

CITY OF SALIDA, COLORADO
ORDINANCE NO. 17
(Series of 2019)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING CHAPTER 16 OF THE SALIDA MUNICIPAL CODE TO AMEND ARTICLE IV. ZONING TO REVISE THE REQUIREMENTS FOR MULTIPLE PRINCIPAL STRUCTURES.

WHEREAS, Article IV. Zoning of the Salida Land Use and Development Code contains standards and the processes for approving multiple principal structures on lots with the zoning of R-1, R-2, R-3, R-4, RMU, C-2, C-1 and I; and

WHEREAS, the City Council desires to ensure the process for approval of multiple principal structures is consistent with the purpose of the zone districts; and

WHEREAS, there are conflicting requirements within Article IV. Zoning regarding multiple principal structures and the City Council wishes to correct the inconsistencies; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2019 in accordance with the proposed amendments to Article IV. Zoning of Chapter 16 of the Salida Municipal Code; and

WHEREAS, at the October 28, 2019 meeting the Planning Commission recommended that the Council adopt the proposed amendments presented by staff, with changes, as it was consistent with Section 16-2-50. Review Standards for Text Amendments; and

WHEREAS, the City Council finds the proposed text amendments consistent with the purposes of Chapter 16; does not conflict with other applicable provisions of the Chapter; is consistent with the Comprehensive Plan for the City of Salida; and the proposed amendments shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO:

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. The amendment to Article IV. Zoning shall be as shown on the attached Exhibit A.

INTRODUCED ON FIRST READING, on the 19th day of November 2019, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 19th day of November, 2019 and set for second reading and public hearing on the 3rd day of December 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 3rd day of December 2019.

CITY OF SALIDA, COLORADO

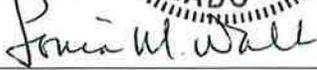


Mayor P.T. Wood

[SEAL]



ATTEST:



City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 22nd day of November, 2019, and BY TITLE ONLY, after final adoption on the 6th day of December, 2019.



City Clerk/Deputy City Clerk

EXHIBIT A

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

TABLE 16-D Schedule of Uses									
N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
Residential Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards ¹
Accessory buildings and structures.	P	P	P	P	P	P	P	P	
Multiple principal residential structures	N	LR	LR AR	LR AR	LR AR	LR P	LR P	LR P	Sec. 16-4-190(b)
Accessory dwelling units	AR	AR	AR	AR	AR	AR ⁴	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	N	P	P	P	P	P ⁴	LR ³	LR ³	
Residential (3—4 units)	N	AR	AR	AR	AR	AR ⁴	AR ³	AR ³	
Residential (5—19 units)	N	LR	AR	AR	LR	AR ⁴	LR ³	LR ³	
Residential (20 or more units)	N	MR	MR	MR	MR	MR ⁴	MR ³	MR ³	
Single-family dwelling units	P	P	AR ³	AR ³	AR	AR ⁴	AR ³	AR ³	

Residential Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards ¹
Single Mobile Home	N ³	N ³	N ³	P	N ³	N ³	N ³	N ³	
Medical marijuana cultivation—patient or primary caregiver—up to six plants	P	P	P	P	P	P	P	P	Sec. 16-4-190(j)
Medical marijuana cultivation—patient or primary caregiver—more than six plants	N	N	N	N	N	N	LR	N	Sec. 16-4-190(j)
Mobile home parks	N	N	N	LR	N	N	N	N	Sec. 16-4-190(d)
One or more dwelling units on the same site as a commercial or industrial use	N	N	N	N	AR	AR	LR	LR	
Recreational vehicles—long term occupancy	N	N	N	AR	N	N	AR	N	Sec. 16-4-190(i)
Recreational vehicle parks	N	N	N	LR	N	N	LR	N	Sec. 16-4-190(e)
Rooming or boarding houses ²	N	N	LR ³	N					

Notes:

- 1 The standards referenced herein are in addition to all other applicable standards of this Land Use Code.
 - 2 Provided that State Health Code space and sanitation requirements are met.
 - 3 An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F.
 - 4 Ground floor residential uses are limited in the Central Business Economic Overlay per Section 16-5-90.
- * The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District.

Sec. 16-4-90. - Principal and accessory uses.

- (a) The primary use of a lot is referred to as a "principal use" which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and light industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the zone district regulations. Only one (1) principal building and its customary accessory buildings may be erected on any single lot in **an R-1 residential zone district unless approved through a limited impact review. Multiple Principal Residential Structures may be allowed in an R-2 district if approved through a limited impact review.**
- (b) A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an accessory use. Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Chapter.

Sec. 16-4-190. - Review standards applicable to particular uses.

- (a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.
- (b) **Multiple Principal Buildings Residential Structures.**
 - (1) **Scale.** The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. *Scale* shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setbacks and orientation.
 - (2) **Parking and Access.** Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.
 - (3) **Provision of Adequate Services.** Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13, Municipal Utilities, of this Code.
- (c) **Accessory Dwelling Unit/Structure.**
 - (1) **Location.** An accessory dwelling unit may be located within or attached to the primary dwelling unit, or may be detached from the primary dwelling unit if located in or above a garage or lawful accessory building. Only one (1) accessory dwelling unit is allowed per lot.
 - (2) **Square Footage.** An accessory dwelling unit shall not exceed seven hundred (700) square feet of habitable floor area. Habitable floor area means the total floor area contained within the inside walls of a structure with at least seven (7.0) feet of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements and utility rooms less than fifty (50) square feet. All other areas of an accessory dwelling unit shall count towards habitable floor area.
 - (3) **Parking.** There shall be one (1) additional off-street parking space provided for the accessory dwelling unit.
 - (4) **Occupancy.** The accessory dwelling unit shall not be condominiumized or sold and shall not be rented to visitors for periods of less than thirty (30) days. A maximum of two (2) related or unrelated people may inhabit an accessory dwelling unit.

