuana store shall be operated from a permanent and fixed location. No retail marijuana center shall be located in a movable, mobile, or transitory location.

b. No retail marijuana store shall be located within 1,000 feet of another retail marijuana store. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

c. No retail marijuana center or retail marijuana store shall be located within 1,000 feet of a School or Daycare. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

(7) Adult Entertainment

a. Design and Layout

1. Exterior doors shall remain closed during business hours.

2. All materials, projections, entertainment, sounds, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible or audible from off-premises areas or from portions of an establishment accessible to minors.

3. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.

4. 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.

b. Location and Access

1. Adult entertainment establishments shall not be located within 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.

2. Adult entertainment establishments shall not be located within 250 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:

a) Day care homes and day care centers; or

b) Schools.

3. Adult entertainment establishments shall not be located within 200 feet of the following zoning district boundaries: R1, R2, R3, MMP, MN, OS, or CF, measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest edge of the zoning district boundary.

c. Operation and Ownership

1. No licensee, manager, or employee serving food or drinks or mingling with the patrons shall be nude or in a state of nudity.

2. Separate restroom facilities shall be provided for employees and independent contractors that shall only be accessible by employees and independent contractors.

3. 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 §16-1-70, *Enforcement*, of this Code and Chapter 1, Article IV (*General Penalty*), of the Salida Municipal Code.

4. Adult entertainment establishments shall be closed to the public between the hours of 1:00 a.m. and 11:00 a.m.

5. No one under 18 years of age, including patrons, licensees, managers, employees, agents, and independent contractors, shall be admitted into any adult entertainment establishment. In establishments where is served, all relevant city, state and federal liquor regulations shall apply.

6. Any person who operates or causes to be operated an adult entertainment establishment without a valid license issued pursuant to Chapter 6, Article VIII (*Adult Entertainment Establishments*), of the Salida Municipal Code or who violates any provision of this section commits unlawful conduct and shall be subject to an injunction, civil penalties, and criminal penalties, as set forth in §16-1-70, *Enforcement*, of this Code and Chapter 1, Article IV (*General Penalty*), of the Salida Municipal Code.

7. Each day of operation in violation of any provision of this section shall constitute a separate offense.

(8) Adult Bookstore/Novelty

a. Design and Layout

1. Exterior doors shall remain closed during business hours.

2. All materials, projections, sounds, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible or audible from off-premises areas or from portions of an establishment accessible to minors.

3. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.

4. 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.

b. Location and Access

1. Adult bookstores, adult novelty shops and adult video stores shall not be located within 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:

a) Day care homes and day care centers; or

b) Schools.

2. Adult bookstores, adult novelty shops, and adult video stores shall not be located within 150 feet of the following zoning district boundaries: R1, R2, R3, MMP, OS, or CF 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.

c. Operation and Ownership

1. 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.

2. No one under 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 §16-10-20, such materials shall be segregated from the rest of the retail or bookstore and no one under the 18 years of age shall be permitted within such section of the store.

3. 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 §16-1-70, *Enforcement*, of this Code and Chapter 1, Article IV (*General Penalty*), of the Salida Municipal Code.

(9) Campground

a. Design and Layout

1. Campgrounds must be a minimum of .5 acres

2. Plumbed sanitary facilities shall include a minimum of one toilet, lavatory, and shower for each 15 spaces (including fractional portions thereof), subject to the requirements of the adopted building and plumbing codes.

3. Tent pads and camper sites shall be no greater than 28 feet in length or width.

b. Operation and Ownership

1. The principal business of a campground shall be to provide sites for tents and travel trailers.

2. An on-site manager shall be available at all times.

(10) Recreational Vehicle Park

a. Design and Layout

1. General

a) A recreational vehicle park shall be developed and operated on a site of at least one half-acre.

b) Each recreational vehicle unit space shall by surfaced with asphalt, concrete, or gravel of at least four inches in depth and shall be no less than ten feet by 30 feet to ensure a recreational vehicle can be parked in its entirety on the surfaced area.

c) All permanent structures and recreational vehicles shall be setback as follows:

1) A minimum of 10 feet from all boundaries of the park.

2) A minimum of 10 feet from all other permanent structures or recreational vehicles.

3) Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered part of the recreational vehicle.

2. Recreation Area

A recreational vehicle park shall designate an area for recreational use with the following standards:

a) At least ten percent of the gross area of the park shall be improved and designated for recreation use.

b) The open space shall be improved and designed for recreation and shall not include any roadways, private space, storage area, or natural hazard area.

c) The recreation area shall not count toward the minimum landscape area standard of the underlying zone district.

3. Service Building

A service building shall be installed in all recreational vehicle parks and shall meet the following standards:

a) Each toilet, bath, or shower shall be in a private compartment and shall meet City plumbing code.

b) A sound-retardant wall shall separate the bathroom facilities when provided in a single building.

c) A minimum of one utility sink shall be provided for disposal of liquid wastes and for clean-up and maintenance of the service building.

b. Location and Access

1. Internal roadways shall provide access to each recreational vehicle space, and shall be privately owned, paved, and maintained.

2. The entrance to the recreational vehicle park shall be from a public road, at least 150 feet from any public street intersection, and at least 30 feet in width.

3. No recreational vehicle shall be parked so that any part of such unit will obstruct any roadway or walkway in the park.

4. No recreational vehicle shall be occupied in the park unless the unit is located on an approved unit space.

c. Operation and Ownership

1. Dump stations may be installed, at a minimum of one per 30 spaces, and in accordance with other City specifications.

2. One container for trash shall be provided within 200 feet of each recreational vehicle space.

3. Plumbed sanitary facilities shall include a minimum of one men's and one women's toilet, lavatory, and shower for each 15 spaces, subject to the requirements of the adopted building and plumbing codes.

4. An on-site manager shall be available at all times.

d. Landscaping

Landscaping shall cover no less than 15 percent of the gross area of the lot. The landscape area may include recreation areas, common landscape areas, and landscaped area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties.

e. Utilities Installation and Connection

1. 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.

2. Underground

All utilities, except major power transmission lines, shall be placed underground.

3. Lighting

Adequate lighting shall be provided in compliance with the exterior lighting standards of this Code.

f. 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.

(11) General Retail, Small and Large

Goods may be produced incidentally within a retail sales establishment and be sold in the local area, provided that:

a. The retail portion of the establishment fronts the primary street.

b. Production shall be limited to no more than 70 percent of the area of the retail establishment.

c. Production shall not pose any safety or environmental hazards to the public in the retail or production area.

(12) Local Regulation of Natural Medicine

a. Definitions

For purposes of this Section, the following words, terms, and phrases shall have the following meanings:

1. Natural Medicine means psilocybin or psilocyn and other substances described in the Regulatory Act as "natural medicine."

2. Natural Medicine Business means any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

3. Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

4. Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

5. Natural medicine services mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

6. Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

7. Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

8. Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

9. Regulatory Act means the Colorado Natural Medicine Code codified in Colorado Revised Statutes.

10. State licensing authority means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

b. Permitted location for natural medicine healing centers

Natural medicine healing centers are a permitted use in the Central Business District (C-2), the Commercial Zone District (C-1), and the Industrial District (I) and the distance, time, manner, and place requirements contained in this Section 16-4-190(u). Natural medicine healing centers are prohibited in all other zoning districts in the City.

c. Permitted location for natural medicine businesses

Natural medicine businesses - other than natural medicine healing centers - including, but not limited to, cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and other licensed natural medicine business entities created by the state licensing authority are permitted uses in the Industrial District (I) and the distance, time, manner, and place requirements contained in this Section 16-4-190(u). Such natural medicine businesses – other than natural medicine healing centers - are prohibited in all other zoning districts of the City.

d. Distance from schools

1. No natural medicine healing center or natural medicine business shall operate out of a building that is within one thousand (1,000) feet of a childcare center, preschool, elementary, middle, junior, or high school, or a residential childcare facility (collectively "School").
2. Subsection (a) does not apply to a properly licensed natural medicine healing center or natural medicine business that was actively doing business before a School was established and/or constructed within one thousand (1,000) feet of such natural medicine healing center or natural medicine business.
3. The distances referred to in this Section shall be computed by direct measurement from the nearest property line of the land used for a School to the nearest portion of the building in which the natural medicine healing center or natural medicine business exists or services are provided using a route of direct pedestrian access.

e. Hours of operation – Natural Medicine Services

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall be permitted to operate any day of the week between 7:00 a.m. to 7:00 p.m.

f. Public view of natural medicine businesses and natural medicine services

All doorways, windows, and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. All activities of natural medicine businesses and natural medicine services shall occur indoors.

g. Lighting of natural medicine businesses.

Primary entrances, parking lots, and exterior walkways of natural medicine businesses shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to all applicable City lighting standards. All exterior lighting shall be downcast and shielded with a temperature of 3,000 Kelvin or warmer.

h. Storage of natural medicine businesses.

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

i. Odor from natural medicine businesses.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

j. Natural medicine businesses secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

k. Processing of natural medicine

1. The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
2. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
3. The processing of natural medicine shall meet the requirements of all adopted City building and life/safety codes.
4. The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

l. Nuisance

It is unlawful and deemed a nuisance to:

1. Operate a natural medicine business in violation of any of the requirements set forth in state law or regulation or this Section 16-4-190(u).

2. Dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine any foul or noxious liquid or substance of any kind whatsoever including, without limitation, by-products of the natural medicine process into or upon any adjacent ground or lot, into any street, alley, or public place or into any municipal storm sewer and/or system in the City.

3. Any such violation of this Chapter is subject to the General Penalty for Violations provisions of Salida Municipal Code Section 1-4-20.

(e) Industrial Uses

(1) Brewery or Bottling Plant

a. Production, processing, and storage of all materials and equipment shall be located entirely within an enclosed building.

b. Loading and unloading of products shall not occur between the hours of 9:00 p.m. and 7:00 a.m.

(2) Manufacturing, Artisan

a. All activities shall occur entirely within an enclosed structure.

b. Retail sales associated with this use shall comprise no more than 30 percent of gross floor area.

(3) Manufacturing, Heavy

a. All mining and related operations shall comply with Section 13-5-60, *Regulated Activities*, of the Salida Municipal Code

b. Loading and unloading of products shall not occur between the hours of 9:00 p.m. and 7:00 a.m.

c. Retail sales associated with this use shall comprise no more than 30 percent of the total gross floor area of all buildings.

(4) Manufacturing, Light

a. Production, processing, and storage of all materials and equipment shall be located entirely within an enclosed building.

b. Loading and unloading of products shall not occur between the hours of 9:00 p.m. and 7:00 a.m.

c. Retail sales associated with this use shall comprise no more than 30 percent of the total gross floor area of all buildings.

(5) Marijuana Cultivation

a. Location and Access

No marijuana cultivation facility shall be located within 1,000 feet of a School. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

b. Operation and Ownership

1. Marijuana cultivation facilities shall be established in compliance with the licensing requirements of §6-1-140.

2. A marijuana cultivation facility shall not produce unreasonable noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, or another public nuisance, and shall not operate between 9 p.m. and 7 a.m.

3. All on-site activities associated with the marijuana cultivation facility shall be conducted indoors. Materials and equipment used in the marijuana cultivation facilities shall be stored in a building.

4. 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.

(6) Marijuana Product Testing and Manufacturing

a. Location and Access

No marijuana product testing and manufacturing facility shall be located within 1,000 feet of a School. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

b. Operation and Ownership

1. Marijuana product testing and manufacturing facilities shall be established in compliance with the licensing requirements of §6-1-140.

2. A marijuana product testing and manufacturing facility shall not produce unreasonable noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, or another public nuisance, and shall not operate between 9 p.m. and 7 a.m.

3. All on-site activities associated with the marijuana product testing and manufacturing facility shall be conducted indoors. Materials and equipment used in the marijuana product manufacturing facilities shall be stored in a building.

4. 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.

(7) Self-Storage or Mini-Warehouse

a. Design and Layout

1. Doors to individual storage units shall not face any abutting street frontage.

2. Individual storage units shall face the interior of the site.

3. Screening shall be provided that meets the requirements of 16-4-80(f)(1), *Screening*, for nonresidential uses.

b. Operation and Ownership

1. Self-storage facilities within 150 feet of a residential district or use shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.

2. Outdoor storage of boats, trailers, and vehicles shall be screened per §16-4-80(f)(1)e, *Outdoor Storage Areas*.

3. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is permitted.

(8) Wireless Communications Facilities

a. Purpose

The purpose of this section is to regulate the placement, construction, and modification of wireless communications facilities—including small cell facilities—to protect the health, safety, and welfare of the public and to provide for managed development, installation, maintenance, modification, and removal of wireless communications facilities that is consistent with the City's mountain town character, while at the same time not unreasonably interfering with or materially inhibiting the development of a competitive wireless communications marketplace in the City.

b. Scope and Applicability

1. No person shall construct wireless communications facilities in the City except in compliance with the provisions of this Code. Wireless communications providers shall request permission to locate or modify existing wireless communications facilities pursuant to the requirements of this Code.

2. Any work conducted within the rights-of-way—including work conducted pursuant to an eligible facilities request as defined in this Section—by its very nature impacts public safety including without limitation the need to close lane(s) of traffic to conduct work, the need to ensure the structural stability of facilities and associated infrastructure, and the need to ensure adequate sightlines for both vehicles and pedestrians. Consistent with C.R.S. § 29-27-405(2), the City may

ensure that all work conducted within public rights-of-way is done under applicable permits and in accordance with all generally applicable and non-discriminatory building, electrical, fire, or other safety requirements including City's Construction Standards and Specifications.

3. Any work outside of public rights-of-way within the City—including work conducted pursuant to an eligible facilities request as defined in this Chapter—may impact public safety. Consistent with C.R.S. § 29-27-405(2), and at the direction of the City Administrator or designee, the City may ensure that all work conducted outside of public rights-of-way is done under applicable permits and in accordance with all generally applicable and non-discriminatory building, electrical, fire, or other safety requirements including City's Standard Specifications for Construction.

c. Procedures for Review

Any application for the construction, modification, or installation of a wireless communications facility is subject to the following review procedures described herein. Additionally, any application for the construction or installation of a new wireless communications facility is subject to any other requirements contained within this Chapter which may apply, including without limitation the need to comply with the standards for the subject zoning district or to obtain a variance, waiver, or other approval required by the same.

1. Wireless Communications Facilities – Generally

No new wireless communications facility shall be constructed or installed except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures set forth in this subsection, unless the application is for a small cell facility or for an eligible facilities request.

a) The City may apply reasonable conditions to the approval of an application for the installation or modification of wireless communications facilities—including an eligible facilities request or an application for the installation or modification of small cell facilities—to ensure conformance with applicable design criteria or to advance a legitimate City interest related to health, safety, or welfare, except where the City's authority is limited with respect to eligible facilities requests.

b) The approval under this Article for any wireless communications facility expires if the wireless communications facility is not established within one year of the approval or if it is abandoned or unused for a period of six months.

2. Small Cell Facilities

No new small cell facility shall be constructed except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures set forth in this subsection, unless eligible for review as an eligible facilities request as set forth in subsection 3 below.

a) Within ten business days of receipt of an application for a new small cell facility, the Administrator shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this Article.

1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten business days of receipt of the application, specifically delineating all missing documents or information required in the application.

2) The timeframe for review resets to zero (0) when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

3) Following a supplemental submission, the City will notify the applicant within ten business days whether the supplemental submission provided the information identified in the original notice delineating missing information. If the application remains incomplete, the timeframe is tolled pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify

missing information or documents that were not delineated in the original notice of incompleteness.

b) Subject to tolling, the City shall approve or deny an application for a new small cell facility on a new tower or base station within 90 calendar days of the date on which the City receives such an application, and within 60 days for a new small cell facility on an existing tower or base station.

c) Where an applicant seeks approval for more than one small cell facility, the City shall allow the applicant, at the applicant's discretion, to file a consolidated application for up to ten small cell facilities and receive a single approval for multiple small cell facilities in a consolidated application. For a consolidated application, each small cell facility within the consolidated application remains subject to review for compliance with the requirements of this Article. The denial of any individual small cell facility is not a basis to deny the consolidated application as a whole or any other small cell facility incorporated within the consolidated application.

d) The Administrator shall be the final approval authority for all small cell facilities, and upon approval, shall issue a permit to the applicant to deploy or modify a small cell facility wireless communications facilities.

3. Eligible Facilities Requests

No collocation of a wireless communications facilities nor modification to any existing wireless communications facilities shall occur except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures for eligible facilities requests set forth in this subsection.

a) Upon receipt of an application for an eligible facilities request, the City shall review such application to determine whether the application so qualifies. An application for an eligible facilities request does not qualify as such if the modification would result in a substantial change to an eligible support structure or would violate a generally applicable building, structural, electrical, or safety code or other law codifying objective standards reasonably related to public health and safety. If the City determines that the applicant's request is not an eligible facilities request, the applicant shall be advised as to the relevant provisions of the Code that govern the process to consider the request, and whether the Code requires any additional information to be submitted for the application to be considered complete. If the applicant subsequently indicates an intent in writing for the proposal to be considered under the relevant section of the Code and submits all required information, the presumptively reasonable timeframe under 47 U.S.C. § 332(c)(7), as set forth in applicable federal and state law, will begin to run from submittal of the required information under the applicable provisions of the Code.

b) Subject to tolling, the City shall approve an eligible facilities request within 60 calendar days of the date on which the City receives such an application, unless it determines that the request is not properly classified as an eligible facilities request. The sixty-calendar-day review period begins to run when the application is filed with the City, and may be tolled by mutual agreement of the City and the applicant or where the City determines that the application is incomplete, as follows:

1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 calendar days of receipt of the application, specifically delineating the missing documents or information required in the application;

2) Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again, but does not reset to zero, when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and

3) Following a supplemental submission, the City will notify the applicant within ten calendar days if the supplemental submission did not provide the information identified in the

original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

c) In the event the City fails to act on an eligible facilities request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of approval becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

d) The Administrator shall be the final approval authority for all eligible facilities requests and, upon approval, shall issue a permit to the applicant to modify an eligible wireless communications facility.

d. Application Contents; Fees

1. An application for the construction, installation, or modification of any wireless communications facility shall include the following information and materials:

a) The applicant's name, address, and telephone number and the name, address, and telephone number of any representative authorized to act on behalf of the applicant.

b) A description of the property on which the wireless communications facility is proposed for development, including a visual plan illustrating the proposed location of the wireless communications facility.

c) A disclosure of the ownership of the property on which the wireless communications facility is proposed for development, and a demonstration of the applicant's right to install a wireless communications facility on such property.

d) An 8½ inches by 11 inches vicinity map locating the subject property within the City.

e) A written explanation of how the proposed wireless communications facility complies with all requirements of the zoning district in which it is located, and if applicable, a written explanation of how the proposed wireless communications facility complies with the requirements for small cell facilities or qualifies as an eligible facilities request.

f) A signed statement from a qualified radio frequency engineer, certifying that a technical evaluation of the proposed wireless communications facility indicates no potential interference problems and that the site will comply with all applicable regulations for radio frequency emissions promulgated by the Federal Communications Commission.

g) A signed statement from the applicant certifying the accuracy of the information contained in the application.

2. An applicant for the construction, installation, or modification of a wireless communications facility shall pay the required fees as set forth in the City's fee schedule. An application submitted without the required fees shall be deemed incomplete.

3. All applications are public records and the information contained therein is subject to disclosure, except such information that is protected from public disclosure by applicable law.

e. Design Standards

1. Wireless communications facilities shall conform to the following general design standards:

a) Trees
Existing trees shall be preserved to the maximum extent possible.

b) Maximum Height
A proposed wireless communications 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-mounted antennas shall extend no more than ten feet above the highest point of the building or structure to which they are attached.

c) Horizontal Protrusion of Mounted Facilities
The maximum horizontal protrusion of mounted wireless communications 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.

d) Camouflage or Concealment Required
Wireless communications facilities shall, to the maximum extent possible, use concealment design techniques, such as incorporating the facility into the built environment. Where concealment design techniques are not possible, wireless communications facilities shall utilize camouflage design techniques. Camouflage design techniques include without limitation using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the site to the surrounding natural setting and built environment.

e) Non-reflective Materials
The visible exterior surfaces of wireless communications facilities, such as poles, antennas, vaults, and equipment enclosure structures shall be constructed out of or finished with non-reflective materials and shall be painted to match as closely as possible the color and texture of the vertical infrastructure on which it is mounted.

f) Equipment Vaults Below Grade
Except for equipment that is expressly permitted above grade for a wireless communications facility, equipment vaults and other transmission equipment shall be placed below grade when located within the right-of-way. Such equipment may be placed above grade outside of the right-of-way, provided concealment/camouflage design techniques are utilized.

g) Multiple Users
To the extent practicable, all wireless communications facilities shall be designed and constructed to permit such facilities to accommodate at least two wireless service providers on the same facility.

h) Historic Preservation
Any wireless communications facility that is proposed for construction in a historic district shall be required to receive a certificate of approval pursuant to Chapter 16, Article XII, unless exempt pursuant to Section 16-12-100.

i) Other Administratively Approved Design Standards
Any other administratively approved wireless communications facility design standards adopted by the Administrator.

2. In addition to the general design criteria above for all wireless communications facilities, small cell facilities shall conform to the following additional criteria:

a) Camouflage or Concealment
Camouflage or concealment techniques for small cells including without limitation using a pole painted a color consistent with other utility poles in the vicinity (with all antennas and related equipment located within the pole structure), or replacing existing permitted facilities with small cell facilities located within the replaced poles, so that the presence of the small cell facility is not apparent.

b) Height Limitation
Notwithstanding the height limitation all wireless communications facilities above, the maximum height of any small cell facility shall either not exceed the maximum structure height established for the zoning district in which the facility is to be located or not extend beyond five feet taller than any other utility poles or traffic signals within 500 feet of the proposed WCF located within the same zone district.

c) Separation of Small Cell Facilities in the Right-of-Way
All stand-alone small cell facilities wireless communications facilities located within rights-of-way shall be separated from other stand-alone small cell facilities wireless communications facilities by a distance of at least 600 feet. In determining compliance with this separation requirement, the Administrator may consider approved and pending applications for other small cell facilities wireless communications facilities.

d) Residential Property
When located adjacent to a residential property, a small cell facility must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, a small cell facility must be placed in front of the common side yard property line adjoining residential properties or on the corner formed by two intersecting streets.

f. Operations

1. Federal Requirements
All wireless communications facilities shall meet the current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate wireless communications facilities. If such standards and regulations are changed, then the owners of the wireless communications facility shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the wireless communications facility at the applicant's expense.

2. Radio Frequency Standards
All wireless communications facilities shall comply with federal standards for radio frequency emissions.

3. Signal Interference
All wireless communications facilities shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, public safety communications, and other services utilized by adjacent residential and nonresidential properties.

4. Operation and Maintenance
All wireless communications facilities shall be maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a wireless communications facility fails to comply with such codes and constitutes a danger to persons or property, then the City may take any action with respect to such violation as provided by applicable law, including removal of the wireless communications facility at the applicant’s expense.

5. Abandonment and Removal
Any wireless communications facility that is not used for a period of six months or more shall be deemed to be abandoned. No applicant shall fail to remove a wireless communications facility that is abandoned. If a wireless communications facility applicant fails to remove an abandoned facility at the request of the Administrator, the City may remove the wireless communications facility at the applicant's expense.

6. Hazardous Materials
No hazardous materials shall be permitted in association with wireless communications facilities, except those necessary for the operation of wireless communications facilities and only in accordance with all applicable laws governing such materials.

7. Collocation
No wireless communications facility applicant shall unreasonably exclude a communications competitor from using the same facility or location. Upon request by the Administrator, the applicant shall provide evidence explaining why collocation is not possible at a particular facility or location.

8. Compliance with Other Laws
All wireless communications facilities shall meet the requirements of the City design and construction standards, the requirements of Chapter 11, "Streets, Sidewalks and Public Property," and all other applicable local, State, and Federal laws.

g. Indemnification and Financial Security

1. As a condition of its permit, the applicant for any wireless communications facility shall, at its sole cost and expense, indemnify, hold harmless and faithfully defend the City, its officials, boards, commissions, commissioners, agents, and employees against any claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its equipment authorized by this Article. This indemnification requirement will apply whether the act or omission complained of is authorized, allowed, or prohibited by applicable law, except in cases where liability is solely caused by the negligence of the person or persons covered by the indemnity.

2. All permits for wireless 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.

h. Waiver
The Administrator shall have the authority to waive any requirement or standard set forth in this Article if the Administrator makes a determination that the specific requirement or standard is preempted by federal or state law. Prior to applying the waiver to any pending application, the Administrator shall, in consultation with the City Attorney, make a written preemption determination which written determination shall identify the specific requirement or standard that is being waived and cite to the specific Federal or State law provision that preempts the specific City requirement or standard set forth in this Article.

(f) Accessory Uses and Structures

(1) Accessory Dwelling Unit

a. Design and Layout

1. 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, except where prohibited.

2. No more than one accessory dwelling unit may be permitted on a single lot, where permitted.

3. An accessory dwelling unit within or attached to the principal dwelling may include no more than 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 800 square feet of conditioned living space is located above the first floor. 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.

4. An accessory dwelling unit within a detached accessory building that is 16 feet or less in total height may include a maximum of 1,000 square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU.

5. An accessory dwelling unit within a detached accessory building greater than 16 feet in total height shall not exceed 800 square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU.

6. All ADUs shall be set back a minimum of 5 feet from the property line.

7. (All other nonresidential accessory structures 15 feet or below in height shall be set back a minimum of 3 feet (5 feet minimum setback for structures 15 feet or higher)).

b. Location and Access
The City may require one off-street space for the ADU only if: (i) the lot has no existing off-street parking, or (ii) the base zoning district requires off-street parking for all dwellings, or (iii) on-street parking is prohibited on the block face. Where provided, parking for a detached ADU should take access from an alley if one exists.

c. Operation and Ownership
An accessory dwelling unit shall not be condominiumized or sold and shall not be rented for periods of less than 30 days. Maximum occupancy is determined per applicable fire code.

(2) Outdoor Storage, Accessory

a. Outdoor storage areas are prohibited between any building façade and the front lot line. Outdoor storage areas may be permitted behind the rear of the primary structure or other areas that are obscured from the right-of-way, as determined by the Director.

b. Outdoor storage areas shall not exceed 50 percent of the total gross square footage of all enclosed structures.

c. Outdoor storage areas shall not obstruct access to recorded easements or vehicular or pedestrian circulation routes or obstruct sight triangles.

d. Outdoor storage shall be opaquely screened from public view per §16-4-80(f)(1)e, *Outdoor Storage Areas*.

(3) Drive Through

1. 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. 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 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 or as approved by the Director.

3. Drive-through lanes and stacking spaces are prohibited between the building façade and the front lot line.

(4) Home Occupation

a. Location and Access
One 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.

b. Operation and Ownership

1. The use of a dwelling for a home occupation 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 30 percent of the total structure's square footage.

2. All on-site activities associated with a home occupation, including the storage or materials and equipment, shall be conducted indoors. Outdoor display of goods is prohibited.

3. A home occupation shall be conducted only by persons residing on the premises and no more than two employees residing off-premises and shall serve no more clients at a time than the number of employees on the premises.

4. Incidental sale of supplies or products associated with the home occupation shall be permitted on the premises, consistent with applicable rules of the Colorado Cottage Foods Act. Direct retail sales or rentals shall be prohibited, except mail, telephone, catalogue, or online sales. An appropriate sales tax license shall be obtained and maintained for the business.

5. A home occupation shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic, or parking demand.

6. Customer visits shall not occur between 8:00 p.m. and 7:00 a.m. and shall not create a public nuisance, disturb neighbors, or alter the residential character of the premises.

7. Outdoor advertising of the home occupation or home business is limited to one, nine square-foot sign.

(5) Outdoor Retail and Display

a. Design and Layout
The outdoor retail and display area shall be contained on an improved surface such as asphalt, concrete, or pavers, and such areas shall be limited to 50 percent of the gross floor area of the principal structure.

b. Operation and Ownership

1. The outdoor retail and display area shall obey all parking and traffic laws and shall not obstruct required parking, pedestrian or bicycle access or passage, parking lot circulation, or required landscape areas.

2. The outdoor retail and display area shall be of the same nature as the permanent retail activity conducted on the property.

(6) Recreational Vehicle, Off-Street Parking of Long Vehicles

a. Recreational vehicles, of all types, over 26 feet long shall not be parked on private residential property for more than 30 cumulative calendar days per year, not to exceed five consecutive days. Violators will be ticketed and fined according to §16-1-70(e), *Penalties and Remedies*.

b. Exceptions may be allowed through an approved conditional use permit, following notice and description of setbacks provided by the City to neighboring property owners.

c. Such parking shall also comply with any applicable standards in §16-3-30(b)(10), *Recreational Vehicle (Long-Term Occupancy)*.

(7) Sale of Produce or Plants Raised on Premises

a. The sale of produce or plants shall not include marijuana or marijuana products.

b. No permanent structures, other than greenhouses, shall be erected for sale of produce or plants.

(8) Downtown Street Patio

a. Design and Layout

1. Outdoor dining areas that are located within the right-of-way, called "downtown street patios," shall not interfere with pedestrian access to any public or private door, shall provide at least five feet wide unobstructed sidewalk for pedestrian traffic, and shall not obstruct required parking or parking lot circulation.

2. Street patios in the public right-of-way shall not exceed a size of eight feet by 20 feet within the roadway. Street patios may extend into the sidewalk area by no more than one foot, so long as at least five feet of unobstructed sidewalk is maintained for pedestrian traffic.

3. Accessibility ramps shall be provided where necessary but shall provide at least five feet of unobstructed sidewalk to be maintained for pedestrian traffic.

4. Street patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles and shall not obstruct access to city infrastructure such as water meters, curb shut-offs, manholes, and tree grates.

5. Street patios shall show any proposed roof or covers as a part of the application to ensure appropriate sight triangles and unobstructed access is maintained.

b. Location and Access

1. Street patios shall only be considered on streets owned by the City of Salida.

2. No more than one street patio shall be permitted on each block, including both street frontages, unless the Director determines that the additional outdoor dining area will continue to allow pedestrian, bicycle, and vehicle traffic, and not overly restrict parking within the block.

3. Street patios shall be located within 50 feet of the front door of the business being served by the outdoor dining area, and on the same side of the street.
4. The establishment served by the street patio shall provide at least one additional off-street parking space for customers or employees within ¼ mile of the establishment. 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 current parking occupier fee as provided in the revocable license agreement and on the most current fee schedule.

c. Operation and Ownership

1. Street patios shall only be permitted when accessory to Food and Beverage uses unless the Director determines the alternative use has high customer turnover, is an attraction for pedestrians, adds to the intrinsic value of the use, enlivens the outdoor environment, promotes economic vitality, and protects the health, safety, and welfare of residents, pedestrians, businesses, and visitors.
2. Street patios shall be allowed during the time of year the business is open. Establishments open year-round may be approved for year-round outdoor dining.
3. The business shall be responsible for snow removal from the public right-of-way that cannot be reached by City snowplows within 24 hours of a storm event.
4. Signage is not allowed on the patios except for customer menus and signage approved by the Director for public purposes.
5. Street patios shall not be combined with encroachment permits for use of sidewalks per §11-4-20 of the Salida Municipal Code.
6. New street patios shall initially be approved for no more than one year. Existing street patios may be conditionally approved for more than one year, following subsequent review and approval.
7. Business owners who receive conditional use approval for a street patio will have to enter into a revocable license agreement with the City, as approved by the City Council, prior to installation of the street patio.

(g) Temporary Uses and Structures

(1) Construction Support Activity

Temporary office space and equipment storage may be approved when accessory to an approved construction project, including sales offices on residential development sites. Such structures and uses shall be located on the site no more than 30 days prior to the start of construction and shall be removed no more than 30 days after construction or all units are sold or leased, whichever is less.

(2) Outdoor Vendor

a. Location and Access

1. Only one permitted outdoor vendor is allowed per lot unless otherwise approved through the conditional use permit process. More than one outdoor vendor may be permitted on one lot during special events with approval of a Parks and Recreation Department applicable permit.
2. Outdoor vendors shall only be allowed when the commercial use itself is permitted in the zone district.
3. Adequate parking shall be provided, as determined by the Director and the use shall not obstruct required parking, pedestrian or bicycle access or passage, or parking lot circulation.

b. Operation and Ownership

1. Outdoor vendors shall comply with Chapter 6, Article II (*Temporary Commercial Activity/Vendor Permits*), of the Salida Municipal Code.
2. Outdoor vendors shall comply with all applicable health and safety codes, and all necessary permits shall be obtained.
3. Outdoor vendors shall obtain written consent from the private property owner(s) of properties on which they intend to operate.

4. Outdoor vendors shall maintain trash receptacles and all areas used for food vending in a safe and clean condition and must dispose of all waste in accordance with City regulations.
5. Structures, canopies, tables, or chairs associated with the outdoor vendor are prohibited unless otherwise approved by the Director as part of the temporary use permit.

(3) Outdoor Vendors, Multiple

a. Location and Access

1. Outdoor vendors shall only be allowed when the commercial use itself is permitted in the zone district.
2. The Fire District and Police Department shall determine that the site is accessible for public safety vehicles and equipment.
3. Adequate parking shall be provided, as determined by the Conditional Use Permit, and the use shall not obstruct required parking, pedestrian or bicycle access or passage, or parking lot circulation.

b. Operation and Ownership

1. A site manager shall be designated as the party responsible for ensuring compliance with operating regulations and any conditions of approval of the Conditional Use Permit.
2. Outdoor vendors shall comply with Chapter 6, Article II (*Temporary Commercial Activity/Vendor Permits*), of the Salida Municipal Code.
3. Outdoor vendors shall comply with all applicable health and safety codes and shall obtain all necessary permits.
4. Outdoor vendors shall obtain written consent from the private property owner(s) of properties on which they intend to operate.
5. Outdoor vendors shall maintain trash receptacles and all areas used for food vending in a safe and clean condition and must dispose of all waste in accordance with City regulations.
6. Structures, canopies, tables, or chairs are prohibited unless part of the Conditional Use Permit.
7. Adequate restroom facilities shall be provided, as determined by the Conditional Use Permit.
8. The conditional use permit shall specify enforcement actions and timelines for violations or non-compliance with this section or any conditions of approval.

Article 16-4 Development & Design Standards

16-4-10 Purpose and Applicability

(a) Purpose

This article establishes standards that regulate the physical layout and design of development within the City to ensure the protection of the health, welfare, safety, and quality of life of Salida.

(b) Applicability

Unless otherwise exempted by this Code, this article shall apply to all development activities as authorized and required by §16-1-30, *Applicability*.

16-4-20 Natural Resource Protection

(a) Purpose

This section is intended to protect and enhance the natural resources that contribute to Salida's community character and quality of life, including but not limited to the Arkansas River, varying topography and hillsides, floodplains, wetlands, and other significant features.

(b) River and Wetland Protection

(1) Purpose

a. The purpose of this section is to protect the Arkansas River, South Arkansas River, streams, wetlands, buffer areas, and their water sources from encroachment that would adversely affect water quality or wildlife habitat, impede flood protection, or impair other critical environmental functions or the public enjoyment of such areas within the public realm.

b. These standards are intended to protect water quality in the Arkansas River and to protect and preserve existing riparian buffers. Vegetative buffers adjacent to surface waters provide multiple environmental protection and resource management benefits. Vegetated buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help minimize flood damage in flood prone areas. Well-vegetated riparian buffers help remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorus from reaching the waters. The riparian buffer standards in this article are intended to achieve these important benefits.

c. When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment.

(2) Applicability

a. Except as otherwise provided in this section, this section shall apply to all development, land disturbance, or vegetation removal within 100 feet of the ordinary high-water mark of the Arkansas River, 150 feet of the South Arkansas River, and 15 feet of any other stream, creek, or wetland.

b. This section does not apply to the activities listed below. However, conducting any of the following activities without any required local, state, or federal permits will result in fines and enforcement.

1. Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and agricultural operation ponds (not including private gardens or water features accessory to residential uses);

2. City-approved stormwater drainage systems;

3. Construction of or maintenance and repair of a ditch or of an existing public road, utility, or other public facility within an existing right-of-way or easement;
4. Maintenance and repair of flood control structures and activities in response to a flood emergency as determined by the Public Works Director;
5. Buildings and site improvements for public facilities that are specifically related to the use of the water including, but not limited to, piers, docks, trails, fish hatcheries, and habitat restoration facilities, where the impacts of the construction are mitigated;
6. Wetland and wildlife habitat restoration, creation and/or enhancement that improves the wetland's function if the activity proposed is approved by the appropriate agency, such as the Army Corps of Engineers or Colorado Parks and Wildlife; or
7. Areas where a wetlands permit has been issued under a national wetlands permitting program or otherwise issued by the authority having jurisdiction.
8. A site-specific development plan where natural resource setbacks have already been defined prior to adoption of this Code.
9. Areas within the MD district are exempted from §§16-4-20(b)(3)(a) and 3(b) below.

(3) River Protection Standards

There are two levels of River Protection Standards: a riparian setback and a secondary riparian buffer. The riparian setback is closest to the subject riparian corridor and is more restrictive. The secondary buffer is landward of the riparian setback and allows development but with a focus on protecting additional vegetation close to the river. See Figure 4-1.

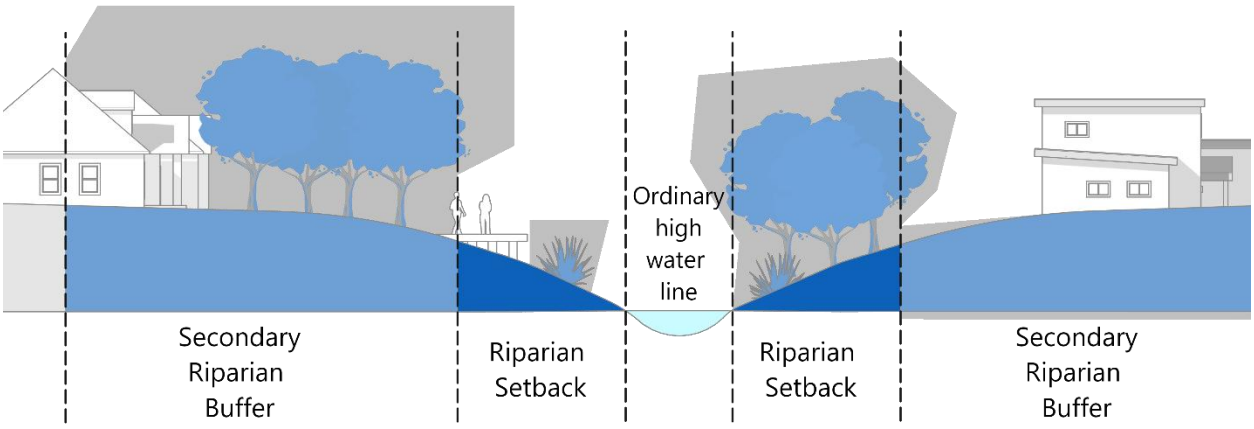


Figure 4-1: Riparian Setbacks and Secondary Buffers

a. Riparian Setbacks

1. Unless otherwise established through plat rules established prior to the effective date of this Code (or other exemptions), riparian setbacks shall be provided as set forth below. Riparian setbacks shall extend landward of the ordinary high-water mark, as measured along a horizontal plane; except for areas adjacent to the resource to be protected where there is a grade change of more than 10 feet vertically over a distance of 30 feet horizontally, in which case the setback may be measured in a straight line over the surface of the slope (see Figure 4-2 below). All measurements shall be conducted by a licensed surveyor. Riparian setback widths are as follows:

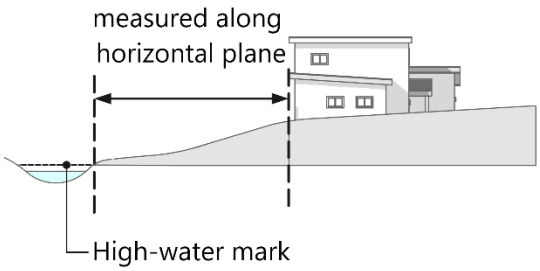
a) Arkansas River: 40 feet

b) South Arkansas River west of Highway 50: 75 feet (Areas of the South Arkansas River east of Highway 50 are not subject to this requirement)

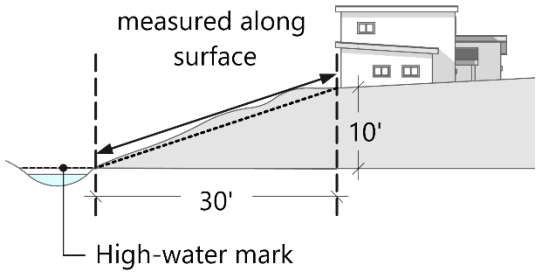
c) All other creeks, ditches, and wetlands: 15 feet

2. No building, structure, or land use may be established, expanded, or enlarged within the riparian setback, unless exempted by 4(b) or 6 below.

Slope less than 10' / 30'



Slope greater than 10' / 30'



a) Within the riparian setback, a maximum of 400 square feet may be disturbed as follows:

1) Patios or fire pits are allowed provided they do not exceed 200 square feet or 10 percent of the total area of the riparian setback, whichever is less.

2) Up to an additional 200 square feet of engineered stairs or pathways (not including allowed privacy fencing or patios/fire pits) for access to such accessory uses and/or the river shall also be allowed.

b) All such uses shall go through permit review, including floodplain development permit review, grading/tree disturbance permit review, and/or building permit review, as applicable. Such accessory uses, including privacy fencing, shall be sited to limit the impacts to existing riparian vegetation to the maximum extent practicable and such development shall include approved tree protection fencing.

3. The applicant shall identify wetlands and riparian vegetation on the development site. Staff will evaluate the application against the National Wetlands Inventory and Colorado Natural Heritage Program Wetlands GIS. A wetlands determination may be required.

4. Unless otherwise allowed by this section, wetlands and riparian vegetation shall not be disturbed during development. Careful site planning shall consider site erosion, riverbank stability, soil types, discharge, and the preservation of riparian vegetation to the maximum extent practicable.

a) Where vegetation required to be protected is disturbed during construction, identical or similar vegetation shall be replanted within one month of disturbance, or as approved in a replanting plan by the Director. Non-native or invasive vegetation shall be replaced with native species.

b) Where opportunities exist to enhance riparian vegetation, including removal of non-native or invasive species, new plantings are encouraged.

c) Disturbance of wetlands may be subject to review by other jurisdictions, such as the Army Corps of Engineers.

5. Any removal or pruning of 10 percent or 400 square feet of riparian vegetation, whichever is less, shall require a grading/tree disturbance permit. Such permit shall either allow an approved restoration project to remove invasive species/introduce native species or establish defensible

space (wildfire mitigation). Such requests shall be reviewed and approved by the Salida Tree Board or other designee of the Director. Restoration projects within the riparian setback and secondary riparian buffer are highly encouraged.

6. Where the riparian setbacks for river protection create a buildable envelope of less than 2,000 square feet (inc. accessory buildings), a 2,000-square foot building envelope (inc. accessory buildings) shall be allowed and located to have the least impact on the riparian setback, first by the Director considering a reduction of the front yard setback, if possible, then by the Director considering a reduction of the riparian setback if necessary. At no point, however, shall the riparian setback be less than 30 feet along the Arkansas River or 60 feet along the South Arkansas River.

7. Disturbance of wetlands and riparian vegetation shall be minimized as follows:

a) Areas that will be disturbed during construction activities and areas that will be protected from construction impacts shall be delineated on a site plan.

b) Prior to removal or alteration of riparian vegetation, impacts of such removal or alteration shall be documented, and any other required permits (e.g., Army Corps of Engineers, Floodplain Development Permit, grading/tree disturbance permit) shall be obtained. Impacts shall be mitigated as described in this section.

b. Secondary Riparian Buffer Area

1. In addition to the riparian setback protections, an additional riparian buffer area shall be provided as set forth below. The secondary riparian buffer area shall extend landward of the riparian setback as measured along a horizontal plane by a licensed surveyor.

a) Arkansas River: 60 feet

b) South Arkansas River west of Highway 50: 75 feet

1) Areas east of Highway 50 are not subject to this requirement.

c) All other creeks, ditches, and wetlands: No additional buffer

2. A grading/tree disturbance permit is required for any tree removal or site disturbance within the secondary riparian buffer.

a) A maximum of 50 percent of native trees over four inches in diameter at breast height within the secondary riparian buffer area may be removed, subject to review and approval by the Salida Tree Board or other designee of the Director. However, the number of trees required to be protected can be removed and replaced with new native trees in other areas of either the riparian setback or the secondary buffer, provided such new trees are maintained for a minimum of two years.

b) The permit application shall detail the location of all trees and those proposed for removal. Erosion control measures and tree protection fencing may be required as a condition of permit approval.

3. The applicant shall submit a grading plan for approval per the requirements of §16-4-40(c), *Grading/Tree* Disturbance Plan.

c. Riverbank Protection

1. There shall be no alteration of a riverbank except as allowed by this Code or as necessary to eliminate an existing hazard or to clean up or restore the riverbank. Prior to any such alteration, a permit shall be obtained from the City and any other agency having jurisdiction (e.g., Army Corps of Engineers).

2. The dumping of any debris, dirt, fill, vegetation, street snow, or other material is prohibited. Stormwater runoff and snow melt are not considered dumping but may be subject to other standards of this Code, as well as state and federal law.

(c) Floodplain

(1) Purpose

a. Flood hazard areas are subject to periodic inundation that 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. 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, flood proofed, or otherwise protected from flood damage.

c. As a result, this section is intended to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas as authorized by the State of Colorado (CRS §29.20) 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.

(2) Applicability

a. This section 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 City of Salida.

b. Special Flood Hazard Areas are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salida, Colorado," dated March 30, 1982, 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 section. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this section 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.

c. No building, structure, or lot shall hereafter be constructed, located, extended, or altered without full compliance with this section.

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

(3) Warning and Disclaimer of Liability

The degree of flood protection required by this section 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 section 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 section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

(4) Definitions

Unless specifically defined in §16-10-30, *Floodplain-Related Definitions*, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

(5) Review of Floodplain Development

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this section.

a. Floodplain Administrator

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

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

a) Maintain and hold open for public inspection all records pertaining to the provisions of this section, 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 flood proofing certificate required by this section.

b) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this section.

c) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

e) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this section, including proper elevation of the structure.

f) 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.

g) When Base Flood Elevation data has not been provided in accordance with §16-4-20(c)(2)b, 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, to administer the provisions for flood hazard reduction.

h) 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 foot at any point within the community

i) Under the provisions of 44 CFR Chapter 1, §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 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 §65.12 and receives FEMA approval.

j) 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.

k) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

b. Floodplain Development Permit

1. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by them 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:

a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and "substantially improved" (as defined in this Code) structures;

b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

c) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of §16-4-20(c)(6)d, *Standards for Flood Hazard Reduction*.

d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e) Maintain a record of all such information in accordance with §16-4-20(c)(5)a.

2. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on the provisions of this section and the following relevant factors:

a) The danger to life and property due to flooding or erosion damage;

b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c) The danger that materials may be swept onto other lands to the injury of others;

d) The compatibility of the proposed use with existing and anticipated development;

e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

f) 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;

g) 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;

h) The necessity to the facility of a waterfront location, where applicable;

i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j) The relationship of the proposed use to the comprehensive plan for that area.

c. Variance

1. The Board of Adjustment, as established by the City Council, shall hear and render judgment on requests for variances from the requirements of this section.

2. 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 section.

3. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.

4. 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.

5. 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 section.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of 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 subsection 10. below have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this section, 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 section.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. 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.

10. Prerequisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) Showing a good and sufficient cause;

2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3) 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.

c) 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.

d) 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 standards 1) through 9), above, 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.

(6) Standards for Floodplain Development

a. Interpretation

In the interpretation and application of this section, 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.

b. Methods

To accomplish its purposes, this section 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.

c. General Standards

The following standards apply to new construction and substantial improvements in all Special Flood Hazard Areas:

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.
9. Fencing shall be designed to minimize obstruction to floodwaters and shall be of split rail or minimal wire construction so as not to obstruct flows. Such fencing may require additional permitting.

d. Standards for Flood Hazard Reduction

The following standards apply in all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in §16-4-20(c)(2)b, §16-4-20(c)(2)b, and §16-4-20(c)(6)h, the following provisions are required:

1. Residential Development

New construction and substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one 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. Nonresidential Development

a) With the exception of Critical Facilities, per §16-4-20(c)(6)i, *Standards for Critical Facilities*, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one 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.

b) 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 section. Such certification shall be maintained by the Floodplain Administrator, as proposed in §16-4-20(c)(5)a.

3. Fencing/Enclosures

New fence/enclosure construction and substantial improvements to fences/enclosures are allowed with a floodplain permit and subject to the following standards:

a) A cut sheet shall be provided showing the fence material and technical specifications.

b) 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 that 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:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2) The bottom of all openings shall be no higher than one foot above grade.

3) 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) Chain-link and wire-frame fences with minimum 4”x 4” openings are generally acceptable.

4. Manufactured/Mobile Homes

a) 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 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 section “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).

b) 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:

1) The lowest floor of the manufactured home is one foot above the base flood elevation, or

2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 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

In addition to complying with the general use-specific standards in §16-3-30, *Use-Specific Standards*:

a) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1) Be on the site for fewer than 180 consecutive days,

2) Be fully licensed and ready for highway use, or

3) Meet the permit requirements of §16-4-20(c)(5)b, *Floodplain Development Permit*, and the elevation and anchoring requirements for manufactured homes, above.

b) 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 the effective date of this Code 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 ordinance if it meets such standards.

e. Standards for 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 §16-4-20(c)(6)c 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 standard 1., above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3. Under the provisions of 44 CFR Chapter 1, §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.

f. Standards for 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 §16-4-20(c)(6)e, *Standards for Floodways*.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

g. Standards for 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 foot of freeboard that existed prior to the placement of fill.

h. Standards for Subdivisions

1. 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.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of §16-4-20(c)(5)b.
3. 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 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to §16-4-20(c)(2)b and §16-4-20(c)(6)h.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. 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.

i. 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 City Council to identify and confirm that specific structures in their community meet the following criteria:

1. Essential Services

a) 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:

1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

2) 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);

3) Designated emergency shelters;

4) 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);

5) 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

6) Air Transportation lifelines (municipal airports and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

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

c) 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 section, 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

a) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

3) Refineries;

4) Hazardous waste storage and disposal sites; and

5) Above ground gasoline or propane storage or sales centers.

b) 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 workplace, 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 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 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.

c) Specific exemptions to this category include:

1) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

2) 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.

3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

d) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this section.

3. At-risk Populations

At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

a) Adult day care;

b) Continuing care retirement facility;

c) Day care center;

d) Hospital; and

e) School (including before-school and after-school care serving 12 or more children).

4. Facilities Vital to Restoring Normal Services

a) Facilities vital to restoring normal services including government operations. These facilities consist of:

1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, and maintenance and equipment centers);

2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

b) 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 section, 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.

5. Critical Facilities Standards

a) 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 buildings or structures not determined to be Critical Facilities. For the purposes of this section, protection shall include one of the following:

1) Location outside the Special Flood Hazard Area; or

2) Elevation or flood proofing of the structure to at least two feet above the Base Flood Elevation.

b) 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 a100-year flood event.

16-4-30 Stormwater Management

(a) Purpose

This section establishes standards that regulate drainage and stormwater management on properties located within the City, to reduce siltation into the Arkansas River and South Arkansas River and to protect, preserve, and enhance the natural environment, including natural landforms and vegetation.

(b) Applicability

Except as otherwise provided for in §16-4-40(d)(2), this section shall apply to all development covered by §16-4-10(b), *Applicability*, plus:

(1) As requested by the Public Works Director due to potential direct impacts to adjacent stormwater infrastructure or drainage ways or any lot determined to have an impact on the Special Flood Hazard Areas.

(c) 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 the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets, §8 Stormwater Criteria. The plan shall be reviewed and approved by the Public Works Director. The Public Works review is limited to conformance with City drainage criteria and will not relieve the professional engineer of responsibility for their design of the site.

(d) Drainage Control Facilities

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; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. All facilities shall be maintained to preserve their function, and all costs associated with handling drainage generated by a development shall be paid by the developer. The City shall have no obligation to the property owner to inspect, maintain, or reconstruct the detention and water quality facilities.

(1) Detention and water quality facilities located within subdivisions shall be located within an outlot, designated tract, or within the common elements of a condominium plat with a public drainage easement, or within an approved dedicated open space provided it meets the requirements of §16-4-110, *Parks, Trails, and Open Space Dedication.*

(2) Drainage easements shall be dedicated at the time of platting. Drainage easements shall encompass drainage control facilities and connect to public access easement / right-of-way and shall grant to the City at no charge a permanent right to inspect, maintain, and reconstruct the detention and water quality facilities. Additional utility or drainage easements or modification of platted easements may be required at time of final permitting as determined by the Public Works Director and a professional engineer's final design of the site.

(3) A maintenance agreement, acceptable to the Public Works Director, shall be required and recorded for ensuring maintenance of any privately owned drainage control facilities.

(4) Point discharges offsite are not acceptable unless approved by Public Works Director. A concentrated point discharge is defined as the location at which concentrated stormwater runoff is released. Point discharges shall be adequately armored with velocity dissipation and appropriate outlet protection.

(e) Illicit Discharges Prohibited

No user or other person shall discharge any illicit discharge into or upon the stormwater utility system, any public highway, street, sidewalk, alley, land, public place, stream, ditch, or other watercourse or into any cesspool, storm or private sewer or natural water outlet, except as specifically provided in the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets §8 Stormwater Criteria.

(f) Floodplain

Land located within a Special Flood Hazard Area shall adhere to the provisions set forth in §16-4-20(c), *Floodplain*.

16-4-40 Grading and Erosion Control

(a) Purpose

The section establishes standards that regulate earthwork construction (including clearing, grading, grubbing, stockpiling, excavation, demolitions, and embankments) on property located within the city, in order to:

(1) Preserve and enhance the City of Salida's natural character by preventing untimely and indiscriminate removal or destruction of trees, understory, and ground cover;

(2) Protect and preserve the ecological functions of environmentally sensitive areas by regulating land disturbances and removal of vegetation within such areas;

(3) Protect the city from sediment entering streets, storm sewers, ditches and streams, which may result in additional taxes for city maintenance costs, increased flooding, impaired water quality, and damage to property;

(4) Promote soil conservation by minimizing land disturbances, thereby reducing sedimentation, air, and surface water pollution; and

(5) Comply with state and federal stormwater regulations.

(b) Grading/Tree Disturbance Permit

A grading/tree permit shall be required pursuant to §16-8-50(e), *Grading/Tree Disturbance Permit,* for the following:

(1) Any site grading of one-quarter acre more;

(2) Any removal or pruning of 10 percent or 400 square feet of riparian vegetation, whichever is less; and/or.

(3) As requested by Public Works Director due to potential direct impacts to adjacent stormwater infrastructure or drainage ways, or any lot determined to have an impact on the Special Flood Hazard Areas; and/or

(4) All development within the riparian setback and secondary riparian buffer.

(c) Grading/Tree Disturbance Plan

As part of the requirements for a grading/tree disturbance permit, the applicant shall submit a plan that illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall be comprised of:

(1) Contents

a. An existing conditions survey, prepared by a licensed surveyor, identifying all site features, trees 4" caliper or greater, existing contours at one-foot intervals, all structures, paving, utilities, drainageways, watercourses, and any other improvements;

b. A Demolition Plan, indicating the extent of removal of any existing site elements on the existing conditions survey; and

c. A Proposed Grading Plan, indicating the proposed contours at one-foot intervals and the footprint all proposed structures, paving, utilities, stormwater management facilities, and any other proposed site improvements.

d. A Tree Protection/Removal Plan that details the location of all trees to protected and those proposed for removal. Erosion control measures and tree protection fencing may be required as a condition of permit approval.

(2) 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:

a. 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.

b. 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 and indicate any existing public drainage that passes through the site.

c. Easements
Determine any easements and other provisions needed for adequate block drainage and erosion control.

d. 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.

e. 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.

f. 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.

g. 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.

(d) Erosion Control Plan

The applicant shall submit an Erosion Control Plan that complies with the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets.

(1) The Erosion Control Plan shall comply with all requirements of the Administrative Manual at a minimum shall consist of:

a. The Proposed Grading Plan:

b. Details and specifications providing for the control of soil erosion and sedimentation, dust control, and mud tracking to fully mitigate the effects of land disturbance and construction activities.

(2) If the construction activities result in a land disturbance of greater than or equal to one acre, or if less than one acre are part of a larger common plan of development or sale that would disturb or has disturbed one acre or more:

a. A copy of a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities issued by the Colorado Department of Public Health and Environment.

b. A stormwater management plan consistent with the requirements of the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets §8 Stormwater Criteria.

(3) Control Measures for Erosion and Sediment Control Required: Control measures for erosion and sediment control shall be selected, designed, installed and maintained in conformity with the approved erosion control plan(s) and the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. No person shall violate the inspection and maintenance requirements established in the Standards for such control measures approved in the erosion control plan.

16-4-50 Streets, Utilities, and Services

(a) Purpose

This section sets forth requirements for the dedication of rights-of-way, provision of utilities, street improvements, and drainage improvements within public rights-of-way or private streets whenever land is subdivided or developed within the various zoning districts, and defines the responsibility for planning, constructing, and financing such improvements. These requirements are intended to ensure that off-site improvements meet proper standards, do not unnecessarily obstruct streets and other rights-of-way, and promote the general health, safety, convenience, and welfare.

(b) Applicability

(1) Unless otherwise exempted by this Code, the standards of this section apply to all subdivisions, development, and land uses established after the effective date of this Code.

(2) All improvements required by this section shall be the responsibility of the developer, subdivider, or applicant.

(3) No improvements shall be commenced until the schedule of improvements has been approved by the City and the performance guarantee has been provided the applicable improvement agreement.

(4) All improvements shall be constructed in accordance with the applicable provisions of the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction, unless otherwise provided on approved plans and specifications.

(5) A design variance from the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction may be granted by the Public Works Director when an alternative approach can be determined to be more consistent with the development's projected traffic generation, functional street classification, provisions for pedestrian safety and emergency vehicle access, and the design of off-street parking and public improvements. Variances for public improvements shall not

be used for a reduction from the minimum standards and shall be submitted with supporting documentation signed and stamped by a Licensed Professional Engineer.

(6) Installation of improvements within Colorado Department of Transportation (CDOT) right-of-way requires approval from CDOT.

(c) Development Improvement Agreement

(1) Development Improvement Agreement Required
To ensure compliance with this section and other applicable requirements, the City Council may require an applicant for a site plan or building permit to enter into a development improvement agreement that meets the requirements of §16-5-30, *Improvement Agreements*. Such agreement shall include a financial performance guarantee and schedule of improvements that shall require approval by the City.

(2) Lot Sales Restriction
No subdivider or an agent of a subdivider may cause, suffer, allow, or permit a lot to be sold in a subdivision prior to either acceptance of the public improvements or entering into a development agreement that meets the requirements of §16-5-30, *Improvement Agreements*.

(d) Streets

(1) Street Design

a. All public streets shall be paved, engineered, and constructed to comply with the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction.

a. Public and private alleys shall be a minimum of 20 feet in width. Alleys serving exclusively single-family detached and attached development need not be paved. Alleys that service commercial uses or multi-family residential uses, either exclusively or in addition to single-family residential, shall be paved, unless otherwise exempted by the Public Works Director.

b. 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.

(2) Maintenance
Upon acceptance by the City, all public roadways shall be maintained by the City.

(3) Street Naming

a. All street naming is subject to approval by the City.

b. No street name shall be used that will duplicate or be confused with the name of any existing street or development in the City or Chaffee County.

c. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the same names as the existing streets.

d. Street name signs which comply with City specifications shall be furnished and installed at the applicant or developer's cost.

(4) Streetlights

a. Streetlights shall be provided at all intersections of public rights-of-way and at a minimum of one light every 300 feet of street length. Exact streetlight locations are subject to approval of the Public Works Director.

b. Streetlights for developments adjacent to U.S. Highway 50 shall be located and meet the model and specifications identified in the Highway Corridor Improvement Plan.

c. Streetlights shall comply with City standards for lighting.

(5) Street Trees

a. Street trees shall be planted a minimum of one tree per lot for all lots with at least 35 feet of street frontage, and at regular intervals of approximately 35 feet, but may be located at alternative distances where necessary, with approval of the Director and Public Works Director. Lots with less than 35 feet of frontage shall be evaluated on a case-by-case basis.

b. Guidance on tree species can be found on the City of Salida website.

c. Add minimum caliper requirements per landscaping section at 16-4-80(2)(a)

(6) Parkways

a. Where detached sidewalks are required, the parkway shall be landscaped and maintained by the adjacent property owner(s).

b. Parkway widths shall conform to the Public Works Design Standards or to street cross-sections, either planned or constructed, as determined by the Public Works Director

c. Landscaping shall meet the standards of §16-4-80, *Landscaping, Screening, and* Fencing.

d. Adjacent to Highway 50, 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.

(e) Survey Monuments

(1) Two concrete survey monuments, at three feet in length and four inches square, with a suitable center point, shall be set into the ground at each street intersection on the street right-of-way line.

(2) Iron pin survey monuments ⅝ inch in diameter and two feet in length 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.

(3) Survey monuments shall be set by a Professional Land Surveyor.

(f) Utilities

(1) Design and Construction of Public Infrastructure

a. Water and sewer utilities shall be designed per the Design Criteria Manual for Water, Sewer, Stormwater, and Streets and constructed in accordance with the City of Salida Standards for Construction. Utility plans shall include all wet and dry utilities.

b. For utility service provision criteria, see the Design Criteria Manual for Water, Sewer, Stormwater, and Streets.

c. When an alley is present, natural gas and sanitary sewer lines, at minimum, shall be located within the alley for service to the adjacent properties unless it is determined that alley service is not feasible per Public Works Director approval.

d. Dry utility designs shall include three-foot horizontal separation from other dry utilities and five-foot horizontal separation from wet utilities. All wet and dry utility designs shall be submitted with application for development plans.

(2) Undergrounding

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. Such utility placement also shall comply with all applicable requirements of 11-3-135 of the Municipal Code (*Underground Construction and Use of Poles*).

(3) Full Extent of Property

Utilities provided pursuant to this section shall cover the full frontage of right-of-way adjacent to the property to allow connection to adjacent properties.

(4) Easements

a. Utility easements shall be dedicated at the time of development approval as a condition of obtaining service.

b. Access easements shall also be utility easements.

c. When easements are necessary, public water or sewer individually shall require a minimum easement of 20 feet, and combined shall require a minimum easement of 30 feet. Additional width may be required for certain situations at the direction of the Director of Public Works. Widths of utility easements on private property shall be determined by the utility provider.

16-4-60 Access, Connectivity, and Circulation

(a) Purpose

This section is intended to support the creation of a highly connected transportation system within the City in order to:

(1) Promote multimodal travel through the creation of networks for automobiles, transit, bicycles, and pedestrians;

(2) Connect neighborhoods to each other and to local destinations such as employment, schools, parks, and commercial services;

(3) Allow for a healthier lifestyle by providing safe and convenient bicycle and pedestrian connectivity:

a. Reduce vehicle miles of travel and travel times;

b. Mitigate the traffic impacts of new development;

c. Reduce storm water runoff, lessen heat island effect from large expanses of pavement, and improve water quality;

d. Improve air quality;

e. Reduce emergency response times;

f. Increase effectiveness of local service delivery; and

g. Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

(b) Applicability

Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(c) Circulation Plan

(1) Except for single-family residential uses within previously platted subdivisions, a circulation plan shall be prepared that meets the requirements of this section and the Administrative Manual, including:

a. Street connectivity;

b. Emergency and service vehicle access;

c. Transit stops and circulation;

d. Parking movements;

e. Loading operations;

f. Turning radii;

g. Traffic calming measures where future “cut-through” traffic is likely; and

h. Other similar issues identified by the Director.

(2) The Director may waive the requirement for a circulation plan on a case-by-case basis if a development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

(3) A circulation plan shall be submitted with the respective site plan, planned development, or subdivision application, as appropriate.

(4) Installation of improvements within Colorado Department of Transportation (CDOT) right-of-way requires approval from CDOT.

(d) Vehicular Access

(1) Street Access

a. All lots and developments shall have direct access to a public street or alley. In no case shall the primary access point into or out of a development be gated or otherwise access-controlled.

b. Access from a private road in-lieu of access from a public street may be allowed by the Public Works Director on a case-by-case basis where the following requirements are met:

1. The private road shall not service an area greater than two acres, and it shall be an infill parcel in an area where connectivity to public roads is not anticipated or desired.

2. Sign-off of all utility providers is required prior to preliminary plat or development plan approval.

3. Engineering drawings meeting the City's Design Criteria Manual shall be provided.

4. The Public Works Director shall determine the minimum required width of the private road on a case-by-case basis.

5. Private roads that also serve as fire access shall be marked and signed when required by the Fire Department.

6. In instances where a private road is requested that does not meet the above criteria, the applicant can apply for a Planned Development Overlay to request approval.

(2) Driveways

a. Access Points

1. Driveway access shall be located from the alley where alley access is available.

2. Corner lots with frontage on two public streets may have one access point from the side street (the street perpendicular to the alley regardless of the orientation of the home) if there is not already access from the front.

3. For multi-family development sites of five or more units, a minimum of two access points shall be provided. An exception may be considered on a case-by-case basis by the Public Works Director where a site is landlocked by existing development or other physical or legal constraints, or where existing natural features on the site require protection that would otherwise make a second access drive infeasible, or where the small size of the site makes dual access unnecessary or impractical.

4. Access onto any state highway shall meet the Colorado Department of Transportation (CDOT) Highway Access Code and shall require approval from the CDOT.

b. Width

1. When driveway access is not from an alley but rather from a public street or private road, driveway width shall not exceed the following standards as measured from edge of pavement to edge of pavement at the right-of-way line or access easement line. Exceptions may be approved by the Public Works Director on a case-by-case basis.

Table 4-A: Driveway Width		
Use	**Min. Width (ft.)**	**Max. Width (ft.)**
Single-family Dwelling (Detached and Multiple Principal)	9	12
All Other Residential	9	12 (one way) / 24 (two way)
Nonresidential/Mixed-use	9	12 (one way) / 24 (two way)

2. Driveway width shall not include angled or radial tapers that are less than three feet in width.

c. Spacing

1. Where access via an alley is not possible, no two driveways connecting to a public street shall be within 30 feet of one another as measured from the edge of each driveway within the City right-of-way. Where 30 feet of separation is not possible due to lot frontage constraints, individual driveways shall be separated to the maximum extent practicable, and in no case shall be closer than 10 feet.

2. Driveways shall be located a minimum of 30 feet from any road intersection.

d. Angle of Intersection

All driveways shall intersect the access street at a 90-degree angle to the maximum extent practicable.

e. Grade

No driveway shall exceed an eight percent average grade.

f. Conformity

1. Existing paved driveways that do not meet the standards of this section may be repaved.

2. Existing unpaved (e.g., gravel) driveways shall conform to the standards of this section when paving is proposed but may be excepted on a case-by-case basis by the Public Works Director.

(3) Access to Adjacent Land

a. When a development abuts and controls access to public lands or existing streets, access shall be provided in the manner requested by the City.

b. When a development abuts private lands, the City may require the developer to provide access when access is in conformance with the City's streets plan or is the only reasonable and logical access to the private property.

(4) Cross-Access between Adjacent Uses

a. All nonresidential and mixed-use development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points from streets, even if no current connection exists (to enable future connections). This may be established by one or more of the following:

1. Connecting streets and drives;

2. Coordinating parking lot entrances;

3. Common service/delivery areas;

4. Legally shared parking lots;

5. Linkages between parking lots; or

6. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts. Shared driveways shall meet the minimum and maximum widths of Table 4-A.

b. When cross-access is deemed impractical by the Director and/or Public Works Director on the basis of topography, the presence of natural features or other impediments, or due to vehicular or pedestrian

safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.

c. Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or development application.

(e) Street Connectivity

(1) Purpose

Street and block patterns should contribute to a system of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, employment, and commercial services.

(2) Connectivity Standards

a. Block Layout

Blocks shall be laid out to respect the existing grid pattern of Salida to the extent possible. Residential blocks shall not be less than 300 feet nor more than 600 feet in length. The City may approve a shorter or longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

b. Continuation and Connection to Public Roadways

Vehicular access and circulation for a development shall incorporate the continuation and connection of public streets and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved adjacent developments.

c. Extension of Circulation System to Site Boundaries

Vehicular access and circulation for a development shall provide for the extension or connection of proposed internal streets and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the adjacent property will have:

1. At least two vehicular access points to and from an external through street system; alley access may be considered as one of these access points;

2. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and

3. Convenient and efficient access by vehicles needed to provide other public services.

d. Connection to Existing Bike Lanes, Shared-Use Paths, and Sidewalks

An extension or connection of a street and right-of-way to an adjacent property, street, or right-of-way shall include the extension or connection of associated bike lanes, shared-use paths, and sidewalks.

e. Temporary Turnaround

Where a street will eventually be extended beyond the development boundary, but is temporarily dead ended, a temporary turnaround shall be provided on-site that is suitable in size for the movement of emergency vehicles and other anticipated vehicles such as trash services or delivery trucks.

f. Waiver or Modification of Connection Requirements

The Director may waive or modify the requirements or standards for extension or connection of a street from or to an adjacent property if such extension is impractical or undesirable because it would:

1. Require crossing a significant physical barrier or environmentally sensitive area (e.g., rivers, streams, floodplains, riparian areas, steep slopes, wildfire hazard areas);

2. Require the extension or connection of a proposed internal public street to an adjacent property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by easement or deed; or

3. Require the extension or connection of a proposed internal public street to an adjacent property that is developed for a use whose level and type of generated traffic would be incompatible with the proposed development.

g. Cul-de-Sacs and Dead-End Streets

1. Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest street or to cul-de-sacs in adjoining subdivisions via a sidewalk or shared-use path, except where deemed impractical by the Director.

2. All stub streets and temporary dead-end streets greater than 150 feet in length shall have a turnaround approved by the fire department.

h. Gates and Restrictions on Access to Streets, Driveways, or Alleys

The following standards do not apply to individual detached houses with gated private driveways. For the purpose of this provision and this section, the term "gate" means any barrier or similar device that would allow access or passage to a certain person, group of people, or type of traffic and not to the general public or to transient traffic.

1. Gating of Public Streets

Public streets, sidewalks, bicycle and pedestrian pathways, and public alleys shall not be gated.

2. Approval Required

No other street (including private streets), driveway, sidewalk, bicycle or pedestrian pathway, or alley may be gated and no vehicular or pedestrian/bicycle access may be otherwise restricted along any street without the Administrator's express written approval, in accordance with the standards of this section.

(f) Pedestrian and Bicycle Circulation

(1) Sidewalks

a. Within major subdivisions, planned developments, commercial and mixed-use development, and multi-family development of five units or more, sidewalks shall conform to the Public Works Design Standards or to street cross-sections, either planned or constructed, as determined by the Public Works Director. Along "Priority Routes" as designated on the City of Salida Pedestrian and Bicycle Circulation Plan, the Public Works Director shall determine whether a fee shall be required in-lieu of construction.

b. Minor subdivisions, single-family residential, multi-family residential development under five units, and any other development not required to construct a sidewalk per paragraph (a) above shall provide a fee in-lieu of constructing sidewalk improvements. The fee shall be assessed at the rate provided in the current fee schedule for the entire distance of the property abutting a public street. The fee shall be set at the time of building permit application, with 50 percent payable prior to issuance of a building permit and the remaining 50 percent payable prior to issuance of the certificate of occupancy. For any lot within a minor subdivision with a primary structure that has already received a certificate of occupancy, the entire fee for that lot shall be payable prior to recording the subdivision plat.

(2) On-Site Pedestrian Walkways

An on-site system of pedestrian walkways shall be provided in subdivisions with multi-family and commercial development, and planned developments that meets the following standards:

a. Areas to Connect

On-site pedestrian walkways shall provide direct access and connections to and between:

1. The primary entrance or entrances to each building, including pad site buildings;

2. Any sidewalks, walkways, or shared-use paths on adjacent properties that extend to the boundaries shared with the development;

3. Any parking areas intended to serve the development;

4. Any sidewalk system along the perimeter streets adjacent to the development;

5. Any public transit stops;

6. Any adjacent residential neighborhoods (planned or existing); and

7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

b. Walkway Design

1. Pedestrian walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.

2. Required on-site pedestrian walkways shall provide a minimum of four feet of clearance, and per PROWAG standards, exclusive of impediments such as overhanging vehicles, planned or future EV charging equipment, or bicycle racks; however, the Director and/or Public Works Director may require a wider walkway based on site characteristics such as, but not limited to, anticipated pedestrian volume, street classification, zoning of adjacent properties, and location. All required walkways shall:

a) Be distinguishable from areas used by vehicles using one or more of the following techniques:

1) Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;

2) Changing paving height;

3) Decorative bollards; and

4) Raised median walkways with landscaped buffers.

b) Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;

c) Have adequate lighting for security and safety;

d) Be conveniently and centrally located on the subject property;

e) Be ADA accessible; and

f) Not include barriers that limit pedestrian access between the subject property and adjacent properties.

c. Pedestrian Access through Parking Garages

Pedestrian walkways shall be provided through parking garages from the parking area to the adjacent public right-of-way and sidewalk and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

(3) Alternative Sidewalk Design

Sidewalk design may be modified, with approval from the Public Works Director, to the least extent possible under the following scenarios:

a. Where an existing sidewalk on an adjacent property does not meet the standards of this section, the required sidewalk may be modified to align with the existing sidewalk at the point of connection.

b. Where an existing structure prevents compliance with the standards of this section, the required parkway width may be reduced followed by the width of the required sidewalk.

c. Where the preservation of existing trees prevents compliance with the standards of this section, the required sidewalk location may be adjusted to a reasonable extent, followed by the width of the required sidewalk.

(4) Bicycle Circulation

Bicycle lanes are required where provided for on the Pedestrian and Bike Lane Planning Document on the City of Salida website, or as directed by the Public Works Director.

(5) Transit Stops

Transit stops are required where provided for on the Pedestrian and Bike Lane Planning Document on the City of Salida website, or as directed by the Public Works Director, and shall be designed in accordance with the City of Salida Design Criteria Manual.

(g) Visibility Triangle

(1) To limit obstructions that could obscure the view of motor vehicle drivers at street, alley, and driveway intersections a visibility triangle shall be observed. A visibility triangle shall be the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet along a driveway or property line along an alley. See Figure 4-2.

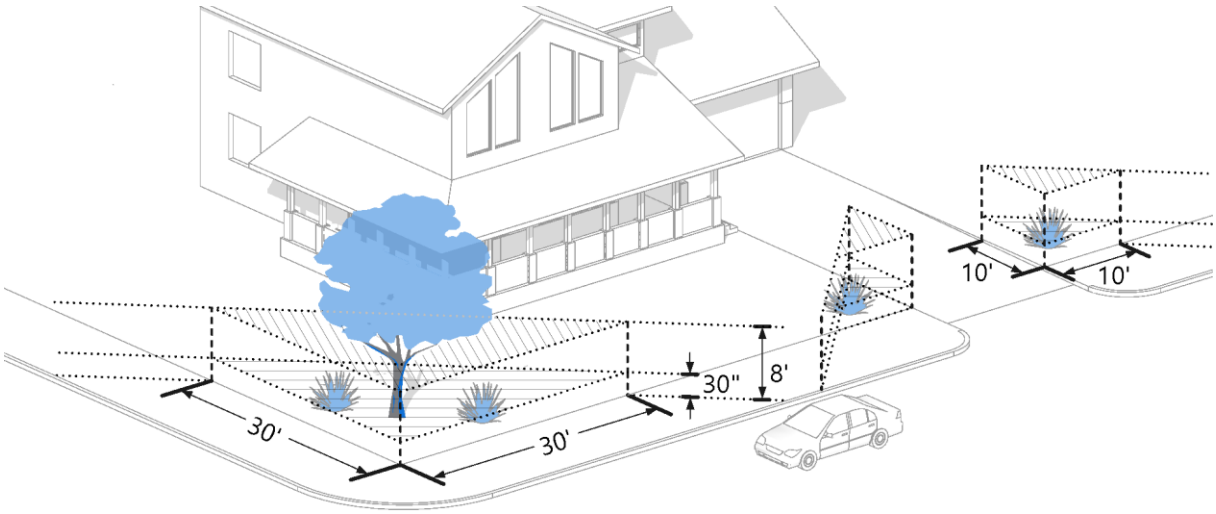


Figure 4-2: Visibility Triangle

(2) Within the visibility triangle there shall be no wall, fence, sign, or foliage with an opacity of more than 25 percent between 30 inches and 8 feet above grade.

(3) Vertical measurement shall be made from finished grade at the corner of the property line adjacent to the visibility triangle or where the driveway intersects the property line.

(4) As an alternative, the Public Works Director may apply AASHTO or other alternative standards based on a site-specific evaluation of intersection visibility.

16-4-70 Off-Street Parking

(a) Purpose

This section is intended to provide off-street parking spaces in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking;

(3) Reducing storm water runoff and heat island effect from large expanses of pavement and improving water and air quality;

(4) Providing necessary access for service and emergency vehicles;

(5) Providing for safe and convenient interaction between vehicles and pedestrians; and

(6) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

(b) Applicability

(1) New Development
Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(2) Additions or Modifications

a. Expansions and Enlargements
Off-street parking standards required by this §16-4-70, Table 4-B, shall apply to any expansion or enlargement of an existing structure or use by more than 25 percent, or 2,500 square feet, whichever is less. Parking for the expansion or enlargement area shall meet the minimum standards for the use(s) as required by Table 4-B.

b. Change in Use
Off-street parking shall be provided for any change of use that would result in a requirement for more parking spaces than the existing use as defined in this section. If the site is fully developed and it is not possible to provide additional parking for a change of use, the Director may waive this requirement on a case-by-case basis. Generally, this waiver shall not be for more than 20 percent of the total spaces required, or five spaces, whichever is greater. Options for parking alternatives in §16-4-70(e), *Parking Alternatives*, also apply when there is a change in use.

(3) Exemptions
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. Modification of the existing parking shall require compliance with §16-4-70(f), *Parking Area Design*.

(c) Calculation of Parking Requirements

(1) Area Measurements
All parking requirements that are based on square footage shall be calculated based on gross floor areas of the subject use. Gross floor area shall include all floor area within a building, exclusive of mechanical rooms, closets, storage areas, or kitchen spaces, unless specifically stated otherwise.

(2) Fractions
When the calculation of off-street parking spaces results in a required fractional space, the required parking shall be rounded to the next highest whole number if five-tenths (0.5) or greater. Rounding of fractions may be calculated at the total parking count for all uses.

(3) Mixed-Use Development
Lots containing more than one use shall provide parking in an amount equal to the total of the requirement for all uses.

(4) Unlisted Uses
For uses not listed in Table 4-B, *Off-Street Parking Spaces Required,* the Director may determine the minimum off-street parking requirements based upon the parking requirements of a listed land use that the Director determines to be most similar to the proposed use (based on operating characteristics, occupancy, or other factors determined by the Director).

(d) Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements

(1) Minimum Required Off-Street Parking
Unless otherwise provided in this Code, off-street parking spaces shall be provided in accordance with Table 4-B, *Off-Street Parking Spaces Required*.

Table 4-B: Off-Street Parking Spaces Required	
Residential Uses	
Household Living	
Dwelling, Single-Family (Detached)	1 per unit
Dwelling, Single-Family (Multiple Principal)	1 per unit
Dwelling, Duplex	1 per unit
Dwelling, Townhouse	1 per unit
Dwelling, Multi-Family (3+ units)	1.5 per unit + 1 guest space per 4 units IH: 1 per unit
Dwelling, Co-Housing/Cottage Housing	1 per unit
Dwelling, Live/Work	1 per unit
Manufactured/Mobile Home (HUD)	1 per unit
Manufactured/Mobile Home Park (HUD)	1 per unit 1 guest space per 5 units
Recreational Vehicle (Long-Term Occupancy)	1 per unit
Group Living	
Continuing Care Retirement Facility	1 per 400 sq. ft.
Group Home, Large	1 per 400 sq. ft.
Group Home, Small	1 per 400 sq. ft.
Dormitory	1.5 per unit + 1 guest space per 4 units
Public, Institutional, and Civic Uses	
Community and Cultural	
Civic or Community Building	1 per 300 sq. ft.

Table 4-B: Off-Street Parking Spaces Required	
Club or Fraternal Organization	1 per 300 sq. ft.
Day Care, Adult	1 per 500 sq. ft.
Day Care Center	1 per 500 sq. ft.
Day Care Home	None
Hospital	1 per 400 sq. ft.
Public Recreation, Outdoor	10 per acre
Public Recreation, Indoor	1 per 1,000 sq. ft.
Religious Assembly	1 per 300 sq. ft.
School, middle or elementary	2 per classroom
School, high or vocational	5 per classroom plus 1 per 300 sq ft of administrative space
School, college or university	1 per 300 sq ft
Transportation	
Parking Facility	NA
Transit Stop	Discretionary
Transit Terminal or Station	Discretionary
Commercial Uses	
Agriculture and Animal-Related Services	
Commercial Farming and Plant or Animal Husbandry	Discretionary
Garden Center, Greenhouse, or Nursery	1 per 300 sq. ft. indoor area
Kennel	1 per 1,000 sq. ft. indoor area
Veterinary Clinic or Hospital	1 per 500 sq. ft.
Business and Professional Services	
Office	1 per 400 sq. ft.
Food and Beverage	
Bar, Lounge, or Tavern	1 per 200 sq. ft.
Microbrewery, Distillery, or Winery	1 per 200 sq. ft.
Restaurant	1 per 200 sq. ft.
Lodging	

Table 4-B: Off-Street Parking Spaces Required	
Bed and Breakfast	2 plus 0.5 per guest room
Hotel or Motel	2 plus 1 per guest room
Short-Term Rental	0.5 per bedroom
Marijuana	
Medical Marijuana Store	1 per 400 sq. ft.
Retail Marijuana Store	1 per 400 sq. ft.
Personal Services	
General Personal Service, Small	1 per 400 sq. ft.
General Personal Service, Large	1 per 400 sq. ft.
Natural Medicine Healing Center	1 per 400 sq. ft.
Self-Service Laundromat	1 per 400 sq. ft.
Recreation and Entertainment	
Adult Entertainment	1 per 300 sq. ft.
Adult Bookstore/Novelty	1 per 400 sq. ft.
Campground	2 plus 1 per site
Commercial Recreation, Outdoor	1 per 400 sq. ft. of indoor area plus 1 per 10,000 sq. ft. site area
Commercial Recreation, Indoor (Large)	1 per 300 sq. ft.
Commercial Recreation, Indoor (Small)	1 per 200 sq. ft.
Recreational Vehicle Park	1 per site 1 guest space per 5 RV spaces
Retail	
General Retail, Large	1 per 400 sq. ft.
General Retail, Small	1 per 400 sq. ft.
Vehicles and Equipment	
Gasoline Service Stations and Car Wash	1 per 300 sq. ft.
Manufactured Home and RV Sales and Service	1 per 500 sq. ft. of indoor sales area
Vehicle Sales and Service	1 per 500 sq. ft. of indoor sales area, plus 2 per service bay
Industrial Uses	
Manufacturing and Processing	

Table 4-B: Off-Street Parking Spaces Required	
Brewery or Bottling Plant	1 per 1,000 sq. ft. processing area, plus 1 per 200 sq. ft. tasting room
Commercial Laundry and Dry Cleaning	1 per 1,000 sq. ft. processing area, plus 1 per 400 sq. ft. service area
Natural Medicine Businesses other than Healing Centers	1 per 1,000 sq. ft.
Manufacturing, Artisan	1 per 1,000 sq. ft. processing area, plus 1 per 400 sq. ft. retail area
Manufacturing, Heavy	1 per 1,000 sq. ft.
Manufacturing, Light	1 per 1,000 sq. ft. plus 1 per 400 sq. ft. retail area
Marijuana	
Marijuana Cultivation	1 per 750 sq ft.
Marijuana Product Testing and Manufacturing	1 per 750 sq ft.
Storage and Warehousing	
Salvage Yard	1 per 1,000 sq. ft.
Self-Storage or Mini-Warehouse	1 per 20 storage units
Storage of Hazardous Liquids and Gases	1 per 1,000 sq. ft.
Storage Yard	1 per 1,000 sq. ft.
Warehouse, Enclosed Storage, or Truck Terminal	1 per 2,000 sq. ft.
Wholesale	1 per 1,000 sq. ft.
Utilities	
Communications Facility	Discretionary
Utility, Major	Discretionary
Utility, Minor	Discretionary
Accessory Uses	
Accessory Building or Structure	NA
Accessory Dwelling Unit	1 per unit (but see §16-3-30(f)(1), *Accessory Dwelling Unit*)
Outdoor Storage, Accessory	NA
Drive Through	3 stacking spaces per ordering station
Home Occupation	1 space per non-resident employee
Outdoor Retail and Display	NA
Sale of Produce and Plants Raised on Premises	NA

Table 4-B: Off-Street Parking Spaces Required	
Temporary Uses	
Construction Support Activity	NA
Mobile Vendor	NA
Temporary Retail and Display	NA
Temporary Special Event	NA

(2) Maximum Off-Street Parking
No nonresidential use shall provide off-street parking spaces in an amount more than 125 percent of the minimum parking spaces required by Table 4-B*, Off-Street Parking Spaces Required*, unless:

a. The proposed development has unique or unusual characteristics such as high occupant volume per floor area or low parking turnover, that create a demand exceeding the maximum ratio and that typically does not apply to comparable uses, which is demonstrated by a parking demand study per §16-4-70(e)(6), *Parking Demand Study*, that is provided by the applicant with authorization from the Director;

b. The request is the minimum necessary variation from the maximum standard;

c. Parking spaces in excess of the maximum allowed shall use pervious pavement; and

d. Additional landscaping is provided in an amount equal to the percentage above the maximum parking allowed.

e. Exception: Any nonresidential use requiring eight or fewer spaces may have up to ten spaces.

(3) Minimum Required Accessible Parking
The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the Municipal Code and the Americans with Disabilities Act (ADA), as amended.

(4) Minimum Required Bicycle Parking

a. Unless exempted by this section, all residential development with more than four units and all nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per ten provided vehicle parking spaces, with no qualifying development providing less than two bicycle parking spaces. Bicycle racks shall conform with Public Works standards.

b. For schools, off-street bicycle parking shall be provided at a ratio of one space per ten students enrolled.

c. The Director may reduce the number of bicycle parking spaces required due to building site characteristics.

(e) Parking Alternatives

The Director may approve parking alternatives to the minimum spaces required by Table 4-B*, Off-Street Parking Spaces Required,* in accordance with this section.

(1) Maximum Reduction
The maximum reduction of required off-street parking spaces by any single parking alternative or combination of parking alternatives in this section shall be 50 percent.

(2) Tandem Parking
Tandem parking is allowed for any single-family residential parking area, and for automobile sales and leasing uses.

(3) Fee-in-lieu for Parking within the MD District

a. With approval of the Director, a fee-in-lieu of providing required on-site parking for all development within the MD district may be paid by the applicant in an amount established and periodically amended by the City's fee schedule as the Business Occupier Fee.

b. Fees accepted by the City in lieu of required parking shall be designated for the purposes of providing additional public parking in and around Downtown Salida or for the enforcement of parking regulations.

c. Any off-street parking satisfied through this section shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.

d. The number of parking spaces required and used to calculate the fee in-lieu shall be determined according to the provisions of this §16-4-70 and any other applicable provisions of this Code.

e. A change of ownership or the dividing or merging of properties shall not affect an obligation for parking fees in-lieu or a determination that parking requirements have been met according to fees paid for a particular use.

(4) Shared or Off-Site Parking (for non-MD Districts)

The Director may approve shared parking and/or off-site parking for developments and/or uses with different operating hours or different peak business periods, if the shared and/or off-site parking complies with the following:

a. Applicability

Shared or off-site parking agreements are allowed in all zone districts except for MD, (unless where provided for otherwise in this Code).

b. Location

Every shared and/or off-site parking space for nonresidential uses shall be located within 500 feet (measured along a legal pedestrian route) of the property on which the shared parking is provided. The Director may authorize farther distances for shared parking facilities where shuttle services are available.

c. Parking Demand Study Required

1. Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking demand study. Such study shall estimate parking demand for the proposed use(s) based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

2. For shared parking, separate uses located on the same or adjacent properties which are not operated simultaneously, a shared parking arrangement may be allowed if it is in accordance with the Institute of Transportation Engineers (ITE) Standards for shared parking (current edition) and the Urban Land Institute publication *Shared Parking Third Edition* (2020, Mary S. Smith et al.), or more current edition if available, and approved by the Director.

d. Parking Agreement Required

1. Written Agreement

a) The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement to the Director with the following:

1) A legal written and recorded agreement;

2) Proof of continuing use and maintenance.

b) The City shall be party to the agreement and any subsequent amendments to such agreement.

2. Approval

a) Such agreement shall be approved by the Director prior to issuance of a building permit or change of use permit for any use to be served by the shared and/or off-site parking facility.

b) Subsequent revocation of such agreement may render any parking facilities that do not comply with this Code nonconforming.

(5) Structured Parking

The height of a parking structure shall not exceed the height of the primary building it is intended to serve. Where no primary building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

(6) Parking Demand Study

An applicant may submit a parking demand study to demonstrate that the general minimum requirements in Table 4-B should be varied for a specific project due to varying parking demand characteristics. Upon approving such a study, the Director may reduce off-street parking standards for the project. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

(f) Parking Area Design

(1) Use of Parking and Loading Areas

Unless otherwise permitted by this section, required off-street parking, loading, and vehicle stacking spaces shall be available for the parking of operable automobiles of the residents, customers, and employees of the use that the spaces are intended to serve. Prohibited uses of required spaces include:

a. Storage of inoperable vehicles or materials, including repair work that renders a vehicle inoperable for more than 24 hours in a parking area required for a nonresidential use;

b. Parking of delivery vehicles for the business; and

c. Display of vehicles for sale in nonresidential parking areas.

(2) Location of Parking and Loading Areas

Unless otherwise permitted by this section, required off-street parking, loading, and vehicle stacking spaces shall be located:

a. On the same lot as the primary use the spaces are intended to serve, or within a parking area commonly owned by individuals who also own residential or commercial units adjacent to the area that the parking spaces are intended to serve.

b. For single-family and duplex dwellings in all districts, off-street parking areas for operable motor vehicles shall be located in a garage or on a driveway. Designated outdoor parking areas shall have a curb block located at the end of a driveway that does not terminate at a fence, structure, or similar obstruction.

c. For all multi-family and nonresidential uses in any zone districts except for HC, off-street parking areas shall not be located between the front building façade and the adjacent primary? street frontage.

(3) Minimize Vehicular and Pedestrian Conflicts

a. Traffic control signs, curbs, and/or striping shall be provided within all parking areas as necessary to minimize vehicular and pedestrian conflicts.

b. If vehicular and pedestrian conflicts are apparent, the Director may require an alternative design of parking areas to resolve potential conflicts.

(4) Dimensions

The minimum dimensions for parking spaces, rows and aisles are:

a. Angled Parking
Angled parking between 30 and 90 degrees shall accommodate an 18.5-foot by nine-foot rectangle within the stall.

b. Parallel Parking
Parallel parking spaces shall be 22 feet as measured along the street and eight feet wide.

c. Aisle Widths
Aisles shall be no less than ten feet for each direction of traffic.

(5) Access

a. All parking areas, except those associated with a one- or two-family dwelling, shall be designed so that vehicles exiting from a parking space shall not back on to the right-of-way of public streets. Vehicles may, however, back on to the right-of-way of alleys adjacent to the property.

b. 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 tandem parking.

(6) Parking Surface

a. Paved Parking Surface Improvements

1. Paved parking surface improvements shall be required for the following:

a) Commercial and mixed-use when five or more parking spaces are provided, and

b) Multi-family residential when nine or more parking spaces are provided.

2. If paved improvements are required, off-street parking areas, aisles, turn-arounds, and access drives shall be paved with concrete, asphalt, paving blocks, pavers, or other durable all-weather surface, and shall be striped to the standards of this section and the standards of the Public Works Department. The Public Works Director shall determine the extent of alley paving that may be required for access to the lot.

b. Gravel Parking Surfaces
Parking areas and access drives not required to be paved by paragraph (a) above may have a gravel surface. Unpaved parking shall provide some form of curb stop to identify each parking space.

(7) Landscaping
Standards for landscaping of parking areas are in §16-4-80(c)(3), *Parking Lot Landscaping Standards*.

(8) Lighting
Standards for lighting and illumination of parking areas are in §16-4-100, *Outdoor Lighting*.

(9) Drainage
Standards for grading and drainage retention are in §16-4-40, *Grading and Erosion Control*.

16-4-80 Landscaping, Screening, and Fencing

(a) Purpose

This section is intended to provide standards for landscaping, screening, and fencing to help protect the public health, safety, and general welfare by:

(1) Creating a visually attractive physical environment to increase the public's enjoyment and patronage of Salida businesses;

(2) Buffering potentially incompatible neighboring land uses;

(3) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;

(4) Providing pollinator-friendly habitats that are connected and abundant enough to have a positive impact on pollinator populations;

(5) Realizing additional environmental benefits of landscaping such as: storm water retention and infiltration, recharging groundwater, retaining soil moisture, preventing erosion, and mitigating air quality, water pollution, dust, noise, heat island effects, and glare; and

(6) Improving the quality of development to protect public and private investments and community values.

(b) Applicability

(1) New Development
Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(2) Additions or Modifications
All landscaping, screening, and fencing for existing development and established land uses shall be installed in conformance with this section if:

a. The gross floor area of an existing structure is expanded or enlarged by more than 25 percent or 2,500 square feet, whichever is less;

b. There is a change of use of the existing building that requires an increase of off-street parking by more than 25 percent or 10 spaces, whichever is less; or

c. A land use that requires conditional use permit approval if determined by the Director.

(3) Exemptions

a. Mixed-Use Downtown (MD) District
Development in the MD zoning district shall be exempt from the landscaping standards of this section 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 of the non-built area.

b. Open Space (OS) District
Development in the OS zoning district shall be exempt from the landscaping standards of this section.

c. Certain Residential Structures
Single-family detached, two attached dwelling units, duplex structures, two or fewer multiple principal structures on a lot, manufactured/mobile homes, and accessory dwelling units are only required to meet the tree requirements of this section.

d. Agricultural (AG) District
Development in the AG zoning district shall be exempt from the landscaping standards of this section.

(4) Overlapping Requirements
In the event two or more landscaping standards overlap, the same landscape treatment may be counted toward meeting both standards. (For example, a shrub may count toward both a landscaped area planting requirement and a screening requirement.)

(c) Landscaping Standards

(1) General Landscaping Standards

a. Minimum Landscaped Area

1. General

a) The minimum percent of site area required to be landscaped is established for each zoning district per §16-2-20, *Summary of Dimensional Standards*.

b) A minimum of 50 percent of the required landscape area shall be live cover, including expected mature shrub coverage but not tree canopy coverage. For purposes of this provision, actively planted and maintained vegetable and/or flower gardens may count toward the required landscape area.

c) The total amount of high water-use turf grass may not exceed 40 percent of the total landscaped area. Sod alternatives such as xeric ground cover plants, including native grasses, ornamental ground covers, buffalo grass, and fescue, are encouraged to be used in place of sod.

d) Any required landscape area shall not be used for parking or storage.

2. Planting Requirements for Landscaped Area

The following table lists the minimum number of trees and shrubs/perennials that shall be provided per required landscaped area in various zoning districts. Where a fractional number results, the number of trees or shrubs/perennials required shall be rounded up when 0.5 or higher.

Table 4-C: Minimum Landscaping in Required Landscaped Areas

Zoning District(s)	Trees Required	Minimum # Shrubs or Perennials Required	Minimum Live Coverage of the Required Landscape Area (%)
R1 / R2 / R3 / MMP	1 per 650 sq. ft.	3 per 400 sq. ft. (not required for single-family or duplex)	50
MN / MC		1 per 200 sq. ft.	50
MD		1 per 200 sq. ft.	50
MH	1 per 400 sq. ft.	3 per 400 sq. ft.	50
IN	1 per 1000 sq. ft.	3 per 400 sq. ft.	50
CF	1 per 300 sq. ft.	3 per 400 sq. ft.	50

b. Landscape Materials

1. Appropriate Plantings

No plants on the most recent Chaffee County noxious weed list shall be depicted on the landscape plan. For guidance, a recommended plan list can be found in the Administrative Manual.

2. Minimum Plant Specifications

Trees and shrubs depicted on the landscape plan shall be of the following minimum size at the time of their planting:

Table 4-D: Minimum Plant Specifications

Plant Type	Minimum Size
Coniferous Trees	6 ft. tall
Deciduous Trees	1.5-in. caliper
Shrubs	#5 gallon
Perennials and Ornamental Grasses	#1

3. Landscape Variety

Vegetation shown on the landscape plan shall meet the following standards:

a) When four or more trees are required, no more than one tree species shall comprise more than 50 percent of the quantity of required trees, unless such trees are preexisting on site. When six or more shrubs/perennials/ornamental grasses are required, no one shrubs/perennials/ornamental grasses species shall comprise more than 50 percent of the quantity of required landscape materials. Ground cover shall be exempt from this requirement.

b) Where 5,000 square feet or more of landscaping is required, a minimum of five different plant species shall be used in the overall development site landscape plan.

c) Guidance on tree species and deer protection requirements for trees can be found in the Administrative Manual in the "City of Salida Tree List and Planting Standards." Deer protection for young trees is required.

d) Coniferous trees shall not exceed 50 percent of total required trees, unless such trees are preexisting on site. When planting coniferous trees, dwarf varieties are encouraged on lots smaller than 15,000 square feet. Coniferous trees shall not be planted in rows or groupings that will create issues with icing of sidewalks and streets.

4. Landscape Preservation

a) The landscape plan shall be designed to save all existing healthy trees and shrubs (except for those identified as undesirable species in the Administrative Manual) whenever possible. Existing trees that meet the standards of this section, and are preserved, shall count toward the minimum landscaping standards of this section.

b) All existing vegetation preserved and used for credit against the requirements of this section shall be protected during construction by a four-foot or taller fence erected one foot beyond the drip line of the vegetation.

c) Preserved vegetation may be credited only one time toward any one buffer, screen, or other landscape requirement.

(2) Streetscape Landscaping Standards

a. Streetscape Design

1. Street trees shall be located within the designated planting strip unless otherwise exempted by this section or by the Director, or unless the site is unable to meet the geometry standards as defined.

2. Where no planting strip is present or where utilities prevent trees from being planted in the designated planting strip, trees may be planted on the lot no more than seven feet behind the property line nearest to the public right-of-way.

3. Street trees shall be centered in the parkway to avoid impacts from overhanging parked vehicles.

4. Street trees in the parkway as part of a development may count towards required landscaping.

b. Landscaping in a Public Right-of-Way

1. Installation of irrigation for street trees shall be required for a minimum of five years after planting. Single-family detached, two attached dwelling units, duplex structures, and two or fewer multiple principal structures on the same lot are exempt from installing irrigation but are responsible for the care and watering of street trees adjacent to their lot and may hand water street trees.

2. Approval from the Public Works Department shall be obtained prior to the installation of landscaping within the public right-of-way.

3. Landscaping shall be located so as not to obstruct fire hydrants or utility boxes to avoid growing into any overhead or underground utility lines.

4. No plant material between 30 inches and eight feet in height, with an opacity greater than 25 percent, shall be located within the visibility triangle defined in §16-4-60(g), *Visibility Triangle*.

5. Maintenance, including weed control, of landscaping installed within the public right-of-way shall be the responsibility of the property owner and shall be maintained per an applicant-provided maintenance program approved by the Public Works Department.

(3) Parking Lot Landscaping Standards

Landscaping is required for parking areas in multifamily residential, mixed-use, commercial, and industrial development projects to reduce stormwater runoff, protect water quality, minimize the heat island effect, and reduce visual impacts.

a. Buffer Strips

1. A five-foot wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided within any front setback area and between any off-street parking area or drive aisle and any adjoining public or private street right-of-way.

2. Off-street parking areas or drive aisles adjacent to a residential zone district shall provide a five-foot wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters, or a six-foot tall opaque fence or solid wall where allowed by this Code.

3. A ten-foot-wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided along all lot lines for properties with sales lots for mobile home, recreational vehicles, heavy equipment, and automobiles.

4. A ten-foot-wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided along all lot lines adjacent to any residential development for properties with drive-through facilities.

5. Portions of the buffer strips that contain live cover shall be credited toward the required landscaping.

6. If planter boxes are utilized within buffer strips, the planter box shall be a minimum of 24 inches in height and contain enough landscape material to provide full seasonal coverage within the planter at plant maturity.

b. Landscaping Islands within Parking Lots

1. Applicability

a) Generally
Any parking area containing 10 or more parking spaces shall include landscaped islands or rain gardens.

b) Exemption
Parking areas that contain 15 or fewer spaces and that are located within the rear portion of the lot and behind or otherwise screened by a building from view from the public right-of-way shall be exempt from the landscape island requirements of this section.

2. Landscaped Island Size and Location

a) Landscaped islands or rain gardens shall be of sufficient size to accommodate required landscaping. No landscaped island or rain garden shall be less than six feet in length or width or less than 75 square feet.

b) Landscaped islands or rain gardens shall be provided in parking areas along the ends of parking rows, to define the location and pattern of primary internal access drives, and/or to separate rows of 15 or more parking spaces (including ADA accommodations).

c) There shall be no more than 15 parking spaces in a row without an interior landscape island or rain garden.

d) A minimum of ten percent of the parking area (including drive aisles) shall consist of landscape islands or rain gardens.

3. Landscaped Island Design

a) Landscaped islands shall be dispersed throughout the parking area to provide visual relief, define parking aisles and parking lot entrances, and to provide shading by using seasonal shade trees.

b) Minimum one tree and five shrubs or perennials shall be provided for every 15 parking spaces.

c) All landscape island trees shall be deciduous, and a minimum of 75 percent of required landscaped island trees shall be deciduous canopy-type shade trees with a mature height of at least 30 feet.

d) Sod is not permitted in landscape islands. Sod alternatives such as xeric ground cover plants including native grasses, ornamental ground covers, buffalo grass, and fescue may be used.

e) Nonliving ground cover shall not exceed 50 percent of any landscaped island or rain garden.

f) Landscaped islands and rain gardens shall be credited toward the overall required landscaping.

4. Incentives that Allow for a Reduction of Landscaped Islands
If permeable paving is used in all parking spaces, the required number of landscaped islands or rain gardens may be reduced by up to half. If permeable paving is used for the entire parking area, including drive lanes, the required landscaped islands or rain gardens may be reduced by up to three-quarters.

(d) Landscape Plan Requirements

A landscape plan shall be submitted for review as part of an application for any development proposal, unless specifically exempted per §16-4-80(b)(3), *Exemptions*. The landscape plan shall contain the following materials and information:

(1) Drawing
A drawing shall be provided, to scale and containing a legend, identifying:

a. All existing deciduous trees and coniferous trees of four inches in caliper or greater at breast height;

b. The location, size, and type of all proposed landscape materials, living and non-living;

c. All existing vegetation that is to be preserved; and

d. How irrigation is to be provided and the Gallons Per Minute (gpm) required for the proposed landscaping.

(2) Calculations
A written summary of all calculations used to determine the landscaping required and provided for the site.

(3) Cost Estimate
An estimate of the cost of supplying and installing the materials depicted in the landscape plan, including all labor and supplies for the irrigation system.

(4) Erosion Control
A description of how erosion will be controlled on-site during construction and following completion of development.

(5) Root Zone Protection of Preserved Vegetation
A description of how the root zones of preserved vegetation will be protected during construction or installation of structures, pavement, or other site features, and during the installation of landscaping and irrigation.

(6) Maintenance Program
A description of the proposed program to maintain the landscaping after it has been installed.

(e) Installation and Maintenance

(1) Installation Required Prior to Certificate of Occupancy

a. If an applicant requests a Certificate of Occupancy during the months of May through October, the landscaping and irrigation shall be fully installed in conformance with the approved landscape plan prior to City sign-off on the Certificate of Occupancy authorization. During the months of May and June, at

the Director's discretion, a security deposit may be accepted that requires complete landscape installation during the following planting season.

b. If an applicant requests a Certificate of Occupancy during the months of November through April, a security deposit will be accepted that requires complete landscape installation during the following planting season.

(2) Security

a. When a security deposit is required due to the timing of the Certificate of Occupancy as noted above, the applicant shall 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 125 percent 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 Director.

b. Following installation of the required landscaping, the applicant shall certify that the landscaping has been installed in conformance with the approved plan. Following receipt of the certification and an inspection by City staff, the Director shall release 100 percent of the provided cost of supplying and installing the materials within seven calendar days. The remaining 25 percent shall be released after two growing seasons if the Director determines that required landscaping is installed and successfully maintained.

c. If 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.

(3) Irrigation for Live Cover
Trees and live cover shall be provided with an adequate means of irrigation for the type of plants installed.

(4) Maintenance
All vegetation shall be healthy at the time of its installation and shall remain healthy or shall be replaced.

a. Landowner Responsible
Maintenance of landscaped areas shall be the responsibility of the landowner.

b. Replacement
Landscaping that does not survive a minimum of three years shall be replaced within three months, or during the next planting season (May through October). 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.

(f) Screening and Fencing Standards

(1) Screening
Screening is required for all multi-family, mixed-use, and nonresidential development in the following situations and shall be accomplished by the specific methods indicated in the respective subsections below:

a. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment, including but not limited to heating and soft water tanks, television antennas, satellite dishes, security apparatus, air conditioners, and heating, cooling, and ventilating equipment, shall be set back no less than ten feet from any property line. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from this standard.

2. The color of roof-mounted equipment and vents shall have a matte finish and be compatible with the roof or adjacent wall color, screened, or integrated into the design of the structure. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from this standard.

b. Ground-Mounted Mechanical Equipment

1. Outdoor ground-mounted mechanical equipment, including but not limited to subpanels, air conditioners, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks, and heating, cooling and ventilating equipment shall be located where not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.

2. Screening of ground-mounted solar energy equipment or other alternate energy equipment shall be exempt from the screening requirements when it can be demonstrated that required screening would reduce the effectiveness or efficiency of the equipment.

c. Loading and Refuse Areas (Nonresidential Development)

1. Outdoor loading and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.

2. In cases when loading and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading and refuse areas shall be screened from view by a solid wall or opaque fence a minimum of six feet in height. If a solid wall is proposed, it shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building.

d. Refuse Areas (Mixed-use and Multi-family Residential Development)

Areas for trash collection shall be integrated into the building design if possible. When not located within the building, trash collection areas shall:

1. Not be located within a landscape island of the parking lot;

2. Provide adequate space for the trash and recycling needs for the number of households, and any commercial space within a mixed-use building, that the space is intended to serve, and

3. Be screened from view by a solid wall or opaque fence a minimum of six feet in height. If a solid wall is proposed, it shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building (excluding unfinished CMU block).

4. May not be located in an ally or other public area or easement.

e. Outdoor Storage Areas

1. Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a mixed-use zoning district, public open space, public trail, or public street, shall be screened from view by an opaque fence or solid wall (excluding unfinished CMU block).

2. Fences or walls shall be a minimum of six feet in height and opaque.

3. Fences or walls may be more than six feet in height if the Director determines it is necessary to effectively screen the outdoor storage.

f. Drive-Through Facilities

In addition to the buffer strip standards in §16-4-80(c)(3)a, *Buffer Strips*, drive-through lanes and stacking lanes adjacent to any residential use or zone shall be screened by a six-foot tall opaque fence or solid wall.

(2) Fences and Walls

a. Purpose

In addition to the overall purpose of this Code and section, these standards are intended to ensure that walls, fences, retaining walls, and vertical combinations of those items:

1. Enhance the visual appearance of the streetscape and built environment;

2. Ensure visual compatibility with public spaces;

3. Promote street and neighborhood character; and

4. Retain a sense of community and neighborliness.

b. Applicability

Any fence, wall, or any similar type of screen, including hedges, may be erected subject to the standards of this section.

c. Height and Location

1. Front

Fences or walls between the face of any building and the front property line shall be no more than four feet in height unless required by the standards of 16-4-70(f). Posts may be a maximum of six feet if necessary for deer fencing. Space between the posts must remain transparent and only wire or similar material may be utilized.

2. Side and Rear

Fences or walls that are not subject to the front height limitation shall have no portion that exceeds six feet in height.

3. Corner Lots

Fences or walls on a corner lot shall not impair visibility of intersecting traffic and/or pedestrians in compliance with §16-4-60(g), *Visibility Triangle*.

4. Measurement

a) Fence and wall height shall be 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.

b) Walls and fences up to eight feet in height may be approved by the Director through the minor modification process subject to the requirements in §16-8-70(a), and shall require building permit approval and compliance with the Building Code, if:

1) They are temporary fences on construction sites erected for protection purposes during the period of construction only; or

2) They enclose loading, service, refuse areas, public works facilities, utilities, or other similar uses outside the front or exterior side setback area; or

3) They enclose outdoor storage areas in nonresidential zoning districts outside the front or exterior side setback area; or

4) They are demonstrated to be necessary for a unique security purpose outside the front or exterior side setback area.

d. Design

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 to be convenient for trash collection.

e. Retaining Walls

1. Height

a) The height of retaining walls supporting either cut or fill conditions shall not exceed 6 feet in height.

b) Retaining walls that are over four feet in height shall be designed by a State of Colorado licensed structural engineer and are subject to building permit approval and compliance with the Building Code.

2. Measurement

a) Retaining walls shall be measured vertically from the lowest point at natural grade to the highest point of the wall.

b) Retaining walls in excess of six feet in height may be approved by the Director if the applicant demonstrates that unique conditions exist that necessitate a different arrangement and if the design standards of paragraph 3. below are met.

3. Design

a) Terracing
Retaining walls greater than six feet in height shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm by:

1) Limiting terracing to three tiers, with each tier no greater than six feet in height

2) Providing a minimum terrace width of five feet between any two retaining walls with a maximum slope of 3:1 and planted with a minimum of four shrubs per 100 square feet of terrace area;

3) The Director may approve reduced terrace depths and alternative landscaping treatments where site constraints limit the amount of space available to accommodate the minimum width and planting densities.

b) Recessions and/or Projections

1) Retaining walls that exceed four feet in height and are over 30 feet in length shall incorporate recessions and/or projections that have a minimum wall plane change of two feet.

2) A direction change of more than 30 degrees in plan view shall also constitute a recession or projection.

3) Retaining wall recession and projection areas shall be landscaped with trees, shrubs, ornamental grasses, and/or and perennials to add visual interest and minimize the impact of the wall from neighboring properties or the public right-of-way.

c) Fence or Wall on Top of Retaining Wall

1) A solid freestanding fence or wall on top of a retaining wall shall be no more than four feet in height (measure from the top of the retaining wall).

2) If greater height is required as permitted per a minor modification request, then the freestanding fence or wall shall be set back from the top of the retaining wall a minimum of five feet and planted with a minimum of four shrubs per 100 square feet between the retaining wall and the fence or wall.

16-4-90 Site and Building Design

(a) Purpose

This section establishes site and building design standards that foster high-quality, attractive, and sustainable development. The standards are further intended to:

(1) Protect and enhance the character and quality of Salida's neighborhoods;

(2) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;

(3) Promote building designs and construction practices that are adaptable to multiple uses for extended building lifecycles;

(4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings; and

(5) Balance the community's economic and aesthetic concerns.

(b) Applicability

(1) New Development
Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(2) Additions or Site Modifications
Site and building design standards shall be installed in conformance with this section if:

a. An existing primary structure is relocated on the lot;

b. The gross floor area of an existing structure is expanded or enlarged by more than 25 percent or 2,500 square feet, whichever is less;

c. There is any expansion or enlargement of a structure or land use that requires conditional use permit approval, as determined by the Director; or

d. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if compliance would make that renovation inconsistent with the overall design of the existing structure.

(c) Site Design

(1) Trees and Vegetation
Mature trees and vegetation shall be maintained to the extent possible to provide slope stability and prevent visual scarring, and to protect riparian areas. Revegetation with native plant materials is encouraged following development.

(2) Relationship to Adjacent Developments
Elements that shall be coordinated between adjacent future or existing sites to the maximum extent practicable include:

a. Shared driveways for accessing adjoining streets (§16-4-60(d));

b. Linkages of internal vehicular circulation systems (§16-4-60(d)(4));

c. Linkages of interior pedestrian systems (§16-4-60(f));

d. Linkages/continuation of open space systems (§16-4-110(c));

e. Perimeter open space and landscape buffer zones (§16-4-80(c));

f. Areas and access for refuse collection (§16-4-80(f)(1)d);

g. Drainage and detention facilities (§16-4-30(d)); and

h. Linkages of any other networks and/or functional areas where a coordinated site design approach will benefit the cohesiveness of a larger area, such as shared utility easements.

(3) Common Recreation Facilities
Any proposed development or subdivision that contains common recreation facilities shall locate such facilities within the development to be easily accessible to residents and minimize impacts on neighboring developments.

(4) Residential Building Orientation
All residential dwellings that front a street shall have an entry that faces the street. Units on corner lots need an entry on only the street from which they are addressed.

(d) Residential Subdivision Architectural Standards

(1) Single-family Detached & Duplex Structures
These standards are intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles.

a. Variety in Façade Elevation

1. No residential façade elevation shall be utilized more than twice every five lots on the same side of the street.
2. No residential elevation shall be repeated directly across the street from the same façade elevation.
3. Mirror images of the same residential façade shall not count as two distinctly different façades.
4. A minimum of two substantial changes shall be necessary to be considered distinctly different facades, such as single story vs. two-story, varied roof style (see b. below), significantly varied window design or placement, or a material change of more than two-thirds of the front facade. Varying paint colors or varying colors of the same material shall not count as a substantial change.

b. Variety of Roof Styles

A variety of roof styles shall be utilized within a subdivision. Two or more of the following roof types shall be used: gable, shed, hip and flat. Roof types shall be evenly and proportionally distributed throughout the subdivision. Rotations of shed roofs shall count as two distinct roof types if a slope of 3:12 or greater is utilized to ensure a visible variation. If lower shed roof slopes are utilized, they will count as one roof type regardless of orientation.

c. Waiver

The Director may grant a petition seeking waiver of this requirement. Such a waiver 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.

(2) Residential Structures with Three Units or More

When residential structures with three or more units (attached or multi-family) are proposed, the above criteria shall apply when five or more separate buildings are proposed on the same lot or on adjacent lots.

(e) Large-scale Development

(1) Purpose

This section is intended to advance Salida's image as a desirable and attractive community through the thoughtful design and development of large retail stores and commercial centers that reflect the character and identity of Salida. This section is further intended to provide for the reuse of large retail, mixed-use, and multi-family developments in support of a resilient local economy and sustainable community.

(2) Applicability

a. New Development

Unless otherwise exempted by this Code, the standards of this section shall apply to any commercial, mixed-use, or multi-family structure of 10,000 square feet or greater established after the effective date of this Code, except for structures in the Agricultural, Industrial, Community Facilities, and Parks and Open Space zone districts. This includes any such development with a combined square footage of 10,000 square feet or greater.

b. Additions or Modifications

Large-scale commercial development standards for existing development and established land uses shall be installed in conformance with this section to the extent practicable if:

1. The gross floor area of an existing structure is expanded or enlarged by more than 25 percent or 2,500 square feet, whichever is less;
2. The exterior of the primary building or structure exterior is to be renovated, which, for purposes of this provision, means the replacement in kind, strengthening, or upgrading of building elements, materials, equipment, or fixtures, that does not result in a reconfiguration of interior spaces. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure;

3. There is a change of use of the existing building that requires an increase of off-street parking by more than 25 percent or 10 spaces, whichever is less; or

4. There is any expansion or enlargement of a structure or land use that requires conditional use approval, as determined by the Director.

c. Exemption
Development in the Agricultural, Industrial, Community Facilities, and Parks and Open Space zone districts.

(3) Cohesive Design
Each building and structure within a development shall be designed to maintain a consistent architectural theme. Building materials and colors, building forms, roof style, and detailing shall contribute to a harmonious and consistent structure without yielding monotony of design. This shall include all pads sites within a large commercial development, gasoline pump canopies, and other accessory structures.

(4) "360 Degree" Architecture

a. All sides of all buildings are to be treated with similar architectural style, use of materials, and details as the front elevation of the building.

b. Any facades not facing a public right-of-way may reduce the level of articulation required in subsections (6), *Horizontal Articulation*, and (7), *Vertical Articulation*, below by 50 percent. A six-foot tall fence or wall constructed of natural materials such as wood, stone, or river rock may be installed along the entire rear lot line, finished side out, to screen the rear elevation in lieu of articulation on that elevation.

(5) Fenestration
Facades facing and within 100 feet of a public right-of-way shall have 50 percent minimum fenestration on the ground floor. Facades facing, but further than 100 feet from, a public right-of-way shall have 20 percent minimum fenestration on the ground floor. Facades not adjacent to a public right-of-way shall have a ten percent minimum fenestration on the ground floor. Exemptions shall be allowed when openings are restricted by the building code.

(6) Horizontal Articulation

a. Buildings shall be designed to reduce unrelieved planes by dividing façades into a series of smaller components. Each building elevation shall incorporate two or more of the following elements for every 50 feet of length:

1. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 12 inches in depth and that has the effect of casting shadows;

2. Glazed windows and doors, if used to comply with this standard, shall comprise not less than 30 percent of the elevation of which they are a part;

3. Change in texture and/or masonry pattern or change in material, with a transition element between materials; and/or

4. Awnings or canopies extending at least four feet beyond the building face.

b. The Director shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.

(7) Vertical Articulation

a. Buildings shall be designed to clearly identify the base, body, and top of the structure with horizontal elements separating these components.

b. The building base shall appear visually grounded through the use of any of the following design techniques:

1. Incorporation of low planters and/or walls;

2. Use of base architectural veneer banding or a wainscot, and treatments defined by different materials, textures, or colors. Base colors should typically be darker than upper-level colors; and/or
3. Carefully integrated covered walkways, trellises, or architectural awnings that provide deep shadow at ground level. This has the added advantage of achieving a more articulated building mass.



(8) Roofline Variation

The roofline silhouette of buildings shall be varied in order to reduce the visual impact of line and form contrast with the natural environment. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50 feet in length without a visual variation that incorporates ornamental architectural features such as projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet. See Table 2-D for Authorized Exceptions to Height Standards.

(9) Outdoor Display

Large-scale retail developments may offer for direct sale to the public merchandise that is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed the total square footage of the retail buildings. Sales of recreational vehicles, autos, agricultural implements (e.g., tractors, cultivators, balers) and plant nurseries are excluded from limitations of outdoor display and storage. Outdoor displays may not occupy required parking spaces.

(f) Residential Adjacency

(1) Purpose

This section establishes standards that promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when mixed-use and nonresidential development is located next to residential zoning districts.

(2) Applicability

This section applies to new nonresidential and mixed-use development in the MN, MC, MH, MD, or IN districts that adjoins a residential zone district. "Adjoining" means directly contiguous; properties separated by right-of-way (including alleys) are not considered adjoining.

a. For mixed-use developments, this section applies to portions of a development that are nonresidential.

b. The Director may reduce or eliminate any standards required by this section with written consent of the adjoining property owner(s).

(3) Use and Activity Limitations
Outdoor speakers and public address systems shall be oriented to direct music and other sounds away from residential properties to the greatest extent possible. Additional screening for such devices may be described.

(4) Site Design

a. To the extent feasible, nonresidential developments shall be designed with higher activity areas, such as parking, circulation, loading, and delivery areas, oriented away from adjoining lots in residential districts.

b. Where site limitations necessitate higher activity levels next to lots in residential districts, additional landscaping and/or screening may be required.

c. Off-street loading areas shall not be located within 30 feet of adjoining lots in residential districts unless no other feasible options are available, and the project is designed to mitigate impacts on adjoining properties.

(5) Building Orientation and Setbacks

a. Horizontally integrated mixed-use developments shall locate nonresidential uses away from the adjoining lots in residential districts.

b. Any building or structure adjoining lots in residential districts shall comply with the minimum side and rear building setbacks of the adjoining residential zoning district along the common property line, unless the relevant setback of the subject property is already greater.

(g) Fair Contributions for Public School Sites

(1) Generally
All development shall comply with the requirements of the Intergovernmental Agreement Concerning Fair Contributions for Public School Sites for the Salida School District R-32-J, effective February 8, 2022, and as amended thereafter. Fees-in-lieu of land dedication are listed in the City's effective fee schedule.

(2) Exemptions
The following uses shall be excepted from Fair Contribution for Public School Sites:

a. Construction of any nonresidential building or structure;

b. 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;

c. 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;

d. Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;

e. The construction of accessory buildings or structures; and

f. Construction of any low-income housing unit, on lots designated as such by the City.

16-4-100 Outdoor Lighting

(a) Purpose

This section is intended to regulate exterior lighting to:

(1) Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;

(2) Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;

(3) Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;

(4) Curtail light pollution and preserve the nighttime environment for the enjoyment of residents and visitors;

(5) Protect the natural environment from adverse impacts of night lighting from gas or electric sources; and

(6) Encourage the use of high-efficacy light sources to conserve energy and resources to the greatest extent possible.

(b) Applicability

(1) All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this section unless stated elsewhere in this Code, stated in an approval of a development permit, required by federal or state law, or exempted below.

(2) All exterior lighting shall be installed in conformance with the provisions of this Code, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

(c) 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.

(d) General Requirements

(1) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including, but not limited to, devices to illuminate signs, shall meet the following requirements:

a. They shall be fully shielded so no light rays are emitted at angles that will allow the light to pass directly off of the premises appurtenant to the fixture. See Figure 4-3.

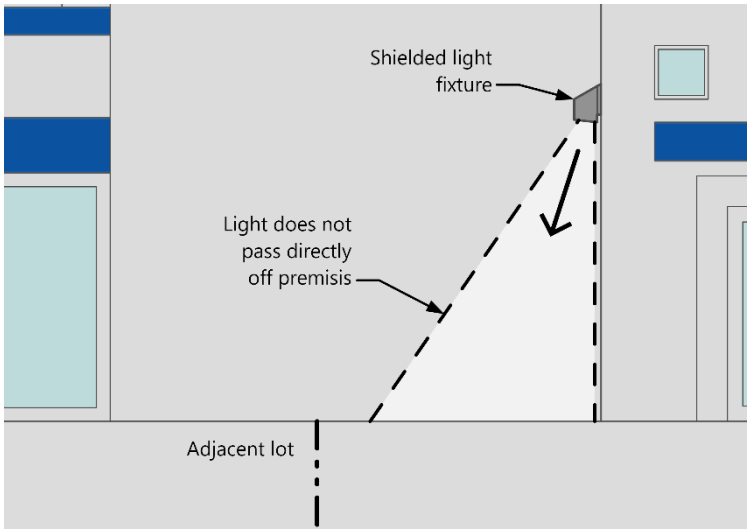


Figure 4-3: Example of No Light Trespass

b. They shall be shielded so that no light rays are emitted by the installed fixture at angles above the horizontal plane.

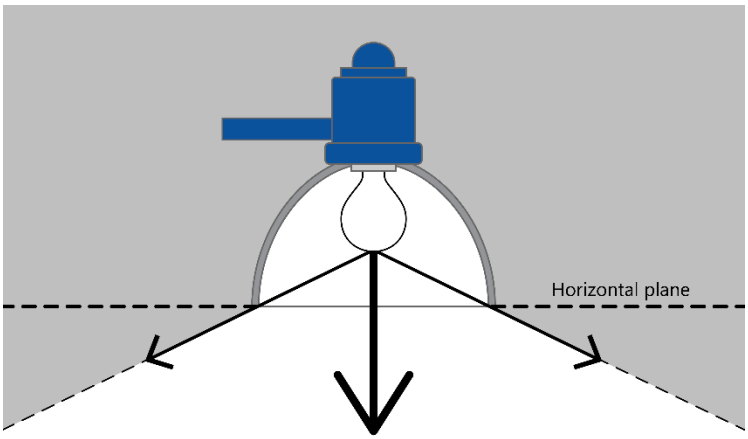


Figure 4-4: Example of Fully Shielded Light Fixture

c. All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.

d. Blinking, flashing, rotating, or moving lights are prohibited, unless allowed under the digital sign standards of this Code.

e. Correlated color temperature (CCT) is limited to 3,000 kelvin per fixture.

f. The following maximum lumen limits are established to prevent over-lighting and are not intended to be exceeded. Each site should use the lowest number of lumens needed for the site to provide safety and functionality.

1. Single-Family Residential Sites shall be limited to 5,000 lumens combined.

2. Single Family Residential Sites that include an accessory dwelling unit shall be limited to 6,500 lumens combined. Each individual lighting fixture shall be limited to an absolute maximum of 850 lumens.

3. Multifamily Residential Sites, Mixed Use Sites and Nonresidential Sites shall be limited to a total of 50,000 lumens per net acre. Each lighting fixture shall be limited to a maximum of 10,000 lumens.

g. Lighting for all nonresidential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.

h. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features. However, targeted directional spot fixtures may be used to illuminate flagpoles (State, United States); such fixtures shall be kept to a minimum brightness and the poles should be lit from the top down, instead of from the ground.

i. If any of the above are in conflict with the adopted City building codes, the regulations of the adopted building code shall apply.

(e) Exempt Lighting

The following are exempt from the provisions of subsection (1).

(1) Lights used to illuminate athletic fields or other community special event areas. Such lights shall be turned off no more than one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.

(2) Signs that are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours. Maximum number of lumens still apply.

(3) Official traffic control devices and lights owned and/or operated by or pursuant to proper authority of the United States of America, the state of Colorado or any of their agencies, public utilities, and such other lights as are specifically required by federal or state law.

(4) Official traffic control lights owned and operated by the City of Salida or public utilities.

(5) Lawful vehicle lights.

(6) Holiday lights. Holiday lights should only be in use from November 1 to March 1.

(7) Public Outdoor Lighting

a. New public lighting owned and operated by the City of Salida, including street lights, walkway lights, external building lights, holiday lights and other lights to ensure safety, shall be allowed as recommended by the Administrator or designee in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with the general requirements in subsection (d) above.

b. The maximum height of any light pole (excluding road lights and traffic safety lights) shall be 25 feet; however, poles of a lower height which are more compatible in scale with pedestrians are encouraged.

c. Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.

d. All City-owned lighting shall comply with the requirements of this §16-4-100 within five years from the effective date of this Section.

(f) Nonconforming Lights

(1) Lights that were lawfully existing and in use at the time they became nonconforming with the requirements of this §16-4-100 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the City, may continue to be used and operated subject to the limitations of this Section 16-4-100.

(2) The right to operate a lawful nonconforming light shall terminate upon any of the following:

a. Replacement of the light fixture.

b. Non-use of the light fixture for a period of six months.

c. Damage to the light fixture so that the cost of repair is 50 percent or more of the cost to replace it with a conforming fixture.

(3) The right to exceed the lumen limits established in §16-4-100(d)(1)f as a lawful nonconforming site shall terminate upon any of the following:

a. Replacement of 50 percent or more of the light fixtures on the site.

b. Damage to the light fixtures so that the cost of repair is 50 percent or more of the cost to replace them with conforming fixtures.

(4) No alteration may be made to lighting on a site that would increase the amount or degree of the nonconformity.

16-4-110 Parks, Trails, and Open Space Dedication

(a) Purpose

This section is intended to ensure that a comprehensive, integrated network of parks, trails, and open spaces is developed in accordance with the Parks, Recreation, Open Space and Trails Master Plan and the Comprehensive Plan and that such network is preserved as Salida grows.

(b) Applicability

(1) This section applies to any residential or mixed-use development, including:

a. Planned Developments;

b. Major Subdivisions;

c. Minor Subdivisions;

d. Condominium Plats of any size; and

e. Major and Minor Site Plan Reviews that include a minimum of five residential units:

(2) As of the effective date of this Code, any applicable development shall dedicate and develop land or, in some cases, shall pay a fee-in-lieu for the purpose of providing and maintaining publicly accessible parks, open spaces, recreation facilities, and/or trails or other public purposes as determined by the City for the benefit of both the residents of the development and the city in general.

(c) Dedication and Development Requirements

(1) Quantity
The owner of any applicable development shall dedicate and develop a minimum of 12.5 percent of the gross land area for parks, open space, and/or trails unless this requirement is otherwise satisfied by the alternatives or fee-in-lieu of dedication as specified in this section.

(2) Location
The location and configuration of the site or sites to be dedicated and developed shall be determined by the City in consultation with the developer and City staff.

a. Such location and configuration shall take into account: the Parks, Recreation, Open Space and Trails Master Plan; the Comprehensive Plan; the Park Development Manual; and other relevant City planning documents; as well as the suitability of the site for park, open space, or recreational purposes; its relationship to population concentrations (including visibility and ease of access to such sites); and its proximity to other park or recreational lands.

b. The City may require that the area be located at a suitable place, such as on the edge of the development so additional land may be added at such time as the adjacent land is developed. Land so reserved shall be of a character and location suitable for public purposes and, if consistent with the needs of the City in that particular area and if proposed for a playground or other similar recreational purposes, shall be relatively level and dry.

(3) Minimum Size
The minimum size of any land to be dedicated for park, open space and recreational purposes generally shall be not less than 0.5 acres for parks or open space, one dimension of which should not be less than 100 feet, except that the City may approve dedications of a smaller size when required by the specific plans of the development and when the usefulness of the smaller area for park or recreational purposes is demonstrated (such as for a required trail).

(4) Use of Detention Areas for Required Dedications
Detention areas for stormwater control shall not qualify as land for park, open space, trails, or recreational purposes, unless the use of the property for active recreational purposes is clearly demonstrated and feasible, and such dedication is agreed to by both the Public Works Director and the Parks Director.

(5) Platting
All areas dedicated for parks, trails, and open space shall 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.

(6) Improvements
All parks, open spaces, trails, and other recreational facilities shall be developed by the developer according to the standards set forth in the Park Development Manual for the City of Salida and the Standard Specifications for Construction in Parks document, as they may be amended from time to time. Such improvements shall be approved and conveyed per a subdivision improvements agreement and/or development improvements agreement. Completion and conveyance of such facilities shall occur prior to certificate of occupancy for any residential units within the overall development, unless specifically excepted by the Director. Such exceptions may not be for more than 10 percent of the overall units proposed without approval by City Council. For developments where individual lots will be sold separately, the facilities shall be completed and approved prior to any certificates of occupancy. A timeline for completion and conveyance shall be specified in such agreements in relation to construction of any other elements of the overall development.

(7) Additional Land
The City may accept additional land in excess of the dedication requirement in exchange for a reduced amount of (or phased) development as determined by the Parks and Recreation Director and approved by City Council via the relevant review process.

(8) Other Requirements

a. Dedicated park land may include floodplain lands, waterways and wetlands, national and state historical or natural features, and proposed public areas set aside in state, regional, county, or City comprehensive plans.

b. Land dedicated shall not include sites for technical, private, or public schools or public agencies; sites for service organizations that are not open to the general public; and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features that may be harmful to health and safety, unless accepted by the Parks and Recreation Director and approved by City Council.

c. Lands dedicated for parks, trails, or open space shall not be counted towards the landscape area required for each lot in the subdivision.

(d) Alternatives

(1) Extraordinary Contributions
Staff or the Planning Commission may recommend a reduction of the overall dedication requirement if it is determined that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community. Examples of extraordinary contributions may include public access to a waterway or highly important trail connections.

(2) Alternate Site
The City Council may accept a dedication of an alternate parcel of land to the City in-lieu of dedicating land within the development if the alternate parcel meets the following standards:

a. The parcel exceeds the required quantity of land required for dedication by a minimum of 25 percent and land dedication for parks, open space or trails would not otherwise be anticipated on the alternate parcel;

b. The parcel meets or exceeds the quality and functionality of land that would otherwise be provided within the development; and

c. The parcel reasonably serves the recreational needs of the proposed development and community at-large, as determined by the Parks and Recreation Director and approved by City Council.

(e) Fee-in-lieu of Dedication and Development

(1) Applicability
In the event parks, trails, and open space are not needed within the area of development due to the size of the development, the close proximity of other parkland to the development, or other factors as determined

by the Parks and Recreation Director, the City Council shall require the applicant to pay the City a fee-in-lieu of land dedication and development.

(2) Cash Contribution In Lieu of Park, Trails, and Open Space Dedication and Development

a. A cash contribution equal to 12.5 percent of the value of the land shall be provided in lieu of park, open space and trails dedication and development and shall be held by the City solely for the acquisition and improvement of parks, open space, trails and other recreational facilities within the community. Because of the small size of the community, the provision of a park, open space, or other recreational land or facilities anywhere within the City of Salida comprehensive plan boundary shall be deemed to meet the needs of the proposed development.

b. In some circumstances, the City may require a smaller percentage of the gross land area to be dedicated and developed (e.g. for a trail). In such cases, the remainder of the 12.5-percent requirement shall be met via fees-in-lieu of dedication. The amount of cash payment required shall be based on the number of acres of parkland dedication that otherwise would be required, less any reductions for public parks, open space, trails, or other recreation facilities as provided above.

(3) Calculation

a. For development applications submitted after the effective date of this Code, a fee-in-lieu of dedication shall be determined by:

1. Fair Market Value
The cash contribution in lieu of a land dedication shall be based on the fair market value of the undeveloped land that otherwise would have been dedicated as a park, open space, trail, or recreational site. The fee shall be based on the value of the land as determined by utilizing the most recent Chaffee County assessor's "actual value". In the event of any objection to the fair market value, including an objection by the City, an appraisal prepared by a qualified appraiser showing the fair market value of said undeveloped land, based upon the proposed use and similar properties in the vicinity and no more than six months old, shall be provided and paid for by the objecting body. The final determination of the fair market value of said undeveloped land shall be made by the City based upon such information, along with any responses thereto by the developer or City staff.

2. Contract Purchase Price
A contract purchase price on the subject property at the determination of the City Council.

3. Subdivisions with Previously Existing Unit
For minor or major subdivisions where a previously existing unit exists and is proposed to remain as part of the development, the fee-in-lieu shall be reduced by the percentage of land (the area of the lot) that is occupied by the existing unit.

(4) Payment

a. All dedications or fees in lieu of dedication and development shall be made prior to or concurrent with filing and recording of the final plat. In cases where there is no final plat yet and fees in lieu are required, fee in lieu payments shall be made in conjunction with submission of the first building permit application.

b. Fee-in-lieu payments shall be placed in a recreation fund established and maintained by the City for the acquisition and improvement of land for parks, trails, playgrounds, and recreation areas in the City that may benefit the residents of the City in general, as well as those of the proposed development.

c. For major and minor subdivisions and condominium plats of five or fewer units, at the authorization of the Director and due to a demonstrated financial hardship, the developer may enter into a lot or condominium sales restriction agreement (to be noted upon the plat) for payment of the required fees-in-lieu. No such sales may happen, nor shall any building permit applications be processed until the entirety of the fee-in-lieu is paid.

Article 16-5 Subdivisions

16-5-10 Purpose and Applicability

(a) Purpose

This article is intended to establish the minimum standards for the design and improvement of land subdivision to:

(1) Facilitate the orderly growth and harmonious development of the City and to protect and promote public health, safety, and welfare.

(2) Provide lots with sufficient size and appropriate design for the purposes for which they are to be used;

(3) Protect the natural environment and scenic beauty of Salida by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, slopes, ridgelines, native vegetation, and trees and to control erosion and minimize runoff;

(4) Provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic;

(5) Encourage the placement of roads and driveways so that they follow natural topography wherever possible, and minimize cutting and grading;

(6) Ensure safe and efficient pedestrian, bicycle, and traffic circulation through coordinated and connected street, trail, and sidewalk systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

(7) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

(8) Provide for adequate sites for schools, recreation areas, access to public lands, and other public purposes;

(9) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;

(10) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne by the development; and

(11) Where applicable, encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards.

(b) Applicability

(1) General

a. Unless otherwise exempted by this Code, the standards of this article shall apply to all subdivisions and land divisions located wholly or partially within the City.

b. Any subdivision shall comply with all applicable City building, fire, and safety codes for the proposed development. In the event of a conflict between this article and other provisions of this Code or other chapters of the Municipal Code, the more restrictive provisions shall prevail.

c. No person shall sell or commence construction of private improvements (except utilities) upon any portion of a proposed subdivision, or advertise or hold out as a subdivided lot any parcel of land, until a plat thereof is recorded and public improvements are accepted under the requirements of this chapter. This lot-sale restriction applies to individual lots within a project, and not an entire project under singular ownership.

d. Subdivision of a portion or all of a previously platted subdivision must meet the requirements of this article.

16-5-20 Subdivision Standards

In order to achieve the intent and purpose of this Code and this article, all subdivisions shall comply with the following standards:

(a) Lot Planning

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, street traffic, or other conditions. The following standards shall apply:

(1) Number of Lots Created

a. For a new subdivision, the maximum number of lots permitted shall comply with the dimensional standards set forth for the applicable zoning district.

b. All lots created shall comply with the dimensional standards set forth for the applicable zoning district.

(2) Lot Size and Configuration

a. Lot width, area, and building setbacks shall comply with the requirements of this Code and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.

b. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical. In exceptional circumstances, the Director may approve a variation of up to 30 degrees from this requirement.

c. Double frontage lots and other irregularly shaped lots are prohibited unless approved by the Director due to natural resource protection, irregular site features, or topography. Where a double frontage lot is necessary, a ten-foot planting and screening easement shall be provided along the portion of the lot that abuts a street and from which access across the easement will not be permitted. The easement shall be maintained by the property owner.

d. Flag lots shall not be allowed unless exceptional circumstances exist [such as ample lot size exists to subdivide, but there is no (or minimal) access from a public right-of-way], as determined by the Director. When flag lots are proposed, they shall meet the following standards:

1. The minimum width of the flagpole portion of a flag-shaped lot shall be no less than 20 feet for a residential lot. The minimum width of the flagpole portion of any flag-shaped single-family residential lot may be reduced to 10 feet if it is the only way to subdivide, as determined by the Director.

2. The minimum width of the flagpole portion of a flag-shaped lot shall be no less than 35 feet for a mixed-use or nonresidential lot. The maximum length of the flagpole portion of a flag-shaped lot shall not exceed 300 feet.

e. Lots shall be designed so that the primary building area does not face directly into the oncoming traffic of a "T" intersection street.

(3) Access

a. Every residential lot shall abut a public or private street. Access to residential lots shall be from local streets except as specifically authorized by the Director and the Public Works Director.

b. At least two points of vehicular access shall be provided into a proposed subdivision, where feasible, unless it can be shown to the satisfaction of the Public Works Director that legal, topographical, and/or engineering constraints preclude such access.

c. For minor subdivisions creating two lots out of one existing lot, and when alley access is not available, the two new lots shall have a shared common access, unless an alternative arrangement is approved by the Public Works Department.

d. Gated communities are not allowed.

(b) Development and Design Standards

Residential development shall comply with §16-4-90(d), *Residential Subdivision Architectural Standards*.

(c) Public Works Standards

Public infrastructure shall be constructed in accordance with City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction. If no standard or specification can be found, then the standard or specification used shall be subject to approval by the Public Works Director.

(d) Comprehensive Plan

Any proposed subdivision shall carry out the purpose and spirit of the City's Comprehensive Plan and conform with the objectives, guiding principles, and recommended actions of the Plan.

(e) Nuisance

(1) Any proposed subdivision shall be designed to maximize compatibility with surrounding land uses and limit impacts from noise, odor, glare, and light trespass.

(2) Where a proposed subdivision borders on or contains highway right-of-way, the City may require adequate provisions for the reduction of noise, including but not limited to landscaping, screening, easement, greater lot depth, increased setbacks, and fencing.

(f) Natural Features

To the extent practicable, lots and blocks shall be designed to provide desirable settings for structures by making use of natural contours, orienting for solar access, , maximizing privacy for residents, and protecting residents from adverse noise and vehicular traffic.

(1) Any proposed subdivision shall comply with §16-4-20(c), *Floodplain*, as applicable.

(2) Natural features and native vegetation shall be preserved whenever possible.

a. Along riparian corridors, the standards of §16-4-20, *Natural Resource Protection*, apply.

(3) Removal and replacement of diseased or invasive trees with native or non-invasive trees is encouraged.

(g) Phasing

(1) Any subdivision planned to be developed in phases shall provide the necessary improvements and dedications, including but not limited to required parking spaces, parks and open spaces, landscape areas, utilities, stormwater management, and streets that are necessary for creating and sustaining a stable environment.

(2) When a tract is subdivided into lots that are intended for future resubdivision, such lots shall be arranged so as to permit the logical location and establishment of future streets, adequate utility easements, and vehicle, pedestrian, and bicycle circulation for such resubdivision.

(h) Inclusionary Housing

See Article 16-9, *Inclusionary Housing*.

16-5-30 Improvement Agreements

(a) Applicability

(1) Subdivision Improvement Agreements
Concurrent with the approval of a Final Subdivision Plat, an applicant shall establish a subdivision improvement agreement with the City Council that meets the requirements of this section. The Public Works Director may allow for subdivision improvment agreements to happen following final plat approval on a case-by-case basis. The Public Works Director may also determine when a subdivision improvment agreement is required for a Minor Subdivision.

(2) Development Improvement Agreements
The Public Works Director may require that an applicant for a site plan or building permit enter into a development improvement agreement that meets the requrements of this section to ensure compliance with §16-4-50*, Streets, Utilities, and Services*; §16-4-50(c)(2), *Lot Sales Restriction;* and other applicable requirements of this Code

(b) Contents of Improvement Agreement

Any required subdivision or development improvement agreement shall include the following:

a. Financial Performance Guarantee
The improvement agreement shall include a financial performance guarantee to construct all required development improvements together with collateral, which shall be sufficient to provide for the completion of the improvements in accordance with the engineering design and the development schedule.

b. Schedule of Improvements
The improvement agreement shall include an up-to-date schedule of improvements showing in detail the public and other required improvements, including shallow utilities, landscaping, revegetation, and other subdivision or development improvements that the developer or applicant shall be responsible for constructing, and the estimated cost of completion.

(c) Approval of Improvement Agreement Required Prior to Commencement of Work

No work shall commence on any improvements by the developer or applicant until the Improvement Agreement is approved by City Council and a financial performance guarantee is provided pursuant to appropriate sections of the improvement agreement and the schedule of improvements has been approved by the City.

(d) Design, Construction, and Inspection

(1) Construction of Improvements

a. The applicant, at its sole expense, shall design, purchase, and install all elements of all required improvements whether such improvements are located on- or off-site.

b. All improvements shall be constructed in accordance with the applicable provisions of the City of Salida Public Works Design Criteria Manual in effect as of the date of the improvement agreement, unless otherwise provided in the approved plans and specifications.

c. All improvements shall be designed and approved by a registered professional engineer retained by the applicant. All drawings and plans for such improvements shall be stamped by the engineer.

d. The applicant shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all required improvements for review and approval by the Public Works Director, and any incidental services related to the construction of the required improvements. 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.

e. Prior to the commencement of construction of required improvements, the Public Works Director shall review and approve the plans and specifications.

f. All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work within the same or next growing season, unless a building permit application has been submittedfor 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. Soil stabilization methods are detailed in the administrative manual.

(2) Construction Schedule

a. The improvement agreement shall include a time schedule for the construction and completion of the improvements, including a commencement date and date when required improvements will be substantially completed. Under such schedule, all required improvements shall be completed no later than as approved in the construction schedule.

b. The City Administrator, or their designee, may extend the deadline for commencement and/or completion of required improvements for up to one year in response to a written request from the developer or applicant in an amount equal to the time lost due to an unforeseen cause or delay beyond the control and without the fault or negligence of the developer or applicant. Any extension beyond one year shall be approved by the City Council.

c. 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. Extensions of deadlines, 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, applicant, or their contractors, subcontractors or suppliers shall be deemed to be delays within the control of the developer or applicant.

(3) Inspection and Approval by Public Works Director

a. The City shall have the right to make engineering inspections and require testing during construction of required improvements in such reasonable intervals as the Public Works Director may request.

b. 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 required improvements. Such approvals shall be made by the City only after completion of construction as established by this section.

c. Upon completion of construction of required improvements, the Public Works Director 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 required improvements into conformity with the approved plans and applicable City standards. The City shall be under no obligation to provide water or wastewater service until all required improvements are brought into conformance with the approved plans and specifications and approved by the Public Works Director.

d. Prior to approval and acceptance of the construction and installation of required improvements, the applicant or developer shall pay to the City the actual cost of all inspections and consultant fees incurred in preparing and administering the improvement agreement.

(e) Conveyance of Public Improvements

(1) All required public improvements constructed by the applicant or developer in accordance with the improvement 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.

(2) Upon inspection and written approval of completion of public improvements by the Public Works Director, the applicant or developer shall convey to the City all physical facilities constructed by the applicant or developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities.

(3) Acceptance of any conveyance of public improvements shall be authorized by the Public Works Director. 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.

(f) Warranty

(1) The applicant or developer shall warrant all required public improvements constructed by the applicant or developer that are conveyed or dedicated to the City per the improvement agreement for a period of one year from the date the Public Works Director certifies conformance to the approved plans and specifications. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved plans and specifications submitted to the City shall be warranted for a period of two years following completion and approval.

(2) Specifically, but not by way of limitation, the applicant or developer shall warrant the following:

a. That the title conveyed shall be good and its transfer rightful; and

b. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and

c. Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.

(g) Guarantee

(1) Performance Guarantee

a. To secure the construction and installation of required improvements, the applicant or developer shall furnish the City with cash, letter of credit, cash bond, performance bond, or other security acceptable to the City Attorney to secure the performance and completion of any required improvements established in the improvement agreement, in an amount equal to 125 percent of the estimated cost of said improvements, prior to recording the agreement.

b. The cost estimate is solely to determine the amount of security required and may be revised at any time to reflect 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 required improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the applicant's or developer's liability.

c. With any extension request, the performance guarantee amount shall be re-evaluated, and the City reserves the right to require a reasonable increase in the amount of the applicable security. If the approved construction schedule elapses, 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.

(2) Partial Release

a. The developer or applicant may apply to the City for a release of part or all of the collateral deposited with the City upon completion of portions of the required improvements as evidenced by a detailed cost breakdown of the completed improvements and submittal of as-built drawings.

b. Upon inspection and approval, the City may authorize the reduction of the amount of any performance guarantee security issued as part of the improvements agreement to 75 percent of the approved estimated cost for the installation of required improvements, upon written request of the applicant or developer, and approval by the City Council.

c. Upon completion of all required improvements, and upon final inspection and approval by the Public Works Director, the City Council shall further authorize the reduction of the amount of the security guaranteeing the public and other required improvements by ninety percent of the total estimated cost of all required improvements.

(3) Full Release

A performance guarantee issued as part of the improvements agreement shall be fully released and discharged upon expiration of the warranty period and any required correction of any defects discovered during such warranty period.

(4) Notice of Default

a. Upon failure to perform its obligations under the terms of an improvements agreement within the established time period, 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.

b. Any default shall be remedied within 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.

c. Following the established time period for remedy of a default, the Administrator shall 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 required improvements in whole or in part and that the said security will be expended by the City for the installation of required improvements.

Article 16-6 Signs

16-6-10 Purpose

(a) The purpose of this article is to promote the public health, safety, welfare, and aestheicts through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:

(1) 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) To protect the public, including people walking, biking, and driving, 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) To protect the public by prohibiting the display of signs that are designed, constructed, installed, or maintained in a dangerous manner.

(4) To protect, enhance, and preserve the visual beauty and aesthetic character of Salida 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) 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) 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.

(b) This article is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over noncommercial speech. A noncommercial message may be substituted for another noncommercial message displayed on a sign, or the content of any noncommercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit; provided, that the size of the sign is not altered. To the extent any provision of this article is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

16-6-20 Applicability

(a) Conformance

This article shall apply to all signs located within the City, unless specifically exempted by this Code.

(b) Nonconforming Signs

(1) Continuation

Any sign legally established on the effective date of this Code that does not conform to any provisions of the Code shall be allowed to remain and to be maintained in good repair, subject to the discontinuance provisions below.

(2) Discontinuance

A legal nonconforming sign shall be removed if any one of the conditions listed below occurs, unless such sign is determined by the Director to be historically significant and should be preserved per §16-6-30(e)(8), *Obsolete Signs*. In such cases, any replacement sign shall be constructed in accordance with the provisions of this Code.

a. If a change of use occurs, regardless of ownership, such that the new use would be a different classification under Table 3-A, *Table of Allowed Uses*.

b. The primary use with which the sign is associated terminates for 180 days or longer;

c. The primary building with which the sign is associated is demolished or destroyed;

d. 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 weeks), unintentional act of another, or an act of nature, the replacement sign shall be constructed in conformance with the provisions of this Code if the estimated cost of restoration to its condition before the occurrence exceeds 50 percent of the value of the sign structure prior to being damaged; or

e. 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.

16-6-30 General Sign Standards

(a) District-Specific Sign Standards

(1) Sign Dimensions and Illumination

Permitted signs shall meet the standards in Table 6-A below:

Table 6-A: Sign Dimensions and Illumination

Applicability	Permitted Sign Type(s)	Sign Height, max.	Individual Sign Surface Area, max.	Total Sign Area, per lot, max.	Illumination
R1 / R2 / R3 / MMP AG, OS (All Uses)	Ground, wall	Ground: 5 ft	9 sf	9 sf [4]	Not permitted
All Other Districts (Residential Uses)	Ground, wall	Ground: 5 ft	9 sf	9 sf [4]	Externally illuminated only for multi-family of 8 or more units
MN (Nonresidential Uses)	Ground, projecting, sidewalk, wall	Ground sign: 5 ft Sidewalk sign: 4 ft	50 sf [1]	100 sf [1] [2]	Externally illuminated
MD (Nonresidential Uses)	Ground, projecting, sidewalk, wall	Ground: 5 ft Sidewalk sign: 4 ft	100 sf [1]	200 sf [1] [2]	Externally or internally illuminated signs [3]
CF / MH / IN (Nonresidential Uses)	Ground, pole, projecting, wall,	Pole sign: 20 ft Ground: 8 ft [5]	100 sf [1]	250 sf [1] [2]	Externally or internally illuminated
MC (Nonresidential uses)	Ground, projecting, sidewalk, wall,	Ground: 8 ft [5]	100 sf [1]	250 sf [1] [2]	Externally or internally illuminated

Note

[1] Dimensions shown in the table are absolute maximums. Sign area is limited to 25 square feet or one square foot of sign area for each linear foot of lot frontage on a street, whichever is greater. If there is more than one floor of nonresidential uses, an additional one-half-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] As part of a Comprehensive Sign Plan, the Director may determine if additional total sign area may be allowed to accommodate a development with a significant number of non-residential uses on a single lot.
[3] Internally illuminated signs in the MD District may be considered via a Creative Sign Permit Application
[4] Multi-family uses of more than eight units are allowed one ground sign of up to 16 square feet.
[5] Any ground sign seven feet tall or higher requires a building permit.

(b) Subdivisions and Planned Developments

The following standards shall apply to any planned development or subdivision of land into six or more lots:

(1) Each final plat of a subdivision or final plan of a planned development may be required to 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.

(2) One sign of up to 32 square feet in area may be displayed at each street entrance to a subdivision or planned development for up to two years from the beginning of the physical development process for the purposes of advertising the development and advertising property sales. Such signs shall be removed in a timely fashion.

(3) One permanent ground sign of up to 16 square feet in area is permitted per street entrance, in addition to the sign allowances shown in Table 6-A above.

(c) Sign Measurement

(1) Total Sign Area
The total area allowed for signs shall include all permitted signs displayed on the site.

(2) 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.

(3) Sign Support
Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(4) 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.

(5) Multi-Face Signs
The sign area for a sign with more than one 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 sign faces are placed back to back and are at no point more than two feet from each other, the area of the sign shall be counted as the area of a single face.

(6) 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 closest point of right-of-way or property line.

(d) Sign Location and Appearance

(1) Quality and Safety
All signs shall be of professional quality and displayed in a safe manner.

(2) Externally Illuminated Signs
Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of people walking, biking, and driving to the greatest extent possible. 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.

(3) Internally Illuminated Signs
Internally illuminated signs shall be designed so that the bulbs or light source are not visible from any angle. 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.

(4) Digital Displays
To allow for modernization of signs while still prohibiting Moving Signs, one static digital/LED display as part of either a wall, pole, or ground sign is allowed per property in the MH and MC district, or within a PD Overlay if specified in the Final Development Plan. A digital display screen shall not exceed 32 square feet, notwithstanding the sign allowances in Table 6-A. A minimum of one minute must elapse between any change to the sign. To minimize unneccesary illumination, the background shall be darker than the text or image on the sign. Digital/LED signs must be turned off between the hours of 10:00pm – 6:00am, with the exception of operating hours for businesses open within this range.

(5) Location of Signs
No sign shall be located within any visibility triangle established per §16-4-60(g), *Visibility Triangle*, between the height of 30 inches and eight feet above finished grade.

(6) Architectural Elements
Signs should not be placed so that they cover essential, character-defining architectural details of a building.

(7) 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 article.

(8) Right-of-way
Any sign that 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 that support the proposed sign.

(9) 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 application procedure in section 16-6-70, *Creative Signs*, is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

(e) Prohibited Signs

The following signs are inconsistent with the policy, purposes, and standards in this article and are prohibited in all zoning districts as determined by Director unless otherwise stated

(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. No politicial/election signs are allowed on public property.

(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 (with the exception of (d)4.

(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
No roof sign shall be erected. Signs that are manufactured into the material of awnings shall not be considered roof signs.

(8) Obsolete Signs
Signs or sign structures, excluding murals, that advertise an activity, product, or business that no longer occupies the premises on which the sign is located shall be removed by the legal owner of record of the property within 180 days after the activity, product, or business is no longer active. Obsolete signs, sign poles/frames that are an integral part of the facade or are determined to be historically significant by the Director are permitted.

(9) Attention-Attracting Devices
Attention-attracting devices (e.g. air dancers, feather flags, inflatables, etc.) are prohibited, unless otherwise approved under this article.

16-6-40 Specific Sign Type Standards

(a) Pole Signs

Pole signs shall have a minimum clearance of eight feet above grade when located adjacent to, or projecting over, a pedestrian way.

(b) Projecting Signs

(1) Projecting signs shall not be higher than the eave line or parapet wall of the building, shall be a minimum of eight feet above grade when located adjacent to, or projecting over a pedestrian way, and shall not extend more than 4.5 feet from the building wall.

(2) When two sign faces are placed back-to-back and are at no point more than two 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.

(3) Any sign which projects over a right-of-way in such a manner that it could potentially cause a danger to the public shall have supports, hangers or fasteners certified by a Colorado-licensed structural engineer.

(c) Wall Signs

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 inches from the building wall.

(d) Murals

Murals, when promoting a business as determined by the Director, shall be considered a type of wall sign. When not promoting a business, murals are not considered a sign. Refer to the table below for mural standards.

Table 6-B: Review Process for Murals		
	Within MD Zone District	**Outside MD Zone District**
Does not Include Business Promotion		
Residential Use	No permit required; not considered a sign	
Nonresidential Use ≤50 sf	No permit required; not considered a sign	
Nonresidential Use > 50 sf	Creative sign permit reviewed by Public Arts Commission	
Includes Business Promotion		
Meets sign area standards	Standard sign permit process	
Does not meet sign area standards	Public Arts Comm Review	PC Review
Note		
All other creative sign permits to be reviewed by Planning Commission. Historic Preservation Commission review may also be required for murals within the SDHD overlay.		

(e) Sidewalk Signs

(1) Nonresidential uses in the MN and MD districts may display one sidewalk sign per business on the sidewalk adjacent to the public business entrance of the building. If the business entrance is not adjacent to a public 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.

(2) Sidewalk signs shall have a maximum width of three feet and a maximum height of four feet.

(3) Sidewalk signs shall not present a danger to the public or impede the reasonable flow of pedestrian traffic, and allow spacing that meets ADA requirements.

(4) Sidewalk signs may only be displayed during business hours.

(5) Sidewalk signs do not require a sign permit and do not count towards total sign area allowed.

(f) Window Signs

(1) Window signs do not require a permit and do not count towards total area permitted.

(2) Window signs shall meet all other requirements and standards for the display of signs under this Code (including that all signs shall be of professional quality).

(g) Temporary Signs

(1) Temporary signs shall not be displayed for 90 or more days per calendar year (January 1 to December 31).

(2) Temporary signs shall be of professional quality and displayed in a safe manner.

(3) Temporary signs may not be affixed to public property or infrastructure.

(4) Temporary signs do not require a sign permit and do not count towards total sign area permitted.

(5) Residential uses shall display no more than three temporary signs at any given time, with a total square footage per residential lot not to exceed nine square feet.

(6) Nonresidential uses shall display no more than one temporary sign at any given time, which shall not exceed 16 square feet in area.

(7) Temporary signs shall not be of the nature of any sign types that are prohibited by this section.

16-6-50 Sign Permit

(a) Purpose

The sign permit requirement is intended to assure compliance with sign regulations, prevent waste, and provide for the orderly, fair, and uniform application of the sign regulations to all individuals and situations.

(b) Applicability

(1) General

a. Only signs required by this article to receive a permit prior to installation are subject to the standards of this section.

b. 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 square feet per property. In buildings with multiple nonresidental tenants or developments with an approved comprehensive sign plan, a separate permit shall be required for each sign.

c. Any building with multiple nonresidential tenants 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 any sign permit, pursuant to the requirements of §16-6-60.

d. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis by the Building Official.

(2) Exemptions

A sign permit is not required for the display of a sign or group of signs, whose total square footage equals nine square feet or less per property.

(c) Sign Permit Procedure

(1) Application Submittal and Handling

After receiving the permit application, the Director shall determine whether it is complete. If the application is not complete, the Director shall notify the applicant within ten business days following receipt of the application and take no further action until the deficiencies are remedied.

(2) Review and Decision

a. If the application is complete, the Director shall determine whether the application complies with the standards of this article. The Director shall be authorized to issue the permit, issue the permit with conditions, or deny the permit application.

b. Review of the application shall be completed and notice sent to the applicant within ten business days from the date the application was deemed complete.

(3) Inspection

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 article.

(4) Post-Decision Actions and Limitations

Whenever the construction of any sign has not been completed within 180 days after its approval, the permit shall expire.

16-6-60 Comprehensive Sign Plan

(a) 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.

(b) Applicability

(1) General

a. Every building or coordinated development with mutliple nonresidential tenants, such as office parks, civic uses, shopping centers, and business parks, shall submit a comprehensive sign plan.

b. In addition to approval of a comprehensive sign plan, each nonresidential tenant of a building or coordinate development shall be required to apply for a separate sign permit for each sign.

(2) Planned Developments and Subdivisions

a. Planned Developments may be required to include a comprehensive sign plan at the final development plan stage.

b. Applications for final subdivision plat may be requird to include a comprehensive sign plan application.

(3) Nonconforming Comprehensive Sign Plans

a. Any building with multiple nonresidential tenants or development existing at the time of adoption of this Code that does 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.

b. 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.

c. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within 15 days of notice provided by the applicant(s), that owner will be deemed to have consented to the plan's adoption.

(4) 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.

(c) Comprehensive Sign Plan Procedure

(1) Application Submittal and Handling

a. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Director.

b. The applicant shall submit a complete application to the Director 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.

(2) Review and Action

a. If the application is complete, the Director shall determine whether the application complies with the standards of this article. The Director shall be authorized to issue the permit, issue the permit with conditions, or deny the permit application.

b. The Director may determine if additional total sign area may be allowed to accommodate a development with a significant number of non-residential uses on a single lot.

c. 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) Post-Decision Actions and Limitations

a. Minor modifications to a comprehensive sign plan that are still within the overall concept and intent of the approved plan may be approved by the Director.

b. Major modifications or a new comprehensive sign plan will require a new application from the property owner, including a plan to bring any existing signs in the development into conformance with the new plan. If, after 30 days of receipt of an individual tenant sign permit application requiring a major modification or new comprehensive sign plan, the owner has not completed the new application, the Director has the authority to approve or deny the permit.

16-6-70 Creative Signs

(a) Purpose

(1) It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination, and inventiveness.

(2) The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs that contribute to the aesthetic beauty, historic character, and cultural identity of the community, but might not otherwise be allowed under this Code due to their unique design and construction, creative qualities, or site constraints.

(b) Applicability

(1) 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 §16-6-30, *General Sign Standards*, and otherwise complies with all other provisions of this article.

(2) See §16-6-40(d), *Murals*, regarding distinction of murals versus creative signs.

(c) Approval Authority

A sign permit application for a creative sign shall be subject to approval by the Planning Commission or Public Arts Commission. Historic Preservation Commission review may also be required for creative signs within the SDHD overlay.

(d) Creative Sign Procedure

(1) Application Submittal and Handing
The applicant shall submit a complete application including all the materials required in §16-6-50, *Sign Permit*.

(2) Staff Review
The Director shall review the application to determine whether it is complete. The Director shall forward a report to the decision-making body, which summarizes the application's compliance with the standards of §16-6-70(e), *Review Standards*, and other applicable provisions of this Code. 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 decision-making body will conduct a public hearing to consider the application for a creative sign shall be provided as specified in §16-8-30(e), *Scheduling and Notice of Public Hearings*.

(4) Review and Decision
The decision-making body shall conduct a public hearing to review the conformance of the application with all applicable provisions of this article. The decision-making body 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
Creative signs shall meet the following standards:

a. 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. The sign shall not adversely affect public safety. The use of signs or attention-attracting devices shall not significantly distract traffic on adjacent streets; and

c. The sign shall not distract 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, above, to approve a sign under the creative sign process, the decision-making body must find that the unique and creative design of the sign will meet the following standards:

a. The sign shall 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 §16-6-30, *General Sign Standards*.

b. The sign shall 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 §16-6-30, *General Sign Standards*.

c. The sign shall 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.

Article 16-7 Historic Preservation

16-7-10 Purpose

The purpose of this article is to:

(a) Protect, preserve, enhance, and perpetuate historic buildings, sites, structures, and neighborhoods which capture, exemplify, and reflect the cultural, social, architectural, and economic history and character of Salida.

(b) Promote high standards of building design and preservation in historic neighborhoods to protect and perpetuate an atmosphere reflective of and consistent with the history and historic character of Salida.

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

16-7-20 Salida Downtown Historic District (SDHD) Overlay

(a) Establishment

(1) The Salida Downtown Historic District (SDHD) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating the buildings, sites, structures, and character of Salida's original historic downtown area.

(2) All areas within the SDHD Overlay shall remain subject to this Code, including the regulations contained within this article.

(b) Map

The SDHD Overlay includes all areas within the boundaries of the SDHD Overlay established and identified by the National Park Service of the U.S. Department of the Interior and as defined and illustrated in the Zoning Map of the City.

16-7-30 Establishment of Local Historic Landmark (LHLO) Overlay

(a) Establishment

(1) The Local Historic Landmark (LHLO) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating individual historic buildings, sites, and structures that exemplify the history of Salida.

(2) All areas within the LHLO Overlay shall remain subject to this Code, including the regulations contained within this article.

(b) Map

The LHLO Overlay shall apply to individual properties that meet the designation criteria of this article and may be located anywhere within Salida. Upon approval of a designation ordinance, the Directorshall place the amendment on the Zoning Map.

16-7-40 Designation of Local Historic Districts and Landmarks

(a) Applicability

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 Director, the Historic Preservation Commission (HPC), Planning Commission, or City Council.

(b) Procedures

A local historic district or landmark may be designated by the submission of a nomination petition per this section. No building permit, demolition permit, or other permit required to undertake an external improvement or alteration on any lot, building, structure, or site shall be processed, approved, or issued for any lot, building, structure, or site under consideration for designation as an historic district or landmark pending the final determination of the petition by City Council.

(1) Pre-Application Conference
Attendance at a pre-application conference is required for an applicant intending to submit a nomination petition to establish a historic district or landmark.

(2) Application Submittal and Handling
The applicant shall submit a complete application to the Director containing those materials listed in §16-7-40(c), *Application*.

(3) Staff Review and Action
The Director shall review the application to determine whether it is complete. Upon determination of the application being complete, the Director 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 Director shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in §16-7-40(d), *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) Scheduling and Notice of Public Hearings
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 §16-8-30(e), *Scheduling and Notice of Public Hearings*. Notice shall contain a name for the new district or landmark and accurately describe the proposed geographical boundaries of the district or landmark. Additionally, written notice of the public hearing shall be mailed via certified mail to all owners of record, as reflected by the County Assessor, of all of the property included to be designated 15 days prior to the hearing.

(5) Review and Decision
The HPC shall conduct a public hearing to review the conformance of the nomination application with all applicable provisions of this article and this Code. 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 specfied in §16-8-30(e), *Scheduling and Notice of Public Hearings*.

(7) Review and Decision by City Council

a. General

1. Following public notice, the City Council shall conduct a public hearing on the petition.
2. 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.
3. 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.

b. Nonconsenting Owner

1. If the owner of a proposed landmark does not consent to the proposed landmark designation, approval shall require the assent of at least five of the six members of City Council.

2. The basis for approval shall be that the property has overwhelming historic importance to the entire community. Overwhelming historic importance shall 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.

3. Consent required for a proposed historic district shall comply with §16-7-40(d)(1)c.

(8) Post-Decision Actions and Limitations

a. Notice of Decision

1. The ordinance shall be promptly published in a newspaper of general circulation within the city or a certified copy of the ordinance and the final approved district map shall be recorded in the real property records of the County Clerk and Recorder.

2. The final approved ordinance shall be maintained in the office of the City Clerk.

(c) Application

An application for designation of an historic district or landmark shall contain the following information:

(1) General Development Application

(2) Narrative describing the purpose and rationale of the designation request.

(3) Geographic Boundaries

a. 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. A proposed name for the proposed historic district or landmark.

(d) Review Standards

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

(1) Historic District

a. 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 history of Salida.

b. 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 where variations or changes would harm the unique historic character or value of the buildings, sites and structures within the district.

c. At least 51 percent of the responding property owners in the proposed 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 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 30 days prior to action by the HPC, with responses due at least 15 days prior to action by the HPC. Surveys received, dated, or postmarked after the deadline shall not be counted.

(2) Landmark

a. Exemplary Property
The subject property exemplifies or reflects the cultural, social, economic, political, engineering, or architectural history of Salida.

b. Historic Significance
The subject property is identified with an 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.

16-7-50 Demolition or Relocation

(a) Purpose

(1) Consistent with the purposes of this article, the purpose of this section is to:

a. Preserve the historic districts and historical buildings and sites, 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

b. Regulate the demolition and relocation of nonlandmark and noncontributing structures within historic districts.

c. Discourage the demolition and/or relocation of landmark and contributing buildings, structures and sites in favor of preservation, renovation, adaptive reuse, or relocation within a historic district.

(2) However, it is also 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.

(b) 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 (CA) per §16-7-60, *Certificates of Approval*.

(c) Major Activity

An application for a CA to demolish a landmark or contributing building, structure, or site, or a building, structure, or site within a historic district, shall be considered a major activity.

(d) Demolition by Neglect

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.Any violation shall be enforced through the procedures and remedies in §16-1-70, *Enforcement*.

16-7-60 Certificates of Approval

(a) Applicability

(1) General

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 Land Use Code, Building Code, or other codes.

b. A CA may be made subject to 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 year from its date of issuance, unless extended by order of the HPC.

(2) Minor Activity

A minor activity 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 sign, sign support that attaches directly to a structure, a fence, an awning, roofing material, or a 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; and

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 theDirector.

e. Alteration (inc. painting) of any existing brick or masonry surface (unfinished or finished / painted) in such a manner as to potentially impact the integrity of the brick or masonry surface.

f. Installation, removal, or significant alteration of any sign attached or affixed to any masonry surface on a contributing structure, including hardware and supporting elements.

(3) Major Activity

A major activity includes:

a. Altering existing unfinished or unpainted brick, stone or stucco; specifically, 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;

b. Alteration of existing murals or signage greater than nine square feet that are painted directly onto brick, stone, stucco, or wood surfaces;

c. An activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to, reconstruction, rehabilitation, remodeling, renovation, relocation, or demolition;

d. 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, excluding temporary features such as seasonal shade structures and food trucks;

e. The installation, alteration, or removal of a window or door opening;

f. 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;

g. 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; and

h. 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.

(4) Exempt Activity
A CA shall not be required for:

a. Interior alterations, such as renovation, repair, reconstruction, or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within an historic district.

b. Undertaking 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.

(b) Procedures

Applications for a CA shall follow the procedures outlined in this section.

(1) Pre-Application Conference
Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.

(2) Application Submittal and Handling
The applicant shall submit a complete application to the Director containing those materials listed in the Administrative Manual.

(3) Staff Review and Action
The Director shall review the application to determine whether it is complete. The Director shall forward a report to the HPC, which summarizes application compliance with the review standards of §16-7-60(c), *Review Standards*, and other applicable provisions of this article. The technical comments and professional recommendations of other agencies, organizations, and consultants shall be solicited in drafting the report, as necessary.

(4) Scheduling and Notice of Public Hearings
Public notice that the HPC will hold a public hearing for a major CA shall be provided as specified in 16-8-30(e), *Scheduling and Notice of Public Hearings*. Public notice is not required for applications for a minor certificate of approval.

(5) Review and Decision

a. Minor Activity
An application regarding minor activity shall be reviewed and ruled upon by the Community Development Department and, as needed, two designated members of the HPC within fifteen 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.

b. 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 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. 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.

(6) Actions Following Approval
A copy of each approved CA shall be transmitted by the Director to the Building Official, if required, promptly upon its issuance.

(c) Review Standards

(1) Historic Landmark; Contributing Buildings, Structures or Sites
All work performed in completion of an approved CA 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).

(2) Supplemental Guidelines
In addition to the other standards of this article, 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:

a. 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.

b. 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.

c. 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.

d. 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. Any new construction 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.

e. 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.

f. Work Necessary
Whether the proposed work is required or necessary to comply with a building, fire, or other health/safety code.

(3) Design Guidelines
Design guidelines supplementing the criteria set forth in this section for the review, evaluation, and approval of CAs are available at City Hall. Guidelines shall be enforced and have the same effect and authority as if fully set forth in this section, and violations of guidelines shall be subject to the same penalties for violations of any other section contained in this article.

(4) 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 non-landmark or noncontributing building, structure, or site within a designated historic district.

a. 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.

b. Overall Character
New structures and additions, exterior repairs, or alteration of existing non-landmark and noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, facades, and materials predominant in the district to the maximum extent feasible.

c. Specific Compatibility
New structures and additions, exterior repairs, or alteration of existing non-landmark and noncontributing structures shall specifically harmonize with neighboring landmark and/or contributing structures or sites with regard to height, scale, shape, size, facade, materials, setback, landscaping, and exterior architectural features to the maximum extent feasible.

d. Work Necessary
Whether the proposed work is required or necessary to comply with a building, fire, or other health/safety code.

(5) Demolition or Relocation
The following criteria shall be used in determining whether a CA should be issued for the demolition or relocation of a landmark or a building, structure, or site within a historic district:

a. The historic, social, or architectural significance of the building, structure, or site.

b. The structural soundness and safety of the building, structure, or site.

c. 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.

d. 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.

e. 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 insure its structural integrity.

f. 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.

16-7-70 Exceptions

(a) This article shall not 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 contributing landmark 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 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.

(b) When emergency action is not essential, all work or activity normally subject to the provisions and procedures of this article shall be undertaken and performed in compliance with this article.

16-7-80 Removal of Designation

(a) Procedures

(1) The procedures established for a landmark designation, contributing designation, or historic district designation to any building, structure, site, or district in §16-7-40 shall be followed in applying for and processing a petition for the removal, rescission, or modification of such a designation.

(2) Removal, rescision, or modification of a landmark designation, contributing designation, or historic district designation awarded to any building, structure, site, or district by the United States Department of the Interior and/or the State of Colorado, shall be done in accordance with the procedures and standards established by said governmental authority.

(b) Findings

The removal, rescision, or modification of a landmark designation, contributing designation, or historic district designation to any building, structure, site, or district shall only be approved upon a finding by the City Council, following 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.

16-7-90 Violations and Penalties

(a) Violation of the provisions of this chapter shall be punishable as set forth in Chapter 1, Article IV, of the Salida Municipal Code.

(b) Each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this section.

(c) 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.

(d) 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 remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies.

Article 16-8 Administration and Procedures

16-8-10 Purpose and Organization of this Article

(a) The purpose of this article is to provide consistent, equitable procedures for the review of development applications to ensure that development will be in accordance with the standards of this article.

(b) This article describes the review and approval procedures for application for land use and development within the City, and is divided into the following sections:

(1) §16-8-30, *Common Review Procedures*, describes the standard procedures that apply to most development application types.

(2) §§16-8-40 through 16-8-70 contain information specific to each application type, including approval criteria and any additions or modification to the common review procedures.

(3) §16-8-80 describes the review and decision-making authorities, including the City Council, the Planning Commission, the Director, and other City officials.

16-8-20 Summary Table of Development Review Procedures

Table 8-A lists the development applications authorized in this article. For each type of application, the table indicates whether a pre-application conference is required, and the review and approval role of decision-makers.

Table 8-A: Summary of Development Review Procedures

R = review and recommendation; D = review and decision; * = public hearing required

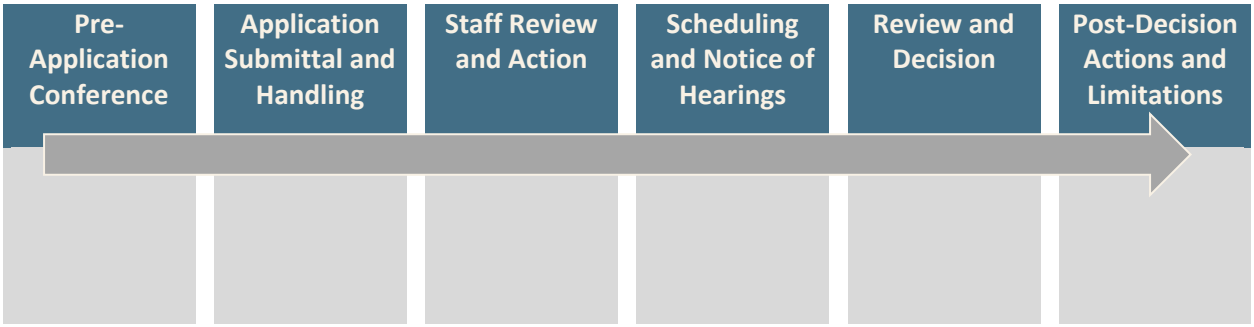
Procedure	Code Section	Pre-Application Conference	Admin. Review	Planning Commission	City Council
Ordinance Amendments					
Rezoning	16-8-40(a)	Required	R	R*	D*
Rezoning to Planned Development	16-8-40(b)	Required	R	R*	D*
Code Text Amendment	16-8-40(c)	Required	R	R*	D*
Annexation	16-8-40(d)	Required	R	R*	D*
Development Permits					
Minor Site Plan Approval	16-8-50(a)	Optional	D		
Major Site Plan Approval	16-8-50(b)	Required	R	D*	
Conditional Use Approval	16-8-50(c)	Required	R	D*	
Change in Use Approval	16-8-50(d)	Optional	D		
Grading/Tree Disturbance Permit	16-8-50(e)	Optional	D		
Subdivisions					
Minor Subdivision	16-8-60(a)	Optional	D		D* (if public dedication required)
Major Subdivision - Preliminary Plat	16-8-60(b)	Required	R	D*	
Major Subdivision - Final Plat	16-8-60(c)	Required	D		D* (if public dedication required)
Condominiumization	16-8-60(d)	Optional	D		
Vacation of Plat, Right-of-Way, or Easement	16-8-60(e)	Required	R	R*	D*
Historic Preservation					
Landmark and District Designation	16-7-40	Optional	R	R*	D*
Minor Certificate of Approval	16-7-60(a)(2)	Optional	D		
Major Certificate of Approval	16-7-60(a)(3)	Required	R	D (HPC)	
Demolition Permit	16-7-60(c)(5)	Required	R	R (HPC)*	D
Modifications and Appeals					
Minor Modification	16-8-70(b)	Per concurrent application	*Review and decision by decision-making body(ies) considering concurrent application.*		
Variance	16-8-70(a)	Optional	R	D* serving in role as Board of Adjustment	
Appeals	16-8-70(c)	*See Table 8-C: Summary of Appeal Procedures*			

16-8-30 Common Review Procedures

(a) Purpose

This section describes the standard procedures and rules application to all development applications unless otherwise stated in this article. Common review procedures include six steps, as shown below in Figure 8-1, not all of which are applicable to every development application. Application-specific procedures in §§16-8-40 through 16-8-70 identify additional procedures and rules beyond those in this section.

Figure 8-1: Common Review Procedures



(b) Pre-Application Staff Conference

(1) Purpose
The pre-application conference is intended to provide an opportunity for the applicant to meet with City staff to review submittal requirements, review procedures, and applicable Code standards associated with the proposed development.

(2) When Required
A pre-application conference is required for certain applications as listed in Table 8-A and is optional for all other applications. Fees apply.

(3) Procedure

a. Request
The applicant shall submit a request for a pre-application conference to the Community Development Department in a form prescribed by the Director.

b. Required Information
Prior to scheduling the pre-application conference, the applicant shall submit the following:

1. A written description of the proposed project;
2. Conceptual drawings showing the location, layout, and key elements of the proposed development;
3. Specific uses, location of uses, and densities proposed;
4. Proposed construction phasing if applicable; and
5. Anticipated location(s) of required public improvements if applicable.

c. Scheduling
When required or requested by the applicant, the Director shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the meeting.

d. Conference Determinations
City staff attending the pre-application conference shall identify initial concerns or issues the applicant should address related to the scope, features, and potential impacts of the project as they relate to this Code. City staff shall also indicate the approval procedures required for the proposed project. The

Director shall issue to the applicant a written summary of the issues and the approval procedures within ten business days following the pre-application conference.

e. Pre-Application Joint Meeting
In addition to the pre-application conference with staff, the applicant may request a joint work session with the Planning Commission and Council for major projects, including but not limited to subdivisions and planned developments.

(4) Effect
Any information or discussions held as part of the pre-application conference or pre-application joint meeting shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

(c) Application Submittal and Handling

(1) Authority to Submit Application

a. A development application shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which the development or activity is proposed; or

2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other persons having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or another person.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter consenting to the application.

c. No application shall be submitted prior to attending a pre-application conference, if required pursuant to Table 8-A, *Summary of Development Review Procedures*.

(2) Concurrent Review
When a proposed development involves multiple application types, the applications may be reviewed concurrently at the option of the applicant.

(3) Application Content
The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements. Application requirements are specified in the Administrative Manual.

(4) Application Fees

a. General
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, when applicable per the adopted fee schedule, on a form approved by City Council. For purposes of this section, "land use and development application" shall include any and all applications filed pursuant to this article, 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. Additional Fees for Outside Consultation

1. In addition to the minimum application fees, if additional review by an outside professional is necessary to make a determination, the applicant shall 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, when applicable per the adopted fee schedule, at the time of submittal of the application, the applicant shall deposit funds

equal to two 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.

2. After exhaustion of the initial deposit, statements for professional review services shall be mailed to the applicant, and payment of such amounts is due within 30 days of receipt of the statement. Interest shall be imposed at a rate of one and one-half percent per month on all balances not paid within 30 days of the date of the statement.

3. 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 recorded.

c. Land use approval documents shall not be deemed effective until recorded in the real property records of Chaffee County (if required pursuant to the specific application type) and all fees and charges owed to the City are paid in full.

d. In the event the City is forced to pursue collection of any amounts due and unpaid, the City shall be entitled to collect attorney's fees and costs incurred in such 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. 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 (*Municipal Liens*) of the Salida Municipal Code.

(5) Application Review Timeline

The Director shall establish an advisory review timeline for development applications and shall include that information in the Administrative Manual. The Director may amend the timeline to ensure effective and efficient review under this article.

(6) Determination of Application Completeness

a. Upon receipt of the submittal, the Director shall review the application for completeness in accordance with the application checklist and the applicable requirements of this article. Within ten days of the submittal, the Director shall determine if the application is complete and entitled to proceed.

b. In the event the Director determines that an application is incomplete, the Director shall notify the applicant in writing by stating the deficiencies.

(7) Abandoned Applications

If an application has not been resubmitted to address noted deficiencies within six months, then such application shall be deemed abandoned. Abandoned applications may require a new pre-application conference and may be subject to additional fees. Prior to the six-month deadline, an applicant may request, in writing, a one-time extension of 60 days from the Director.

(8) Minor Application Revisions

An applicant may revise an application after receiving notice of compliance deficiencies following staff review or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet acted on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application.

(9) Application Withdrawal

a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.

b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is

withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

(d) Staff Review and Action

(1) Department and Agency Referral Review

a. The Director shall distribute the complete application to the appropriate staff and other internal and external review agencies per the Administrative Manual.

b. Such review agencies shall provide comments to the Director within 14 days following the distribution.

(2) Staff Review and Application Revisions

a. Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The Director shall compile the comments from other reviewers and agencies and shall consider and incorporate such comments as necessary into the written summary of issues provided to the applicant.

b. Following receipt of staff comments, the applicant may request at their discretion a meeting with the Director to discuss staff recommendations and comments.

c. An application shall not move forward for further review until the Director determines that the applicant has modified the application to comply with the City Code and has either implemented the City/review agency recommended changes or has provided written justification as to why the recommended changes were not implemented.

(3) Applications Subject to Staff Recommendation

a. Staff Report
For applications subject to staff recommendation per Table 8-A, staff shall prepare a written staff report. Such report shall state whether the application meets the requirements of this Code and other applicable standards of the City and shall include a recommendation for consideration by the appropriate decision-making body.

b. Distribution and Availability of Application and Staff Report
The Director shall submit a copy of the staff report to the applicant and the advisory or decision-making body and shall make the report and related materials available for public review within a reasonable timeframe to review prior to any public meeting, public hearing, or decision.

(4) Applications Subject to Staff Approval

a. Decision

1. If an application is subject to staff review and final decision by the Director, the Director shall make the decision based on review standards applicable to the application type. The decision shall be in writing and if denied or approved with conditions, shall clearly state the reasons for denial or any conditions of approval.

2. If the Director requests changes or additional information during its review, the applicant shall submit copies of the required changes or information to the Director. The Director shall review the additional submittal with appropriate City departments and other agencies.

b. Effect of Decision
For administrative approvals, the Director's decision is final.

c. Conditions of Approval
Any conditions of approval shall be limited to the minimum conditions necessary to ensure compliance with the requirements of this article and shall relate directly to the anticipated impacts of the proposed development or activity.

(e) Scheduling and Notice of Public Hearings

(1) Scheduling Public Hearings

a. If an application is subject to a public hearing pursuant to Table 8-A, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the decision-making body.

b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report pursuant to §16-8-30(d)(3)a.

(2) Notice of Public Hearings

a. General Requirements
Unless otherwise stated in this article, for all actions requiring a public hearing pursuant to Table 8-A, the applicant shall provide public notice and shall demonstrate that such public notice conforms to the requirements of this section and the Administrative Manual.

b. Responsibility of Party Seeking Hearing

1. The applicant or person seeking the public hearing shall be responsible for the accuracy and proper publication, mailing, and posting of notice, and shall bear the costs incurred by such notice. The City shall handle preparation of the notices, publication in the newspaper, inserting notices into pre-addressed and stamped envelopes provided by the applicant, and printing the posted notice.

2. The applicant shall provide certification that proper notice has been provided, including photographic evidence (for posted notices). The format of such certification shall be established by the Director. The applicant shall submit the certification to the Director prior to the scheduled public hearing.

c. Notice Format and Content

1. Content of All Public Notice
All public notice types shall:

a) Identify the application type;

b) Describe the nature and scope of the proposal;

c) Identify the location subject to the application, including address and legal description if available;

d) Identify the date, time, and location of the hearing;

e) Identify when and where the application may be inspected, including a phone number or email address of the appropriate City agency; and

f) Indicate if there will be an opportunity to appear and provide feedback during the hearing.

2. Published Notice
Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the City at least 15 days in advance of the hearing.

3. Mailed Notice
Except as otherwise required by law, notice shall be sent by first class mail to all property owners within 175 feet of the property in question at least 15 days in advance of the hearing.

4. Posted Notice

a) The City shall provide any required sign(s).

b) At least one notice sign shall be posted by the applicant on the subject property at least 15 days in advance of the hearing. The dimensions of the sign shall be at least 11 by 17 inches, and the materials to which the notice is affixed shall be upright, sturdy, and waterproof.

c) The Director may require additional signs based on the access and configuration of the subject property.

(3) Notice to Mineral Estate Owners and Lessees
The applicant shall provide notice by certified mail, return receipt requested, to all mineral owners and lessees on the subject property for development applications in accordance with C.R.S. §24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.

(4) Constructive Notice

a. Minor Defects in Notice Shall Not Invalidate Proceedings
Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

b. Failure to Receive Notice Shall Not Invalidate Action
Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this article.

(f) Review and Decision

(1) Review and Decision by the Director
Applications subject to administrative review and approval shall be decided by the Director in accordance with §16-8-30(d)(4), *Applications Subject to Staff Approval*.

(2) Review and Recommendations or Decisions by Planning Commission or City Council

a. Applications shall be subject to review, hearings, recommendations, and decisions in accordance with Table 8-A, *Summary of Development Review Procedures*.

b. If an application requires a public hearing, the decision-making body shall hold a public hearing in accordance with §16-8-30(e), *Scheduling and Notice of Public Hearings*, and §16-8-80, *Review and Decision-Making Bodies*.

c. The decision-making body shall consider the application, supporting materials, staff report, and any evidence presented during the public hearing (if required).

d. The advisory body shall recommend, and the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria relevant to the application type. In making its recommendation, the body may continue the hearing to a date certain because additional information or changes are necessary to determine whether the application complies with this Code. The applicant may also request to continue the hearing to a date certain, but any subsequent requests for a continuance shall be at the discretion of the governing body. If the hearing is continued, the requested information shall be provided to the Director at least 10 calendar days prior to the date of the continued hearing. Nothing shall prohibit the advisory or decision-making body from continuing a hearing more than once.

e. If the application requires a quasi-judicial hearing, the recommendation or decision shall be based only on the record of the public hearing and shall be in writing, shall include findings of fact based on quality, material, and substantial evidence, shall reflect the determination of any contested facts, and shall state how the findings support compliance with the approval criteria.

f. The decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the rationale for such recommendation or decision.

g. Any recommendation or decision to deny an application shall specify the specific reasons, citing specific Code provisions and adopted policies of the City with respect to the proposed development.

(3) Conditions of Approval

a. Where this article authorizes a decision-making body to approve or deny an application subject to applicable criteria, the decision-making body may approve the application with conditions necessary to bring the proposed development into compliance with this article or other regulations, or to mitigate the impacts of that development on surrounding properties and streets.

b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City policies, and this Code. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.

c. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. The City shall bear the burden of determining such impacts.

d. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

e. The approving body may modify conditions recommended by the reviewing body prior to making a final decision on an application.

f. Unless otherwise provided in this article, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(4) General Approval Criteria

The following general criteria shall apply to the various application types submitted to the City for review and approval. If there is a conflict between these general criteria and the specific review criteria listed for a particular application type, then the specific review criteria shall control.

a. Compliance with this Code

The proposed use and development shall comply with the applicable standards in this Code, including but not limited to zoning districts, use regulations, and development standards, unless the standard is lawfully modified.

b. Compliance with Other Applicable Regulations

The proposed use and development shall comply with all other City regulations and with all applicable standards or requirements of federal, state, or other local government control of the property or the current or proposed use of the property.

c. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This criterion includes consistency with approved development phasing plans and the installation of public improvements.

d. Consistency with Adopted Plans

The proposed use and development are consistent with applicable City policies of the Comprehensive Plan and other adopted City plans and policies.

(5) Reasonable Accommodations Under the Fair Housing Amendments Act (FHAA)

a. The City may approve any modification to accommodate requirements under the FHAA provided:

1. The modification is the minimum change from the provisions of this article necessary to comply with the FHAA; and

2. The modification will not cause adverse impacts on the surrounding area.

b. The City may approve a type of accommodation that is different than the applicant's request if the City deems such accommodation would satisfy the requirements of the FHAA and would result in fewer impacts on the surrounding area.

c. The City may be required to approve requests for reasonable accommodations under the FHAA regardless of whether the request qualifies as a minor modification under §16-8-70(b).

(6) Accommodations Under Religious Land Use and Institutionalized Persons Act (RLUIPA)

a. The City may allow modifications to eliminate a substantial burden on religious exercise as guaranteed by RLUIPA, as amended.

b. Under no circumstance may the City approve a modification that allows a use, structure, or activity in a zoning district where such use, structure, or activity is prohibited.

c. The City may grant a waiver or partial waiver of the provisions of this Code to accommodate a person's free exercise of religion pursuant to federal or state law.

(g) Post-Decision Actions and Limitations

(1) Notice of Decision

a. Within 10 days after a final decision is made on an application, the Director shall provide written notification of the decision by personal delivery, electronic mail, or first-class mail to the applicant.

b. If the decision was subject to a quasi-judicial hearing, the Director shall also provide written notification of the decision to the owners of the subject property and any other person that requested a copy of the decision prior to its effective date.

(2) Appeal

A party aggrieved by final decisions may appeal the decision in accordance with the appeal procedures in 16-8-70(c).

(3) Expiration of Approval

a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this article.

b. A change in ownership shall not affect the established expiration time period of an approval unless otherwise stated in this article.

c. Unless otherwise provided in this article, the Director may grant extensions of the expiration time period for up to one year following a written request that explains reasonable cause for such extension, prior to the expiration date. The Director shall determine whether there is reasonable cause for the extension. Further extensions shall be subject to the approval by the decision-making body for the original application.

(4) 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 as detailed in the Administrative Manual. This requirement may be waived at the discretion of the Director.

(5) Modification or Amendment of Approval

Unless otherwise provided in this article, any substantial modifications to approved plans, permits, or conditions shall require a new application submitted and reviewed in accordance with the full procedure

requirements applicable to the original application. The Director shall determine whether proposed modifications or amendments to an approval are considered substantial and may require further determination by the decision-making body of the original application.

(6) Limitation on Subsequent Similar Applications
Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the denial. This waiting period may be waived by the decision-making body provided that there is substantial change to circumstances or new information is available related to the issues or facts considered during the previous review.

(h) Vested Property Rights

(1) Purpose
The vested rights procedure provides the mechanism for approval of vested real property rights pursuant to state statutes C.R.S. Article 68 of Title 24, as amended. Nothing in this section is intended to create a vested property right, but only to implement state law.

(2) Applicability

a. For all site-specific development plans, a vested property right shall be deemed established upon the approval of the plan in accordance with this section and the applicable requirements of this article. The following shall be considered site-specific development plans:

1. Minor site plan

2. Major site plan

3. Final plat

4. Planned Development

b. All other approval types authorized by this article and not listed in paragraph a. above shall not constitute a site-specific development plan.

c. Establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations that 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 article pertaining to the development and use of property.

(3) Vested Rights Procedure

a. 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 provide 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 in accordance with the zoning and development ordinances in effect at the time of approval.

b. A site-specific development plan shall be deemed approved upon the effective date of the City'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 specifically finds to the contrary and incorporates such finding in its approval of the amendment.

c. 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 shall be strictly construed.

(4) Duration and Termination of Vested Property Rights

a. A property right that has been vested pursuant to this section and Article 68 of Title 24, C.R.S., shall remain vested for a period of three years, at which time the vesting period shall expire. This vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the City.

b. The City is authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three 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.

c. 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.

(5) Waiver of Vested Property Rights

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.

(6) Effect of Vested Property Rights Precludes Some Land Use Limitations

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:

a. With the consent of the affected landowner;

b. 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

c. 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 at the legal rate until paid. Just compensation shall not include any diminution in the value of the property caused by such action.

16-8-40 Ordinance Amendments

(a) Rezoning

(1) Purpose

The rezoning procedure is intended to allow the City to amend the Official Zoning Map for the City of Salida to reflect changes in policy, changed conditions, or to advance the public welfare of the City. The rezoning procedure should not be used when a conditional use, variance, or minor modification could be used to achieve a similar result. Changes to dimensional standards within a zoning district such as setbacks or building height should be processed as Code text amendments in accordance with §16-8-40(c).

(2) Applicability

A rezoning may be approved by the City Council following review and recommendation by the Planning Commission. A rezoning to a Planned Development shall be processed in accordance with §16-8-40(b).

(3) Rezoning Procedure

Figure 8-2 identifies the applicable steps from the common review procedures that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

Figure 8-2: Summary of Rezoning Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General

a) The rezoning application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

b) A rezoning application may be initiated by the City Council, the Planning Commission, the Director, or the owner of the real property subject to the proposed rezoning.

c) When multiple parcels are proposed for rezoning, the Director may require a separate application for each property.

2. Concurrent Review
An applicant may request concurrent review of a development permit and/or subdivision approval with a rezoning application. The Director shall provide guidance on concurrent review during the pre-application conference.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Hearings
The rezoning application shall be scheduled for public hearings before the Planning Commission and the City Council and noticed in accordance with §16-8-30(e).

e. Review and Decision

1. Planning Commission Review and Recommendation
The Planning Commission shall review the rezoning application and recommend approval or denial in accordance with §16-8-30(f) and the approval criteria below.

2. City Council Review and Decision
The City Council shall review the rezoning application and act to approve or deny the rezoning in accordance with §16-8-30(f) and the approval criteria below. Conditions may not be attached to a rezoning decision.

a) Rezoning Approval Criteria

1) In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether:

i. The proposed amendment is generally consistent with the Comprehensive Plan;

ii. The proposed amendment is consistent with the purpose of the zoning district to which the property is proposed to be designated; and

iii. The development allowed by the proposed zoning would be compatible with surrounding zoning districts, land uses, and neighborhood character of properties within City limits; or compatible with future anticipated zoning districts, land uses, and neighborhood character of properties within City limits;

OR

2) 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 or more errors in the Official Zoning Map boundaries have occurred.

f. Post-Decision Actions and Limitations
Post-decision actions and limitations in §16-8-30(g) shall apply with the following modifications:

1. Following approval of a rezoning, the Director shall prepare an appropriate revision to the Official Zoning Map.

2. An owner of any property affected by a proposed rezoning may protest the rezoning pursuant to statutory requirements of C.R.S. §31-23-305.

(b) Rezoning to Planned Development Overlay

(1) Purpose
The zoning classification of any parcel may be changed to apply the planned development overlay district (PD) pursuant to this subsection. The purpose of a rezoning to apply a PD overlay is to encourage innovation and achieve greater flexibility than allowed by the strict application of the Code while providing greater benefit to the City and to ensure efficient provision of services and utilities through a negotiated process. The PD procedure should not be used when a conditional use approval, variance, minor modification, or rezoning to a base zoning district could achieve a similar result. Examples of how a PD overlay may provide greater benefit to the City include:

a. Greater mix of uses and building types;

b. Higher level of environmental protection;

c. Improved design quality;

d. Innovative and diverse housing types;

e. Historic preservation;

f. Promotion of multi-modal travel; and

g. Higher level of public amenities such as open spaces, parks, recreational areas, trails, and schools.

(2) Applicability

a. An application to rezone to PD may be submitted for any contiguous area of two acres or more within any combination of zoning districts.

b. The PD zoning classification is established by overlaying the designation on land within an existing or newly created zoning district.

c. Where a PD permits single-unit detached dwellings, one accessory dwelling unit is permitted by right on any feel simple lot occupied by a primary unit(s), subject to §16-3-30(f)(1), *Accessory Dwelling Unit*.

(3) Rezoning to PD Procedure
Figure 8-3 identifies the applicable steps from the common review procedures that apply to the review of rezonings to PD. Additions or modifications to the common review procedures are noted below.

Figure 8-3: Summary of Rezoning to Planned Development Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General
The rezoning application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. PD Plan Required
An application for rezoning to PD shall include a PD plan. Approval of a PD plan is required prior to approval of a development permit in a PD district.

3. Concurrent Review

a) Development permit applications may be submitted concurrently with a PD application.

b) A subdivision application submitted under §16-8-50(c)(3)a may be reviewed concurrently with an application for rezoning to PD. A preliminary subdivision plat on a site covered by a proposed PD shall not be approved until after the rezoning to PD is approved.

c) A vested rights application submitted under §16-8-30(h) may be reviewed concurrently with an application for rezoning to PD.

4. Phased Development
Development within a PD may be proposed to be phased. In such instance, the phasing shall be planned so that neither the initial phase nor subsequent phases will have an adverse impact on the PD or its surroundings.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Hearings
The rezoning to PD application shall be scheduled for public hearings before the Planning Commission and the City Council and noticed in accordance with §16-8-30(e).

e. Review and Decision

1. Planning Commission Review and Recommendation
The Planning Commission shall review the rezoning to PD application and recommend approval or denial in accordance with §16-8-30(f) and the approval criteria below.

2. City Council Review and Decision
The City Council shall review the rezoning to PD application and act to approve or deny the rezoning to PD in accordance with §16-8-30(f) and the following approval criteria:

a) Rezoning to PD Approval Criteria
In reviewing a proposed PD, the Planning Commission and City Council shall consider whether and to what extent the PD:

i. Meets the general approval criteria in 16-8-30(f)(4) and the approval criteria for rezonings in 16-8-40(a)(3)e.2.a);

ii. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design that achieves a higher quality standard than could otherwise be achieved through strict application of a base zoning district;

iii. Meets all applicable standards of this Code not expressly modified by the PD application, including but limited to standards in Article 16-4, *Development & Design Standards,* and Article 16-9, *Inclusionary Housing*; and

iv. Provides a variety of housing types and densities, if residential is proposed as part of the PD.

3. Approval of PD Plan
The approved PD zoning and the approved PD plan along with associated exhibits are inseparable. A PD zoning shall not be established without the approval of a final PD plan.

f. Post-Decision Actions and Limitations
Post-decision actions and limitations in §16-8-30(g) shall apply with the following modifications:

1. Effect of Approval
The regulations of this Code remain applicable to areas within a PD district unless expressly modified by the approved PD.

2. Recording and Map Revision

a) Following approval of a rezoning to PD, the Director shall prepare an appropriate revision to the Official Zoning Map to demarcate the PD overlay.

b) The PD plan and zoning amendment shall be recorded with the Chaffee County Clerk and Recorder.

3. Protest
An owner of any property affected by a proposed rezoning may protest the rezoning pursuant to statutory requirements of C.R.S. §31-23-305.

4. Amendment

a) Except as provided below for minor amendments, an approved PD plan may only be amended pursuant to §16-8-30(g)(5).

b) Minor amendments to an approved PD plan may be approved by the Director if the proposed amendment complies with all of the following criteria:

1) The amendment shall not change the ratio of residential units to square feet of non-residential building square footage by more than ten percent.

2) The number of residential units shall not be increased or decreased by more than ten percent.

3) The gross square footage of non-residential building area shall not be increased or decreased by more than ten percent.

4) The amendment shall not change the allowed uses listed in the approved PD plan.

5) The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.

6) The numeric standards in the PD plan shall not be revised by more than would be allowed through §16-8-70(b), *Minor Modification*.

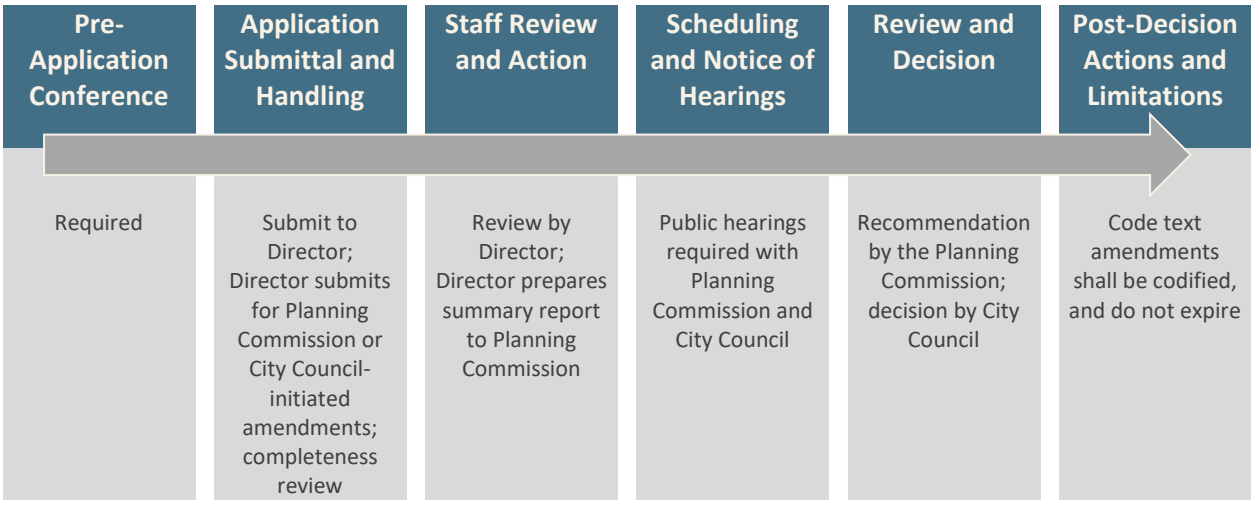
(c) Code Text Amendment

(1) Purpose
The code text amendment procedure is provided to revise the text of this Code to respond to changed conditions or changes in public policy, or to advance the general welfare of the City.

(2) Applicability
An amendment to the text of this Code may be initiated by the City Council, the Planning Commission, the Administrator, the Director, a resident of the City, or an owner of a business within the City.

(3) Code Text Amendment Procedure
Figure 8-4 identifies the applicable steps from the common review procedures that apply to the review of code text amendments. Additions or modifications to the common review procedures are noted below.

Figure 8-4: Summary of Code Text Amendment Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b) if initiated by a private citizen.

b. Application Submittal and Handling

1. The code text amendment application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. The applicant shall submit a complete text amendment application to the Director containing the precise amended wording. The Director shall be responsible for submitting the application materials for an amendment initiated by the City Council, Planning Commission, or City Administrator.

c. Staff Review and Action
The Director shall forward a report to the Planning Commission that summarizes the application's compliance with the applicable approval criteria in §16-8-40(c)(4), below, and other applicable provisions of this Code. Technical comments and professional recommendations of other agencies and organizations may be solicited in preparing the summary report.

d. Scheduling and Notice of Public Hearings
The code text amendment application shall be scheduled for public hearings before the Planning Commission and the City Council and noticed in accordance with §16-8-30(e).

e. Review and Decision

1. Review and Recommendation by the Planning Commission
The Planning Commission shall hold a public hearing to review the conformance of the application with the approval criteria in §16-8-40(c)(4), below, and all applicable provisions of this Code. The Commission shall recommend 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.

2. Review and Decision by the City Council
The City Council shall consider the approval criteria in §16-8-40(c)(4), below, and the recommendations of the Planning Commission at a public hearing. 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.

f. Post-Decision Actions and Limitations
Upon approval of the amendment and the filing, the Director shall cause the amended text of this Code to be officially codified.

(4) Code Text Amendment Approval Criteria
In reviewing a proposed Code text amendment, the Planning Commission and City Council shall determine that the following criteria are met:

a. The proposed amendment is consistent with the general purpose and intent of this Code;

b. The proposed amendment shall not conflict with any other applicable provisions of this Code, or the City shall repeal or amend provisions of this Code that are inconsistent, unreasonable, or out-of-date;

c. The proposed amendment shall be consistent with the Comprehensive Plan; and

d. The proposed amendment shall preserve the public health, safety, general welfare, and environment and shall contribute to the orderly development of the City.

(d) Annexation

(1) Purpose
The following subsections establish the procedure for annexation.

(2) Annexation Procedure
Figure 8-5 summarizes the steps of the annexation procedure. An applicant requesting annexation shall follow the following steps in addition to the procedure set forth at §31-12-101, et seq., C.R.S.

Figure 8-5: Summary of Annexation Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. Application Contents
The annexation application shall include:

a) 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.

b) Annexation Application Form
The City's Annexation Application Form shall be completed, signed, and dated.

c) 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.

d) 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 petition shall include statements required by state law and in accordance with the Administrative Manual.

e) Annexation Map
All annexation petitions shall provide an annexation map. Such map shall be prepared in accordance with state law and the Administrative Manual.

f) Waiver of Vested Property Rights
Per §16-8-30(h), unless otherwise agreed to by the City, any landowner requesting annexation to the City shall provide record of waiver of any preexisting vested property rights.

g) Water Rights
The Municipal Services Area shall be considered for all applications. The dedication of sufficient water rights for any proposed development outside of the Municipal Services Area shall be referred to the Director of Public Works for review and subsequent approval by City Council. In these circumstances, the applicant may be required to complete a Historical Consumptive Use analysis for existing water rights related to the subject property and provide sufficient water rights to support development. Additionally, the City reserves a first right of refusal for obtaining the water rights for the subject property as part of the annexation process.

2. Annexation Fees

a) Each petition for annexation shall be accompanied by a fee intended to reimburse the City for the costs associated with the review of the annexation. In addition, the petitioner shall 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.

c. Staff Review and Action

1. The Director shall forward the complete application along with a report to the City Council that summarizes the application's compliance with the applicable review standards contained in the petition for Annexation, the Colorado Municipal Annexation Act of 1965, and other applicable provisions of this Code.

2. For annexations of more than ten acres, the City shall prepare an impact report concerning the proposed annexation at least 25 days before the date of the public hearing, unless the Chaffee County Board of County Commissioners waives this requirement. The report and procedures shall meet the standards established in CRS § 31-12-108.
3. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

d. Scheduling and Notice of Public Hearings

1. **Setting Hearing Date**
Upon receipt of the staff report from the Director, 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.

2. **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 §16-8-30(e)(2).

e. Review and Decision

1. **Review and Recommendation by the Planning Commission**
The Planning Commission shall hold a public hearing to review the conformance of the application with the Colorado Municipal Annexation Act of 1965, and all applicable provisions of this Code. The Commission shall recommend 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.

2. **Review and Decision by the City Council**
Upon the submission of documentation in accordance with this §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.

f. Post-Decision Actions and Limitations
Upon approval of the annexation ordinance and the filing and, if applicable, recordation of any documents required by the approval, the Director shall place the annexation on the Official Zoning Map.

g. Concurrent Review
Annexations may be considered concurrently with zoning and development permits; however, no development permit for land proposed for annexation into the City shall become effective until the related annexation is approved by the City Council.

16-8-50 Development Permits and Approvals

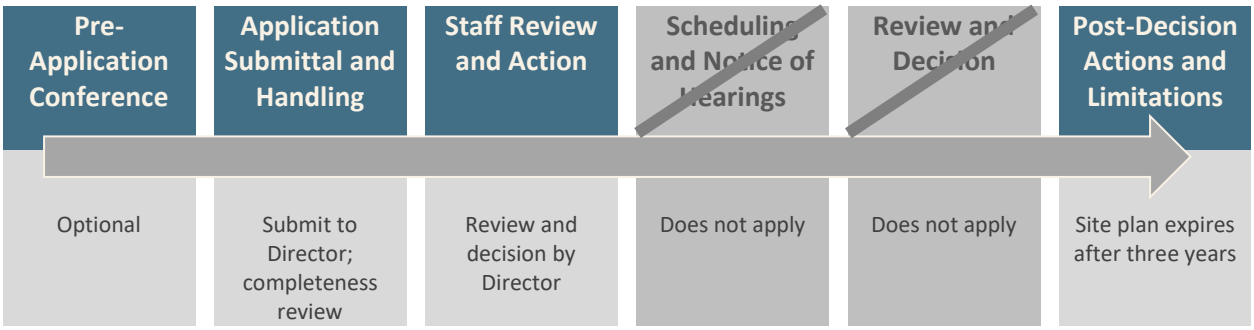
(a) Minor Site Plan Review

(1) Purpose
The minor site plan process allows the City to administratively evaluate smaller developments for compliance with the development and design standards of this Code. The minor site plan review procedure ensures that potential impacts are considered prior to an applicant submitting engineered construction plans or issuance of a building permit and certificate of occupancy.

(2) Applicability
See Table 3-A, Table of Allowed Uses, for designation of uses that require minor site plan approval.

(3) Minor Site Plan Review Procedure
Figure 8-6 identifies the applicable steps from the common review procedures that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 8-6: Summary of Minor Site Plan Review Procedure



a. Pre-Application Conference
A pre-application conference shall be optional in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General
The minor site plan application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review
A site plan application may be submitted and reviewed concurrently with a conditional use approval, a minor modification, variance, or subdivision plat.

c. Staff Review and Action
The Director shall review the minor site plan application and approve, approve with conditions, or deny the minor site plan in accordance with §16-8-30(f)(4) and the following approval criteria:

1. Site Plan Approval Criteria
In reviewing a proposed site plan application, the Director (for minor site plans) and Planning Commission (for major site plans) shall consider whether:

a) The site plan is consistent with the general purpose and intent of this Code;

b) The site plan is consistent with the standards of this Code; and

c) The site plat is consistent with any previously approved plat, PD plan, or other previous land use approval applicable to the site.

d. Post-Decision Actions and Limitations

1. Filing of Site Plan Approval
An approved site plan shall be officially filed with the Community Development Department within 60 days of its approval.

2. No Building Permit or Certificate of Occupancy without Approval

a) No building permit shall be issued without approval of the site plan, unless exempted from site plan review under 16-8-50(a)(2)a.

b) The building permit shall incorporate any conditions of approval associated with the site plan.

c) If the development includes construction of significant public improvements, a development agreement may be required to define the standards for construction, inspection, acceptance, and dedication of said public improvements prior to issuance of a building permit.

3. Expiration of Approval
Unless vested rights are established, site plans shall expire if the applicant fails to submit a complete application for a building permit within three years after the approval date of the site

plan, unless an extension is granted in accordance with §16-8-30(g)(3)c. If the applicant makes timely application for a building permit, then the site plan shall remain in effect for as long as the building permit remains in effect after the three-year period has passed.

4. Minor Changes Allowed
Development authorized by an approved site plan may incorporate minimal changes from the approved site plan without a new application provided the Director finds that the proposed changes:

a) Comply with the standards of this Code;

b) Are necessary to meet conditions of approval; and

c) Would not alter the function, form, use, or intensity of the property or result in additional demands on public infrastructure or impacts on adjacent properties more than the originally approved site plan.

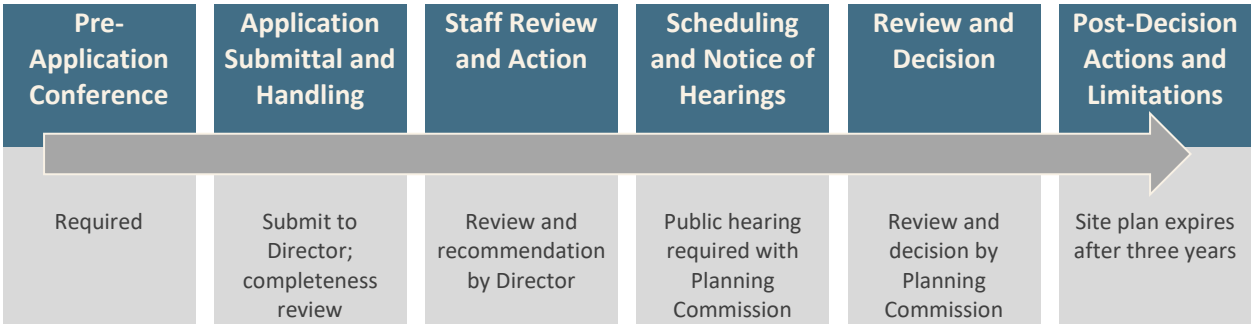
(b) Major Site Plan Review

(1) Purpose
The major site plan process allows the City to evaluate larger and more complex or unique developments for compliance with the development and design standards of this Code. The major site plan review procedure ensures that potential impacts are considered prior to an applicant submitting engineered construction plans or issuance of a building permit and certificate of occupancy.

(2) Applicability
See Table 3-A, Table of Allowed Uses, for designation of uses that require major site plan approval.

(3) Major Site Plan Review Procedure
Figure 8-7 identifies the applicable steps from the common review procedures that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 8-7: Summary of Major Site Plan Review Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General
The major site plan application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review
A site plan may be submitted concurrently with those plans and applications listed for minor site plans in §16-8-50(a)(3)b.2.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Hearings
The major site plan application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with §16-8-30(e).

e. Review and Decision
The Planning Commission shall review the major site plan application and approve, approve with conditions, or deny the major site plan in accordance with §16-8-30(f) and the approval criteria listed for minor site plans in § 16-8-50(a)3(c)1.

f. Post-Decision Actions and Limitations
A major site plan is subject to the post-decision actions and limitations applicable to minor site plans in accordance with §16-8-50(a)(3)d.

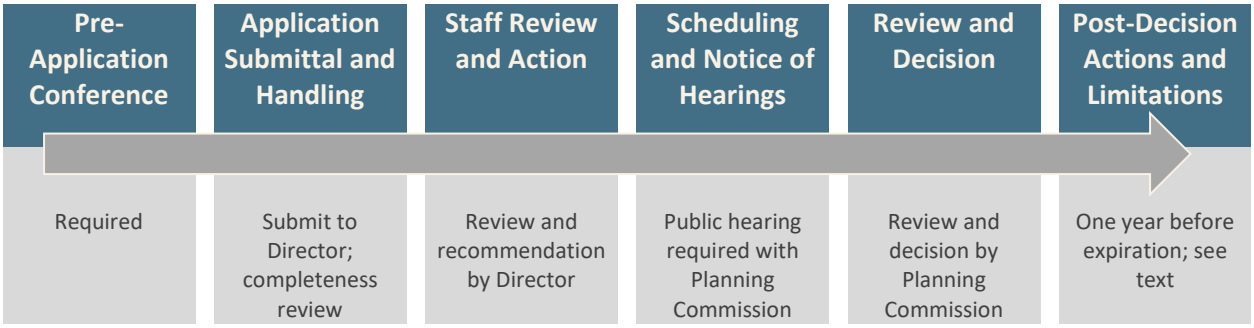
(c) Conditional Use Approval

(1) Purpose
The conditional use approval procedure provides a mechanism for the City to evaluate proposed land uses that are generally compatible with the permitted uses in a zoning district, but that require site-specific review of their location, design, intensity, density, and configuration because they have unique or varied operating characteristics or unusual impacts. This procedure is intended to ensure that the proposed development adequately mitigates anticipated impacts to ensure compatibility with surrounding areas.

(2) Applicability
A conditional use approval is required for land uses as specified in Table 3-A, Table of Allowed Uses.

(3) Conditional Use Approval Procedure
Figure 8-8 identifies the applicable steps from the common review procedures that apply to the review of conditional use approvals. Additions or modifications to the common review procedures are noted below.

Figure 8-8: Summary of Conditional Use Approval Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b). The Director shall determine whether site plan review is required.

b. Application Submittal and Handling

1. General
The conditional use approval application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review
A conditional use approval may be submitted concurrently with a site plan, minor modification, variance, or subdivision plat.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Hearings
The conditional use approval application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with §16-8-30(e).

e. Review and Decision
The Planning Commission shall review the conditional use approval application and approve, approve with conditions, or deny the conditional use approval in accordance with §16-8-30(f) and the following approval criteria:

1. Conditional Use Approval Criteria
In addition to any use-specific standards applicable to the use that is subject to the conditional use approval, and in addition to the general approval criteria in §16-8-30(f)(4), the application must comply with the following:

a) The use shall be appropriate to its proposed location and not disrupt or harm the prevailing uses and activities in the immediate vicinity;

b) 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;

c) 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 or other emissions, vibrations, glare, and similar conditions;

d) There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use may cause; and

e) 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.

f. Post-Decision Actions and Limitations
Post-decision actions and limitations in §16-8-30(g) shall apply with the following modifications:

1. Expiration of a Conditional Use Approval

a) The conditional use approval may contain conditions as deemed appropriate by the Director or Planning Commission in approving the permit. Within the one-year period, or other approved period, the permit holder must either obtain a site plan approval, begin construction, or establish the land use authorized by the conditional use approval, including any conditions attached to the conditional use approval.

b) Failure to obtain a site plan approval, start construction, or establish such use within the one-year or other applicable time period shall result in automatic expiration of the conditional use approval. Once a conditional use is established, the conditional use approval shall not expire. However, any discontinuance of the use for a period of one year, for any reason, shall result in automatic expiration of the conditional use approval, unless otherwise provided in the permit or an extension is granted pursuant to §16-8-30(g)(3).

c) 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 approval shall automatically expire, unless an extension is granted pursuant to §16-8-30(g)(3).

2. Expansion or Enlargement
Expansion or enlargement of a conditional use approval shall require a new application, unless the Director determines that the expansion or enlargement:

a) Is not expected to increase adverse impacts to the surrounding area or the City; and

b) Will not require adjustments or modification of any standards greater than those allowed under the minor modification procedure in §16-8-70(b).

3. Revocation of a Conditional Use Approval

a) All stipulations submitted as part of a conditional use approval and all conditions imposed by the Director or Planning Commission 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 approval.

b) 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 30-day period in which to abate the violation.

c) If the violation of the conditional use continues after the 30-day period specified in the written request for abatement of the violation, the Director shall schedule a hearing before the Planning Commission. Notice of the hearing shall be provided to the approval holder in accordance with §16-2-30. Following a proper hearing, the Planning Commission shall issue a decision either revoking or sustaining the conditional use approval.

d) Appeals of the Planning Commission decision regarding revocation of the conditional use approval may be brought by the approval holder according to the procedure established at § 16-8-70.

4. Transfer of Conditional Use Approval
Unless otherwise specified in conditions of approval, a conditional use approval may be transferred to another person to operate the same use, in the same buildings, on the same property, and under the same terms of the original conditional use approval.

(d) Change of Use Approval

(1) Purpose
The change of use approval procedure provides a mechanism for the City to evaluate new uses of properties and buildings and change in occupancy due to change of ownership or tenancy to ensure compliance with this Code.

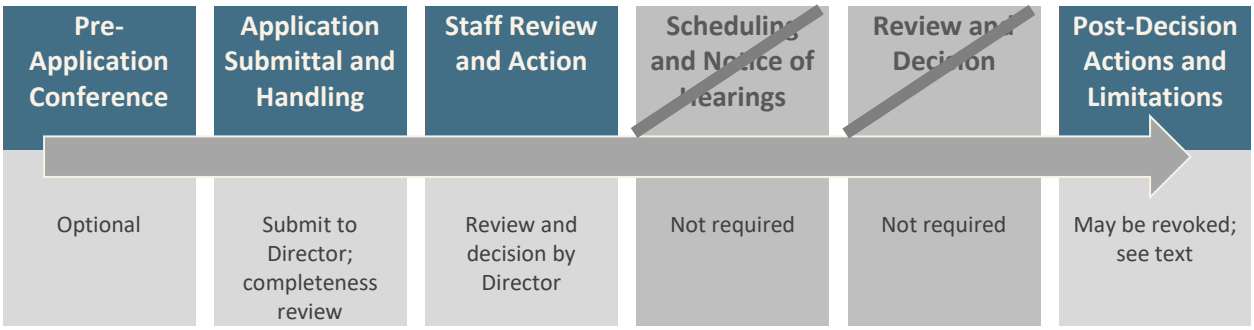
(2) Applicability
A change of use approval is required prior to:

a. Changing the use of a vacant or occupied property or building; and/or

b. Changing occupancy of a vacant or occupied property or building.

(3) Change of Use Approval Procedure
Figure 8-9 identifies the applicable steps from the common review procedures that apply to the review of change in use approvals. Additions or modifications to the common review procedures are noted below.

Figure 8-9: Summary of Change in Use Approval Procedure



a. Pre-Application Conference
A pre-application conference in accordance with §16-8-30(b) is optional.

b. Application Submittal and Handling
The application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

c. Staff Review and Action

1. Review and Decision
The Director shall review the change of use approval application according to the criteria below and the Director shall approve, approve with conditions, or deny the approval.

2. Change of Use Approval Criteria
In reviewing a change of use approval, the Director shall consider the general approval criteria in §16-8-30(f)(4) and also whether the proposed change of use or occupancy adequately mitigates associated impacts with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor.

d. Post-Decision Actions and Limitations

1. Effect of Approval
A change in use approval authorizes a new use or change in occupancy of an existing property or building with any additional terms and conditions specified in the approval. The change of use approval shall clearly state that the proposed use complies with the provisions of this Code. For any change of use that requires a building permit, the change of use approval shall be issued prior to obtaining a certificate of occupancy.

2. Revocation of a Change of Use Approval
A change of use approval may be revoked by the Director if the use of the property or building is inconsistent with the authorized use specified in the change of use approval. In such case, the Director shall notify the approval holder in writing and provide 30 days from the date of the letter for the approval holder to bring the use into compliance with the change of use approval, and otherwise the approval shall be revoked.

(e) Grading/Tree Disturbance Permit

(1) Purpose
The grading/tree disturbance permit approval procedure provides a mechanism for the City to evaluate land clearing and grading, removal of existing trees and vegetation, and similar activities prior to development activity, to ensure compliance with this Code.

(2) Applicability
A grading/tree disturbance permit is required prior to:

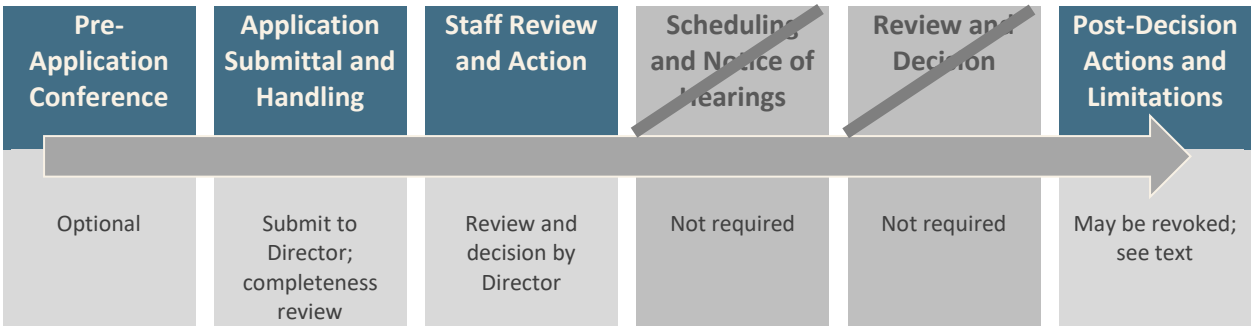
a. Any site grading of one-quarter acre more; and/or

b. Any removal or pruning of 10 percent or 400 square feet of riparian vegetation, whichever is less.

(3) Grading/Tree Disturbance Permit Procedure

Figure 8-10 identifies the applicable steps from the common review procedures that apply to the review of grading/tree disturbance permit applications. Additions or modifications to the common review procedures are noted below.

Figure 8-10: Summary of Grading/Tree Disturbance Permit Procedure



a. Pre-Application Conference

A pre-application conference in accordance with §16-8-30(b) is optional.

b. Application Submittal and Handling

The application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

c. Staff Review and Action

1. Review and Decision

The Director shall review the application according to the criteria below and the Director shall approve, approve with conditions, or deny the approval.

2. Grading/Tree Disturbance Criteria

In reviewing a grading/tree disturbance permit, the Director shall consider the general approval criteria in §16-8-30(f)(4) and also whether the proposed activity specifically complies with the requirements of §16-4-20(b), *River and Wetland Protection*; and generally with all other applicable requirements of this Code.

d. Post-Decision Actions and Limitations

1. Effect of Approval

A grading/tree disturbance permit approval authorizes only the specific grading, land clearing, and/or vegetation/tree removal described in the permit. The permit approval shall clearly state that the proposed activity complies with the provisions of this Code.

2. Revocation of a Grading/Tree Disturbance Permit

A grading/tree disturbance permit may be revoked by the Director if the use of the property is inconsistent with the authorized activity specified in the permit. In such case, the Director shall notify the approval holder in writing and provide 30 days from the date of the letter for the approval holder to bring the use into compliance with the permit, and otherwise the approval shall be revoked.

16-8-60 Subdivision Approvals

(a) Minor Subdivision

(1) Purpose

The minor subdivision procedure is used to evaluate proposed subdivisions that create few lots or involve minimal adjustments or corrections to previously recorded final plats.

(2) Applicability

a. The minor subdivision procedure shall apply when all the following are met:

1. The proposed subdivision would create five or fewer lots within a single plat; and

2. The proposed subdivision would not require land dedication or dedication of public improvements, which would require City Council approval.

b. The following are eligible to be processed as a minor subdivision provided paragraph a., above, is met:

1. Boundary or lot line adjustment to an approved final plat;

2. Lot line elimination;

3. Duplex conversion;

4. Plat amendment affecting fewer than ten lots;

5. An insubstantial change to an approved plat to address engineering or technical constraints with no material effect on the plat and no relocations of streets or rights-of-way; or

6. Correction of errors on an approved final plat.

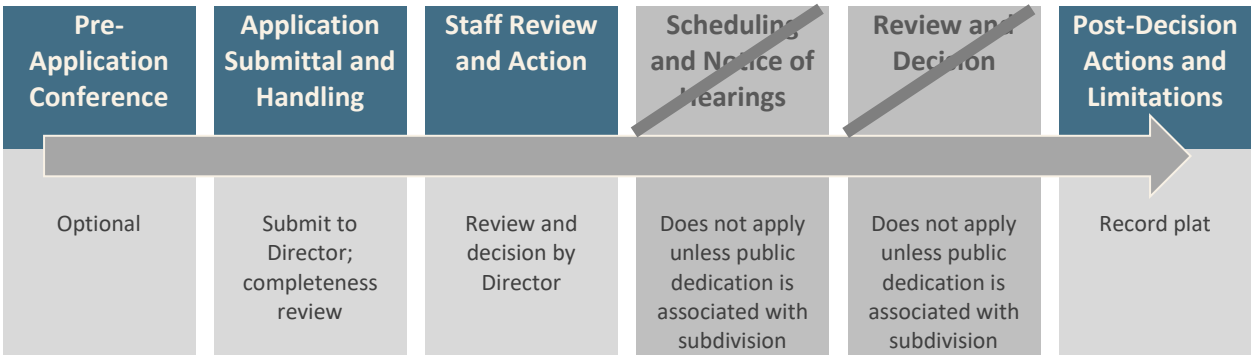
c. Any subdivision that requires dedication of right-of-way, public tracts, or public improvements to the City shall be submitted to the City Council for acceptance or denial of the dedication.

d. Resubdivision of properties that have already been platted shall be processed as either a minor subdivision in accordance with this procedure or shall require a new application for a preliminary plat in accordance with §16-8-60(b).

(3) Minor Subdivision Procedure

Figure 8-10 identifies the applicable steps from the common review procedures that apply to the review of minor subdivisions. Additions or modifications to the common review procedures are noted below.

Figure 8-11: Summary of Minor Subdivision Procedure



a. Pre-Application Conference

A pre-application conference in accordance with §16-8-30(b) is optional.

b. Application Submittal and Handling

1. The minor subdivision application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. For lot line adjustments and lot eliminations, the owners of all affected properties whose lot lines are being amended shall provide written consent to the application.

3. To the extent that submittal information was submitted as part of a previous subdivision plat and is adequate by current standards, the Director may waive submittal requirements at the request of the applicant.

c. Staff Review and Action
The Director shall review the minor subdivision application and shall approve, approve with conditions, or deny the minor subdivision in accordance with §16-8-30(f)(4) and the approval criteria in §16-8-60(a)(4) below.

d. Post-Decision Actions and Limitations
Post-decision actions and limitations in §16-8-30(g) shall apply. In addition, the Director shall record the minor subdivision plat with the Chaffee County Clerk and Recorder as soon as practicable.

(4) Minor Subdivision Approval Criteria
In reviewing a minor subdivision application, the Director shall consider the general approval criteria in §16-8-30(f)(4) and also whether the minor subdivision:

a. General

1. Is consistent with the underlying zoning district(s);

2. Does not result in the creation of more than five lots;

3. Does not result in the creation of lots that cannot be built upon under this Code;

4. Does not affect a recorded easement without approval from the easement holder;

5. Complies with the requirements of Article 16-5, *Subdivisions*; and

6. Will not limit the City's ability to effectively provide facilities or services to all lots involved.

7. Complies with Article 9 - *Inclusionary Housing*

b. For Attached Dwellings
In addition to the criteria above, the following shall be met for all minor subdivisions proposed for single-family attached dwellings and duplex dwellings:

1. Common Wall
The building shall be divided only along code-compliant fire-resistant common walls into separate dwellings on separate lots.

2. Separate Utilities
Each of the dwelling units shall be served by separate utility service lines and meters, including 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 attached dwelling lots.

(b) Major Subdivision – Preliminary Plat

(1) Purpose
The preliminary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services in the City.

(2) Applicability

a. A preliminary plat is required if the proposed subdivision:

1. Will result in more than five lots;

2. Will include the dedication of public right-of-way, other public tracts, or public improvements for any subdivision not determined to be eligible to be processed as a minor subdivision; or

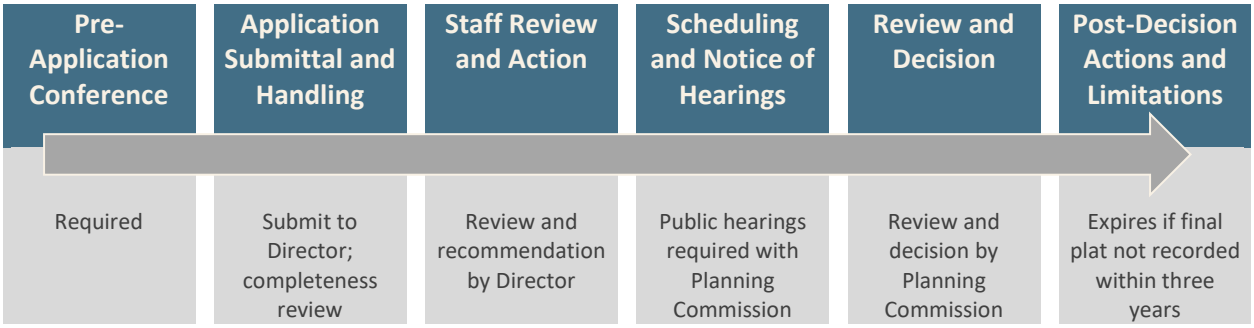
3. Is not eligible to be processed as a minor subdivision.

b. Subsequent resubdivision of properties that have already been platted shall be processed as either a minor subdivision in accordance with §16-8-60(a) or shall require a new application for a preliminary plat in accordance with this procedure.

(3) Preliminary Plat Procedure

Figure 8-11 identifies the applicable steps from the common review procedures that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

Figure 8-12: Summary of Preliminary Plat Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General

The preliminary plat application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review

A preliminary plat may be submitted concurrently with a site plan, conditional use approval, minor modification, or variance. PD?

3. Resubdivisions

To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the Director may waive submittal requirements at the request of the applicant.

c. Staff Review and Action

The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Public Hearings

The preliminary plat application shall be scheduled for public hearings before the Planning Commission and City Council, noticed in accordance with §16-8-30(e).

e. Review and Decision

1. Planning Commission Review and Recommendation

The Planning Commission shall review the preliminary plat application and approve, approve with conditions, or deny the plat in accordance with §16-8-30(f) and the following approval criteria:

a) Preliminary Plat Approval Criteria

In reviewing the preliminary plat application, the Planning Commission shall consider the general approval criteria in 16-8-30(f)(4) and also whether the plat:

1) General

i. Is consistent with the underlying zoning district(s);

ii. Does not result in the creation of lots that cannot be built upon under this Code;

iii. Does not affect a recorded easement without approval from the easement holder;

iv. Complies with the requirements of Article 16-5, *Subdivisions*;

v. Will not limit the City's ability to effectively provide facilities or services to all lots involved; and

vi. Complies with Article 16-9, *Inclusionary Housing*.

2) Major Subdivisions with Single-Family Attached and/or Duplex Dwellings

i. Common wall: The building shall be divided only along code-compliant, fire-resistant common walls into separate dwellings on separate lots.

ii. Separate utilities: Each of the dwelling units shall be served by separate utility service lines and meters, including water, sewer, electricity, and natural gas.

iii. Maintenance agreement: A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed attached dwelling units.

2. Conditions of Approval
If the preliminary plat is approved with conditions, those conditions and the standards of this Code shall be met prior to approval of a final plat.

f. Post-Decision Actions and Limitations

1. Expiration of Approval
Preliminary plat approval shall automatically expire if a final plat has not been recorded within one year after the date of the preliminary plat approval, or an extension is granted in accordance with §16-8-30(g)(3).

2. Phased Final Platting
Whenever a preliminary plat is approved for development of a subdivision in phases, the City Council may allow alternative timing for final plats for each phase following the first.

(c) Major Subdivision – Final Plat

(1) Purpose
The final plat procedure completes the major subdivision process and provides a mechanism for the City to ensure compliance with the approved preliminary plat and applicable standards of this Code.

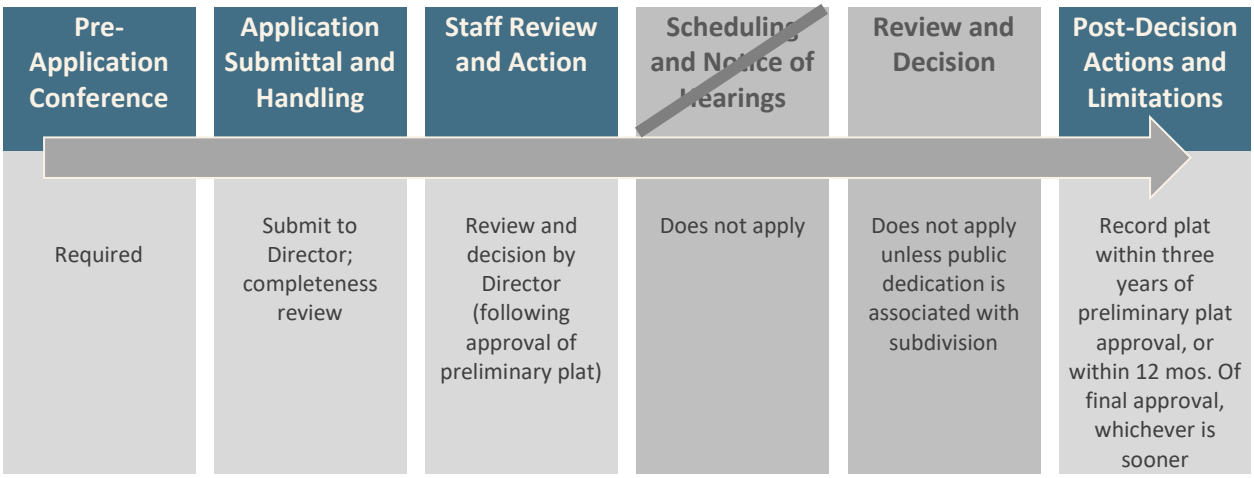
(2) Applicability

a. The final plat procedure applies to all major subdivisions in the City unless otherwise stated in this Code.

b. Any major subdivision that requires dedication of right-of-way, public tracts, or public improvements to the City shall be submitted to the City Council for acceptance or denial of the dedication. The Council shall decide the acceptance or denial of the dedication only.

(3) Final Plat Procedure
Figure 8-12 identifies the applicable steps from the common review procedures that apply to the review of final plats. Additions or modifications to the common review procedures are noted below.

Figure 8-13: Summary of Final Plat Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General
The final plat application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review

a) A final plat may be submitted concurrently with a site plan, conditional use approval, minor modification, or variance. In such cases, the final plat shall be decided prior to the final decision on the concurrently submitted application.

b) If the applicant is seeking vested rights, such rights may be reviewed concurrently with the final plat and in accordance with §16-8-30(h).

c. Staff Review and Action
The Director shall review the final plat application and shall approve, approve with conditions, or deny the final plat in accordance with §16-8-30(f) and the following approval criteria:

1. Final Plat Approval Criteria
In reviewing a final plat application, the Director shall consider the general approval criteria in §16-8-30(f)(4) and also whether:

a) The final plat complies with the approved preliminary plat, including any conditions of approval; and

b) The proposed development will comply with the City's Standard Specifications for Construction and Design Criteria Manual and any other applicable technical standards and specifications adopted by the City.

d. Post-Decision Actions and Limitations

a) Post-decision actions and limitations in §16-8-30(g) shall apply. In addition, the Director shall record the final plat with the Chaffee County Clerk and Recorder as soon as practicable.

b) A final plat and subdivision improvement agreement shall be recorded within 12 months of the date of approval. This 12 months does not extend the required timeline in §16-8-60(b)(3)f, Post-Decision *Actions and Limitations*.

(d) Condominiumization

(1) Purpose

The condominiumization procedure provides a mechanism for the City to ensure that condominium subdivisions comply with this Code and state law.

(2) Applicability

a. The creation of new condominium units and the conversion of existing buildings into condominium units shall follow this procedure.

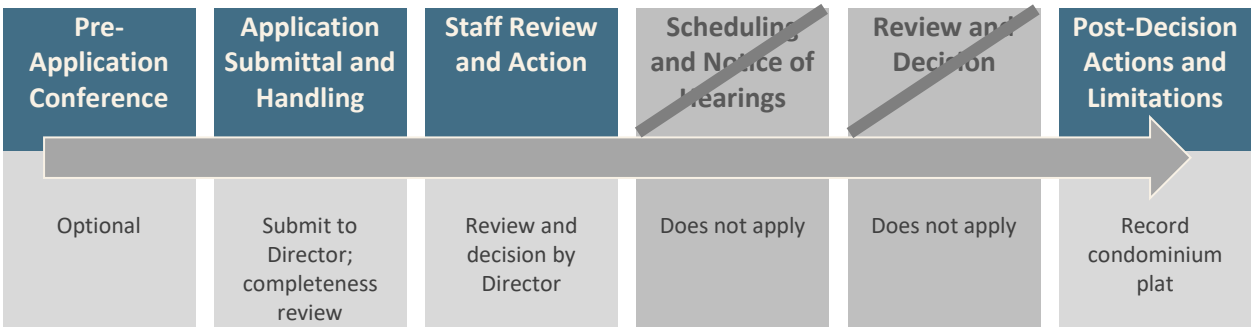
b. Any condominiumization requiring dedication of right-of-way, public tracts, or public improvements to the City shall be submitted to the City Council for acceptance or denial of the dedication.

c. Condominium plats shall comply with the requirements of C.R.S. §38-33.3-209, as may be amended, and may be approved and amended by the Director.

(3) Condominiumization Procedure

Figure 8-13 identifies the applicable steps from the common review procedures that apply to the review of condominiumizations. Additions or modifications to the common review procedures are noted below.

Figure 8-14: Summary of Condominiumization Procedure



a. Pre-Application Conference

A pre-application conference in accordance with §16-8-30(b) is optional.

b. Application Submittal and Handling

1. General

The preliminary plat application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Additional Submittal Requirements

In addition to the subdivision submittal requirements listed in the Administrative Manual, an application for a condominium plat approval shall contain the following:

a) Required parking spaces and joint trash collection areas;

b) Floor plans, elevations, and site plan as required to show separate ownership of all separate units, common elements, and limited common elements;

c) Number, type, and floor area of units, common elements, and other amenities delineated in square feet; proposed use for each unit; land area;

d) Statement of the total number of units shown on the proposed plat; and

e) 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.

3. Concurrent Review

A condominiumization application may be submitted concurrently with a site plan, conditional use approval, minor modification, or variance.

c. Staff Review and Action

The Director shall review the application and approve, approve with conditions, or deny the condominiumization in accordance with §16-8-30(d) and the following approval criteria:

1. Condominiumization Approval Criteria

In reviewing the condominiumization application, the Director shall consider the general approval criteria in §16-8-30(f)(4) and also the following:

a) If applicable, the condominiumization complies with the requirements of Article 16-9: *Inclusionary Housing;* §16-4-90(g), *Fair Contributions for Public School Sites*; and §16-4-110, *Parks, Trails, and Open Space Dedication*.

d. Post-Decision Actions and Limitations

1. 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.

2. 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 with the Chaffee County Clerk and Recorder. A plat note on the final condominium plat for each condominium development shall be included to this effect.

3. Condominiumization may not be used for creating parking spaces not associated with commercial or residential units on-site.

4. Eligible condominiums will require licenses to engage in short-term rental use per Section 6.

(e) Vacation of Plat, Right-of-Way, or Public Easement

(1) Purpose

The vacation procedure provides a mechanism for vacating rights, interests, or title of the City in and to any subdivision plat, right-of-way, or easement located in the City.

(2) Applicability

This procedure applies to any request to vacate any rights, interests, or title of any plat, right-of-way, or public easement within the City, which may be initiated by any owner of such.

(3) Vacation Procedure

Figure 8-14 identifies the applicable steps from the common review procedures that apply to the review of vacations of plats, rights-of-way, or easements. Additions or modifications to the common review procedures are noted below.

Figure 8-15: Summary of Vacation of Plat, Rights-of-Way, or Easement Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling

1. General
The vacation application shall be submitted, accepted, and may be revised or withdrawn, in accordance with 16-8-30(c).

2. Additional Submittal Requirements
Applications shall include a scaled survey from a Colorado registered surveyor or engineer that indicates the rights-of-way and adjacent properties subject to the vacation.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with §16-8-30(d).

d. Scheduling and Notice of Hearings
The vacation application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with §16-8-30(e).

e. Review and Decision

1. Planning Commission Review and Recommendation
The Planning Commission shall review the vacation application and recommend approval or denial in accordance with §16-8-30(f) and the approval criteria below.

2. City Council Review and Decision
The City Council shall review the vacation application and approve, approve with conditions, or deny the plat in accordance with §16-8-30(f) and the approval criteria below.

a) Vacation Approval Criteria
The Planning Commission and City Council shall consider the following in evaluating the vacation of a recorded plat, right-of-way, or easement:

1) No roadway shall be vacated if doing so would leave any adjoining land without a means of access to another public road.

2) In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches, and similar improvements.

3) 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.

4) 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.

f. Post-Approval Actions and Limitations

1. Record Vacation Plat
The Director shall record the vacation plat indicating the vacated plat, right-of-way, or easement with the Chaffee County Clerk and Recorder as soon as practicable.

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.

16-8-70 Flexibility and Relief

(a) Minor Modification

(1) Purpose

The purpose of the minor modification procedure is to allow adjustments, modifications, or deviations from the dimensional or numeric standards of this Code to provide greater flexibility without requiring a variance or a formal zoning amendment. The minor modification procedure is not a waiver, but rather a modification up to a specified threshold when warranted according to review standards at 16-8-70(b)4. Use of minor modifications should be rare and only in unique circumstances.

(2) Applicability

a. Other Incentives are Prerequisite

All available incentives and allowances in this Code shall be used before a minor modification may be considered.

b. Table of Allowed Modifications

Applications for minor modifications may only be considered for the standards listed in Table 8-C.

Table 8-B: Allowed Minor Modifications

Standard	Allowable Modification (maximum)
Lot and Building Standards	
Lot size, minimum	5%
Front setback, minimum	10%
Side setback, minimum	10%
Rear setback, minimum	10%
Site Features and Development Standards	
Fence or wall height	not to exceed 7 ft
Parking spaces required	10%
Landscaping area required	10%

c. Limitations on Minor Modifications

The minor modification procedure shall not be used to:

1. Modify standards outside this Code;
2. Modify uses or activities allowed on a property;
3. Modify standards where such modification is required by the FFHA or RLUIPA pursuant to §16-8-30(f)(5) and (6);
4. Modify the standards that apply to a specific use or activity, including any dimensional and numerical standards established as a use-specific standard;
5. Modify a standard that is already modified through a separate modification, variance, or other deviation (i.e., no “double-dipping”).

(3) Minor Modification Procedure

Figure 8-16 identifies the applicable steps from the common review procedures that apply to the review of minor modification applications. Additions or modifications to the common review procedures are noted below.

Figure 8-16: Summary of Minor Modification Procedure



a. Pre-Application Conference
A pre-application conference shall be held in accordance with §16-8-30(b) only if the concurrent application associated with the minor modification application requires such conference.

b. Application Submittal and Handling

1. An application for a minor modification may be submitted and reviewed concurrently with an application for a conditional use approval, site plan, or subdivision plat.

2. Each standard from Table 8-C shall be considered a separate request as it relates to the approval criteria in 16-8-70(b)(4), but multiple modifications should only be requested in the rarest of circumstances.

c. Staff Review and Action
Where the concurrently reviewed application requires review and approval by the Planning Commission or City Council, the Director shall review the application and include a recommendation related to the minor modification in the staff report for the associated concurrent application.

d. Scheduling and Notice of Hearings
Where the concurrently reviewed application requires a public hearing, then the application shall be scheduled for a public hearing before the applicable decision-making body and noticed in accordance with 16-8-30(e).

e. Review and Decision

1. Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application and shall approve, approve with conditions, or deny the minor modification based on the criteria in 16-8-70(b)(4).

2. Where the concurrently reviewed application requires review and approval by the Planning Commission or City Council, the Planning Commission or City Council, as applicable, shall review and decide the minor modification based on the criteria in §16-8-70(b)(4).

3. Decision shall be documented and sent to the applicant and stored on file at Community Development Department.

f. Post-Decision Actions and Limitations

1. Effect of Approval
Approval of a minor modification authorizes only the specific modification of standards approved, and only to the subject property of the application.

2. Expiration of Modification
A minor modification shall automatically expire if the associated application is denied or if approval of the associated application expires, is revoked, or is otherwise deemed invalid.

(4) Minor Modification Approval Criteria
In reviewing the minor modification request, the decision-making body shall consider whether and to what extent the modification:

a. Will not result in incompatible development;

b. Will not result in adverse impacts unless adequately mitigated; and

c. Is of a technical nature and is required to:

1. Compensate for an unusual site condition;

2. Eliminate a minor inadvertent failure to comply with a Code standard; or

3. Protect a sensitive resource, natural feature, or community asset.

(b) Variances

(1) Purpose
The variance procedure provides authorization to deviate from the literal terms of this Code where strict application and enforcement of this Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by this Code. A variance shall not be granted solely because of the presence of nonconformities in the zoning district or adjoining districts.

(2) Applicability

a. Any property owner seeking relief from this Code may request a variance when the strict application of the Code would result in an undue hardship.

b. Variances from the standards of the underlying zoning district shall be authorized only for height, lot coverage, lot size, minimum density, setbacks, parking requirements, and landscaping requirements.

c. Establishment or expansion of a use otherwise prohibited in a zoning district shall not be allowed by variance.

(3) Variance Procedure
Figure 8-15 identifies the applicable steps from the common review procedures that apply to the review of variance applications. Additions or modifications to the common review procedures are noted below.

Figure 8-17: Summary of Variance Procedure



a. Pre-Application Conference
A pre-application conference in accordance with §16-8-30(b) is optional.

b. Application Submittal and Handling

1. General
The variance application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c).

2. Concurrent Review
A variance application may be submitted as a standalone application or submitted concurrently with a site plan, conditional use approval, or subdivision plat.

c. Staff Review and Action
The Director shall review the application and prepare a staff report and recommendation in accordance with 16-8-30(d).

d. Scheduling and Notice of Hearings
The variance application shall be scheduled for a public hearing before the Planning Commission, serving in their role as the Board of Adjustment, and noticed in accordance with §16-8-30(e).

e. Review and Decision

1. The Planning Commission, serving in their role as the Board of Adjustment, shall review the variance application and approve, approve with conditions, or deny the variance in accordance with §16-8-30(f) and the approval criteria listed in §16-8-70(a)(4) below.

2. The Planning Commission, serving in their role as the Board of Adjustment, shall make a decision based on the staff report and the record of the public hearing and shall be reduced to writing to include findings of fact based on competent, material, and substantial evidence presented, and shall state how the findings support compliance with the review criteria.

3. The Planning Commission, serving in their role as the Board of Adjustment, 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.

f. Post-Decision Actions and Limitations

1. Expiration of a Variance
If the property owner has not commenced development or obtained the required permits to carry out the development for which the variance was required within three years of the variance approval, then the variance shall automatically expire. The Planning Commission, serving in their role as the Board of Adjustment, may grant an extension of up to one additional year upon request.

2. Non-Transferable
The variance shall apply only to the structure or property subject to the variance approval and shall not be transferable to any other property or structure.

(4) Variance Approval Criteria
Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:

a. Special circumstances exist such that strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.

b. The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Code or the City's Comprehensive Plan.

c. The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.

d. The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.

(c) Appeals

(1) Purpose

The purpose of the appeals procedure is to define the circumstances by which persons may appeal a decision made by the Director or any Board or Commission other than the Board of Adjustment, Board of Appeals, and City Council.

(2) Applicability

a. Appeals shall be as indicated in Table 8-A: *Summary of Development Review Procedures*, and Table 8-D: Summary of Appeal Procedures.

b. Appeals of decisions made by the Board of Adjustment, Board of Appeals, and City Council shall be final and may not be appealed except to the courts in accordance with state law.

Table 8-C: Summary of Appeal Procedures

Procedure	Code Section	Decision	Appeal
Ordinance Amendments			
Rezoning	16-8-40(a)	City Council	Courts
Rezoning to Planned Development	16-8-40(b)	City Council	Courts
Code Text Amendment	16-8-40(c)	City Council	Courts
Annexation	16-8-40(d)	City Council	Courts
Development Permits			
Minor Site Plan	16-8-50(a)	Director	Planning Commission
Major Site Plan	16-8-50(b)	Planning Commission	City Council
Conditional Use Approval	16-8-50(c)	Planning Commission	City Council
Change in Use Approval	16-8-50(d)	Director	Planning Commission
Subdivisions			
Minor Subdivision	16-8-60(a)	Director/ City Council	Planning Commission/Courts
Major Subdivision - Preliminary Plat	16-8-60(b)	City Council	Courts
Major Subdivision - Final Plat	16-8-60(c)	Director/City Council	Planning Commission/Courts
Condominiumization	16-8-60(d)	Director	Planning Commission
Vacation of Plat, Right-of-Way, or Easement	16-8-60(e)	City Council	Courts
Modifications and Appeals			
Minor Modification	16-8-70(b)	Director or per concurrent application, if there is one	Planning Commission
Variance	16-8-70(a)	Planning Commission (as Board of Adjustment)	Courts

(3) Appeals Procedure

Figure 8-17 identifies the applicable steps from the common review procedures that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

Figure 8-18: Summary of Appeals Procedure



a. Pre-Application Conference
The appellant may opt to attend a pre-application conference. In such case, the pre-application conference shall be held in accordance with §16-8-30(b).

b. Application Submittal and Handling
The appeal application shall be submitted, accepted, and may be revised or withdrawn, in accordance with §16-8-30(c), with the following modifications:

1. Application Contents
The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Director within 15 days of the date the interpretation or decision was made. Such notice shall identify the date and nature of the order, decision, or interpretation at issue, and set forth in plain and concise language:

a) The facts and reasons for the appeal, including any relevant citation to any rule, regulation, or Code section relied upon; and

b) A copy of the order, decision, or interpretation being appealed if the same was issued in writing.

2. Burden of Proof on Appellant
The burden of proof on appeal shall rest with the appellant. Such proof shall include applicable specific section references within this article and shall be provided at the time of application.

(4) Staff Review and Action
Upon receipt of the appeal, the Director shall schedule the appeal for a regular or special meeting of the appropriate body within 31 days of the filing of the notice to appeal.

(5) Scheduling and Notice of Public Hearings

a. Written notice of the time, date, and location of the hearing shall be sent by regular mail to the appellant not less than 15 days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided in accordance with §16-8-30(e).

b. An appeal stays all proceedings from further action on the subject decision unless the City Council determines that a stay would create adverse impacts to the health, safety, or welfare of the City or would cause imminent peril to life and property. Such determination shall be made only after written request to the Director and a public hearing with the City Council. The public hearing shall be held within 31 days of receipt of the request. Notice for such hearing shall be provided on the City's website.

(6) Review and Decision
The applicable review and decision-making body shall consider the appeal during the scheduled hearing and consider the following:

a. 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.

b. Basis of a Decision
Review of the 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 Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

c. Decision
The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than 15 days thereafter, shall render its decision. The appealing body may reverse, modify, or confirm the order, decision, or interpretation.

(7) Post-Decision Actions and Limitations

a. Recording
Audio recordings of the hearing shall be necessary. 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.

b. Notice of Decision
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.

c. Further Appeals
Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

16-8-80 Expedited Review for Exemplary Affordable Housing

(a) Purpose

This section is established to implement the “fast track approval process” for qualified and substantial affordable housing projects as determined by C.R.S. § 29-32- 105(2) (Proposition 123). It is the intent of the City to implement the affordable housing development objectives of Proposition 123 and to maximize state funding that may be available under its terms.

(b) Applicability

(1) This procedure may be requested by an applicant for the following procedures:

a. Minor Site Plan

b. Major Site Plan

c. Building Permits

d. Variances

(2) "In order to qualify for Expedited Review, at least 50 percent of all the residential units in the development, including mixed-use developments, must qualify as affordable housing, as defined by CRS § 29-32-101 and CRS § 29-32-105(2). (Rentals at ≤60% AMI and for-sale at ≤100% AMI.)

(3) All applications under Expedited Review shall request a Pre-application conference per §16-8-30(b). The purpose of this pre-application meeting with the department is to initiate dialogue between the City staff and the applicant regarding the proposed development plan prior to application process(es), and to highlight potential requirements based on the proposed plan.

(c) Application

(1) The application must specifically request Expedited Review.

(2) Applicability for Expedited Review shall be determined by the Director at the time of complete application.

(3) Once a complete application for a Building Permit has been received, the City shall notify the Building Department that the application is in the queue.

(d) Participation

Participation in the Expedited Review program is optional, and an applicant may withdraw from the program at any time.

(e) Review and Decision

(1) Upon determination of a complete application by the Director, a final decision on the application shall occur not more than 90 days after the determination. This shall include all required public hearings, as appropriate.

a. Applications which are subject only to review under this Code shall receive a final decision within the 90-day period.

b. Applications which are subject to multi-jurisdictional review (such as Building Permits) shall be subject to the following schedule:

1. Review by the City shall be complete not more than 30 days after the complete application.

2. Review by the secondary jurisdiction shall be complete not more than 90 days after the complete application.

c. Qualified affordable housing expedited review projects will be given first priority for scheduling of all meetings, as applicable, including but not limited to preapplication meetings and public hearings. Applications that are proceeding under the Expedited Review program shall receive consideration regarding special meetings to ensure timely processing and decision.

d. The 90-day review timeframe may be extended in one or more of the following circumstances:

1. Once for an additional 90 days at the request of the applicant;

2. To allow time to comply with a state law or court order, the length of which is determined by the law or court order;

3. To allow for a review period by an agency that requires review and approval of the project; and/or

4. To allow for the submission of additional information or revisions to an application in response to requests from the City or secondary jurisdiction, plus 30 days after submittal of the information for the City or secondary jurisdiction to evaluate it. The requesting party shall notify the applicant of the extended process. Applicants shall provide such additional information or responses promptly and shall, whenever practicable, provide a response within five business days.

e. The requirements of this Section do not preclude the City or secondary jurisdiction from processing an application in less than 90 days.

(f) Revocation

If at any time during the permitting process, the affordable housing requirements for the development do not meet the minimum defined by CRS § 29-32-101 and CRS § 29-32-105(2), the applicant shall re-apply for the application under the standard review procedure for the application.

16-8-90 Review and Decision-Making Bodies

The review and decision-making bodies shall be established and shall have the power and authority according to Chapter 2 of the Municipal Code, *Administration and Personnel*. Decision-making bodies for applications in this article shall be as indicated in Table 8-A: *Summary of Development Review Procedures*.

Article 16-9 Inclusionary Housing

16-9-10 Purpose and Objectives

(a) Promote the construction of housing that is affordable, in the long term, 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, and middle-income residents, for special needs populations and for a significant proportion of those who work and live in the City.

16-9-20 General Inclusionary Housing Requirements

(a) Any application brought under the annexation or planned development sections of this Code; condominium plats of any size; minor and major site plans; and minor and major subdivision sections of this Code, as well as multi-family residential rental projects of five or more units, are required to provide at least 16 and seven-tenths percent (16.7%) [i.e., one-sixth (⅙)] of the total number of new residential dwelling units, lots, or condominiums 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 §16-9-60 and §16-9-70.

(2) Affordable dwelling units shall be permanently restricted unless a different timeframe is required as a part of a low-income housing tax credit project or otherwise time-restricted by federal or state grant funds.

(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 §16-9-40.

(4) The proportion of required affordable units, whether for-sale or for-rental, shall generally follow the proportion of for-sale and for-rental market rate units within the overall development, unless otherwise approved by the decision-making body in order to meet the prevailing needs of the local workforce.

(b) 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.

(c) Income Eligibility Required

An affordable dwelling unit created pursuant to this Article shall be purchased, owned, leased or occupied exclusively by or 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 §16-9-60, "Program Requirements for For-Sale Units." All sales, rentals, purchases and leases shall comply with the provisions of this Article.

(d) Affordability 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 Chaffee County Clerk and Recorder, an affordability restriction in a form provided and approved by the City Attorney. Such restriction shall reference applicable contractual arrangements, deed restrictions and resale restrictions as are necessary to carry out the purposes of this Article.

(e) 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. Listing of the units with Chaffee Housing Authority, the City of Salida, Chaffee Housing Trust, and/or local realty groups/sources is highly encouraged.

(f) Required Agreements

Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the City. Such agreements may be separate or part of a development agreement, annexation agreement, subdivision agreement, and/or noted on the recorded plat or planned development plan, and shall document how the applicant will meet the requirements of this Article including:

(1) Defining the inclusionary housing development, including the total number of units or lots; the total number and type (for-sale or for-rent) of affordable housing units required; and the total number of affordable housing units provided;

(2) The application of density, parking, and other development standards allowed for projects that provide 100 percent of the required inclusionary housing units, as provided in §16-9-50;

(3) Where applicable, 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 affordability restrictions and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Article.

(g) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.

(h) An applicant shall not be eligible to submit for a building permit until the applicable affordable housing agreement is approved by the applicable approving body and such agreement is recorded with the Chaffee County Clerk and Recorder. Additionally, a property shall not receive a certificate of occupancy until the required affordability restrictions are recorded with the Chaffee County Clerk and Recorder.

16-9-30 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, if approved by the City, to the City or a qualified non-profit housing developer for the required development of such units, with the guarantee that the land to be dedicated will allow for, and be developed with a minimum number of 25 percent of the total units in the subject development as affordable housing. Each lot shall have sufficient area devoid of environmental or other constraints to allow construction of the required development of such units. All public infrastructure improvements to support development of the required units shall be in place prior to conveyance, or sufficient security in accordance with the Municipal Code shall be provided. Dedication of the lots shall occur at the same time as plat or other applicable recordation of the development.

(b) Dedicating Land Within the Project

This may be met only through the dedication of land, if approved by the City, to the City or a qualified non-profit housing developer for the required development of such units, with the guarantee that the land to be dedicated

will allow for and be developed with a minimum number of 20 percent of the total units in the subject development as affordable housing. 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. Each lot shall have sufficient area devoid of environmental or other constraints to allow construction of the required development of such units. All public infrastructure improvements to support development of the required units shall be in place prior to conveyance, or sufficient security in accordance with the Municipal Code shall be provided. Dedication of the lots shall occur at the same time as plat or other applicable recordation of the development.

(c) Paying a Fee in Lieu of Providing Units

This alternative, as defined below, is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit above a whole number, or if the development is for five new units/lots or less (including condominiums regardless of whether units were previously existing or not).

(d) Providing Fewer Units at Greater Affordability

For rental units only, providing fewer units, but which are affordable to households earning 60 percent or less of the AMI for Chaffee County for rental projects, including utilities. For the purposes of this option, an affordable rental unit at 60 percent AMI or less shall equal one and one-half (1.5) inclusionary housing units at any other AMI level specified in §16-9-60 and §16-9-70 below.

16-9-40 In-Lieu Fee

(a) For Developments of Five or Fewer Units/Lots/Condos

If an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the applicable fee shall be calculated at the time of complete building permit submittal as described in the City's fee schedule, or prior to approval of a final condominium plat. No building permit shall be issued until one-half (½) of the in-lieu fee required has been paid. The remaining half of the in-lieu fee shall be paid prior to issuance of the certificate of occupancy.

(b) For Developments of Six or More Units/Lots/Condos

When an in-lieu fee is being paid to meet a fractional inclusionary housing unit requirement, the entire fee shall be paid prior to the first building permit being issued for the development, or prior to approval of a final condominium plat. Where no applicable unit sizes have been identified, the calculation of the fee shall be based upon the average single-family dwelling size in Salida as utilized in the current fee schedule fee-in-lieu calculation.

16-9-50 Development Incentives for Inclusionary Housing Projects

(a) Residential development and portions of a planned development that are subject to inclusionary housing development requirements and are providing 100 percent of the required affordable housing within the development, may increase the allowed density and utilize the reduced dimensional standards and increased height in the MC, MD, and MH districts as stated in Table 2-B, Schedule of Dimensional Standards, and the district-specific standards of 16-2-40 through 16-2-60, and utilize the reduced parking requirements for multi-family dwellings stated in Table 4-B*, Off-Street Parking Standards by Use*.

(b) The increased height allowances may be utilized only on projects that include a minimum of 25 percent qualifying inclusionary housing on-site.

16-9-60 Program Requirements for For-Sale (Ownership) Units

(a) Affordable Unit Price

(1) The prices charged for any affordable for-sale (ownership) units shall not exceed prices greater than what is considered affordable to households earning either 100 percent, 120 percent, or 140 percent of the Area Median Income (AMI) for Chaffee County. The specific affordable unit price charged for the applicable AMI

level shall be based on the current maximum sale price as identified by the Chaffee Housing Authority and/or the City Administrator or their designee, and as annually published on the City of Salida's website and/or on file with the Community Development Department. Furthermore, for-sale affordable units shall be subject to the following additional requirements: After the first provided inclusionary housing unit (allowed up to any maximum price noted above), the *average* sales price of *all* affordable housing units provided in a project shall not exceed a price considered affordable to households earning 130 percent of the AMI for Chaffee County;

(2) For projects providing multiple affordable for-sale 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 (1) unit, with the exception of units built on land dedicated to (or owned by) the City or to a qualified non-profit developer; as part of a LIHTC project; or unless otherwise specifically approved by City Council;

(3) No for-sale studio units priced above what is considered affordable to households earning 120 percent AMI for Chaffee County shall be eligible to satisfy inclusionary housing requirements.

(b) Approved Purchasers for Affordable For-Sale 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, as specified in Section 16-9-20(e).

(c) Sale Restriction

No person shall sell an affordable for-sale 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 or deed restriction or any other agreements to which the City is a party or beneficiary. Such eligibility requirements shall be confirmed by the Chaffee Housing Authority or other organization as directed by the City.

(d) Resale Restrictions

All affordable for-sale/ownership units developed under this Article shall be subject to the resale restrictions itemized within the affordability restriction required pursuant to §16-9-20(d) and the Chaffee Housing Authority Community Guidelines.

(e) Ownership Associations

When accepting an affordable for-sale unit as meeting the inclusionary housing obligation, the Director and/or applicable housing authority will review the homeowner or condominium association declarations to assess the impact on buyers of affordable units. The Director 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 income-qualified owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the applicable affordability restriction and/or regulations and the Chaffee Housing Authority Community Guidelines. At no point shall such rent (including utilities) exceed a price that is considered affordable to a household earning 80 percent of the Area Median Income (AMI) for Chaffee County, as defined annually by CHFA.

(g) Income Cap

For for-sale units only, the City shall allow a 19 percent buffer between the price cap and the income cap to provide flexibility for homebuyers to qualify for financing without being cost burdened. For example, if a unit shall not exceed a price greater than what is affordable to households earning 120 percent of the Area Median Income for Chaffee County, households earning incomes of up to 139 percent of the AMI can qualify for such unit.

16-9-70 Program Requirements for Rental Units

(a) Maximum Rent

Rents charged for any affordable unit shall not exceed a price greater than what is considered affordable to households earning 80 percent or 100 percent of the AMI for Chaffee County, as defined by CHFA. Maximum rental rates provided by CHFA are inclusive of utilities, as defined by CHFA's utility allowance policy. Furthermore, affordable rental units shall be subject to the following additional requirements:

(1) At least half of all provided IH units shall be rented at prices considered affordable to households earning 80 percent or less of the AMI for Chaffee County.

(2) No studio units rented above what is considered affordable to households earning 80 percent AMI for Chaffee County shall be eligible to satisfy inclusionary housing requirements.

(3) Qualified Household. Rental units shall only be rented to or occupied by an income-qualified household as defined in the affordability restriction and as approved by the City and/or the applicable housing authority.

16-9-80 Administrative Regulations

To the extent the Director 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 Director under this Article.

16-9-90 Incentive for Exemplary Affordable Housing Developments

For developments containing at least 50 percent of all the residential units as affordable housing as defined by CRS §29-32-101 and CRS §29-32-105(2) (Rentals at ≤60% AMI and for-sale at ≤100% AMI.), an applicant may choose to participate in the Expedited Review process in §16-8-80, *Expedited Review for Exemplary Affordable Housing*.

Article 16-10 Rules of Construction and Definitions

16-10-10 Rules of Construction

Chapter 1, Article II (*Definitions and Usage*) of the Salida Municipal Code establishes rules that shall be observed and applied when interpreting the language of this Code unless the context clearly requires otherwise.

16-10-20 Definitions of Use Categories and Use Types

Residential Uses

Household Living

Uses characterized by residential occupancy of a dwelling unit by a "household." Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

Dwelling, Single-Family (Detached)

A detached principal dwelling designed for occupancy by one household as an independent living unit and constructed to IRC Building Code Standards. (A dwelling unit on wheels, not a permanent foundation, and not built to IRC standards is not classified as a single-family detached dwelling under this Code.)

Dwelling, Single-Family (Multiple Principal)

Two detached dwelling units located on a single lot designed or arranged to be occupied by two households living independently and which are constructed to IRC Building Code Standards.

Dwelling, Duplex

A building with two dwelling units located on a single lot designed or arranged to be occupied by two households living independently and which are constructed to IRC Building Code Standards. A duplex dwelling unit may have a side-by-side, front and back, or stacked configuration. Duplex dwellings that are subsequently subdivided so that each unit is on a separate lot are then considered townhouse dwellings.

Dwelling, Townhouse

Two or more single-family dwelling units that are attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one household on its own lot or tract, and which are constructed to IRC Building Code Standard.

Dwelling, Multi-Family (3-4 Units)

A building with three or four dwelling units located on a single lot designed or arranged to be occupied by the same number of households living independently. May be for rentals or condominiums.

Dwelling, Multi-Family (5-19 Units)

A building containing five to 19 separate dwelling units located on a single lot designed or arranged as independent living units. May be for rentals or condominiums.

Dwelling, Multi-Family (20 or More Units)

A building containing 20 or more separate dwelling units located on a single lot designed or arranged as independent living units. May be for rentals or condominiums.

Dwelling, Co-Housing/Cottage Housing

A residential development that combines four or more small, individually owned units on a single lot with common open space. Co-housing developments also include a community kitchen and dining room intended for communal use on a regular basis; cottage housing developments do not. The residents in a co-housing/cottage

development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and childcare.

Dwelling, Live/Work

A dwelling unit containing an integrated living and working space in different areas of the unit and which are constructed to IRC Building Code Standards.

Manufactured/Mobile Home

A dwelling that is manufactured/mobile or constructed to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (HUD Code) as adopted by the State and enforced and administered by the Colorado Division of Housing. This definition does not include recreational vehicles, or modular homes that meet IRC code.

Manufactured/Mobile Home Park

Any lot or series of continuous lots under common control or ownership upon which five or more mobile or manufactured homes are located and occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

Recreational Vehicle (Long-Term Occupancy)

A recreational vehicle designed for residential occupancy by one family for no more than six months.

Tiny House

A structure, designed or commonly used for residential occupancy, that is constructed or assembled in a factory or at a location other than the final site of installation, that is less than 400 square feet in total area, that is installed on a permanent foundation, and that meets the requirements of the 2021 International Residential Code.

Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family." Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses are limited to recreational facilities and vehicle parking for occupants and staff. Specific use types include:

Continuing Care Retirement Facility

Any residential facility, complex, or institution that provides full-time or part-time care, for a period exceeding 24 hours, for two or more patients not related to the facility administrator or owner by blood or marriage. Continuing care may include assisted living, convalescent care, nursing care, hospice care, or personal care services for elderly individuals or individuals with disabilities.

Group Home, Small

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

Group Home, Large

A residential dwelling or facility where more than eight persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

Dormitory

A building or part of a building that provides group sleeping accommodations for 16 or more unrelated individuals characterized by joint occupancy, single management, and the lack of individual cooking facilities in

sleeping units. It is often associated with educational institutions, but can also include other forms of group living, such as worker housing or housing for specific populations.

Public, Institutional, and Civic Uses

Community and Cultural

Uses including buildings, structures, or facilities to provide a service to the public, including government offices, civic and cultural organizations, medical and care facilities, educational institutions, noncommercial recreation, and similar activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Civic or Community Building

A noncommercial public building which is owned by the City, the County, the State, the United States Government, or a nonprofit organization that is open to the public for the purposes of group assembly, a museum, or to promote the general health, safety, and welfare of the citizens of Salida. Some civic buildings are also considered government facilities, including those dedicated to maintenance, operations, and local governance.

Club or Fraternal Organization

A membership organization—including business, civic, social, fraternal, and other similar organizations—that cater exclusively to members and their guests, whose facilities are primarily limited to use by the membership, have no overnight lodging, and whose activities are not conducted principally for monetary gain.

Day Care, Adult

A facility providing care and supervision for older and/or functionally impaired adults. Care is provided for periods of less than 24 hours and does not include overnight care.

Day Care Center

A nonresidential facility of preschool that provided regular childcare and supervision for any number of children during the day for compensation.

Day Care Home

A state-licensed childcare facility serving up to 12 children and operated by a person who resides in the same dwelling where childcare is provided.

Hospital

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or health care centers.

Public Recreation, Outdoor

Any publicly owned or operated outdoor area open to the public and dedicated to vegetative landscaping, outdoor recreation, gathering spaces, community agriculture, and educational, cultural or aesthetic purposes. Outdoor Public Recreation includes playgrounds, trails, playing fields, ball courts, pools, skate parks, and accessory facilities that may include seating areas, picnic shelters, restrooms, drinking fountains, and parking areas.

Public Recreation, Indoor

Any publicly owned or operated indoor area open to the public and dedicated to recreation, including fitness facilities, ball courts, playing fields, pools, and other facilities designed and equipped for the conduct of indoor sports and leisure activities.

Religious Assembly

A structure used by a religious institution for regular organized religious meetings and activities. Any affiliated preschool is considered a Day Care and any affiliated school is considered a School.

School

A public or private institution that offers general academic instruction at preschool, kindergarten, elementary, secondary, and postsecondary levels, including professional, vocational, or technical schools, and is licensed by and meets all requirements of the State of Colorado.

Transportation

This category includes public and quasi-public uses primarily associated with automobile, train, bus, and aircraft facilities. Examples include public and quasi-public parking facilities, airports, depots, terminals, or other facilities which serve as a hub for transportation activity. Specific use types include:

Parking Facility

A surface parking lot, above-ground structure, or below-ground structure operated as a principal use by local government, non-profit, or commercially. May include ticket purchase facilities.

Transit Stop

An area posted as a place where transit passengers board or exit. May include ticket purchase facilities.

Transit Terminal or Station

Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers. Terminals or stations may include ticket purchase facilities, restrooms, restaurants, and retail stores.

Commercial Uses

Agriculture and Animal-Related Services

This category includes production, keeping, or maintenance of plants and animals for agriculture and animal-related uses involving the boarding and care of animals on a commercial basis. Specific use types include:

Commercial Farming and Plant or Animal Husbandry

Any premises used for animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with associated dwellings for those involved in agricultural uses. Any necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing of products produced on the premises is included.

Garden Center, Greenhouse, or Nursery

An establishment, including a building, part of a building, or outdoor space for the growth, display and/or sale of plants, trees, and other materials used for planting for retail sales and incidental wholesale trade.

Kennel

Any establishment where five or more domestic animals are trained, groomed, boarded, fed, sold, or bred as a commercial activity.

Veterinary Clinic or Veterinary Hospital

A facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The use may include the incidental temporary overnight boarding of animals that are recuperating from treatment but shall not be construed to include a Kennel.

Business and Professional Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

Office

A building or business which primarily provides professional services including administrative, professional, governmental, medical, financial, or clerical operations. Typical uses include real estate, insurance, property management, investment, retail banking, mortgage lending, check-chasing, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, sales, and similar offices. Offices for medical or surgical

examination and treatment, including dentistry, orthodontia, physical therapy, massage therapy, alternative medicine, and similar activities shall not include overnight lodging.

Food and Beverage

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, parking, live entertainment and/or dancing but shall not include Adult Entertainment. Specific use types include:

Bar, Lounge, or Tavern

An establishment where fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors are dispensed, by the drink, for on-site consumption, and in which the sale of food products is secondary.

Microbrewery, Distillery, or Winery

A small brewery, cidery, distillery, or winery serving beer, wine, or other alcohol for consumption onsite or sale of the same for consumption off the premises, but less than 25 percent of annual production is sold to other drinking establishments, restaurants, or wholesalers. Such uses may operate in conjunction with a Bar, Lounge, or Tavern and/or a Restaurant.

Restaurant

An establishment where food and beverages are prepared, served, and consumed primarily on the premises, within a building or on an outdoor patio. May also include drive-through services as permitted.

Lodging

Uses in this category provide lodging services for a defined period of time with incidental food, drink, and other sales and services intended for the convenience of guests. Specific use types include:

Bed and Breakfast

An owner-occupied overnight lodging establishment where at least one individual bedroom is offered as an accommodation to guests for transient lodging and which facility includes incidental eating and drinking service from a single kitchen serving only residents and guests and is not operated in the manner of a commercial restaurant. An on-site owner or manager shall be present during the stays and the establishment shall be registered as a commercial use with the County Assessor's Office.

Hotel or Motel

An establishment offering transient lodging in bedrooms, or sleeping rooms, at a daily rate. The building or buildings shall include common facilities for reservations, reception, and maintenance that are staffed a minimum of 40 hours per week and may include accessory facilities such as restaurants, meeting rooms, recreation areas, or similar facilities commonly associated with lodging. The term does not include Bed and Breakfast, Short-Term Rental, condominiumized rooms/units, or any Residential use.

Short-Term Rental

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 30 consecutive days. The term does not include Accessory Dwelling Unit, Multi-Family Dwelling, Bed and Breakfast, Hotels or Motels, and Rooming or Boarding House. The term may include either the entire unit or bedrooms within an otherwise occupied home. Must be licensed through the City.

Marijuana

Uses in this category are primarily engaged in cultivating, manufacturing, testing, and sales of medical and/or retail marijuana. Specific use types include:

Medical Marijuana Store

An establishment that is licensed to sell or otherwise distribute marijuana to registered patients or primary caregivers as defined in §14 of Article XVIII of the State Constitution, Title 12 Article 43.3 of C.R.S, and any other applicable state or City law or regulation.

Retail Marijuana Store

An establishment that is licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers by Section 16 of Article XVIII of the State Constitution, Title 12 Article 43.4 of C.R.S., and any other applicable state or City law or regulation.

Personal Services

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

General Personal Service, Small

An establishment, 2,500 square feet or less, that is primarily engaged in providing individual services generally related to personal needs. Typical uses may include but are not limited to beauty and barber shops, catering services, funeral home and mortuaries, laundry and dry-cleaning drop-off facilities, massage facilities, photographic studios, tailor and shoe repair services, nail salons, tanning salons, and yoga or dance studios.

General Personal Service, Large

An establishment, greater than 2,500 square feet, that is primarily engaged in providing individual services generally related to personal needs. Typical uses may include but are not limited to beauty and barber shops, catering services, funeral home and mortuaries, massage facilities, photographic studios, tailor and shoe repair services, nail salons, tanning salons, and yoga or dance studios.

Self-Service Laundromat

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

Recreation and Entertainment

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Adult Entertainment

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, of the Salida Municipal Code, and other similar adult services establishments.

Adult Bookstore/Novelty

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, of the Salida Municipal Code.

Campground

An outdoor facility of a minimum .5 acres designed for short-term or seasonal overnight accommodation of individuals in tents, rustic cabins, or shelters for recreation, education, naturalist, or vacation purposes. No more than 10 percent of available sites within the campground shall be intended for recreational vehicles and no recreational vehicles greater than 28 feet in length shall be allowed. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

Commercial Recreation, Outdoor

A commercial recreational use conducted mostly outdoors or partially in a building, including picnic areas, swimming pools, golf courses, driving ranges, miniature golf courses, skateboard parks, ball courts, sports fields, amphitheaters, outdoor arenas, and outdoor theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.

Commercial Recreation, Indoor (Large)

An establishment, greater than 10,000 square feet, primarily engaged in a commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, ball courts, and sports fields. Accessory uses may include limited retail, concessions, and maintenance facilities.

Commercial Recreation, Indoor (Small)

An establishment, 10,000 square feet or less, primarily engaged in a commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, ball courts, and sports fields. Accessory uses may include limited retail, concessions, and maintenance facilities.

Recreational Vehicle Park

An outdoor facility of a minimum .5 acre designed for short-term, seasonal, or monthly overnight accommodation of individuals in recreational vehicles for recreation, education, naturalist, or vacation purposes. Accessory uses may include office, retail, dump stations, and other commercial uses commonly established in such facilities. Overnight accommodation of individuals in tents, rustic cabins, and shelters may be provided in addition to recreational vehicle accommodations.

Retail

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

General Retail, Small

An establishment, 10,000 square feet or less, primarily engaged in the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes but is not limited to sale of general merchandise, appliances, hardware, building materials, sealed alcoholic beverage for offsite consumption, clothing and other apparel, convenience and specialty foods, dry goods, flowers and household plants, and similar consumer goods.

General Retail, Large

An establishment, greater than 10,000 square feet, primarily engaged in the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes but is not limited to sale of general merchandise, appliances, hardware, building materials, sealed alcoholic beverage for offsite consumption, clothing and other apparel, convenience and specialty foods, dry goods, flowers and household plants, and similar consumer goods.

Vehicles and Equipment

Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include:

Gasoline Service Stations and Car Wash

An establishment primarily engaged in the retail sale of batteries, tires, oil, gasoline, or other fuel for motor vehicles, including incidental facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles. Services shall not include tire recapping, sale of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting, upholstery, installation of auto glass, or maintenance requiring open flame or welding.

Manufactured Home and Recreational Vehicle Sales and Service

An establishment primarily engaged in the display, sale, lease, rental, repair, or service of recreational vehicles or manufactured, modular, or mobile homes.

Vehicle Sales and Service

An establishment primarily engaged in the display, sale, lease, rental, repair, service, or bodywork/painting of passenger automobiles, trailers, watercraft, or trucks in operating condition.

Industrial Uses

Manufacturing and Processing

Uses in this category include the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance, or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

Brewery or Bottling Plant

An establishment that creates ales, beers, ciders, meads, wines, spirits, soft drinks, and/or similar beverages on site for wholesale production. Small tasting rooms may be an accessory use. This definition excludes microbreweries (less than 25 percent of annual production is sold to other drinking establishments, restaurants, or wholesalers) and other retail beverage producers that operate in conjunction with a Bar, Lounge, or Tavern, and/or a Restaurant.

Industrial Laundry and Dry Cleaning

An establishment that cleans garments, fabrics, draperies, etc., with a liquid other than water. The facility is not intended to be visited by individual customers, but rather by commercial dry cleaning drop-off facilities. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; tailoring or alterations; carpet or upholstery; power laundry; industrial launderers; and linen supply.

Manufacturing, Artisan

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes, but is not limited to, textiles, pottery, furniture, wood working, sculpting, small-scale food production, and manufacturing of products on an individualized, single-item basis. The term does not include cabinet making, cabinet assembly, service and repair, alcohol production, or the use of mechanized assembly line production. A minimum of 70% of the building area shall be dedicated to production, as opposed to retail sales.

Manufacturing, Heavy

An establishment for the basic processing or manufacturing of materials or non-edible products predominately from extracted or raw materials and including transformation by way of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration. This use may also involve packaging, repackaging, assembling, mechanical reshaping, storage of or manufacturing processes using flammable or explosive materials, animal and meat processing, 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.

Manufacturing, Light

An establishment for producing goods without the use of any of the processes described within the definition of "Heavy Manufacturing." The term includes large-scale food processing and production, the repair, manufacture, processing, fabrication, assembly, treatment, and packaging of products, including incidental storage, sales, and distribution of such products. This definition includes, but is not limited to, the manufacturing of textile products, fabricated metal products, leather products, light component parts of products, paper products, pre-manufactured parts and components, prefabricated wood buildings or structural members, and upholstering shops. Light industrial does not allow for large structures outside of principal buildings, such as refineries.

Marijuana

Uses in this category are primarily engaged in cultivating, manufacturing, testing, and wholesale of medical and/or retail marijuana to marijuana stores. Specific use types include:

Marijuana Cultivation

An establishment licensed by §16 of Article XVIII of the State Constitution, Title 12 Article 43.4 of C.R.S., and any other applicable state or City law or regulation, to cultivate, prepare, package, and sell marijuana to Medical Marijuana Stores, Retail Marijuana Stores, Marijuana Product Manufacturing facilities, and to other Marijuana Cultivation facilities, but not to consumers.

Marijuana Product Testing and Manufacturing

An establishment licensed by §16 of Article XVIII of the State Constitution, Title 12 Article 43.4 of C.R.S., and any other applicable state or City law or regulation, to manufacture, prepare, package, and sell marijuana-infused products or analyze and certify the safety and potency of marijuana.

Storage and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

Salvage Yard

A lot, parcel, development site, or establishment that receives solid or liquid wastes from others for sale, processing, dismantling, or disposal of materials on the site or for transfer to another location.

Self-Storage or Mini-Warehouse

An establishment consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Storage of Hazardous Liquids and Gases

A facility or site engaged in the storage and handling of flammable or otherwise hazardous materials, liquids, waste, or gasses.

Storage Yard

A site primarily 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 24 hours. The term shall not include Salvage Yard or Accessory Outdoor Storage.

Warehouse, Enclosed Storage, or Truck Terminal

An establishment primarily engaged in the receipt, transfer, storage, or dispatch of goods transported by heavy truck. Warehousing and storage occurs in an enclosed building designed and used primarily for the storage of goods and materials.

Wholesale

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption. Direct retail sales may occur as an accessory activity but may not account for more than 25 percent of the internal gross floor area.

Utilities

Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

Wireless Communications Facility

A facility used to provide personal wireless services as defined in 47 U.S.C. § 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building used for serving that building only. A WCF includes antennas (including, without limitation, directions, omni-directions, and parabolic antennas), base

stations, transmission equipment, small cell facilities, towers, and support equipment. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios and their associated transmitting antennas.

Small Cell Facility

A wireless communications facility that meets both of the following qualifications:

a. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

b. Primary equipment enclosures are no larger than 17 cubic feet in volume as measured on the exterior surface of the enclosure. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Utility, Major

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations, regional storm water drainage facilities, and water and sewer treatment facilities. Major public utilities are of a size and scale found only in scattered sites throughout the City.

Utility, Minor

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: water storage tanks, minor storm water drainage facilities, utility transmission, and minor renewable energy systems. Minor public utilities are of a size and scale commonly found in all areas of the City.

Accessory Uses

A use that is incidental and subordinate to the primary use of the lot, building, or another structure on the same lot. An accessory use/structure cannot exist without a primary use/structure already on the same lot. Specific use types include:

Accessory Dwelling Unit (ADU)

Accessory Dwelling Unit (ADU) means a residential dwelling unit located on the same lot as a principal dwelling unit and subordinate to that principal unit in conditioned living space. It may be internal to, attached to, or detached from the principal dwelling and must be subordinate in size and use.

An ADU shall include permanent provisions for living, sleeping, cooking, and sanitation. A unit is presumed to be an ADU if it contains all of the following:

a. A separate exterior or interior entrance with lockable door,

b. Sleeping area(s) suitable for overnight occupancy,

c. A bathroom with a toilet and bathing facility, and

d. A kitchen or kitchenette with a sink and cooking appliance or electrical outlet intended to support one.

The determination of whether a structure or portion of a structure is an ADU shall be based on its design and actual or intended use, regardless of the terminology used in permit applications or other documentation. Any structure or space meeting the functional criteria above shall be treated as an ADU for all purposes under this Code.

If, during permit review, inspection, or enforcement, a structure is determined to meet the definition of an accessory dwelling unit above, it shall be subject to all applicable requirements of this Code, including but not limited to system development fees, parking requirements, dimensional standards, and use restrictions.

The designation and regulation of a unit as an ADU shall apply regardless of whether the applicant or property owner identified it as such.

Outdoor Storage, Accessory

The incidental keeping of goods, materials, or equipment of any nature that are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage. The term shall not include Manufactured Home and Recreational Vehicle Sales and Service, Vehicle Sales and Service, Salvage Yard, or Storage Yard. Not meant for customer access.

Drive Through

A feature of a primary use which provides such products and services as, but not limited to, food, beverages, or financial services, to customers in vehicles.

Home Occupation

A business, occupation, or trade conducted as an accessory use entirely within a primary residential building or accessory structure. The occupation is clearly incidental, secondary, and in addition to the use of the structure for dwelling purposes and is managed such that it does not change the character of the dwelling or adversely affect surrounding properties. Employment of the business shall include a resident of the dwelling but may include up to two employees residing off-premises and may serve no more clients than employees at a time on the premises.

Outdoor Retail and Display

The outdoor sale and display area of retail goods, produce, plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated. This use does not include mobile food vending.

Sale of Produce and Plants Raised on Premises

A sales kiosk or stand of locally grown food crops, ornamental crops such as flowers, and goods that is located at the site of a community garden or agricultural property and operates during the time of year coinciding with the growing season. This use shall not include any marijuana-related use.

Downtown Street Patio

An outdoor dining area or other defined seating area within the public right-of-way, generally used to serve patrons with food and beverages but also other potential uses. This use does not include Outdoor Vendor.

Tiny Home

As defined pursuant to CRS 24-32-3302(35), a structure, designed or commonly used for residential occupancy, that is constructed or assembled in a factory or at a location other than the final site of installation, and is less than 400 square feet in total area, excluding lofts.

Temporary Uses

Construction Support Activity

A temporary building located at a construction site that serves only as an office or for security purposes until the given construction work is completed. Not to be used for residential purposes.

Outdoor Vendor

A temporary use on public or private property that provides retail sales, food and beverage service, or other commercial uses that occur in vehicles, towed trailers, impermanent structures, or land used for seasonal or temporary sales, including but not limited to: food trucks, fireworks stands, artisan booths, farm stands, farmers' markets, holiday tree sales, etc. This definition shall 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 days in a calendar month.

Temporary Special Event

A temporary use on public or private property that lasts no more than four days per calendar year and extends beyond the normal uses and standards allowed by this Code. “Special events” include, but are not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

16-10-30 Floodplain-Related Definitions

Unless specifically defined below, words or phrases used in §16-4-20(c), *Floodplain,* shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

100-Year Flood

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 years.

100-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-Year Flood

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 years.

500-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition

Activity that expands the enclosed footprint or increases the square footage of an existing structure.

Base Flood Elevation (BFE)

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 chance of equaling or exceeding that level in any given year.

Basement

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

Channel

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

Channelization

The artificial creation, enlargement, or realignment of a stream channel.

Conditional Letter of Map Revisions (CLOMR)

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

A structure or related infrastructure, but not the land on which it is situated, as specified in §16-4-20(c)(6)i, *Standards for Critical Facilities,* 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.

Development

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)

A FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

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

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

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)

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)

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

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

The City Administrator or designee, who shall administer and enforce the floodplain management regulations.

Floodplain Development Permit

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

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

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

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

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)

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 foot (twelve 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

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

A use that 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

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:
    a. By an approved state program as determined by the Secretary of the Interior or;
    b. Directly by the Secretary of the Interior in states without approved programs.

Levee

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)

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)

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

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 §60.3 of the National Flood Insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built to HUD-code 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

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)

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)

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

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)

FEMA's action whereby one 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

A vehicle that is:

1. Built on a single chassis;
2. 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

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Structure

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

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

Substantial Improvement

The reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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)

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

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.

16-10-40 Other Terms Defined

Adjacent Lots

Two or more lots that are separated only by an alley, easement, street, or other right-of-way.

Adjoining Lots

Lots that are directly contiguous and not separated by an alley, street, or other right-of-way.

Administrator

The Administrator of the City, or their designee.

Annexation

The process of incorporating an unincorporated portion of Chaffee County into the boundaries of the City pursuant to the Municipal Annexation Act of 1965, §31-12-101, *et seq*., C.R.S. and in accordance with the procedures in §16-8-40(d).

Applicant

A person who submits a development application requesting approval of a permit or other permission authorized by this chapter.

Articulation

The stepping and recessing of external walls of a building in plan and in section.

Awning

A shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

a. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

Board of Adjustment

The Board of Adjustment for the City of Salida.

Block

A unit of land bounded by streets or by a combination of streets and parks, open spaces, rights-of-way, waterways, or any other barrier to the continuity of development. If the boundaries of a block are unclear, the Director shall make that determination.

Building

Any structure used or intended for supporting or sheltering any use or occupancy in accordance with the building codes as adopted by the City.

Building Official

The local government officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of the Building Code.

Camouflage or Camouflage Design Techniques

Measures used in the design and siting of wireless communications facilities (WCFs) with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure, or (ii) is integrated in an outdoor fixture

such as a flagpole, while still appearing to some extent as a WCF. This definition does not include concealment design techniques where a facility is designed to look like something other than a WCF.

Certificate of Approval or CA

The official document/permit issued by the Director 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.

City Council

The City Council of the City of Salida.

Concealment or Concealment Design Techniques

Utilization of elements of stealth design in a facility such that the facility looks like something other than a WCF. Concealment can further include a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree), is incorporated into existing permitted facilities (such as being attached to the exterior of such facility and painted to match it), or replaces existing permitted facilities (such as traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate concealment design techniques such that the facility looks like something other than a WCF.

Conditional Use Approval

The procedure to evaluate and approve a use that is generally compatible with the other uses permitted in a zoning district, but that 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

A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Unit

A physical portion of a common interest community that is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration. Does not include uses accessory to residential or commercial use, such as parking.

Comprehensive Plan

That plan and amendments to that plan for the City that provides objectives, guiding principles, and recommended actions to guide the current and long-range development of the City.

Construction Plans

Technical engineered drawings demonstrating compliance with this chapter, the building code, and the City's Standard Specifications for Construction and Design Criteria Manual.

Demolition

The total or partial destruction, disassembly, damage, razing, or tearing down of a structure or any portion of a structure. 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 that 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

Any total or partial destruction of or damage to a structure, or any portion of a structure, due to the failure of the owner or lessee to adequately maintain or repair the structure.

Design Standards

Local, state, or national criteria, specifications, or requirements referenced within this chapter and used for the design of public or private infrastructure.

Developer

Any person who participates in any manner in the improvements or development of land as owner, subdivider, or in any other capacity.

Development

The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or structure; any mining, logging, excavation, or land disturbance; or any use or extensions of a use that alters the character of the property.

Development Permit Approval

A permit issued by the City that certifies that a proposed development has undergone and completed the required development review procedures in accordance with §16-8-50. The development approval may include one 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.

Director

The Community Development Director of the City, or their designee.

Dwelling Unit

A building or a portion of a building containing one room, or several rooms connected together, including a separate bathroom and no more than one kitchen, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or shorter or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure.

Eligible Facilities Request

3. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving:
    a. Collocation of new transmission equipment;
    b. Removal of transmission equipment; or
    c. Replacement of transmission equipment.
4. A request for modification of an existing tower or base station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an eligible facilities request.

Eligible Support Structure

Any tower or base station, as defined herein, provided that it is existing at the time the relevant application is filed with the City.

Façade

A structure's vertical and horizontal dimensions as viewed in the elevation view. Also referred to as the "vertical surface area."

Façade Variation

Shifts in the plane of walls, setbacks, reveals, overhangs, and fenestration, in order to create variations within a building's façade.

Fenestration

The openings in a building's facade, such as doors, skylights, and windows.

FHAA

The Federal Fair Housing Amendments Act of 1988.

Fixture Height

Height of the light fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

Fully Shielded

Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane. The fixture must also be properly installed to effectively down direct light in order to conform with the definition. Meeting “dark sky” requirements.

Glare

The visual sensation created by luminance (or brightness) that is significantly higher than the surrounding luminance that the eyes are adapted to, causing annoyance, discomfort, or loss in visual performance and visibility (disability glare).

Light Pollution

Stray and uncontrolled light, directly from a luminaire or reflected from a surface, that missed its target. Light emitted upward increasing skyglow is an example.

Light Trespass

Measurable light extending beyond the boundary of its intended use, including beyond property lines, without permission.

Lot

A portion or parcel of land (whether a portion of a platted subdivision or otherwise) vacant, 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 chapter, having not less than the minimum area and off-street parking spaces required by this chapter for a lot in the zoning district in which it is situated, and having frontage on any improved public street or on an approved private street.

Lot Area

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.

Maximum Extent Practicable

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse impacts have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor.

Minor Modification

A development approval authorizing limited deviations from certain dimensional and numerical provisions of this chapter subject to the procedures in §16-8-70(b).

Nonconforming Lot

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

Nonconforming Site Feature

Any site feature that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not comply with the standards of this chapter for the zoning district in which the structure is located regarding driveways, off-street parking or loading areas, landscaping, buffer, screening, exterior lighting, or other site improvements.

Nonconforming Structure

Any structure that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not comply with the standards of this chapter for the zoning district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, density or other district dimensional standards.

Nonconforming Use

Any use of a structure or land that 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 zoning district in which the use is located.

Overlay Zone

A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zoning district.

Permitted Use

A use that is allowed in a zoning district, subject to the restrictions applicable to that zoning district and all of the standards of this chapter.

Primary Use

The primary 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.

Prohibited Use

A use that is not permitted in a zoning district.

Owner

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

Parcel

See *lot*.

Planned Development (PD)

A development designed to accommodate varied types of development in patterns or layouts or incorporating a variety of use types or development features not otherwise permitted by this chapter in a base zoning district. Planned Developments are permitted via an overlay zone and are intended to provide additional benefit to the City in return for added flexibility and are negotiated through the Rezoning to PD procedures in §16-8-40(b).

Planning Commission

The Planning Commission of the City of Salida.

Plat

A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this chapter, along with other required sections and signature blocks.

Public Works Director

The Public Works Director of the City or their designee.

Rain Garden

A depressed area in the landscape that collects rainwater from a roof, driveway, street, or parking area and allows it to soak into the ground.

Right-of-Way

Any area of land, including surface, overhead, or underground, granted by deed, easement, dedication, prescription, or lease, for construction and maintenance according to designated use, such as for streets and highways, parkways and sidewalks, drainage, irrigation, utilities, and other public services and improvements.

RLUIPA

The Religious Land Use and Institutionalized Persons Act of 2000.

Sign

Awning Sign

A type of wall sign that is painted, stitched, sewn, or stained onto the surface of an awning.

Canopy Sign

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.

Digital Sign

Any sign that uses electronic or digital technology to display text, images, or video, and can change its message or content electronically.

Externally Illuminated Sign

A sign that is lighted from an external source.

Ground Sign

A freestanding sign where the entire sign is in contact with the ground (i.e. no poles). Ground signs are also referred to as "monument signs."

Internally Illuminated Sign

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. Does not include digital signs.

Monument Sign

See: Ground Sign.

Mural

A painted image located on a building wall.

Neon Sign

An internally illuminated sign that utilizes gas-filled tubes.

Nonconforming Sign

A sign that was lawfully established pursuant to the Code in effect at the time of its erection, but which does not conform to the standards of this Code as currently adopted.

Pole Sign

A freestanding sign being supported by a pole or poles and otherwise separated from the ground by air.

Projecting Sign

A sign structurally supported by a building wall and projecting from the surface of the building or wall.

Roof Sign

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 walls of a flat roof.

Sandwich Board Sign

See: Sidewalk Sign.

Sidewalk Sign

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.

Temporary Sign

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 90 days per calendar year.

Window Sign

A sign that is painted on, applied, or attached to a window that can be read through the window.

Wall Sign

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.

Site Plan

A plan drawn to scale showing the uses and structures existing (and whether to remain or be removed) and those newly proposed for a lot. This definition also includes the evaluation of site plans in accordance with the procedures in §16-8-50(a) (minor site plans) and §16-8-50(b) (major site plans).

Site-Specific Development Plan

A plan that has been submitted to the City by a developer 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 in accordance with state law and the procedures in §16-8-30(h).

Staff

An employee of the Community Development Department or other department of the City.

Structural Alteration

An addition to or subtraction of parts from a structure, including walls, columns, beams, girders, foundation, doors, windows, or roof.

Structure

Any man-made item constructed or erected, that requires location on the ground or attached to something having a location on the ground, including but not limited to certain signs, buildings, and fences. Porches, slabs, patios, decks, walks, and steps that are uncovered and do not exceed 30 inches above grade are excluded from this definition.

Subdivision

The legal division of a lot, tract, or parcel of land into two 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.

Substantial Change

A modification substantially changes the physical dimensions of an eligible support structure if, after the modification, the structure meets any of the following criteria:

a. For towers, other than towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other eligible support structures, including towers, in the right-of-way, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;

b. For towers, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the eligible support structure but not to exceed four cabinets per application; or for base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. For any eligible support structure, it entails any excavation or deployment outside the current site;

e. For any eligible support structure, it would defeat the concealment elements of the eligible support structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;

f. For any eligible support structure, it does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (a), (b), and (c) of this definition.

For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station.

Tower

Any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers, and other similar facilities. Small cell facilities in rights-of-way are not towers.

Tract

An area, parcel, site, piece of land, or property that is the subject of a development application. For subdivisions, the term is used for units of land created for and limited by deed restriction or dedication to a specific use, including access, utilities, open space, or community amenities and resources.

Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Variance

An authorization of deviation from the standards of this chapter where strict application of this chapter results in a hardship due to circumstances of the lot and that is evaluated and decided in accordance with the procedures in §16-8-70(a).

Vested Property Rights

The right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan in accordance with state law and the procedures in §16-8-30(h).