

## **Title 17**

### **Zoning**

Editor's Note: Ordinance 13-99, effective February 1, 2000, repealed the chapters listed below and adopted the Estes Valley Development Code. The subject matter of the repealed chapters is located in said Development Code.

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## Chapter 17.28

### Floodplain Regulations

#### 17.28.010 Purpose.

It is the overall purpose and intent of this Chapter to promote the health, safety and general welfare to provide adequate zoning regulations to minimize death, injury and losses to public and private property due to flooding. It is further intended that these regulations will help to identify and clarify where flood hazards may exist and to insure that potential buyers or builders are aware that certain properties are in areas with special flood hazards. (Ord. 22-86 §1 Exhibit A (part), 1986)

#### 17.28.015 Definitions.

For purposes of this Chapter only, certain terms and words are defined as set forth in this Section:

(1) *Existing manufactured homepark or subdivision* means a manufactured homepark for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Chapter.

(2) *Expansion to existing manufactured homepark or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

(3) *Manufactured home* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term *manufactured home* also includes parked trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term *manufactured home* does not include parked trailers, travel trailers and other similar vehicles.

(4) *Manufactured homepark or subdivision* means a parcel or contiguous parcels of land divided in two (2) or more manufactured home lots for rent or sale.

(5) *New manufactured homepark or subdivision* means a manufactured homepark or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Town. (Ord. 7-87 §8, 1987; Ord. 8-90 §3, 1990; Ord. 15-97, 1997)

#### 17.28.016 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Estes Park, Colorado," dated December 19, 2006, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM are on file at the Municipal Building, 170 MacGregor Avenue, Estes Park, Colorado. (Ord. 8-90 §4, 1990; Ord. 6-07 §1, 2007)

**17.28.017 Duties and responsibilities of the Building Official.**

Duties of the Building Official shall include, but not be limited to:

(1) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this Chapter are met. (Ord. 8-90 §5, 1990; Ord. 15-97, 1997)

**17.28.020 Establishment of districts.**

(a) There are created and established in the Town the following special zoning districts:

- (1) FW Floodway District;
- (2) FF Flood Fringe District.

(b) The floodway and flood fringe districts shall be special zoning districts which overlay the underlying zoning districts on property designated to be within the floodplain area. The boundaries of the zoning districts shall be determined by actual elevation of the ground surface as determined by a Town-approved engineering survey and delineated on the official floodplain zoning maps of the Town.

(c) Whenever possible, the provisions of this Chapter shall be interpreted to apply in conjunction with other land use regulations. In the event of conflicts with other provisions of this Code, the more restrictive provisions shall apply. (Ord. 22-86 §1 Exhibit A (part), 1986)

**17.28.030 FW Floodway District; permitted uses.**

No building or premises shall be used, and no building shall be hereafter erected or structurally altered, except for one (1) or more of the following uses:

(1) Agricultural uses, including general farming, grazing of horses and livestock, forestry, sod farming, crop harvesting, raising of plants and flowers, and open air nurseries;

(2) Recreational uses, including but not limited to golf courses, golf driving ranges, swimming pools, parks and recreation areas, picnic grounds, horseback riding and hiking trails;

(3) Wildlife and nature preserves, game farms and fish hatcheries;

(4) Uses permitted by special review: outdoor amusements of a temporary, transient nature; stockpiling of sand and gravel, streets, bridges, utility transmission lines and pipeline; open pit mining for removal of top soil, sand, gravel or other materials; and parking lots. (Ord. 22-86 §1 (part), 1986)

**17.28.040 FW Floodway District; conditions.**

The permitted uses set forth in Section 17.28.030 above are subject to the following conditions:

(1) No use is permitted which is not also permitted in the underlying zoning district.

(2) No use shall limit, restrict or create an obstruction of the flow capacity of the floodway, a channel, a main stream or a tributary to a main stream.

(3) No permitted use shall include structures, fill or storage of materials or equipment, except limited stockpiling of sand and gravel which may be permitted by special review.

(4) Any proposed well, solid waste disposal site or sewage disposal system shall be protected from inundation by floodwater.

(5) No use shall increase flood heights during the base flood discharge.

(6) No new manufactured homes, manufactured home parks or manufactured home subdivisions shall be permitted. Replacement of existing manufactured homes or manufactured home parks or subdivisions shall be in accord with Section 17.28.110(4).

(7) For a use permitted by special review, no structure, deposit, obstruction or other use shall be allowed which, acting alone or in combination with existing or future uses, adversely affects the flow capacity of the floodway or increases flood heights.

(8) For a use permitted by special review, the storage or processing of materials that are in time of flooding buoyant, flammable, poisonous, explosive or otherwise injurious to human, plant or animal life shall be prohibited.

(9) For a use permitted by special review, no storage of movable objects shall be permitted.

(10) No use is permitted which results in any increase in the base flood elevation.

(11) No use shall be permitted unless all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §9, 1987; Ord. 15-97, 1997)

**17.28.050 FF Flood Fringe District; permitted uses.**

No building or premises shall be used, and no building shall be hereafter erected or structurally altered, except for one (1) or more of the following uses:

(1) All uses permitted without special review in the underlying zoning district, except outside storage; and

(2) Uses permitted by special review: all uses permitted by special review in the underlying zoning district. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 15-97, 1997)

**17.28.060 FF Flood Fringe District; conditions.**

The permitted uses set forth in Section 17.28.050 are subject to the following conditions:

(1) All structures shall be placed on fill so that the lowest floor of each structure is at or above the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided that such structures comply with the floodproofing requirements of this Chapter.

(2) No fill or deposit of materials shall be permitted if such is found to reduce the storage or flow capacity of a drainway.

(3) No use shall be commenced nor structures built which may limit or restrict the flow capacity of the channel of a drainway, or which may retard drainage of floodwaters from such channel.

(4) Fill or deposit of materials shall be permitted only to the extent required for placement of structures and their accessory uses, except such stockpiling and storage as may be permitted by special review.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

(7) The storage or processing of materials that are, in time of flooding, buoyant, flammable, poisonous, explosive or could be injurious to human, plant or animal life shall be prohibited.

(8) No use shall be permitted unless all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §§10, 11, 1987)

#### **17.28.070 Special review applications.**

All applications for uses permitted by special review FW floodway and FF flood fringe districts shall be submitted in accordance with the requirements of Section 17.36.030 and, in addition, shall contain the following information, unless it is determined by the Town Planner that sufficient information is available to the Town:

(1) Plans drawn to scale and prepared by a professional engineer or licensed surveyor showing the nature, location, dimensions and elevation of the lot, parcel or tract of land;

(2) Location and dimensions of all proposed structures and elevations of the lowest floor (including basement) of new and substantially improved structures shall be included;

(3) The amount of fill to be used if any;

(4) A description and specifications of all floodproofing measures; where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Sections 17.28.130 and 17.28.150 of this Code;

(5) The relationship of the use or structures to the location of the channel, floodway and flood protection devices;

(6) The flood protection elevation;

(7) A typical valley cross-section showing the channel of streams, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and highwater information;

(8) Surface view plans showing elevations or contours of the ground, pertinent structures, fill or storage elevations;

(9) Location and elevations of streets, water supply and sanitary facilities;

(10) A profile showing the slope of the bottom of the channel or flow line of the stream; and

(11) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitary facilities. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §§12, 13, 1987; Ord. 15-97, 1997)

#### **17.28.080 Special review considerations.**

The following considerations are to be made by the Planning Commission and Board of Trustees when reviewing special review applications for areas located in the FW floodway and FF flood fringe districts:

(1) The danger to life and to property upstream and downstream within the floodplain due to the increased flood heights or velocities caused by the proposed use;

(2) The danger to life and property due to materials being swept away onto other lands or downstream in the event of a flood;

(3) Whether the proposed water supply and sanitation systems are sufficient to prevent disease, contamination and unsanitary conditions in the event of a flood;

(4) The safety of access to the property in times of flood;

(5) The expected heights, velocity, duration, rate of the rise, and sediment transport of floodwaters at the proposed property and their effect on the proposed use;

(6) The recommendations of the Town Engineer and the Town Administrator; and

(7) The review and reasonable utilization of any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in zoning meet the requirements of Sections 17.28.060 and 17.28.110 for residential structures and Sections 17.28.040 and 17.28.100 for non-residential structures. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §14, 1987)

#### **17.28.090 Floodplain development permit.**

A floodplain development permit shall be obtained before construction or improvement begins within any area of special flood hazard. Applications for special floodplain development permits shall be accompanied by surveys, plot plans, drawings and plans indicating floodproofing measures as set forth in this Chapter. Applicants for a floodplain development permit shall be assessed a fee for advertising and processing. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 28-87 §2, 1987; Ord. 15-97, 1997)

**17.28.100 Design standards; FW Floodway District.**

All uses permitted in the floodway district shall comply with the following design standard:

(1) Fill shall not be permitted in the FW district except when such fill, acting alone or in combination with existing or future floodplain uses, shall be shown to not increase flood heights during the base flood discharge; and such fill shall be protected against erosion where erosion velocities may occur by the use of riprap, bulkheading or vegetative cover.

(2) Where structures are allowed, the following restrictions shall apply:

a. Structures shall not be designed for human residential occupancy. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Sections 17.28.130 and 17.28.150 of this Code;

b. Structures shall be constructed so that the longitudinal axis of the structure is parallel to the direction of the flood flow;

c. Whenever possible, placement of structures shall be upon the same flood-flow lines as those of adjoining structures;

d. All utility services in connection with structures shall, whenever possible, be placed above the flood protection elevation or where not practicable shall meet the floodproofing requirement of this Chapter; and

e. All utility services, including electrical, heating, ventilation, plumbing and air conditioning equipment and their service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) No use shall increase flood heights during the base flood discharge. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §§15, 16, 17, 1987)

**17.28.110 Design standards; FF flood fringe.**

All uses permitted in the FF Flood Fringe District shall comply with the following design standard:

(1) The use of fill shall be the minimum necessary to comply with the provisions of this Section. When required by the provisions of this Chapter, fill shall be to a point no lower than the regulatory flood protection elevation for the area in question. Such fill shall further extend at such elevation fifteen (15) feet beyond the outer perimeter of any structure erected on such fill. No fill shall be used in such a manner as to restrict the flow capacity of any drainway.

(2) The lowest floor of any structure shall be no lower than the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided that the floodproofing requirements of this Chapter are met.

(3) All utility services, including electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designated and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Anchoring.

a. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the anchoring provisions of this Title.

b. All manufactured homes situated within such parks or subdivisions, and manufactured homes placed in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to resist flotation, collapse and lateral movement by providing over-the-top ties and frame ties to ground anchors. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds per square inch. All additions to any manufactured home shall also be anchored. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. The following is the minimum anchoring system required:

1. There shall be provided over-the-top ties at each of the four (4) corners of the manufactured home, with two (2) additional ties on each long side at intermediate locations, except

that manufactured homes less than fifty (50) feet long shall be provided with one (1) such additional tie.

2. There shall be provided frame ties at each of the four (4) corners of the manufactured home, with five (5) additional ties per long side at intermediate points, except that manufactured homes less than fifty (50) feet long shall have four (4) additional ties per long side.

c. The Federal Emergency Management Agency Manual (FEMA #85) "Manufactured Home Installation for Flood Hazard Areas" should also be consulted for guidance on suggested elevation and anchoring techniques. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §§18, 19, 1987; Ord. 15-97, 1997)

**17.28.130 Floodproofing.**

Floodproofing measures taken for nonresidential structures pursuant hereto shall be designed consistent with the regulatory flood protection elevation for the location, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the area of special flood hazard. The applicant shall submit a plan or document certified by a registered professional engineer or licensed architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the location. The following are floodproofing regulations published by the U.S. Army Corps of Engineers:

(1) Anchorage to resist flotation and lateral movement of structures.

(2) Installation of watertight doors, bulkheads and shutters, or reinforcement of walls to resist water pressures.

(3) Use of paints, membranes or mortars to reduce seepage of water through walls.

(4) Addition of mass or weight to structures to resist flotation.

(5) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(6) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement hydrostatic and hydrodynamic pressures.

(7) Construction to resist rupture collapse caused by water pressure or floating debris.

(8) Installation of valves or controls on sanitary and storm drains which will permit the drain to be closed to prevent backup sewage and stormwaters into the buildings or structures.

(9) Location of all electrical equipment, lines, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

(10) Construction of water, sewer and natural gas lines to resist rupture or collapse caused by water pressure.

(11) Location of any structural storage facilities for chemical explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevation above the heights associated with the regulatory flood protection elevation or

are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

(12) Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Section and Section 17.28.150.

(13) Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(14) Subdivision proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(15) Manufactured homes.

a. Manufactured homes shall be anchored in accordance with this Chapter.

b. All manufactured homes or those to be substantially improved shall conform to the following requirements:

1. Require that manufactured homes that are placed or substantially improved (a) in an expansion to an existing manufactured homepark or subdivision, or (b) in an existing manufactured homepark or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured homeparks or subdivisions that are not subject to the provisions in 1 above be elevated so that either (a) the lowest floor of the manufactured home is at or above the base flood elevation, or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no

less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §21, 1987; Ord. 8-90 §7, 1990; Ord. 15-97, 1997)

#### **17.28.140 Nonconforming buildings.**

No substantial improvement may be made to any structure which does not conform to the requirements of this Chapter. (Ord. 22-86 §1 Exhibit A (part), 1986)

#### **17.28.150 Administration.**

This Chapter shall be administered by the Building Official. It shall be the duty of the Building Official to obtain and maintain records of lowest floor elevations and floodproofing levels for all new or substantially improved structures, and whether or not such structures contain basements. Such records shall be placed on repository for public inspection during normal business hours at 170 MacGregor Avenue, Estes Park, Colorado. It shall also be the duty of the Building Official to:

(1) Notify adjacent communities and the appropriate state offices prior to the alteration or relocation of a river or watercourse.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Copies of all such notifications shall be submitted to the Federal Emergency Management Agency. The Building Official shall use all available floodplain information and data services to aid in the administration of this Chapter. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 7-87 §§1, 22, 1987; Ord. 8-90 §6, 1990; Ord. 15-97, 1997)

**17.28.160 Appeals.**

Appeals to the Board of Adjustment may be taken by any person aggrieved by his or her inability to obtain a building permit in the FW floodway or FF flood fringe zones or by any officer, department, board or bureau of the Town. Upon review, the Board of Adjustment shall have jurisdiction only over the following matters:

(1) To review the exact zoning district boundary of the FW floodway or FF flood fringe district as it relates to any specific piece of property;

(2) To determine the suitability and advisability of alternate methods of construction. Such determination shall not reduce the capacity of the structure involved to withstand flood damage, nor shall any alternate methods restrict the flow capacity of the main channel or any drainage relative to such channel;

(3) In appropriate cases, the Board of Adjustment may issue a variance from provisions of this regulation only after making a specific finding that the variance will not endanger health, welfare and safety of the applicant, or any upstream or downstream owner or occupier of land. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to effect relief. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood protection elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) No variance shall be granted within the regulatory floodway if the base flood level will be increased. (Ord. 22-86 §1 Exhibit A (part), 1986; Ord. 8-90 §6, 1990)

**17.28.170 Nonliability of the Town.**

(a) The degree of flood protection provided by the terms of this Chapter is, after considering numerous relevant factors, considered reasonable for regulatory purposes. Floods of greater magnitude may occur and flood heights may be increased as a result of natural or man-made causes. Further, provisions of this Chapter do not imply that areas outside the boundaries of areas of special flood hazard, or that land uses permitted within the area of special flood hazard, are free from flooding or flood damage.

(b) The grant of approval by the Town under the regulations as contained in this Chapter shall not constitute a representation, guarantee or warranty of any kind or nature by the Town, or by any officer, board member or employee, of the practicability or safety of any structures, building or other proposed use; and shall create no liability upon or cause of action against such public body, officer, board member or employee of the Town for any damages, from flood or otherwise, that may result from such use. (Ord. 22-86 §1 Exhibit A (part), 1986)

**Chapter 17.44****Stanley Historic District Procedures and Standards for Development****17.44.010 Purpose and intent.**

The purpose and intent of the provisions contained in this Chapter are to:

(1) Administer the historic resources of the Stanley Historic District in a manner that will preserve the integrity of their location, setting design, materials, workmanship and visual character;

(2) Ensure that development in the foreground of the Stanley Hotel Complex does not destroy its essential historic character, or lessen its ability to conduct an economically viable operation; and

(3) Establish certain requirements that must be met before development within the Stanley Historic District is to be permitted. (Ord. 14-91 §1 Exhibit A (part), 1991)

#### **17.44.020 Definitions.**

In addition to the definitions set forth in Section 17.08.030, the following definitions shall apply:

(1) *Designated open space* means an area within development land reserved for common use and enjoyment as open space by the owners of the remainder of the development land, designated as such on the development plat. It shall not include streets, driveways or parking areas, but it shall include walkways and unpaved natural or landscaped recreation areas.

(2) *Stanley Historic District* means an area of approximately seventy-five (75) acres depicted in the boundary map described as Exhibit A, available at the Town Clerk's office, containing within it the historic resources of the Stanley Hotel District as listed on the National Register of Historic Places.

(3) *Stanley Hotel Complex* means the group of original Stanley buildings, including the main hotel, the Manor House and Stanley Hall. (Ord. 14-91 §1 Exht. A (part), 1991; Ord. 15-97, 1997)

#### **17.44.030 Creation; properties included.**

The Stanley Historic District (the "District") is hereby created. The District shall include the following described properties:

A tract of land located in Section 19, T5N, R72W of the 6th P.M., and Section 24, T5N, R73W of the 6th P.M., Town of Estes Park, County of Larimer, State of Colorado being more particularly described as: Tract 4 and Tract 5 of the Stanley Addition to the Town of Estes Park, Colorado, except those portions of said Tract 4 and said Tract 5 contained within Stanley Hills Subdivision (a plat on file in the office of the County Clerk and Recorder in Book 1758 at Page 566).

(Ord. 14-91 §1 Exht. A (part), 1991)

#### **17.44.040 Applicability of chapter provisions.**

(a) The procedures and standards set forth in this Chapter shall apply to any use, development, redevelopment or exterior alteration or expansion of property within the Stanley Historic District. Special review is not required for normal maintenance and rehabilitation of the Stanley Hotel Complex buildings and other buildings after construction.

(b) Only uses permitted by right or by special review in the zoning districts underlying the historic district shall be permitted in their respective portions of the Stanley Historic District; except that mobile home parks, recreational vehicle parks, commercial storage (including self-storage) operations, light manufacturing and product assembly, motor vehicle service stations, motor vehicle dealerships or repair operations, commercial amusements including but not limited to Go-kart tracks, water slides, miniature golf courses and maze, commercial kennels and adult uses shall not be permitted.

(c) Provisions of the zoning districts underlying the Stanley Historic District shall apply within their respective areas, unless superseded by the provisions of this Chapter. In the event of any conflict between the provisions of this Chapter and any other provision of this Code, the provisions of this Chapter shall apply. (Ord. 14-91 §1 Exht. A (part), 1991; Ord. 15-97, 1997)

**17.44.050 Review procedures for development plans.**

(a) Development plan review in accord with the provisions of Section 17.36.010 of this Title shall be required for all development, regardless of size, within the Stanley Historic District. Special review shall be required for all developments five thousand (5,000) square feet or larger, in accordance with Section 17.36.030. Where special review is required, submission of a concept plan shall be required in all cases, and approval of the concept plan shall precede submission of the development plan. Prior to submitting a concept plan, the applicant shall have a preapplication conference with the Community Development Director.

(b) Both the concept plan and development plan shall conform to the specifications of Section 17.36.040.

(c) Concept plan submittals shall also include the following:

(1) Four (4) photographic panoramic views showing the site from the perimeter of the property on ninety-degree compass intervals, or as otherwise specified by the Director (one [1] set);

(2) Identical panoramic views to those specified above, with the addition of the building structure superimposed to scale on the photographs (one [1] set); and

(3) Overall landscape concept.

(d) Development plan submittals shall also include the following:

(1) Four (4) photographic panoramic views showing the site from the perimeter of the property on ninety-degree compass intervals, or as otherwise specified by the Director (one [1] set);

(2) Identical panoramic views to those specified above, with the addition of the building structure superimposed to scale on the photographs (one [1] set);

(3) Four (4) elevations of the structure with the elevation referenced to USGS datum, of the following features: existing ground surfaces, finished grade, top of foundation, floor elevation, roof line and the highest point on the structure;

(4) Floor plans;

(5) Color and texture samples of all exterior materials with combinations of materials and colors shown as they will appear in the finished building (one [1] set);

(6) A colored architectural rendering for Town records, or a color photograph of a rendering (eight and one-half by eleven inches [8½" x 11"]);

(7) A lighting plan indicating all exterior lights, their style, intensity and location; and

(8) A landscaping plan at a scale of one inch equals twenty feet (1" = 20') or larger, containing property lines, dimensions, structures, existing natural features, final grading plan with existing and proposed topography, a plant specification list identifying botanical and common names, keyed to the plan, transplanting method, sizes at planting and maturity and quantities.

(e) Both the concept plan and development plan shall be submitted to the State Historic Preservation Officer of the Historical Society of Colorado for review and comment. Comments of the Historical Society shall be made public. (Ord. 14-91 §1 Exht. A (part), 1991; Ord. 15-97, 1997)

**17.44.060 Design and performance standards.**

(a) Designated building envelopes and view corridors.

(1) Development shall maintain the existing views of the main Stanley Hotel building and of the Manor House building from Highway 36 from its intersection with Highway 7 to its intersection with Highway 34.

(2) Development shall maintain the view of the main Stanley Hotel building from the Visitors' Center entrance deck, taking into account all authorized development in Stanley Village.

(3) Design and performance standards are contained in the Stanley Historic District Master Plan, development agreements and final plat on file at the Community Development Department.

(4) Incorporated by reference and available at the Town Clerk's office are the following exhibits:

a. Exhibit B (pages 1, 2, 3): Map of View Corridors; and

b. Exhibit C: Photographs of the View Corridor to the Stanley Hotel.

(b) Open space. The minimum designated open space for all development parcels in the Stanley Historic District shall be thirty percent (30%) of the total parcel area.

(c) Site design.

(1) Buildings shall be designed to follow natural contours.

(2) Retaining walls over six (6) feet tall shall be stepped to form benches, with a minimum width of four (4) feet, which shall be landscaped.

(3) Service functions shall not be visible on the primary facades of buildings or in front yard areas. Trash and service areas shall be screened with landscaping, berming, fencing or combinations.

(4) Parking shall be located to the rear of buildings or screened. Double parking bays shall be separated by a landscaped area, a minimum of five (5) feet in width. Parking areas shall be depressed into the ground, stepped on sloping terrain with berming and landscaping provided to screen the parking from off-site view from the Highway 36 corridor and from the Stanley Hotel complex.

(5) A minimum of ten percent (10%) of the interior of a parking area that exceeds ten (10) spaces shall be landscaped with trees and shrubs.

(6) Underground parking. The Planning Commission may approve an increase in the floor area ratio from twenty-five percent (25%) to thirty percent (30%) with the provision of below-grade parking, provided that a building is placed over it, or the grade surface is reclaimed as landscaped open space.

(7) Cut and fill slopes shall be revegetated. Rock cuts shall be treated to create a natural appearance simulating the original patina.

(8) Pedestrian circulation. An integrated pedestrian pathway system shall be provided for each development. It shall be attractively landscaped and adequately illuminated with connection at property lines to existing or appropriate future public pathways, clearly separated from vehicular roadways where possible, with access provided where feasible to usable open space.

(d) Building design.

(1) Height. Building height shall not exceed thirty (30) feet, unless a greater height is authorized on special review in accordance with Section 17.20.050.

(2) New buildings shall not imitate the historic style of the Stanley Hotel Complex.

(3) The following architectural styles and motifs are prohibited:

- a. A-frame structures;
- b. Geodesic dome structures;
- c. Tudor;
- d. Swiss chalet;
- e. Rustic frontier, western town;

f. Franchise, fast-food or chain architecture;

g. Mediterranean; and

h. American Southwest adobe.

(4) Roof lines shall be designed to be compatible with the Stanley Hotel Complex and shall have a minimum pitch of four to twelve (4:12). The following roof forms are prohibited:

a. Mansard or fake mansard;

b. Gambrel roofs;

c. Curvilinear roofs;

d. Domed roofs;

e. Geodesic domes;

f. Conical roofs;

g. A-frames or modified A-frame roofs; and

h. Flat roofs.

(5) Roof materials and colors shall blend with the natural background. Roof color is limited to a maximum chroma of 4 on the Munsell color notation system. Preferred materials are shingles, slate or standing seam metal roofs. The following roofing materials are prohibited:

a. Untreated metal or aluminum, except for copper allowed to weather;

b. Reflective materials; and

c. Red roofs and other brightly colored roofing materials such as bright blue, yellow or other highly visible colors.

(6) Mechanical equipment on roofs shall be hidden so that it is not visible from off-site.

(7) Skylights and solar panels must be designed to fit within a maximum of two (2) feet above the roof's surface and incorporated as an integral part of the building's design. Skylights and panels shall be tinted to blend with the roof.

(8) Facades.

a. Facade lengths shall be varied by providing changes in the planes of walls, changing direction and providing variety in roof form. Structures greater than sixty (60) feet but less than one hundred twenty (120) feet in length on any facade must provide a prominent shift in the facade of the structure so that no greater than seventy-five percent (75%) of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten-foot change in building facade alignment or a ten-foot change in roof line height, or a combined change in facade and roof line totaling ten (10) feet.

b. Structures which exceed one hundred twenty (120) feet in length on any facade shall provide a prominent shift in the mass of the structure at each one-hundred-twenty-foot interval (or less), reflecting a change in function or scale. The shift shall be in the form of either a fifteen-foot change in the building facade alignment, or a combination of a change in both the roof line and facade at the same building plane a total of fifteen (15) feet (see Attachment D to Ordinance 14-91, on file in the office of the Town Clerk).

(9) Building materials.

a. Buildings shall be constructed of natural materials such as finished wood, brick, stone and architectural block. Hardboard may be permitted, provided that it is replicated to resemble finished wood. Buildings shall be designed so that all sides and service areas are coordinated in design, finish and appearance with their principal facades.

b. The following wall materials are prohibited:

1. Heavy shakes;
2. Ceramic tiles;
3. Slump block and weeping mortar;
4. Plastic or vinyl siding, smooth plywood siding and aluminum siding;
5. Synthetic stone products;
6. Pre-cast stone or concrete imbedded with stone fragments;
7. Asphalt siding;
8. Flat concrete block; and
9. Highly reflective glass surfaces.

(10) Wall colors.

a. Exterior wall colors should recede into the landscape. White walls are not permitted. Harshly contrasting color combinations are not permitted. Brilliant, luminescent and/or day-glow colors are not permitted.

b. Color choices for all buildings within the District shall be made from those allowed within the range delineated according to the Munsell Color Notation System from the *Munsell Book of Color* on display in the Community Development Department.

c. The Munsell system of color notation is broken into three (3) categories: hue, chroma and value. Chroma is the only characteristic with a set limit, which is as follows: body color is limited to a maximum chroma of 4. Trim color is limited to a maximum chroma of 6. Accent color is limited to a maximum chroma of 8.

d. The number of colors used on one (1) structure is limited to three (3). This does not include specifically appropriate additional colors for such elements as window sashes, porch floors, ceiling half-timbers or roof coverings.

e. If three (3) colors are used, the color that covers the most building area is the body; the color covering the second most building area is the trim and the color covering the least building area is the accent color.

f. If two (2) colors are used, the color covering the lesser area is the trim color for purposes of regulating maximum chroma.

g. If a different value or chroma of the same hue is used, this is considered a separate color.

h. All exterior elements of a building that are metal, such as flue, flashings, etc., shall be painted a flat, dark color, or one that is a compatible color with the building.

(11) Lighting.

a. Exterior lighting shall be arranged and directed so as to create no glare off-site. Lighting with low-intensity sources close to the area requiring illumination is required. Lighting levels shall be reduced after 10:00 p.m.

b. A standard lighting fixture shall be used within the District. For all exterior, freestanding lights, this fixture will be specified by the Planning Commission.

(e) Signs.

(1) Sign plans. All development shall obtain approval of a sign plan from the Planning Commission prior to any signs being erected upon or within any structure. All signs erected or maintained within the structure that are visible from outside shall conform at all times to the approved sign plan.

(2) Application. An application for a sign plan shall include at least the following information:

a. The total amount of proposed signage for each structure;

b. The location, materials and maximum area of each sign that an individual business will be allowed to display; and

c. Directory signs, building identification signs, information signs and freestanding signs shall be included in the plan.

(3) Maximum sign area.

a. The total square footage of allowable sign area for any building shall be equal to sixty-six percent (66%) of the building's frontage. All signs displayed

shall be used in determining the total sign area for a building. Example: (linear feet of building frontage) x 0.66 = total square footage of allowable sign area.

b. The area of any one (1) sign shall not exceed twenty (20) square feet.

(4) Freestanding signs.

a. There shall be no more than one (1) freestanding sign on each lot.

b. A landscaped area equal to two (2) square feet for each one (1) square foot of each side of a freestanding sign shall be maintained by the permit holder.

c. No freestanding sign shall exceed six (6) feet in height, or twenty (20) square feet in area.

d. A freestanding sign used to identify a master planned project of three (3) or more buildings may exceed the twenty-square-foot limit up to a maximum sign size of forty (40) square feet. The maximum allowable size of any such sign shall be determined by the Planning Commission based upon the number of buildings, the distance of the sign from any roadway, and the necessity of facilitating traffic circulation by adequately identifying the project.

e. When a project has multiple vehicular accesses, all of which accesses are not visible from a single location, the Planning Commission may permit one (1) freestanding sign at each point of vehicular access to the project.

f. Backlit signs are not permitted. Sign color shall be compatible with building colors and shall not be brilliant, luminescent or day-glow.

(f) Stanley Hotel complex.

(1) Nothing in this Section shall operate to prevent or impede the Colorado Historical Foundation or its successors and assigns from exercising the rights granted to it under various easements to control the character of construction, alteration and remodeling of the Stanley Hotel Complex, or of the eight (8) acres adjoining the parcel of land designated for scenic and conservation easement. The rights and restrictions of those easements apply to all extensions of the Stanley Hotel Complex. Deed of conservation easements and any amendments are incorporated by reference as follows:

a. Deed of conservation easement dated December 30, 1985, and recorded December 31, 1985, Reception No. 85065982, Larimer County, Colorado;

b. Deed of conservation easement dated December 31, 1983, and recorded January 17, 1984, Book 2253, Page 2445, Larimer County, Colorado; and

c. Deed of conservation easement dated December 31, 1984, and recorded December 31, 1984, Reception No. 85000081, Larimer County, Colorado.

(2) Construction work on the Stanley Hotel Complex buildings must meet the Secretary of Interior Standards for the Rehabilitation of Historic Buildings. Original materials and details, as well as distinctive form and scale that contribute to the historic significance of the complex, should be preserved. Rehabilitation work should not

destroy the distinguishing quality or character of the property or its environment. Original doors, windows, porches and facade materials should be preserved. The existing color patterns of the Stanley Hotel Complex should be maintained.

(3) Additions to existing buildings.

a. Any additions to the Stanley Hotel Complex buildings shall occur in accordance with the deed of conservation easements, or amendments.

b. Additions to the Stanley Hotel Complex buildings shall be designed so that they will not destroy any significant historic architectural feature. Additions should be set back from primary facades in order to allow the original proportions and character to remain prominent, or set apart from the main building and connected with an appropriate link.

c. Additions should be compatible in scale and size with the existing buildings, be visually subordinate to the building, and no taller than the building being added on to. Similar materials, window patterns and building lines shall be incorporated.

d. Additions should be recognized as a product of their own time and be distinguishable from the historic building element, while remaining visually compatible. New design that creates an appearance inconsistent with the historic character of the Stanley Hotel Complex buildings is not permitted.

(4) New buildings.

a. New buildings shall be located to protect the views of the main hotel and Manor House from the designated view

corridors. New buildings shall be designed so that they will not destroy the historic significance of the complex. New buildings should be compatible in scale and size with the existing buildings and be visually subordinate.

b. New buildings should be recognized as a product of their own time and be distinguishable from the historic buildings, while remaining visually compatible. New design that creates an appearance inconsistent with the historic character of the Stanley Hotel Complex is not permitted.

(5) Alteration. All proposed exterior alterations to the Stanley Hotel Complex buildings which are not normal maintenance or rehabilitation under the standards for rehabilitation shall be submitted to the Planning Commission for review and approval. The Planning Commission shall not approve an application for alteration unless it finds:

a. The proposed work preserves, enhances or restores, and does not damage or destroy, the exterior architectural features of the Stanley Hotel Complex; and

b. The architectural style, arrangement, texture, color, arrangement of color and materials used on existing and proposed structures are compatible with the Stanley Hotel Complex.

(6) Nonhistoric buildings. The nine (9) nonhistoric buildings currently located west of the main hotel may be relocated in an area north of the north facades of the three (3) Stanley Hotel Complex buildings and west of a line extended north along the east edge of Stanley Hall, without development plan review.

(7) Demolitions. No demolition of any Stanley Hotel Complex building shall be permitted unless the demolition is approved by the Planning Commission. No approval for demolition shall be granted unless the Planning Commission finds that all of the following standards are met:

a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;

b. The structure cannot be rehabilitated or reused on-site to provide for any reasonable economic use of the property; and

c. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:

1. Any impacts that occur to the character of the historic district where demolition is proposed to occur;

2. Any impact on the historic importance of the Stanley Hotel Complex; and

3. Any impact to the architectural integrity of the Stanley Hotel Complex. (Ord. 14-91 §1 Exhibit A (part), 1991; Ord. 15-97, 1997)

#### **17.44.070 Appeals for variance.**

Appeals for variance from administrative decisions made under this Chapter shall be heard and decided by the Board of Trustees following recommendation from the Planning Commission, in accord with the provisions of Section 17.36.010(d)(4) of this Title. Proposed variances must demonstrate that they do not violate the essential purposes and intent of this Chapter,

and must show that strict enforcement of the provisions of this Chapter would result in exceptional and undue hardship. No variance shall authorize any use other than those permitted under this Chapter. No more than a five-percent variance of open space requirements may be permitted. No more than a ten-percent variance may be permitted for allowable signage. (Ord. 14-91 §1 Exhibit A (part), 1991; Ord. 15-97, 1997)

#### **17.44.080 Development agreements.**

(a) The provisions of this Chapter are subject to and modified by the terms and provisions of certain development agreements referred to below. The terms and provisions of these development agreements modify and supersede any provisions of this Chapter where the development agreement provisions are in addition to or in conflict with the terms and provisions of this Chapter. The development agreements are as follows:

(1) Development agreement between Overlook Limited Partnership, a Colorado limited partnership, and the Town of Estes Park, Colorado, a municipal corporation, dated January 15, 1994.

(2) Development agreement between Stanley Hotels, Ltd., formerly Stanley Manor House, Ltd., a Colorado limited partnership, and the Town of Estes Park, Colorado, a municipal corporation, dated January 15, 1994.

(3) Development agreement between FHK Company, a Colorado partnership, and the Town of Estes Park, Colorado, a municipal corporation, dated January 17, 1994.

(b) The development agreements are attached to the ordinance codified in this Section as Exhibit "A" and incorporated in this Section by this reference. (Ord. 4-94 §1, 2, 1994; Ord. 15-97, 1997)

## Chapter 17.66

### Signs

#### 17.66.010 Title.

This Chapter shall be known and cited as the "Town of Estes Park Sign Code." (Ord. 11-76 §2(part), 1976; Ord. 17-02 §1(part), 2002)

#### 17.66.020 Intent and purpose.

The purpose of this Chapter is to protect the health, safety and welfare of the citizens by providing for uniform control of signs. It is the intent of the regulations set forth in this Chapter to:

- (1) Recognize that signs are a necessary means of visual communication for the convenience of the public;
- (2) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs;
- (3) Ensure that signs are compatible with adjacent land uses and with the total visual environment of the community;
- (4) Protect the public from hazardous conditions that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs;
- (5) Recognize that the elimination of existing signs that are not in conformance with the provisions of this Chapter is necessary to the public safety and welfare and to the protection of the visual environment. (Ord. 11-76 §2(part), 1976; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### 17.66.030 Scope and application of this Chapter.

The provisions of this Chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the Town, and it is unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with the provisions of this Chapter. (Ord. 11-76 §2(part), 1976; Ord. 17-02 §1(part), 2002)

#### 17.66.040 Definitions.

As used in this Chapter, the following words and phrases are defined as follows:

- (1) *Area of a sign* means the area of the smallest regular geometric symbol encompassing all the informative features of the sign, including copy, insignia, background and borders.
- (2) *Awning* means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building; or a covered space framed structure.
- (3) *Building Code* means the latest edition of the Building Code, as amended and adopted by the Town.
- (4) *Building inspector* means the officer or other person charged with the administration and enforcement of this Chapter, or his or her duly authorized deputy.
- (5) *Canopy* means a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

(6) *Face or wall of building* means the general outer surface of any main exterior wall or foundation wall of the building, including windows and storefront.

(7) *Flag* means the flag, pennant or ensign of any nation, organization or nations, state, county, city, religious, civic, charitable or fraternal organization, or educational institution.

(8) *Frontage, building* means the horizontal, linear dimension of that exterior side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public; and has either a main window display of the enterprise or a public entrance to the building. Where more than one (1) use occupies a building, each such use having an exterior public entrance or exterior main window display for its exclusive use shall be considered to have its own *building frontage*, which shall be the front width of the portion of the building occupied by that use.

(9) *Frontage, street* means the linear frontage (or frontages) of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

(10) *Height* means the vertical distance measured from the elevation of the nearest sidewalk (or, in the absence of a sidewalk within twenty-five (25) feet, then from the lowest point of finished grade on the lot upon which the sign is located and within twenty-five (25) feet of the sign), to the uppermost point on the sign or sign structure.

(11) *Illumination, direct* means lighting by means of an unshielded light source

(including fluorescent and neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

(12) *Illumination, indirect* means lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source which is primarily designed to illuminate the entire building façade upon which a sign is displayed.

(13) *Illumination, internal* means lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs which are themselves made of a translucent material.

(14) *Kiosk* means a small structure, typically located within a pedestrian walkway or similar circulation area, and intended for use as display space for posters, notices, exhibits, etc.

(15) *Light source* means and includes any device, or method of producing light, including neon, fluorescent or similar tube lighting, incandescent bulb and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source.

(16) *Lighting, backlighted* means a concealed light source located behind the surface of the sign to highlight specific elements of the sign.

(17) *Lighting, neon* means any method of lighting using neon tubes in a manner in which the neon tube can be seen.

(18) *Lot* means a portion or parcel of land, whether part of a platted subdivision or otherwise, occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Title. A *lot* must be an integral unit of land held under unified ownership in fee or in co-tenancy.

(19) *Maintenance* means the replacing, repairing or repainting of a portion of a sign structure; periodic changing of bulletin board panels; or renewing of copy which has been made unusable by ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure which has been damaged to an extent exceeding fifty percent (50%) of the appraised replacement cost (as determined by the building inspector) shall be considered as *maintenance* only when the sign conforms to all of the applicable provisions of this Chapter and when the damage has been caused by an act of God or violent accident.

(20) *Marquee* means a permanently roofed structure attached to and supported by a building, and projecting from the building.

(21) *National Electrical Code* means the latest edition of the National Electrical Code, published by the National Fire Protection Association, as amended and adopted by the Town.

(22) *Roof* means the cover of any building, including the eaves and similar projects.

(23) *Roof line* means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. *Roof line* also includes the highest point on any parapet wall, provided that the parapet wall extends around the entire perimeter of the building.

(24) *Sign* means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, mural, or outdoor display of merchandise to attract business, or any other display of similar character which:

a. Is a structure or any part thereof (including the roof or wall of a building);

b. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle or upon any material object or device whatsoever; and

c. By reason of its form, color, wording, symbol, design, illumination, motion or other feature attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

(25) *Sign face* means the surface of a sign upon, against or through which the message is displayed or illustrated.

(26) Sign types.

a. *Bulletin board sign* means a sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

b. *Construction sign* means a temporary sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to the premises. For the purposes of this Chapter, a *construction sign* shall not be construed to be a real estate sign as defined in this Section.

c. *Directional sign* means a sign erected by the Town or other governmental agencies, or a sign erected by permission of the Town, directing vehicular or pedestrian traffic.

d. *Double-face sign* means a sign where two (2) sides are separated by not more than twenty-four (24) inches and are parallel to each other. Such signs shall be considered as one (1) sign.

e. *Freestanding sign* means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign. *Freestanding sign* includes pole signs, pedestal signs and ground signs.

f. *Identification sign* means and includes any of the following:

1. A nameplate which establishes the identity of an occupant by listing his or her name and business or professional title;
2. A sign which establishes the identity of a building or building complex by name or symbol only;
3. A sign which indicates street address or combines nameplate and street address;
4. A sign which identifies an area in the Town which, by reason of development, natural features, historical occurrences or common references, has or will become a landmark in the Town; and

5. A commemorative sign, such as a cornerstone, memorial or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material and is made an integral part of the structure.

g. *Joint identification sign* means a sign which serves as common or collective identification for two (2) or more uses on the same lot.

h. *Marquee sign* means a sign depicted upon, attached to or supported by a marquee as defined in this Section.

i. *Off-premises advertising sign* means any off-premises sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot or within the same building upon which such sign is located.

j. *Portable sign* means a sign which is not attached to the ground, a building or other structure, but does not include a vehicle-mounted sign as defined in this Section.

k. *Projecting sign* means a sign attached to a building or extending in whole or in part twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached, but does not include a marquee sign as defined in this Section.

l. *Real estate sign* means a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building or lot upon which the sign is erected or displayed.

m. *Roof sign* means a sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building or projecting above the roof line of a building, but does not include a sign projecting from or attached to a wall as permitted by this Chapter. (See *wall sign*.)

n. *Suspended sign* means a sign suspended from the ceiling of an arcade, marquee or canopy.

o. *Temporary sign* means a sign which is intended for a temporary period of display for the purpose of announcing a special event, advertising or directing persons to a subdivision or other land or building development, advertising personal property for sale, or promoting a political campaign or special election.

p. *Vehicle-mounted sign* means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

q. *Vending machine sign* means a sign that is incorporated into and designed as a part of a vending machine.

r. *Wall sign* means a sign displayed upon or against the wall of an enclosed building or structure where the exposed face of the sign is in a plane parallel to the plane of the wall and extends not more than twelve (12) inches horizontally from the face of the wall. A sign erected upon or against the side of a roof having an angle of forty-five (45) degrees or less from the vertical shall be considered to be a *wall sign*, and shall be regulated as such.

s. *Wind sign* means a sign consisting of one (1) or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze, but does not include flags.

t. *Window sign* means a sign which is painted on, applied or attached to, or located within three (3) feet of, the interior of a window, which sign can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as part of a *window sign*.

u. *Outdoor display of merchandise to attract business* means the outdoor display of merchandise offered for sale where such outdoor display is located with the primary purpose of attracting attention of passing motorists or pedestrians, and where the display is moved indoors at the close of business daily and therefore does not constitute seasonal or permanent accessory outdoor storage.

(27) *Sign structure* means any supports, uprights, braces or frameworks of a sign.

(28) *Signs, number of*. For the purpose of determining the *number of signs*, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where sign elements are displayed in an unrelated or random manner, each element shall be considered to be a single sign. (Ord. 11-76 §2(part), 1976; Ord. 25-76 §1, 1976; Ord. 21-82 §1(E), 1982; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

**17.66.050 Exemptions.**

Except as specifically provided, the following may be erected without a sign permit. All signs shall meet all applicable setback, construction, illumination and safety standards. Any signs larger in size or with any different standards than stated in this Section shall be required to obtain a sign permit.

(1) Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.

(2) Official governmental notices and notices posted by governmental officers in the performance of their duties, and governmental signs to control traffic or for other regulatory purposes, to identify streets or to warn of danger.

(3) Flags, limited to three (3) flags per lot. The maximum individual size of a permanently displayed American flag, Colorado flag and official Town of Estes Park flag shall be forty (40) square feet. The maximum individual size of all other permanently displayed flags shall be fifteen (15) square feet.

(4) Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration.

(5) Temporary or permanent signs erected by the Town, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(6) Merchandise, pictures or models of projects or services which are incorporated as an integral part of a window display, where all such items displayed are located within the interior of the building where the business is located.

(7) Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

(8) All "open," "vacancy" and "no vacancy" signs and signs designed to indicate vacancy, such as "yes," "no" and "sorry," whether they are nonilluminated, internally illuminated, indirectly illuminated or directly illuminated signs, provided that the area of the sign does not exceed two and one-half (2.5) square feet per face.

(9) Displays of string lights, provided that they are:

a. Decorative displays which only outline or highlight landscaping or architectural features of a building, and are not placed on or used to outline signs, sign supports, awnings and/or canopies, or assembled or arranged to convey messages, words, commercial advertisements, slogans and logos;

b. No greater in intensity than five (5) watts, and are steady-burning, clear, non-colored bulb lights. No blinking, flashing or intermittent changes in intensity or rotating shall be permitted;

(10) Signs displayed on motor vehicles providing public transportation, provided that they conform to the following requirements:

a. The signs are flat and do not project more than four (4) inches from the surface of the motor vehicle.

b. No more than one-third ( $\frac{1}{3}$ ) of the surface area of the vehicle is covered by the signs. Surface area shall not include the roof, wheels, lights and/or undercarriage of the vehicle.

c. The signs shall not be prohibited signs as more specifically set forth in Section 17.66.060.

d. *Motor vehicle providing public transportation* is a motor vehicle operated pursuant to a certificate of public convenience and necessity to operate as a common carrier for hire for the transportation of passengers and their baggage, on schedule, issued by the Public Utilities Commission of the State. Vehicles which are exempt from regulation as public utilities pursuant to Section 40-15-101, et. seq., C.R.S., are not eligible for an exemption from the sign code pursuant to this Section.

(11) Identification signs which do not exceed two (2) square feet per face or four (4) square feet in total surface area; limited to six (6) feet in height and limited to one (1) such sign per use or per building, whichever is the greater number.

(12) Temporary nonilluminated real estate signs which do not exceed six (6) square feet in total area and four (4) feet in height, limited to one (1) such sign per street frontage. Such signs are restricted to the subject property and shall not remain in place more than seven (7) days after the sale, lease or rental of the subject property.

(13) Signs in the nature of cornerstones, commemorative tablets and historical signs which do not exceed four (4) square feet per face in area and six (6) feet in height, and which are nonilluminated or indirectly illuminated.

(14) Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot when such do not exceed three (3) square feet per sign per face in area and eight (8) feet in height, and do not contain any advertising or trade name identification. Private traffic control signs which conform to the standards of the Colorado Manual of Uniform Traffic Control Devices may exceed three (3) square feet per face in area, but shall not exceed seven (7) square feet per face. Such signs shall not exceed eight (8) feet in height.

(15) Signs required or specifically authorized for a public purpose by any law, statute, ordinance or resolution.

(16) Nonilluminated window signs, when the total area of such signs:

a. Does not exceed twenty-five percent (25%) of the total window area at the ground floor level on the side of the building or business unit upon which said signs are displayed; and

b. Does not exceed twenty-five percent (25%) of the total allowable sign area for the premises.

c. Such signs shall not exceed four (4) square feet in total surface area per sign when placed in windows above the ground floor level, and no signs shall be placed in windows above the second floor level.

(17) Signs commonly associated with, and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed one hundred fifty (150) square inches in total area. (This category shall be interpreted to include such signs as "no smoking," "rest room," "no solicitors," "self-service" and similar informational signs.)

(18) Signs which identify items such as credit cards, menus or prices; limited to one (1) such sign for each use, not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building, as projecting or wall signs, or included as an integral part of a freestanding sign.

(19) Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building.

(20) Text or copy changes on signs specifically designed to permit changes of the text or copy thereof;

(21) A sign, which does not exceed six (6) square feet per face or twelve (12) square feet in total surface area; limited to six (6) feet in height and limited to one (1) such sign per lot and which does not propose, concern, reflect or promote a commercial purpose.

(22) Vending machine signs, provided that such signs are limited to the product being vended. (Ord. 11-76 §2(part), 1976; Ord. 36-76 §1, 1976; Ord. 17-80 §1, 1980; Ord. 21-82 §1(A), (B) and (C), 1982; Ord. 1-87 §1, 1987; Ord. 6-87 §1, 1987; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002; Ord. 17-07 §1, 2007)

#### **17.66.060 Prohibited signs.**

The following signs shall not be permitted, erected or maintained in the Town:

(1) Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time-temperature-date signs, traditional barber poles, and gauges and dials which may be animated to the extent necessary to display correct measurement;

(2) Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy;

(3) Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations;

(4) Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations except as provided in Subsection 17.66.050(9);

(5) Wind signs and banners;

(6) Signs which incorporate projected images, emit any sound which is intended to attract attention or involve the use of live animals;

(7) Any sign which is installed or erected in or projects into or over any public right-of-way, except in the case of a sign for which a permit has been issued in conformance with the requirements of this Chapter;

(8) Signs not permanently affixed or attached to the ground or to a permanent structure, (for example, banners, sandwich boards and handheld signs). Temporary real estate signs attached to posts driven into the ground and temporary safety barriers are excepted.

(9) Any sign or sign structure which:

- a. Is structurally unsafe, or
- b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, or
- c. Is capable of causing electrical shocks to persons likely to come in contact with it;

(10) Any sign or sign structure which:

- a. Obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign, or
- b. Creates an unsafe distraction for motor vehicle operators, or
- c. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare;

(11) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;

(12) Roof signs, except as specifically permitted by Section 17.66.110;

(13) Off-premises advertising signs.

(14) Signs not pertinent and or not clearly related to the permitted use on the property where located, except for temporary political signs, as permitted and regulated by Section 17.66.070, and except for signs permitted under the provisions of Section 17.66.130.

(15) Except as provided in Subsection 17.66.050(8), any sign having direct illumination, including but not limited to visible neon tubing. (Ord. 17-02 §1(part), 2002)

**17.66.070 Temporary signs.**

Temporary signs in all zoning districts shall be subject to the following specific requirements:

(1) Construction signs. Signs advertising subdivision, development, construction or other improvements of a property shall be permitted in any zoning district and shall comply with the following:

- a. Such signs shall be limited to free-standing, wall or window signs, shall not exceed thirty-six (36) square feet in total area nor eighteen (18) square feet per face, and shall not exceed twelve (12) feet in height. No riders or attachments to such signs shall be permitted. For residential developments consisting of five (5) dwelling units or less, the maximum area permitted for a construction sign shall be three (3) square feet per face for each dwelling unit being constructed.

b. Construction signs shall be displayed only on the property to which the sign pertains. One (1) such sign shall be permitted for each street upon which the property either has frontage or has an entrance from a major thoroughfare; provided that the minimum distance between signs on any single development shall be one thousand (1,000) feet.

c. In case of a subdivision, construction signs shall not be displayed prior to the date of official filing of the subdivision plat.

d. In other cases, such signs may be displayed for the duration of construction until issuance of a certificate of occupancy.

(2) Election signs. Those signs concerning issues and candidates in forthcoming elections shall be removed by the person placing or erecting them or by the occupier of the premises on which they are located within ten (10) days following the election to which they pertain unless the sign conveys some other or further ideological message or has some other or further ideological significance. Election signs shall be restricted to a maximum size of four (4) square feet in all residential districts and a maximum size of one hundred fifty (150) square feet in all other districts. (Ord. 11-76 §2(part), 1976; Ord. 21-82 §1(M), 1982; Ord. 17-02 §1(part), 2002)

#### **17.66.080 Computation of sign area.**

The area of a sign shall be measured with the following regulations:

(1) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes, or combinations thereof, shall be used.

(2) In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than eight (8) straight or radial lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

(3) That portion of the sign structure which is visible and viewed in the same plane as the sign face, and which either: a) exceeds fifty percent (50%) of the sign face, or b) is made an integral part or background of the display shall be included in computing the total sign area.

(4) Where a sign has two (2) or more display faces and is not a double-faced sign, the area of all faces shall be included in determining sign area.

(5) The total surface area of multiple-unit signs shall include the vertical and horizontal spacing between the letters which comprise the word or words that convey the sign's message.

(6) Where three-dimensional figures are used as signs, the area shall be the total area, as projected on a vertical plane, of each side of the figure which is visible by the public beyond the boundaries of the lot upon which the figure is located. For purposes of this regulation, a figure shall be considered to have not less than one (1) nor more than four (4) sides. This shall be the method used to calculate the area of "outdoor displays of merchandise to attract business" and other three-dimensional figures or displays that are to be considered in the total allowable sign-age calculation.

(7) Building frontage used as the basis of determining permitted sign area for one (1) use shall not be used again as the basis for determining the permitted sign area for a different use. Nothing in this Subsection shall be construed to prohibit the additional building or use from erecting a sign which would otherwise be authorized by the provisions of this Chapter.

(8) All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached. (Ord. 11-76 §2(part), 1976; Ord. 21-82 §1(K), 1982; Ord. 17-02 §1(part), 2002)

#### **17.66.090 General regulations.**

(a) Signs at street intersections. On corner lots, no sign or sign structure between a height of two and one-half (2.5) feet and ten (10) feet above the street elevation (other than a pole twelve [12] square inches or less in cross-sectional area) shall be erected within the following described area: the interior triangle formed by the right-of-way lines at such corner lots and a straight line joining the right-of-way lines at points which are thirty (30) feet from the intersection of the right-of-way lines. This regulation shall apply to all signs except wall signs.

(b) Illumination. Illuminated signs shall be subject to the following conditions:

(1) Any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly beyond the lot upon which the sign is located.

(2) Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

(3) Signs in commercial and restricted industrial zoning districts may be indirectly or internally illuminated.

(c) Signs on fences and freestanding walls. Signs displayed upon fences or upon freestanding walls shall be erected or mounted in a plane parallel to the fence or wall, and shall not extend above the top of the fence or wall nor project more than twelve (12) inches from the face of the fence or wall. Such signs shall be subject to all regulations of this Chapter applicable to freestanding signs, including but not limited to maximum area per sign, maximum sign height, minimum setback from property lines and number of signs permitted per lot or per premises.

(d) Window signs. The area of all window signs in excess of twenty-five percent (25%) of the total window area at ground floor level on the side of the building or business unit upon which such signs are displayed shall be included in the total allowable sign area for the premises. All illuminated window signs shall be included in the total allowable sign area for the premises.

(e) Signs which identify lands which have been subdivided in accordance with the Estes Valley Development Code shall be subject to the following regulations:

(1) The sign may be located within public street right-of-way where such sign is approved as an integral feature of the street construction plans at the time of final plat approval. Otherwise, the sign shall be located a minimum of ten (10) feet from the street right-of-way line.

(2) Such signs shall conform to the sign requirements relating to site distances at intersections under the provisions of this Chapter.

(3) The maximum size for a subdivision identification sign shall be thirty-six (36) square feet (or eighteen [18] feet per face).

(4) The signs shall only contain the name of the subdivision and not a pictorial representation of the subdivision. (Ord. 11-76 §2(part), 1976; Ord. 25-76 §§2, 6, 1976; Ord. 17-80 §2, 1980; Ord. 21-82 §1(I) and (J), 1982; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

(0.75) square foot per lineal foot of second story building frontage. In no event, however, shall the cumulative total allowable sign area exceed one hundred fifty (150) square feet per business.

### **17.66.100 District sign regulations.**

(a) Use districts (zoning districts). The use districts, as set forth in this Title and amendments hereto, shall apply to this Chapter. The boundaries of these districts shall be determined by reference to the zoning map of the Estes Valley, to this title and amendments hereto and to sections on interpretation of such maps as may be contained in this Title and amendments hereto.

(b) Establishment of district regulations. The type of signs permitted and the regulation of the number, placement, area and use of signs is established. No sign shall be erected except as provided in this Chapter and in the district in which it is permitted, nor shall any sign be used for any purpose or in any manner except as allowed by the regulations for the district in which such sign is proposed or maintained.

(c) Schedule of requirements. The following schedule of "class of sign permitted," "type of sign permitted," "maximum sign area permitted per lot," "maximum area per sign face," "maximum number of signs permitted" and "maximum height of freestanding signs" regulations for the various zoning districts is adopted.

(d) Total allowable sign area. The total area of all signs on a lot, or, in the case of a permitted use or uses occupying two (2) or more adjacent lots, the total area of all signs on all such adjacent lots shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters

**Schedule of Requirements**

**For all Nonresidential Zoning Districts (A, A-1, CD, CO, CH, O, I-1)**

Class of Sign Permitted	Type of Sign Permitted	Maximum Sign Area Permitted Per Business	Maximum Area Per Sign Face	Maximum No. of Signs Permitted	Maximum Height of Signs
All in Subsection 17.66.040(26), except subdivisions j & s	All in Subsection 17.66.040(26) except subdivision i	150 sf for freestanding	Suspended: 5 sf	Freestanding: 2 per Lot	25 ft
		15 sf for projecting	Time-temp: 10 sf		
		10 sf for suspended (5 per face)			
		1.5 sf per lf of frontage (150 sf max.) for wall signs			
		Temporary Construction: 36 sf	Temporary Construction: 18 sf	Temporary Construction: 1 per street	12 ft

**Residential Multi-family (RM, R-2)**

Class of Sign Permitted	Type of Sign Permitted	Maximum Sign Area Permitted Per Lot	Maximum Area Per Sign Face	Maximum No. of Signs Permitted	Maximum Height of Signs
All in Subsection 17.66.040(26), except subdivisions h, j, m, s & t	All in Subsection 17.66.040(26) except subdivisions g, i, & q	75 sf for freestanding	Suspended: 5 sf	Freestanding: 1 per Lot	25 ft
		15 sf for projecting			
		10 sf for suspended (5 per face)			
		1.5 sf per lf of frontage for wall signs (max. 150 sf)			

**For all Single-family Residential Zoning Districts**

Class of Sign Permitted	Type of Sign Permitted	Maximum Sign Area Permitted Per Lot	Maximum Area Per Sign Face	Maximum No. of Signs Permitted	Maximum Height of Signs
All in Subsection 17.66.040(26), except subdivisions h, j, m, s & t	All in Subsection 17.66.040(26) except subdivisions a, g, i & q	4 sf - identification only (Sec. 17.66.050)	All sign: 2 sf	1 per building	6 ft

(Ord. 11-76 §2 (part), 1976; Ord. 25-76 §3, 1976; Ord. 8-81 §1, 1981; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

**17.66.110 Sign regulations in nonresidential zones.**

The following regulations shall apply to all uses in nonresidential zoning districts.

## (1) Total allowable sign area.

a. The total area of all signs on any face of a building shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters (0.75) square foot per lineal foot of second story building frontage.

b. The maximum allowable total cumulative sign area for any one (1) business shall not exceed one hundred fifty (150) square feet.

(2) Signs or uses with multiple frontage. The total area of all signs on any face of a building shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters (0.75) square foot per lineal foot of second story building frontage.

## (3) Freestanding signs:

a. Maximum height: twenty-five (25) feet.

b. Minimum setback: eight (8) feet from any property line, four (4) feet from any building.

c. Number: One (1) freestanding sign per street frontage, not to exceed two (2) per lot.

d. Maximum area: No freestanding sign shall be larger than one hundred fifty (150) square feet.

The combined total of all freestanding signs on an individual property or single lot shall not exceed one hundred fifty (150) square feet.

## (4) Signs on canopies, awnings and architectural projections.

a. Maximum area: The total area of such signs shall not exceed thirty percent (30%) of the width of the projection multiplied by the vertical height of the projection.

## b. Projection:

1. The face of any such sign shall not project above or below the face of the canopy, awning or architectural projection. Signs may project horizontally beyond the face of a canopy or architectural projection the distance necessary to accommodate the thickness of the letters, but no more than twelve (12) inches.

2. Signs displayed on architectural projections which extend fifteen (15) inches or less from the face of a building may be considered wall signs, and are subject to those provisions.

## (5) Projecting signs:

a. Minimum setback: four (4) feet from street property line in the Commercial Downtown (CD) Zoning District, or eight (8) feet from property lines in all other zoning districts, and no closer to a sideline of the building or storefront than to the centerline of the same building or storefront.

b. Minimum clearance: Nine (9) feet from the ground to the bottom edge of the sign.

c. Maximum height: Eighteen (18) feet.

d. Maximum size: Fifteen (15) square feet per sign face.

e. Maximum projection: Four (4) feet.

f. Maximum number: One (1) per building face or per business storefront.

(6) Suspended signs:

a. Maximum area: Five (5) square feet per face, ten (10) square feet total surface area.

b. Minimum clearance: Nine (9) feet from the ground to the bottom edge of the sign.

c. Minimum horizontal separation: Fifteen (15) feet between suspended signs.

d. Projection: Shall not project beyond the outside limits of the arcade, canopy or marquee to which they are attached.

(7) Wall signs:

a. Maximum area: The total area of all wall signs on any face of a building shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters (0.75) square foot per lineal foot of second story building frontage.

b. Maximum height: Twenty-five (25) feet above the ground.

c. Maximum projection:

1. A wall sign may project above the roofline or parapet wall of a building no more than twenty-four (24) inches.

2. Wall signs may extend a maximum of twelve (12) inches from the face of the building.

3. Any sign erected upon the side of a roof having an angle of forty-five degrees (45°) or less from vertical shall be considered a wall sign, and shall be subject to the size and height limitations noted under this Subsection.

d. Maximum number: One (1) wall sign for each face of a business, or building storefront.

(8) Joint identification signs:

a. Type: May be freestanding, projecting or wall.

b. Number: Where a freestanding joint identification sign is used, there shall be no other freestanding signs permitted on the premises.

(9) Area of time-temperature-date signs. Signs which do not exceed ten (10) square feet per face shall not be included in the allowable sign area; provided, however, that any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.

(10) Standard brand-name signs. Not more than twenty percent (20%) of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodities or services which are not the principal commodity or service being sold or rendered on the premises, or area not a part of the name of the business concern involved.

(11) "Outdoor display of merchandise to attract business" shall be considered a sign and shall require a permit to be issued prior to display. Measurement of the display area shall be as provided for in Subsection 17.66.080(6) of this Code. The display area shall be limited by inclusion in the total allowable signage. The location of the outdoor display shall conform to Section 7.13 of the Estes Valley Development Code. Outdoor displays are prohibited in the Commercial Downtown (CD) Zoning District. (Ord. 17-02 §1(part), 2002)

#### **17.66.120 Structural requirements.**

(a) Construction.

(1) General. Signs and sign structures shall be securely built, constructed and erected in conformance with the requirements of the Building Code.

(2) Location. Supports for signs or sign structures shall not be placed in or upon public rights-of-way or public easements.

(3) Anchorage. Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the

loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.

(b) Clearance. Signs shall not be located with less than six (6) feet horizontal clearance, or twelve (12) feet vertical clearance from overhead electric conductors which are energized in excess of seven hundred fifty (750) volts.

(c) Freestanding signs. Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete, steel or other effective barrier, not less than thirty (30) inches high, shall be provided to protect the base of the sign from possible damage by vehicles. Where any freestanding sign has a clearance of less than nine (9) feet from the ground, there shall be provided a barrier or other adequate protection to prevent hazard to pedestrians and motorists.

(d) Electric signs. Electric signs shall be constructed and installed in accordance with the provisions of the National Electrical Code. (Ord. 11-76 §2 (part), 1976; Ord. 21-82 §1(N), 1982; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### **17.66.130 Nonconforming signs.**

(a) A nonconforming sign may be continued but it shall not be:

- (1) Changed to another nonconforming sign.
- (2) Structurally altered.
- (3) Altered so as to increase the degree of nonconformity of the sign.
- (4) Enlarged or expanded.
- (5) Continued in use after cessation or change of the business or activity to which the sign pertains.

(6) Repaired after the sign is damaged or destroyed if the estimated cost of repair or reconstruction exceeds fifty percent (50%) of the appraised replacement cost (as determined by the building inspector).

(7) Altered to change the text thereof, except such signs, which have been designed specifically to permit changes of the text.

(8) Continued to be used after two (2) years from the sale of the real property upon which the sign is located, but in no event, more than six (6) years, six (6) months from the date the sign become nonconforming.

(9) Continued to be used after two (2) years from the sale of the business which the sign advertises, but in no event more than six (6) years, six (6) months from the date the sign became nonconforming. *Sale of the business* shall include, but not be limited to, the sale of substantially all of the assets of a business.

(b) A nonconforming sign shall be brought into conformance or removed within thirty (30) days of the occurrence of any of the events set forth in Subsection (a) above. (Ord. 11-76 §2(part), 1976; Ord. 19-80 §1, 1980; Ord. 9-81 §1, 1981; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### 17.66.140 Permits.

(a) Sign permit required:

(1) Except as provided in Section 17.66.050, it is unlawful to display, erect, relocate or alter any sign without first filing with the building inspector an application in writing and obtaining a sign permit. When a sign permit has been issued by the building inspector, it is unlawful to change, modify, alter or otherwise deviate from the terms or

conditions of the permit without prior approval of the building inspector. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building inspector.

(2) Application for permit. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent. Such applications shall be made in writing on forms furnished by the building inspector and shall be signed by the applicant. The building inspector shall, within seven (7) working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

(3) Revocation of permits. If the building inspector finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this Chapter or any other pertinent ordinance of the Town, or should he or she find that there has been any misrepresentation in connection with the application for the permit, he or she shall notify the sign owner or erector of such findings and that the violations must be corrected without delay. If such correction is not made forthwith, the building inspector shall revoke the permit and serve written notice thereof upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received. The owner shall have the right to appeal the decision of the building inspector in the manner provided for in Section 17.66.160.

(4) Revocation of permits for nonuse.

a. If actual work either on site or off site is not commenced under any permit issued within sixty (60) days from the date of such permit, and/or if substantial building operations under any permit issued under this Chapter are suspended for a period of sixty (60) consecutive days, the permit shall automatically become null and void.

b. The building inspector may grant an extension of time in which to start or resume operations. All requests for extension and approval thereof shall be in writing.

(5) Forfeiture of fees. When any permit has been revoked under the terms of this Section, permit fees shall not be refunded.

(6) Plans, specifications and other data required. The application for a sign permit shall be accompanied by the following plans and other information:

a. The name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;

b. The location, by street address or other location identification acceptable to the building inspector, of the proposed sign structure;

c. Complete information as required on an application form provided by the building inspector, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, type of proposed illumination and such other data as is pertinent to the application;

d. Plans indicating the scope and structural details of the work to be done, including details of all connections, guy lines, supports and footings and materials to be used;

e. Application for an electrical permit, and required information for such application, for all electric signs.

f. A statement of valuation.

(7) Permit fees. A permit fee shall be paid to the building inspector for each sign permit issued under this Chapter; provided, however, that a fee shall not be charged for putting a sign in conformance with this Chapter when such action is undertaken voluntarily prior to the expiration of the applicable amortization period, or for a copy change when no change in business name is involved. The permit fee shall be seventy five dollars (\$75.00). Said fee does not include electrical permit fees, which shall be in addition to the permit fee specified in this Section.

(8) Inspections. All signs shall be subject to inspection by the building inspector. Footing inspections may be required on the day of excavation for all freestanding signs. The building inspector may, within forty-eight (48) hours after being notified that the sign is ready for inspection, also require inspection of electrical signs before erection. The permit holder or his or her agent shall notify the building inspector when signs are complete and ready for final inspection. (Ord. 11-76 §2(part), 1976; Ord. 25-76 §5, 1976; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

**17.66.150 Special exceptions.**

(a) Intent. It is the intent of this Chapter to provide a means of review and approval of special exceptions to the provisions of this Chapter, whereby specified deviations from the general sign regulations may be allowed, provided that the proposed size, location and design of such signs are compatible with their surroundings and consistent with the general intent of this Chapter.

(b) Scope - signs requiring special exceptions. The provisions of this Section shall apply to the following exceptions:

(1) To the maximum allowable sign area for freestanding identification signs of a low profile, planter-type design, when such signs are located in commercial and restricted industrial zoning districts and are designed to complement the architectural type of the building to which they are appurtenant; and when such signs contain no copy other than the name and/or street address of the use being identified and/or a logo-type symbol or trademark;

(2) To the maximum sign area permitted on theater marquees in cases where necessary copy and standard changeable letter sizes clearly necessitate such an exception;

(3) To permit the erection of collective identification or directory signs showing the names and locations of various civic or religious organizations in the community when such signs are not located on the premises of the uses being named, but are placed adjacent to major thoroughfares near entrances to the Town;

(4) To permit the erection of kiosks or similar structures and the display thereon of signs, posters, notices, etc., when such structures are located within primarily pedestrian-oriented circulation areas. Such structures shall be permitted only in commercial and restricted industrial zoning districts, or within planned unit developments.

(c) Application. Application for approval of a sign permitted as a special exception shall be filed in accordance with this Section. Each application shall be accompanied by an application fee of one hundred fifty dollars (\$150.00) to cover the costs of processing and publication. Said fee shall be in addition to the sign permit fee required in Section 17.66.140.

(1) The Estes Valley Planning Commission shall have jurisdiction to hear all applications for special exceptions. No special exception shall be granted unless the proposed sign and/or sign structure meets each and every one of the following requirements:

a. The proposed sign will not be contrary to the intent of this Chapter, as declared in Section 17.66.020;

b. The proposed sign will be in accordance with the intent of this Section, as stated herein;

c. The proposed sign will comply with all applicable provisions of this Chapter, unless any such provisions are expressly permitted to be varied by the special exception procedure;

d. The proposed sign is reasonably necessary and the degree of the exception is the minimum necessary to accomplish the purpose of the sign itself; and

e. The proposed sign will not result in adverse effects upon neighboring properties, or the health, safety and general welfare of the public.

(2) After hearing the application, the Estes Valley Planning Commission shall make its findings, which shall be recorded in the official minutes of the meeting, either:

a. Granting the proposed application in whole or in part, with or without modifications or conditions; or

b. Denying the application. (Ord. 11-76 §2(part), 1976; Ord. 14-87 §1, 1987; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### **17.66.160 Appeals and variances.**

(a) Appeal to and request for variance from the Estes Valley Board of Adjustment.

(1) Any aggrieved person who believes the alleged violation as contained in the order of the building inspector is factually or legally contrary to the provisions of this Chapter may appeal the same to the Estes Valley Board of Adjustment, hereinafter referred to as the "Board," in a manner provided by such Board. In the alternative, an aggrieved person may request that the Board grant a variance from the requirements of this Chapter. The filing of such request shall be in the manner provided by the Board.

(2) Any aggrieved person may also appeal to the Board any decision or ruling of the building inspector involving the interpretation of any provision or term of this Chapter.

(3) Any provision in this Section to the contrary notwithstanding, no person may appeal to or request a variance from the Board of Adjustment when the building inspector has made a determination that the person is in violation of Section 17.66.100.

(b) Procedure for filing appeal.

(1) Every appeal from an order of the building inspector shall be filed within ten (10) days from the date of such order. The Board shall have no jurisdiction to hear any appeal not brought within ten (10) days from the date of such order.

(2) The fee for filing an appeal, or a request for a variance, or the two (2) in the alternative, shall be one hundred fifty dollars (\$150.00).

(c) Variances. In every case in which a request for a variance from the requirements of this Chapter has been filed, the Board shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:

(1) There are special circumstances or conditions, such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be particular to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.

(2) The variance would be in general harmony with the purposes of this Chapter, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.

(3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to this business or enterprise.

(d) No variance for maximum sign area on a lot or building. Other provisions of this Section to the contrary notwithstanding, the Board shall not have any jurisdiction to hear, nor the authority to grant, any variance from any Section of this Chapter which limits the maximum permitted sign area on a single lot or building.

(e) Conditions. The Board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this Chapter. (Ord. 11-76 §2(part), 1976; Ord. 25-76 §8, 1976; Ord. 21-82 §1(O), 1982; Ord. 14-87 §2, 1987; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### **17.66.170 Enforcement.**

The provisions of this Chapter shall be subject to enforcement and penalties as set forth in Chapter 12 of the Estes Valley Development Code. (Ord. 11-76 §2(part), 1976; Ord. 25-76 §7, 1976; Ord. 21-82 §1(D), 1982; Ord. 15-97, 1997; Ord. 17-02 §1(part), 2002)

#### **17.66.180 What constitutes a violation.**

It is a violation of this Chapter for any person to perform, or order the performance of, any act which is contrary to the provisions of this Chapter, or to fail to perform any act which is required by the provisions of this Chapter. In

the case of a continuing violation, each twenty-four-hour period in which the violation exists constitutes a separate violation. (Ord. 11-76 §2(part), 1976; Ord. 17-02 §1(part), 2002)

#### **17.66.190 Application of the laws.**

If any of the provisions of this Chapter are inconsistent with the provisions of any other law or laws, presently existing or enacted in the future, of the Town or the State, in that the requirements regarding signs or the respective provisions differ, the provisions containing the more restrictive requirements will apply. (Ord. 11-76 §2(part), 1976; Ord. 17-02 §1(part), 2002)

### **Chapter 17.88**

#### **Banners**

#### **17.88.010 Location of banners.**

Banners may be placed at the following designated locations within the Town, pursuant to the provisions of Section 17.66.050 of this Code:

(1) On the east side of the Visitor Cabin in Bond Park, four (4) feet by eight (8) feet maximum.

(2) In the right-of-way area west of the Highway 34 and 36 intersection, thirty (30) feet by three (3) feet maximum.

(3) On a freestanding display in front of the Convention and Visitor Center Building along Highway 34, four (4) feet by eight (8) feet maximum. (Ord. 6-97 §1, 1997; Ord. 17-02 §1, 2002; Ord. 9-07 §1, 2007)

**17.88.020 Specifications.**

Specifications relating to the size, length, construction, wording, lighting, installation, removal, Town indemnification and fastening shall be obtained from the Special Events Director. (Ord. 6-97 §1, 1997)

**17.88.030 Application.**

Application to use no more than two (2) of the locations at any time must be submitted to the Special Events Director at least thirty (30) days prior to the proposed event. (Ord. 6-97 §1, 1997)

**17.88.040 Type of event.**

Only events that are sponsored by the Town or approved by the Town shall be eligible to place banners at two (2) of the three (3) locations at any one (1) time. (Ord. 6-97 §1, 1997)

**17.88.050 Number of locations.**

The Chamber of Commerce location listed at Subsection 17.88.010(3) above shall be terminated when the site listed at Subsection 17.88.010(2) is available, for a maximum of two (2) designated banner locations. (Ord. 6-97, 1997)

