

ARTICLE I

General Provisions

16-1-10. Title and short title.

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

16-1-20. Authority.

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

16-1-30. Purposes.

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

16-1-40. Jurisdiction.

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

16-1-50. Presumption of validity.

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

16-1-60. Rules of construction.

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

16-1-70. Severability.

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

16-1-80. Definitions.

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

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

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

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

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

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

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

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

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

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

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

attention. Approved traffic-control devices are not considered attention-attracting devices for purposes of this Code.

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

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

Bed and breakfast inn means an overnight lodging establishment that provides short-term lodging for a charge to the public, generally for periods of less than one (1) month, having an owner or manager residing on the site. Incidental sale of supplies or products associated with the bed and breakfast shall be permitted on premises. An appropriate sales tax license shall be obtained and maintained during the course of business.

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

Board means the Board of Adjustment of the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commission means the Planning Commission of the City.

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

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

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

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

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

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

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

Day care, large means a residence, facility or preschool which provides regular care and supervision for more than eight (8) children at any one (1) time during the day for compensation.

Day care, small means a residence, facility or preschool which provides regular care and supervision for eight (8) or less children at any one (1) time during the day for compensation.

Demolition means the total or partial destruction, disassembly, damage, razing or tearing down of a structure or any portion thereof. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure. The term excludes the sudden or cataclysmic

destruction of or damage to a structure due to acts of nature, including fire, earthquake, wind, excessive snow load or flood.

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

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

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

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

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

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

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

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

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

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

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

Floor area, habitable means the total floor area contained within the inside walls of a structure with at least 7.0' of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements, and utility rooms less than 50 sq. ft. All other areas of an accessory dwelling unit shall count towards habitable floor area.

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

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

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

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

Grade, means the elevation of the surface of the ground.

Group home means a residential building that is owned and operated by a nonprofit organization or is owner-occupied, which is occupied by not more than eight (8) persons who are sixty (60) years of age or older who do not require skilled or intermediate care facilities; or a residential building that contains a state-licensed facility for the exclusive use of not more than eight (8) developmentally disabled persons having such illnesses as cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S.

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

Historic district means a defined neighborhood or area determined by the City, State or National Park Service within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including proportion, form and

architectural detail, the design of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

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

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

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

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

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

Hotel, Lodge, Hostel means an establishment providing transient, overnight accommodations for individuals who are lodged.

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

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

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

Landscape area means an area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetative groundcover and turf grasses. *Landscape area* may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not

include areas covered by buildings, parking or access areas. In subdivisions, PDs and mobile home and RV parks, *landscape area* may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.

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

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

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

Lot frontage means lot width measured at the street frontage.

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

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

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

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

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

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

1. An activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to, reconstruction, rehabilitation, remodeling, renovation, relocation or demolition;
2. Alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface;
3. The installation, alteration or removal of a window or door opening;

4. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design;
5. The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means;
6. Application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element;
7. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the Administrator or his or her designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

Nursing home means any place or institution which operates and maintains facilities providing full-time or part-time convalescent and/or chronic care, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in palliative services, nursing and caring for the sick. *Nursing home* may include continuing care retirement facilities and hospice care facilities.

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

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

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

Outdoor amusement establishment means the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course and similar establishments. This use does not include a stadium.

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

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

Ownership parcel means *lot*, as defined herein.

Parcel means *lot*, as defined herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Short Term Rental Unit means a privately owned residential dwelling unit, such as a single-family detached unit, duplex, condominium, or townhome that is rented for occupancy for the purpose of lodging for any period less than thirty (30) consecutive days, not to include accessory dwelling units, apartment buildings, Bed and Breakfast Inns, hotels, lodges, and hostels.

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

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

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

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

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

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

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

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

Arterial street means the major street in the street hierarchy, which has a high traffic volume and is not intended to be a residential street. An *arterial street* provides connections with or is a major state or interstate roadway and is often the location of significant community facilities as well as retail, commercial and industrial facilities.

Collector street means a street whose function is to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume.

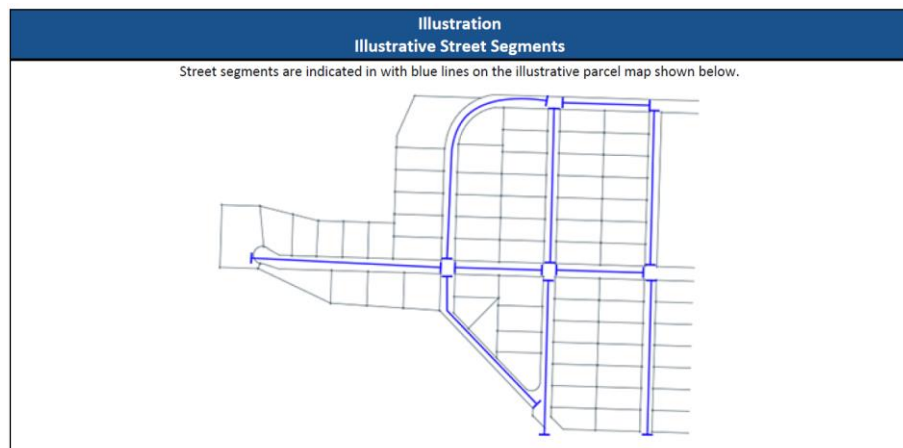
Cul-de-sac street means a local street with only one (1) outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the nearest point where the cul-de-sac intersects with the intersecting street.

Local street means a street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy.

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

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

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



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

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

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

Temporary commercial activity means general retail sales or other commercial uses such as food carts, trucks or trailers operated outside of a building. Temporary commercial activities do not include farm stands, farmers' market, holiday tree sales, yard sales, catering for events, outdoor accessory sales of an existing business established on the property and non-profit organizations for less than two (2) days in a calendar month.

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

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

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

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

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

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

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

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

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

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

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

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