

CHAPTER 16

Land Use and Development

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ARTICLE I

Administration

Sec. 16-1-10. Title and short title.

This Code, 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 Code*. (Ord. 03, 2002 §9-1-1; Ord. 2005-07 §1)

Sec. 16-1-20. Authority.

It is the intention of the City Council in adopting this Land Use Code to fully exercise all relevant powers conferred on it by state law, including but not limited to the following:

(1) State Enabling Legislation. All of the powers granted to the City by:

a. Title 29, Article 20, C.R.S. The provisions of the Local Government Land Use Control Enabling Act of 1974.

b. Title 31, Article 12, C.R.S. The provisions of the Colorado Municipal Annexation Act of 1965.

c. Title 24, Articles 65, 67 and 68, C.R.S. Articles 65, 67 and 68 of Title 24, C.R.S., which respectively provide for the review of areas and activities of state interest, authorize the planned development approach to land development and provide for the establishment of vested property rights.

d. Title 31, Article 23, C.R.S., which enables municipalities to adopt zoning regulations and subdivision requirements.

(2) All Other Powers Authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and subdivision, including but not limited to the power to abate nuisances. (Ord. 03, 2002 §9-1-2; Ord. 2005-07 §1; Ord. 2006-08 §1)

Sec. 16-1-30. Purposes.

(a) General Purposes. The general purposes of this Land Use Code are as follows:

(1) Establish Development Standards. To establish the standards for the review of all proposed development of land within the City.

(2) Protect Quality of Life. To protect and enhance the quality of life in the City and its environs so as to promote the general health, safety and welfare of the present and future inhabitants of the City and to protect the environment.

(3) Establish Review Process. To establish a clear, consistent, predictable and efficient land development review process.

(4) Provide for Orderly Development of City. To provide for the efficient, well-ordered and safe development of the City and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.

(5) Conserve Property Values. To conserve the value of properties and to respect the rights of property owners and the interests of the citizens of the City.

(b) Implement Comprehensive Plan. To promote these general purposes, this Land Use Code establishes regulations which are guided by the vision of the City's Comprehensive Plan by:

(1) Improving Overall Attractiveness and Livability. The regulations provide clear standards to address public facility needs and amenities so that the overall livability of the City is improved.

(2) Providing Public Facilities and Services. Ensuring that adequate water supply, sewage disposal, storm drainage, solid waste disposal, electrical, all public utilities, road, park/recreation and trail and public safety facilities and services are provided to meet current needs and that development provides for its fair share of the facilities and services demanded for growth.

(3) Providing Safe and Efficient Transportation. Providing a safe and efficient multi-modal transportation system which provides safe, easy access to parcels while controlling access onto the road network and which offers choices in the method and manner of travel.

(4) Encouraging Economic Development. Encouraging the continued growth and diversification of the City's economy, while preserving and strengthening the existing economic base, including the central business district.

(5) Encouraging Adequate Housing Supply. Ensuring an adequate housing supply which provides diverse housing types of good quality construction in a wide range of prices to support a wide range of incomes.

(6) Encouraging an Adequate Supply of Land. Providing for an appropriate range of uses within a particular zone district to ensure an adequate supply of land within the district.

(7) Managing Natural and Visual Resources. Managing the City's water, air, land, wildlife and visual resources. (Ord. 03, 2002 §9-1-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-1-40. Applicability.

(a) General Applicability. No building, structure or land shall be used or occupied and no development shall be undertaken within the limits of the City, as now and hereafter established, unless it is in conformity with the provisions of this Chapter and other applicable laws and regulations. Structures and uses existing on the effective date of this Chapter which do not conform with the Land Use Code shall be permitted to continue, subject to the provisions of Article XV of this Chapter.

(1) Applicability to Governmental Agencies. To the extent permitted by state and federal law, this Land Use Code shall apply to all units and agencies of the federal, state, county and municipal government.

(2) Exemption for Essential Services. The provision of essential services as defined under Section 16-1-80 of this Article shall be exempt from this Chapter. However, this Chapter shall apply to the development of operations and maintenance buildings by a public or private utility or municipal department, or any other essential services which are to be located within a building.

(b) Exceptions.

(1) Existing Development Approvals. The provisions of this Chapter shall not abrogate, annul or affect the validity of any preexisting development (including mobile home parks, except where otherwise addressed in this Chapter), building permit, certificate of occupancy or development approval, including any conditional use, variance, final subdivision or PUD or PD approval, lawfully established and issued prior to the effective date of this Land Use Code or any amendments thereto. The terms, covenants and conditions applicable to a development or permit

that was approved at the time of land development approval shall continue to apply and control the use or occupation of such land.

(2) Complete and Code-Compliant Land Development Applications Submitted Prior to Effective Date. Any complete and code-compliant conditional use, variance, map amendment, PUD, PD or subdivision application submitted prior to the effective date of this Land Use Code or any amendments thereto may be processed according to the provisions of this Municipal Code in effect at the time the application was submitted, so long as the application shall receive final approval from the appropriate body within one (1) year after the effective date of this Land Use Code.

(3) Building Permit Applications Submitted Prior to Effective Date. Any complete and code-compliant building permit application submitted prior to the effective date of this Land Use Code may be processed according to the provisions of this Code in effect at the time the application was submitted, so long as the building permit remains active, pursuant to the provisions of Chapter 18 of this Municipal Code.

(4) Changes. A development application or building permit application which was submitted or approved prior to the effective date of this Land Use Code which remains unchanged or changed only so that no substantial modification occurs to application may be processed according to the provisions of this Municipal Code in effect at the time the application was submitted. An insubstantial change is a change that becomes necessary due to technical or engineering considerations discovered during actual development, that could not reasonably be anticipated during its initial review and that, in the discretion of the City Administrator, does not significantly change the original approval granted. A development application that was submitted or approved prior to the effective date of this Land Use Code which is changed in any other manner shall be in conformance with this Land Use Code.

(c) Expiration of Application, Approval or Permit. In the event a development application, building permit application, development approval or building permit expires subsequent to the effective date of this Land Use Code, in the event final development approval for an application in process is not obtained within one (1) year after the date of adoption of this Land Use Code, or in the event a building permit application expires pursuant to the provisions of Chapter 18 of this Municipal Code, then all further applications or development permits shall be processed according to the provisions of this Land Use Code and all other Chapters of this Municipal Code then in effect.

(d) Voluntary Compliance. Notwithstanding the other provisions of this Section, any applicant may request to have a development application reviewed pursuant to the procedures and standards of this Land Use Code. (Ord. 03, 2002 §9-1-4; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §2)

Sec. 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. (Ord. 03, 2002 §9-1-7; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-1-60. Rules of construction.

This Section establishes rules that shall be observed and applied when interpreting the language of this Chapter, unless the context clearly requires otherwise.

(1) Conflicting Provisions. Where there exists a conflict or overlap between any limitation or requirement within this Chapter or between this Chapter and the remainder of this Code, the limitation or requirement which is the more restrictive shall prevail. If a conflict or overlap arises

between the provisions of the text of this Chapter and any table, illustration, graphic depiction or the captions for any section or subsection, the provisions of the text shall prevail.

(2) Provisions Are Minimum Requirements. The provisions of this Chapter shall be regarded as the minimum requirements necessary for the protection of the public health, safety, general welfare and environment.

(3) Exercise of Authority. Whenever a provision appears requiring the City Administrator or head of any other City department to perform an act or duty, it shall be construed to authorize the City Administrator or head of any other City department to designate, delegate and authorize subordinates to perform the duty or act, unless the terms of the provision or section specify otherwise.

(4) Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by the City, that day shall be excluded.

a. Day. The end of a *day* shall be at 5:00 p.m.

b. Week. The word *week* shall mean seven (7) days.

c. Month. The word *month* shall mean thirty (30) days.

d. Year. The word *year* shall mean three hundred sixty-five (365) days.

e. Business day. The phrase *business day* means Monday through Friday, excluding regularly observed holidays.

(5) Fractions. Whenever a fraction is generated in the computation of development requirements, such as the number of required parking spaces or the number of required trees or shrubs, the fraction at five-tenths (0.5) or greater shall be rounded up to the next highest whole number. If the fraction is less than five-tenths (0.5), it shall be rounded down to the next lowest whole number. In the case of allowed density, the number of dwelling units shall not be rounded up.

(6) Word usage.

a. Tense. Words used in the past or present tense include the future, as well as the past or present.

b. Singular/plural. A word importing the singular number may extend and be applied to several persons and things, as well as to one (1) person or thing. The use of the plural number shall include any single person or thing, unless the context clearly indicates the contrary.

c. Shall/may/should. *Shall* means mandatory, *may* means permissive, and *should* means preferred.

d. Masculine/feminine. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

e. Used for. The phrase *used for* includes *arranged for*, *designed for*, *intended for*, *maintained for* and *occupied for*.

f. Common/technical terms. Words and phrases shall be construed according to the common and approved usage of the term; however, technical words and phrases which have acquired a particular meaning shall be understood according to such meaning.

g. Person. The word *person* includes individuals, firms, corporations, associations, trusts and any other similar entities.

(7) Abbreviations. The following abbreviations are used in this Land Use Code, and are intended to have the following meanings:

a. *C.R.S.* means Colorado Revised Statutes, as amended.

b. *d.u.* means dwelling unit.

c. *eff.* means efficiency dwelling unit.

d. *ft.* means feet.

e. *HUD* means the U.S. Department of Housing and Urban Development.

f. *max.* means maximum.

g. *min.* means minimum.

h. *m.f.* means multi-family dwelling unit.

i. *N/A* or *Not Applic.* means not applicable.

j. *No req.* means no requirement.

k. *Req.* means requirement.

l. *sq. ft.* or *s.f.* means square feet. (Ord. 03, 2002 §9-3-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-1-70. Interpretations.

(a) Authority. The Administrator, shall be authorized to interpret the text of this Chapter, based upon the purposes as set out in Section 16-1-30 above, and to interpret the boundaries of the Official Zoning Map, according to the provisions of Section 16-3-50 of this Chapter.

(b) Submission of Written Request. Where formal interpretation is needed or where a possible conflict of interpretation exists, the person requesting an interpretation shall submit a written request to the Administrator, specifying the section of the Land Use Code or the Official Zoning Map boundary for which an interpretation is requested, which shall state the person's understanding of the meaning of the section or map boundary.

(c) Rendering of Interpretation. The Administrator, shall render an interpretation of the meaning of the Land Use Code section or Official Zoning Map boundary within fifteen (15) business days of receipt of the request. The interpretation shall be in writing and shall be sent to the person requesting the interpretation by mail or hand-delivery.

(1) Consider Legislative Intent. When interpreting the Land Use Code or Official Zoning Map, the Administrator, shall consider the City's legislative intent, as expressed in this Land Use Code and the City's official records. An interpretation which permits increased flexibility in the

application of this Land Use Code is encouraged, while one (1) which reduces the protection afforded by the standards of this Land Use Code shall be prohibited.

(2) Official Record. The Administrator, shall keep an official record of all interpretations which have been rendered. The record shall be available for public inspection, upon reasonable request, during normal business hours, and be used as a basis for periodic revisions to this Land Use Code and the Official Zone District Map. (Ord. 03, 2002 §9-3-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 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 conducted upon the same lot as the principle use to which it is related, which is:

- a. Clearly incidental, subordinate, secondary and devoted to the principle use of the lot.
- b. Customarily found in conjunction with the principle use.
- c. Not a prohibited use 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.

Adjoining means a lot or parcel of land which shares all or a part of a common boundary line with another lot or parcel of land. Parcels shall also be considered adjoining when they are only separated from each other by an alley, easement or right-of-way.

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 means any change, addition, reduction, modification or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another, of any building or structure. *Alteration* also consists of changes to the exterior surface of an existing structure including, but not limited to, changes in doors, windows and exterior materials.

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 means a room or group of rooms within a structure, which are intended to be occupied by renters and nonowners and include cooking facilities.

Appliance, large means a household apparatus such as a washing machine, stove, dishwasher, and similarly sized items.

Appliance, small means a household apparatus such as a toaster, iron, blender, vacuum cleaner and similarly sized items.

Architectural projection means a nonfunctional or ornamental building feature.

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, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), 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.

Automobile repair garage means any building or structure where automobiles, trucks or commercial vehicles are stored, repaired, painted or equipped for remuneration.

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.

Bank, credit and loan services means a financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments and fiduciary activities.

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

Beauty and barber shops means any commercial establishment wherein cosmetology is offered or practiced on a regular basis for compensation, including hair care, nail care and skin care.

Bed and breakfast inn means a private home containing no more than nine (9) lodging units, 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, in which no more than two (2) daily family style meals are provided, to guests of the inn only. 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.

Berm means a man-made landform, typically built as a planted earth mound, located so as to separate differing land uses; to screen structures, parking area or yards from view; or to provide sound relief from a nearby road or use.

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.

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 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.

Canopy means an ornamental roof-like structure, cantilevered or supported by posts or pillars, built in accordance with the adopted building code.

Certificate of appropriateness or *CA* means the official document/permit issued by the Historic Preservation Commission 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.

Certificate of compliance means a certificate issued by an authorized official of the Community Development Department verifying that a proposed development complies with the provisions of this Land Use Code.

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.

City means the incorporated City of Salida.

City Administrator means the City Administrator of the City.

City 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.

City Engineer means the City Engineer of the City.

City property means any dedicated public right-of-way or property owned by the City.

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.

Club, athletic means a commercial club establishment providing indoor or outdoor health and recreation facilities. *Athletic club* includes country club.

College or *university* means a public or private institution for higher learning (beyond twelfth grade) providing courses of instruction as approved by the appropriate governing board.

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 (C-1, C-2) and Industrial (I) zones. These zones are also referred to as ***commercial, business and industrial zone districts***.

Commission means the Planning Commission of the City.

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 and other civic functions, and which, notwithstanding anything to the contrary in this Code, includes use primarily for offices.

Compatible and/or *compatibility* means harmonious and complementary in design, style, character, structure, materials and/or appearance, inclusive of landscaping.

Condominium means a common interest community in which portions of real estate are designated for separate ownership (e.g., units) and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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.

Council means the City Council of the City.

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.

Dedication means the intentional transfer of private property to public ownership upon written acceptance by the City for any general or public purpose. Such dedications may be a requirement of annexation, subdivision or development approval and may include land for streets, utilities, community facilities, parks, trails or open spaces.

Dedication, fees in lieu of means payments in cash that may be required of an owner or developer as an alternative to dedication of land or physical improvements.

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.

Density means the total number of dwelling units permitted on any parcel of property planned for residential development. *Density* is calculated based on the total area of a lot and the zoning district of said lot.

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.

Designation means the denotation or identification of an area of land for a specific purpose such as privately accessible open space or park. Designation of land as part of an annexation, subdivision or development approval may be appropriate as determined by the City rather than dedication of land to the City.

Development means any of the following activities:

- a. The subdivision of land, as defined herein.
- b. A change in use or the intensity of use of land, such as the establishment of or an increase or decrease in the number of dwelling units or floor area of a building, and the extension of any use of land.
- c. Land disturbance done in preparation for or in conjunction with construction, including clearing or removal of vegetation, soil grading or filling, or paving.
- d. Commencement of drilling (except for a water well or to obtain soil samples), mining, excavation or deposit of refuse, solid or liquid waste on a parcel of land.

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.

Dry cleaner means an establishment which launders or dry-cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

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.

a. *Accessory dwelling* means a dwelling unit that is located on the same site as, but has a separate entrance from, a single-family or duplex dwelling.

b. *Condominium dwelling* means an individual air space unit, together with the interest in the common elements appurtenant to such unit, which is subject to the provisions of Article 33 of Title 38, C.R.S.

c. *Duplex dwelling* 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.

d. *Efficiency dwelling* means a dwelling having a living area of not less than three hundred (300) square feet of floor area. An additional one hundred (100) square feet of floor area shall be provided for each occupant of such unit in excess of two (2). *Efficiency dwellings* shall be provided with:

1. A separate bathroom containing a water closet, lavatory and bathtub, or shower.
2. A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than twenty-four (24) inches in front.
3. A separate closet.
4. Light and ventilation conforming to standards of the Uniform Building Code.

e. *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.

f. *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.

Easement means a grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity. Easements are generally granted for a stated purpose, including but not limited to access, placement of utilities or construction and maintenance of trails.

Erection means the process of building a structure.

Essential services means those services and infrastructure necessary to provide and maintain the public health, safety and general welfare of the residents of the City. These services are provided by public utilities, private utilities or municipal departments. Essential services include new overhead towers, poles, wires and similar equipment serving as an upgrade, rebuild or replacement of existing equipment.

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.

External improvement means any structure, addition, man-made landscape element or other object constituting a physical betterment or alteration of real property which is visible from a public way or adjoining property.

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.

Fee schedule means the schedule of application processing fees adopted by resolution of the City Council.

Final development plan means the second stage of a Planned Development District and includes a finer level of detail and more site-specific information than is found in the overall development plan for a planned development project.

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 means the total floor space of a primary structure contained within the outside walls of a building. This includes spaces within the structure with at least 7.0' of headroom and attached garages. Floor area does not include the area behind knee walls, unfinished attics, unenclosed front porches, basements or detached accessory structures.

Foster home, family means a home which receives one (1) to four (4) children for regular full-time care.

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.

Funeral home and mortuary means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

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.

Glare means the effect produced by light from a luminaire with intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

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, natural or historic means the average elevation of the surface of the ground within the building setbacks of a lot or parcel prior to construction or development activity.

Grade, post-construction means the elevation of the finished surface of the ground within the building setbacks of a lot or parcel after construction or development activity.

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.

HPC means the City's Historic Preservation Commission.

Improvement means grading, paving and curbing of streets, the installation of fire hydrants, water mains, sanitary sewers, storm sewers and drains, pedestrian ways, crosswalks and such other construction as may be designated by the City Council.

Indoor amusement and entertainment establishment means provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building, including but not limited to bowling alleys, game rooms/video arcades, pool/billiard halls, skating rinks, theaters and similar establishments.

Indoor and outdoor 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.

Insubstantial or minor activity means and/or includes alterations, additions or other work performed on a building, structure or site, that does not result in the increase or decrease of site coverage, floor area or any exterior wall or roof surface in excess of five percent (5%); the installation, removal or replacement of a fence; the replacement or repair of surface materials, such as roofing or siding or an exterior architectural feature, with materials of identical or substantially similar type and/or design on a building or structure; the cleaning of an exterior surface of a building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means; and such other activities as would not detrimentally impact or influence in any substantial way the historic integrity and/or appearance of a landmark building, structure, site or designated historic district, and/or as deemed to be insubstantial or minor upon petition to and determination by the Historic Preservation Commission.

Junkyard means a building, structure or parcel of land, or portion thereof, used for the collection, storage or sale of wastepaper, rags, scrap metal or discarded material such as inoperable or disassembled appliances and other household equipment; or for the collecting, dismantling, storage, salvaging or demolition of vehicles, appliances, machinery or other materials.

Kennel means any premises wherein a person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats. This term does not mean *veterinary clinic*.

Laboratory means any premises where a person engages in scientific research, analysis or production processes involving the use of hazardous chemicals, biological materials, radioactive materials or electromagnetic propagation.

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.

Laundry means an establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public.

Loading area means a parking space, other than a public street or alley, for the temporary parking of commercial vehicles for the purposes of loading or unloading persons, material or merchandise.

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. A *lot* shall be an integral unit of land held under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, that is precisely identified by a legal description; and was created in a legal subdivision.

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 an insubstantial 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, both lot lines along the street right-of-way shall be considered *front lot lines*.

Lot line, rear means the property line opposite the front lot line. On a corner lot adjacent to an alley, the *rear lot line* shall be that line contiguous with the alley right-of-way. On a corner lot where no alley exists, the *rear lot line* shall be the property line opposite the shorter of the front lot lines.

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

Lot width means the average distance between the two (2) side lot lines, measured perpendicularly from one (1) of the sides.

Lumen means the unit used to measure the actual amount of light which is produced by a lamp.

Major activity means the same as substantial activity.

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.

Maximum extent feasible means that no prudent and feasible alternative exists and that all possible efforts to comply with a regulation and/or minimize potential harm, damage or adverse impacts have been undertaken.

Meat processing plant means a building where live animals are killed and processed; and/or a building where meat, poultry or eggs are cooked, smoked or otherwise processed or packed, but does not include a butcher shop or rendering plant.

Medical marijuana dispensary or *dispensary* means to distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary care-givers in accordance with Amendment 20, and the implementing state statutes and administrative regulations, as they may be amended.

Minor activity means the same as *insubstantial activity*.

Mobile home means a dwelling which is eight (8) feet or more in width and forty (40) feet or more in body length, 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.

Moving means any relocation, repositioning or removal of a structure.

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 nursing and caring for the sick. *Nursing home* may include continuing care retirement facilities.

Official zoning map means the official zoning map adopted by the City by ordinance as amended.

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.

Overall development plan means the first stage of a Planned Development District and constitutes the overall zoning plan for a planned development project. Adoption of the overall development plan by ordinance constitutes a rezoning of property.

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. *Parks* may include public facilities or other community buildings and uses such as the Salida SteamPlant or Salida Hot Springs Aquatic Center.

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.

Personal service means a business which provides both products and services, such as bank, credit and loan service; beauty and barber shop; catering service; funeral home and mortuary; laundry and dry cleaners; photographic studio; repair and maintenance of small appliances, electronics and sporting goods; secretarial, copying and related services; self-service Laundromat; tailor and shoe repair service; and travel agency.

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.

Personal wireless telecommunication services means communication services involving the transmission of voice or other information by radio between mobile stations or receivers and land stations, or between mobile stations themselves, including, by way of example and not limitation, cellular telephone, paging and mobile radio services.

Photographic studio means a facility primarily engaged in the retail sale, lease and service of photography equipment and supplies, including limited on-site processing or development.

Plan, sketch means a map of a proposed subdivision or other development, drawn and submitted in accordance with the requirements of this Chapter to evaluate feasibility and design characteristics at an early stage in the planning.

Plat, final means the map of a proposed subdivision drawn and submitted in accordance with the requirements of this Chapter approved by the proper Board, Commission or City Council as outlined in this Chapter to be used as an instrument for recording real property interests with the County Clerk and Recorder.

Plat, preliminary means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Chapter, to permit the evaluation of the proposal prior to detailed engineering and design.

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.

Preservation means the act or process of stabilizing and maintaining a structure or site in its existing form and materials by preventing further change or deterioration.

Printing establishment means a commercial printing operation involving a process that is considered printing, imprinting, reproducing or duplicating images and using printing methods, including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.

Professional office means a business which primarily provides professional services in an office environment, including 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.

Public hearing means a meeting of the Board, Commission, HPC or City Council for the purpose of hearing comments, testimony, recommendations and other responses from the staff, the applicant, other interested parties and the public regarding the applicant's proposal which is preceded by public notice.

Public meeting means a meeting held for the purpose of conducting business for which public notice is not required.

Public notice means notice given to the public that a public hearing will be held by a decision-making body with regard to a development application. Notice, unless otherwise noted, is provided by Section 16-10-50 of this Chapter.

Reconstruction means the act or process of reproducing by new construction the exact form and detail of a vanished building, site or structure, or part thereof, as it previously appeared at a specific period of time.

Recreation facility means a place designed and equipped for the conduct of 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 vehicles* shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than five (5) days on private property within a thirty-day period.

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.

Recreational vehicle park, dependent status, means a recreational vehicle park which accommodates recreational vehicles that are not manufactured with a toilet, lavatory or bathing facility, or a recreational vehicle park that also permits tent camping and is dependent upon a service building for toilets, lavatories and bathing facilities.

Recreational vehicle park, independent status, means a recreational vehicle park which accommodates only recreational vehicles that are manufactured with toilet, lavatory and bathing facilities requiring individual connections to a sanitary sewer, drinking water supply and electricity.

Rehabilitation means the act or process of upgrading a building or structure previously in a dilapidated or substandard condition for human habitation or use while preserving those portions or features that are significant to their historical, architectural and/or cultural value.

Remodeling means the act or process of physically changing the appearance and/or function of a building or structure from its original form.

Renovation means the act or process of returning a property through repair or alteration to a state of utility and efficient contemporary use.

Reserve strip means a portion of property on a plat dedicated to the City, usually for the purpose of controlling access.

Resort means a building or group of buildings designed for recreational purposes and used to accommodate individuals on a temporary or term occupancy basis.

Restoration means the act or process of accurately recovering the form and details of a structure or site as it appeared at a particular period of time by means of the removal of later work and/or materials, or by the replacement of missing earlier work or materials.

Resubdivision means the changing of any existing lot of any subdivision plat previously recorded with the County Clerk and Recorder.

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 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.

Satellite or electronic transmission device means, but is not limited to, parabolic-shaped devices or antennae for the transmission of satellite or electronic signals, including television, radio, telemetry, data communication or any other signals which use free air space as a medium, whether for commercial or private use.

Satellite reception device means a dish-shaped or parabolic-shaped device for the reception of satellite signals, including television, radio, telemetry, data communication or any other signals which use free air space as a medium, whether for commercial or private use.

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.

Shop, welding or machine means an establishment where lathes, presses, grinders, shapers and other wood- and metal-working machines are used, including blacksmith and welding shops, sheet metal shops and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates and similar products.

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.

Sign making and sign sale or repair shop means an establishment where the primary use is the on-site fabrication, creation, repair or sale of signs, banners or similar items.

Site-specific development plan means a plan which has obtained final development approval under the standards and procedures contained in this Chapter, inclusive of public notice and public hearing, and which describes with reasonable certainty the type and intensity for a specific parcel of property and includes all terms and conditions of approval. A sketch plan, preliminary plat, variance, license, zoning, map exemption, easement, permit, certificate of appropriateness, conditional use or waiver shall not constitute a site-specific development plan, but may be incorporated into and become part of a site-specific development plan.

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.

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:

a. *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.

b. *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.

c. *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.

d. *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.

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 building, carport, deck, fence, gazebo, pole, antenna, satellite reception or transmission device, storage tank, tower, bridge, dam, culvert, pier or any other construction or erection, except porches, slabs, patios, decks, walks and steps which are uncovered and do not exceed thirty (30) inches above grade.

Studio, radio and television means commercial and public communications uses, including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

Subdivider means a person who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owns the land or has written authorization from the owner of the land to proceed with the subdivision.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites 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. *Subdivision* includes the creation of duplex lots and "lot splits." *Subdivision* also means any parcel of land which is to be used for condominiums unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density. *Subdivision* also refers to any resubdivision of land within any subdivision heretofore platted within the City and also refers to any division of land by a metes-and-bounds description, whether or not said land is within a platted subdivision. Unless the method of land disposition is adopted for the purpose of evading this definition, *subdivision* shall not apply to any of the following divisions of land or interests in land:

- a. The division of land by order of any court in the State or by operation of law.
- b. The division of land by a lien, mortgage, deed or trust or any other security instrument.
- c. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity.
- d. The division of land which creates cemetery lots.
- e. The division of land which creates an interest in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.
- f. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this Section as only one (1) interest.
- g. The division of land by conveyance of real property to the City in satisfaction of land dedication, subdivision, annexation or other City requirements.

Subdivision improvements agreement means one (1) or more security arrangements which may be accepted by the City to guarantee the construction of such public improvements as are required by the subdivision regulations within the subdivision and shall include collateral such as but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

Substantial means material and/or considerable in importance, value, degree, amount or extent and, with respect to alterations or additions to buildings, structures or sites, means involving more

than five percent (5%) of the total external surface area, square footage or site coverage of such building, structure or site.

Substantial or major activity means an activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to, the reconstruction, rehabilitation, remodeling, renovation or restoration of more than five percent (5%) of the exterior surface area or exterior architectural features, including roof area and porches, of a building, structure or site; or the erection, moving, demolition, relocation or substantial alteration of or addition to a building, structure or site.

Temporary commercial activity means a general retail sales or other commercial use operated outside of a building on a seasonal basis. *Temporary commercial activities* do not include farm stands, farmers' market, holiday tree sales, rafting and similar recreational operations.

Trail means a pathway designed for and used by the public for nonmotorized 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.

Unit space means a designated place in an approved mobile home or recreational vehicle park.

Upholstery shop means a business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

Use means the purpose for which any land, structure or building is designed, maintained or occupied.

a. *Allowed 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.

b. *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.

Utilities available means that City utilities are available to serve a lot or a proposed lot, specifically with regard to sewer and water utilities. Utilities are deemed available when a public main runs along the length of a front or rear property line.

Variance means a deviation from the terms of this Chapter that would not be contrary to the public interest; where, owing to conditions peculiar to the property and not the actions of the applicant, and where a literal enforcement of this Chapter would result in unnecessary and undue hardship.

Vested property right means a site-specific development plan which shall only be deemed established upon the final action of the reviewing body or official designated under the subdivision regulations with authority to grant final development approvals.

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 the portion of a lot which does not have a structure located thereon and which is unobstructed from the ground to the sky, except for the following permitted projections:

a. Building eaves and architectural projections. Building eaves and architectural projections may project eighteen (18) inches into a yard, provided that they are in compliance with the City's Building Code.

b. At-grade structures. Uncovered porches, slabs, patios, decks, walks and steps which do not exceed thirty (30) inches above or below grade may project into a yard. Projections may exceed thirty (30) inches below grade if required by the Building Official for window or other building egress.

c. Covered porches. Covered porches which are unenclosed may encroach into the front yard setback by twenty-five percent (25%).

d. Fences. Fences which are not more than six (6) feet in height may project into a yard.

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.

Zero lot line development means a residential development in which a dwelling unit is located on one (1) side lot line and/or on the rear lot line of the subject lot. The reduced setback shall result in an equal amount of setback increase on the opposite side of the lot. A *zero lot line development* may be carried out for an entire block, as a row of units or as a cluster, in order to achieve an overall compatibility of design and so zero lot line dwellings are not situated immediately adjacent to traditionally sited dwellings. (Ord. 03, 2002 §9-4-1; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §1; Ord. 2006-08 §3; Ord. 2006-20 §1; Ord. 2007-11 §1; Ord. 2007-23 §1; Ord. 2008-33 §3; Ord. 2009-08 §2; Ord. 2009-18 §2)

Sec. 16-1-90. Severability.

It is hereby declared to be the legislative intent of the City Council that the several provisions of this Land Use Code shall be severable as follows:

(1) Provision declared invalid. If any provision is declared invalid by a decision of any court of competent jurisdiction, then:

a. Effect limited. The effect of such decision shall be limited to that provision which is expressly stated in the decision to be invalid.

b. Code shall remain in effect. Such decision shall not effect, impair or nullify this Land Use Code as a whole or any other part thereof, and the rest of this Land Use Code shall continue in full force and effect.

(2) Application to tract of land invalid. If the application of this Land Use Code to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then:

a. Effect limited. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered.

b. Code shall remain in effect. Such decision shall not effect, impair or nullify this Land Use Code as a whole or the application of any provision thereof to any other tract of land. (Ord. 03, 2002 §9-1-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-1-100. Fees and Charges.

(1) Every land use and development application shall be submitted with the appropriate fees and charges for the type of application being submitted along with a cost reimbursement agreement in a form approved by the City Attorney. For purposes of this Section, "land use and development application" shall include any and all applications filed pursuant to the Salida Land Use Code, requests for can and will serve letters from developments in unincorporated Chaffee County, and Title 32 special district service plan reviews pursuant to C.R.S. §32-1-201, *et seq.* The amount of such fees and charges shall be established by resolution of the City Council, as may be amended from time to time, and posted at City Hall. In addition to the minimum application fees, the applicant will also be charged the actual review costs and fees for outside professional services for review of the application. The minimum application fees shall be due and payable upon submission of the application. In addition, at the time of submittal of the application, the applicant shall deposit funds equal to two (2) times the minimum application fee to be used as the initial payment to offset the costs of outside professional services for review of the application. After exhaustion of the initial deposit, statements for professional review services will be mailed to the applicant, and payment of such amounts is due within thirty (30) days of receipt of the statement. Interest shall be imposed at a rate of one and one-half percent (1.5%) per month on all balances not paid within thirty (30) days of the date of the statement. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, the City shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid. The City reserves the right to suspend review of an application, withhold approval, or postpone public hearings if an applicant fails to pay outstanding review fees as required hereunder.

(2) All costs of providing notice, including publication, mailing and posting, shall be borne by the applicant.

(3) Recording and filing fees imposed by the County Clerk and Recorder, and others, as a result of the application, shall be advanced by the applicant prior to the documents being tendered for recording.

ARTICLE II

Enforcement

Sec. 16-2-10. Designation of Zoning Administrator; authority to inspect.

(a) Designation. The Administrator is hereby designated as the Zoning Administrator, and shall enforce these regulations. He or she may be provided with the assistance of such other persons as the City may direct.

(b) Authority to Inspect. Under the powers of this Chapter, the City shall have the authority through the exercise of any appropriate legal remedies to enter onto property within the City limits to inspect or to investigate suspected violations of this Chapter.

(1) Premises Occupied. If the building or premises upon which the suspected violation is located is occupied, the City shall present proper identification and request access. If access is denied, the City shall have recourse to every remedy provided by law to secure entry.

(2) Premises Unoccupied. If the building or premises upon which the suspected violation is located is unoccupied, the City shall make reasonable efforts to locate the person having charge of the premises. If entry is refused, the City shall have recourse to every remedy provided by law to secure entry.

(c) Complaint. Any person aggrieved by a violation or apparent violation of the provisions of this Chapter may file a written complaint with the Zoning Administrator. The Zoning Administrator may, upon good cause, inspect the property in response to the complaint, shall provide notice to the violator as specified in Section 16-2-20 below, and shall be authorized to order the violation to be remedied, as specified in Section 16-2-30 below. (Ord. 03, 2002 §9-2-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-2-20. Notification to violator.

If the Zoning Administrator finds that any of the provisions of this Chapter are being violated, the Zoning Administrator shall notify the person responsible for such violations if known, and the owner of the property, in writing. The written notice shall state the nature of the violation and shall order the action necessary to correct it. The notice shall order the necessary corrections to be made within a reasonable period of time, as determined by the Zoning Administrator and shall be mailed by certified mail. (Ord. 03, 2002 §9-2-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-2-30. Remedies.

When the City finds a violation of any of the provisions of this Chapter, it shall be authorized to order the following remedies.

(1) Discontinuance of Use Violation. The City may order any use of land, buildings or structures which violates the provisions of this Chapter to be discontinued or abated. The City shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the City may take such remediation as authorized by law.

(2) Removal of Buildings. The City may order any buildings, structures, additions, alterations or structural additions which violate the provisions of this Chapter to be removed. Any sign placed upon or over City property or a public right-of-way may be impounded in accordance with the law as evidence.

(3) Stoppage of Illegal Development. The City may order any development activities in violation of the provisions of this Chapter to cease.

(4) Enjoin Illegal Transfers. The City may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale or transfer of any subdivided property before a final plat has been approved by the City and recorded or filed in the office of the County Clerk and Recorder.

(5) Other Actions. The City may order such other actions to be taken as are necessary and as are authorized by this Code, by statute or by law, to ensure compliance with or to abate violation of the provisions of this Chapter.

(6) Remedies are Cumulative. All remedies provided for in this Section are cumulative, are not exclusive and shall be in addition to any other remedies provided by law. (Ord. 03, 2002 §9-2-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-2-40. Penalties.

(a) Misdemeanor. Violation of the provisions of this Chapter or any order issued by the Administrator shall be punishable as set forth in Section 1-4-20 of this Code.

(b) Each Lot a Separate Offense. Each lot or parcel offered for sale, agreed to be sold, sold or transferred in violation of the provisions of this Chapter shall be considered a separate and distinct offense. (Ord. 03, 2002 §9-2-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-2-50. Void permits.

(a) Permits Issued Which Conflict With Land Use Code. All officials of the City vested with the authority to issue permits shall comply with the provisions of this Chapter. No permit, certificate or license for the use, construction or occupancy of structures or land shall be issued which conflicts with the provisions of this Chapter.

(b) Permits Issued Based on False or Erroneous Information. Any permit, certificate or license issued for the use, construction or occupancy of structures or land which is issued in reliance upon any materially false or erroneous statement in the application, in supporting documents or in oral statements is null and void and shall be revoked. (Ord. 03, 2002 §9-2-5; Ord. 2005-07 §1)

Sec. 16-2-60. Appeals process.

(a) Appeal. An order, decision or interpretation rendered by the Administrator, any Commission or any Board may be appealed to the designated body outlined in Table 16-A. Decisions by the designated body shall be final and may not be appealed further except in court.

TABLE 16-A Appealing Body From Specific Orders, Decisions or Interpretations		
Decision Appealed From:	Type of Land Development Application	Decision Appealed To:
Administrator	Interpretation Verification of zoning compliance Reuse, change in use or further development Sign permits and comprehensive sign plans	Planning Commission
Board of Adjustment	Variance	Court system
Board of Appeals	Appeal	Court system
Building Official	Interpretation of codes enforced by the Building Official	Board of Appeals*
City Council	Amendment to Official Zoning Map or text of Code Overall development plan or final development plan Annexation Minor and major subdivision - final plat Designation of a historic district or landmark Off-premises sign	Court system
Fire Chief	Interpretation of codes enforced by the Fire Chief	Board of Appeals*
Historic Preservation Commission (HPC)	Certificate of Appropriateness – minor Certificate of Appropriateness – major	HPC - Whole Commission City Council
Planning Commission	Conditional use Creative sign Comprehensive sign plans for multiple owners Sketch plan Preliminary plat	City Council
Planning Chair	Subdivision exemption	Planning Commission
* Refer to Chapter 18, Article VIII, Building Regulations, Appeals Process for additional information		

(b) Appeal Contents. The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Administrator within fifteen (15) days of the date the interpretation or decision was first postmarked. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

- (1) Facts and Reasons. The facts and reasons for the appeal, including any relevant citation to any rule, regulation or Code section relied upon.
- (2) Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing.

(c) Actions Following Receipt of Appeal. Upon receipt of the appeal, the Administrator shall schedule the appeal for a regular or special meeting of the appropriate body within thirty-one (31) days of the filing of the notice to appeal.

(d) Notice. Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than fifteen (15) days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided as outlined in Subsection 16-10-50(b), Manner of Notice, of this Chapter.

(e) Appeal Hearing.

(1) Evidence. Formal Rules of Evidence shall not be followed during hearings. The chairman shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice. The burden of persuasion on appeal shall rest with the appellant.

(2) Basis of a Decision. An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

(3) Recording. Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the City pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.

(4) Notice of Decision. The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant. (Ord. 03, 2002 §9-3-2; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §2; Ord. 2006-08 §4; Ord. 2007-11 §§2, 3)

ARTICLE III

Zone District Standards

Sec. 16-3-10. Purpose of zone districts.

The purpose of this Article is to establish the zone districts and zone district overlays that regulate the type and intensity of land uses within the City. (Ord. 03, 2002 §9-5-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-3-20. Division into zone districts.

The incorporated area of the City is hereby divided into the minimum number of zone districts necessary to achieve the compatibility of uses and character within each zone district, guided by the vision of the City Comprehensive Plan and to achieve the purposes of this Land Use Code. (Ord. 03, 2002 §9-5-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-3-30. Zone districts established.

The following zone districts and zone district overlays are hereby established:

- (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-1, Industrial District.
- (9) SDHD, Salida Downtown Historic District Overlay.
- (10) HPO, Historic Protection Overlay.
- (11) 291 CO, SH 291 Corridor Overlay.
- (12) 50 CO, Highway 50 Corridor Overlay.
- (13) Planned Development District.
- (14) Local Historic Landmark Overlay. (Ord. 03, 2002 §9-5-1; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §5; Ord. 2006-14 §1)

Sec. 16-3-40. 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 Paragraph 16-13-30(7) 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. (Ord. 03, 2002 §9-5-2; Ord. 2005-07 §1)

Sec. 16-3-50. Determination of zone district boundaries.

The Administrator shall be authorized to determine the precise location of any zone district boundaries shown on the Official Zoning Map. The Administrator shall follow the procedures of Section 16-2-60 of this Chapter, and the rules of this Section in determining the precise location of zone district boundaries.

- (1) Boundaries Follow Municipal Limits. Zone district boundary lines shown as following or approximately following the municipal limits shall be construed as following such limits.

(2) Boundaries Follow Streets, Alleys or Railroad Right-of-Way. Zone district boundary lines shown as following or approximately following a street, alley or railroad right-of-way shall be construed to lie on the centerline of such street, alley or railroad right-of-way.

(3) Boundaries Follow Section Lines or Platted Lot Lines. Zone district boundary lines shown as following or approximately following section lines, platted lot lines or other property lines shown on the Official Zoning Map shall be construed as following such lines.

(4) Boundaries Follow Streams or Rivers. Zone district boundary lines shown as following or approximately following the centerline of streams, rivers or other continuously flowing watercourses shall be construed as following the channel of such watercourse. In the event of a natural change in the location of such stream, river or other watercourse, the zone district boundary shall be construed as moving with the channel. In any instance where the channel moves beyond the municipal limits, the zone district boundary shall remain coterminous with the municipal limits.

(5) Boundary Division of a Lot. Where a district boundary line divides a lot which is in single ownership, the larger of the two (2) zone district areas shall be considered the zone district for the entire lot. (Ord. 03, 2002 §9-5-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE IV

Purposes of Zone Districts and Overlays

Sec. 16-4-10. General.

This Article specifies the purpose and intent of zone districts and overlays established by this Chapter. The zone districts and overlays have been organized into broad district classifications, these being residential, commercial, industrial, overlays and planned developments. (Ord. 03, 2002 §9-6-1; Ord. 2005-07 §1; Ord. 2006-08 §6)

Sec. 16-4-20. Residential zone districts.

Specific uses that are permitted, conditional or not allowed are outlined in Article V, Use and Dimensional Standards, Table 16-B, Schedule of Uses – Residential Zone Districts. 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)

Sec. 16-4-30. Commercial, business and industrial zone districts.

Specific uses that are permitted, conditional or not allowed are outlined in Article V, Use and Dimensional Standards, Table 16-D, Schedule of Uses – Commercial/Industrial Zone Districts. 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. (Ord. 03, 2002 §9-6-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-4-40. Salida Downtown Historic District Overlay (SDHD).

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

(b) Applicability. The standards for the Salida Downtown Historic District Overlay, which are located in Article XVIII of this Chapter, shall apply to all development on parcels or lots which are located within the area falling within the boundaries of the Salida Downtown Historic District established and identified by the National Park Service of the U.S. Department of the Interior. All areas within the district shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Chapter. (Ord. 03, 2002 §9-6-4; Ord. 2005-07 §1)

Sec. 16-4-50. Historic Protection Overlay (HPO).

(a) Purpose. The purpose of the Historic Protection Overlay (HPO) is to provide for the protection of the historic character of the areas surrounding or in the vicinity of the Salida Downtown Historic District and to ensure that the planning and development of the downtown is compatible with and enhances the historic, cultural and architectural heritage of the City.

(b) Applicability. The standards of the Historic Protection Overlay (HPO) shall apply to all development on parcels or lots which are located within the boundaries of the Central Business District (C-2) zoning district but are outside the Salida Downtown Historic District Overlay (SDHD). This Section establishes standards and criteria to be used in the review of development applications proposed within the Historic Protection Overlay District. In no instance shall this Chapter require renovation or changes to existing properties or structures when no development applications are required to be submitted. These regulations shall only be applicable when development is proposed by an applicant.

(c) Areas. The boundaries of the Historic Protection Overlay (HPO) are congruent with those of the Central Business (C-2) zone district on the Official Zoning Map, excluding any structures or lots located in the Salida Downtown Historic District Overlay (SDHD).

(d) Uses. The uses permitted in the Historic Protection Overlay (HPO) are those uses specified in the Central Business District (C-2) zoning district.

(e) Standards. The standards listed below shall apply to development in the Historic Protection Overlay (HPO). These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Historic Protection Overlay (HPO) absent compliance of the structure with the following standards:

(1) Setbacks. Historic settlement patterns often contribute to the distinct character of the district, and therefore they should be preserved. Setbacks shall follow the traditional building line.

(2) Mass and Scale. The traditional similarity in scale of the buildings within the area enhances the character of the street and visual continuity. The construction of a new building or addition shall be similar in mass and scale to those in the immediate area.

a. Building form. Use building forms that are similar to those seen traditionally on the block. Simple rectangular solids are typically appropriate.

b. Facade proportions. The overall proportion is the ratio of the width to height of the building and shall be similar to those of historic buildings in the immediate area.

c. Roofs. Roof forms shall be similar to those seen traditionally in the block.

(3) Architecture. Architectural details contribute to the sense of character of the street. To enhance the distinction between old and new buildings, contemporary interpretations of traditional details are encouraged. Existing historical details shall be preserved.

a. Materials. The principal materials used on building facades shall be indigenous to the Salida Downtown Historic District Overlay, including brick or wood. Two (2) or more materials shall be used for exterior materials and architectural form, excluding roofing materials. Tilt-up concrete is prohibited, and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials excluding roofs. The facades of buildings shall be articulated with architectural treatments; long blank walls shall be avoided.

b. Windows. A new building or addition should maintain the basic window proportions and placement seen traditionally in the area. Windows with vertical emphasis are encouraged. (Ord. 03, 2002 §9-6-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-4-60. SH 291 Corridor Overlay (291 CO).

(a) Purpose. The purpose of the SH 291 Corridor Overlay (291 CO) is to establish standards for development along one (1) of the primary entrances to the City along the Highway 291 Corridor, and to

provide for a transitional area between the City's commercial and residential uses, by allowing for relatively lower intensity commercial uses which are compatible with residential uses and which maintain the character of the existing residential neighborhood. This is accomplished by a combination of provisions for pedestrian and vehicular access and building setbacks which provide for attractive, functional development while allowing for the continued growth of the commercial and residential uses within this corridor.

(b) Applicability. The standards of the SH 291 Corridor Overlay (291 CO) shall apply to all development on parcels which have frontage on S.H. 291 within the sub-areas described herein.

(c) Areas. The boundaries of the SH 291 Corridor Overlay (291 CO) are shown on the Official Zoning Map. There are two (2) sub-areas within this district as follows:

(1) Established Commercial. The Established Commercial sub-area establishes the initial entry image for the City on its northwestern and southern entrances. It extends from "O" Street to the northwestern City limits along S.H. 291 and from Wood Avenue in a southerly direction along S.H. 291 to U.S. 50.

(2) Established Residential. The Established Residential sub-area continues the entry image for the City along S.H. 291 as the highway approaches the commercial core. It extends from "O" Street southeasterly along S.H. 291 to the boundary of the Salida Downtown Historic District Overlay; and from Wood Avenue in a northwesterly direction along S.H. 291 to the boundary of the Salida Downtown Historic District Overlay.

(d) Standards. The standards listed below shall apply to development in the SH 291 Corridor Overlay (291 CO). These standards shall be in addition to those of the underlying zone district in which the property is located, in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the SH 291 Corridor Overlay (291 CO) absent compliance of the structure with the following standards:

(1) Building Setbacks.

a. Established Commercial. The Established Commercial sub-area shall meet the underlying zone district setback requirements.

b. Established Residential. The Established Residential sub-area shall meet the underlying zone district setback requirements, except for the front yard setback. The front yard setback in Established Residential shall relate to those of existing adjacent structures. The building should be constructed at a distance not more than five (5) feet in front of or behind the existing front setbacks of adjacent buildings. When developing lots adjacent to buildings having significantly greater or lesser setbacks than the uniform historic setback of other buildings on S.H. 291, new buildings should be located in compatible relationships to the uniform setback provided by most structures on S.H. 291.

(2) Parking and Access.

a. Established Commercial. The Established Commercial sub-area shall meet the off-street parking standards of Article VI of this Chapter. Shared access is encouraged.

b. Established Residential. Required off-street parking in the Established Residential sub-area shall be located to the rear of the building. Curb cuts on S.H. 291 shall be discouraged. Off-street parking standards are located in Article VI of this Chapter.

c. Highway access. Any access onto the highway requires approval from the Colorado Department of Transportation. Curb cuts shall meet the Colorado Department of

Transportation's "Highway Access Code." The provisions of the Highway 291 Corridor Overlay District shall be complied with in addition to, and to the extent not in conflict with, the State Highway Access Law and Code.

d. Pedestrian access. Sidewalks shall be provided within the 291 CO. Sidewalks along S.H. 291 are typically detached with a width of five (5) feet. The parkway located between the curb or travel lane shall be a minimum of four (4) feet wide. In areas where a sidewalk is being installed that will connect with an existing sidewalk, the placement and dimensions shall match the existing sidewalk. Installation of improvements within the Colorado Department of Transportation's right-of-way requires approval via a Utilities/Special Use permit from the Colorado Department of Transportation.

(3) Mass and Scale for Established Residential. New infill development within the Established Residential sub-area shall be similar to the size and scale of buildings adjacent to the development. The design of buildings shall look appropriate to and compatible with their surroundings and shall not exceed two (2) stories.

(4) Architectural Standards for Established Commercial. With new construction, including an addition, two (2) or more materials must be used for exterior materials within the 291 CO, excluding roofing and structural materials. Tilt-up concrete is prohibited, and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials, excluding roofs. Specifically exempt from the requirement of using two (2) or more materials are single-family residences, duplex family residences and the accessory structures for single-family and duplex family development.

(5) Uses by Right and Conditional Uses.

a. Residential development. Single-family, duplex dwelling and multifamily dwellings (three [3] units or less) are allowed uses by right in the SH 291 Corridor Overlay (291 CO). Multifamily dwelling units (four [4] units or greater) are a conditional use.

b. Commercial development. Some of the commercial uses that are allowed in the underlying C-1 zone district are only allowed as a conditional use in the overlay districts. The uses that are conditional are indicated by an asterisk in Table 16-D, Schedule of Uses for Commercial/Industrial Zone Districts, contained in Article V of this Chapter.

(6) Other Standards. Other standards throughout this Chapter may apply to a particular development. Additional standards include Use and Dimensional Standards, Off-Street Parking Standards, Landscaping and Illumination Standards, Sign Standards and Improvement Standards. The Administrator can assist with any questions as to the applicability of a particular standard. (Ord. 03, 2002 §9-6-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-4-70. Highway 50 Corridor Overlay (50 CO).

(a) Purpose. The purpose of the Highway 50 Corridor Overlay (50 CO) is to establish standards for the efficient, well-ordered and safe development of one (1) of the primary entrances to the City which is also one (1) of its major highways. A combination of landscape and architectural standards and provisions for pedestrian and vehicle access will provide for attractive and functional development while allowing continued commercial growth within this corridor.

(b) Applicability. The standards of the Highway 50 Corridor Overlay (50 CO) shall apply to parcels which front Highway 50. In no instance shall this Chapter require changes or renovation to existing properties or structures when no development applications are required to be submitted. Interior renovations are not subject to these regulations; however, new construction, a change of use of the

property or an expansion of use will be applicable. These regulations shall only be applicable when development is proposed by an applicant.

(c) Standards. The standards listed below shall apply to development in the Highway 50 Corridor Overlay (50 CO). These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Highway 50 Corridor Overlay (50 CO) absent compliance of the structure with the following standards:

(1) Access.

a. Vehicular access. Vehicular access to the property shall be obtained using curb cuts which are shared with other properties whenever feasible and provided for with appropriate easements. Curb cuts shall meet the Colorado Department of Transportation's "Highway Access Code." The provisions of Highway 50 Corridor Overlay (50 CO) shall be complied with in addition to, and to the extent not in conflict with, the State Highway Access Code. Any access onto the highway requires approval from the Colorado Department of Transportation.

(2) Streetscape and Lighting.

a. Sidewalks. Sidewalks shall be provided within the Highway 50 Corridor Overlay (50 CO). Sidewalks fronting Highway 50 shall be detached sidewalks with a width of six (6) feet. The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet wide.

A sidewalk design may be modified, with approval from the Administrator, if attaching to an existing sidewalk that does not meet this standard or if the existing site development is such that the standard sidewalk and parkway width requirements would adversely affect existing required parking or would not fit between the road edge and front of an existing building. When extraordinary conditions prohibit the installation of the sidewalk, a fee-in-lieu may be allowed. Installation of improvements within the Colorado Department of Transportation's right-of-way requires approval via a Utilities/Special Use permit from the Colorado Department of Transportation.

b. Parkway. The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet in width. The parkway shall be stamped, colored concrete as proposed in the Highway Corridor Improvement Plan or as approved by the Public Works Director.

c. Lighting. Streetlights shall be installed in the parkway. The streetlights shall meet the model and specifications identified in the Highway Corridor Improvement Plan. Approximate streetlight locations are shown in the Highway Corridor Improvement Plan. Exact locations will be subject to the approval of the Public Works Director.

(3) Building Setbacks. To create a consistent image throughout the corridor, new construction should be developed in a manner that complements the historic pattern of buildings being located close to the highway.

(4) Landscaping Standards. The minimum landscape area applicable to any property in the Highway 50 Corridor Overlay (50 CO) shall be that required in the underlying zone district. At a minimum, this landscaping shall be located along the road frontages identified herein and shall also be located within and around the parking areas, as described in Section 16-7-40 below.

a. Highway frontage buffer. There shall be an average of one (1) tree planted per thirty (30) feet of the property's highway frontage adjacent to the highway. These trees shall be planted on the subject property, along the property's frontage adjacent to the highway, and may be clustered.

b. Side road buffer. If the subject property is a corner lot, there shall also be an average of one (1) tree planted per forty (40) feet of the property's side road frontage. These trees shall be planted in a minimum four-foot-wide landscape strip along either side of the pedestrian path. These trees shall be planted on the subject property, along the property's frontage adjacent to the side road and may be clustered.

(5) Storage Areas. Storage areas shall be visually screened from pedestrian paths and the highway, using a fence, wall, trees or large shrubs. Storage areas include, but are not limited to, outside storage areas, open areas where machinery or heavy equipment is parked, loading docks and trash receptacles.

(6) Architectural Standards.

a. Materials. With new construction, including an addition, two (2) or more materials must be used for exterior materials excluding roofing and structural materials. Tilt-up concrete is prohibited and metal shall not exceed twenty-five percent (25%) of the surface area of exterior materials excluding roofs.

b. Façade treatment. Long, blank walls must be avoided. The principal materials used on building facades should be wood (including siding), stone, brick or stucco. The facades of buildings must be broken up by the use of different materials or architectural treatments.

c. Fenestration. A minimum of twenty percent (20%) of the front facade of a building which houses a principal use on the parcel shall be glass. When a building containing a principal use is completely screened from the view from the highway, the structure shall be exempt from the fenestration requirement.

(7) Other Standards. Other standards throughout this Chapter may apply to a particular development. Additional standards include Use and Dimensional Standards, Off-Street Parking Standards, Landscaping and Illumination Standards, Sign Standards and Improvement Standards. The Administrator can assist with any questions as to the applicability of a particular standard. (Ord. 03, 2002 §9-6-7; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §3; Ord. 2007-04 §1; Ord. 2007-12 §1)

Sec. 16-4-80. Planned Development District.

(a) Purpose and Objectives. Planned Developments are intended to facilitate the purposes and objectives of this Land Use Code and the City's Comprehensive Plan and to permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in higher quality development. A better quality of development shall be defined as one that furthers the purposes described in Section 24-67-102, C.R.S., and an applicant for a PD zone district designation must demonstrate that the following purposes and objectives can be achieved where feasible:

(1) Energy and Resource Conservation: The development utilizes design and technology to provide a significant increase in the efficiency with which energy, water, land and natural resources are utilized, recycled and conserved.

(2) **Livability and Community:** The development utilizes innovative design to encourage social interaction, increase opportunities for walking and bicycling, provide play areas for children and adults, provide trails and open space and decrease dependency on the automobile with connections within and between residential and nonresidential uses.

(3) **Diversity:** The development provides for a diversity of nonresidential uses and a diverse range of housing types, densities and prices to accommodate a wide range of ages and incomes. It is the policy of the City to encourage development that contributes to solving the problem of affordable housing. If opportunities arise, it would be appropriate to use this planned development process to encourage such development.

(4) **Preservation:** The development provides for the preservation of buildings, sites and property that are a significant part of the history, heritage and natural environment of the community.

(5) **Community Prosperity:** The completed development shall contribute to the long-term economic well-being, security and prosperity of the community and increases the diversity of goods and services available to members of the community.

(6) **Community Facilities:** The Overall Development Plan provides for significant open space, parks, trails, bike lanes, recreational facilities, school sites, community buildings, civic structures, public gathering places or infrastructure that shall be available for the use and benefit of the public.

(b) **Applicability.** The standards of the Planned Development District may apply to any site upon review and approval as specified in Article XIII of this Chapter. (Ord. 2006-08 §7; Ord. 2006-20 §2)

Sec. 16-4-90. Local Historic Landmark Overlay (LHLO).

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

(b) **Applicability.** The standards for the Local Historic Landmark Overlay, which are located in Article XVIII of this Chapter, shall apply to all development on parcels or lots which are designated as local historic landmarks in this Chapter. All areas within the Overlay shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within Article XVIII. (Ord. 2006-14 §2)

Sec. 16-4-100. Sackett's Addition Overlay.

(a) **Purpose.** The purpose of the Sackett's Addition Overlay is to ensure that future construction in this historic area, including the alteration of an existing structure and infill development, be designed in such a way that it will be compatible with existing structures and will protect and preserve the character of the neighborhood. This objective is accomplished through a variety of building standards complimented by recommended design elements.

(b) **Applicability.** The standards of the Sackett's Addition Overlay shall apply to all development on parcels or lots located within the boundaries of the Sackett's Addition Overlay as established and identified by the City and shown on the map of the neighborhood prepared by the Planning Department and available for inspection at City Hall. Additionally, the boundaries of the Sackett's Addition Overlay are shown on the Official Zoning Map of the City. These regulations shall establish standards and criteria to be used in review of development applications proposed within the Sackett's Addition Overlay and shall be applicable only when development is proposed by an applicant.

In no instance shall this Section require changes or renovation to existing properties or structures when no development applications are required to be submitted.

(c) Standards. The standards listed below shall apply to development in the Sackett’s Addition Overlay. These standards shall be in addition to those of the underlying zone district in which the property is located and to other applicable standards of this Chapter. No building or other development permit shall be issued for a structure in the Sackett’s Addition Overlay absent compliance of the structure with the following standards:

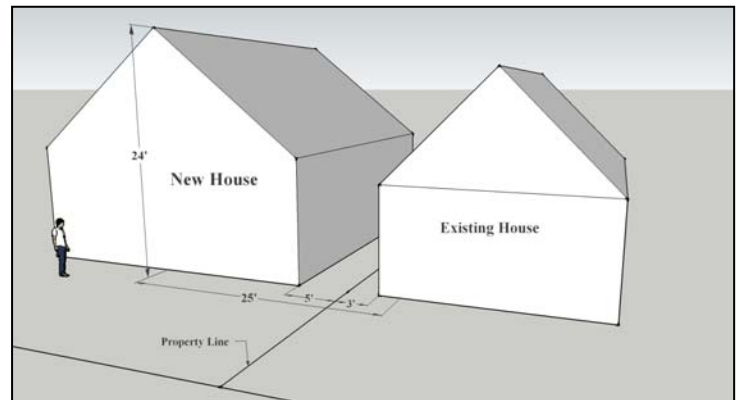
(1) Building Setbacks.

a. The front setback for new primary structures must be the same as that for other primary structures on that side of the block. If the front setbacks on the block are variable, the front setback of the new structure must be within the established range of those seen on that side of the block. The setback of an addition must be equal to or greater than the front setback of the primary façade of the existing structure.

b. Recognizing the importance of preserving the existing scale and proportion to adjacent primary structures and the critical role that side setbacks play in the perception of mass, the required side setbacks are dependent on the maximum height of the roof line of a new primary structure or addition. The setback from each side lot line does not have to be equal; however, each side setback must be at least 5 feet and meet or exceed the minimum horizontal distance from the roof apex to neighboring house foundation.

Table 16-N Height/Setback Relationship for Sackett’s Addition Overlay	
Structure Height	Min. horizontal distance from roof apex to widest point of the neighboring house foundation*
15 or less ft tall	10-ft
> 15-21 ft tall	16-ft
> 21-23 ft tall	21-ft
> 23-26 ft tall	25-ft

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



c. A roof pitch of 4:12 or less is considered to be a flat roof such that the height of the apex is projected to the edge of the roof adjacent to the side setbacks. Dormers projecting towards the side setbacks may not displace more than fifty percent (50%) of the roof area from which they project.

d. Attached residential units on separate parcels are not subject to the height/setback relationship along the shared lot line between the two structures. New attached residential units on separate parcels or additions to such existing structures shall be subject to height limitations derived from distance to foundations of neighboring structures or 26', whichever is less.

(2) Mass and Scale. New single family structures and additions in the neighborhood must appear from the street to be similar in mass and scale to other single family structures on that side of the block. Multifamily structures must also appear to be similar in mass and scale to existing structures on that side of the block and complement the existing streetscape. Historically, square footage is "hidden" in the roof line or behind the front façade:

a. Height. Maximum height allowed for a new primary structure or addition is 26 feet. However, if an existing primary structure taller than 26 feet should be completely destroyed by a natural cause such as fire, a new structure may be built to the height and square footage of the original structure. Any additional footprint must adhere to the design requirements. Within the overlay area, height is measured to the top of the ridge or parapet but does not include chimneys, solar installations, etc.

b. Mass. Size of primary structures is limited as shown in Table 16-O. If more than one primary structure is proposed, they must share the allotted floor area. If an existing primary structure greater in mass than what is allowed in the design requirements should be completely destroyed by a natural cause such as fire, a new structure may be built to the square footage of the structure prior to destruction.

Table 16-O	
Allowed Floor Area for Sackett's Addition Overlay	
Lot Size	Size of primary structure
0 - 3,750	(lot area)(0.4)
3,750 - 7,500	1,500 + (.106667)(lot area - 3,750)
7,500 - 11,250	1,900 + (.106667) (lot area - 7,500)
11,250 - 15,000	2,300 + (.106667) (lot area - 11,250)
Note: No Lot shall be allowed less than 1,200 sq. ft.	

(3) Accessory structures. New accessory structures must be subordinate in terms of mass, scale, and height to the primary structure.

a. The maximum height allowed for new accessory structures is one and one-half stories. The height of a new accessory structure must be subordinate to the height of the primary structure.

b. Garages must be detached from the primary structure and must be accessed from the alley where there is alley access.

(4) Restorations. When the primary façade of an older structure is to be restored to its original, historic appearance, a deviation request pursuant to subsection (5) will not be required if the restoration will conflict with the front setback requirements.

(5) Deviations. Deviations from the requirements of these design guidelines may be permitted upon a finding by the Planning Commission that the proposed design solution is consistent with the existing mass and height of the block where the new structure or addition is proposed. In reviewing an application for a deviation the Planning Commission may consider the unique challenges of a particular site or existing structures of the site. Such challenges may

include but are not limited to, narrow lot width, low foundation heights of adjacent structures, or unusual setbacks on existing or adjacent structures. Deviations will follow the development review procedures of Section 16-10 of the Land Use Code for applications where the Planning Commission is the decision making body. If a variance is requested from other provisions of the code not addressed in these design guidelines, that variance will follow the normal procedure of Section 16-12 of the Land Use Code.

(d) Design Recommendations. In addition to the Sackett's Addition Overlay building standards set forth in subsection (c) above, the City strongly encourages compliance with the Sackett's Addition Design Recommendations, a copy of which is available for inspection at City Hall. These design elements were created to ensure that new infill construction or the alteration of existing structures will enhance the existing character and historic nature of the Sackett's Addition neighborhood. Although compliance with the Design Recommendations is not mandatory, structures designed without considering these elements may be incompatible with the Sackett's Addition neighborhood. (Ord. 2009-08 §3)

ARTICLE V

Use and Dimensional Standards

Sec. 16-5-10. Residential zone districts use schedule.

Table 16-B, Schedule of Uses – Residential Zone Districts, lists the uses which are permitted in the City's residential zone districts. Only one (1) principal building per lot is allowed unless approved as a conditional use. A description of allowed uses, conditional uses, prohibited uses and standards as they are represented in the Table follows:

(1) Permitted Uses. "P" indicates uses which are permitted. The Administrator shall verify that development of a use allowed by right complies with all standards and requirements of this Chapter, pursuant to Section 16-10-70 of this Chapter.

(2) 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 Article XI of this Chapter.

(3) Not allowed. "N" indicates uses which are prohibited. Uses not specifically described as allowed or conditional uses 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 as a permitted use or conditional use in that particular zone district.

(4) Standards. The "Standards" column refers the reader to the subsection of the text which contains review standards applicable to particular uses. (Ord. 03, 2002 §9-7-1; Ord. 2005-07 §1)

Sec. 16-5-20. Review standards applicable to particular residential 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 or by the standards applicable to all conditional uses in Section 16-11-50 of this Chapter. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed.

(b) Uses in Residential Zone Districts. Those uses in residential zone districts which require such additional standards are identified in the "Standards" column of Table 16-B, Schedule of Uses - Residential Zone Districts. The standards for each of these uses follow below.

TABLE 16-B						
Schedule of Uses – Residential Zone Districts						
P = Allowed N = Not allowed	C = Conditional	R-1	R-2	R-3	R-4	Standards¹
Residential Uses						
Accessory buildings and structures	P	P	P	P	P	
Multiple principal residential units	N	C	C	C	C	Sec. 16-5-20(c)
Accessory dwelling units	P	P	P	P	P	Sec. 16-5-20(d)
Duplex dwelling units	N	P	P	P	P	
Multiple-family units (3 or less)	N	P	P	P	P	
Multiple-family units (4 or more)	N	C	P	P	P	
Single-family dwelling units	P	P	C ²	C ²	C ²	
Mobile home parks	N	N	N	N	P	Sec. 16-5-20(e)
Recreational vehicle parks	N	N	N	N	C	Sec. 16-5-20(f)
Rooming or boarding houses	N	N	C	C	C	
Residential Business Uses						
Bed and breakfast inns	C	C	C	C	C	
Day care, adult	C	C	C	C	C	Sec. 16-5-20(g)
Day care, small	P	P	P	P	P	Sec. 16-5-20(g)
Day care, large	N	C	C	C	C	Sec. 16-5-20(g)
Home occupations	P	P	P	P	P	Sec. 16-5-20(h)
Home businesses	C	C	C	C	C	Sec. 16-5-20(h)
Public/Institutional Uses						
Churches, parish homes and religious education buildings	P	P	P	P	P	
Clubs operated by and for their members	C	C	C	C	C	
Government administrative facilities, services and community buildings	C	C	C	C	C	
Group homes	C	C	C	C	C	Sec. 16-5-20(i)
Hospice facilities	N	C	C	C	C	
Hospitals	N	C	C	C	C	
Nursing homes	N	C	C	C	C	
Parks	P	P	P	P	P	
Recreation facilities	C	P	P	P	P	
Schools	C	C	C	C	C	
Notes:						
¹ The standards referenced herein are in addition to all other applicable standards of this Land Use Code.						
² An existing residential building can be altered or rebuilt as an allowed use subject to the underlying zone district standards. Any increase in density shall meet the requirements of Table 16-E.						

(Ord. 2008-33 §2)

(c) 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.

(d) Accessory Dwelling Unit.

(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 gross 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.

(e) 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, the date this Land Use Code is adopted, 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.")

(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.

(f) 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-C 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

(g) 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.

(h) 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-I of this Chapter.

(i) 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. (Ord. 03, 2002 §9-7-2; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §4)

Sec. 16-5-30. Commercial/industrial zone districts use schedule.

Table 16-D, Schedule of Uses – Commercial/Industrial Zone Districts, lists the uses which are permitted in the City's commercial and industrial zone districts. The Table utilizes the same symbols as those used in Table 16-B above. (Ord. 03, 2002 §9-7-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-5-40. Review standards applicable to particular commercial/industrial uses.

(a) Desirable Land Uses. Certain land uses are desirable in the City, but may not be appropriate in all circumstances within a particular zone district. Such uses require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed.

(b) Additional Standards for Uses. Those uses in commercial or industrial zone districts which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses – Commercial/Industrial Zone Districts. The standards for each of these uses follow below, or can be found in Section 16-5-20 above.

TABLE 16-D
Schedule of Uses – Commercial/Industrial Zone Districts

P = Permitted, C = Conditional, N = Not allowed	RMU	C-2	C-1	I	Standards¹
Commercial and Office Uses					
Clubs operated by and for their members	C	P	P	P	
Commercial lodging	N	P	P	N	
Commercial parking lots and garages	N	C	P	P	
Drive-in facilities	N	C	P	N	Sec. 16-5-40(c)
Drive-in food or beverage facilities	N	C	P*	N	Sec. 16-5-40(c)
Indoor amusement and entertainment establishments	N	P	P*	N	
Outdoor amusement establishment	N	N	P	C	
Indoor and outdoor eating and drinking establishments	C	P	P*	C	
Medical marijuana dispensary	N	N	P	N	Sec. 16-5-40(g)
Professional offices	P	P	P	C	
Publishing businesses	C	P	P	P	
Radio and television studios	C	C	P	P	
Recreational vehicle park/campground	N	N	C	N	
Retail sales establishments	P	P	P	C	Sec. 16-5-40(d)
Temporary commercial activities	C	C	C	C	Sec. 16-5-40(e)
Personal Services					
Bank, credit and loan services	C	P	P	N	
Beauty and barber shops	P	P	P	N	
Catering services	C	P	P	P	
Funeral homes and mortuaries	N	C	P	N	
Laundry and dry cleaners	C	P	P*	C	
Photographic studios	P	P	P	N	
Repair and maintenance of small appliances, electronics and sporting goods	P	P	P	P	
Secretarial, copying and related services	P	P	P	P	
Self-service Laundromats	N	C	P*	N	
Tailor, tack or shoe repair services	P	P	P	C	
Travel agencies	P	P	P	N	
General Services					
Agricultural feed and equipment supply stores	N	N	P*	P	
Automobile sales and rentals	N	C	P*	P	
Automobile service and repairs	N	C	P*	P	
Commercial storage of personal property in enclosed storage areas	N	N	C	P	
Commercial storage of personal property in open areas	N	N	N	C	
Gasoline service stations and car washes	N	N	P*	P	
Grocery stores	C	P	P	C	
Kennels	N	N	C	C	

Lumber and building supply stores	N	C	P*	P	
Mobile home and recreational vehicle sales and services	N	N	P*	P	
Nurseries, greenhouses and garden supplies	N	N	C	P	
Rental, repair and service of light motorized and nonmotorized tools and equipment and large appliances	C	C	C	P	
Veterinary clinics	N	C	P	C	
Light Industrial Uses					
Bulk laundry, dry cleaning or carpet cleaning plants	N	C	P*	P	
Cabinet and carpenter shops	N	C	C	P	
Manufacture or assembly of products from the following previously prepared materials: electronic components and wire, fibers, glass, leather, paper, plastics, textiles and wood	N	C	C	P	
Plumbing, heating, electrical, sheet metal, construction or paint contractors	N	C	C	P	
Personal wireless telecommunications services	N	C	C	P	Sec. 16-5-40(f)
Printing establishments	C	C	C	P	
Repair, rental, sales, service or storage of heavy equipment, heavy machinery, large appliances and boats	N	N	C	P	
Satellite or electronic reception devices	N	C	C	C	Sec. 16-5-40(f)
Satellite or electronic transmitting devices, including radio or television stations and personal wireless telecommunication services	N	C	C	P	Sec. 16-5-40(f)
Sign making and sign sale or repair shops	C	C	P	P	
Upholstery shops	P	P	P	P	
Warehouses and truck terminals	N	N	C	P	
Welding or machine shops	N	N	C	P	
Wholesale businesses	N	C	C	P	
Wood truss manufacturers	N	N	C	P	
General Industrial Uses					
Bulk fuel storage facilities and wholesale sales of fuels	N	N	N	C	
Junkyards, salvage yards or automobile wrecking yards	N	N	N	C	
Laboratories	N	C	C	C	
Manufacture of chemicals and explosives	N	N	N	C	
Meat processing plants	N	N	C	C	
Processing of aggregate, mineral and other subsurface resources	N	N	N	C	
Ready-mix concrete or hot mix plants	N	N	N	C	
Tire retreading or vulcanizing shops	N	N	N	C	
Wood processing, including millwork and sawmill	N	N	C	P	
Yards for stockpiling coal, sand, gravel and other materials	N	N	N	C	
Public and Institutional Uses					
Bus stations	N	C	C	C	
Churches, parish homes and religious education buildings	P	P	P	P	
Community buildings and uses	C	P	P	N	

Government administrative facilities, services and buildings	C	P	P	P	
Hospitals	N	N	C	N	
Nursing homes	C	N	P	N	
Parks and recreation facilities	P	P	P	P	
Public parking facilities	N	C	C	C	
Schools	C	C	C	C	
Residential Business Uses					
Bed and breakfast inns	P	P	P	N	
Day care, adult	C	P	P	C	Sec. 16-5-20(g)
Day care, large	C	P	P	C	Sec. 16-5-20(g)
Day care, small	P	P	P	C	Sec. 16-5-20(g)
Home businesses	P	P	P	P	Sec. 16-5-20(h)
Home occupations	P	P	P	P	Sec. 16-5-20(h)
Rooming or boarding houses ²	C	C	C	N	
Residential Uses					
Accessory buildings and structures	P	P	P	P	
Accessory dwelling units	P	P	P	P	
Duplex dwelling units	P	P	C ³	C ³	
Multiple-family dwelling units	C	P	C ³	C ³	
One or more dwelling units on the same site as a commercial or industrial use	P	P	C	C	
Single-family dwelling units	P	P	C ³	C 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 unit 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 16-4-60 of this Chapter regarding the SH 291 Corridor Overlay (291 CO) District.					

(c) 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.

(d) 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.

(e) 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.

(f) Personal Wireless Telecommunication Services 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 personal wireless telecommunication service 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.

(g) Medical marijuana dispensary

(1) Location. No medical marijuana dispensary may be located within five hundred feet (500') of a school as defined in Section 16-1-80. (Ord. 03, 2002 §9-7-4; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2009-18 §3, §4)

Sec. 16-5-50. Reuse, change in use or further development.

(a) Sites legally developed prior to the adoption of the ordinance codified in this Chapter (July 3, 2002 – Ordinance 03) shall be considered to have been developed under an approved plan. Proposals for reuse, change in use or the further development of sites legally developed prior to the adoption of the ordinance codified in this Chapter may be approved by the Administrator upon finding that no significant alteration of the previous use and site are proposed, and upon review by the Public Works Director to assure that adequate access and site surface drainage are provided. All such proposals shall be shown on a plan drawing as required by the Administrator.

(b) The criteria for determining that no significant alteration of the previous use and site will result from the proposed reuse, change in use or further development of a site shall include but not be limited to the following:

(1) The proposed use is allowed under the same zoning district use classification as the previous use; however, replacement of nonconforming uses must comply with the provisions of this Chapter.

(2) Changes proposed for the site, singly or cumulatively, do not increase gross floor area, lot coverage by buildings, storage areas, parking areas or impervious surfaces by more than twenty-five percent (25%) and/or do not result in an increase in intensity of use as measured by parking requirements, traffic generation or other measurable impacts by more than twenty-five percent (25%).

(3) The proposed use does not continue any unsafe or hazardous conditions previously existing on the site or associated with the proposed use of the property.

(c) If it is determined that the proposed reuse, change in use or further development of a site contains significant alterations to the previous use and/or site, the application shall be resubmitted as a new application and shall be subject to all development review and approval provisions of this Chapter as can be reasonably accommodated on the site. (Ord. 2005-07 §1)

Sec. 16-5-60. 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 duplex, condominium or multi-family residential project has been resubdivided into 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 the duplex, condominium or multi-family residential project.

(2) Zero Lot Line Conditions. Where an individual owns two (2) or more adjoining lots, a zero lot line concept may be used 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-B shall remain thirty-five (35) feet unless altered through the Planned Development process.

TABLE 16-E								
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.

(Ord. 03, 2002 §9-7-5; Ord. 2005-07 §1; Ord. 2006-08 §8; Ord. 2008-33 §2)

ARTICLE VI

Off-Street Parking Standards

Sec. 16-6-10. Purpose.

This Article establishes parking standards for land uses in the City. The standards are intended to lessen congestion on the streets and to ensure an adequate supply of parking spaces within a reasonable distance of uses. (Ord. 03, 2002 §9-8-1; Ord. 2005-07 §1)

Sec. 16-6-20. Applicability.

The standards of this Article shall apply to all development, including development of new uses, expansion of existing uses and change of the use of land or structures. (Ord. 03, 2002 §9-8-2; Ord. 2005-07 §1)

Sec. 16-6-30. Standards for uses.

(a) Off-Street Parking Required. All uses shall be required to meet the standards set forth in Table 16-F, Off-Street Parking Standards by Use, except for uses in the Central Business District (C-2), for which there is no off-street parking required unless noted in Table 16-E.

(1) Multiple Uses. If two (2) or more principal uses occupy a single parcel or structure, the standard for off-street parking shall be the additive total for each principal use of the parcel or structure.

(2) Shared Parking. When it can be shown that the peak use period for required parking for one (1) land use will not overlap with the peak use period for required parking for another land use located on the same or adjoining site, the Administrator may reduce the required number of off-street parking spaces by up to twenty-five percent (25%) of the total required. Written approval by the property owner for use of property is required. The shared parking area may not be across a street unless the adjoining property is separated by a local or collector street. A change in land use will require evaluation by the Administrator and additional spaces may be required.

(3) Alternative Standards. Alternative off-street parking standards to those shown in Table 16-F below may be considered if the applicant demonstrates that such standards better reflect local conditions. The applicant must demonstrate provision for a sufficient number of spaces for the highest expected volume of users. Such determination may be based upon the following standards:

a. Capacity. The designed capacity of such facilities.

b. Plan. An overall plan for concentrations of parking with appropriate consideration of designed landscaping and relation to surroundings.

(b) Required Fractional Spaces. When any calculation of off-street parking results in a required fractional space, such fraction shall be rounded up if five-tenths (0.5) or greater.

(c) Location of Required Spaces. Required off-street parking spaces shall be located:

(1) On Same Lot. On the same lot as the structure the spaces are intended to serve; or

(2) Within Common Parking Area. Within a parking area commonly owned by individuals who also own living or commercial units adjacent to the area which the parking spaces are intended to serve.

(d) Prohibited Uses of Required Spaces. Off-street parking spaces shall be available for the parking of operable automobiles of the residents, customers and employees of the use for which they are required. Prohibited uses of required spaces shall be as follows:

(1) Storage. The storage of inoperable vehicles or materials.

(2) Delivery Vehicles. The parking of delivery vehicles for the business.

(3) Vehicles for Sale. The display of vehicles for sale in commercial or industrial parking areas, except for the casual display of vehicles by owners who are employees or customers using the premises.

(4) Repair Work. Repair work that renders a vehicle inoperable for periods of more than twenty-four (24) hours in a parking area required for a commercial use.

(5) Snow Storage. Parking lot snow storage shall not be provided by using required spaces.

TABLE 16-F
Off-Street Parking Standards by Use

Use	Parking Standard
Residential Uses	
Accessory dwelling unit	1 space per unit
Duplex dwelling unit	1 space per unit
Mobile home	1 space per unit
Mobile home park	1 space per unit, plus 0.25 space per unit for guests
Multi-family dwelling unit	1 space per first unit, plus 1.5 spaces per additional unit
Rooming or boarding house	1 space per bed
Single-family dwelling unit	1 space per unit
Residential Business Uses	
Bed and breakfast inn	½ space per guest room, plus 1 space for owner/manager's unit
Day care, small and large	1 off-street parking space per nonresident employee, plus those spaces required for the dwelling unit. Large day care centers shall provide 1 designated off-street loading/unloading space per 4 children
Home business	1 space per nonresident employee, plus those spaces required for the dwelling unit
Home occupation	Those spaces required for the dwelling unit plus 1 space if there is a nonresident employee
Public and Institutional Uses	
Church, parish home and religious education building	1 space per every 6 seats in the main sanctuary, plus 1 space for the parish home
Clubs, recreation buildings and areas operated by and for their members	1 space per every 4 persons allowed within the maximum rated occupancy established by local fire, building or health codes
Community buildings; government administrative facilities, services and buildings	1 space per 400 s.f.
Group home	1 space per employee, plus 1 visitor space per 4 beds
Nursing home	1 space per employee, plus 1 visitor space per 3 beds
School	1 space per employee, plus 1 per 4 enrolled students
Hospital	1 space per 2 beds and 1 space per employee
Commercial Uses: Professional Offices	
Medical or dental office	1 space per 250 s.f.
Professional office - general	1 space per 400 s.f.
Commercial Uses: Personal Services	
Bank	1 space per 400 s.f.; if a drive-in facility is offered, a minimum of 3 queuing spaces shall also be provided at each station
Beauty/barber shop	1 space per chair
Funeral home and mortuary	1 space per 150 s.f. of parlor, chapel or assembly area, plus 1 space per employee and 1 designated space for each vehicle owned by the establishment
Personal service - general	1 space per 300 s.f.
Self-service Laundromat	1 space per 2 washing machines
Commercial Uses: Retail Sales Establishments	

Retail sales establishment	1 space per 250 s.f.
Commercial Uses: Eating and Drinking Establishments	
Eating and drinking establishment	1 space per 200 s.f.; if a drive-in facility is offered, a minimum of 3 queuing spaces shall also be provided at each station
Commercial Uses: Commercial Lodging	
Commercial lodging	1 space per guest room (in a suite, each bedroom shall constitute a separate guest room), plus 1 space per 150 s.f. of group assembly area (such as conference/meeting rooms), plus 1 space per 500 s.f. of accessory commercial space, plus 1 space for the manager/front desk person
Indoor Amusement and Entertainment Establishment	
Bowling alley	4 spaces per lane, plus 1 space per employee
Game room/video arcade	1 space per 250 s.f.
Pool or billiard hall	2 spaces per pool or billiard table
Recreation or athletic club	1 space per 250 s.f. of activity area, plus 1 space per employee
Skating rink	1 space per 250 s.f. of skating area
Theater	1 space per 3 seats
General Services	
Automobile repair	2 spaces per service bay (service bay is not a parking space), plus 1 space per employee
Automobile sales and rental	1 space per employee plus 1 space per 500 s.f.
Commercial storage of personal property in enclosed storage areas	1 space per employee, plus 2 guest spaces if there is an onsite office
General services - general	1 space per 500 s.f.
Mobile home and recreational vehicle sales and service	1 space per employee plus 1 space per 500 s.f.
Industrial Uses: Light Industrial	
Light industrial - general	1 space per 500 s.f.
Warehouse	1 space per 1,000 s.f. or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Industrial Uses: General Industrial	
General industrial	1 space per employee of the business plus 1 space per company vehicle, or as established by the Planning Commission if a conditional use review is required
Notes:	
Where the use is identified as "general," it means all those uses in the commercial/industrial use schedule for that category which are not specifically listed in this parking table.	
Existing structures in the CBD are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.	
Floor area shall be measured as gross floor area within a building, exclusive of mechanical rooms, closets or storage areas and kitchen spaces, unless specifically stated otherwise.	
Where parking requirement is on a per-employee basis, employment shall reflect the maximum number on any single shift.	
For uses not listed, parking requirements shall be determined by the Administrator based upon the parking requirements of a land use in this Table that is most similar to the use not identified in this Table, or using other professional sources.	

(Ord. 03, 2002 §9-8-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-6-40. Design standards for parking areas.

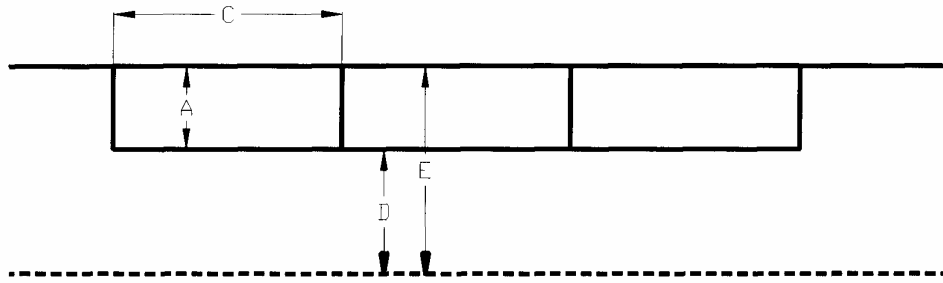
(a) Parking Surface. Off-street parking areas, aisles and access drives in the Commercial Business District (C-2), Commercial District (C-1) and all residential zone districts shall be paved and striped, except for parking areas and access drives for single-family and duplex dwelling units or when the parking requirement is for five (5) or less spaces, which may be gravel and need not be paved. Unpaved parking shall provide some form of curb stop to identify each parking space. Paved parking areas shall be paved with concrete, paving blocks, asphalt or other durable all-weather surface. The surface shall be graded and drained to permit drainage of surface water without damage to public or private land or improvements.

(b) Dimensions. The minimum dimensions for parking spaces, rows and aisles are provided in Table 16-G, Parking Design Dimensions.

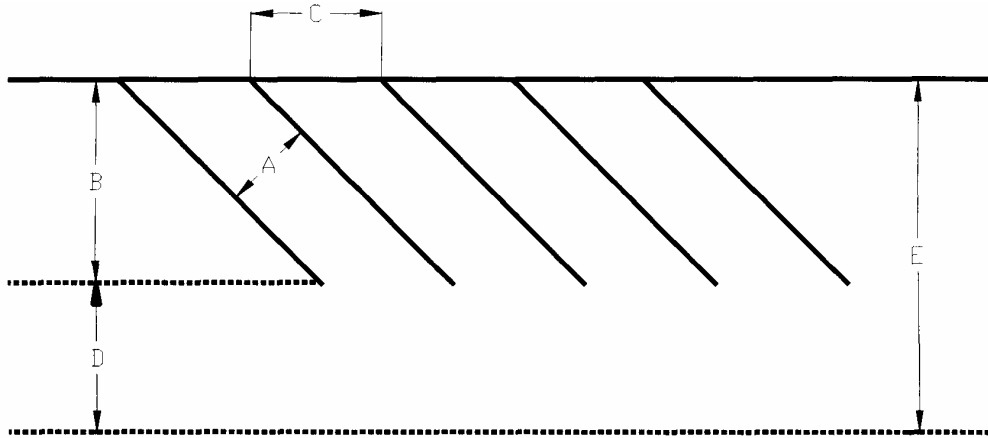
**TABLE 16-G
Parking Design Dimensions**

Angle	Stall Width "A"	Minimum Depth "B"	Curb Length "C"	Aisle Width "D"	Total Depth "E"
Parallel	8.0'	NA	22.0'	12.0'	20.0'
30°	*8.0'	16.0'	16.0'	11.0'	27.0'
	8.5'	16.4'	17.0'	11.0'	27.4'
	9.0'	16.8'	18.0'	11.0'	27.8'
	9.5'	17.3'	19.0'	11.0'	28.3'
45°	*8.0'	18.4'	11.3'	14.0'	32.4'
	8.5'	18.7'	12.0'	13.5'	32.2'
	9.0'	19.1'	12.7'	13.0'	32.1'
	9.5'	19.4'	13.4'	13.0'	32.4'
60°	*8.0'	19.7'	9.2'	19.0'	38.7'
	8.5'	20.0'	9.8'	18.5'	38.5'
	9.0'	20.3'	10.4'	18.0'	38.3'
	9.5'	20.5'	11.0'	18.0'	38.5'
90°	*8.0'	20.0'	8.0'	26.0'	44.0'
	8.5'	20.0'	8.5'	25.0'	43.0'
	9.0'	20.0'	9.0'	24.0'	42.0'
	9.5'	20.0'	9.5'	24.0'	42.0'

Parallel Parking Space Dimensions



Angle Parking Space Dimensions



Notes:

* Compact car. Standards for providing compact car spaces are located in Subsection 16-6-40(f), Compact Car Spaces.

Existing nonconforming off-street parking shall be allowed to continue and be credited towards required off-street parking when the spaces are located within the subject property and the existing spaces

meet the minimum standards of Table 16-G, Parking Design Dimensions. Modification of the existing parking shall require compliance with the current Parking Design Standards.

(c) Backing on to Roads Prohibited. All parking areas shall be designed so that vehicles exiting from a parking space shall not back on to the right-of-way of public streets, but may back on to the right-of-way of alleys adjacent to the property. Vehicles exiting from a parking space for a single-family or duplex dwelling unit may back onto a residential street.

(d) Tandem Parking. Tandem parking (one [1] vehicle parking directly behind another) shall not be permitted and shall not be credited toward meeting any off-street parking requirement for this Article, except for single-family or duplex residential uses; provided that the tandem spaces are assigned to the same dwelling unit.

(e) Unobstructed Access. Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, except for approved residential tandem parking.

(f) Compact Car Spaces. In parking areas containing more than ten (10) spaces, up to twenty percent (20%) of the spaces over and above the first ten (10) may be designed for compact cars; provided that any such spaces are designated for exclusive use by compact cars with painted identification. The standard colors shall be white on green.

(g) Parking for Handicapped. Any use requiring handicapped access, as defined in the adopted building code, shall provide spaces for use only by physically handicapped persons as outlined in the adopted building code.

(1) Width. Parking spaces for the physically handicapped shall have a minimum stall width of twelve (12) feet unless the space is parallel to a pedestrian walk, in which case the width may be a minimum of eight and one-half (8½) feet.

(2) Signage. All spaces designated as being for the handicapped shall have painted identification. The standard colors shall be white on blue.

(h) Parking Area Landscaping and Illumination. Landscaping and illumination for parking areas shall comply with the standards of Article VII below.

(i) Drainage. Development Standards for drainage retention are outlined in Section 16-9-80 of this Chapter. (Ord. 03, 2002 §9-8-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE VII

Landscaping and Illumination Standards

Sec. 16-7-10. Purpose.

(a) The purpose of this Article is to provide standards for landscaping and illumination of all development within the City so as to maintain the character of residential neighborhoods, commercial centers and industrial areas. This is accomplished by requiring minimum planting, buffering and screening around and within residential and nonresidential development and their associated parking areas, and by requiring long-term maintenance of landscaped areas.

(b) This Section also establishes standards for controlling light and glare. Outdoor illumination levels should provide for safety, security and energy efficiency. Illumination standards should prevent excessive lighting which would create a glare, detract from the use or enjoyment of adjoining property or

cause traffic hazards to motorists. Neighbors, motorists and the night sky should be protected from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources. (Ord. 03, 2002 §9-9-1; Ord. 2005-07 §1)

Sec. 16-7-20. Applicability.

The standards of this Article shall apply to all development within the City, except as follows.

(1) Central Business District (C-2). Development in the Central Business District (C-2) zone district shall be exempt from the landscaping standards of this Article if the primary structure on the lot has a zero-foot setback from the property line. If a property does not utilize the zero-foot setback allowance, the minimum landscape area shall be ten percent (10%) and shall be located in both the front and side yard, where applicable.

(2) Single-Family or Duplex Dwelling. The construction, reconstruction, modification, conversion, structural alteration, relocation or enlargement of a single-family or duplex dwelling on a lot of record shall not require compliance with Sections 16-7-30 and 16-7-40 below, except for Paragraphs 16-7-40(a)(4) and 16-7-40(a)(6) and Section 16-7-50 below, but shall meet all other applicable standards of this Article.

(3) Alteration or Repair. An alteration or repair which does not change the existing use of the property or does not expand the use of the property shall be exempt from the landscaping standards of this Article. (Ord. 03, 2002 §9-9-2; Ord. 01, 2005 §1)

Sec. 16-7-30. Landscape plan.

A landscape plan shall be submitted for review as part of an application for any development within the City, except that development specifically exempted in Section 16-7-20 above. The landscape plan shall contain the following materials:

(1) Drawing. A drawing identifying all existing deciduous trees and coniferous trees of four (4) inches in caliper or greater and illustrating the location, size and type of all proposed landscaping. The drawing shall identify all existing vegetation which is to be preserved and demonstrate how irrigation is to be provided. The drawing shall be to scale and shall contain a legend.

(2) Calculations. A written summary of all calculations used to determine the landscaping required for the site.

(3) Cost Estimate. An estimate of the cost of supplying and installing the materials depicted in the landscape plan.

(4) Erosion Control. A description of how erosion will be controlled on-site, during construction and following completion of development.

(5) Maintenance Program. A description of the proposed program to maintain the landscaping after it has been installed. (Ord. 03, 2002 §9-9-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-7-40. Landscaping standards.

(a) Landscaping Standards Applicable to All Development:

(1) Plants Compatible With Local Conditions. All plants depicted on the landscape plan shall be of a variety which is compatible with local climate and the soils, drainage and water conditions of the site.

(2) Save Existing Vegetation. The landscape plan shall be designed to save all existing healthy trees and shrubs whenever possible. Existing trees and shrubs which are preserved shall count toward the landscaping standards of this Article.

(3) Living Cover. A minimum of sixty percent (60%) of the required landscape area shall be live ground cover. Expected mature shrub coverage will count towards this requirement; a tree's canopy shall not.

(4) Obstructions Prohibited.

a. Fire hydrants and utilities. Landscaping shall be located so as not to obstruct fire hydrants or utility boxes and so it will not grow into any overhead utility lines.

b. Curb cuts and intersections. No plant material greater than two (2) feet in height shall be located within the *clear sight triangle* as defined by this Chapter, or so as to otherwise cause visibility obstructions or blind corners at intersections.

(5) Minimum Size. Trees and shrubs depicted on the landscape plan shall be of the following minimum size at the time of their planting:

a. Deciduous trees. Deciduous trees shall be a minimum of one and one-half (1½) inches in caliper, measured six (6) inches above the ground.

b. Coniferous trees. Coniferous trees shall be a minimum of six (6) feet in height.

c. Shrubs. Shrubs shall be a minimum two-gallon container.

(6) Minimum Number. The following minimum number of trees shall be provided per required landscaped area in various zone districts:

Table 16-H	
<i>Zone District</i>	<i>Number of Trees Per Required Landscape Area</i>
Single-Family Residential (R-1)	1 per 800 s.f.
Medium Density Residential (R-2)	1 per 800 s.f.
High Density Residential (R-3)	1 per 800 s.f.
Manufactured Housing Residential (R-4)	1 per 800 s.f.
Residential Mixed Use (RMU)	1 per 500 s.f.
Commercial (C-1)	1 per 300 s.f.
Commercial (C-2)	1 per 600 s.f.
Industrial (I)	1 per 1,000 s.f.

(7) Parking and Storage Prohibited. The required landscape area shall not be used for parking or open storage.

(8) Trash Receptacles. Screening shall be provided for all trash receptacles of two (2) cubic yards in volume or greater, and shall consist of landscaping or a structural visual barrier, such as a fence, to block the view of the trash receptacle and to keep trash contained. One (1) side of the screening shall be designed for easy access for trash removal. Any landscaping so provided shall count toward the landscaping standards of this Article.

(b) Landscaping Standards Applicable to Parking Areas.

(1) Buffer Strip. A landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided between the parking area and any adjoining public street right-of-way. This strip shall be of sufficient width to contain plant materials and be credited toward the landscaping required for the zone district.

(2) Outdoor Sales Lots. Sales lots for mobile home, recreational vehicle, heavy equipment and automobiles shall be landscaped along all lot lines. This landscaping shall be credited toward the landscaping required for the zone district.

(3) Interior Landscaping. Any parking area containing more than thirty (30) parking spaces or four thousand five hundred (4,500) square feet of area shall provide six (6) plants, which may be trees or shrubs, for each fifteen (15) parking spaces. A minimum of one (1) of the six (6) plants shall be a tree, which shall be located around the perimeter of the lot and in landscaped islands within the lot. These planted areas shall count toward the minimum landscape area standard of the underlying zone district.

a. Curbs for area definition. The landscaped islands shall have curbs which may be used to define parking lot entrances, the ends of parking aisles and the location and pattern of primary internal access ways or any combination thereof.

b. Dispersed. The landscaped islands shall be dispersed throughout the parking area and in the parking area in such a way as to provide visual relief, particularly of parking aisles, by using flowering ornamental plantings, and to provide physical relief by using seasonal shade trees.

c. Area. The area contained within the landscape islands shall be a minimum of seven (7) square feet for each required parking space. (Ord. 03, 2002 §9-9-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-7-50. Installation and maintenance requirements.

(a) Security. Prior to the issuance of a development permit, the Administrator may require the applicant to submit to the City a surety or cash bond, letter of credit or other collateral found to be suitable by the City Attorney to guarantee the installation of the required landscaping. The security shall be in an amount equal to one hundred twenty-five percent (125%) of the cost of supplying and installing the materials depicted in the approved landscape plan, based on estimates provided by the applicant and approved by the City.

(b) Certification and Release. Following installation of the required landscaping, the applicant shall certify that the landscaping has been installed in conformance with the approved plan. One hundred percent (100%) of the performance guarantee shall be released within seven (7) calendar days following receipt of the certification and inspection by the City. The remaining twenty-five percent (25%) of the performance guarantee shall be released after two (2) growing seasons after required landscaping is installed and successfully maintained.

(c) City Use of Security. In the event the landscaping is not installed, or is installed in a manner which does not conform with the approved plan, the City may draw upon the security to bring the landscaping into conformance with the approved plan or, if development was initiated but never carried through to completion, to return the site to its predevelopment condition.

(d) Required Time for Completion – Date of Occupancy. Landscaping required for all uses shall be installed within six (6) months of its initial date of occupancy, excluding the months of October through April.

(e) Irrigation for Live Cover. That portion of the landscaped area which is live cover shall be provided with an adequate means of irrigation for the type of plants installed.

(f) Maintenance. All vegetation shall be healthy at the time of its installation and shall remain alive, or shall be replaced.

(1) Landowner responsible. Maintenance of landscaped areas shall be the responsibility of the landowner.

(2) Replacement. Landscaping which does not survive shall be replaced within three (3) months, or during the next planting season. The replacement vegetation shall be similar in size and type to the vegetation which did not survive, so the integrity of the approved landscape plan is preserved. (Ord. 03, 2002 §9-9-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-7-60. Illumination standards.

(a) Standards. The following standards shall apply to all exterior lighting on private property within the City:

(1) Required Lighting. With the exception of subdivision lighting, lighting is not required. Unless otherwise approved through a planned development, this regulation shall apply to all lighting for subdivisions, land uses, developments, buildings and new or replaced fixtures. In addition, any site modification that requires a reuse application will necessitate compliance for all existing and proposed lighting on the site.

(2) Fully Shielded. Lighting fixtures must be 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.

(3) After Hours. Except for residential lights, subdivision lighting and security lighting, all lighting shall be turned off between 11:00 p.m. and 6:00 a.m. Exceptions shall be granted to those businesses which operate during these hours; such lighting may remain illuminated only while the establishment is actually open for business.

(4) Maximum foot-candles. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential properties and 1.0 onto commercial properties and public rights-of-way.

(5) Facade Lighting. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features with the exception of directional fixtures used to illuminate flagpoles (State, United States).

(6) Light Poles. Light poles shall be set back from adjacent property zoned for or used for residential purposes a distance equal to the height of the pole. The maximum height of any light pole (excluding road lights and traffic safety lights) shall be twenty-five (25) feet; however, poles of a lower height which are more compatible in scale with pedestrians are encouraged.

(7) Canopy Lighting. Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. All light

emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy.

(8) **Parking Lot Lighting.** Parking lot lighting shall not exceed light levels necessary for safety and locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward, and/or incorporate design features with the intent of reducing off-site light pollution. The average illumination on the surface of the lot shall not exceed three (3) foot-candles. Applications that include freestanding parking lot fixtures shall submit for approval a preliminary lighting plan which includes the following:

- a. Site plan with location of all light fixtures and a numerical grid of lighting levels (in foot-candles) that the fixtures will produce on the ground (photometric report).
- b. Calculation of average foot-candles in the subject area.
- c. Area of illumination.
- d. Lamp type and wattage.
- e. Mounting height of all fixtures.

(b) **Exemptions.**

(1) **Holiday Lighting.** Seasonal lighting for holidays, which may use bare, low-watt bulbs (equivalent of a 10-watt incandescent bulb or less).

(2) **Sports and Athletic Field Lighting.** Lighting for sports and athletic fields may need to exceed illumination standards for general recreational needs in order to meet higher standards required for play. The Administrator may approve relaxations of these lighting standards, provided that the following minimum standards are met:

- a. Fixture height shall be that necessary to provide adequate light while minimizing the number of poles in excess of fifty (50) feet in height.
- b. If floodlights are used, they shall not be aimed above sixty-two (62) degrees and should use internal louvers and external shields to help minimize light pollution.
- c. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted (spillover levels at the property line shall not exceed 0.3 foot-candles).
- d. Lighting shall be extinguished no later than one (1) hour after the event ends.

(3) **Historic City Lamps.** Historic lamps located in the Central Business (C-2) zone district. (Ord. 03, 2002 §9-9-6; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §9)

Sec. 16-7-70. Fences.

(a) **General Applicability.** A fence, wall or any similar type of screen, including hedges, may be erected on any lot including within a setback, subject to the following standards.

(b) **Standards.**

(1) **Fence Height.** Fences or walls shall be no more than four (4) feet high between the face of a building or structure and the front property line. Fences shall not exceed six (6) feet along the

side and rear yard. Fences shall not exceed the aforementioned heights when measured from the existing natural grade at the base to the highest point of fence or wall. No fence or wall may be artificially elevated by means of a berm or other method for purposes of height calculation. A written request may be made to the Administrator for a fence of greater height for a demonstrated unique security purpose. If granted, the fence shall require a building permit and be subject to the adopted building code.

(2) Location. Fences may be allowed on the property line. Fences along alleys, when on the property line, shall contain an offset section or some provision for trash containers to be located on the property so as to be convenient for trash collection. It is the responsibility of the property owner to locate all property lines. No fence may extend beyond or across a property line.

(3) Obstruction of Visibility. When fences are on a corner lot, the height and material used along the streets shall be such that it will not impair visibility of intersecting traffic and/or pedestrians. Any fence located within the clear sight triangle shall have opacity of not more than fifty percent (50%) and shall not be higher than four (4) feet. (Ord. 03, 2002 §9-9-7; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE VIII

Sign Standards

Sec. 16-8-10. Declaration of intent; findings and purposes.

(a) Findings. The City finds with respect to the display of signs:

(1) That the time, place and manner in which signs are displayed on property within the City's jurisdiction has a significant impact on the public health, safety and welfare.

(2) That signs serve many important functions in the efficient operations and economic vitality of the City, including communication, identification and direction.

(3) That the number, location, size, relative scale, design and construction of signs for public display has a significant impact on the community's aesthetics and beauty.

(4) That poorly designed, constructed, installed or maintained signs can present a significant danger to traffic and public safety and a harmful impact on the aesthetics and economic vitality of the City.

(5) That, because legitimate and necessary interests of each zone district are different, each district requires the application of different time, place and manner regulations to achieve the purposes furthered in the sign code.

(6) That the cumulative impacts that would accrue if every member of a residential neighborhood chose to display a sign could be harmful to the best interests of the City and its residents.

(b) Purpose. The purpose of this Article is to promote the public health, safety and welfare, by providing uniform standards for the times, places, and manners in which all signs within each zone in the City shall be displayed. This Article advances the following legitimate and necessary public purposes:

(1) Communication, Identification and Direction. To allow the reasonable display of signs for the purposes of communication, identification and direction, while protecting the public from

the display of signs that are unsafe, unattractive, obsolete, out-of-scale or incompatible with surrounding property uses.

(2) Transportation Safety. To protect the public, including motorists, bicyclists and pedestrians, by prohibiting the display of signs in a manner that results in visual distractions, impaired visibility or other dangerous conditions that impair transportation safety.

(3) Safety. To protect the public by prohibiting the display of signs that are designed, constructed, installed or maintained in a dangerous manner.

(4) Aesthetics. To protect, enhance and preserve the visual beauty and aesthetic character of the City by prohibiting the display of signs in a manner that detracts from the beauty and character of their particular location, adjacent buildings and uses and the surrounding neighborhood.

(5) Economic Vitality. To support the economic vitality of commercial enterprises and investments while providing uniform standards that allow equal opportunity in the competition to attract and inform customers.

(6) Equal Opportunity. To divide and allocate the cumulative benefits and impacts realized through the display of signs so that each member of the community possesses an equal opportunity to communicate, or not communicate, through the display of signs.

(7) Privacy. To protect the privacy of the community members who do not wish to be overwhelmed by unsolicited communications displayed on signs visible to the public. (Ord. 2007-11 §4)

Sec. 16-8-20. Applicability.

This article shall apply to all signs or attention-attracting devices located within the City. Signs or attention-attracting devices shall only be allowed as permitted by this article. The provisions of Section 16-15-50, nonconforming signs, also apply to signs within the City. (Ord. 2007-11 §4; Ord. 2008-28 §2)

Sec. 16-8-30. Sign permits and administration.

(a) Purpose. The purpose of the sign permit requirement is to assure compliance with the sign code, prevent waste and provide for the orderly, fair and uniform application of the sign code to all individuals and situations. This Section only addresses which signs require permits prior to installation.

(b) Permit Required. A sign permit is required prior to the installation of any sign or group of signs, whose total aggregate square footage equals more than nine (9) square feet per property. In multiple-tenant nonresidential buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this Code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application pursuant to the requirements of Section 16-8-100 of this Article. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.

(c) Exempt Signs. A sign permit is not required for the display of a sign or group of signs, whose total square footage equals nine (9) square feet or less per property.

(d) Application for Sign Permit. The application for a sign permit shall include the following information:

(1) Applicant's name, mailing address and phone number.

(2) Location of the property where the sign will be installed.

(3) Sign Type. Identification of the type of signs proposed.

(4) Sketch. A sketch showing the proposed sign, including dimensions and any other information needed to calculate permitted sign area, sign height and type of illumination. A certification by a structural engineer may be required for a pole sign or projecting sign.

(5) Location. A site plan which identifies the proposed location of the sign on the property, and the location and size of all other existing signs on the building or parcel.

(6) Consent. A letter of consent from the owner of the building or property, if the applicant is not the owner.

(7) Form. Any other information required on the form provided by the Administrator.

(8) Nonrefundable permit fee.

(e) Determination of Sufficiency. After receiving the permit application, the Administrator shall determine whether it is complete. If the application is not complete, the Administrator shall notify the applicant within ten (10) business days following receipt of the application and take no further action until the deficiencies are remedied.

(f) Issuance of Permit.

(1) Compliance with Standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this Article. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.

(2) Review. Review of the application shall be completed and notice sent to the applicant within ten (10) business days from the date the application was deemed complete.

(3) Inspections Generally. All signs shall be subject to inspection to determine that the sign is being installed and/or maintained in accordance with the terms of this Chapter.

(g) Expiration. Whenever the construction of any sign has not been completed within one hundred eighty (180) days after its approval, the permit shall expire and be of no further force of effect. (Ord. 2007-11 §4)

Sec. 16-8-40. Types of signs.

(a) Awning Sign. An awning sign is a type of wall sign that is painted, stitched, sewn or stained onto the surface of an awning. An awning is a shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

(b) Canopy Sign. A canopy sign is a type of wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

(c) Election Signs. An election sign is a temporary sign displayed during the election season beginning ninety (90) days prior to an election and ending fifteen (15) days following the election for the purpose of expressing opinions concerning candidates, ballot issues and ideological positions.

(d) Externally Illuminated Sign. An externally illuminated sign is a sign that is lighted from an external source.

(e) Ground Sign. A ground sign is a freestanding sign where the entire bottom is in contact with the ground. Ground signs are also referred to as "monument signs."

(f) Internally Illuminated Sign. An internally illuminated sign is a sign that is lighted from an internal source, including signs that are lighted from fixtures attached to the structure of the sign such as light tubes or exposed neon tube lighting.

(g) Mural. A mural is a painted image located on a building wall. A mural is a type of wall sign.

(h) Neon Sign. A neon sign is an internally illuminated sign that utilizes gas-filled tubes.

(i) Nonconforming sign. A nonconforming sign is a sign that was lawfully established pursuant to the sign codes in effect at the time of its erection, but which does not conform to the standards of this Article.

(j) Pole Sign. A pole sign is a freestanding sign being supported by a pole or poles and otherwise separated from the ground by air. Pole signs shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.

(k) Projecting Sign. A projecting sign is any sign structurally supported by a building wall and projecting from the surface of the building or wall. Projecting signs shall not be higher than the eave line or parapet wall of the building, shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way and shall not extend more than four (4) feet six (6) inches from the building wall. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face if both faces are of equal area, or the area of the larger face if the faces are not of equal area.

(l) Sidewalk Sign. A sidewalk sign is an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Sidewalk signs are also referred to as "sandwich board signs."

(m) Temporary Sign: A temporary sign is a sign, attention-attracting device or advertising display constructed of cloth, vinyl, canvas, fabric, plywood or other light material that is intended for display for less than ninety (90) days per calendar year.

(n) Window Sign. A window sign is a sign that is painted on, applied or attached to a window that can be read through the window.

(o) Wall Sign. A wall sign is a permanent sign that is painted on, incorporated into, hanging from or affixed to the building wall, in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Wall signs shall not be higher than the eave line or parapet wall of the building, and no sign part, including cut-out letters, shall project more than six (6) inches from the building wall. (Ord. 2007-11 §4)

Sec. 16-8-50. Time, place and manner for display of signs.

(a) Residential Zones (R-1, R-2, R-3, R-4). Each dwelling unit on a lot with a nonresidential use in a residential zone may display up to the total sum of nine (9) square feet of signs. The display of signs in residential zones is limited to pole or ground signs that do not exceed five (5) feet in height, wall signs and window signs. Signs in residential zones may not be illuminated.

(b) Residential Uses in Commercial Zones. Each lot with a residential use in a commercial zone may display up to the total sum of nine (9) square feet of sign area per dwelling unit. The display of signs related to residential uses shall be limited to pole, ground wall, and window signs.

(c) Subdivisions and Planned Developments. Each subdivision or planned development may display one (1) pole or ground sign not to exceed sixteen (16) square feet per street entrance. Each final plat of a subdivision or final plan of a planned development must have an approved comprehensive sign plan for the display of signs on property owned or utilized in common by the lot owners or tenants of the subdivision or planned development. Up to thirty-two (32) square feet of sign area may be displayed at each entrance to a subdivision or planned development for no more than two (2) years from the beginning of the physical development process for the purposes of advertising the development and advertising property sales.

(d) Nonresidential Uses in Commercial Zones. An owner or tenant of a lot used for nonresidential purposes in a commercial zone may display the following types of signs. No individual sign may exceed one hundred (100) square feet in area. In no event shall the total amount of sign area displayed exceed two hundred fifty (250) square feet.

(1) Wall, Pole, Ground or Projecting Signs: The owners or tenants of a lot used for nonresidential purposes in a commercial zone may display an aggregate sign area totaling no more than the larger of twenty-five (25) square feet or one (1.0) square foot of sign area for each linear foot of lot frontage on a street. If there is more than one (1) floor of nonresidential uses, an additional one-half (0.5) square foot of sign area for each linear foot of building frontage on a street is available for each additional floor above the first.

(2) Sidewalk Signs: The owners of businesses operating in a building in C-1 or C-2 zones may display one (1) sidewalk sign per building on the sidewalk adjacent to the public business entrance of the building. If the business entrance is not adjacent to a city street, the sidewalk sign may be placed at the nearest sidewalk, but only with the express permission of the owner of the business that is adjacent to the location of the sidewalk sign. All sidewalk signs are limited in size to a maximum width of three (3) feet and maximum height of five (5) feet. No sidewalk sign shall be displayed that presents a danger to the public or impedes the reasonable flow of pedestrian traffic. Sidewalk signs may only be displayed while the business is open to the public and must be removed at all other times. Sidewalk signs do not require a sign permit and do not count towards total area allowed.

(3) Temporary Signs: The owners of businesses operating in a building in a commercial zone may display no more than one (1) temporary sign at any given time. The total size of a temporary sign shall not exceed sixteen (16) square feet. The total number of days in which signs may be displayed shall not exceed ninety (90) days per calendar year (January 1 to December 31). Temporary signs shall be of professional quality and displayed in a safe manner. Temporary signs may not be affixed to public property or infrastructure. Temporary signs do not require a sign permit and do not count towards total area allowed.

(4) Window Signs: Window signs do not require a permit and do not count towards total area allowed. Window signs must meet all other requirements and standards for the display of signs under this Code.

(e) Election Signs; Additional Allowed Signage During an Election Season. During the political campaign period beginning ninety (90) days prior to an election and ending fifteen (15) days following the election, each residential dwelling unit in any zone shall be allowed an additional nine (9) square feet of sign area for the purpose of expressing opinions concerning candidates, ballot issues and ideological positions. The height of individual election signs shall be limited as established in Table 16-J.

TABLE 16-I Time, Place and Manner for the Display of Signs		
<i>Zone District</i>	<i>Sign Type Permitted</i>	<i>Maximum Sign Area</i>
Residential (R-1, R-2, R-3, R4)	Wall, pole or ground	9 sq. ft. per dwelling unit
Commercial (RMU, C-1, C-2, I) Residential Use	Wall, pole or ground	9 sq. ft. per dwelling unit
Commercial (RMU, C-1, C-2, I) Nonresidential Use	Wall, pole, ground or projecting	First floor: 25 sq. ft. or up to 1.0 times the linear footage of lot frontage Additional floors: Up to 0.5 times the linear footage of building frontage
Notes: Every Planned Development, subdivision, multi-tenant building or coordinated development shall have a comprehensive sign plan approved. The maximum size of any individual sign shall be 100 sq. ft.		

TABLE 16-J Illumination and Height of Signs		
<i>Zone District</i>	<i>Illumination</i>	<i>Maximum Sign Height</i>
Residential (R-1, R-2, R-3, R-4)	May not be illuminated	5 feet for pole and ground signs
RMU, C-1, C-2, I Residential Use	May not be illuminated	5 feet for pole and ground signs
Residential Mixed Use (RMU) Nonresidential Use	Externally illuminated	6 feet for pole and ground signs
Commercial (C-1) and Industrial (I) Nonresidential Use	Externally or internally illuminated	20 feet for pole signs and 8 feet for ground signs
Central Business (C-2) Nonresidential Use	Externally illuminated	20 feet for pole signs and 5 feet for ground signs
SH 291 Corridor Overlay (291 CO)	Externally illuminated	5 feet for pole and ground signs

(Ord. 2007-11 §4)

Sec. 16-8-60. Prohibited signs.

The following signs are inconsistent with the policy, purposes and standards in this Article and are prohibited in all zoning districts.

(1) Off-Premises Signs. The right to display signs on a property is limited to the actual residents of the property where the sign is displayed or to commercial entities actually doing business on the property where the sign is displayed, with the exception that a nonresident owner may display signs on a property for the purpose of promoting the sale or lease of the property where the sign is displayed. The City Council may allow off-premises signs to be displayed following a finding that the proposed sign promotes a legitimate and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information or other economic vitality of a commercial district. The City Council shall review sign permit applications for off-premises signs and approval shall be by resolution. The City Council shall determine at that time whether the sign area requested would apply towards the square footage of sign area permitted on the site.

(2) Signs on Public Property. Unless otherwise provided for in the Code, no sign shall be displayed on public property or within the right-of-way of any road or highway without the written approval of the City Council and following a finding that the proposed sign promotes a legitimate

and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information or the economic vitality of a commercial district.

(3) Moving Signs. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices, are prohibited.

(4) Hazardous Signs. No sign shall be displayed that is erected in such a manner or location as to cause visual obstruction or interference with a motor vehicle, bicycle, pedestrian traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.

(5) Dangerous Signs. No sign shall be displayed that poses a danger due to poor design, construction, installation or maintenance.

(6) Decrepit Signs. No sign shall be displayed that is in a state of disrepair, wear or ruin due to age or neglect. All signs, including signs exempt from these regulations with respect to permits and fees, shall be maintained in good condition and in compliance with all building and electrical codes.

(7) Roof Signs. A roof sign is a sign which is erected, placed or maintained, in whole or in part, upon, against or directly above the roof, or which projects above the eaves of a pitched roof or above the walls of a flat roof. Signs which are manufactured into the material of awnings shall not be considered roof signs.

(8) Obsolete Signs. An obsolete sign is a sign or sign structure, excluding murals, which advertises an activity, product or business which no longer occupies the premises on which the sign is located. Obsolete signs shall be removed by the legal owner of record of the property within a period of ninety (90) days after the business, product or service is no longer located upon the premises where the sign is located. Obsolete signs that are an integral part of the facade or which are determined to be historically significant by the Administrator but which do not advertise a business or product on the site, are permitted.

(9) Attention-Attracting Devices. Attention-attracting devices in general are prohibited, unless otherwise approved under this Article.

(10) Uncivil Signs. There shall be no signs or pictures of an obscene, indecent or immoral character such as will offend morals or decency in accordance with constitutional standards. (Ord. 2007-11 §4)

Sec. 16-8-70. Sign measurement.

(a) All Signs Counted. The aggregate area allowed for signs shall include all signs displayed on the site.

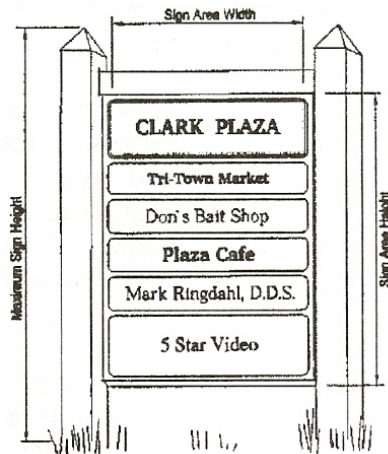
(b) Sign Surface Area. Sign area shall be the area within the outer boundaries of standard geometrical shapes which encompasses the sign facing, including copy, insignia, background and borders.

(c) Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(d) Cut-Out Letter Signs. The area of cut-out letter signs shall be considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign and shall include the open space between letters of words within that rectangle or square. The height of letters will be measured on the uppercase letters.

(e) Multi-Face Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from a single point, unless otherwise specified in this Article. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face.

(f) Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.



Sign Measurement Details

(Ord. 2007-11 §4)

Sec. 16-8-80. Sign location and appearance standards.

(a) Creative Design. Creative designs are encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The City encourages imaginative and innovative sign design. The creative sign application procedure (Section 16-8-90 below) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

(b) Externally Lit Signs. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. Lighting shall be placed so as to light downward onto a sign and be fully shielded. Fixtures used to illuminate signs shall be aimed so as not to project their light beyond the sign.

(c) Internally Lit Signs. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. To reduce glare and increase the ability to read signs at night, it is recommended that internally lit signs use white lettering against a dark background color.

(d) Location of Signs. The following setbacks for signs shall be met for street and driveway intersections: No sign shall be located within a "clear sight triangle" between the height of two (2) and ten (10) feet above the ground.

(e) Architectural Elements. Signs should not be placed so that they cover essential, character-defining architectural details of a building.

(f) Construction. All signs shall be made by a commercial sign manufacturer or be of similar professional quality. All signs shall be completed and erected in a professional manner and in accordance with this Chapter.

(g) Right-of-way. Any sign which projects over a right-of-way in such a manner that it may cause a danger to the public shall have supports, hangers or fasteners certified by a Colorado-licensed structural engineer. (Ord. 2007-11 §4)

Sec. 16-8-90. Creative signs.

(a) Policy and Purpose. It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination and inventiveness. The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs which, due to their unique design and construction, will make a significant contribution to the aesthetic beauty, historic character and cultural identity of the community, yet due to their creative qualities or site constraints would not be otherwise allowed under this Code.

(b) Applicability. An applicant may only request the approval of a sign permit under the creative sign section for a sign that employs design standards that differ from the provisions of Sections 16-8-50 and 16-8-60 above, and otherwise comply with all other provisions of the sign code.

(c) Approval Authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.

(d) Procedure.

(1) Submittal of Application. The applicant shall submit a complete application including all of the materials required in Subsection 16-8-30(d) above.

(2) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in Subsection (e) below and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

(3) Public Notice. Public notice that the Planning Commission will conduct a public hearing to consider the application for a creative sign shall be provided as specified in Section 16-10-50 of this Chapter.

(4) Public Action by Planning Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Planning Commission shall approve, approve with conditions or deny the

application, or remand it to the applicant with instructions for modification or additional information or action.

(e) Review Standards.

(1) Impact Review Standards. No sign shall be approved under the creative sign process that the Planning Commission finds:

a. Will have a significant adverse impact on adjacent properties. The sign shall not adversely affect neighboring property owners, businesses or residents and should be compatible with the uses, character and identity of the area in which it is displayed;

b. Creates a dangerous condition. Granting the creative sign permit will not adversely affect public safety. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets; or

c. Distracts from the important architectural, natural or historic features of the building or neighborhood in which the sign is displayed.

(2) Design Review Standards. In addition to the Impact Review Standards, to approve a sign under the creative sign process, the Planning Commission must find that the unique and creative design of the sign will meet Standards a, b and c or Standard d:

a. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area that justifies departure from the parameters of Section 16-8-50 and/or 16-8-60 above.

b. Utilize and/or enhance the architectural or historic elements of the building or location where it is displayed in an historic, unique and/or creative manner that justifies departure from the parameters of Section 16-8-50 and/or 16-8-60 above.

c. Provide strong artistic character through the imaginative use of design, graphics, color, texture, quality of materials, scale and proportion uses, character and identity of the area in which it is displayed.

d. A creative sign may be appropriate to provide reasonable visibility of a business's main sign in some rare situations where topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. Despite the possibility of a creative sign permit, visibility of a sign or attention-attracting device may not be possible. (Ord. 2007-11 §4)

Sec. 16-8-100. Comprehensive sign plan

Every multi-tenant building or coordinated development, such as office parks, civic uses, shopping centers and business parks, shall have a comprehensive sign plan approved. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application for a new sign at the site. Where a comprehensive sign plan is required for an existing development with multiple owners, all such owners shall be given notice and have the opportunity to participate in development of the comprehensive sign plan or provide written approval of said plan. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within fifteen (15) days of notice, that owner will be deemed to have consented to the plan's adoption. Planned Developments shall include a comprehensive sign plan at the final development plan stage. Applications for final subdivision plat shall include a comprehensive sign plan application.

(1) Purpose. The general purpose of the comprehensive sign plan is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by this Article. The comprehensive sign plan shall address the following topics and demonstrate the following characteristics:

a. Identification signs: Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate minimum and maximum height. Sign locations should anticipate impact of pad buildings and landscaping, as well as the provision of adequate spacing between facade signs for effective readability.

b. Permitted area, height, illumination and number of signs. The permitted amount of sign area, height, illumination and similar restrictions should follow the total area permitted in Tables 16-I and 16-J of this Article for each site within the development. In Planned Developments, the permitted area, height and illumination should be proposed in relation to the types of uses in each portion of the development. The applicant shall designate how much sign area of the total permitted signage should be apportioned to each tenant space for both individual identification signs and common freestanding signs.

c. Appearance: Signs shall be durable, attractive and designed to complement and reinforce the design of the project buildings.

d. Consistency: Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical.

e. Exempt signs. Signs not requiring a permit under this Article shall still be permitted in a development with a comprehensive sign plan unless stated otherwise in the comprehensive sign plan.

(2) Approval of Comprehensive Sign Plans. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Administrator.

a. Submittal of application. The applicant shall submit a complete application to the Administrator meeting the requirements of Subsection 16-8-30(d) for each project requiring comprehensive sign plan approval at the time of final development plan application, final plat application or prior to issuance of any certificate of occupancy if no final development plan or plat was required.

b. Compliance with standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this Article. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.

c. Review. Review of the application shall be completed and notice sent to the applicant concurrent with the approval of a final development plan or building permit application.

(3) Comprehensive Sign Plan Modifications. Minor modifications to a sign scheme that are still within the overall concept and intent of the approved plan may be approved by the Administrator. Major modifications or a new comprehensive sign plan will require a new application, including a plan to bring any existing signs in the development into conformance with the new plan.

(4) Permits Required for Individual Signs Within the Comprehensive Sign Plan. In multiple-tenant commercial buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs. (Ord. 2007-11 §4)

ARTICLE IX

Improvement Standards

Sec. 16-9-10. Purpose and applicability.

The purpose of this Article is to establish site development standards applicable to all development within the City. All development shall comply with the standards of this Article and with the City's construction standards, provided that in portions of the City where there are existing roads, development may be permitted where the road is open and maintained by the City, even though the road is not built to the standards of this Article. (Ord. 03, 2002 §9-11-1; Ord. 2005-07 §1)

Sec. 16-9-20. Road, driveway and sidewalk standards.

(a) Access to Roads. All developments shall have direct access to a public street.

(b) Standards. All public roadways shall be paved, engineered and constructed to comply with the City's street and construction standards.

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

(d) Emergency Vehicle Access. The City may require greater widths of roads when needed for movement of emergency and utility vehicles. Such streets shall be clearly identified, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times.

(e) Driveway Standards.

(1) Proximity to an Intersection. Driveways accessing City right-of-way near an intersection of an arterial street shall be a minimum of fifty (50) feet and for all other street classifications shall be a minimum of thirty-five (35) feet from the intersecting street right-of-way as measured from the nearest edge of the driveway. When this spacing cannot be achieved (for example, due to topography or lot size), effort shall be made to place the entrance as far from the intersection right-of-way as possible as approved by the Public Works Director.

(2) Access to Single-Family. Only one (1) access will be allowed to single-family residences. This access must be located from the alley where alley access is available.

(3) Width of Driveways. Driveway width is measured within City right-of-way from the right-of-way line to the edge of pavement, with an allowable three-foot angled or radial taper. The width of any driveway connecting an off-street parking area with a public street, alley or highway shall fall within the ranges as shown below, as measured within the City right-of-way:

Single-Family homes	9 feet minimum, 16 feet maximum
Duplexes or Multi-Family Units	9 feet minimum, 12 feet maximum (one way), 24 feet maximum (two-way)
Commercial and Business	12 feet (one way), 24 feet (two-way)

(4) Driveway Spacing. No two (2) driveways connecting to a public street, alley or highway shall be within thirty (30) feet of one another measured from edge of driveway to edge of driveway within the City right-of-way. When this spacing cannot be achieved (for example, due to topography or lot size), effort shall be made to place the entrance as far from adjacent driveways as possible as approved by the Public Works Director.

(5) Angle of Intersection. All driveways shall intersect the access street at ninety (90) degrees unless otherwise approved by the Public Works Director.

(6) Grade. Driveways may be up to eight percent (8%) in grade if approval is gained from the Public Works Director.

(7) Exemption and Conformity. Driveways which are to be repaved (existing driveways) can be done to the previous width. Existing gravel driveways which are to be paved shall conform to these requirements.

(f) Street Design Standards.

(1) Street Plan. Streets shall generally conform to the City's transportation plan adopted as a component of the City's Comprehensive Plan and any amendments thereto.

(2) Neighborhood Plan. If a plan has been adopted by the City for the neighborhood of the proposed development, the development's street system shall generally conform to that plan.

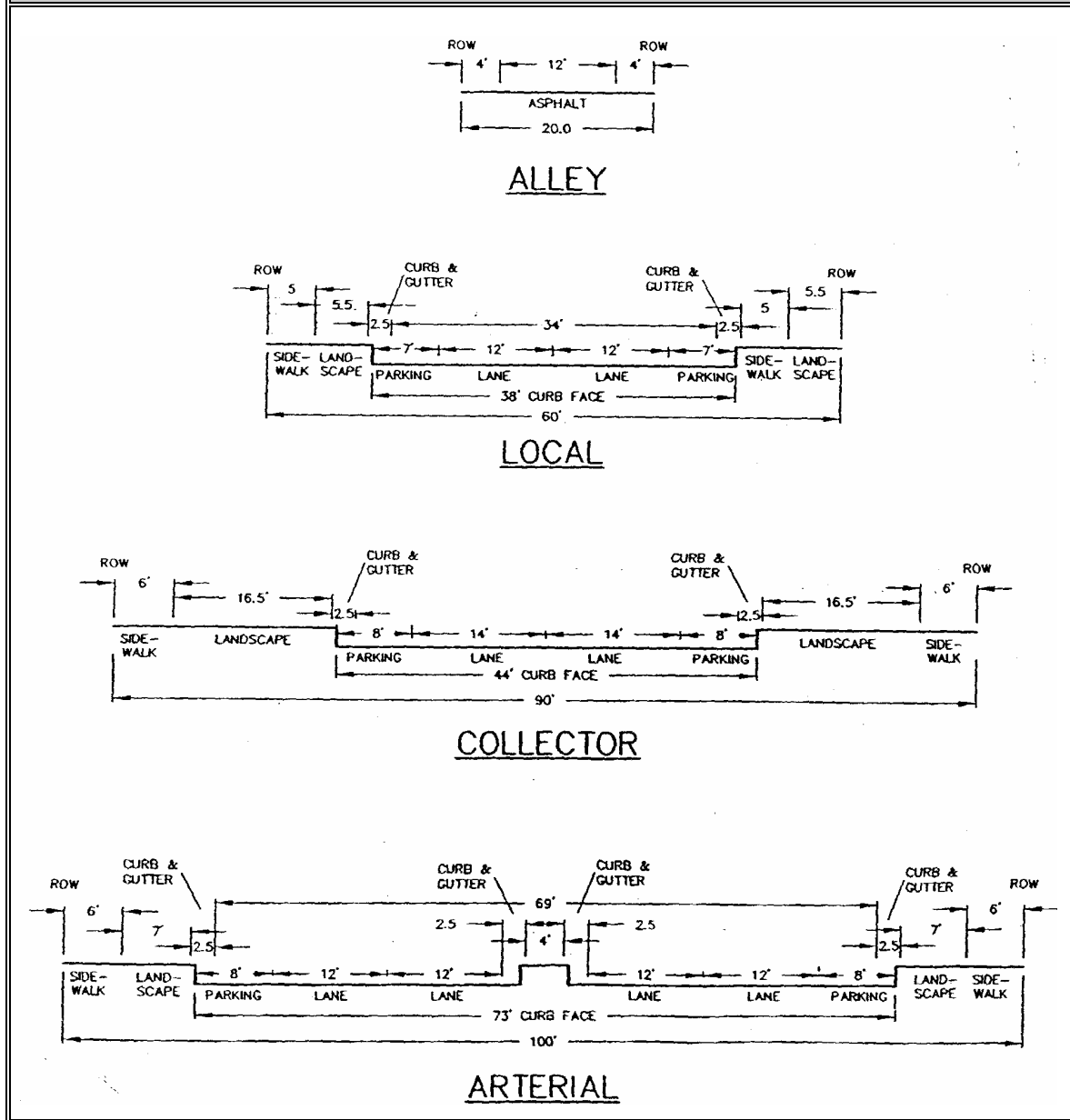
(3) Natural Features. Streets should be located with appropriate regard for topography, creeks, wooded areas and other natural features which would enhance attractive development.

(4) Continue Alignment. Existing arterial and major collector streets, including platted but not developed streets in adjoining territory, shall be in similar alignment by streets proposed in the development unless deviations are approved by the City.

(5) Street Hierarchy. Local and minor collector streets shall be laid out so that their use by major through traffic will be discouraged. Continuation of the existing grid street pattern is encouraged.

(6) Geometry. Street horizontal and vertical geometry shall be in accordance with Table 16-K and Figure 16-1.

**FIGURE 16-1
Street Sections**



(7) Street Intersections.

- a. A proposed street and an existing street which intersect a common third street shall have a centerline no closer than one hundred twenty-five (125) feet from one another.
- b. Any two (2) proposed streets which intersect a common third street shall have a centerline no closer than two hundred fifty (250) feet from one another.
- c. No more than two (2) streets shall intersect at any point. Intersections shall be as near as practical to ninety (90) degrees. A street shall have a minimum straight distance of one hundred (100) feet from the intersection before it may be curved.
- d. The length of local streets between intersections shall be a maximum of four hundred (400) feet.

(8) Street Curves. A straight section of one hundred (100) feet shall be provided between reverse curves on all streets. The minimum radius of curves shall be as specified in Table 16-K.

(9) Cul-de-Sacs. Cul-de-sacs shall not exceed three hundred (300) feet in length, unless it can be shown to the satisfaction of the City that a longer cul-de-sac would not create safety problems. Cul-de-sacs shall have a minimum paved radius of forty-five (45) feet at the closed end. Cul-de-sacs shall be located at least forty (40) feet from intersections.

(10) Temporary Dead-End. Where a street will eventually be extended beyond the development, but is temporarily dead-ended, an interim turnaround should be provided.

(11) Street Names. All street naming shall be subject to approval by the City.

a. Duplicate names. No street name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County.

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

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

(12) Street Improvements, Widths and Grades. Streets shall have such curbs, gutters, sidewalks, culverts and lights as required by the City. These improvements shall be constructed by the developer to comply with the City's construction standards. Maximum and minimum street widths and grades shall comply with the design standards specified in Table 16-K.

TABLE 16-K Street Width and Grade Standards					
Street Type	R.O.W. Width (min.)	Paving Width (min.)	Curve Radius at Centerline (min.)	Grade (max.)	Grade (min.)
Alley	20 ft.	12 ft. ***	100 ft.	5%	.005%
Local	60 ft.	32 ft. * 38 ft. **	100 ft.	7%	.005%
Major and minor collector	90 ft.	54 ft.	300 ft.	5%	.005%
Arterial (no on- street parking)	100 ft.	68 ft.	300 ft.	5%	.005%
Private local	60 ft.	25 ft.	100 ft.	7%	.005%

* without on-street parking ** with on-street parking *** no curb and gutter required

(13) Access to Adjacent Lands. When a development abuts and controls access to public lands or existing streets, access shall be provided in the manner requested by the City. When a development abuts private lands, the City may require the developer to provide access thereto when said access is in conformance with the City's streets plan or is the only reasonable and logical access to the private property.

(14) Street Lights. Street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.

(15) Alleys. Where alleys are used, alleys open at both ends may be required in all zone districts.

(16) Sidewalks.

a. 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 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.

b. Collector and arterial streets. Sidewalks along collector and arterial streets shall be separated by a distance of at least four (4) feet from the curb or street pavement edge and shall be a minimum of six (6) feet wide. The width requirements may be reduced with approval from the Administrator within the Hwy 50 Corridor Overlay, if the existing site development is such that the standard sidewalk and parkway width requirement would adversely affect existing required parking or would not fit between the road edge and front of the existing building.

c. Parkway. Where such separated sidewalks are required, the parkway shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used, subject to City approval of the location and species of planting materials to be installed in accordance with the Tree Board's *A Guide To Salida Trees*. Within the Hwy 50 Corridor Overlay, parkways shall be finished with stamped concrete in accordance with the color and pattern detailed in the Highway Corridor Improvement Plan or as approved by the Public Works Director.

d. Ramps. Handicap ramps shall be provided in accordance with the Americans with Disabilities Act.

e. Curb returns. Curb returns shall be provided at all intersections. On arterial streets, the radius shall be twenty (20) feet. On collector and local streets in the established sections of the City, the radius shall be approximately five (5) feet in order to match existing conditions. On collector and local streets in new areas of development, the radius shall be fifteen (15) feet.

(g) Traffic Analysis. The Administrator or Planning Commission (when the proposal is reviewed by the Planning Commission) may require the developer to submit a traffic analysis prepared by a qualified expert, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(h) Deviations. Deviations from the Road and Sidewalk Standards may be granted by the City, considering the development's proposed traffic generation, its functional street classification and provisions for pedestrian safety and emergency vehicle access, and the design of its off-street parking and public improvements, including but not limited to water supply, sewage treatment, electricity, irrigation water, solid waste disposal and storm drainage. (Ord. 03, 2002 §9-11-2; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §5; Ord. 2006-08 §10; Ord. 2007-04 §2; Ord. 2007-12 §2)

Sec. 16-9-30. Survey monuments.

(a) Street Intersection. Two (2) concrete survey monuments, at least thirty-six (36) inches in length and four (4) inches square, with a suitable center point, shall be set into the ground at each street intersection on the street right-of-way line.

(b) Boundary Lines. Iron pin survey monuments five-eighths (⅝) inch in diameter and twenty-four (24) inches long shall be placed in the ground at all points on a property boundary line where there is

a change in direction, and at all lot corners, before a permit is issued for development. (Ord. 03, 2002 §9-11-3; Ord. 2005-07 §1)

Sec. 16-9-40. Water supply and fire protection standards.

(a) Connect to City System. All development occurring within the City shall be connected to the City's water supply system.

(b) Water Lines. The developer shall be required to provide adequate service lines and stubs to each lot such that street and sidewalk cuts will not be required in order to connect the proposed buildings with the water mains. The tap of the water main shall be made by the City or be accomplished under close City supervision, in conformance with all applicable City standards, including the City's construction standards.

(c) Fire hydrants. The developer shall provide fire flow analysis and provide fire hydrants as required by the City's Fire Code, meeting the City's construction standards. (Ord. 03, 2002 §9-11-4; Ord. 2005-07 §1)

Sec. 16-9-50. Sanitary sewage disposal standards.

(a) Connect to City System. All developments occurring within the City shall be connected to the City's sewage disposal system.

(b) Sewage Collection Lines. The developer shall provide adequate service lines and stubs to each lot in such a manner that street and sidewalk cuts will not be required in order to connect the proposed buildings with the sanitary sewer mains. The actual tap of the sewer main shall be made by the City or be accomplished under close City supervision, in conformance with all applicable City standards, including the City's construction standards. (Ord. 03, 2002 §9-11-5; Ord. 2005-07 §1)

Sec. 16-9-60. Street tree standards.

(a) Applicability. Major subdivision and PD development shall provide trees along all streets within the development.

(b) Design and Standards. Trees will be located within the parkway. At a minimum, there shall be an average of at least one (1) tree planted for every fifty (50) feet on each side of the street. (Ord. 03, 2002 §9-11-6; Ord. 2005-07 §1; Ord. 2006-08 §11)

Sec. 16-9-70. Undergrounding of utilities.

(a) Service Lines Underground. The developer shall install service lines for local utilities underground to the maximum extent feasible, including those for telephone, electricity, natural gas and, if applicable, cable television. If such lines are placed in a street or alley, they shall be in place prior to surfacing.

(b) Extend Full Length of Property. Utility lines, water and sewer lines and storm drainage facilities shall extend the full length of the property.

(c) Easements. Utility easements shall be dedicated at the time of development approval as a condition of obtaining service. Utility easements shall be at least twenty (20) feet wide. (Ord. 03, 2002 §9-11-7; Ord. 2005-07 §1)

Sec. 16-9-80. Stormwater management standards.

(a) Applicability. Stormwater management standards shall apply to commercial developments, multiple family units of four (4) or more and major subdivisions.

(b) Drainage Study. A drainage study for a site which is to be developed shall be prepared and the site's drainage system shall be designed by a registered professional engineer, according to generally accepted storm drainage practices. The plan shall be reviewed and approved by the City Engineer.

(c) Runoff Control Structures. The developer shall provide storm sewers, culverts, bridges and other flood and runoff control structures, as determined necessary by the drainage study, which comply with the City's construction standards.

(d) Historic Runoff. The drainage system shall be designed and constructed so that only historic runoff, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. The design storm is for the twenty-five-year, twenty-four-hour rainfall. All costs associated with handling runoff generated by a development shall be paid by the developer.

(e) Floodplain. Land located within an adopted one-hundred-year floodplain shall not be used for occupancy, unless the hazards from flooding are mitigated in conformance with the City's floodplain regulations. (Ord. 03, 2002 §9-11-8; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-9-90. Grading and erosion control.

(a) Applicability. Grading and erosion control standards shall apply to minor and major subdivisions.

(b) Grading Plan. The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two (2) feet.

(c) Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal and use. The basic steps are as follows:

(1) Fit to Topography. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.

(2) Block and Lot Grading. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.

(3) Easements. Determine any easements and other provisions needed for adequate block drainage and erosion control.

(4) General Limitations. Determine general lot grading limitations for local conditions, such as minimum gradients for grass swales and slopes and maximum for walks and drives.

(5) Specific Limitations. For each type of house and lot, determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.

(6) Street Profiles. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.

(7) Elevations. For each property, determine proposed elevations for key points on the lot and for the building floor, giving due consideration to street elevations, existing topography and lot grading limitations. (Ord. 03, 2002 §9-11-9; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE X

Development Review Procedures

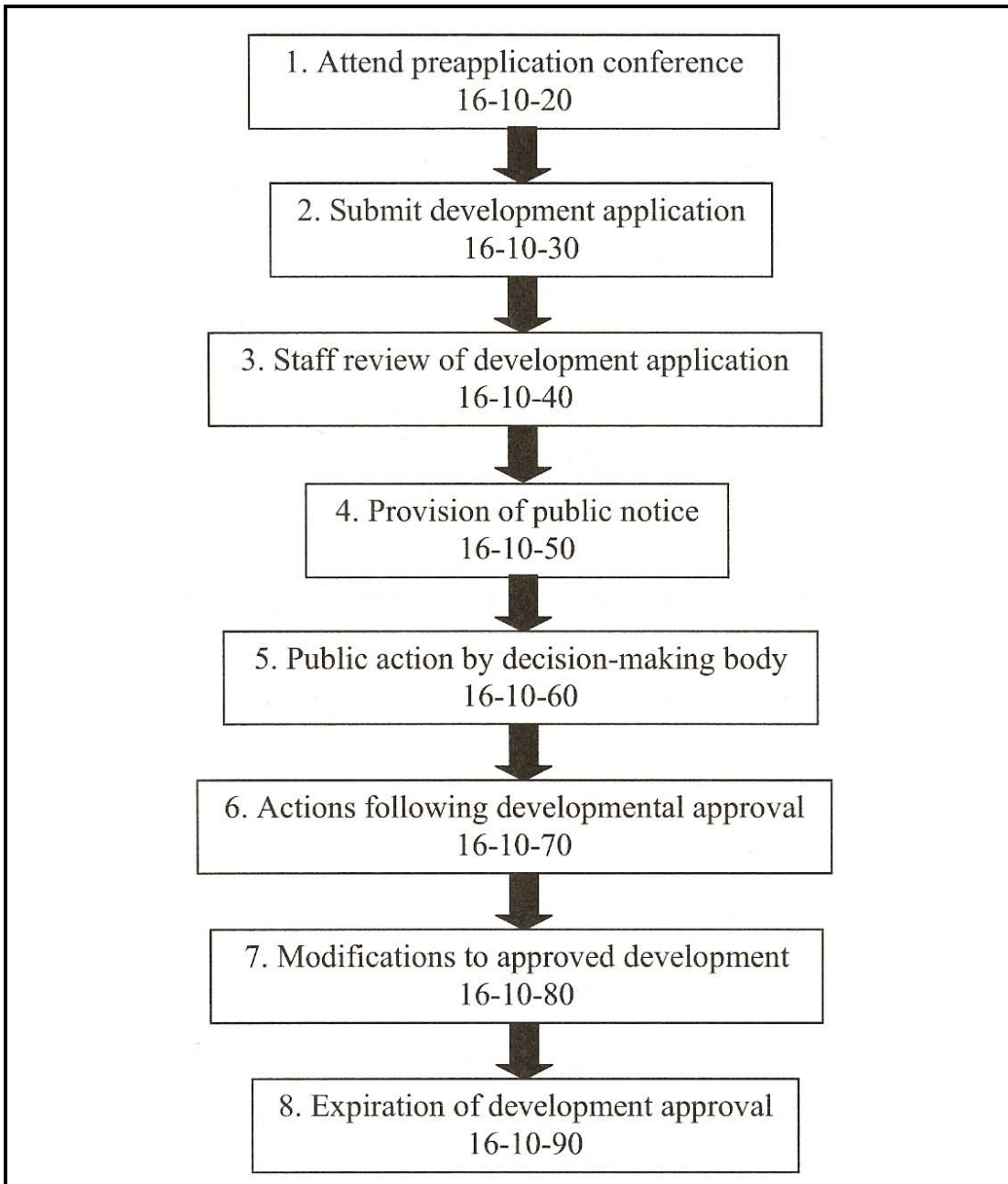
Sec. 16-10-10. Stages of the development review process.

(a) This Article sets out the development review procedures which are common to all land development applications in the City. These development review procedures apply to the following types of land development processes: conditional uses (Article XI); variances (Article XII); amendments to land use code or official zoning map and planned developments (Article XIII); and subdivision (Article XIV); and major certificates of appropriateness/designation of historic districts and landmarks (Article XVIII).

(b) Generally, there are six (6) stages to the land development process in the City, as illustrated graphically in Figure 16-2, Stages of the Salida Development Review Process. The stages are as follows:

- (1) Stage 1: Preapplication conference between the applicant and the Administrator;
- (2) Stage 2: Submission of the development application by the applicant;
- (3) Stage 3: Staff review of the development application to determine whether it is complete and whether it complies with all applicable development review standards;
- (4) Stage 4: Provision of public notice of a public hearing, when applicable to the particular development process;
- (5) Stage 5: Public action on the development application by the appropriate decision-making bodies; and
- (6) Stage 6: Actions following development approval by the applicant prior to obtaining a building permit.

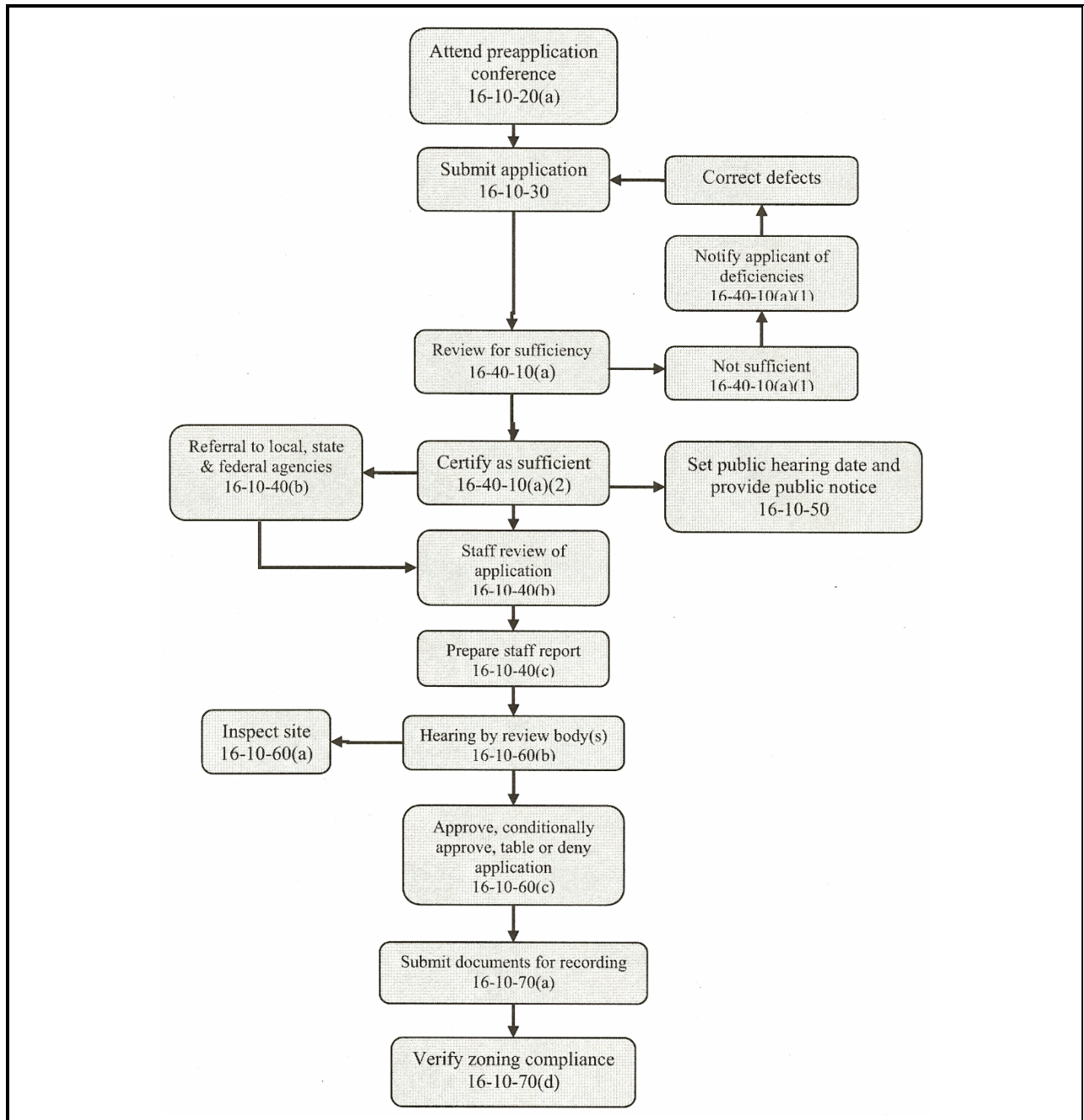
FIGURE 16-2
Stages of the Salida Development Review Process



(c) The subsequent sections of this Article are organized to sequentially describe these six (6) stages of the City's development review process in complete detail.

(d) Figure 16-3, City of Salida Development Review Process, depicts the sequence of the actions which shall be accomplished by the applicant, the staff and the public review bodies to complete the six (6) stages of the development review process. These actions are also explained in the remaining sections of this Article.

FIGURE 16-3
City of Salida Development Review Process



(Ord. 03, 2002 §9-12-1; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §12)

Sec. 16-10-20. Stage 1: Preapplication conference.

(a) Conference. Prior to filing a development application, the applicant may confer with the Administrator to obtain information and guidance as to the City's development procedures and standards. The preapplication conference is required prior to filing a sketch and preliminary subdivision or PD application and is optional, but recommended, for all other development application types.

(1) Purpose. The purpose of the conference is to permit informal review of development concepts before substantial commitments of time and money are made in the submission of an application, so the applicant may decide how best to proceed in accomplishing the intended development.

(2) Not a Design Service. The preapplication conference shall not be used as a design service by the applicant. The applicant shall be responsible for preparing an application which contains sufficient information to enable the City to determine its conformance with this Chapter.

(b) Content of Conference. Items to be discussed during the conference may include, but not be limited to the following:

(1) Applicant's Proposal – No Reliance Provided. The applicant shall provide a verbal description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and the applicant's development concepts. The preliminary evaluation and all other comments made by the Administrator during the conference shall not be deemed to provide the applicant with assurance or reliance as to the outcome of the formal development review process.

(2) Review Procedure. The Administrator should explain the procedures and review standards which apply to the proposed development, including which decision-making body will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

(3) Review Agencies. The Administrator should identify any City, County, special district, state and federal agencies that will review the proposed development, and provide the applicant with the names of persons at these agencies to contact.

(4) Application Contents. The Administrator should:

a. Describe the materials required to be submitted as part of the application package;

b. Provide any applicable City development forms;

c. Identify the number of copies of the application to be submitted; and

d. Indicate the applicable processing fee. (Ord. 03, 2002 §9-12-2; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §13)

Sec. 16-10-30. Stage 2: Submission of development application.

(a) Eligibility to Apply. A development application may only be submitted by, or on behalf of, the owners of real property proposed for development.

(1) Applicant Not the Owner. If the applicant is not the owner of the property or is a contract purchaser of the property, a letter signed by the owner consenting to the submission of the application shall be submitted.

(2) Applicant Not the Sole Owner. If the applicant is not the sole owner of the property, a letter signed by the other owners or an association representing the owners consenting to or joining in the development application shall be submitted.

(b) Form. The development application shall be submitted in the form required and shall include the information and materials specified for that particular type of application in the applicable section of this Chapter.

(1) Copies. The correct number of copies of the application shall be submitted, as identified during the preapplication conference or by request of the Administrator.

(2). Nonrefundable Application Fee. The correct nonrefundable processing fee for the application shall be submitted. The fees for the processing of applications are established by resolution of the City Council and are available through the Administration Department.

(c) Minimum Application Contents. All development applications shall include, at a minimum, the information and materials listed below. Additional submittal requirements, if any, are located within the appropriate article for the type of development application being proposed.

(1) Name, Street, Mailing Address, Telephone Number and Power of Attorney. The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, street, mailing address and phone number.

(2) Legal Description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.

(3) Disclosure of Ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property and all mortgages, judgments, liens, easements, contracts and agreements that run with the land.

a. Form. The disclosure of ownership may be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion or other documentation acceptable to the City Attorney.

b. Right to apply. The disclosure of ownership shall demonstrate, to the satisfaction of the City Attorney, that the applicant has the right to submit the development application.

(4) Vicinity Map. A vicinity map measuring eight and one-half (8½) inches by eleven (11) inches locating the subject parcel within the City.

(5) Written Description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards relevant to the application, found in the appropriate sections of this Chapter.

(d) Consolidation. The land development review process is intended to encourage efficient processing of applications. Applicants may request, and the Administrator may permit, the consolidated submission and review of all necessary development applications for a parcel of land. The Administrator is authorized to waive any overlapping application requirements in the consolidated review. (Ord. 03, 2002 §9-12-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-10-40. Stage 3: Staff review of development application.

(a) Completeness Review. Under normal circumstances, the Administrator shall determine whether the application is complete within seven (7) business days of receipt of the application.

(1) Incomplete Application. If the application is not complete, the Administrator shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

(2) Complete Application. If the application is complete, the Administrator shall certify it as complete, affix the date of the application acceptance thereon and assign the application an agenda date with the applicable review body. The applicant shall be sent notice of the agenda date.

(3) Completeness not Determination of Compliance. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of this Chapter, or those of other City regulations.

(b) Staff Review. Within thirty (30) days from the date of the completeness determination, or forty-five (45) days for a major subdivision preliminary plat application, the Administrator shall review the development application to determine its conformance with the requirements of this Chapter. The Administrator may solicit the professional analysis and recommendations of any other agency, organization or technical consultant deemed appropriate and necessary to complete the review, including:

(1) Governmental Entities. County, state or federal entities having an interest in or authority over the proposed development or any portion thereof.

(2) Utility Companies and Special Districts. Utility companies, special service districts serving the proposed development and the school district.

(3) City Staff. Members of the City staff.

(4) Technical Consultants. Engineers, designers and legal consultants.

(c) Report. Prior to the date of the review body meeting, the Administrator shall compile a written report which sets forth how the application complies with, or does not comply with, the applicable standards of this Chapter. The Administrator shall distribute a copy of the report to each member of the review body and to the applicant, and shall make the report available to the public. (Ord. 03, 2002 §9-12-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-10-50. Stage 4: Provision of public notice.

(a) Notice Required. Table 16-L, Decision-Making Bodies and Public Hearing Requirements for Development Applications, identifies the types of land development applications which shall be considered during a public hearing and at what step during the review process that hearing shall occur. Public notice shall be provided for each application type which is identified as requiring notice to be given. Notice shall be provided in the manner specified herein, coincident with the time that staff review of the application is occurring.

TABLE 16-L Decision-Making Bodies and Public Hearing Requirements for Development Applications		
Application Type	Decision-Making Bodies	Public Hearing Required? When?
Interpretation	Administrator	No
Conditional use	Planning Commission	Yes
Variance	Board of Adjustment	Yes
Amendment to Official Zoning Map or text of Code or Planned Development	Planning Commission recommendation to City Council	Yes - for Planning Commission review and for Council ordinance adoption
Major subdivision	Sketch plan – Planning Commission Preliminary plat – Planning Commission Final plat – Planning Commission recommendation to Council	Yes

Minor subdivision	Preliminary plat – Planning Commission Final plat – Council	Yes – for Planning Commission preliminary plat and Council final plat review
Subdivision exemption	Planning Commission chair	No
Vacation of subdivision, right-of- way or easement	Planning Commission recommendation to Council	Yes - for Planning Commission review and Council ordinance adoption
Appeal of specific orders, decisions or interpretations	Designated body as outlined in Table 16-A	Yes – if appeal is from a decision rendered during a public hearing
Subdivision, right-of-way, easement, vacation	Planning Commission recommendation to Council	Yes – for Planning Commission review and for Council ordinance adoption
Designation of historic district or landmark	HPC recommendation to Council	Yes – for HPC review and Council ordinance adoption
Minor certificate of appropriateness	Staff and two HPC members	No
Major certificate of appropriateness	HPC	Yes – posting of the site only, not by mail or newspaper
Verification of zoning compliance	Administrator	No
Annexation	Planning Commission recommendation to Council	Yes - for Planning Commission review and for Council ordinance adoption
Appeal (Board of Appeals)	Board of Appeals	No

(b) Manner of Notice. Public notice shall be given by publication of notice in the newspaper, mailing of notice to all adjacent property owners to the subject property, and posting of notice on the property.

(1) Publication of Notice. Publication of notice shall be accomplished by the Administrator who shall place a legal notice in the City's official newspaper. The legal notice shall be published in the newspaper at least fifteen (15) days prior to the public hearing.

a. Exception for major certificates of appropriateness. Publication of notice shall not be required when a major certificate of appropriateness is requested.

(2) Mailing of Notice. Mailing of notice shall be accomplished by the Administrator.

a. Mail. Notice shall be sent by first class mail to all adjoining property owners at least fifteen (15) days prior to the public hearing.

b. List to be created by applicant. A written list of adjoining property owners' names and addresses within one hundred seventy-five (175) feet of the subject property shall be created by the applicant, using the current County tax records, and shall be submitted with the application. It shall include a map showing the location of these owners' properties in relationship to the subject property. If the distance of one hundred seventy-five (175) feet ends within a public or private right-of-way, the right-of-way shall not be considered but the next property owner beyond the right-of-way shall be included. The applicant shall also write each name on the list on a postage-paid envelope and submit the envelopes with the application.

c. Exception for general amendments to Official Zoning Map. Creation of a list of adjoining property owners and mailing of notice shall not be required whenever the Official Zoning Map is to be amended as part of a general revision of this Chapter or as part of a City initiative to implement the Comprehensive Plan. Instead, a map illustrating the proposed amendment shall be published as part of the legal notice for the hearing. A copy of the proposed amended Official Zoning Map shall be available for public inspection in City Hall during normal business hours at least fifteen (15) days prior to the scheduled date of the public hearing.

d. Exception for amendments to Land Use Code. Creation of a list of adjoining property owners and mailing of notice shall also not be required whenever this Chapter is to be amended.

e. Exception for major certificates of appropriateness. Creation of a list of adjoining property owners and mailing of notice shall also not be required when a major certificate of appropriateness is requested.

(3) Posting of Notice. Posting of notice shall be accomplished by the City.

a. Conspicuous location. The City shall post and maintain the notice in a conspicuous location on the subject property.

b. Duration. The sign shall be posted at least fifteen (15) days prior to the public hearing. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

c. Dimensions. The dimensions of the sign shall be eighteen (18) inches by twenty-four (24) inches.

d. Materials. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering.

e. Exceptions for amendments to Land Use Code. Posting of notice shall not be required whenever this Land Use Code is to be amended.

(c) Content of Notice. Each notice shall contain the following information:

(1) Name and Address. Name of the applicant and address or legal description of the property.

(2) Type of Application. The type of development approval sought.

(3) Date, Time and Place. The date, time and place of the hearing and name of the decision-making body conducting the hearing.

(4) Summary. A brief summary of the development proposal.

(5) Other Information. Such other information as may be necessary to fully apprise the public about the application.

(d) Notice Deemed Valid. The Administrator and the applicant shall make all reasonable efforts to comply with the notice provisions set forth in this Section. Notice shall be deemed valid if notice was mailed to all property owners, as listed on the last available tax assessment rolls, and if publication and posting has occurred in accordance with Subsection (b) above. Notice shall not be considered invalid because of unrecorded or subsequent transfers of title or uncertainties concerning ownership not

discernible from the tax assessment rolls. Notice by mail to persons other than the applicant is provided for purposes of convenience only and a failure by any person other than the applicant to have received the mailed notice shall not constitute grounds to delay or deny an application or a meeting or hearing on an application, so long as other types of notice required by this Section were timely and properly provided. (Ord. 03, 2002 §9-12-5; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §§6, 7; Ord. 2006-08 §14)

Sec. 16-10-60. Stage 5: Review by decision-making body.

(a) Site Inspection. Prior to its meeting to consider the development application, the decision-making body may, as a group or through a committee appointed for that purpose, inspect the site of the proposed development. Upon reasonable request by the Administrator the applicant shall mark the development site before the site visit is to occur to locate property boundaries, building envelopes and other key site development features.

(b) Hearing Procedure. At its meeting to consider the development application, the decision-making body shall hear a presentation of the findings and recommendations of the Administrator, hear a presentation by the applicant, hear testimony from all members of the public in attendance at the meeting and hear responses from the applicant and City staff. The decision-making body shall have the right to ask questions of any person presenting testimony at the hearing.

(1) Burden on Applicant. The burden shall be on the applicant to demonstrate through competent evidence that the application will comply with all applicable provisions of this Chapter and other provisions of this Code.

(2) Withdrawal of Application. An applicant shall have the right to withdraw an application at any time prior to action on the application by the decision-making body.

(c) Action by Decision-Making Body. After hearing the evidence and considering the comments of all persons interested in the matter, the decision-making body shall make its decision and findings and have them entered in its minutes. The decision-making body shall not be required to take final action on an application during the same meeting when testimony from interested persons is taken, but action shall be taken within thirty-one (31) days.

(1) Findings. In its findings, the decision-making body shall report the facts, whether the applicant has met the requirements of each applicable review standard and whether the application is approved, approved with conditions, recommended for approval to another body, tabled pending receipt of additional information, or denied. An application that fails to comply with any applicable review standard shall be denied.

(2) Written Action. Whenever a decision-making body grants or denies an application, it shall specify in writing and forward to the applicant:

a. Code sections. The sections and standards of this Chapter used in evaluating the application;

b. Findings. Its findings of fact and conclusions regarding these review standards; and

c. Conditions. Conditions, if any, that will be imposed upon the application. Any representation made by the applicant shall be incorporated as a condition of approval.

(d) Successive Applications. Unless otherwise stated in this Article, whenever any application is denied for failure to meet the substantive requirements of this Chapter, no application for the same or similar development shall be considered for a period of one (1) year after the date of denial, unless the applicant can demonstrate a change of circumstances or conditions as determined by the Administrator or

unless a majority of the members of the decision-making body that made the final decision on the application determine that the prior denial was based on a material mistake of fact.

(e) Inactive Applications. The decision-making body shall deny any application which remains inactive. An application may be deemed inactive and be denied when the decision-making body determines that the applicant is not making reasonable progress in moving the application towards final approval.

(1) Determination of Inactivity. A project shall be determined to be inactive if more than two (2) months have passed since a request for additional information was made by the Administrator or the review body and the request has not been complied with, or more than three (3) months have passed since the last official contact between the applicant and the Administrator.

(2) Written Notice. The Administrator shall provide advance written notice to the applicant stating the time, place and date when the decision-making body will consider denial of the application due to its inactivity. (Ord. 03, 2002 §9-12-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-10-70. Stage 6: Actions following development approval.

(a) File Required Documents. Following approval of the development application, the applicant shall submit to the Administrator all documents which are required as a condition of approval of the application, including but not limited to those documents which are to be recorded in the Office of the County Clerk and Recorder, any performance bonds or other financial security measures which must be filed, and the applicable fee for document recordation. The documents to be recorded may include, but are not limited to, a final plat, an improvements agreement, any other agreements and any restrictions on the property which may have been agreed to during the review process.

(b) Staff Review. The Administrator shall review the submitted documents and, if necessary, return them to the applicant for any necessary revisions prior to recordation. The Administrator may solicit the assistance and recommendations of the City Attorney, the City Engineer or any agency or organization which provided technical assistance during review of the development application.

(c) Recordation. The applicant shall make any requested revisions to the documents and file the revised documents with the Administrator. The Administrator shall circulate the documents to obtain necessary signatures and deliver them to the Office of the County Clerk and Recorder for recordation.

(d) Verification of Zoning Compliance. Before the applicant may obtain a building permit for the proposed development or may change any existing use, the Administrator shall verify that the development or change of use complies with the standards of this Chapter.

(1) Proposal Follows Development Application. If the applicant is proposing development following approval of a development application, the purpose of the zoning compliance verification shall be to determine that the building permit application complies with the approval and any conditions imposed on the approval by the decision-making body, and otherwise complies with the applicable standards of this Chapter.

(2) Proposal With No Development Application Involvement. If the applicant is proposing development for which no other development application was required, the purpose of the zoning compliance verification shall be to determine that the building permit application complies with the applicable standards of this Chapter.

(3) Scale Drawings. The Administrator may require that the application for zoning compliance verification be accompanied by scale drawings of existing and proposed site features. The drawings shall indicate the shape, dimensions and locations of lot boundaries, all existing and

proposed structures and their intended uses and heights and setbacks, any proposed off-street parking areas, landscape areas and signs, and such other information as may be necessary to determine whether the proposal complies with the applicable standards of this Chapter and any conditions of approval. (Ord. 03, 2002 §9-12-7; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-10-80. Stage 7: Modifications to approved development.

Once the development application has been approved, no substantial variation of the plan shall be permitted without approval of the Administrator. Modifications to approved plans shall be reviewed and may be approved by the Administrator upon finding that the amended plan is in substantial compliance with the originally approved plan. Modifications to approved development applications may be brought to the approving body for review at the discretion of the Administrator. (Ord. 2005-07 §1)

Sec. 16-10-90. Stage 8: Expiration of development approval.

If construction has not begun within three (3) years from the date of the final development plan approval or if the owner has failed otherwise to comply with the approved development plan, the approving body shall revoke development plan approval. Notwithstanding the above, the approving body may reconfirm and extend the time period for compliance or approve modification to such development plan, upon good cause shown by the owner. Such reconfirmation, extension or modification shall be at the discretion of the approving body. If a more restrictive timeframe for implementation has been set for an approval, either in the code or by the approving body, the more restrictive time shall prevail. (Ord. 2005-07 §1)

ARTICLE XI

Conditional Uses

Sec. 16-11-10. 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. Uses not specifically described as permitted or conditional uses 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 as a permitted use or conditional use in that particular zone district. (Ord. 03, 2002 §9-13-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-20. Procedure.

An applicant requesting conditional use approval shall follow the stages of the land development process outlined below.

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a conditional use permit.

(2) Submittal of Application. The applicant shall submit a complete application to the Administrator containing those materials listed in Section 16-11-30 or Section 16-11-40 below, as applicable.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward

a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in Section 16-11-50 below and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

(4) Public Notice. Public notice that the Planning Commission will conduct a hearing to consider the application for a conditional use shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Public Action by Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Planning Commission shall approve, approve with conditions or deny the application, or remand it to the applicant with instructions for modification or additional information or action.

(6) Actions Following Approval. The applicant may apply for a building permit following approval of the conditional use permit and the filing and, if applicable, recordation of any documents required by the permit approval. (Ord. 03, 2002 §9-13-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-30. General contents of conditional use application.

All conditional use applications, except those for a mobile home park or recreational vehicle park, shall contain the materials listed in this Section. A conditional use application for a mobile home park or recreational vehicle park shall contain those materials specified in Section 16-11-40 below.

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Site Plan. A site plan of the subject property, showing existing and proposed features, buildings, roads, alleys, utilities, etc., which are relevant to review of the conditional use application. Current land use of properties on all sides of the property and across streets and alleys.

(3) Other Information. The Administrator may request the applicant to submit such other information as is necessary to evaluate the impacts of the conditional use application. Examples of the information which may be requested are elevations of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use or evaluation of the environmental impacts of the proposed use. (Ord. 03, 2002 §9-13-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-40. Contents of conditional use application for mobile home park or recreational vehicle park.

A conditional use application for a mobile home park or recreational vehicle park shall contain the following materials:

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Site Plan. A site plan at a scale of one (1) inch equals one hundred (100) feet or such other scale as is approved by the Administrator, showing:

a. Site dimensions. Site dimensions and boundaries.

b. Utilities. The location, size and use of all utilities, utility easements and other site improvements, such as lighting and trash disposal, proposed to be constructed within the park.

c. Roads. The location, width and proposed standards for roads, sidewalks and other paths.

d. Spaces. The location, size, classification and designated use of all mobile home or recreational vehicle spaces.

e. Common areas. The location and size of parking lots and spaces, recreation and open space areas and proposed landscaping improvements to the same.

f. Buildings and accessory structures. The location, size and height of buildings and accessory structures and a description of the proposed use of those buildings and structures, including the location and floor plan of proposed service buildings.

(3) Grading and Drainage Plans. Grading and drainage plans showing and describing the existing and proposed means of handling on-site drainage.

(4) Utilities. A written description of the general manner in which water supply, sewage disposal, electric supply, natural gas, stormwater drainage, telephone, street lighting, cable television (if appropriate) and trash collection services will be provided to the park. (Ord. 03, 2002 §9-13-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-50. Review standards.

An application for conditional use approval shall comply with the following standards.

(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 V.

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. (Ord. 03, 2002 §9-13-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-60. Planning Commission authorized to impose conditions.

The Administrator may recommend, and the Planning Commission may impose, such conditions as are necessary to maintain the integrity of the City's zone districts, to ensure that the use is consistent with the City's Comprehensive Plan, conforms with this Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment. Authorized conditions include, but are not limited to:

(1) Site Planning Features. Limitations or requirements regarding the area, height, setbacks, open space, landscaping, buffering, lighting, fencing, signage, off-street parking and similar site planning features of the proposal.

(2) Public Facilities. Requirements to improve public facilities which are necessary to serve the conditional use.

(3) Operations. Limitations or requirements on the operating characteristics of the use or duration of the conditional use approval.

(4) Performance Guarantee. As applicable, the Planning Commission may require the applicant to post a financial guarantee, before development of the conditional use is initiated, to ensure performance of the conditions it has imposed.

a. Surety or bond. The applicant shall file with the City a surety or cash bond, letter of credit or other collateral found to be suitable by the City Attorney, in the amount specified by the Planning Commission, to ensure the actual construction of required improvements or the installation of required landscaping within that period of time which the Planning Commission has specified.

b. Certification and release. Upon completion of the required improvements or installation of the required landscaping, the City shall inspect and ensure that the improvements or landscaping have been installed in conformance with the approved plan. The security shall be released within seven (7) calendar days following receipt of an acceptable certification, and inspection by the City.

c. City use of security. In the event the improvements or landscaping are not installed, or are installed in a manner which does not conform with the approved plan, the City may draw upon the security to bring the improvements or landscaping into conformance with the approved plan or, if development was initiated but never carried through to completion, to return the site to its pre-development condition. (Ord. 03, 2002 §9-13-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-11-70. Expiration of conditional use approval.

(a) Time Limit. At the time that the Planning Commission grants a conditional use approval, it shall identify the time period for completion of the conditional use. In no case shall this time period exceed three (3) years from the date of approval. If the action is not completed within this time period, the conditional use approval shall automatically expire.

(b) Extension. The applicant may submit a request to the Administrator to extend the conditional use approval. The extension request shall be submitted prior to the date of expiration and shall specify the reasons why the development has not been completed to date. The approval shall be deemed extended until the Planning Commission has acted upon the request for extension. The Planning Commission shall be authorized to deny an extension or extend the approval, by a period of up to one (1) year, and to impose additional conditions, if necessary. (Ord. 03, 2002 §9-13-7; Ord. 2005-07 §1)

Sec. 16-11-80. Insubstantial changes and amendments to approved conditional use.

(a) Insubstantial Changes. Insubstantial changes to a development approval for a conditional use may be approved by the Administrator. An insubstantial change is one that becomes necessary due to technical or engineering considerations discovered during actual development, or operational characteristics discovered after the use is developed, that could not reasonably be anticipated during its initial review and that, in the discretion of the Administrator do not significantly change the original approval granted.

(b) Amendments. All deviations from the original approval which do not qualify as an insubstantial change shall be considered an amendment to the original approval. Amendment of an approved conditional use shall only be approved by the Planning Commission pursuant to this Article. (Ord. 03, 2002 §9-13-8; Ord. 2005-07 §1)

Sec. 16-11-90. Revocation of a conditional use.

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

(1) Abatement. If and when any conditional use is determined to be in violation of the terms and conditions of approval by the Administrator, the Administrator shall notify the conditional use holder in writing as outlined in Section 16-2-20 of this Chapter.

(2) Revocation. If the violation of the conditional use continues after written request for abatement of the violation, the Administrator shall schedule a hearing before the Planning Commission. Notice of the hearing shall be mailed via certified mail fifteen (15) days prior to the hearing to the conditional use holder. The hearing shall be conducted as outlined in Subsection 16-2-60(e), Appeal Hearing, of this Chapter. (Ord. 2005-07 §1)

ARTICLE XII

Variances

Sec. 16-12-10. General.

(a) Purpose. This Article sets out the procedures and required showing to obtain a variance from the standards of this Land Use Code. 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, minimum setbacks and parking requirements.

(c) Variances for Historic Neighborhoods. 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 Board of Adjustment under the following circumstances:

(1) Existing Primary Structure. The Board of Adjustment may grant a variance from a setback requirement for an addition to a primary structure if it continues the existing building line. The Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment 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. (Ord. 03, 2002 §9-14-1; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §8)

Sec. 16-12-20. Procedure.

An applicant requesting a variance shall follow the stages of the land development process outlined below.

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a variance.

(2) Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Section 16-12-30 below.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Board of Adjustment which summarizes the application's compliance with the conditions outlined in Section 16-12-40 below. The Administrator may solicit the assistance of other agencies and organizations in drafting the report.

(4) Public Notice. Public notice that the Board of Adjustment will conduct a hearing to consider the application for a variance shall be provided, as specified in Section 16-10-50 of this Chapter.

(5) Public Action by Board. The Board of Adjustment shall hold a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Board may approve, approve with conditions or deny the application or remand it to the applicant with instructions for modification or additional information or action. The Board shall deny any application that does not demonstrate the required showing set forth in Section 16-12-40 below.

(6) Actions Following Approval. The applicant may apply for a building permit following approval of the variance and the filing and, if applicable, recordation of any documents required by the variance approval. (Ord. 03, 2002 §9-14-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-12-30. Application contents.

The development application for a variance shall contain the following information:

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Site Plan. A site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the variance application. (Ord. 03, 2002 §9-14-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-12-40. Required showing.

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. (Ord. 03, 2002 §9-14-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-12-50. Board authorized to impose conditions.

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. (Ord. 03, 2002 §9-14-5; Ord. 2005-07 §1)

Sec. 16-12-60. Expiration of approved variance.

(a) Time Limit. All variances shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the variation authorized, or if the variation does not require a building permit, unless the variation is established, ongoing and in operation. Such time period shall not be altered by transfer of ownership.

(b) Extension. Upon written request, the Board of Adjustment may grant an extension of the variance for a period not to exceed six (6) months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Administrator prior to the date the variance is to expire. The variance shall be deemed extended until the Board has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the variance null and void. (Ord. 03, 2002 §9-14-6; Ord. 2005-07 §1)

Sec. 16-12-70. Amendment of approved variance.

Amendment of an approved variance shall only be approved by the Board of Adjustment by repetition of the procedures and required showing of this Article. (Ord. 03, 2002 §9-14-7; Ord. 2005-07 §1)

ARTICLE XIII

Amendments to Land Use Code, Official Zoning Map and Planned Developments

Sec. 16-13-10. General.

The text of this Land Use Code and the boundaries of zone districts, as depicted on the Official Zoning Map, may be amended, supplemented or repealed pursuant to the procedures and standards of this Article. (Ord. 03, 2002 §9-15-1; Ord. 2005-07 §1)

Sec. 16-13-20. Initiation.

(a) Initiation of Text Amendment. An amendment to the text of this Land Use Code may be initiated by the City Council, the Planning Commission, the Administrator a resident of the City, an owner of a business within the City or any person who holds a recognized interest in real property within the City.

(b) Initiation of Map Amendment. An amendment to the Official Zoning Map may be initiated by the City Council, the Planning Commission, the Administrator or the owner of or holder of a recognized interest in that real property whose zoning is proposed to be amended. (Ord. 03, 2002 §9-15-2; Ord. 2005-07 §1)

Sec. 16-13-30. Procedure.

An applicant requesting an amendment shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an amendment to the text of this Land Use Code or the boundaries of zoning districts, as depicted on the Official Zoning Map.

(2) Submittal of Application. The applicant shall submit a complete development application to the Administrator which contains those materials listed in Section 16-10-30 of this Chapter. The Administrator shall be responsible for submitting the application materials for an amendment initiated by the City Council or Planning Commission.

(3) Staff review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the applicable review standards contained in Section 16-13-50 or Section 16-13-60 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

(4) Public Notice. Public notice that the Planning Commission will conduct a hearing to consider the application for an amendment to the text of this Chapter or the boundaries of zoning districts, as depicted on the Official Zoning Map, shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Action by Commission. The Planning Commission shall hold a public hearing to review the conformance of the development application with all applicable provisions of this Chapter. The Commission shall make a recommendation that the City Council approve, approve with conditions or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.

(6) Public Notice and Action by Council. The City Council shall consider the recommendations of the Planning Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter. The City Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification or additional information or action.

(7) Actions Following Approval. Upon approval of the amendment and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall place the amendment on the Official Zoning Map or shall cause the amended text of this Chapter to be officially codified. Each amendment shall be noted on the Official Zoning Map, together with the ordinance number and date, date of correction and initials of the draftsman making the change. (Ord. 03, 2002 §9-15-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-40. Application contents.

An application for amendment to the text of this Chapter or the boundaries of zone districts, as depicted on the Official Zoning Map, shall contain the following:

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Precise Wording of Text Amendment. If an amendment to the text of this Chapter is proposed, the precise amended wording shall be provided.

(3) Map Amendment. If the application requests an amendment to the Official Zoning Map, it shall include:

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

b. 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.

c. Existing uses. A description of existing uses on the property and on all adjacent properties.

d. 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. (Ord. 03, 2002 §9-15-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-50. Review standards for text amendments.

An application for an amendment to the text of this Chapter shall comply with the following standards:

(1) Consistency With Purposes. The proposed amendment shall be consistent with the purposes of this Chapter.

(2) No Conflict With Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.

(3) Consistency With Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.

(4) Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City. (Ord. 03, 2002 §9-15-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-60. Review standards for map amendments.

An application for an amendment to the Official 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 Official Zoning Map have occurred. (Ord. 03, 2002 §9-15-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-13-70. Planned Development District (PD) purpose, conditions and standards.

(a) Purpose and Objectives. Planned Developments are intended to facilitate the purposes and objectives of this Chapter and the City's Comprehensive Plan and to permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in higher quality development. A better quality of development shall be defined as one that furthers the purposes described in Section 24-67-102, C.R.S., and an applicant for a PD zone district designation must demonstrate that the following purposes and objectives can be achieved where feasible:

(1) Energy and Resource Conservation. The development utilizes design and technology to provide a significant increase in the efficiency with which energy, water, land and natural resources are utilized, recycled and conserved.

(2) Livability and Community. The development utilizes innovative design to encourage social interaction, increase opportunities for walking and bicycling, provide play areas for children and adults, provide trails and open space and decrease dependency on the automobile with connections within and between residential and nonresidential uses.

(3) Diversity. The development provides for a diversity of nonresidential uses and a diverse range of housing types, densities and prices to accommodate a wide range of ages and incomes. It is the policy of the City to encourage development that contributes to solving the problem of affordable housing. If opportunities arise, it would be appropriate to use this planned development process to encourage such development.

(4) Preservation. The development provides for the preservation of buildings, sites and property that are a significant part of the history, heritage and natural environment of the community.

(5) Community Prosperity. The completed development shall contribute to the long-term economic well-being, security and prosperity of the community and increases the diversity of goods and services available to members of the community.

(6) Community Facilities. The development provides for significant open space, parks, trails, bike lanes, recreational facilities, school sites, community buildings, civic structures, public gathering places or infrastructure that shall be available for the use and benefit of the public.

(b) Conditions. The use of the PD provisions must meet the following conditions.

(1) Standards for Health, Safety and Fire Protection. No PD shall be approved that does not meet or exceed the minimum standards for health, safety and fire protection as required by the this Code. The technical comments and professional recommendations of other agencies, organizations and consultants shall be deemed an adequate finding concerning compliance with the applicable health, safety, fire protection and environmental protection codes.

(2) Planned Uses and Densities. The plans for the proposed PD shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages and permitted uses shall be detailed for all development areas within the PD zone district. A summary chart indicating development standards applicable to the entire PD and/or separate areas within the PD is required.

(3) Internal Compatibility of Land Use Elements. It is recognized that certain individual land uses, regardless of their adherence to all the development standards provided for in this Chapter, might not exist compatibly with one another. Therefore, a proposed PD shall be considered from

the point of view of the relationship and compatibility of the individual elements of the plan, and no PD shall be approved which contains incompatible elements.

(4) The parcel being considered for a PD must be a legal building lot.

(5) The request for PD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the City. The proposed uses and densities may be deemed inappropriate after review by the City, and alternative action may be required of the applicant.

(6) Consent of Landowners Required. No planned development may be approved by the Planning Commission or City Council without written consent or a letter of authorization of the landowner or landowners whose properties are included within the PD. All owners of land within the proposed PD shall sign each application form requesting consideration or approval of any PD.

(7) No PD shall be approved without an Overall Development Plan setting forth the provisions for development of the PD.

(8) Upon approval, the Planned Development is as an amendment to the Official Zoning Map. (Ord. 2006-08 §16; Ord. 2006-20 §3)

Sec. 16-13-80. Overview of planned development procedure.

Planned Development Types. Two (2) types of planned development applications may be submitted to the City. An overview of these two (2) types of planned developments is provided herein. The overall plan and final plan review procedures, application contents and review standards as they may apply to each type of planned development are described in greater detail in the sections which follow this overview.

(1) Minor Planned Development. A minor planned development is a form of rezoning in which certain zone district and improvement standards may be applied more flexibly in order to encourage certain innovative land planning practices and to achieve desired public purposes. A minor planned development is a rezoning that may be authorized for any property or contiguous assemblage of properties, within the City, which is five (5) acres in size or less.

a. Step One: Review of the Overall Development Plan by the Planning Commission at a public meeting as described in Section 16-13-100 below.

b. Step Two: Review of the Final Development Plan by the Planning Commission at a public meeting as described in Section 16-13-140 below is required unless waived by the Planning Commission during the Overall Development Plan review.

c. Step Three: Review of the Overall Development Plan and Final Development Plans concurrently by the City Council at a public hearing, as described in Section 16-13-140 below.

(2) Major Planned Development. A major planned development is a form of rezoning in which certain zone district and improvement standards may be applied more flexibly in order to encourage certain innovative land planning practices and to achieve desired public purposes. A major planned development may be authorized for any property or contiguous assemblage of properties, within the City, which is greater than five (5) acres in size.

a. Step One: Review of the Overall Development Plan by the Planning Commission at a public meeting as described in Section 16-13-100 below.

b. Step Two: Review of the Overall Development Plan by the City Council at a public hearing as described in Section 16-13-100 below.

c. Step Three: Each phase of the planned development shall be reviewed as a Final Development Plan by the Planning Commission at a public meeting as described in Section 16-13-140 below.

d. Step Four: The City Council shall review each Final Development Plan at a public hearing as described in Section 16-13-140 below. (Ord. 2006-20 §4)

Sec. 16-13-90. Evaluation standards.

(a) Evaluation Standards for All Planned Developments. The following standards or requirements shall govern the application of all planned developments and shall be utilized by the Planning Commission and the City Council in evaluating any PD plan:

(1) Minimum Dimensional Standards. The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Planning Commission and City Council require minimum dimensional standards, including setbacks and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light and air between buildings and to ensure that the PD is compatible with other developments in the area.

(2) Trails. Reasonable effort must be made to connect to nearby recreation trails, parks and public open space such that green corridors define and connect urbanized areas. Any trails identified for the area in the City's Comprehensive Plan or Parks Master Plan must be included in the PD.

(3) Ownership and Maintenance. No PD shall be approved unless the City Council is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives, parking or other common assets to ensure maintenance of such areas.

(4) Water and Sewer. The developer shall provide municipal water and sewer facilities within the PD as required by the City.

(5) Residential Density. Density shall be limited as required by the Planning Commission and City Council upon consideration of the overall development plan, individual characteristics of the subject land and surrounding uses. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas, encourage pedestrian access and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. In high-density development, housing will be designed to provide adequate privacy between dwelling units.

(6) Relationship to the Subdivision Regulations. The provisions of these regulations concerning Planned Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the City.

(7) Improvement Standards. The PD may deviate from the Improvement Standards described in Article IX of this Chapter, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development. Deviations may be incorporated only with the approval of the Planning Commission and City Council as a part of its review of the Overall Development Plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the improvement standards is not specifically addressed and approved under the Overall Development Plan, the improvement shall comply with all improvement standards of this Chapter.

(8) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:

a. Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.

b. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.

c. Inability to provide adequate fire protection using equipment currently in use by the Fire Department.

(9) Gross Building Floor Area. The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses.

(10) Permitted Uses. A PD may include any permitted principal or accessory uses by right and conditional review uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted. Uses within the PD will be permitted upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses. The PD shall be designed, insofar as practicable when considering the overall size of the PD, to provide commercial, recreational and educational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.

(11) Transportation design. The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways and enhance the greater transportation pattern of the City and surrounding area. The street design and circulation system must be adequate to support the anticipated traffic. The proposed land uses may not generate traffic volumes which exceed the capacity of existing transportation systems, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts. The internal street circulation system shall be designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained, access for maintaining public infrastructure within the right-of-way is explicit and provisions for using and maintaining such streets are imposed upon the private users and approved by the Planning Commission and City Council. Bicycle lanes, paths and sidewalks shall be provided for all residential uses, retail establishments and public buildings and amenities. Nonmotorized transportation ways shall be adequate in terms of safety, separation, convenience and access to points of destination and attractiveness.

(12) Development Standards. The PD may deviate from the Development Standards described in this Chapter only if the reasons for such deviations are well-documented and are necessary for realizing the purposes described in the objectives of development. Any variation from the development standards of this Chapter must be specifically addressed and approved in the Overall Development Plan. If an area of development (parking, landscaping, illumination, fences, signs, etc.) is not specifically addressed and approved under the Overall Development Plan, the area of development shall meet or exceed the standards of this Chapter applying to that area of development.

(13) The PD provides for design that is energy-efficient and reduces the amount of energy consumption and demand of typical development.

(14) Where residential uses are proposed, the PD shall provide for a variety in housing types and densities, other facilities and common open space.

(15) The fiscal impacts of the PD have been satisfactorily addressed and the City or special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts.

(16) Higher levels of amenities than would be achieved by using established zone districts, including open spaces, parks, recreational areas, trails and school sites, will be provided to serve the projected population.

(17) There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

(18) The adjacent and nearby developments will not be detrimentally affected by the proposed PD and approval period.

(b) Evaluation Standards for Major Planned Developments. In addition to the above evaluation standards, the following standards or requirements shall govern the application of a major planned development and shall be utilized by the Planning Commission and the City Council in evaluating any major PD plan:

(1) Staging of Development. Each stage within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.

(2) Parks, Trails and Open Space. Each major planned development shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces are developed and preserved as the community grows.

a. Dedication requirement. Land for parks, trails and open space shall be dedicated in the ratio of 0.02 acre per residential unit of the proposed development. When a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat. All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of

approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.

b. Fee-in-lieu. For those planned developments where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may require a cash fee in lieu of dedication based upon Salida land values. The City Council shall set an in-lieu fee schedule from time to time by resolution. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at time of approval of the final development plan and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space.

1. Residential planned developments or the residential portion of mixed use planned developments. For the square footage of required land not provided on the site the value of the fee shall be based upon the most recent available formula used by the Chaffee County Assessor's office for valuing vacant land in Salida subdivisions. Such fee shall not exceed a maximum fee of \$3,000 per new residential unit. Said maximum fee shall increase five percent (5%) from the preceding year effective on the first date of each year after January 1, 2008. This increase shall occur unless the City Council finds that the fee structure requires further amendment due to land value increases or decreases.

c. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

d. Dedication at alternate site. In lieu of dedicating land within the planned development, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number of acres in another area if the City determines it is capable of use for recreational purposes and will serve the proposed development.

e. When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.

f. Whenever a planned development includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of, or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.

g. Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the planned development.

(3) Civic Engagement. Civic buildings and public gathering places should be provided to reinforce community identity and support civic engagement.

(c) Evaluation Standards for Minor Planned Developments. In addition to the above evaluation standards in Subsection (a) of this Section that apply to all PD applications, the following standards or requirements shall govern the application of a minor planned development and shall be utilized by the Planning Commission and the City Council in evaluating any minor PD plan:

(1) Staging of Development. There shall be no staging of development in a minor PD.

(2) Types of Uses. A minimum of twenty-five percent (25%) of the floor area of the project is recommended for nonresidential, commercial uses.

(3) Public Places. Public gathering places should be provided to reinforce community identity and support civic engagement.

(4) Economic Opportunity. The PD provides a unique economic opportunity or provides a service, industry or housing type that will benefit the City and would not be possible under the existing zone districts or dimensional standards of the City.

(5) Open Space. A minor PD is not expected to provide a dedication of open space on the site; however, it is required that any PD contribute to meeting the goals for open space through a negotiated fee in lieu of open space or other contribution. (Ord. 2006-08 §16; Ord. 2006-20 §5; Ord. 2007-23 §2)

Sec. 16-13-100. General submittal and processing requirements; overall development plan.

(a) Application Process. The Planned Development process requires the preparation of an overall development plan for any project proposed for PD zone designation and the preparation of a final development plan for each phase of the PD. An applicant must enter the subdivision process, if necessary, at the time of final development plan preparation. An overall development plan is the first step in the PD process. This document establishes the permitted uses, siting restrictions and overall development controls and standards for the entire PD area. The overall development plan constitutes the overall zoning plan for the property. Following Planning Commission review and recommendation, the City Council may adjust overall development plans over time to reflect changing conditions through minor and major adjustments. See Section 16-13-110, Amendments, below.

(1) Preapplication Conference. The applicant is required to have a meeting with the Administrator. The meeting shall occur prior to submitting a zoning or rezoning application for a PD zone designation. The purpose of this meeting is:

a. To review the general feasibility of the proposal.

b. To inform the applicant about procedures, process and submittal requirements.

c. To review applicable development standards and provide the applicant with any other information necessary to ensure the formal application furthers the intentions stated within the adopted Comprehensive Plan and meets the objectives and requirements of the City.

d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal.

e. To determine the coordination with any other applicable review procedures.

NOTE: City staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the City regarding the acceptability of the proposal.

(2) Application Form and Application Fee Schedule. The Administrator, shall provide land use application forms and an application fee schedule to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the City as well as the City's cost for notification and publication. The amount to be paid shall be determined based on the current City Fee Schedule. The applicant shall include the following information with the application form:

a. Applicable fees.

b. Letter of intent explaining the uses, type of development proposed and reasons for the requested PD zone classification.

c. Public notice addresses. A written list of property owners and two (2) sets of addressed envelopes shall be provided per Subparagraph 16-10-50(b)(2)b of this Chapter.

d. Title insurance. A commitment for title insurance showing the ownership to all property in the proposed PD.

(b) Overall Development Plan. The plan document shall have an outer dimension of twenty-four (24) inches by thirty-six (36) inches, and shall also be duplicated in eleven-by-seventeen-inch reproducible size; along with an electronic file containing the following information:

(1) Parcel size stated as gross acres and square footage.

(2) Existing topographical character of the land with elevation contours at ten-foot intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features and existing vegetation and critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.

(3) Approximate acreage and gross density of each area proposed for residential and nonresidential uses; number and type of residential units and estimated floor area and types of nonresidential uses.

(4) Total land area and proposed location and amount of land for parks, trails and/or open spaces. If land is not to be provided on site, the applicant must provide detailed information on how the parks, trails and open space requirement is to be met.

(5) Approximate alignment of proposed and existing streets and pedestrian, trail and bicycle routes, including major points of access.

(6) Approximate location and number of acres of any public use such as parks, trails, school sites and other public or semi-public uses.

(7) Height, yard, lot, setback, lot coverage, landscape area and other dimensional standards.

(8) Location of existing and proposed primary utility lines.

(9) An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter ($\frac{1}{4}$) mile showing the following:

a. Zoning districts.

b. Traffic circulation systems.

c. Major public facilities.

d. Location of existing municipal boundaries, service and school district boundaries.

(c) Written Narrative. The applicant shall provide the following written information:

(1) A legal description of the total site, including any recorded easements proposed for development and a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.

(2) Evidence of the present ownership or agents thereof of all lands included within the planned development in the form of a current commitment for title insurance or title insurance policy.

(3) A statement of planning objectives.

(4) A statement of proposed ownership, improvements and maintenance of parks, trails and open space.

(5) A proposed development phasing schedule.

(6) Any general physiographic and environmental studies of the proposed site.

(7) A statement of the proposed method for controlling architectural design throughout the development.

(8) A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.

(9) Water and sewer demand for projected uses.

(10) Letters from the City, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.

(11) A generalized trip generation study for the entire development and its subparts. Also, a statement of the general intent of the applicant as regards the designation of public versus private roads.

(12) A statement explaining how the development shall be served and what measures have been taken to reduce the fiscal impacts of the development on the City.

(d) Information Required for Adequate Review. Any information or reports required by this Section may be postponed or waived by the Administrator on the basis that the information is not necessary for a review of the application. There may be additional information or reports required by the Administrator, Planning Commission or City Council to evaluate the character and impact of the overall development plan.

(e) Copies. The Administrator will determine the number of copies required for each item.

(f) Review Criteria Used by Planning Commission and City Council. Overall development plans shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the following applicable review criteria:

(1) The overall development plan is consistent with the City's Comprehensive Plan and other adopted plans.

(2) The overall development plan achieves the stated purpose of the Planned Development District by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher-quality living environment, encouraging innovative design and a variety of housing types, preserving historic buildings and sites, promoting bicycles and walking as an alternative to the automobile and managing the increase in demand for public amenities as is feasible for the site and proposed use.

(3) The overall development plan meets the conditions for use of the PD provisions.

(4) The overall development plan satisfies the evaluation criteria of Section 16-13-90 above, or provides reasonable justification for alternative standards.

(5) The overall development plan shall include mechanisms to coordinate the provision and improvement of open space, recreational facilities and common amenities with the construction of dwelling units and other land uses.

(g) Planning Commission Approval of the Overall Development Plan. An overall development plan is an amendment to the Official Zoning Map and shall follow the same procedures outlined in Article X of this Chapter. The Planning Commission shall hold a public hearing to review the conformance of the overall development plan application with all applicable provisions of this Chapter. The Planning Commission shall, within forty (40) days of the overall development plan review meeting, make to the City Council at least one (1) of the following recommendations:

(1) Approve the overall development plan as submitted, with certain conditions as stated, if any;

(2) Deny the overall development plan, or certain portions thereof, with all the reasons clearly stated; or

(3) The Planning Commission may table the overall development plan for a period not more than ninety-five (95) days for additional study, to obtain additional necessary information or to have the applicant make major revisions to the plan.

(h) Overall Development Plan; City Council Action. For major PD applications, the City Council shall consider the recommendations of the Planning Commission at a public hearing. For minor PD applications, the City Council will review the overall development plan and final development plan concurrently. The applications may be combined at this time. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter. The City Council shall, by ordinance:

(1) Approve the overall development plan as submitted, with certain conditions as stated, if any;

(2) Deny the overall development plan as submitted, or certain portions thereof, with all reasons clearly stated. Denial means that application for an overall development plan shall not be accepted;

(3) Table the overall development plan for a period of not more than thirty (30) days, for additional study, to obtain additional necessary information, to have the applicant make major revisions to the plan or for any of the stated reasons; or

(4) Refer the overall development plan back to the Planning Commission with specific instructions for additional study and recommendations, for a period not to exceed forty (40) days.

(i) Filing, Recording and Vesting of an Approved Overall Development Plan.

(1) Filing and Recording of an Approved Overall Development Plan. Upon approval by the City Council after Planning Commission review and recommendation, the applicant shall have one hundred eighty (180) days to submit a final Mylar of the overall development plan and an electronic file to the Administrator for the Mayor's signature. In its discretion and for good cause shown by the applicant, the Planning Commission may extend the time a maximum of sixty (60) days. Upon lapse of the one-hundred-eighty-day period and any time extension, the approval of the overall development plan shall be void. An overall development plan is valid for a period not to exceed three (3) years from the effective date of the ordinance unless the applicant proceeds to a final development plan for any portion or phase of the subject property.

(2) Minor Overall Development Plan. Upon approval by the Planning Commission, the applicant shall have one hundred eighty (180) days to submit an application for a final development plan. In its discretion and for good cause shown by the applicant, the Planning Commission may extend the time a maximum of sixty (60) days. Upon lapse of the one-hundred-eighty-day period and any time extension, the approval of the minor overall development plan by the Planning Commission shall be void. (Ord. 2006-08 §16; Ord. 2006-20 §§6-9; Ord. 2007-23 §§3, 4)

Sec. 16-13-110. Amendments to an overall development plan.

(a) Intent. From initial concept and approval to final construction, unforeseen changes and ordinary refinements occur which may require changes to the approved overall development plan. In order to streamline the review process and to eliminate unnecessary delays, the intent of this Section is to establish a procedure for approving minor revisions to an overall development plan. It is also the intent of this Section to establish a procedure to review and approve significant changes to the approved overall development plan.

(b) Minor Amendments. Minor amendments to an approved overall development plan may be approved administratively by the Administrator.

(1) Minor amendments shall not represent more than a ten-percent change in the location, height, yard, lot and other development standards, and can only be granted if required by engineering or other circumstances not foreseen at the time the overall development plan was approved, so long as no modification violates any standard or regulation set forth in this Chapter.

(2) The applicant shall make a written request to the Administrator justifying the proposed minor amendment and clearly showing on the overall development plan and accompanying written narrative that portion which is proposed for amendment. A record of such approved minor amendment shall be filed and recorded in the same manner as the original.

(c) Major Amendments. Major amendments to an approved overall development plan shall be processed in the same manner as the original overall development plan. Approval of a major amendment to an approved overall development plan shall be by ordinance. Major plan amendments include, but are not limited to the following:

- (1) A change in land use or development concept.
- (2) An increase in residential density levels or building coverage of nonresidential uses.
- (3) An increase in the permitted height.
- (4) A realignment of major circulation patterns or a change in functional classification of the street network.
- (5) A reduction in approved open space or common amenities.

(6) Other significant changes which involve policy questions or issues of overriding importance to the community.

(d) A request for a major amendment shall be accompanied by the same type and quality of information as was necessary for the original final approval and passage of the overall development plan, in addition to the following:

(1) A map of the entire overall development plan area, which clearly defines that portion which is proposed for amendment.

(2) A justification of the proposed amendment, including a discussion of any changes in impact, which would result from the amendment.

(e) Amendments to an Overall Development Plan Following Final Development Plan Approval. For an area with an approved final development plan, amendments to the overall development plan will void that final development plan approval and approval of a new final development plan must be sought. Amendments to the overall development plan for an area with an approved final development plan shall not be permitted once development of the final development plan has commenced. (Ord. 2006-08 §16; Ord. 2006-20 §§10, 11)

Sec. 16-13-120. Obsolete overall development plan.

(a) Findings Necessary to Declare an Overall Development Plan Obsolete. If the project has not been completed, an overall development plan may be considered obsolete if the Planning Commission finds that any of the following conditions exist:

(1) The original development concept has not been followed and is deemed a zoning violation.

(2) The overall development plan has been inactive and no final development plans have been approved and filed for the past three (3) years, or no building permits have been issued for the past five (5) years.

(3) In the event an overall development plan is found to be obsolete, a new overall development plan shall be required subject to the submission and approval process of this Section.

(b) The City may withdraw or rescind approval of any overall development plan deemed obsolete. (Ord. 2006-08 §16; Ord. 2006-20 §12)

Sec. 16-13-130. Phasing of a planned development.

(a) Election to Phase Development. Based upon both development and planning considerations, it may be desirable to develop the major PD in several phases. Accordingly, the applicant may elect to apply for development in any number of phases. Regardless of the proposed number of phases, the initial application shall be for an overall development plan that includes the entire site.

(b) Rezoning. Approval of an overall development plan constitutes rezoning to the Planned Development Zone District, and in the consideration of the subsequent phases, the Planning Commission and City Council shall require compliance with the approved uses and development standards of the overall development plan unless amended. (Ord. 2006-08 §16; Ord. 2006-20 §13)

Sec. 16-13-140. General submittal and processing requirements; final development plan.

Application Process. Upon approval of an overall development plan, the applicant may submit a final development plan for any portion of the approved major PD or for an entire minor PD. The final

development plan application is intended to specify design components of the Planned Development District or portions thereof and provide for the review of additional items not required by the overall development plan. All final development plans must have accompanying them appropriate subdivision plats which have either been approved or are undergoing the approval process if they are integral to the proposed development. Final development plans must include structure locations and footprint dimensions for any use other than residential units that are three (3) dwelling units or less or as part of the required design standards for final development plan submittals. In any Planned Development District, an approved final development plan for all or portions of the District must be in effect before any building permits may be issued for the construction of structures in the approved portions of the District. The completed application shall be known as the final development plan.

(1) Preapplication Conference. The applicant is required to have a meeting with the Administrator. The meeting shall occur prior to submitting a final development plan application. The purpose of this meeting is:

- a. To review the general feasibility of the proposal.
- b. To inform the applicant about procedures, process and submittal requirements.
- c. To review applicable development standards and provide the applicant with any other information necessary to ensure the formal application furthers the intentions stated within the adopted overall development plan.
- d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal.
- e. To determine the coordination with any other applicable subdivision and review procedures.

NOTE: City staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the City regarding the acceptability of the proposal.

(2) Application Form and Application Fee Schedule. The Administrator shall provide land use application forms and an application fee schedule to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the City as well as the City's cost for notification and publication. The amount to be paid shall be determined based on the current City Fee Schedule. The applicant shall include the following information with the application form:

- a. Applicable fees.
- b. Letter of intent explaining how the final development plan fulfills the overall development plan.
- c. Public notice addresses. A written list of property owners and addressed envelopes shall be provided per Subparagraph 16-10-50(b)(2)b of this Chapter.
- d. Title insurance. A commitment for title insurance showing the ownership to all property in the proposed PD.

(3) Submission Requirements. The final development plan shall include all of the information required in the overall development plan in its finalized, detailed form, plus any additional items included below. Omissions are cause to continue or deny the application.

(4) Written Documents. The applicant shall submit a written statement which shall include the following information:

a. A final development schedule indicating the approximate dates when construction of the planned development or phases of said development can be expected to begin and to be completed.

b. A description of the proposed parks, trails and/or open spaces to be provided at each stage of development; an explanation of how such parks, trails and/or open spaces shall be coordinated with surrounding developments; total amount of land for parks, trails and/or open spaces; and a statement explaining anticipated legal treatment of ownership, construction of improvements and maintenance of parks, trails and/or open spaces. If a fee in lieu of dedication is required, a complete explanation of the calculation of the fee shall be provided.

c. Copies of proposed final covenants, declarations, architectural design standards, grant of easements or other restrictions to be imposed on the use of the land, including parks, trails and open space, buildings and other structures within the development.

d. Physiographic and environmental studies of the proposed sites prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, groundwater conditions and impact on wildlife.

e. Any required dedication documentation and/or improvement agreements and bonds.

f. An updated title insurance commitment.

g. Any new items or studies not submitted with the overall planned development plan.

h. Quantitative data for the following: final number of dwelling units, number of bedrooms in multi-family residential units, final figures for previously agreed upon design or development standards, any other negotiated items and footprint sizes of all proposed buildings, except detached and attached residential units that are less than three (3) units.

i. A statement that integrates pertinent elements of any preannexation and development agreements, and contracts previously negotiated with the City.

j. A detailed study of the traffic impact of the planned development on the City and regional street system.

k. Any written documents associated with providing utility service and the number of sewer and water equivalent units required.

l. Approved access permit from the Colorado Department of Transportation, if applicable.

(5) Graphic Documents. The applicant shall submit finalized site plan graphics, which shall include the following information:

a. Any plan maps that have been revised since the overall planned development plan approval.

b. A landscape plan indicating the treatment, materials, design and improvements for parking lots, parks, trails and open spaces and a revegetation plan showing treatment of disturbed areas.

c. Information on land areas adjacent to the proposed planned development to indicate integration of circulation systems, public facilities and utility systems and open space.

d. The planned pedestrian trail, bicycle and vehicular circulation system, including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict.

e. An explanation of the pricing of the housing types being proposed and what percentage of the area median income is targeted.

f. A soil erosion and prevention plan.

g. The proposed treatment of the perimeter of the subject area, including materials and techniques used such as screens, fences, walls and landscape plan.

h. A detailed engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of runoff drainage.

i. Preliminary or final subdivision plats required and prepared as per the requirements of the City Subdivision Regulations.

j. Preliminary or final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the planned development to the existing street system. Final plans for private roads are to be included for any portions of the site undergoing final review.

k. A site map that depicts the development phases thereof, sites and building footprint sizes and locations outlined in the development schedule.

l. Engineering schematic plans that depict general line sizes and proposed points of connection to existing utility systems, both on and off site; final engineered plans and specifications will be required by the respective utility districts at their discretion.

m. A detailed lighting plan depicting on-site street light location, height and fixture type, with supplemental specifications.

n. Such additional information as may be required by the Planning Commission or City Council necessary to evaluate the character and impact of the proposed planned development.

(6) Graphic Plan Format. Various maps will need to be recorded with the County Clerk and Recorder as part of the approval of the final development plan. These maps shall be drawn up using the following format unless determined otherwise by the Administrator or Planning Commission in coordination with the developer.

a. Said maps shall be in the form of a Mylar or sepia that is capable of reproducing clear and sharp reproductions of all details, signatures and seals.

b. All signatures on the plan are to be in black permanent ink.

c. The plan sheet shall have outer dimensions of twenty-four (24) inches by thirty-six (36) inches unless another size is approved by the Planning Commission or Administrator.

d. Applicants are encouraged to use more than one (1) sheet in order to avoid crowding of information on the sheet. Sheets are to be designated as "Sheet x of y Sheets."

e. The scale of the plan drawing shall be, at a minimum, fifty (50) feet equal to one (1) inch. Other scales may be used with the permission of the Planning Commission or the Administrator.

f. Format for plan drafter's, owner's, lien holder's, Planning Commission Chairperson's and Mayor's signature blocks and dedication blocks can be obtained from the Administrator, and a release of liens on open space areas may be required.

(7) Review Procedure.

a. Copies. The Administrator will determine the number of copies required for each required item.

b. Upon receipt of the application for Planning Commission approval, the Administrator shall schedule the project on the next Planning Commission agenda, but no sooner than thirty (30) days, as a public meeting. The Administrator shall make any written comments in advance of this meeting.

c. Public notice. Public notice that an application for final development plan approval is being considered by the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter.

d. The final development plan must be in conformance with the overall development plan as approved or amended. Should any unapproved modifications to the overall development plan be presented for review at this final development plan stage, then these changes must be approved before the final development plan can be approved as a whole. Should this be the case, these modifications may not involve one (1) or more of the following unless formal public hearings are conducted on each change:

1. Violation of any provision of this Chapter.
2. Varying the original lot area requirement by more than ten percent (10%).
3. A reduction of the original areas reserved for the open space.
4. Increasing the original floor areas proposed for nonresidential use by more than ten percent (10%).
5. Increasing the original total ground area covered by buildings.
6. Increasing the original density.
7. Any other items where changes amount to greater than ten percent (10%) of originally negotiated amounts.

(8) Approval Procedure.

a. Planning Commission approval of the final development plan. Final development plans shall be reviewed by the Planning Commission and shall be reviewed by the City

Council at a public hearing. For minor planned developments, this step may be waived by the Planning Commission during overall development plan review. The Planning Commission shall determine the application's compliance with the provisions of this Chapter and the overall development plan for final development plans for planned developments. After consideration of the application, the Planning Commission shall recommend approval of said application as presented, approval of said application subject to specified conditions or disapproval of it.

b. Final development plan; City Council action. For minor planned development applications, the City Council will review the overall development plan and final development plan concurrently. The applications may be combined at this time. For major planned developments, the Planning Commission shall forward said recommendation, together with the reasons for the recommendation, to the City Council. The application and accompanying recommendations shall be submitted for review at the next regularly scheduled City Council meeting no sooner than twenty (20) days after the Planning Commission's decision or after the minor final development plan application is received.

c. Upon receipt of the final development plan, the City Council may approve or deny it. The City Council shall not approve any new major change or addition in the final development plan recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the City Council. Final development plans shall be approved by resolution.

(9) The Planning Commission shall forward said resolution, together with the reasons for the recommendation, to the City Council. The application and accompanying resolution shall be submitted for review at the next regularly scheduled City Council meeting no sooner than twenty (20) days after the Planning Commission's decision.

(10) Upon receipt of the final development plan, the City Council may approve or deny it. The City Council shall not approve any new major change or addition in the final development plan recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the City Council.

(11) Failure of the Planning Commission to file said recommendations with the City Council within forty-five (45) days after reference shall be deemed to be approval of the proposed changes or additions. It shall be necessary for the Planning Commission to hold a public hearing on any major change or addition.

(12) If the final development plan is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has obtained the signature of the Mayor on the plan face. All conditions must be satisfied before any official City signatures are fixed thereto.

(13) The City Council shall direct the City Clerk to record the pertinent written and graphic documents of the final development plan with the County Clerk and Recorder. All recording and duplicating costs are to be paid in advance by the applicant. Copies of all records are to be kept in the City Hall. (Ord. 2006-08 §16; Ord. 2006-20 §§14, 15; Ord. 2007-23 §§5, 6)

Sec. 16-13-150. Amendments to the final development plan.

(a) This Section shall serve as the mechanism for reviewing and approving changes to the final development plan. Minor changes in the location, siting and height of buildings and structures may be

authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this Subsection may cause any of the following:

- (1) A change in the use or character of the development.
- (2) An increase in the overall land coverage of structures.
- (3) An increase in the intensity and density of use.
- (4) A reduction in approved open space.
- (5) A reduction of off-street parking and loading space.
- (6) A reduction in required pavement widths.
- (7) An increase in height that is more than five (5) feet.

(b) All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces may be made by the City Council after a report is prepared by the responsible administrative staff and recommendation by the Planning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the overall development plan. Any changes which are approved for the final development plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final development plan documents, with the exception that, prior to making its recommendation to the City Council, the Planning Commission shall hold at least one (1) public hearing following the provision of public notice as specified in Section 16-10-50 of this Chapter. (Ord. 2006-08 §16; Ord. 2006-20 §16)

Sec. 16-13-160. Failure to begin development or to show substantial progress.

(a) Each approved Planned Development District final development plan must contain a detailed development schedule of public and private improvements. The Administrator shall monitor this schedule, and failure of the developer to substantially adhere to it shall be cause for a final development plan special review by the Planning Commission. The Planning Commission special review shall be commenced if one (1) or more of the following situations arise:

- (1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within eighteen (18) months of the scheduled starting date or extensions thereto.
- (2) Inactivity or documented lack of progress as determined by either the Administrator or the Planning Commission on any stage of the project for more than two (2) years from the last completed benchmark in the approved development schedule.
- (3) Request for extensions to the starting dates by the developer.

(b) The Planning Commission may extend for not more than two (2) periods of twelve (12) months each, the time for beginning the project. (Ord. 2006-08 §16; Ord. 2006-20 §17)

Sec. 16-13-170. Enforcement.

These regulations shall be enforced as outlined in Article II of this Chapter. (Ord. 2006-08 §16; Ord. 2006-20 §18)

ARTICLE XIV

Subdivision

Sec. 16-14-10. Purpose.

(a) The subdivision of land is a significant step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational, utility and other public purposes will determine to a large degree the qualities of health, safety, convenience, environment and general welfare of the City.

(b) These regulations are intended to and shall be administered in a manner to:

(1) Implement Comprehensive Plan. Implement the City's Comprehensive Plan.

(2) Accurate Records. Establish adequate and accurate records of land subdivision.

(3) Compatible Development. Compatibly relate the development of tracts of land to the existing community and facilitate the future development of adjoining tracts, when appropriate.

(4) Public Improvements. Provide for adequate, safe and efficient public utilities and improvements, proper design of stormwater drainage, streets, trails and other public facilities.

(5) Public Spaces. Provide for light, air, parks and other spaces for public uses.

(6) Protection from Hazards. Provide for protection from fire, flood, air traffic and other natural and man-made hazards.

(7) Development Costs Paid by Developers. Provide that the cost of improvements which primarily benefit the tract of land being developed shall be borne by the owners/developers of the tract.

(8) Protection of Environment. Protect the natural resources, air and water quality, wildlife habitat, scenic characteristics and other features of the environment from adverse impacts of development.

(9) Creative Planning. Encourage the use of creative land planning and development techniques. (Ord. 03, 2002 §9-16-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-14-20. Applicability.

These subdivision regulations shall apply to all land located in the City and all land which is annexed to the City. (Ord. 03, 2002 §9-16-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-14-30. Overview of subdivision procedure.

(a) Subdivision Types. Three (3) types of subdivision applications may be submitted to the City. An overview of these three (3) types of subdivisions is provided herein. The sketch plan, preliminary plat and final plat review procedures, application contents and review standards as they may apply to each type of subdivision are described in greater detail in the sections which follow this overview.

(1) Subdivision Exemption. A subdivision exemption is reviewed and acted upon by the Planning Commission Chair, as described in Section 16-14-40 below. Activities exempted from the subdivision regulations are limited to:

a. Lot line adjustments. 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 an insubstantial 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.

b. Insubstantial changes to recorded plat. An insubstantial change is limited to changes to address engineering or technical constraints.

c. Elimination of lot lines. The elimination of lot lines to merge not more than two (2) conforming lots, or two (2) or more nonconforming lots, within the applicable zone district. In the creation of the conforming lots, no more than one (1) new lot line may be created.

d. Condominiumization. The creation of a common interest community.

e. Duplex conversion subdivision. The subdivision of a single lot on which an existing duplex dwelling is located, or is to be constructed, into two (2) separate lots.

f. Other exemptions. Those activities which the State has exempted from the definition of *subdivision*.

(2) Minor Subdivision. A minor subdivision is a subdivision which proposes not more than five (5) lots. Additionally, public and private utility mains must be available and in place to serve each proposed lot such that only a service line connection for each lot to a main is necessary. A minor subdivision is subject to an expedited subdivision two-step review process, wherein the sketch plan and final plat reviews by the Planning Commission have been deleted. The applicable review steps are as follows:

a. Step One: Review of the preliminary plat by the Planning Commission at a public meeting, as described in Section 16-14-60 below.

b. Step Two: Review of the final plat by the City Council at a public hearing, as described in Section 16-14-70 below.

(3) Major Subdivision. A major subdivision is a subdivision which subdivides more than five (5) lots, or does not have utilities available as detailed in Paragraph (a)(2) above. A major subdivision is subject to the full four-step subdivision review process, as follows, unless the subject property has an approved overall development plan, in which case Step One is waived:

a. Step One: Review of the sketch plan by the Planning Commission as described in Section 16-14-50 below.

b. Step Two: Review of the preliminary plat by the Planning Commission at a public hearing, as described in Section 16-14-60 below.

c. Steps Three and Four: Review of the final plat by the Planning Commission and review of the final plat by the City Council at a public hearing, as described in Section 16-14-70 below. (Ord. 03, 2002 §9-16-3; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §§18, 19; Ord. 2006-20 §19)

Sec. 16-14-40. Subdivision exemption.

(a) Procedure. An applicant requesting subdivision exemption approval shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a subdivision exemption.

(2) Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection (b) below.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall prepare a report which summarizes the application's compliance with the standards outlined in Subsection (c) below and in Section 16-14-80 below. The Administrator may solicit the assistance of other agencies and organizations in drafting the report. Based on these findings, the Planning Commission Chair may approve, approve with conditions or deny the application or remand it to the applicant with instructions for modification or additional information or action. The applicant shall receive written notice of any approval or denial.

(4) Public Notice. Public notice that an application for a subdivision exemption is being considered by the Planning Commission Chair shall not be required.

(5) Actions Following Approval.

a. Signature. Following approval of the subdivision exemption, the applicant shall submit two (2) Mylar copies of the exemption plat to the Administrator, at which point it will be provided to the Planning Commission Chair, who shall be authorized to sign the exemption plat on behalf of the City and have it attested by the City Clerk. The Administrator shall deliver one (1) copy of the signed exemption plat to the County Clerk and Recorder for recordation.

b. Effective date. The exemption plat shall not be valid until filed with the County Clerk and Recorder.

c. Expiration. If two (2) Mylar copies of the exemption plat are not submitted to the City within one (1) year of the date of approval of the subdivision exemption, the subdivision exemption approval shall expire.

(b) Application Contents. An application for subdivision exemption shall contain the applicable information required for a final plat in Subsection 16-14-70(b) below.

(c) Review Standards. An application for subdivision exemption shall comply with the standards applicable to all subdivision applications contained in Section 16-14-80 below. The following additional standards shall also apply to certain types of subdivision exemption applications, as specified herein.

(1) Lot Line Adjustment. The lot lines between contiguous lots which are under separate or single ownership may be adjusted if the following conditions are met:

a. Purpose. The adjustment shall be for the purpose of correcting a surveying or engineering error in a recorded plat, permitting an insubstantial boundary change between contiguous parcels or addressing a specific hardship.

b. Consent. The owners of affected properties whose lot lines are being adjusted shall provide written consent to the application.

c. Further division. The adjustment shall not create the opportunity to further subdivide either lot to create a new lot for resale or development.

d. Conformance. All resulting lots shall meet the standards of this Chapter. If any of the lots or structures thereon are nonconforming prior to the adjustment, no adjustment shall be allowed that increases the net nonconformity of the lots or structures.

(2) Insubstantial Change to Recorded Plat. An insubstantial change may be made to a recorded plat as follows.

a. Limitations. An insubstantial change shall be limited to changes to address engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change to a plat which has no material effect on the character of the approved plat, the representations made by the applicant or the conditions of approval. Street locations and street rights-of-way shall not be changed.

b. Conformance. Following approval of the insubstantial change, the recorded plat shall continue to conform to all applicable standards of this Chapter.

c. Amendments. A change to a plat which is not insubstantial, including any resubdivision of a lot other than a boundary line adjustment, shall be considered an amendment and shall follow the review procedures applicable to minor subdivisions.

(3) Elimination of Lot Lines. The elimination of lot lines to merge not more than two (2) conforming lots, or two (2) or more nonconforming lots, to create no more than two (2) conforming lots within the applicable zone district if all of the following conditions have been met:

a. Utilities. Public and private utilities must be present and available to serve the newly created conforming lots. Utilities (whether public or private) to existing structures that, with the elimination of lot lines, will cross a newly created conforming lot shall be provided an easement where the existing utilities are located or shall be relocated into an easement.

b. Single ownership. The lots to be consolidated are under one (1) and the same ownership.

(4) Duplex Conversion Subdivision. The subdivision of a single lot on which an existing duplex dwelling is located or is to be constructed, into two (2) separate lots if all of the following conditions have been met:

a. Common wall. The duplex is to be divided along a code-compliant fire-resistant common wall into two (2) separate single-family dwelling units on separate lots.

b. Separate utilities. Utilities are available and each of the dwelling units is served by its own separate utility service lines and meters, inclusive of water, sewer, electricity and natural gas.

c. Maintenance agreement. A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed duplex lots.

d. Zone district compliance. Except for the original primary structure comprising the dwelling units and any common and/or side-by-side or connected garages or driveways, all new structures, or the expansion of any existing structures on the two (2) new duplex lots shall be subject to the setback requirements for the underlying zone district in which the lots are located.

e. Lot size. Each separate lot created shall meet the minimum lot size (square feet) for the underlying zone district in which the lots are located. The proposed duplex lots shall

be the same size, or approximately the same. (Ord. 03, 2002 §9-16-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-14-50. Sketch plan review.

(a) Procedure. An applicant requesting sketch plan approval shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is mandatory for an applicant intending to submit an application for sketch plan approval.

(2) Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection (b) below.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Section 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission which summarizes the application's compliance with the review standards contained in Section 16-14-80 below and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, departments and organizations may be solicited in drafting the report.

(4) Public Notice. Public notice that an application for sketch plan approval is being considered by the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Action by Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. The Planning Commission shall approve, approve with conditions or deny the application, or remand it to the applicant with instructions for modification or additional information or action.

(6) Actions Following Approval.

a. Effect of sketch plan approval. Approval of a sketch plan shall not constitute final approval of the subdivision or permission for development to occur. Sketch plan approval shall only constitute authorization to proceed with an application for preliminary plat approval.

b. Expiration. If an application for preliminary plat approval is not submitted to the City within one (1) year of the date of approval of the sketch plan, the sketch plan approval shall expire.

c. Extension. An applicant may request an extension of the submission deadline for the preliminary plat by submission of a written request to the Administrator prior to the expiration date, which request shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the Planning Commission has acted on the request for extension. The Planning Commission shall be authorized to deny an extension or extend the approval by a period of up to one (1) year and to impose additional conditions, if necessary.

(b) Application Contents. An application for sketch plan approval shall contain the following information:

(1) Minimum Contents. The minimum contents for all applications specified in Subsection 16-10-30(c) of this Chapter.

(2) Conceptual Site Plan. A graphic conceptual site plan of the proposed development shall be prepared at a map scale large enough for effective public presentations, but generally no less than one (1) inch equals two hundred (200) feet. An applicant may provide several alternative plans to show how the preferred alternative was arrived at and address how the features of the land and goals of the Comprehensive Plan were taken into consideration. Topography shall be depicted using five-foot contour intervals. Graphics shall be used to accurately represent the key aspects of the proposal, without misleading exaggeration of scale or emphasis. The site plan shall include the following, as applicable:

a. Topographic features. Significant topographic features including natural and artificial drainage ways, ditches, bodies of water, approximate one-hundred-year floodplain, wetlands, vegetative cover, soil types and prominent geologic features.

b. Development scheme. Schematic representation of the proposed development, including general location, type and density of housing units; total number of square feet of proposed nonresidential space by type and general location; parks, recreation and open space areas; off-street parking areas; and proposed landscaping.

c. Utility and facility plans. Conceptual plans to address water supply, sewage disposal, solid waste collection, fire protection and proposed school and other public facility sites.

d. Circulation plan. The proposed internal road and pedestrian access scheme, including trails and the surrounding road system (existing and future) which provides access to the site. Typical geometric cross-sections shall be shown and proposed roads shall be designated as either private or public.

e. Land survey. Sufficient land survey data (section corners, quarter corners, township and range, etc.) to identify the land to be subdivided.

f. Easements. All recorded easements or rights-of-way which could affect the proposed development.

g. Existing conditions. All existing structures, utilities and other physical features which could affect the proposed development, including existing roads and driveways within three hundred fifty (350) feet of the parcel.

(3) Narrative. The sketch plan shall be accompanied by a narrative description, which provides a conceptual description of the proposed land uses, densities, intentions for design and landscaping, and road and utility plans. The narrative shall provide a tabular summary which offers sufficient information to demonstrate that the sketch plan conforms with all applicable dimensional standards and off-street parking requirements, and shall also include such other data essential to the evaluation as may be requested by the City to enable an adequate conceptual evaluation of the proposed subdivision.

(4) Vicinity Map. A vicinity map shall be submitted along with the sketch plan. The vicinity map shall show the location of the proposed subdivision, all adjacent lands owned or under option by the applicant, commonly known landmarks, federal, state and local streets with names, and the zone districts in which the proposed subdivision and adjacent properties are located. (Ord. 03, 2002 §9-16-5; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §9; Ord. 2006-08 §20)

Sec. 16-14-60. Preliminary plat review.

(a) Procedure. An applicant requesting preliminary plat approval shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is mandatory for an applicant intending to submit an application for preliminary plat approval.

(2) Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection (b) below.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the review standards contained in Section 16-14-80 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

(4) Public Notice. Public notice that an application for preliminary plat approval is being considered by the Planning Commission shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Public Action by Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this Chapter. If the Planning Commission finds the application is in conformance, it shall approve the application. If not, the Planning Commission may approve the application with conditions, remand the application to the applicant for additional information or deny the application.

(6) Actions Following Approval.

a. Effect of preliminary plat approval. Approval of a preliminary plat shall not constitute final approval of the subdivision or permission for development to occur. Preliminary plat approval shall only constitute authorization to proceed with an application for final plat approval.

b. Expiration. If an application for final plat approval is not submitted to the City within one (1) year of the date of approval of the preliminary plat, the preliminary plat approval shall expire. The final plat may reflect the entire preliminary plat or any logical part thereof. In the case of a partial submission, the approval of that portion of the development shall automatically gain an extension of six (6) months for the remaining area before another phase of the plat is required to be submitted in final form.

c. Extension. An applicant may request an extension of the submission deadline for the final plat by submission of a written request to the Administrator prior to the expiration date, which report shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the Planning Commission has acted on the request for extension. The Planning Commission shall be authorized to extend the approval for a period of up to one (1) year and to impose additional conditions, if necessary.

(b) Application Contents. An application for preliminary plat approval shall contain the following information:

(1) Minimum Contents. The minimum contents for all applications specified in Subsection 16-10-30(c) of this Chapter, if the application has not been reviewed at the sketch plan review phase.

(2) Preliminary Plat. A preliminary plat which reflects the layout of the lots, blocks and structures in the proposed subdivision. The preferred scale of the plat is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the plat on more than one (1) sheet, a sheet index shall be placed on the first sheet. The preliminary plat shall contain the following:

- a. Name of subdivision.
- b. Legal description.
- c. Names and addresses of the owner, subdivider, land planner and land surveyor registered in the State.
- d. Scale of the plat.
- e. North arrow.
- f. Date the plat was prepared.
- g. Boundary lines and dimensions. The boundary lines of the proposed subdivision (shown as a heavy solid line), the proposed zoning boundary lines, approximate dimensions of all lots, blocks and all land intended to be held in common for use by all property owners in the proposed subdivision.
- h. Contours. Existing and proposed topographic contours, with intervals of five (5) feet or less, referring to U.S.G.S. datum.
- i. Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed subdivision.

(3) Vicinity Map. A vicinity map shall be submitted, if the application has not been reviewed at the sketch plan review phase, along with the preliminary plat. The vicinity map shall show the location of the proposed subdivision, all adjacent lands owned or under option by the applicant, commonly known landmarks and federal, state and local streets with names, and the zone districts in which the proposed subdivision and adjacent properties are located.

(4) Improvements Plan. The subdivider shall furnish documentary evidence indicating the general manner in which subdivision improvements will be provided and preliminary drawings showing how the utility systems and other improvements will be laid out within the subdivision. The plan shall address the following:

- a. Grading.
- b. Domestic and irrigation water supply.
- c. Sewage disposal.
- d. Fire protection.
- e. Streets and alleys.
- f. Utilities (electric, natural gas, telephone, cable TV).

- g. Stormwater drainage.
- h. Street lighting.
- i. Trash collection.
- j. Landscape.

(5) Site Development Tabulation. A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the preliminary plat conforms with all applicable dimensional standards and off-street parking requirements.

(6) Development Report. A written report, with accompanying technical and graphic material as necessary, which shall address the factors listed below, to demonstrate that the proposal conforms with the Comprehensive Plan and the standards of this Chapter. The extent of the analysis of each factor shall depend on the applicability of the particular factor to the subject property and its impact on the surrounding area.

a. Site characteristics. A description of site features such as streams, areas subject to one-hundred-year flood frequency, lakes, high ground water areas, topography, vegetative cover and other features that are pertinent to the evaluation of the proposed development.

b. Soils. A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

c. Geology. A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

d. Water supply and sewage disposal. Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

1. Ability to serve. An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

2. Water rights. A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

e. Storm drainage. A storm drainage analysis consisting of the following:

1. Layout map. A preliminary layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

2. Outlets. The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

3. Natural flows. The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

f. Cost of improvements, phases and covenants. A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The subdivider shall submit, at least in summary or outline form, any agreements as may be required by Section 16-14-100 below, relating to improvements and dedications.

g. Solar energy. If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

h. Floodplain. If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

i. Wetlands. If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

j. Traffic analysis. The Administrator and/or Planning Commission may require the developer to submit a traffic analysis prepared by a qualified expert, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

k. Landscape plan. A preliminary landscape plan, meeting the specifications of Section 16-7-30 of this Chapter, shall be provided.

l. Parking. A depiction of how the required off-street parking requirements will be met in the development.

m. Overlay zones. If applicable, a description of how the proposal will comply with the standards of any of the overlays.

n. Parks, trails and open space plan. A preliminary site plan for parks, trails and/or open space meeting the requirements of Paragraph 16-14-80(8) below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

o. Subdivision names. All subdivision naming shall be subject to approval by the City. No subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County.

(7) Schematic Plan. In the event that the preliminary plan covers only a portion of the subdivider's entire ownership, a schematic plan of the anticipated land development plan for the entire tract, including street and utility systems and proposed easements, shall accompany the preliminary plan. Filing fees do not have to be paid for the additional area until such time that a preliminary plan is actually submitted for such area.

(8) Digital Copy. A digital copy of the plat compatible with the City GIS shall be submitted. (Ord. 03, 2002 §9-16-6; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §10; Ord. 2007-23 §7)

Sec. 16-14-70. Final plat review.

(a) Procedure. An applicant requesting final plat approval shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for final plat approval.

(2) Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection (b) below.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the review standards contained in Section 16-14-80 below and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

(4) Action by Commission. The Planning Commission shall conduct a meeting to review the conformance of the application with all applicable provisions of this Chapter. If the Planning Commission finds that the application is in conformance, it shall make a recommendation that the City Council approve the application. If not, the Planning Commission may recommend approval with conditions, remand the application to the applicant for additional information or modification or deny the application.

(5) Public Notice. Public notice that an application for a final plat approval is being considered by the City Council shall be required.

(6) Public Action by Council. The City Council shall consider the recommendations of the Planning Commission at a public hearing, for which public notice shall be required. The Council shall approve, approve with conditions or deny the application, or shall remand it to the applicant with instructions for modification or additional information or action.

(7) Actions Following Approval.

a. Signature. Following approval of the final plat, the applicant shall submit two (2) Mylar copies of the plat to the Administrator to be signed by the Mayor and the Planning

Commission Chair and to be attested by the City Clerk. The Administrator shall deliver one (1) copy of the signed plat to the County Clerk and Recorder for recordation.

b. Validity. The final plat shall be submitted to the Administrator for recordation. The plat is not valid until it is recorded.

(b) Application Contents. An application for final plat approval shall contain that information required in Subsection 16-14-60(b) above, those certificates whose form is defined in Subsection (c) below, and the following:

(1) Boundary Survey. An accurate and complete boundary survey and survey of interior street lines shall be made of the land to be subdivided. Every lot shall close mathematically within one-hundredth (.01) of a foot. Field measurements shall be accurate within a limit of one (1) foot to ten thousand (10,000) feet. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION." Adjacent subdivisions shall be identified by official names.

(2) Survey Data. The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearings or angles, continued with distances and deflection angles for all circular corners. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one (1) of which the subdivision shall be referenced.

(3) Land to be Dedicated. All lots, blocks and parcels offered for dedication shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets and easements, shall be designated by letter or number, which shall be explained on the plat.

(4) Linear, Angular and Curve Data. Sufficient linear, angular and curve data shall be shown to readily determine the bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and, wherever practicable, blocks in their entirety, shall be shown on one (1) sheet. Ditto marks shall not be used for lot dimensions. All lots and blocks shall be numbered systematically. Building setback lines shall be shown by long thin dash lines. The use of the lots and the zoning shall be designated on the plat.

(5) Streets. The plat shall show the right-of-way lines and names of each street and the width of any portion being dedicated, and the widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final plat.

(6) Easements. The sidelines of all easements, including easements for utilities and drainage, shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easement shall be designated, or so shown, that the plat will clearly indicate the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the City. If an easement shown on the plat is already of record, its recorded reference shall be given.

(7) Title Insurance. A commitment for title insurance showing the ownership to the property in the proposed subdivision.

(8) Treasurer's Certificate. A treasurer's certificate of taxes reflecting that taxes are not delinquent.

(9) Deed. A general warranty deed and title insurance policy which deeds to the City, or other appropriate public agency, all lands other than streets which are to be held for or used for public purposes.

(10) Engineering Plans. Complete engineering plans and specifications for all improvements to be installed in the proposed subdivision, including but not limited to water supply, sewage disposal, fire protection, utilities, streets, drainage and lighting.

(11) Landscape Plan. A final landscape plan meeting the specifications of Section 16-7-30 of this Chapter.

(12) Subdivision Development Agreement. A complete subdivision development agreement, in accordance with Section 16-14-100 below, any other applicable agreements and any proposed covenants for the subdivision.

(c) Certificates. Certificates required to appear on the final subdivision plat shall be in a form substantially as set forth herein.

(1) Certificate of Dedication and Ownership.

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien Holder(s) of certain land in the City of Salida, Chaffee County, Colorado, described as follows:

Beginning _____, containing _____ acres, more or less, _____ have by these presents laid out, platted and subdivided the same into lots, blocks or tracts, as shown on this plat, under the name and style of _____, and do hereby dedicate to the City of Salida as public roads, the streets and roads as shown on said plat, these being _____. The undersigned hereby further dedicate to the public all utility easements on the property as described and as shown hereon. The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision or property contiguous thereto, under, along and across public roads as shown on this plat and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book _____ at Page ____ of the records of Chaffee County, Colorado.

Executed this ____ day of _____, 20__.

Owner(s):

Mortgagee(s)/Lienholder(s):

County of Chaffee)
) ss.
State of Colorado)

The foregoing dedication was acknowledged before me this ____ day of _____, 20__, by _____ . Witness my hand and seal.

My commission expires _____.

Notary Public

(2) Certificate of Street and Utility Maintenance.

Public notice is hereby given that neither the dedicated public roads nor the public utilities shown on this plat will be maintained by the City of Salida until and unless the subdivider constructs the streets, roads and utilities in accordance with the subdivision agreement, if any, and the subdivision regulations in effect at the date of the recording of this plat, and approval of the City has been issued to that effect. When the City approves a street or utility for maintenance, the street or utility shall become public in all senses of the word and the subdivider has no further obligations in regards to that particular street or utility.

(3) Surveyor's Certificate.

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision, the monuments shown thereon actually exist and this plat accurately represents said survey.

Registered Land Surveyor

(4) Title Certificate.

I, _____, an (attorney at law duly licensed to practice before the Courts of Record or a licensed title insurance agent representing _____) in the State of Colorado, certify that I have examined title to the property described herein and that in my opinion title to the above described real property is held by _____.

Signed this ____ day of _____, 20__.

Attorney at Law

(5) Planning Commission Approval.

This plat is approved by the City of Salida Planning Commission this ____ day of _____, 20__.

Chairman

(6) City Council Approval.

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.

Signed this ____ day of _____, 20__.

City of Salida

By: _____
Mayor

(7) Recorder's Certificate.

This plat was filed for record in the office of the County Clerk and Recorder of Chaffee County at _____.m. on the ____ day of _____, 20__, Reception No. _____.

County Clerk and Recorder

By: _____
Deputy

(Ord. 03, 2002 §9-16-7; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-14-80. Subdivision review standards.

In order to achieve the intent and purpose of this Chapter, the proposed subdivision shall comply with the following standards:

(1) Comprehensive Plan. The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform with all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.

(2) Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the uses.

(3) Improvements. The proposed subdivision shall be provided with improvements which comply with Article IX and landscaping which complies with Section 16-7-40 of this Chapter.

a. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.

c. Phases. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.

(4) Natural Features. The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.

(5) Floodplains. Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

(6) Noise Reduction. Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.

(7) Future Streets. When a tract is subdivided into lots or parcels which are intended for future resubdivision, such lots or parcels shall be arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

(8) Parks, Trails and Open Space. Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.

a. Dedication requirement. Land for parks, trails and open space shall be dedicated in the ratio of two-hundredths (0.02) acre per residential unit of the proposed subdivision. When

a development plan has not been determined for the property, the number of units shall be assumed as the maximum density permitted on the site. When a mix of residential and nonresidential uses is proposed on the site, the dedication shall still be provided for the residential units. All areas dedicated for parks, trails and open space must be shown on the plat. All dedications of land as required under this Section shall be dedicated in fee simple to the City as a condition of approval unless the City determines that the specific situation warrants consideration of an easement or designation rather than dedication.

b. Fee-in-lieu. For those subdivisions where the dedication of land for parks, trails or open space is not practicable, such as developments involving inappropriate location, impractical geography, small land area or few lots, in its discretion, the City may require a cash fee in lieu of dedication based upon Salida land values. When possible, the requirement for cash in lieu of dedication shall be noted as a plat note on the final plat of the subdivision. Moneys collected in lieu of dedication of land for parks, trails or open space shall be collected at the time of approval of the final plat and placed into a City park development fund to be earmarked for future acquisition or improvement of parks, trails or open space. In extraordinary circumstances, the City Council may authorize the deferral of the payment of cash in lieu of dedication as required by this Section. In such event, the owner of the property shall agree with the City, in such form as shall be acceptable to the City Council, to pay such sums at the time of issuance of any building permit upon the property. Notice shall be given of such deferred payment by the recording of a first mortgage or other security instrument with the County Clerk and Recorder. In no event, however, shall the deferral of any dedication fee required by this Section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of the dedication fee calculated in accordance with this Section at the time originally owed or at the time actually paid.

1. Residential subdivisions or the residential portion of mixed use subdivisions. For the square footage of required land not provided on the site the value of the fee shall be based upon the most recent available formula used by the Chaffee County Assessor's office for valuing vacant land in Salida subdivisions. Such fee shall not exceed a maximum fee of \$3,000 per new residential unit. Said maximum fee shall increase five percent (5%) from the preceding year effective on the first date of each year after January 1, 2008. This increase shall occur unless the City Council finds that the fee structure requires further amendment due to land value increases or decreases.

2. Condominiums. For condominium projects with five (5) or more residential units developed after the effective date of the ordinance codified herein, which have not already provided open space through an approved subdivision, a fee of two thousand dollars (\$2,000.00) for each residential unit shall be provided prior to recording of the condominium plat. Said fee shall increase five percent (5%) from the preceding year effective on the first date of each year after January 1, 2008. This increase shall occur unless the City Council finds that the fee structure requires further amendment due to land value increases or decreases.

c. Extraordinary contributions. If the Planning Commission finds that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community, the Planning Commission may recommend a reduction of the overall dedication requirement as appropriate. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

d. Dedication at alternate site. In lieu of dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land to the City, consisting of the same number

of acres in another area, if the City determines it is capable of use for recreational purposes and will serve the proposed development.

e. When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant or assigns to provide construction and/or maintenance of the park, trail or open space. Land for public use must be suitable for the type of development and/or use for which it is intended. Excessively steep land, land for utility easements or other types of unsuitable land may not be accepted as determined by the Planning Commission. Lands including floodplains, waterways and wetlands may be accepted. Drainage areas that also meet the purposes of this provision may be accepted.

f. Whenever a subdivision includes land or areas identified in the Parks, Trails, Recreation and Open Space Plan, Comprehensive Plan or any other adopted community plan for the installation of or connection to any part of a park, trail or open space, such land or areas shall be dedicated to the City and such dedication shall be credited against any required land dedication.

g. Lands for parks, trails or open space will not be counted towards the landscape area required for each lot in the subdivision.

(9) Common Recreation Facilities. Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

(10) Lots and Blocks.

a. Pattern. The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.

b. Frontage. Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

c. Right angles. Side lot lines shall be approximately at right angles or radial to street lines.

d. Double frontage lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

e. "T" intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

f. Solar energy. For purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

(11) Architecture. The following architectural standard is intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles. To avoid uniformity and lack of variety in design among housing units within the subdivision, no residential facade elevation shall be repeated more than once every five (5) lots on the same side of the street (e.g., the first and fifth lots in a row may contain the same façade elevation, but the second, third, and fourth lots must contain some different facade elevations). No residential elevation shall be repeated directly across the street from the same facade elevation. Mirror images of the same residential facade shall not count as two (2) distinctly different facades. In unusual circumstances, the Planning Commission may grant a petition seeking waiver of this requirement. Such an exception may be granted if the petitioner demonstrates that the proposed plan uses repetition for an architectural purpose, such as allusion to historical repetition that would not create a monotonous streetscape of the type this standard seeks to prevent. (Ord. 03, 2002 §9-16-8; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §§21, 22; Ord. 2007-23 §8)

Sec. 16-14-90. Reserved.

Sec. 16-14-100. Subdivision improvement agreement.

(a) Written Agreement. Prior to the approval of the final plat, the subdivider shall submit a written agreement which shall outline all required public improvements shown in the final plat documents that the subdivider shall construct and perform repairs occasioned by such improvements. The agreement shall also include all terms and conditions contingent for the approval.

(1) Estimate of Costs. The written agreement shall reflect an estimate of the cost, including inflation, of the various improvements and repairs and a time schedule for their completion, as well as an estimate from the City Engineer of the cost to inspect said public improvements.

(2) Time Limit. Public improvements shall be installed within a time limit determined by the City and the developer. This time limit shall be reflected in the agreement.

(b) Financial Guarantee. The subdivider shall deposit with the City a performance and payment bond, an irrevocable letter of credit, line of credit, cash and/or other acceptable means which is sufficient in the judgment of the City Council to assure the completion of the improvements or repairs required under Subsection (a) above. Said security shall be due to the City in conjunction with the recordation of the final plat and shall be in an amount equal to one hundred twenty-five percent (125%) of the cost of supplying and installing the improvements depicted on the approved final plat, based on estimates provided by the applicant and approved by the City Engineer.

(c) Release. As improvements are completed and as "as-built drawings" are submitted, the subdivider may apply to the City for a release of part or all of the collateral deposited with the City. Upon inspection and approval, the City Council may release all or part of the collateral.

(1) Deficiencies. If the City determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance.

(2) Completion of Improvements by City. If the City determines that the subdivider has not constructed any or all of the improvements in a timely manner or in accordance with all of the specifications, the City may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

(d) Development Permit. When the subdivider or developer is ready to begin construction of the public improvements set forth on each filing of the final plat and in the subdivision improvements

agreement, a development permit shall be obtained from the Community Development Department. Construction shall begin within thirty (30) days of issuance of the permit, or the permit shall expire.

(1) Inspection Fee. Before the development permit is issued, the developer shall pay the inspection fee as determined by the City Engineer.

(2) Review of Plat and Agreement. At the time the development permit is issued, the developer and the City shall review the final plat and the subdivision improvements agreement to assure that all requirements, inspections, etc., are known to the developer and will be met during the construction period. A preconstruction meeting with all involved parties, including the City, inspectors, developer and contractor, should be conducted.

(e) Common Facilities Reserved for Private Use. In the event the subdivision is to contain any property or facilities that are not for public use but are reserved for the private use of the owner or occupants of two (2) or more lots or dwelling units, the maintenance and operation of such privately owned common facilities shall be covered by a private facilities agreement with the City. Examples of such property or facilities include, but are not limited to, tennis courts, swimming pools, parkways, roadways, paths, gates and open space. The agreement between the subdivider and the City shall provide to the City whatever it deems necessary to assure that:

(1) Timely Construction. The facilities will be constructed as proposed and in a timely fashion.

(2) Operation and Maintenance. The management and funding for the future operation and maintenance of the facilities is provided for. Such agreement may require approval of covenants, escrow deposits, performance and payment bonds or any other method of assurance required by the City.

(3) Cost. The cost of construction, operation and maintenance of such facilities shall be borne solely by the common owners.

(f) Maintenance of Common Property in a Subdivision or Planned Development.

(1) Ownership Covenant. Where there is more than one (1) ownership interest in the land upon which the subdivision or PD is to be situated or in the above airspace and all such interests are not coextensive, the subdivision or PD approval shall be conditioned upon a covenant running with the land that establishes an organization among all owners to own and maintain common open space, private road or other common facilities, if any.

(2) Failure to Maintain. In the event that the organization, or any successor organization, established to own and maintain common space or facilities fails at any time after establishment of the subdivision or PD to maintain the common spaces or facilities in reasonable order and condition in accordance with the approved subdivision or PD, the City may serve written notice upon such organization or upon the residents of the subdivision or PD setting forth the manner in which the organization has failed to maintain the common space or facilities in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon, which shall be within fourteen (14) days of the notice.

(3) Remedies. At such hearing, the City may modify the terms of the original notice and may give an extension of time within which such deficiencies shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within said thirty (30) days or any extension thereof, the City may enter upon said common space and facilities and maintain the same for a period of one (1) year. The cost of such maintenance by the City shall be paid by

the owners of the properties within the subdivision or PD who have the right of enjoyment of the common spaces and facilities; and any unpaid assessments shall become a tax lien on said properties. Said entry and maintenance shall not vest in the public any right to use the common open space except when the same voluntarily is dedicated to the public by the owners.

(4) Filing of Lien. The City shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien, and shall certify such unpaid assessments to the Board of County Commissioners and to the County Treasurer for collection, enforcement and remittance in the same manner provided by law for general property taxes.

(5) Hearing. Prior to the expiration of said year, the City shall, upon its initiative or upon the written request of the organization responsible for the maintenance of the common space or facility, hold a public hearing, upon notice to such organization and the residents of the subdivision or PD, to show cause why such maintenance by the City shall not, at the election of the City, continue for a succeeding year.

(6) Determinations. If the City determines that such organization is ready and able to maintain the common space or facility in reasonable condition, the City shall cease to maintain the common space or facility at the end of said year. If the City determines that such organization is not ready to maintain the common space or facility in a reasonable condition, the City, in its discretion, may continue to maintain said common space or facility during the next succeeding year, subject to a similar hearing and determination each year thereafter.

(7) Provisions Run in Favor of City. To further the mutual interest of the residents, occupants and owners of a subdivision or PD and the public in the preservation of the integrity of the subdivision or PD, the provisions of the subdivision or PD relating to the use of land, the location of common space or facility and the maintenance of common space or facilities shall run in favor of the City and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

(8) Provisions Run in Favor of Residents. All provisions of the subdivision or PD also shall run in favor of the residents, occupants and owners of the subdivision or PD, but only to the extent expressly provided in the final approval and in accordance with the terms of the subdivision or PD. Said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization authorized to act on their behalf.

(9) Modification and Release. All provisions of the subdivision or PD enforceable by the City may be modified, removed or released by the City, subject to the following:

a. Rights of residents not affected. No modification, removal or release of the provisions of the subdivision or PD by the City shall affect the rights of the residents, occupants and owners of the subdivision or PD to maintain and enforce those provisions at law or in equity.

b. No adverse effects. No substantial modifications, removals or releases of the provisions of the subdivision or PD by the City shall be permitted except upon a finding by the City, following a public hearing called, that the modification, removal or release:

1. Efficient development of subdivision or PD. Is consistent with the efficient development and preservation of the entire subdivision or PD;

2. No adverse effects. Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across a street from the subdivision or PD or the public interest; and

3. No special benefit. Is not granted solely to confer a special benefit upon any person.

c. Right of City not affected. Residents and owners of the subdivision or PD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the subdivision or PD, but no such action shall affect the right of the City to enforce the provisions of the subdivision or PD. (Ord. 03, 2002 §9-16-10; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §24)

Sec. 16-14-110. Vacation of recorded plat, right-of-way or easement.

An applicant requesting to vacate a recorded subdivision plat, public right-of-way or dedicated easement shall follow the stages of the land development process outlined below:

(1) Preapplication Conference. Attendance at a preapplication conference with the Administrator is optional but recommended for an applicant intending to submit an application to vacate a recorded subdivision plat, public right-of-way or dedicated easement.

(2) Application Submittal. The applicant shall submit a complete development application to the Administrator, which application contains those materials listed in Subsection 16-10-30(c) of this Chapter.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Section 16-10-40 of this Chapter. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the review standards contained in this Section and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

(4) Public Notice. Public notice that the Planning Commission will conduct a hearing to consider an application to vacate a recorded subdivision plat, public right-of-way or dedicated easement shall be provided as specified in Section 16-10-50 of this Chapter.

(5) Action by Commission. The Planning Commission shall hold a public hearing to review the conformance of the development application with all applicable provisions of this Chapter, including the review standards listed below. The Planning Commission shall make a recommendation that the City Council approve, approve with conditions or deny the application, or shall remand it to the applicant with instructions for modification or additional information or action.

a. Access to public road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.

b. Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.

c. Comprehensive Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions and recommended actions of the Comprehensive Plan.

d. Transfers or sales of lots. A subdivision plat may be vacated if none of its lots have been sold or transferred; or, if there have been sales or transfers, then if there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

(6) Action by Council. The City Council shall consider the recommendations of the Planning Commission at a public hearing. The City Council shall approve, approve with conditions or deny the proposed vacation, or shall remand it to the applicant with instructions for modification or additional information or action.

(7) Actions Following Approval. Whenever the City approves an application vacating a public right-of-way, the City shall provide abutting landowners with a quitclaim deed for the vacated lands. Each abutting landowner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity. (Ord. 03, 2002 §9-16-11; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-14-120. Vested property rights.

The following procedures are necessary to implement provisions of Article 68 of Title 24, C.R.S., and to exercise local municipal control over the creation and enforcement of vested property rights to the maximum extent allowed by law. In the event Article 68 of Title 24, C.R.S., should be repealed or declared invalid or unconstitutional by a court of competent jurisdiction, this Section shall be deemed repealed and the provisions hereof shall no longer be effective.

(1) Designation. The following site-specific development plans will create and cause property rights to vest for a period of three (3) years as provided for in this Section:

- a. Subdivision exemption plat.
- b. Minor subdivision final plat.
- c. Major subdivision final plat.
- d. Planned Development (PD) final plat.

(2) Conditional Approval. The City Council may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Failure to abide by such terms and conditions shall result in the forfeiture of any vested property rights.

(3) Limitations. Nothing in this Section is intended to or shall create a vested property right beyond such right defined in Article 68 of Title 24, C.R.S. Once established in conformity with this Section, however, a vested property right shall preclude any zoning or land use action by the City, inclusive of a citizen-initiated measure, which would alter, impair, prevent, diminish or impose a moratorium on the development or use of a property as authorized by an approved site-specific development plan, except:

- a. With the consent of the development applicant;
- b. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property which could not have been reasonably discovered at the time of the development or vested rights approval, and which if left uncorrected would pose a serious threat to public health, safety and welfare; or
- c. To the extent compensation is paid as provided for in Article 68 of Title 24, C.R.S.

Notwithstanding the foregoing, the establishment of a vested property right shall not preclude the application to any land use or development of ordinances or regulations which are general in nature and applicable to all property subject to this Chapter, including but not limited to fee assessments, water and sewer tap rationing and building, fire, plumbing and mechanical codes. Moreover, the vesting of a site-specific development plan shall not exempt such plan from inspections, reviews or approvals deemed necessary by the City to ensure compliance with the terms and conditions of the original development plan approval.

(4) Public Hearing and Notice Required. The approval of a site-specific development plan creating vested property rights shall require a public hearing preceded by public notice. Such hearing and notice may be combined with any other public hearing and notice otherwise required under the subdivision regulations. If not combined with another notice, notice on a public hearing on the vesting of a property right shall be provided as outlined in Paragraph 16-10-50(b)(1) of this Chapter.

(5) Effective Date. A site-specific development plan and vested property right shall only be deemed established upon the final action of the reviewing body or official designated under the subdivision regulations with authority to grant final development approvals. The effective date of a site-specific development and vested property right shall be the date on which a final plat, final development plan, development agreement or other applicable document memorializing a development approval and vested right as specified in this Section has been duly executed.

a. Approval subject to conditions. A site-specific development plan which has received final approval subject to conditions to be satisfactorily performed at some future date shall result in a vested property right unless there is a failure to abide by such conditions, in which event the vested property right shall be forfeited. In the event of amendments to a site-specific development plan, the effective vesting date of any amendment shall be the date of the original plan unless otherwise specifically provided in the action or document approving and memorializing the amendment.

b. Time limit. A site-specific development plan that has been vested as provided under this Section shall remain vested for three (3) years from the plan's effective date. A longer initial vesting period, or an extension in the vesting period, may be granted upon a finding that a longer or extended vesting period will serve the public interest and welfare in view of all pertinent circumstances, including but not limited to the size and phasing of any given development, economic cycles or market conditions.

(6) Document Language. Each map, plat or other document constituting or memorializing a vested site-specific development plan shall contain the following language: "Approval of this plan shall create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended, subject to the terms and limitations as contained in the Salida Municipal Code." A failure to include this statement shall not invalidate the creation of a vested property right.

(7) Actions Following Approval. As soon as reasonably practical following final approval of a site-specific development plan, but in no event later than fourteen (14) days following final approval, notice of the same shall be published in a newspaper of general circulation in the City generally advising the public of the approval and identifying the subject property. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan and the creation of a vested property right pursuant to Title 24, Article 68, Colorado Revised Statutes, and the Salida Municipal Code pertaining to the following described project and/or property:

(Description of property)

The property shall be generally described in the notice and identify the ordinance or resolution granting such approval.

(8) Referendum and Judicial Review. A vested site-specific development plan shall be subject to all rights of referendum and judicial review, except that the thirty-day time period in which to exercise such rights shall not begin to run until publication of the notice of approval as provided for in this Section. (Ord. 03, 2002 §9-16-12; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-08 §25)

ARTICLE XV

Nonconformities

Sec. 16-15-10. Purpose.

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. The purpose of this Article is to regulate and limit the continued existence of these nonconforming uses, structures and lots. 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. (Ord. 03, 2002 §9-17-1; Ord. 2005-07 §1)

Sec. 16-15-20. Nonconforming uses.

(a) Authority to Continue. Nonconforming uses may continue in accordance with the provisions of this Article.

(b) Maintenance and Reconstruction.

(1) Normal Maintenance. Normal maintenance, repairs or alterations may be performed to permit continuation of a nonconforming use.

(2) Reconstruction. If a nonconforming use is 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.

(c) Extensions. A nonconforming use shall not be extended or enlarged. This limitation shall be construed so as to prevent:

(1) Extension of Area. Enlargement of a nonconforming use by extension of the area of the structure which it occupies or by extension of the structure itself.

(2) Additional Land Area. Occupancy of additional land area by the nonconforming use.

(3) Exceptions. An exception to the limitations on extension of a nonconforming use 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 use's nonconformity, and that the extension is the minimum necessary to comply with the Act.

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

(e) Change in Use. A nonconforming use shall not be changed to another use unless the new use shall conform to the provisions of the zone district in which it is located. If a nonconforming use is changed to a conforming use for any period of time, it may not thereafter be changed back to any nonconforming use.

(f) Discontinuance. If a nonconforming use is discontinued for a period of twelve (12) consecutive months, such use may not be re-established or resumed, and any subsequent use must conform to the provisions of this Chapter. (Ord. 03, 2002 §9-17-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-15-30. Nonconforming structures.

(a) Authority to Continue. Nonconforming structures may continue in accordance with the provisions of this Article.

(b) Maintenance and Reconstruction.

(1) Normal Maintenance. Normal maintenance, repairs and alterations may be performed to permit continuation of a nonconforming structure.

(2) Reconstruction. If a nonconforming structure is 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.

(c) Extensions. A nonconforming structure shall not be extended by an enlargement or expansion that increases its nonconformity.

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

(2) Americans With Disabilities Act. 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) Relocation. 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. (Ord. 03, 2002 §9-17-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-15-40. Nonconforming lots.

(a) Structures Permitted. 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 XII above, and provided that the development complies with all other standards of this Chapter.

(b) Conforming Lots Shall Not Be Made Nonconforming. No lot that is conforming as to minimum lot size or minimum lot frontage as of the effective date of this Chapter may be reduced in size or subdivided in such a way that it creates a nonconforming lot or causes any structure or use to become nonconforming.

(c) Lot Reduction Shall Not Increase Nonconformity. No lot that is nonconforming as to minimum lot size or minimum lot frontage as of the effective date of this Land Use Code, may be reduced

in size in such a way that its nonconformity would increase, or that causes the nonconformity of any use to increase.

(d) Nonconforming Lots Shall Not Be Subdivided. No lot that is nonconforming as to minimum lot size or minimum lot frontage as of the effective date of this Land Use Code may be subdivided. (Ord. 03, 2002 §9-17-4; Ord. 2005-07 §1)

Sec. 16-15-50. Nonconforming signs.

(a) Authority to Continue. Any sign legally established on the effective date of this Land Use Code or any amendment thereto which does not conform with any provisions of the Land Use Code shall be allowed to remain and to be maintained in good repair, subject to the discontinuance provisions below.

(b) Discontinuance. A legal nonconforming sign shall be removed if any one of the following conditions occurs. In all such cases of discontinuance, if a replacement sign is proposed it shall be constructed in accordance with the provisions of this Land Use Code.

(1) If a change of use occurs, regardless of ownership, such that the new use would be a different classification under either Table 16-B or Table 16-D;

(2) The principal use with which the sign is associated terminates for ninety (90) days or longer;

(3) A significant alteration is made to site as defined in Section 16-5-50;

(4) The principal building with which the sign is associated is demolished or destroyed;

(5) The nonconforming sign is destroyed or damaged as a result of either an intentional act of the owner (other than for maintenance which shall not exceed two [2] weeks), an unintentional act of another or an act of nature, the replacement sign shall be constructed in conformance with the provisions of this Land Use Code if the estimated cost of restoration to its condition before the occurrence exceeds fifty percent (50%) of the value of the sign structure prior to being damaged;

(6) The building official determines that the sign is an immediate hazard to the public health, safety and welfare because of disrepair, unsafe mounting, imminent dislodging or other safety factors.

(Ord. 03, 2002 §9-17-5; Ord. 2005-07 §1; Ord. 2008-28 §1)

Sec. 16-15-60. Nonconforming mobile home parks.

(a) Authority to Continue. Nonconforming mobile home parks may continue in accordance with the terms of this Article.

(b) 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 16-5-20(d)(5) of this Chapter, provided, however, that the installation of the replacement mobile home shall not result in any of the following:

(1) Fire Code. A violation of the fire safety separation requirements of the Fire Code as adopted by the City.

(2) Encroachment. Encroachment of the mobile home into any adjoining street, alley or property not a part of the mobile home park.

(3) Off-Street Parking. Reduction in the number of required off-street parking spaces which existed prior to the replacement of the home.

(c) Discontinuance. In the event a nonconforming mobile home park is not occupied by any inhabited mobile homes for a period of twelve (12) consecutive months, its use as a mobile home park may not be re-established or resumed, except in conformance with the provisions of this Chapter. The discontinuance of the use of one (1) or more, but less than all, of the mobile home lots in a nonconforming mobile home park for inhabited mobile homes shall not prohibit the replacement of a mobile home upon said mobile home lot in accordance with the terms of this Section. (Ord. 03, 2002 §9-17-6; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-15-70. Nonconforming light fixtures.

(a) Authority to Continue. Any outdoor light fixture in existence on the effective date of this Land Use Code which does not conform with any provisions of this Land Use Code shall be allowed to remain and to be maintained in good repair.

(b) Discontinuance. In the event an outdoor light fixture is destroyed or damaged by fifty percent (50%) or more, or if the nonconforming light fixture is taken out of service for any period of time as a result of either an intentional act of the owner (other than for maintenance which shall not exceed two [2] weeks), an unintentional act of another or an act of nature, the replacement fixture shall be constructed in conformance with the provisions of this Land Use Code. (Ord. 03, 2002 §9-17-7; Ord. 2005-07 §1)

ARTICLE XVI

Annexation

Sec. 16-16-10. General.

From time to time, a property owner and the City may mutually agree that it is in both party's mutual interest to annex land into the City's jurisdiction. The following Sections establish the procedure for annexation. (Ord. 03, 2002 §9-18-1; Ord. 2005-07 §1)

Sec. 16-16-20. Authority.

It is the intention of the City Council to fully exercise all relevant powers conferred on it by state law, including but not limited to the Colorado Municipal Annexation Act of 1965, as amended. (Ord. 03, 2002 §9-18-2; Ord. 2005-07 §1)

Sec. 16-16-30. Procedure.

An applicant requesting annexation shall follow the stages of the land development process outlined below in addition to the procedure set forth at Section 31-12-101, et seq., C.R.S.

(1) Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit a petition for annexation to the City.

(2) Application Submittal. The applicant shall submit a complete development application to the City Clerk which contains those materials listed in Section 16-10-30 of this Chapter.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the City Council, which report summarizes the application's compliance with the applicable review standards contained in Section 16-16-50 below, the Colorado Municipal Annexation Act of 1965 and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

(4) Setting Hearing Date. Upon receipt of the staff report from the Administrator, the City Council shall by resolution establish a date for a public hearing. The City Council shall also direct the Planning Commission to review the annexation map and all required supportive information and submit a written recommendation to the City Council.

(5) Public Notice. Upon the establishment of a public hearing date, the City Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965. In addition, notice shall be provided as specified in Paragraph 16-10-50(b)(2) of this Chapter.

(6) Action by Council. Upon the submission of documentation in accordance with this Article and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, the City Council may consider the approval of an ordinance annexing the subject property to the City.

(7) Actions Following Approval. Upon approval of the annexation ordinance and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall place the annexation on the Official Zoning Map. The annexation shall be noted on the Official Zoning Map, together with the ordinance number and date, and initials of the draftsman making the change. (Ord. 03, 2002 §9-18-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-16-40. Application contents.

A petition for annexation shall contain the following:

(1) Minimum Contents. The minimum contents for all applications specified in Section 16-10-30 of this Chapter.

(2) Annexation Map. All annexation petitions shall provide an annexation map. The preferred scale of the map is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the map on more than one (1) sheet, a sheet index shall be placed on the first sheet. The annexation map shall contain the following:

- a. Annexation name. Name of the annexation.
- b. Legal description. Legal description of the perimeter. See Paragraph 1.5 below.
- c. Names and addresses. Names and addresses of the owners, subdivider, land planner and land surveyor registered in the State.
- d. Scale. Scale of the plat.
- e. Direction. North arrow.
- f. Date. The date the map was prepared.

g. Boundary lines and dimensions. Boundary lines of the proposed annexation. Distinction of the boundary that is contiguous to the City and the length of the same boundary on the map, including required showing of contiguity in feet.

h. Platted lots. Lot and block numbers if the area is already platted.

i. Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed annexation.

j. Vicinity map. The vicinity map shall show the location of the proposed annexation, in relation to the City.

k. Acreage. Total acreage to be annexed.

l. Certificates. Certificates required to appear on the final subdivision plat shall be in a form substantially as set forth herein.

1. Certificate of Dedication and Ownership.

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien Holder(s) of certain land in Chaffee County, Colorado, described in the legal description of the perimeter provided on this document on this ___ day of _____, 20__.

Owner

2. Surveyor's Certificate.

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey.

Registered Land Surveyor

3. Title Certificate.

I, _____, an attorney at law duly licensed to practice before the Courts of Record in the State of Colorado, certify that I have examined title to the property described herein and that in my opinion title to the above described real property is held by _____.

Signed this ___ day of _____, 20__.

Attorney at Law

4. Planning Commission Approval.

This plat is approved by the City of Salida Planning Commission this ___ day of _____, 20__.

Chairman

5. City Council Approval.

Whereas, the City Council for the City of Salida, Colorado has been presented with an application to annex territory as described herein by _____, as owner(s) of 100 percent of the area to be annexed; and

Whereas, the City Council by resolution adopted on _____, 20__, determined that the annexation application substantially complies with the requirement of Section 31-12-107(1), C.R.S.; and

Whereas, after notice and public hearing on _____, 20__, as required by Section 31-12-108, C.R.S., the City Council adopted Resolution No. ____ (series 20__), determining that the annexation satisfied the requirements of Sections 31-12-107 and 105, C.R.S. and that an annexation election was not required; and

Whereas, on _____, 20__ the City Council adopted Ordinance No. ____ (series 20__) approving and annexing _____ Annexation.

Now, therefore, the City Council of Salida, Colorado does hereby approve and accept the _____ Annexation as described herein, to wit:

Legal Description of the Perimeter: (to follow)

Signed this ____ day of _____, 20__.

City of Salida

By: _____
Mayor

6. City Clerk's Certificate.

I hereby certify that this annexation map along with the original annexation ordinance for the _____ Annexation were accepted for filing in my office on the ____ day of _____, 20__.

City Clerk

7. County Clerk and Recorder's Certificate.

I hereby certify that a certified copy of this annexation map along with a certified copy of the annexation ordinance for the _____ Annexation were accepted for filing in my office on the ____ day of _____, 20__, Reception No. _____.

County Clerk and Recorder

m. Digital copy. A digital copy of the plat compatible with the City GIS shall be submitted. (Ord. 03, 2002 §9-18-4; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §11)

Sec. 16-16-50. Review standards for annexation.

It shall be the general purposes of the City in respect to annexation:

(1) Costs and benefits. To annex contiguous lands for positive reasons, equitable to the City and not as a matter of right to a petitioner. In consideration of any annexation, the short-term and long-term costs and benefits to the area proposed to be annexed and the short-term and long-term costs and benefits to the City shall be weighed.

(2) Agreements. Simultaneous with any ordinance approving the annexation of property into the City boundaries, the owner of the annexed property shall, if requested, enter an annexation agreement upon terms and conditions approved by the City Council, which annexation agreement shall detail a number of issues, including but not limited to the following: To require, as a condition of annexation of vacant lands, the dedication of lands for public sites within the land area of the territory being annexed. The location of the lands to be dedicated shall be designated by the City after conferring with any other public agency which might have an interest in such sites.

(3) Public Facilities and Services. Ensuring that adequate water supply, sewage disposal, storm drainage, solid waste disposal, electrical, road, park/recreation and trail and public safety facilities and services are provided. The annexor shall be required to provide evidence of the financial capability of the annexor to complete public and other improvements, including adequate guaranties and security.

(4) Orderly Development of City. To provide for the efficient, well-ordered and safe development of the City and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.

(5) Implementation of Comprehensive Plan. To consider land for annexation that conforms with the purposes of the Comprehensive Plan. The annexor shall include a development plan for the property, which at a minimum shall demonstrate that the proposed development of the property is in general conformance with the Comprehensive Plan. (Ord. 03, 2002 §9-18-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

(6) Housing for the Community. To provide housing for a diversity of moderate income residents a minimum percentage of all new residential housing in the annexation area shall be constructed to standard definitions of affordable housing or suitable alternative provided. Twelve percent (12%) of the new residential units shall be constructed to affordable standards targeting households at or below 80% AMI as defined annually by HUD and be made available for sale or rent. Alternatives to providing the required percentage of housing in the annexation area may include providing the required housing off-site, paying a negotiated fee in lieu of providing units, providing more units at 80% - 120% of AMI, or fewer units targeting households below 80% of AMI, for example. Units designated as affordable in the project should be comparable to the market rate housing units in square footage and exterior finish and should blend into the overall project. (Ord. 33, 2008 §1)

ARTICLE XVII

Design Guidelines

Sec. 16-17-10. Purpose.

The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of large retail stores and commercial centers. The architectural design of large retail and commercial buildings must consider and accommodate the overall desire of the City to create and enhance community image. The City's identity and livability will be strengthened through thoughtful design and development. The identification and application of architectural design requirements will assist the City in achieving a strong community image. It is further the intent to provide for the reuse of large retail stores. The following standards and guidelines are intended to be used as design aid by developers proposing large commercial developments. (Ord. 03, 2002 §9-19-1; Ord. 2005-07 §1)

Sec. 16-17-20. Authority.

These standards and guidelines apply to all projects for retail or commercial establishments of twenty thousand (20,000) square feet or greater as a use by right or any retail or commercial center in which the overall square footage of the entire development equals or exceeds twenty thousand (20,000) square feet. This standard does not apply to industrial structures in industrial zones. (Ord. 03, 2002 §9-19-2; Ord. 2005-07 §1)

Sec. 16-17-30. Large scale commercial review standards..

(a) Facades and Exterior Walls. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. The intent is to encourage a more human scale that the City's residents will be able to identify with their community.

(1) Articulation. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

(2) "360 Degree" Architecture. All sides of all buildings are to be treated with the same architectural style, use of materials and details as the front elevation of the building. Rear and side articulation, unless on a corner lot, may be reduced by fifty percent (50%). Six-foot tall fences constructed of natural materials such as wood, stone or river rock may be installed to screen the rear elevation in lieu of articulation on that elevation. Said fence must screen the entire rear yard and shall be constructed *finished side out*, which shall be defined as not having its supporting members significantly visible, and erected such that the finished elevation of the fence is exposed to the adjacent property.

(3) Cohesive Design. A single building or development or multiple buildings within a development must maintain a consistent style/architectural theme. Architectural design, building materials, colors, forms, roof style and detailing must all work together to express a harmonious and consistent design, yet shall avoid uniformity of design. This includes all "pads" within a retail development, as well as gasoline pump canopies or other accessory structures.

(4) Facade Treatments.

a. Pattern. Building facades must include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

1. Color change.
2. Texture change.
3. Material module change.
4. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
5. Brick.
6. Wood.
7. Sandstone.
8. Other native stone.
9. Tinted, textured, concrete masonry units.

b. Colors. Facade colors shall be low reflectance, subtle, neutral or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

(5) Outdoor Display. Big box retail developments may offer for direct sale to the public merchandise which is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed twenty-five percent (25%) of the total square footage of the retail buildings. Sales of recreational vehicles, autos, agricultural implements (i.e., tractors, cultivator, balers, etc.) and plant nurseries are excluded from limitations of outdoor display and storage. Outdoor displays may not occupy required parking spaces.

(6) Adaptability for Reuse/Compartmentalization. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for:

- a. The interior subdivision of the structure into separate tenancies.
- b. Facades that readily adapt to multiple entrances.
- c. Landscaping schemes that complement the multiple entrance design.
- d. Other elements of design which facilitate the multi-tenant reuse of the building and site.

(7) Pedestrian Design. Walkways shall be designed to provide safe and functional pedestrian connections from the parking lot and adjacent properties, and must be integrated into the site design. All interior pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete. (Ord. 03, 2002 §9-19-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE XVIII

Historic Preservation

Sec. 16-18-10. Purpose.

The purpose of this Article is to:

(1) Effect and accomplish the protection, preservation, enhancement and perpetuation of historic buildings, sites, structures and neighborhoods which capture, exemplify and reflect the City's cultural, social, architectural and economic history and character.

(2) Promote high standards of building design and preservation in historic neighborhoods for the purpose of protecting and perpetuating an atmosphere reflective of and consistent with the historic character and past of the City.

(3) Promote and maintain the attractiveness and use of historic buildings, sites, structures and neighborhoods for the benefit and enjoyment of City residents, tourists and visitors, and enhance and strengthen business and the economy of the City. (Ord. 03, 2002 §9-20-1; Ord. 2005-07 §1)

Sec. 16-18-20. Establishment of Salida Downtown Historic District Overlay.

(a) Established. There hereby is created and established the Salida Downtown Historic District Overlay for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating the buildings,

sites, structures and character of the City's original historic downtown area, and which shall contain and be comprised of all that area falling within the boundaries of the Salida Downtown Historic District established and identified by the National Park Service of the U.S. Department of the Interior. All areas within the district shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Article.

(b) District Map. There is hereby approved and adopted the City of Salida Downtown Historic District Map, dated 1983 and amended in 2003, defining and illustrating the geographical boundaries of the historic district. Not less than one (1) copy of the map shall at all times be maintained and available in the office of the City Clerk for public inspection during regular business hours. Copies of the map may be ordered for purchase by interested persons at such cost as deemed necessary and reasonable by the City Clerk. (Ord. 03, 2002 §9-20-2; Ord. 2005-07 §1)

Sec. 16-18-30. Establishment of Local Historic Landmark Overlay.

(a) Established. There hereby is created and established the Local Historic Landmark Overlay for the purpose of protecting, preserving, stabilizing, enhancing and perpetuating individual historic buildings, sites and structures that exemplify the history of the City. All areas within the Overlay shall remain subject to the City's zoning, subdivision and building regulations, in addition to the regulations contained within this Chapter.

(b) District Map. The Overlay shall apply to individual properties that meet the designation criteria of this Chapter and may be located anywhere within the City. Upon approval of a designation ordinance, the Administrator shall place the amendment on the Official Zoning Map.

(c) Local Landmarks. The following properties have been designated as local historic landmarks and are included in the Local Historic Landmark Overlay:

(1) Salida Opera House. The site includes that area described as Lots 5, 6 and 7, Block 21, Sackett's Addition, City of Salida.

(2) Denver and Rio Grande Railroad Hospital. The site includes the original 1904 Denver & Rio Grande Railroad Hospital building only (which is part of the larger, contiguous, nonhistoric hospital building complex), which structure can easily be identified as that part of the current complex under the red tile roof; plus land directly in front of the original 1904 structure extending approximately south thirty-four (34) feet and nine (9) inches to the sidewalk along First Street; plus land to the approximate east side of the original 1904 structure extending approximately one hundred two (102) feet and eight (8) inches to the edge of the sidewalk and including the wall structure currently in existence, the east fountain and statue in the center of the east fountain; plus land adjacent to, and in some cases beneath attached buildings, to the approximate north and west of the 1904 structure and extending approximately five (5) feet and no inches in each direction from the 1904 structure. (Ord. 2006-14 §3; Ord. 2007-02 §1)

Sec. 16-18-40. Designation of local historic districts and landmarks; procedure.

(a) Procedure. A local historic district or landmark may be designated by the submission of a nomination petition. The petition shall follow the stages of the City Land Development Process outlined below. No building permit, demolition permit or other permit required to undertake an external improvement or alteration on any lot, building, structure or site under consideration for designation or within an area under consideration for designation as a historic district shall be processed, issued or allowed pending the final processing and determination of the historic district or landmark designation petition by the City Council.

(1) Preapplication Conference. Attendance at a preapplication conference is recommended for an applicant intending to submit a nomination petition to establish a historic district or landmark.

(2) Submit Application. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection (b) below, Application Contents. Applications for the establishment of a historic district or landmark may be initiated by any resident within the City, any property owner owning the proposed landmark or any property owner owning property within the proposed district, or upon the initiative of the Historic Preservation Commission (HPC), Planning Commission or City Council.

(3) Staff Review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a), Completeness Review, of this Chapter. Upon determination of the application being complete, the Administrator and one (1) member of the HPC shall contact the owners of the proposed landmark or historic district outlining the reasons and effects of designation and, if possible, secure the consent of the owners to such designation. The Administrator shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 16-18-50, Historic Districts and Landmarks Designation Review Standards, and other applicable provisions of this Code. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

(4) Public Notice by HPC. Public Notice that a nomination for establishment of a historic district or landmark is being considered by the HPC shall be provided as specified in Paragraph 16-10-50(b)(1), Publication of Notice, of this Chapter. Such notice shall contain a name for the new district or landmark and accurately describe the district's or landmark's proposed geographical boundaries. Additionally, written notice of the public hearing shall be mailed via certified mail to all of the owners of record, as reflected by the records of the County Assessor, of all of the property included to be designated. Mailing shall be accomplished fifteen (15) days prior to the hearing.

(5) Action by HPC. The HPC shall conduct a public hearing to review the conformance of the nomination application with all applicable provisions of this Chapter. If the HPC finds that the application is in conformance, it shall make a recommendation that the City Council approve the application. The HPC shall make written findings and recommendations concerning the merits of the petition and forward the same on to the City Council.

(6) Public Notice by City Council. Notice that the City Council shall consider the nomination application to establish a historic district or landmark shall be provided as outlined in Paragraph (4) above.

(7) Public Action by Council. The City Council shall thereafter conduct a public hearing on the petition preceded by timely published notice in the form described above. A determination by the City Council to establish a historic district or landmark shall be made by written ordinance that shall, at a minimum, contain an accurate description of the district's or landmark's geographical boundaries and be accompanied by an accurate map depicting the boundaries as finally determined by the City Council and a statement of findings supporting the granting or denial of landmark designation status. Attendance by the owner at the City Council meeting shall not, at the owner's option, be required, but shall be strongly recommended. A copy of the ordinance shall be promptly sent by certified mail, return receipt requested, or personally delivered to the owner of the subject property.

a. Designation of a landmark with a nonconsenting owner. If a property owner does not consent to the review, approval shall require the assent of at least five (5) of the six (6) City Council members. The basis for approval shall be that the property has overwhelming

historic importance to the entire community. The term *overwhelming significance* shall, for the purposes of this Section, encompass the following: possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Salida.

(8) Actions Following Approval.

a. Recordation. The ordinance shall be promptly published in a newspaper of general circulation within the City or a certified copy of the same, inclusive of the final approved district map, shall be recorded in the real property records of the County Clerk and Recorder.

b. Copies. The final approved ordinance shall be maintained in the office of the City Clerk.

(b) Application Contents. An application for designation of an historic district or landmark shall contain the following information.

(1) Minimum Contents. The minimum contents for all applications specified in Subsection 16-10-30(c) of this Chapter, as well as identification of the nominator and property owners, the address of the property and reasons for the nomination.

(2) Geographic Boundaries.

a. Map. An adequate description of the geographical boundaries of the proposed district or landmark and a map accurately defining the boundaries of the proposed district or landmark.

b. Name. A proposed name for the proposed historic district or landmark. (Ord. 03, 2002 §9-20-3; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-50. Historic district and landmark designation review standards.

In determining whether a historic district or landmark shall be established, one (1) or more of the following criteria shall be satisfied:

(1) Historic District.

a. Whether the proposed district contains and is defined by a certain style of buildings, sites, structures and/or appearance associated with a significant period, person, event or architectural style in the City's past.

b. Whether the buildings, sites, structures and/or appearance of the proposed district possess historical and/or architectural significance which identifies or differentiates the district from surrounding areas, and/or whether allowing variations or changes thereto would harm the unique historic character or value of the buildings, sites and structures within the district.

c. At least fifty-one percent (51%) of the property owners in the desired district must not object to the designation. A survey of support for the creation of the district must be solicited via certified mail, with each property owner in the proposed district permitted one (1) response. A lack of response will not be considered either an affirmation of support or a negative response to the creation of the district. Certified mailings must be sent at least thirty (30) days prior to action by the HPC, with responses due at least fifteen (15) days prior to action by the HPC.

(2) Landmark.

a. Exemplary property. The subject property exemplifies or reflects the City's cultural, social, economic, political, engineering or architectural history.

b. Historic significance. The subject property is identified with a historically important person or persons, or with an important event in the history of the City, region, State or Nation.

c. Architectural significance. The subject property embodies the distinguishing characteristics of an architectural style, type or specimen valuable for the study of a period, type or method of construction, or the use of indigenous materials or craftsmanship.

d. Noted designer. The subject property is representative of the work of a notable or master architect, builder, engineer or designer whose work influenced architecture, building, design or development in the City, region, State or Nation.

e. Archeological importance. The subject property contains or reflects significant archeological importance.

f. Contributing building or structure. The subject property has been listed as a contributing building or structure within a historic district or nominated for inclusion and/or listed on the National Register of Historic Places or the State Inventory of Historic Places. (Ord. 03, 2002 §9-20-4; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-60. Activities subject to review and certificate of appropriateness within historic districts.

No person may or shall engage in, or allow or direct others to engage in, any of the following activities within a historic district without first having applied for and obtained a certificate of appropriateness from the HPC as outlined in Section 16-18-90 below.

(1) The construction, erection, demolition, moving, exterior alteration, exterior addition to or relocation of any building or structure.

(2) The exterior renovation, rehabilitation, reconstruction, repair or remodeling of any building or structure, excepting ordinary maintenance and/or repair.

(3) The removal, modification, reconstruction, covering up or destruction of an exterior architectural feature.

(4) The construction of public or private improvements upon public property by any person or unit of government which alters the layout, design or character of a street, alley, sidewalk, pedestrian way, right-of-way, utility installation, street light, wall or fence.

(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 which could cause physical damage to the building or structure. (Ord. 03, 2002 §9-20-7; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-70. Activities subject to review and certificate of appropriateness with regard to landmarks or within historic districts.

Unless otherwise specifically provided for in this Article, no person may or shall engage in, or allow or direct others to engage in, any of the following activities within a historic district or on a

landmarked building structure or site without first applying for and obtaining a certificate of appropriateness from the HPC as outlined in Section 16-18-90 below.

(1) The construction, erection, demolition, moving, exterior alteration or relocation of or exterior addition to any building or structure.

(2) The exterior renovation, rehabilitation, reconstruction, repair or remodeling of any building or structure, excepting ordinary maintenance and/or repair.

(3) The removal, modification, reconstruction, covering up or destruction of an exterior architectural feature.

(4) 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 which could cause physical damage to the building or structure.

(5) The application of any 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. (Ord. 03, 2002 §9-20-8; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-80. Demolition or relocation of buildings, structures or sites.

Consistent with the purposes of this Article, it is the intent of this Section to preserve the historic districts and historical and architectural resources of the City through limitations on the demolition and relocation of landmark and contributing buildings, structures or sites to the maximum extent feasible, and to regulate the demolition and relocation of nonlandmark and noncontributing structures within historic districts. The demolition and/or relocation of landmark and contributing buildings, structures and sites are to be discouraged in favor of preservation, renovation, adaptive reuse or relocation within a historic district. Notwithstanding the foregoing, it is recognized that structural deterioration, economic hardship and other factors not within the control of a property owner may cause or require the demolition or relocation of a landmark or contributing building, structure or site.

(1) Certificate of Appropriateness Required. No landmark or contributing building, structure or site, and no building, structure or site within a historic district, may be demolished or relocated without first having been approved by the HPC through the issuance of a certificate of appropriateness as outlined in Section 16-18-90 below.

(2) Major Activity. An application for a certificate of appropriateness to demolish a landmark or contributing building, structure or site, or a building, structure or site within a historic district, shall be considered a substantial or major activity.

(3) Demolition by Neglect Prohibited. No owner or person occupying or using a landmark or contributing building, structure or site shall allow or cause the demolition, destruction, damage or deterioration of such building, structure or site by neglect. (Ord. 03, 2002 §9-20-9; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-90. Certificates of appropriateness; procedure.

(a) No building permit for work or activity requiring a certificate of appropriateness shall be valid or issued by the Building Official absent the receipt by the official of the necessary certificate of appropriateness ("CA"). Conversely, the issuance of a CA shall not relieve an applicant from having to obtain any and all other permits or approvals for the subject work or activity as may be required under the City's zoning, subdivision, building or other life/safety codes.

(b) Certificates of appropriateness may be made subject to such terms, conditions or limitations as determined necessary to protect and preserve the structural, aesthetic and/or historic integrity and value of the building, structure or site to which it pertains. A CA shall not constitute a site-specific development plan or vested property right and, unless acted upon in a substantial fashion or otherwise specifically authorized and provided for in the permit, shall automatically expire one (1) year from its date of issuance, unless extended by order of the HPC.

(1) Procedure. Applications for a CA shall follow the stages of the land development process outlined below:

a. Preapplication conference. Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.

b. Application submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection 16-18-40(b) above.

c. Staff review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator shall forward a report to the HPC, which report summarizes the application's compliance with the review standards contained in Section 16-18-100 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

d. Posting of notice. Posting of notice that the HPC will hold a public hearing for major certificate of appropriateness shall be accomplished by the City as specified in Paragraph 16-10-50(b)(3) of this Chapter. Public notice is not required for applications for a minor certificate of appropriateness.

e. Action by HPC.

1. Insubstantial or minor activity. An application regarding insubstantial or minor activity shall be jointly reviewed and ruled upon by the Community Development Department and two (2) designated members of the HPC within ten (10) business days from the date the application was deemed complete. If it is determined that the application pertains to minor activity only or to activity that will not detrimentally impact or influence the historic integrity and/or appearance of a landmark or designated historic district, a CA shall be issued authorizing the activity. If it is determined that the application pertains to major activity, it shall be referred to the HPC for review and determination at a regular or special meeting.

2. Substantial or major activity. An application regarding substantial or major activity shall be reviewed and ruled upon by the HPC at a regular or special meeting to be conducted within thirty-one (31) days from the date the application was determined complete, or within such longer time period as necessary to reasonably accommodate the application on an HPC meeting agenda. Written notice of the date, time and location of the meeting shall be mailed by regular mail or personally delivered to the applicant not less than fifteen (15) days prior to the meeting. The unexcused absence of the applicant from the meeting shall cause the HPC to deny the application or, at the HPC's option, continue the matter to a later meeting date of its choosing.

f. Actions following approval. A copy of each approved certificate of appropriateness shall be transmitted by the Administrator to the Building Official promptly upon its issuance.

(2) Application Contents. An application for a Certificate of Appropriateness shall contain the following information:

a. Minimum contents. The minimum contents for all applications specified in Subsection 16-10-30(c) of this Chapter.

b. Photographs. All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application.

c. New construction or alterations, additions, reconstruction, rehabilitation, remodeling, renovations or restoration. Applications pertaining to new construction or alterations, additions, reconstruction, rehabilitation, remodeling, renovations or restoration, shall also contain or be accompanied by a list of current and proposed materials, colors and finishes, and by engineered plans, architectural drawings, site plans, elevations, landscape plans and/or such other drawings or visual devices as reasonably necessary or required to adequately inform and educate the planning staff and HPC concerning the activity proposed in the application.

d. Demolition or relocation of a landmark or contributing building, structure or site shall include the following:

1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed activity.

2. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for the same.

3. A report prepared by an architect, appraiser, engineer or other qualified person experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites addressing:

a) The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.

b) The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure or site at its current location.

c) The economic and structural/engineering feasibility of relocating the building, structure or site.

e. Demolition or relocation of a nonlandmark or noncontributing building, structure or site located in a historic district shall include the following:

1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation.

2. A detailed development or redevelopment plan for the demolition and/or receiving location site. (Ord. 03, 2002 §9-20-10; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-100. Certificates of appropriateness; review standards.

(a) Historic Landmark and/or Contributing Buildings, Structures or Sites. All work performed in completion of an approved certificate of appropriateness shall be in conformance with the most recent edition of the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C. (available for review at the Planning Department). In addition, the following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a historic landmark or contributing building, structure or site:

(1) Architectural Character. Whether and/or to what extent the proposed work will preserve, protect, change, diminish, disguise, obscure, detract from or destroy the appearance or structural integrity of the historic features, design, materials, character or value of the structure or site.

(2) Original Materials. Whether original designs, materials, finishes and construction techniques that characterize the historic value and appearance of a structure or site can be retained, restored or repaired as opposed to replaced, and whether replacement designs, materials or finishes can match and/or accurately replicate the originals.

(3) Minimum Change. Whether and/or to what extent the proposed work will require more than a minimal change to the historic appearance, materials or integrity of the structure or site.

(4) New Construction. New additions, exterior alterations and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible, and such new work or alterations shall be differentiated from, but compatible with, the existing size, scale and exterior architectural features of the structure or site so as to protect its historic identity and integrity.

(5) Historic Appearance. Work that will protect or return the original historic appearance of a structure or site, especially where documented by photographs, historic research or other credible evidence, shall be encouraged and favored.

(6) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

(b) Activities Within Designated Historic Districts. The following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a nonlandmark or noncontributing building, structure or site within a designated historic district.

(1) Enhance District. Whether and/or to what extent the proposed work will enhance and advance the purposes and intent underlying the establishment of the district.

(2) Overall Character. New structures and additions to, or the exterior repair or alteration of, existing nonlandmark and noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, facades and materials predominant in the district to the maximum extent feasible.

(3) Specific Compatibility. New structures and additions to, or the exterior repair or alteration of, existing nonlandmark and noncontributing structures shall specifically harmonize with neighboring landmark and/or contributing structures or sites with regard to height, scale, shape, size, facade, materials, setback, landscaping and exterior architectural features to the maximum extent feasible.

(4) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

(c) Demolition or Relocation of a Landmark or a Building, Structure or Site Within a Historic District. The following criteria shall be used in determining whether a certificate of appropriateness should be issued for the demolition or relocation of a landmark or a building, structure or site within a historic district:

(1) The historic, social or architectural significance of the building, structure or site.

(2) The structural soundness and safety of the building, structure or site.

(3) In the case of a landmark or contributing building, structure or site, whether the same can be rehabilitated, renovated or restored at its current location as part of an economically feasible and beneficial use of the property.

(4) In the case of a landmark or contributing building, structure or site, whether the same has been properly maintained and/or been subject to disrepair, deterioration and/or demolition by neglect.

(5) In the case of a landmark or contributing building, structure or site, whether the same can be relocated to a historically appropriate alternative location in a manner that will protect and insure its structural integrity.

(6) The impacts of the proposed demolition or relocation of the building, structure or site, and the planned redevelopment of the site, on the historical character of the existing neighborhood.

(d) Supplemental Guidelines. The HPC may, subject to final approval by the City Council, devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this Section for the review, evaluation and approval of certificates of appropriateness. Upon their approval by the City Council, said guidelines shall be enforced and have the same effect and authority as if fully set forth in this Section, and violations thereof shall be subject to the same penalties for violations of any other section contained in this Article. (Ord. 03, 2002 §9-20-11; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-110. Exempt activity.

A CA shall not be required for the interior alteration, renovation, repair, reconstruction or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within a historic district. Similarly, a CA shall not be required to undertake ordinary exterior maintenance and/or repair if such work involves and is carried out using materials and elements identical in appearance to the materials and elements being repaired or worked on, and such maintenance and/or repair does not substantially alter the appearance, composition or texture of the exterior appearance, feature or surface of the building or structure. (Ord. 03, 2002 §9-20-12; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-120. Exceptions.

Nothing in this Article shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any landmark, contributing or other building, structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the City, and/or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure. However, when the need for emergency action is not present, all work or activity normally subject to the provisions and procedures contained in this Article shall be undertaken and performed in compliance therewith. (Ord. 03, 2002 §9-20-13; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-18-130. Removal of landmark, contributing or historic district designation.

(a) Finding by City Council required. The removal of a landmark or contributing designation for any building, structure or site, or the removal of the designation of a district as a historic district, shall only be approved upon a finding by the City Council after a noticed public hearing that the building, structure, site or district no longer satisfies the eligibility criteria for landmark, contributing or historic district status, and that it would be in the public interest and welfare to remove or rescind such designation.

(b) Procedure. The procedures contained in Section 16-18-50 above with regard to the designation of landmark, contributing or historic buildings, structures, sites or districts, respectively, shall be followed in applying for and processing a petition for the removal or rescission of such a designation. Notwithstanding the foregoing, no landmark or other historic designation awarded to any building, structure, site or district by the United States Department of the Interior and/or the State, respectively, shall be removed, rescinded or modified except in accordance with the procedures and standards established by said governmental authority. (Ord. 03, 2002 §9-20-14; Ord. 2005-07 §1)

Sec. 16-18-140. Violations and penalties.

(a) Violation of the provisions of this Chapter shall be punishable as set forth in Section 1-4-20 of this Code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this Section.

(b) Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this Article, or the terms and conditions of a CA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the City, in which event the City shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.

(c) All penalties and remedies for violations of the provisions of this Article shall be nonexclusive and cumulative, and the City's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies. (Ord. 03, 2002 §9-20-15; Ord. 01, 2005 §1; Ord. 2005-07 §1)

ARTICLE XIX

Flood Control

Division 1

Statutory Authorization, Findings of Fact, Purpose and Objectives

Sec. 16-19-10. Statutory authorization:

The Legislature of the State has, in Section 29-20-101, et seq., C.R.S., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 03, 2002 §11-1-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-20. Findings of fact.

(a) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 03, 2002 §11-1-1; Ord. 2005-07 §1)

Sec. 16-19-30. Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 03, 2002 §11-1-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-40. Methods of reducing flood losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 03, 2002 §11-1-1; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Division 2
General Provisions

Sec. 16-19-110. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application:

Appeal means a request for a review of the Building Inspector's interpretation of any provision of this Article or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Article.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction means structures for which the *start of construction* commenced on or after the effective date of this Article.

Start of construction includes substantial improvement and means the date the building permit was issued; provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled or roofed building or manufactured home that is principally above ground.

Substantial improvement is described as follows:

a. The term means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

b. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article. (Ord. 03, 2002 §11-1-2; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-120. Lands to which this Article applies.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the City. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

Sec. 16-19-130. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City," dated March 30, 1982, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and

declared to be a part of this Article. The Flood Insurance Study and FIRM are on file at the office of the City Clerk. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

Sec. 16-19-140. Compliance.

No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this Article and other applicable regulations. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

Sec. 16-19-150. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

Sec. 16-19-160. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

Sec. 16-19-170. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 03, 2002 §11-1-3; Ord. 2005-07 §1)

*Division 3
Administration*

Sec. 16-19-210. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 16-19-130 above. Application for a development permit shall be made on forms furnished by the Building Inspector and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 16-19-320(b) of this Article; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 03, 2002 §11-1-4; Ord. 2005-07 §1)

Sec. 16-19-220. Designation of Building Inspector.

The Building Inspector is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions. (Ord. 03, 2002 §11-1-4; Ord. 2005-07 §1)

Sec. 16-19-230. Duties and responsibilities of Building Inspector.

Duties of the Building Inspector shall include, but not be limited to:

(1) Permit review.

a. Review all development permits to determine that the permit requirements of this Article have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Paragraph 16-19-410(1) of this Article are met.

(2) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 16-19-130 of this Article, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Sections 16-19-360 through 16-19-400 below.

(3) Information to be obtained and maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

2. Maintain the floodproofing certifications required in Paragraph 16-19-210(3) above.

c. Maintain for public inspection all records pertaining to the provisions of this Article.

(4) Alteration of watercourses.

a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16-19-240 below. (Ord. 03, 2002 §11-1-4; Ord. 2005-07 §1)

Sec. 16-19-240. Variance procedure.

(a) Appeal Board:

(1) The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variances from the requirements of this Article.

(2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or administration of this Article.

(3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the District Court, as provided in Rule 106, C.R.C.P.

(4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(5) Upon consideration of the factors of Paragraph (4) above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(6) The Building Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(b) Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items a. through k. in Paragraph (a)(4) above have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justifications required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Section.

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

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

(5) Variances shall only be issued upon:

a. Showing of good and sufficient cause;

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

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Paragraph (a)(4) above, or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 03, 2002 §11-1-4; Ord. 2005-07 §1)

Division 4
Standards and Provisions for Flood Hazard Reduction

Sec. 16-19-310. General standards required.

In all areas of special flood hazards, the standards contained in Sections 16-19-320 through 16-19-350 of this Division are required. (Ord. 03, 2002 §11-1-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-320. Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(b) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

(2) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any addition to the manufactured home shall be similarly anchored. (Ord. 03, 2002 §11-1-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-330. Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-340. Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-350. Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less). (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-360. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 16-19-130 above or Paragraph 16-19-230(2) above, the following provisions contained in Sections 16-19-370 through 16-19-400 of this Division are required. (Ord. 03, 2002 §11-1-5; Ord. 01, 2005 §1; Ord. 2005-07 §1)

Sec. 16-19-370. Residential construction.

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-380. Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section. Such certifications shall be provided to the official as set forth in Subparagraph 16-19-230(3)b above. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-390. Openings in enclosures below lowest floor.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one (1) foot above grade; and

(3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-400. Manufactured homes.

(a) Manufactured homes shall be anchored in accordance with Subsection 16-19-320(b) above.

(b) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

Sec. 16-19-410. Floodways.

Located within areas of special flood hazard established in Section 16-19-130 of this Article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Division 4. (Ord. 03, 2002 §11-1-5; Ord. 2005-07 §1)

ARTICLE XX

Fair Contribution for Public School Sites

Sec. 16-20-10. General.

Growth in residential land development and the construction of new residential dwellings in the City and Chaffee County necessitates the acquisition of additional public school capital facilities to accommodate increases in student population. Requiring land dedication or conveyance for public school capital facilities or payments in lieu of such dedication or conveyance (“Fair Contribution for Public School Sites”) is intended to provide a portion of the resources to meet such demand.

Sec. 16-20-20. Referral.

All residential subdivision applications and planned developments creating residential dwelling units shall be referred to the Salida School District R-32-J for review and comment concerning impact of the development on the School District and the adequacy of public school sites and facilities. If a nonresidential land development application may have influence or effect on property owned by or activities of the Salida School District R-32-J, the information pertaining to that application shall also be referred to the School District for review and comment.

Sec. 16-20-30. Dedication Requirement.

(a) If recommended by the Salida School District R-32-J, the applicant shall dedicate or convey

land for a public school facility to the School District based on .0138 acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount of \$354 per residential dwelling unit. The applicant may elect for such amount to be paid by the owner of a particular lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the City, a separate covenant.

(b) If the Fair Contribution for Public School Sites includes the dedication or conveyance of land, prior to recording the final plat, the applicant shall provide proof that the dedication has been made to the School District in a manner and on terms satisfactory to the School District and in accordance with the following requirements:

(1) Title shall be conveyed by a general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land which is being conveyed to the School District.

(2) At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, or pay or make provision for the payment of the costs associated with making improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The applicant shall also have furnished any off-site easements which the School District needs to develop the site.

(3) The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District.

(4) The person or entity conveying the land to the School District shall satisfy the City's water rights dedication requirements, as may be amended, prior to conveying the property to the School District.

(5) In addition to conveyed or dedicated lands, the School District shall be given the right to purchase adjacent lands owned by the developer at its fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements.

Sec. 16-20-40. Exemptions.

The following uses shall be excepted from Fair Contribution for Public School Sites:

(1) Construction of any nonresidential building or structure;

(2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

(3) Construction of any building or structure for limited term stay or for long term assisted living, including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, nursing homes, or hospices, except where such building or structure will be used primarily to house school aged children;

(4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act in effect;

(5) The construction of accessory buildings or structures; and

(6) Construction of any low-income housing unit, on lots designated as such by the City.