

ORDINANCE NO. 2
Series 1999

AN ORDINANCE OF THE TOWN OF LAKE CITY,
COLORADO REPEALING AND REENACTING SECTION
15.8-15 OF THE LAKE CITY MUNICIPAL CODE
PROVIDING SIGN REGULATIONS WITHIN THE
TERRITORIAL LIMITS OF THE TOWN OF LAKE CITY,
AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS the Planning Board of the Town of Lake City has recommended practical revisions of the Town's existing sign code which the Town's Board of Trustees find to be necessary for the preservation of public peace and welfare;

NOW THEREFORE, Section 15.8-15 of the Lake City Municipal Code is hereby repealed and re-enacted to read as follows:

15.8-15 SIGN REGULATIONS:

(A) Definitions.

(1) Sign: Any device of permanent construction, including any letters, figures or pictorial matter displayed for advertising purposes, whether placed on any natural object, or upon any structure or building, or free standing upon any surface, which would be visible from any public street or public right-of-way.

(2) Sign Area: The total exterior surface area of the largest single face of each sign on each integrated parcel or unit of real property titled to any given owner or owners.

(3) Free Standing Sign: A sign erected upon its own support and not attached to a building.

(4) Projecting Sign: Any sign supported by a building and projecting therefrom.

(5) Wall Sign: Any sign painted on, incorporated in, or affixed to the interior or exterior of any window, or to any outside wall, column, roof or other exterior surface of a building; also any sign consisting of cut-out letters or devices affixed to a building wall, column, window, roof or other exterior surface with no background defined.

(B) Compliance Required.

It shall be unlawful to erect or maintain any sign except in conformity with the requirements of the sign regulations under this section 15.8-15. Signs that are not in conformity with the provisions of this section are hereby declared to be

a nuisance, subject to abatement by the Town in any lawful manner. In addition to any other legal and/or equitable remedies available to the Town against the owner of a sign maintained in violation of this section, the Town shall be entitled to recover from and against such owner all reasonable attorney fees and court costs incurred in the process of enforcing these sign regulations and/or abating the nuisance created by an unlawful sign.

(C) Exempt Signs.

The following signs shall, in all respects, be deemed exempt from the application of this section 15.8-15:

(1) Official traffic control devices, and all signs, banners and notices which are erected, owned or maintained on public or private property by the United States, the State of Colorado, the Town of Lake City, or any of their political subdivisions, for official governmental, public and/or civic purposes.

(2) The following three (3) signs which are more than fifty years old and deemed by the Board of Trustees of Lake City, Colorado to have significant historic value:

(a) The painted sign on the south wall of the Enos Greenfield Building at 310 Silver Street.

(b) The free-standing wooden sign within the public right-of-way of the intersection of Gunnison Avenue and Fifth Street that denotes the Presbyterian Church, its date of construction and its distinction on the Western Slope of Colorado. (Address: 431 Gunnison Avenue.)

(c) The roof-top neon sign on the Matterhorn Motel at 409 Bluff Street.

(D) Performance Standards.

All signs of any kind or nature that are not otherwise exempted under the provisions of subsection (C) of this section 15.8-15 shall be constructed, used and maintained within the Town in accord with the following performance standards:

(1) No sign may have more than two faces or sides. (Multi-faced signs shall not be permitted.)

(2) All signs shall conform to the setback requirements of the zoning district in which they are located; excepting, however, those located within the general business zoning

district (GBD) which may be located anywhere within the lines of the sign owner's lot or other parcel of property.

(3) Signs shall identify or advertise only the business or establishment located on the lot or other parcel of property upon which the sign is located. No "off-premises signs" shall be permitted.

(4) No sign shall be located in any manner that may interfere with or detract from orderly traffic movement within the Town, or that may obscure or impair the vision of the driver of any motor vehicle lawfully operated with the Town, or which is a hazard to traffic or pedestrian safety.

(5) The color and format of a sign shall not resemble or conflict with traffic signs or signals.

(6) All signs shall be constructed in a good and workmanlike manner, shall at all times be properly maintained and kept in good repair and condition, and shall be of safe and permanent construction.

(7) No flashing or animated signs, or signs with moving parts or intermittent lighting to create the visual effect of movement shall be permitted. Likewise, no florescent (reflective) materials shall be used upon, within or as part of any sign.

(8) Banners, streamers and pennants shall not be permitted for the general purpose of advertising or calling attention to any business or other specific private interest on any lot or other parcel of property. Temporary banners, streamers or pennants welcoming hunters and tourists, or advertising community civic events, may be allowed for specific periods of time advertized or otherwise allowed in writing by the Town's building inspector. In no event shall such sign displays be made earlier than two weeks prior to the opening of the advertised event or later than five days following the close of the advertised event.

(9) No sign shall be erected or maintained or permitted to remain publicly displayed which is of a misleading, fraudulent, obscene, immoral, indecent or unsightly character.

(10) No sign may contain any radio, phonograph, whistle, bell, or other sound or noise-making or transmitting device or instrument.

(E) Structural Limitations.

(1) No lettering on any sign, including cut-out letter signs, shall exceed 12 inches in height, except for the

initial letter of each word which may be up to 18 inches in height.

(2) Freestanding signs shall be limited to one sign per principal use on each lot or other parcel of property. Such signs located in the RE-R1 and LMF zoning districts shall not be higher than five feet from ground level; and such signs in the T-1, T, CBD and GBD zoning districts shall not be higher than 15 feet from ground level. All such signs shall be in conformity with the setback requirements of paragraph (C)(2) of this section 15.8-15.

(3) Projecting signs shall be limited to one sign per principal use on each lot or other parcel of property. Such signs shall not be higher than the ridge line or parapet wall of the building to which it is attached and shall be a minimum of eight feet above grade when located adjacent to or projecting over a sidewalk or other pedestrian way. Such signs shall not extend more than four feet from a building wall and shall not project into any portion of a street, road, alley or other way used for vehicular traffic or beyond the dividing line of any sidewalk in a vehicular portion of such street or other way used for vehicular traffic.

(4) Wall signs shall be no higher than the roof or top of the cornice wall of the building to which it is attached and no sign part, including cut-out letters, shall project more than six inches from the building wall.

(F) Sign Measurement.

(1) Subject to the provisions of section 15.8-15(G) establishing size limitations for signs in specific districts, the absolute maximum permitted aggregate area of signs on any parcel or unit of property shall be determined on the basis of square footage of commercial floor area within the building or buildings located upon such lot or other parcel of property. Forty (40) square feet of total sign area will be allowed for buildings and improvements containing up to one thousand (1,000) square feet of commercial area in the aggregate. Additional signage will be allowed for buildings and improvements on each parcel or unit of real property that contain aggregate commercial space of more than 1,000 square feet. Such additional signage will be allowed in proportion to the actual square footage of excess commercial space at the rate of up to ten (10) square feet of sign area for each additional 1,000 square feet of excess commercial space.

(2) The sign area allowance per parcel or unit of property shall include all signs allowed thereon, as herein defined, excluding window decals which shall not be regulated except for quality of construction and display.

(3) Cut-out letter signs shall be considered wall signs if attached to a building; and their aggregate area shall be credited toward total allowable sign area on the basis of the area of the smallest construct rectangle that will contain the letters.

(G) Sign Limitations in Particular Zoning Districts.

(1) Signage shall be specifically limited in the RE, R1 and LM zoning districts as follows:

(a) One residential identification sign per dwelling unit, being either a free standing sign, a wall sign or a projecting sign, to identify the occupants thereof or any home occupation pursued therein, shall be allowed. No such sign may exceed two (2) square feet of sign area in the RE and R1 zoning districts; and no such sign may exceed six (6) square feet of sign area in the LM zoning district.

(b) One sign advertising the sale or rent of a lot or other parcel of property shall be permitted provided that it is not lighted or illuminated and does not exceed sign area of six (6) square feet.

(c) One sign announcing the construction or remodeling of a building shall be permitted, provided that it is neither lighted nor illuminated and shall not exceed sign area of six (6) square feet.

(d) One identification sign on any school, church, hospital, medical facility, emergency service center and similar institutional building in which public services are offered, provided that the sign does not exceed thirty-five (35) square feet of sign area.

(2) No single sign in the T-1, T, and GBD zoning districts may be larger than one-half of the total sign area allowed for aggregate commercial space of buildings and improvements under section 15.8-15(F) hereinabove. Similarly, no single sign in the CBD zoning district may be larger than one-third of the total sign area allowed for aggregate commercial space of such buildings and improvements under said section 15.8-15(F).

(3) Irrespective of the zoning district in which they are located, no signage advertising political affiliation, support for political candidates, issues or the like shall exceed six (6) square feet in sign area on any particular parcel or unit of real property.

(H) Permit Required.

(1) No sign shall be erected, constructed, altered, remodeled, or changed until a permit therefore has been granted by the Building Inspector pursuant to an application by the concerned property owner showing the plans and specification of each sign, including dimensions, materials, and details of construction and accompanied by the prescribed fee paid therefor. For each such permit, there shall be charged the sum of \$10.00 plus \$1.00 per square foot of the surface area of any allowed sign. Residential identification signs, signs advertising the sale or rental of property, signs advertising the construction or remodeling of a building and institution identification signs shall be exempt from this permit and fee requirement if they otherwise comply with the requirements of this section 15.8-15.

(I) Non-Conforming and Existing Signs.

(1) Any sign that is in lawful existence at the time of the adoption of this section 15.8-15, or any amendment thereof, or at the time of annexation into the Town of Lake City of the property on which such sign is located, but that does not conform with the provisions of this section 15.8-15, shall be considered to be a "non-conforming" sign and may continue to be used and maintained only in accordance with the requirements of this paragraph (I).

(2) All non-conforming signs shall at all times hereafter be maintained in strict conformity with the performance standards of paragraphs (D)(4) through (D)(10) of this section 15.8-15. Any sign not in compliance therewith shall be subject to immediate removal.

(3) The right to maintain a non-conforming sign shall terminate and the sign shall be removed or brought into full compliance with this section under the following conditions:

(a) Abandonment of the sign, abandonment or termination of the related business, or an interruption in continuance of the business for a period of six months or longer.

(b) Any alteration or enlargement of a sign.

(c) A violation of the performance standards of paragraphs (D)(4) through (D)(10) of this section 15.8-15.

(d) The destruction of the sign, removal of the sign, or damage to the sign such that the cost of

replacement or repair is greater than fifty percent (50%) of the replacement cost of the original sign.

(e) The creation of any additional violation of or non-conformity with these regulations.

(f) On the date of January 1, 2004, unless termination of the non-conformity is sooner required as hereinbefore provided in subsections(3)(a)-(e) above.

(4) Notwithstanding any other provision of this section to the contrary, owners of properties with related non-conforming businesses located in the limited multi-family zoning district of the Town will be allowed the same signage that would be allowed to equivalent property located in the Town's commercial zoning district for so long as non-conforming business character lawfully continues in conformity with general zoning regulations of the Town.

(5) A list of non-conforming signs shall be developed and maintained by the Building Inspector, and owners thereof shall be notified and given a copy of this paragraph (I).

(J) Penalties.

Any person convicted of violating the provisions of this section 15.8-15 shall be subject to the fines and other penalties provided for violation of the Town of Lake City's general zoning laws as more particularly set forth in section 15.8-21 of the Lake City Municipal Code, as amended.

Introduced, read and adopted by the Board of Trustees of Lake City, Colorado on this 17th day of February, 1999.

TOWN OF LAKE CITY, COLORADO

Attest:


Town Clerk

By: 
Mayor