



PLANNING COMMISSION WORK SESSION

448 E. 1st Street, Room 190 Salida, Colorado 81201

March 12, 2024 - 6:00 PM

AGENDA

Please register for the Planning Commission Work Session meeting:
<https://attendee.gotowebinar.com/register/2264104861873917709>

CALL TO ORDER BY CHAIRMAN - 6:00 PM

DISCUSSION ITEMS

1. Review of Land Use Code - Installment 3 DRAFT



Chapter 16

Land Use Code (LUC)

Installment 3: Development and Design Standards
February 2024

CLARION

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Article 16-1 General Provisions

[Submitted with Installment 1 – Administration and Procedures]

Article 16-2 Zoning Districts

[Submitted with Installment 2 – Districts and Uses]

Article 16-3 Use Regulations

[Submitted with Installment 2 – Districts and Uses]

Article 16-4 Development and Design Standards

COMMENTARY

This article consolidates existing Article 8 and Article 11 along with new development and design standards that are intended to incentivize desired development; protect natural resources; encourage higher-quality parks and open space; enhance landscaping; modernize parking requirements; improve connectivity within developments and the broader community; and incorporate recent efforts by the City on stormwater management, grading and erosion control, and outdoor lighting.

Wherever possible, existing standards and methods are maintained; however, new standards and contemporary approaches are incorporated (and explained with commentary and footnotes) to support implementation of the Comprehensive Plan and address community concerns raised during stakeholder and public meetings.

16-4-10 Purpose and Applicability

(a) Purpose

This article establishes standards that regulate the physical layout and design of development within the City to ensure the protection of the health, welfare, safety, and quality of life of Salida.

(b) Applicability¹

Unless otherwise exempted by this Code, this article shall apply to the following development activities as authorized and required by Article 16-1:

(1) New Development

All development and land uses established after the effective date of this Code, including any subdivisions without development plans.

(2) Additions or Modifications

Additions or modifications to existing development and established land uses to the maximum extent practicable, based on the thresholds established in each section of this article.

16-4-20 Natural Resource Protection

COMMENTARY

This new section is intended to provide standards for the protection of natural resources in Salida and to reduce the impacts of hazards like wildfires and floods on future development. Standards in this section are based on approaches used in other Colorado communities and are intended to balance a desire for development that is safe and harmonious with valued natural features and amenities but not overly burdensome on applicants to demonstrate compliance or on staff to enforce.

(a) Purpose²

This section is intended to protect the natural resources that contribute to Salida's community character and quality of life, including but not limited to the Arkansas River, varying topography and hillsides, floodplains, wetlands, and other significant features.

¹ Currently, Article VII applies to "every development permit," and "appropriate provisions shall also apply to subdivisions without development plans," and PDs (unless otherwise excepted). The proposed new language identifies redevelopment activities (additions and modifications, which would include renovations, changes of use, etc.) separately so that each section can be applied where it makes sense and not to "all development permits," which could discourage some minor improvements or changes of use. If the applicability provisions end up being mostly distinct by section, then this general provision upfront may not be necessary.

² New.

(b) River and Wetland Protection⁶

COMMENTARY

This section is intended to address the Planning Commission's desire for an overlay for the river corridor. It has been expanded to apply to wetlands, rivers, and streams more generally. Numerous other codes were referenced in drafting this section, including Durango's River Corridor Overlay Zone (4-4-5) and Clarion's recent work in Larimer County (4.4.2 – Wetlands). An alternative, very simple approach used in Carbondale is included here for your reference and consideration since the Code Assessment did not establish a desired approach to this section.

5.2.6. WETLAND AND SURFACE WATER (Carbondale)

A. Buildings and site improvements, with the exception of Town-owned and -operated water and wastewater plants, shall not be located over or within a buffer established by the Town around or adjacent to wetlands, lakes, rivers, streams, or other bodies of water that support or could support fish or recreation. The buffer shall be measured from the ordinary high-water mark of the body of water.

B. Exceptions:

1. Buildings and associated site improvements specifically related to the use of the water including, but not limited to, piers, docks, fish hatcheries, and habitat restoration facilities, shall be permitted where the impacts of the construction and location adjacent to or over the water on the habitat is mitigated.
2. Buildings and associated site improvements shall be permitted where a wetlands permit has been issued under a national wetlands permitting program or otherwise issued by the authority having jurisdiction.

(1) Purpose

- a. The purpose of this section is to protect the Arkansas River, South Arkansas River, streams, wetlands, buffer areas, and their water sources from encroachment that would adversely affect water quality or wildlife habitat, impede flood protection, or impair other critical environmental functions.
- b. When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment.

(2) Applicability

- a. Except as otherwise provided in this section, this section shall apply to all development that contains or is within 25 feet of the ordinary high-water mark or top of bank, whichever is greater, of the Arkansas River, South Arkansas River, and any other stream, creek, or wetland.
- b. This section does not apply to the activities listed below. However, conducting any of the following activities without any required local, state, or federal permits will result in fines and enforcement.
 1. Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and agricultural operation ponds;
 2. Stormwater drainage systems;
 3. Maintenance and repair of existing public roads, utilities, and other public facilities within an existing right-of-way or easement;
 4. Maintenance and repair of flood control structures and activities in response to a flood emergency as determined by the Public Works Director;
 5. Buildings and site improvements for public facilities that are specifically related to the use of the water including, but not limited to, piers, docks, fish hatcheries, and habitat restoration facilities, where the impacts of the construction are mitigated;
 6. Wetland and wildlife habitat restoration, creation and/or enhancement that improves the wetland's function if the activity proposed is approved by the appropriate agency, such as the Army Corps of Engineers or Colorado Parks and Wildlife; or

⁶ New. Planning Commission has expressed interest in additional protections for the river. This draft proposes standards to protect not just the river but also wetlands, rivers, and streams.

7. Where a wetlands permit has been issued under a national wetlands permitting program or otherwise issued by the authority having jurisdiction.

(3) River Protection Standards

a. Riparian Buffer

1. A 25-foot riparian buffer shall be provided that extends landward of the ordinary high-water mark or top of bank, whichever provides the greatest amount of protected area, as determined by the Director, from any river, stream, or creek.
2. No building, structure, or land use may be established, expanded, or enlarged within the riparian buffer.⁷
3. The applicant shall identify wetlands and riparian vegetation on the development site. Staff will evaluate the application against the National Wetlands Inventory GIS.
4. Wetlands and riparian vegetation shall not be disturbed during development. Careful site planning shall consider site erosion, riverbank stability, soil types, discharge, and the preservation of riparian vegetation to the maximum extent practicable.
 - a) Where vegetation is disturbed during construction, identical or similar vegetation shall be promptly replanted. Non-native or invasive vegetation shall be replaced with native species.
 - b) Where opportunities exist to enhance riparian vegetation, including removal of non-native or invasive species, new plantings are encouraged.
 - c) Disturbance of wetlands may be subject to review by other jurisdictions, such as the Army Corps of Engineers.
5. Riparian vegetation may be selectively removed or pruned to maintain a view to the river from a residential development provided that the extent of removal or alteration of riparian vegetation is reviewed and approved by the Salida Tree Board or other designee of the Director.
6. Where the standards for river protection create a building envelope of less than 1,000 square feet, a minimum 1,000-square foot building envelope shall be allowed. When this building envelope extends below top of bank, structure height shall be measured from the lowest point of the structure and disturbance of wetlands and riparian vegetation shall be minimized as follows:⁸
 - a) Areas that will be disturbed during construction activities and areas that will be protected from construction impacts shall be delineated on a site plan.
 - b) Prior to removal or alteration of riparian vegetation, impacts of such removal or alteration shall be documented, and any other required permits (e.g., Army Corps of Engineers, Floodplain Development Permit) shall be obtained. Impacts shall be mitigated as described in this section.
7. The removal of mature vegetation (except invasive exotic species) is discouraged.

b. Riverbank Protection

1. There shall be no alteration of a riverbank except as necessary to eliminate an existing hazard or to clean up or restore the riverbank. Prior to any such alteration, a permit shall be obtained from the City and any other agency having jurisdiction (e.g., Army Corps of Engineers).
2. The dumping of any debris, dirt, fill, vegetation, street snow, or other material is prohibited. Stormwater runoff and snow melt are not considered dumping, but may be subject to other standards of this Code, as well as state and federal law.

⁷ Further discussion needed about other small encroachments that may be allowed, such as stairs, patios, pathways, and fire pits. Should these be allowed to encroach into the buffer?

⁸ In consolidated draft: Add reference in dimensional standards table to this exception.

(c) Floodplain⁹

(1) Purpose

- a. Flood hazard areas are subject to periodic inundation that can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- b. Flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage.
- c. As a result, this section is intended to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas as authorized by the State of Colorado (CRS §29.20) by provisions designed to:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;
 - 5. Minimize damage to Critical Facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
 - 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - 7. Insure that potential buyers are notified that property is located in a flood hazard area.

(2) Applicability

- a. This section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the City of Salida.
- b. Special Flood Hazard Areas are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salida, Colorado," dated March 30, 1982, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this section. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this section and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.
- c. No building, structure, or lot shall hereafter be constructed, located, extended, or altered without full compliance this section.
- d. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

⁹ Existing article XI, *Flood Control*, is included here as a section of Natural Resource Protection. This section has been reorganized and simplified where possible without substantive changes to the regulations.

NOTE: Staff proposes to allow the use of "No Adverse Impact" regulations in Zone A (no mapped flood plain - applies to the Ark), rather than a "no rise certificate." Additional research/drafting is underway.

(3) Warning and Disclaimer of Liability

The degree of flood protection required by this section 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 section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

(4) Definitions¹⁰

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

- a. 100-Year Flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.
- b. 100-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
- c. 500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.
- d. 500-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.
- e. Addition means activity that expands the enclosed footprint or increases the square footage of an existing structure.
- f. Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.
- g. Basement means any area of a building having its floor sub-grade (below ground level) on all sides.
- h. Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
- i. Channelization means the artificial creation, enlargement, or realignment of a stream channel.
- j. Conditional Letter of Map Revisions (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.
- k. Critical Facility means a structure or related infrastructure, but not the land on which it is situated, as specified in 16-4-20(c)(6)i, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.
- l. Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- m. Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

¹⁰ Consider relocating these to the main definitions article in the consolidated code.

- n. Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- o. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- p. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of water from channels and reservoir spillways;
 2. The unusual and rapid accumulation or runoff of surface waters from any source; or
 3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).
- q. Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.
- r. Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.
- s. Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.
- t. Floodplain Administrator means the City Administrator, who shall administer and enforce the floodplain management regulations.
- u. Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.
- v. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- w. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- x. Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

- y. Floodproofing means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- z. Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.
- aa. Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.
- bb. Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- cc. Historic structure means any structure that is:
 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior or;
 - b) Directly by the Secretary of the Interior in states without approved programs.
- dd. Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.
- ee. Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).
- ff. Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- gg. Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or 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 non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

- hh.** Manufactured home means a structure transportable in one 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. The term "manufactured home" does not include a "recreational vehicle".
- ii.** Mean sea level means for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.
- jj.** Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.
- kk.** National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.
- ll.** No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).
- mm.** Physical Map Revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.
- nn.** Recreational vehicle means a vehicle which is:
 1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- oo.** Special Flood Hazard Area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.
- pp.** Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.
- qq.** Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.
- rr.** Substantial improvement means the reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
 2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- ss.** Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.
- tt.** Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(5) Review of Floodplain Development

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this section.

a. Floodplain Administrator

1. The City Administrator is hereby appointed as Floodplain Administrator to administer, implement, and enforce the provisions of this section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - a) Maintain and hold open for public inspection all records pertaining to the provisions of this section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood proofing certificate required by this section.
 - b) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this section.
 - c) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - e) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this section, including proper elevation of the structure.
 - f) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - g) When Base Flood Elevation data has not been provided in accordance with 16-4-20(c)(2), the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, to administer the provisions for flood hazard reduction.
 - h) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with

all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community

- i) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
- j) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- k) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

b. Floodplain Development Permit

1. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by them and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:
 - a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 - c) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of 16-4-20(c)(6)d.
 - d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - e) Maintain a record of all such information in accordance with 16-4-20(c)(5)a.
2. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on the provisions of this section and the following relevant factors:
 - a) The danger to life and property due to flooding or erosion damage;
 - b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c) The danger that materials may be swept onto other lands to the injury of others;
 - d) The compatibility of the proposed use with existing and anticipated development;
 - e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h) The necessity to the facility of a waterfront location, where applicable;
 - i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j) The relationship of the proposed use to the comprehensive plan for that area.

c. Variance

1. The Board of Adjustment, as established by the City Council, shall hear and render judgment on requests for variances from the requirements of this section.
2. The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this section.
3. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. 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.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 16-4-20(c)(1) have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this section.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) Showing a good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.
 - d) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1) The criteria outlined in standards 1) through 9), above, are met; and

- 2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(6) Standards for Floodplain Development

a. Interpretation

In the interpretation and application of this section, 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.

b. Methods

To accomplish its purposes, this section uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

c. General Standards

The following standards apply to new construction and substantial improvements in all Special Flood Hazard Areas:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or 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;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Standards for Flood Hazard Reduction

The following standards apply in all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in 16-4-20(c)(2), 16-4-20(c)(5), and 16-4-20(c)(6)h, the following provisions are required:

1. Residential Development

New construction and substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Development

- a) With the exception of Critical Facilities, per 16-4-20(c)(6)i, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- b) A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this section. Such certification shall be maintained by the Floodplain Administrator, as proposed in 16-4-20(c)(5).

3. Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which 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 Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one foot above grade.
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

- a) All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. For purposes of this section "expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- b) All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- 1) The lowest floor of the manufactured home is one foot above the base flood elevation, or
- 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

- a) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- 1) Be on the site for fewer than 180 consecutive days,
- 2) Be fully licensed and ready for highway use, or
- 3) Meet the permit requirements of 16-4-20(c)(5)b, and the elevation and anchoring requirements for manufactured homes, above.

- b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

6. Prior Approved Activities

Any activity for which a Floodplain Development Permit was issued by the City or a CLOMR was issued by FEMA prior to the effective date of this Code may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

e. Standards for Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. Located within Special Flood Hazard Area established in 16-4-20(c)(2) 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 shall apply:

- 1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
- 2. If standard 1., above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- 3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

f. Standards for Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

- 1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems

through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State, and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State, and City floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with 16-4-20(c)(6)e.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

g. Standards for Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

h. Standards for Subdivisions

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of 16-4-20(c)(5) and 16-4-20(c)(6).
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 16-4-20(c)(2) or 16-4-20(c)(5)a.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

i. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services. It is the responsibility of City Council to identify and confirm that specific structures in their community meet the following criteria:

1. Essential Services

- a) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
 - 1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
 - 2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - 3) Designated emergency shelters;
 - 4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - 5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - 6) Air Transportation lifelines (municipal airports and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- b) Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
- c) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

2. Hazardous Materials

- a) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - 1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - 2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - 3) Refineries;
 - 4) Hazardous waste storage and disposal sites; and
 - 5) Above ground gasoline or propane storage or sales centers.
- b) Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, AND the chemical(s) is stored in quantities equal to or greater

than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.

- c) Specific exemptions to this category include:
 - 1) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - 2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - 3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
- d) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this section.

3. At-risk Populations¹¹

At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

- a) Adult day care;
- b) Continuing care retirement facility;
- c) Day care center;
- d) Hospital; and
- e) School (including before-school and after-school care serving 12 or more children).

4. Facilities Vital to Restoring Normal Services

- a) Facilities vital to restoring normal services including government operations. These facilities consist of:
 - 1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, and maintenance and equipment centers);
 - 2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
- b) These facilities may be exempted if it is demonstrated to the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the

¹¹ Facility names updated to reflect Table of Allowed Uses and expanded to include Hospital.

alternative facilities are either located outside of the 100-year floodplain or are compliant with this section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

5. Critical Facilities Standards

- a) All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than buildings or structures not determined to be Critical Facilities. For the purposes of this section, protection shall include one of the following:
 - 1) Location outside the Special Flood Hazard Area; or
 - 2) Elevation or flood proofing of the structure to at least two feet above the Base Flood Elevation.
- b) New Critical Facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

16-4-30 Stormwater Management

COMMENTARY

This section carries forward the standards of Section 16-8-60, *Stormwater Management Standards*, which have been recently updated by the City of Salida. Minor (i.e., non-substantive) changes have been made to integrate this section into the code.

(a) Purpose¹²

This section establishes standards that regulate drainage and stormwater management on properties located within the City, to reduce siltation into the Arkansas River and South Arkansas River and to protect, preserve, and enhance the natural environment, including natural landforms and vegetation.

(b) Applicability¹³

This section shall apply to new development:

- (1) All new nonresidential and mixed-use developments,
- (2) Multifamily units of five or more, and
- (3) Major subdivisions.

(c) 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 the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria. The plan shall be reviewed and approved by the Public Works Director. The Public Works review is limited to conformance with City drainage criteria and will not relieve the professional engineer of responsibility for their design of the site.

(d) Drainage Control Facilities

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 of Salida Construction Standards and

¹² New.

¹³ Updated to clarify that standards apply to new development, not existing development. **STAFF:** We think this makes sense, but alternatively, standards could be applied when a parking area or structure is enlarged by a certain percent (maybe 25%) or a use is changed. This would bring more sites into conformance of this section but increase costs.

Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. All facilities shall be maintained to preserve their function, and all costs associated with handling drainage generated by a development shall be paid by the developer. The City shall have no obligation to the property owner to inspect, maintain, or reconstruct the detention and water quality facilities.

- (1) Detention and water quality facilities located within subdivisions shall be located within an outlot, designated tract, or within the common elements of a condominium plat with a public drainage easement.
- (2) Drainage easements shall be dedicated at the time of platting. Drainage easements shall encompass drainage control facilities and connect to public access easement / right-of-way and shall grant to the City at no charge a permanent right to inspect, maintain, and reconstruct the detention and water quality facilities. Additional utility or drainage easements or modification of platted easements may be required at time of final permitting as determined by the Public Works Director and a professional engineer's final design of the site.
- (3) A maintenance agreement, acceptable to the Public Works Director, shall be required and recorded for ensuring maintenance of any privately owned drainage control facilities.
- (4) Point discharges offsite are not acceptable unless approved by Public Works Director. A concentrated point discharge is defined as the location at which concentrated stormwater runoff is released. Point discharges shall be adequately armored with velocity dissipation and appropriate outlet protection.

(e) Illicit Discharges Prohibited

No user or other person shall discharge any illicit discharge into or upon the stormwater utility system, any public highway, street, sidewalk, alley, land, public place, stream, ditch, or other watercourse or into any cesspool, storm or private sewer or natural water outlet, except as specifically provided in the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria.

(f) Floodplain

Land located within a Special Flood Hazard Area shall adhere to the provisions set forth in 16-4-20(c).

16-4-40 Grading and Erosion Control

COMMENTARY

This section carries forward the standards of Section 16-8-70, *Grading and Erosion Control*, which have been recently updated by the City of Salida. Minor (i.e., non-substantive) changes have been made to integrate this section into the code.

(a) Applicability

Grading and erosion control standards shall apply to nonresidential and mixed-use developments, multi-family units of five or more 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 one foot.

(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 and indicate any existing public drainage that passes through the site.

(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.

(d) Erosion Control Plan

The applicant shall submit an Erosion Control Plan which complies with the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets.

- (1)** If the construction activities result in a land disturbance of greater than or equal to one acre, or if less than one acre are part of a larger common plan of development or sale that would disturb or has disturbed one acre or more:

- a.** A copy of a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities issued by the Colorado Department of Public Health and Environment.
- b.** A stormwater management plan consistent with the requirements of the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria.

- (2)** Control Measures for Erosion and Sediment Control Required: Control measures for erosion and sediment control shall be selected, designed, installed and maintained in conformity with the approved erosion control plan(s) and the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. No person shall violate the inspection and maintenance requirements established in the Standards for such control measures approved in the erosion control plan.

16-4-50 Streets, Utilities, and Services

COMMENTARY

This section consolidates standards related to the design, construction, and dedication of infrastructure (for both subdivisions and other developments) and includes standards from the existing Article 16-4, Article 16-8, and Article 16-6 (Subdivisions) where subdivision standards should be applied more broadly to all development—including subdivisions.

(a) Purpose¹⁴

This section sets forth requirements for the dedication of rights-of-way, provision of utilities, street improvements, and drainage improvements within public rights-of-way or private streets whenever land is subdivided or developed within the various zoning districts, and defines the responsibility for planning, constructing, and financing such improvements. These requirements are intended to ensure that off-site improvements meet proper standards, do not unnecessarily obstruct streets and other rights-of-way, and promote the general health, safety, convenience, and welfare.

(b) Applicability

- (1) Unless otherwise exempted by this Code, the standards of this section apply to all subdivisions, development, and land uses established after the effective date of this Code.¹⁵
- (2) All improvements required by this section shall be the responsibility of the developer, subdivider, or applicant.¹⁶
- (3) No improvements shall be commenced until the schedule of improvements has been approved by the City and the performance guarantee has been provided the applicable improvement agreement.
- (4) All improvements shall be constructed in accordance with the applicable provisions of the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction, unless otherwise provided on approved plans and specifications.
- (5) A design variance from the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction may be granted by the Public Works Director per ---¹⁸ when an alternative approach can be determined to be more consistent with the development's projected traffic generation, functional street classification, provisions for pedestrian safety and emergency vehicle access, and the design of off-street parking and public improvements. Variances for public improvements shall not be used for a reduction from the minimum standards and shall be submitted with supporting documentation signed and stamped by a Licensed Professional Engineer.¹⁹
- (6) Installation of improvements within Colorado Department of Transportation (CDOT) right-of-way requires approval from CDOT.²⁰

(c) Development Improvement Agreement²¹

- a. To ensure compliance with this section and other applicable requirements, the City Council may require an applicant for a site plan or building permit to enter into a development improvement agreement that meets the requirements of section 16-5-40, *Improvement Agreements*. Such agreement shall include a financial performance guarantee and schedule of improvements that shall require approval by the City.

¹⁴ New.

¹⁵ New.

¹⁶ New.

¹⁸ Insert x-ref to Administration chapter in consolidated draft.

¹⁹ Existing Sec. 16-8-20(f). Final sentence is new.

²⁰ Existing standard for sidewalks in Highway 50 Overlay is applied more broadly to all infrastructure in CDOT right-of-way.

²¹ The bulk of existing Sec. 16-2-60 is included in the subdivision part of this draft chapter.

- b. No subdivider or an agent of a subdivider may cause, suffer, allow, or permit a lot to be sold in a subdivision prior to either acceptance of the public improvements or entering into a development agreement that meets the requirements of section 16-5-40, *Improvement Agreements*.²²

(d) Streets²³

(1) Street Design

- a. All public streets shall be paved, engineered, and constructed to comply with the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction.
- b. 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.

(2) Maintenance

Upon acceptance by the City, all public roadways shall be maintained by the City.

(3) Street Naming

- a. All street naming is subject to approval by the City.
- b. No street name shall be used that will duplicate or be confused with the name of any existing street or development in the City or Chaffee County.
- c. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the same names as the existing streets.
- d. Street name signs which comply with City specifications shall be furnished and installed at the applicant or developer's cost.

(4) Streetlights²⁴

- a. Streetlights shall be provided at all intersections of public rights-of-way and at a minimum of one light every 300 feet of street length. Exact streetlight locations are subject to approval of the Public Works Director.
- b. Streetlights for developments adjacent to U.S. Highway 50 shall be located and meet the model and specifications identified in the Highway Corridor Improvement Plan.
- c. Streetlights shall comply with City standards for lighting.

(5) Street Trees²⁵

- a. Street trees shall be planted a minimum of one tree per lot for all lots with at least 50 feet of street frontage, at regular intervals of approximately 50 feet, but may be located at alternative distances where necessary, with approval of the Director and Public Works Director.
- b. Tree species shall be provided in compliance with the Tree Board's "A Guide to Salida Trees" in the Administrative Manual.

(e) Survey Monuments²⁶

- (1) Two concrete survey monuments, at three feet in length and four inches square, with a suitable center point, shall be set into the ground at each street intersection on the street right-of-way line.

²² New.

²³ Existing Sec. 16-8-20(b)-(d) are simplified here—where possible this section will just refer people to the Public Works manual.

²⁴ Existing Sec. 16-8-20(e)(12) and Sec. 16-5-60(c)(2).

²⁵ Existing Sec. 16-8-40 is modified to incorporate standards from Sec. 16-5-50 related to the Highway 50 Overlay.

²⁶ Existing Sec. 16-8-30.

- (2) Iron pin survey monuments $\frac{5}{8}$ inch in diameter and two feet in length 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.
- (3) Survey monuments shall be set by a Professional Land Surveyor.

(f) Utilities²⁷**(1) Design and Construction**

- a. Water and sewer utilities shall be designed per the Design Criteria Manual for Water, Sewer, Stormwater, and Streets and constructed in accordance with the City of Salida Standards for Construction.
- b. Single-family, duplex, or townhome style development shall have one service line per unit. Multi-family condo, apartment, or commercial development shall have one service line per lot. Sub-metering by owner is allowed past the private property line.
- c. When easements are necessary, water or sewer individually shall require a minimum easement of 20 feet, and combined shall require a minimum easement of 30 feet. Additional width may be required for certain situations at the direction of the Director of Public Works.

(2) Undergrounding

- a. Utility service lines, including those for internet, telephone, electricity, natural gas, and cable television, shall be installed underground to the maximum extent feasible.
- b. If utility lines are placed in a street or alley, they shall be in place prior to surfacing.

(3) Extend Full Length of Property

Utility lines, water and sewer lines, and storm drainage facilities shall extend the full length of the property.

(4) Easements

- a. Utility easements shall be dedicated at the time of development approval as a condition of obtaining service.
- b. Utility easements shall be at least 20 feet wide in the public right-of-way. Widths of utility easements on private property shall be determined by the utility provider.

²⁷ Existing Sec. 16-8-50.

16-4-60 Access, Connectivity, and Circulation

COMMENTARY

This section is mostly new and consolidates existing and proposed standards related to the layout of streets, sidewalks, driveways, and bicycle infrastructure. Relevant standards from the existing sections 16-8-20 and 16-8-110 are included here, but most content is new/proposed unless otherwise noted.

(a) Purpose

This section is intended to support the creation of a highly connected transportation system within the City in order to:

- (1) Promote multimodal travel by supporting the creation of networks for automobiles, transit, bicycles, and pedestrians;
- (2) Connect neighborhoods to each other and to local destinations such as employment, schools, parks, and commercial services;
- (3) Reduce vehicle miles of travel and travel times;
- (4) Mitigate the traffic impacts of new development;
- (5) Reduce storm water runoff, lessen heat island effect from large expanses of pavement, and improve water quality;
- (6) Improve air quality;
- (7) Reduce emergency response times;
- (8) Increase effectiveness of local service delivery; and
- (9) Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

(b) Applicability

Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(c) Circulation Plan

- (1) Except for single-family residential uses within previously platted subdivisions, a circulation plan shall be prepared that meets the requirements of this section and the Administrative Manual, including:
 - a. Street connectivity;
 - b. Emergency and service vehicle access;
 - c. Parking movements;
 - d. Loading operations;
 - e. Turning radii;
 - f. Traffic calming measures where future "cut-through" traffic is likely; and
 - g. Other similar issues identified by the Director.
- (2) The Director may waive the requirement for a circulation plan on a case-by-case basis if a development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.
- (3) A circulation plan shall be submitted with the respective site plan, planned development, or subdivision application, as appropriate.

- (4) Installation of improvements within Colorado Department of Transportation (CDOT) right-of-way requires approval from CDOT.²⁹

(d) Vehicular Access³⁰

(1) Public Street Access³¹

- a. All lots and developments shall have direct access to a public street or alley. In no case shall the primary access point into a development be gated or otherwise access-controlled.
- b. Access from a private road in-lieu of access from a public street may be allowed by the Public Works Director on a case-by-case basis where the following requirements are met:
 1. The private road shall not service an area greater than two acres, and it shall be an infill parcel in an area where connectivity to public roads is not anticipated or desired.
 2. Sign-off of all utilities is required.
 3. Engineering drawings meeting the City's C. Engineering drawings meeting the City's Design Criteria Manual shall be provided.
 4. The Public Works Director shall determine the minimum required width of the private road on a case-by-case basis.
 5. In instances where a private road is requested that does not meet the above criteria, the applicant can apply for a Planned Development Overlay to request approval.

(2) Driveways

a. Access Points

1. Driveway access shall be located from the alley where alley access is available.
2. Corner lots with frontage on two public streets may have one access point from the side street (the street perpendicular to the alley regardless of the orientation of the home) if there is not already access from the front.
3. For multi-family development sites, a minimum of two access points shall be provided. An exception may be considered on a case-by-case basis by the Public Works Director where a site is landlocked by existing development or other physical or legal constraints, or where existing natural features on the site require protection that would otherwise make a second access drive infeasible, or where the small size of the site makes dual access unnecessary.
4. Access onto any state highway shall meet the Colorado Department of Transportation (CDOT) Highway Access Code and shall require approval from the Colorado Department of Transportation.³³

b. Width

1. Driveway width shall not exceed the following standards as measured within City right-of-way from the right-of-way line to the edge of pavement. Exceptions may be approved by the Public Works Director on a case-by-case basis.

²⁹ Existing standard for sidewalks in Highway 50 Overlay is applied more broadly to all infrastructure in CDOT right-of-way.

³⁰ Existing Sec. 16-8-20 with some standards relocated to Sec. 16-4-60(d), *Streets*.

³¹ Consolidated draft: Ensure "lot frontage" definition notes: "Lot frontage shall be measured along a public street or approved private drive."

³³ Existing Sec. 15-5-50 and 15-5-60.

Table 4-A: Driveway Width

| Use | Min. Width (ft.) | Max. Width (ft.) |
|--|------------------|-----------------------------|
| Single-family Dwelling (Detached and Multiple Principal) | 9 | 12 |
| All Other Residential | 9 | 12 (one way) / 24 (two way) |
| Nonresidential | 9 ³⁵ | 12 (one way) / 24 (two way) |

2. Driveway width shall not include angled or radial tapers that are less than three feet in width.

c. Spacing

1. Where possible, no two driveways connecting to a public street or alley shall be within 30 feet of one another as measured from the edge of each driveway within the City right-of-way.
2. Driveways shall be located a minimum of 30 feet from any road intersection.

d. Angle of Intersection

All driveways shall intersect the access street at a 90-degree angle.

e. Grade

No driveway shall exceed an eight percent average grade.

f. Conformity

1. Existing paved driveways that do not meet the standards of this section may be repaved.
2. Existing unpaved (e.g., gravel) driveways shall conform to the standards of this section when paving is proposed, but may be excepted on a case-by-case basis by the Public Works Director.

(3) Access to Adjacent Land

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

(4) Cross-Access between Adjacent Uses³⁷

- a. All nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points from streets, even if no current connection exists (in order to enable future connections). This may be established by one or more of the following:
 1. Connecting streets and drives;
 2. Coordinating parking structure and parking lot entrances;
 3. Common service/delivery areas;
 4. Legally shared parking structures and parking lots;
 5. Linkages between parking lots and parking structures; or
 6. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts.
- b. When cross-access is deemed impractical by the Director and/or Public Works Director on the basis of topography, the presence of natural features or other impediments, or due to vehicular or pedestrian safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.

³⁵ New. Current standards do not include a minimum for "commercial and business" uses.

³⁷ New.

- c. Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or development application.

(e) Street Connectivity

(1) Purpose

Street and block patterns should contribute to a system of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, employment, and commercial services.

(2) Connectivity Standards

a. Block Layout³⁸

Blocks shall be laid out to respect the existing grid pattern of Salida to the extent possible. Residential blocks shall not be less than 300 feet nor more than 600 feet in length. The City may approve a shorter or longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

b. Continuation and Connection to Public Roadways

Vehicular access and circulation for a development shall incorporate the continuation and connection of public streets and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved adjacent developments.

c. Extension of Circulation System to Site Boundaries

Vehicular access and circulation for a development shall provide for the extension or connection of proposed internal streets and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the adjacent property will have:

1. At least two vehicular access points to and from an external through street system; alley access may be considered as one of these access points;
2. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
3. Convenient and efficient access by vehicles needed to provide other public services.

d. Connection to Bikeways and Sidewalks

An extension or connection of a street and right-of-way to an adjacent property, street, or right-of-way shall include the extension or connection of associated bikeways and sidewalks.

e. Temporary Turnaround³⁹

Where a street will eventually be extended beyond the development boundary, but is temporarily dead ended, a temporary turnaround shall be provided that is suitable in size for the movement of emergency vehicles and other anticipated vehicles such as trash services or delivery trucks.

f. Waiver or Modification of Connection Requirements

The Director may waive or modify the requirements or standards for extension or connection of a street from or to an adjacent property if such extension is impractical or undesirable because it would:

1. Require crossing a significant physical barrier or environmentally sensitive area (e.g., rivers, streams, floodplains, riparian areas, steep slopes, wildfire hazard areas);

³⁸ Existing Sec. 16-6-120(10) is updated here to apply to all developments—not just subdivisions. Maximum block length reduced from 1,200 feet.

³⁹ Existing Sec. 16-8-20(e)(8).

2. Require the extension or connection of a proposed internal public street to an adjacent property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by easement or deed; or
3. Require the extension or connection of a proposed internal public street to an adjacent property that is developed for a use whose level and type of generated traffic would be incompatible with the proposed development.

g. Cul-de-Sacs and Dead-End Streets

1. Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest street or to cul-de-sacs in adjoining subdivisions via a sidewalk or shared-use path, except where deemed impractical by the Director.
2. All stub streets and temporary dead-end streets greater than 150 feet in length shall have a turnaround approved by the fire department.

h. Gates and Restrictions on Access to Streets, Driveways, or Alleys

The following standards do not apply to individual detached houses with gated private driveways. For the purpose of this provision and this section, the term "gate" means any barrier or similar device that would allow access or passage to a certain person, group of people, or type of traffic and not to the general public or to transient traffic.

1. Gating of Public Streets

Public streets, sidewalks, bicycle and pedestrian pathways, and public alleys shall not be gated.

2. Approval Required

No other street, driveway, sidewalk, bicycle or pedestrian pathway, or alley may be gated and no vehicular or pedestrian/bicycle access may be otherwise restricted along any street without the City's express written approval, in accordance with the standards of this section.

(f) Pedestrian and Bicycle Circulation

(1) Sidewalks⁴⁰

Sidewalks shall conform to the Public Works Design Standards or to street cross-sections, either planned or constructed, as determined by the Public Works Director.

(2) Parkways⁴³

- a. Where detached sidewalks are required, the parkway shall be landscaped and maintained by the adjacent property owner(s).
- b. Parkway widths shall conform to the Public Works Design Standards or to street cross-sections, either planned or constructed, as determined by the Public Works Director
- c. Landscaping shall meet the standards of 16-4-80, *Landscaping, Screening, and Fencing*, and the Tree Board's "A Guide To Salida Trees."
- d. Adjacent to Highway 50, 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 Administrator.

(3) On-Site Pedestrian Walkways

An on-site system of pedestrian walkways shall be provided in subdivisions with multi-family and commercial development, and planned developments, that meets the following standards:

a. Areas to Connect

On-site pedestrian walkways shall provide direct access and connections to and between:

1. The primary entrance or entrances to each building, including pad site buildings;

⁴⁰ Replaces Sec. 16-8-20(d)(13). Does this need to explicitly call out an exception for fee in-lieu within H50 overlay?

⁴³ Existing Sec. 16-8-20(d)(13). Standard (2)a. may not be necessary since it seems like all sidewalks are required to be detached.

2. Any sidewalks, walkways, or shared-use paths on adjacent properties that extend to the boundaries shared with the development;
3. Any parking areas intended to serve the development;
4. Any sidewalk system along the perimeter streets adjacent to the development;
5. Any public transit stops;
6. Any adjacent residential neighborhoods (planned or existing); and
7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

b. Walkway Design

1. Pedestrian walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.
2. Required on-site pedestrian walkways shall provide a minimum of four feet of clearance, exclusive of impediments such as overhanging vehicles, planned or future EV charging equipment, or bicycle racks; however, the Director and/or Public Works Director may require a wider walkway based on site characteristics such as, but not limited to, anticipated pedestrian volume, street classification, zoning of adjacent properties, and location.⁴⁴ All required walkways shall:
 - a) Be distinguishable from areas used by vehicles using one or more of the following techniques:
 - 1) Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;
 - 2) Changing paving height;
 - 3) Decorative bollards; and
 - 4) Raised median walkways with landscaped buffers.
 - b) Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;
 - c) Have adequate lighting for security and safety;
 - d) Be conveniently and centrally located on the subject property;
 - e) Be ADA accessible; and
 - f) Not include barriers that limit pedestrian access between the subject property and adjacent properties.

c. Pedestrian Access through Parking Garages

Pedestrian walkways shall be provided through parking garages from the parking area to the adjacent public right-of-way and sidewalk and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

(4) Alternative Sidewalk Design⁴⁵

Sidewalk design may be modified, with approval from the Public Works Director, to the least extent possible under the following scenarios:

- a. Where an existing sidewalk on an adjacent property does not meet the standards of this section, the required sidewalk may be modified to align with the existing sidewalk at the point of connection.
- b. Where an existing structure prevents compliance with the standards of this section, the required parkway width may be reduced followed by the width of the required sidewalk.

⁴⁴ For reference, the ADA minimum required sidewalk width is 36 inches.

⁴⁵ Existing Sec. 16-5-60(c)(2) flexibility is modified to prioritize adequate sidewalks of on-site parking and limit the extent of exceptions. The allowance for a fee-in-lieu is not carried forward.

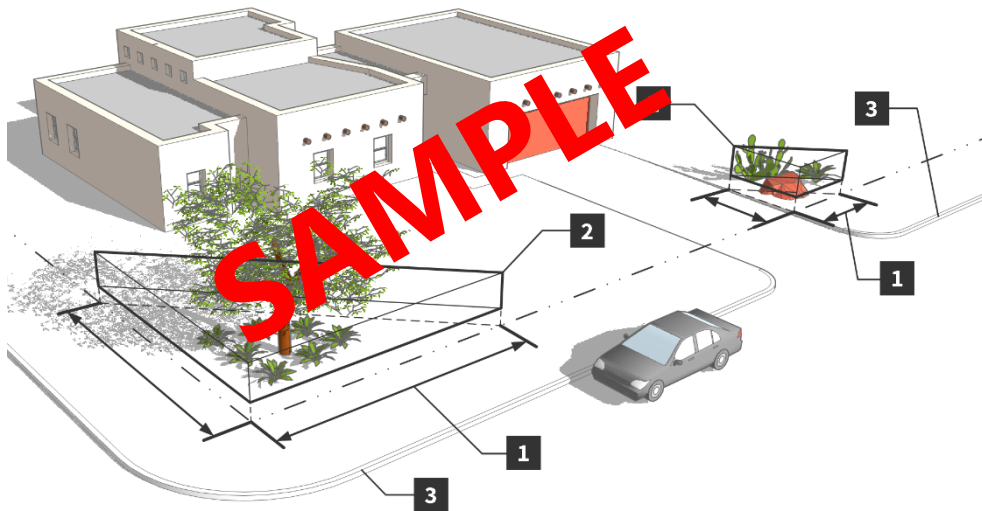
- c. Where the preservation of existing trees prevents compliance with the standards of this section, the required sidewalk location may be adjusted to a reasonable extent, followed by the width of the required sidewalk.

(5) Bicycle Circulation⁴⁶

Bicycle lanes are required in the design of all streets where the Administrator and Public Works Director determine that traffic speeds and volumes would allow bicyclists and motorists to share the road safely.

(g) Visibility Triangle⁴⁷

- (1) To limit obstructions that could obscure the view of motor vehicle drivers at street, alley, and driveway intersections a visibility triangle shall be observed. A visibility triangle shall be the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet along a driveway or property line along an alleyway.⁴⁸
- (2) Within the visibility triangle there shall be no wall, fence, sign, or foliage with an opacity of more than 50 percent any higher than four feet above finished grade.
- (3) Vertical measurement shall be made from finished grade at the corner of the property line adjacent to the visibility triangle or where the driveway intersects the property line.
- (4) As an alternative, the Public Works Director may apply AASHTO standards based on a site-specific evaluation of intersection visibility.



⁴⁶ New. Staff is consulting with Public Works to determine where this would apply. Lanes already are on Highway 50 and will be added within the coming years to Highway 291.

⁴⁷ Existing Sec. 16-8-110(b)(3) is expanded here to apply to more than just fences. A temporary example graphic is included to be replaced for the public draft if the language is acceptable.

⁴⁸ Obstruction area is not well defined in existing standards. Consider these distance requirements.

16-4-70 Off-Street Parking

COMMENTARY

Existing Section 16-8-80 is significantly reorganized and updated with more detailed language and standards to make implementation easier and the user experience clearer. This section includes a table of required parking spaces that corresponds to the table of allowed uses presented in Installment 2 (ensuring that each proposed land use type has an associated off-street parking requirement). The current parking requirement for each use is listed (if one exists) in the third column for comparison against the new proposed requirement. That column will be removed prior to the adoption draft.

Existing minimum parking requirements that are based on metrics that are difficult to administer and subject to change over time (e.g., number of beds, number of employees, number of seats, capacity) are replaced with easier to review standards (e.g., number of units or gross floor area) where possible. This draft also includes new standards for applicability that exempt some scenarios from meeting the minimum number of required parking spaces.

This section has been updated with maximum off-street parking standards that help meet the purpose of this article and reduce the development of excessive parking (and associated impacts). Additionally, minimum standards for bicycle parking and large vehicle parking are proposed. To support a flexible and user-friendly Code, this section proposes additional alternatives that applicants and the City may use to address unique situations, reduce parking demand, and encourage more efficient use of parking facilities.

Many communities have moved away from setting minimum loading requirements, and they are not included in this draft pending further discussion. There are not many minimum loading requirements in the current code. If the City is interested in setting minimums, one approach might be based on size for all nonresidential uses: e.g., under 15,000 square feet: none; 15,000–49,999 square feet: 1 loading space; 50,000+: 2 spaces.

Finally, this section carries forward and supplements parking area design standards to support attractive parking areas without requiring significant staff resources to administer the standards.

(a) Purpose⁴⁹

This section is intended to provide off-street parking spaces in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking;
- (3) Reducing storm water runoff and heat island effect from large expanses of pavement and improving water and air quality;
- (4) Providing necessary access for service and emergency vehicles;
- (5) Providing for safe and convenient interaction between vehicles and pedestrians; and
- (6) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

(b) Applicability

(1) New Development

Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

⁴⁹ New purpose statement with more detail to guide decision-making.

(2) Additions or Modifications

a. Expansions and Enlargements⁵⁰

Off-street parking standards required by Table 4-B, *Off-Street Parking Spaces Required*, shall apply to any expansion or enlargement of an existing structure or use by 25 percent or more. Parking for the expansion or enlargement area shall meet the minimum standards for the use(s) as required by Table 4-B, *Off-Street Parking Spaces Required*.

b. Change in Use

Off-street parking shall be provided for any change of use that would result in a requirement for more parking spaces than the existing use as defined in this section. If the site is fully developed and it is not possible to provide additional parking for a change of use, the Director may waive this requirement on a case-by-case basis. Generally, this waiver shall not be for more than 20 percent of the total spaces required, or five spaces, whichever is greater.

(3) Exemption⁵¹

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. Modification of the existing parking shall require compliance with the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Street and City of Salida Standards for Construction.

(c) Calculation of Parking Requirements

(1) Area Measurements

a. All parking requirements that are based on square footage shall be calculated based on gross floor areas of the subject use. Gross floor area shall include all floor area within a building, exclusive of mechanical rooms, closets, storage areas, or kitchen spaces, unless specifically stated otherwise.

b. Structured parking within a building shall not be counted in such computation.

(2) Fractions

When the calculation of off-street parking spaces results in a required fractional space, the required parking shall be rounded to the next highest whole number if five-tenths (0.5) or greater.

(3) Mixed-Use Development

Lots containing more than one use shall provide parking in an amount equal to the total of the requirement for all uses.

(4) Unlisted Uses

For uses not listed in Table 4-B, *Off-Street Parking Spaces Required*, the Director may determine the minimum off-street parking requirements based upon the parking requirements of a listed land use that the Director determines to be most similar to the proposed use (based on operating characteristics, occupancy, or other factors determined by the Director).

(5) Discretionary Requirement Based on Demand Study⁵²

Uses that reference this section in Table 4-B have widely varying parking demand characteristics, making it difficult to specify a single off-street parking standard. Upon receiving an application for a use subject to this section, the Director may apply the off-street parking standards based on a parking demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

⁵⁰ New. This provides flexibility to allow for moderate expansion of structures and uses.

⁵¹ Existing exemption in downtown only applies to new uses that don't expand a building footprint.

⁵² New. This option has been added to allow the City to request a parking demand study for uses that are broad and/or variable.

(d) Minimum Off-Street Parking Requirements

COMMENTARY

In proposing new off-street parking standards, efforts were made to reduce excessive parking requirements and ensure that minimum parking standards meet demand, but we will rely on staff review and comments to note where existing standards have resulted in undesired outcomes. Proposed minimum parking requirements can be further adjusted.

Inclusionary standard. Parking exemptions for inclusionary housing developments are limited to a reduction for multi-family development. The proposed changes in this section render that reduction unnecessary. The benefit of this reduction should be discussed and could be replaced by an additional reduction.

(1) Minimum Required Off-Street Parking

Unless otherwise provided in this Code, off-street parking spaces shall be provided in accordance with Table 4-B, *Off-Street Parking Spaces Required*, below.

Table 4-B: Off-Street Parking Spaces Required

| | Proposed Standard | Existing Standard |
|--|-------------------|--|
| Residential Uses | | |
| Household Living | | |
| Dwelling, Single-Family (Detached) | 1 per unit | 1 per unit |
| Dwelling, Single-Family (Multiple Principal) | 1 per unit | 1 per unit |
| Dwelling, Duplex | 1 per unit | 1 per unit |
| Dwelling, Townhouse NEW | 1 per unit | -- |
| Dwelling, Multi-Family (3-4 units) | 1 per unit | 1 per first unit, plus 1.5 per additional unit 1 per unit (inclusionary) |
| Dwelling, Multi-Family (5-19 units) | 1 per unit | 1 per first unit, plus 1.5 per additional unit 1 per unit (inclusionary) |
| Dwelling, Multi-Family (20+ units) | 1 per unit | 1 per first unit, plus 1.5 per additional unit 1 per unit (inclusionary) |
| Dwelling, Co-Housing NEW | 1 per unit | -- |
| Dwelling, Live/Work NEW | 1 per unit | -- |
| Manufactured Home | 1 per unit | 1 per unit |
| Manufactured Home Park | 1 per unit | 1.25 per unit |
| Recreational Vehicle (Long-Term Occupancy) | 1 per unit | 1.25 per unit |
| Group Living | | |
| Continuing Care Retirement Facility | 1 per 400 sq. ft. | 1 per employee, plus 1 per 3 beds |
| Group Home, Large NEW | 1 per 400 sq. ft. | -- |
| Group Home, Small | 1 per 400 sq. ft. | 1 per employee, plus 1 per 4 beds |
| Rooming or Boarding House | 1 per unit | 1 per bed |
| Single-Room Occupancy NEW | 1 per unit | -- |
| Public, Institutional, and Civic Uses | | |
| Community and Cultural | | |
| Civic or Community Building | 1 per 300 sq. ft. | 1 per 400 sq. ft. |
| Club or Fraternal Organization | 1 per 300 sq. ft. | 1 per 4 persons at max. capacity |
| Day Care, Adult | 1 per 500 sq. ft. | 1 per non-resident employee, plus those required for the unit |
| Day Care Center | 1 per 500 sq. ft. | 1 per non-resident employee, plus those required for the unit; 1 loading space per 4 children/adults |
| Day Care Home | None | 1 per non-resident employee, plus those required for the unit |

Table 4-B: Off-Street Parking Spaces Required

| | Proposed Standard | Existing Standard |
|--|---------------------------------|---|
| Hospital | 1 per 400 sq. ft. | 1 per employee, plus 1 per 2 beds |
| Public Recreation, Outdoor | 10 per acre | 1 per 1,000 sq. ft. |
| Public Recreation, Indoor | 1 per 1,000 sq. ft. | 1 per 1,000 sq. ft. |
| Religious Assembly | 1 per 250 sq. ft. | 1 per 6 seats in main sanctuary, plus 1 per parish home |
| School | 3 per classroom | 1 per employee, plus 1 per 4 enrolled students |
| Transportation | | |
| Parking Facility | NA | -- |
| Transit Stop | Discretionary (16-4-70(c)(5)) | -- |
| Transit Terminal or Station NEW | Discretionary (16-4-70(c)(5)) | -- |
| Commercial Uses | | |
| Agriculture and Animal-Related Services | | |
| Commercial Farming and Plant or Animal Husbandry NEW | Discretionary (16-4-70(c)(5)) | -- |
| Garden Center, Greenhouse, or Nursery NEW | 1 per 300 sq. ft. indoor area | -- |
| Kennel NEW | 1 per 1,000 sq. ft. indoor area | -- |
| Sale of Produce and Plants Raised on Premises NEW | NA | -- |
| Veterinary Clinic or Hospital | 1 per 500 sq. ft. | 1 per 500 sq. ft. |
| Business and Professional Services | | |
| Office | 1 per 400 sq. ft. | 1 per 300 sq. ft. |
| Food and Beverage | | |
| Bar, Lounge, or Tavern NEW | 1 per 200 sq. ft. | -- |
| Microbrewery, Distillery, or Winery NEW | 1 per 200 sq. ft. | -- |
| Restaurant ⁵³ | 1 per 200 sq. ft. | 1 per 200 sq. ft., plus 3 stacking spaces per drive-in station |
| Lodging | | |
| Bed and Breakfast | 1 plus 0.5 per guest room | 1 plus 0.5 per guest room |
| Hotel or Motel ⁵⁴ | 1 per guest room | 1 per guest room, plus 1 per 150 sq. ft. assembly area, plus 1 per 500 sq. ft. commercial space, plus 1 per manager/front desk person |
| Short-Term Rental | 0.5 per guest room | 1 per first 2 bedrooms, plus 0.5 per each additional bedroom |

Table 4-B: Off-Street Parking Spaces Required

| | Proposed Standard | Existing Standard |
|--|--|--|
| Marijuana | | |
| Medical Marijuana Store | 1 per 400 sq. ft. | 1 per 250 sq. ft. |
| Retail Marijuana Store | 1 per 400 sq. ft. | 1 per 250 sq. ft. |
| Personal Services | | |
| General Personal Service, Small NEW | 1 per 400 sq. ft. | 1 per 300 sq. ft. |
| General Personal Service, Large NEW | 1 per 400 sq. ft. | 1 per 300 sq. ft. |
| Self-Service Laundromat NEW | 1 per 400 sq. ft. | -- |
| Recreation and Entertainment | | |
| Adult Entertainment | 1 per 300 sq. ft. | 1 per 300 sq. ft. |
| Adult Bookstore/Novelty | 1 per 300 sq. ft. | 1 per 300 sq. ft. |
| Campground | 2 plus 1 per site | 1 per camp site, plus 2 |
| Commercial Recreation, Outdoor | 1 per 400 sq. ft. of indoor area plus 1 per 10,000 sq. ft. site area | 1 per 500 sq. ft. used for amusement |
| Commercial Recreation, Indoor (Large) NEW | 1 per 200 sq. ft. | -- |
| Commercial Recreation, Indoor (Small) NEW | 1 per 200 sq. ft. | -- |
| Recreational Vehicle Park | 1.25 per site | 1.25 per unit |
| Retail | | |
| General Retail, Large | 1 per 400 sq. ft. | 1 per 250 sq. ft. |
| General Retail, Small NEW | 1 per 400 sq. ft. | 1 per 250 sq. ft. |
| Vehicles and Equipment | | |
| Gasoline Service Stations and Car Wash | 1 per 400 sq. ft. | 1 per 300 sq. ft. |
| Manufactured Home and RV Sales and Service | 1 per 500 sq. ft. sales area | 1 per 500 sq. ft., plus 1 per employee |
| Vehicle Sales and Service | 1 per 500 sq. ft. sales area, plus 2 per service bay | 2 per service bay, plus 1 per employee |
| Industrial Uses | | |
| Manufacturing and Processing | | |
| Brewery or Bottling Plant NEW | 1 per 1,000 sq. ft. processing area, plus 1 per 200 sq. ft. tasting room | -- |
| Commercial Laundry and Dry Cleaning NEW | 1 per 1,000 sq. ft. processing area, plus 1 per 400 sq. ft. service area | -- |

⁵³ Stacking spaces for drive through facilities are addressed through the accessory use standard.⁵⁴ Accessory or multiple use would be required to provide parking to the specifications of that use.

Table 4-B: Off-Street Parking Spaces Required

| | Proposed Standard | Existing Standard |
|---|--|---|
| Manufacturing, Artisan NEW | 1 per 1,000 sq. ft. processing area, plus 1 per 400 sq. ft. retail area | -- |
| Manufacturing, Heavy | 1 per 1,000 sq. ft. | 1 per employee, plus 1 per company vehicle, or PC decision for conditional use review |
| Manufacturing, Light | 1 per 1,000 sq. ft. | 1 per employee, plus 1 per company vehicle, or PC decision for conditional use review |
| Marijuana | | |
| Marijuana Cultivation | 1 per 750 sq. ft. | 1 per 750 sq. ft. |
| Marijuana Product Testing and Manufacturing | 1 per 750 sq. ft. | 1 per 750 sq. ft. |
| Storage and Warehousing | | |
| Salvage Yard | 1 per 1,000 sq. ft. | 1 per 750 sq. ft. |
| Self-Storage or Mini- Warehouse NEW | 1 per 20 storage units | -- |
| Storage of Hazardous Liquids and Gases | 1 per 1,000 sq. ft. | 1 per 750 sq. ft. |
| Storage Yard | 1 per 1,000 sq. ft. | 1 per 750 sq. ft. |
| Warehouse, Enclosed Storage, or Truck Terminal | 1 per 2,000 sq. ft. | 1 per 1,000 sq. ft. or 1 per employee (whichever is greater), plus 1 per company vehicle stored on site |
| Wholesale | 1 per 2,000 sq. ft. | 1 per 750 sq. ft. |
| Utilities | | |
| Communications Facility | Discretionary (16-4-70(c)(5)) | 1 per 750 sq. ft. |
| Utility, Major NEW | Discretionary (16-4-70(c)(5)) | -- |
| Utility, Minor NEW | Discretionary (16-4-70(c)(5)) | -- |
| Accessory Uses | | |
| Accessory Building or Structure | 1 per unit | -- |
| Accessory Dwelling Unit | NA | 1 per unit |
| Commercial Outdoor Storage, Accessory NEW | NA | -- |
| Drive Through | 3 stacking spaces per facility | -- |
| Home Occupation | 1 space per non-resident employee | 1 |
| Outdoor Retail and Display NEW | NA | -- |
| Sale of Produce and Plants Raised on Premises NEW | NA | -- |
| Temporary Uses | | |
| Construction Support Activity NEW | NA | -- |

Table 4-B: Off-Street Parking Spaces Required

| | Proposed Standard | Existing Standard |
|------------------------------------|-------------------|-------------------|
| Mobile Vendor NEW | NA | -- |
| Temporary Retail and Display | NA | -- |
| Temporary Special Event NEW | NA | -- |

(2) Maximum Off-Street Parking⁵⁵

No nonresidential use shall provide off-street parking spaces in an amount more than 125 percent of the minimum parking spaces required by Table 4-B, *Off-Street Parking Spaces Required*, unless:

- a. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, that create a demand exceeding the maximum ratio and that typically does not apply to comparable uses, which is demonstrated by a parking demand study per 16-4-70(c)(5) that is provided by the applicant with authorization from the Director;
- b. The request is the minimum necessary variation from the maximum standard;
- c. Parking spaces in excess of the maximum allowed shall use pervious pavement; and
- d. Additional landscaping is provided in an amount equal to the percentage above the maximum parking allowed.
- e. Exception: Any nonresidential use requiring four or fewer spaces may have up to five spaces.

(3) Minimum Required Accessible Parking⁵⁶

The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the Municipal Code and the Americans with Disabilities Act (ADA), as amended.

(4) Minimum Required Bicycle Parking⁵⁷

- a. Unless exempted by this section, all residential development with more than four units and all nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per ten vehicle parking spaces, with no development requiring bicycle parking providing less than two bicycle parking spaces.
- b. For schools, off-street bicycle parking shall be provided at a ratio of one space per five vehicle spaces.
- c. The Director may reduce the number of bicycle parking spaces required due to building site characteristics.

(e) Parking Alternatives⁵⁸

The Director may approve parking alternatives to the minimum spaces required by Table 4-B in accordance with this section.

⁵⁵ New. This is a common approach employed to prevent the creation of excessive parking (creating less pedestrian friendly environments and impacting urban design). Different or additional standards could be included (apply in all districts; all spaces above the maximum must be compact spaces, dedicated to electric vehicles, etc.).

⁵⁶ Existing concept is simplified to refer to more specific details elsewhere in the Municipal Code.

⁵⁷ New.

⁵⁸ Existing concept has been expanded to make alternatives more clearly defined and regulated (less staff interpretation) and to provide more alternatives.

(1) Maximum Reduction

The maximum reduction of required off-street parking spaces by any single parking alternative or combination of parking alternatives in this section shall be 50 percent.⁵⁹

(2) Tandem Parking⁶⁰

Tandem parking is allowed for any single-family residential parking area, and for automobile sales and leasing uses.

(3) Shared or Off-Site Parking⁶¹

The Director may approve shared parking and/or off-site parking for developments and/or uses with different operating hours or different peak business periods, if the shared and/or off-site parking complies with the following:

a. Applicability

Shared or off-site parking agreements are allowed in all zone districts except for MD, where off-site parking may only be utilized to meet the requirements for downtown street patios.

b. Location

Every shared and/or off-site parking space for nonresidential uses shall be located within 500 feet (measured along a legal pedestrian route) of the property on which the shared parking is provided. The Director may authorize farther distances for shared parking facilities where shuttle services are available.

c. Parking Demand Study Required

1. Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking demand study. Such study shall estimate parking demand for the proposed use(s) based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.
2. For shared parking, separate uses located on the same or adjacent properties which are not operated simultaneously, a shared parking arrangement may be allowed if it is in accordance with the Institute of Transportation Engineers (ITE) Standards for shared parking (current edition) and the Urban Land Institute publication Shared Parking Third Edition (2020, Mary S. Smith et al.) and approved by the Director.

d. Parking Agreement Required**1. Written Agreement**

- a) The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement to the Director with the following:
 - 1) A legal written and recorded agreement;
 - 2) Proof of continuing use and maintenance.
- b) The City shall be party to the agreement and any subsequent amendments to such agreement.

2. Approval

- a) Such agreement shall be approved by the Director prior to issuance of a building permit for any use to be served by the shared and/or off-site parking facility.

⁵⁹ New. This may not be necessary if the City is not concerned about reducing parking below this limit. Current standards limit the reduction for shared/off-site parking to 25%.

⁶⁰ Existing standard (previously part of the parking design standards) with an expansion to residential uses larger than a duplex and to auto sales and leasing uses.

⁶¹ Existing concept but updated to eliminate the 25% cap on the amount that parking may be reduced and to provide clear standards for the location of the parking, how the reduction should be studied, and to require a written agreement.

- b) Subsequent revocation of such agreement may render any parking facilities that do not comply with this Code nonconforming.

(4) Structured Parking

The height of a parking structure shall not exceed the height of the primary building it is intended to serve. Where no primary building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

(5) Business Occupier Fee⁶⁷

- a. With approval of the Director, a fee-in-lieu of providing required on-site parking for commercial development within the MD zone district may be paid by the applicant in an amount established and periodically amended by the City's fee schedule as the Business Occupier Fee.
- b. Fees accepted by the City in lieu of required parking shall be designated for the purposes of providing additional public parking in and around Downtown Salida or for the enforcement of parking regulations.
- c. Any off-street parking satisfied through this subsection shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.
- d. The number of parking spaces required and used to calculate the fee in-lieu shall be determined according to the provisions of this chapter and any other applicable provisions of the zoning ordinance and this code.
- e. A change of ownership or the dividing or merging of properties shall not affect an obligation for parking fees in-lieu or a determination that parking requirements have been met according to fees paid for a particular use.

(f) Parking Area Design

COMMENTARY

Some codes provide a great deal of detail to parking area design, while the current Salida Code is relatively simple. This section has been updated with a few additional standards to encourage high-quality parking area design with the intention of continuing to keep the standards easy to administer and understand. Options are provided for consideration with articulating dimensional standards. If additional standards are desired, some codes provide highly detailed dimensional standards (turning radii, parking structure design, drive-through standards, pedestrian circulation standards, and loading or stacking space standards).

(1) Use of Parking and Loading Areas

Unless otherwise permitted by this section, required off-street parking, loading, and vehicle stacking spaces shall be available for the parking of operable automobiles of the residents, customers, and employees of the use that the spaces are intended to serve. Prohibited uses of required spaces include:

- a. Storage of inoperable vehicles or materials, including repair work that renders a vehicle inoperable for more than 24 hours in a parking area required for a nonresidential use;
- b. Parking of delivery vehicles for the business;
- c. Display of vehicles for sale in nonresidential parking areas, except for the casual display of vehicles by owners who are employees or customers using the premises; and
- d. Storage of snow.

(2) Location of Parking and Loading Areas⁶⁸

Unless otherwise permitted by this section, required off-street parking, loading, and vehicle stacking spaces shall be located:

⁶⁷ Existing standard for CBEO Overlay is incorporated here to apply more broadly and updated to establish a predictable process.

⁶⁸ Updated to include paragraphs b-d.

- a. On the same lot as the primary use the spaces are intended to serve, or within a parking area commonly owned by individuals who also own residential or commercial units adjacent to the area that the parking spaces are intended to serve.
- b. For single-family and duplex dwellings in all districts, off-street parking areas for operable motor vehicles shall be located in a garage or on a driveway.
- c. For all multi-family and nonresidential uses in any zone districts except for HC, off-street parking areas shall not be located between the front building façade and the adjacent street frontage.

(3) Minimize Vehicular and Pedestrian Conflicts

- a. Traffic control signs and/or striping shall be provided within all parking areas as necessary to minimize vehicular and pedestrian conflicts.
- b. If vehicular and pedestrian conflicts are apparent, the Director may require an alternative design of parking areas to resolve potential conflicts.

(4) Dimensions⁶⁹

The minimum dimensions for parking spaces, rows and aisles are:

- a. **Angled Parking**
Angled parking between 30 and 90 degrees shall accommodate an 18.5-foot by nine-foot rectangle within the stall.
- b. **Parallel Parking**
Parallel parking spaces shall be 22 feet as measured along the street and eight feet wide.
- c. **Aisle Widths**
Aisles shall be no less than ten feet for each direction of traffic.

(5) Access

- a. All parking areas, except those associated with a one- or two-family dwelling, shall be designed so that vehicles exiting from a parking space shall not back on to the right-of-way of public streets. Vehicles but may back on to the right-of-way of alleys adjacent to the property.
- b. 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 tandem parking.

(6) Parking Surface

- a. When nine or more parking spaces are required (where residential is the primary use), or when nine or more parking spaces are required for commercial uses:
 - 1. Off-street parking areas, aisles, turn-arounds, and access drives shall be paved with concrete, asphalt, paving blocks, pavers, or other durable all-weather surface, and shall be striped to the standards of this section and the standards of the Public Works Department.
 - 2. The Public Works Director shall determine the extent of alley paving that may be required.
- b. Parking areas and access drives for one- and two-family dwellings or for parking areas for commercial uses of eight or fewer spaces may have a gravel surface. Unpaved parking shall provide some form of curb stop to identify each parking space.

(7) Landscaping

Landscaping for parking areas shall comply with Sec. 16-4-80(c)(3), *Parking Lot Landscaping Standards*.

(8) Lighting

Lighting and illumination for parking areas shall comply with Sec. 16-4-90(a), *Outdoor Lighting*.

⁶⁹ These are the current standards.

(9) Drainage

Standards for grading and drainage retention are in Sec. 16-4-40, *Grading and Erosion Control*.

16-4-80 Landscaping, Screening, and Fencing

COMMENTARY

This section is based on existing section 16-8-90, *Landscaping Standards*, and 18-8-110, *Fences*. As proposed in the Code Assessment, and reflecting the community's desire to improve landscaping and streetscape, this section features many significant enhancements. General guidance has been replaced with specific, measurable criteria to make this section easier to administer and enforce. Some key changes include new general landscaping standards that require more trees and shrubs (similar to what is required in peer communities), credits for preserving existing landscaping, and standards to encourage a diversity of climate-compatible trees and plants. In multiple places, this draft proposed two options for staff consideration. Let us know which, if either, would work best for Salida – a combination of options should also be considered.

Landscaping standards for parking areas have been updated but kept fairly basic (i.e., not asking applicants for too much). The new standards for parking landscaping are more detailed, offer flexibility for landscaping when permeable paving is provided, and propose to provide a detailed plant list in the Administrative Manual. Detailed standards are also provided about the size, location, and design of buffer strips and landscaped islands that should result in more shade, higher quality parking landscaping, and more predictable outcomes.

New standards are proposed for streetscape landscaping (street trees and planting strip) to contribute to the attractiveness of streets and the community, reduce the urban heat island effect, improve air and water quality, and encourage slower driving and more economic activity. Current standards for street trees have limited detail and could be improved with clear standards on the desired tree species, size, location, and placement.

Existing standards for demonstrating compliance with this section (i.e., landscaping plan) and installation and maintenance of landscaping are carried forward with minimal changes. If staff feels that existing standards are insufficient or cumbersome, alternative approaches to these standards can be provided.

(a) Purpose⁷⁰

This section is intended to provide standards for landscaping, screening, and fencing to help protect the public health, safety, and general welfare by:

- (1) Enhancing the appearance and character of Salida;
- (2) Improving the quality of development to protect public and private investments and property values;
- (3) Buffering potentially incompatible neighboring land uses;
- (4) Protecting the character of residential neighborhoods, commercial centers, and industrial areas;
- (5) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate; and
- (6) Realizing the environmental benefits of landscaping such as: storm water retention and infiltration, recharging groundwater, retaining soil moisture, preventing erosion, and mitigating air quality, water pollution, dust, noise, heat, and glare.

(b) Applicability

(1) New Development⁷¹

Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

⁷⁰ New. Updated to reflect additional scope of this section.

⁷¹ New. Existing code includes exemptions, but doesn't detail when landscaping improvements are required.

(2) Additions or Modifications⁷²

All landscaping, screening, and fencing for existing development and established land uses shall be installed in conformance with this section if:

- a. The gross floor area of an existing structure is expanded or enlarged by 25 percent or more;
- b. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more; or
- c. A land use that requires conditional use approval if determined by the Director on a case-by-case basis.

(3) Exemptions⁷³**a. Mixed-Use Downtown (MD) District**

Development in the MD zoning district shall be exempt from the landscaping standards of this section 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 of the non-built area.

b. Open Space (OS) District

Development in the OS zoning district shall be exempt from the landscaping standards of this section.

c. Certain Residential Structures

Single-family detached or attached dwelling units, duplex structures, two or fewer multiple principal structures on a lot, and accessory dwelling units are only required to meet the tree requirements of this section.

d. Agricultural (AG) District

Development in the AG zoning district shall be exempt from the landscaping standards of this section.

(4) Overlapping Requirements⁷⁴

In the event two or more landscaping standards overlap, the same landscape treatment may be counted toward meeting the requirements of both standards.

(c) Landscaping Standards**(1) General Landscaping Standards****a. Minimum Landscaped Area⁷⁵****1. General**

- a) The minimum percent of site area required to be landscaped is established for each zoning district per 16-2-20.
- b) A minimum of 60 percent of the required landscape area shall be live cover, including expected mature shrub coverage but not tree canopy coverage. Shrubs and perennials of a minimum 2-gallon size are required.⁷⁶
- c) The total amount of high water-use turf grass may not exceed 30 percent of the total landscaped area. Sod alternatives such as xeric ground cover plants, including native grasses, ornamental ground covers, buffalo grass, and fescue, are encouraged to be used in place of sod.
- d) Any required landscape area shall not be used for parking or open storage.

⁷² New.

⁷³ Updated to exempt OS and AG districts

⁷⁴ New.

⁷⁵ Some new standards proposed to better describe what landscaping should look like. Consider if additional standards are desired (require certain areas to be landscaped – e.g., street frontages?) of if this should be kept general.

⁷⁶ Staff has flagged this requirement as being challenging to enforce.

2. Planting Requirements for Landscaped Area⁷⁷

- a) The following minimum number of trees and shrubs shall be provided per required landscaped area in various zoning districts:

| Table 4-C: Minimum Landscaping in Required Landscaped Areas | | | |
|---|---------------------------|--------------------------|---|
| Zoning District(s) | Trees Required (Proposed) | Trees Required (Current) | Shrubs or Perennials Required (Proposed) |
| R1 / R2 / R3 / R4 | 1 per 650 sq. ft. | 1 per 800 sq. ft. | 3 per 400 sq. ft. (not required for single-family or duplex) |
| MN / MC | | 1 per 500 sq. ft. | 1 per 200 sq. ft. |
| MD | | 1 per 600 sq. ft. | 1 per 200 sq. ft. |
| MH | 1 per 400 sq. ft. | 1 per 300 sq. ft. | 3 per 400 sq. ft. |
| IN | 1 per 1000 sq. ft. | 1 per 1,000 sq. ft. | 3 per 400 sq. ft. |
| CF | 1 per 300 sq. ft. | -- | 3 per 400 sq. ft. |

- b) Where fractional number results, the number of trees required shall be rounded up when 0.5 or higher.

b. Landscape Materials⁷⁸

1. Landscape Compatibility⁷⁹

To ensure landscaping is compatible with local climate, soils, and drainage, all plants depicted on the landscape plan shall be listed on the City of Salida Plant List in the Administrative Manual.

2. Minimum Plant Specifications⁸⁰

Trees and shrubs depicted on the landscape plan shall be of the following minimum size at the time of their planting:

| Table 4-D: Minimum Plant Specifications | |
|---|-----------------------------------|
| Plant Type | Minimum Size |
| Coniferous Trees | 6 ft. tall |
| Deciduous Trees | 1.5-in. diameter at breast height |
| Shrubs, Perennials, or Ornamental Grasses | 2 gallons |

3. Landscape Variety

Vegetation shown on the landscape plan shall meet the following standards:

- a) No one plant species shall comprise more than 50 percent of the quantity of required landscape materials.
- b) For development sites 5,000 square feet or larger, a minimum of five different plant species shall be used in the overall development site landscape pla.

⁷⁷ This mirrors the existing approach – different standards based on zoning district -- but changes square footage requirements.

⁷⁸ Consolidated draft: Move this to RV use standards: "RV Park Landscaping: For RV parks, landscaping shall cover no less than 15 percent of the gross area of the lot. The landscape area may include recreation areas, common landscape areas, and landscaped area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties."

⁷⁹ Updated to reference a dedicated plant list. It is often better to provide more clear direction that the existing recommendation that landscaping be compatible with the local climate. The Chaffee County extension of CSU (<https://chaffee.extension.colostate.edu/>) may be able to provide a plant list.

⁸⁰ Updated deciduous tree size from 1.5 in. to 2 in.

- c) Coniferous trees shall not exceed 50 percent of total required trees. When planting coniferous trees, dwarf varieties are encouraged on lots smaller than 15,000 square feet. Coniferous trees shall not be planted in rows or groupings that will create issues with icing of sidewalks and streets.

4. Landscape Preservation

- a) The landscape plan shall be designed to save all existing healthy trees and shrubs (except for those identified as undesirable species in the Administrative Manual) whenever possible. Existing trees that meet the standards of this section, and are preserved, shall count toward the minimum landscaping standards of this section.
- b) All existing vegetation preserved and used for credit against the requirements of this section shall be protected during construction by a three-foot or taller fence erected one foot beyond the drip line of the vegetation.
- c) Preserved vegetation may be credited only one time toward any one buffer, screen, or other landscape requirement.

(2) Streetscape Landscaping Standards⁸²

a. Streetscape Design

- 1. Street trees shall be located within the designated planting strip unless otherwise exempted by this section or by the Director, or unless the site is unable to meet the geometry standards as defined.
- 2. Where no planting strip is present or where utilities prevent trees from being planted in the designated planting strip, trees may be planted on the lot no more than seven feet behind the property line nearest to the public right-of-way.
- 3. Street trees shall be centered in the parkway to avoid impacts from overhanging parked vehicles.

b. Landscaping in a Public Right-of-Way

- 1. Installation of irrigation for street trees shall be required for a minimum of five years after planting. (should this move or be replicated under subdivision code).
- 2. Prior to the installation of landscaping within the public right-of-way, a landscape permit shall be obtained from the Public Works Department.
- 3. 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.
- 4. No plant material greater than two feet in height shall be located within the visibility triangle defined in 16-4-60(f)(5).
- 5. Maintenance, including weed control, of landscaping installed within the public right-of-way shall be the responsibility of the property owner and shall be maintained per the applicant provided maintenance program.

(3) Parking Lot Landscaping Standards

Landscaping is required for parking areas in multifamily residential, mixed-use, commercial, and industrial development projects to protect water quality, minimize the heat island effect, and reduce visual impacts.

a. Buffer Strips⁸⁴

- 1. A five-foot wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided within any front setback area and between any off-street parking area or drive aisle and any adjoining public street right-of-way.
- 2. Off-street parking areas or drive aisles adjacent to a residential zone district shall provide a five-foot wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters, or a six-foot tall opaque fence or solid wall.

⁸² Based on Sec. 16-8-40, *Street Tree Standards*.

⁸⁴ Updated to provide exact widths to the required buffers.

3. A ten-foot-wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided along all lot lines for properties with sales lots for mobile home, recreational vehicle, heavy equipment, and automobiles.
4. A ten-foot-wide landscaped buffer strip composed of trees, shrubs, berms, hedges and/or planters shall be provided along all lot lines adjacent to any residential development for properties with drive-through facilities.
5. Portions of the buffer strips that contain live cover shall be credited toward the required landscaping.

b. Interior Landscaping⁸⁵

Any parking area containing 10 or more parking spaces shall include landscaped islands or rain gardens. The interior area of parking lots shall be landscaped according to the following standards:

1. Landscaped Island Size and Location

- a) Landscaped islands or rain gardens shall be of sufficient size to accommodate required landscaping. No landscaped island or rain garden shall be less than six feet in length or width and a minimum of 75 square feet.
- b) Landscaped islands or rain gardens shall be provided in parking areas along the ends of parking rows, to define the location and pattern of primary internal access drives, and/or to separate rows of 15 or more parking spaces (including ADA accommodations).
- c) There shall be no more than 15 parking spaces in a row without an interior landscape island or rain garden.
- d) A minimum of ten percent of the parking area (including drive aisles) shall consist of landscape islands or rain garden.

2. Landscaped Island Design

- a) Landscaped islands shall be dispersed throughout the parking area to provide visual relief, define parking aisles and parking lot entrances, and to provide physical relief by using seasonal shade trees.
- b) Minimum one tree and five shrubs or perennials shall be provided for every 15 parking spaces.
- c) All landscape island trees shall be deciduous, with a minimum of 75 percent of required landscaped island trees shall be deciduous canopy-type shade trees with a mature height of at least 30 feet.
- d) Sod is not permitted in landscape islands. Sod alternatives such as xeric ground cover plants including native grasses, ornamental ground covers, buffalo grass, and fescue may be used.
- e) Nonliving ground cover shall not exceed 50 percent of any landscaped island or rain garden.
- f) Landscaped islands and rain gardens shall be credited toward the overall required landscaping.

3. Incentives for Reducing Landscaped Islands

If permeable paving is used in all parking spaces, the required number of landscaped islands or rain gardens may be reduced by half. If permeable paving is used for the entire parking area, including drive lanes, the required landscaped islands or rain gardens may be reduced by three-quarters.

⁸⁵ **STAFF:** Significant changes proposed in this section. Reduced threshold for when interior landscaping is required (from 30 to 10 spaces – BV uses 10, 10-20 is common), changed the area standard to be 20% instead of 7 sq. ft. per parking space (about 20%), increased the minimum size of landscaped island (from 50 sf to 75 sf), and included an exemption to encourage parking lots to be located behind buildings.

4. Exemption

Parking areas that contain 15 or fewer spaces and that are located within the rear portion of the lot and behind or otherwise screened by a building from view from the public right-of-way shall be exempt from the landscape island requirements of this section.

(d) Demonstration of Compliance

A landscape plan shall be submitted for review as part of an application for any development proposal, unless specifically exempted per 16-4-80(b)(3), *Exemptions*. The landscape plan shall contain the following materials and information:

(1) Drawing

A drawing shall be provided, to scale and containing a legend, identifying:

- a. All existing deciduous trees and coniferous trees of four inches in caliper or greater;
- b. Illustrating the location, size, and type of all proposed landscaping;
- c. All existing vegetation that is to be preserved; and
- d. Demonstrating how irrigation is to be provided.

(2) Calculations

A written summary of all calculations used to determine the landscaping required and provided 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.

(e) Installation and Maintenance**(1) Security⁸⁶**

- a. Prior to the issuance of a development permit, the Director may require⁸⁷ 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 125 percent 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 Director.
- b. Following installation of the required landscaping, the applicant shall certify that the landscaping has been installed in conformance with the approved plan. Following receipt of the certification and inspection, the Director shall release 100 percent of the provided cost of supplying and installing the materials within seven calendar days. The remaining 25 percent shall be released after two growing seasons if the Director determines that required landscaping is installed and successfully maintained.
- c. If 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.

⁸⁶ Updated to delegate Administrator responsibility to the Director (or their designee per the definitions).

⁸⁷ Further discussion needed on whether specific parameters should be identified for when to require a surety.

(2) Time for Completion

Landscaping required for all uses shall be installed within six months of its initial date of occupancy, excluding the months of October through April.

(3) Irrigation for Live Cover

Trees and live cover shall be provided with an adequate means of irrigation for the type of plants installed.

(4) Maintenance

All vegetation shall be healthy at the time of its installation and shall remain healthy or shall be replaced.

a. Landowner Responsible

Maintenance of landscaped areas shall be the responsibility of the landowner.

b. Replacement

Landscaping that does not survive a minimum of three years shall be replaced within three months, or during the next planting season (May through September). 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.

(f) Screening and Fencing Standards**COMMENTARY**

Screening. This section is new. The current Code has limited regulations dedicated to reducing visual impacts from things like outdoor storage, commercial garbage receptacles, drive-throughs, and other activities from neighbors and adjacent streets.

Fencing. Existing fencing standards are generally carried forward and reorganized without any substantive edits – new content and significant changes are noted with footnotes. New standards are proposed for retaining walls. Current fencing standards are fairly straightforward and could be supplemented at staff discretion with material standards (require compatible materials, no barbed wire, no chain link, no plastic or vinyl, etc.) or color standards (earth tones, non-reflective, etc.).

(1) Screening⁸⁸**a. Roof-Mounted Mechanical Equipment**

1. Roof-mounted mechanical equipment, including but not limited to heating and soft water tanks, television antennas, satellite dishes, security apparatus, air conditioners, and heating, cooling, and ventilating equipment, shall be set back no less than ten feet from any property line. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from this standard.
2. The color of roof-mounted equipment and vents shall have a matte finish and be compatible with the roof or adjacent wall color, screened, or integrated into the design of the structure. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from this standard.

b. Ground-Mounted Mechanical Equipment

1. Outdoor ground-mounted mechanical equipment, including but not limited to subpanels, air conditioners, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks, and heating, cooling and ventilating equipment shall be located where not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
2. In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall (excluding unfinished CMU block), opaque fence, or vegetative screen that satisfies the following criteria:

⁸⁸ New.

- a) The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
 - b) The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
- 3. Screening of ground-mounted solar energy equipment or other alternate energy equipment shall be exempt from the screening requirements when it can be demonstrated that required screening would reduce the effectiveness or efficiency of the equipment.
- c. **Loading and Refuse Areas**
 - 1. Outdoor loading and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
 - 2. In cases when loading and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading and refuse areas shall be screened from view by a solid wall or opaque fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting.
- d. **Outdoor Storage Areas**⁸⁹
 - 1. Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a mixed-use zoning district, public open space, public trail, or public street, shall be screened from view by a vegetative screen, opaque fence, or solid wall (excluding unfinished CMU block).
 - 2. Fences, walls, or vegetative screens shall be a minimum of six feet in height and opaque.
 - 3. Fences, walls, or vegetative screens may be more than six feet in height if the Director determines it is necessary to effectively screen the outdoor storage.
- e. **Drive-Through Facilities**
In addition to the buffer strip standards in 16-4-80(c)(3)a, Buffer Strips, drive-through lanes and stacking lanes adjacent to any residential use or zone shall be screened by a six-foot tall opaque fence or solid wall.

(2) Fences and Walls

- a. **Purpose**⁹⁰
In addition to the overall purpose of this Code and section, these standards are intended to ensure that walls, fences, retaining walls, and vertical combinations of those items:
 - 1. Enhance the visual appearance of the streetscape and built environment;
 - 2. Ensure visual compatibility with public spaces;
 - 3. Promote street and neighborhood character; and
 - 4. Retain a sense of community and neighborliness.
- b. **Applicability**
Any fence, wall, or any similar type of screen, including hedges, may be erected subject to the standards of this section.

⁸⁹ New standards to provide more clarity than existing Sec. 16-5-60(c)(2) and apply to locations outside of the Highway 50 Overlay.

⁹⁰ New.

c. Height and Location⁹¹**1. Front**

Fences or walls between the face of any building and the front property line shall be no more than four feet in height.

2. Side and Rear

Fences or walls that are not subject to the front height limitation shall be no more than six feet in height.

3. Corner Lots⁹²

Fences or walls on a corner lot shall not impair visibility of intersecting traffic and/or pedestrians in compliance with 16-4-60(f)(5).

4. Measurement

- a) Fence and wall height shall be 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.
- b) Walls and fences up to eight feet in height may be approved by the Director, subject to building permit approval and compliance with the Building Code, if:⁹³
 - 1) They are temporary fences on construction sites erected for protection purposes during the period of construction only; or
 - 2) They enclose loading, service, refuse areas, public works facilities, utilities, or other similar uses outside the front or exterior side setback area; or
 - 3) They enclose outdoor storage areas in nonresidential zoning districts outside the front or exterior side setback area; or
 - 4) They are demonstrated to be necessary for a unique security purpose outside the front or exterior side setback area.

d. Design

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.

e. Retaining Walls⁹⁴**1. Height**

- a) The height of retaining walls supporting either cut or fill conditions shall not exceed 6 feet in height.
- b) Retaining walls that are over four feet in height shall be designed by a State of Colorado licensed structural engineer and are subject to building permit approval and compliance with the Building Code.

2. Measurement

- a) Retaining walls shall be measured vertically from the lowest point at natural grade to the highest point of the wall.

⁹¹ Updated to remove content about fences not being allowed to cross a property line.

⁹² Obstruction of visibility (visibility triangles) details are incorporated into Access, Connectivity, and Circulation section and noted here for reference.

⁹³ Scenarios 1-3 are new and may be appropriate for Salida. Scenario 4 is the only existing option in the current Code and has been updated to limit these fences in the front and side (street-facing) setback area).

⁹⁴ New.

- b) Retaining walls in excesses of 6 feet in height may be approved by the Director if the applicant demonstrates that unique conditions exist that necessitate a different arrangement and if the design standards of 16-4-80(f)(2)e.3 are met.

3. Design

a) Terracing

Retaining walls greater than six feet in height shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm by:

- 1) Limiting terracing to three tiers, with each tier no greater than six feet in height
- 2) Providing a minimum terrace width of five feet between any two retaining walls with a maximum slope of 3:1 and planted with a minimum of four shrubs per 100 square feet of terrace area; and/or
- 3) The Director may approve reduced terrace depths and alternative landscaping treatments where site constraints limit the amount of space available to accommodate the minimum width and planting densities.

b) Recessions and/or Projections

- 1) Retaining walls that exceed four feet in height and are over 30 feet in length shall incorporate recessions and/or projections that have a minimum wall plane change of two feet.
- 2) A direction change of more than 30 degrees in plan view shall also constitute a recession or projection.
- 3) Retaining wall recession and projection areas shall be landscaped with trees, shrubs, ornamental grasses, and/or and perennials to add visual interest and minimize the impact of the wall from neighboring properties or the public right-of-way.

c) Fence or Wall on Top of Retaining Wall

If a freestanding wall or fence is proposed on top of a retaining wall that is six feet or more in height, then the following shall apply:

- 1) A solid freestanding fence or wall shall be no more than four feet in height.
- 2) If greater height is required as permitted per 16-4-80(f)(2)c.4 then the freestanding fence or wall shall be setback from the top of the retaining wall a minimum of five feet and planted with a minimum of four shrubs per 100 square feet between the retaining wall and the fence or wall.

16-4-90 Site and Building Design

COMMENTARY

This new section consolidates existing standards from Sec. 16-8-120, *Large Scale Commercial Design Guidelines*, Sec. 16-5-50, *Highway 50 Corridor Overlay*, and Sec. 16-5-60, *Highway 291 Corridor Overlay*, and provides additional standards for improved site and building design. These proposed standards are limited and intended to convey the City's goals for quality development design without presenting barriers to affordable housing or development.

(a) Purpose⁹⁵

This section establishes site and building design standards that foster high-quality, attractive, and sustainable development. The standards are further intended to:

- (1) Protect and enhance the character and quality of Salida's neighborhoods;
- (2) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;
- (3) Promote building designs and construction practices that are adaptable to multiple uses for extended building lifecycles;
- (4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings; and
- (5) Balance the community's economic and aesthetic concerns.

(b) Applicability⁹⁶

(1) New Development

Unless otherwise exempted by this Code, the standards of this section shall apply to all development and land uses established after the effective date of this Code.

(2) Additions or Modifications

Site and building design standards shall be installed in conformance with this section if:

- a. An existing primary structure is relocated on the lot;
- b. Any portion of a building or structure exterior that is to be renovated shall comply with the site and building design standards of this section for that renovation. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure;
- c. The gross floor area of an existing structure is expanded or enlarged by 50 percent or more; or
- d. Any expansion or enlargement of a structure or land use that requires conditional use approval, as determined by the Director.

(c) Site Design⁹⁷

(1) Trees and Vegetation

Mature trees and vegetation shall be maintained to the extent possible to provide slope stability and prevent visual scarring. Revegetation with native plant materials is encouraged following development.

(2) Relationship to Adjacent Developments

Elements that shall be coordinated between adjacent sites to the maximum extent practicable include:

- a. Shared driveways for accessing adjoining streets;
- b. Linkages of internal vehicular circulation systems;

⁹⁵ New.

⁹⁶ New.

⁹⁷ New.

- c. Linkages of interior pedestrian systems;
- d. Linkages/continuation of open space systems;
- e. Perimeter open space and landscape buffer zones;
- f. Areas and access for refuse collection;
- g. Drainage and detention facilities; and
- h. Linkages of any other networks and/or functional areas where a coordinated site design approach will benefit the cohesiveness of a larger area, such as shared utility easements.

(3) Pedestrian Access through Parking Areas

Any parking area containing more than 50 parking spaces shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.

(4) Common Recreation Facilities⁹⁸

Any proposed development or subdivision that contains common recreation facilities shall locate such facilities within the development so as to be easily accessible to residents and minimize impacts on neighboring developments.

(5) Residential Building Orientation⁹⁹

All residential dwellings that front a street shall have an entry that faces the street. Units on corner lots need an entryway on only one street, which shall determine their front setback.

(d) Large-scale Development¹⁰¹

(1) Purpose¹⁰²

This section is intended to advance Salida's image as a desirable and attractive community through the thoughtful design and development of large retail stores and commercial centers that reflect the character and identity of Salida. This section is further intended to provide for the reuse of large retail stores commercial developments in support of a resilient local economy and sustainable community.

(2) Applicability¹⁰³

a. New Development

Unless otherwise exempted by this Code, the standards of this section shall apply to any structure of 10,000 square feet or greater established after the effective date of this Code, except for structures in the Industrial, Community Facilities, and Parks and Open Space zone districts. This includes any multi-tenant retail or commercial development with a combined square footage of 10,000 square feet or greater.

b. Additions or Modifications¹⁰⁴

Large-scale development standards for existing development and established land uses shall be installed in conformance with this section to the extent practicable if:

1. The gross floor area of an existing structure is expanded or enlarged by 25 percent or more;
2. The exterior of the primary building or structure exterior is to be renovated. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and

⁹⁸ This is relocated here from the subdivision article (dedication section) since it is not really phrased as a dedication requirement, but more a site design issue. How is this working in practice? Should it be rewritten to provide a more measurable standard?

⁹⁹ New.

¹⁰¹ Existing Sec. 16-8-120. The section's applicability is broadened from just commercial development to also include mixed-use and multi-family.

¹⁰² Updated to simplify and clarify intent.

¹⁰³ Applicability reduced to 10,000 square feet to reflect recent changes to how the Large General Retail use is defined.

¹⁰⁴ New. We propose establishing thresholds for when an addition, modification, or change of use should trigger improvements.

building design standards if that renovation would be inconsistent with the overall design of the existing structure;

3. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more or a reconfiguration of the existing parking area is proposed; or
4. Any expansion or enlargement of a structure or land use that requires conditional use approval, as determined by the Director.

c. Exemption

Development in the Industrial, Community Facilities, and Parks and Open Space zone districts.

(3) Cohesive Design

Each building and structure within a development shall be designed to maintain a consistent architectural theme. Architectural design, building materials, colors, forms, roof style, and detailing shall contribute to a harmonious and consistent design without yielding uniformity of design. This shall include all pads sites within a large commercial development, gasoline pump canopies, and other accessory structures.

(4) "360 Degree" Architecture

- a. 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.
- b. Any facades not facing a public right-of-way may reduce the level of articulation required in subsections (6), *Horizontal Articulation*, and (7), *Vertical Articulation*, below by 50 percent.
- c. A six-foot tall fence or wall constructed of natural materials such as wood, stone, or river rock may be installed along the entire rear lot line, finished side out, to screen the rear elevation in lieu of articulation on that elevation.

(5) Fenestration

Facades adjacent to a public right-of-way shall have 20 percent minimum fenestration. Facades not adjacent to a public right-of-way shall have a five percent minimum fenestration. Exemptions shall be allowed when openings are restricted by the building code.

(6) Horizontal Articulation¹⁰⁵

- a. Buildings shall be designed to reduce unrelieved planes by dividing façades into a series of smaller components. Each building elevation shall incorporate two or more of the following elements for every 50 feet of length:
 1. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows;
 2. Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part;
 3. Change in texture and/or masonry pattern or change in material; and/or
 4. Awnings or canopies extending at least four feet beyond the building face.
- b. The Director shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.

(7) Vertical Articulation¹⁰⁶

- a. Buildings shall be designed to clearly identify the base, body, and top of the structure with horizontal elements separating these components.

¹⁰⁵ Replaces existing articulation standard that establishes a 100-foot horizontal articulation standard with a 3% change in depth over at least 20% of the façade length. Existing façade treatment standards (which required change in pattern every 30 feet) are replaced by these standards.

¹⁰⁶ New.

- b. The building base shall appear visually grounded through the use of any of the following design techniques:
 - 1. Incorporation of low planters and walls;
 - 2. Use of base architectural veneer banding or a wainscot, and treatments defined by different materials, textures, or colors. Base colors should typically be darker than upper level colors; and/or
 - 3. Carefully integrated covered walkways, trellises, or architectural awnings that provide deep shadow at ground level. This has the added advantage of achieving a more articulated building mass.

(8) Roofline Variation¹⁰⁸

The roofline silhouette of buildings shall be varied in order to reduce the visual impact of line and form contrast with the natural environment. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50 feet in length without a visual variation that incorporates:

- a. Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet;
- b. Change in roof height of at least two feet; or
- c. Distinct parapet designs and cornice treatments.

(9) Outdoor Display

Large-scale retail developments may offer for direct sale to the public merchandise that is displayed outdoors, but the area occupied by such outdoor sales and storage, exclusive of warehouses, shall not exceed 100¹⁰⁹ percent of the total square footage of the retail buildings. Sales of recreational vehicles, autos, agricultural implements (e.g., tractors, cultivators, balers) and plant nurseries are excluded from limitations of outdoor display and storage. Outdoor displays may not occupy required parking spaces.

(e) Additional District-Specific Standards

(1) MN District¹¹⁰

The following standards shall apply in the MN district:

- a. Between O Street and Wood Avenue, new structures shall be designed so that the primary building façade is set back no more or less than five feet from the existing location of front façades of adjacent buildings. To support this standard, the Director may apply this alternative front setback instead of any setback required by 16-2-50(a).¹¹¹
- b. All mixed-use and nonresidential structures shall use two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.
- c. A minimum of 20 percent of any building facade adjacent to a public right-of-way shall be glass unless the building containing the primary use is completely screened from the view from the right-of-way.¹¹²

(2) MC District

The following standards shall apply in the MC district:

- a. The minimum required side interior setback may be reduced to zero feet if the adjoining parcel is also within the MC district.
- b. The minimum required rear setback shall be no less than ten feet if primary structure is greater than 35 feet in height.

¹⁰⁸ New.

¹⁰⁹ Changed from 25 percent.

¹¹⁰ Existing standards from Sec. 16-5-50 (Highway 291 Overlay) are included here to apply to the MN district generally (including subdistrict standards). Standards that apply more broadly are not carried forward (e.g., parking and access standards).

¹¹¹ **CONSOLIDATED DRAFT:** Add note to dimensional standards to refer to this section. **STAFF:** Would it make sense to apply this to the entire MN District instead of the area formerly covered by the "Established Residential" subdistrict? Does this standard need to include the existing standard about building to the "uniform historic setback of other buildings on SH 291?"

¹¹² New.

(3) MC and MH Districts¹¹³

The following standards shall apply in the MC and MH districts:

- a. All structures shall use two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.
- b. Blank façade walls greater than 50 feet in length shall be avoided and broken up using different materials and architectural elements.
- c. A minimum of 20 percent of any building façade adjacent to a public right-of-way shall be glass unless the building containing the primary use is completely screened from the view from the right-of-way.

(4) MD District¹¹⁴

To reflect historic settlement patterns, support the economic vitality of Downtown Salida, and encourage the development of structures that enhance the historic character of the MD district, the following standards shall apply to any construction in the MD district. There are additional requirements in the Downtown Historic District Overlay.

- a. New structures shall be designed so that the primary building façade aligns with the façades of adjacent buildings. If the majority of structures on a block are at zero front setback, then any new structures shall be at zero front setback, with exceptions being allowed by approval of the Director.
- b. Any construction shall be similar in form (often simple rectangular forms) to existing development on the block that reflects traditional building form.
- c. Alterations and remodels shall preserve existing historical details.
- d. New structures shall use similar architectural features to existing development on the block, including but not limited to:
 - 1. Articulated front façades, and side façade of a corner lot, with architectural treatments (no long, blank walls).
 - 2. Roof form;
 - 3. Window proportions and placement (vertical emphasis is encouraged);
- e. Structures shall use similar materials to existing development on the block, including but not limited to:
 - 1. Primary use of brick or wood on building facades; and
 - 2. Two or more materials on the building façade, excluding roofing and structural materials. Exposed tilt-up concrete is prohibited, and metal shall not exceed 25 percent of the surface area of exterior materials excluding roofs.
- f. Structures shall use similar architectural details to existing development in the district to contribute to the sense of character of the street. However, to enhance the distinction between old and new buildings, contemporary interpretations of traditional details are encouraged.
- g. Except for areas between E & D Street, and between 3rd & 4th Street: The ground-floor street frontage of buildings shall not be used for residential uses as defined by 16-3 and no more than 50 percent of the remaining area of the ground floor occupancy may be used for residential uses. The applicant may request conditional use approval to allow more than 50 percent of ground floor occupancy if the Director determines that the limitation on residential uses will create a significant economic hardship and subject property cannot be put to any other reasonably beneficial use.

¹¹³ Existing standards from Sec. 16-5-60 (Highway 50 Overlay) are included here to apply to the MH district. Increased height standard is not carried forward since it has been replaced by similar standards for the overall district.

¹¹⁴ Existing standards from Sec. 16-5-90 related to the Central Business Economic Overlay (CBEO) and Sec. 16-5-40 (HPO) are carried forward and consolidated here. They are simplified so they can apply as broadly as possible and language made as concrete as possible.

(f) Residential Adjacency¹¹⁵

COMMENTARY

This new section is proposed to reduce the impacts of higher-intensity development on adjacent residential neighborhoods, including potential adjustments to building and structure setbacks and height, regulation of nuisances, and other standards that minimize impacts to residential development.

This is the section that we reference in the district dimensional standards that may apply to building height and side and rear setbacks in the MN, MC, MH, MD, and IN districts. This type of regulation is sometimes proposed to offset community concerns about the impacts of increased density and more flexibility with land use permissions. It can be both a helpful tool for reducing impacts on neighborhoods and messaging that the Code is allowing density and flexibility but not ignoring the potential impacts.

(1) Purpose

This section establishes standards that promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when mixed-use and nonresidential development is located near residential zoning districts.

(2) Applicability

This section applies to new nonresidential and mixed-use development in the MN, MC, MH, MD, or IN districts that adjoins a residential zone district. "Adjoining" means directly contiguous; properties separated by right-of-way are not considered adjoining.

- a. For mixed-use developments, this section applies to portions of a development that are nonresidential.
- b. The Director may reduce or eliminate any standards required by this section with written consent of the adjoining property owner(s).

(3) Use and Activity Limitations

Outdoor public address systems are prohibited.

(4) Site Design

- a. To the extent feasible, nonresidential developments shall be designed with higher activity areas, such as parking, circulation, loading, and delivery areas, oriented away from adjacent lots in residential districts.
- b. Where site limitations necessitate higher activity levels adjoining to lots in residential districts, additional landscaping and/or screening may be required.
- c. Off-street loading areas shall not be located within 30 feet of adjoining lots in residential districts unless no other feasible options are available, and the project is designed to mitigate impacts on adjoining properties.

(5) Building Orientation

- a. Horizontally integrated mixed-use developments shall locate nonresidential uses away from the adjoining lots in residential districts.
- b. Developments shall be constructed such that the facade design, including roof lines and roof treatments, is consistent on all sides of the building that are visible from public streets or lots in residential districts.
- c. Any building or structure adjoining lots in residential districts shall comply with the minimum side or rear building setbacks of the adjoining residential zoning district along the common property line.

¹¹⁵ New.

16-4-100 Outdoor Lighting

COMMENTARY

This section replaces the existing section 16-8-100, *Illumination Standards*, with an entirely new ordinance drafted for the City of Salida by Clanton Associates. The intention of this new ordinance is to balance the need for safety with a desire for reducing obtrusive and glaring light to become an International Dark Sky Community (IDSC).

[reserved]

Article 16-5 Subdivisions

COMMENTARY

This article carries forward design and dedication requirements from Article 6. Subdivision approval procedures (including many approval criteria) were drafted in Installment 1 and are now located in 16-8-60.

Plat requirements, certificates, and other information related to required forms or application materials (e.g., Sec. 16-6-110) are not carried forward and are instead recommended to be included in an administrative manual that lives outside of this Code. This allows the City to adopt changes with approval of the City Council without going through a code amendment process.

Existing subdivision standards that could apply to all developments (e.g., PDs) have been consolidated with new and existing standards in Article 16-4. The standards that remain in this section are solely applicable to subdivisions.

16-5-10 Purpose and Applicability¹³⁴

(a) Purpose

This article is intended to establish the minimum standards for the design and improvement of land subdivision and land splits to:

- (1) Facilitate the orderly growth and harmonious development of the City and to protect and promote public health, safety, and welfare.
- (2) Provide lots with sufficient size and appropriate design for the purposes for which they are to be used;
- (3) Protect the natural environment and scenic beauty of Salida by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, slopes, ridgelines, native vegetation, and trees and to control erosion and minimize runoff;
- (4) Provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic;
- (5) Encourage the placement of roads and driveways so that they follow natural topography wherever possible, and minimize cutting and grading;
- (6) Ensure safe and efficient pedestrian, bicycle, and traffic circulation through coordinated and connected street, trail, and sidewalk systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;
- (7) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;
- (8) Provide for adequate sites for schools, recreation areas, access to public lands (trailheads), and other public purposes;
- (9) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;
- (10) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne by the development; and
- (11) Where applicable, encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards.

¹³⁴ New. Replaces existing Sec. 16-6-10, which provided definitions of different types of subdivisions, which does not seem relevant if this section applies to all subdivisions of land.

(b) Applicability

- (1) Unless otherwise exempted by this Code, the standards of this article shall apply to all subdivisions and land divisions located wholly or partially within the City.
- (2) Any subdivision shall comply with all applicable City building, fire, and safety codes for the proposed development. In the event of a conflict between this article and other provisions of this Code or other chapters of the Municipal Code, the more restrictive provisions shall prevail.

(c) Exception

Subdivision plats approved prior to the effective date of this Code shall not be regulated by this article unless:

- (1) There is a re-subdivision; or
- (2) The plat is not recorded within six months of the date of approval of the plat.

16-5-20 Subdivision Standards

In order to achieve the intent and purpose of this article, all subdivisions shall comply with the following standards:

(a) Lot Planning

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, street traffic, or other conditions. The following standards shall apply:

(1) Number of Lots Created¹³⁵

- a. For a new subdivision, the maximum number of lots created shall comply with the dimensional standards set forth for the applicable zoning district.
- b. All lots created shall comply with the dimensional standards set forth for the applicable zoning district.

(2) Lot Size and Configuration¹³⁶

- a. Lot width, area, and building setbacks shall comply with the requirements of this Code and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.
- b. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.
- c. Double frontage lots and other irregularly shaped lots are prohibited unless approved by the Director due to natural resource protection, irregular site features, or topography. Where a double frontage lot is necessary, a ten-foot planting and screening easement shall be provided along the portion of the lot that abuts a street and access across the easement is not permitted. The easement shall be maintained by the property owner.
- d. Flag lots are discouraged but shall meet the following standards when proposed:
 1. The minimum width of the flagpole portion of a flag-shaped lot shall be no less than 30 feet for a residential lot.
 2. The minimum width of the flagpole portion of a flag-shaped lot shall be no less than 40 feet for a mixed-use or nonresidential lot.
 3. The maximum length of the flagpole portion of a flag-shaped lot shall not exceed 300 feet.
- e. Lots that face into oncoming traffic of a "T" intersection shall be designed to ensure that the building area does not face directly into the oncoming traffic of the intersecting street.

¹³⁵ Existing standards for conformance to zoning district standards are rephrased here.

¹³⁶ New except for b. and c., below.

- f. Corner lots may be required to be wider than interior lots to provide for setback requirements.
- g. Residential lots should only front local streets. However, when necessary, lots designated to face a highway shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

(3) Access¹³⁸

- a. Every residential lot shall abut a public or private street. Access to residential lots shall be from local streets except as specifically authorized by the Director and the Public Works Director.
- b. At least two points of vehicular access shall be provided into a proposed subdivision, where feasible, unless it can be shown to the satisfaction of the Public Works Director that legal, topographical, and/or engineering constraints preclude such access.
- c. For lot splits, shared common access shall be provided to the maximum extent practicable.

(b) Development and Design Standards¹³⁹

See Article 16-1.

(c) Public Works Standards¹⁴⁰

Public infrastructure shall be constructed in accordance with City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets and the City of Salida Standards for Construction. If no standard or specification can be found, then the standard or specification used shall be subject to approval by the Public Works Director.

(d) Comprehensive Plan

Any proposed subdivision shall carry out the purpose and spirit of the City's Comprehensive Plan and conform with the objectives, guiding principles, and recommended actions of the Plan.

(e) Nuisance¹⁴¹

- (1) Any proposed subdivision shall be designed to maximize compatibility with surrounding land uses and limit impacts from noise, odor, glare, light trespass, and shall not result in excessive impacts on the privacy, solar access, and views of neighboring properties.
- (2) Where a proposed subdivision borders on or contains highway right-of-way, the City shall require adequate provisions for the reduction of noise, including but not limited to a parallel street, landscaping, screening, easement, greater lot depth, increased setbacks, and fencing.

(f) Natural Features

- (1) To the extent practicable, lots and blocks shall be designed to provide desirable settings for structures by making use of natural contours, maintaining existing views, maximizing privacy for residents, and protecting residents from adverse noise and vehicular traffic.
- (2) Tracts of land or portions thereof lying within the 100-year floodplain may only be subdivided for open space unless the developer or applicant demonstrates that compliance with 16-4-20(c).
- (3) Natural features and native vegetation shall be preserved whenever possible.
- (4) Tree masses and individual trees of six-inch caliper or greater shall be preserved.

¹³⁸ New.

¹³⁹ To reduce duplication of standards that would apply to subdivisions alongside PDs and other development, this standard is proposed. Overlapping standards from Article VI are removed.

¹⁴⁰ New.

¹⁴¹ Previously listed under Comprehensive Plan. Language updated to include a more complete list of nuisances and soften language to avoid denial of compliant projects that cause any impacts (a difficult standard to define).

(g) Phasing

- (1) Any subdivision planned to be developed in phases shall provide the necessary improvements and dedications, including but not limited to required parking spaces, landscape areas, utilities, and streets, that are necessary for creating and sustaining a stable environment.
- (2) When a tract is subdivided into lots that are intended for future resubdivision, such lots shall be arranged so as to permit the logical location and establishment of future streets, adequate utility easements, and vehicle, pedestrian, and bicycle circulation for such resubdivision.

(h) Building Design

The following standards are intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles for major subdivisions.

- (1) To avoid uniformity and lack of variety in design among housing units within the subdivision, no residential façade elevation shall be repeated more than once every five 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 façade elevations). Mirror images of the same residential façade shall not count as two distinctly different façades.
- (2) No residential elevation shall be repeated directly across the street from the same façade elevation.
- (3) The Planning Commission may waive the building design standards of this section if the applicant 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.

(i) Inclusionary Housing

See Article 16-9.

(j) Dedication for Public School Sites¹⁴³

(1) Purpose

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. By requiring land dedication or conveyance for public school capital facilities or payments in lieu of such dedication or conveyance is intended to provide a portion of the resources to meet such demand.

(2) Applicability

- a. All residential subdivision applications, all planned developments creating residential dwelling units, and other land use applications for properties that exceed five acres and include residential development, 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, subject to the requirements of 16-5-20(j)(3), *Dedication*, below. 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.
- b. All new residential dwellings, including primary and accessory dwelling units, not subject to subsection (a) above shall pay the fee-in-lieu of school site dedication required by the current fee schedule, unless exempted in subsection (c) below. This fee shall be paid at the time of building permit submittal.

¹⁴³ Existing Sec. 16-6-140. Consolidated draft: Include reference to this section in the Planned Developments section, since PDs also must comply with these dedication standards.

c. Exemptions

The following uses are exempt from this section:

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, 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 Fair Housing Act; and
5. Construction of any legally restricted affordable housing unit, as designated by the City.¹⁴⁴

(3) Dedication

- 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 0.0138 acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount established by resolution of the City Council. The applicant may elect for such amount (as adjusted) 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 it is determined that dedication or conveyance of land is required the applicant shall provide proof that the dedication has been made to the School District prior to recording the final plat, in a manner and on terms satisfactory to the School District and in accordance with the following requirements:¹⁴⁵
 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 over lot 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 lot that meets the School District's land area requirements.

¹⁴⁴ Staff is consulting with CC/PC to determine if this exemption should be continued.

¹⁴⁵ Staff is consulting with school district to confirm this is still accurate.

16-5-30 Parks, Trails, and Open Space Dedication¹⁴⁶

(a) Purpose

This section is intended to ensure that a comprehensive, integrated network of parks, trails, and open spaces is developed and preserved as Salida grows.

(b) Applicability

Any proposed subdivision shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing publicly accessible parks, open spaces, recreation facilities, and/or trails or other public purposes as determined by the City for the benefit of residents of the development.

(c) Dedication Requirement

(1) Quantity

- a. A minimum of 0.02 acres of parks, trails, and open space shall be dedicated per residential unit¹⁴⁷ of any 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 are proposed, the dedication shall still be provided based on the number of residential units.
- b. All areas dedicated for parks, trails, and open space shall 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.
- c. Lands dedicated for parks, trails, or open space shall not be counted towards the landscape area required for each lot in the subdivision.

(2) Quality

- a. 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.
- b. Dedicated park land may include floodplain lands, national and state historical or natural features, and proposed public areas set aside in state, regional, county, or City comprehensive plans. Land dedicated shall not include sites for technical, private, or public schools or public agencies; sites for service organizations that are not open to the general public; and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features that may be harmful to health and safety.¹⁴⁸
- c. When a land dedication, designation or easement is accepted by the City, the City Council shall have full discretion to require the applicant 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.

¹⁴⁶ Existing Sec. 16-6-120(8) is reorganized and simplified. New standards and substantial changes are noted.

¹⁴⁷ Staff is considering a proposal to modify the basis for dedication from residential units to total land area.

¹⁴⁸ New.

(d) Alternatives

(1) Extraordinary Contributions

The Planning Commission may recommend a reduction of the overall dedication requirement if it is determined that the land proposed for dedication is an extraordinary contribution that meets a unique or highly desired purpose of the community. Examples of extraordinary contributions may include public access to a waterway or important trail connections.

(2) Alternate Site

The Planning Commission may accept a dedication of an alternate parcel of land to the City in-lieu of dedicating land within the subdivision if the alternate parcel meets the following standards:

- a. The parcel meets or exceeds the required quantity of land required for dedication;
- b. The parcel meets or exceed the quality of land that would otherwise be provided within the subdivision; and
- c. The parcel reasonably serves the recreational needs of the proposed development.

(3) Partial Waiver¹⁴⁹

The Planning Commission may authorize a partial waiver of up to 25 percent of the land dedication requirements, subject to the finding that one or more of the following community goals can be satisfied:

- a. The application can provide deeded access by easement or fee title to public lands, river corridors, or other public facilities.
- b. The application proposes public on-site recreational and/or active and passive open space amenities that exceed the minimum requirements as required by this Code.
- c. The application proposes to construct improvements to the City's trail system as identified in the Parks, Recreation, Open Space, and Trails (PROST) Master Plan, or other applicable plans, goals, or policies.
- d. The contribution of improvements to an existing City park or recreation facilities, on a dollar-for-dollar basis.
- e. The contribution to off-site greenway and streetscape improvements, on a dollar-for-dollar basis.

(e) Fee-in-lieu of Dedication

(1) Applicability¹⁵⁰

- a. In the event parks, trails, and open space are not needed within the area of development due to the size of the development or due to the close proximity of other parkland to the development, the City Council may require the applicant to pay the City a fee-in-lieu of land dedications or to transfer other property owned by the applicant to the City for use as parkland.
- b. The amount of a cash payment required shall be based on the number of acres of parkland dedication that otherwise would be required, less any reductions for private recreation facilities as provided above.

(2) Calculation¹⁵¹

- a. A fee-in-lieu of dedication shall be determined by either:
 - 1. An appraisal provided and paid for by the applicant to determine the property's value where no appraisal shall be more than six months old and shall be prepared by a qualified appraiser;
 - 2. A contract purchase price on the subject property at the determination of the City Council; or

¹⁴⁹ New.

¹⁵⁰ Applicability updated to be at the discretion of the City as opposed to being the role of the applicant to demonstrate that any dedication is not practicable. Standards for deferral of fee-in-lieu are removed.

¹⁵¹ Section 16-6-120(8)(iii) and Section 16-6-120(8)(iv) are consolidated here with simplified language. New standard proposed to allow a partial provision of land and partial payment of a fee-in-lieu at discretion of City Council.

3. Based on a per-acre value for residential land in an amount to be adopted by the City Council by ordinance.
- b. Proposed condominium projects with five or more residential units that have not already provided open space through an approved subdivision shall provide a fee for parks, trails, and open space as established by resolution of the City Council for each residential unit.
- c. The City Council may accept other property not within the development instead of or as a partial payment toward the cash payment required for a fee-in-lieu. The value of the other property shall be its market value, as determined by a qualified appraiser selected jointly by the City and the applicant. The cost of such appraiser shall be paid by the applicant.

(3) Payment¹⁵²

- a. The City Council may accept other property not within the development instead of or as a partial payment toward the cash payment required for a fee-in-lieu. The value of the other property shall be its market value, as determined by a qualified appraiser selected jointly by the City and the applicant. The cost of such appraiser shall be paid by the applicant.
- b. Payment in lieu of land dedication shall be required as a condition of any development permit and made prior to issuance of any building permit.
- c. Fee-in-lieu payment shall be placed in a recreation fund to be established and maintained by the City for the acquisition and improvement of land for parks, playgrounds, and recreation areas in the City that may benefit the residents of the City in general, as well as those of the proposed subdivision.

16-5-40 Improvement Agreements

COMMENTARY

This section carries forward the general content of current 16-2-60. Content has been slightly rewritten for consistency and the organization has been improved.

(a) Applicability

(1) Subdivision Improvement Agreements

Prior to or concurrent with the final approval of a Major or Minor Subdivision Plat, an applicant shall establish a subdivision improvement agreement with the City Council that meets the requirements of this section.

(2) Development Improvement Agreements

The Public Works Director may require that an applicant for a site plan or building permit enter into a development improvement agreement that meets the requirements of this section to ensure compliance with section 16-4-50, *Streets, Utilities, and Services*, and other applicable requirements of this Code.

(b) Contents of Improvement Agreement

Any required subdivision or development improvement agreement shall include the following:

a. Financial Performance Guarantee

The improvement agreement shall include a financial performance guarantee to construct all required development improvements together with collateral, which shall be sufficient to provide for the completion of the improvements in accordance with the engineering design and the development schedule.

b. Schedule of Improvements

The improvement agreement shall include a schedule of improvements showing in detail the public and other required improvements, including shallow utilities, landscaping, revegetation, and other

¹⁵² New.

subdivision or development improvements that the developer or applicant shall be responsible for constructing, and the estimated cost of completion.

(c) Approval of Improvement Agreement Required Prior to Commencement of Work

No work shall commence on any improvements by the developer or applicant until a financial performance guarantee is provided pursuant to appropriate sections of the improvement agreement and the schedule of improvements has been approved by the City.

(d) Design, Construction, and Inspection

(1) Construction of Improvements

- a. The applicant, at its sole expense, shall design, purchase, and install all elements of all required improvements whether such improvements are located on- or off-site.
- b. All improvements shall be constructed in accordance with the applicable provisions of the City of Salida Public Works Manual in effect as of the date of the improvement agreement, unless otherwise provided in the approved plans and specifications.
- c. All improvements shall be designed and approved by a registered professional engineer retained by the applicant. All drawings and plans for such improvements shall be stamped by the engineer.
- d. The applicant shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all required improvements for review and approval by the Public Works Director, and any incidental services related to the construction of the required improvements. The legal description of all utility service lines shall be prepared by a registered land surveyor at the applicant's or developer's sole expense. In addition, all expenses incurred by the City in updating the City's base maps shall be paid by the applicant or developer, to the City.
- e. Prior to the commencement of construction of required improvements, the Public Works Director shall review and approve the plans and specifications.
- f. All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work unless a building permit application has been requested for a particular lot. In addition, the applicant or developer shall control all noxious weeds within such areas to the reasonable satisfaction of the City until conveyed to individual lot owners.

(2) Construction Schedule

- a. The improvement agreement shall include a time schedule for the construction and completion of the improvements, including a commencement date and date when required improvements will be substantially completed. Under such schedule, all required improvements shall be completed no later than one year following the start of development.
- b. The City Council may extend the deadline for commencement and/or completion of required improvements in response to a written request from the developer or applicant in an amount equal to the time lost due to an unforeseen cause or delay beyond the control and without the fault or negligence of the developer or applicant.
- c. Delays beyond the control of the developer or applicant shall include, but not be limited to, acts of neglect by the City, fires, floods, epidemics, abnormal weather conditions, strikes, freight embargos, or acts of God.
- d. Extensions of deadlines, however, will not be granted for rain, snow, wind, or other natural phenomena at normal intensity within Chaffee County. Delays attributable to and within the control of the developer, applicant, or their contractors, subcontractors or suppliers shall be deemed to be delays within the control of the developer or applicant.

(3) Inspection and Approval by Public Works Director

- a. The City shall have the right to make engineering inspections and require testing during construction of required improvements in such reasonable intervals as the Public Works Director may request.
- b. Inspection, acquiescence, and approval of any engineering inspector of the construction of physical facilities, at any particular time, shall not constitute the approval by the City of any phase of the construction of required improvements. Such approvals shall be made by the City only after completion of construction as established by this section.
- c. Upon completion of construction of required improvements, the Public Works Director shall inspect the improvements and certify with specificity its conformity or lack thereof to the approved plans and specifications. The applicant or developer shall make all corrections necessary to bring the required improvements into conformity with the approved plans and applicable City standards. The City shall be under no obligation to provide water or wastewater service until all required improvements are brought into conformance with the approved plans and specifications and approved by the Public Works Director.
- d. Prior to approval and acceptance of the construction and installation of required improvements, the applicant or developer shall pay to the City the actual cost of all inspections and consultant fees incurred in preparing and administering the improvement agreement.

(e) Conveyance of Public Improvements

- (1) All required public improvements constructed by the applicant or developer in accordance with the improvement agreement, including water mains, service lines, laterals, fire hydrants, and other water distribution facilities; all irrigation lines and facilities; all wastewater collection mains, lines, laterals, and related improvements; handicap ramp improvements; and required curbs, sidewalks, and street improvements, shall be dedicated to the City.
- (2) Upon completion of construction in conformity with the approved plans and specifications, and any properly approved changes, the applicant or developer shall convey to the City all physical facilities constructed by the applicant or developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities.
- (3) Acceptance of any conveyance of public improvements shall be authorized by the Public Works Director. Following such dedication or conveyance, the City shall be solely responsible for the maintenance of such improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.

(f) Warranty

- (1) The applicant or developer shall warrant all required public improvements constructed by the applicant or developer that are conveyed or dedicated to the City per the improvement agreement for a period of one year from the date the Public Works Director certifies conformance to the approved plans and specifications. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved plans and specifications submitted to the City shall be warranted for a period of two years following completion and approval.
- (2) Specifically, but not by way of limitation, the applicant or developer shall warrant the following:
 - a. That the title conveyed shall be good and its transfer rightful; and
 - b. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
 - c. Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.

(g) Guarantee**(1) Performance Guarantee**

- a. To secure the construction and installation of required improvements, the applicant or developer shall furnish the City with cash, letter of credit, cash bond, performance bond, or other security acceptable to the City Attorney to secure the performance and completion of any required improvements established in the improvement agreement, in an amount equal to 125 percent of the estimated cost of said improvements.
- b. The cost estimate is solely to determine the amount of security required and may be revised at any time to reflect actual costs. No representations are made as to the accuracy of these estimates, and the applicant or developer shall agree to pay the actual cost of all required improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the applicant's or developer's liability.
- c. If a substantial amount of time elapses between the time of posting of the performance guarantee security and actual construction of the improvements, the City reserves the right to require a reasonable increase in the amount of the applicable security, if necessary, because of estimated increased costs of construction.

(2) Partial Release

- a. The developer or applicant may apply to the City for a release of part or all of the collateral deposited with the City upon completion of portions of the required improvements as evidenced by a detailed cost breakdown of the completed improvements and submittal of as-built drawings.
- b. Upon inspection and approval, the City may authorize the reduction of the amount of any performance guarantee security issued as part of the improvements agreement to 75 percent of the approved estimated cost for the installation of required improvements, upon written request of the applicant or developer, and approval by the City Council.
- c. Upon completion of all required improvements, and upon final inspection and approval by the Public Works Director, the City Council shall further authorize the reduction of the amount of the security guaranteeing the public and other required improvements by ninety percent of the total estimated cost of all required improvements.

(3) Full Release

A performance guarantee issued as part of the improvements agreement shall be fully released and discharged upon expiration of the warranty period and any required correction of any defects discovered during such warranty period.

(4) Notice of Default

- a. Upon failure to perform its obligations under the terms of an improvements agreement within the established time period, the Administrator shall give written notice to the applicant or developer of the nature of the default and an opportunity to be heard before the City Council concerning such default.
- b. Any default shall be remedied within 30 days of receipt of the notice or of the date of any hearing before the City Council, whichever is later, or such reasonable time period as is necessary to cure the default provided that the applicant or developer has commenced to cure the default.
- c. Following the established time period for remedy of a default, the Administrator shall give written notice to the applicant or developer and to the issuer or holder of the performance guarantee security that the City, as agent for the applicant or developer, is proceeding with the task of installing the required improvements in whole or in part and that the said security will be expended by the City for the installation of required improvements.

Article 16-6 Signs

COMMENTARY

This article carries forward the existing Article 10 with minimal changes—reorganization, formatting, and grammar—unless otherwise footnoted. Regulations have been made content-neutral to comply with recent federal case law.

If staff finds that existing standards are difficult to interpret and implement, this section may be a candidate for a more significant update (i.e., standardization of regulations across zoning districts, uses, and sign types and organization into a single table of standards). Where possible, district- and use-specific standards are applied more broadly to all signs of that type to standardize regulations.

Procedures for sign permits and comprehensive sign plans are maintained in this article, but could be considered for relocation to Article 16-8, *Administration and Procedures*.

16-6-10 Purpose¹⁵³

- (a) The purpose of this article is to promote the public health, safety, welfare, and aesthetics through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:
 - (1) 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) To protect the public, including people walking, biking, and driving, 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) To protect the public by prohibiting the display of signs that are designed, constructed, installed, or maintained in a dangerous manner.
 - (4) To protect, enhance, and preserve the visual beauty and aesthetic character of Salida 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) 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) 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.
- (b) This article is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over noncommercial speech. A noncommercial message may be substituted for another noncommercial message displayed on a sign, or the content of any noncommercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit; provided, that the size of the sign is not altered. To the extent any provision of this article is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.¹⁵⁴

16-6-20 Applicability

(a) Conformance

This article shall apply to all signs located within the City, unless specifically exempted by this Code.

¹⁵³ Findings have been removed from this section. They seem to be repetitive to the purpose statements.

¹⁵⁴ New.

(b) Nonconforming Signs

(1) Continuation

Any sign legally established on the effective date of this Code that does not conform to any provisions of the Code shall be allowed to remain and to be maintained in good repair, subject to the discontinuance provisions below.

(2) Discontinuance

A legal nonconforming sign shall be removed if any one of the following conditions occurs. In all such cases, if a replacement sign is proposed it shall be constructed in accordance with the provisions of this Code.

- a. If a change of use occurs, regardless of ownership, such that the new use would be a different classification under [Table 3-A, Table of Allowed Uses](#);
- b. The primary use with which the sign is associated terminates for 180 days or longer;
- c. The primary building with which the sign is associated is demolished or destroyed;
- d. 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 weeks), unintentional act of another, or an act of nature, the replacement sign shall be constructed in conformance with the provisions of this Code if the estimated cost of restoration to its condition before the occurrence exceeds 50 percent of the value of the sign structure prior to being damaged; or
- e. 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.

16-6-30 General Sign Standards¹⁵⁶

(a) District-Specific Sign Standards¹⁵⁷

(1) Sign Dimensions and Illumination

Permitted signs shall meet the standards listed in Table 6-A, below:

¹⁵⁶ This section consolidates the standards of Sec. 16-10-50, *Time, Place, and Manner for Display of Signs*, including Table 16-L and Table 16-M, with some edits proposed by staff. Where possible, repeated standards have been consolidated.

¹⁵⁷ Election sign standards have been removed (not content neutral and therefore contradict recent federal case law) and have been replaced with temporary sign standards in 16-6-40 that would apply to these (and similar) signs.

Table 6-A: Sign Dimensions and Illumination

| Applicability | Permitted Sign Type(s) | Sign Height, max. | Sign Surface Area, max. ¹⁵⁸ | Total Sign Area, per lot, max. | Illumination |
|--|--|---|--|--------------------------------|---|
| R1 / R2 / R3 / R4 (All Uses) | Ground, wall, window | 5 ft. | 9 sf | 9 sf ^[4] | Not permitted |
| All Other Districts (Residential Uses) | Ground, wall, window | 5 ft. | 9 sf | 9 sf ^[4] | Not permitted |
| MN ¹⁵⁹ (Nonresidential Uses) | Ground, pole, projecting, sidewalk, wall, window | 5 ft. | 50 sf ^[1] | 100 sf ^[2] | Externally illuminated |
| MD (Nonresidential Uses) | Ground, projecting, sidewalk, wall, window | Ground sign: 5 ft. | 100 sf ^[1] | 200 sf ^[2] | Externally illuminated ^[3] Internally illuminated signs required a Creative Sign Permit |
| MH / IN (Nonresidential Uses) | Ground, pole, projecting, sidewalk, wall, window | Pole sign: 20 ft. Ground sign: 8 ft. | 100 sf ^[1] | 250 sf ^[2] | Externally or internally illuminated |
| MC | Ground, projecting, sidewalk, wall, window | Ground sign: 5 ft. | 100 sf | 250 sf ^[2] | Externally or internally illuminated |
| Note | | | | | |

^[1] Sign area is limited to 25 square feet or one square foot of sign area for each linear foot of lot frontage on a street, whichever is greater. If there is more than one floor of nonresidential uses, an additional one-half-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] As part of a Comprehensive Sign Plan, the Director may determine if additional total sign area may be allowed to accommodate a development with a significant number of non-residential uses on a single lot.

^[3] Internally illuminated signs in the MD District may be considered via a Creative Sign Permit Application

^[4] Multi-family uses of more than eight units are allowed one ground sign of up to 16 square feet.

(2) Nonresidential Uses in Mixed-Use and Other Districts

The following standards shall apply to the following types of signs associated with nonresidential uses in any district besides R1, R2, R3, and R4:

a. Sidewalk Signs¹⁶⁰

1. Nonresidential uses in the MN, MC, MH, and MD districts may display one sidewalk sign per business on the sidewalk adjacent to the public business entrance of the building. If the business entrance is not adjacent to a public 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.
2. Sidewalk signs shall have a maximum width of three feet and a maximum height of five feet.
3. Sidewalk signs shall not present a danger to the public or impede the reasonable flow of pedestrian traffic, and allow spacing that meets ADA requirements.
4. Sidewalk signs may only be displayed during business hours.
5. Sidewalk signs do not require a sign permit and do not count towards total sign area allowed.

¹⁵⁸ Existing standard for nonresidential uses in commercial zones is 100 ft. maximum sign area (250 sf combined), which is a lot of signage, but also conflicts with a standard that limits signage to 25 sf (or 1 sf per foot of street frontage)

¹⁵⁹ Existing RMU district allows 6 ft. height but 291 CO overlay is limited to 5 ft., which is carried forward. Max. combined sign area reduced to 1000 sf from 250 sf in this district.

¹⁶⁰ Updated to allow one sidewalk sign per business instead of per building.

b. Window Signs

1. Window signs do not require a permit and do not count towards total area permitted.
2. Window signs shall meet all other requirements and standards for the display of signs under this Code.

(b) Subdivisions and Planned Developments

The following standards shall apply to any planned development or subdivision of land into more than eight lots:¹⁶¹

- (1) Each final plat of a subdivision or final plan of a planned development may be required to 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.
- (2) One sign of up to 32 square feet in area may be displayed at each street entrance to a subdivision or planned development for up to two years from the beginning of the physical development process for the purposes of advertising the development and advertising property sales.
- (3) One permanent ground sign of up to 16 square feet in area is permitted per street entrance.

(c) Sign Measurement¹⁶²**(1) Total Sign Area**

The total area allowed for signs shall include all signs displayed on the site.

(2) 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.

(3) Sign Support

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

(4) 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.

(5) Multi-Face Signs

The sign area for a sign with more than one 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 sign faces are placed back to back and are at no point more than two feet from each other, the area of the sign shall be counted as the area of a single face.

(6) 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.

(d) Sign Location and Appearance**(1) Quality and Safety**

All signs shall be of professional quality and displayed in a safe manner.

(2) Externally Illuminated Signs

Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of people walking, biking, and driving. Lighting shall be placed so as to light downward onto a

¹⁶¹ New. Established that these standards only apply to subdivisions of a certain size—not just any subdivision of land.

¹⁶² Consolidated draft: Add illustrations of these measurements.

sign and be fully shielded. Fixtures used to illuminate signs shall be aimed so as not to project their light beyond the sign.

(3) Internally Illuminated Signs

Internally illuminated signs shall be designed so that the bulbs or light source are not visible from any angle. 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.

(4) Digital Displays

To allow for modernization of signs while still prohibiting Moving Signs, one digital/LED display as part of either a wall, pole, or ground sign is allowed per property in the MH district, or within a PD Overlay if specified in the Final Development Plan.¹⁶³ A digital display screen shall not exceed 32 square feet. A minimum of two minutes must elapse between any change to the sign. To minimize unnecessary illumination, the background shall be darker than the text or image on the sign. At no time shall the lumens exceed xxxx. Digital/LED signs must be turned off between the hours of 10:00pm – 6:00am, with the exception of operating hours for businesses open within this range.¹⁶⁴

(5) Location of Signs

No sign shall be located within any visibility triangle established per 16-4-60(f)(5) between the height of two and ten feet above finished grade.

(6) Architectural Elements

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

(7) 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 article.

(8) Right-of-way

Any sign that 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 that support the proposed sign.

(9) 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 application procedure in section XX-XX-XX, is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

(e) Prohibited Signs¹⁶⁵

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

¹⁶³ Discuss if want to allow elsewhere, i.e. Sundry? other?

¹⁶⁴ This is in lighting ordinance. Discuss if it applies to signs, and if so, does it apply to all lighted signs?

¹⁶⁵ Standard prohibiting "Uncivil Signs" has been removed because it regulates the content of a sign.

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 Signs¹⁶⁶

No roof sign shall be erected. Signs that are manufactured into the material of awnings shall not be considered roof signs.

(8) Obsolete Signs

Signs or sign structures, excluding murals, that advertise an activity, product, or business that no longer occupies the premises on which the sign is located shall be removed by the legal owner of record of the property within 180 days after the activity, product, or business is no longer active. Obsolete signs that are an integral part of the facade or are determined to be historically significant by the Administrator are permitted.

(9) Attention-Attracting Devices

Attention-attracting devices are prohibited, unless otherwise approved under this article.

16-6-40 Specific Sign Type Standards¹⁶⁷

(a) Pole Signs

Pole signs shall be a minimum of eight feet above grade when located adjacent to, or projecting over, a pedestrian way.

(b) Projecting Signs

- (1)** Projecting signs shall not be higher than the eave line or parapet wall of the building, shall be a minimum of eight feet above grade when located adjacent to, or projecting over a pedestrian way, and shall not extend more than 4.5 feet from the building wall.

¹⁶⁶ Updated to remove definition of a Roof Sign – definition language has been relocated to Article 16-10.

¹⁶⁷ Sec. 16-10-40, *Types of Signs*, included definitions for types of signs, which have been relocated to the definitions article. Standards that were located in those definitions are included in this section.

- (2) When two sign faces are placed back-to-back and are at no point more than two 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.

(c) Wall Signs

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 inches from the building wall.

(d) Murals

Murals, when promoting a business, shall be considered a type of wall sign. When not promoting a business, murals are not considered a sign. Refer to the table below for mural standards.

| Table 6-B: Review Process for Murals | | |
|--|--|---|
| | Within Creative District | Outside Creative District |
| Includes Business Promotion | | |
| Meets sign area standards | Standard sign permit process | |
| Does not meet sign area standards | Creative sign permit reviewed by Public Art Commission | |
| Does not Include Business Promotion | | |
| Residential Use | No permit required; not considered a sign | |
| Nonresidential Use ≤50 sf | No permit required; not considered a sign | |
| Nonresidential Use > 50 sf | Creative sign permit reviewed by Public Art Commission | No permit required; not considered a sign |
| Note | | |
| All other creative sign permits to be reviewed by Planning Commission. | | |

(e) Temporary Signs

- (1) Temporary signs shall not be displayed for 90 or more days per calendar year (January 1 to December 31).
- (2) Temporary signs shall be of professional quality and displayed in a safe manner.
- (3) Temporary signs may not be affixed to public property or infrastructure.
- (4) Temporary signs do not require a sign permit and do not count towards total sign area permitted.
- (5) Residential uses shall display no more than four temporary signs at any given time, with a total square footage per residential lot not to exceed nine square feet.
- (6) Nonresidential uses shall display no more than one temporary sign at any given time, which shall not exceed 16 square feet in area.

16-6-50 Sign Permit¹⁶⁹

(a) Purpose

The sign permit requirement is intended to assure compliance with sign regulations, prevent waste, and provide for the orderly, fair, and uniform application of the sign regulations to all individuals and situations.

¹⁶⁹ This section has been reorganized to mirror language and structure used for other procedures. No substantive changes have been made.

(b) Applicability

(1) General

- a. Only signs required by this article to receive a permit prior to installation are subject to the standards of this section.
- b. 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 square feet per property. In buildings with multiple nonresidential tenants or developments with an approved comprehensive sign plan, a separate permit shall be required for each sign.
- c. Any building with multiple nonresidential tenants 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 16-6-60.
- d. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.

(2) Exemptions

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

(c) Sign Permit Procedure

(1) Application Submittal and Handling

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 business days following receipt of the application and take no further action until the deficiencies are remedied.

(2) Review and Decision

- a. 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.
- b. Review of the application shall be completed and notice sent to the applicant within ten business days from the date the application was deemed complete.

(3) Inspection

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 article.

(4) Post-Decision Actions and Limitations

Whenever the construction of any sign has not been completed within 180 days after its approval, the permit shall expire.

16-6-60 Comprehensive Sign Plan

(a) 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.

(b) Applicability

(1) General

- a. Every building or coordinated development with multiple nonresidential tenants, such as office parks, civic uses, shopping centers, and business parks, shall submit a comprehensive sign plan.

- b. In addition to approval of a comprehensive sign plan, each nonresidential tenant of a building or coordinate development shall be required to apply for a separate sign permit for each sign.¹⁷¹

(2) Planned Developments and Subdivisions

- a. Planned Developments may be required to include a comprehensive sign plan at the final development plan stage.
- b. Applications for final subdivision plat may be required to include a comprehensive sign plan application.

(3) Nonconforming Comprehensive Sign Plans

- a. Any building with multiple nonresidential tenants or development existing at the time of adoption of this Code that does 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.
- b. 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.
- c. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within 15 days of notice provided by the applicant(s), that owner will be deemed to have consented to the plan's adoption.

(4) 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.

(c) Comprehensive Sign Plan Procedure¹⁷³

(1) Application Submittal and Handling

- a. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Director.
- b. The applicant shall submit a complete application to the Director meeting the requirements of 16-1-10(a) 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.

(2) Review and Action

- a. If the application is complete, the Director shall determine whether the application complies with the standards of this article. The Director shall be authorized to issue the permit, issue the permit with conditions, or deny the permit application.
- b. The Director may determine if additional total sign area may be allowed to accommodate a development with a significant number of non-residential uses on a single lot.
- c. 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) Post-Decision Actions and Limitations¹⁷⁴

- a. Minor modifications to a sign scheme that are still within the overall concept and intent of the approved plan may be approved by the Director.
- b. Major modifications or a new comprehensive sign plan will require a new application from the property owner, including a plan to bring any existing signs in the development into conformance with the new

¹⁷¹ Existing section 16-10-100(4) is moved here.

¹⁷³ Updated to give review and decision-making authority to the Director, or their designee.

¹⁷⁴ Updated to give review and decision-making authority to the Director, or their designee.

plan. . If, after 30 days of receipt of an individual tenant sign permit application requiring a major modification or new comprehensive sign plan, the owner has not completed the new application, the Director has the authority to approve or deny the permit.

16-6-70 Creative Signs

(a) Purpose¹⁷⁵

- (1) It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination, and inventiveness.
- (2) The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs that contribute to the aesthetic beauty, historic character, and cultural identity of the community, but might not otherwise be allowed under this Code due to their unique design and construction, creative qualities, or site constraints.

(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 16-6-30 and otherwise complies with all other provisions of this article.

(c) Approval Authority

A sign permit application for a creative sign shall be subject to approval by the Planning Commission.

(d) Creative Sign Procedure¹⁷⁶

(1) Application Submittal and Handing

The applicant shall submit a complete application including all the materials required in Section 16-6-50, *Sign Permit*.

(2) Staff Review¹⁷⁷

The Director shall review the application to determine whether it is complete. The Director shall forward a report to the decision-making body, which summarizes the application's compliance with the standards of section 16-6-70(e), *Review Standards*, and other applicable provisions of this Code. 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 decision-making body will conduct a public hearing to consider the application for a creative sign shall be provided as specified in 16-8-30(e), *Scheduling and Notice of Public Hearings*.

(4) Review and Decision

The decision-making body shall conduct a public hearing to review the conformance of the application with all applicable provisions of this article. The decision-making body 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 Standards¹⁷⁸

(1) Impact Review Standards

Creative signs shall meet the following standards:

¹⁷⁵ Modified text to be more succinct.

¹⁷⁶ This section has been reorganized to mirror language and structure used for other procedures. No substantive changes have been made.

¹⁷⁷ Updated to give decision-making responsibilities to the Director, or their designee.

¹⁷⁸ Restructured section to be complete sentences.

- a. 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. The sign shall not adversely affect public safety. The use of signs or attention-attracting devices shall not significantly distract traffic on adjacent streets; or¹⁷⁹
- c. The sign shall not distract 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, above, to approve a sign under the creative sign process, the decision-making body must find that the unique and creative design of the sign will meet standards a-c, or standard d:

- a. The sign shall 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 16-6-30.
- b. The sign shall 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 16-6-30.
- c. The sign shall 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.

¹⁷⁹ Updated second sentence to read "shall" instead of "should."

Article 16-7 Historic Preservation

COMMENTARY

This article carries forward the existing Article 12 without substantive changes based on stakeholder feedback about maintaining existing historic preservation standards. Edits that may constitute substantive changes (language clarification, relocation of standards, etc.) have been footnoted. Minor edits to the organization, language, and grammar are proposed to ensure consistency and clarity throughout the updated Code. This article contains some very complex and legal statements that have been simplified for ease of use and interpretation without changing the intent.

16-7-10 Purpose

The purpose of this article is to:

- (a) Protect, preserve, enhance, and perpetuate historic buildings, sites, structures, and neighborhoods which capture, exemplify, and reflect the cultural, social, architectural, and economic history and character of Salida.
- (b) Promote high standards of building design and preservation in historic neighborhoods to protect and perpetuate an atmosphere reflective of and consistent with the history and historic character of Salida.
- (c) Promote and maintain the attractiveness and use of historic buildings, sites, structures, and neighborhoods for the benefit and enjoyment of Salida residents, tourists, and visitors, and enhance and strengthen business and the economy of the city.

16-7-20 Salida Downtown Historic District (SDHD) Overlay

(a) Establishment

- (1) The Salida Downtown Historic District (SDHD) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating the buildings, sites, structures, and character of Salida's original historic downtown area.
- (2) All areas within the SDHD Overlay shall remain subject to this Code, including the regulations contained within this article.

(b) Map

The SDHD Overlay includes all areas within the boundaries of the SDHD Overlay established and identified by the National Park Service of the U.S. Department of the Interior and as defined and illustrated in the Zoning Map of the City.

16-7-30 Establishment of Local Historic Landmark (LHLO) Overlay

(a) Establishment

- (1) The Local Historic Landmark (LHLO) Overlay is established for the purpose of protecting, preserving, stabilizing, enhancing, and perpetuating individual historic buildings, sites, and structures that exemplify the history of Salida.
- (2) All areas within the LHLO Overlay shall remain subject to this Code, including the regulations contained within this article.

(b) Map

The LHLO Overlay shall apply to individual properties that meet the designation criteria of this article and may be located anywhere within Salida. Upon approval of a designation ordinance, the Administrator shall place the amendment on the Zoning Map.

16-7-40 Designation of Local Historic Districts and Landmarks

(a) Applicability¹⁸⁰

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.

(b) Procedures

A local historic district or landmark may be designated by the submission of a nomination petition per this section. No building permit, demolition permit, or other permit required to undertake an external improvement or alteration on any lot, building, structure, or site shall be processed, approved, or issued for any lot, building, structure, or site under consideration for designation as an historic district or landmark pending the final determination of the petition by City Council.

(1) Pre-Application Conference

Attendance at a pre-application conference is recommended for an applicant intending to submit a nomination petition to establish a historic district or landmark.

(2) Application Submittal and Handling

The applicant shall submit a complete application to the Director containing those materials listed in 16-7-40(c).

(3) Staff Review and Action

The Director shall review the application to determine whether it is complete. Upon determination of the application being complete, the Director 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 Director shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in 16-7-40(d) 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) Scheduling and Notice of Public Hearings

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 16-8-30(e), *Scheduling and Notice of Public Hearings*. Notice shall contain a name for the new district or landmark and accurately describe the proposed geographical boundaries of the district or landmark. Additionally, written notice of the public hearing shall be mailed via certified mail to all owners of record, as reflected by the County Assessor, of all of the property included to be designated 15 days prior to the hearing.

(5) Review and Decision

The HPC shall conduct a public hearing to review the conformance of the nomination application with all applicable provisions of this article and this Code. 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 specified in 16-8-30(e), *Scheduling and Notice of Public Hearings*.

(7) Review and Decision by City Council

a. General

1. Following public notice, the City Council shall conduct a public hearing on the petition.

¹⁸⁰ Relocated from Application Submittal and Handling, below, to give this more prominence.

2. 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.
3. 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.

b. Nonconsenting Owner

1. If a property owner does not consent to the review, approval shall require the assent of at least five of the six City Council members.
2. The basis for approval shall be that the property has overwhelming historic importance to the entire community. Overwhelming historic importance shall 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) Post-Decision Actions and Limitations

a. Notice of Decision

1. The ordinance shall be promptly published in a newspaper of general circulation within the city or a certified copy of the ordinance and the final approved district map shall be recorded in the real property records of the County Clerk and Recorder.
2. The final approved ordinance shall be maintained in the office of the City Clerk.

(c) Application¹⁸¹

An application for designation of an historic district or landmark shall contain the following information:

- (1) General Development Application
- (2) Geographic Boundaries
 - a. 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. A proposed name for the proposed historic district or landmark.

(d) Review Standards¹⁸²

In determining whether a historic district or landmark shall be established, one or more of the following relevant criteria shall be satisfied:

(1) Historic District

- a. 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 history of Salida.
- b. 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 where variations or changes would harm the unique historic character or value of the buildings, sites and structures within the district.
- c. At least 51 percent of the responding property owners in the proposed 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 response. A lack of response will not be

¹⁸¹ Consider for relocation to Administrative Manual.

¹⁸² Sec. 16-12-50, *Historic District and Landmark Designation Review Standards*, are relocated here.

considered either an affirmation of support or a negative response to the creation of the district. Certified mailings must be sent at least 30 days prior to action by the HPC, with responses due at least 15 days prior to action by the HPC.

(2) Landmark

a. Exemplary Property

The subject property exemplifies or reflects the cultural, social, economic, political, engineering, or architectural history of Salida.

b. Historic Significance

The subject property is identified with an 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.

16-7-50 Demolition or Relocation

(a) Purpose

(1) Consistent with the purposes of this article, the purpose of this section is to:

- a. Preserve the historic districts and historical buildings and sites, 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
- b. Regulate the demolition and relocation of nonlandmark and noncontributing structures within historic districts.
- c. Discourage the demolition and/or relocation of landmark and contributing buildings, structures and sites in favor of preservation, renovation, adaptive reuse, or relocation within a historic district.

(2) However, it is also 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.

(b) Certificate of Approval 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 through the issuance of a certificate of approval (CA) as outlined in 16-7-60.

(c) Major Activity

An application for a CA to demolish a landmark or contributing building, structure, or site, or a building, structure, or site within a historic district, shall be considered a major activity.

(d) Demolition by Neglect

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.

16-7-60 Certificates of Approval

(a) Applicability¹⁸⁶

(1) General

- a. No building permit for work or activity requiring a certificate of approval shall be valid or issued by the Building Official absent the receipt by the official of the necessary certificate of approval (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 Land Use Code, Building Code, or other codes.
- b. A CA may be made subject to 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 year from its date of issuance, unless extended by order of the HPC.

(2) Minor Activity¹⁸⁷

A minor activity includes:

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

(3) Major Activity

A major activity includes:

- a. Altering existing unfinished or unpainted brick, stone or stucco; specifically, application of sealant, paint, stucco, texture, or other material that would conceal, alter, or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry, or other unfinished siding or structural element; and
- b. An activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to, reconstruction, rehabilitation, remodeling, renovation, relocation, or demolition;
- c. Alterations, additions, or other work performed on a building, structure, or site that result in the increase or decrease of site coverage, floor area, or exterior wall or roof surface;
- d. The installation, alteration, or removal of a window or door opening;
- e. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design;

¹⁸⁶ Sec. 16-12-110, Exceptions, is consolidated here.

¹⁸⁷ Definitions for Minor and Major activity are included here to establish a threshold for when each applies. Otherwise, it leads to confusion when an applicant sees these terms in the procedures below with no context about when they apply.

- f. 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; and
- g. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site, or designated historic district, or as deemed to be major upon petition to and determination by the Administrator.

(4) Exempt Activity

A CA shall not be required for:

- a. Interior alterations, such as renovation, repair, reconstruction, or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within an historic district.
- b. Undertaking 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.
- c. Repainting a previously painted surface a different color.

(b) Procedures

Applications for a CA shall follow the procedures outlined in this section.

(1) Pre-Application Conference

Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.

(2) Application Submittal and Handling

The applicant shall submit a complete application to the Administrator containing those materials listed in 16-1-10(a).

(3) Staff Review and Action

The Director shall review the application to determine whether it is complete. The Director shall forward a report to the HPC, which summarizes application compliance with the review standards of 16-7-60(c), *Review Standards*, and other applicable provisions of this article. The technical comments and professional recommendations of other agencies, organizations, and consultants shall be solicited in drafting the report, as necessary.

(4) Scheduling and Notice of Public Hearings

Public notice that the HPC will hold a public hearing for a major CA shall be provided as specified in 16-8-30(e), *Scheduling and Notice of Public Hearings*.¹⁸⁹ Public notice is not required for applications for a minor certificate of approval.

(5) Review and Decision

a. Minor Activity

An application regarding minor activity shall be reviewed and ruled upon by the Community Development Department and, as needed, two designated members of the HPC within ten 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.

¹⁸⁹ Consolidated draft: CA public hearings have different noticing requirements. These should be added to 16-8-30 and x-referenced here.

b. Major Activity¹⁹⁰

An application regarding major activity shall be reviewed and ruled upon by the HPC at a regular or special meeting to be conducted within 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. 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.

(6) Actions Following Approval

A copy of each approved CA shall be transmitted by the Director to the Building Official, if required, promptly upon its issuance.

(c) Review Standards

(1) Historic Landmark and/or Contributing Buildings, Structures or Sites

All work performed in completion of an approved CA 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 Community Development Department).

(2) Supplemental Guidelines

In addition to the other standards of this article, 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:

a. 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.

b. 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.

c. 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.

d. New Construction¹⁹²

New additions, exterior alterations, and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible. Any new construction 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.

e. 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.

f. Work Necessary

Whether the proposed work is required or necessary to comply with a building, fire, or other health/safety code.

¹⁹⁰ Removed noticing standards since those are outlined by reference in this section.

¹⁹² This section has been edited to make language clearer.

(3) Design Guidelines¹⁹³

The Director, with advice from the HPC and 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 CAs. Upon approval of design guidelines by the City Council, guidelines shall be enforced and have the same effect and authority as if fully set forth in this section, and violations of guidelines shall be subject to the same penalties for violations of any other section contained in this article.

(4) 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 non-landmark or noncontributing building, structure, or site within a designated historic district.

a. 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.

b. Overall Character

New structures and additions, exterior repairs, or alteration of existing non-landmark 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.

c. Specific Compatibility

New structures and additions, exterior repairs, or alteration of existing non-landmark 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.

d. Work Necessary

Whether the proposed work is required or necessary to comply with a building, fire, or other health/safety code.

(5) Demolition or Relocation

The following criteria shall be used in determining whether a CA should be issued for the demolition or relocation of a landmark or a building, structure, or site within a historic district:

- a.** The historic, social, or architectural significance of the building, structure, or site.
- b.** The structural soundness and safety of the building, structure, or site.
- c.** 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.
- d.** 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.
- e.** 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.
- f.** 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.

16-7-70 Exceptions

- (a)** This article shall not 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 contributing landmark 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 adopted by the City, and/or such other governing

¹⁹³ This portion of Supplemental Guidelines, above, has been relocated to its own section to simplify this section and make it easier to use and understand.

authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure.

- (b) When emergency action is not essential, all work or activity normally subject to the provisions and procedures of this article shall be undertaken and performed in compliance with this article.

16-7-80 Removal of Designation

(a) Procedures

- (1) The procedures established for a landmark designation, contributing designation, or historic district designation to any building, structure, site, or district in 16-7-40 shall be followed in applying for and processing a petition for the removal, rescission, or modification of such a designation.
- (2) Removal, rescission, or modification of a landmark designation, contributing designation, or historic district designation awarded to any building, structure, site, or district by the United States Department of the Interior and/or the State of Colorado, shall be done in accordance with the procedures and standards established by said governmental authority.

(b) Findings

The removal, rescission, or modification of a landmark designation, contributing designation, or historic district designation to any building, structure, site, or district shall only be approved upon a finding by the City Council, following 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.

16-7-90 Violations and Penalties

- (a) Violation of the provisions of this chapter shall be punishable as set forth in Chapter 1, Article IV of Salida Municipal Code.
- (b) Each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this section.
- (c) 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.
- (d) 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 remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies.

Article 16-8 Administration and Procedures

[Submitted with Installment 1 – Administration and Procedures]

Article 16-9 Inclusionary Housing

COMMENTARY

Existing Article 13 is carried forward without substantive changes. Minor edits to the organization, language, and grammar are proposed to ensure consistency and clarity throughout the updated Code. Development standards specific to inclusionary housing developments from other articles have been relocated to this article.

16-9-10 Purpose and Objectives

- (a) Promote the construction of housing that is affordable to the community's workforce;
- (b) Retain opportunities for people that work in the City to also live in the City;
- (c) Maintain a balanced community that provides housing for people of all income levels; and
- (d) Ensure that housing options continue to be available for very low-income, low-income, mode rate, and middle-income residents, for special needs populations and for a significant proportion of those who work or live in the City.

16-9-20 General Inclusionary Housing Requirements

- (a) Any application brought under the annexation or planned development sections of this Code; condominium plats of any size; duplex conversion subdivisions; and minor and major subdivision sections of this Code, as well as multi-family residential projects of five or more units are required to include at least sixteen and seven-tenths (16.7) percent of the total number of residential dwelling units as affordable dwelling units, pursuant to requirements set forth in this Article, and subject to the following standards:
 - (1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning the applicable percentage of Area Median Income (AMI) for Chaffee County as defined annually by the Colorado Housing Finance Authority (CHFA), at the time such unit is sold or rented, and as further specified in Sections 16-9-60, *Program Requirements for For-Sale Units*, and 16-9-70, *Program Requirements for Rental Units*.
 - (2) Affordable dwelling units shall be permanently restricted unless a different timeframe is required as a part of a Low Income Housing Tax Credit project.
 - (3) If the calculation for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided per Section 16-9-40, *In-Lieu Fee*.
 - (4) The proportion of required affordable units, whether for-sale or rental, shall follow the proportion of for-sale and rental market rate units, unless otherwise approved by the decision-making body. For example, if the project includes 100 percent for-sale units, then 100 percent of the required affordable units shall be for-sale units. If the project includes 50 percent for-sale units and 50 percent rental units, that same percentage of for-sale and rental affordable units shall be provided.
- (b) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall project.
- (c) Income Eligibility Required. No person shall sell, rent, purchase, or lease an affordable dwelling unit created pursuant to this Article except to a program eligible household. A private owner of a single affordable unit may rent the unit in accordance with the provisions of this Article as set forth in Section 16-9-60, *Program Requirements for For-Sale Units*. All sales, rentals, purchases, and leases shall comply with the provisions of this Article.

- (d) **Deed Restriction Required.** No person offering an affordable dwelling unit for rent or sale pursuant to this Article shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the Chaffee County Clerk and Recorder, a deed restriction in a form provided and approved by the City Attorney and applicable Housing Authority. Such deed restriction shall reference applicable contractual arrangements, deed restrictions and resale restrictions as are necessary to carry out the purposes of this Article.
- (e) **Good Faith Marketing Required.** All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.
- (f) **Required Agreements.** Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the City Council. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Article including:
 - a. Defining the inclusionary housing development, including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided;
 - b. The application of allowed density, parking and development standards allowed for projects that provide 100 percent of the inclusionary housing requirements, as provided in Section 16-9-50, *Density, Parking and Development Incentives for Inclusionary Housing Developments*;
 - c. Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development;
 - d. The requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the City; and
 - e. The deed restrictions and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Article.
- (g) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.
- (h) An applicant shall not be eligible to submit for a building permit until the applicable affordable housing agreement is approved by the City Council and such agreement is recorded with the Chaffee County Clerk and Recorder. Additionally, a property shall not receive a certificate of occupancy until the required deed restrictions are recorded with the Chaffee County Clerk and Recorder.

16-9-30 Options for Satisfaction of Inclusionary Housing Requirement

An applicant may seek an alternative to providing the required percentage of affordable housing under this Article by any of the following methods:

- (a) **Providing the Required Housing Off-Site.** This may be met only through the dedication of land to the City or a qualified non-profit housing developer for the required development of such units as approved by the City, with the guarantee that the land to be dedicated will allow for, and be developed with a minimum number of twenty-five (25) percent of the total units in the subject development as affordable housing.
- (b) **Dedicating Land Within the Project.** Provided it is large enough and located appropriately to accommodate at least the minimum number of required affordable units, land within a project may be dedicated to the City or a qualified non-profit housing developer for the required development of such units, as approved by the City. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project. Each lot shall have sufficient area devoid of environmental or other constraints to allow construction of the required development of such units. All public infrastructure improvements to support development of the required units shall be in place prior to conveyance, or sufficient security in accordance with the Municipal Code shall be provided. Dedication of the lots shall occur at the same time as plat or other applicable recordation.

- (c) Paying a Fee in Lieu of Providing Units as Defined in Section 16-9-40, *In-Lieu Fee*. . This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for five units or lots or less.
- (d) Providing fewer units, but which are affordable to households earning sixty (60) percent or less of the AMI for Chaffee County for rental projects, or one hundred (100) percent or less of the AMI for Chaffee County for for-sale projects. For the purposes of this option, an affordable dwelling unit at the above AMI levels shall equal one and one-half (1.5) inclusionary housing units at any other AMI level specified in Sections 16-9-60, *Program Requirements for For-Sale Units*, and 16-9-70, *Program Requirements for Rental Units*.

16-9-40 In-Lieu Fee

If an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the City's fee schedule, established, adopted, and amended by City Council from time to time, and be due prior to issuance of the certificate of occupancy.

16-9-50 Density, Parking and Development Incentives for Inclusionary Housing Developments

Residential development within the zoning districts of C-1, R-2, R-3, R-4 and RMU; and portions of a planned development with the underlying zoning districts of C-1, R-2, R-3, R-4 and RMU; that are subject to inclusionary housing development requirements and are providing 100 percent of the required affordable housing within the development, may increase the allowed density and utilize the lowered dimensional standards stated in Table 16-F, Schedule of Dimensional Standards, within these districts and utilize the reduced parking requirements for multi-family dwellings stated in Table 16-J, Off-Street Parking Standards by Use. To ensure the integration of the affordable residential units into the development, these standards shall apply to all of the residential units of the subject development within parcels with the above zoning or underlying zoning, that include a minimum of sixteen and seven-tenths (16.7) percent affordable housing.

16-9-60 Program Requirements for For-Sale Units

(a) Affordable Unit Price

The prices charged for any affordable units shall not exceed prices greater than what is affordable to households earning 120 percent, 140 percent, or 160 percent of the Area Median Income (AMI) for Chaffee County. Furthermore, for-sale affordable units shall be subject to the following additional requirements:

- (1) The average sales price of all affordable housing units shall not exceed a price affordable to households earning 140 percent or less of the AMI for Chaffee County;
- (2) For projects providing multiple affordable units, and to create parity across levels of affordability, the total number of affordable units deed-restricted at one of the applicable AMI levels shall not exceed the total number of affordable units deed-restricted at any of the other applicable AMI levels by more than one unit;
- (3) Studio units above 120 percent AMI for Chaffee County and one-bedroom units above 140 percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements; and
- (4) The specific affordable unit price charged for the applicable AMI level shall be based on the current maximum sale price as identified by the Chaffee Housing Authority and/or the City Administrator or their designee.

(b) Approved Purchasers for Affordable Dwelling Units

A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the City and applicable housing authority.

(c) Sale Restriction

No person shall sell an affordable dwelling unit except to a person that meets the income, asset and other eligibility requirements of this Article or any asset and income eligibility requirement that is included in any applicable contract or deed restriction or any other agreements to which the City is a party or beneficiary.

(d) Resale Restrictions

All affordable ownership dwelling units developed under this Article shall be subject to the resale restrictions itemized within the deed restriction required pursuant to Section 16-9-20(d).

(e) Ownership Associations

When accepting a for-sale unit as meeting the inclusionary housing obligation, the City Administrator and/or applicable housing authority will review the condominium association declarations to assess the impact on buyers of affordable units. The City Administrator and/or applicable housing authority is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this Article are accomplished.

(f) Rental Restriction

The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the applicable deed restriction and/or regulations. At no point shall such rent price exceed a price that is affordable to a household earning 100 percent of the Area Median Income (AMI) for Chaffee County, as defined annually by CHFA.

(g) Income Cap

The City shall allow a ten percent buffer between the price cap and the income cap to provide flexibility for homebuyers to qualify for financing without being cost burdened. For example, if a unit shall not exceed a price greater than what is affordable to households earning 120 percent of the Area Median Income for Chaffee County, households earning incomes of up to 130 percent of the AMI can qualify for such unit.

16-9-70 Program Requirements for Rental Units

Maximum Rent. Rents charged for any affordable unit shall not exceed a price greater than what is affordable to households earning 80 percent or 100 percent of the AMI for Chaffee County, as defined by CHFA. Furthermore, affordable rental units shall be subject to the following additional requirements:

- (a) At least 50 percent of all provided units shall be rented at prices affordable to households earning 80 percent or less of the AMI for Chaffee County.
- (b) Studio units rented above 80 percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.

16-9-80 Administrative Regulations

To the extent the City Administrator deems necessary, rules and regulations pertaining to this Article will be developed and approved by the City Council, and thereby maintained and enforced in order to assure that the purposes of this Article are accomplished. No person shall violate any rule or regulation issued by the City Administrator under this Article.

Article 16-10 Rules of Construction and Definitions

COMMENTARY

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

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

16-10-10 Rules of Construction²⁰²

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

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

[Submitted with Installment 2 – Districts and Uses]

16-10-30 Other Terms Defined²⁰³

Accessory Dwelling Unit (ADU)

A legally permitted residential dwelling unit located on the same lot as a principal dwelling unit and subordinate to that primary unit in conditioned living space. ADUs may be internal to, attached to, or detached from the primary dwelling unit and include bathroom facilities (with shower/bath) and/or kitchen facilities, and has a separate lockable entrance door.

Adjacent Lots

Two or more lots that share a common property line and may be separated by an alley, easement, street, or other right-of-way.

Adjoining Lots

Lots that are directly contiguous and not separated by an alley, easement, street, or other right-of-way.

Administrator

The Administrator of the City, or their designee.

Annexation²⁰⁸

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

²⁰² Current 16-1-60.

²⁰³ New terms are highlighted.

²⁰⁸ Revised to reference annexation procedure in this Code.

Applicant

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

Awning²¹⁰

A shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Board of Adjustment

The Board of Adjustment for the City of Salida.

Block

A unit of land bounded by streets or by a combination of streets and parks, open spaces, rights-of-way, waterways, or any other barrier to the continuity of development. If the boundaries of a block are unclear, the Director shall make that determination.

Building

Any structure used or intended for supporting or sheltering any use or occupancy in accordance with the building codes as adopted by the City.

BUG (Backlight, Uplight, Glare) Ratings

The IES TM-15 luminaire classification system describing the amount and location of light being emitted from a luminaire.

Building Official

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

Certificate of Approval or CA

The official document/permit issued by the Director 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.

City Council

The City Council of the City of Salida.

Color Rendering Index (CRI)

A quantitative measure, on a scale of 0 to 100, of artificial light's ability to render an object's natural color, with 100 being a good match for natural light.

Conditional Use Approval²¹³

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

Condominium

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

²¹⁰ New. Adapted from existing definition for awning sign.

²¹³ Revised from "conditional use" to "conditional use approval."

²¹⁴ Discuss whether to separately define a development type where the owners of the units do not own the land.

Condominium Unit

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

Continuous Lighting

A street lighting system made up of regularly spaced luminaires along the street. Criteria typically defines minimum and maximum illuminance values and overall uniformity along the lighted area.

Correlated Color Temperature (CCT)

Measured in degrees Kelvin (K). A specification for the color appearance of the light emitted by a lamp.

Comprehensive Plan

That plan and amendments to that plan for the City that provides objectives, guiding principles, and recommended actions to guide the current and long-range development of the City.

Construction Plans

Technical engineered drawings demonstrating compliance with this chapter, the building code, and the City's Standard Specifications for Construction and Design Criteria Manual.

Demolition

The total or partial destruction, disassembly, damage, razing, or tearing down of a structure or any portion of a structure. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or that reduces the stability or longevity of the structure. The term excludes the sudden or cataclysmic destruction of or damage to a structure due to acts of nature, including fire, earthquake, wind, excessive snow load, or flood.

Demolition by Neglect

Any total or partial destruction of or damage to a structure, or any portion of a structure, due to the failure of the owner or lessee to adequately maintain or repair the structure.

Design Standards

Local, state, or national criteria, specifications, or requirements referenced within this chapter and used for the design of public or private infrastructure.

Development

The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or structure; any mining, logging, excavation, or land disturbance; or any use or extensions of a use that alters the character of the property.

Development Approval

A permit issued by the City that certifies that a proposed development has undergone and completed the required development review procedures in accordance with 16-8-50. The development approval may include one or more conditions, which conditions shall apply to any future development or use of the land, regardless of ownership changes, unless a new development permit is obtained.

Diffusion

The scattering of light by reflection or transmission when light strikes an irregular surface, such as a frosted lens.

Director

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

Dwelling

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

Dwelling Unit

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

Efficacy

Measured in lumens per watt (lm/w), luminous efficacy is a measure of how well a light source produces visible light for the amount of energy consumed.

Façade

The square footage of a structure's vertical and horizontal dimensions as viewed in the elevation view. Also referred to as the "vertical surface area."

Façade Variation

Shifts in the plane of walls, setbacks, reveals, overhangs, in order to create variations within a building's façade.

FHAA

The federal Fair Housing Amendments Act of 1988.

Fixture Height

Height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

Footcandles

A unit of illumination equal to one lumen per square foot.

Fully Shielded

Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform with the definition. Examples of fully shielded light fixtures:

Glare

The visual sensation created by luminance (or brightness) that is significantly higher than the surrounding luminance that the eyes are adapted to, causing annoyance, discomfort, or loss in visual performance and visibility (disability glare).

High-Intensity Discharge Light Source (HID)

Light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards

High Mesopic

A combination of photopic and scotopic vision under low-light (but not necessarily dark) conditions measuring between .1 and .3 footcandles.

Illuminance

Measured in Footcandle (Fc). The density of light falling onto a surface. Commonly measured in the horizontal and vertical planes.

International Dark Sky Community

A town, city or municipality that has shown exceptional dedication to the preservation of the night sky.

Light Pollution

Stray and uncontrolled light, directly from a luminaire or reflected from a surface, that missed its target. Light emitted upward increasing skyglow is a popular example.

Light Trespass

Measurable light extending beyond the boundary of its intended use without permission.

Lot

A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards, as are required under the provisions of this chapter, having not less than the minimum area and off-street parking spaces required by this chapter for a lot in the zoning district in which it is situated, and having frontage on any improved public street or on an approved private street.

Lot Area

The number of square feet included within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

Low-Photopic

Illuminance values of .4 to 4 footcandles, enough to activate color perception and higher visual acuity than scotopic vision.

Lumen

The measure of visible light (luminous flux) emitted from a light source.

Luminaire

A complete electric light unit including light source, housing, optics, and driver.

Maximum Extent Practicable

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse impacts have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account, but shall not be the overriding factor.

Minor Modification

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

Nonconforming Lot

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

Nonconforming Site Feature

Any site feature that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not comply with the standards of this chapter for the zoning district in which the structure is located regarding driveways, off-street parking or loading areas, landscaping, buffer, screening, exterior lighting, or other site improvements.

Nonconforming Structure²²³

Any structure that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not comply with the standards of this chapter for the zoning district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density or other district dimensional standards.

Nonconforming Use

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

²²³ Revised to remove reference site features, which are covered by separate nonconforming site feature definition.

Non-Continuous Lighting

A non-continuous street lighting system, lighting only conflict areas such as intersections, crosswalks, and other hazards.

Non-Shielded Luminaires

Examples of non-shielded light fixtures:

Overlay Zone

A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zoning district.

Permitted Use

A use that is allowed in a zoning district, subject to the restrictions applicable to that zoning district and all of the standards of this chapter.

Point Light Source

The exact place from which illumination is produced (e.g., a light bulb filament or LED package) even when behind a clear lens.

Primary Use

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

Prohibited Use

A use that is not permitted in a zoning district.

Public Works Director

The Public Works Director of the City of Salida, or their designee.

Owner

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

Ownership Parcel

See *lot*.

Parcel

See *lot*.

Planned Development

A development designed to accommodate varied types of development in patterns or layouts or incorporating a variety of use types or development features not otherwise permitted by this chapter in a base zoning district. Planned developments are intended to provide additional benefit to the City in return for added flexibility and are negotiated through the Rezoning to PD procedures in 16-8-40(b).

Planning Commission

The Planning Commission of the City of Salida.

Plat

A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this chapter.

Public Works Director

The Public Works Director of the City or their designee.

Rain Garden

A depressed area in the landscape that collects rain water from a roof, driveway or street and allows it to soak into the ground.

Right-of-Way

Any area of land, including surface, overhead, or underground, granted by deed, easement, dedication, prescription, or lease, for construction and maintenance according to designated use, such as for streets and highways, drainage, irrigation, utilities, and other public services and improvements.

RLUIPA

The Religious Land Use and Institutionalized Persons Act of 2000.

Sign

Awning Sign

A type of wall sign that is painted, stitched, sewn, or stained onto the surface of an awning.

Canopy Sign

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.

Externally Illuminated Sign

A sign that is lighted from an external source.

Ground Sign

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

Internally Illuminated Sign

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.

Monument Sign

See: Ground Sign.

Mural

A painted image located on a building wall.

Neon Sign

An internally illuminated sign that utilizes gas-filled tubes.

Nonconforming Sign

A sign that was lawfully established pursuant to the Code in effect at the time of its erection, but which does not conform to the standards of this Code as currently adopted.

Pole Sign

A freestanding sign being supported by a pole or poles and otherwise separated from the ground by air.

Projecting Sign

A sign structurally supported by a building wall and projecting from the surface of the building or wall.

Roof Sign

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.

Sandwich Board Sign

See: Sidewalk Sign.

Sidewalk Sign

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.

Temporary Sign

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 90 days per calendar year.

Window Sign

A sign that is painted on, applied, or attached to a window that can be read through the window.

Wall Sign

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.

Site Plan

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

Site-Specific Development Plan²³⁰

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

Spectrum

A range of electromagnetic radiation that includes visible wavelengths between 380 and 700 nanometers (Violet to Red). Research indicates wavelengths between 460 and 480nm can be harmful to humans at night if the dosage is too high for too long.

Staff

An employee of the Community Development Department.

Structural Alteration

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

Structure

Any manmade item constructed or erected, that requires location on the ground or attached to something having a location on the ground, including but not limited to signs, buildings, and fences. Porches, slabs, patios, decks, walks, and steps that are uncovered and do not exceed 30 inches above grade are excluded from this definition.

Subdivision

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

Tract

An area, parcel, site, piece of land, or property that is the subject of a development application. For subdivisions, the term is used for units of land created for and limited by deed restriction or dedication to a specific use, including access, utilities, open space, or community amenities and resources.

²³⁰ Revised to reference state law and specific common review procedures for vested rights.

Variance

An authorization of deviation from the standards of this chapter where strict application of this chapter results in a hardship due to circumstances of the lot and that is evaluated and decided in accordance with the procedures in 16-8-70(a).

Vested Property Rights²³³

The right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan in accordance with state law and the procedures in 16-8-30(h).

Watt (W)

A unit of power.

²³³ Revised to reference state law and the specific procedures in this Code for vested rights.

Article 16-11 Heading 1

COMMENTARY

This section is included only for purposes of drafting and style manipulation. This “template” section will not be included in any documents intended for wider distribution.

16-11-10 Heading 2

Body 2

(a) Heading 3

Body 3

(1) List 3

(2) **Heading 4**

Body 4

a. List 4

b. **Heading 5**

Body 5

1. List 5

2. **Heading 6**

Body 6

a) List 6

b) **Heading 7**

Body 7

1) List 7

2) **Heading 8**

Body 8

i. List 8