



TOWN OF WIGGINS

PLANNING & ZONING COMMISSION MEETING

June 13, 2023 AT 7:00 P.M.

304 CENTRAL AVENUE

WIGGINS, CO 80654

NOTE: DUE TO THE LIMITED SEATING CAPACITY, THE PUBLIC IS HIGHLY ENCOURAGED TO ATTEND THE MEETING VIA ZOOM

Use the following link <https://us06web.zoom.us/j/89282044351> for the meeting.

WORK SESSION AGENDA

<u>AGENDA TOPIC</u>	<u>ESTIMATED TIME</u>
1. Discussion on Land Development Code Amendments – Fences, Parking, Landscaping, etc	60 minutes
2. Other Items / Updates	5 minutes
3. Future Agenda Topics	

LAND DEVELOPMENT CODE - FENCES

3.05 Fences, Hedges, and Walls.

A. Purpose. The purpose of this chapter is to regulate all fences so as to protect the character of various areas of the Town and to protect the health, safety and public welfare of the citizens.

B. General Provisions. This section shall be applicable to all fences, hedges, and retaining walls to be erected within the Town, except for those projects with fence standards contained within an approved Planned Unit Development (PUD) Final Development Plan. All fences and walls are subject to the applicable section of the Building Code as adopted by the Town. The provisions of this Section shall be administered by the Town Manager or his or her designee.

C. Permit required.

No person shall erect, alter, construct or reconstruct a fence or retaining wall in any zone district without first obtaining a permit to do so.

Exceptions:

- No permit is necessary for reconstruction or repair of an existing fence which
 - has had a permit; and
 - not replacing more than one section; and
 - ~~not replacing more than five (5) like for like pickets; and~~
 - the original posts, in good condition, are not being moved or removed.

By adding the "And" they must comply with all to comply with no permit required. It is not an "or" option

- Fences that are constructed to protect vital public facilities such as water treatment plants, water storage, water works, etc. may be exempt from this Section by the authority of the Town Manager or his/her designee.

D. Permit fee.

The fee for a permit to erect, alter, construct or reconstruct a fence in the town shall be set by the Town Board of Trustees in the fee schedule as amended from time to time. No permit shall be issued **until a complete application is received and approved**, the fence building permit fee and the Town's use tax for the construction materials and supplies have been collected.

E. Fence types.

The following fence types are permitted (subject to the restrictions below):

- (a) Masonry;
- (b) Ornamental iron;

- (c) Woven wire or chain link;
- (d) Wood picket [more than 50 percent open];
- (e) Solid fences [wood or metal, less than 50 percent open]; and
- (f) Vinyl, plastic, or composite fence products designed specifically for fencing purposes
- (g) Corrugated or Sheet Metal Fences, design must be minimally 30% wood or masonry and 70% metal design concept.

F. Fences prohibited.

- (a) Electrically-charged fences.
- (b) Barbed wire, jagged edge, or sharp materials along the top of the fence or wall, (exception: see Industrial Zone below)
- (c) T-posts or other farm posts
- ~~(d) Corrugated or sheet metal fences, except upon approval of the Town Board of Adjustors.~~
Commissioners suggested placing 30% wood 70% design criteria (see above). So take out this section to avoid BOA?
- (e) Other materials such as snow fencing, string, rope, chicken wire, hog wire, wire fabric and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; fiberglass, or plywood in any fence, or use any other materials that are not manufactured specifically as fencing materials, unless approved by the Board of Adjustors.

G. Maintenance.

- (a) Fences, hedges, and retaining walls within any portion of the town shall be kept in good repair and any dilapidated, dangerous or unsightly fence shall be removed or repaired.
- (b) Hedges shall not encroach over sidewalks, streets, or alleyways and shall be trimmed to maintain sight distances.
- (c) No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners.
- (e) It shall be the responsibility of the property owner(s) to locate all property lines.

H. General regulations –

1.- All zone districts.

- (a) Nonresidential and multi-family refuse disposal dumpsters shall be screened on three (3) sides by the construction of permanent opaque wooden, brick or masonry screens. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. The fourth side which provides access to the dumpster

for refuse collectors shall be gated and situated so that the container is not visible at an angle greater than 45 degrees from adjacent public streets.

- (b) Where any drive-in or drive-through facility abuts a residential use, a landscape strip at least ~~20~~ 10 feet in width shall be provided and maintained along the side and rear lot lines, within which buffer a decorative fence or wall and a landscape screen not less than six (6) feet in height shall be provided.

Changed to 10 feet to accommodate a smaller size and lots of Wiggins

2. - All Residential Districts.

Fences in residential districts and fences enclosing parcels used for dwelling purposes in all districts shall conform to the following requirements:

- (a) Fences installed on the front yard property line shall be not be less than 50 percent open and shall not exceed a height of 42 inches above adjoining grade.
- (b) Fences intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a residential parcel, provide that the fence does not exceed 2436" in height and is 50 percent open.
- (c) Side yard fences back of the front building line and rear yard fences ~~may be of any class, but~~ shall not exceed a height of six feet six inches (6'6").

Striking – applicants will follow what is allowed or not allowed as stated above.

- (d) In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side adjacent to the fence. The maximum overall height shall be ten feet from the grade of the low side. In case of a fence erected within two feet of and parallel to a retaining wall, but on the low side of such wall, the height of the fence may be measured from the top of the wall.

How do the Commissioners feel about this?

- (e) On corner lots, no fence, retaining wall, or similar obstruction higher than 42 inches (measured from the ground) and less than 50 percent open shall be erected or maintained within the triangular area formed by the intersecting street lines and a straight line at points which are 25 feet distance from the point of intersection measured along said street lines.
- (f) All fences must remain a minimum of 12" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 12" space between the property line and the fence.

3. - Business and Commercial Districts.

- (a) ~~No~~ Fences within a front yard setback shall not exceed 36" in height and must remain 50% open.

Something to think about, should a certain setback be required so as to not obstruct public sidewalks? Still investigating with Breckenridge, Brush, and Fort Morgan

- (b) Side yard fences back of the front building line and rear yard fences shall be of any class, but shall not exceed a height of **eight feet (8')**~~six feet six inches (6'6")~~.
- (c) In the case of a fence erected on top of a retaining wall, the height thereof shall be measured from the grade of the high side. The maximum overall height shall be ten feet from the grade of the low side. In the case of a fence erected within two feet of and parallel to a retaining wall, but on the low side of such wall, the height of the fence may be measured from the top of the wall.

How do the Commissioners feel about this?

- (d) On corner lots, no fence, retaining wall, or similar obstruction higher than 42 inches and less than 50 percent open shall be erected or maintained within the triangular area formed by the intersecting street lines and a straight-line adjoining said street lines at points which are 25 feet distance from the point of intersection measured along said street lines.
- (e) All fences must remain a minimum of 12" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 12" space between the property line and the fence.
- (f) All open off-street parking areas with five (5) or more spaces shall be screened from any adjoining residentially zoned lot by a solid fence or wall at least four (4) feet in height or by a landscape screen at least four (4) feet wide.

4. - Industrial Districts.

- (a) No fence shall exceed a height of eight feet (8'). The height is measured at the finished grade.
- (b) Barbed wire is permitted only when installed at a height greater than six feet from the ground and approved by the Town Board of Adjustors.
- (c) All fences must remain a minimum of 12" from all Town public right-of-way sidewalks and roads. It is the property owner's responsibility to maintain that 12" space between the property line and the fence.

I. Fences around parks, playgrounds, and other recreational uses.

Fences enclosing parks, playgrounds, ballfields, and other similar uses or portions thereof may be installed to a height of eight feet (8') when, in the opinion of the Town Manager or his/her designee, no hazard exists **and must remain at least 50% open.**

J. Temporary Fences.

Temporary fence permits may be approved by the Town Manager or his/her designee for the purpose of construction projects or other events for the safety and protection of the general public.

Do we make this a temporary "permit" or just an inquiry with Town Manger or PZ department?

K. Liquor-licensed establishments.

- (a) All outdoor service areas of a liquor-licensed establishment shall be completely enclosed by fencing a minimum of ~~36~~42- inches in height;
- (b) Entrances or exits from outdoor service areas of a liquor-licensed establishment shall be provided through a gate or door a minimum of 36 inches in height;
- (c) **Fencing for outdoor service areas forward of the front building line, or on the side of a building adjacent to a public street, shall be a minimum of 50 percent open and must not exceed ~~36~~42 inches in height;**
- (d) Fencing for outdoor service areas behind the front building lines, or on the side of a building not adjacent to a public street, may be solid (less than 50 percent open).

L. Where Non-Conforming Fences Exist

1. In cases such fence shall have been constructed before, and be in existence at the time of the passage of this Ordinance, shall be considered a non-conforming use. The non-conforming use may remain until:
 - Any minor or major repairs become necessary. The property owner or responsible party will then be required to apply for a building permit.
 - Such use becomes dilapidated, dangerous or unsightly and shall be removed or repaired in accordance to XXXX , at which time the property owner or responsible party shall apply for a building permit.

Will be seeking Town Attorney assistance to revise the non-conformed use clauses.

LANDSCAPING

A. Purpose and intent.

This section requires and regulates the installation and maintenance of landscaping on property and in adjoining rights-of-way. More specifically the purposes are as follows:

- (a) To improve, protect and preserve the appearance, character, and value of surrounding neighborhoods;
- (b) To buffer uncomplimentary or incompatible land uses;
- (c) To ensure the local stock of trees is replenished;
- (d) To contribute to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation;
- (e) To aid in abating noise, glare, and heat;
- (f) To provide landscaped areas within parking lots which are designated to break up large areas of impervious surfaces, provide shade, buffer and screen adjacent properties and promote a safe environment with a pleasing appearance.

B. Applicability.

The requirements of this section are minimum requirements and apply to all private property within the corporate limits of the Town of Wiggins.

- (a) *Single-family dwellings.* Existing attached and detached single-family dwellings and adjacent rights-of-way, shall be maintained so as not to violate the Health and Safety Code as amended, but are otherwise exempt from the requirements of this article. Common areas, such as open space or clubhouse areas, shall comply with the requirements of this article.
- (b) *Undeveloped property or portions of property.* Undeveloped property or undeveloped portions of property shall be maintained according to the Health and Safety Ordinance as amended.
- (c) *New development and redevelopment.* All new development and the redeveloped portion of an existing development shall comply with the requirements of this ordinance.
- (d) *Existing development.* Existing development, with or without an approved landscape plan, shall be maintained according to the Health and Safety Code as amended.

C. Amount, type, and location of landscaping.

This section defines the amount, type and location of required landscaping, and substitutions may be allowed for these requirements according to section Substitutions and landscaping materials. No less than one-half (50%) of any required landscaped area shall be covered by living plant material.

- (a) *Along street or highway frontages.* All portions of the public street or highway right-of-way between the edge of any adjoining public street or highway and the property line shall be landscaped, but in no case shall the total width of the landscaped strip along any street or highway be less than eight feet, except where substitution is allowed. One shade tree is required in or adjacent to the street or highway right-of-way for every 30 feet of street or highway frontage.
- (b) *Residential buffer.* A landscape strip no less than ~~20~~10 feet wide is required between any residential use and any other type of use. **Change to match what is listed with fence requirements.**
- (c) *Parking areas.* A berm no less than 30 inches high is required along all edges of parking areas which face public rights-of-way. A landscape strip no less than eight feet wide and containing no less than one

shade tree every 30 feet is required between a parking area and any adjacent property, except when a common parking area extends across the common property line, and except when the adjacent property is a street or highway, in which case subsection (a) governs. This should not be construed to mean trees placed 30 feet on center.

- (d) *Usable open space.* For any residential use other than single-family attached or detached dwellings, a landscaped area or areas usable for active or passive recreation shall be provided in an amount appropriate to the residential use and shall be in addition to any of the above requirements.

Debating on allowing this to remain. This is spelled out in more details in section 5 of the LDC.

D. Substitution and landscape materials.

Substitution may be made for the amount, type, or location of landscaping required by section C of this Ordinance or the size of landscape material required by section G, subject to the approval of the building official. Said substitutions may be allowed because of unique site characteristics, site constraints, or where such substitutions are consistent with the purpose and intent of section A.

- (a) *Amount, type and location.* Landscape materials have been assigned point values in Table 3.1. Landscape materials listed in Table 3.1 may be substituted for any landscaping required by section C, so long as the material or materials being substituted have the same combined point value as the required landscaping being replaced. The substitute materials may be located on or adjacent to the property. No substitution is allowed for the requirement to landscape all portions of public street rights-of-way between the edge of the public street and the property line.
- (b) *Size.* A larger tree or shrub may be substituted for several smaller trees and shrubs, but not vice versa, so long as the combined caliper size of the smaller trees equals the caliper size of the larger tree and the combined container size of the smaller shrubs equals the container size of the larger shrub.
- (c) *Xeriscaping.* Use of low water consumption plant materials is encouraged and the building official is specifically authorized to approve the substitution of xeriscape plantings in accordance with this section.

Tree, shade	300 each
Tree, ornamental	200 each
Tree, evergreen	100 each
Shrub, evergreen	20 each
Shrub, deciduous	15 each
Berm, 30 inches high	10 plf
Hedge, 36 inches high	5 plf
Living ground covers	2 psf
Lawn, sod or seeded	1 psf
Water feature other than detention	3 psf
Benches	2 plf
Bike rack	2 per bike
Decorative paving	2 psf
Picnic table	2 plf
Wood chips or rock	0.1 psf

Note: "psf" means "per square foot," and "plf" means "per lineal foot."

F. Site conditions affecting landscaping.

- (a) *Existing trees.* Existing healthy trees of at least four-inch caliper size shall be saved, unless the owner or developer can demonstrate, to the satisfaction of the building official, site design restrictions which require their removal.
- (b) *Natural or manmade amenity.* When a property or development abuts a natural or manmade amenity such as a river, drainageway, wetland, canal or park, landscaping shall be integrated with and respect the integrity of the amenity.
- (c) *Soils.* In the event of heavy clay soils on site as noted in a soil report, sprinkler heads and plant materials shall be installed no closer than ten feet from building foundations.
- (d) *Utility lines.* No tree may be planted closer than five feet, measured horizontally, to an underground utility line or closer than one-half of its mature spread to a streetlight pole. No tree or shrub over 15 feet high at maturity may be planted under an electrical transmission line. Lower heights for trees or shrubs under electrical distribution lines shall be as established by the electric utility.
- (e) *Vision triangle.* No part of any landscaping may obstruct the vision triangles for street corners or entry drives.

G. Materials used for landscaping.

- (a) *Health and source of plant materials.* All plants shall meet or exceed the requirements of the Colorado Nursery Act of 1965 [C.R.S. §§ 35-26-101—35-26-115], or any subsequent revisions of the act.
- (b) *Prohibited or restricted materials.* The planting of American Elm trees is prohibited. Siberian Elm, Box Elder, and all members of the salix and populus genus (except Cottonless Cottonwood), and all fruit trees (except Crabapple) shall not be planted within 25 feet of a street right-of-way. Russian Olive trees shall not be planted within ten feet of a public walk or trail. No artificial trees, shrubs, turf or plants are allowed. Plants which have thorns, spines, or prickles shall not be planted or maintained upon public right-of-way, or be closer than 12 inches, measured horizontally, to walks or other pedestrian areas. Tree limbs or branches may be no less than eight feet above any public walk or pedestrian area.
- (c) *Minimum size and characteristics of landscape materials and elements.*

Shade tree	2 inch caliper
Ornamental tree	1½-inch caliper
Evergreen tree, upright junipers	5 feet high
Shrubs:	
Container size	5 gallons
Balled and burlapped	2 feet high
Bare root stock	2 feet high
Vines, ground covers, perennials	Size approved according to season availability by the building official
Redwood bark chips	2 feet in size, 3 inches depth, over geotextile fabric
Other wood chips and wood shavings	3 inches, over geotextile fabric
Rock or stone (color must be compatible with building colors)	1 inch in size, 3 inches depth, over geotextile fabric
New timber or railroad ties	Pressure impregnated with wood preservative equal to Wolman CCA

Used timber or railroad ties	Requires approval by the building official
Grading:	
Lawns and grassed areas	Between 100:1 and 3:1 slope
Berms covered by shrubs or living ground covers	Maximum 2:1 slope
Decorative paving	Including brick, stone, colored or specially patterned concrete, but excludes asphalt and plain concrete with standard joints

H. Approval of landscaping plan.

(a) Review process.

- (1) *Sitework.* A landscape plan approved by the building official is required prior to any grading, bulldozing or other extensive removal of existing vegetation, other than the construction of a private road or driveway to provide access to a property.
- (2) *Building permits.* At the time of application for a building permit, **four copies** of the landscape plan shall be submitted to the building official. An irrigation plan showing the size and location of all components shall be approved by the building official before a building permit is issued.

(b) Landscape plan. The landscape plan shall include a plan showing site and landscape information, a list of landscape materials, landscape statistics, landscape details, and general landscape notes. Site plan and landscape plan information may be on a combined plan or on separate plans.

- (1) *Plan content.* The plan shall be drawn to a scale not less than one inch equals 50 feet and shall include a north arrow, written and graphic scales, and the location and identification of existing and proposed property lines, easements, streets, buildings, structures, fences, berms, screens, vehicle use areas, walks, utility lines and equipment such as meters or transformers, street lighting, site lighting, stormwater detention areas, plant materials, trees to be removed and retained, the source of the irrigation supply, and other landscape elements, and the zoning and land use for all adjacent properties. Treatment of all ground surface areas shall be identified.
- (2) *Plant and material list.* The plant and material list shall include the common and botanical names for all plants and the quantity, minimum size, and any applicable notes for each plant and material provided.
- (3) *Landscape statistics.* The landscape statistics shall include the total area, landscaped area, and percentage of area landscaped for both the property and the adjoining rights-of-way, as well as the quantities of landscape materials and point values where any substitution of landscaping has been done, according to section 56-514.
- (4) *Landscape details.* Details shall be provided for typical tree planting, typical shrub planting, trash enclosure, all exterior signs, and typical exterior lighting.
- (5) *General notes.* The general notes shall include general specifications meeting recognized landscape industry standards for the following, as applicable: Intent of the landscape design, treatment of existing trees to be retained, landscape materials, installation, irrigation, and maintenance.
- (6) Parking plan and landscape plan information may be on a combined plan or on separate plans.

I. Installation and maintenance.

- (a) *Protection from vehicles.* All landscaped areas in or adjacent to vehicle use areas shall be protected from potential vehicle damage by a curb at least six inches high or by other means approved by the building

official. Shrubs and tree trunks shall be located no less than 42 inches behind the face of the curb or other approved means.

- (b) *Protection from persons.* No person, firm or other party shall abuse, mutilate or otherwise harm a tree or plant located within a public right-of-way or on any other public property by cutting, carving, damaging, transplanting or removing a tree or plant; injuring the bark, branches or leaves of any tree or plant; or attaching a rope, wire or other contrivance, such as a sign, to any tree or plant.
- (c) *Protection of persons.* Plants which have thorns, spines, or prickles shall not be planted, maintained or allowed to intrude onto the public right-of-way or be closer than 12 inches, measured horizontally, to any sidewalk or pedestrian area.
- (d) *Maintenance.* The property owner, his agent or tenant, or a homeowner's association, where such an association has assumed landscape maintenance responsibility, shall be responsible for regular irrigation, weeding, fertilizing, and pruning of all outside plant materials on the property and in any adjacent public street or highway rights-of-way. Plants exhibiting evidence of insect pests, disease, or damage shall be appropriately treated. Nonliving landscape materials which no longer fully cover the area they were originally deposited on shall be replenished in a manner which achieves full area coverage, to a minimum depth of three inches. Structural landscape features shall be kept in good condition.
- (e) *Replacement.* Dead plants shall be removed in accordance with section 46-47 of the Municipal Code. Dead plants shall be replaced within one month of their death or written notice from the building official, whichever comes first, except that during periods of adverse weather conditions, a longer period of time, not to exceed six months, may be granted by the building official. Replacement plants shall be of the size shown on the approved landscape plan.
- (f) *Irrigation.* For plant material native to the general Denver metropolitan area, small accessible areas may be hand watered. For sod and all other ground covers, shrubs, and trees, a permanent irrigation system is required.
- (g) *Conformance with approved plan.* Landscaping shall be installed and maintained in substantially similar manner as originally approved by the building official, unless altered with the approval of the original approving party.
- (h) *Completion of work prior to certificate of occupancy.* Required landscaping shall be installed prior to the issuance of a certificate of occupancy, unless security equal to 125 percent of the cost of the landscaping not installed, as determined by the building official, is filed with the city assuring such installation within six months of occupancy. A cost estimate for landscaping shall be presented to the building official for approval. "Security" may consist of cash, certified check, time certificates of deposit, assignment of savings account or other such assurance of completion as shall meet with the approval of the city attorney. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the building official, the security may be used by the city to complete the remaining installation. Upon completion of the installation, any portion of the remaining security deposit with the city shall be returned to the applicant. When seeding is permitted, security shall not be released until the seeding is considered to be established in a healthy state by the building official. The developer or owner shall promptly reimburse the city for any costs in excess of the financial guarantee.

J. Definitions.

As used in this article, the following words shall have the following meanings:

- (a) *Development* means the act, process, or result of changing the use or physical character of a piece of land.
- (b) *Frontage* means lineal distance measured along an abutting public right-of-way that a site element faces.

- (c) *Irrigation* means the water supply system to support the landscaping which shall be an underground sprinkler system, or outlets for manual watering.
- (d) *Landscaped setback* means a minimum required landscaping space on a private property which is adjacent to a property line common to a street right-of-way or another property. Driveways and sidewalks to afford limited access may be allowed to interrupt this required space.
- (e) *Landscaping* means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as water, rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.
- (f) *Maintain/maintenance* means the pruning, mowing, irrigation, trimming, topping, root pruning, removal, spraying, mulching, fertilizing, cultivating, supporting, treating for disease or injury, or any similar act which promotes the life, growth, health or beauty of landscaping.
- (g) *New development* means the construction of any improvement on real property requiring the issuance of building permit including but not limited to buildings, structures, streets, roadways, sidewalks, curbs and gutters but excluding construction consisting exclusively of fencing. New development shall also include the reconstruction of any of the above-described improvements where such reconstruction is necessitated by the destruction of more than 50 percent of the improvement by fire or other casualty.
- (h) *Plant* means a domestic form of vegetable life which is a tree, shrub, lawn, turf, sod, ground cover, or vine as defined in this section; a "tree" being a perennial woody plant having usually a self-supporting trunk with branches and foliage growing at some distance above the ground; a "shrub" being a perennial woody plant of low stature, characterized by persistent stems and branches springing from the base, including a bush; a "lawn" being a number of domestic grass plants closely sowed and kept closely mowed; "turf" being a mass of matted roof of grass; "sod" being a piece or section of grassy surface soil held together by the matted roots of grass; "ground cover" being low growing plants planted in such a manner as to form a continuous cover over the ground; and "vine" being any of a group of woody or herbaceous plants which may climb by means of twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.
- (i) *Planting area* means any area designated for landscape planting having a minimum of ten square feet and at least one dimension of three feet on any; except whenever a tree shall be planted a minimum area of 25 square feet, with a radius of two and three-fourths feet around said tree shall be required.
- (j) *Redevelopment or redeveloped portion* means the demolition and replacement of any building or structure or an addition to an existing building or structure resulting in an increase of gross square footage of more than 25 percent. The redeveloped portion of an existing development shall be the portion of the existing development reasonably affected, in the opinion of the building official, by the redevelopment.
- (k) *Vehicle use area* means any paved ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, filling stations, groceries and dairy stores, and other open lot uses, except areas used for parking or other vehicular uses under, on, or within buildings.
- (l) *Vision triangle* means an area at the intersection of streets and/or drives in which no shrub, tree, flower, other plant, fence or structure may be more than 30 inches above the height of the street flowline within the vision triangle. No tree limb or branch may be less than eight feet above the height of the street flowline within the vision triangle.
 - (1) *Street corner*. The street corner vision triangle is measured 25 feet along the flowline from the street corner for residential zones and 50 feet from the street corner for nonresidential zones.

- (2) *Driveway*. For single-family dwellings, the driveway vision triangle is measured eight feet along the edge of the driveway and along the edge of the street from the point where the edge of the driveway meets the edge of the street. For uses other than single-family dwellings, the driveway vision triangle will be determined through the site review process.
- (m) *Visual screen* means a barrier, at least 80 percent opaque, of living or nonliving landscape material put in place for the purpose of separating or obscuring from view those areas to be screened.

K. Variances.

Variations from the strict application of this Ordinance may be granted by the Board of Adjustment in a public hearing.

DRAFT

PARKING REGULATIONS

A. Applicability.

The requirements of this section are minimum requirements and apply to all private property with the corporate limits of the Town of Wiggins.

B. Parking Site Plan.

C. Approval of Parking Plan

- D. (a) *Review process.*
- E. (1) *Sitework.* A parking plan approved by the Planning and Zoning Administrator is required prior to any grading, bulldozing or other extensive removal of existing vegetation.
- F. (2) *Building permits.* At the time of application for a building permit, **four copies** of the landscape plan shall be submitted to the building official. An irrigation plan showing the size and location of all components shall be approved by the building official before a building permit is issued.
- G. (b) *Parking plan.* The parking plan shall include a plan showing site information, parking stall details, and general notes. Parking plan and landscape plan information may be on a combined plan or on separate plans.
- H. (1) *Plan content.* The plan shall be drawn to a scale not less than one-inch equals 50 feet and shall include a north arrow, written and graphic scales, and the location and identification of existing and proposed property lines, easements, streets, buildings, structures, fences, berms, screens, vehicle use areas, walks, utility lines and equipment such as meters or transformers, street lighting, site lighting, stormwater detention areas, plant materials, trees to be removed and retained, the source of the irrigation supply, and other landscape elements, and the zoning and land use for all adjacent properties. Treatment of all ground surface areas shall be identified.

Sec. 56-461. Off-street parking requirements.

The table below sets forth the minimum required amount of off-street vehicle parking spaces.

Use	Off-Street Parking Requirement
Residential one- and two-household dwelling unit, attached or detached	2 spaces per each dwelling unit
Residential multi-household dwelling	1.5 spaces per one-bedroom unit 2 spaces for each unit with two bedrooms or more
Senior independent living facility	.75 spaces for each unit plus one guest space for each 5 units
Assisted living facility	.5 spaces for each unit, plus 1 guest space for each 5 units
Skilled nursing facility	1 space for 4 resident beds, plus 1 space for each 3 employees
Hospital	1.5 space per bed
Day care center	2 spaces per teacher, plus student loading and unloading area
Hotel/motel/tourist home	1 space for each guest unit, plus 1 additional space for each 2 employees

Church/synagogue	1 space for each 4 seats in the principal auditorium. When individual seats are not provided, twenty-two (22) inches of undivided seating shall constitute 1 seat.
Assembly hall	For auditoriums, arenas, exhibition halls, banquet halls, theaters, convention centers, and other similar public gathering places, at least 1 space per 100 square feet of usable floor area or 1 space for each 4 seats, whichever is greater. When individual seats are not provided, 22 inches of undivided seating shall constitute 1 seat.
Health club/recreation center	1 space per 3 persons maximum occupancy plus 1 space per 100 square feet of gross floor area for office/administrative space
Schools, elementary, primary, and junior high	2 spaces for every classroom
Schools, high school and college	1 space for every 4 persons in the faculty and student body
Retail sales and service	1 space for each 250 square feet of building gross floor area
Service and repair shops	1 space for each 300 square feet of building gross floor area
Office	1 space for each 300 square feet of building gross floor area
Medical and dental clinics	1 space for each 250 square feet of building gross floor area
Restaurant, sit-down with full service	1 space for each 65 square feet of building gross floor area, or 1 space for each 3 seats, whichever is greater
Restaurant, carry-out with limited seating	1 space for each 140 square feet of building gross floor area
Industrial, manufacturing, processing and fabrication	1 space for each 800 square feet of building gross floor area, or 1 space for each 2 employees, whichever is greater
Warehouse	1 space for each 700 square feet of building gross floor area
Mini-warehouse or self-storage facility	1 space for each 1.5 employees plus three spaces at the registration area
Any use not described above	Parking determinations shall be made by the zoning administrator according to the use category above that most closely approximates the proposed use, or as approved during the site development plan process if applicable.

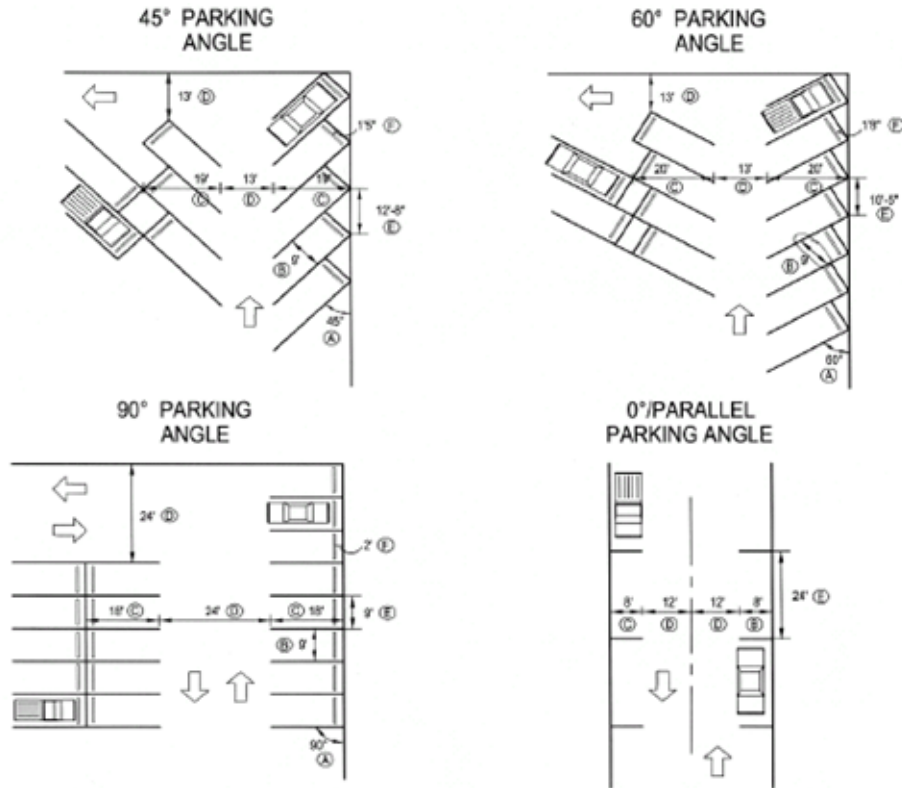
Sec. 56-462. Parking lot dimensions.

Parking stalls shall meet the following standards. All dimensions represent the minimum requirements for any required parking space.

PARKING STALL DIMENSIONS					
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)	Overhang (F)
45 degrees	9'	19'	13'	12' 8"	1' 5"

60 degrees	9'	20'	13'	10' 5"	1' 8"
90 degrees	9'	18'	24'	9'	2'
0 degrees (parallel)	8'	8'	12'	24'	0'

Sec.



56-

463. Handicapped parking requirements.

(a) *Parking spaces required.*

- (1) Handicapped parking spaces shall be required for all retail, office, business, industrial, and institutional uses, as well as multi-family units.
- (2) Handicapped parking spaces shall be designated as being for the handicapped with a freestanding sign and pavement markings using the standard uniform words, symbols and colors that signify that the space is for accessible parking only.
- (3) Handicapped parking spaces shall be located as close as possible to the nearest accessible building entrance and shall be designed so that pedestrian access between the parking space and the building shall not involve crossing an area used for vehicular circulation.
- (4) Handicapped spaces required by this section shall count toward fulfilling off-street parking requirements.

(5) *Number of handicapped parking spaces:*

Total Parking Spaces in Lot	Minimum Required Number of Handicap Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4

101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1000 and over	20 plus 1 for every 100 over 1000

For every eight handicap parking spaces there shall be a least one van-accessible space. If there is only one handicap parking space, that space must be van accessible.

I NEED TO VERIFY IF #5 NEEDS TO BE "OR AS AMENDED BY ADA COMPLIANCE LAWS"

(b) *Handicap parking space dimensions.*

- (1) Parking spaces must be eight feet by 18 feet with a five-foot wide access aisle.
- (2) Van-accessible spaces must be eight feet by 18 feet with an eight-foot wide access aisle.

Sec. 56-464. General provisions.

- (a) *Responsibility.* The duty to provide and maintain off-street parking areas shall be the joint responsibility of the operator and owner of the land use(s) and the land for which the off-street driveways and parking areas are required to be provided and maintained. For one- and two-household dwelling units, off-street parking shall be hard surfaced with concrete, asphalt, crushed asphalt or other similar material. All other off-street parking shall be hard surfaced with concrete or asphalt and maintained free of holes.
- (b) *New structure uses.* For structures and/or uses established or placed into operation after the effective date of the ordinance from which this article was derived, there shall be provided the amount or number of off-street parking spaces set forth herein.
- (c) *Alteration or additions to existing structures or uses.* All structures or uses meeting the parking requirements of the ordinance from which this article was derived, but that are subsequently moved, converted, extended, enlarged, or increased in capacity by adding dwelling units, guest rooms, floor area or seats shall maintain the existing amount of parking spaces plus an increment for any increase, and at least the amount or number of off-street parking spaces that would be required hereunder if the increment use or structural use is converted to a different use.
- (d) *Location.* All required off-street parking shall be provided within 400 feet of the structure or use generating the parking need. This distance will be measured from the most remote parking space to the entry door along the travel path available to pedestrian traffic.
- (e) *Combined off-street parking areas.* Off-street parking spaces may be provided in the areas that jointly serve two or more structures or uses provided that the total number of off-street parking spaces shall not be less than that required for the total combined number of structures and/or uses. When two or more businesses, structures and/or uses or a single business operating on shift hours whose peak parking requirements occur at different periods of the day, application may be made for special parking review, subject to the recommendation of the planning commission and approval of the city council.
- (f) *Back-out parking.* For all uses other than one- and two-household dwellings, parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
- (g) *Obstructions.* All required off-street parking spaces shall be unobstructed and free of other uses.

Sec. 56-465. Off-street loading provisions.

For the purpose of providing space off the street for loading and unloading of goods of any type, off-street loading space shall be provided in accordance with the following schedule.

(a) *Residential:*

- (1) Structures with one to ten dwelling units—No off-street loading space shall be required.
- (2) Structures with 11 to and including 30 dwelling units—One off-street loading space shall be provided.
- (3) Structures with more than 30 dwelling units—One off-street loading space shall be provided for the first 30 units; two off-street loading spaces shall be provided for 31 to 100 units; three off-street loading spaces shall be provided for structures with more than 100 units.

(b) *Nonresidential:*

- (1) No off-street loading space shall be required for the following uses: automobile parking garages, churches, lodging places, professional clinics, public offices, real estate offices, utility facilities, recreation facilities, and schools.
- (2) No off-street loading space shall be required for the following uses when they occupy less than 10,000 square feet of usable floor area: convention facilities, financial institutions, personal service establishments, and professional and technical offices.
- (3) One off-street loading space shall be provided for the following uses: eating and drinking establishments.
- (4) One off-street loading space shall be provided for each 5,000 square feet of usable floor area or major fraction thereof for the following uses: appliance, radio and television sales and repair, automobile sales and service garages, markets, retail bakeries, grocery stores, delicatessen and liquor stores. Retail commercial establishments, wholesale sales and service uses, and other retail or wholesale sales or service use.
- (5) Off-street loading spaces shall be provided in accordance with the following schedule for convention facilities, financial institutions, personal service establishments, and professional and technical office uses when they occupy more than 10,000 square feet of usable floor area.

Square Feet of Usable Floor Area	Required Number of Off-Street Loading Spaces
10,000 up to and including 40,000	1
40,001 up to an including 100,000	2
For each additional 100,000 or major portion thereof over 100,000	1 additional

- (6) *Size.* Each off-street loading space shall be a minimum of 14 feet high by 45 feet long by 14 feet wide.

Appendix 11

Sign Permits & Submission Requirements

A. PURPOSE AND SCOPE

The purpose and scope of this Ordinance is to regulate all exterior signs so as to protect property values, to protect the character of various areas of the Town, and to protect the health, safety and public welfare of the citizens. This Ordinance is not intended to regulate official traffic or government signs; window displays; product dispensers; scoreboards on athletic fields; flags of any nation, government, or noncommercial organizations; gravestones; religious symbols; commemorative plaques; or any display or construction not defined as a sign.

Purpose.

The Town of Wiggins Board of Trustees declares that it is the intent and the purpose of this Ordinance to:

- (1) Provide a consistent and fair allocation of signage to all property owners within the Town. The Town recognizes that signs are a means of identifying and advertising existing uses within the Town and that there is a need to assure that all businesses and residents have an equal opportunity to identify their use or uses of their property;
- (2) Recognize that the use of signs constitutes a use of the land;
- (3) Help implement the goals and policies of the comprehensive plan;
- (4) Recognize that signs are a necessary means of visual communication for the convenience of the public;
- (5) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs;
- (6) Provide a reasonable balance between the identification of businesses by the use of signs and the protection of the public from visual pollution resulting from the unrestricted proliferation of signs and similar devices;
- (7) Limit signs to those which are accessory and incidental to the use on the premises where such signs are located;
- (8) Make signs compatible with adjacent land uses and with the total visual environment of the community;
- (9) Promote a visual effect which has a minimum of overhead clutter, creates an attractive Town environment and facilitates identification of business and other land uses;
- (10) Encourage signs which are well-designed and compatible with their surroundings and with the buildings to which they are appurtenant;
- (11) Recognize that the elimination, as expeditiously and reasonably as is possible, of existing signs that are not in conformance with the provisions of this Ordinance is as

necessary to the public safety and welfare and to the protection of the visual environment as is the prohibition of new signs which would violate the provisions of this Ordinance;

- (12) Recognize the right of residents of the Town to exercise their right to free speech by the use of signs containing noncommercial messages that are subject to reasonable time, place and manner restrictions; and
- (13) Keep signs from obscuring, disrupting or interfering with the vision of motorists, and from competing or conflicting with necessary traffic signs and warning signals in order to increase traffic safety and minimize traffic hazards.

2 DIFFERENT PURPOSE STATEMENTS. WHICH DOES THE BOARD PREFER?

B. General Provisions

A. It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Town except in accordance with the provisions of this Ordinance.

C. Definitions.

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Administrator: The Town Manager or his designated representative.

Area: See definition of sign, area of.

Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric or any nonrigid material with no enclosing framework.

Changeable Copy Sign (Automatic): A sign on which the copy changes automatically on a lamp bank or through mechanical means; e.g., electrical or electronic time and temperature units.

Changeable Copy Sign (Manual): A sign on which copy is changed manually in the field; e.g., reader boards with changeable letters.

Town: Unless the context clearly discloses a contrary intent, the word "Town" shall mean the Town of Yuma.

Clearance (of a Sign): The smallest vertical distance between the grade of the closest adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The wording on a sign surface in either permanent or removable letter form.

Directional/Informational Sign: An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy; e.g., parking or exit and entrance signs.

Electronic Message Center: See definition of Changeable Copy Sign (Automatic).

Face of Sign: The area of a sign on which the copy is placed.

Flat Wall Sign: A sign attached parallel to and extending not more than six inches from the wall of a building. This definition includes painted wall, individual letter, and cabinet signs, and signs on a mansard.

Freestanding Sign: A sign supported upon the ground by poles or braces and not attached to any building.

Government Sign: Any temporary or permanent sign erected and maintained by the Town, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service property or facility.

Height (of a Sign): The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the closest adjacent street.

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises; e.g., a credit card sign or a sign indicating hours of business.

Legal Nonconforming Sign: A sign which was erected legally but which does not comply with subsequently enacted restrictions and regulations.

Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard: A sloped roof or roof like facade architecturally comparable to a building wall.

Marquee: A permanent roof like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee Sign: Any sign attached to or supported by a marquee structure.

Multifaced Sign: A sign with more than one face.

Nameplate: A nonelectric on premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Off Premises Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located; e.g., "billboards" or "outdoor advertising".

On Premises Sign: A sign which pertains to the use of the premises on which it is located.

Owner: A person recorded as such, as shown by the records of the Yuma County Assessor. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to

be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator; e.g., a sign leased from a sign company.

Painted Wall Sign: Any sign which is applied with paint or similar substance on the face of a wall. See also definition of flat wall sign.

Person: For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or similarly defined dispenser.

Point of Purchase Display: Advertising of a retail item accompanying its display; e.g., an advertisement on a product dispenser.

Political Sign: For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premises: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Wall Sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof Sign: Any sign erected over any roofline, or on the roof of a building to which it is attached.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Sign, Area of: The area of a sign is the entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Further, where a sign consists only of individual letters, numerals, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign: A sign not constructed or intended for longer than one month per year.

Under Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Window Sign: A sign installed or painted on a window and intended to be viewed from the outside.

D. Permit Required.

Unless otherwise provided by this Ordinance, all signs shall require building permits and payment of fees and Use Tax. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

- (a) It shall be unlawful for any person to erect or maintain any sign regulated by this Ordinance or to allow a sign to be erected or remain on property owned by him or her without first obtaining a permit from the Planning and Zoning Department prior to installation, unless specifically exempted by this Ordinance.
- (b) An application for a sign permit shall be filed with the Planning and Zoning Department, who shall review the application for completeness in accordance with information required on the Sign Permit Application Form as established by the Town. Such information shall include the size of the proposed sign, a graphic representation of the proposed sign, the location where the proposed sign is to be erected, the name of the property owner where the proposed sign is to be erected and if the applicant will not erect the sign himself or herself, the name and telephone number of the sign contractor who will erect the sign. If the application is filed by someone other than the record owner of the property, the application must demonstrate consent of the property owner.
- (c) The application shall be deemed complete when the application form is completed and all required fees have been paid. The Planning and Zoning Administrator or Building Official shall review and act upon a request for a sign permit upon receipt of a complete application. The sign permit application shall be approved if the application demonstrates compliance with the standards set forth in this Ordinance and the requirements of all building and safety codes as adopted by the Town.
- (d) A sign permit shall lapse and have no further effect unless the sign has been erected in compliance with the terms and conditions of the permit as determined by the currently adopted building and electrical codes after the date of permit approval.
- (e) The following types of signs are exempted from the provisions of this Section:
 - (1) Temporary signs as identified within this Ordinance.
 - (2) Home occupation signs permitted under this Ordinance.
 - (3) Official governmental traffic control devices, official governmental informational signs, street identification signs and other governmental signs placed for public safety needs.
- (f) The fee for a sign permit shall be the building permit fee charged for the sign as determined by the currently adopted building and electrical codes.

E. Indemnification.

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to save and hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

F. Sign Contractor's License.

No person or group or persons may engage in the business of erecting, altering, relocating, constructing, or maintaining signs requiring a permit under this Ordinance without a valid contractor's license and all required state and federal licenses.

G. Temporary signs.

- (a) A permit shall not be required for the following temporary signs and, except as specifically provided in this Ordinance, shall be exempt from the provisions of this Ordinance:
- (1) General temporary signs not exceeding ten (10) square feet in total sign area, and five (5) square feet of sign area per face, advertising or identifying property for rent, lease or sale, political and ideological signs, garage sale signs and special event signs.
 - (2) Commercial temporary signs made of paper, canvas or cloth not exceeding fifty (50) square feet in total sign area, placed for no more than a total of ninety (90) days within a calendar year advertising special sales or events on a commercial, business, or industrial zoned property. No more than fifty (50) square feet of temporary signage may be placed on a property at any one (1) time, and the use of temporary signs shall not exceed ninety (90) days total for a property within a calendar year.
- (b) The following types of temporary signs shall be allowed, when a permit is granted pursuant to permit section of this Ordinance.
- (1) Temporary residential tract sign. Each builder in a residential subdivision or development may have one (1) freestanding temporary tract sign. When more than two (2) builders are constructing homes within a single subdivision, all builders must share one (1) combined sign. Each sign must be located on the site of the subdivision or development at a major entrance to the subdivision or development, have a maximum area of one hundred (100) square feet, a maximum height of twelve (12) feet, be constructed of a durable material and may not be lighted. Such signs may remain in place as long as active initial sales by the builders are occurring.
 - (2) Temporary nonresidential tract sign. Each subdivided lot in a commercial, business or industrial zone district may have one (1) freestanding temporary tract sign, provided that such sign is located on site, has a maximum sign area of one hundred (100) square feet, a maximum height of twelve (12) feet, is constructed of a durable material and is not lighted. Such sign may remain in place until the first certificate of occupancy is issued for a building on the tract or lot.

- (3) Model home signs. Each builder within a subdivision or development may have the following types of model home signs under the following conditions, and each such sign may remain until the single-family model home is sold to a private buyer for use:
- a. Each builder may have one (1) freestanding or wall sign within each group of attached or detached single-family model home(s) that it constructs, provided that each such sign is located on the model home lot, has a maximum area of forty (40) square feet, a maximum height of six (6) feet and is not lighted.
 - b. Each attached or detached single-family model home may have one (1) freestanding or wall sign, provided that each such sign is located on the same lot as the model home, has a maximum area of five (5) square feet, a maximum height of six (6) feet and is not lighted.
 - c. Each builder may have one (1) freestanding or wall sign at the entrance to each multi-family building it constructs, provided that each such sign is located on the same lot as the multi-family building, has a maximum area of five (5) square feet, a maximum height of six (6) feet and is not lighted.
 - d. Each subdivision may have one (1) or more temporary model home flags, provided that each flagpole is located within two hundred (200) feet of an entrance to the subdivision on a model home lot containing a model home or a temporary sales office, no flag has a maximum area or more than fifteen (15) square feet, the total area of all flags is no more than ninety (90) square feet and no flagpole has a maximum height of more than **twenty (20) feet**.
- (c) Temporary signs shall be placed in conformance with the provisions set in the Temporary Signs section of this Ordinance.
- (d) Illumination of temporary signs is prohibited.

H. Prohibited Signs.

No person shall erect, install or maintain the following signs:

- (1) Animated or flashing signs; **DO WE NEED TO PROVIDE A DEFINATION? DELETE THIS ONE?**
- (2) Signs that move with the wind;
- (3) Signs that have been installed or erected to project into or over a public right-of-way;
- (4) Signs not permanently affixed or attached to the ground or to any structure except for temporary signs or signs carried by a person; and
- (5) Signs placed on a roof. **MAY NEED TO DEFINE BETTER. EXAMPE STUBS HAS A FLAT ROOF**
- (6) Off premise signs. Unless otherwise authorized, signs may be erected, altered, and maintained only on the same lot as the permitted use(s) it advertises or identifies.

THIS MAY ALSO HELP WITH HWY SIGNAGE AND THEIR RESTRICTIONS

- (7) Abandoned signs. For purposes of this Section, a sign shall be considered abandoned if it advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.
- (8) Any sign that could be mistaken for or confused with a traffic control sign, signal or device.
- (9) Mirrored or reflective signs. No mirror device shall be used as part of a sign.
- (10) Audible signs.

I. Illuminated signs.

- (a) Any lighting used for the illumination of a sign shall be shielded such that the light will not shine directly onto adjoining properties or rights-of-way.
- (b) Neither the direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on a public thoroughfare.
- (c) Signs in R-1, R-2, MHPD, or ER zones shall not be lighted or illuminated.
- (d) Sign lighting shall not flash, flutter or turn on and off for any period of time less than a sixty-second (one-minute) interval of time.

J. Line of Sight Clearance Area.

Any sign proposed in a line of sight clearance area of a lot shall have the sign height less than three feet or its sign clearance at least seven feet. "Line of sight clearance area" is defined as the triangular area formed by: a) the lines extending from any corner of a corner lot adjacent to two intersecting streets to a distance of 50 feet along both curb lines from the corner (constituting two sides); and b) the diagonal connecting such lines (constituting the third side).

K. Nonconforming signs.

A nonconforming sign may continue so long as new signage is not placed on the property. All existing signs shall be brought into conformance with the provisions of this Ordinance when a new sign subject to the provisions of the Ordinance is placed on the property, unless a variance has been approved by the Town Board of Adjustors for the continued maintenance and use of the nonconforming sign.

Does the board desire to keep the last sentence? Or have ordinance state that once a sign is changed and/or replaced that the old sign must also go. No Variance.

L. Requirements by Zone.

The sign requirements for various types of signs for each zoning district are given in table 1.1 of this section. All requirements apply to each individual use of that property. For instance, for two uses of a property, the number of signs allowed doubles.

TABLE 1.1 May need to modify Residential District to also stipulate with Home Occupation Approval

STILL MODIFYING SETBACKS

Sign Classification by Zoning District	Maximum Area in Square Feet	Minimum Setback in Feet (from PL)	Maximum Height in Feet	Number Allowed of Sign Type	Number Allowed Total	Illumination Allowed	Off Premises Allowed
<i>R-1, R-2, RR, ER, MHPD⁶</i>							
Freestanding	25	10	6	1	0	No	No
Flat wall	25	n/a	TOW ³	1	0	No	No
Under canopy	10	n/a	n/a	1	0	No	No
Awning	10	n/a	n/a	1	0	No	No
Marquee	25	n/a	n/a	1	2	No	No
Portable	25	PL ⁴	6	1	0	No	No
Banner	25	5	10	1	0	No	No
Projecting wall	25	n/a	n/a	1	0	No	No

Sign Classification by Zoning District	Maximum Area in Square Feet		Minimum Setback in Feet (from PL)		Maximum Height in Feet		Number Allowed of Sign Type		Number Allowed Total	Illumination Allowed	Off Premises Allowed
	0-39 mph	40+ mph ⁵	0-39 mph	40+ mph	0-39 mph	40+ mph	0-39 mph	40+ mph			
<i>CD, BD, and</i>											
Freestanding	2/LF	4/LF ²	2	2	35	50	1/ST	1/ST ¹	0	Yes	Yes
Flat wall	2/LF	4/LF	n/a	n/a	TOW	TOW	2/ST	2/ST	0	Yes	Yes
Under canopy	25	50	n/a	n/a	n/a	n/a	1/ST	1/ST	0	Yes	No
Awning	25	50	n/a	n/a	n/a	n/a	1/ST	1/ST	0	Yes	No
Marquee	50	50	n/a	n/a	n/a	n/a	1	1	4	Yes	No
Portable	25	50	PL	PL	10	10	1	1	0	Yes	No
Banner	30	50	3	3	10	10	1	1	0	Yes	No
Projecting wall	30	100	n/a	n/a	n/a	n/a	2/ST	2/ST	0	Yes	Yes
Rooftop	2/LF	4/LF	n/a	n/a	35	50	1	1	0	Yes	No

Sign Classification by Zoning District	Maximum Area in Square Feet		Minimum Setback in Feet (from PL)		Maximum Height in Feet		Number Allowed of Sign Type		Number Allowed Total	Illumination Allowed	Off Premises Allowed
	0-39 mph	40+ mph ⁵	0-39 mph	40+ mph	0-39 mph	40+ mph	0-39 mph	40+ mph			
ID											
Freestanding	2/LF	4/LF	2	2	35	50	1	1	0	Yes	Yes
Flat wall	2/LF	4/LF	n/a	n/a	TOW	TOW	2/ST	2/ST	0	Yes	Yes
Under canopy	25	50	n/a	n/a	n/a	n/a	1/ST	1/ST	0	Yes	No
Awning	25	50	n/a	n/a	n/a	n/a	1/ST	1/ST	0	Yes	No
Marquee	50	50	n/a	n/a	n/a	n/a	1	1	4	Yes	No
Portable	25	50	PL	PL	10	10	1	1	0	Yes	No
Banner	30	50	3	3	10	10	1	1	0	Yes	No
Projecting wall	50	100	n/a	n/a	n/a	n/a	2/ST	2/ST	0	Yes	Yes

Notes:

1. 1/ST = one sign per street front allowed.
2. 2/LF = two square feet per linear foot of structure frontage.
3. TOW = top of wall.
4. PL = property line.
5. Regulations according to posted speed limit of street or highway adjacent to sign.
6. See section 17.08.806.1 of this Ordinance for other restrictions.

Signs on corner lots must also comply with section 17.08.805.3 of this Ordinance.

M. Sign area computation method.

- (a) Total sign area for a property shall be calculated as provided in Section 16-304. All faces of a sign shall be included in the computation of sign area to determine the total sign area. For example, the total sign area of a freestanding sign with two (2) sides shall be the calculation of both sides of the sign added together.
- (b) Irregularly shaped signs shall be calculated by placing one (1) eight-sided rectilinear shape around the perimeter of the whole sign.
- (c) On a corner lot, sign area calculations for the property shall be based on the street or building frontage along the front lot line.
- (d) The total sign area permitted for properties with more than one (1) use or building shall be one and one-half (1.5) times the permitted standard within Section 16-304 of this Ordinance.

N. Sign height.

- (a) Except as otherwise provided in this Ordinance, no sign within a CR, C-1 or I-1 zone shall exceed ten (10) feet in height.
- (b) Except as otherwise provided in this Ordinance, no sign within an R-1, R-2, MR, RR-1, DR or A zone shall exceed eight (8) feet in height.

O. Setback.

- (a) No sign within an R-1, R-2, MHPD, RR, or ER zone shall be placed closer than ten (10) feet from a property line, or any portion of a public sidewalk or curb, or the outside edge of the traveled surface of a street, whichever is greater.
- (b) No sign within the CD, BD, or ID zones shall be placed closer than twenty (20) feet from a property line, or any portion of a public sidewalk or curb, or the outside edge of an unpaved traveled surface of a street, whichever is greater.
- (c) Except for official governmental traffic control devices, official governmental informational signs, street identification signs, other governmental signs placed for public safety needs and temporary signs placed by the Town, no sign shall be located in any public right-of-way.

P. Sign areas.

- (a) No sign within an R-1, R-2, MHPD, RR, or ER zone identifying a permitted residential or nonresidential use shall exceed five (5) square feet of total sign area, with the maximum dimension in any one (1) direction not exceeding four (4) feet, per property.
- (b) No identification signs for public or semi-public buildings and uses within an R-1, R-2, MH, RR-1, DR and A zone shall exceed ten (10) square feet of total sign area per property.
- (c) No sign within a commercial, business, or industrial zone shall exceed the following total sign area per property calculated as follows:

Area Calculation

CR	1 sq. ft. per lineal foot of building frontage
C-1	1 sq. ft. per lineal foot of lot frontage
I-1	1 sq. ft. per lineal foot of lot frontage

Q. Residential Districts.

In R-1, R-2, RR, and ER districts, signs are allowed as an accessory use to legal / non-profit, nonresidential uses only, such as churches, hospitals, schools, legal nonconforming uses, and signs described in Unregulated Signs of this Ordinance.

Q. Design & Construction Standards.

THIS WAS BLANK FOR YUMA. LOOKING INTO IF THIS WOULD BE NECESSARY FOR WIGGINS? BOARD OPINION?

Q. Compliance with Building Code.

All signs shall be constructed in accordance with the requirements of the currently adopted uniform building code and all applicable state or federal codes.

Q. Anchoring.

No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind, and all freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

Q. Wind Loads.

Solid signs, other than flat wall signs, shall be designed to withstand a wind load of 35 pounds per square foot on any face up to a sign height of 35 feet, and 40 pounds per square foot for signs in excess of 35 feet in height.

Q. Inspection Authority.

All signs for which a permit is required shall be subject to inspection by the Town Manager or designee.

Q. Reinspection Authority.

All signs may be reinspected at the discretion of the Town Manager or designee.

Q. Maintenance Required.

All signs shall be maintained in such a manner so as not to be distracting, unattractive or a public nuisance, and shall be kept in good repair and effectively serve the purpose for which they are intended.

Q. Noncomplying Signs, Notice of Violation.

Notice of violation shall be given by the Town Manager or designee to the owner of the real property on which the sign is or is to be located, and if it has been brought to the attention of the Town Manager or designee that the owner and/or user of the sign is different than the owner of the real property, notice of violation shall also be given to the owner and/or user of the sign. Such notice shall state specifically the sign to be removed or brought into compliance, with details of action to be taken to bring into compliance in accordance with this Ordinance. Removal or compliance shall be completed within the time frame specified in the notice, which time frame shall be determined by the Town Manager or designee, based upon the size of the sign, the complexity of compliance and

other factors, as determined by the Town Manager or designee in setting the time frame for removal or compliance.

Q. Noncomplying Signs, Failure to Comply With Notice.

Failure to remove or bring the sign(s) into compliance in accordance with notice given according to Noncomplying Signs, Notice of Violation of this Ordinance shall be a violation of this Ordinance and subject to penalties.

R. Signage Within Planned Unit Developments.

Signage within an approved Planned Unit Development (PUD) may vary from the provisions of this Ordinance, as may be set forth in the approved PD Final Development Plan.

S. Sign Submission Requirements

- A. Complete Application
- B. A map showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughness; such a map must be to scale.
- C. A plan showing design of sign, materials used, and method of construction and means of attachment to the building or the ground, such plans must be to scale.

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