

## **ARTICLE 3: GENERAL REGULATIONS AND DEVELOPMENT STANDARDS**

### ***SECTION 3.1: Application of General Regulations and Development Standards***

#### **A. Purpose.**

In addition to the requirements contained elsewhere in this Zoning Ordinance, all uses of land and structures shall be governed by the General Regulations and Development Standards contained in this Article to promote the general health, safety, and welfare of Foxfield residents.

#### **B. Intent.**

The intent of this Article is to encourage the creation of safe, adequate, and attractive facilities and to minimize views of unattractive uses or activities through use of sound site design principles and the establishment of minimum requirements. The standards set forth herein are recognized as enhancing the compatibility of dissimilar uses and promoting stable property values.

#### **C. Application.**

1. The General Regulations and Development Standards of this Article shall not be retroactive on existing uses. However, these standards shall apply to all uses in all zoning districts under the following circumstances:
  - a. New buildings and uses of land that require a permit, license, Plot Plan or Site Development Plan.
  - b. Additions involving expansion of the gross floor area or developed site area by twenty percent (20%) or more above that in existence prior to the effective date of this Zoning Ordinance.
  - c. A change in the use of the building or land, which requires a change in the zoning district or a Special Review Use permit.
  - d. A change in the occupancy of a building or the land, which requires a new sign, or other site improvements addressed in this Article.
2. Prior to issuance of any permit, license, Special Review Use Permit, or granting of a change in use in any zoning district for any property, the applicant shall demonstrate that the property complies with the all applicable regulations.
3. All buildings, parking areas, landscaping, signs, and other improvements noted in the General Regulations and Development Standards in this Zoning Ordinance shall be constructed and installed in accordance with the approved plans prior to issuance of a Certificate of Occupancy for the building or use.

- a. The Zoning Administrator may allow certain improvements to be constructed or installed within an agreed upon time allowing for seasonal changes. Such arrangements may involve performance bonds or other methods as deemed appropriate by the Zoning Administrator to assure eventual compliance with this Zoning Ordinance.
- b. The Zoning Administrator may permit in a particular district a permitted use and a temporary use not listed in this Zoning Ordinance provided that such use is of the same general type as the uses permitted by this Zoning Ordinance.

#### **D. Land Dedications.**

Land designated as flood plain or open space through dedication or reservation for any reason shall be indicated as such on any land development application. Such land and facilities shall be built and maintained by a unit of government, by a nonprofit corporation or by private interests as part of a subdivision or development of land for use either by the inhabitants or general public thereof. Ownership of the land may be deeded or reserved to a property owner's association or it may be dedicated to the public; or as required by any condition for granting of a subdivision plat, zone district, or Planned Development district including designation of a park, trail, or other open recreation use.

### ***SECTION 3.2: Access, Approaches, Driveways, Mailboxes and Right-of-Way Permits***

#### **A. Purpose.**

The Town's streets and right-of-ways are held by the Town primarily for the purpose of pedestrian, bicycle, equestrian and vehicular passage, for the provision of essential public safety services, including police, fire and emergency medical response services, the provision of utilities and public health services, including municipal water service and storm drainage, and consistent with and pursuant to the power vested in the Town by C.R.S. § 31-15-702, as the same may be amended from time to time. The provisions of this Section shall apply to all properties and public streets.

The purpose of this section is:

1. To provide clear visibility, unobstructed by structures or vegetation in sight triangles at intersections.
2. To provide clear visibility and safe passage, unobstructed by structures or vegetation, for citizens traveling along the streets and right-of-ways within the Town.
3. To provide for open, unobstructed roadsides and ditches with native grass and non-obstructive landscaping.

4. To preserve opportunities to construct planned trails and other future trails.
5. To prevent damage to streets and paved surfaces.
6. To provide further guidance for what citizens may do on Town property.
7. To promote the health, safety and welfare of the public, and to prevent the creation of nuisances.

**B. Permit Required.**

1. A Right-of-Way Use permit shall be required for the construction, installation, and maintenance of any street, sidewalk, driveway, curb cut, bore, or trench. A permit is also required for any substantial modification of existing features or uses of any street or Town Right-of-Way. Depending upon the type of work to be done, one or more of the following permits may be required: a) Public Right-of-Way License, see subsection (C) below, b) Public Right-of-Way Use Permit, see subsection (H) below, or c) Overlot Grading Permit. Application for such permits shall be submitted to the office of the Town Clerk.
2. It shall be unlawful and deemed a violation of this Ordinance to commence construction in or alteration of streets or Town Rights-of-Way without an approved permit and any such violation shall be subject to the penalties set forth in Article 1 of this Zoning Ordinance.

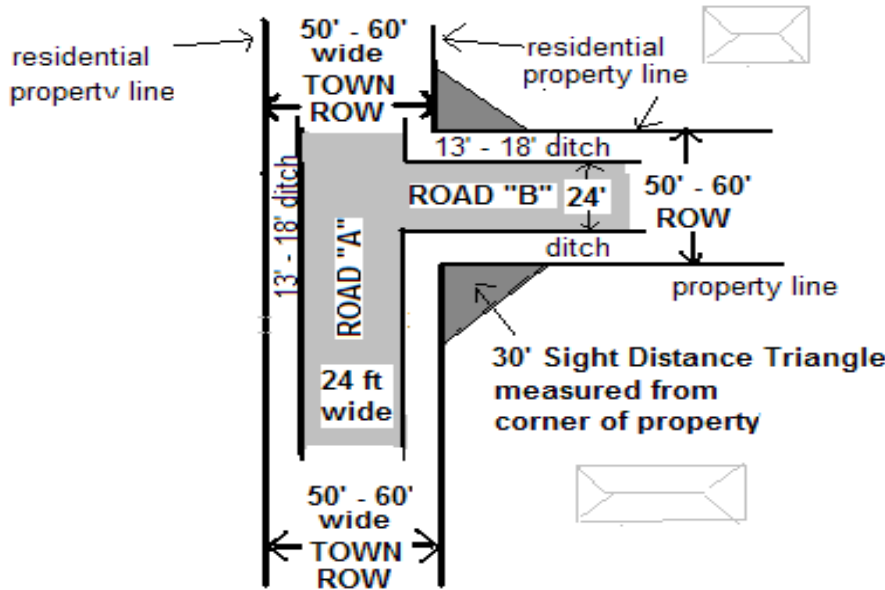
**C. Right-Of-Way License**

1. The Town may grant a Right-of-Way License to an adjoining property owner to allow a structure in the Town Right-of-Way that would otherwise have been prohibited by this section. Right-of-Way Licenses are granted at the discretion of the Town and may be revoked at any time; concurrently the Town may also require removal of the Structure. Application for such license may be submitted to the office of the Town Clerk. An example can be found in Appendix D.
2. In general, construction in the Town Right-of-Way is discouraged, however, a Right-of-Way License may be granted for structures based upon consideration of the following conditions:
  - a. The structure would break away easily if struck by a vehicle;
  - b. The structure does not obstruct the vision of drivers or pedestrians;
  - c. The structure does not obstruct any existing or anticipated future equestrian, pedestrian or bicycle trails or paths;
  - d. The property owner adjoining the Town Right-of-Way where the structure is located agrees to provide adequate liability insurance for said structure for as long as said Structure is located in the Town Right-of-Way in the event that such insurance is required by the Town, and agrees to execute the License Agreement available from the Town Clerk. An example of such License Agreement can be found in Appendix D.; and

- e. The property owner adjoining the Town Right-of-Way agrees to indemnify the Town against all liability or claims related to the structure.

**D. The Town Right-of-Way (ROW).**

1. Defined. The Town of Foxfield owns in fee simple the Town Rights-of-Way. Most Town Rights-of-Way are platted sixty (60) feet wide, though some are fifty (50) feet wide. The width of the paved street surface within the Town Right-of-Way is twenty-four (24) feet. It is important to note that property lines do not extend to the edge of the street pavement. The Town Right-of-Way includes the 24 foot wide paved surface and approximately an additional 13 or 18 feet of land on each side of the paved surface (see figure 1). Not all paved surfaces are centered within the Town Right-of-Way. It is the resident's obligation to check the survey of the property and property boundary markers to determine correct property boundary lines.



**Figure 1. Right-of-Way**

2. THE FOLLOWING ARE ALLOWED IN THE TOWN RIGHT-OF-WAY:
  - a. Roadside mailboxes in accordance with subsection (E.1) below.
  - b. Custom mailboxes in accordance with subsection (E.2) below.
  - c. Driveways and culverts with an approved Public Right-of-Way Use Permit.
  - d. Signs in accordance with Article 3, Section 11 of this Zoning Ordinance.
  - e. Structures erected by a governmental agency or public utility.
  - f. Structures for which the Town has granted a Right-of-Way License.

- e. Native grass.
  - f. Landscaping, including non-obstructive plant material, stone, rock, mulch, brick, and railroad ties, may be used adjacent to a driveway to protect a culvert or driveway edge, provided such use i) is located within ten (10) feet of either end of a Town approved driveway culvert, ii) does not exceed the elevation of the adjoining street and iii) does not alter or impede drainage in a culvert or ditch.
3. THE FOLLOWING ARE PROHIBITED IN THE TOWN RIGHT-OF-WAY. The following are prohibited in the Town Right-of-Way; however, the Town may consider permit or Right-of-Way License applications (subsection (C) above) for structures or activities that would otherwise have been prohibited by this Section. In no case shall the following be permitted without an approved permit or Right-of-Way License:
- a. Landscaping, including stone, rock, mulch, brick and railroad ties, except to protect a culvert or driveway edge, provided such use i) is located within ten (10) feet of either end of a Town approved driveway culvert; ii) does not exceed the elevation of the adjoining street; and iii) does not alter or impede drainage in a culvert or ditch. Otherwise, only native grass is permitted in the Town Rights-of-Way along roadsides.
  - b. Monuments or entry features.
  - c. Custom mailboxes, except in accordance with subsection (E.2) below.
  - c. Fences or walls.
  - d. Storage of vehicles, equipment, or materials.
  - e. Use of street as staging area for construction material or equipment.
  - f. Routine parking of vehicles in the Town Right-of-Way.
  - g. Excavation.
  - h. Filling.
  - i. Altering or impeding drainage.
  - j. Cutting of curbs or street pavement.
  - k. Any alteration of the Town Right-of-Way that would impact a planned trail as defined in the Comprehensive Plan as amended from time to time.
  - l. Installation, alteration, or construction of any structure, other than a structure permitted by this Ordinance.
  - m. Removal or alteration of any structure erected by the Town, or other governmental agency or public utility.

## **E. Residential Mailboxes.**

### **1. Roadside Mailbox Requirements.**

- a. Roadside mailboxes shall consist of a mail receptacle meeting the specifications of the United States Postal Service ("USPS").
- b. Roadside mailboxes shall be mounted on a breakaway support of adequate strength and size to properly support the box. The use of heavy metal posts, concrete posts, and miscellaneous items of farm equipment, such as milk cans filled with concrete, should be avoided. The ideal support is an assembly, which, if struck, will bend or fall away from the striking vehicle instead of severely damaging the vehicle and injuring its occupants. A support for a mailbox which should be no larger than a 4" x 4" wood post or a metal post with strength no greater than a 2" diameter schedule 40 steel pipe, and which is buried no more than 24" deep. A metal post should not be fitted with an anchor plate; however, an anti-twist attachment is acceptable. Breakaway supports should not be set in concrete.
- c. The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.
- d. The bottom of a roadside mailbox shall be forty (40) to forty-eight (48) inches above the mail stop surface, or as defined by USPS installation requirements.
- e. The face of a roadside mailbox shall be offset behind the edge of pavement or curb a distance of eight (8) to twelve (12) inches, or as defined by USPS installation requirements.
- f. The adjoining property owner shall be responsible for the maintenance of the roadside mailbox.

### **2. Custom Mailbox Requirements.**

- a. A custom mailbox constructed using materials that do not meet the standards for a roadside mailbox and breakaway support as defined in subsection (E.1) above, may be installed only if i) a permit application for a custom mailbox is submitted to the Town of Foxfield, ii) the application is approved by both the Board of Trustees and the Town Engineer, and iii) a Right-of-Way License has been issued.
- b. A custom mailbox must conform to the following requirements and any additional rules set forth in the application approval:

The structure supporting the custom mailbox shall be at least twelve (12) inches from the back of curb or edge of pavement.

The entire custom mailbox structure shall not exceed the dimensions of 2 feet in width, 2 feet in depth, and 5 feet in height and shall be hollow.

The custom mailbox structure shall be located on a 2'6" wide x 2'6" deep x 4" thick concrete pad. The custom mailbox structure shall not be permanently affixed to the concrete pad so that it shall yield, break away, or slide off its base if struck by a vehicle.

The adjoining property owner shall be responsible for the maintenance of the custom mailbox.

#### **F. Safety Requirements.**

No street, sidewalk, driveway, curb cut, bore, or trench shall be constructed or maintained which creates a threat to the safety of persons or vehicles in the vicinity of the street, driveway, or curb cut. No permit for the construction of a street, driveway, or curb cut shall be issued unless the Town Engineer determines that the proposed street, driveway, or curb cut will not create a threat to the safety of persons or vehicles in the vicinity of the proposed street, driveway, or curb cut. In making this determination, the Town Engineer shall consider the following factors:

1. Whether the street to which access is sought is residential or commercial in character.
2. Whether the proposed street, driveway, or curb cut would cross a sidewalk.
3. Whether drivers of vehicles using the proposed street, driveway, or curb cut would have difficulty in seeing pedestrians or other vehicles in the vicinity.
4. Whether pedestrians or the drivers of other vehicles would have difficulty in seeing vehicles using the proposed street, driveway, or curb cut.
5. Whether the proposed street, driveway, or curb cut would result in increased noise, dirt, smoke, or fumes in the vicinity of the proposed street, driveway, or curb cut.
6. Whether the property for which a street, driveway, or curb cut is proposed is already served by an existing street, driveway, or curb cut.
7. Whether parking is permitted on the street to which access is proposed.
8. The width of the street to which access is sought.
9. The posted speed limit on the street to which access is sought.
10. The distance of the proposed street, driveway, or curb cut from the curb line of the nearest street, which intersects the street to which access, is proposed.
11. The proximity of the proposed street, driveway, or curb cut to residential neighborhoods and schools.

#### **G. Construction Specifications – Location of Access Points.**

1. A residential property with less than 150 feet of frontage shall be limited to one access point. Residential properties with more than 150 feet can have additional access point(s) where there is sufficient frontage to provide for minimum and

maximum requirements. In the event a property has more than one access point, the primary use driveway shall be established by use as the access point to the primary garage. This primary use driveway may have a maximum of two (2) access points to the public right-of-way when meeting the minimum requirements for lot frontage and separation distances. All other access points shall be designated as secondary use access and shall not effect the spacing requirements for the adjoining property or properties across the street.

2. In business and commercial areas, no street, or curb cut shall be closer than fifteen (15) feet to a property line of an adjacent property except where there is shared access with the adjacent property.

#### **H. Residential Driveways & Culverts.**

1. All new or replacement driveways and culverts, and temporary construction driveways require review by the Town Engineer and approval of a Public Right-of-Way Use Permit in accordance with the Town of Foxfield Basic Principles for Single Family Residential Driveways.
2. The minimum separation distance between any two residential driveways, either on the same side of the street or on opposite sides of a street, should be thirty-five (35) feet where possible.
3. The width of a residential driveway within the Town Right-of-Way shall be a minimum of twelve (12) feet to a maximum of twenty-two (22) feet (or twenty-four (24) feet with flares).
4. The minimum separation distance required between a residential driveway and a major arterial street such as Arapahoe or Parker Roads, is two hundred ten (210) feet.
5. The minimum separation distance required between a residential driveway and a residential street intersection, is fifty (50) feet.
6. An eighteen (18) inch diameter culvert or equivalent, to be determined by the Town Engineer, in line with the roadside ditch centerline, shall be required for all residential driveways where roadside ditches drain across a residential driveway location.
7. It is prohibited to place irrigation lines, electrical lines, cables, or other features inside culverts.
8. Construction entrances on residential lots shall have the same requirements as a residential driveway.

#### **I. Construction Adjacent to Rights-of-Ways.**

To prevent encroachment, the Town may require a stamped or sealed Improvement Location Certificate or a stamped or sealed survey from a Professional Licensed Surveyor prior to construction of any structure, fence, monument, or landscaping feature proposed to be located on private property adjacent to an easement or Town

Right-of-Way.

**J. Drainage.**

The construction of streets, driveways, and curb cuts shall be accomplished so as not to cause water to enter onto the traveled portion of the street and so as not to interfere with the drainage system of the street right-of-way.

**K. General Provisions.**

1. Any structure constructed in the Town Right-of-Way before the effective date of this ordinance will be required to comply with the provisions set forth herein.
2. The Town shall have the authority pursuant to this Ordinance and C.R.S. § 31-15-702, as the same may be amended from time to time, to order the repair, alteration, or removal of any structure, vegetation, or landscaping feature located in a street or Right-of-Way that constitutes a hazard to life or property, is a nuisance, or that does not comply with the requirements of this Section.
3. The Town shall have the authority to order the repair, alteration, or removal of any structure located in a sight triangle that constitutes a hazard to life or property or that does not comply with the requirements of this Section.
4. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy therefrom, including injunctive relief, of any person for injury or damage arising from any violation of this Ordinance or from other law.

**L. Inspection.**

The Town Engineer shall be responsible for the inspection, monitoring, and final acceptance of the construction of all streets, driveways, and curb cuts in accordance with the access permits issued by the Town Engineer.

***SECTION 3.3: Visibility at Intersections- Application of Sight Triangle***

**A. Sight Triangle.**

1. At all street intersections, there shall be maintained a clear field of vision between a point, which is thirty-six (36) inches above the average street grade, and ninety-six (96) inches above that point. Such field of vision shall be of such a distance as to enable the operator of any motor vehicle, bicycle or other transportation device, or horseback rider, to clearly see onto the intersecting street from a distance which is thirty (30) feet along the property line from the point where such street Rights-of-Way intersect, providing for clear visibility from each of said streets. Said field of vision is described as a sight triangle, and is determined by measuring from the Town Rights-of-Way point of intersection a

distance of thirty (30) feet along each Town Right-of-Way line as depicted in the figure in the above section.

2. The following structures shall be permitted within the sight triangle:
  - a. Fences that are seventy percent (70%) or more open as viewed from outside the fence. For example, a rail or wire fence. Solid fences such as stockade or board-on-board fences are prohibited.
  - b. Utility poles, light standards and traffic control devices, shall be permitted in the sight triangle.

### ***SECTION 3.4: Off-Street Parking Standards.***

#### **A. Provisions, Applicability, and Maintenance—Responsibility of Owner.**

This Section imposes minimum standards for the development of parking areas in conjunction with the various uses permitted in this Zoning Ordinance. The purpose of this Zoning Ordinance is to require that the owner of a land use provide and maintain sufficient quantities of parking for each land use. The intent of these standards is to require attractive, convenient, efficiently developed parking areas that provide sufficient quantities of parking spaces with ample area for fire lanes, maneuvering, snow storage, retention of drainage, landscaping, and that ensure public safety. The required parking standards contained herein are minimum standards. “Provide and maintain” also means that the off-street parking area shall remain free from pavement deterioration, chuckholes, pavement failure, and cave-in.

#### **B. Administration.**

1. Off-street parking shall be provided as set forth in this Zoning Ordinance in association with any use generating demand for parking. Nothing in this Zoning Ordinance shall deprive the owners or operators of property, generating a need for parking, the right to maintain control over such property devoted to off-street parking or to charge whatever fees they deem appropriate for such parking.
  - a. The proposed method of complying with this section shall be indicated on all plans required to be submitted to the Town as a part of an application for a Final Development Plan and on any Site Development Plan submitted for a building permit.
  - b. When any addition to or enlargement of an existing building or use, or a change in use increases the building or the developed area of the use or the parking requirements of the building or structure, the parking requirements of this Zoning Ordinance must be met. Moreover, if the addition, enlargement, or change in use increases the building or the developed area of the use, or the required parking by twenty percent (20%) or more, then the parking for the entire building shall be brought into conformance with all requirements of this Zoning Ordinance, including required number of

spaces, access, landscaping, lighting, screening, and other applicable standards.

2. Any change in the use of a building or lot which increases the off-street parking as required under this Zoning Ordinance, shall be unlawful and a violation of this Zoning Ordinance until such time as the off-street parking complies with the provisions of this Zoning Ordinance.

**C. Number of Off-Street Parking Spaces Required.**

1. Minimum Requirements: All uses shall provide the number of off-street parking spaces listed below. Buildings with more than one (1) use shall provide parking required for each use. There are certain uses that are only allowed within the Village Commercial (VC) Zone District or Planned Development (PD) District as indicated in the chart. In addition, certain uses are required to comply with the Rural Residential Property Standards.

The Zoning Administrator shall determine parking requirements for uses not specifically listed based on an analysis of parking requirements for similar uses or on anticipated parking demands.

USE	NUMBER OF SPACES REQUIRED
<b>Residential Dwelling Units</b>	
Studio or 1 bedroom PD only	1.5 /dwelling unit
2 or more bedrooms	2/dwelling unit
In addition, multi-family dwellings PD only	1/guest space per 5 dwelling units
<b>Group Living</b>	
Assisted Living /Facilities for the care of the elderly or infirmed, includes nursing homes	1 space per 4 beds plus 1 space per 2 employees
Group homes (up to 8 residents)	2 spaces per group home, plus 2 spaces per 3 employees
Commercial Accommodations, including bed and breakfast, Lodging, hotel/ motel units regardless of how owned and managed	1 space per individual exit of accommodations unit plus 1 space per employee on the largest shift plus 1 space per 400 s.f. Gross Floor Area of public meeting area and restaurant
<b>Automobile service, repair and sales</b>	
Gas stations	2 /service bay plus required stacking spaces
Service station, auto lube center	2 / service bay plus required stacking spaces

USE	NUMBER OF SPACES REQUIRED
Auto repair or body shop	2 /repair bay, spaces for each bay may park tandem
Car wash, self-service	3 stacking spaces in front of each bay
Car wash, full-service	5 / bay plus required stacking spaces
<b>Retail, Entertainment, Office and professional service</b>	
Banks (including branch and drive through)	1/300 square feet of Gross Floor Area plus required stacking space for drive through
Bowling Alley	5 spaces for each alley
Convenience store	1 / 200 square feet of Gross Floor Area plus stacking for drive up window
Convenience stores with gas sales	1 space per pump island, plus 1 space per 150 sq. ft. Gross Floor Area, plus 2 spaces per 3 employees
Dining & drinking establishments (including private clubs, restaurants):	1 /75 square feet of dining and waiting area (Including private clubs, restaurants)
If dancing and/or entertainment is provided:	1 /50 square feet of dining, waiting and entertainment area
Serving or preparing food and beverages for consumption outside of a building	1/50 square feet of building plus required stacking
Funeral home, mortuaries & crematoriums:	1/300 square feet of Gross Floor Area
General commercial and retail sales	1/300 square feet of Gross Floor Area including storage areas
Health & athletic clubs, aerobics, recreational amusement, & entertainment facilities:	1/125 square feet of Gross Floor Area excluding storage areas
Medical and dental offices, clinics:	1/250 square feet of Gross Floor Area
<b>Public, Quasi Public and Institutional</b>	
Community service facilities (e.g. post office, courts, community health building) All other community service facilities shall be determined by the Zoning Administrator based on an analysis of parking	1 /250 square feet

USE	NUMBER OF SPACES REQUIRED
requirements for similar uses or on_anticipated parking demands	
Day care or nursery	1 /each employee, plus 1 space per five children
Library, museum or gallery	1/300 square feet
Places of worship	1/3 seats in primary meeting room.
Public assembly & civic association halls (includes all facilities used for receptions and conventions)	1/40 square feet of gross floor area in the primary meeting room or assembly area
Schools (1) Through junior high. (2) High schools and colleges. (3) Schools auditoriums.	2 / classroom 10/classroom. One per three seats in auditorium
Utilities	1 / 300 square feet of office area plus one stall for each company vehicle.

**D. Calculation of Parking Space Requirements.**

1. Number of Spaces: Separate off-street parking spaces shall be provided for each use.
  - a. Where parking facilities are combined and shared by two (2) or more uses, the off-street parking space required for two (2) or more uses having the same or different standards for determining the amount of required off-street parking spaces, shall be the sum of the standards of all the various uses.
  - b. When any parking calculation results in a required fractional space, such fraction shall be rounded off to the next whole number.

**E. Measurement of Floor Area.**

Floor areas used in calculating the required number of parking spaces shall be gross floor areas of the building calculated from the exterior outside wall without regard to a specific inside use. In mixed-use facilities, the following applies.

1. Calculations shall be based on gross square footage of each identifiable use within the building and the total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.
2. Uses, which serve more than one (1) of the uses such as bathrooms, mechanical rooms, stairwells, circulation, airshafts, storage areas, and elevators, shall be pro-rated based on the area of each identifiable use.

**F. Joint Use of Parking Facilities or Shared Parking.**

When two (2) or more businesses, structures, and or uses are served by the same parking area, the applicant may apply for special parking approval. The off-street parking area or shared parking facilities shall not exceed twenty percent (20%) of the required parking. Applicants wishing to utilize joint or shared parking facilities or areas shall provide satisfactory legal evidence to the Town Planner in the form of deeds, leases, or contracts to establish joint use or shared parking. Upon submission of documentation by the applicant of how the project meets the following criteria, the Town Planner may approve reductions of up to and including twenty percent (20%) of the parking requirements of this section, if the Planning Commission finds that:

1. The parking needs of the use will be adequately served.
2. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs.
3. The applicant provides an acceptable proposal for a transportation demand management program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis.

**G. Compact Parking.**

Up to twenty percent (20%) of all required off-street parking spaces may be designated as "compact car spaces". Such spaces shall be appropriately marked to indicate the location of the spaces. Off-street parking spaces provided in excess of the required number of spaces for a building or use may be in the form of compact parking spaces.


**H. Determination of requirements for uses not listed.**

Requirements for types of buildings and uses not specifically listed in this Article shall be determined by the Town Planner after study and recommendation, which should include all relevant factors, including but not limited to:

1. Vehicle occupancy studies.
2. Comparable requirements from other relevant municipalities.
3. Requirements of comparable uses listed in this Article.
4. Suitable and adequate means will exist for provision of public, community, group, or common facilities.
5. Provision of adequate loading facilities and for a system for distribution and pickup of goods.
6. Use will not be detrimental to adjacent properties or improvements in the vicinity to the area.

7. That the proposed use will not confer any special privilege or benefit on the properties or improvements in the area, which privilege or benefit is not conferred upon similarly situated properties elsewhere in the Town.

#### **I. Handicap Parking Requirements.**

1. The required number of parking spaces for the disabled for all land uses shall be provided in accordance with federal and state law. Each parking space for the disabled shall be in conformance with applicable requirements of the Americans with Disabilities Act (ADA).
2. The required spaces shall be located to provide the least traveled distance to accessible facilities served. They shall be located, where feasible, to allow those parking in the spaces to access the associated building without crossing vehicle traffic area. The distance between the most remote principal entrance of a building and any one space shall not exceed two hundred feet (200').
3. Size. Required spaces shall be not less than eight feet (8') wide and shall have an adjacent access aisle not less than five feet (5') wide. Two (2) adjacent spaces may share a common access aisle. Such aisles shall provide an accessible route of travel to the building or facility entrance. Boundaries of the required parking spaces and aisles shall be marked to identify the use of such spaces.
4. Identification Sign. Every parking space required by this section shall be identified by a sign centered from three feet (3') to five feet (5') above the ground at the head of the required space. The sign shall be marked with the international symbol of access and shall bear the words, "Reserved, Tow Away Zone." Such signage shall not be less than twelve inches (12") in height. The lettering shall be not less than one inch (1") or more than two inches (2") in height and shall be on a background of contrasting value. 
5. Surface. Parking spaces and access aisles shall slope not more than one inch (1") in forty-eight inches (48") and shall be firm, stable, smooth, and slip resistant.

#### **J. Parking Restrictions.**

1. Weight Restrictions. Parking or storing of any vehicle, excluding recreational vehicles, with a Gross Combination Weight Rating (GCWR) greater than 36,000 pounds is prohibited. GCWR is defined in C.R.S. 42-2-402(6), as amended.
2. Number of Vehicles allowed on a lot. Parking or storing of any vehicle, recreational vehicle, trailer, boat or other articles of personal property, not owned by the owners and or occupants of the property upon which it is parked, stored, or used, for longer than a period of 10 days.
3. Parking or storing of vehicles in residential areas. The outside parking or storing of more than five (5) vehicles on the property including, but not limited to cars,

recreational vehicles, campers, boats, trailers, Implements of Husbandry, mobile machinery, and self-propelled construction equipment is prohibited.

4. Parking or storing of commercial or industrial vehicles. All commercial or industrial vehicles must be parked in a fully enclosed facility after business hours. Parking or storing of commercial vehicles in residential zone districts is prohibited, except that one vehicle used in the operation of a business by an owner and or occupant of the property is permitted in accordance with Article 4 regarding Home Occupations.
5. Parking or storing of vehicles, with signs mounted, attached, or painted on, when used as additional advertising on or near the premises, and not used in conducting a business or service on the premises.
6. Sale or Repair Uses. No non-residential off-street parking space shall be used for the sale, repair, dismantling, or servicing of any vehicle, equipment, material, or supplies.
7. Engine Idling. It shall be unlawful for any person to idle or permit the idling of the motor of any stationary diesel fuel burning bus or motor vehicle or idle or permit the idling of the motor of any stationary motor vehicle of any kind whatsoever for a period in excess of fifteen (15) consecutive minutes in any hour, within the Town limits at any time of the day or night. It is the intent of this Section that an owner or operator may not circumvent the provisions of this Section by the repeated turning on and off of a diesel engine at any time that the outside temperature is twenty-two degrees Fahrenheit (22°F) or above; provided, however, that unattended vehicles operated by diesel powered engines shall not be allowed to idle at any time.
8. This Section shall not apply when an engine must be operated in the idle mode for safety reasons including, but not limited to, cranes and forklifts used in the construction industry, ambulances or other public safety vehicles.

***SECTION 3.5: Stacking Space Standards for Drive-throughs, Parking Attendants or Paid Parking Collection Devices.***

**A. Submittal of Plans.**

The applicant's plan shall show the location, size, and dimensions of all such facilities. The plan shall follow the stacking space schedule and shall demonstrate that such facilities will not result in the stacking of vehicles on public rights-of-way, and that an adequate area is reserved for the safe transfer of the motor vehicle between any parking attendant or valet and the driver of the vehicle. In no event shall drive-throughs, parking attendants, paid parking collection devices, or areas associated with such uses be located in a public street or right-of-way, or interfere with vehicular or pedestrian traffic on a public street, sidewalk or other right-of-way.

**B. Stacking Space Schedule.**

Use	Minimum Stacking Space	Measured From
Bank teller lane	4	Teller or window
Automated teller machine	3	Teller
Restaurant drive-through	8	Order box
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance

**SECTION 3.6: Parking Lot Design Standards**

**A. Parking space and access drive requirements.**

1. Except as may be provided for compact cars elsewhere in this Section, minimum size of off-street parking space and parking lot drives shall be in accordance with the following:
  - a. Minimum Stall Size: nine feet x eighteen feet (9' x 18')
  - b. Minimum Access Drive Width: twelve feet (12') per lane
  - c. Minimum Backing Area Width: twelve feet (12'); twenty four feet (24') (two [2] drive lanes)
  - d. Angled Parking Spaces: per Town Engineer

**B. Location and Design of Parking Lots.**

1. All parking lots shall be set back a minimum of five feet (5') from any public rights-of-way.
2. Parking lots shall be so designed as to appear as an accessory use to the principle use. If a parking lot faces an arterial or collector street, parking lots shall be screened from the street by low walls, landscaping, and/or railings that effectively conceal parked cars.
3. In all non-residential areas and any residential development requiring a parking lot, all off-street parking lots must be accessed by a defined access lane off the main public right-of-way. This access lane must be separated from the traveled portion of the roadway by at least a seven-foot (7') setback. Backing of parked cars into public road drive lanes from off-street parking areas is not allowed.

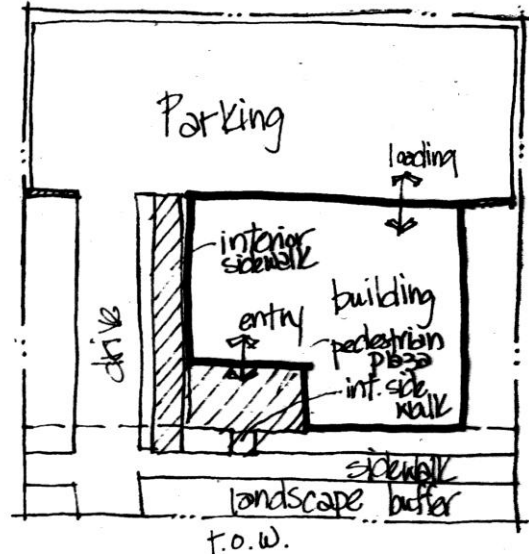
4. Required parking spaces must be provided on the same property as the principal building or use. Parking areas shall be owned by the owner of the principal use for which parking spaces are provided.

5. All parking lots and drive lane areas shall be surfaced with asphalt or concrete.

6. All parking lots shall be provided with adequate drainage to accommodate increased runoff from the site and shall be designed with catchment basins or other similar structures to prevent non-point source pollution.

7. Access drives shall be perpendicular to the traveled right of way and shall not exceed a five percent (5%) grade within fifty feet (50') of their entrance to a public or private road right-of-way.

8. A twenty percent (20%) allowance for compact cars may be applied to non-residential uses in any district. These spaces shall be properly marked and grouped within the overall parking plan. Space size shall be a minimum of eight feet by sixteen feet (8' x 16').



Lot to have 75% max. impervious Coverage - int. sidewalks & plaza not included in 75% (hatched)

9. In non-residential zone districts, no parking area will be allowed in the side yard setback; driveways may be all or partially in side yard setbacks.

10. All parking areas shall be properly maintained.

11. Parking lot setbacks, islands and other open spaces shall be landscaped to the greatest extent possible. Landscaped areas may also be used for snow storage as long as they are maintained properly and vegetation replaced when necessary.

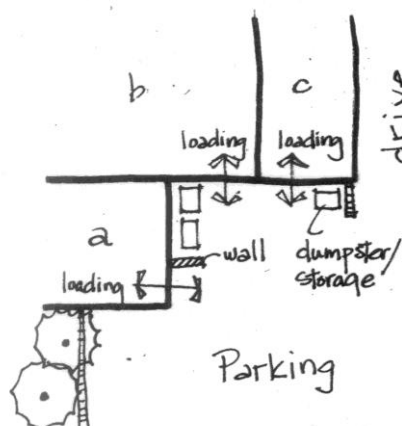
12. Parking areas may not be used for the dismantling of vehicles or storage of commodities. Sales of commodities from parking lots are not allowed except with a valid peddler's license issued by the Town Clerk or for special events, which are approved by the Town.

13. Curb cuts should be limited to the fewest number necessary to provide workable access. In general, curb cuts should be placed at intervals greater than one hundred feet (100'), unless this would preclude access to an independent property.

14. Parking lots should provide well-defined circulation for both vehicles and pedestrians.

15. Vehicles shall not overhang any public property, pedestrian access including sidewalks, or landscaped area. A concrete or otherwise permanent curb, bumper, or wheel stop shall be installed to protect public right of way, sidewalks, and/or landscaped areas and islands.
16. Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
17. Access drives to the parking lot shall be readily observable to the first time visitor.
18. Parking lot entrances, the ends of parking aisles, and the location and pattern of primary internal access drives should be well marked by signs or landscaped islands with raised curbs.
19. Parking spaces shall be marked and maintained on the pavement and any other directional markings or signs shall be installed as permitted or required by the Town to ensure the approved utilization of space, direction of traffic flow, and general safety.
20. All off-street parking spaces shall be unobstructed and free of other uses.
21. The layout should specifically address the interrelation of pedestrian and vehicular circulation and provide specific treatment at points of conflict, such as signs, painted crosswalks and raised pedestrian walks or landings.

22. Loading and unloading facilities shall be located in the rear or side of buildings and shall be screened from public view.
23. Storage and refuse containers must be screened with impervious fencing, or plantings and shall not front on to any street. Refuse storage and pick-up areas shall be combined with other service and loading areas.



24. Vehicular ingress and egress to public major or minor arterials and collector streets from off-street parking shall be so combined, limited, located, designed and controlled with flared and/or channeled intersections as to direct traffic to and from such public right-of-way conveniently, safely, and in a manner which minimizes traffic friction, and promotes free traffic flow on the streets without excessive interruption. Access shall be unobstructed and direct.

### C. Lighting Requirements for Parking Lots.

1. All off-street parking lots shall provide adequate lighting. Lighting shall conform to the following standards.
  - a. Light sources shall be concealed and fully shielded and shall feature sharp

cut-off capability so as to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property. All lighting fixtures shall meet the IES requirement for a full cut-off fixture.

- b. Neither the direct nor the reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads. No colored lights may be used in such a way as to be confused or construed as traffic control devices. Background spaces, such as parking lots and circulation drives, shall be illuminated to be as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
- c. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site. Poles shall be anodized or coated to minimize glare from the light source.
- d. Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) foot-candles.
- e. Light levels measured twenty feet (20') beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.
- f. All lights used to illuminate parking spaces, driveways or maneuvering areas shall be so designed, arranged, and screened so to minimize light spillage on adjoining lots or streets.
- g. All lighting fixtures, including security lighting facilities, shall be directed away from adjacent residential uses and public streets and shall not be of an intensity which unreasonably disturbs adjacent residential users or users of public streets and shall not be installed above a maximum height of twenty-five (25').

#### **D. Sidewalks.**

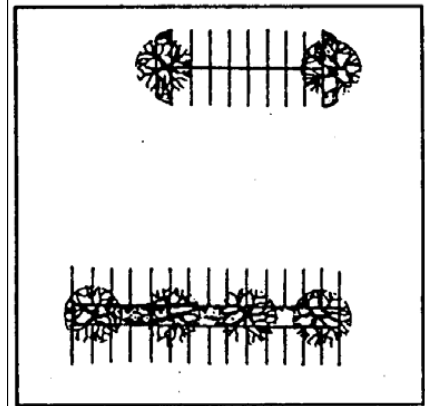
Sidewalks in parking areas can be no less than four feet (4') in width.

#### **E. Parking Lot Landscaping.**

1. Minimum landscaped area for any parking lot accommodating 10 or more spaces: fifteen (15%) of which at least ten feet [10'] in depth must be placed along the front edge of the public right of way. On corner lots, landscaping of at least 10 feet in depth must be placed on both public rights of way.
2. All parking lots shall be landscaped with indigenous vegetation and include both trees and shrubs. The pedestrian crossings shall be clearly differentiated from the rest of the parking surface. A minimum of 5% of the interior area of a parking lot accommodating ten [10] or more spaces must be planted. The interior of a parking lot is considered to be the traffic islands and areas around the actual

parking spaces; it does not include the required perimeter treatment.

3. Parking lots shall be screened from adjacent uses and from the street. Screening from residential uses including the street between a non-residential use and residential use shall consist of a fence or wall six feet (6') in height in combination with plant material and of sufficient opacity to block at least seventy-five percent (75%) of light from vehicle headlights.
4. Landscaped areas within parking lot interiors shall be located in such a manner as to divide and break up the expanse of paving. There shall be no more than fifteen (15) parking spaces in a continuous row on one (1) side without being broken by a landscape island. Landscaping aisles, which have parking on both sides, may be permitted as an alternative to individual landscape islands as long as no more than fifty percent (50%) of the required islands and the equivalent area of said islands are incorporated into landscaping aisles.
5. Landscaping shall be designed to meet the minimum sight triangle visibility requirements.



### **SECTION 3.7: Fences, Berms and Sound Walls in Residential Areas**

#### **A. Purpose and Intent.**

1. To provide clear visibility, unobstructed by fences or berms on or near the public right-of-way, for citizens traveling along the roadways within the Town.
2. To encourage the use of open style fences in order to preserve views and maintain the rural residential identity of the Town.
3. To fulfill the Town's goal of maintaining a rural residential environment.
4. To provide standards for the design and location of fences, berms and sound walls to provide a visual barrier and to block road noise from major arterial roadways on the perimeter of Town such as Arapahoe Road and Parker Road and adjacent commercial development.

#### **B. Measurement of Height.**

1. Height shall be measured from existing grade, measured five feet from each support to the top of the fence, berm, or sound wall.
2. Construction on Embankments. Where a fence, berm, or sound wall is constructed on an embankment, or where the ground under the structure has been graded to a higher level than the surrounding ground, the permissible height of the fence, berm, or sound wall as set forth in this Section, shall be

reduced by the height of the embankment or grading.

**C. Construction in Easements and Drainageways.**

1. Easements. Installation of a fence, berm, or sound wall shall be allowed in an easement only to the extent the structure is allowed by the terms of the instrument or law creating the easement and only if the structure does not interfere with any lawful use of such easement. All structures proposed in an easement must be reviewed and approved by the Town Engineer, and if approved must be constructed according to the specifications of the Town Engineer. Any structure installed in an easement will be removed at the owner's expense if necessary or advisable for any lawful use of the easement.
2. Drainageways. Installation of fences, berms, and sound walls will be allowed in and/or perpendicular to natural drainageways throughout the Town only if such structures do not impede the flow of drainage in the drainageway and are constructed to minimize the collection of debris that could block the drainage flows. All fences, berms, and sound walls located in a natural drainageway must be approved by the Town Engineer.

**D. Standards for Residential Fences.**

1. No fence shall exceed six feet (6') in height; except as permitted for sports courts and sound walls.
2. In order to preserve the Town's open views, only open fences (70% or more open) shall be used within fifty (50) feet of a Town Right-of-Way.
3. In order to preserve the Town's rural residential character and to establish a Town identity, the use of rail fence is preferred near street frontages and property lines.
4. Open fences used to enclose the immediate area of a sports court may exceed six feet (6') in height. Swimming pool fences are limited to six feet (6') in height. In no event shall the height of any such fence exceed the height necessary for proper functioning of the sport court.
5. The use of chain link fences shall not be permitted within fifty feet (50') of a Town Right-of-Way.
6. All fences must be located entirely within the property lines.
7. Fences located in a drainage easement, utility easement, or natural drainageway must be approved by the Town Engineer.
8. Fences shall be constructed of new materials, or used materials in good condition, intended to be used for such purpose.
9. All fence segments on a given property that run along the Town Right-of-Way, whether the fence is located on the property line or set back from the property line, shall be constructed of the same style and material.

10. Whenever a fence is installed, any posts and any rough or unfinished side of such fence shall face toward the interior of the lot.
11. The lighting of fences must comply with all applicable dark sky ordinances now or hereafter enacted.
13. Fences shall not be placed in the Town Right-of-Way: In general, the Town Right-of-Way is the strip of land, including surface, overhead, and underground space, which is owned by the Town of Foxfield and is used for construction and maintenance of Town roadways, public utilities and other purposes. Most Town Rights-of-Way in the residential zone are platted sixty feet (60') wide, though some are fifty feet (50') wide. The paved road surface within the Right-of-Way is twenty-four (24') feet wide. In other words, the Town Right-of-Way is much wider than the paved road surface, and residential property lines do not extend to the edge of the road pavement. On streets where the paved road surface is centered within the Town Right-of-Way (as in Figure 1), the Right-of-Way extends an additional 13 or 18 feet on either side of the paved road surface depending on whether the Right-of-Way is platted at 50 or 60 feet wide, respectively. It is important to note that not all paved roadways are centered within the Town Right-of-Way. Therefore, the amount of land on each side of the paved road surface that comprises the Town Right-of-Way may vary dramatically and may be more than 18 feet or less than 13 feet depending on the degree to which the location of the paved road surface is skewed within the Town Right-of-Way.

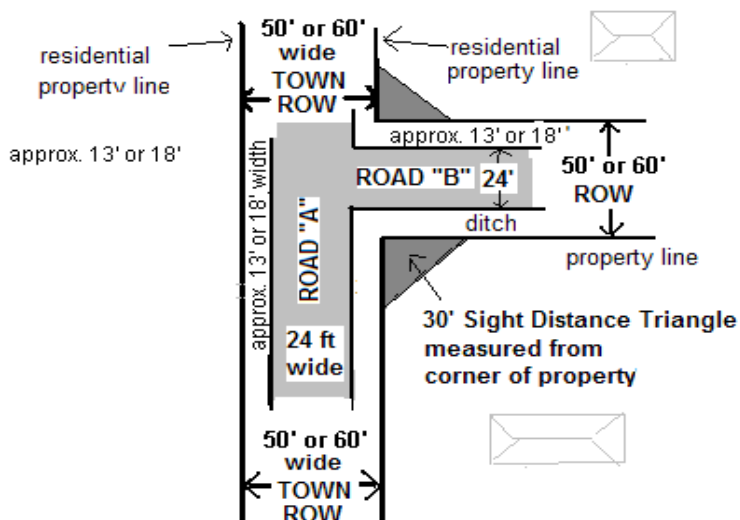


Figure 1. Town Right-of-Way

**E. Standards for Berms within a Residential Zone District.**

The following standards apply to berms that are not adjacent to a highway and are not adjacent to Non-residential Zone District.

1. Berms shall be no higher than four feet (4') in height as measured from existing grade; the average grade along the primary road side; or along the perimeter of the site (depending on proposed location).
2. Berms shall have a maximum side slope of 3 to 1.
3. Tops of berms shall have a minimum width of three (3) feet at the crown.
4. Berms shall undulate or otherwise be designed with naturalistic contouring.
5. Berms shall be landscaped with native grasses and/or native landscaping.
6. Berms must be mowed or maintained according to the Towns regulations.
7. Berms must be located entirely within property lines.
8. Berms located within a utility easement, drainage easement or natural drainageway must be approved by the Town Engineer.

**F. Standards for Fences, Berms, and Sound Walls adjacent to a Highway or Non-residential Zone District.**

The Town of Foxfield allows the use of fences, berms, and sound walls on residential lots located adjacent to property zoned Non-residential and adjacent to Arapahoe Road, Parker Road, and the Ring Road to screen views and to block road noise subject to the following conditions.

1. Fences, berms, and sound walls for sight or sound mitigation may be located adjacent to property lines along major roadways provided the structure is located entirely within property lines.
2. Fences, berms, and sound walls located in a utility easement, drainage easement or natural drainageway must be approved by the Town Engineer.
3. Fences and sound walls greater than six feet (6') in height must be approved by the Town of Foxfield.
4. Berms greater than four feet (4') in height must be approved by the Town of Foxfield. Berms that increase the original grade of a lot by more than four feet (4') will require approval of a Use by Special Review.
5. In no event shall the height of any fence, berm, or sound wall exceed the height necessary for sight or sound mitigation.
6. Berms for sight and sound mitigation shall also comply with the standards for berms in subsections 3.2.5 above.
7. For purposes of this Ordinance, Town staff shall consider the following criteria in determining whether to approve a fence, berm, or sound wall for the purposes of sight or sound mitigation:
  - a. Whether the fence, berm, or sound wall is consistent and compatible with the character of the neighborhood;

- b. Whether the fence, berm, or sound wall is located in such a manner so as to have an adverse effect on the adjacent property owners;
  - c. Whether the fence, berm or sound wall uses the same design, contour, landscaping and materials as other Town approved structures on properties that are adjacent to the same roadway or commercial zone;
  - d. Whether the fence, berm, or sound wall is located in a utility easement, drainage easement, or drainageway;
  - e. Whether the fence, berm, or sound wall can be maintained in accordance with the Towns regulations; and
  - f. Whether the fence, berm, or sound wall has any adverse impacts on the public health, safety, or welfare.
8. The approval process for fences, berms, and sound walls for the purpose of sight or sound mitigation will be as follows:
- a. Prior to applying for a permit, pursuant to subsection H, the Applicant shall submit an application to the Town Clerk, which application shall include a sworn affidavit indicating that the applicant has notified all adjacent property owners of the proposed fence, berm, or sound wall, with a list of the property owners so notified.
  - b. Upon receipt of a completed application, the Town shall schedule a hearing on the proposed fence, berm, or sound wall as an agenda item at a regular or special meeting, and shall approve the application, deny the application, or refer the application to a public hearing.

**G. Permits.**

1. A permit is required prior to construction of all new fences, berms, and Sound Walls, except for the exempt fences.
2. A permit shall be required for the repair or replacement of any portion of a fence, berm, or sound wall if the repair or replacement changes the appearance, location, or style of the fence, berm, or sound wall.
3. All fences, berms, and sound walls must be located entirely within the property boundaries. Property owners must provide proof that the fence, berm, or sound wall is within the owner's property lines as required by Section 3.2. A permit must be submitted and approved prior to the installation of any fence, berm, or sound wall. It is the responsibility of the homeowner to verify the property lines, rights-of-ways, and easements on the subject property. This may require an Improvement Location Certificate as noted in Section 3.2.G, I.
4. Whenever an exception to any term of this Article is sought for a fence, berm, or sound wall that will be located on private property, the applicant shall seek administrative approval from the Town of Foxfield prior to applying for a permit or starting construction.

**H. Fences Exempt from Permits.**

1. Moveable or temporary riding rings.
2. Temporary fences constructed of netting, chicken wire, and similar light-weight material, for the purpose of protecting vegetation and gardens from rabbits, deer and other wildlife.

**I. Nonconforming Fences, Berms, or Sound Walls in Residential Zone Districts.**

1. Any fence, berm or sound wall legally in existence at the time of the creation of this section that does not fully comply with the requirements of this section shall be considered legally nonconforming and may remain in place until such time as the fence, berm, or sound wall is enlarged, expanded, or modified or requires repair of more than 50% of the linear feet of the non-conforming fence. All non-conforming fences, berms, or sound walls are subject to the requirements for Non-Conforming Structures.
2. Any fence, berm, or sound wall constructed, repaired, or replaced after the effective date of this ordinance shall comply with the provisions set forth herein.

**J. Exceptions for Fences, Berms, and Sound Walls in Residential Zone Districts.**

1. Exceptions to the terms of this Section may be granted, with prior Town approval in cases where, because of the orientation and location of the primary residence, compliance with this Section would cause a hardship.
2. In the event an applicant seeks an exception to the terms of this Section for a fence, berm, or sound wall located on private property, the applicant must obtain approval of the exception from the Town prior to applying for a building permit or starting construction. In order to expedite the request, the requirement for a variance may be waived.
3. The approval process for exceptions requires a special exception application, which shall be filed with the Town Clerk prior to applying for a building permit. The application form and the following materials shall be submitted:
  - a. Illustrations showing the dimension, design, style, materials, color and landscaping associated with the fence, berm or sound wall for which an exception is sought;
  - b. A site plan showing the location of the fence, berm, or sound wall and the location of all utility and drainage easements and natural drainageways; and
  - c. A sworn affidavit in the form attached to this Ordinance indicating that the applicant has notified all adjacent property owners of the proposed fence, berm, or sound wall for which an exception is sought, with a list of the property owners so notified.
4. Upon receipt of a completed application, the Town shall schedule a hearing on the proposed fence, berm or sound wall as an agenda item at a regular or special

meeting, and shall approve the application, deny the application, or refer the application to a public hearing if the Board of Trustees determines a public hearing is necessary based on the approval sought.

5. For purposes of this Section, Town staff shall consider the following criteria in determining whether to approve an exception to the terms of this ordinance for any fence, berm, or sound wall.
  - a. Whether the fence, berm, or sound wall is consistent and compatible with the character of the neighborhood.
  - b. Whether the fence, berm, or sound wall is located in such a manner so as to have an adverse effect on the adjacent property owners.
  - c. Whether the fence, berm, or sound wall can be maintained in accordance with the Towns regulations.
  - d. Whether the fence, berm, or sound wall has any adverse impacts on the public health, safety, or welfare.
6. The Board of Trustees may schedule a public hearing if the Board of Trustees determines that the nature and scope of the exception being sought requires a public hearing to determine the appropriate application of the criteria to the fence, berm, or sound wall for which approval is sought.

### ***SECTION 3.8: Screening, Fences, and Walls in Non-Residential Areas***

#### **A. Comprehensive Site Plan.**

A comprehensive site plan for screening, fencing, and walls shall be required for all non-residential developments. This plan shall illustrate how a screening, fencing and walls achieve the standards set forth below and shall identify privately provided maintenance responsibilities. Plans submitted for review shall include a graphic depiction of the screening, fence, and/or wall as seen from the street or public open space. This plan shall be approved by the Town Planner as part of the Site Development Plan review process.

#### **B. Non-residential Screening, Fence, and Wall Standards.**

1. Fences or walls shall be constructed of materials similar to, or compatible with and complementary to, the primary building material and architecture. Fences shall receive the same architectural treatment on both sides.
2. Chain link fences are prohibited in any non-residential area.
3. Fences or walls along public streets and public open spaces shall provide visual breaks or architectural treatments every thirty feet. These treatments include columns, planting areas, open fencing sections, or others that meet the intent of this Section.

4. Ancillary structures and service areas such as trash enclosures, utility enclosures shall be enclosed on three sides with a solid gate on the access side.
5. Loading docks shall be screened from view from neighboring properties and the public right-of-way.
6. Screening standards can be met in a number of ways, including, but not limited to: garden walls, retaining walls, wooden fences, earthen berms, constructed planters, dense hedges, or a combination of these identified strategies.
7. Plant material used for screening shall achieve required screening in its winter seasonal condition within three years of completion of the construction of the area to be screened.
8. Fences adjacent to designated public open spaces, gulches, and detention facilities shall be a minimum of 70 percent open. No solid walls are permitted. All fences adjacent to public open spaces and detention facilities shall be of similar style and materials the entire length of the open space or detention facility.

### **SECTION 3.9: *Lighting Standards***

#### **A. Purpose of Lighting Standards.**

All new development shall utilize lighting techniques that minimize the impact of lighting on the night sky. Exterior lighting shall be used for purposes of identification, security and safety, and illumination in areas of pedestrian circulation and vehicular traffic. These standards apply to all development within the Town of Foxfield. The purposes of the lighting standards are as follows.

1. Promote safety and security.
2. Reduce the escalation of nighttime light pollution.
3. Reduce glaring and offensive light sources.
4. Provide clear guidance to builders and developers.
5. Encourage the use of improved technologies for lighting.
6. Conserve energy.
7. Prevent inappropriate and poorly designed or installed exterior lighting.
8. Minimize interference with use or enjoyment of property through unnecessary night-time illumination and the loss of scenic night sky views due to increased urban sky-glow.

#### **B. General Standards.**

1. Neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, nor may colored lights be

used in such a way as to be confused or construed as traffic control devices. Background spaces, such as parking lots and circulation drives, shall be illuminated to be as unobtrusive as reasonably possible while meeting the functional needs of safe circulation and of protecting people and property.

2. Light sources must minimize contrast with the light produced by surrounding uses, and must produce an unobtrusive degree of brightness in both illumination levels and color rendition. The light source must be a white or pale yellow color. Colored lights are not allowed, except for seasonal ornamental lighting.
3. Light sources shall be downcast, concealed, and shielded, and shall feature sharp cut-off capability to minimize up-lighting, spill-lighting, glare, and unnecessary diffusion onto adjacent property.
4. Except as otherwise allowed for herein, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineers Society (IES) criteria for true cut-off fixtures (90% of fixture light out-put within the 0-60° range from vertical). If the bulb position within a fixture is vertical, all lights must be retrofitted with shielding in a manner such that the light conforms to IES criteria for true cut-off fixtures as defined herein. Any or all of the following may be required:
  - a. A high socket mount,
  - b. A translucent fixture lens,
  - c. An opaque coating or shield on a portion of the perimeter of the lens, or
  - d. Other industry accepted measures to ensure that the fixture IES
  - e. Classification as a true cut-off is not compromised.
  - f. No casting of light outside the property boundary.
5. Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms. For reasons of security, a maximum of 1.5 foot-candles at entrances, stairways, and loading docks is permitted unless required by any Federal, State, or local jurisdiction.
6. All lights except those required for security as provided herein, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours.
7. Light levels measured at twenty feet (20') beyond the property line of the development site onto adjacent residential uses or public rights-of-way shall not exceed one-tenth (0.1) foot-candle as a direct result of on-site lighting.
8. Blinking, flashing, or changing intensity lights shall be prohibited; except for temporary holiday displays or lighting required by the FAA for air traffic control and warning purposes.
9. Linear lighting [including but not limited to neon and fluorescent lighting] primarily

intended as an architectural highlight to attract attention or used as a means of identification is prohibited.

10. Up-lighting is prohibited except for the up-lighting of flags within non-residential projects and with a limit of two fixtures per flagpole with a maximum of 150 watts each. The fixtures must be shielded as required by Section 3.12, J. 7.
11. Lighting of any sign shall be permitted subject to the following criteria:
  - a. Light sources shall be concealed and unobtrusive.
  - b. Lighting shall be limited to the identification marker (sign) and not used to illuminate landscaping.

### ***SECTION 3.10: Landscape Standards for Non-residential Uses and Planned Developments***

#### **A. Calculation of Landscaped Area.**

Non-residential developments and Planned Developments shall dedicate the required open space as specified in Article 2. The required gross land area for open space, parks, and trails may include one or more of the following:

1. Parks;
2. Open spaces;
3. Pathways, including sidewalks and bicycle paths, that are separate and distinct from any parking area or lot;
4. Landscaped areas, including buffers and berms, to separate dissimilar uses;
5. Public or private outdoor seating areas;
6. Plazas;
7. Courtyards; and
8. Play areas.

#### **B. Required Buffers.**

1. A buffer consisting of landscape materials, fences, walls, berms or a combination of these techniques is required for all non-residential uses abutting a residential lot or residential street. The buffer shall
2. The required buffer between a residential lot or residential street and all non-residential structures shall be at least twenty feet (20') Additional standards may also apply as outlined in Section 3.14: Site Development Standards for Non-Residential Uses and Planned Developments
3. Buffers between a residential lot or residential street and all non-residential structures shall be landscaped by providing trees of at least two and one half

inch (2.5”) caliber, spaced no further apart than thirty-five feet (35’) on center, at a ratio of at one trees and five shrubs for every seven hundred fifty square feet of buffer area or one tree and five shrubs for each thirty linear feet of buffer, whichever is greater.

4. All service areas or mechanical equipment areas shall be fenced or screened from view.
5. Buffers may be interrupted for necessary pedestrian and vehicle access.

**C. General Landscape Standards.**

1. Required landscape areas shall be covered with live irrigated, lower water consuming ground cover over at least seventy-five percent of the landscaped area. Pedestrian walks and other hardscape landscape features (excluding parking spaces and drives) may comprise up to twenty-five percent of the landscaped area. No large open mulch or bare soil areas are allowed.
2. Plantings shall be located to preserve and enhance the use of the site and complement the open space. Landscape plantings shall be located in front of walls or fences to maximize the intent of the screening and buffering.
3. Landscaping of the adjacent local street right-of-way may be included in meeting the landscape area requirement for individual lots if the property owner improves and maintains it.
4. Landscaping in buffers may count toward the total landscaping/open space requirement.
5. At least fifty percent of the trees shall be overstory/shade deciduous species and twenty-five percent of the trees shall be coniferous species, except in the required buffer area, which may be any combination of species.
6. Grading of landscape areas shall not exceed slopes greater than 4:1 where mowing is required; 6:1 for common open space and pocket park areas; and 3:1 where shrub beds or native grasses are provided.

**SECTION 3.11: Sign Standards**

**A. Purpose and Intent.**

The purpose of this Section is to establish regulations for the systematic control of signs and advertising displays within the Town of Foxfield. The intent is to protect and promote the general health, safety, and welfare of the public. It is also the intent to aid and assist in the safe and aesthetic development and promotion of business. This can be accomplished by providing standards, which allow signs and advertising displays that are compatible with their surroundings.

**B. Scope.**

1. To establish a permit system to allow a variety of types of signs in commercial and residential zones.
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits.
3. To provide for temporary signs without commercial messages in limited circumstances.
4. To encourage signs which are compatible with adjacent land uses.
5. To provide for the enforcement of the provisions of this ordinance.

**C. General Provisions.**

1. The provisions of this Section shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the Town.
2. All signs located within the limits of the Town of Foxfield shall be required to comply with all applicable requirements for zoning districts in which the sign is located, unless otherwise provided for in this Section.
3. Signs and sign structures shall be maintained at all times in a state of good repair, and free from deterioration, insect infestation, rot, rust or loosening.
4. Signs shall be constructed so that they are able to withstand the maximum wind pressure for the area in which they are located.
5. The Town shall have the authority to order the repair, alteration, or removal of a sign that constitutes a hazard to life or property or that does not comply with the requirements of this Section.

**D. Exempt Signs.**

The following signs are exempt from the requirements of this Section and do not require a sign permit.

1. All signs erected by the Town of Foxfield.
2. Bus shelters, but not including the benches within said shelters, erected by or on behalf of the Town of Foxfield.
3. Official governmental notices and notices posted by governmental officers in the performance of their duties.
4. Temporary or permanent signs erected by public utility companies, transit authorities, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
5. Signs required or specifically authorized for a public purpose by any law, statute

or ordinance; No such sign shall be placed in the public right-of-way unless specifically authorized or required by law, statute, or ordinance.

6. Public signs: Signs required or specifically authorized for public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, authorized by the law, statute or ordinance under which the signs are erected. Signs of danger or of a cautionary nature are limited to wall and ground signs; no more than two (2) per street front; no more than four (4) square feet per sign in area; and no more than ten (10) feet in height above grade. These signs may be illuminated but only from a concealed light source, which does not flash, blink, chase, or fluctuate; and signs, which are not animated.
7. Private traffic control signs including directional signs and signs relating to a hazardous area or construction zone that conform to the standards of the Colorado Manual of Uniform Traffic Control Devices. These signs must be placed within the established road right-of-way.
8. Small signs not exceeding six square feet that do not contain any advertising which are displayed for the direction, information, or convenience of the public, including signs that identify hours of operation, rest rooms, location of public telephones, and parking entrances.
9. Memorial signs and plaques: Memorial signs, plaques, tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building when constructed of bronze or other noncombustible material.
10. Signs in the display window: Signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services offered which do not exceed four (4) square feet in area.
11. Professional: Nameplate signs not more than two (2) square feet in area which are fastened directly to the non-residential building and do not project more than six (6) inches beyond the property line.
12. Signs within buildings: Any sign placed inside a building may be erected without requiring a permit if not visible from a public street or sidewalk.
13. Environmental signs including but not limited to wildlife, wildfire, environmental, wetlands, conservation area and riparian area identification signs do not require a permit.
14. Flags of any nation or government, whether in a residential, non-residential, or Planned Development District as further regulated in subsection J., 7: Flags and Flagpoles.
15. Any event signs for events lasting less than 24 hours, including but not limited to garage sales, weddings, gatherings, etc. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious

organization provided that these event signs are not displayed for more than fourteen (14) days and do not exceed sixteen (16) square feet in total sign area.

16. Holiday displays installed no earlier than two (2) weeks prior to the holiday and removed within two (2) weeks following the holiday, except that lighting erected in connection with the observation of Christmas, Hanukkah or Kwanza may be installed no earlier than Thanksgiving of the same year.
17. Construction signs. One (1) temporary construction signs advertising a new development, construction or other new improvement of a property denoting architectural, engineering or construction firms engaged in work, shall be permitted. Such signs shall be limited to ground or wall signs; shall not exceed thirty two (32) square feet per face or ten (10) feet in height. The temporary sign shall be removed upon issuance of a Certificate of Occupancy.
18. Real Estate Signs subject to the provisions in each zone district.
19. Political Signs subject to the provisions in each zone district

#### **E. Sign Permits.**

1. All requests for sign permits shall be submitted to the Town of Foxfield with a completed application form.
2. A sign permit deposit shall be collected by the Town of Foxfield at the time the permit request is submitted.
3. All requests for signage shall be accompanied by a drawing, fully dimensioned, showing the sign construction specifications, color, method and intensity of illumination, message, and site plan showing the location, setback, height and sign area of all proposed and existing signage. If the sign is to be placed on an existing building in a non-residential zone district or within a Planned Development District, a photo simulation of the sign on the wall on which it is to be placed shall be included. If the sign is a freestanding or monument sign in a non-residential zone district or within a Planned Development District, a stamped structural drawing of the proposed sign shall be included.
4. Prior to approval by the Town of Foxfield, the Town Planner shall review all permanent (non-temporary) sign permit requests.
5. The Town Planner shall have the authority to approve, deny, or make recommendations or conditions on any sign permit application. Any decision or recommendation made by the Town Planner may be appealed upon request of the applicant to the Board of Trustees.
6. Following approval by the Town of Foxfield, the sign owner or sign contractor shall apply to the Arapahoe County Building Division for a building permit, prior to placement of the sign(s) on the property.
7. The expiration date for such permits shall be specified in each permit and, with respect to installation of signs, shall not exceed 180 days and shall be issued in

conjunction with building permits.

**F. Sign Measurement.**

1. Sign Area. The area of a sign shall be measured as follows:
  - a. The measured area of a sign shall be the entire area within a single continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of a writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate a sign designed with more than one (1) exterior surface.
  - b. The supports, structure, or bracing of a sign shall be omitted from measurement unless such supports structure or bracing are part of the message or face of the sign, or form an integral background of the display.
  - c. The area of all faces shall be included in determining the total area of a sign.
  - d. Corporate logos, color schemes, trademark identities, and themes shall be included in calculations of sign area.
  - e. The building footprint on the approved site plan shall be used to calculate wall sign area allowances on each building. Only one (1) floor level shall be used
2. Setbacks. For the purpose of determining setback distances, measurements shall be taken from the edge or surface of the sign or sign structure, which is closest to the street, right-of-way, district line, or property line from which the sign is to be setback.
  - a. Freestanding signs in nonresidential zoning districts up to and including signs six (6) feet in height above ground level shall be set back ten (10) feet from any property line adjacent to a street.
  - b. Signs exceeding six (6) feet in height above ground level shall be set back a minimum of twenty (20) feet from any property line adjacent to a street.
  - c. Signs in a non-residential zoning district or Planned Development District shall be located not less than twenty (20) feet from any adjacent residential zoning district line.
  - d. Signs on corner lots or at the intersection of any driveway, parking lot, entrance or exit with any street shall be regulated such that no sign exceeding a height of three (3) feet above ground level shall be erected within the sight triangle established for said property.
3. Height.
  - a. Wall signs. For the purpose of determining the height of any wall sign, height shall be measured from the average finished grade elevation along

the building frontage to the highest point of the sign. No portion of a sign may exceed the height of the wall to which it is attached nor extend over windows.

- b. Freestanding signs. For the purpose of determining the height of any freestanding sign, measurement of the vertical distance from the elevation of the nearest public sidewalk or paved street within twenty-five (25) feet or, if there is not a public sidewalk or paved street within twenty-five (25) feet, from the lowest point of the 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. No freestanding sign shall exceed fifteen (15) feet in height.

### **G. Prohibited Signs.**

To protect the health, safety, and welfare of the people of the Town, to minimize traffic hazard and distraction and to promote the community appearance, the following signs shall be PROHIBITED in the Town of Foxfield unless the specific use is provided for in this ordinance.

1. Any sign which in any way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign.
2. Any sign which creates in any way an unsafe distraction for motor vehicle operators.
3. Any sign which obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.
4. Any sign which is located in a street intersection sight triangle and exceeds three (3) feet in height.
5. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
6. Any sign which is structurally unsafe; constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural and material standards for signs as adopted by the Town.
7. Any sign located within utility easements, on public property, or public rights-of-way, unless the use is specifically provided for in this Article 3, subsection 3.2.
8. Signs painted or affixed to benches.
9. Signs mounted, attached, or painted on motor vehicles, trailers or boats when used as additional advertising on or near the premises, and not used in conducting a business or service on the premises.
10. Portable Signs, except those required for traffic control, and Sandwich Boards

and A-Frame signs unless located on a sidewalk of sufficient width so as not to block pedestrian circulation.

11. Roof Signs.
12. Electronic message center signs, unless approved as part of a Planned Sign Program.
13. Animated Signs
14. Flashing Signs
15. Revolving Beacons and Searchlights
16. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations used in compliance with these regulations.
17. Exposed neon tubing or signs, unless approved as part of a Planned Sign Program.
18. Signs, other than Flags, designed or allowed to wave, flap, or rotate with the wind.
19. Any sign emitting sound.
20. Signs with more than two faces.
21. Off-premise signs.
22. Commercial billboards.
23. Signs announcing a proposed use or land development prior to approval of the proposed use on that property by the Town.

#### **H. Signs in Residential Districts.**

In general, small, unobtrusive signs, bearing no commercial, or off-premise content, and which are relevant to the lives of the residents are permitted in the RR (Large Lot Rural Residential) Zoning District. Permanent signs in any Planned Development zoning district shall require an approved Planned Sign Program. Signs on residential lots shall adhere to the following design standards:

1. Signs and sign structures that incorporate a foundation, footer, or illumination require a permit.
2. Illuminated signs, and sign structures and flagpoles shall be regulated according to the requirements of Section 3.9: Lighting Standards.
3. The following specific sign types shall be regulated as follows in residential zoning districts:
  - a. Individual residential lot sales. One (1) unlighted real estate sign per street frontage advertising the sale, rental, or lease of the premises on which it is maintained; not to exceed four (4) square feet per sign face and not over

three (3) feet high. Such sign shall be removed within seven (7) days after sale, lease, or rental.

- b. Multiple residential lot sales. One (1) unlighted real estate sign per major street frontage advertising the sale, rental or lease of the premises on which it is maintained; not to exceed sixteen` (16) square feet per sign face and not over five (5) feet high. Such sign shall be setback ten (10) feet from the property line and removed within seven (7) days after sale, lease, or rental.
- c. "For Sale," "Garage Sale", and "Yard Sale" signs shall only be used to advertise commodities or objects that are owned by a resident of the Town of Foxfield. "Estate Sale" signs shall only be used to advertise commodities or objects that were owned by the occupant of the residence at which the sale is held, at the time of his or her death. All such signs shall be displayed according to the requirements of all applicable Town of Foxfield ordinances.
- d. Political signs erected on private property with the permission of the property owner, in connection with proposition elections, or political campaigns or elections shall not exceed four (4) square feet in surface area per face or three (3) feet in height. Signs may be displayed for a period of 120 days beginning no sooner than 90 days prior to the date of the election. The person or organization responsible for the erection or distribution of any election signs, or the owner(s) of the property on which such signs are located shall remove such signs within three (3) days following the election or conclusion of the campaign.

#### **I. Signs in the Right-of-way.**

Signs in the right-of-way of residential zones shall be regulated as follows. No signs are allowed within the right-of-way in any non-residential zone district or PD district.

- 1. Temporary signs are permitted in the right-of-way in residential zones at the discretion of the Town provided they comply with all of the following standards:
  - a. Such sign does not exceed two (2) square feet in area per face and the top of the sign is no more than three (3) feet above the ground.
  - b. No person shall construct or cause to be constructed a sign or sign structure in the right-of-way, which would not easily break away if hit by a vehicle, or otherwise creates a potentially hazardous roadside obstacle.
  - c. All temporary signs shall be located at least ten feet from a paved street or trail.
  - d. No sign except for political signs and House for Sale signs shall remain in the right-of-way for more than one week.
  - e. No sign shall advertise or direct attention to a business, commodity, service or activity regardless of whether it is conducted, sold or offered in the Town

of Foxfield, except that it may advertise a specific House for Sale, Open House, Garage, Yard or Estate Sale located in the Town of Foxfield. Both the sign and related activity shall comply with all applicable sections of this Zoning Ordinance.

- f. Signs which do not violate any other provision of this Section may be used to direct traffic to a property within the Town; however, the number of signs shall not exceed the minimum number needed to direct traffic to the property and shall be limited to one sign per entry and one sign per intersection.
- g. The person or organization responsible for the erection or distribution of any sign in the right-of-way shall be responsible for removing such sign. The removal of Garage, Estate, and Yard Sale signs shall be regulated by applicable Zoning Ordinances adopted by the Town of Foxfield. Political signs shall be removed within three (3) days following the election or termination of the campaign. All other signs shall be removed immediately following the conclusion of the event or activity to which they are related.
- h. The person or organization responsible for the erection or distribution of any sign in the right-of-way shall be responsible for removing such sign. The removal of Garage, Estate, and Yard Sale signs shall be regulated by applicable Zoning Ordinances adopted by the Town of Foxfield. Political signs shall be removed within three (3) days following the election or termination of the campaign. All other signs shall be removed immediately following the conclusion of the event or activity to which they are related.

**J. Signs in All Non-residential Zone Districts and Planned Development Districts.**

All signs in a non-residential zone district or Planned Development require a sign permit and shall be regulated as follows:

- 1. Freestanding Signs. All freestanding signs shall be ground or monument signs. The sign panel or backing shall be a maximum of 6 feet high by 10 feet long; shall not exceed 8 feet in height above finished grade; and must be located within the complex or area, or an adjacent road right-of-way. All text must fit within a 24 square foot rectangle. All ground or monument signs are also required to meet the following requirements.
  - a. Commercial centers with a floor area of at least fifteen thousand (15,000) square feet of gross leasable floor area shall be permitted one (1) identification monument sign that identifies the center. The maximum size of the sign is the same as for any freestanding sign. A portion of the sign area may be used as a directory to identify individual businesses within the center, provided that a minimum of twenty-five percent (25%) of the area of said sign serves as identification of the center. The sign area of said sign shall not be counted as a portion of the total aggregate sign area allowed for single uses in a center. When a directory sign is incorporated into the

identification sign, consideration should be given to allow space for uses with limited street frontage or visibility over those with high visibility.

- b. Commercial centers with less than fifteen thousand (15,000) square feet of gross leasable floor area shall be permitted one (1) identification monument sign identifying the individual uses within the center provided a minimum of twenty-five percent (25%) of the area of said sign serves as identification of the center, the sign does not exceed six (6) feet in height above ground level, the total sign area does not exceed one hundred (100) square feet, and no sign face exceeds fifty (50) square feet. The sign area of such sign shall not be counted as a portion of the total aggregate sign area allowed for the uses in a center.
  - c. A single use or business, not part of a center, shall be permitted one identification monument sign provided the sign shall not extend more than six (6) feet in height above ground level, the total sign area does not exceed sixty (60) square feet, and no sign face exceeds thirty (30) square feet.
  - d. All ground or monument signs shall be located in a landscaped area, which is of a shape, design, and size (equal to at least twice the total sign area of all faces) that will provide a compatible setting for the sign. The landscaped area shall be maintained on a reasonable and regular basis.
  - e. All ground or monument signs shall match the architectural style, character, materials, color, and detail of the building or center they advertise. Ground or monument signs shall indicate the address or address range for the use or center with eight (8) inch minimum, twenty-four (24) inch maximum letters, and numbers. The address shall not count against the allowable sign area.
2. Wall Signs. Wall signs shall be parallel to the wall and project no more than eighteen (18) inches horizontally, in whole or in part, from the wall to which they are attached. Wall signs shall not exceed the height of the wall to which they are attached.
- a. Single Uses with frontage on one (1) street or parking lot. Each use within a commercial center shall be allowed a total aggregate wall sign area of thirty (30) square feet.
  - b. The wall sign area may be increased at a rate of one (1) square foot of sign area for each one (1) linear feet of building frontage in excess of thirty (30) linear feet up to seventy-five (75) linear feet, then at a rate of one (1) square foot of sign area for every two and one-half (2½) linear feet of building frontage in excess of seventy-five (75) square feet, or such sign area may be increased at a rate of one (1) square foot of sign area for each two hundred (200) square feet of gross leasable floor area (G.L.A.) in excess of nine hundred (900) square feet, whichever is greater.
  - c. No single wall sign may exceed one hundred fifty (150) square feet in area

except to the extent allowed under the Planned Sign Program.

- d. Wall signs must be architecturally integrated into the structure to which they are attached.
3. Buildings and uses with multiple frontages. Buildings and uses with frontage on more than one (1) street or parking lot shall be permitted to place signs on all building sides with frontage on a street or parking lot, up to four (4), in their calculation of permitted sign area. Determination of frontages, as they relate to the signage, shall be made by the Town Planner. Each side of a business or use, with frontage on a street or parking lot, shall be allowed a total aggregate wall sign area of thirty (30) square feet. The calculation and location of wall signs for buildings and uses with multiple frontages shall meet the following criteria:
    - a. Sign area may be increased at a rate of one (1) square foot of sign area for each one (1) linear feet of building frontage (on the side where the sign is located) in excess of thirty (30) linear feet up to seventy-five (75) linear feet, then at a rate of one (1) square foot of sign area for every two and one-half (2½) linear feet of building frontage in excess of seventy-five (75) square feet.
    - b. One (1) of the sides containing a sign must contain the main entrance to the property.
    - c. To qualify as a frontage for purposes of determining sign area, sides must be fully exposed to public view and cannot be obstructed by other buildings, properties, or uses.
    - d. No single wall may exceed the maximum sign area permitted calculated using the linear frontage for that same side of the building, or one hundred fifty (150) square feet in area, whichever is more restrictive. Sign areas for wall signs may not be reassigned to other building sides, except to the extent allowed under an approved Planned Sign Program.
    - e. The total maximum wall sign area shall be four hundred fifty (450) square feet.
    - f. Signage must be architecturally integrated into the structure to which they are attached.
  4. Window signs. Each use shall be permitted to have up to twenty-five percent (25%) of the total window area for signs, which may be temporary or permanent in nature. Window signs greater than four (4) square feet in area shall require a sign permit.
  5. Directional Signs. Private traffic directional signs for the purpose of guiding or directing vehicular or pedestrian traffic onto or off of a parking lot or commercial center, or within a parking lot or commercial center, are permitted provided each sign complies with the standards of the adopted Model Traffic Code or such other traffic code adopted by the Town, does not exceed three (3) square feet per sign

face in area and four (4) feet in height, and shall not contain any advertising or trade name identification.

6. Illuminated Signs. For the protection of community appearance and to minimize light pollution and traffic hazards caused by glare, illuminated signs shall be subject to the following conditions:
  - a. Illuminated signs shall be designed to minimize negative visual impacts on nearby residential neighborhoods.
  - b. Illuminated signs shall conform to the requirements of Section 3.9: Light Standards.
  - c. Illuminated signs must be approved as part of a Planned Sign Program.
7. Flags and Flagpoles. One flagpole per lot is permitted without a permit and shall be subject to the following requirements. Any flag or flagpole that does not meet the following requirements may be allowed as part of a Planned Sign Program and sign permit.
  - a. Flagpoles shall not exceed twenty-five (25 feet) in height.
  - b. Flags shall not exceed 4x6 in dimension.
  - c. No more than two flags of any size shall be permitted upon any single pole;
  - d. No flag shall be mounted higher than fifteen feet above the maximum height of the building or structure on the property on which the flag will be flown;
  - e. No flag shall, when fully unfurled, extend over the property boundary onto any adjoining property or public right-of-way;
  - f. No flag shall be erected or maintained so as to allow a flag at rest to reach a height less than ten feet above the ground;
  - g. Multiple flagpoles may be permitted when part of an approved Planned Sign Program and shall require a permit;
  - h. The United States flag must be lowered at dusk or illuminated throughout the night;
  - i. Illumination of the United States flag on a flagpole is shall be regulated by Section 3.9: Lighting Standards. [permitted provided a narrow spread 39-watt par metal halide or 50-watt par-halogen lamp, or an equivalent lamp with a similar narrow spread, is used and aimed to only illuminate the top of the flagpole. The source of illumination (lamp) must be shielded in a manner so as not to be visible from adjacent property. Illumination shall be re-aimed whenever the flag is flown at half-mast and turned off whenever the flag is taken down;
  - j. The United States flag must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

8. Banners (Architectural). Architectural Banners mounted on a pole or streetlight, intended primarily for seasonal use, to identify events or uses within the commercial district are permitted provided, the banner size shall be appropriate to the pole or streetlight on which it is mounted.
9. Banners (Advertising). Banners shall not exceed forty (40) square feet in total area, shall be non-illuminated, shall be securely attached to a permanent structure, and shall not be freestanding. Said signs shall not be placed above the first story of any multi-story building. Banners shall be displayed for no more than fourteen (14) consecutive days per event.
10. Inflated balloons. Inflated balloons are allowed on a temporary basis and shall not to exceed forty (40) feet in height, and shall not to be displayed more than three (3) consecutive days per month.
11. Temporary Signs for New Businesses. In the event that a business has opened whose permanent sign is not yet available, in order that such business may alert the public of its presence, a temporary sign may be utilized by such business under the following conditions:
  - a. Such temporary sign must conform to all height and sign area requirements, which would be applicable to the permanent sign.
  - b. A permanent sign must be on order or being constructed prior to the erection of any temporary sign for a business.
  - c. No temporary sign for a business shall be displayed more than six (6) months after the date of issuance of the sign permit for the permanent sign.
  - d. Upon erection of any permanent sign for said business, all temporary signs for such business shall be removed.
12. Real Estate Signs.
  - a. One (1) temporary “for sale/rent/lease” wall or freestanding sign per commercial center or use not part of a center, per street frontage, to a maximum of two (2). Said sign shall not exceed thirty-two (32) square feet per sign face and ten (10) feet in height. Such signs shall not count as part of the total sign area allowed per individual use, or commercial center.
  - b. One (1) unlighted real estate sign per individual use in a center, containing the message that the individual store, business or building on which the sign is located is for sale, lease or rent, together with information identifying the owner or agent, shall be allowed without permit if the following criteria are met: Such signs may not exceed six (6) square feet in area per face, freestanding signs shall not exceed six (6) feet in height; said sign shall be removed within thirty (30) days after sale, lease or rental. Such signs shall not count as part of the total sign area allowed for the individual use. No permit is required.

13. Political signs. Political signs erected in connection with proposition elections or political campaigns or elections may be displayed without a permit. When displayed on private property said sign may not exceed twenty (20) square feet in surface area or six (6) feet in height or be placed in a public right of way. Political signs in any right-of-way shall not exceed four (4) square feet in surface area per face nor exceed three (3) feet in height. The person or organization responsible for the erection or distribution of any election signs, or the owner of the property on which such signs are located, shall remove such sign within three (3) days following the election or conclusion of the campaign.

#### **K. Planned Sign Program.**

Signs may be allowed in any zoning district as part of a comprehensive Planned Sign Program. The intent of this program is to permit some flexibility in the location, design, and materials permitted for signage for business, commercial, institutional and Planned Development uses. A Planned Sign Program shall be in substantial compliance to the general residential and non-residential sign regulations contained in this Section. It is not the intent of these provisions to alter the permitted sign area for any of these uses.

1. Approval required. Buildings, commercial centers, institutions, and Planned Developments may obtain approval of a Planned Sign Program from the Town Planner prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the sign program. Any deviations from an approved Planned Sign Program shall be unlawful unless and until a revised Planned Sign Program is approved by the Town Planner. The Town Planner shall have the discretion to require Town Board Review of any sign program, which may result in a significant visual impact or is located in an area, which has a significant impact upon the image of the Town.
2. Planned Sign Program application. An application for a Planned Sign Program shall be filed with the Town Clerk. The application shall include a deposit for review of the Planned Sign Program application by the Town Planner as denoted in the Town of Foxfield Zoning Fee Schedule, and three (3) copies, or a number of copies as directed by Town Staff of at least the following information:
  - a. A copy of the approved site plan showing all existing or approved buildings with the dimensions of building frontage and square footage for each building on site.
  - b. Building elevation drawing or sketches indicating the exterior surface design details of all buildings on the site.
  - c. Drawings or photo simulation, to scale, indicating the size, materials, method, and intensity of illumination, height, color, sign area, and general location of all signs proposed to be included within the Planned Sign Program.

- d. For buildings whose tenants have not been determined, the location, materials, method and intensity of illumination and maximum area for each sign that an individual business will be allowed to display.
3. Failure to comply with an approved Planned Sign Program. A permit for a new Planned Sign Program shall be obtained within ninety (90) days of receipt of notice from the Town Planner that an existing sign program for any structure does not satisfy the terms of the approved Planned Sign Program, or if signs displayed in or upon any structure do not comply with the provisions of this Section.
4. The following signs shall only be allowed when approved as part of a Planned Sign Program, a site review or a site plan amendment by the Town Planner.
  - a. Signs or building accents, which use exposed neon.
  - b. Illuminated window signs.
  - c. Awnings, Canopies, and Marquees.
  - d. Projecting signs.
  - e. Signs with interchangeable copy or electronic message
  - f. Gasoline station price. Price signs shall be integrated into a monument sign that identifies the gasoline station.
  - g. Corporate trademarked identities, logos, or colors when integrated into signs, building colors or building themes.
5. The Town Planner shall have the authority to approve, approve with conditions, or deny these applications based upon one (1) or more of the following:
  - a. The quality of the proposed signs.
  - b. The visual impact of the proposed signs.
  - c. Compatibility with the surrounding uses and buildings.

**L. Enforcement.**

Any sign not expressly allowed by this Section is prohibited. The Town or its authorized representatives shall be vested with the duty of enforcing the Zoning Ordinance and in performance of such duty, shall be empowered, and directed to:

1. Issue Permits. To issue permits to construct, alter, or repair signs, which conform to the provisions of this Ordinance. The expiration date for such permits shall be specified in each permit and, with respect to installation of signs, shall not exceed 180 days and shall be issued in conjunction with building permits.
2. Determine Conformance. To ascertain that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed in conformance with all Town regulations.

3. **Legal Action.** In addition to those penalties set forth in Article I, Section 1.10, the Town is hereby authorized to take appropriate action in a court of competent jurisdiction, including the Town of Foxfield Municipal Court, to (a) abate or remove unsafe or dangerous signs pursuant to the provisions of applicable Town of Foxfield nuisance regulations or any other applicable regulations, and (b) seek removal of illegal signs as a remedy in the Town of Foxfield Municipal Court. The Town is specifically authorized to impose fines not to exceed \$499 per day per violation and in addition to seek restitution for any costs associated with the abatement of illegal signs and the enforcement of these sign regulations. The Town is further authorized to immediately remove any signs placed on Town property not in compliance with these regulations.
4. **Right to Appeal.** Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Board of Adjustment by serving a written notice to the Town within ten (10) working days of the order or denial. An applicant may also appeal to the Board of Adjustment an alleged error by the Town or staff.

#### **M. Nonconforming Signs.**

1. **Definition of Nonconforming signs.** A nonconforming sign shall be any sign which:
  - a. Was lawfully maintained on the effective date of the ordinance from which the provisions of this title concerning nonconformity derive and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this title in the district in which the sign is located; or
  - b. Was lawfully maintained and erected on or after the effective date of the ordinance from which the provisions of this title concerning nonconformity derive in accordance with the provisions of this title but which sign, by reason of amendment to this title, after the effective date of said ordinance, does not conform to the limitations established by the amendment in the district in which the sign is located.
2. **Continuance of Nonconforming signs.** Subject to termination as provided below, any nonconforming sign located on private property may be continued in operation and maintained after the effective date of the ordinance, which caused the sign to become nonconforming, provided the sign shall not be changed in any manner that increases noncompliance of such sign with any Town regulations.
3. **Termination of Nonconforming signs.**
  - a. Upon expiration of a Lease Agreement for said sign, unless extended by the Town.
  - b. **By Abandonment.** Abandonment of a nonconforming sign shall terminate

immediately the right to maintain such sign.

- c. By application to change any zoning or use of the property on which the nonconforming sign is located.
- d. By Destruction, Damage, or Obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.
- e. Alteration. The right to maintain a nonconforming sign shall terminate immediately whenever the business name, size, configuration, height, setback, or other attribute is altered in any manner, or the sign is abandoned.
- f. For the purposes of public need or public safety.

### **SECTION 3.12: Noise Control**

#### **A. Purpose.**

Excessive sound and vibration are a serious hazard to the public health, safety and welfare, and quality of life, and a substantial body of science, technology exists by which excessive sound, and vibration may be substantially abated. Town residents have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, or welfare or degrade their quality of life. Therefore, it is the purpose of this Section to prevent excessive sound and vibration, which may jeopardize the health, safety, or welfare of Town residents or degrade their quality of life.

#### **B. Noise Disturbances Prohibited.**

No person shall make, continue, or cause to be made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in subsection C. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the provisions of this Section.

#### **C. Specific Prohibitions.**

The following acts and the causing thereof, are declared to be noise disturbances in violation of this Section.

- 1. Operating, playing or permitting the operation or playing of any radio, television, tape, compact disc player, phonograph, drum, musical instrument, sound amplifier, or similar device, which produces, reproduces or amplifies sound is prohibited if one or more of the following conditions are created:
  - a. In such a manner as to be audible at a residential property boundary,

except for events open to the public and for which a temporary permit for such specific event has been issued by the appropriate authority;

- b. In such a manner as to be audible at twenty-five feet (25') from such device, when operated in a public right-of-way or public space; or
  - c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common earner.
  - d. This subsection shall not apply to public events held with the permission of the Town.
2. Loudspeakers and public address systems.
    - a. The use or operation of any loudspeaker, public address system, or similar device for noncommercial purposes between the hours of 7:00 p.m. and 7:00 a.m. the following day is prohibited if the sound creates a noise disturbance across a residential property boundary.
    - b. The use or operation of any loudspeaker, public address system, or similar device for any commercial purpose is prohibited if it creates a noise disturbance across a residential property boundary.
  3. Loading and unloading. Loading and unloading of vehicles, opening and closing of vehicle doors and other handling of boxes, crates, containers, building materials, garbage cans or similar objects is prohibited if it causes a noise disturbance across a residential property boundary.
  4. Construction. The hours of construction are limited to the following operating hours. Operating or permitting the operation of any tools or equipment in connection with construction between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays, between the hours of 7:00 p.m. and 8:00 a.m. on Saturdays, and between the hours of 7:00 p.m. and 10:00 a.m. on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential property boundary is prohibited, except for emergency work on public utilities, emergency work by Town personnel, or by work in compliance with a variance or permit issued by the Town
  5. Motor vehicle repair. The repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential property boundary is prohibited.
  6. Emergency signals. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, which testing shall be conducted as follows:
    - a. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00

a.m. or later than 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds.

- b. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 7:00 p.m.
- c. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically or manually terminated within ten (10) minutes of activation. Violation of this section shall be separate and distinct from any criminal offense governing false alarms.

- 7. Live bands and music. No person shall play, practice or perform, or permit to be played, practiced, or performed, any live music audible at a residential property boundary, between the hours of 9:00 p.m. until 8:00 a.m. the following day, Sunday through Thursday, and between the hours of midnight until 10 a.m. the following day, Friday and Saturday. Provided that the live music is not so loud or frequent so as to disturb the peace and security of a reasonable person.

**D. Mufflers.**

No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler, in good working order and in constant operation; and no person shall modify, remove or render inoperative, or cause to be modified, removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler on a motor vehicle or motorcycle.

**E. Horns and Signaling Devices.**

No person shall:

- 1. Sound any horn or other auditory signaling device on or in any motor vehicle or motorcycle except as provided or allowed by statute or ordinance; or
- 2. Sound any horn or other auditory signaling device other than the horn or auditory signaling device with which the motor vehicle was originally equipped.

**F. Standing Motor Vehicles.**

No person shall operate the engine of, or permit the operation of the engine of any motor vehicle or any auxiliary equipment attached to such a vehicle, for more than five (5) minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, on a public right-of-way or public space within five hundred feet (500') of a residential property between the hours of 7:00 p.m. and 7:00 a.m. the following day. This subsection G shall not apply to emergency vehicles.

**G. Defenses.**

It shall be a specific defense to a charge of violating this Section that:

1. The sound was made by any law enforcement or authorized emergency vehicle when responding to an emergency or acting in time of emergency;
2. The sound was made within the terms of a parade, fireworks display, or temporary street closure permit issued by the Town;
3. The sound was made by the horn of any motor vehicle as a danger warning signal or by any warning device as required by law; or
4. The sound was made on property belonging to or leased or managed by a federal, state, county, municipal, or special district governmental body and was made by an activity of the governmental body or by another pursuant to a contract lease, or permit granted by such governmental body.

### ***SECTION 3.13: Temporary and Seasonal Uses***

#### **A. General.**

1. Upon application to the Town Clerk or the Town Planner, a temporary use permit may be issued for the uses specified below in any zone district. Such permits shall be valid only for the period of time specified in the permit, as determined by the maximum time periods set forth in the chart below, and only two (2) renewals of the permit may be granted. Failure to terminate such temporary use by the specified time shall be considered a violation of this Code. Uses may be added to the list set forth below from time to time by the Board by Ordinance. All temporary uses involved in the sale of goods require a sales tax license. Other licenses may also apply. No application shall be approved until the applicable permit fee is received by the Town.
2. Stipulations and Conditions. Permits are subject to reasonable stipulations and conditions established at the time of application and review including but not limited to requirements for: safe and adequate access; sufficient parking without interfering with public rights of ways, streets, and sidewalks; adequate sanitation facilities; provision for collection, recycling and disposal of all waste; and compliance with all zoning, building, construction and fire codes.
3. Exceptions. Nothing in this section shall be construed so as to prohibit persons from conducting garage or yard sales or children's beverage and snack stands in the residential zone districts of the Town, subject to all applicable rules and regulations.
4. Uses and Permitted Time Periods. The following chart sets forth temporary uses that may be permitted and the maximum time periods for which the uses may be allowed prior to renewal.

Temporary Use	Time Period Permitted
Construction and sales office which also can be used as security quarters incidental to construction on the premises	Two (2) years after a site plan is approved as outlined in Section 16-4-100.
Carnival, circus, bazaar, fair, music and art festivals, open air market which may include retail sales of specialty items	One (1) week
Seasonal sales including but not limited to, sporting goods, farm produce, or other food products. Any structures used for display shall be removed during the period when not in use.	Three (3) months per year
Temporary facilities related to special events, including without limitation, grand openings, weddings, parties, luncheons, reunions, award ceremonies, auctions and Town/Chamber theme events	Two (2) weeks
Banners, flags and pennants only for grand openings of a new business	Thirty (30) day period within the first one hundred and eighty (180) days of business
Parking for another temporary use	Same as temporary use for which it is permitted
Christmas tree sales	Sixty (60) consecutive days
Temporary offices, classrooms, and bank facilities in modular units designed for that occupancy classification	Not to exceed two (2) years after a Site Development Plan is approved
Real estate offices and model homes used to promote the sale of property within new housing subdivision or project.	Not to exceed two (2) years after a Site Development Plan is approved
Temporary residential or commercial storage containers	Forty (40) consecutive days
Sidewalk sales - A sidewalk sale shall be conducted only by the establishment located in a non-residential zone on the property and shall only include merchandise that is regularly offered for sale or storage inside that establishment.	Four (4) separate occasions per calendar year, not to exceed three (3) consecutive days
Outdoor sales by charitable organizations (Written documentation of charitable status required)	Not to exceed two (2) weeks

Temporary Use	Time Period Permitted
Display and sale of seasonal merchandise	Eighteen (18) weeks per calendar year
Stationary food stands, including vending machines	Twelve (12) months*
Mobile food service	Twelve (12) months**
Natural disaster and emergency offices	Twelve (12) months

Footnotes to Chart:

\*Stationary food stands including vending machines

- Notwithstanding any provisions of this Section to the contrary, food stands shall be permitted in all zone districts of the Town so long as the location of the food stands is not within 300 feet of an occupied dwelling or of property upon which a public or private school is located.
- No food stands shall be located so as to obstruct a public sidewalk or the traveled portion of the public right-of-way.

\*\*Mobile food service—Permit required

- No person shall conduct a food stand business within the Town unless said person has first obtained a peddlers and solicitors license from the Town for each location within the Town at which the food stands business is to be conducted.
- Every applicant for a food stand permit shall submit a completed application to the Town Clerk. Said application shall be accompanied by the permit fee and shall contain the following information:
  - Name and address of the applicant;
  - A written description of the nature of the food stand service to be conducted by the applicant, including the type of food or beverages to be served;
  - A valid copy of the sales tax license issued by the Town;
  - A description of the cart or other vending device from which food or beverages are to be served;
  - A Plot Plan showing the proposed location of the food stand in relation to the Town rights-of-way and the traveled portion in any Town street or sidewalk;
  - A statement indicating the distance of the proposed mobile food stand location from the nearest occupied dwelling and public or private school property;

- Evidence of compliance with any regulations of the Colorado Department of Health; and
- In the event the food stand is to be conducted on private property, the application shall be accompanied by a written statement signed by the owner of said property granting the operator of the proposed food stand the right to conduct business on said property.
- Before issuing a food stand permit, Town Staff shall first determine whether the vending device to be used complies with all applicable standards established by the Town and whether the proposed location of the food stand is compatible with the public interest in the use of the public right-of-way. In making the determination as to the compatibility with the use of the public right-of-way, Town Staff shall consider the width of the sidewalk or right-of-way at or adjacent to the proposed food stand location, the location of adjacent buildings, the availability of adequate parking areas, the proximity of loading zones, or the presence of other characteristics which may result in obstruction of the sidewalk or right-of-way or in pedestrian or street congestion.
- The food stand permit shall be valid for a period of twelve (12) months from the date of issuance. In the event a food stand operator wishes to renew the permit, he or she shall first submit to the Town an application updating all information contained in the initial application, along with the annual permit fee.
- Each permit shall be valid for not more than one location.
- A person to whom a food stand permit has been issued shall pick up and remove any paper, cardboard, wood, or plastic containers, wrappers, or any similar litter which is deposited by any person within twenty-five feet (25') of the approved location designated on the permit; and the permittee shall carry a suitable container for placement of such litter by customers or other persons.

### ***SECTION 3.14: Site Development Standards for Non-Residential Uses and Planned Developments***

#### **A. Transition Required between Residential Uses and Streets and Non-Residential Development.**

1. When a non-residential use which is over fifteen feet (15') in height shares a common lot line with a residential use, or the non-residential use is adjacent to a public street that abuts residential uses, the required buffer for the non-residential use shall be increase from twenty feet (20') to twenty-five feet (25') and shall provide adequate screening to a combination of walls, fences, berms and landscaped plant material to include trees, shrubs, grasses and low water plant

material.

2. Views: To protect views from single-family dwelling units within the RR District, applicants must provide a View Shed Analysis with each proposal that indicates how the predominant views from existing single-family dwelling units will be preserved.

**B. Features Allowed Within Setbacks.**

The following structures and features may be located within required setbacks:

1. Landscaping including trees, shrubs, berms, and other vegetation.
2. Fences or walls, subject to permit approval, that do not exceed the standards established in this Article.
3. Drive aisles, sidewalks, and loading spaces or bays.
4. Signs, if permitted by the sign regulations of this Article.
5. Bay windows, architectural design embellishments, and cantilevered floor areas that do not project more than two feet (2') into the required setback provided they do not encroach on public easements.
6. Eaves that do not project more than two and one-half (2-1/2) feet into the required setback.
7. Open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five feet (5') into a required front or rear setback and/or not more than two feet (2') into a required side setback, provided they do not encroach on public easements.
8. Chimneys, flues and ventilating ducts that do not project more than two feet (2') into a required setback, and when placed so as not to obstruct light and ventilation, provided they do not encroach on public easements.
9. Utility lines, wires, and associated structures, such as power poles and fire hydrants.

**C. Site Function Standards.**

These standards specify the location of buildings on a lot and where parking, refuse areas, storage and other amenities should be located.

1. Storage and Utilities: Adequate provision shall be made for the following storage and utility functions: snow storage, trash containers, general storage, and utility cabinets. All trash containers, general storage, and utility cabinets shall be screened from view from any public right-of-way or sidewalk.
2. Parking: To decrease the visual impact of parking areas, parking areas should be located in one of the following ways:
  - a. Located to the sides and/or rear of buildings;

- b. Comprised of several, linked parking areas rather than one large parking area; or
  - c. Provided in another manner that meets the goal of this standard.
  - d. Parking areas shall be located to encourage shared-use.
  - e. Parking areas shall be designed to fit with topography and minimize impacts to the terrain.
3. Pedestrian and Vehicular Safety: Care should be taken to provide pedestrian circulation that is separate from and does not conflict with vehicle circulation.
- a. Use durable pavers, bricks, scored concrete, raised walkways, or other materials that provide a similar texture and character to distinguish pedestrian walkways across public streets and across internal drive aisles from driving surfaces
  - b. Consolidate access points with abutting properties through joint access easements or other negotiated means;
  - c. Improve pedestrian connections within the site and from the site to adjacent uses;
  - d. Ensure that sidewalks are contiguous with abutting properties;
  - e. Entrance drives shall be readily recognizable to the first time visitor;
  - f. Reduce potential points of conflict between service vehicles, private automobiles, and pedestrians through changes in paving patterns, landscape design, and allowable signage.
4. Connectivity/Multiple Transportation Modes.
- a. All streets and pedestrian paths shall connect with existing or planned streets, trails, public parks, and amenities within the Foxfield.
  - b. Continuous walkways shall provide connections to and between:
    - The primary entrance or entrances to each building, including pad site buildings;
    - All parking lots or parking structures that serve such buildings;
    - Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development;
    - Any public sidewalk system along the perimeter streets adjacent to the development.
  - c. Bike racks and/or bike lockers shall be installed in all non-residential developments and Planned Developments at a minimum ratio of five (5)



bike parking spaces per 100 parking spaces. Bike parking spaces are considered to be one bike locker or one space on a bike rack.

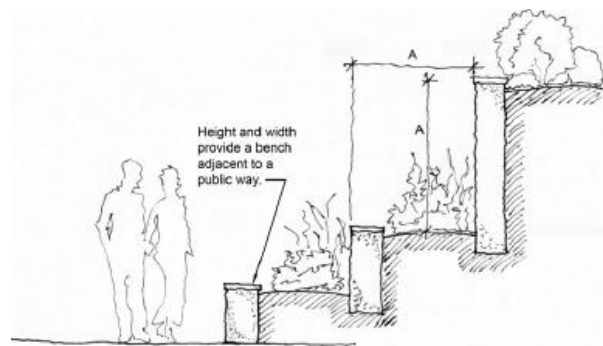
5. Street appeal: All non-residential development and Planned Developments shall provide at least three or more of the following design features as a condition of development approval:
  - a. Public or private outdoor seating areas.
  - b. Useable public spaces located in sunny places.
  - c. Pathways to public facilities and amenities.
  - d. Primary structure built to the sidewalk.
  - e. Public art and/or public plazas, which contribute to the overall benefit of the community.
  - f. Inviting street level storefront that is oriented toward pedestrians and provides visually interesting forms or displays for the pedestrian.
  - g. Parking placed totally behind the primary structure, below grade, in a parking structure or limit parking to one side of the building.

#### **D. Topographic Standards.**

1. Locational Considerations in the Siting of New Development.
  - a. Integrated structures and roadways into the surrounding natural landscape and topography.
  - b. Avoid visible construction cuts and permanent scarring.
  - c. Orient lots toward views and vistas.
  - d. Locate lots at right angles to contour lines.
  - e. Place development in less sensitive areas of the site.
  - f. Minimize disturbance of natural features such as slopes, drainage areas, flood prone areas, and open spaces.
  - g. Engineer grade cuts and fills to imitate natural slope changes with rounded tops of cuts and gradual transitions at the toes of fills.
  - h. Fit structures into the existing topography of the site. Buildings shall step with the site as opposed to sitting on the site. The building should appear to grow out of the land. This will not only minimize site disturbance, it will also create architectural interest by breaking up the mass of the building.
2. Grading and site specifications. Prior to submission of a grading plan, the applicant shall meet with Town Staff to develop a grading plan, which adequately addresses these Standards, engineering standards, and other applicable

ordinances and regulations.

- a. All slopes shall be Landform Graded. Landform Grading is defined as a grading method that creates artificial slopes with curves and varying slope ratios. Landform grading is designed to simulate the appearance of surrounding natural terrain.
  - b. At the intersections of manufactured and natural slopes, abrupt angular intersections shall be avoided. Contours shall be curved to blend with the natural slope.
  - c. Grading for pads shall follow the contours of the existing underlying landform.
  - d. Standard prepared building pads resulting in grading outside of the building footprint and driveway area is discouraged.
  - e. To minimize grading and protect natural contours, roads shall follow the natural contours.
  - f. All newly graded slopes shall be planted with appropriate erosion control plant materials.
  - g. Retaining walls located in public rights-of-way or visible from public spaces shall be faced with river rock, natural stone, or constructed of interlocking blocks in earth tones and designed as an architectural extension of the primary structure.
  - f. Areas that will not be graded shall be delineated in the field with fences during construction to ensure these areas remain undisturbed.
3. Retaining Walls. Retaining walls shall be terraced. Terracing through the use of successive retaining walls shall provide benches to allow for landscaping and maintenance of the landscape materials. Retaining walls and their structural components located in public rights-of-way, when allowed, or visible from public spaces should be faced with natural stone or constructed of interlocking blocks in earth tones matching the proposed development. Retaining walls constructed of wood and/or smooth faced concrete are not allowed.

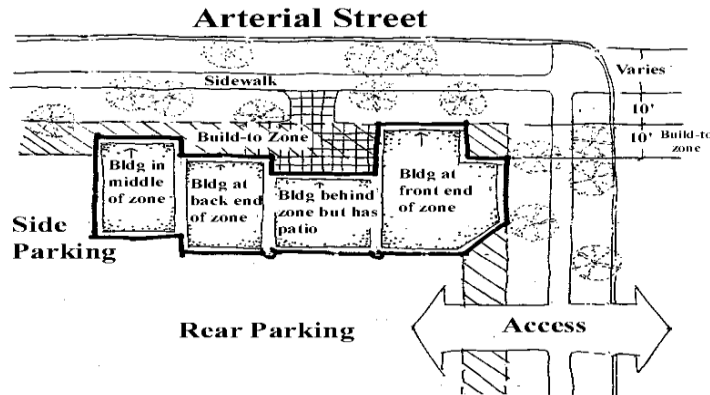


## E. Building Location and Form.

Building location and form provides standards regarding building location relative to the street and parking lot, overall building size and shape. The focus is on building

function rather than architectural style.

1. Build-to-zone. Along arterials, major collectors, and minor collectors, the facades of buildings shall be placed within the build-to zone. This zone is defined as an area that is a minimum of ten (10) feet from the back of sidewalk to a maximum of twenty (20) feet from the back of sidewalk. The area between the building and the back of curb shall be landscaped. Approved exceptions to the build-to zone shall be permitted in order to create an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk. Such space shall have landscaping, low walls not to exceed forty-two (42) inches, fencing or railings not to exceed forty-two (42) inches, a tree canopy, and/or other similar site improvements along the sidewalk.



2. Building and Roof form.
  - a. Building forms shall be asymmetric to create a complex building form using overhangs, recesses, dormers, gabled ends, balconies, and/or porches.
  - b. Flat roofs shall be screened with parapets on all sides of the building. The parapet shall be of height sufficient to screen all rooftop mechanical equipment (e.g. HVAC units). If no rooftop mechanical equipment exists, the parapet shall be a minimum of eighteen (18) inches in height. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not exceed one third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
  - c. Ground floor facades that face public streets or provide a primary entry to the building shall have display windows or similar transparent area comprising forty (40) to eighty (80) percent of the first floor facade area.
  - d. Side and rear walls of all stories that face a public right-of-way or pedestrian way shall be constructed of the same building materials and contain the same architectural treatment as the front of the building.

**F. Building Orientation, Use, and Function.**

1. Entrances to buildings shall be designed to ensure smooth and safe pedestrian circulation, and ease of snow removal.

2. Buildings shall be designed to minimize snow shedding and runoff onto pedestrian areas and public ways.
3. The ground floor of building frontages shall be primarily occupied by active commercial or institutional uses.
4. Buildings shall orient facades and main entries toward the street, toward a plaza or pedestrian way that leads directly to a street.
5. Two or more of the following design elements shall be incorporated for each fifty (50) horizontal feet of a building façade or wall:
  - a. Changes in color, texture, or materials;
  - b. Projections, recesses, and reveals, expressing structural bays, entrances, or other aspects of the architecture with a minimum change of plane of twelve (12) inches;
  - c. Grouping of windows or doors;
  - d. Trellis, arcades, or pergolas providing pedestrian interest.
6. Building facades facing a primary access street shall have clearly defined, highly visible customer entrances that feature no less than two (2) of the following:
  - a. Canopies or porticos;
  - b. Overhangs, recesses/projections;
  - c. Distinctive roof forms;
  - d. Arches;
  - e. Outdoor patios;
  - f. Display windows;
  - g. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

**G. Surfacing.**

All streets, driveways, and curb cuts shall be surfaced immediately upon completion. Surface material shall be asphalt, or concrete Surfacing within the right-of-way shall extend from the traveled portion of the street to the right-of-way line.