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ORDINANCE No. 636

AN ORDINANCE AMENDING AND REPEALING PROVISIONS OF TITLE 18: ZONING CODE OF THE CITY OF WRAY MUNICIPAL CODE

WHEREAS, Wray Planning Commission has completed a review of existing Title 18: Zoning Code of the City of Wray and recommended to the City Council to consider amendments to Title 18; and

WHEREAS, a notice of public hearing was published in the Wray Gazette on May 4, 2022; and

WHEREAS, the City Council of the city of Wray held a public hearing on May 10, 2022 at which no public comment in opposition of the proposed amendments was received, verbal or written;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WRAY, COLORADO:

Section 1: All of Section 18-08-040 Automobile House Trailers is repealed in its entirety.

Section 2: Section 18.08.050 (D) Moved-on structures is amended as follows as set forth in bold:

- D. Upon such hearing, ~~if no adjoining owner and~~ **after consideration of property owners who have** appeared or filed an objection thereto, the board of adjustment may grant such permit subject to all of the provisions of this division and also subject to all of the provisions of Article II of Chapter 15.24, relating to buildings or structures moved into the city.

Section 3: Section 18.08.080 Front Yard is amended as follows as set forth in bold:

18.08.080 Front Yard.

Minimum front yard in the R-A district is twenty-five feet **from lot line** for principal buildings. ***Lot line, front shall mean the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered "frontage,"***

Section 4: Section 18.08.090 Side yard is amended as follows as set forth in bold:

18.08.090 Side Yard.

The minimum side yard for principal buildings in the R-A district is five feet **from lot line** for the front seventy-five feet of any lot, and one foot **from lot line** on any side for the balance of the lot.

Section 5: Section 18.12.010 Permitted uses is amended as follows as set forth in bold:

18.12.010: The following uses are permitted in the R-B district:

- A. ~~Any use permitted in the R-A district;~~ **Three-family dwelling or multifamily dwelling in excess of three units, Multiple dwelling three stories or less in height, not to exceed a**

Council Members: Robert Kraus, Mayor Chad Deyle, Mayor Pro-Tem
Ronald Akey Jennifer Jones Brad Rockwell Ben Gardner Nicole A. Smith

maximum height of 40 feet;

K. Condominiums and townhouses

Section 6: 18.12.040 Lot area is amended as follows as set forth in bold:

18.12.040. The minimum area of lots in the R-B district is:

- C. Multi-family dwelling (dwelling of three-family units or more), six thousand square feet, or two thousand square feet per family dwelling**
- D. Condominiums and townhouses shall provide a minimum of two thousand square feet per unit.**

Section 7: Section 18.12.050 Lot width is amended as follows as set forth in bold:

18.12.050 Lot width

The minimum lot width in the R-B district is thirty-seven and one-half feet. ~~per unit.~~

Section 8: Section 18.12.060 Front yard is amended as follows as set forth in bold:

18.12.060 Front yard

The minimum front yard for principal buildings in the R-B district is twenty feet from the lot line. For yard requirements for multiple-family dwellings, condominiums, and townhouses constructed immediately adjacent to one another sharing one (1) or more common walls, applicable yard requirements shall be applied to front, side and rear of the overall structural complex, and the total building made up by the individual units shall be held to the yard requirements specified for the applicable zone, the same as any other dwelling. The minimum front yard for principal buildings in the R-B district is twenty-five feet.

Section 9: Section 18.12.070 Side yard is amended as follows as set forth in bold:

18.12.070. Side yard.

The minimum side yard for principal buildings in the R-B district is five feet from the lot line for the front seventy-five feet of any lot, and one foot from lot line on any side for the balance of the lot. The distance between multifamily, condominium and townhouse overall structural complex must a minimum of ten feet from the nearest structural complex.

Section 10: Section 18.12.080 Floor area is amended as follows as set forth in bold:

18.12.080. Floor area.

The minimum floor area in the R-B district is:

- A. ~~Six hundred square feet for every one family dwelling,~~ Four hundred square feet for every living unit in a two-family dwelling unit or, ~~three family dwelling,~~ multifamily dwelling, condominium or townhouse.**

Section 11: A new Section 18.12.090 - Off-street parking is added as follows as set forth in bold:

18.12.090 Off-street parking.

Off-street parking can be both indoors and outdoors and can include garages and driveways. The minimum off-street parking requirement in the R-B district is:

- A. For motels, rooming houses and boardinghouses is one space (ten by twenty feet) for each rental unit.**

B. For multi-family dwelling units, condominiums, and townhouses is 1.5 spaces per dwelling unit, plus 1 space for visitors per 5 dwelling units.

Section 12: A new Section 18.16.040 Front yard is added as follows:

18.16.040 Front yard. There is no minimum front yard in the B-A district.

Section 13: A new Section 18.16.050 Side yard is added as follows.

18.16.050 Side yard. There is no minimum side yard in the B-A district.

Section 14: A new Section 18.16.060 Rear yard is amended to read as follows:

18.16.060 Rear yard. There is no minimum rear yard in the B-A district.

Section 15: Section 18.16.040 is replaced by 18.16.070 Off-street parking as follows:

18.16.070 Off-street parking.

The minimum off-street parking requirement in the B-A district for motels, rooming houses, boardinghouses, three-family dwelling, and multifamily dwelling in excess of three units is one space (ten by twenty feet) for each dwelling or rental unit.

Section 16: A new Section 18.20.030 Side yard is added as follows:

18.20.30 Side Yard. There is no minimum side yard in the B-B district.

Section 17: Sections 18.20.30 and 18.20.40 will be renumbered as follows:

18.20.40 Rear Yard and 18.20.50 Off-street parking.

Section 18: New Section 18.20.060 Prohibited uses and structures is added as follows:

18.20.060 Prohibited Uses and Structures.

All residential dwellings of any kind, and all other uses which are not specifically permitted, cannot meet the performance standards for business or are not permissible as special exceptions, are prohibited.

Section 19: Section 18.36.020 Appeals from rulings of building inspector is amended as follows as set forth in bold:

18.36.020 Appeals.

Appeal from the ruling of the building inspector concerning the enforcement of the provisions of this division may be made to the board of adjustment. The appellant shall file with the building inspector or with the chairman of the board of adjustment a notice of appeal, specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of an appeal, shall give at least ten days' notice to the public and to the parties in interest and shall decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by agent or attorney.

Section 20: A new section 18.36.040 Powers and duties shall be added as follows:

18.36.040 Powers and duties.

The board of adjustment shall have the following powers and duties.

A. Administrative Review. The board shall hear and decide appeals where it is alleged

there is error in any order, requirement, decision or determination made by the zoning inspector in the enforcement of this division.

- B. **Special Exceptions.** The board shall hear and decide special exceptions to the terms of this division upon which the board is required to pass under this division.
- C. **Variances.** The board may authorize upon appeal in specific cases such variances from the terms of this division as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this division will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this division is observed, public safety and welfare secured, and substantial justice done.

Section 21: Current Section 18.36.040 Rules and Regulations shall be renumbered to 18.36.050 Rules and Regulations.

Section 22: A new Section 18.42 Amendments with Sections 18.42.10 and 18.42.020 shall be added as follows:

Chapter 18.42 AMENDMENTS

Section: 18.42.010 Board of adjustment participation.

This division, including the official zoning map, may be amended from time to time, but no amendment shall become effective unless it has been proposed by, or has first been submitted to, the board of adjustment for review and recommendation.

Section: 18.42.020 Public hearing.

A public hearing shall be held by the city council before adoption of any proposed amendment to this division. A notice of public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the city of Wray, the notice to be published the first time not less than fifteen days prior to the date established for such public hearing.

Section 23: Section 18.44.10 shall be amended as follows as set forth in bold with deletions:

18.44.010 Violation—Penalty.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this division, shall be fined **an amount which shall be determined in accordance with a fee schedule adopted from time to time by the city council by resolution.** ~~not to exceed one hundred dollars for each offense~~, Such fine to inure the eCity of Wray. Each day of the existence of any violation is a separate offense.

Section 24: Chapter 18-52 DEFINITIONS Sections 18.52.010 through 18.52.270 are deleted in its entirety.

Section 25: Section 18.56.050 Prohibited uses and structures shall be amended as follows:

18.56.050 Prohibited uses and structures.

All residential dwellings of any kind, and all other uses which are not specifically permitted, cannot meet the performance standards for highway commercial or are not permissible as special exceptions, are prohibited. ~~All other uses and structures which are not specifically permitted or not permissible as special exceptions are prohibited from highway commercial districts.~~

Section 26: Section 18.56.070 Yards shall be amended as follows as set forth in bold:

18.56.070 Yards.

There shall be in highway commercial districts a front yard of not less than a depth of thirty feet **from the lot line**. There shall be a rear yard of not less than a depth of twenty feet **from the lot line**. Each side yard shall be not less than ten feet **from the lot line**.

Section 27: Section 18.60.040 Special Exceptions shall be amended as follows as set forth in bold:

18.60.040 Special exceptions.

After the provisions of this division relating to special exceptions have been fulfilled, the **board of adjustment city council** may permit as special exceptions in light industrial districts any use which is consistent with the intent of this district and which is not prohibited.

Section 28: Section 18.60.80 Yards shall be amended as follows as set forth in bold:

18.60.80 Yards.

In light industrial districts, there shall be a front yard of not less than a depth of twenty-five feet **from the lot line**. There shall be a rear yard of not less than a depth of twenty feet **from the lot line**. Each side yard shall be not less than ten feet **from the lot line**.

Section 29: Previous Chapter 18.68, Board of Adjustment Sections 10 through 50 are deleted and replaced with the following:

Chapter 18.68 BOARD OF ADJUSTMENT

18.68.010 Established—Membership—Rules of procedure.

A board of adjustment is established. The board shall consist of five members, who are to be appointed by the city council, and whose term of office shall be two years. The board shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the action on each question considered. The presence of three members shall be necessary to constitute a quorum.

18.68.020 Appeals from rulings of building inspector.

Appeal from the ruling of the building inspector concerning the enforcement of the provisions of this division may be made to the board of adjustment. The appellant shall file with the building inspector or with the chairman of the board of adjustment a notice of appeal, specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of an appeal, shall give at least ten days' notice to the public and to the parties in interest and shall decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by agent or attorney.

18.68.030 Power to vary and modify regulations.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this division, the board of adjustment shall have power in passing upon appeals to vary and modify the application of any of the regulations or provisions of this division relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this division shall be observed, public safety and welfare secured, and substantial justice done.

18.68.040 Rules and regulations.

The board of adjustment shall adopt, from time to time, such rules and regulations as may be deemed necessary to carry into effect the provisions of this division.

18.68.050 Powers and duties.

The board of adjustment shall have the following powers and duties:

- A. **Administrative Review.** The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning inspector in the enforcement of this division.
- B. **Special Exceptions.** The board shall hear and decide special exceptions to the terms of this division upon which the board is required to pass under this division.
- C. **Variances.** The board may authorize upon appeal in specific cases such variances from the terms of this division as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this division will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this division is observed, public safety and welfare secured, and substantial justice done.

Section 30: Section 18.76.010 Zoning Inspector-Designation shall be amended as follows as set forth in bold:

18.76.010 Zoning inspector—Designated.

The office of zoning inspector is authorized. For the purpose of this division, the **city manager-city clerk** is designated as such zoning inspector or the, **city manager city-clerk** at her/his discretion, designate an inspector other than the **city manager-clerk**.

Section 31: Section 18.76.070 Violation-Fine shall be amended as follows as set forth in bold:

18.76.070 Violation—Fine.

Any person, firm or corporation violating any provision of this division is guilty of a misdemeanor, and upon conviction thereof shall be fined **an amount which shall be determined in accordance with a fee schedule adopted from time to time by the city council by resolution not more than one hundred dollars**. Each and every day during which such illegal locating, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

Section 32: A new Division III: Definitions shall be added as follows:

DIVISION III. DEFINITIONS

Section 1. Usage.

For the purposes of this Division and when not inconsistent with the context:

- (1) The particular controls the general.
- (2) In case of any difference of meaning or implication between the text of this division and the captions for each article, the text shall control.
- (3) The word *shall* is mandatory unless the context clearly indicates the contrary. The word *may* is permissive.
- (4) Words used in the present tense include the future, unless the context clearly indicates the future tense.

- (5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

Section 2. Words and terms.

As used in this Division, the following words shall be interpreted and defined in accordance with the provisions of this Division.

Abandoned sign means a sign that does not contain a message, is no longer functional, is materially obstructed from view, has a sign face that is no longer legible, is in a state of material dilapidation, or contains a commercial or event-based message that is obviously obsolete (e.g., the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a period of thirty (30) consecutive days.

Accessory structure or use means any use, building, structure or improvement which is conducted and operated in conjunction with a principal use and which constitutes only a clearly incidental or clearly insubstantial part of the total activity that takes place on a lot, or is commonly associated and integrally related with the principal use.

Alley means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Appeal means a request for review of the Director's interpretation of any provision of this Division or a request for a variance.

Applicant means the owner of land or his representative, or any other person legally entitled to request an approval under this Division, including a tenant of property and the prospective purchase of property, where applicable.

Applied, with respect to the installation of a sign, means the adherence of text or graphics that are printed on or cut from thin material (such as vinyl film or decal) to a building wall, window, or other surface.

Attached sign means a wall sign, a window sign, or a projecting sign.

Auto salvage business means an establishment which is used, operated or maintained for the keeping, buying, selling or repairing of junk vehicles or abandoned vehicles. Auto salvage businesses shall also include property or places used for the wrecking or disassembling of automobiles, trucks, tractors or machinery for the storing or leaving of worn out, wrecked, inoperable or abandoned automobiles, trucks, tractors, trailers, or machinery or any of the parts thereof, and shall include the retail sale of automobile vehicles or parts thereof.

Automobile service station means buildings and premises where gasoline, oil, grease, batteries, tire and automobile accessories may be supplied and dispensed at retail. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An "automobile service station" is not a repair garage or body shop.

Awning sign means a projecting sign that is integrated into or applied to an awning that is attached to a building. For the purposes of this definition, an awning is a projection from the building that gives shelter from the sun or weather. An awning is different from a canopy in that an awning is covered with fabric or flexible material.

Banner means a type of sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched, for example, by mounting on fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Buildable area means the portion of a lot remaining after required yards have been provided.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.

Building elevation means the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

Building height means the vertical distance as measured from the average finished grade (see *grade*) at the building to the highest point of the roof surface exclusive of ventilators, pipes, spires, cupolas, chimneys or other appurtenances.

Bulletin board means type of wall sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and used for the display of temporary messages. Bulletin board does not include manual changeable copy center.

Cabinet sign means a type of sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including dimensional or electrical components.

Canopy sign means a type of sign with one face affixed to a canopy. For the purposes of this definition, a canopy is an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material.

Child care center means a building or part thereof including the lot devoted to the care and/or education of persons at a location away from home for less than twenty-four (24) hours of care per day and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as adult day care center, child care center, pre-school, kindergarten, nursery school, and similar programs and facilities, but does not include family child care home. See definition of *family child care home*.

City means the City of Wray, Colorado.

City Clerk means the City Clerk of the City.

City Council means the City Council of the City.

City Engineer means the City Engineer of the City.

City Manager means the City Manager of the City.

Common open space means that portion of land within a subdivision or development that is shared by one (1) or more property owners for passive or active recreational purposes.

Comprehensive Plan means the Comprehensive Plan as adopted by the City, and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use means a use that is not principally permitted in a particular zoning district and is conditioned upon certain requirements.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions.

Corral means an enclosure used for the purposes of confining livestock.

Detached sign means a sign that is not attached to or located inside of a building.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dimensional wall sign means a three-dimensional sign that is attached to building wall, such that the elements of the sign do not extend more than eight (8) inches from the building wall. Dimensional wall signs include but are not limited to channel lettering.

Director means the individual appointed by the City Manager as the Community Development Director or his or her designee.

Drive-in restaurant or refreshment stand means any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling means any building or portion thereof which is used as a private residence or living quarters, but not including hotels, motels, hospitals or similar uses.

Dwelling, multiple-family means a building occupied by three (3) or more families living independently of each other, but not including motels or hotels.

Dwelling, single-family means a building having accommodations for and occupied exclusively by one (1) family.

Dwelling, two-family means a building having accommodations for and occupied exclusively by two (2) families living independently of each other.

Dwelling unit means any structure or part thereof, designed to be occupied as the living quarters of a family and not having more than one (1) kitchen.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Electronic message center means a display surface that is composed of light emitting diodes (LEDs) that is capable of displaying variable messages and graphics, which are generally created on a computer.

Family means a group of persons meeting the conditions in any subparagraph below. Notwithstanding any definition provided below, a family shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., unless related by blood, marriage, adoption or legal custody.

- a. A group of persons living together in a dwelling who are related by blood, marriage, adoption or legal custody, and a reasonable number of domestic servants.
- b. A group of no more than four (4) unrelated persons living together in a dwelling and who share the use and cost of common facilities.
- c. A group of no more than eight (8) persons living together in a dwelling who are not related by blood, marriage, adoption or legal custody if the occupants are handicapped persons as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S., and including any additional persons employed in the care and supervision of such handicapped or disabled persons.

- d. A foster family with any number of unrelated foster children who have been adjudicated delinquent or delinquent and neglected pursuant to the Colorado Children's Code, Title 19, C.R.S., and placed with the foster family by the State or its agent.

Family child care home means a place of residence of a family or person for the purpose of providing day care for not more than twelve (12) children. Such care in a family child care home is limited to less than twenty-four (24) hours of care per day. See the definition of *child care center*.

Feather flag means a flexible piece of fabric that is attached to a flexible pole along a long edge such that the pole stretches the fabric taut regardless of wind conditions. Feather flags are also commonly referred to as "teardrop banners," "teardrop flags," and "flutter flags."

Commercial feedlot means a place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part.

Fin sign means a projecting sign that is mounted on or affixed to a building wall, such that the sign face is generally perpendicular to the building wall. In addition to the wall mount or mounts, a fin sign may include ground-mounted support structures.

Flag means a flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Frontage means the length of a front, side, or rear property line that abuts a street right-of-way. When applied to portions of this Division concerning sign regulations, the term frontage also includes easements or shared drives that provide public access to a property.

Glare means visual conditions in which there is excessive contrast or an inappropriate distribution of light sources that disturbs the observer or limits the ability to distinguish details and objects.

Grade is determined by averaging the finished ground level of the center of each side of the building.

Gross floor area means the total areas of a building inclusive of entrances, hallways, stairways and other accessory areas used for ingress and egress.

Group home, large means residential occupancy of a structure by a group of more than eight (8) persons unrelated by blood, marriage, adoption or legal custody that receive care, training or treatment and any supervisory employees of caregivers that may or may not reside at the site.

Group home, small means residential occupancy of a structure by a group of no more than eight (8) persons unrelated by blood, marriage, adoption or legal custody (other than a family as defined in this Section) that received care, training or treatment inclusive of supervisory employees or caregivers that may or may not reside at the site. A small group home shall not include a homeless shelter or a home for persons who are under court supervision for any purpose.

Hanging sign means a sign that is mounted under an awning or canopy as such terms are defined above, or under a cantilevered portion of a building. Generally, hanging signs are oriented perpendicular to the building wall.

The *height* of a building means the vertical distance from the established average sidewalk, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Home business means a home occupation that allows for more intensive uses by special use permit, typically involving the need for nonresident employees, and additional off-street parking.

Home occupation means a use conducted principally within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hotel means an establishment that provides temporary lodging in guest rooms and in which meals, entertainment and various personal services for the public may or may not be provided.

Improvements means street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities or other such installations as designated by the City Council.

Incidental use means a use which is customarily incidental to the property's principal or main use.

Inflatable sign means a sign that is constructed from an envelope flexible material that is given shape and/or movement by inflation.

kennel, cattery, and rabbitry means any establishment where domestic animals (usually dogs, cats and rabbits) are boarded (overnight), bred or raised for sale, groomed, or trained, exclusive of veterinary care, or an animal shelter or animal clinic.

Off-street loading space means a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.

Lot means a portion or parcel of land (whether a portion of a platted subdivisions or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Division, having not less than the minimum area and width required by this Division for a lot in the zoning district in which such land is situated, and having frontage on a street or on such other means of access as permitted in accordance with the provisions of this Division.

Lot area means the total area within the property lines for the lot, excluding adjacent rights-of-way.

Lot, corner means a lot situated at the junction of two (2) or more streets, but not including a *reversed corner lot* as defined herein.

The *depth* of a lot means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot, double frontage means a lot having a frontage on two (2) nonintersecting streets.

Lot, interior means a lot other than a corner lot.

Lot line, also property line, means the lines bounding a lot as herein defined.

Lot line, front shall mean the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered "frontage,"

Lot, reversed corner means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear unbroken or uninterrupted by a street or alley.

Lot, reverse frontage means a lot which extends continuously between two parallel (or approximately parallel) streets bounding a block. A block containing reverse frontage lots is composed of one (1) tier of lots rather than the standard two (2) tiers.

Lot of record means a lot which is part of a subdivision recorded in the office of the county clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

Manual changeable copy message center means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (e.g., by placement of letters into tracks that are enclosed within a cabinet structure). Manual changeable copy centers are sometimes known as "reader boards."

Manual on Uniform Traffic Control Devices means the Manual on Uniform Traffic Control Devices, promulgated by the Federal Highway Administration, as may be amended or supplemented from time to time.

Manufactured home means a single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent perimeter foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; conforms to the City Building Code; and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended.

Marquee sign means projecting sign that is designed as a canopy structure, which includes a combination of permanent lettering or graphics and either manual changeable copy or electronic message center components.

Mobile home means any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks or skirtings and so designed or constructed to permit occupancy as living or sleeping quarters.

Mobile home park means a tract of land which has been developed with all necessary facilities and services meeting all legal requirements and which is intended for the purpose of providing a site for three (3) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Motel means a hotel which usually is arranged in such a manner that individual guest rooms are directly accessible from an automobile parking area.

Moved on structure means the process of moving a structure from one location to another.

Multi-family means a structure containing three or more dwelling units or a bed and breakfast dwelling that has six or more guest rooms.

Nonconforming building or structure means a building or structure legally built prior to the effective date of this Division or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Nonconforming use means land or a building lawfully established prior to the effective date of this Division or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

Off-street parking space means the space required to park one (1) passenger vehicle outside of

the public right-of-way.

Optional residential sign means a wall sign with a sign area that does not exceed four (4) square feet, affixed to a residential building on its front building elevation.

Parcel means a contiguous quantity of land held under common ownership.

Patio home means a single-family detached or attached structure in a planned subdivision, with exterior maintenance and landscaping provided through an association fee.

Permanent sign means a durable sign that is mounted or affixed for long-term use, not easily removed, and resistant to weather and other wear and tear.

Permitted use or *use by right* means a use which is listed as a use permitted by right in any given zone district in this Division. Uses permitted by right are not required to show need for their location.

Plan, sketch means the map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of this Division, to evaluate feasibility and design characteristics at an early stage in the planning of a subdivision.

Planned Unit Development (PUD) means a development of land in a manner which allows, in conformance with this Division, the following: a variety of uses, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the City Council. A Planned Unit Development is a land area within which lots, structures, densities, and land uses may be established by the City Council in conformity with an approved plan for the entire tract or land area.

Planning Commission means the Planning Commission of the City.

Plat means a map of land thereon described and prepared as an instrument for recording which depicts the boundaries of real estate interests.

Plat, final means a map or maps of certain described land prepared by a Colorado registered surveyor in accordance with this Division and which is to be used as an instrument for the recording of real estate interests.

Plat, preliminary means the preliminary map of a proposed subdivision, drawn and submitted in accordance with the requirements of this Division.

Portable sign means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Primary detached sign means a detached sign that is visually dominant over other detached signs on the same property, due to its taller height and/or larger sign area.

Primary fin sign means a fin sign that is visually dominant over other fin signs on the same building, due to its taller height and/or larger sign area.

Principal building entrance means a street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Principal use means the main purpose for which a building, structure or lot is designed, arranged or intended, or for which may be occupied or maintained under this Division. The use of any other building, structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Division shall be considered an accessory use.

Projecting sign means a type of attached sign that extends from a building wall, usually perpendicular to the wall's surface. Projecting signs include awning signs, fin signs, marquee signs, and hanging signs.

Property means the real property owned or controlled by the applicant for a sign permit or sign design program. Property may be a single lot or parcel, or may be a combination of abutting lots or parcels that will be bound by the approval.

Public hearing means a legally advertised meeting held by the Planning Commission, City Council or Board of Adjustment, at which time opinions may be voiced concerning the subject of the hearing and is considered a quasi-judicial matter.

Required sign means a sign that is required by applicable building codes (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations (e.g., a public hearing notice).

Rezoning means an amendment to the official zoning map to effect a change in the nature, density, or intensity of uses allowed on a specific parcel or land area.

Rider means a subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as "for sale," a rider is often used to convey a related message such as "contract pending."

Right-of-way means the entire dedicated tract or strip of land, a portion of which is to be used by the public for circulation or utilities.

Roof sign means a type of attached sign that is mounted onto a building's roof structure.

Rooming or boarding house means a building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons; provided that such persons are not members of the owner or operator's immediate family.

Screening means protecting an area of land from the adverse visual and audible effects of another area.

Secondary detached sign means a detached sign that is subordinate to a primary detached sign in terms of height and/or sign area.

Secondary fin sign means a fin sign that is subordinate to a primary fin sign in terms of height

and/or sign area.

Setback means the distance extending across the full width or depth of the lot between the designated lot line and the nearest line or point of a building or structure.

Sidewalk sign means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sign means any advertisement, identification, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign face means the surface area of a sign which is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

Off-site sign means any sign other than an on-site sign.

On-site sign means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. "On-site sign" does not include signs erected by the outdoor advertising industry in the conduct of an outdoor advertising business.

Site development means all construction and improvements on any parcel, lot or tract of property within the City and on any structure (other than normal maintenance or repair allowed for nonconforming uses), including but not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, building, building additions or alternations, parking lot lights, street lights, signs and erection or moving of structures. *Site development* also includes all property development for which approval is sought pursuant to Article 3 of this Division. The Director shall have authority to determine whether an activity constitutes *site development*. Such determination may be appealed to the Planning Commission.

Site sign means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two (2) posts.

Site specific development plan means a plan which has been submitted to the City describing with reasonable certainty the type and intensity of use for a specific parcel of property for which the landowner requests the creation of vested rights. Such a plan may be in the form of, but need not be limited to, any of the following final plans or approvals: a planned unit development, a subdivision plat, a specially planned area, a planned building group, a general submission plan, a special use plan, a development agreement or any other final land use approval designation. To result in the creation of vested property rights, a site-specific development plan must be approved by City Council after conducting a public hearing thereon at the final approval step, irrespective of its title, which occurs prior to building permit application.

Sky glow means is the diffuse luminance of the night sky, caused in part by direct upward

emissions of light.

Small sign means a sign that does not exceed two (2) square feet in area, that:

- (1) Is affixed to a building or structure, such that only one (1) such sign is displayed on each building elevation that is visible from public rights-of-way or neighboring property; or
- (2) Is affixed to a fence or garden wall, such that there is not more than one (1) such sign per one hundred (100) linear feet of fence or garden wall on the same frontage; or
- (3) Is affixed to a gate or door, such that there are not more than two (2) such signs per gate or door; or
- (4) Is affixed to a machine, equipment, gasoline pump, public telephone, vending machine, or utility cabinet, or installed along a ditch or pipeline.

Special use (formerly *special exception use*) means a use allowed in the indicated zoning district only with permission by the City Council.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial means a street designed to carry greater volumes of traffic at higher speeds or longer distances, generally between major highways.

Street, collector means a street designed to carry traffic between areas of concentrated population or activity, generally leading to arterial streets or major highways.

Street-facing shall have the same meaning as frontage.

Street line means the right-of-way line of a street.

Structurally altered means changes which increase, extend or enlarge the building or convert the existing building into different structure or affect the form or character of an existing building or structural quality.

Structure means anything constructed or erected on the ground or attached to the ground, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.

Structure, principal means a building or structure in which is conducted the main or primary use of the lot on which said building or structure is situated. Where a part of an accessory structure is attached to the principal structure in a substantial manner, such as by a roof, such accessory structure shall be considered a part of the principal structure.

Subdivider or *developer* means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, site specific development plan or planned unit development.

Subdivision or *subdivided land* means any single parcel of land in the City which is divided

into two (2) or more parcels, separate interests or interests in common; unless the method of disposition is adopted for the purpose of evading this Article, the terms *subdivision* and *subdivision land* shall not apply to any division of land which:

- a. Creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest;
- b. Is created by order of any court in this State or by operation of law;
- c. Is created by a lien, mortgage, deed of trust or any other security instrument;
- d. Is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
- e. Creates cemetery lots;
- f. Creates an interest or interests in oil, gas and other minerals, or water which are now or hereafter severed from the surface ownership of real property;
- g. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for purposes of this subsection as only one (1) interest;
- h. Is created by or for the conveyance of real property to the City in satisfaction of land dedication, subdivision, annexation or other City requirements; or to a public entity having the power of eminent domain;
- i. Is a result of an estate proceeding; or
- j. Is a division of land determined by the City Council not to be within the intent and scope of this Division.

Subdivision or Site Improvements Agreement (S.I.A.) means one (1) or more contracts or agreements that include security arrangements which may be accepted by the City to secure the construction of such public improvements within the subdivision or site, and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, letters of credit or other similar surety agreements.

Swing sign means a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

Telecommunications facility means a facility, site or location that contains one (1) or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices and accessory equipment which is used for transmitting, receiving or relaying telecommunications signals, whether electromagnetic or electro-optic. This use is not

required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located. Multiple facilities may be located on one (1) site (also known as colocation), provided that the facilities are each approved through special use review, or that they can meet the exemption listed in Section 20-5-20 of this Division.

Temporary seasonal decorations means decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.

Temporary sign means a sign that is designed or intended to be displayed for a short period of time.

Temporary sign cover means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Temporary use means a use, building or structure which is established for a fixed-period of time or seasonal in nature and which is consistent and compatible with the purpose, intent and land uses authorized within the zoning district in which such temporary use is located.

Townhouse means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Variance means a grant of relief from the requirements of this Division which permits development or construction in a manner that would otherwise be prohibited by this Division.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

Vision clearance area means a triangular space at the intersection of a street corner, alley, private drive or driveway free from any kind of obstruction to vision.

Wall sign means a sign that is painted on, applied to, or affixed to a building wall. Wall signs include applied or painted signs, bulletin boards, cabinet signs, and dimensional wall signs.

Window sign means a type of temporary or permanent sign that is: (i) painted on, applied to, or attached to a window; or (ii) or installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within one (1) foot of the sign.

Window transparency means the surface area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign.

Yard means an open space on the same lot with a building, occupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, front means a yard extending across the full width of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the nearest point of the principal building or structure or any projections thereof other than the projections of unenclosed balconies or open porches.

Yard, rear means a yard extending across the rear of a lot, measured between the side lot lines,

and being the minimum horizontal distance between the rear lot line and the nearest point of the principal building or structure including any projections to unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side means yard between the principal building or structure and the side line of the lot, and being the minimum horizontal distance between the side lot line and the nearest point of the principal building or structure or any projections thereof other than the projections of unenclosed balconies or open porches.

Yard sign means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

Zoning district or district means a section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Zoning inspector means that official whose duties include the enforcing of the various provisions of this division who shall also act in an advisory capacity to the board of adjustment.

Zoning Map, Official means the Official Zoning Map as adopted by the city, graphically identifying the location of zoning districts.

Section 33. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication.

Section 34. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 35. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

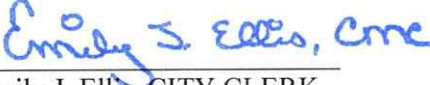
IT IS HEREBY DECLARED that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and that it shall be finally passed and

adopted at the regular meeting of the City Council to be held on the 14th day of June, 2022, at the hour of 7:30 P.M. at the Wray Council Chambers, and shall be in full force in effect according to law.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 14th day of June, 2022.

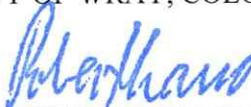
ATTEST:

CITY OF WRAY, COLORADO



Emily J. Ellis, CITY CLERK

By:



Robert Kraus, MAYOR

Publish: