



Woodland Park Unified Development Code

Chapter 1: General Provisions

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1.01 Title and Effective Date

- A. These regulations shall be known and may be cited as the "Unified Development Code of the City of Woodland Park." They may be referred to throughout this document as the "Unified Development Code" or as the "UDC."
- B. This Unified Development Code shall become effective on the date of adoption by City Council, [INSERT DATE WHEN ADOPTED].

1.02 Purpose

The Unified Development Code is designed and enacted to implement the mission of the adopted City of Woodland Park Comprehensive Plan to protect, promote, and enhance the general well-being of the mountain community of Woodland Park through an unwavering commitment to excellence that strengthens public trust and is designed:

- A. To protect and provide for the public health, safety, and general welfare of the City;
- B. To establish a variety of zone district classifications according to the use of land and buildings with varying intensities of uses and standards;
- C. To establish standards for adequate light, air, privacy, fire safety, flood, and other dangers:

- D. To prevent overcrowding of the land, undue congestion of population and traffic, poor quality development, waste and inefficiency in land use, and uses or development that might be detrimental to the stability and livability of the City;
- E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land;
- F. To regulate the location, use, and appearance of buildings, structures and land for residence, business, trade, industry, or other purposes;
- G. To regulate the size of buildings and structures including their distance from any street, highway, property line, or adjacent building or structure, the percentage of each lot that may be occupied by buildings and structures, and size and quality of yards, courts, landscaped areas, and other open spaces;
- H. To promote good design and arrangement of buildings through quality site planning, architecture, and landscaping including circulation within and transportation to the site:
 - I. To encourage the redevelopment, infill, and renewal of developed spaces in a manner that protects the City's existing development context;
 - J. To ensure adequate provision of transportation by facilitating the most beneficial relationship between the uses of land and building and the circulation of traffic throughout the City including pedestrian and bicycle (non-motorized) traffic movements appropriate to the various uses of land and buildings;
- K. To establish reasonable standards of design and procedures for all development, to further the orderly layout and use of the land;
- L. To ensure that public facilities are available and will have sufficient capacity to serve the proposed development, including the provision for open spaces, trails, and trail connections through the most efficient design and layout of the land; and
- M. To prevent the pollution of air, streams, and ponds, assure the adequacy of drainage facilities, safeguard the water table, and to encourage the wise use and management of natural resources throughout the City to preserve the integrity, stability and beauty of the community.

1.03 Unified Development Code Structure

- A. This UDC is divided into seven chapters that each address a single, general topic to avoid repetition where possible. Each chapter is designed to work with the others in an integrated manner, organized into sections, and subsections with a consistent numbering and

formatting convention used throughout to help orient the user to the organization of information. Below is a list of Chapters and their associated titles:

Chapter 1 – General Provisions

Chapter 2 – Zone District Standards

Chapter 3 – Development Standards

Chapter 4 – Use Standards

Chapter 5 – Subdivision Standards

Chapter 6 – Administration

Chapter 7 – Definitions

B. Each section number shall consist of three (3) component parts separated by a period. The first figure shall refer to the Chapter number, the second figure shall refer to the Section number, and the third figure shall refer to the Subsection number. Subsequent figures refer to clauses within the Subsection. The following further illustrates this organization:

1. Chapter 1
2. Section 1.01
3. Subsection 1.01.01
4. Clause 1.01.01.A

1.04 Authority

The City Council of Woodland Park has the authority to adopt this UDC pursuant to the Colorado Constitution; Title 31, Article 2 of the Colorado Revised Statutes, the Home Rule Charter of Woodland Park, Colorado, and such other authorities and provisions as are established in the statutory and common law of the State of Colorado.

1.05 Compliance

- A. Any building or structure proposed to be erected, converted, enlarged, reconstructed, or altered, or any land use proposed to be changed, shall be in accordance with all applicable regulations established by this UDC.
- B. Any lot of record that did not exist on the effective date of this UDC shall only be created, by subdivision or otherwise, in conformance with the applicable requirements of this UDC.
- C. All proposed uses of land to be authorized by permit or approval shall conform to this UDC, regulations created under this UDC, and the terms and conditions of other applicable permits and approvals issued under this UDC. A permit or approval issued in violation of this UDC is void.

- D. Prior to any building being erected on any lot or a building permit being issued for a building, the owner must establish, to the approval and acceptance of the City, that connection and availability of water exists as evidenced by detailed, verifiable, and authenticated documentation of the availability to connect to a water source that is sufficient and adequate to service the needs of the intended uses and structures of such lot(s).

1.06 Applicability

- A. The provisions of this UDC are the minimum requirements adopted for the promotion of the public health, safety, and welfare. These regulations are applicable to all land, buildings, structures, and uses located within the following described areas:
 - 1. All land located within the corporate limits of the City of Woodland Park;
 - 2. All land located within three miles of the corporate limits of the City of Woodland Park and not located in any other municipality for the purposes of control with reference to the street element of the comprehensive plan of the City;
 - 3. Land in process of annexation.

1.07 Relationship to Other Ordinances

The standards of this UDC are in addition to all other standards, guidelines, policies, and Municipal Code requirements otherwise applicable to land use and development.

1.08 Interpretation and Conflicting Provisions

In the interpretation and application of the provisions of these regulations, the following provisions shall govern:

- A. In their interpretation and application, the provisions of these regulations shall be regarded as the minimum requirement for the protection of public health, safety, comfort, convenience, prosperity, and welfare.
- B. Whenever the requirements of these regulations conflict with any other municipally adopted rules, regulations, building codes, fire codes or ordinances, the more restrictive or those imposing the higher standards shall govern.
- C. These regulations are not intended to replace any permits, easements, or covenants issued before the effective date of these regulations.
- D. No plat of any subdivision within the application of these regulations shall be filed or recorded or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by these regulations.

- E. Should any chapter, section, clause, or provisions of this UDC be declared by the court to be invalid, the same shall not affect the validity of the UDC as a whole or any part thereof, other than the part so declared to be invalid.
- F. For the purposes of this UDC and when not inconsistent with the context:
 - 1. The particular controls the general.
 - 2. The words "shall" and "must" are always mandatory and not directory. The word "may" is permissive.
 - 3. Words used in the present tense include the future, unless the context clearly indicates the contrary.
 - 4. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
 - 5. When a specific position is referred to, such as Planning Director, it is intended to mean that position or assigned designee.

1.09 Transition from Prior Regulations

1.09.01. Applications Commenced or Approved Under Previous Ordinances

A development application submitted prior to the effective date of this UDC, shall be governed only by the laws and regulations in effect at the time the complete application is submitted, including the approval, conditional approval, or denial of said application.

1.09.02. Violations From Previous Ordinances

Any violation of the previous Titles 16, 17, and 18 prior to the effective date of this UDC, shall continue to be a violation under this UDC and shall be subject to the penalties and enforcement in Section 1.11 – Violations and Enforcement of This UDC and Section 1.12 - Penalties of Violating This UDC. Payment shall be required for any civil penalty assessed under the previous code, even if the original violation is no longer considered a violation under this UDC.

1.09.03. Uses, Structures, and Lots Rendered Nonconforming

- A. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this UDC, and this UDC no longer classifies such use as an allowed use in the zone district in which it is located, such use shall be considered nonconforming and shall be controlled by Section 1.10 – Nonconforming Structures and Nonconforming Uses.
- B. Where any building, structure, or lot that legally existed on the effective date of this UDC does not meet all standards set forth in this UDC, such building, structure, or lot shall be

considered nonconforming and shall be controlled by Section 1.10 –Nonconforming Structures and Nonconforming Uses.

1.10 Nonconforming Structures and Nonconforming Uses

1.10.01. Continuation and Exceptions

- A. Any nonconforming structure or nonconforming use may be continued in conformance with this Section 1.10 – Nonconforming Structures and Nonconforming Uses. This applies to uses in districts hereafter changed.
- B. Any nonconforming structure remains vacant or nonconforming use that ceases operation for a period of one (1) year or more shall lose its legal nonconforming status and shall be brought into conformance with the applicable provisions of this UDC.
- C. The continuation of nonconforming structures or nonconforming uses shall not apply to:
 - 1. Obsolete and deteriorated signs of all types;
 - 2. Obsolete or deteriorated fencing;
 - 3. Obsolete and abandoned structures;
 - 4. Obsolete, inoperative, dismantled or partially dismantled machinery, vehicles or implements that are parked, stored, or located in or on any street, right-of-way, easement, or setback.

1.10.02. Extension and Removal of Nonconforming Buildings

- A. Any building that does not conform with the provisions of this UDC following the effective date, may be continued in conformance with this section provided no structural alterations, except those required by law or ordinance, are made therein. If such nonconforming building is removed, the future use of the land shall be brought into conformance with the provisions of this UDC.
- B. An extension to a nonconforming building may be permitted by the City Manager or Planning Director to comply with the provisions of the Americans with Disabilities Act (ADA or Act), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.

1.10.03. Restoration of Nonconforming Uses

Nothing in this section shall be deemed to prevent the restoration or use of a building destroyed to the extent of not more than sixty-five (65) percent of its market value by casualty.

1.11 Violations and Enforcement

1.11.01. Violation

- A. It is unlawful to violate any of the provisions of this UDC or to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provision of this Chapter. Any person, firm, co-partnership, association, or corporation, as owner, lessee, occupant, or otherwise, who violates or fails to comply with any provision of this UDC shall be punished pursuant to Section 1.12 – Penalties. All remedies provided for in this UDC or this Municipal Code are cumulative, and are not exclusive and shall be in addition to any other remedies provided by law.
- B. Complaint of Violation. Whenever a violation of the UDC occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis thereof, shall be filed with the Planning Director who shall properly record the complaint, investigate it as soon as practicable, and take action on it as provided by this UDC. The foregoing shall not preclude the City from independent enforcement of this UDC.
- C. Continuing Violations.
 - 1. Each day that a violation is committed or permitted to exist or to continue shall constitute a separate offense.
 - 2. The sale of each and every lot sold in violation of this UDC shall be considered a separate offense.

1.11.02. Enforcement

The Planning Director shall be charged with the responsibility of enforcing the provisions of this UDC, including reviewing complaints and performing such other tasks necessary to ensure compliance with the provisions of this UDC. In the event there is a violation of this UDC, the Planning Director shall issue a written order by mail to the violator, lessee, occupant, or property owner indicating the nature of the violation, detailing the required remedy, and assessing the penalty should the violation not be remedied.

1.11.03. Termination of Violation by City

In the event that there is any violation of this UDC which, in the opinion of the Planning Director or the legally constituted officials of the City, jeopardizes the health, safety, or welfare of the people, the officials shall restrict, terminate, or otherwise prevent such violation from continuing and shall levy such costs incurred in this action against the violator, occupant, lessee, or property owner.

1.11.04. Approval Required for Recordation

No plat of any subdivision within the application of this UDC shall be entitled to be filed or recorded in the office of the Clerk and Recorder or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this UDC.

1.11.05. Sale of Unapproved Land Prohibited

It is unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of or in conformity with any plat, or replat of any subdivision within the area subject to application of this UDC unless said plat, or replat has been approved as prescribed by this UDC and filed and recorded in the office of the Clerk and Recorder.

1.12 Penalties

1.12.01. General Penalty

Any person, firm, co-partnership, association, or corporation, as owner, lessee, occupant, or otherwise who violates, disobeys, omits, neglects, or refuses or fails to comply with or who resists the enforcement of any of the provisions of this UDC shall be punished by a fine of not more than two thousand six hundred and fifty dollars (\$2,650), for each offense. Additional penalties may be assessed as set forth in Section 1.12 – Penalties and Chapter 1.12 – General Penalty of the Woodland Park Municipal Code, and pursuant to the fine schedule adopted by resolution of the City Council, as amended from time to time.

1.12.02. Penalties For Violations of Sign Regulations

- A. Violations of Section 3.09 – Signs, are punishable by fine only and not punishable by imprisonment and are deemed decriminalized.
- B. Upon determination by the Planning Director that a violation exists, a phone call or personal visit from the Planning Director to the violator will be made and a written notice of noncompliance will be mailed or hand-delivered. If after a reasonable period of time a resolution cannot be reached and/or the violation continues, a written notice of violation and assessment of fine detailing the violation and the consequences of noncompliance with Section 3.09 – Signs, will be mailed to the owner and lessee of the 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. If thereafter the violation continues, the violator may be subject to the following administrative fines in addition to any other fines imposed pursuant to this Section.

1. A fine of up to one hundred (100) dollars for each violation on the eighth (8) calendar day following the date of mailing the written notice of violation on which the violation(s) continue(s);
2. A fine of up to two hundred (200) dollars for each violation on the ninth (9) calendar day following the date of mailing the written notice of violation on which the violation(s) continue(s);
3. A fine of up to three (300) hundred dollars for each violation on the tenth (10) calendar day and any subsequent twenty-four (24) hour period following the date of mailing the written notice of violation on which the violation(s) continue(s);
4. Nothing herein is intended as nor shall it be construed as a limitation on the City's power to enforce the provisions of Section 3.09 – Signs, in the municipal court or through any other means of enforcement. In the event that any fine remains unpaid for a period of fourteen days from the date of the written notice of violation and assessment of fine 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 or the municipal court may order payment of such fines in addition to any other fines imposed pursuant to this section. The City shall be entitled to recover all costs and expenses including reasonable attorney fees incurred in enforcement, prosecution and/or litigation of any person found to have violated any requirement of Section 3.09 – Signs, and
5. Should a similar violation occur subsequently while the sign is under the same ownership or management, the notice of noncompliance need not be preceded by a phone call or personal visit.
6. As an additional remedy, the continued use of any sign or failure to maintain any sign in violation of any provision of Section 3.09 – Signs, and which causes discomfort or annoyance to reasonable persons or normal sensitiveness or which endangers the comfort, repose, health or peace of motorists or adjacent residents, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.