Chapter 18.33 - USE REGULATIONS—PERFORMANCE STANDARDS

Sections:

18.33.010 - Conformance required.

Activities shall be authorized only if they meet the performance standards set out in this chapter. (Ord. 46-1969 § 101.2(part))

18.33.020 - Fire hazard.

Uses shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. (Ord. 46-1969 § 101.2(part))

18.33.030 - Reserved.


18.33.040 - Smoke.

No emission shall be permitted at any point from any chimney or otherwise of visible grey smoke of a shade equal to or darker than No. 2 on the Power's MicroRinglemann Chart published by the McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines) except that visible grey smoke of a shade equal to No. 3 on the chart may be emitted to four minutes in any thirty-minute period of time. (Ord. 46-1969 § 101.2(part))

18.33.050 - Odor.

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odoriferous air to four volumes of clean air, at the lot line. There is hereby established as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C. (Ord. 46-1969 § 101.2(part))

18.33.060 - Particulate emissions.

No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling at any point at or beyond the property line. No emissions shall be permitted in excess of the standards specified in Table I, Chapter 5, "Industrial Hygiene Standards, Maximum Allowable Concentrations," of the "Air Pollution Abatement Manual," copyright 1951 by the Manufacturing Chemists Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations, exceed 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty percent excess air. (Ord. 46-1969 § 101.2(part))

18.33.070 - Vibration.

Uses shall not include vibration which is discernible without instruments on any adjoining lot or property. (Ord. 46-1969 § 101.2(part))

18.33.080 - Glare.
Uses shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway. (Ord. 46-1969 § 101.2(part))

18.33.090 - Traffic hazard.

Uses shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. (Ord. 46-1969 § 101.2(part))

18.33.100 - Public utility and facility use.

Uses shall not involve any activity substantially increasing the burden on any public utilities or facilities, unless provision is made for any necessary adjustments. (Ord. 46-1969 § 101.2(part))

18.33.110 - Character of neighborhood.

Uses shall not involve any activity not in character with the majority of the uses in the neighborhood unless by design, setback, nature of operation, and other devices the character of the neighborhood will be maintained. (Ord. 46-1969 § 101.2(part))

18.33.120 - Community welfare.

Uses shall not involve any activity which adversely affects the general welfare of the community. (Ord. 46-1969 § 101.2(part))

18.33.125 - Clustered developments.

A. The purpose of allowing clustered residential development is:
   1. To provide for flexible and creative site design in residential zoning districts that is sensitive to the land's natural features and topography;
   2. To permit clustering of houses and structures in order to reduce the amount of infrastructure improvements, land disturbances, and impervious surfaces in order to promote cost savings and reduce erosion and sedimentation;
   3. To preserve in perpetuity unique or sensitive natural resources such as floodplains, wetlands, streams, steep slopes, geologic features, scenic views, woodlands, wildlife habitat and threatened and endangered plant habitat;
   4. To preserve historic and archaeological sites;
   5. To provide for a diversity of lot sizes and housing choices that accommodate a variety of age and income groups;
   6. To promote interconnected greenways and open spaces throughout the community;
   7. To cultivate interaction among neighbors in the community through the use of common spaces and facilities;
   8. To encourage residential designs that foster walking and biking and that reduce traffic speeds and volumes and reliance on main arteries and collector streets.

B. Size. The minimum area of a parcel that may be designed as a clustered development is five acres.

C. Clustered developments shall adhere to the following standards that apply to the underlying zoning district in which they are located.
   1. Density. The maximum number of dwelling units in the clustered development shall not exceed the number of dwelling units otherwise permitted for the underlying zoning district in which the proposed site plan or development is located.
   2. Height. The maximum height of any structure shall be consistent with the requirements in the underlying zoning district.
3. **Fencing and Shrubbery.**

D. Notwithstanding any other contrary provisions contained within this Code, the following standards shall apply to clustered developments:

1. **Yard Requirements.** The front and rear yard setbacks may be reduced by up to half of what is required in the underlying zoning district, except that garages shall have a minimum twenty-foot front yard setback. On the side yard, all dwelling units shall be separated by a minimum of ten feet, except when two structures share a zero foot lot line. On the opposite sides of a zero foot lot line, a minimum of twenty feet of separation shall be provided between all dwelling units.

2. **Area Requirements.** There is no minimum lot size.

3. **Frontage.** There is no minimum frontage width required for lots in a clustered development, provided that every lot has adequate legal access.

4. **Housing Type.** Two-family dwellings may be permitted in a residential zoning district that does not otherwise allow attached dwelling units.

5. **Site Density and Open Space Requirements.** Individual lots are exempted from the forty percent open space area requirement outlined in Section 18.33.180.

6. **Land Use Intensity Ratios.** Individual lots are exempted from lot coverage requirements outlined in Section 17.40.250.

7. **Parking Requirements.** Off-street parking does not have to be provided on each lot, provided that adequate off-street parking is provided for the entire development.

8. **Street Standards.** Variations from the city's standard street requirements may be approved.

E. **Review Criteria.** The applicant for a clustered development shall submit a written proposal describing the relationship between the proposed development and each of the following review criteria. The description shall include for each criterion an explanation of how the proposed development accomplishes the criterion, why the criterion cannot be accomplished, or why the criterion is not applicable. The planning commission may recommend approval or denial and the city council may approve or deny an application for a clustered development and the accompanying site plan and preliminary plat based on the proposal and the following review criteria:

1. The site design is sensitive to the land's natural features and topography;
2. The clustering of houses and structures reduces the amount of infrastructure improvements, land disturbances, and impervious surfaces;
3. The applicant provides a mechanism that preserves, in perpetuity, unique or sensitive natural resources such as floodplains, wetlands, streams, steep slopes, geologic features, scenic views, woodlands, wildlife habitat and/or threatened and endangered plant habitat;
4. The proposal preserves historic and/or archaeological sites as applicable;
5. The proposal connects to existing greenways, parks, or open spaces in the community and/or creates new greenways, parks, or open spaces;
6. The proposal provides common spaces and facilities that may cultivate interaction among neighbors;
7. The proposal fosters walking and/or biking; and
8. The architectural elevations meet or exceed design standards.

(Ord. No. 1111-2009, § 6, 3-19-2009)

18.33.127. - Notice process.
Within five working days of receipt of a dwelling unit zoning development permit in the neighborhood commercial (NC) district, community commercial (CC) District, and central business district (CBD), the city planner shall cause notification of the proposed dwelling unit by posting the subject property in accordance with Section 18.72.060 and notification to be sent by regular mail to land owners within a 150-foot of the dwelling unit property boundary. Any aggrieved party within the noticed area who objects, in writing, to the Dwelling Unit may request an informal conference with the city planner within fourteen working days of the date of issuance of the notification for the purpose of resolving any grievance or concern. In the event that no resolution is reached through the informal conference, the city planner shall cause the dwelling unit zoning development permit application to be referred to the city council. At the next regular meeting following the publication of a notice of public hearing, the city council shall hold a public hearing on the application. The city council shall render a decision to approve the application, approve subject to conditions, or deny the application and specify the reasons and findings. The city council's action on approving, conditionally approving, or denying the application shall be based on the criteria contained in Section 18.57.040(B)(1)–(11).

(Ord. No. 1281-2016, § 2, 5-19-2016)

18.33.130 - Residence care home.

Residence care homes shall be subject to the following performance standards:

A. The structure shall be constructed or maintained to appear as a dwelling similar to the dwellings found in the area or neighborhood.

B. The operators/owners shall present for approval a plan for resident care, supervision and treatment. The home shall be staffed appropriately to the needs of the residents.

C. The home shall be licensed and inspected by the state and other appropriate agencies. Proof of appropriate insurance coverage shall be provided.

D. The number of residents per home shall be determined by the planning commission at the time of conditional use permit issuance. The determination criteria may include but is not limited to: lot size, location, neighborhood, number of bedrooms, total square footage of the home, staff size, intended use of the home and proximity of other residence homes in the vicinity.

E. The resident care home shall be the primary residence of its owner who shall be the operator of the facility and who shall have ninety percent or more ownership.

F. The type of residents authorized to be served at the home shall be determined by the planning commission at the time of conditional use permit issuance. The determination criteria shall include but is not limited to the following: location, neighborhood, justifiable need, staff capabilities and the proximity of other residence homes in the vicinity. The type of residents to be served by the home shall not include persons required to be housed in correctional facilities, halfway houses or medical treatment facilities.

G. The home shall provide for needed medical care at a lower level than that typically provided in a medical treatment facility or clinic, and institutional homes.

H. The home shall be required to either be built to or to be modified to meet current Uniform Building Code requirements for the appropriate occupancy classification.

I. The operators/owners shall present for approval a plan for the care and maintenance of the home. This plan shall demonstrate that the home will be cared for in a manner consistent with well-groomed properties and at least equivalent to that of surrounding homes. (Ord. 705-1997 § 12(part); Ord. 480-1989 § 2)

18.33.135 - Accessory dwelling units.

A. Purpose. The purpose of this section is to expressly allow for the creation of ADUs to provide additional housing options for residents of a variety of age and economic groups while preserving the
B. Permit Required for New ADU.

1. A zoning development permit is required to be obtained by a person before a person creates or adds an accessory dwelling unit.

2. The applicant for a permit shall complete an application on forms available from the city and shall pay the required application fee. An application shall be accompanied by such drawings and specifications as may be required to fully advise and inform the city with design, location, dimensions, and utility service. The property owner shall sign an affidavit, in the form provided, before a notary public affirming that the owner complies with all of the owner-occupancy requirements and parking requirements contained in this section and acknowledging that in failing to annually renew the permit the owner may lose the right to use the ADU, due to the requirements of the density controls contained in Subsection D.6. The property owner shall submit the affidavit with the permit application.

3. An ADU shall be connected to the utilities of the single family dwelling primary unit and shall not have separate services, except for telephone and cable. Homes built after June 1, 2012 are subject to Ordinance No. 1160 regarding the tiered single family residential rate schedule. If applicable, the owner shall pay fees for water plant investment fees, sewer plant investment fees, water rights fees, stormwater capital fees, park development fees and transportation capital fees.

4. The planning director, or designee, will review the application at the time of submission for completeness and either accept the application or reject it and notify the applicant of the information required to make it complete.

5. The planning director, or designee will approve, approve with conditions or disapprove the application. Upon this decision, the planning director, or designee, shall issue or deny the zoning development permit. An applicant whose application has been denied may re-apply or appeal the decision in accordance with Chapter 18.54.

6. A building permit and certificate of occupancy are required if structural alterations to any existing primary unit structure are necessary to create or add the accessory dwelling unit.

C. Annual Permit Renewal Required.

1. A zoning development permit is required to be renewed annually for as long as the owner plans to use the ADU.

2. To renew the permit, the applicant shall sign and submit the affidavit meeting the requirements contained in Subsection B.2. no later than February 1st of each year.

3. The planning director may revoke the permit if:
   a. The property owner does not comply with other ordinances of the city which regulate property maintenance and nuisances; or
   b. The ADU is substantially altered and is thus no longer in conformance with the plans approved by the planning director and the building department; or
   c. The property owner no longer owns the required number of off-street parking spaces; or
   d. The property owner ceases to own or reside in either the primary unit or the ADU.

D. Standards.

1. Design and Appearance Standards. An ADU shall be designed to maintain the exterior architectural design, style, appearance and character of the single-family dwelling or garage in which the ADU is created or to which the ADU is added. If an ADU extends beyond the current...
footprint or existing height of the existing dwelling or garage, such an addition must be consistent with the existing façade, roof pitch, siding and windows. If an ADU is created by converting the upper level of an existing detached garage, the exterior architectural design, style, appearance and character of the garage shall be maintained.

2. Owner-occupancy Requirement. At least one owner of the property must reside in the primary unit, as defined in Section 18.06.016, or the ADU. For purposes of this section owner means a person holding record title or a bona fide contract purchaser. No rooms in the owner's unit may be rented. The ADU shall not be sold separately from sale of the entire property, including the primary unit, and shall not be sublet. The permit for an ADU runs with property owners, not the property. When ownership changes, the ADU shall be removed or the new owner must reapply. The property owner shall sign an affidavit before a notary public affirming that the owner complies with all of these requirements at the time of application for renewal of the permit.

3. Size. In no case shall an ADU be more than forty percent of the single family dwelling primary unit's total floor area, nor more than eight hundred square feet, nor less than three hundred square feet, nor have more than two bedrooms. The planning department may grant minor variances to the size standards including bedroom number contained in this subsection D.3. where special circumstances of the primary unit exist.

4. Number of Occupants. Occupancy shall be limited to the following: no more than four persons in an ADU, whether or not related.

5. Parking Requirement. In addition to two off-street parking spaces required for the single family dwelling primary unit, there shall be one additional off-street parking space for every vehicle used by the occupants of the ADU. Useable garage space and carports may be counted for purposes of complying with these parking requirements. All off-street parking spaces shall be owned by the property owner and must comply with the city driveway standards. The property owner shall sign an affidavit before a notary public affirming that the owner complies with all of these requirements at the time of application for renewal of the permit.

6. Density Controls. In the urban residential zone district no more than ten percent of the properties within a three hundred-foot radius of the applicant's property may have an accessory dwelling unit. In the suburban residential zone district no more than ten percent of the properties within a six hundred-foot radius of the applicant's property may have an accessory dwelling unit. In the commercial zone districts no more than ten percent of the properties within a three hundred-foot radius of the applicant's property may have an accessory dwelling unit. The radius measurement is taken from the center of the property or front door of the primary unit and includes rights-of-way widths. The planning director may grant variances of up to twenty percent of the radius measurement. In the suburban residential zone districts/urban residential zone districts, each existing legal nonconforming ADU within the six hundred/three hundred-foot radius shall count as one ADU and each duplex within the six hundred/three hundred-foot radius shall count as one ADU for purposes of this calculation. The property owner shall sign an affidavit before a notary public at the time of application for renewal of the permit acknowledging that in failing to annually renew the permit the owner may lose the right to use the ADU due to the effect of these density standards.

7. Maximum Number of ADUs Per Lot. There shall be no more than one single-family residence with one ADU per lot. If the ADU or primary unit straddles a lot line then the property owner is required to vacate the straddled lot line and combine the lots into a single lot.

8. Home Occupations. Home occupations may be allowed, subject to existing regulations contained in Section 18.33.150, in either the ADU or the single family dwelling primary unit, but not both.

9. Provision to Encourage Barrier-free ADUs. ADUs that accommodate people with disabilities are encouraged.

E. Legal Nonconforming ADUs. Legal nonconforming ADUs are units that were in existence prior the adoption of Ordinance No. 1209-2014 [March 20, 2014] that do not comply with this section.
18.33.140 - Dog kennel standards.

A. All private dog kennels shall meet the following standards:
   1. The kennel area shall be totally enclosed by a solid six foot privacy fence and be located more than sixty feet from the front property line and only in the rear yard. Said area shall be no closer than fifty feet from any dwelling, other than the dwelling of the owner of the lot and operator of the kennel;
   2. Said fence shall be no closer than twenty-five feet from any side or rear property line;
   3. The kennel shall be in compliance with Sections 18.33.030, 18.33.050, 18.33.110, and 18.33.120, as well as any applicable animal control ordinances;
   4. Animal waste shall not be stored within fifty feet of any dwelling or within twenty-five feet of any property line. The lot and kennel area shall be maintained in a clean and sanitary condition.

B. All commercial dog kennels shall meet the following standards:
   1. Commercial kennel outdoor areas shall be totally enclosed by a solid six foot fence.
   2. A commercial kennel shall meet the setback requirements of the district in which it is situated except when it is adjacent to any residential district, in which case it shall meet the setback requirements set forth in subsection (A) of this section.
   3. The kennel shall be in compliance with Sections 18.33.030, 18.33.050, 18.33.110, and 18.33.120, as well as any applicable animal control ordinances;
   4. Animal waste shall not be stored within fifty feet of any dwelling or within twenty-five feet of any property line. The lot and kennel area shall be maintained in a clean and sanitary condition. (Ord. 477-1988 § 10)


A. All keeping of domestic fowl shall meet the following standards:
   1. Permit Required. A zoning development permit is required for the keeping of domestic fowl and a chicken coop in accordance with these standards. No variances from these standards will be permitted.
   2. Exclusion of Roosters. It shall be unlawful for any person to own or keep any rooster or cock within the City of Woodland Park.
   3. Maximum Number. The number of domestic fowl maintained on a property shall not exceed six.
   4. Fencing. The premises upon which domestic fowl are kept shall be fenced properly to contain the domestic fowl. The premises shall constitute the chicken coop and the fenced area. The fenced in area shall not be larger than one hundred twenty square feet.
   5. Sanitary Conditions. Premises that are utilized for domestic fowl shall be kept in compliance with the following requirements:
      a. Fecal waste shall be removed from the premises and placed in closed, fly-tight containers, at least every seven days; and
      b. Premises upon which animals are kept shall be maintained in clean and sanitary conditions and shall be subject to inspection at all reasonable hours by the code enforcement officer.
   6. There shall be no outdoor slaughtering of domestic fowl.
B. Chicken coops are required and shall meet the following standards:

1. May only be located in the backyard of a residence.
2. May not be located in a primary structure.
3. Size shall be limited to a maximum of one hundred twenty square feet and only one coop per lot is allowed.
4. Maximum height of a coop shall be ten feet.
5. The materials and colors of the coop shall be complementary to the primary structure.
6. Shall be predator proof with a solid top.
7. Shall be setback a minimum of fifteen feet from the side property line and a minimum of twenty-five feet from the rear property line.
8. A zoning development permit is required. The zoning development permit fee shall be ten dollars in 2013 and on January 1 of subsequent years shall be adjusted upward by the amount, if any, of the increase of the cost of living index for Colorado.

(Ord. No. 1175-2012, § 5, 12-5-2012)

18.33.150 Home occupation standards.

A. The home occupation or profession shall be conducted within a dwelling unit.
B. The home occupation shall occupy no more than twenty-five percent of the total gross floor area of the dwelling unit.
C. The home occupation use shall be clearly incidental and subordinate to the use of the dwelling unit for residential purposes.
D. Display or storage of goods or material in the premises is limited to the area provided for the home occupation.
E. No article may be sold or offered for sale on the premises of the home occupation except such as may be produced by residents of the dwelling residing on the premises.
F. There shall be no exterior displays, storage, vehicles or other exterior indication of the home occupation or variation from the residential character of the dwelling. No signs shall be permitted other than a residential nameplate, in accordance with Section 18.48.050(B).
G. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problems or any other nuisance or hazard which is perceivable at or beyond the lot lines of the lot in which the dwelling is located.
H. No excessive traffic shall be generated by the home occupation.
   1. The home occupation shall provide for only the minimum off-street parking spaces required.
   2. The home occupation shall not unduly interfere with public use of adjoining streets, alleys or driveways.
I. The home occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily found in a residential dwelling.
J. The receipt or delivery of merchandise, goods or supplies for use in the home occupation shall be limited to the United States mail, similar parcel delivery service or private vehicles with a gross vehicle weight rating (GVWR) of ten thousand pounds or less.
K. The home occupations shall have a valid license from the city.
L. The home occupation shall be required to secure an approved zoning development permit. Prior to permit approval, the zoning development permit application shall be reviewed by the fire district fire inspector and the following city departments: police, building, city clerk, public works and planning.

M. The home occupation activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m. (Ord. 481-1989 § 8)

18.33.155 - Family child care home standards and notice process.

A. All family child care homes shall meet the following standards:

1. Family child care homes must be licensed by the State and comply with all applicable State regulations promulgated by the Colorado Department of Human Services, and all local zoning and building regulations.

2. The family child care home shall acquire and keep current a valid city business license.

3. Toys, mobile playground equipment and other similar items associated with outdoor activity to a family child care home shall be stored out of sight from view of the public street frontage.

4. No more than two motor vehicles associated with patrons or employees of the family child care home may be parked at any time on the dwelling unit site or on the street frontage of such dwelling unit other than fifteen minutes or less for the purpose of loading or unloading property or passengers.

5. Fencing of the outside space for the family child care home shall be in conformance with Chapter 18.42 of the Municipal Code.

6. Signage for the family child care home shall be in conformance with the Chapter 18.48 of the Municipal Code.

B. Notice process: Within five working days of receipt of a child care home, small, zoning development permit application containing all information as required, the city planner shall cause notification of the proposed child care home, small to be sent by regular mail to land owners within a one hundred fifty-foot radius of the child care home property boundary. Any aggrieved party within the noticed area who objects, in writing, to the child care home, small may request an informal conference with the city planner within seven working days of the date of issuance of the notification for the purpose of resolving any grievance or concern. In the event that no resolution is reached through the informal conference, the city planner shall cause the child care home, small, zoning development permit application to be referred to the city council. At the next regular meeting following publication of a notice of public hearing, the city council shall hold a public hearing on the application. The city council shall render a decision to approve the application, approve subject to conditions, or deny the application and specify the reasons and findings. The city council's action in approving, conditionally approving, or denying the application shall be based on the criteria contained in Section 18.57.040(B)(1)-(11).

(Ord. No. 1139, § 1, 12-2-2010)

18.33.161 - Bed and breakfast establishment.

Bed and breakfast hotel establishments shall be subject to the following performance standards:

A. The establishment shall be limited to ten guest rooms.

B. The establishment must be a residence used primarily as a private residence which offers sleeping accommodations to guests for a fee.

C. The establishment shall provide short-term overnight loading, limited to no more than thirty consecutive days.
D. The establishment shall provide that breakfast is included in the room rate, and is available only to registered guests.

E. The establishment shall be found to not injure the value and qualities of the area surrounding the establishment, and the following conditions shall apply:
   1. Minimum outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood;
   2. The exterior appearance of the structure shall not be altered from its single-family character, and shall exhibit no outward individual of a business;
   3. The establishment shall be found and determined, by the city planning commission and city council, to not injure the value and qualities of the neighborhood surrounding the establishment.

F. The establishment shall provide one off-street parking space for each guest room.

G. The establishment shall be found to be in compliance with all applicable health, fire, and safety regulations and shall be determined by initial and periodic inspections conducted by the county health department, city building official and district fire inspector, said inspections shall find, but not be limited to, the following safety equipment or measures are present:
   1. Smoke alarms are located upon all floors;
   2. Fire extinguishers are located upon each floor;
   3. Provision for fire escape is present, if deemed necessary; and
   4. No cooking shall be permitted in guest rooms.

H. The establishment shall be allowed signs for a commercial building, in accordance with the provisions and standards of Chapter 18.48, Signs.

I. The establishment shall provide for a minimum finished floor area of one thousand square feet. The establishment shall provide a ratio of one bathroom for every two guest rooms and a common area to be shared by all guests.

J. The establishment shall acquire and keep current a valid city business license.

K. The establishment shall maintain registration records including information regarding the names and permanent addresses of guests, and their length of stay.

L. Pets shall not be allowed, unless owned by the owner/innkeeper or a seeing eye dog of a guest.
   (Ord. 705-1997 § 12(part); Ord. 573-1992 § 13)

18.33.165 - Fuel—Accessory retail sales standards.

Accessory retail sales establishments for fuel shall be subject to the following performance standards:

A. Said establishment shall only be accessory to the following uses: campgrounds, fuel and gas stations, recreational vehicle parks and retail businesses;

B. Said establishments shall occupy no more than ten percent of the total usable area of the land or building's principal use;

C. Said establishment shall be located only in the side or rear yard and be no closer than twenty-five feet from any property line, public right-of-way or any other structure;

D. Said establishment shall not include having a gasoline, bulk oil, liquefied petroleum or other fuels total storage capacity in excess of five hundred gallons in any type of approved storage container(s);

E. Said establishment shall be found to be in compliance with all applicable provisions of the current adopted Uniform Fire Code regulations and shall be determined by initial and periodic
inspections conducted by the building official, district fire chief and other appropriate departments and agencies;

F. Said establishment shall be required to secure an approved conditional use permit, in accordance with Chapter 18.57 of this code, and zoning/development permit. Prior to permit approvals, the permits shall be reviewed by the fire district, police department, public works department, building department and planning department;

G. Said establishment shall be found to be in compliance with all applicable health, building and safety regulations and shall be determined by initial and periodic inspections conducted by the county health department, city building official and other appropriate departments and agencies.

(Ord. 599-1993 § 2)

18.33.170 - Sidewalk requirements in commercial and multi-family zoning districts.

Sidewalk improvements are required in commercial zoning districts, including the central business district (CBD), service commercial (SC), community commercial (CC), neighborhood commercial (NC), heavy service commercial/light industrial (HSCLI). Sidewalk improvements are also required in the multi-family residential zoning districts including, multi-family suburban (MFS) and multi-family urban (MFU).

A. Said establishments where new, expanding or remodeled commercial or multi-family development is proposed in accordance with the zoning districts described in this section, sidewalks, curb and gutter shall be constructed along property boundaries adjacent to public streets by the proprietor of the business and/or property owner in conformance with construction standards, including dimensional requirements as determined by the city engineer. An expansion or remodeled commercial or multi-family property where the actual construction cost of redevelopment meets or exceeds twenty-five 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 as outlined in this section. Fees in lieu of sidewalk, curb and gutter construction may be considered by the City of Woodland Park city council to meet the requirements of this section. 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 family residential. (Ord. 936-2002 § 1; Ord. 705-1997 § 12(part); Ord. 671-1996 § 1)

18.33.180 - Design standards—Intent and purpose.

These use regulations provide performance standards and design guidelines for the development and redevelopment of property. The intent 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 liability 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.

A. Applicability. This chapter shall apply to all new or substantially improved uses of real property. "Substantial improvement" is defined in Section 18.06.563 of this code.

B. Site Density and Open Space Requirements.

1. Open space areas shall be provided and maintained as a percentage of the lot equal to or greater than the following:

   a. Multi-family residential, forty percent
   b. Office-retail, twenty percent
   c. Heavy service commercial, twenty percent
   d. Light industrial, fifteen percent
e. Single-family that requires a subdivision or replat, forty percent

2. Open space areas are outdoor areas which provide separation and relief from buildings, or create outdoor recreational opportunities. These areas include the following:
   a. 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
   b. Areas used as planted or landscaped areas, flower beds and planters.

3. Open space areas do not include:
   a. Portions of 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; and
   b. 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. Walkways and Bike/Pedestrian Paths. 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.

D. Tree Retention, Protection and Replacement. 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. Significant trees are those measuring six inches or greater in diameter four and one-half above grade (DBH). Such trees shall be retained and protected on the site in accordance with all applicable provisions of this section. All sites shall be designed to maximize the retention of existing healthy trees. 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.

1. 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:
   a. Trees located in sensitive environmental areas including floodplains, stream corridors, wetlands and steep slopes (grade of 3:1 or greater), and natural drainage features.
   b. Trees that provide cover, food or other wildlife habitat amenities.
   c. Outstanding tree specimens due to size, species, form or appearance.
   d. Trees located in proposed streetyards or along property perimeters that will serve as natural landscape, buffer, open space, screening or transition areas.
   e. Trees located within proposed parking areas that will provide shade and wind protection, or aesthetic value for the proposed use.

2. Trees that meet one or more of the following criteria shall be exempt from the requirements of this section:
   a. Dead, dying or naturally fallen trees, or trees found by the city to be a threat to the public health, safety and welfare.
   b. Trees determined by the City to obstruct clear site distance visibility at driveways and intersections.
c. Trees that constitute a public nuisance or threat to adjacent woodlands due to species, location, disease, infestation, fire hazard or overcrowding.

d. 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.

3. Multi-Family/Commercial/Industrial. The following standards shall apply specifically to multi-family, commercial, and industrial developments, unless otherwise approved during the plan review process:

a. Removal of trees from a development site may occur within the building envelope and vehicle accommodation area, and may include a thirty-foot fire safety zone around the approved building envelope except as provided in subsection (D)(1)(e) of this section. Removal of additional trees beyond these areas, other than as allowed in subsection (D)(2) of this section, is prohibited. Acceptable standards for tree spacing, pruning and tree maintenance must be met on all sites.

4. Single-Family Residential. The following standards shall apply specifically to all single family residential developments, unless otherwise approved during the plan approval process:

a. Existing developed residential lots shall retain a lot coverage, (other than tree removal as allowed within subsection (D)(2) of this section, whereby no more than ten percent of the existing on site trees can be removed, providing acceptable standards for tree spacing, pruning and tree maintenance are met.

b. On platted undeveloped lots, tree removal may occur within the building envelope, and may include a thirty-foot fire safety zone around the approved building envelope. Additional tree removal beyond the approved building envelope, other than as allowed in subsection (D)(2) of this section, shall be permitted up to ten percent of the total lot coverage, providing acceptable standards for tree spacing, pruning and tree maintenance are met.

c. On all other undeveloped or unplatted residentially zoned parcels, tree removal is prohibited except in accordance with all applicable standards of this chapter.

5. Tree Protection Standards. The following standards shall be used to the maximum extent feasible for all projects during construction:

a. 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 feet in height, secured with metal t-posts, no closer than six feet or the outer drip line of the tree, which ever is greater.

b. Within the dripline of any protected tree, there shall be no cut or fill over a four-foot depth unless a qualified arborist or forester has evaluated and approved the disturbance.

c. 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.

d. 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 in subsection (D)(5)(a) of this section.

E. Parking Lot Landscaping. All new and substantially improved parking areas shall be required to meet the standards provided in this section.

1. Landscape Plan Required. A landscape plan shall be submitted and approved which provides the location of all existing and proposed vegetation, landscaping, and screening
including diameter four and one-half 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.

2. Streetyards. A street landscape area averaging twenty feet, but not less than fifteen 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 streetyard measurement.

Deciduous shade trees, evergreen trees and ornamental trees shall be planted within the streetyard on an average of one tree for every thirty-five 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.

In order to avoid blocking motorist site distance, no plant material greater than twenty-four inches in height may be located within fifteen feet of any driveway curb cut.

3. Parking Lot Perimeter Landscaping. Parking lots shall be screened from adjacent uses. Screening shall be provided within a bufferyard a minimum of eight feet measured horizontally from the property line. 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.

4. Parking Lot Interior Landscaping. All parking areas shall provide landscaped planting areas, or landscaped islands, within the interior of the parking area. 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 feet, with a minimum area of eighty square feet.

Deciduous, evergreen and ornamental trees shall be planted within the landscaped islands at a minimum rate of one tree for every ten parking spaces. No parking space may be further than fifty feet from the trunk of a deciduous shade tree, or seventy-five feet from two or more shade trees. Shrubs and groundcover shall also be installed within the landscaped islands. Innovative design and arrangement of landscaped islands and planting materials is encouraged.

5. Building Perimeter Landscaping. 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 feet in width. Trees, shrubs and groundcover shall be planted within these areas.

6. Landscape Standards and Specifications. All landscaped materials must meet the following minimum standards at the time of planting:

<table>
<thead>
<tr>
<th>Material</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous trees</td>
<td>2.5” caliper—1’ above ground 10’ in height</td>
</tr>
<tr>
<td>Evergreen trees</td>
<td>6’ in height</td>
</tr>
<tr>
<td>Ornamental trees</td>
<td>1.5” caliper—1’ above ground</td>
</tr>
<tr>
<td>Shrubs</td>
<td>5 gallon size</td>
</tr>
</tbody>
</table>
Wood chip mulch 3” depth
Rock or stone mulch 2” size—3” depth

7. Landscape Planting and Maintenance. Landscaping shall not be installed or maintained in any location which constitutes a hazard or infringement to the public health, safety and welfare.

Planting areas adjacent to parking or vehicular circular circulation areas shall be protected from vehicular intrusion or damage from excessive vehicular lubricant or fuels.

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.

F. Lighting. 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. Lighting standards shall not exceed the lesser of five feet taller than the primary building height or twenty-five feet.

G. Building Placement and Site Layout.
1. Building Siting.
   a. 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.
   b. 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.
   c. Building orientation and placement shall minimize overall cut and fill depths.
   d. The pattern of spaces between buildings of new construction shall be consistent with existing construction.
   e. Attention shall be given to preserving unique and/or special topographical features such as streams, outcroppings, wetlands, and unusual or scenic geological features.
2. Orientation.
   a. 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.
   b. When integrating with existing neighborhoods and/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.
3. Massing, Scale, and Proportion.
   a. 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.
b. 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.

c. 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-family residences.


1. 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.

2. Brick, sandstone, wood, stucco, colored and textured concrete masonry units for facing materials are encouraged.

3. The primary use of prefabricated metal for an entire structure, panelized flat plywood and highly reflective materials for facing materials is prohibited.

4. 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.

5. 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.

6. 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.

7. 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 through the use of 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.

8. Lighting, paving, and street furnishings such as benches and planters shall be integrated into the overall building concept and design.

9. 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 and/or screened with materials compatible with the architectural design of the building.

10. Retaining walls shall consist of materials compatible with the architectural design of the building. (Ord. 850-2000 § 6; Ord. 754-1998 § 1)

11. All retail goods stored outside shall be screened by fencing or other suitable buffering. Fencing or buffering for outside storage of retail goods shall be solid, opaque or semi-transparent, and be composed of materials compatible with the architectural design of the principal building.

12. 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.

(Ord. No. 1193-2013, § 2, 9-19-2013)