

TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 8 Series 2015

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING ORDINANCE NO. 2 (SERIES 1999), ORDINANCE NO. 2 (SERIES 2002) AND ANY PREVIOUS SIGN REGULATIONS ADOPTED BY THE TOWN OF LAKE CITY, AND AMENDING 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 have determined that revisions are necessary to the current sign code to further clarify and delineate how non-structural signs are regulated and enforced, as well as to integrate subsequent ordinances and correct typos,

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

NOW THEREFORE, Ordinance No. 2 (Series 1999), Ordinance No. 2 (Series 2002), and any other previous ordinances addressing sign regulations, are hereby repealed and Section 15.8-15 of the Lake City Municipal Code is amended by the addition of the following:

Section 1:

15. 8-15 SIGN REGULATIONS:

(A) Definitions:

- (1) Sign: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
- (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.
- (3) Free Standing Sign: A sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and affix it to the ground. A freestanding sign does not include a portable 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) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- (8) Flag: A rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is used to display the symbol of the United States, a nation, state, local government, business, organization or a person.
- (9) Pennant or Streamer: A sign device made from a strip of flexible material intended to wave in the wind.
- (10) Banner: A temporary 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.
- (11) Portable 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.
- (12) Off-Site Sign: A sign advertising a business that is not located on the site that the sign is posted on.
- (13) Noncommercial Speech: Noncommercial speech is speech which presents some personal, political or religious point of view.

(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 and, 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) 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) Noncommercial flags displayed from flagpoles or staffs.
- (3) Plaques with words and, or, photos or other similar devices that explain Lake City history for general public purposes which are not used for advertising.
- (4) 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 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 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. Noncommercial speech signs are allowed in all districts. No off-site signs shall be permitted unless a special permit has been issued by the Town.
- (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 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 an 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 or 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 on any lot or other parcel of property. Temporary banners, streamers or pennants welcoming hunters and tourists, or advertising community civic events are allowed to be displayed in aggregate for no more than a total of 3 months out of any calendar year. 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) A device appearing like a flag but used for commercial purposes such as an "open" sign on a business is allowed as long as it does not exceed 15 square feet and there is only one flag appearing sign per business. This type of commercial flag is counted as an exterior sign for purposes of sign standards.
- (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.
- (5) Portable Signs shall not exceed 5 feet in height, 3 feet in width and 3 feet in depth and 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. Portable 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 portable 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) Permanent window signs shall not exceed twenty-five (25%) (or another certain percentage) percent of the area of a window and the total area of all window signs shall not exceed fifty (50%) percent of the window area.
- (3) The sign area allowance per parcel or unit of property shall include all signs allowed thereon, as herein defined.
- (4) 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) 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.
- (2) Residential identification signs, political signs, signs advertising the sale or rental of property, signs advertising the construction or remodeling of a building, temporary window signs, institution identification signs, and noncommercial speech 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 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 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.

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 which 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 ___th day of _____, 2015.

TOWN OF LAKE CITY, COLORADO

Bruce Vierheller, Mayor

I, Deborah Bendinelli, certify and attest that Ordinance 2015-8 was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the ___th day of _____, 2015.

ATTEST:

Deborah Bendinelli, Town Clerk