



# Woodland Park Unified Development Code

## Chapter 3: Development Standards

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### **3.01 Purpose**

These development standards provide performance standards and design guidance for the development and redevelopment of property. The purpose is to facilitate the creation and maintenance of safe, functional and aesthetically pleasing development throughout the community. These standards contribute to safe surroundings for the community, enhance the livability of residential neighborhoods, improve the appearance of developed land and customer attraction to commercial areas, increase property values, enhance the compatibility of adjacent land uses, screen undesirable views, reduce air, water and noise pollution, and contribute to the overall image and appeal for residents and visitors.

### **3.02 Applicability**

Chapter 3 of the Unified Development Code shall apply to all new or substantial improvement to existing development of real property.

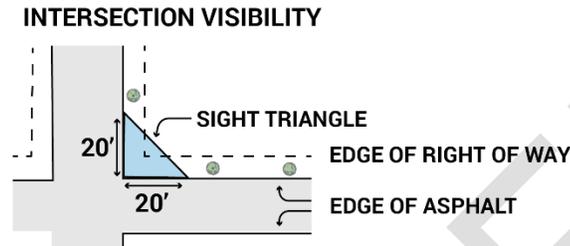
### **3.03 Vision Clearance Standards**

#### **3.03.01. Purpose**

- A. To ensure safe visibility for motorists, pedestrians, and cyclists, a vision clearance area shall be maintained at the intersection of all streets, common driveways, and alleys.

### 3.03.02. Standard

- A. The sight triangle is the triangular area formed by two intersecting streets at the edge of asphalt (or curb if closer to the property line) and by the line drawn between points on the edge of asphalt (or curb if closer to the property line) twenty (20) feet distant from their intersection as shown in the figure below.



- B. No structure, fence, wall, sign, or vegetation shall be placed or maintained within a site triangle that obstructs sight distance between a height of three (3) feet and eight (8) feet above the adjacent roadway grade.

## 3.04 Erosion and Sedimentation

### 3.04.01. Purpose

- A. To protect life and property from all potentially hazardous conditions particular to hillsides such as rock falls, stormwater runoff and mass movements.
- B. To preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, such as drainage swales, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees.
- C. To encourage innovative design and planning in order that the development adapts to the natural terrain and is harmonious with the character of the area.
- D. To minimize grading and cut and fill operations in order to retain the natural character of the hillside.
- E. To minimize stormwater runoff and erosion problems incurred by the development on and off the lot.
- F. To preserve, where possible, the natural streams, ponds and associated riparian vegetation.
- G. To reduce the elimination of trees and other vegetation which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.

### **3.04.02. Applicability**

- A. This Section 3.04 – Erosion and Sedimentation, shall apply to land-disturbing activities undertaken on a property or in any instance where extensive control measures are deemed necessary, with the following exclusions:
1. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, including the breeding and grazing of all such animals, bees and apiary products, fur animals; and
  2. Those undertaken on forest land for the production and harvesting of timber and timber products;
  3. Cleared land forming the future basin of a planned reservoir or retention or detention facility; and
  4. Land-disturbing activity over which the state by statute has exclusive regulatory jurisdiction, which are those:
    - a. Conducted by the state,
    - b. Conducted by the United States,
    - c. Conducted by persons having the power of eminent domain,
    - d. Conducted by the City,
    - e. Licensed by the state or the United States,
    - f. Funded in whole or part by the state or the United States.

### **3.04.03. General Requirements**

- A. Plan Required. A Grading Permit per Chapter 6 of this UDC shall be required for:
1. All land-disturbing activity which disturbs seven thousand five hundred (7,500) square feet or more; and
  2. Any land-disturbing activity for the purpose of constructing a road.
- B. Protection of Property. Persons conducting any land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
- C. More Restrictive Rules Shall Apply. Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

#### **3.04.04. Basic Control Objectives**

The basic control objectives which are to be considered in developing and implementing erosion and sedimentation control plans are to:

- A. Identify Critical Areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion or sedimentation, are to be identified and receive special attention.
- B. Limit Time of Exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
- C. Limit Exposed Areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- D. Control Surface Water. Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss from the site during the period of exposure.
- E. To prevent unnecessary removal of native trees by identifying land disturbance areas at planning stages.

#### **3.04.05. Mandatory Standards for Land-Disturbing Activity**

- A. Land-disturbing activity subject to the control of this Section 3.04 – Erosion and Sedimentation, shall be in accordance with the following mandatory standards:
  1. Buffer Zone. No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25) percent of the buffer zone nearer the land-disturbing activity.
  2. Graded Slopes and Fills. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will within thirty (30) days of completion of any phase of grading, be planted or otherwise provided with groundcover, devices or structures sufficient to restrain erosion.
  3. Groundcover.
    - a. Sedimentation and erosion control devices shall be installed sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the lot during construction, and shall plant or otherwise provide a groundcover sufficient to restrain erosion after completion of construction or development within thirty (30) days, weather permitting or no later than one hundred twenty (120) days following completion.

- b. For areas disturbed in the construction of any public road, (all side ditches, cut slopes, fill slopes, shoulders, etc.), a permanent groundcover shall be required immediately upon completion of final grade.

#### **3.04.06. Design and Performance Standards**

- A. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the five-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practice," or other acceptable calculation procedures.
- B. Permanent Downstream Protection of Stream Banks and Channels
  - 1. Stream and watercourse banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.
  - 2. The land-disturbing activity shall be planned and conducted such that the velocity of stormwater runoff in the receiving watercourse at the point of discharge resulting from a five-year storm after development.
- C. Borrow and Waste Areas.
  - 1. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
- D. Access and Haul Roads.
  - 1. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity, and are subject to the requirements which pertain to road building as set forth this Section 3.04 – Erosion and Sedimentation.
- E. Operation in Lakes or Natural Watercourses.
  - 1. Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed to

minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristics is provided.

F. Responsibility for Maintenance

1. During the development of a site, all temporary and permanent erosion and sedimentation control measures shall be maintained as required by the approved Grading Permit.
2. After site development, all necessary permanent erosion and sediment control measures shall be maintained by the property owner, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

G. Additional Measures

1. Whenever the City determines that significant off-site sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

**3.04.07. Grading Standards**

A. Any land-disturbing activity whose design requires the grading of slopes, shall meet the following specific standards:

1. All unarmored and structurally unretained graded slopes and fills shall be limited to a maximum slope of three feet horizontal to one foot vertical (3:1), except as otherwise approved by the City Engineer.
2. Any graded or fill slope which exceeds a 3:1 slope shall be required to use universally accepted armoring techniques, or retaining structures as approved by the City Engineer or, at the developers expense, certification by a licensed professional engineer stating that the slopes can be stabilized by plantings, vegetative seeding, mulching. In the instance of slope cuts that involve rock formations it may be required to be certified by a registered geologist.
3. Any retaining structures exceeding four (4) feet in height shall be certified by a licensed professional engineer to have been built in accordance with the approved plan.
4. Any graded or fill slope which exceeds a 3:1 grade shall be terraced at twenty-foot (20) vertical intervals with a minimum bench width of five (5) feet.

5. Any graded slope which exceeds a 3:1 grade shall be grade staked before grading process begins. The City Engineer shall be notified immediately after slope has been staked and prior to grading for inspection.
  6. Maximum slopes proposed within a minimum of twenty feet (20) of an established property line or any required setback adjacent to a property line shall be 3:1 tying into existing grades along perimeter or property line of the site or retained via retaining walls or other acceptable measures. Encroachment of grading onto adjacent lots will not be allowed except where easements have been obtained prior to the grading.
  7. Field stakes sufficient to delineate property boundary, shall be in place at the time the grading plan is submitted for review.
- B. Construction Sequence. A construction sequence outlining the proposed time-table for completion of each phase of site grading work may be required to be submitted in conjunction with the grading plan.
- C. Where practical, construction of all slopes and retaining structures shall be completed and approved by inspection and certification prior to initiating any approved building construction. Practicality shall be determined on a case specific basis by the City Engineer.

## **3.05 Exterior Lighting**

### **3.05.01. Purpose**

To provide standards for exterior lighting that both create a safe environment and protect the night sky.

### **3.05.02. General Standards**

- A. On-site lighting for parking areas, buildings, and commercial display areas shall be limited to fixtures that do not cast direct light beyond the limits of the property.
- B. Lighting standards shall not exceed the lesser of five (5) feet taller than the principal building height or twenty-five (25) feet.
- C. All lighting within the City boundaries shall be a color temperature of 3,000 Kelvin or less and shall contain full cutoff fixtures that allow no light trespass.

## **3.06 Fencing and Screening**

### **3.06.01. Purpose**

To provide design and construction standards for all fencing and screening installed in the City of Woodland Park and required by this UDC.

### **3.06.02. Classification of Fences**

- A. Solid fences shall include masonry walls, hedges, wood, or other materials which are less than eighty percent open. All solid fences must be constructed with the fence finishing facing the exterior of the lot towards the property boundaries and public rights-of-way rather than the interior of the lot.
- B. Open fences shall include all fences which are greater than or equal to eighty (80) percent open.

### **3.06.03. General Standards**

- A. Height of Fences.
  - 1. Any solid fence within the front yard shall have a maximum height of thirty-six (36) inches if on or within the front setback and a maximum of seventy-two (72) inches otherwise.
  - 2. Any open fence within the front yard shall have a maximum height of seventy-two (72) inches.
  - 3. Maximum height of any fence, solid or open in the side or rear yards shall be seventy-two (72) inches, with the exception of barbed wire fences in commercial, industrial, and agricultural districts for the purpose of security which shall not exceed ninety-six (96) inches in height.
  - 4. Double frontage lots with one frontage on a major arterial (State Highway 67 or U.S. Highway 24) may have fences solid or open up to seventy-two (72) inches in height on the property line located along the major arterial.
  - 5. The side setback which is adjacent to the street on a reverse corner lot shall conform to the requirements for front setbacks.
  - 6. Public tennis courts, baseball field, and other similar public recreation uses shall be exempt from the seventy-two (72) inch height limitation.
- B. Electrical Fences.

1. Low amperage, low voltage "pet" electric fences may be used in any district upon approval of the installation by the Building Department. All other electric types of fencing are prohibited.

C. PUD Districts.

1. Fences within a Planned Unit Developments may vary from the standards of this Section 3.06 – Fencing and Screening, but in such case they must be in conformance with the fencing plan for the development.

D. Commercial and Industrial District Screening.

1. This Section 3.06 – Fencing and Screening shall be applicable to any new construction in the commercial zone or any remodeling in the commercial zone where said remodeling cost is at least fifty (50) percent of the original building value.
2. All commercial and industrial lots which have a lot line which abuts a residential lot shall install a solid fence with a height of seventy-two (72) inches along that abutting lot line.
  - a. A fence plan shall be submitted along with the Building Permit application and installation of said fence by the commercial property owner shall be a prerequisite to issuance of a certificate of occupancy.

E. Administration Exemption.

1. Where an extraordinary or exceptional situation or condition peculiar to a piece of property exists that would result in exceptional, demonstrable unnecessary hardship due to the strict application of any provision of this Section 3.06 – Fencing and Screening, the Planning Director may grant an administrative adjustment.

F. Vision at Corners and Intersections.

1. Trees, shrubs, signs, fences, or any portion thereof, or any type of obstacle shall not be planted, placed, or retained in such a manner which would obstruct the site triangle at street corners and intersections of streets, alleys, and driveways per Section 3.03 – Vision Clearance Standards.

G. Fencing and Landscaping within Easements.

1. No fencing shall be permitted within utility easements, drainage easements, or easements dedicated for other public use purposes, except with the written permission of the Planning Director per the following:
  - a. Gates shall be installed where fences are located within or across easements when to provide access to and along an easement for purposes of installing, inspecting, and maintaining utilities and drainage facilities.

- b. Where fencing or landscaping exists or are installed within an easement, the City or utility provider may remove the same as necessary for the purpose of installing, inspecting, and maintaining utilities and drainage facilities. The property owner shall be responsible for replacing said structures at their own expense and shall be required to reimburse the City or utility provider for removal costs as well.

#### **3.06.04. Screening Required for Outdoor Storage Areas**

- A. Any outside commercial storage of supplies, goods, vehicles, equipment, including commercial waste dumpsters, or other materials normally stored outdoors shall be required to be effectively screened from view from any public rights-of-way and adjacent property with a less intense use.
- B. Such screening, approved by the Planning Director, shall be accomplished using a seventy-two-inch (72) high solid fence or wall.
- C. The following uses are exempted from this provision:
  - 1. Structures and projects under construction,
  - 2. Establishments providing for the rental of equipment,
  - 3. Short-term sales for goods and merchandise (i.e. a sidewalk sale),
  - 4. Campgrounds,
  - 5. Automobile or truck motor vehicle sales or rental,
  - 6. Special event parking lots,
  - 7. Agricultural operations,
  - 8. Open air markets,
  - 9. Transportation terminals, and
  - 10. Commercial garden shops, nurseries and greenhouses.

### **3.07 Landscaping**

#### **3.07.01. Purpose**

To provide standards for landscaping to ensure reduction in heat island effect as well as provide for beautification of development sites.

#### **3.07.02. Landscape Standards and Specifications**

- A. All landscaped materials must meet the minimum standards in Table 3.07-1 at the time of planting.

*Table 3.07.02-1 Landscape Material Sizing Standards*

| Material            | Standard   |
|---------------------|--|
| Deciduous trees     | 2" caliper – diameter measured at 4.5' above grade (DBH)   |
| Evergreen trees     | 6' in height   |
| Ornamental trees    | 1.5" caliper - diameter measured at 4.5' above grade (DBH) |
| Shrubs              | 5 gallon size  |
| Wood chip mulch     | 3" depth   |
| Rock or stone mulch | 2" size – 3" depth   |

**B. Landscape Planting and Maintenance**

1. Landscaping shall not be installed or maintained in any location which constitutes a hazard or infringement to the public health, safety and welfare.
2. Planting areas adjacent to parking or vehicular circular circulation areas shall be protected from vehicular intrusion or damage from excessive vehicular lubricant or fuels.
3. Landscaping shall be regularly maintained. Dead, diseased or missing plants must be replaced with the same type as provided in the approved landscape plan. Replacement must occur within the next planting season, not to exceed twelve months.

**3.07.03. Tree Retention, Protection, and Replacement**

A. All sites shall be designed to maximize the retention of existing healthy trees.

B. Healthy existing significant trees shall be preserved to the extent reasonably feasible on all development sites and may be used to satisfy landscaping and open space requirements as provided herein.

1. Significant trees are those measuring six (6) inches or greater in diameter four and one-half (4.5) feet above grade (DBH).
2. Such trees shall be retained and protected on the site in accordance with all applicable provisions of this Section.
3. When required, landscape plans shall identify the location, species, size, and condition of all significant trees, as well as the applicant's intent to preserve, transplant or protect.

C. Priority Areas for Tree Retention. The following criteria shall be used to determine areas of greatest priority for retention of trees on all development sites:

1. Trees located in sensitive environmental areas including floodplains, stream corridors, wetlands and steep slopes (grade of 3:1 or greater), and natural drainage features.
2. Trees that provide cover, food or other wildlife habitat amenities.
3. Outstanding tree specimens due to size, species, form or appearance.

4. Trees located in proposed street yards or along property perimeters that will serve as natural landscape, buffer, open space, screening or transition areas.
  5. Trees located within proposed parking areas that will provide shade and wind protection, or aesthetic value for the proposed use.
- D. Tree Protection Standards. The following standards shall be used to the maximum extent feasible for all projects during construction:
1. Prior to and during construction, all protected trees shall be marked with surveyor's ribbon and protected by barriers. Said barriers to be of orange fencing a minimum of four (4) feet in height, secured with metal t-posts, no closer than six (6) feet or the outer drip line of the tree, whichever is greater.
  2. Within the dripline of any protected tree, there shall be no cut or fill over a four (4) foot depth unless a qualified arborist or forester has evaluated and approved the disturbance.
  3. Within the dripline of any protected tree, there shall be no operation of heavy equipment, no cleaning of equipment or material or storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree.
  4. Large areas containing protected trees and separated from construction or land clearing areas may be designated by surveyor's ribbon and metal t-post only rather than the protective barriers described herein.
- E. Exemptions from Requirements. Trees that meet one or more of the following criteria shall be exempt from the requirements of this Subsection 3.07.03 – Tree Retention, Protection, and Replacement:
1. Dead, dying or naturally fallen trees, or trees found by the City to be a threat to the public health, safety and welfare.
  2. Trees determined by the City to obstruct clear site distance visibility at driveways and intersections.
  3. Trees that constitute a public nuisance or threat to adjacent woodlands due to species, location, disease, infestation, fire hazard or overcrowding.
  4. Trees located within recreation areas, utility easements, on-site septic systems, roadways, or other special feature areas as designated on approved site plans or approved subdivision development plans.
- F. Multi-Household, Commercial, and Industrial Developments.
1. Removal of trees from a development site may occur within the building envelope and vehicle accommodation area and may include a thirty-foot (30) fire safety zone around

the approved building envelope except as provided in this Subsection 3.07.03 – Tree Retention, Protection, and Replacement.

2. Removal of additional trees beyond these areas is prohibited.
3. Acceptable standards for tree spacing, pruning and tree maintenance must be met on all sites.

G. Single-Household Residential Developments

1. Existing developed residential lots shall retain a lot coverage, other than tree removal as allowed within this Subsection 3.07.03 – Tree Retention, Protection, and Replacement, whereby no more than ten (10) percent of the existing on site trees can be removed, providing acceptable standards for tree spacing, pruning and tree maintenance are met.
2. On platted undeveloped lots, tree removal may occur within the building envelope and may include a thirty-foot (30) fire safety zone around the approved building envelope. Additional tree removal beyond the approved building envelope shall be permitted up to ten (10) percent of the total lot coverage, providing acceptable standards for tree spacing, pruning and tree maintenance are met.
3. On all other undeveloped or unplatted residentially zoned parcels, tree removal is prohibited except in accordance with all applicable standards of this Subsection 3.07.03 – Tree Retention, Protection, and Replacement.

H. Landscape Requirement.

1. For the NC, CC, SC, and HSCLI zone districts, twenty-five (25) percent of the lot size shall be landscaped with a minimum of one-half (1/2) the requirement abutting residentially zoned areas.
2. For the CBD zone district, ten (10) percent of the lot size shall be landscaped with one-half (1/2) the requirement abutting residentially zoned areas.

**3.07.04. Parking Lot Landscaping**

- A. All new and substantially improved parking areas shall be required to meet the standards provided Section 3.08 – Parking Requirements.
- B. Landscape Plan Required.
  1. A landscape plan shall be submitted and approved which provides the location of all existing and proposed vegetation, landscaping, and screening including size of trees measured at four and one-half (4.5) feet above grade (DBH) of all existing and proposed trees, location and dimensions of planting areas, street yards, parking areas, the number, spacing, location, species, height and size of all planting materials, location and

size of walls, berms and fences, and provisions for watering, soil stabilization, plant protection and maintenance access.

C. Parking Lot Perimeter Landscaping.

1. Parking lots shall be screened from adjacent uses within a buffer yard a minimum of eight (8) feet measured horizontally from the property line.
2. Screening may be accomplished in a variety of ways, including, but not limited to a garden wall, retaining wall, wooden fence, earthen berm, constructed planter, existing vegetation, dense hedge, multiple rows of shrubs and trees, or a combination of these techniques.

D. Parking Lot Interior Landscaping.

1. All parking areas shall provide landscaped planting areas, or landscaped islands, within the interior of the parking area.
2. Landscaped islands shall be evenly distributed throughout the parking lot between parking rows, at the ends of parking rows, and between parking spaces. The minimum dimension of each landscaped island is eight (8) feet, with a minimum area of eighty (80) square feet.
3. Deciduous, evergreen, and ornamental trees shall be planted within the landscaped islands at a minimum rate of one (1) tree for every ten (10) parking spaces. No parking space may be further than fifty (50) feet from the trunk of a tree, or seventy-five (75) feet from two or more trees. Shrubs and groundcover shall also be installed within the landscaped islands. Innovative design and arrangement of landscaped islands and planting materials is encouraged.

E. Building Perimeter Landscaping.

1. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entrance ways or loading areas, by a landscaped planting area of at least four (4) feet in width.
2. Trees, shrubs and groundcover shall be planted within these areas.

**3.07.05. Street Tree Landscaping**

- A. A street landscape area averaging twenty (20) feet in width, but not less than fifteen (15) feet measured from the proposed or existing curbline or edge of pavement shall be required of all properties abutting a public or private street. Required pedestrian walkways, sidewalks, and bikeways are included in the street yard measurement.

- B. Deciduous shade trees, evergreen trees and ornamental trees shall be planted within the street yard on an average of one (1) tree for every thirty-five (35) feet of street frontage. Shrubs and groundcover shall also be installed in the street yard. While innovative design and clustering of plant materials is encouraged, proper spacing must be maintained for larger trees.
- C. In order to avoid blocking motorist sight distance, no plant material greater than twenty-four (24) inches in height may be located within fifteen feet of any driveway curb cut.

### **3.08 Parking Requirements**

#### **3.08.01. Purpose**

This Section prescribes provisions, criteria, and standards for off-street parking and loading areas. The City recognizes that inadequate off-street parking and loading areas may lead to traffic congestion, parking violations in adjacent streets, loss of economic opportunities, as well as unauthorized parking in adjacent lots. Excessive parking and loading areas may waste money and valuable space for development or open space and increase the potential for drainage problems. This Section seeks to balance the public and the private needs for off-street parking and loading areas.

#### **3.08.02. Applicability**

1. The provisions of this Section 3.08 – Parking Requirements, apply to all uses except single-household detached and duplex residential developments to the extent that they are applicable and reasonable.
2. This Section 3.08 – Parking Requirements, applies to new development, substantial improvement to existing development, and the change of use of a property or structure.

#### **3.08.03. Number of Off-Street Parking Spaces Required**

- A. Development in all zone districts shall provide a sufficient number of parking spaces per Table 3.08.02-1 – Table of Parking Spaces Required, to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The requirements of this Section 3.08 – Parking Requirements, shall not apply to uses in existence as of the effective date of the ordinance, except as specifically noted to the contrary.

- C. When determination of the number of parking spaces required by Table 3.08.03-1 results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) space.
- D. The City recognizes that Table 3.08.02-1 does not cover every possible situation that may arise. Therefore, in cases where the parking requirements are not specified, the Planning Director is authorized to recommend the parking requirements using the table as a guide and utilize applicant-submitted parking data that provides evidence of the adequacy of parking based on demand from similar uses in other jurisdictions.
- E. The parking requirements in this Section 3.08 – Parking Requirements, may be modified where applicant-submitted parking data illustrates that the parking requirements do not reasonably apply to a specific development.
  - 1. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.
  - 2. Alternative parking plans shall accompany the associated development application.
- F. Whenever any use in existence as of the effective date of this UDC expands or changes to another use, parking spaces shall be brought into conformance with the provisions of this Section 3.08 – Parking Requirements.
- G. Whenever more than one use occupies the same building or lot, the total number of parking spaces required shall be the sum of the requirements for each use.

*Table 3.08.03-1 Table of Parking Spaces Required*

| <b>Proposed Use</b>                     | <b>Number of parking Spaced Required</b> |
|---|--|
| <b>Agricultural Uses</b>                |  |
| Greenhouse, Commercial or Plant Nursery | 1 per 600 sf of usable floor area        |
| Stable, Commercial                      | 1 per 2 horses                           |
| Stable, Private                         | 1 per 2 horses                           |
| <b>Amusement and Recreation Uses</b>    |  |
| Arts and Culture Facility               | 1 per 4 seats                            |
| Golf Course and Clubhouse               | 1 per 3 people of facility capacity      |
| Health Club or Fitness Center           | 1 per 250 sf of usable floor area        |
| Recreational Entertainment, Indoor      | 1 per 4 seats                            |
| Recreational Entertainment, Outdoor     | 1 per 3 people of facility capacity      |
| <b>Animal Care Uses</b>                 |  |
| Kennel, Commercial                      | 1 per 200 sf of usable floor area        |
| Kennel, Private                         | 1 per 200 sf of usable floor area        |

| <b>Proposed Use</b>  | <b>Number of parking Spaced Required</b>  |
|--|---|
| Pet Shop / Grooming  | 1 per 200 sf of usable floor area   |
| Veterinary Facility  | 1 per 200 sf of usable floor area   |
| <b>Automotive Uses</b>                                       |   |
| Car Wash (passenger)   | 4 stacking spaces per each wash bay   |
| Truck and Trailer Rental                                     | 1 per 2 employees on maximum shift  |
| Vehicle Body, Paint, and Collision Repair                    | 3 per each repair bay   |
| Vehicle Fueling Station                                      | 1 per 200 sf of usable floor area   |
| Vehicle Rental and Sales (passenger)                         | 1 per 600 sf of usable floor or outside area                                    |
| Vehicle Repair and Service, Light                            | 3 per each repair bay   |
| Vehicle Repair and Service, Heavy                            | 3 per each repair bay   |
| <b>Financial Professional and Business Service Uses</b>      |   |
| Business Services  | 1 per 200 sf of usable floor area   |
| Financial Institution  | 1 per 200 sf of usable floor area, plus 4 stacking spaces per drive-thru window |
| Office   | 1 per 200 sf of usable floor area   |
| <b>Health Service Uses</b>                                   |   |
| Ambulance Service Business                                   | 1 per 400 sf of floor area  |
| Care Facility  | 1 per 3 beds  |
| Hospital   | 2 per bed or 1 per 150 sf of usable floor area, whichever is greater            |
| Medical Clinic   | 1 per 200 sf of usable floor area   |
| Medical, Dental, Optical Laboratories, and Fabrication       | 1 per 2 employees on maximum shift  |
| Pharmacy   | 1 per 200 sf of usable floor area   |
| <b>Industrial Uses</b>                                       |   |
| Contractor and Construction Services with Outdoor Storage    | 1 per 200 sf of usable floor area   |
| Contractor and Construction Services without Outdoor Storage | 1 per 200 sf of usable floor area   |
| Equipment Rental or Sales                                    | 1 per 600 sf of usable floor or outside area                                    |
| Equipment Repair Services                                    | 1 per 200 sf of usable floor area   |
| Manufacturing and Industry, Light                            | 1 per 2 employees on maximum shift  |
| Manufacturing and Industry, Heavy                            | 1 per 2 employees on maximum shift  |
| Recycling Facility   | 1 per 200 sf of usable floor area   |
| <b>Institutional, Public, and Semipublic Uses</b>            |   |
| Child Care Center  | 1 per 200 sf of usable floor area   |
| Civic Space  | 1 per 4 people of facility capacity   |
| Cultural Facility  | 1 per 300 sf of usable floor area   |
| Government Administration Use                                | 1 per 200 sf of usable floor area   |
| Government Operations Use                                    | 1 per 2 employees on maximum shift  |
| Private Club or Lodge  | 1 per 5 seats or 1 per 200 sf of usable floor area, whichever is greater        |
| Religious Land Use   | 1 per 5 seats   |
| School, Pre-K through 12                                     | 2 per classroom   |

| <b>Proposed Use</b>   | <b>Number of parking Spaced Required</b>   |
|---|--|
| School, Technical or Vocational   | 5 per classroom  |
| School, University or College   | 5 per classroom  |
| <b>Lodging Uses</b>   |  |
| Bed and Breakfast   | 1 per guest room plus 1 per 2 employees on maximum shift                         |
| Campground  | 1 per campsite   |
| Hotel or Motel  | 1 per guest room plus 1 per 2 employees on maximum shift                         |
| Recreational Vehicle Park   | 1 per RV pad site  |
| <b>Natural Medicine Uses</b>  |  |
| Natural Medicine Healing Centers  | 1 per 200 sf of usable floor area  |
| Natural Medicine Businesses Other Than Natural Medicine Healing Centers | 1 per 200 sf of usable floor area  |
| <b>Personal and Consumer Service Uses</b>                               |  |
| Adult Oriented Businesses   | 1 per 200 sf of usable floor area  |
| Bar, Lounge, or Nightclub as Principal Use                              | 1 per 100 sf of usable floor area  |
| Bar, Lounge, as Accessory Use   | 1 per 100 sf of usable floor area  |
| Brewery, Distillery, or Limited Winery                                  | 1 per 200 sf of usable floor area  |
| Funeral Services - Crematory  | 1 per 200 sf of usable floor area  |
| Funeral Services Facility   | 1 per 4 seats or 1 per 200 sf of usable floor area, whichever is greater         |
| Personal Services   | 1 per 150 sf of usable floor area  |
| Restaurant, with Drive-Thru Food Service                                | 1 per 100 sf of usable floor area, plus 4 stacking spaces per drive-thru window  |
| Restaurant, without Drive-Thru Food Service                             | 1 per 4 seats or 1 per 100 sf of usable floor area, whichever is greater         |
| <b>Residential Dwelling Uses</b>  |  |
| Dwelling, Duplex  | 2 per dwelling unit  |
| Dwelling, Mobile Home   | 2 per mobile home unit   |
| Dwelling, Modular   | 2 per dwelling unit  |
| Dwelling, Multi-Household   | 1.5 per 1-bedroom unit<br>2 per 2-bedroom unit<br>2.5 per 3 or more bedroom unit |
| Dwelling, Park Model  | 2 per dwelling unit  |
| Dwelling, Single-Household Attached                                     | 2 per dwelling unit  |
| Dwelling, Single-Household Detached                                     | 2 per dwelling unit  |
| Dwelling, Tiny House  | 2 per dwelling unit  |
| Group Home  | 2 per dwelling unit  |
| <b>Retail Sales Uses</b>  |  |
| Agricultural and Gardening Sales  | 1 per 200 sf of usable floor area  |
| Convenience Store   | 1 per 200 sf of usable floor area  |
| Grocery Store, Small-Scale  | 1 per 200 sf of usable floor area  |
| Grocery Store, Large-Scale  | 1 per 200 sf of usable floor area  |
| Liquor Store, with Drive-Thru Service                                   | 1 per 200 sf of usable floor area  |

| Proposed Use  | Number of parking Spaced Required   |
|---|-------------------------------------|
| Liquor Store, without Drive-Thru Service                            | 1 per 200 sf of usable floor area   |
| Manufactured Home Sales   | 1 per 1,000 sf of usable floor area |
| Retailer, Large   | 1 per 200 sf of usable floor area   |
| Retailer, Small   | 1 per 200 sf of usable floor area   |
| <b>Wholesale Trade, Distribution, Warehousing, and Storage Uses</b> |                                     |
| Mini-Storage or Self-Storage  | 1 per 200 sf of usable floor area   |
| Warehousing and Distribution  | 1 per 600 sf of usable floor area   |
| Wholesale Trade and Distribution Establishment                      | 1 per 400 sf of usable floor area   |

#### **3.08.04. Special Provisions for Uses Unable to Comply**

- A. When the requirements of this Section 3.08 cannot be met for a lot that exists prior to July 6, 1995 because there is not sufficient area on the lot that can be practicably used for parking, then the owner of the lot shall pay fees in lieu of providing the required parking.
1. The fees will be recommended by the City Engineer and will be established by City Council-adopted resolution on an annual basis.
  2. The per space fee will include required pavement, curb and gutter, drainage, landscaping, striping, associated construction costs and land costs, if applicable.
  3. Fees paid to the City in lieu of required parking spaces will be set aside in a separate fund that will be used to construct public parking lots in appropriate areas throughout the City.

#### **3.08.05. General Design Requirements**

- A. **Parking Lot, Space and Aisle Dimensions.** Parking lot, space and aisle dimensions shall be in accordance with the "Off Street Parking Table" and "Off Street Parking Layout." Requirements shall be as specified for the general all purpose standard, unless otherwise requested.
- B. **Parking Lot Access.** Access to parking lots shall be not less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic. Access shall be to a public right-of-way.
- C. **Yard Setback Requirements.** Parking lots shall not be required to meet the specific yard setback requirements of the zone district in which they are located. Parking lots, aisles and spaces shall be designed so that vehicles cannot extend beyond the perimeter of such area or lot onto adjacent properties, or public rights-of-way. Such areas shall be designed so that

vehicles do not extend over sidewalks, tend to bump against any wall, vegetation or obstruction or present a sight-distance problem.

- D. Backing onto Streets Prohibited. Parking lots shall be designed so that without resorting to extraordinary movements, vehicles may exit the lot without backing onto a public street.
- E. Accommodation of Service Vehicles. Parking lots shall be designed so sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making dangerous or hazardous turning movements.
- F. Parking Lot and Other Vehicle Accommodation Area Surfaces. All parking lot and other vehicle accommodation areas shall be graded and hard-surfaced with bituminous asphalt or Portland cement concrete (chip and seal applications shall not be allowed) to control potholes, erosion or dust. Concrete curb and gutter for drainage and parking lot delineation is required for all parking lots and other vehicle accommodation areas and shall be designated per this UDC. For purposes of this provision, vehicle accommodation area is defined as all of that portion of a lot that is used by vehicles for access, circulation, parking, loading and unloading.
- G. Parking Spaces to be Marked. Parking spaces in hard-surfaced parking lots shall be appropriately demarcated with painted lines or other markings. Such lines shall be kept clearly visible and distinct.
- H. Parking Lots to be Maintained. Parking lots shall be properly maintained in all respects; specifically, they shall be free of potholes, accumulation of trash, and parking space lines kept clearly visible and distinct.
- I. Handicapped Parking Required. Parking spaces for the handicapped shall be provided in accordance with the City's current building code and constructed in compliance with the Americans with Disabilities Act.
- J. Snow Storage Area Required. Snow storage areas shall be provided for all parking lots. The amount of snow storage area shall be equal to or exceed ten percent of the total area of required parking spaces. Snow storage areas shall be located so as to not drain onto adjacent properties. Such areas may utilize excess parking spaces above the number required.
- K. Landscaping Required. All parking lots shall be landscaped in accordance with Section 3.07.04 – Parking Lot Landscaping and the following standards:
  - 1. Vegetation shall not present a sight-distance problem at full maturity.

2. All required landscaped areas shall be maintained. Specifically, they shall be kept free of dead plant materials and trash.

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### **3.08.06. Joint Use of Required Parking Spaces**

- A. A parking lot may contain required spaces for several different uses, but except as otherwise provided in this Section, the required parking spaces assigned to one use may not be credited to any other use.
- B. To the extent that developments that wish to make joint use of the same parking spaces operated at different times, the same parking spaces may be credited to both uses.

### **3.08.07. Off-Site Parking Lots**

- A. If the number of parking spaces required cannot reasonably be provided on the same lot where the use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section 3.08.07 – Off-Site Parking Lots.
- B. All off-site parking shall be located within four hundred (400) feet of the lot where the use is located. With approval from the Planning Director, existing public parking located within four hundred (400) feet of the lot where the use is located may also be counted towards the required number of parking spaces.
- C. The developer or applicant desiring to utilize the provisions of this Subsection 3.08.07 – Off-Site Parking Lots shall present satisfactory evidence that he has the permission of the owner of the off-site parking lot to use such spaces. The parking spaces shall not be the required spaces assigned to any other use. The developer or applicant shall acknowledge that the validity of his permit depends upon his continuing ability to provide required number of parking spaces.

### **3.08.08. Loading and Unloading Areas**

- A. Whenever any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from the site upon the same lot, sufficient off-street loading and unloading area shall be provided in accordance with this Section 3.08.08 – Loading and Unloading Areas to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use the area, subject to the nature of the use in question. The following equation indicates the number of loading berths that satisfy the standard found in this subsection:

1. Up to ten thousand (10,000) square feet of usable floor area requires the first berth, plus, for each additional five thousand (5,000) square feet of usable floor area, one additional berth is required.
  2. For purposes of this Section 3.08.08 – Loading and Unloading Areas a loading berth shall contain a space ten feet wide and thirty-five (35) feet long. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- C. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever there exists a lot with one or more structures or uses existing prior to the effective date of this UDC, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of Section 3.08.08 cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the applicant need only comply with Section 3.08.08 to the extent reasonably possible.

### **3.08.09. On-Street Parking Permitted in Lieu**

- A. Any other contrary provision notwithstanding, a person applying for and obtaining permission in accordance with this section may comply with Section 3.08 – Parking Requirements, by creating on-street parking by improving areas of public street right-of-way between the edge of the traveled lane and the outside boundary of the right-of-way.
1. Improvement of such areas of street right-of-way to create on-street parking in lieu of off-street parking is allowed only in the Central Business District, Neighborhood Commercial District, Community Commercial District, and Public/Semi Public District.
  2. A request for permission for on-street parking in lieu may be made concurrently with an application for a zoning development permit, Conditional Use Permit or a Site Plan Review.
  3. Each on-street parking space created by improving street right-of-way in accordance with the provisions of this Section shall be the equivalent of one (1) off-street parking

space. In order to receive credit for on-street parking spaces created pursuant to the provisions of this Section, the improvements must be made on public street right-of-way that is: (i) adjacent to the lot where the use is located; or (ii) within 400 feet of the lot where the use is located. All improvements permitted under this Section shall comply with the applicable design requirements contained in the City of Woodland Park Engineering Specifications, as the same may be amended from time to time, including those standards that the City Engineer shall and is hereby directed to promulgate. Such standards shall be included in the Woodland Park Engineering Specifications.

4. In determining whether to grant permission for on-street parking in-lieu, the review authority may consider without limitation the width of the right-of-way, the traffic volume on the subject street and in the vicinity and turning movement accommodation. No person has a right to permission to on-street parking in lieu, and no permission shall be granted where the City Engineer determines that the requested improvements do not advance the reasonable safety, health and welfare of the residents of the City.
5. The City may place conditions upon granting on-street parking in lieu, including but not limited to, specifying the type of curb and gutter or requiring dedication of additional right-of-way or installation of drainage improvements.

## **3.09 Signs**

### **3.09.01. Purpose**

The purpose of these regulations is to promote the health, safety, and welfare of the City's residents and visitors by creating the legal framework for a comprehensive and balanced system of signage that will provide easy, pleasant, and effective communication between people and their built environment; minimize hazards to pedestrians and vehicular traffic; protect property values; prevent sign clutter that is confusing for motorists and harmful to business success; and create a community appearance that promotes economic vitality, encourages tourism, and reflects civic pride, the City's heritage, and the natural environment.

### **3.09.02. Interpretation and Application**

The following shall be used as methods of interpreting and applying this Section:

- A. This Section is not intended to interfere with, abrogate, or annul any other regulation, statute, or other provision of law;

- B. Where any provision of this Section imposes regulations that are different from any other provision of this Section or any other regulation, ordinance, statute, or provision of law, that provision which is most restrictive or imposes higher standards shall govern;
- C. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign; and
- D. Section 3.09 – Signs provides regulations for works of art, merchandise, or thematic sculptures that consist of a company name, product, or trademark designed to be readily identifiable as a logo that encourages a commercial transaction.

### **3.09.03. No Permit Required**

For the purposes of this Section: 3.09.03 – No Permit Required, "permit" means a sign Zoning Development Permit (ZDP) Per Chapter 6. Public signs and the signs described in subsections A—D may be erected without a permit, provided such signs meet all other standards:

- A. Window Signs. Signs displayed in windows that are not permanent signs;
- B. Residential Nameplates. Residential nameplates that do not exceed eight square feet in sign area, which identify the occupant, name, or address of a dwelling.
- C. Garage Sale Signs. Garage sale signs, signs advertising yard, rummage, and estate sales, and other similar types of sales (all referred to in this chapter as garage sale signs) that are installed no more than twenty-four hours prior to the sale, removed within twenty-four hours after the end of the sale, and not displayed for longer than a total display time of ninety-six hours.
- D. Temporary signs relating to the development, sale, or rental of real property that comply with the following standards:
  - 1. On-Premises Real Estate Signs. One (1) temporary real estate sign on the premises is allowed on each street frontage to advertise a property for sale, lease, or rent provided that:
    - a. Within any residential zone district such sign, including any attached rider signs, shall be nonilluminated and shall not exceed an aggregate sign area of eight square feet. The standard height shall not exceed six feet. A brochure box may also be attached; and
    - b. Within any nonresidential zone district, such sign shall be nonilluminated or externally illuminated and shall not exceed thirty-two square feet in sign area. The standard height shall not exceed eight (8) feet. If the street frontage faced by such sign exceeds two hundred feet, one (1) additional thirty-two (32) square-foot real

estate sign is allowed, provided that the two signs are at least one hundred (100) feet apart.

2. Directional Real Estate Signs.
  - a. Within any zone district, five (5) directional open house or for sale, lease, or rent signs are allowed per property being advertised.
  - b. The sign area of directional real estate sign shall not exceed six (6) square feet.
  - c. Directional real estate sign(s) shall be nonilluminated in residential zone districts and shall be nonilluminated or externally illuminated in nonresidential zone districts.
3. Directional open house signs shall be erected no more than twenty-four (24) hours prior to the open house and shall be removed within twenty-four (24) hours of the end of the open house.
4. Directional for sale, lease, or rent signs shall be displayed only between the hours of 5:00 p.m. on Friday and 5:00 p.m. on Sunday.
5. Model Home Project Signs.
  - a. One (1) nonilluminated sign advertising a model home is allowed on the premises of the model home.
  - b. A model home is defined as a house that is used as an exhibit, not a private residence (and never has been a private residence), to advertise or market it or other houses.
  - c. Model home project signs shall not exceed a sign area of twenty-four (24) square feet. The standard height shall not exceed six (6) feet.
6. Directional Model Home Signs.
  - a. One (1) directional sign any place within two hundred feet of an access to a master-planned residential subdivision or to a particular filing of a residential development is allowed for the purpose of indicating the presence of one or more model homes.
  - b. Directional model home signs shall not exceed a sign area of eight square feet. The standard height shall not exceed six feet.
7. Development Project Signs. A common sign that identifies the owner, architect, financial institution, real estate agency, or general contractor and may contain other statements relevant to the development project shall be governed by the following standards:
  - a. One (1) temporary nonilluminated or externally illuminated development project sign is allowed on each street frontage of a nonresidential property;
  - b. One (1) temporary nonilluminated development project sign is allowed any place within two hundred (200) feet of an access to a master-planned residential

- subdivision or to a particular filing of a residential development. If the development contains more than one point of access, the developer may place two (2) signs at one access in lieu of one (1) sign at each access;
- c. The aggregate sign area of such signs shall not exceed thirty-two (32) square feet, divided between not more than two (2) signs;
  - d. The standard height shall not exceed eight (8) feet;
  - e. In all zone districts, development project signs shall not be placed closer than ten (10) feet to any side or rear property line;
  - f. In all residential zone districts, all development project signs must be removed when the developer sells the last lot in the development; and
  - g. In all nonresidential zone districts, development project signs must be removed when construction for that project is complete. The City may withhold the authorization of a certificate of occupancy until all development signs have been removed. In cases of phased development, each phase will be allowed a development project sign that must be removed prior to the City's authorization of the certificate of occupancy for that phase.
8. Development Project Signs, Large Lot.
- a. A large lot development project sign is a type of development project sign allowed in new residential subdivisions where the average lot exceeds one-half acre.
  - b. One (1) single large lot development project sign is allowed per every eight (8) lots held in common ownership is allowed in addition to the development project signs pursuant to the previous section regarding development project signs.
  - c. A large lot development project sign may be installed on an individual lot no closer than ten (10) feet to any side or rear property line. It shall be removed within seven (7) days after the sale of the lot on which it is installed. It shall not exceed sixteen (16) square feet in sign area. The standard height shall not exceed six (6) feet.
9. Construction, Contractor, or Subcontractor Identification Signs. These signs advertise a specific contractor service, company, or trade. In all zone districts, one (1) temporary construction-related sign is permitted for each contractor and subcontractor on each street frontage of a property up to a maximum of ten (10) individual signs that is under construction or redevelopment and must be removed prior to the City's authorization of the certificate of occupancy. Signs in residential zone districts shall be nonilluminated; signs in nonresidential zone districts shall be nonilluminated or externally illuminated.

The sign area of such sign shall not exceed eight (8) square feet. The standard height shall not exceed six (6) feet.

10. No Trespass Signs. Signs not exceeding three square feet in sign area, prohibiting trespassing on property, and spaced not closer than every fifty (50) feet.
  11. Informational Signs. Signs erected on private property indicating whether the establishment is open or closed, or providing directions or information regarding entrances and exits, hours of operation, accepted credit cards, parking areas, restrooms, telephones, walkways, or other similar facilities located on the premises, provided that no individual sign shall exceed four (4) square feet in sign area or a height of eight (8) feet to the topmost point of the sign measured from the ground.
  12. Commemorative Signs. A wall sign or detached freestanding sign providing information related to a building including the name of the building, the date of erection, or the historic significance, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of carved or sandblasted wood; formed, etched, or cast metal; high density pre-formed foam; or other similar new materials matching the building's architecture, provided the sign does not exceed six (6) square feet in sign area. When detached, the sign shall not exceed a height of eight (8) feet to the topmost point of the sign measured from the ground.
- A. Temporary Signs. All temporary signs located within private property boundaries must be related to an event with a limited duration and must be removed within five days after the conclusion of the event for which the sign pertains. All temporary signs must comply with the following standards:
1. Temporary signs are allowed along any external boundary of a lot that abuts a street frontage.
  2. Residential Zone Districts.
    - a. Signs shall be nonilluminated within any residential zone district.
    - b. Within residential zone districts, temporary signs shall not exceed an aggregate sign area of eight (8) square feet or a standard height of six (6) feet. The number of temporary signs allowed on a lot is not limited within residential zone districts.
  3. Nonresidential Zone Districts.
    - a. Signs shall be nonilluminated or externally illuminated within any nonresidential zone district.
    - b. Within nonresidential zone districts, temporary signs shall not exceed an aggregate sign area of thirty-two square feet or a standard height of eight feet.

- c. One temporary sign is allowed for each external boundary of a lot that abuts a street frontage within nonresidential zone districts.
  - d. One additional temporary sign is allowed for each vehicle access point of a lot within nonresidential zone districts.
- 4. In all zone districts, temporary signs may not be placed closer than ten (10) feet to any side or rear property line.
  - 5. A brochure box may be attached to temporary signs to provide informational materials to passersby.
- B. Flags. Including but not limited to flags of the United States of America, the state of Colorado, other state flags, flags of the City, flags from other governmental entities, or civic club flags, provided no flag shall exceed ninety-six (96) square feet in total area and no flag pole shall exceed a height of thirty feet. Flags must adhere to the USA Flag Protocol.

#### **3.09.04. Prohibited Signs**

The signs described in subsections A—G are specifically prohibited in the City.

- A. Signs which by color, location, design, or reasonable interpretation resemble or conflict with traffic control signs or signals.
- B. Signs that emit light that simulates lights or devices customarily associated with those used by police, fire, ambulance, or similar emergency vehicles.
- C. Exterior Flashing Signs. Illuminated signs on which the artificial or reflected light is not maintained stationary and constant in intensity at all times when in use, excluding electronic message displays to the extent allowed in this Section. All signs may be dimmed at night without violating this Section 3.09 - Signs. Nothing herein shall be construed as a prohibition on holiday and seasonal lighting.
- D. Non-Portable Commercial Off-Premises Signs. Non-portable commercial off-premises signs are prohibited, except for tourist oriented directional signs erected by the Colorado Department of Transportation (CDOT) and travelers' directional signs erected by the City. All signs erected in the City shall be accessory to the principal use of the premises on which the sign is located. Notwithstanding the prohibition stated herein, a person may appeal for a variance from the prohibition and the Board of Adjustment may grant a variance subject to the provisions and procedures of Chapter 6.
- E. Stationary Vehicle Signs. Signs mounted, painted on, or attached to a parked vehicle or trailer for the primary purpose of attracting people to a product, business, or activity located on the same or nearby premises, or to a product, business, or activity located on a public

right-of-way in the vicinity of such vehicle or trailer. Signs on vehicles or trailers that are merchandise are not included in this definition.

- F. Mailbox Signs. Mailboxes shall not display commercial advertising beyond business name.
- G. Other than public signs: signs in City-owned open-space; signs at Meadow Wood Sports Complex; signs set into or on City-owned lawns, other than parks; and signs attached to City-owned property, including but not limited to buildings, fences, light posts and street signs.

### **3.09.05. Permit Required**

- A. Permit Required. A Sign Permit, as described in Subsection 6.07.040 – Sign Permit, is required to erect, install, relocate, structurally modify, or perform any other non-routine maintenance of any sign, except for those signs indicated in Section 3.09.03 – No Permit Required or those signs requiring a temporary sign permit per Section 3.09.06 – Temporary Signs and Permits Required.
- B. An administrative review at no fee is required to reface an existing sign. Tenant signs on directory signs do not require a permit or a review if refaced.

### **3.09.06. Temporary Signs and Permits Required**

- A. Temporary Sign Permit Required. It is unlawful to construct, erect, or display any temporary sign for longer than twenty-four (24) hours without obtaining a temporary sign permit, per the provisions of Subsection 6.07.040 – Sign Permit.
- B. Banners and special event attention-getting devices such as pennants, streamers, balloons, and inflatable balloon characters or symbols, and devices or figures that are constructed of fabric, inflated, and designed to dance, wave, or flail are all considered as types of temporary signs.
- C. Temporary signs shall be governed by the following standards:
  - 1. The temporary sign permit shall be issued for a specified period. Temporary signs shall be displayed for no more than one hundred twenty (120) days during any calendar year and no more than thirty (30) consecutive days during any display period. Grand-opening or special event attention-getting devices as described in subsection B, may be displayed for up to thirty (30) days during any calendar year and no more than ten (10) consecutive days during any display period. The display period of attention-getting devices shall be deducted from the one hundred twenty (120) days granted for other temporary signs;

2. The aggregate sign area of all temporary signage shall not exceed thirty-six (36) square feet, to be divided among up to three temporary signs per establishment or organization, with up to two temporary signs on any street frontage;
3. The temporary sign permit fee for an event sponsored by a governmental entity or non-profit organization shall be waived; and
4. Banners shall be affixed to a building or other permanent structure, including but not limited to canopies, permanent sign structures, fences, retaining walls, and trees. No banners shall be affixed to fencing stakes or other methods of temporarily affixing the sign to the ground.

### **3.09.07. General Sign Standards**

- A. Sign Area. The area shall be calculated using the smallest rectangle(s) or circle(s) within which each individual text, graphic, or image component of the entire sign face can fit while excluding structural supports and architectural features. The calculation may utilize multiple rectangular or circular areas to encompass the smallest possible sign area as long as those combined areas include each component of the entire sign face. In addition, only one side of a double-faced sign shall be included in a computation of sign area. The sign area of a cylindrical sign shall be calculated using the following formula:  $\frac{1}{2} \pi dh$  where  $d$  is the diameter and  $h$  is the height of the cylinder.
- B. Sign Height. The height shall be calculated from the topmost point of a sign measured from the ground on an upslope relative to the adjacent road grade and measured from the adjacent road grade on a downslope.
- C. Intersection Visibility. No sign shall be placed, erected, or maintained in the sight triangle as illustrated in Section 3.03.
- D. Sign Materials. Awning signs shall be made from cloth, canvas-like, or other non-structural covering materials. Signs other than awning and temporary signs shall not be constructed of cloth, canvas-like, vinyl, rolled plastic, cardboard, or other manmade fiber material.
- E. Sign Illumination. No sign shall emit light of such intensity that it either creates a hazardous condition or annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of motorists or adjoining neighbors. Light from external illumination sources may not create a hazardous condition or annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of motorists or adjoining neighbors. No complaint shall be issued in the event the light from the sign is removed, or the condition abated or fully corrected.

- F. Support Structures. No permanent sign shall be attached to, supported by, painted on, or drawn on fences, railings, utility poles, or trees.
- G. Attached Sign Height. No attached or roof sign that is attached to a building shall be constructed to extend more than three inches above the primary peak of the roofline of a building.
- H. Sign Movement. All signs and any portions thereof must maintain a permanent, stationary, and fixed position, unless specifically allowed in *Section 3.06*. Suspended or hanging signs are allowed.
- I. Sound. No sign shall incorporate any sound-making device.
- J. Certain Words Prohibited. No sign shall copy or imitate a public sign. Other than public signs, no sign shall use the word "danger" in the absence of a threat of eminent danger. This provision shall not apply when the words are part of a business name or an attraction title for a theatrical or similar event or purpose.

### **3.09.08. Residential Standards**

- A. Signs for Residential Uses Located in Nonresidential Zone Districts. Signs for single-household residential uses that are located in nonresidential zone districts shall be governed by the standards in clause 3.09.08.C.1. Signs for multi-household uses that are located in nonresidential zone districts shall be governed by the standards in clause 3.09.08.C.2. Signs for manufactured home communities that are located in nonresidential zone districts shall be governed by standards in clause 3.09.08.C.3.
- B. Residential Areas. Signs in residential areas shall be nonilluminated and no larger than eight square feet in sign area. For purposes of Section 3.09 – Signs, residential areas mean real property within residential zone districts except (1) model home sites; (2) any place within two hundred feet of an access to a master-planned residential subdivision or to a particular filing of a residential development; and (3) new residential subdivisions where the average lot exceeds one-half acre with at least eight lots held in common ownership.
- C. Low-Profile and Wall Signs. This section includes additional requirements for signs that are located within residential zone districts but are not located within residential areas, as described in clause 3.09.08.B.
  - 1. In the suburban residential and urban residential zone districts, one low-profile sign any place within two hundred feet of an access to a master-planned residential subdivision or to a particular filing of a residential development, not exceeding a sign area of twenty-

four square feet, is allowed for the purpose of identifying the name of a residential development.

2. In the multi-household residential suburban and multi-household residential urban zone districts:
  - a. One low-profile sign is allowed any place within two hundred (200) feet of an access to a master-planned residential subdivision or to a particular filing of a residential development for the purpose of identifying the name of a multi-household residential development according to the table below. If the development contains more than one point of access, the developer may place two signs at one access in lieu of one sign at each access.

Table 3.06(A)

| Sign Area Requirements   |                     |
|--------------------------|---------------------|
| Number of Dwelling Units | Sign Area (sq. ft.) |
| 1-4                      | 8                   |
| 5-9                      | 12                  |
| 10-19                    | 16                  |
| 20-29                    | 20                  |
| >30                      | 24                  |

- b. One wall or low-profile sign, not exceeding a sign area of eight square feet, is allowed for the purpose of identifying an office, each common facility, and each specific multi-household structure.
  3. In the manufactured home community zone district:
    - a. One low-profile sign any place within two hundred feet of an access to a manufactured home community or to a particular filing of a manufactured home community development not exceeding a sign area of twenty-four (24) square feet, is allowed for the purpose of identifying the manufactured home community. If the manufactured home community contains more than one (1) point of access, the developer may place two (2) signs at one (1) access in lieu of one (10 sign at each access; and
    - b. One (1) wall or low-profile sign, not exceeding a sign area of eight (8) square feet, is allowed for the purpose of identifying an office and each common facility.
- D. Ranch-Style Archways. In any residential zone district, one nonilluminated or externally illuminated ranch-style archway is allowed per approved driveway or access point to a

residential property or any place within two hundred feet of an access to a master-planned residential subdivision or to a particular filing of a residential development. The ranch-style archway shall not exceed a height of eighteen feet to the peak of the arch measured from the ground below the arch. Notwithstanding any contrary provision in *Section 3.06*, any ranch-style archway shall not exceed a maximum sign area of eight square feet over an approved driveway or access point or twenty-four square feet over any place within two hundred feet of an access to a master-planned residential subdivision or to a particular filing of a residential development. Ranch-style archways and their supports shall be constructed of natural materials such as brick, sandstone, wood, stucco, textured concrete masonry, wrought iron, or other similar materials.

**3.09.09. Nonresidential Standards**

A. Detached Freestanding Signs. Detached freestanding signs are allowed in all nonresidential zone districts and shall be governed by the following standards:

1. Number of Detached Freestanding Signs.
  - a. Independently located establishment. An independently located establishment means an establishment not located in a commercial center. One detached freestanding sign is allowed for each independently located establishment except that (1) if such establishment occupies a corner lot with a minimum area of twenty thousand (20,000) square feet, or (2) if such establishment has one (1) continuous street frontage that exceeds two hundred (200) feet, a second detached freestanding sign is permitted. If both signs are located on the same street frontage they must be at least one hundred feet apart.
  - b. Commercial Centers. A commercial center means any commercial development on a site that contains either three (3) or more contiguous tenant spaces in any one (1) building on a single lot or two (2) or more buildings on contiguous lots or the same lot that share parking facilities and accesses. All signs within a new commercial center completed or substantially improved after the effective date of this UDC must be compatible with the main buildings and the other signs in the commercial center.
    - i. The number of detached freestanding signs allowed for a commercial center is determined according to the following table:

*Table 3.09.09-1*

| Number of Signs Allowed |                              |                       |
|-------------------------|------------------------------|-----------------------|
| Number of Signs         | Building Footprint (sq. ft.) | Street Frontage (ft.) |

|   |                |      |
|---|----------------|------|
| 1 | 0—75,000       | ≤300 |
| 2 | 0—75,000       | >300 |
| 2 | 75,001—125,000 | N/A  |
| 3 | >125,000       | N/A  |

ii. Commercial center out-parcels. One detached freestanding sign is allowed for an independently located establishment on an outparcel of a commercial center and separated by a minimum distance of fifty (50) feet from any other building in the commercial center.

2. Area of Detached Freestanding Signs. The maximum sign area for a detached freestanding sign depends upon the type of sign to be erected and shall be determined as follows:

Table 3.09.09-2

| High-profile Sign Area, sq. ft. |       |       |       |     |
|---------------------------------|-------|-------|-------|-----|
| Speed, mph                      | 25-34 | 35-44 | 45-54 | 55+ |
| Frontage, ft.                   |       |       |       |     |
| <50                             | 24    | 32    | 40    | 48  |
| 50-99                           | 36    | 42    | 48    | 56  |
| 100-149                         | 48    | 54    | 58    | 64  |
| 150-199                         | 56    | 58    | 64    | 72  |
| 200-249                         | 64    | 64    | 72    | 80  |
| 250-299                         | 72    | 72    | 80    | 80  |
| 300 +                           | 80    | 80    | 80    | 80  |

Table 3.09.09-3

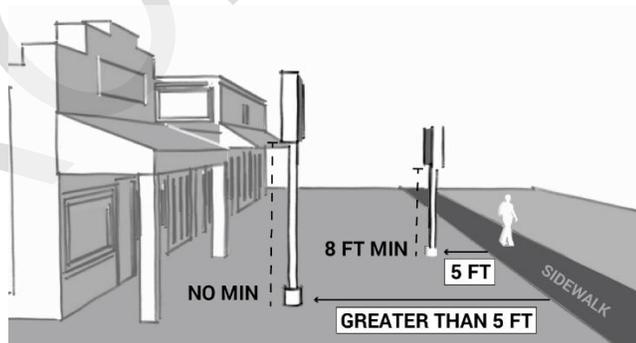
| Low-profile Sign Area, sq. ft. |       |       |       |     |
|--------------------------------|-------|-------|-------|-----|
| Speed, mph                     | 25-34 | 35-44 | 45-54 | 55+ |
| Frontage, ft.                  |       |       |       |     |
| <50                            | 12    | 16    | 20    | 24  |
| 50-99                          | 24    | 30    | 36    | 40  |
| 100-149                        | 48    | 54    | 58    | 64  |
| 150-199                        | 64    | 64    | 64    | 72  |
| 200-249                        | 72    | 72    | 72    | 80  |
| 250 +                          | 80    | 80    | 80    | 80  |

3. For commercial centers, the entire length of the commercial center's street frontage on which the sign will be located shall be used.
4. Height of Detached Freestanding Signs.
  - a. Low-profile signs. The standard height of low-profile signs shall not exceed six (6) feet.
  - b. High-profile signs. The standard height of a high-profile sign shall not exceed the following:

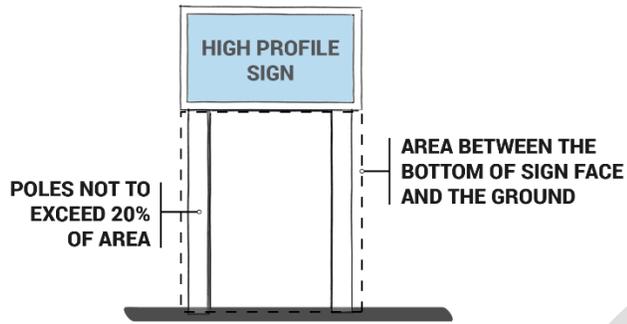
Table 3.09.09-4

| Zone District                                     | Standard Height |
|---|-----------------|
| Agriculture (AG)                                  | 12 feet         |
| Central business district (CBD)                   | 12 feet         |
| Neighborhood commercial (NC)                      | 12 feet         |
| Community commercial (CC)                         | 16 feet         |
| Service commercial (SC)                           | 20 feet         |
| Heavy service commercial/light industrial (HSCLI) | 20 feet         |
| Planned unit development (PUD)                    | 20 feet         |

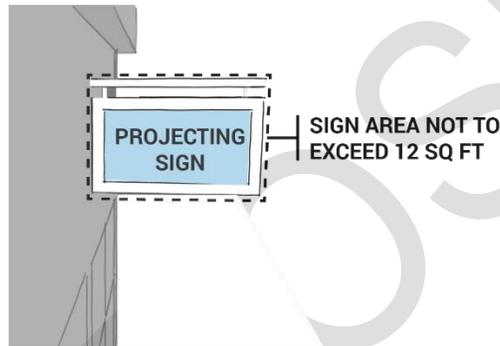
5. Minimum height to bottom of high-profile sign.
  - a. Any high-profile sign that is within five feet of a sidewalk shall have a minimum height to the bottom of the face of the sign of eight (8) feet.



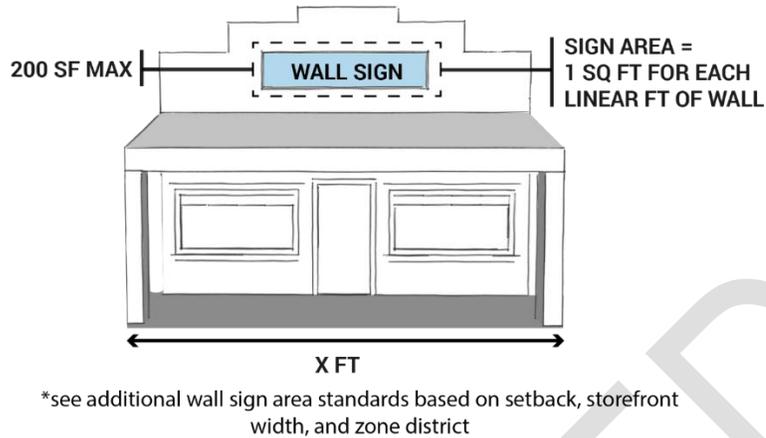
- b. Columns, poles, or other supports for a high-profile sign shall not occupy more than twenty (20) percent of the area between the bottom of the sign face and the ground.



- B. Projecting Signs. In all nonresidential zone districts, projecting signs are allowed for each independently located establishment, provided that the aggregate sign area of all projecting signs on each street frontage or wall shall not exceed twelve square feet.



- C. Wall Signs. In all nonresidential districts, wall signs shall be governed by the following standards:
1. The aggregate sign area shall not exceed one square foot for each linear foot of length of the wall on which such signs are mounted up to two hundred square feet. For establishments having a store front less than fifty feet in length and being set back one hundred to less than two hundred feet from the right-of-way, the aggregate sign area shall not exceed 1.25 square feet for each linear foot of length of the wall on which such signs are mounted. For a setback of two hundred feet or more the maximum aggregate sign area shall not exceed 1.5 square feet for each linear foot of length of the wall on which such signs are mounted. For buildings with irregular wall faces, the length of the wall shall include all the wall lengths that are generally parallel; and

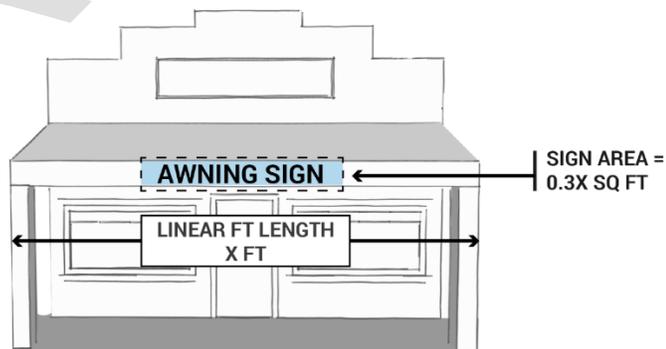


2. An establishment may have both wall signs and projecting signs on the same wall provided that the aggregate sign area of the wall signs and projecting signs does not exceed the maximum allowable sign area for wall signage, except as provided in Section 3.09.10 – Special Area Standards.

D. Mural Signs. In all nonresidential zone districts one mural sign shall be allowed at each establishment and such sign shall be governed by the same standards that apply to wall signs.

E. Canopy Signs. In all nonresidential zone districts, the aggregate sign area for each side of the canopy shall not exceed 0.30 square feet per linear foot of the side of the canopy on which the sign is mounted.

F. Awning Signs. In all nonresidential zone districts, the aggregate sign area for an awning sign shall not exceed 0.30 square feet per linear foot of the side of the awning on which the sign is mounted.



G. Signs Under Covered Walkways. A sign under a covered walkway is any sign that is suspended beneath a roof-like structure over a walkway. In all nonresidential zone districts signs under covered walkways must be elevated at least eight feet above the walkway and

the aggregate sign area for each entrance to the establishment shall not exceed four square feet.

H. Portable Signs. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building shall be governed by the following standards:

1. Sidewalk signs. In the Central Business District, Neighborhood Commercial and Community Commercial zone districts, and PUD commercial centers, portable signs placed on or adjacent to an improved pedestrian sidewalk, including sandwich signs which are constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top, with each angular piece held at an appropriate distance by a supporting member shall be governed by the following standards:
  - a. One nonilluminated or externally illuminated sidewalk sign is allowed per establishment;
  - b. Sidewalk signs shall be allowed in the public right-of-way only in the Special Downtown Area;
  - c. Sign area within a public right-of-way shall not exceed six (6) square feet;
  - d. Sign area within private property boundaries shall not exceed sixteen (16) square feet;
  - e. Illumination and sign anchoring of sufficient weight to prevent the sign from becoming a hazard in windy conditions must be approved by the Planning Department prior to issuance of a permit;
  - f. Sidewalk signs that are within the public right-of-way shall be located directly adjacent to the property and on the same side of the street as the establishment. The sign placement shall not prevent the sidewalk from being ADA accessible nor shall it cause a pedestrian to move further from a building and closer to a roadway;
  - g. Sign must be removed from the public right-of-way and stored during non-business hours or during periods of snow removal;
  - h. All sidewalk signs must comply with all standards of this Section 3.09 - Signs within sixty (60) days of notification from the Planning Department. Any existing sign that does not comply within sixty (60) days is in violation of Section 3.09 – Signs and shall be removed immediately;
  - i. Acceptable materials for sidewalk signs may include chalk, dry-erase, or other similar type of boards, provided that such temporary surface area shall not exceed seventy-five percent of the sign area; and
  - j. An establishment may not have both a sidewalk sign and a poster frame sign.

2. **Poster Frame Signs.** In all nonresidential zone districts, one nonilluminated or externally illuminated poster frame sign is allowed per establishment. Poster frame signs shall be governed by the following standards:
  - a. Poster frame signs must possess sufficient weight to prevent them from becoming a hazard in windy conditions;
  - b. Such signs shall not be located on a public sidewalk, nor shall they impede pedestrian, bicycle or vehicle traffic;
  - c. The sign area inside each frame may not exceed eight square feet;
  - d. All poster frame signs must comply with all standards of this Section 3.09 - Signs within sixty (60) days of notification from the Planning Department. Any existing sign that does not comply within sixty (60) days is in violation of Section 3.09 - Signs and shall be removed immediately; and
  - e. An establishment may not have both a sidewalk sign and a poster frame sign.
3. **Handheld Signs or Costumed Characters with Signs Promoting a Business.** In the Central Business District, Neighborhood Commercial and Community Commercial zone districts, and PUD commercial centers, one nonilluminated handheld sign directing attention to an establishment is allowed per establishment. Handheld signs or costumed characters with signs promoting a business shall be governed by the following standards:
  - a. A handheld sign shall not exceed six (6) square feet;
  - b. Handheld signs or costumed characters with signs promoting a business that are within the public right-of-way shall be located directly adjacent to the property and on the same side of the street as the establishment and shall not obstruct traffic;
  - c. Handheld signs or costumed characters with signs promoting a business shall be displayed only during regular or daylight business hours;
  - d. Handheld signs or costumed characters with signs promoting a business shall not be displayed during periods of limited visibility; and
  - e. All handheld signs must comply with all standards and regulations of this Section 3.09 - Signs within thirty (30) days of notification from the Planning Department. Any existing sign that does not comply within thirty (30) days is in violation of Section 3.09 - Signs and shall be removed immediately.
4. **Recurring Balloon Displays.** In all commercial districts, recurring balloon displays are permitted and shall be governed by the following standards:
  - a. The display shall be removed during non-business hours;

- b. The display location must be approved by the Planning Department prior to issuance of a permit. The location of the balloon display shall not inhibit ingress or egress at the establishment; impede access to the sidewalk, parking lot, other on-site facilities, or any other establishment; or obstruct visibility on a nearby road right-of-way; and
  - c. Balloons that are used as part of a special event are governed by Section 3.09.06 – Temporary Signs and Permits Required.
- I. Manual Changeable Copy Signs. In all nonresidential zone districts, not more than two (2) manual changeable copy sign are permitted per establishment. Religious land uses and educational institutions may also apply for a manual changeable copy sign, regardless of zoning classification. Manual changeable copy signs shall be governed by the following standards:
- 1. The sign shall comply with the standards and regulations for wall signs or detached freestanding signs;
  - 2. Manual changeable copy signs shall not exceed a maximum size of thirty-two square feet in sign area; and
  - 3. Manual changeable copy signs shall be erected as part of a larger sign. The sign area of the manual changeable copy sign shall count toward the maximum allowable sign area of the detached freestanding or wall sign of which it is part. If erected as part of a detached freestanding sign, the manual changeable copy portion shall account for no more than fifty (50) percent of the sign area. If erected as part of a wall sign, the manual changeable copy portion of the sign shall account for no more than seventy-five percent of the sign area.
- J. Electronic Message Displays. These standards shall not apply to fuel pricing signs. For the standards that apply to fuel pricing signs, see Section 3.09.09(L) – Nonresidential Standards. Places of worship and educational institutions may apply for an electronic message display, regardless of zoning classification but only within those areas identified on the Electronic Message Display Overlay Map as described in Section 2.09 – Overlay Zone Districts, Section 2.09.02 Electronic Message Display Overlay District. Electronic message displays shall be governed by the following standards:
- 1. The displays shall only be allowed as wall signs or detached freestanding signs and shall comply with the standards for whichever is applicable;
  - 2. Electronic message displays shall be erected as part of a larger sign. The sign area of the electronic message display shall count toward the maximum allowable sign area of the sign of which it is part;

3. Electronic message displays shall not exceed a maximum daytime brightness of one thousand NITs (candelas per square meter) between dawn and dusk as certified by the manufacturer and shall not exceed a maximum nighttime brightness of one hundred NITs between dusk and dawn as certified by the manufacturer. City officials have the right to view the programmed specifications of the sign to determine compliance, and the burden of proof is on the sign owner with respect to verifying the light compliance should a field measurement of brightness be necessary;
  4. Electronic message displays shall contain static messages and shall utilize a hold time of eight seconds, requiring each message on the sign to be displayed for at least eight seconds duration. Transition effects are prohibited. The change of message shall not exceed one (1) second of time between each message displayed on the sign. Static messages shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. A static message shall not include any flashing or the varying of light intensity, and the message shall not scroll.
  5. Electronic message displays shall not exceed a maximum size of thirty-two square feet in sign area;
  6. Electronic message displays shall be allowed only in those areas identified on the Electronic Message Display Overlay Map for Highway 24, Highway 67 and Baldwin Street, which is contained in in Section 2.09 – Overlay Zone Districts. The electronic message display shall be located on the establishment's highway or Baldwin Street frontage; and
  7. If erected as part of a detached freestanding sign, the electronic message display portion shall account for no more than fifty percent of the sign area. If erected as part of a wall sign, the electronic message display portion of the sign shall account for no more than seventy-five percent of the sign area.
- K. Directory Signs. In all nonresidential zone districts, one sign that identifies the name and location of tenants in a multi-tenant commercial, industrial, or institutional building or in a development composed of a group of buildings or in a commercial center is allowed. Directory signs shall be governed by the following standards:
1. Directory signs shall be detached freestanding signs or wall signs;
  2. In addition to the other signage allowed on the premises, one directory sign not exceeding a sign area of twenty-four square feet is allowed for each platted access to the commercial or industrial center or for each public entrance in a multi-tenant building;

3. If the total building footprint exceeds seventy-five thousand (75,000) square feet, one additional directory sign is allowed. If the total building footprint exceeds one hundred thousand square feet (100,000), three (3) signs are allowed;
  4. No more than three (3) directory signs are allowed for a single multi-tenant building or a multi-building center; and
  5. When more than one (1) detached freestanding directory sign is present, such signs shall be at least one hundred (100) feet apart.
- L. Fuel Pricing Signs. In all commercial districts, signs advertising the price of fuels are allowed in addition to any other signs allowed on the premises and shall be governed by the following standards:
1. One fuel pricing sign shall be permitted for each street frontage and no more than two (2) pricing signs are permitted on a single premises;
  2. The sign must be attached to a principal structure or to the structure covering fueling station islands or to the support structure of a detached freestanding sign provided that when attached to the supporting structure of a high-profile sign the bottom of the fuel pricing sign is elevated not less than eight feet above ground;
  3. A pricing sign shall not exceed a sign area of eight square feet for each fifty (50) feet of frontage provided that the maximum sign area shall not exceed twenty-four (24) square feet; and
  4. A fuel pricing sign may utilize electronic message display technology to display fuel prices, provided the display message only changes when the price of fuel changes and the sign does not exceed a maximum nighttime brightness of one thousand NITs (candelas per square meter) between dusk and dawn as certified by the manufacturer. City officials have the right to view the programmed specifications of the sign. The sign owner has the burden of establishing compliance by measuring sign brightness with equipment that is of standard use in the industry for making such measurements.

### **3.09.10. Special Area Standards**

- A. Special Downtown Area. Notwithstanding anything herein to the contrary, signs located within the Special Downtown Area, shown on the Special Downtown Area Overlay Map, which is contained in Section 2.09 – Overlay Zone Districts, Section 2.09.03 – Special Downtown Area Overlay District, shall be governed by the following standards:
1. Projecting signs shall not extend more than forty-two inches over the public right-of-way;

2. Storefronts shall be entitled to a minimum sign area of twenty-five square feet for a wall sign, in addition to the twelve square feet allowed for a projecting sign; and
  3. Recurring balloon displays may be located in the right-of-way.
- B. Signs Allowed in Planned Unit Development (PUD) Districts. If not otherwise stated in the final development plan, signs within a PUD district shall be governed by the general standards and the applicable residential and nonresidential standards.
- C. Woodland Station Overlay District. Sign standards and regulations for the Woodland Station Overlay District are contained in Section 2.09.01 – Woodland Station Overlay District.

### **3.09.11. Sign Maintenance**

- A. All signs, including temporary signs and signs not requiring a permit, are required to comply with this subsection.
- A. The owner and lessee of a sign shall keep such sign properly maintained at all times, in accordance with the following standards:
1. All materials used in permanent signs shall be kept in good condition, free of graffiti and free of holes, rot, peeling paint, and other forms of structural or superficial decay;
  2. All temporary signs shall be kept in good condition. Any temporary sign or banner that becomes ripped, torn, sagging, or otherwise illegible must be removed, repaired, or replaced immediately;
  3. If the sign is intended to be illuminated, all lighting shall be maintained in working order;
- B. The owner and lessee shall promptly remove graffiti or repair any hole or structural or superficial decay within fourteen days or such longer time as specified in the written notice sent to the owner and lessee at the last address shown in the Teller County Assessor's real property records and the City's business license records for the address at which the sign is located. Failure to take corrective action by the specified deadline is a violation of this Section 3.09 - Signs. If the owner or lessee fails to take the corrective action by the deadline specified in the written notice the Planning Director or designee may enter the property and take the corrective action necessary to remove graffiti or repair any hole or structural defect. The owner and lessee shall be jointly and severably responsible for the actual costs incurred by the City in taking any corrective action. In the event that such costs remain unpaid for a period of sixty (60) days from the date of the written bill of costs sent to the owner and lessee at the last address shown in the Teller County Assessor's real property records and the City's business license records for the address at which the sign is located, the City Clerk may certify the delinquent payment to the Teller County Treasurer to be placed upon

the tax list for the current year and to be collected in the same manner as taxes, plus a charge thereon to defray the costs of collection.

- C. In the case of any structural defect, if the City determines immediate action is required for the protection of the public health, safety or welfare, the City may take immediate action without prior notice to the owner and lessee of the sign. The owner and lessee shall be jointly and severably responsible for the actual costs incurred by the City in taking corrective action. In the event that such costs remain unpaid for a period of sixty (60) days from the date of the written bill of costs sent to the owner and lessee at the last address shown in the Teller County Assessor's real property records and the City's business license records for the address at which the sign is located, the City clerk may certify the delinquent payment to the Teller County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as taxes, plus a charge thereon to defray the costs of collection.

### **3.09.12. Nonconforming Signs**

- A. All off-premises signs which are within the purview of the provisions of the Federal Highway Beautification Act of 1965 and the Colorado Outdoor Advertising Act shall be governed by the regulations set forth therein and are not subject to the regulations contained in this subsection 3.09.12 – Nonconforming Signs.
- B. Illegal Nonconforming Sign. Illegal nonconforming sign means a sign that was illegally erected or maintained with respect to any laws or sign ordinances governing such sign at the time of its erection or maintenance. Unless conclusive evidence can be found to the contrary, any nonconforming sign at the time of the effective date of this UDC shall be deemed a legal nonconforming sign except for the following:
1. Those signs meeting the requirements of Subsection 3.09.04 – Prohibited Signs and Section 3.09 – Temporary Signs and Permits Required.
  2. All illegal nonconforming signs shall be brought into conformance with the provisions of this UDC within ninety (90) days of the date of the written notice sent to the owner and lessee of any illegal nonconforming sign at the last address shown in the Teller County Assessor's real property records and the City's business license records for the address at which the sign is located. Failure to take the corrective action necessary to bring an illegal nonconforming sign into conformance within the ninety-day period is a violation and punishable under Subsection 1.12.02 – Penalties For Violations of Sign

Regulations. Each day that a violation is allowed to exist beyond the time designated in the written notification shall constitute a separate offense.

- C. Legal Nonconforming Sign. Any legal nonconforming sign may continue in existence and function provided such sign is maintained in good condition. A legal nonconforming sign shall not be:
1. Structurally changed, except to reduce or eliminate the nonconformity of the sign, although its content may be changed;
  2. Structurally altered in order to prolong the life of the sign, except to meet safety requirements;
  3. Altered, enlarged, or extended, except to reduce or eliminate the nonconformity of the sign;
  4. Continued in use if a substantial improvement to the principal building structure occurs;  
or
  5. Replaced with a nonconforming sign if destroyed.

### **3.09.13. Sign Variances and Appeals**

- A. Requests for variances from the standards contained in Section 3.09 – Signs, shall be applied for in accordance with Chapter 6 – Administration.
- B. Appeals of a final decision shall be processed per Chapter 6 – Administration.
- C. Application to the Planning Director for Minor Variations.
1. Any person may apply to the Planning Director for a minor variation(s) from the provisions of this Section 3.09 – Signs, in cases where special circumstances including but not limited to unanticipated sign location issues or unusual physical site conditions cause the need for some minor adjustments to be made to the allowable sign area, sign location, or sign height. Applicants shall submit requests for minor variations on a form supplied by the Planning Department. The Planning Director may authorize minor variations from the provisions of this Section 3.09 – Signs, to:
    - a. Allow maximum and minimum heights to be adjusted by as much as two (2) feet;
    - b. Increase the allowable sign area by up to ten (10) percent; or
    - c. Allow other similar minor variations.
  2. The Planning Director shall consider each application for a minor variation on a case-by-case basis and may grant an application where special circumstances impose some difficulty or hardship on the applicant.

3. The Planning Director shall make a written recommendation within seven (7) days of the complete application for a minor variation being received by the Planning Department.
4. Minor variations may be granted retroactively.

### 3.10 Site and Building Design Standards

#### 3.10.01. Lot Coverage Standards

- A. The purpose of lot coverage standards is to preserve the open area on the lot. Lot coverage limitations establish the maximum percentage of lot surface that may be covered by improvements.
- B. Improvements included in the coverage calculation are:
  1. Principal and accessory buildings;
  2. Portions of the property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area;
  3. Areas designed to accommodate motor vehicle uses such as parking lots, open air showrooms, roads, or service areas, at, above or below ground level. Landscaping, over underground parking, however, will be included.
- C. Lot coverage does not include:
  1. Walkways, pedestrian paths, open plazas and malls, terraces, natural drainage ways, playgrounds, rooftops improved for landscape or recreational purposes, and similar structures designed specifically for active and passive recreational use and which are not designed to be used by motor vehicles except for emergency and service purposes; and
  2. Areas used as plated or landscaped areas, flower beds and planters.
- D. Other than as specified in clause 3.10.01.E, development shall not exceed the lot coverage percentages established in Table 3.10.01-1.

*Table 3.10.01-1*

| Use Types                                      | Zone Districts   | Maximum Lot Coverage (%) |
|--|------------------|--------------------------|
| Duplex and Single-household Attached Dwellings | MDS, MDU, PUD    | 60%                      |
| Multi-household Attached                       | MDS, MDU, PUD    | 60%                      |
| Office-retail                                  | NC, CC, CBD, PUD | 80%                      |
| Heavy service commercial                       | SC, PUD          | 80%                      |

|                  |            |     |
|------------------|------------|-----|
| Light industrial | HSCLI, PUD | 85% |
|------------------|------------|-----|

E. Lots within the SR and UR zone districts and Single-Household Detached Dwellings within the PUD zone are subject to the following maximum lot coverage limits.

1. Maximum lot coverage based on lot size per Table 3.10.01-2:

*Table 3.10.01-2*

| Lot Size (Square Feet) | Maximum Lot Coverage (%)   |
|------------------------|--|
| 4,500-5,999            | 50%, minus 1% for each additional 150 square feet of lot area, to a maximum site coverage of 40%   |
| 6,000-8,999            | 40%, minus 1% for each additional 300 square feet of lot area, to a maximum site coverage of 30%   |
| 9,000-12,000           | 30%, minus 1% for each additional 600 square feet of lot area, to a maximum site coverage of 25%   |
| 12,000-17,999          | 25%, minus 1% for each additional 1,200 square feet of lot area, to a maximum site coverage of 20% |
| 18,000 and larger      | 20%  |

2. Driveways, sidewalks, decks, and patios are not calculated as part of the lot coverage standard.

### **3.10.02. Building Placement and Site Layout**

A. Building Siting.

1. The siting of a building shall fit the existing topography, relate to climatic conditions, and consider on-and-off-site structures, streets and pedestrian ways.
2. Structures shall, to the extent possible, be placed lower than the on-site ridgelines so that the building will blend into the landscape, rather than being a focal point.
3. Building orientation and placement shall minimize overall cut and fill depths.
4. The pattern of spaces between buildings of new construction shall be consistent with existing construction.
5. Attention shall be given to preserving unique or special topographical features such as streams, outcroppings, wetlands, and unusual or scenic geological features.

B. Orientation.

1. Building orientation shall, to the extent reasonably possible, face the street frontage, and preserve view corridors. Building heights of new structures shall, to the extent reasonably possible, not interfere with view corridors of existing structures. Buildings

shall be carefully sited for climate control and to minimize casting shadows onto adjacent structures.

2. When integrating with existing neighborhoods or dissimilar adjoining land uses, buildings and other site plan elements shall, to the extent possible, be oriented on the lot in a manner which is consistent with the adjoining use. Where there is a predominant pattern of siting characteristics established on surrounding lots, this pattern shall be continued on the subject lot.

C. Massing, Scale, and Proportion.

1. The design of the building or buildings shall consider the building proportions, building mass and height and the potential for grouping buildings together so as to be compatible with adjacent existing and proposed uses.
2. If the proposed building or buildings is to be larger than adjacent structures, architectural elements shall be incorporated into the design of the larger building such that the scale of the larger building's façade is compatible with the adjacent smaller buildings. Scale of the elements of the existing and proposed buildings, and existing rhythm of buildings along the street shall be considered. Landscaping shall also be designed to integrate the structures into the surroundings.
3. A transition in scale, and appropriate quantities of open space and landscaping shall be utilized to create an attractive, compatible edge in areas where larger scale buildings are sited next to smaller ones, such as office complexes next to single-household residences.

D. Building Placement within Easements. This Clause 3.10.02.D is intended to prevent the construction of building structures within utility easements, drainage easements, or easements dedicated for any other public use. Further, this section is intended to reduce potential damage to people and property, to reduce the probability of excavation damage to infrastructure placed in said easements, to preserve the use of easements for their intended public use, and to allow for the future maintenance of infrastructure constructed in easements.

1. The construction of buildings or structures shall be prohibited within utility easements, drainage easements, and/or easements dedicated for other public use.
2. It shall be the responsibility of the landowner to identify any and all existing easements and current uses upon their property. When the location and use of an easement is not known, it shall be the responsibility of the landowner to locate it and its uses before the new construction commences.

3. Relocation of Existing Buildings or Structures and Existing and Allowed Nonpermanent Building Structures. Where existing building structures and existing and to be allowed nonpermanent building structures are installed within an easement, the City or utility provider may remove the same as necessary for the purpose of installing, inspecting and maintaining utilities and drainage facilities; the property owner shall be responsible for replacing said structures at their own expense and shall be required to reimburse the City or utility provider for removal costs.

### **3.10.03. Architectural Design Guidelines**

- A. When building groups or multiple structures are planned for a single project, they shall be designed in a unified architectural and spatial manner with reference to building placement, exterior finish, materials, and design details.
- B. Brick, sandstone, wood, stucco, colored and textured concrete masonry units for facing materials are encouraged.
- C. The primary use of prefabricated metal for an entire structure, panelized flat plywood and highly reflective materials for facing materials is prohibited.
- D. The design of façades visible from the street shall include building materials that are similar or identical with the surroundings and provide an appearance of quality and permanence.
- E. Colors which blend well with adjoining architectural styles and the natural surrounding environment shall be the predominant ones used on the exterior of the buildings, with bright colors used only for accents and detailing of the architecture.
- F. Surface or façade details to enrich the architectural character and enhance the streetscape shall be used. These may include, but are not limited to awnings, special entry details, lights, and bay or specially designed windows, cornices, or molding details.
- G. Blank building walls that are visible to the public shall, to the extent possible, be avoided. Blank walls shall be designed to be less oppressive by incorporating interesting details, design patterns, and features that diminish the scale of the structure. For an expansive wall, consideration shall be given to implementing a pattern on the wall with a different color or type of the same material, or creating an area of the wall that is a different texture, color and material. Jogging the walls of the building shall be considered to break up large building façades.
- H. Lighting, paving, and street furnishings such as benches and planters shall be integrated into the overall building concept and design.

- I. Mechanical equipment mounted on the building including but not limited to vents, flues, and flashing shall be painted to match the color of the building or screened with materials compatible with the architectural design of the building.
- J. Retaining walls shall consist of materials compatible with the architectural design of the building.
- K. All retail goods stored outside shall be screened per Subsection 3.06.04 – Screening Required for Outdoor Storage.
- L. Outdoor display for retail goods shall: be limited to the area at the front of the principal building; be placed as near to the principal building as possible; not extending beyond twenty-five feet of any front wall and not extend beyond fifty feet of any front corner of the principal building; be configured so that the retail goods do not impede pedestrian and handicapped access; and not encroach into the parking area. Vending machines are not allowed outside.

#### **3.10.04. Walkways and Bike/Pedestrian Paths**

- A. The minimum width of an on-site walkway shall be five feet unless head-in parking is permitted adjacent to the walkway, in which case the walkway shall have a minimum width of seven feet. On-site walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of eight feet. If head-in parking is permitted adjacent to bike/pedestrian paths, then two feet additional shall be required for vehicle overhang on each side where head-in parking is allowed: Connections for walkways or bike paths in the public right-of-way to the building or parking lot must be provided.

#### **3.10.05. Sidewalk Requirements in Commercial and Multi-Household Zone Districts**

- A. Sidewalk improvements are required in commercial zone districts including the central business district (CBD), service commercial (SC), community commercial (CC), neighborhood commercial (NC), and heavy service commercial/light industrial (HSCLI). Sidewalk improvements are also required in the multi-household residential zone districts including, Multiple Dwelling Suburban Residential (MDS) and Multiple Dwelling Urban Residential (MDU).
  - 1. In establishments where new, expanding, or remodeled commercial or multi-household development is, proposed sidewalks, curb, and gutter shall be constructed along property boundaries adjacent to public streets by the proprietor of the business or

property owner in conformance with construction standards, including dimensional requirements as determined by the City Engineer.

2. An expansion or remodeled commercial or multi-household property where the actual construction cost of redevelopment meets or exceeds twenty-five (25) percent of the appraisal fair market value of the property, excluding land, will be required to construct sidewalks, curb and gutter along property boundaries adjacent to public streets. Fees in lieu of sidewalk, curb and gutter construction may be considered. Said fees in lieu of shall be in an amount equal to the actual cost of construction of all required sidewalk, curb and gutter improvements as determined by the City Engineer.
- B. These requirements shall not apply to any parcel whose exclusive use is single-household residential.