

## Chapter 4 SUPPLEMENTARY REGULATIONS

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### 10-4-1: Signs

A.     Definition.<sup>1</sup>

1.   Sign.   Means any object or device or part thereof, including an artistic work, which is situated outdoors or in an exterior window and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, without limitation, works, letters, figures, design symbols, colors, sculpture, motion, illumination, or projected images.
2.   Wall Mural(s).   Means artwork painted on the surface of a building exterior or other structure not including trademarks or business advertising; murals may be permitted following application and review and approval by the Planning Commission and the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007. Ord. 2-2019, eff. 2/7/2019)

B.     General Limitations.<sup>2</sup> No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided or by a sign permit. A permit must be obtained from the Zoning Enforcement Officer. The applicant shall submit a drawing or representation of the proposed sign, along with mounting specifications and scaled drawing showing the sign placement on the property or building. The fee for the sign permit is per (see Appendices Westcliffe Fee Schedule) and must be submitted with the application. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

The following signs may be exempt from the permit requirement or addressed individually regarding the other requirements of this Chapter: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1.     Temporary signs used by churches, synagogues or other civic Organizations. Such signs may be erected not earlier than two weeks prior to the opening of the event and shall be removed not later than one week after the activity is over. (Ord. 2-2007, eff. 9/6/2007)
2.     Holiday signs, displays and decorations. (Ord. 2-2007, eff. 9/6/2007)

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<sup>1</sup> Title 10, Chapter 4, Section 1, Paragraph A is repealed and reenacted in its entirety. (Ord. 2-2019, eff. 2/7/2019)

<sup>2</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsection B and Paragraphs 3, 5, 9, 10, 11 and 13 are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

3. Political signs of eight (8) square feet or less erected on private property only. Signs may be erected no earlier than sixty (60) days prior to the election and removed no later than fourteen (14) days after the election. Political signs larger than eight (8) square feet require a permit and shall meet the other requirements of this chapter. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
4. Signs showing underground or public utilities. (Ord. 2-2007, eff. 9/6/2007)
5. Interior window signs (signs that are inside a building and within two (2) feet of a window that can be viewed through a window). Any lit interior window signs must be turned off at the close of business. The owner of a lit sign that is consistently left turned on after business hours shall be required to refrain from the use of such signs at the direction of the Zoning Enforcement Officer. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
6. Private warning signs (no hunting, etc.) (Ord. 2-2007, eff. 9/6/2007)
7. Vending machine signs, including ATM signs. (Ord. 2-2007, eff. 9/6/2007)
8. Public information service signs of less than twelve (12) square feet. (Ord. 2-2007, eff. 9/6/2007)
9. Real estate signs not to exceed six (6) square feet in sign area, and located on the ground floor level of the property which is being advertised. One (1) sign is allowed on each street frontage. Real estate signs may not be affixed to live trees. Such signs shall be removed fourteen (14) days following closing. Real estate parcels one (1) acre or larger may have a real estate sign not in excess of sixteen (16) square feet and ten (10) feet high. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
10. Garage sale signs. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
11. Commemorative signs, cornerstones and plaques not exceeding two (2) square feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
12. Official government or traffic signs of the Town, County or State, and/or signs required or specifically authorized for public purpose by any law, statute or ordinance (e.g., directional signs.). (Ord. 2-2007, eff. 9/6/2007)
13. Flags of any state, nation, or government. Flags must be in good condition not faded or worn, frayed, defaced, or modified in any way. Flags may not exceed fifty (50) square feet in size and no flagpole may be higher than thirty-five (35) feet in any zone districts except residential districts, in which the maximum height shall be twenty-five (25) feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
14. Barber poles that do not exceed eight (8) feet in height and are used in conjunction with a barber shop. (Ord. 2-2007, eff. 9/6/2007)

15.<sup>3</sup> Not more than two (2) signs identifying the house number and the names of the occupants, not to exceed one (1) square foot each. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C.<sup>4</sup> <sup>5</sup> Moveable business signs and off-site business signs of a permanent nature. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

1. Each business located in the Core Commercial District along Main Street shall be allowed one (1) sign each of a moveable design (sandwich board, A-frame or free standing) to be placed on the public sidewalk area in front of their respective businesses. Those businesses located on Second Street and not Main Street shall be allowed one (1) sign, of the type described above, to be located in front of their respective business and one (1) off-site sign of the same design to be located on the public sidewalk at the corner of Main Street and the street on which their business is located, the signs in these locations must be placed in an orderly fashion so as to not inhibit pedestrian flow or obstruct another business' sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/2011, Ord. 13-2016, eff. 10/6/2016)
2. The signs must be constructed of durable materials and painted or finished, as the material requires, to withstand the elements, and of sufficient weight to resist being blown over or sliding, an internal weighting system may be used to accomplish this requirement. The signs must have the appearance of being professionally designed, constructed, lettered and painted and maintained in their original condition. The signs shall not have any rough, sharp or jagged edges and all sharp metal edges must be covered (i.e. with a frame). The signs may be constructed with or have an area made of materials that allow for the information to be changed such as a chalkboard, dry erase or changeable letter board. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)
3. The maximum overall size of the signs shall be thirty (30") inches in width by forty six (46") inches in height, as measured from the sidewalk, when set up for display. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
4. The signs must be taken in at the close of business and not placed in a manner that obstructs pedestrian traffic when in use this requirement applies to all districts where the use of such signs is allowed. The secondary signs for those businesses on Second Street must be returned to and stored in the place of business at the close of business hours. All such signs must be taken down and stored during periods of extreme wind, for safety, and during snow events, to ease snow removal. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

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<sup>3</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections B Paragraphs 15, and 16 are deleted and 17 then becomes 15. (Ord. 13-2016, eff. 10/6/2016)

<sup>4</sup> Title 10, Chapter 4, Section 1, Subsection C is repealed and reenacted in its entirety. Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6-10-11

<sup>5</sup> Title 10, Chapter 4, Section 1 "Signs" Subsection C Paragraphs 1, 2, 4 and 5 are repealed and reenacted in their entirety. (Ord. 13-2015, eff. 10/6/2016)

If a sign that is consistently left out after business hours or is consistently moved about by the action of wind, the owner shall be required to refrain from the use of such sign at the direction of the Zoning and Building Official. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

5. The owner of the sign(s) assumes all liability for personal injury or property damage resulting from its placement on public property. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)
  6. No sign of a permanent nature shall identify or advertise a business or establishment, except on the lot upon which the business or establishment is located, without the approval of the Board of Adjustment. If approval of an off site sign is obtained from the Board of Adjustment all regulations contained in 10-4-1 of the Town of Westcliffe Code of Ordinances shall apply to such sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
- D. Signs shall be set back from all traveled portions of the road or from the property Line ten (10) feet if the sign is not on the site of the business being advertised. On-site signs may be placed up to the property line and shall be placed in such a manner as to not interfere with normal traffic and maintenance vehicles for the roadway. In no event shall a sign be placed in a manner which obstructs normal traffic or maintenance of the property owners. No sign shall be located so that it shall interfere with or detract from orderly traffic movements, obscure or impair the vision of the driver of any motor vehicle or which is a hazard to traffic. (Ord. 2-2007, eff. 9/6/2007)
- E.<sup>6</sup> All illuminated signs shall be so placed as to prevent the light rays or illumination there from being cast upon residential dwellings or being cast so as to interfere with traffic control signals or the safe operation of vehicles. Beacons or search lights shall not be permitted for advertising purposes. New internally lit external signs are prohibited unless approved by a variance by the Board of Adjustments. House numbers, may be illuminated from an internal light source. Signs shall not be animated, oscillate, rotate, move, or have the illusion of motion. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- F. All signs and other forms of outdoor advertising, together with any supports, braces, guys and anchors, shall be kept in good repair and in a safe state of preservation so as to preserve the initial intent of their design and so as to remain fully readable. All signs erected to serve temporary purposes, such as for community events, social events, entertainment's special or limited sales, real estate sales and similar circumstances, shall be removed within two weeks from the date of their purpose ceased to exist. (Ord. 2-2007, eff. 9/6/2007)
- G.<sup>7</sup> The maximum size for a sign projecting from the face of a building, or mounted perpendicular to the face of a building, shall not exceed fifteen (15) square feet of display face per side, which shall encompass the copy, insignia, back ground and borders. Both sides of the sign may be used. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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<sup>6</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections E is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>7</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections G is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

- H.<sup>8</sup> Except as otherwise specifically permitted or exempted, no signs are permitted in the Residential and Single Family Zone Districts. No signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of two square feet; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- I.<sup>9</sup> The maximum height of any sign shall not exceed sixteen (16) feet above grade. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- J.<sup>10</sup> Signs projecting over a street or other public space shall project not more than three (3) feet, and shall be no closer than two (2) feet to a plumb line from the curb line. Clearance below such signs shall be a minimum of eight (8) feet. No sign shall project above the roof-line. No signs shall project over an alley. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- K.<sup>11</sup> The maximum size for a sign fixed flat against the face of a building shall not exceed one (1) square foot per liner foot of store front. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- L. No signs shall be erected, maintained or permitted to remain publicly displayed which are misleading, fraudulent, obscene. (Ord. 2-2007, eff. 9/6/2007)
- M. No signs may contain any radio, phonograph, whistle, bell or other sound or noise making or transmitting device or instrument. (Ord. 2-2007, eff. 9/6/2007)
- N. Any sign that exists at the time of the adoption of this Title, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire sign conform with the provisions of this ordinance. This shall not be construed so as to prevent necessary maintenance of the sign to keep it in good repair. (Ord. 2-2007, eff. 9/6/2007)
- O.<sup>12</sup> Wall murals may be permitted by resolution of the Town Board if they: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
1. present no safety issue;
  2. are compatible with the *surrounding area*;
  3. are not obscene.
  4. contain art work that has been submitted and approved by the Board of Trustees. (Ord. 13-2016, eff. 10/6/2016)
- P.<sup>13</sup> Signage in the Town’s Highway Commercial Zone (zone HC) shall:

<sup>8</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsections H is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>8</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsections I is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>10</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsections J is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>11</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsection K is deleted and replaced with a new paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>12</sup> Title 10, Chapter 4 “Supplementary Regulations”, Section 1 “Signs” Subsections O is repealed and reenacted with the addition of Paragraph 4. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. have a maximum size of sixty-four (64) square feet provided the sign is at least forty feet (40') from the edge of the highway, or,
2. have a maximum size of ninety-six (96) square feet provided the sign is at least one hundred feet (100') from the edge of the highway, or
3. have a maximum size of one and one-half (1.5) square feet per linear foot of the face of a building if such sign is affixed flatly against the face of a building that is at least one hundred (100') feet from the edge of the highway. (Ord. 4-2018, eff. 4/5/2018)

## 10-4-2: Parking

- A. Parking: Parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided as follows: (Ord. 2-2007, eff. 9/6/2007)
1. Dwelling units: two (2) spaces for each dwelling unit. (Ord. 2-2007, eff. 9/6/2007)
  2. Churches: one (1) space for each four (4) seats. (Ord. 2-2007, eff. 9/6/2007)
  3. Elementary schools and nursery schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space. (Ord. 2-2007, eff. 9/6/2007)
  4. High schools, colleges, and vocational schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space plus one (1) space for each classroom seat. (Ord. 2-2007, eff. 9/6/2007)
  - 5.<sup>14</sup> Communal gathering rooms: one (1) space per each four hundred (400) square feet of gross floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  6. Mobile Home Parks: two (2) spaces for each mobile home and two (2) spaces for each mobile office. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  7. Buildings pertaining to the management and operation of mobile home parks: one (1) space for each one hundred (100) square feet of floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  8. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each two hundred (200) square feet of area devoted to sales and display in each retail establishment. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  9. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each three hundred (300) square feet of office space. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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<sup>13</sup> Title 10, Chapter 4, Section 1 shall be amended with the addition of a subsection P. (Ord. 4-2018, eff. 4/5/2018)

<sup>14</sup> Title 10, Chapter 4 "Supplementary Regulations" Section 2 "Parking" Subsections A Paragraphs 5, and 7 are repealed in their entirety and re-numbered. (Ord. 13-2016, eff. 10/6/2016)

10. Two (2) parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each rental unit or manager's unit in motels and hotels. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
11. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in eating and drinking places. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
12. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in theaters and auditoriums. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

### 10-4-3: Outdoor Lighting<sup>15</sup>

- A.<sup>16</sup> All outdoor lighting shall be shielded so that direct light from the fixture does not trespass on neighboring property. A practical way to determine if a light fixture will conform to this provision is to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)
- B. Lighting shall be so placed as to prevent the light rays or illumination there from being cast beyond property lines. (Ord. 2-2007, eff. 9/6/2007)
- C. All metal halide and fluorescent fixtures shall be filtered with glass, acrylic or translucent enclosures. (Ord. 2-2007, eff. 9/6/2007)
- D. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited. Only high pressure sodium (HIPS), low pressure sodium (LPS), LED or incandescent fixtures shall be permitted in commercial and multifamily residential parking areas. In addition, the level of illumination shall not exceed the maximum lumens as stated in these ordinances. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)
- E. All non-conforming outdoor light fixtures in existence prior to December 1, 2000, shall be deemed a legal nonconforming use and may be continued subject to the requirements of Section 10-1-7.B. (Ord. 2-2007, eff. 9/6/2007)
- F.<sup>17</sup> Lights one hundred (100) watts and less per fixture, fluorescent lights forty (40) watts and less per fixture and lights used for holiday decorations are exempt from the requirements of this ordinance. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- G.<sup>18</sup> The purpose of these lighting standards and the policy of the Town of Westcliffe is to minimize glare and light trespass beyond the property boundary of each lot by limiting outdoor lighting,

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<sup>15</sup> Title 10, Chapter 4, Section 3, is amended by the repeal and reenactment of Subsection "A" and "D" and the addition of "G". (Ord. 2-2014, eff. 12/13/2014)

<sup>16</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

<sup>17</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection F is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

<sup>18</sup> Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection G is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

whether shielded or unshielded, shall not exceed Dark Skies recommended lumens. (Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

#### **10-4-4: Dedication of Public Sites and Open Spaces.**

- A. **General Requirement.** The Planning Commission and the Board of Trustees, upon consideration of the Master Plan, the necessity of public buildings and facilities in the area, and the particular type of site development proposed shall require the dedication of areas or sites of a character, extent and location suitable for public use for schools, parks, greenbelts or other necessary public purposes (other than subdivision streets) according to one or more of the alternatives set forth below. (Ord. 2-2007, eff. 9/6/2007)
- B. **Procedure.** Prior to final approval for all site developments, the applicant shall: (Ord. 2-2007, eff. 9/6/2007)
1. Dedicate land, interest in land, improvements or arrange for the construction of public facilities made necessary as a consequence of the site development, or (Ord. 2-2007, eff. 9/6/2007)
  2. Make a payment to the Town of a sum of money, to be determined by the Town in accordance with the criteria set out below, based upon either the fair market value of a percentage of the acreage, a flat fee per lot or tract or, in the case of any other method, such basis as may be agreed upon between the Town and the developer; such in-lieu payment is to be applied against expenses incurred by the Town in the provision of off-site municipal services or facilities made necessary or desirable by the immediate or future increase in population caused by or attributable to the site development, or (Ord. 2-2007, eff. 9/6/2007)
  3. Provide property by private covenant where such property will fulfill the needed recreational or amenity purposes. (Ord. 2-2007, eff. 9/6/2007)
  4. Fulfill such other arrangements or conditions, memorialized in the property subdivision agreement, as may be desirable or necessary to alleviate the effects of or increase the benefits caused by the site development and to promote the public health, safety and welfare of the present and future site development residents and inhabitants of the Town as a whole. (Ord. 2-2007, eff. 9/6/2007)
- C. **Purpose.** The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the site development, in an amount roughly proportional to the impact of the site development upon such facilities and/or services or the increased need for them brought about by the site development. The developer shall have the option, in its sole discretion, to accept the Town's calculation of the required dedication, or to perform such studies as are necessary to demonstrate the actual impact of the site development upon public services and facilities, and the resulting appropriate dedication or other contribution. (Ord. 2-2007, eff. 9/6/2007)
- D. **Criteria.** The Town and, in certain cases as outlined above, the developer, in formulating the appropriate combination of the options set forth above, shall take into consideration the following criteria: (Ord. 2-2007, eff. 9/6/2007)

1. The size of the proposed site development. (Ord. 2-2007, eff. 9/6/2007)
  2. The projected additional population associated with the proposed site development. (Ord. 2-2007, eff. 9/6/2007)
  3. The projected need generated by the site development for municipal services and facilities, particularly recreational, educational and protective, the provision of which is not covered by other requirements herein. (Ord. 2-2007, eff. 9/6/2007)
  4. The impact of the proposed site development on the implementation of the Master Plan and its component parts, including transportation and parks and recreation. (Ord. 2-2007, eff. 9/6/2007)
- E. All moneys collected by the Town under this Section shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. (Ord. 2-2007, eff. 9/6/2007)
- F. The location of all public or quasi-public land intended to be conveyed or reserved in the deed for use of all property owners shall be shown on the preliminary and final plats or site plans, as appropriate, together with the proposed method of ownership, management, maintenance and such other information as is necessary for the Planning Commission and Board of Trustees to evaluate the proposal. (Ord. 2-2007, eff. 9/6/2007)
- G. At the time of presentation of the final plat for approval by the Planning Commission and Board of Trustees, a warranty deed shall be presented for all land to be conveyed to the Town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances. (Ord. 2-2007, eff. 9/6/2007)
- H. Reservation. Reservation by covenant, in lieu of dedication, may be permitted where land is to be used for recreational or amenity purposes by the property owners. (Ord. 2-2007, eff. 9/6/2007)

### **10-4-5: Maintenance of Structures and Site Plans**

On and after December 1, 2000, all structures, and all elements and features of any site plan or site development (including, without limitation, buildings, fences, walls, parking areas, driveways, sidewalks, landscaping, utility lines and irrigation systems) for which structures, site plans or site development the owner thereof or his or her predecessor in interest obtained approval from the Town for the construction or establishment, shall be maintained in good repair and in substantially the form, condition and nature which was represented at the time they were constructed. It is the intention of this Section that such structures, elements and features of site plans and site developments within the Town, having once been approved for construction or development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, the owner of the structure or real property shall be considered the responsible party. (Ord. 2-2007, eff. 9/6/2007)

**10-4-6:<sup>19</sup> Fencing**

- A. Definition. Fences shall be permitted anywhere on a lot in a residential zoning district, including along property lines. The term “fence” shall include a wall or any similar structure.
- B. Permit. A fence permit must be obtained from the Zoning Enforcement Officer.
1. A sketch or drawing of the fence, including its location on the property, as well as its height and proposed materials shall be submitted with the permit application and fee (see Appendices Westcliffe Fee Schedule).<sup>20</sup> (Ord. 2021, eff. 6/1/2021)
- C. Area and Height Standards.
1. Fences in front yards. A solid fence on the property line in a front yard shall not exceed 4 feet in height. An ornamental fence may be erected to a height of 6 feet provided it is at least 50% open overall.
  2. Fences in side yards. A solid fence on the property line in a side yard shall not exceed 4 feet in height. An ornamental fence on the property line in a side yard may be erected to a height of 6 feet provided it is at least 50% open overall.
  3. Fences in rear yards. A fence on the property line in a rear yard may be erected to a height of 6 feet.
- D. Exceptions.
1. Fences erected within the building setback lines are not subject to the above height limitations.
  2. Gates and Trellises. At a gate, walkway, or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height.
- E. Fence Materials.
1. Fences must be constructed of recognized and approved fencing materials. Barbed wire, concertina wire, and razor wire fences are prohibited. Materials not typically used in fence construction such as tires, pallets, tarps, recycled items, etc. are prohibited.
  2. Orientation of supporting members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.
  3. All fences shall be constructed as to withstand wind gusts in this special wind region and must be maintained in their original permitted condition.
  4. Exceptions to height limitations may be made for necessary privacy considerations by the Zoning Enforcement Officer.

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<sup>19</sup> Title 10, Chapter 4, Supplementary Regulations” Section 6 “Above-Ground Storage of Flammable Products” is repealed in its entirety and replaced with a new section “Fencing. (Ord. 13-2016, eff. 10-7-2016)  
Title 10, Chapter 4, Section 6 (B) is amended by adding the Westcliffe Fee Schedule. (Ord. 2-2021, eff. 6-1-2021)