



## Chapter 16

# Land Use Code (LUC)

Installment 2: Zoning Districts and Use Regulations  
REVIEW DRAFT February 2023

**CLARION**

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# Article 16-1 General Provisions

[Submitted with Installment 1 – Administration and Procedures]

## Article 16-2 Zoning Districts

### COMMENTARY

This article consolidates the zoning district standards from the existing Article IV and includes a new lineup of zoning districts as well as the standards for those districts. It is intended to be reviewed with Article 16-3 (Use Regulations), and with the relevant definitions in Article 16-10 (Rules of Construction and Definitions). It begins with new general provisions for zoning districts that lists all the zoning districts, discusses the role of the zoning map, and the organization of this article.

**New Lineup of Zoning Districts.** We heard from City staff and stakeholders that the current lineup of zoning districts is not fully responsive to the vision or needs of the community. In addition, Salida's eclectic mix of housing types and densities that make the community unique would not be possible to recreate under the existing Code.

Based on our analysis and stakeholder feedback, we propose several changes to the current lineup of zoning districts to help ensure that future development continues to reflect Salida's tradition of diverse, mixed-use neighborhoods.

- The Mixed-Use Neighborhood (MN) district replaces the underutilized RMU district and is proposed to be changed to support the character and growth of the Highway 291 corridor and accommodate neighborhood-compatible mixed-use at designated nodes.
- A new Mixed-Use Highway Center (MC) District is proposed to allow for mixed-use nodes along the Highway 50 corridor to support the guidance of the Future 50 Plan.
- Finally, new districts are proposed for Agriculture (AG), Parks and Open Space (OS), and Community Facilities (CF) to ease the implementation of the Code, protect open space, and reflect the unique nature of public facilities.
- Simplification of overlay districts is also proposed with the expansion of the base zoning districts, but no substantive changes are proposed for the Salida Downtown Historic District (SDHD), Local Historic Landmark Overlay (LHLO), or Sackett's Addition Overlay (SA).

**Lot and Building Standards.** For each district, a new purpose statement is followed by a table of applicable lot and building standards. These tables provide the most common applicable standards for development in that district such as lot size, setbacks, and height requirements. Where additional standards are included, those standards will be carried forward or modified in the Development and Design Standards (Article 16-4). Similarly, the unique standards applicable to inclusionary housing developments will be consolidated in Article 16-9 (Inclusionary Housing), but a reference is included to that section in the district-specific table where applicable.

**Illustrations.** We have included a graphic to accompany each base zoning district to depict the basic lot and building standards and demonstrate the typical character of that particular district. Additionally, a graphic is provided in the general zoning district standards to explain the purpose and use of the illustrations.

**Formatting.** A cross-reference highlighted in green or yellow indicates that the reference is to a portion of this Code that is not included in this phase of the draft and will need to be linked in the consolidated draft of the Code.

## 16-2-10 General

### (a) Zoning Districts Established<sup>1</sup>

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

<sup>1</sup> Updated from list to table. Introduction text updated and reference to map added. The commentary and current district columns are just to help explain this draft and would be removed in the final adopted new code.

Table 2-A: Zoning Districts Established		
Current District	Proposed District	Commentary
<b>Residential Districts</b>		
R-1 Single-Family Residential	R1 Low-Density Residential	Carry forward. This district should be applied to areas limited to lower-density, single-family development. The current R-1 district could accommodate additional dwelling units based on the minimum lot size (currently 7,500 square feet).
R-2 Medium-Density Residential	R2 Medium-Density Residential	Carry forward. This district should be modified to allow a greater variety of medium-density housing types (e.g., tri- and quad-plex).
R-3 High-Density Residential	R3 High-Density Residential	Carry forward. This district should ensure standards and permissions allow a variety of housing types with emphasis on more affordable forms.
R-4 Manufactured Housing Residential	R4 Manufactured Housing Residential	Carry forward. Additional standards and limitation are proposed to enhance protections for naturally occurring affordable homes (including manufactured homes).
<b>Mixed-Use Districts</b>		
RMU Residential Mixed-Use	MN Mixed-Use Neighborhood	Refine. This district has not been widely used and should be considered for application to targeted areas and along Highway 291 to create more walkable neighborhoods with an emphasis on mixing residential uses and supporting nonresidential activity.
--	MC Mixed-Use Highway Center	New. This new district could be applied to identified key nodes within Salida, especially along Highway 50, with an emphasis on commercial uses with a supporting mix of residential use types.
C-1 Commercial	MH Mixed-Use Highway	Carry forward. This district applies to areas along Highway 50 (and not Highway 291) and accommodate a mix of more auto-oriented commercial and light industrial activity. This district will encourage more horizontal and vertical mixed-use development and walkability.
C-2 Central Business	MD Mixed-Use Downtown	Carry forward. This district should be updated to permit appropriate mixed-use development and should be limited to the current downtown area. Mixed-use areas outside the downtown could be accommodated by the MN or MC districts depending on the type of project.
<b>Other Districts</b>		
I Industrial	IN Industrial	Carry forward. This district should generally be carried forward intact. Highly limited residential uses may be allowed within the industrial district, but the intention is to reserve for

**Table 2-A: Zoning Districts Established**

Current District	Proposed District	Commentary
		nonresidential uses. Consider whether some parts of the IN zone close to downtown should be rezoned to another district.
--	AG Agriculture	New. This new district provides an interim solution that allows properties without a development plan or proposal for a specific zoning district to be annexed into Salida prior to establishing detailed development plans.
--	OS Parks and Open Space	New. This new district should be applied to dedicated open spaces in future rezonings to protect open space from being developed with other uses allowed in current base zoning districts.
--	CF Community Facilities	New. This new district could be applied to existing and proposed community facilities in future rezonings to reflect the unique sites and uses typical of city-owned and other public 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.

### (2) Zoning District Boundaries<sup>3</sup>

- a. Except where otherwise indicated, zoning district boundaries shall follow the City's corporate limits, section lines, ¼ section lines, ½ 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.
- 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 part of a public railroad or utility right-of-way and that is not indicated as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district even when such zoning district is separated from the land in question by a public railroad or utility right-of-way.

### (3) Boundary Clarification<sup>4</sup>

- 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 Section 16.08.040(d).

<sup>3</sup> Formerly Sec. 16-4-40.

<sup>4</sup> New. This is included to explain the clarification process and reference the appeals process.

**(4) Amendment**

Changes to the boundary of any zoning district requires an amendment to the Official Zoning Map per Section 16.08.040(a).

**(5) Annexation<sup>5</sup>**

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.

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**(c) Organization of this Article<sup>6</sup>**

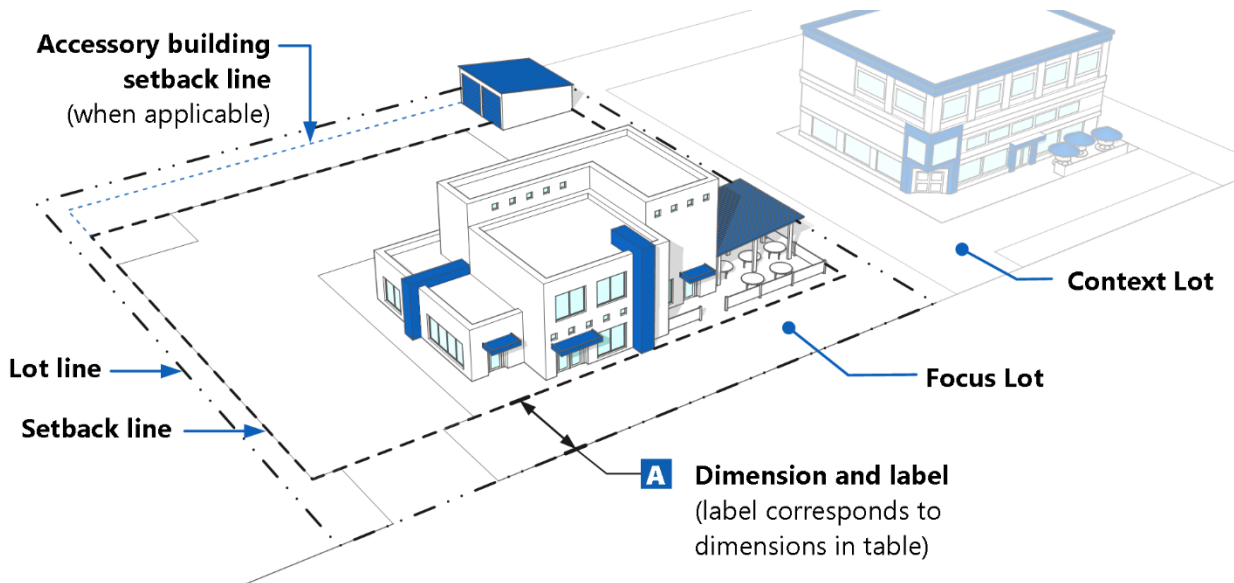
**(1) Base Zoning Districts**

**a. Content**

Sections 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.

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<sup>5</sup> Sec. 14-4-50.

<sup>6</sup> New. This section is commonly added to introduce the structure of the article and the purpose and intention of the illustrations.

- 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.<sup>7</sup>
- c.** Section 16-2-70 identifies the overlay zoning districts and sets forth the purpose and the standards of that district that modify those of underlying zoning districts.

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<sup>7</sup> New. Included to address questions about how overlay districts and PDs typically interface. While PDs often establish the standards that apply to a site, they may still be subject to, or reference, other overlay district standards. This will often depend on the final PD agreement.



## 16-2-20 Summary of Dimensional Standards<sup>9</sup>

Table 2-B: Summary of Dimensional Standards												
	R1	R2	R3	R4	MN	MC	MH	MD	IN	AG	OS	CF
<b>Lots</b>												
Lot size, detached (min.)	7,500 sf	5,625 sf 5,000 sf [1]	3,000 sf 2,500 sf [1]	3,000 sf	5,625 sf 5,000 sf [1]	0 sf	5,625 sf 5,000 sf [1]	0 sf	5,625 sf	5 acres	0 sf	0 sf
Lot size, attached (min.)	5,625 sf	3,000 sf 2,500 sf [1]	2,000 sf 1,500 sf [1]	2,000 sf	2,800 sf 2,450 sf [1]	0 sf	NA	0 ft	NA	NA	NA	NA
Lot frontage, detached (min.)	50 ft	37.5 ft 33 ft [1]	25 ft	25 ft	37.5 ft 33 ft [1]	--	37.5 ft	0 ft	37.5 ft	0 ft	NA	NA
Lot frontage, attached (min.)	37.5 ft	20 ft	15 ft	15 ft	20 ft	0 ft	NA	0 ft	NA	NA	NA	NA
Residential Density (max.)	5,625 sf/unit	3,000 sf/unit 2,500 sf/unit [1]	2,000 sf/unit 1,500 sf/unit [1]	2,000 sf/unit	2,800 sf/unit 2,450 sf/unit [1]	0 sf/unit	2,800 sf/unit 2,450 sf/unit [1]	0 sf/unit	2,800 sf/unit	5 acre/unit	NA	NA
Residential Density (min.)	22,500 sf/unit	11,250 sf/unit	7,500 sf/unit	5,000 sf/unit	11,250 sf/unit	3,000 sf/unit	11,250 sf/unit	3,000 sf/unit	NA	NA	NA	NA
Structure coverage (max.) <sup>10</sup>	40%	45%	50%	50%	70% [2]	80% [2]	60% [2]	100%	60% [2]	15%	NA	60%
Uncovered parking coverage (max.)	10%	20%	40%	30%	30% [2]	40% [2]	60% [2]	90%	40% [2]	10%	NA	90%
Landscape area (min.)	50%	35%	25%	20%	20%	0% [3]	10%	0% [3]	10%	NA	NA	10%

<sup>9</sup> Explanation of any changes are provided in District-specific standards. References to residential adjacency standards are proposed to mitigate impacts of higher impact uses and taller structures from residential development.

<sup>10</sup> Lot coverage and landscaping standards could be relocated to the development standards to make this table and following sections simpler.

Table 2-B: Summary of Dimensional Standards												
	R1	R2	R3	R4	MN	MC	MH	MD	IN	AG	OS	CF
<b>Setbacks (min.)</b>												
Front	25 ft	20 ft	15 ft	15 ft	10 ft	10 ft	10 ft	0 ft	10 ft	25 ft	NA	15 ft
Side	8 ft	5 ft	5 ft	5 ft	5 ft [4]	5 ft [4]	5 ft [4]	0 ft	5 ft [4]	5 ft	NA	5 ft
Rear	25 ft	20 ft	15 ft	10 ft	5 ft [4]	5 ft [4]	5 ft [4]	0 ft	5 ft [4]	25 ft	NA	5 ft
Side (Accessory)	3 ft	3 ft	3 ft	3 ft	3 ft	5 ft	5 ft	0 ft	5 ft	5 ft	NA	5 ft
Rear (Accessory)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	5 ft	5 ft	NA	5 ft
<b>Height (max.)</b>												
Building height [5]	28/35 ft	28/35 ft	28/35 ft	28/35 ft	28/35 ft	35 ft 45 ft [1] [4]	28/35 ft [4]	35/38 ft 45 ft [1] [4]	45 ft [4]	35 ft	45 ft	54 ft
Building height (accessory)	12/25 ft [5]	12/25 ft [5]	12/25 ft [5]	12/25 ft [5]	12/25 ft [5]	25 ft	25 ft	25 ft	45 ft [4]	35 ft	45 ft	54 ft
<b>Notes<sup>11</sup></b>												
[1] See Article 16-9, <i>Inclusionary Housing</i> , for modified dimensional standards for inclusionary housing developments.												
[2] The maximum combined coverage from structures and uncovered parking shall not exceed 80% in the MN district and 90% in MC, MN, and IN districts. <sup>12</sup>												
[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. <sup>13</sup>												
[4] See <a href="#">Section XX, Residential Adjacency</a> . <sup>14</sup>												
[5] See Section 16-2-30(d), <i>Height</i> , for rules of measurement.												

<sup>11</sup> These notes are addressed within each zoning district and may be removed from this summary table in future drafts.

<sup>12</sup> Updated to include MN and IN districts.

<sup>13</sup> New.

<sup>14</sup> Residential adjacency standards (establishing standards for development near residential neighborhoods) will be proposed in Article 16-4 in Installment 3.

## 16-2-30 Measurements and Exceptions

### COMMENTARY

This is a new section with many new standards proposed to supplement the few existing standards from Sec. 16-4-200 of the existing Code. In addition to clearly outlining the methods for measuring key standards, this section provides exceptions to those standards that provide flexibility to applicants and ensure that the Code does not discourage development types and architectural features that the City would like to see. There are many exceptions proposed based on Clarion's work with other communities, but we recommend taking special care to review these standards to ensure they are right for Salida.

#### (a) Purpose<sup>15</sup>

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<sup>16</sup>

##### (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.
- 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 Chapter, including dimensional standards. A variance or minor modification from those standards may be obtained pursuant to Section 16-8-70(a) and Section 16-8-70(b).

##### (2) Buildings on Multiple Lots

Where one structure occupies two or more lots:

- a. The lot coverage, minimum lot size, lot frontage, 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, balconies, and raised decks greater than 30 inches above natural grade shall also be considered as part of lot coverage.<sup>17</sup>
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 covered with materials impervious to water.
3. The combined lot coverage of structures and uncovered parking shall not exceed 90 percent of any lot unless otherwise excepted by this Code.

<sup>15</sup> New. Added purpose statement to define the objective of this section.

<sup>16</sup> Lot standards are based on Sec. 16-4-200, but have been updated with clarifying language that Clarion commonly uses. Standards for multiple primary residential structures have been added.

<sup>17</sup> Language simplified, but based on existing standard.

**b. Exceptions**

1. 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 lot coverage.<sup>18</sup>
2. There is no maximum combined lot coverage in the Mixed-Use Downtown (MD) district.
3. The Director may determine that parking areas, driveways, walkways, and other areas covered with alternative pervious paving are exempt from overall lot coverage.
4. Exterior balconies and decks on a primary building that are greater than 30 inches above natural grade and cantilevered (i.e., not on footings) may be excluded from lot coverage if they extend no more than horizontal six feet from the primary building façade.

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**(c) Setbacks<sup>20</sup>**

**(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 Section 16-2-30(d), side setbacks may vary based on building or structure height in some districts.

**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. A side setback shall be observed along the remaining street.

**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.

**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.

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<sup>18</sup> This existing standard is intended to incentivize building design that reduced the prominence of street-facing garages.

<sup>20</sup> New. Methods of measurement and clarifications for unique lot types have been added based on other Clarion codes. New exceptions to setback standards are proposed to encourage ADA compliance, architectural character, and clarify features that would traditionally be allowed in setback areas.

**(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-D, 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
Covered front porch	May extend up to five feet into the minimum front setback, including porch roof eaves <sup>22</sup>
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

**(d) Height<sup>23</sup>**

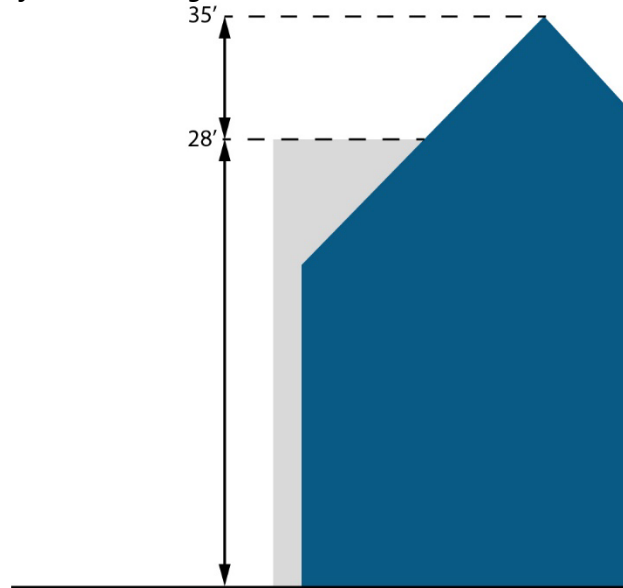
**(1) Measurement**

- a. 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. Buildings or structures on uneven lots shall have no vertical dimension that exceeds 110% of the maximum allowable building height.
- c. **Primary Structure**
  - 1. **Residential, MN, and MH Districts**
    - a) The highest point of a flat roof or mid-point of a sloped roof shall not exceed 28 feet.
    - b) The highest point of a sloped roof shall not exceed 35 feet.

<sup>22</sup> This standard previously allowed a 25 percent encroachment. This has been simplified to a set standard of five feet.

<sup>23</sup> Existing definition of “building height” is used to establish measurement methodology. Exceptions to maximum height are proposed that Clarion commonly recommends to allow for architectural variety and to remove regulatory barriers to rooftop equipment. Additional screening standards may be considered in the development standards.

Figure 2-A: Primary Structure Height in Residential, MN, and MH Districts



**2. All Other Districts**

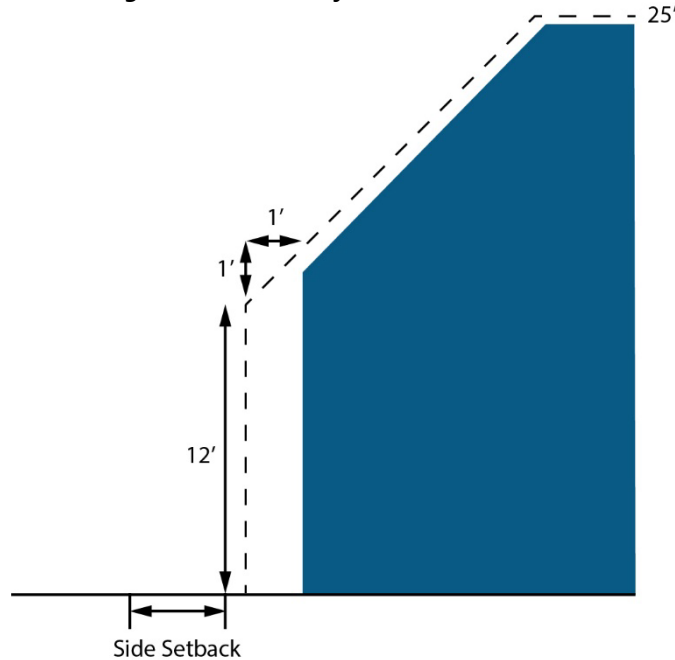
Building or structure height shall be measured as the vertical distance above the average preconstruction or post-construction grade around the perimeter foundation of a building or structure, whichever is lower, to the highest point on the roof surface of the building or structure.

**d. Accessory Structure**

**1. Residential and MN Districts**

No portion of a building or structure shall not extend beyond the bulk plane as shown in Figure 2-B. The bulk plane shall rise vertically from the average finished grade around the perimeter foundation of a building or structure to 12 feet in vertical height and then slope inward toward the center of the lot with a rise of one foot in height for each one foot in horizontal setback. The bulk plane slope shall not exceed 25 feet in vertical height as measured above the average finished grade around the perimeter foundation of a building or structure.

Figure 2-B: Accessory Structure Bulk Plane



**2. All Other Districts**

Building or structure height shall be measured as the vertical distance above the average finished grade around the perimeter foundation of a building or structure to the highest point of the building or structure.

**(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
Duplex and multi-family dwellings	In the R3, MN, and MH districts, duplexes, townhomes, and multi-family dwellings may have a maximum height of 35 feet, regardless of roof type, if there is vertical separation of units
Rooftop equipment	Rooftop solar equipment, skylights, water tanks, and other mechanical equipment may extend up to five feet above the maximum building height
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
Chimneys	May extend up to 20 percent above than the maximum allowable height
Ornamental architectural features	May extend up to ten percent above the maximum building height
Rooftop antennae	May extend up to ten feet above the maximum building 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.
Historic district character	In the SDHD overlay, maximum building height may be increased by three feet
Inclusionary housing	Provision of inclusionary housing may allow an increase in building or structure height per Article 16-9

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**(e) Density<sup>24</sup>**

**(1) Measurement**

**a. Minimum Density**

Minimum density shall be calculated by the maximum lot area per dwelling unit within a proposed development site, excluding public and private streets and rights-of-way, and public access easements that restrict the surface use of the property.

**b. Maximum Density**

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 public access easements that restrict the surface use of the property.

**(2) Exceptions**

- a.** Inclusionary housing developments may exceed the maximum allowable density for the zoning district where explicitly permitted by Article 16-9.
- b.** One accessory dwelling unit per lot may be excluded from the maximum allowable density for the zoning district.

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<sup>24</sup> New. Possible inclusionary housing exceptions noted and cross-referenced.



## 16-2-40 Residential Districts

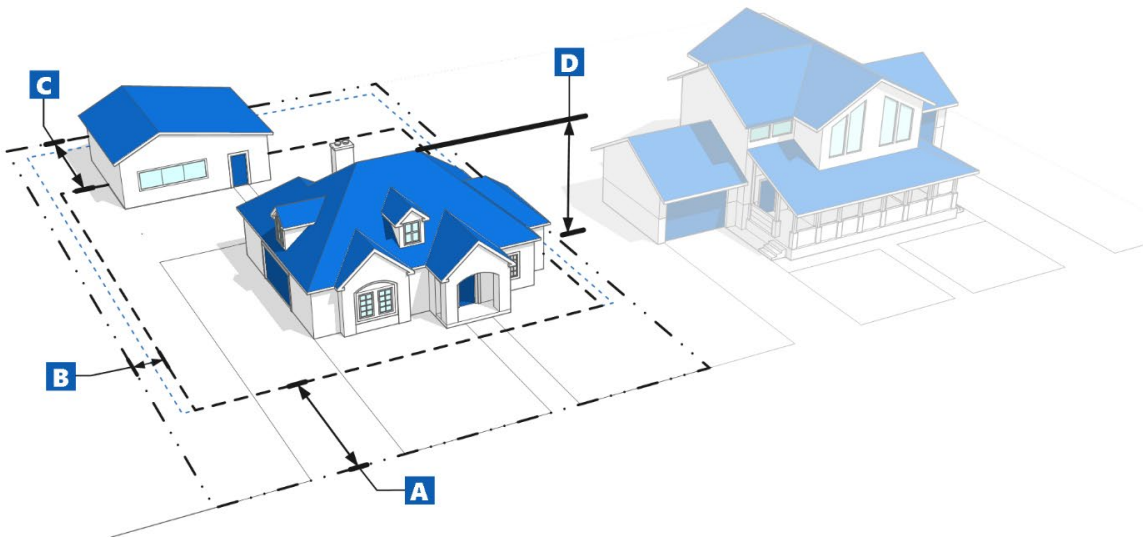
### COMMENTARY

Many lot and building standards are updated to better distinguish them from other districts and to reflect an overall scale of intensities. In many cases, setback requirements are adjusted to account for unique site constraints. All changes to the district lot and building standards are stated in the footnotes in the dimensional standard tables.

#### (a) Low-Density Residential (R1)

##### (1) Purpose

The Low-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**

<b>Lots</b>	<b>Detached</b>	<b>Attached<sup>25</sup></b>	<b>Accessory</b>	<b>Other Standards</b>
Lot size, min. (sf)	7,500	5,625	NA	Overlay Districts 16-2-70
Lot frontage, min. (ft)	50	37.5	NA	Measurements/Exceptions 16-2-30
Residential density, max. (sf/unit) <sup>26</sup>		5,625	NA	Use Regulations 16-2-70(g)
Residential density, min. (sf/unit) <sup>27</sup>	22,500		NA	Development Standards <b>Article 16-4</b>
Structure coverage, max. <sup>28</sup>	40%		40%	<b>Notes</b> [1] Building height measured per Section 16-2-30(d).
Uncovered parking area, max. <sup>29</sup>	10%		NA	
Landscape area, min.	50%		NA	
<b>Setbacks, min. (ft)<sup>30</sup></b>				
<b>A</b> Front		25	25	
<b>B</b> Side		8	3	
<b>C</b> Rear		25	5	
<b>Height, max. (ft)<sup>31</sup></b>				
<b>D</b> Building height [1]		28/35	12/25	

<sup>25</sup> New standards to address attached dwelling units.

<sup>26</sup> Maximum density decreased from 3,750 sf/unit.

<sup>27</sup> New.

<sup>28</sup> Updated from 35% (alongside landscape area decrease from 55%) to accommodate allowable dwelling units.

<sup>30</sup> Setbacks reduced from 30 ft (front and rear) to accommodate allowable dwelling units.


<sup>30</sup> Setbacks reduced from 30 ft (front and rear) to accommodate allowable dwelling units.

<sup>31</sup> Currently, primary building height is 35 ft.

**(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.



[graphic to be added]

**(2) Dimensional Standards**

Lots	Detached	Attached	Accessory	Other Standards	
Lot size, min. (sf)	5,625 4,500 [1]	3,000 <sup>32</sup> 2,500 [1]	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	37.5 30 [1]	20	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit) <sup>33</sup>	3,000 2,500 [1]		NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>34</sup>	11,250		NA	Development Standards	Article 16-4
Structure coverage, max. <sup>35</sup>	45% 55% [1]		45% 55% [1]	<b>Notes</b> [1] Inclusionary housing development standards are determined per Article 16-9. [2] Building height measured per Section 16-2-30(d).	
Uncovered parking area, max. <sup>36</sup>	20%		NA		
Landscape area, min.	35%		NA		
<b>Setbacks, min. (ft)</b>					
<b>A</b> Front	20 15 [1]		20		
<b>B</b> Side	5		3		
<b>C</b> Rear	20 15 [1]		5		
<b>Height, max. (ft)</b>					
<b>D</b> Building height [2]	28/35		12/25		

<sup>32</sup> Minimum lot size reduced from 3,125 sf.

<sup>33</sup> Maximum density increased from 3,125 sf/unit.

<sup>34</sup> New.

<sup>35</sup> Updated from 40% (alongside landscape area decrease from 45%) to accommodate allowable dwelling units.

<sup>36</sup> Minimum lot size reduced from 5,625 sf and 2,400 sf, respectively.

**(c) High-Density Residential (R3)<sup>37</sup>**

**(1) Purpose**

The High-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.



<sup>38</sup> Minimum lot size reduced from 5,625 sf and 2,400 sf, respectively.

**(2) Dimensional Standards**

<b>Lots</b>	<b>Detached</b>	<b>Attached</b>	<b>Accessory</b>	<b>Other Standards</b>	
Lot size, min. (sf) <sup>38</sup>	3,000 2,500 [1]	2,000 1,500 [1]	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	25 <sup>39</sup>	15	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit) <sup>40</sup>	2,000 1,500 [1]		NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>41</sup>	6,000		NA	Development Standards	<b>Article 16-4</b>
Structure coverage, max. <sup>42</sup> [2]	65%		65%	<b>Notes</b>	
Uncovered parking area, max. <sup>43</sup> [2]	40%		NA	[1] Inclusionary housing development standards are determined per Article 16-9.	
Landscape area, min.	25%		NA	[2] Maximum combined coverage of structures and uncovered parking is 75%.	
<b>Setbacks, min. (ft)</b>					
<b>A</b> Front	15 10 [1]		15 10 [1]	[3] Building height measured per Section 16-2-30(d).	
<b>B</b> Side	5		3		
<b>C</b> Rear	15 10 [1]		5		
<b>Height, max. (ft)</b>					
<b>D</b> Building Height [3]	28/35		12/25		

<sup>38</sup> Minimum lot size reduced from 5,625 sf and 2,400 sf, respectively.

<sup>39</sup> Minimum lot frontage (detached) reduced from 37.5 ft.

<sup>40</sup> Maximum density increased from 2,400 sf/unit.

<sup>41</sup> New.

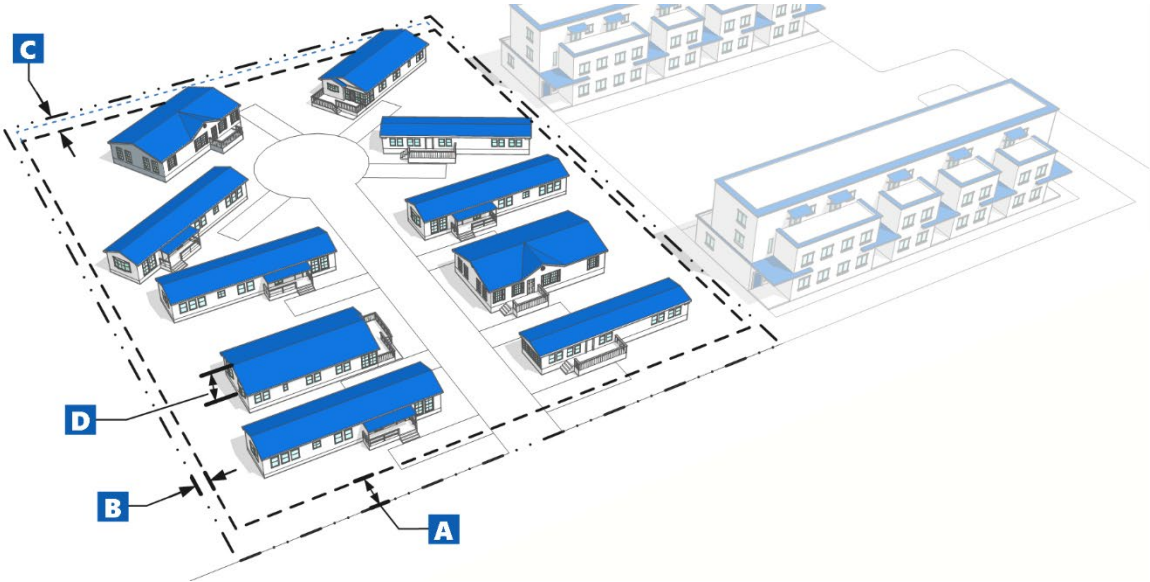
<sup>42</sup> Updated from 45% (alongside landscape area decrease from 30%) to accommodate allowable dwelling units. Hardscape area increased from 25%.

<sup>44</sup> Minimum lot size reduced from 5,625 sf and 2,400 sf, respectively.

**(d) Manufactured Housing Residential (R4)**

**(1) Purpose**

The Manufactured Housing Residential (R4) district is intended to provide for manufactured homes, manufactured home parks, and smaller-unit development that is affordable by nature. Complementary land uses include community, educational, and accessory uses.



**(2) Dimensional Standards**

<b>Lots</b>	<b>Detached</b>	<b>Attached</b>	<b>Accessory</b>	<b>Other Standards</b>	
Lot size, min. (sf) <sup>44</sup>	3,000	2,000	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	25 <sup>45</sup>	15	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit) <sup>46</sup>	2,000		NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>47</sup>	5,000		NA	Development Standards	Article 16-4
Structure coverage, max. <sup>48</sup>	50%		50%	<b>Notes</b>	
Uncovered parking area, max. <sup>49</sup>	30%		NA	[1] Building height measured per Section 16-2-30(d).	
Landscape area, min.	20%		NA		
<b>Setbacks, min. (ft)</b>					
<b>A</b> Front		15		15	
<b>B</b> Side		5		3	
<b>C</b> Rear <sup>50</sup>		10		5	
<b>Height, max. (ft)</b>					
<b>D</b> Building height [1]		28/35		12/25	

<sup>44</sup> Minimum lot size reduced from 5,625 sf and 2,400 sf, respectively.

<sup>45</sup> Minimum lot frontage (detached) reduced from 37.5 ft.

<sup>46</sup> Maximum density increased from 2,400 sf/unit.

<sup>47</sup> New.

<sup>48</sup> Updated from 45% (alongside landscape area decrease from 30%) to accommodate allowable dwelling units. Hardscape area increased from 25%.

<sup>50</sup> Rear setback for primary structures reduced to 10 ft. min.

<sup>50</sup> Rear setback for primary structures reduced to 10 ft. min.

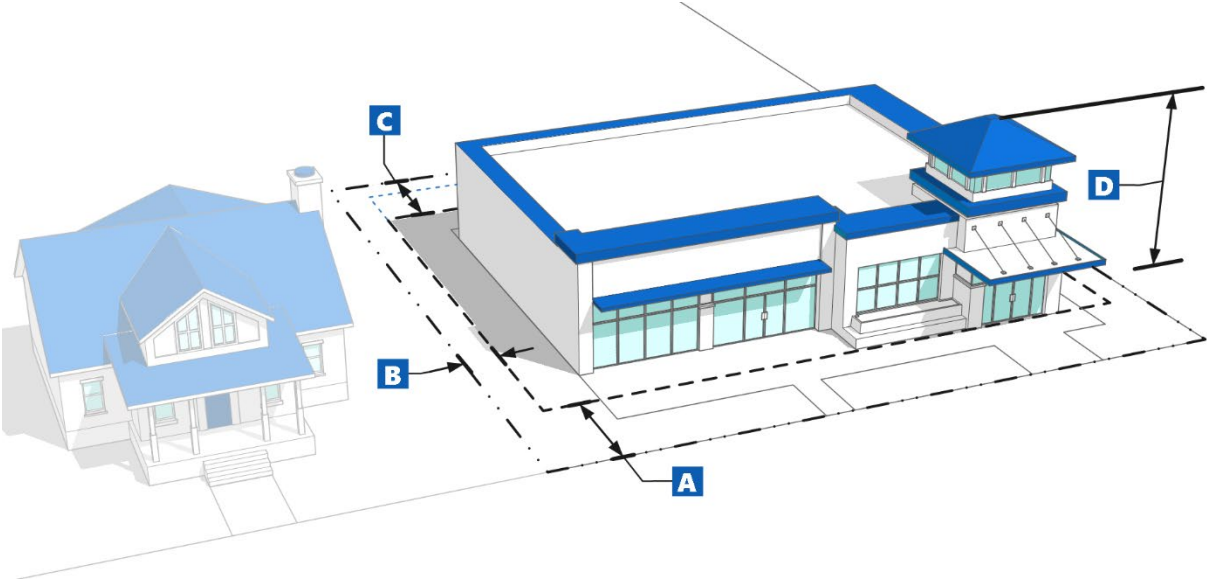


## 16-2-50 Mixed-Use Districts

### (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**

<b>Lots</b>	<b>Detached</b>	<b>Attached</b>	<b>Accessory</b>	<b>Other Standards</b>	
Lot size, min. (sf)	5,625 5,000 [1]	2,800 <sup>51</sup> 2,450 [1]	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	37.5 30 [1]	20	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit) <sup>52</sup>	2,800 2,450 [1]		NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>53</sup>	11,250		NA	Development Standards	<b>Article 16-4</b>
Structure coverage, max. <sup>54</sup> [2]	70%		70%	<b>Notes</b>	
Uncovered parking area, max. <sup>55</sup> [2]	30%		NA	[1] Inclusionary housing development standards are determined per Article 16-9.	
Landscape area, min.	20%		NA	[2] Maximum combined coverage of structures and uncovered parking is 80%.	
<b>Setbacks, min. (ft)<sup>57</sup></b>				[3] See <b>Section XX, Residential Adjacency.</b> <sup>56</sup> [4] Building height measured per Section 16-2-30(d).	
<b>A</b> Front		10	10		
<b>B</b> Side [3]		5	3		
<b>C</b> Rear <sup>58</sup> [3]		5	5		
<b>Height, max. (ft)</b>					
<b>D</b> Building height [4]		28/35	12/25		

<sup>51</sup> Minimum lot size reduced from 3,125 sf.

<sup>52</sup> Maximum density increased from 3,125 sf/unit.

<sup>53</sup> New.

<sup>54</sup> Updated from 45% (alongside landscape area decrease from 30%) to accommodate allowable dwelling units and mixed-use development. Hardscape area increased from 25%.

<sup>56</sup> Residential adjacency standards (establishing standards for development near residential neighborhoods) will be proposed in Article 16-4 in Installment 3.

<sup>56</sup> Residential adjacency standards (establishing standards for development near residential neighborhoods) will be proposed in Article 16-4 in Installment 3.

<sup>57</sup> Setbacks reduced from 15 ft (front) and 15 ft (rear) to accommodate allowable dwelling units and mixed-use development.

<sup>58</sup> Rear setback for primary structures reduced to 10 ft. min.

**(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 walkable and active streetscapes.



**(2) Dimensional Standards**

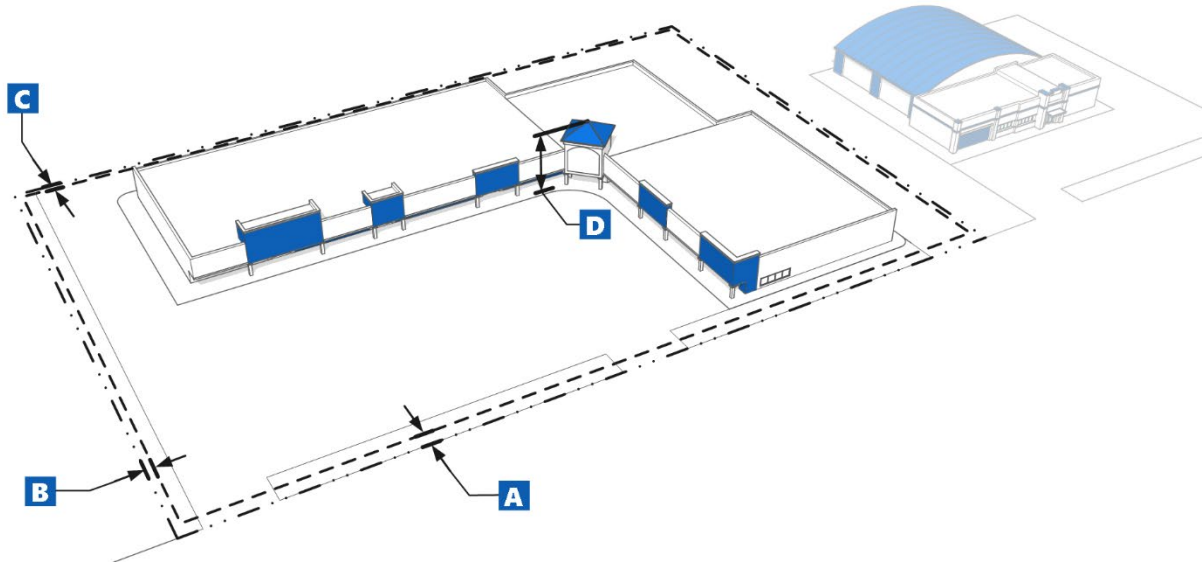
Lots	Detached	Attached	Accessory	Other Standards	
Lot size, min. (sf)		0	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)		0	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit)		0	NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>59</sup>		3,000	NA	Development Standards	Article 16-4
Structure coverage, max. [1]		80%	80%	<b>Notes</b>	
Uncovered parking area, max. [1]		40%	NA	[1] Maximum combined coverage of structures and uncovered parking is 90%.	
Landscape area, min.		10%	NA	[2] Residential adjacency standards may apply per Section XX.	
<b>Setbacks, min. (ft) [2]</b>				[3] Building height measured per Section 16-2-30(d).	
<b>A</b> Front		10	10	[4] Inclusionary housing development standards are determined per Article 16-9.	
<b>B</b> Side		5	5		
<b>C</b> Rear		5	5		
<b>Height, max. (ft) [2]</b>					
<b>D</b> Building height [3]		35 45 [4]	25		

<sup>59</sup> New.

### (c) Mixed-Use Highway (MH)

#### (1) Purpose

The Mixed-Use Highway (MH) district is intended accommodate general commercial and service uses along Salida's Highway 50 corridor. Limited residential uses and 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 residential areas.



**(2) Dimensional Standards**

<b>Lots</b>	<b>Primary<sup>60</sup></b>	<b>Accessory</b>	<b>Other Standards</b>	
Lot size, min. (sf)	5,625 5,000 [1]	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	37.5	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit)	2,800 2,450 [1]	NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>61</sup>	11,250	NA	Development Standards	<b>Article 16-4</b>
Structure coverage, max. [2]	60%	60%	<b>Notes</b>	
Uncovered parking area, max. [2]	60%	NA	[1] Inclusionary housing development standards are determined per Article 16-9.	
Landscape area, min.	10%	NA	[2] Maximum combined coverage of structures and uncovered parking is 90%.	
<b>Setbacks, min. (ft) [2]</b>			[3] Residential adjacency standards may apply per <b>Section XX</b> .	
<b>A</b> Front	10	10	[4] Building height measured per Section 16-2-30(d).	
<b>B</b> Side	5	5		
<b>C</b> Rear	5	5		
<b>Height, max. (ft) [2]</b>				
<b>D</b> Building height [4]	28/35	25		

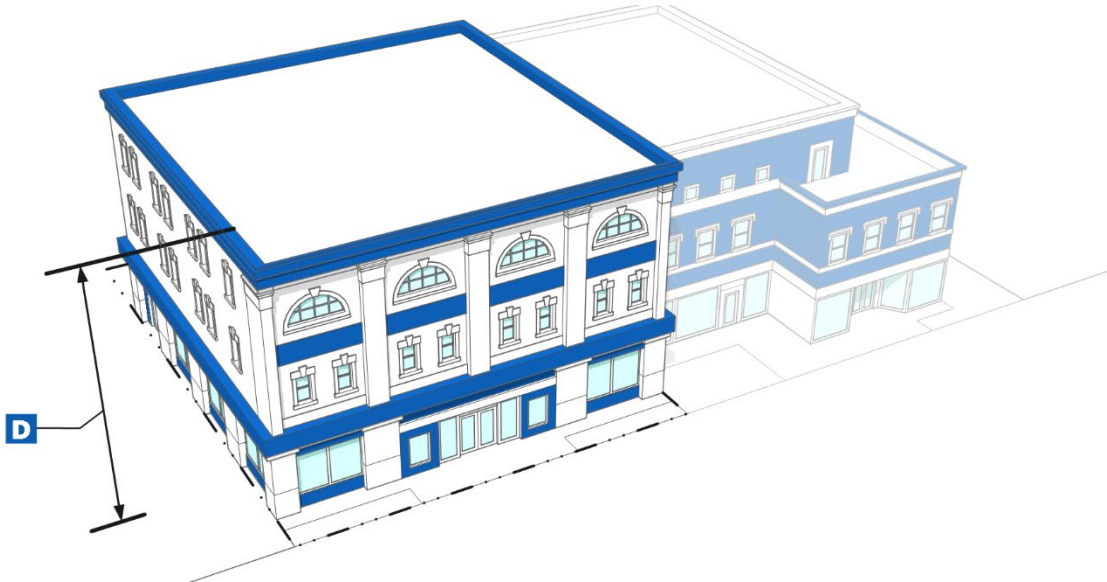
<sup>60</sup> Minimum lot size and lot frontage standard eliminated for attached units (formerly 2,800 sf lots and 20 ft frontage) to apply same standards for all development types in MH district.

<sup>61</sup> New.

## (d) 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. Structures in this district include



**(2) Dimensional Standards**

<b>Lots</b>	<b>Primary</b>	<b>Accessory</b>	<b>Other Standards</b>	
Lot size, min. (sf)	0	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	0	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit)	0	NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit) <sup>62</sup>	3,000	NA	Development Standards	<b>Article 16-4</b>
Structure coverage, max.	100%	100%	<b>Notes</b>	
Uncovered parking area, max.	90% [1]	NA	[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 Section 16-2-30(d).	
Landscape area, min.	0% [1]	NA	[3] Inclusionary housing development standards are determined per Article 16-9.	
<b>Setbacks, min. (ft)</b>				
<b>A</b> Front	0	0		
<b>B</b> Side	0	0		
<b>C</b> Rear	0	0		
<b>Height, max. (ft)</b>				
<b>D</b> Building height <sup>63</sup> [2]	35/38 45 [3]	25		

<sup>62</sup> New.

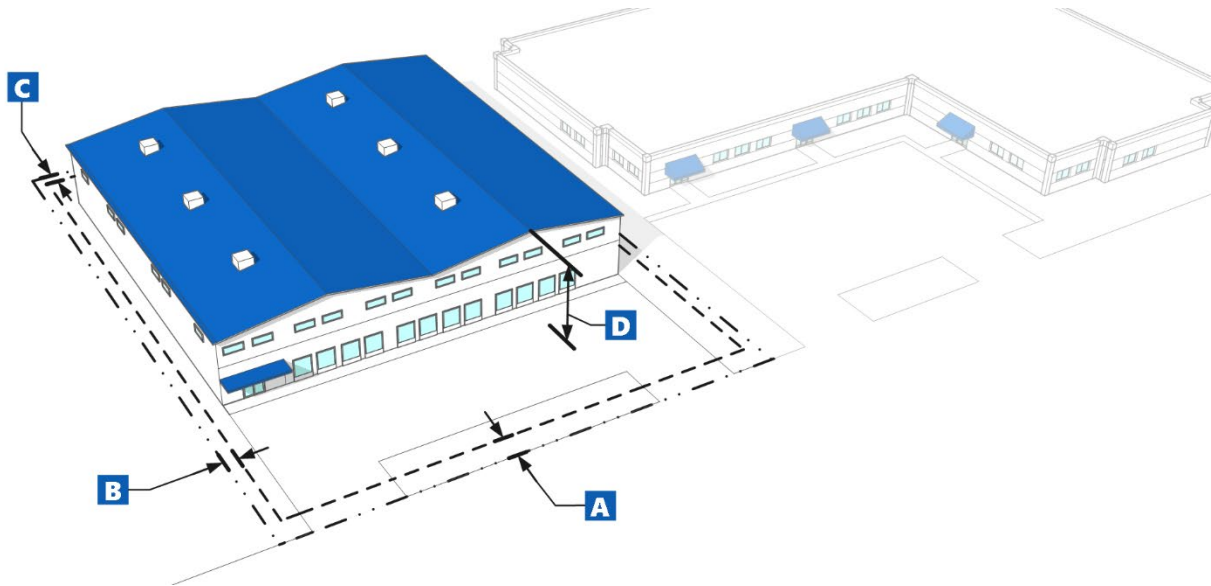
<sup>63</sup> Maximum building height increased from 35 ft with additional setback standards that apply when adjacent to residential development for portions of the building that exceed 35 ft.

## 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	Other Standards	
Lot size, min. (sf)	5,625	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	37.5	NA	Measurements/Exceptions	16-2-30
Residential density, max. (sf/unit)	2,800	NA	Use Regulations	16-2-70(g)
Residential density, min. (sf/unit)	NA	NA	Development Standards	Article 16-4
Structure coverage, max.	60%	60%	<b>Note</b>	
Uncovered parking area, max.	40% <sup>65</sup>	NA	[1] Residential adjacency standards may apply per Section XX.	
Landscape area, min.	10%	NA		
<b>Setbacks, min. (ft) [1]</b>				
<b>A</b> Front	10	10		
<b>B</b> Side	5	5 <sup>66</sup>		
<b>C</b> Rear	5	5		
<b>Height, max. (ft) [1]</b>				
<b>D</b> Building height <sup>67</sup>	45	45		

<sup>65</sup> Increased from 30%.

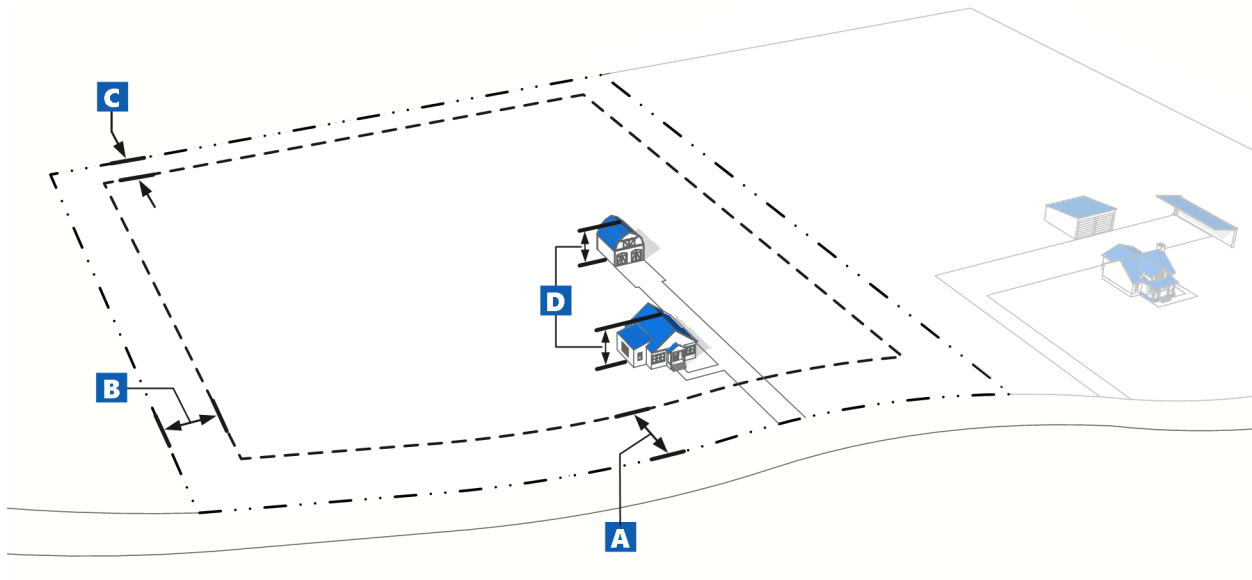
<sup>66</sup> Simplified from 3/5/10 ft setback.

<sup>67</sup> Maximum height increased to 45 ft from 35 ft (subject to residential adjacency).

**(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.



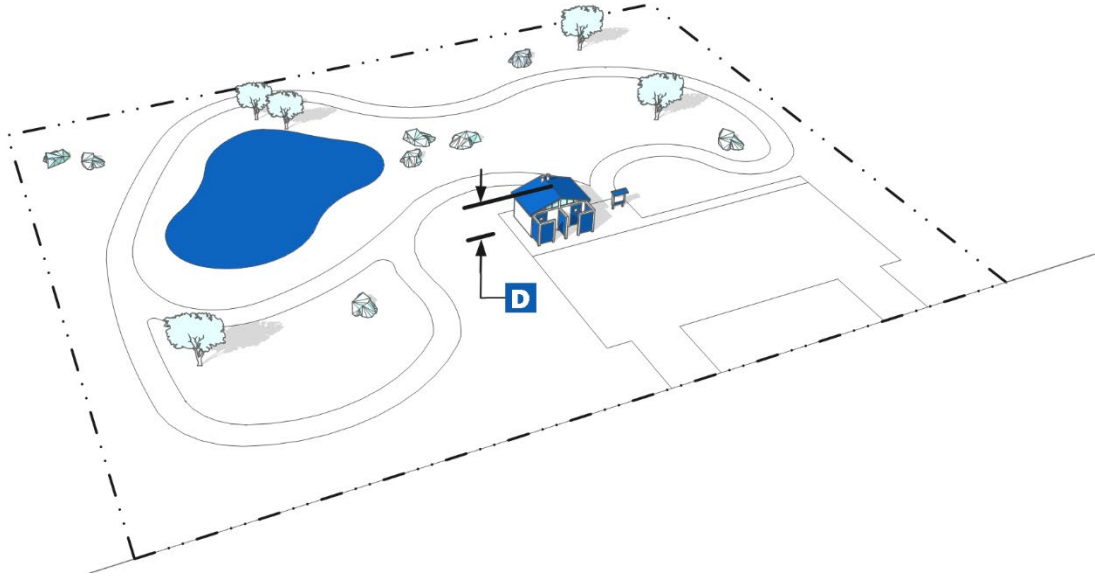
**(2) Dimensional Standards**

Lots	Primary	Accessory	Other Standards	
Lot size, min. (acres)	5	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	0	NA	Measurements/Exceptions	16-2-30
Density, max. (acres/unit)	5	NA	Use Regulations	16-2-70(g)
Density, min. (acres/unit)	NA	NA	Development Standards	Article 16-4
Structure coverage, max.	15%	15%		
Hardscape area, max.	10%	NA		
Landscape area, min.	0%	NA		
<b>Setbacks, min. (ft)</b>				
<b>A</b> Front	25	25		
<b>B</b> Side	5	5		
<b>C</b> Rear	25	5		
<b>Height, max. (ft)</b>				
<b>D</b> Building height	35	35		

**(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.



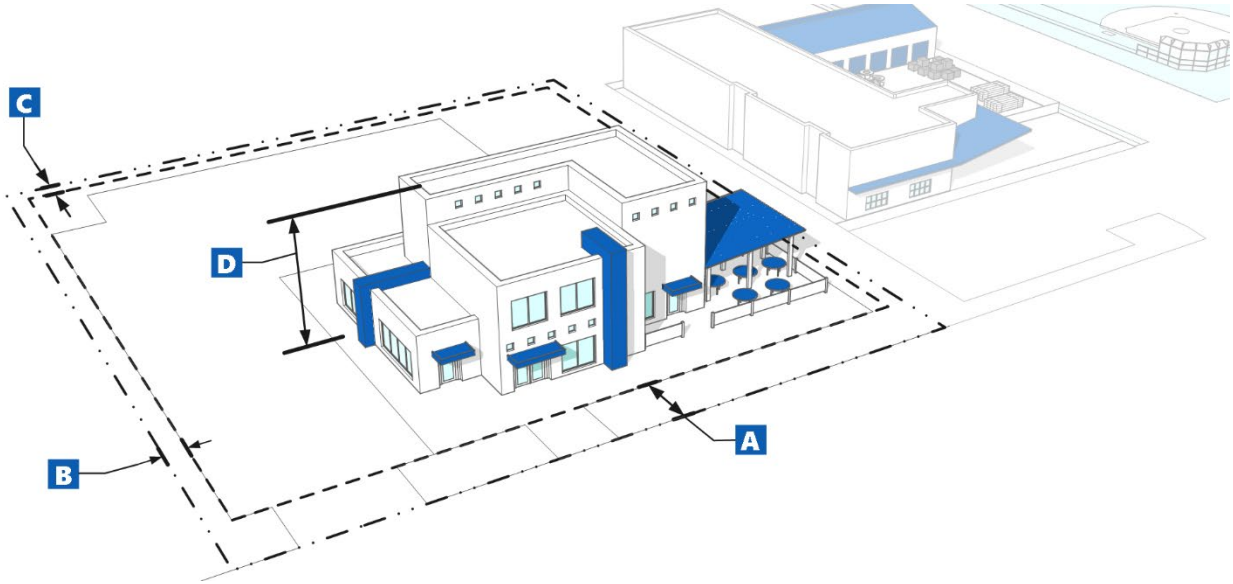
**(2) Dimensional Standards**

Lots	Primary	Accessory	Other Standards	
Lot size, min. (acres)	NA	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	NA	NA	Measurements/Exceptions	16-2-30
Density, max. (acres/unit)	NA	NA	Use Regulations	16-2-70(g)
Density, min. (acres/unit)	NA	NA	Development Standards	Article 16-4
Structure coverage, max.	NA	NA		
Hardscape area, max.	NA	NA		
Landscape area, min.	NA	NA		
<b>Setbacks, min. (ft)</b>				
<b>A</b> Front	NA	NA		
<b>B</b> Side	NA	NA		
<b>C</b> Rear	NA	NA		
<b>Height, max. (ft)</b>				
<b>D</b> Building height	45	45		

**(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, hospitals, utilities, and municipal operations.



**(2) Dimensional Standards**

Lots	Primary	Accessory	Other Standards	
Lot size, min. (sf)	NA	NA	Overlay Districts	16-2-70
Lot frontage, min. (ft)	NA	NA	Measurements/Exceptions	16-2-30
Density, max. (sf/unit)	NA	NA	Use Regulations	16-2-70(g)
Density, min. (sf/unit)	NA	NA	Development Standards	Article 16-4
Structure coverage, max.	60%	60%	<b>Note</b>	
Hardscape area, max.	90%	NA	[1] The required side and rear setback shall be increased by one-foot for each foot in height above 45 feet.	
Landscape area, min.	10%	NA		
<b>Setbacks, min. (ft)</b>				
<b>A</b> Front	15	15		
<b>B</b> Side [1]	5	5		
<b>C</b> Rear [1]	5	5		
<b>Height, max. (ft)</b>				
<b>D</b> Building height [1]	54	54		

## 16-2-70 Overlay and Special Purpose Districts

### COMMENTARY

The **Salida Downtown Historic District (SDHD) Overlay**, **Local Historic Landmark (LHLO) Overlay**, and **Central Business Economic (CBEO) Overlay** are carried forward largely unchanged. Feedback from stakeholders and City staff has been supportive of keeping the SDHD Overlay and LHLO Overlay as is. Minor formatting and grammar changes are proposed to maintain consistency with the updated Code, but no substantive changes are proposed.

The language of the **Sackett’s Addition (SA) Overlay** has been updated more extensively to remove unnecessary narrative from standards and make the standards clearer and more direct. However, no substantive changes to the existing standards are proposed.

The **Historic Protection (HPO) Overlay** is not carried forward because the current HPO Overlay applies to all properties in the C-2 district not located within the SDHD district. This district is replaced by incorporating the HPO Overlay standards into the MD (formerly C-2) District.

The **SH 291 Corridor (291CO) Overlay** and **Highway 50 Corridor (50CO) Overlay** are not carried forward because these overlays include standards that could simply be applied to the base zoning districts that are proposed for these areas—the R2 Residential District, R3 Residential District, Mixed-Use Neighborhood (MN) District, and Mixed-Use Highway Center (MC) district.

### (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 Chapter.

### (b) Overlay and Special Purpose Districts Established

Table 2-E: Overlay and , Special Purpose Districts Established, lists the overlay districts established by the City. Overlay districts are established by the City’s adoption of the Official Zoning Map pursuant to Section 16-2-10(b), Official Zoning Map.

Table 2-E: Overlay and Special Purpose Districts Established		
Current District	Proposed District	Commentary
<b>Overlay Districts</b>		
Salida Downtown Historic District (SDHD) Overlay	Salida Downtown Historic District (SDHD) Overlay	Carry forward. Feedback from stakeholders and City staff has been supportive of keeping the SDHD overlay district largely unchanged. Changes to the Historic Preservation Commission have not led to a desire to change the location of this overlay district or the standards that apply to properties within the district.
Historic Protection (HPO) Overlay	--	Do not carry forward. The current HPO district applies to all properties in the C-2 district not located within the SDHD district. This district could be replaced with broad applicability of the HPO standards to properties in the MD (formerly C-2) district.

Table 2-E: Overlay and Special Purpose Districts Established		
Current District	Proposed District	Commentary
Local Historic Landmark (LHLO) Overlay	Local Historic Landmark (LHLO) Overlay	Carry forward. Properties in this overlay must comply with Article XII, Historic Preservation.
SH 291 Corridor (291CO) Overlay	--	Do not carry forward. Integrate standards from the 291 Overlay into the new Mixed-Use Neighborhood (MN) to accommodate existing commercial and residential mixed-use areas, and to citywide standards for those standards that may have broad applicability regardless of zoning district.
Highway 50 Corridor (50CO) Overlay	--	Do not carry forward. Integrate standards from the Hwy 50 Overlay into the new Highway Commercial (HC) District and citywide standards.
Sackett’s Addition (SA) Overlay	Sackett’s Addition (SA) Overlay	Carry forward. We heard from most stakeholders that the Sackett’s Addition is working well and resulting in the types of development intended for those areas. Minor cleanup of language for clarity and consistency and additional graphics may be necessary.
Central Business Economic (CBEO) Overlay	Central Business Economic (CBEO) Overlay	Carry forward. The standards in this overlay address minimum commercial occupancy standards and parking options. The CBEO district standards may be combined with the proposed MD (current C-2) district in a future draft to allow elimination of this overlay district.
Special Purpose Districts		
Planned Development (PD)	Planned Development (PD)	Carry forward. PDs offer opportunities for greater flexibility and variety in the development of land than would otherwise be achieved through a base zoning district and should be used 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.

**(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 (Article 16-7) 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 Chapter.

**(3) Standards**

See Article 16-7, *Historic Preservation*.

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## (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 (Article 16-7) shall apply to all development on parcels or lots which are designated as local historic landmarks in this Chapter. 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 this Chapter.

### (3) Standards

See Article 16-7, *Historic Preservation*.

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## (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 Chapter.
- 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:

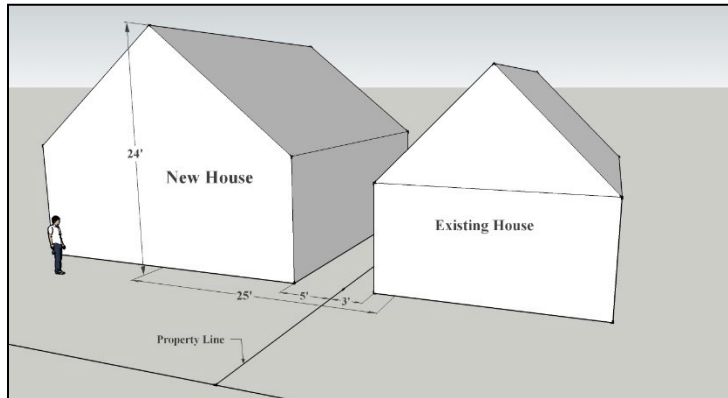
#### a. Building Setbacks

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.

<b>Structure Height</b>	<b>Setback from Roof Apex to Widest Point of Neighboring House Foundation [1]</b>
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.



<b>Table 2-G: Sackett's Addition Overlay Mass and Scale Standards<sup>68</sup></b>	
Lot Size	Primary Structure Size
1,200 to 3,749 sf <sup>[1]</sup>	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 <sup>[2]</sup>	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<sup>69</sup>**

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<sup>70</sup>**

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 (Section 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 (Section 16-8-70(a)).

**(4) Design Recommendations**

- a. In addition to the development standards set forth in 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.

<sup>68</sup> Thresholds updated to avoid overlapping square footages and to make clearer that no lots under 1,200 sf are permitted. Added maximum lot area note (existing table just ends at 15,000 sf).

<sup>69</sup> Updated organization and simplified language. No substantive changes proposed.

<sup>70</sup> New name proposed instead of the prior "Deviations." This would be distinct from a minor modification, which is a departure from a numeric standard (like number of parking spaces). Restorations subsection consolidated here due to overlapping subject matter. Updated to make Director (or designee) responsible for determining applicability because existing standard does not make clear how to determine when the exception would apply. May need further discussion to clarify how this would relate to variances.

**(1) Purpose**

The purpose of the Central Business Economic (CBEO) Overlay is to establish standards to preserve and protect the downtown area as a viable commercial district, and to ensure that future development be designed and planned in a manner compatible with those goals.

**(2) Applicability**

- a. The standards of the CBEO Overlay shall apply to all development on parcels within the boundaries of CBEO Overlay, as shown on the Official Zoning Map.
- b. The standards of this section shall be in addition to those of the underlying zoning district and other applicable standards of this Chapter.

**(3) Standards**

Development in the CBEO Overlay shall meet the following standards:

**a. Street Frontage**

- 1. Ground floor street frontage, including on corner lots, shall not be used for residential uses as defined by Table 3-A, *Table of Allowed Uses*.
- 2. No more than 50 percent of the ground floor occupancy may be used for residential uses.
- 3. If the limitation on residential uses will create a significant economic hardship, an applicant may request conditional use approval (Section 16-8-50(c)) to increase the amount of ground floor area used for residential uses if approving authority finds that the subject property cannot be put to any other reasonably beneficial use

**b. Parking<sup>72</sup>**

- 1. All applicable parking standards of this Chapter shall apply, except that a commercial business applicant may seek an alternative to providing the required on-site parking by paying an occupier fee in-lieu of providing required on-site parking in an amount established and periodically amended by the City's fee schedule.
- 2. Funds received by the City for the occupier fee shall be designated for the purposes of providing additional public parking in downtown Salida or for the enforcement of parking regulations.

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<sup>72</sup> These parking standards will be relocated to Development Standards in the consolidated draft to apply throughout the MD district.

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**(g) Planned Development (PD)<sup>73</sup>****(1) Purpose**

The Planned Development (PD) 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 PD district shall be established pursuant to the procedures in Section 16-8-40(b). Development in a PD District shall be subject to the standards of an approved PD plan.

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<sup>73</sup> PD standards have been simplified to be less descriptive and prescriptive. Remaining and proposed standards are intended to establish guardrails for this district without detailing what is required.

# Article 16-3 Use Regulations

## COMMENTARY

This article draws from existing standards in Article IV, specifically those in Sections 16-4-90, 16-4-100, 16-4-140, 16-4-50, and 16-4-190.

The current schedule of uses is updated with broader and simpler use categories and additional subcategories that make it easier to find uses in the table and allows the City to make easier decisions on unlisted uses based on the impacts and intensity of the broader categories. We sort the uses in the table alphabetically, except for residential uses, where it is most intuitive to sort uses by intensity (from detached single-family dwellings to multi-family dwellings and group living arrangements). Additionally, we include accessory and temporary uses under a separate use category at the end of the table as opposed to having them integrated throughout the table.

Overall, we include a greater level of detail than the existing Code, we consolidated and remove redundant or outdated uses, we update terminology to reflect contemporary practice, and we propose new use types to address contemporary issues with housing variety, temporary and mobile businesses, and mixed-use development. Where a use seems to work as intended, no changes are proposed.

## 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) Section 16-3-20 lists land uses allowed by district and provides cross-references to applicable use-specific standards.
- (2) Section 16-3-30 establishes use-specific standards applicable to specific land uses.
- (3) Section 16-3-40 establishes standards applicable to accessory uses and structures.
- (4) Section 16-3-50 establishes standards applicable to temporary uses and structures.

## 16-3-20 Table of Allowed Uses

### (a) Explanation of Table Abbreviations

#### (1) Uses Not Requiring Site Plan Review

"P" in a cell indicates that the use is permitted in the respective zoning district without site plan review per Section 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 Review

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

#### (3) Uses Requiring a Major Site Plan Review

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

#### (4) Uses Requiring a Conditional Use Permit

"C" in a cell indicates that the use is only permitted in the respective zoning district with approval of a Conditional Use Permit per Section 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.

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**(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.

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**(c) Use for Other Purposes Prohibited<sup>77</sup>**

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 Section 16-3-20(d), below.

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**(d) Classification of New and Unlisted Uses<sup>78</sup>**

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 Section 16-8-40(c).

**(3) Appeal of Director's Determination**

An appeal of the Director's determination shall be made pursuant to the procedures in Section 16-8-70(c).

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<sup>77</sup> New. This is commonly included in Clarion codes to make clear that unlisted uses are either not permitted or require classification.

<sup>78</sup> New. We recommend including this procedure for handling unlisted uses or uses that don't fit into one of the uses in Table 3-A.

## (e) Table of Allowed Uses

### COMMENTARY

This draft organizes uses in a more logical manner with uses grouped by type and alphabetically listed within each use type (except for residential uses, which are organized by intensity). The Table of Allowed Uses is also updated to reflect the system of use permissions and review procedures established in Installment 1, which covered Administration and Procedures.

Key policy choices reflected in this table include:

- Streamlining the development review process by requiring the least time-consuming review/permit feasible;
- Encouraging a greater mix of housing types (especially more affordable dwellings);
- Protecting naturally occurring affordable housing (especially manufactured homes) from redevelopment pressures; and
- Minimizing barriers to compatible commercial and light industrial development (while minimizing impacts on neighborhoods).

As part of the review of the schedule of uses, we reviewed the use permissions and asked the following questions:

- When combining similar uses with different use permissions, we would ask, “which of these use permissions is most appropriate?”
- For any prohibited permission, we would ask, “why is this use prohibited in this zoning district?” And, “can a use-specific standard mitigate any concerns about this use, therefore making it acceptable in this zoning district?”
- For any conditional permission, or use that requires some level of site plan review, we would ask, “should this use be permitted with a less lengthy process in this zoning district?” And, “are there additional standards necessary to mitigate known issues with this use type?”

A row at the top of the table shows the existing districts. This row is temporary, but is provided during the drafting phases of the Code update process to help the reader understand the context of changes proposed. The key includes color-coded shading to indicate when a use is new, when the proposed use permission is made more or less permissive, and to show the previous use permission. Because the previous table included different permitting process, the color coding in the table should be considered comparative—showing if a use is less permissive (goes from being permitted to requiring a conditional use permit or not being permitted) or more permissive (goes from not being permitted or requiring major impact review to being permitted with a conditional use permit or another review process). New districts or uses will not show any change in level of permissiveness.

Note: Due to the size and number of footnotes, the table is broken to allow footnotes to remain below the section they reference. This formatting issue will be addressed as footnotes are removed during subsequent drafts.

Table 3-A: Table of Allowed Uses													P = Permitted	P* = Minor Site Plan	M = Major Site Plan	C = Conditional	N = Not Permitted	
KEY:	= New	= More Permissive than Current	= Less Permissive than Current															
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--						
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards					
<b>Residential Uses</b>																		
<b>Household Living<sup>79</sup></b>																		
Dwelling, Single-Family (Detached)	P	P	P	N	P	N	N	N	N	P	N	N						
Dwelling, Single-Family (Multiple Principal)	P	P	P	P*	P	N	N	N	N	N	N	N	16-3-30(b)(1)					
Dwelling, Duplex	P	P	P	N	P	M	P*	M	N	N	N	N						
Dwelling, Townhouse	P	P	P	N	P	C	M	N	N	N	N	N	16-3-30(b)(2)					
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	M	N	N	N	M						
Dwelling, Co-Housing	N	P*	P*	N	P*	M	M	M	N	N	N	N	16-3-30(b)(3)					
Dwelling, Live/Work	N	N	N	N	P*	P*	P*	P*	M	N	N	N	16-3-30(b)(4)					
Manufactured Home	N	M	M	P	M	N	N	N	N	P	N	N	16-3-30(b)(5)					
Manufactured Home Park	N	N	N	P	N	N	N	M	M	N	N	N	16-3-30(b)(6)					
Recreational Vehicle (Long-Term Occupancy) <sup>80</sup>	P*	P*	P*	P*	P*	N	N	P*	P*	P*	N	P*						
<b>Group Living<sup>81</sup></b>																		
Continuing Care Retirement Facility	M	M	M	N	M	M	M	M	N	N	N	N						
Group Home, Large <sup>82</sup>	N	P*	P*	P*	P*	P*	P*	P*	M	N	N	P*	16-3-30(b)(7)					

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<sup>79</sup> Household Living is proposed as a use subcategory to organize family-based dwelling use types. Townhouse, Co-Housing, and Live-Work dwellings are proposed as new uses in this section. “One or more dwelling units on the same site as a commercial or industrial use” is proposed for removal because dwellings on the same site as a commercial or industrial use is a mixed-use, which is regulated based on whether both a dwelling and commercial or industrial use is permitted in a zoning district. Mobile Home (and Mobile Home Park) have been renamed as Manufactured Home (and Manufactured Home Park). Residential use permissions in the R4 and IN districts are reduced to preserve the few manufactured home parks and industrial areas from significant redevelopment.

<sup>80</sup> “Recreational Vehicle (long term occupancy)” may be addressed in the Vehicle and Traffic Code, as part of the RV Park use, or as a temporary use (requiring a temporary use permit) depending on further consideration.

<sup>81</sup> Group Living is proposed as a use subcategory to organize group-based dwelling use types. The Large Group Home use is proposed to help differentiate between smaller and larger group homes. FHAA-protected group home use permissions are also updated to ensure that group homes that house people protected by the FHAA are permitted the same as corresponding dwellings. Single-Room Occupancy (SRO) is proposed as an option to help provide affordable housing with a focus on Salida’s seasonal workforce but may also help with year-round housing. SRO’s are small units with basic amenities (like a hotel room) with some shared amenities and might also be called microunits, dormitories, or co-living. Continuing Care Retirement Facility replaces the current “Nursing Home” use with a more holistic term that includes nursing homes and similar facilities.

<sup>82</sup> Compliance with the Fair Housing Amendment Act (FHAA) and guidance from the U.S. Department of Housing and Urban Development (HUD) requires that group home uses be permitted and regulated the same as housing of the same size and scale for persons who do not have disabilities. Large group homes are regulated to mirror multi-family dwellings.



Table 3-A: Table of Allowed Uses													P = Permitted	P* = Minor Site Plan	M = Major Site Plan	C = Conditional	N = Not Permitted
KEY: <span style="background-color: #d9ead3;"> </span> = New													<span style="background-color: #d9ead3;"> </span> = More Permissive than Current	<span style="background-color: #d9ead3;"> </span> = Less Permissive than Current			
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--					
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards				
Group Home, Small <sup>83</sup>	P	P	P	P	P	N	N	N	N	P	N	N	16-3-30(b)(8)				
Rooming or Boarding House	N	N	N	N	N	C	C	C	N	N	N	M					
Single-Room Occupancy	N	N	N	N	C	C	C	C	N	N	N	M	16-3-30(b)(9)				
<b>Public, Institutional, and Civic Uses</b>																	
<b>Community and Cultural<sup>84</sup></b>																	
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	C	P	P	P	P	N	N	N	N	16-3-30(c)(1)				
Day Care Center	C	C	C	C	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 <sup>85</sup>	P	P	P	C	P	P	P	P	P	N	N	N					
School	M	M	M	N	P*	P*	P*	P*	N	N	N	P*					
<b>Transportation<sup>86</sup></b>																	
Parking Facility	N	N	N	N	P	P	M	P	P	N	M	P					

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<sup>83</sup> Compliance with the Fair Housing Amendment Act (FHAA) and guidance from the U.S. Department of Housing and Urban Development (HUD) requires that group home uses be permitted and regulated the same as housing of the same size and scale for persons who do not have disabilities. Small group homes are regulated to mirror single-family dwellings.

<sup>84</sup> Community and Cultural is proposed as a use subcategory to organize community serving facilities like places of assembly, recreation, education, and medical care. We propose updating the Church use to a more inclusive Religious Assembly, the consolidation of the Community Building use with the Government Administrative Facilities and Services use, which are regulated the same except that the Community Building use is not currently permitted in the IN District (the more permissive use permission is recommended). Finally, the Parks use is renamed to a more inclusive Public Outdoor Recreation and the existing Recreation Facility use is redefined and labeled as Public Indoor Recreation.

<sup>85</sup> Compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA) requires that no land use regulation treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

<sup>86</sup> Transportation is proposed as a use subcategory to organize community-serving transportation uses. Parking Facilities combines existing Public Parking Facility and Commercial Parking Facility uses, which are regulated the same way. A Transit Terminal or Station use is proposed to differentiate from typical bus stops that are allowed more widely and have less impact on nearby property.

Table 3-A: Table of Allowed Uses													P = Permitted	P* = Minor Site Plan	M = Major Site Plan	C = Conditional	N = Not Permitted	
KEY:	= New	= More Permissive than Current	= Less Permissive than Current															
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--						
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards					
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	N	P						
<b>Commercial Uses</b>																		
<b>Agriculture and Animal-Related Services<sup>87</sup></b>																		
Commercial Farming and Plant or Animal Husbandry	N	N	N	N	M	M	N	M	M	P	M	M						
Garden Center, Greenhouse, or Nursery	M	M	M	N	P	P*	P*	P	M	P	N	N						
Kennel	N	N	N	N	C	C	N	C	C	C	N	N	16-3-30(d)(1)					
Veterinary Clinic or Hospital	N	N	N	N	P*	P	N	P	C	C	N	N	16-3-30(d)(2)					
<b>Business and Professional Services<sup>88</sup></b>																		
Office	N	N	N	N	P	P	P	P	N	N	N	P						
<b>Food and Beverage<sup>89</sup></b>																		
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						
<b>Lodging<sup>90</sup></b>																		
Bed and Breakfast	P*	P*	P*	P*	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						

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<sup>87</sup> Agriculture and Animal-Related Services is proposed as a use subcategory to organize such uses. Many new uses are proposed including farms, community gardens, garden centers/nurseries, kennels, and produce/farm goods markets.

<sup>88</sup> Business and Professional Services is proposed as a use category to organize office-type uses separately from retail and service businesses.

<sup>89</sup> Food and Beverage is proposed as a use subcategory to organize dining and drinking uses. Food and Beverage uses have been expanded to reflect the diversity of this use category – including Bars, Lounges, Taverns, Microbreweries, Distilleries, and Wineries. The Drive Through has been organized with accessory uses (accessory to restaurants, banks, and other services, and is no longer permitted in the MD District.

<sup>90</sup> Lodging is proposed as a use subcategory to consolidate similar commercial lodging facilities. The existing Commercial Lodging use is renamed Hotel and Motel.

Table 3-A: Table of Allowed Uses													P = Permitted P* = Minor Site Plan M = Major Site Plan C = Conditional N = Not Permitted	
KEY: <span style="background-color: #d9ead3;"> </span> = New <span style="background-color: #d9ead3; border: 1px solid #0070c0;"> </span> = More Permissive than Current <span style="background-color: #d9ead3; border: 1px solid #0070c0;"> </span> = Less Permissive than Current														
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--		
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards	
Short-Term Rental	P*	P*	P*	P*	P*	P*	P*	P*	N	N	N	N	16-3-30(d)(4)	
<b>Marijuana<sup>91</sup></b>														
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)	
<b>Personal Services<sup>92</sup></b>														
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	C	P	N	N	N	N		
Self-Service Laundromat	N	N	N	N	P	P	C	P	N	N	N	N		
<b>Recreation and Entertainment<sup>93</sup></b>														
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	C	C	C	P	N	N	N	N	16-3-30(d)(8)	
Campground	N	N	N	N	N	N	N	C	C	C	C	C	16-3-30(d)(9)	
Commercial Recreation, Outdoor	N	N	N	N	C	N	N	P	N	C	C	C	16-3-30(d)(10)	
Commercial Recreation, Indoor (Large)	N	N	N	N	M	M	M	P*	N	N	N	N		
Commercial Recreation, Indoor (Small)	N	N	N	N	P	P	P	P	N	N	N	N		
Recreational Vehicle Park	N	N	N	M	N	N	N	M	N	N	N	N	16-3-30(d)(11)	
<b>Retail<sup>94</sup></b>														

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<sup>91</sup> Marijuana is a proposed use subcategory for cannabis retail establishments. The names of these uses have been modified for consistency but no other changes are proposed or recommended at this time.

<sup>92</sup> Personal Services is a new use subcategory to organize commercial personal service uses. The approach for this draft is to include self-serve laundromats separately due to the higher traffic and parking needs while all other personal service uses would be regulated based on size (see definitions).

<sup>93</sup> Recreation and Entertainment is proposed as a use subcategory for indoor and outdoor uses of this type. The existing Outdoor Amusement use has been renamed to clarify the commercial nature of the use and new uses are proposed for Indoor Commercial Recreation (theaters, bowling alleys, etc.). The RV Park use is moved here from the residential uses due to its commercial nature and similarity with the Campground use.

<sup>94</sup> Retail is a new subcategory used to expand upon the existing Retail Sales and Rental Establishments use (now: General Retail, Large). Like personal services, retail is proposed to be regulated based on the size of the use (see definitions).

Table 3-A: Table of Allowed Uses													
P = Permitted    P* = Minor Site Plan    M = Major Site Plan    C = Conditional    N = Not Permitted													
KEY: <span style="background-color: #d9ead3; border: 1px solid #ccc; padding: 2px;"> </span> = New <span style="background-color: #d9ead3; background-color: #d9ead3; border: 1px solid #ccc; padding: 2px;"> </span> = More Permissive than Current <span style="background-color: #d9ead3; background-color: #d9ead3; border: 1px solid #ccc; padding: 2px;"> </span> = Less Permissive than Current													
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--	
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards
General Retail, Large	N	N	N	N	M	M	M	P*	N	N	N	N	16-3-30(d)(13)
General Retail, Small	N	N	N	N	P	P	P	P	N	N	N	N	16-3-30(d)(13)
<b>Vehicles and Equipment<sup>95</sup></b>													
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	C	N	N	N	
Vehicle Sales and Service	N	N	N	N	P*	C	C	P*	C	N	N	N	
<b>Industrial Uses</b>													
<b>Manufacturing and Processing<sup>96</sup></b>													
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	
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	C	C	N	N	N	
Manufacturing, Light	N	N	N	N	C	C	N	P*	P	N	N	N	16-3-30(e)(3)
<b>Marijuana<sup>97</sup></b>													
Marijuana Cultivation	N	N	N	N	N	N	N	N	C	C	N	N	16-3-30(e)(4)
Marijuana Product Testing and Manufacturing	N	N	N	N	N	N	N	C	C	C	N	N	16-3-30(e)(5)
<b>Storage and Warehousing<sup>98</sup></b>													

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<sup>95</sup> Vehicles and Equipment is the final commercial subcategory and encompasses the existing uses of this type.

<sup>96</sup> Manufacturing and Processing is proposed as a use subcategory to expand on the existing use types. An industrial-scale brewery use, commercial laundry/dry cleaning, and artisan manufacturing use (very low impact arts/crafts use) are proposed new uses. The Code Assessment recommended additional detailed use types, but Clarion doesn't recommend making this more complex than necessary.

<sup>97</sup> A second Marijuana use subcategory is proposed to organize non-retail cannabis uses.

<sup>98</sup> Storage and Warehousing is proposed as a use subcategory to organize the many existing warehousing uses. A new mini-storage use is proposed to differentiate it from larger-scale storage or equipment.



Table 3-A: Table of Allowed Uses													P = Permitted	P* = Minor Site Plan	M = Major Site Plan	C = Conditional	N = Not Permitted	
KEY:	= New	= More Permissive than Current	= Less Permissive than Current															
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--						
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards					
Salvage Yard	N	N	N	N	N	N	N	N	P*	N	N	N						
Self-Storage or Mini-Warehouse	N	N	N	N	C	N	C	C	P	N	N	N	16-3-30(e)(6)					
Storage of Hazardous Liquids and Gases	N	N	N	N	N	N	N	N	C	N	N	N						
Storage Yard	N	N	N	N	N	N	N	P	P	N	N	P						
Warehouse, Enclosed Storage, or Truck Terminal	N	N	N	N	N	N	N	P	P	N	N	N						
Wholesale	N	N	N	N	M	N	N	P	M	N	N	N						
<b>Utilities<sup>99</sup></b>																		
Communications Facility	N	N	N	N	C	C	N	C	P*	C	P*	P*	16-3-30(e)(7)					
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*						
<b>Accessory Uses<sup>100</sup></b>																		
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P						
Accessory Dwelling Unit	P*	P*	P*	P*	P*	P*	P*	P*	N	P*	N	N	16-3-40(1)					
Commercial Outdoor Storage, Accessory	N	N	N	N	P*	P*	P*	P*	P*	P*	P*	P*	16-3-40(2)					
Drive Through	N	N	N	N	C	C	N	P	N	N	N	N	16-3-40(3)					
Home Occupation	P	P	P	P	P	P	P	P	N	P	N	N	16-3-40(4)					
Outdoor Retail and Display	N	N	N	N	P	P	P	P	N	P	N	N	16-3-40(5)					

Table 3-A: Table of Allowed Uses													P = Permitted	P* = Minor Site Plan	M = Major Site Plan	C = Conditional	N = Not Permitted
KEY:	= New	= More Permissive than Current											= Less Permissive than Current				
Existing Districts	R-1	R-2	R-3	R-4	RMU	--	C-2	C-1	I	--	--	--					
Proposed Districts	R1	R2	R3	R4	MN	MC	MD	MH	IN	AG	OS	CF	Use-Specific Standards				
Sale of Produce and Plants Raised on Premises	P	P	P	P	P	P	P*	P	N	P	P	P	16-3-40(6)				
Street Patio	N	N	N	N	C	C	C	C	N	N	N	N	16-3-40(7)				
Temporary Uses <sup>101</sup>																	
Construction Support Activity	P	P	P	P	P	P	P	P	P	P	P	P	16-3-50(1)				
Outdoor Vendor	N	N	N	P*	P*	P*	P*	P*	P*	P*	P*	P*	16-3-50(2)				
Temporary Special Event	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	16-3-50(3)				

<sup>99</sup> Utilities is proposed as a use subcategory to organize utility-type industrial uses. This subcategory could also be located with Public, Institutional, and Civic Uses if that is preferred. In addition to Communication Facilities, we recommend establishing separate uses for major utilities (larger power stations, substations, water treatment facilities, etc.) and minor utilities (smaller versions of the same uses and less-impacting uses like water storage tanks). This approach leaves a lot up to staff discretion when determining major vs. minor.

<sup>100</sup> Accessory Uses is a new use category to consolidate several existing accessory uses currently located alongside primary uses. New names are proposed for Drive-In Food and Beverage Facilities (now: Drive Through), and Downtown Street Patio (now: Street Patio)

<sup>101</sup> Temporary Uses is a new use category to organize existing and proposed uses that are seasonal, do not occur at the same location, or are otherwise temporary. The existing Temporary Commercial Activities use is renamed Temporary Retail and Display. New uses are proposed to include construction activities and special events.

## 16-3-30 Use-Specific Standards

### COMMENTARY

This section primarily carries forward the standards from Sec. 16-4-190. Our general intention is to not require more than is necessary, so additional standards are only proposed where Clarion sees a need. This reflects the goals of this Code update to create a more user-friendly and predictable document that removes barriers to the type of development the City wants to see.

Notable changes from the existing Code include additional standards for manufactured homes to ensure that the use is compatible with neighborhoods influenced by the consolidation of the R-3 and R-4 districts. Group home standards are also updated to ensure compliance with the Fair Housing Amendments Act of 1988 (FHAA), which has been interpreted by the courts to ensure that housing for FHAA protected classes, including group homes for people with disabilities, is not regulated or treated differently from housing for non-disabled people. Finally, new uses outlined in Table 3-A often include new standards to ensure high quality development is provided.

Existing regulations for conditional uses are addressed in Article 16-8, Administration and Procedures, and a removed from this section because they are more procedural than other standards in this section.

### (a) General Applicability<sup>102</sup>

- (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.
- (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 Section 16-8-70(a).
- (3) In case of a conflict between these use-specific standards and the standards in Article 16-7, *Historic Preservation*, these use-specific standards shall apply unless otherwise noted.

### (b) Residential Uses

#### (1) Dwelling, Single-Family (Multiple Principal)

##### a. Design and Layout<sup>103</sup>

1. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13.
2. In the R1 district, no more than two principal dwellings are permitted per lot.<sup>104</sup>

##### b. Location and Access

1. Required parking shall be provided on the site.
2. Access for both structures shall be consolidated to reduce curb cuts and shall be provided through alleys where available.

#### (2) Dwelling, Townhouse

In the R1 district, no more than two principal dwellings are permitted per lot.<sup>105</sup>

<sup>102</sup> New. We commonly includes this language to clarify the applicability of these standards. It replaces the existing language in Sec. 16-4-190(a).

<sup>103</sup> New design and layout standard to describe design elements that should be compatible. Existing standard was arbitrary and could be interpreted to prevent development of desirable 2-story buildings if surrounded by 1-story structures.

<sup>104</sup> New.

<sup>105</sup> New.

**(3) Dwelling, Co-Housing<sup>106</sup>****a. Design and Layout**

1. The maximum size of each co-housing unit is 1,200 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 co-housing dwellings.
4. Each detached co-housing dwelling unit shall be separated by a minimum of five feet, subject to Building Code.
5. Each co-housing dwelling unit shall be on a permanent foundation and shall connect to public water and sanitary sewer.
6. One accessory storage structure less than 200 square feet may be permitted per unit.
7. 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.
8. Outdoor storage is prohibited.

**b. Location and Access**

1. Access drives within a co-housing dwelling 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 projects may be organized as condominiums, cooperatives, or other form allowed by state law.
2. New co-housing dwelling 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 dwelling units shall not be used as a short-term rental as defined by Article 16-10.

**(4) Dwelling, Live/Work<sup>107</sup>**

- a. Residential areas shall be located on upper floors above non-residential areas, or in the rear of the building behind non-residential areas.
- b. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

**(5) Manufactured Home<sup>108</sup>**

A single- or multi-unit manufactured home outside of a manufactured home park shall comply with the standards of the underlying zone district, except as otherwise specified in this Code.

**(6) Manufactured Home Park****a. Applicability**

1. Any five or more manufactured homes on a single lot of record shall be considered a manufactured home park.
2. New manufactured home parks shall comply with the standards of the underlying zone district, except as otherwise specified in this Code.
3. Manufactured home parks existing as of June 3, 2002 may maintain the plan currently on file with the City Clerk.

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<sup>106</sup> New use. New standards proposed.

<sup>107</sup> New use. New standards proposed.

<sup>108</sup> New standards proposed for manufactured homes outside of manufacture home parks.

4. Any existing manufactured home park that alters the adopted plan shall bring the entire plan into conformance with this Code.
- b. Design and Layout<sup>109</sup>**
1. A manufactured home park shall not exceed the maximum allowable density of the respective zoning district.
  2. All manufactured homes and accessory structures shall have a minimum setback of 15 feet from the boundaries of the manufactured home park.<sup>110</sup>
  3. All manufactured homes shall have a minimum setback of ten feet from any other manufactured home. All accessory structures shall have a minimum setback of five feet from any other structure.
  4. A shared open space containing a minimum of ten percent of the project 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 home. Outdoor storage is prohibited.
  6. One accessory storage structure less than 600 square feet may be permitted as a shared maintenance storage facility for the manufactured home project. Said structure shall be enclosed on all sides and separated from other structures by a minimum of three feet.
  7. No manufactured home shall be located within a 100-year floodplain. Manufactured 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<sup>111</sup>**
    - a) One guest parking space shall be provided in a common parking area for every five manufactured home spaces in the development.
    - b) No manufactured home shall be located so that any part of such unit will obstruct any roadway or walkway in the development.
    - c) No manufactured 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 home and parking area unless otherwise approved by Public Works Director, and shall be privately owned and maintained.
    - b) The entrance to the manufactured home park shall be from a public road, at least 150 feet from any public street intersection, and at least 20 feet in width.<sup>112</sup>
- d. Operation and Ownership**
1. **Utilities**
    - a) Each manufactured dwelling unit shall connect to public water, electrical, and sanitary sewer.
    - b) All utilities, except major power transmission lines, shall be placed underground.

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<sup>109</sup> Existing standards on the minimum space size based on type of unit have been removed. Maximum density standard should address this issue similarly and in a more intuitive way. Side setback is reduced from 20 to 10 feet.

<sup>110</sup> Pending additional conversations with the Building Department this setback distance may be reduced.

<sup>111</sup> Vehicle parking standards may be relocated to development standards in subsequent drafts.

<sup>112</sup> Access width reduced from 30 feet.

## 2. Replacement of Manufactured Homes

- a) Replacement manufactured 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.

### (7) Group Home, Large<sup>113</sup>

- 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 Section 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.
- c. In the R4 district, a Large Group Home shall be established within a manufactured home.

### (8) Group Home, Small<sup>114</sup>

- 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 residential dwellings, provided that they meet the definition of Small Group Home in Section 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.
- c. In the R4 district, a Small Group Home shall be established within a manufactured home.

### (9) Single-Room Occupancy<sup>115</sup>

- a. **Design and Layout**
  - 1. Each unit shall include a sink, toilet, and shower.
  - 2. Each unit shall include a refrigerator, microwave oven, food preparation area, and food storage.
  - 3. A stove, conventional oven, and food preparation area shall be provided within each unit or in common areas for every four units.
  - 4. Personal storage space shall be provided within each unit.
- b. **Operation and Ownership**  
Facilities with 12 or more rooms shall have a resident on-site manager.

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## (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, one off-street parking space shall be provided for nonresident employee.<sup>116</sup>

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<sup>113</sup> Neighborhood density standard removed to ensure compliance with FHAA.

<sup>114</sup> Neighborhood density standard removed to ensure compliance with FHAA.

<sup>115</sup> New use. New standards proposed.

<sup>116</sup> Consider addressing parking standards with all other parking standards in Article 16-4 in future draft.

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 12 children.

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## (d) Commercial Uses

### (1) Kennel<sup>117</sup>

#### 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

Kennels with outdoor activities shall not be located within 300 feet of a residential lot in a residential zoning district. Kennels that are entirely enclosed (indoor) shall not be located within 100 feet of a residential lot in a residential zoning district.

#### 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 Hospital<sup>118</sup>

Veterinary clinics or hospitals shall comply with the standards for outdoor activity established for Kennels.

### (3) Bed and Breakfast<sup>119</sup>

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

### (4) Short-Term Rental<sup>120</sup>

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:

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<sup>117</sup> New standards for new use.

<sup>118</sup> New standards proposed for existing use.

<sup>119</sup> New standards proposed for existing use.

<sup>120</sup> Existing standards are carried forward with minor edits to ensure consistent language and structure and reflect where this use is permitted in the Table of Allowed Uses. The purpose statement is not carried forward.

**a. Location and Access**

1. The maximum number of short-term rentals in the R1, R2, R3, and R4 districts shall not exceed 3.5 percent of the total number of dwelling units eligible as short-term rentals (not including apartment units and accessory dwelling units) in those residential zones. This number shall be based on the survey of dwelling units in the residential zones completed in 2017 with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. Permitted short-term rentals in existence at the time of the adoption of this section shall be included in the calculation of the maximum number of units allowed. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.
2. The maximum number of short-term rentals in the MN, MC, MH, and MD districts shall not exceed the caps set forth in **Section 6-6-20**. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the non-residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this Section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.
3. In the R1, R2, R3, and R4 districts, no more than one short-term rental is permitted per street segment, which includes the dwelling units on both sides of the street.

**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 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. Owners of property purchased, or under valid and executed contract to be purchased, in the MN, MC, MH, and MD districts, prior to December 19, 2021, are excepted from the preceding sentence, provided that the unit existed or had a valid building permit for construction before December 19, 2021, and provided that the short-term license applications are filed on or before June 1, 2022. All short-term rental permits shall be granted solely to the applicant at the address for which the permit is issued and shall not be transferable to any other person or legal entity or property. The owner of the short-term rental is responsible for compliance with the provisions of this section and Chapter 6 Article VI pertaining to short-term rental licensing.
3. Properties that cannot comply with the criteria set forth in this section and in Chapter 6 Article VI of the Salida Municipal Code may appeal the decision of the Director per **Section 16-8-70(c), Appeals**.

**c. Operation and Ownership**

1. Short-term rentals are not permitted in multi-family dwellings at any time in any zone district.<sup>121</sup>
2. Applicants wishing to rent an individual room(s) on a short-term basis in an owner-occupied dwelling unit shall comply with the standards for Bed and Breakfast per Table 3-A.
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;

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<sup>121</sup> Updated terminology from "apartment building" to match table of allowed uses.



- 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. In the R1, R2, R3, and R4 districts, short-term rentals shall be rented as a short-term rental for no more than 185 calendar days a year.
  5. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
  6. No short-term rental shall be operated in such a way as to constitute a nuisance.
  7. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing. Events, such as concerts and wedding events are prohibited.
  8. 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.

**(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<sup>122</sup>**

- 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.

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<sup>122</sup> Medical Marijuana Store standards are adapted and applied to retail marijuana stores.

2. All materials, projections, entertainment, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible from off-premises areas or from portions of an establishment accessible to minors.
3. Sounds from projections, entertainment, or other activities shall not be audible from off-premises areas.
4. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.
5. 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.<sup>124</sup>
  - 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, R4, or MN 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 Chapter 1, Article IV of this Code.
4. Adult entertainment establishments shall be closed to the public between the hours of 1:00 a.m. and 9:00 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, unless alcohol is served, in which case 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 of the Code or who violates any provision of this Subsection commits unlawful conduct and shall be subject to an injunction, civil penalties, and criminal penalties, as set forth in Chapter 1, Article IV of this Code.
7. Each day of operation in violation of any provision of this Subsection shall constitute a separate offense.

**(8) Adult Bookstore/Novelty**

**a. Design and Layout**

1. Exterior doors shall remain closed during business hours.

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<sup>124</sup> Setbacks increased to 250 feet from 200 feet.

2. All materials, projections, or other activities involving or depicting sexual activities or sexual anatomical areas shall not be visible from off-premises areas or from portions of an establishment accessible to minors.
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, R4, 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.<sup>125</sup>

**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 Section 16-1-80, 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.

**(9) Campground<sup>126</sup>**

**a. Design and Layout**

1. 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.
2. Tent pads and camper sites shall be no greater than 30 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.
3. In the AG district, a campground shall only be permitted as an accessory use.<sup>127</sup>

**(10) Commercial Recreation, Outdoor**

In the AG district, a campground shall only be permitted as an accessory use.<sup>128</sup>

<sup>125</sup> Setback distance decreased from 200 feet to 150 feet.

<sup>126</sup> New standards for existing use.

<sup>127</sup> New.

<sup>128</sup> New.

**(11) Recreational Vehicle Park<sup>129</sup>**

**a. Design and Layout**

**1. General**

- a) A recreational vehicle park shall be developed and operated on a site of at least two acres.
- b) Each recreational vehicle unit space shall be 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 15 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 count toward the minimum landscape area standard of the underlying zone district.

**3. Service Building<sup>130</sup>**

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 toilet facilities for each gender 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.

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<sup>129</sup> Standards are generally carried forward. Modifications are proposed to ensure language used is consistent. Standard related to development standards (e.g., parking, lighting, landscaping, etc.) are proposed to be located along with those standards.

<sup>130</sup> Removed standards related to the materials to be used on floors, number of telephones, requiring proper lighting and ventilation, related to fire hydrants and fire extinguishers, and requiring screens on windows. These are overly detailed or addressed by fire and building code. The City can include these items on a checklist or administrative manual as opposed to detailing in the Code.

**c. Operation and Ownership<sup>131</sup>**

1. Dump stations may be installed, in accordance with City specifications.<sup>132</sup>
2. One container for trash and one container for recycling 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.<sup>133</sup>
4. An on-site manager shall be available at all times.

**(12) Recreational Vehicle (Long-Term Occupancy)<sup>134</sup>**

- a. Except as otherwise provided for in this section, recreational vehicles may be occupied for residential or commercial 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 commercial or 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.
  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.
  7. No more than one long-term occupancy recreational vehicle may be permitted per lot.

**(13) General Retail, Small and Large<sup>135</sup>**

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.

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<sup>131</sup> Standards that simply state that utilities or facilities must meet code have been removed since that should be assumed.

<sup>132</sup> In discussion with Public Works Department a dump station may be required over a certain number of RV spaces in a future draft.

<sup>133</sup> Simpler standard is proposed for provision of toilets, urinals, lavatories, and showers.

<sup>134</sup> Minor changes to existing standards are proposed (e.g., limit to one RV per lot and no short-term rental).

<sup>135</sup> Existing general retail standards carried forward, but only applied to small retail.

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## (e) Industrial Uses

### (1) Brewery or Bottling Plant<sup>136</sup>

- 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 8:00 a.m.

All activities shall occur entirely within an enclosed structure.

### (3) Manufacturing, Light<sup>139</sup>

- 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 8:00 a.m.
- c. Retail sales associated with this use shall comprise no more than 25 percent of the gross floor area.

### (4) 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 Section 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 8 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.

### (5) Marijuana Product Testing and Manufacturing<sup>140</sup>

#### 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 Section 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 8 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.

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<sup>136</sup> New standards for new use.

<sup>138</sup> New standards for new use.

<sup>139</sup> New standards.

<sup>140</sup> New standards for existing use.

**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.

**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 **Section 16-4-X, Fencing and Screening**.
3. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is permitted.

**(7) Communications Facility**

**a. Design and Layout**

1. The owner or operator of a proposed facility shall document in writing that it complies, and will continue to comply, with current Federal Communications Commission (FCC) standards for cumulative field measurements of radio frequency power densities and electromagnetic fields, and FCC regulations prohibiting localized interference with the reception of television and radio broadcasts.
2. A proposed facility, including antennae, shall not exceed the maximum structure height established for the zoning district in which the facility is to be located. Building- or structure-mounted antennas shall extend no more than 10 feet above the highest point of the building or structure to which they are attached.
3. The maximum protrusion of mounted facilities from the building or structure to which they are attached shall be two feet unless it can be shown by the applicant that it is not feasible to meet this criterion.
4. The siting of a proposed facility must utilize existing or new land forms, vegetation, landscaping, and structures so as to screen the facility from surrounding properties and public rights-of-way to the maximum extent feasible, and/or blend the facility with its surrounding environment.
5. Facility design, materials, color, and support structures, if any, shall be compatible with the surrounding environment, and monopole antennae and/or support structures shall be tapered from base to tip.
6. Any accessory equipment, shelters or components shall be grouped together as closely as possible and screened from view.

**b. Operation and Ownership**

All permits for communication facilities shall be subject to a bond or other adequate financial security posted by the permittee and deposited with the City to ensure the disassembly and removal of the facility upon the expiration of the facility. The bond or other security shall designate the City as beneficiary.

## 16-3-40 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.
2. No more than one accessory dwelling unit may be permitted on a single lot.

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<sup>142</sup> New standards for new use.

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.

There shall be one additional off-street parking space provided for the accessory dwelling unit. Where alley access to the property exists, the required parking for detached ADUs shall be accessed from the alley, unless sufficient off-street parking with unencumbered access to the ADU can be provided on the remainder of the lot, or as allowed for corner lots in [Section 16-8-20\(e\)\(1\)\(i\)](#).

**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) Commercial Outdoor Storage, Accessory<sup>146</sup>**

- 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 100 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 [Section 16-4-X, Fencing and Screening](#).

**(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.
3. Drive-through lanes and stacking spaces are prohibited between the building façade and the front lot line.<sup>147</sup>Existing drive-through facilities in the MD district may be continued with approval of a conditional use permit per Section [16-80-50\(c\)](#).<sup>148</sup>

<sup>144</sup> Parking standards have been removed to be addressed with development standards.

<sup>146</sup> New standards for new use.

<sup>147</sup> New standard.

<sup>148</sup> New standard to address continuation of drive throughs in MD district where they are no longer allowed.



**(4) Home Occupation<sup>149</sup>**

**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 of 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 one employee residing off-premises.
4. Incidental sale of supplies or products associated with the home occupation shall be permitted on the premises. 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, except as provided in Article 16-6, *Signs*.<sup>151</sup>

**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 100 percent of the gross floor area of the principle 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) Sale of Produce or Plants Raised on Premises<sup>154</sup>**

- a. The sale of produce or plants shall not include marijuana or marijuana products.
- b. No permanent structures shall be erected for sale of produce or plants.

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<sup>149</sup> Standards generally carried forward but unique standards for Home Business are removed – these uses have generally been listed as separate uses. Removed standards the require compliance with Fire and Building Code (should be implied) and updated retail sales standards, and operation hours to be less arbitrary.

<sup>151</sup> This standard may be updated based on future changes to Article 16-6.

<sup>153</sup> New standards for new use.

<sup>154</sup> New standards for new use.

**(7) Street Patio<sup>155</sup>**

**a. Design and Layout**

1. Outdoor dining areas, called street patios, shall not interfere with pedestrian access to any public or private door, shall provide at least four 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 four 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.
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 lease amount as provided in the revocable license agreement.<sup>156</sup>

**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 the 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 Section 11-4-20 of the Salida Municipal Code.
6. New street patios shall be approved for no more than one year. Existing street patios may be conditionally approved for more than one year.
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.

<sup>155</sup> Updated standards to remove description of where the use is allowed so it is based on the Table of Allowed Uses with expanded permissions in other zoning districts.

<sup>156</sup> Parking standards may be consolidated in development standards in a future draft.

## 16-3-50 Temporary Uses and Structures

### (1) Construction Support Activity<sup>157</sup>

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<sup>158</sup>

#### a. Location and Access

1. Only one permitted outdoor vendor is allowed per lot unless otherwise approved through the approved permit. More than one outdoor vendor may be permitted on one lot during special events with approval of a temporary use 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 Article II of Chapter 6 of the Salida Municipal Code, related to Temporary Commercial Activities/Vending Permits.
2. Outdoor vendors shall comply with all applicable health and safety codes and a permit for the use is obtained from the Building Official.
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) Temporary Special Event<sup>159</sup>

#### a. Location and Access

1. Adequate parking shall be provided, as determined by the Director.
2. The event shall comply with all applicable health and safety codes and a permit for the use is obtained from the Director. The Fire District and Police Department shall determine that the site is accessible for public safety vehicles and equipment.
3. The use shall comply with all applicable health and safety codes and a permit for the use is obtained from the Director.

#### b. Operation and Ownership

1. Temporary special events shall last no longer than three days in a calendar year.
2. Adequate restroom facilities shall be provided, as determined by the Director.
3. Property owners adjacent to the proposed event shall be notified prior to approval.
4. The proposed use shall comply with Article II of Chapter 6 of the Salida Municipal Code, related to Temporary Commercial Activities/Vending Permits.

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<sup>157</sup> New standard for new use.

<sup>158</sup> Existing "Temporary Retail and Display" use is modified to accommodate mobile food vendors (e.g., food trucks).

<sup>159</sup> New standards for new use.

## **Article 16-4      Development & Design Standards**

*[To be submitted with Installment 3 – Development Standards]*

## **Article 16-5      Subdivisions**

*[To be submitted with Installment 3 – Development Standards]*

## **Article 16-6      Signs**

*[To be submitted with Installment 3 – Development Standards]*

## **Article 16-7      Historic Preservation**

*[To be submitted with Installment 3 – Development Standards]*

## **Article 16-8      Administration and Procedures**

*[Submitted with Installment 1 – Administration and Procedures]*

## **Article 16-9      Inclusionary Housing**

*[To be submitted with Installment 3 – Development Standards]*

# Article 16-10 Rules of Construction and Definitions

## COMMENTARY

This is the second installment of the definitions article, which will be built incrementally with each installment of the new code. The first installment included definitions related to the administration articles. This second installment includes definitions related to dimensions, use categories, and use types.

The definitions are proposed to be located, here, at the end of the document, which is typical to reduce the length of Article 16.01, General Provisions, and make the entire code more user-friendly. This section will become longer as definitions are added for all proposed use categories, use types, and as development standards are drafted. Footnotes will be used to highlight specific definitions that we or staff think merit a definition. As the list becomes finalized (i.e., no edits to the definition or concept are likely) we can begin illustrating and including in future drafts throughout the course of the project.

## 16-10-10 Rules of Construction<sup>160</sup>

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

## 16-10-20 Definitions of Use Categories and Use Types

### COMMENTARY

This section includes the defined terms of the general categories and specific use types listed in the main use table. The list is organized to match the structure of the use table, including definitions for use categories. Use category definitions are included to aid staff with defining new and unlisted uses. While some definitions are carried forward intact, many are new or revised to provide more clarity, consistent terminology across definitions, and to eliminate use-specific standards. Revisions and/or new uses are footnoted accordingly.

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## Residential Uses

### Household Living

Uses characterized by residential occupancy of a dwelling unit by a “Family.” 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 family as an independent living unit.

Two detached dwelling units located on a single lot designed or arranged to be occupied by two families living independently.

#### **Dwelling, Duplex<sup>163</sup>**

A building with two dwelling units located on a single lot designed or arranged to be occupied by two families living independently. A duplex dwelling unit may have a side-by-side, front and back, or stacked configuration.

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<sup>160</sup> Current 16-1-60.

<sup>162</sup> Previously called “Multiple Principal Residential Structures.” Previously undefined. New definition proposed.

<sup>163</sup> Existing use. Definition modified to include front and back duplexes and standardize language across dwelling definitions.

**Dwelling, Townhouse<sup>164</sup>**

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 family on its own lot or tract.

**Dwelling, Multi-Family (3-4 Units)<sup>165</sup>**

A building with three or four dwelling units located on a single lot designed or arranged to be occupied by the same number of families living independently.

A building containing five or more separate dwelling units designed or arranged as independent living units.

**Dwelling, Co-Housing<sup>168</sup>**

A residential development that combines five or more small, individually owned units on a single lot with common open space and sometimes including a larger community kitchen and dining room intended for communal use on a regular basis. The residents in a co-housing development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and childcare.

**Dwelling, Live/Work<sup>169</sup>**

A dwelling unit containing an integrated living and working space in different areas of the unit.

**Manufactured Home<sup>170</sup>**

A dwelling that is manufactured 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, mobile homes, or modular homes.

**Manufactured Home Park<sup>171</sup>**

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)<sup>172</sup>**

A recreational vehicle designed for residential occupancy for by one family for no more than six months.

**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<sup>173</sup>**

Any residential facility 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.

<sup>164</sup> New use and new definition.

<sup>165</sup> Previously undefined. New definition proposed based on updated definition of Duplex.

<sup>167</sup> Existing use. Definition updated due to inclusion of 3 and 4-unit apartments as separate uses.

<sup>168</sup> New use and new definition.

<sup>169</sup> New use and new definition.

<sup>170</sup> Existing use with updated definition to clarify construction standards.

<sup>171</sup> Updated term and definition from Mobile Home Park.

<sup>172</sup> New definition for existing, undefined use based on current nature of this use.

<sup>173</sup> New definition for updated use (expanded to include similar uses to Nursing Home).

**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.

**Rooming or Boarding House**

A building, other than a hotel/motel, bed and breakfast, or restaurant, where, for direct or indirect compensation, lodging and/or meals are provided for three or more boarders and/or roomers, exclusive of the occupant's family.

**Single-Room Occupancy<sup>174</sup>**

A commercial residential building with multiple, single-room dwelling units that are rented on a monthly basis as a primary residence.

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**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<sup>175</sup>**

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, 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.

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<sup>174</sup> New use and new definition. SRO is a housing type that offers small, affordable rental units with limited facilities, often resembling a hotel/motel room. Use-specific standards establish the minimum level of private and common facilities that should be provided.

<sup>175</sup> Formerly "Government Administrative Facilities and Services" and "Community Buildings" uses. New definition to reflect the broader, consolidated use.

**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<sup>176</sup>**

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<sup>177</sup>**

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, and accessory facilities that may include seating areas, picnic shelters, restrooms, drinking fountains, and parking areas.

**Public Recreation, Indoor<sup>178</sup>**

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<sup>179</sup>**

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<sup>180</sup>**

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.

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<sup>183</sup>**

A surface parking lot, above-ground structure, or below-ground structure operated as a principal use by local government or commercially.

**Transit Stop<sup>184</sup>**

An area posted as a place where transit passengers board or exit.

**Transit Terminal or Station<sup>185</sup>**

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.

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<sup>176</sup> Existing use. New definition.

<sup>177</sup> Updated definition.

<sup>178</sup> Updated definition.

<sup>179</sup> Updated definition.

<sup>180</sup> Updated definition.

<sup>183</sup> Existing, undefined use. New definition provided.

<sup>184</sup> New use. New definition.

<sup>185</sup> Formerly "Bus Station." Existing definition is modified.



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## 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<sup>186</sup>**

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.

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<sup>189</sup>**

Any establishment where five or more domestic animals are trained, groomed, boarded, fed, sold, or bred as a commercial activity.

#### **Veterinary Clinic or Hospital<sup>190</sup>**

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, and parking. Specific use types include:

#### **Bar, Lounge, or Tavern<sup>191</sup>**

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. Accessory uses may include live entertainment and/or dancing but shall not include Adult Entertainment.

#### **Microbrewery, Distillery, or Winery<sup>192</sup>**

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

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<sup>186</sup> New use. New definition.

<sup>188</sup> New use. New definition.

<sup>189</sup> New use. New definition.

<sup>190</sup> Existing use. Updated definition.

<sup>191</sup> Formerly "Eating and Drinking Establishment." Updated definition.

<sup>192</sup> New use. New definition.

drinking establishments, restaurants, or wholesalers. Such uses may operate in conjunction with a Bar, Lounge, or Tavern and/or a Restaurant.

### **Restaurant<sup>193</sup>**

An establishment where food and beverages are prepared, served, and consumed primarily on the premises, within a building or on an outdoor patio.

## **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<sup>194</sup>**

An owner-occupied overnight lodging establishment where at least two individual bedrooms are offered as single accommodations 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.

### **Hotel or Motel<sup>195</sup>**

An establishment offering transient lodging in bedrooms, sleeping rooms, and dwelling units at a daily rate. The building or buildings include common facilities for reservations, reception, and maintenance 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, or any Residential use.

### **Short-Term Rental<sup>196</sup>**

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.

## **Marijuana<sup>197</sup>**

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 Section 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:

<sup>193</sup> Formerly "Eating and Drinking Establishment." Updated definition.

<sup>194</sup> Existing use. Updated definition.

<sup>195</sup> Formerly "Commercial Lodging." Updated definition.

<sup>196</sup> Existing definitions for Short-Term Rental and Vacation Rental are consolidated and updated.

<sup>197</sup> All definitions have been updated for consistency and to reflect State law and regulations.

**General Personal Service, Small<sup>198</sup>**

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<sup>199</sup>**

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<sup>200</sup>**

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, 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.

**Campground<sup>202</sup>**

An outdoor facility designed for short-term or seasonal overnight accommodation of human beings in tents, rustic cabins, or shelters for recreation, education, naturalist, or vacation purposes. No more than one recreational vehicle shall be allowed. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

**Commercial Recreation, Outdoor<sup>203</sup>**

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)<sup>204</sup>**

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,

<sup>198</sup> Modified existing use to differentiate between small and large establishments.

<sup>199</sup> Modified existing use to differentiate between small and large establishments.

<sup>200</sup> New use. New definition.

<sup>202</sup> Existing use. New definition to differentiate from RV Park. Consolidation of these uses could occur in a future draft.

<sup>203</sup> Existing use. New definition.

<sup>204</sup> New use. New definition.

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)<sup>205</sup>**

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<sup>206</sup>**

An outdoor facility designed for short-term or seasonal overnight accommodation of human beings 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 human beings in tents, rustic cabins, and shelters may be provided incidental 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:

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 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<sup>209</sup>**

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.

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 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<sup>211</sup>**

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<sup>212</sup>**

An establishment primarily engaged in the display, sale, lease, rental, repair, or service of recreational vehicles or manufactured, modular, or mobile homes.

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<sup>205</sup> New use. New definition.

<sup>206</sup> Existing use. New definition to differentiate from Campground.

<sup>208</sup> Modified existing use to be based on size. New definition.

<sup>209</sup> Modified existing use to be based on size. New definition.

<sup>211</sup> Existing definition is updated.

<sup>212</sup> Existing, undefined use. New definition.

**Vehicle Sales and Service<sup>213</sup>**

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 includes 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<sup>214</sup>**

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.

**Commercial Laundry and Dry Cleaning<sup>215</sup>**

An establishment that cleans garments, fabrics, draperies, etc., with a liquid other than water. The facility is generally not 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<sup>216</sup>**

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.

**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 clocks and watches, 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

<sup>213</sup> Existing, undefined use. New definition.

<sup>214</sup> New use. Existing definition for "Brewery" is modified.

<sup>215</sup> New use. New definition.

<sup>216</sup> New use. New definition.

upholstering shops. Light industrial does not allow for large structures outside of principal buildings, such as refineries.

### **Marijuana<sup>217</sup>**

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<sup>218</sup>**

An establishment licensed 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, 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<sup>219</sup>**

An establishment licensed 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, to manufacture, prepare, package, and sell marijuana-infused products or analyze and certify the safety and potency of marijuana.

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<sup>221</sup>**

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<sup>222</sup>**

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 Commercial Outdoor Storage.

#### **Warehouse, Enclosed Storage, or Truck Terminal<sup>223</sup>**

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.

<sup>217</sup> All definitions have been updated for consistency and to reflect State law and regulations.

<sup>218</sup> Formerly, "Medical Marijuana Optional Premises Cultivation Operation." Modified definition.

<sup>219</sup> Formerly "Marijuana Infused Products Manufacturing Operation (Medical or Retail)." Updated definition.

<sup>221</sup> Existing, undefined use (formerly "Junkyard, Salvage Yard, or Wrecking Yard"). New definition.

<sup>222</sup> New use. New definition.

<sup>223</sup> Existing use. Consolidation of definitions for "Truck Terminal" and "Warehouse."

**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:

**Communications Facility**

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

**Utility, Major<sup>224</sup>**

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<sup>225</sup>**

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 principal use of the lot, building, or another structure on the same lot. Specific use types include:

**Accessory Dwelling Unit (ADU)**

A residential dwelling unit located on the same lot as a primary dwelling unit and subordinate to that primary unit in conditioned living space. ADUs may be internal to, attached to, or detached from the primary dwelling unit and generally include living, sleeping, food preparation, and sanitary facilities, and a separate lockable entrance door.

**Commercial Outdoor Storage, Accessory<sup>226</sup>**

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.

**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<sup>227</sup>**

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

<sup>224</sup> New use. New definition.

<sup>225</sup> New use. New definition.

<sup>226</sup> New use. New definition.

<sup>227</sup> Existing use. Definition updated to include additional descriptions and consolidate the definition of "Home Business."

surrounding properties. Employment of the business shall include a resident of the dwelling but may include one employee residing off-premises and may serve one patron at a time on the premises.

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<sup>231</sup>**

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.

**Street Patio<sup>232</sup>**

An outdoor dining area, sometimes within the public right-of-way, used to serve patrons with food and beverages. This use does not include Outdoor Vendor.

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**Temporary Uses**

**Construction Support Activity<sup>233</sup>**

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.

Retail sales, food and beverage service, or other commercial uses that occur in vehicles, towed trailer, 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<sup>236</sup>**

A temporary use on public or private property that lasts no more than three 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 Other Terms Defined**

**Accessory Building or Structure**

A detached, subordinate building or structure located upon the same lot as a primary building or structure to which it is related, which is clearly incidental, subordinate, secondary, and devoted to the primary building or structure.

**Administrator<sup>237</sup>**

The Administrator of the City, or their designee.

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<sup>230</sup> New use. New definition.

<sup>231</sup> New use. New definition.

<sup>232</sup> Formerly, "Downtown Street Patio" – an undefined use. New definition.

<sup>233</sup> New use. New definition.

<sup>235</sup> Formerly, "Temporary Retail and Display." Definition updated to include food truck-type activities.

<sup>236</sup> New use. New definition.

<sup>237</sup> New.



**Alteration, Large**<sup>238</sup>

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

**Alteration, Small**

Any alteration to an existing residential building or an alteration or change of use to a mixed-use or nonresidential building that increases the gross floor area or lot coverage (by structures or impervious area) by less than 25 percent and does not increase the parking requirements on the property by more than ten spaces. Construction of one or more dwellings in an existing building in the MD district where the construction results in four or fewer dwelling units shall be considered a small alteration.

**Annexation**<sup>240</sup>

The process of incorporating an unincorporated portion of Chaffee County into the boundaries of the City pursuant to the Municipal Annexation Act of 1965, Section 31-12-101, *et seq.*, C.R.S. and in accordance with the procedures in Section 16-8-40(d).

**Applicant**<sup>241</sup>

A person who submits a development application requesting approval of a permit or other permission authorized by this Chapter.

**Board of Adjustment**

The Board of Adjustment for the City of Salida.

**Block**<sup>242</sup>

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.

**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**<sup>243</sup>

The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of the Building Code.

**Certificate of Approval (CA)**

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

**Conditional Use Approval**<sup>244</sup>

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.

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<sup>238</sup> Discuss whether to use these existing terms "large and small alteration" as triggers in the new nonconforming site features section in Article 16.01.

<sup>240</sup> Revised to reference annexation procedure in this Code.

<sup>241</sup> New.

<sup>242</sup> New.

<sup>243</sup> New.

<sup>244</sup> Revised from "conditional use" to "conditional use approval."

**Conditioned Living Space<sup>245</sup>**

All areas of an accessory dwelling unit (ADU), exclusive of unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than 50 square feet.

**Condominium<sup>246</sup>**

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.

**City Council**

The City Council of the City of Salida.

**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<sup>247</sup>**

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.

**Development<sup>248</sup>**

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 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 Section 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.

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<sup>245</sup> New definition based on existing application of this standard to ADUs.

<sup>246</sup> New.

<sup>247</sup> New.

<sup>248</sup> New.

**Director**

The Community Development Director of the City, or their designee.

**Dwelling**

A building or a portion of a building containing one room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure.

**Dwelling Unit**

A building or portion of a building that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**FHAA<sup>249</sup>**

The federal Fair Housing Amendments Act of 1988.

**Habitable Floor Area**

The total floor area contained within the inside walls of a structure with at least 7 feet of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements, or utility rooms less than 50 square feet in area.

**Lot**

A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards, as are required under the provisions of this 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.

**Materially Different<sup>250</sup>**

An application is considered materially different if it changes the means of access, the number of buildings, the number or size of lots, or an increase in the height or square footage of the proposed buildings relative to the previously submitted application or approved plan.

**Maximum Extent Practicable<sup>251</sup>**

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<sup>252</sup>**

A development approval authorizing limited deviations from certain dimensional and numerical provisions of this Chapter subject to the procedures in Section 16-8-70(b).

**Mobile Home**

A dwelling built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities. This definition does not include recreational vehicles, manufactured homes, or modular homes.

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<sup>249</sup> New.

<sup>250</sup> New.

<sup>251</sup> New.

<sup>252</sup> New.

**Modular Home**

A dwelling that is manufactured or preconstructed to comply with the International Residential Code as adopted by the City of Salida. This definition does not include recreational vehicles, mobile homes, or manufactured homes.

**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<sup>253</sup>**

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<sup>254</sup>**

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, maximum 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.

**Ornamental Architectural Features**

Unoccupied spires, towers, flues, vents, cornices, parapets, elevator shafts, stair enclosures, and similar features as determined by the Director. Ornamental architectural features shall not include space for living, sleeping, eating, cooking, restrooms, halls, storage, or similar space.

**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.

**Principal Use**

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

**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.

**Ownership Parcel**

See *lot*, as defined in this Chapter.

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<sup>253</sup> New.

<sup>254</sup> Revised to remove reference site features, which are covered by separate nonconforming site feature definition.

**Parcel**

See *lot*, as defined in this Chapter.

**Planned Development**<sup>255</sup>

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 intended to provide additional benefit to the City in return for added flexibility and are negotiated through the Rezoning to PD procedures in Section 16-8-40(b).

**Planning Commission**<sup>256</sup>

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.

**Recreational Vehicle**

A pickup camper, motor home, travel trailer, tent trailer, or similar mobile unit, sometimes called an RV, that has wheels, is intended to be transported over streets, roads, and highways as a motor vehicle or attached to a motor vehicle and is designed primarily for use as a temporary unit for human occupancy.

**Right-of-Way**<sup>257</sup>

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, drainage, irrigation, utilities, and other public services and improvements.

**RLUIPA**<sup>258</sup>

The Religious Land Use and Institutionalized Persons Act of 2000.

**Site Plan**<sup>259</sup>

A plan drawn to scale showing the uses and structures proposed for a lot or parcel. This definition also includes the evaluation of site plans in accordance with the procedures in Section 16-8-50(a) (minor site plans) and Section 16-8-50(b) (major site plans).

**Site-Specific Development Plan**<sup>260</sup>

A plan that has been submitted to the City by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right in accordance with state law and the procedures in Section 16-8-30(h).

**Staff**

An employee of the Community Development Department.

**Structural Alteration**

An addition to or subtraction of parts from a structure, including walls, columns, beams, girders, foundation, doors, windows, or roof.

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<sup>255</sup> New.

<sup>256</sup> New.

<sup>257</sup> New.

<sup>258</sup> New.

<sup>259</sup> New.

<sup>260</sup> Revised to reference state law and specific common review procedures for vested rights.

**Structure**

Any manmade 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 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 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.

**Tract<sup>261</sup>**

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.

**Variance<sup>262</sup>**

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 Section 16-8-70(a).

**Vested Property Rights<sup>263</sup>**

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 Section 16-8-30(h).

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<sup>261</sup> New.

<sup>262</sup> New.

<sup>263</sup> Revised to reference state law and the specific procedures in this Code for vested rights.

# Article 16-11 Heading 1

## COMMENTARY

This section is included only for purposes of drafting and style manipulation. This “template” section will not be included in any documents intended for final review or adoption.

## 16-11-10 Heading 2

Body 2

### (a) Heading 3

Body 3

(1) List 3

#### (2) Heading 4

Body 4

a. List 4

#### b. Heading 5

Body 5

1. List 5

#### 2. Heading 6

Body 6

a) List 6

#### b) Heading 7

Body 7

1) List 7

#### 2) Heading 8

Body 8

i. List 8