

TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 2017-03

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING ORDINANCE NO. 8 (SERIES 2015), AND ANY PREVIOUS SIGN REGULATIONS ADOPTED BY THE TOWN OF LAKE CITY, AND REENACTING SECTION 15.8-15 OF THE LAKE CITY MUNICIPAL CODE BY ESTABLISHING SIGN REGULATIONS FOR THE TOWN OF LAKE CITY AND PROVIDING PENALTIES FOR VIOLATIONS OF THE REGULATIONS.

WHEREAS, the Board of Trustees of the Town of Lake City has determined that revisions are necessary to the current sign code to further clarify and delineate how signs are regulated and enforced, as well as to integrate current law regarding signs; and

WHEREAS, the Board of Trustees finds these revisions to be substantially in the public interest necessary for the preservation of public peace and welfare, aesthetics and traffic safety; and

NOW THEREFORE, Ordinance No. 8 (Series 2015) and any other previous ordinances addressing sign regulations are hereby repealed and Section 15.8-15 of the Lake City Municipal Code is reenacted as follows:

Section 1:

15.8-15 SIGN REGULATIONS

(A) Definitions

- (1) **Sign:** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign surface or to an object, product, place, activity, person, institution, organization or business. A sign located completely within an enclosed building, and not exposed to view from a public right of way, is not a sign.
- (2) **Sign Area:** The area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations or supports, or where attached directly to a building, wall or other surface, the space within the outline enclosing all the characters of the words, numbers or design.
- (3) **Free Standing Sign:** A sign wholly supported by integral pole(s), post(s), or other structure or frame, not attached to any building, the primary

purpose of which is to support the sign and affix it to the ground. A Free Standing Sign does not include a Temporary Sign.

- (4) **Projecting Sign:** Any sign supported by a building and projecting therefrom.
- (5) **Wall Sign:** Any sign painted on, incorporated in, or affixed 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.
- (6) **Exterior Sign:** Any sign that does not fall under the definition of a window sign.
- (7) **Flag:** A rectangular piece of fabric or other flexible material that is displayed hanging free from a staff, halyard or building to which it is attached.
- (8) **Pennant or Streamer:** A sign device made from a strip of flexible material intended to wave in the wind.
- (9) **Banner:** A sign made of a piece or strip of cloth, paper, canvas, plastic, or similar material, and upon which a message, slogan, or emblem is painted, drawn, or otherwise projected, colored or shaped that does not constitute a flag.
- (10) **Temporary Sign:** A sign which is not affixed to a building or other structure or the ground in a permanent manner and is designed to be moved from place to place and appears to be intended to be displayed for a limited period of time. Temporary Signs include Pennants, Streamers, Banners or Flags.
- (11) **Off-Premises Sign:** A Sign advertising goods, products, or services that are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.
- (12) **Government Sign:** A Sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or indirectly to enforce a property owner's rights.
- (13) **Residential Identification Sign:** A Free Standing, Wall or Projecting Sign that identifies the occupants of a dwelling or any home occupation pursued in a dwelling or the address of the dwelling.

- (14) Commercial Speech: Speech advertising a business, profession, commodity, service or entertainment.
- (15) Non-commercial Speech Sign: A Sign in which dissemination of messages not classified as Commercial Speech that includes, but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

(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 costs, reasonable attorney fees and court costs incurred in the process of enforcing these sign regulations or abating the nuisance created by an unlawful sign.

(C) Exempt Signs

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

- (1) Traffic control devices on public or private property that must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state or by the Federal Highway Administration.
- (2) Government Signs of any kind that form the expression of the local, state, or federal government when erected and maintained.
- (3) Signs required to be posted under federal, state, or local law, on any property owner's property to warn of a danger or to prohibit access to the property either generally or specifically and signs that property owners are authorized to post under federal, state, or local laws.
- (4) Plaques with words and, or, photos or other similar devices that explain Lake City history for general public purposes that are not used for advertising.

- (5) The following four (4) signs that 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 at 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. The Timberline Craftsman sign at 225 Silver Street.

(D) Performance Standards

All signs 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.
- (2) All signs shall conform to the setback requirements of the zoning district in which they are located except signs allowed within the general business (GBD) zoning district, which may be located anywhere within the boundaries of the 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. One Off-Premise Sign will be allowed per business or establishment location.
- (4) No signs 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 within 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 fluorescent or reflective materials shall be used upon, within or as part of any sign.
- (8) Temporary signs are allowed to be displayed. Temporary signs displayed for an event shall not be placed or displayed earlier than three weeks prior to the opening of the advertised event or later than five days following the close of the advertised event. Official sponsors of an event may place or display a temporary sign for an event under these time parameters for an offsite event. Event signs require a permit to be obtained from the Town of Lake City, Town Hall prior to posting or distributing to event sponsors. There is no charge for an event sign permit. Businesses or establishments may have a total of forty (40) square feet of event signage.

A Temporary Sign used for commercial purposes such as an "open" sign on a business is allowed as long as there is only one sign appearing per business.

- (9) No sign may contain any radio, phonograph, whistle, bell, or other sound or noise-making or transmitting device or instrument.
- (10) Banners, streamers and pennants shall not be permitted for commercial speech on any lot or other parcel of property.
- (11) Decorative or historical items that fit within the decor of the business or establishment that are placed within outside areas inside of the business property (such as an inside fence wall of an outside seating area) will not be considered part of the total sign aggregate.

(E) Structural Limitations

- (1) No lettering on any sign, including cut-out letter signs, shall exceed twelve (12) inches in height, except for the initial letter of each word which may be up to eighteen (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 fifteen (15) feet from ground level. All such signs shall be in conformity with the setback requirements of paragraph (D)(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.
- (5) Temporary Signs shall not exceed five (5) feet in height, three (3) feet in width and three (3) feet in depth and in no case shall obstruct the flow of vehicle and/or pedestrian traffic nor shall they obstruct views that would impair the safe travel of vehicles and/or pedestrians. Temporary signs shall be stabilized so that they cannot be blown down or carried to another location by wind.

(F) Sign Area

- (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 exterior signs including Temporary 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 one thousand (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 one thousand (1,000) square feet not to exceed twenty (20) square feet of additional signage of excess commercial space.
- (2) The sign area allowance per parcel or unit of property shall include all signs allowed thereon, as herein defined.
- (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 for Particular Zoning District or State Highway

- (1) Signage shall be specifically limited in the RE, R1 and LM zoning districts as follows:
 - a. One Residential Identification Sign per lot or parcel of property. 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 Temporary Sign per lot or other parcel of property shall be permitted if the property is currently listed for sale or rent.
 - c. One Sign provided that the sign does not exceed thirty-five (35) square feet of sign area.
- (2) Any Sign erected on a state highway as defined in C.R.S. 43-2-101(1) shall conform to C.R.S. § 43-1-401 et seq., as amended.

(H) Permit Required

- (1) No sign, except signs set forth in Section 15.8-15(G), shall be erected, constructed, altered, remodeled, or changed until a permit therefor has been granted by the Town Building Inspector or its enforcement officer pursuant to an application by the concerned property owner.
- (2) 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 \$25.00 plus \$1.00 per square foot of the surface area of any allowed sign.

(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 Section 15.8-15(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 non-conformities that did not exist at the time of the adoption of these regulations and are in violation of these regulations.
- (4) Notwithstanding any other provisions 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.

A list of non-conforming signs shall be developed and maintained by the Town Building Inspector or its enforcement officer, and owners thereof shall be notified and given a copy of Section 15.8-15 (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.

Section 2:

This ordinance shall become effective on the thirty-first day following publication, pursuant to Colo. Rev. Stat. § 31-16-105.

Section 3:

The amendment of various provisions of the Town of Lake City Municipal Code Colorado by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Section 4:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 5th day of April, 2017.

TOWN OF LAKE CITY, COLORADO


Bruce Vierheller, Mayor

I, Jamie L. Turrentine, certify and attest that Ordinance 2017-03 was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the 5th day of April, 2017.

ATTEST:


Jamie L. Turrentine, CMC
Town Clerk

I, Jamie Turrentine do hereby certify, Ordinance 2017-03 was published in the Lake City Silver World on April 7, 2017.



