

ARTICLE IV

Zoning

16-4-10. Purpose of article.

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

16-4-20. Zone districts established.

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

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

16-4-30. Official zoning map.

(a) Map Established. The boundaries of the zone districts established by this Land Use Code are shown on the map entitled "The City of Salida Official Zoning Map" (hereinafter, "Official Zoning Map"). The Official Zoning Map, and all explanatory materials contained therein, is hereby established and adopted as part of this Land Use Code, incorporated into this Land Use Code by reference and made a part hereof.

(b) Location. The Official Zoning Map is filed in the Office of the City Clerk. It is on display and available for inspection during normal business hours.

(c) Amendment. If, pursuant to Section 16-4-210 below, an amendment is made to the Official Zoning Map, such amendment shall be entered on the map by the Administrator promptly following its adoption.

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

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

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

16-4-50. Zoning of annexed territory.

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

16-4-60. Application of regulations.

(a) **Conformity to Use Regulations:** Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the zone district regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the City of Salida.

(b) **Conformity to Setback, Bulk, Site Area and Height Provisions:** Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the zone district regulations for the district in which such buildings, structures or open space is located.

(c) **Lot Area, Yard, Frontage, Landscape Area, and Parking Restrictions:** Except as hereinafter provided, no lot area, yard, frontage, landscape area or parking provided about any building for the purpose of complying with provisions of this Chapter shall be considered as providing lot area, yard, frontage, landscape area or parking for any other building, and no lot area, yard, frontage, landscape area or parking for a building on any other lot.

16-4-70. Residential zone districts.

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

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

(2) **Medium-Density Residential (R-2).** The purpose of the Medium-Density Residential (R-2) zone district is to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings and multi-family residences on smaller lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.

(3) High-Density Residential (R-3). The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.

(4) Manufactured Housing Residential (R-4). The purpose of the Manufactured Housing Residential (R-4) zone district is to provide for relatively high density manufactured housing, mobile home residences and mobile home parks. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses. (Ord. 03, 2002 §9-6-2; Ord. 2005-07 §1)

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

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

(1) Residential Mixed Use (RMU). The purpose of the Residential Mixed Use (RMU) zone district is to provide for opportunities for an integration of residential and commercial uses that are developed and operated in harmony. The district should provide a variety of housing choices and promote pedestrian connections.

(2) Commercial (C-1). The purpose of the Commercial (C-1) zone district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. Typically, residential uses are conditional within a C-1 zone district. Areas designated Commercial (C-1) are located primarily along the City's main entrance corridors.

(3) Central Business (C-2). The purpose of the Central Business District (C-2) zone district is to provide for the business and civic functions that make up the City's core. The Central Business District (C-2) has a strong pedestrian character and provides for concentrated commercial activity. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and of visitors to the community.

(4) Industrial (I). The purpose of the Industrial (I) zone district is to provide for industrial activity, both general and light, and service businesses, in areas where conflicts with commercial, residential and other land uses can be minimized. Typically, residential uses are conditional within an I zone district.

16-4-90. Principal and accessory uses.

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

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

16-4-100. Permitted uses.

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

16-4-110. Conditional uses.

(a) General. Conditional uses are those land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. It is the intent of these regulations to provide a review of conditional uses so that the community is assured that any proposed conditional uses are suitable for the proposed location and are compatible with the surrounding land uses. Conditional uses are generally appurtenant to the property supporting the use; however, conditional use permits may also be made specific to the permit holder if appropriate under the circumstances.

(b) When Allowed. Conditional uses may be permitted in designated zone districts upon approval of the Administrator or Planning Commission as provided in these regulations.

(c) Application and Review. All applications for conditional uses will be reviewed according to the procedures set forth in Section 16-3-60 for Administrative Conditional Uses and Section 16-3-80 for Conditional Uses.

(d) Review Standards. An application for conditional use approval shall comply with the following standards. In addition an application for a conditional use must demonstrate compliance with any review standards particular to that use specified in Table 16-D.

(1) Consistency with Comprehensive Plan. The use shall be consistent with the City's Comprehensive Plan.

(2) Conformance to Code. The use shall conform to all other applicable provisions of this Chapter, including, but not limited to:

a. Zoning district standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article IV.

b. Site development standards. The parking, landscaping, sign and improvements standards.

(3) Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

(4) Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

(5) Nuisance. The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare and similar conditions.

(6) Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

(7) Environment. The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

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

(a) Conditional use permit approval shall be valid for one (1) year from the date of approval or within a longer period determined by the Administrator or Planning Commission, as applicable, for uses which involve phasing, but in no event longer than five (5) years from the date of approval. The conditional use approval may contain conditions as deemed appropriate by the Administrator or Planning Commission in approving the permit. Within the one-year period, or other approved period, the permit holder must either begin construction or establish the land use authorized by the conditional use permit, including any conditions attached to the conditional use approval. Failure to start construction or establish such use within the one-year or other applicable time period shall result in automatic expiration of the conditional use permit. Once a conditional use is established, any discontinuance of the use for a period of one (1) year, for any reason, shall result in automatic expiration of the conditional use permit, unless otherwise provided in the permit. The approval of a conditional use may or may not identify an initial term for the conditional use. Upon expiration of the term, if the permit is so limited, the conditional use permit shall automatically expire.

(b) Prior to expiration of the initial term or an extended term, the applicant may submit a request to the Administrator to extend the conditional use approval, which request shall specify the reasons why the use should be permitted to continue. The approval shall be deemed extended until the Administrator or Planning Commission, as applicable, has acted upon the request for extension. The City shall be authorized to deny an extension or extend the approval and to impose additional conditions, if necessary.

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

(a) Violations. All stipulations submitted as part of a conditional use permit and all conditions imposed by the Administrator or Planning Commission, as applicable, shall be maintained in perpetuity with the conditional use. If at any time the stipulations or conditions are not met or have been found to have been altered in scope, application or design, the use shall be in violation of the conditional use.

(b) Abatement. If and when any conditional use is determined to be in violation of the terms and conditions of approval, the Administrator shall notify the permit holder in writing and shall provide the permit holder with a thirty (30) day period in which to abate the violation.

(c) Revocation. If the violation of the conditional use continues after the thirty (30) day period specified in the written request for abatement of the violation, the Administrator shall schedule a hearing before the Planning Commission. Notice of the hearing shall be provided to the permit holder in accordance with Section 16-2-30 of this Chapter. Following a proper hearing, the Planning Commission shall issue a decision either revoking or sustaining the conditional use permit.

(d) Appeals. Appeals of the Planning Commission decision regarding revocation of the conditional use permit may be brought by the permit holder according to the procedure established at Section 16-2-60 of this Chapter.

16-4-140. Uses not itemized.

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

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

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

**TABLE 16-D
Schedule of Uses**

N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									Standards¹
	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	
Residential Uses									
Accessory buildings and structures.	P	P	P	P	P	P	P	P	
Multiple principal structures	N	LR	LR	LR	LR	LR	LR	LR	Sec. 16-4-190(b)
Accessory dwelling units	AR	AR	AR	AR	AR	AR	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	N	P	P	P	P	P	LR ³	LR ³	
Residential (3 - 4 units)	N	AR	AR	AR	AR	AR	AR ³	AR ³	
Residential (5 - 19 units)	N	LR	AR	AR	LR	AR	LR ³	LR ³	
Residential (20 or more units)	N	MR	MR	MR	MR	MR	MR ³	MR ³	
Single-family dwelling units	P	P	AR ³	AR ³	AR	AR	AR ³	AR ³	
Single Mobile Home	N ³	N ³	N ³	P	N ³	N ³	N ³	N ³	
Medical marijuana cultivation—patient or primary caregiver—up to six plants	P	P	P	P	P	P	P	P	Sec. 16-4-190(j)
Medical marijuana cultivation—patient or primary caregiver—more than six plants	N	N	N	N	N	N	LR	N	Sec. 16-4-190(j)
Mobile home parks	N	N	N	LR	N	N	N	N	Sec. 16-4-190(d)
One or more dwelling units on the same site as a commercial or industrial use	N	N	N	N	AR	AR	LR	LR	
Recreational vehicles – long term occupancy	N	N	N	AR	N	N	AR	N	Sec. 16-4-190(i)
Recreational vehicle parks	N	N	N	LR	N	N	LR	N	Sec. 16-4-190(e)
Rooming or boarding houses ²	N	N	LR ³	LR ³	LR ³	LR ³	LR ³	N	
Residential Business Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Bed and breakfast inns	AR	AR	AR	AR	P	P	P	AR	
Short-term Rental Units	AR	AR	AR	AR	P	P	P	AR	Sec. 16-4-190(q)

	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	
Day care, adult	C	C	C	C	LR	AR	AR	LR	Sec. 16-4-190(f)
Day care, small	AC	AC	AC	AC	AC	AC	AC	AC	Sec. 16-4-190(f)
Day care, large	C	C	C	C	C	AC	AC	C	Sec. 16-4-190(f)
Home occupations	P	P	P	P	P	P	P	P	Sec. 16-4-190(g)
Home Businesses	LR	LR	LR	LR	AR	P	P	P	Sec. 16-4-190(g)
Public/Institutional Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Bus Stations	N	N	N	N	N	LR	LR	LR	
Churches, parish homes and religious education buildings	AR	AR	AR	AR	AR	AR	AR	AR	
Clubs operated by and for their members	LR	LR	LR	LR	LR	P	P	P	
Community buildings	LR	LR	LR	LR	LR	AR	AR	N	
Government administrative facilities and services	LR	LR	LR	LR	LR	AR	AR	AR	
Group homes	C	C	C	C	C	N	C	N	
Hospitals	N	N	N	N	MR	MR	MR	MR	
Nursing homes	N	MR	MR	MR	MR	N	MR	N	
Parks	AR	AR	AR	AR	AR	AR	AR	AR	
Public parking facilities	N	N	N	N	LR	LR	LR	LR	
Recreation facilities	C	AR	AR	AR	AR	AR	AR	AR	
Schools	LR	LR	LR	LR	LR	LR	LR	LR	
Commercial, Personal Service and Office Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Commercial lodging	N	N	N	N	LR	AR	AR	N	
Commercial parking lots and garages	N	N	N	N	LR	LR	LR	LR	
Downtown Street Patio	N	N	N	N	N	C	N	N	Sec.16-4-190 (r)
Drive-in facilities	N	N	N	N	N	LR	LR	N	Sec.16-4-190(l)
Drive-in food or beverage facilities	N	N	N	N	N	LR	LR	N	Sec.16-4-190(l)
Outdoor amusement establishment	N	N	N	N	N	N	LR	LR	
Eating and drinking establishments	N	LR	LR	LR	P	P	P	LR	
Medical marijuana centers	N	N	N	N	N	N	AR	N	Sec. 16-4-190(k)

Retail marijuana store	N	N	N	N	N	N	AR	N	Sec. 16-4-190(k)
Marijuana cultivation facilities	N	N	N	N	N	N	LR	LR	Sec. 16-4-190(p)
Professional offices	N	N	N	N	P	P	P	LR	
Campground	N	N	N	N	N	N	MR	MR	
Retail sales and rental establishments	N	LR	LR	LR	P	P	P	LR	Sec. 16-4-190(m)
Temporary commercial activities	N	N	N	N	LR	LR	AR	LR	Sec. 16-4-190(n)
General Services	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Automobile sales, service and repairs	N	N	N	N	N	LR	P	P	
Gasoline service stations and car washes	N	N	N	N	N	N	AR	AR	
Mobile home and recreational vehicle sales and services	N	N	N	N	N	N	P	P	
Veterinary clinics	N	N	N	N	N	LR	LR	LR	
Industrial Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Light industrial	N	N	N	N	LR	LR	AR	AR	
Heavy industrial	N	N	N	N	N	N	MR	MR	
Marijuana infused products manufacturing operation (Medical or Retail)	N	N	N	N	N	N	N	N	
Medical marijuana optional premises cultivation operation	N	N	N	N	N	N	N	N	
Communication facility	N	N	N	N	N	N	MR	LR	Sec. 16-4-190(o)
Storage yards	N	N	N	N	N	N	LR	LR	
Warehouses, enclosed storage and truck terminals	N	N	N	N	N	N	LR	P	
Wholesale businesses	N	N	N	N	N	LR	LR	P	
Bulk fuel storage facilities and wholesale sales of fuels	N	N	N	N	N	N	N	LR	
Junkyards, salvage yards or automobile wrecking yards	N	N	N	N	N	N	N	MR	

Notes:

¹ The standards referenced herein are in addition to all other applicable standards of this Land Use Code.

² Provided that State Health Code space and sanitation requirements are met.

³ An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F.

* The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District.

Sec. 16-4-160. Nonconformities

(a) Intent. Within the City there exist uses, structures and lots which were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of this Chapter. It is the intent of the City to permit these nonconformities to continue, but not to allow them to be enlarged or expanded, so as to preserve the integrity of the zone districts and the other provisions of this Chapter.

(b) Continuation of nonconforming use. Uses of a nonconforming building or structure may be continued subject to the following conditions:

(1) Use of a nonconforming building or structure shall not be expanded, altered, enlarged or relocated, except as permitted in Section 16-4-160(c) below.

(2) Whenever a nonconforming building or structure has been damaged by fire or other cause to the extent of more than eighty percent (80%) of its replacement cost, as determined by the Administrator, it shall only be reconstructed in compliance with the provisions of this Chapter.

(3) Nonconforming buildings may be repaired and maintained.

(4) A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.

(c) Additions to nonconforming building or structure.

(1) A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.

(2) An extension to a nonconforming structure may be permitted by the Administrator to comply with the provisions of the Americans With Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.

(d) Discontinuation, damage or destruction. A nonconforming building, premises, land, property or use shall be required to come into conformity with all applicable requirements of this Code if any of the following occur:

(1) The nonconforming use ceases for a period of one (1) year or more.

(2) Except as otherwise specifically permitted by this Code, a nonconforming building, premises, land, property or use is enlarged, altered or expanded.

(3) A nonconforming building, premises, land, property or use is changed to a conforming building, premises, land, property or use.

(4) A nonconforming building, premises, land or property which is destroyed in any manner, or is damaged in any manner not at the fault of the property owner, the building, premises, land, property or use may be restored to its original condition, provided that such restoration shall be started within six (6) months and shall be completed within twenty-four (24) months of the event of said damage or destruction.

16-4-170. Nonconforming lots.

(a) A primary structure and customary accessory buildings and structures may be developed on a lot which is nonconforming as to minimum lot size or minimum lot frontage, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to Article III above, and provided that the development complies with all other standards of this Chapter.

(b) No lot that is conforming as to minimum lot size or minimum lot frontage may be reduced in size or subdivided in such a way that it creates a nonconforming lot, causes any structure or use to become nonconforming, or causes the nonconformity of any use to increase.

Sec. 16-4-180. Zoning Variances

(a) Purpose. Variances are authorization to deviate from the literal terms of this Land Use Code that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this Land Use Code would result in undue or unnecessary hardship. A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.

(b) Variances Authorized. Variances from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum lot size, minimum setbacks and parking requirements.

(c) Administrative Variances. Because the development of much of historic Salida preceded zoning, subdivision and construction regulations, many buildings within the older neighborhoods of the City do not conform to contemporary zoning standards. In order to encourage restoration and rehabilitation activity that would contribute to the overall historic character of the community, variances from underlying zoning requirements for side and front setbacks may be granted by the Administrator under the following circumstances:

(1) Existing Primary Structure. The Administrator may grant a variance from a setback requirement for an addition to a primary structure if it continues the existing building line. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that maintenance of the building addition can be provided on the subject property and that it is not injurious to adjacent neighbors.

(2) Traditional Neighborhood Setbacks. The Administrator may grant a variance from a front setback requirement for a primary structure if the neighboring properties encroach into the front setback. The variance shall not permit the structure to encroach further into the front setback than the neighboring primary structures. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that such encroachments are the existing development pattern of the block on which the subject property is located and that the encroachment would not be injurious to adjacent neighbors.

(d) Use Variances Not Authorized. Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance.

(e) Required Showing for Variances. The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

(1) Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;

(2) Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant;

(3) Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land or building;

(4) Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building;

(5) Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building;

(6) No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and

(7) Consistency with Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

(f) Authorization to Impose Conditions. The Administrator, in approving an administrative variance, or the Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

Sec. 16-4-190. Review Standards Applicable to Particular Uses.

(a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.

(b) Multiple Principal Buildings.

(1) Scale. The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. *Scale* shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setbacks and orientation.

(2) Parking and Access. Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.

(3) Provision of Adequate Services. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13, Municipal Utilities, of this Code.

(c) Accessory Dwelling Unit/Structure.

(1) Location. An accessory dwelling unit may be located within or attached to the primary dwelling unit, or may be detached from the primary dwelling unit if located in or above a garage or lawful accessory building. Only one (1) accessory dwelling unit is allowed per lot.

(2) Square Footage. An accessory dwelling unit shall not exceed seven hundred (700) square feet of habitable floor area. Habitable floor area 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.

(3) Parking. There shall be one (1) additional off-street parking space provided for the accessory dwelling unit.

(4) Occupancy. The accessory dwelling unit shall not be condominiumized or sold and shall not be rented to visitors for periods of less than thirty (30) days. A maximum of two (2) related or unrelated people may inhabit an accessory dwelling unit.

(d) Mobile Home Park. New mobile home parks shall comply with the standards of the underlying zone district, except as otherwise specified herein. This Section applies to new parks. Mobile home parks existing as of June 3, 2002 may maintain the plan currently on file with the City Clerk. However, if any mobile home park existing at the time of adoption alters its plan in any way, the new plan must comply with the provision of this Chapter. Additionally, replacement mobile homes shall meet the National Manufactured Home Construction and Safety Standards Act of 1974 (hereinafter referred to as "the HUD Code.")

(i) Replacement of Mobile Homes. A mobile home within a nonconforming mobile home park may be replaced with another mobile home, even if the dimensions of the replacement mobile home result in an increase in the degree of nonconformity of the mobile home park with respect to the minimum setbacks set forth in Paragraph 16-4-190(d)(4) below.

(1) Minimum Park Size. The placement of two (2) or more mobile homes on a single lot of record constitutes the creation of a mobile home park and shall meet the standards of this Section.

(2) Maximum Density. The maximum density in a mobile home park shall be twelve (12) mobile home units per gross acre.

(3) Minimum Space Size. The minimum space size of a mobile home is provided below. Larger mobile homes may require larger minimum lot sizes.

a. Single-section unit. The minimum space size for a single-section or single-wide mobile home unit shall be three thousand (3,000) square feet.

b. Multi-section unit. The minimum space size for a multi-section or double-wide mobile home unit shall be four thousand (4,000) square feet.

(4) Minimum Setbacks of Each Unit Space.

a. Perimeter. All permanent structures, mobile homes and accessory structures shall be set back a minimum of fifteen (15) feet from all boundaries of the mobile home park.

b. Front yard. The unit shall be a minimum of ten (10) feet from the front lot line. Accessory structures are not permitted in the front yard.

c. Side spacing. A minimum of twenty (20) feet between units shall be provided. Accessory detached structures shall be set back a minimum of five (5) feet from any other structure.

d. Rear. The unit shall be a minimum of ten (10) feet from the rear lot line. Accessory structures shall be set back a minimum of five (5) feet from any other structure.

(5) Recreation Area.

a. Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer for recreation use. The recreation area shall not include any area designated as a roadway, unit space or storage area and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district. The recreation area requirement may be waived by the Planning Commission in the conditional use process if it is determined that sufficient public recreation facilities are available in the immediate vicinity of the park but a fee-in-lieu shall be required.

b. Assurances. As part of the application for the mobile home park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely manner so as to be suitable for active recreation use in accord with the approved plan and adequately maintained for as long as the park is in existence.

(6) Utilities Installation and Connection.

a. Connection required. No mobile home shall be occupied within any mobile home park unless it meets all minimum setbacks and space size requirements and is connected to all utility services, including the City water system, a public sewage disposal system and electrical lines. Utility connections shall be located on the space served.

b. Code compliance. Utility installations and connection taps shall be installed to comply with all state and local codes. Fire hydrants shall be installed to comply with City standards and fire codes.

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

d. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-7-60 below.

(7) Site Conditions. All parks shall be drained, graded and surfaced as necessary to facilitate drainage and prevent erosion, and shall be free from depressions in which water collects and stagnates, other than approved on-site retention facilities.

(8) Parking. There shall be a minimum of one (1) off-street parking space provided on each mobile home space. Guest parking shall also be provided in a common parking area, with one (1) guest space provided for every four (4) mobile home spaces in the park.

(9) Roadways and Walkways.

a. Private. Internal roadways and walkways within the mobile home park shall be privately owned, paved and maintained, and shall be designed for safe access to all mobile home spaces and parking areas.

b. Walkways. Walkways of not less than three (3) feet in width shall be provided from unit spaces to all service buildings and recreation areas, and on at least one (1) side of all roadways within the mobile home park.

c. Entrance. The entrance to the mobile home park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection and shall be a minimum of thirty (30) feet in width.

(10) Location of Unit.

a. Obstruction prohibited. No mobile home shall be parked so that any part of such unit will obstruct any roadway or walkway in a park.

b. Located on an approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.

(11) Outdoor Storage.

a. Individual buildings required. Individual outdoor storage buildings shall be provided on each unit space for the personal use of the occupants of said space. Such storage buildings shall have a minimum floor space of fifty (50) square feet and shall be not less than six (6) feet in height. Space beneath the mobile homes shall not fulfill this requirement.

b. Outdoor storage prohibited. No outdoor storage, other than that accommodated in individual outdoor storage buildings or boats, trailers and vehicles where stored on separate and additional parking spaces, shall be allowed on mobile home spaces, except cut and stacked firewood.

(12) Skirting. All mobile home units shall be skirted with a material which has been manufactured for skirting. Such skirting shall be in place within ninety (90) days after the mobile home is set on the mobile home space. Note: straw, hay, sawdust or other like material shall not be placed beneath or around the mobile home.

(13) Unit Space Numbering. Each space in a mobile home park shall have its space number displayed uniformly with reflective numbers of a minimum height of three (3) inches.

(e) Recreational Vehicle Park. A recreational vehicle park shall comply with the standards of the underlying zone district, except as otherwise specified herein.

(1) Minimum Park Size. A recreational vehicle park shall be developed and operated on a site of at least three (3) acres.

(2) Minimum Space Size. Each recreational vehicle unit space shall contain a surfaced area of not less than ten (10) feet by thirty (30) feet. Surfacing shall consist of asphalt, concrete or not less than four (4) inches of gravel, with edging required. A recreational vehicle shall be parked in its entirety on the surfaced area.

(3) Minimum Setbacks for Recreational Vehicles. The minimum setback requirements for all permanent structures and recreation vehicles shall be as follows:

a. Perimeter. A minimum of fifteen (15) feet from all boundaries of the park.

b. Separation. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

(4) Recreation Area.

a. Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer for recreation use. The recreation area shall not include any area designated as a roadway, unit space, parking area or storage area, and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district.

b. Assurances. As part of the application for the recreational vehicle park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely way so as to be suitable for active recreation use in accordance with the approved plan and adequately maintained for as long as the park is in existence.

(5) Landscaping. Landscaping shall be required for an area amounting to not less than fifteen percent (15%) of the gross area of the park. The landscape area may include the recreation area and common landscape areas, and shall include a landscape area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties. The required landscape area shall comply with Section 16-7-40 of this Chapter.

(6) Utilities Installation and Connection.

a. Code compliance. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes.

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

c. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-7-60 of this Chapter.

(7) Fire Protection. Every recreational vehicle park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the Fire Marshal, with reference to the City's fire code. Fire hydrants shall be installed to comply with City standards and fire codes.

(8) Roadways and Walkways.

a. Private. Internal roadways and walkways within the recreational vehicle park shall be privately owned, built and maintained, and shall be designed for safe access to all spaces, parking areas, service buildings and recreation areas.

b. Entrance. The entrance to the recreational vehicle park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection, shall be a minimum of thirty (30) feet in width, and shall be designed to comply with minimum American Association of State Highway and Transportation Officials (AASHTO) standards.

(9) Location of Unit.

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

b. Locating on approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.

(10) Dump Stations. Dump stations may be installed, in accordance with City specifications.

(11) Refuse and Garbage. Every four (4) recreational vehicle spaces shall have provided one (1) container for trash and garbage and a rack or holder at a permanent location for the same. Trash and garbage containers shall be located within one hundred (100) feet of any unit space they serve.

(12) Service Building. A service building shall be installed in all recreational vehicle parks. The number and type of facilities required to be contained in the building shall be as shown in Table 16-C. The service building shall also meet the following standards:

a. Private compartments. Each water closet, bath or shower shall be in a private compartment and shall meet the requirements of the City's plumbing code.

b. Sound-retardant wall. A sound-retardant wall shall separate the toilet facilities for each sex when provided in a single building.

c. Utility sink. A minimum of one (1) utility sink shall also be provided for disposal of liquid wastes and for clean-up and maintenance of the service building.

d. Construction. The service building shall be of permanent construction and be provided with adequate light, heat and positive ventilation in shower and bathing areas. Interior construction of the service building shall use cleanable, moisture resistant materials on walls, ceilings and floors, and use slip-resistant materials on floors.

e. Openings screened. All windows, doors or other openings shall be screened to keep out insects.

f. Plumbing. All plumbing shall conform to the most recently adopted version of the building code and the local plumbing code. Hot and cold running water shall be provided in the service building.

g. Telephones. At least two (2) public telephones shall be provided at the service building.

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

Ind. = Independent status recreational vehicle park
 Dep. = Dependent status recreational vehicle park

MEN
WOMEN

(f) Day Care, Small, Large and Adult.

(1) Parking. A day care facility, small, large or adult, shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.

(2) Drop-off/Pickup Area. One (1) designated off-street drop-off/pick-up space shall be provided per each four (4) children at a large day care facility and for every four (4) clients at an adult day care. The space shall be available during operating hours for loading and unloading of children or clients.

(3) Outside Area – Fence. The required play or recreation area shall not be located in the property's front yard.

(4) State Codes. The day care facility shall comply with all applicable state codes.

(5) Hours of Operation. The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

(g) Home Occupation and Home Business.

(1) Use Subordinate. The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character. The use shall not exceed thirty percent (30%) of the total structure's square footage.

(2) Activity Conducted Indoors. All on-site activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation or home business shall be stored in a building.

(3) Employment.

a. Home occupation. A home occupation shall be conducted only by persons residing on the premises and no more than one (1) employee residing off-premises.

b. Home business. A home business shall be conducted by persons residing on the premises and no more than three (3) employees residing off-premises.

(4) Patrons. A home occupation shall not serve patrons on the premises. A home business may serve patrons on the premises, provided that all other standards of this Section are met.

(5) Parking. One (1) off-street parking space shall be required for each employee residing off-premises. These spaces shall be provided in addition to the parking required for the principal residential use of the property.

(6) Sales. Incidental sale of supplies or products associated with the home occupation or home business shall be permitted on the premises. A home occupation or home business whose primary activity is retail sales shall be prohibited, except if the function of the home occupation or home business is catalogue sales. An appropriate sales tax license shall be obtained and maintained during the course of business.

(7) Nuisance. A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.

(8) Codes. The building shall comply with all applicable City building, fire and safety codes for the particular business.

(9) Advertising. No outdoor advertising of the home occupation or home business shall be permitted, except as provided in Table 16-L of this Chapter.

(h) Group Home.

(1) Neighborhood Density. A group home shall not be located closer than seven hundred fifty (750) feet to another group home.

(2) Health and Safety Codes. The group home shall comply with all applicable local, state or federal health, safety, fire and building codes.

(i) Recreational Vehicles.

(1) Except as otherwise provided for in this section, recreational vehicles may be occupied for residential or commercial use for no more than five (5) days on private property within a thirty (30) day period. Otherwise, recreational vehicles shall be used for human occupancy only when permitted as a conditional use in accordance with this Chapter or when located within a lawful mobile home park or recreational vehicle park. Occupancy of a recreational vehicle for commercial or residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted as a conditional use in designated zone districts in accordance with the standards of such underlying zone district and as specified herein.

(2) Long-term occupancy of recreational vehicles for residential or commercial use shall only be permitted as a conditional use in accordance with Tables 16-D, respectively, if the following standards are met.

a. The recreational vehicle proposed for long-term occupancy must be located on a previously established mobile home site.

b. All long-term occupancy recreational vehicles shall have a minimum square footage of one hundred twenty (120) square feet and hard-sided exteriors. No soft-sided exteriors shall be permitted.

c. The minimum setbacks for long-term occupancy recreational vehicles shall meet the standards for a primary structure in the underlying zone district.

d. Each long-term occupancy recreational vehicle shall count towards one unit of a lot's allowed density. Long-term occupancy recreational vehicles shall not exceed the permitted density for any lot.

e. Long-term occupancy recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carport shall be considered part of the recreational vehicle for purposes of this requirement.

f. Landscaping shall be installed to meet the underlying zone district standards in compliance with Section 16-8-90 of this Chapter.

g. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes. All utilities, except major power transmission lines, shall be placed underground.

h. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-8-100 of this Chapter.

i. Water and wastewater fees and charges shall be paid in compliance with Chapter 13 of this Code.

j. 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.

k. Parking. One additional parking space for every recreational vehicle shall be provided in compliance with Section 16-8-80 of this Chapter.

l. Every long-term occupancy recreational vehicle shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the Fire Marshal, with reference to the City's standards and fire codes.

(j) Cultivation of medical marijuana by patients and primary care-givers. Medical marijuana, as defined at Section 161-80 of this Chapter, may only be grown, cultivated, or processed by patients or primary care-givers within the City in compliance with the following regulations.

(1) The growing, cultivation, or processing of medical marijuana shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, Section 25-1.5-106, C.R.S., as may be amended, and other applicable laws.

(2) When medical marijuana is grown in a primary residence, medical marijuana may not be grown, cultivated, or processed in the yard, curtilage, or other area outside of the patient's or his or her primary caregiver's primary residence.

(3) Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients, or a by patient for himself or herself.

(4) Not more than six medical marijuana plants may be grown, cultivated, or processed within a primary residence; provided, however, that up to twelve medical marijuana plants may be grown, cultivated, or processed within a primary residence if more than one patient or primary caregiver resides within the primary residence.

(5) Medical marijuana shall not be grown, cultivated, or processed within the common area of any real property that is devoted to a residential use.

(6) The growing, cultivation, and processing of medical marijuana shall not be perceptible from the exterior of the primary residence or other building.

(7) The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person from any adjoining lot, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right of way.

(8) The space within the primary residence or other building where medical marijuana is grown, cultivated, or processed shall meet all applicable requirements of the City's Building Codes at Chapter 18 of this Code.

(9) If a patient or primary caregiver grows, cultivates, or processes medical marijuana within a primary residence that he or she does not own, the primary caregiver or patient shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property.

(10) No chemical shall be used by a patient or primary caregiver to enhance or extract tetrahydrocannabinol (THC) from medical marijuana that is grown in a primary residence.

(11) Violations of this Section shall be subject to the general penalty provisions of the City set forth at Chapter 1, Article IV of this Code and to the provisions of Article II of this Chapter 16.

(k) Medical marijuana centers.

(1) No medical marijuana center or retail marijuana store as defined at Section 16-1-80 and Section 6-3-10 shall be established except in accordance with the following location requirements:

- a. Each medical marijuana center and retail marijuana store shall be operated from a permanent and fixed location. No medical marijuana center shall be located in a movable, mobile or transitory location.
- b. No medical marijuana center and retail marijuana store shall be located within one thousand feet (1,000') of another medical marijuana center. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

- c. No medical marijuana center or retail marijuana store shall be located within one thousand feet (1,000') of a school as defined at Section 16-1-80 of this Code. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

(l) Drive-in Facility.

(1) Circulation. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings or barriers.

(2) Minimize Impacts. Drive-through lanes shall be designed and located to minimize impacts on adjoining properties, including screening or buffers to minimize noise impacts. A fence, wall or other opaque screen of at least six (6) feet in height shall be provided on all sides of the site that are located adjacent to property that is zoned for or occupied by residential uses.

(m) Retail Sales Establishment. Goods may be produced on a small scale within a retail sales establishment and be sold in the local area, provided that:

(1) Areas Limited. Production shall be limited to no more than seventy percent (70%) of the area of the retail establishment.

(2) Safety and Environmental Hazards Prohibited. Production shall not pose any safety or environmental hazards to the public in the retail or production area.

(n) Temporary Commercial Uses and Activities. Temporary commercial uses and activities may be allowed only when:

(1) Use Allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.

(2) Parking. Adequate parking is provided for the use, as determined by the Administrator.

(3) Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official.

(4) Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.

(o) Communication Facilities.

(1) FCC Compliant. The owner/operator of a proposed facility shall document in writing that it complies, and will continue to comply, with current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities and electromagnetic fields, and Federal Communications Commission regulations prohibiting localized interference with the reception of television and radio broadcasts.

(2) Maximum Height. A proposed facility, including antennae, shall not exceed the maximum structure height established for the zoning district in which the facility is to be located. Building- or structure-mounted antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.

(3) Siting. The siting of a proposed facility must utilize existing or new land forms, vegetation, landscaping and structures so as to screen the facility from surrounding properties and public rights-of-way to the maximum extent feasible, and/or blend the facility with its surrounding environment.

(4) Compatibility. Facility design, materials, color and support structures, if any, shall be compatible with the surrounding environment, and monopole antennae and/or support structures shall be tapered from base to tip.

(5) Accessories. Any accessory equipment, shelters or components shall be grouped together as closely as possible and screened from view.

(6) Mounted Facilities. The maximum protrusion of such facilities from the building or structure to which they are attached shall be two (2) feet unless it can be shown by the applicant that it is not feasible to meet this criterion.

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

(p) Marijuana cultivation facilities

(1) No marijuana cultivation facility shall be established except in accordance with the licensing requirements of Section 6-1-140.

(2) No marijuana cultivation facility shall be located within one thousand feet (1,000') of a school as defined at Section 16-1-80 of this Code. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.

(3) Nuisance. A marijuana cultivation facility shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the commercial character of the premises.

(4) Activity Conducted Indoors. All on-site activities associated with marijuana cultivation facility shall be conducted indoors. Materials and equipment used in the marijuana cultivation facilities shall be stored in a building.

(5) Health and Safety Codes. The use complies with all applicable health and safety codes and a building permit for the use is obtained from the Chaffee County Building Department.

(q) Short-term rental business

(1) The purpose of this section is to protect the health, safety and welfare of the general public and to ensure that the rental of private dwelling units as short-term rentals does not result in adverse impacts to the quality of residential neighborhoods due to excessive noise, parking congestion, and overcrowding and the availability of dwelling units for long term rentals.

a. Registration and licensing requirements

1. All short-term rentals shall comply with Chapter 6 Article VI of the Salida Municipal Code, which establishes the conditions under which a property owner may apply for a short-term rental business license.

2. A separate short-term license is required for each short-term rental property. The permit shall be issued only to the owner of the short-term rental property. In the residential zones (R-1, R-2, R-3, and R-4), no more than one short-term rental permit is permitted per property owner. All short-term rental permits shall be granted solely to the applicant at the address for which the permit is issued and shall not be transferable to any other person or legal entity. The owner of the short-term rental is responsible for compliance with the provisions of this Section and Chapter 6 Article VI pertaining to short-term rental licensing.

3. Properties that cannot comply with the criteria set forth in this Section and in Chapter 6 Article VI of the Salida Municipal Code may appeal the decision of the Administrator or his or her designee in conformance with Section 16-2-70 of the Land Use and Development Code.

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

- i. contact information for the property management
- ii. the City short-term rental business license number
- iii. contact information for emergencies
- iv. location of fire extinguishers and fire escape routes
- v. the maximum number of people in terms of permitted sleeping occupancy
- vi. the maximum number of persons permitted in the unit at any one time
- vii. the location for parking vehicles and the maximum number of parked vehicles permitted for the unit
- viii. alternative parking locations for extra vehicles, trailers and campers
- ix. requirements for smoking
- x. method and timing of trash disposal
- xi. snow removal instructions
- xii. notice to keep noise to a minimum between 10 pm. and 7 am.
- xiii. policy regarding pets

(2) Conditions and standards:

- a. The maximum number of short-term rentals in the residential zones (R-1, R-2, R-3, and R-4) shall not exceed three and a half (3 1/2) percent of the total number of dwelling units eligible as short-term rentals (not including apartment units and accessory dwelling units) in those residential zones. This number shall be based on the survey of dwelling units in the residential zones completed in 2017 with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. Permitted short-term rentals in existence at the time of the adoption of this section shall be included in the calculation of the maximum number of units allowed. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.

- b. In the residential zones (R-1, R-2, R-3, and R-4), short-term rentals shall be rented as a short-term rental for no more than 185 calendar days a year.
- c. A maximum of one short-term rental is permitted per street segment (which includes the dwelling units on both sides of the street) in the residential zones (R-1, R-2, R-3, and R-4).
- d. Short-term rentals are not permitted in an apartment building at any time in any zone district.
- e. Applicants wishing to rent an individual room (s) on a short-term basis in an owner-occupied dwelling unit shall comply with Table 16-D of the Land Use and Development Code listing for bed and breakfast inns.
- f. Quiet hours shall be observed between the hours of 10 pm and 7 am.
- g. No short-term rental shall be operated in such a way as to constitute a nuisance.
- h. 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.
- i. The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage.

(r) Downtown Street Patios.

The Downtown Street Patio program allows the use of public street right-of-way in the downtown for outdoor dining and retail activities. Downtown is defined as that area zoned Central Business (C-2) and generally within the boundaries of Fourth Street, the Monarch Spur Trail, D Street and the Arkansas River. The purpose of this policy is to enliven the outdoor environment and promote economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors. These requirements are for applications for patios submitted after March 20, 2018.

(1) Siting and Use Standards. A downtown Street Patio will be allowed with approval of a conditional use permit, issuance of a revocable license and all applicable fees are paid. The use permit shall be subject to the conditions below:

- a. Downtown Street Patios will be allowed year-round for businesses that are open year-round. If the business is not open year-round the patio shall be removed from the right-of-way from October 1 to May 1 of each year. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by city snow plows, within 24 hours of a storm event.
- b. Patios shall not exceed a size of eight (8) feet by twenty (20) feet within the roadway. The structures may extend over the sidewalk up to one (1) foot. Any proposed roof or covers shall be shown as a part of the application. Patios cannot obstruct access to city infrastructure such as water meters, curb shut-offs, manholes and tree grates.
- c. Ramps for accessibility shall be integral to the design and not present an obstacle within the sidewalk.
- d. Patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles.
- e. Once there is one (1) Downtown Street Patio established within a block to include both street frontages, an additional patio may only be allowed through

the conditional use process if the additional review standard to Section 16-4-110 (d) is met:

8. Additional Downtown Street Patio per Block. The additional patio will allow vehicle movements in the street; pedestrian passage and not overly restrict parking within the block.

It shall be the applicant's responsibility to provide justification that the additional patio meets this standard.

- f. The location of the patio must be in proximity to the front door of the business being served within an existing parking space.
- g. Signage is not allowed on the patios except for customer menus and signage approved by the city for public purposes.
- h. Use of the patios shall be for retail food and beverage establishments and retail establishments that serve specialty foods and beverages (e.g. ice cream shops, coffee houses, and bars/distilleries/brew pubs) located within buildings in the downtown. Alternative uses may be considered through the conditional use process if an additional review standard to Section 16-4-110(d) is met:

9. Alternative Uses for Downtown Street Patios. The alternative use meets the intent of the Downtown Street Patio program by enlivening the outdoor environment and promotes economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors and by meeting the Siting and Use Standards above. The alternative use should have a high customer turnover; be an attraction; provide interest to pedestrian level views; and allowing the use al fresco adds to the intrinsic value of the use.

It shall be the applicant's responsibility to provide justification that the alternative use meets this standard.

- i. The applicant shall reduce the impact on parking in the downtown by providing a minimum of one (1) off-street parking space for customers or employees. The parking space shall either be owned or leased within the C-2 district. Verification shall be provided with the application. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement. Proceeds will dedicated to parking purposes for the downtown.
- j. Installation of the Downtown Street Patio shall be approved by the Community Development Department.
- k. A Downtown Street Patio may not be combined with encroachment permits for use of sidewalks in accordance with Section 11-4-20 of the Salida Municipal Code.
- l. The initial approval of a Downtown Street Patio shall be for one (1) year. After review by the approving body after the initial period, the conditional use permit may be renewed for longer periods.

(2) Revocable License Required. Business owners who receive conditional use approval for Downtown Street Patios will have to enter into a revocable license agreement with the City of Salida, as approved by the City Council, prior to installation of the patio.

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

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

(1) **Buildings Occupying More Than One (1) Lot.** Where a building project has been constructed on more than one (1) lot, it shall be considered to be occupying one (1) lot for purposes of complying with district regulations such as lot coverage, minimum lot size, lot frontage and setbacks. For purposes of this Section, the boundaries of the one (1) lot shall be the outermost lot lines of all lots occupied by a building project.

(2) **Zero Lot Line Conditions.** Where an individual owns two (2) or more adjoining lots, a zero lot line concept may be used as to the side yard setback for commercial or single-household dwelling unit developments. In residential districts, this may result in the creation of a two-household residential structure, only in districts permitting such a structure. In all such cases, the minimum side yard setback shall be maintained adjacent to the exterior side, or nonzero lot line side, of the structure.

(3) **Maximum Height for Public and Institutional Uses.** The maximum height allowed for public and institutional uses in commercial zones as listed in Table 16-D shall be fifty-four (54) feet. For each foot of height above thirty-five (35) feet, the required side yard setback shall be increased by one (1) foot. Public and institutional structures which are constructed in accordance with the provisions of this Chapter may be converted to private use, after which transfer they shall be considered legally nonconforming. The maximum height for public and institutional uses in residential zones as listed in Table 16-D shall remain thirty-five (35) feet unless altered through the Planned Development process.

(4) **Lots of Record.** An Existing lot of record which is unencumbered and non-conforming as to minimum lot size or minimum lot frontage as found in Table 16-F may have a primary structure and customary accessory buildings and structures developed on a lot, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to Article III above, and provided that the development complies with all other standards of this Chapter.

TABLE 16-F
Schedule of Dimensional Standards

Dimensional Standard	R-1	R-2	R-3	R-4	RMU	C-1	C-2	I
Min. lot size (sq. ft.)	7,500	5,625	5,625	4,000	5,625	5,625	N/A	5,625
Density (Lot s.f./Min. lot area per dwelling unit)	3,750	3,125	2,400	2,400	3,125	2,800	N/A	2,800
Min lot size (sq. ft.) - attached units	N/A	3,125	2,400	2,400	3,125	2,800	N/A	2,800
Min. lot frontage	50'	37' – 6"	37' – 6"	37' – 6"	37' – 6"	37' – 6"	No Req.	37' – 6"
Min. lot frontage – attached units	N/A	20'	15'	15'	20'	20'	N/A	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	35%	40%	45%	45%	45%	60%	100%** *	60%
Max. lot coverage: uncovered parking/access (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)*****	10%	15%	25%	25%	25%	60%	No Req.***	30%
Min. landscape area	55%	45%	30%	30%	30%	10%	No Req.*	10%
Min. setback from side lot line for a primary bldg.	8'	5'	5'	5'	5'	5'***	No Req.	5'***
Min. setback from side lot line for a detached accessory bldg.	3'	3'	3'	3'	3'	3'	No Req.	3'
Min. setback from rear lot line: principal bldg.	30'	20'	20'	15'	15'	5'***	No Req.	5'***
Min. setback from rear lot line: accessory bldg.	5'	5'	5'	5'	5'	5'	N/A	5'
Min. setback from front lot line	30'	20'	20'	15'	15'	10'	No Req.	10'

Max. building height for a primary bldg.	35'	35'	35'	35'	35'	35'	35'	35'
Max. building height for a detached accessory bldg.	25'	25'	25'	25'	25'	25'	25'	25'

Notes:

- * If a property does not utilize the zero setback allowance, the minimum landscape area shall be 10%.
- ** If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone.
- *** Existing structures are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.
- **** A covered porch may encroach into the front yard setback by twenty-five percent (25%).
- ***** If a front-loaded garage is set back at least ten (10) feet behind the primary street-facing building facade, the lot coverage between the garage entrance and the primary, street-facing building facade shall not be included in the calculation of lot coverage for uncovered parking/access.

Sec. 16-4-210. Rezoning.

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

(a) Initiation of Rezoning. An amendment to the Zoning Map may be initiated by the City Council, the Planning Commission, the Administrator, or the owner of that real property subject to the proposed rezoning.

(b) Application Contents.

(1) Zone districts. The present zone district designation of the property and the zoning of all adjacent properties.

(2) Survey map. An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.

(3) Existing uses. A description of existing uses on the property and on all adjacent properties.

(4) Statement of intended development. A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses.

(c) Review standards for map amendments. An application for an amendment to the Zoning Map shall comply with the following standards:

(1) Consistency with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.

(2) Consistency with Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

(3) Compatibility with Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.

(4) Changed Conditions or Errors. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Zoning Map have occurred.