



MEMORANDUM

Date: January 14, 2014
To: The Planning Commission
From: Michael K. Yerman, Community Development Director
RE: Land Use Code Re-adoption

In 2012, Chapter 16 Land Use and Development was updated and revised with new development procedures. This process took over a year and received months of public input from residents of the community, local lawyers, business owners, builders, and developers. Throughout the process the Community Development staff mailed and emailed notices to these interested members of the public, staff wrote numerous articles in the Mountain Mail, and held public hearings with both the Planning Commission and City Council.

Over the past year, staff and the Planning Commission have been using the new code to review Land Use Development applications. Staff is recommending the following revisions the Planning Commission may want to consider at the upcoming public hearing on January 27, 2014.

Article I

Several definitions that were in the previous code should be considered to be reinserted back into the code.

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.

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.

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.

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.

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 for less than seven (7) days in a calendar month, and non-profit organizations for less than two (2) days in a calendar month.

Article IV

Over the past year, the City has had two uses where staff feels the use is not properly addressed in Table 16-D. The first use Home businesses, listed as an Administrative Conditional Use, garnered significant public comment on residents wishing to establish a business in a residential zone district. Staff feels that this use should be upgraded to a Limited Impact Review in the residential zone districts. This will allow for a public hearing and testimony from neighbors on the application to the Planning Commission.

The second use is mobile homes. While mobile home parks are addressed in the code, single mobile homes are not. This is not a use that was left out of the code update either. At this time a single mobile home being placed on a lot is consider a single-family dwelling unit. Staff feels the Commission should consider certain zone districts in which to allow the placement of a single mobile home.

The following are the recommendations of staff on these two uses in Table 16-D.

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	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Residential Uses									
Home Businesses	LR	LR	LR	LR	AR	P	P	P	Sec. 16-4-190 (g)
Single Mobile Home	N ³	N ³	N ³	P	N ³	N ³	N ³	N ³	
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.									
* 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.									

Staff recommends one minor correction to Section 16-4-160 Nonconformities.

- (a) 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 building, premises, land or property is vacated for a period of one (1) year or more, or the nonconforming use ceases for a period of one (1) year or more.~~

Staff is making this recommendation because if a non-conforming house or garage is vacant and for sale for over a year, do we really want the structure torn down? For instance, if an old house is in the side setback and vacant for over a year, should the portion of the house in the setback need to be remodel to meet current setbacks. Staff feels this section was developed to address uses not the structure they occupy.

When the town was originally platted, it was done in 25'x150' wide lots. At this time all these platted lots are considered non-conforming lots. However, there are several instances where there are vacant unencumber 25' lots. Staff would like to add clarification that these lots can be developed even though they are non-conforming. Also as we know, a vast majority of the homes in Salida are built across multiple platted old town 25' lots. However, an elimination of lot lines subdivision has never been required to be performed to build a house across these platted lots. Since these two instances are common throughout the City, staff would like to add clarification to Section 16-4-200 Zone district dimensional standards.

Section 16-4-200 Zone district dimensional standards

(1) Buildings Occupying More Than One (1) Lot. Where a **building (added)** ~~duplex, condominium or multi-family residential~~ project has been ~~resubdivided~~ constructed ~~into~~ 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 (added)** ~~the duplex, condominium or multi-family residential~~ project.

(4) Lots of Record. An Existing lot of recorded 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.

Article VII

A review standard for subdivisions needs to be added for compliance with health, fire and building codes. Since the International Building Codes apply to new subdivisions a review standard in the LUC needs to be added recognizing these codes apply to new development.

Section 16-6-120 Subdivision review standards.

(12) Codes. The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development.

Article VIII

As directed by Council, a sidewalk plan will be developed over the coming months. Until that time staff would like to only require sidewalks for those projects requiring limited impact review. Therefore, Section 18-8-20 Road, driveway and sidewalk standards (13) should be amended as follows:

(13) Sidewalks.

(i) Local streets. A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along both sides of all local streets in a **limited impact review (added)** development. Sidewalks along local streets shall be separated by a distance of at least five and one-half (5½) feet from the curb or street pavement edge. Street sidewalk systems shall connect to open space walks, trails and adjacent walks in appropriate places.