

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO REPLACING SECTION 7-3-12(J) OF THE RIDGWAY MUNICIPAL CODE SECTION TO PROVIDE REGULATIONS FOR MASTER SIGN PLANS, AND ADDING PROVISIONS TO THE SIGN REGULATIONS IN CHAPTER 7-3-12 TO REFERENCE MASTER SIGN PLAN REGULATIONS

WHEREAS, the Town of Ridgway (the "Town"), is a duly organized and existing home rule municipality of the State of Colorado; and

WHEREAS, the Town of Ridgway Municipal Code (the "Code") contains certain sign regulations further enumerated under Section 7-3-12, Sign Regulations; and

WHEREAS, the Town Council repealed the Master Sign Plan process through Ordinance 2019-03; and

WHEREAS, the Town Council supports the efforts of local businesses and wishes to continue supporting the advertising of business and commerce within the town as is reasonable and appropriate for the preservation of the health, safety and welfare of the community while supporting the goals of the Town's Master Plan; and

WHEREAS, Master Sign Plans provide for flexibility with specified dimensional requirements for properties and buildings containing more than one business.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, AS FOLLOWS:

Section 1. Section 7-3-12(E) Permits, subsection (3) of the Ridgway Municipal Code is amended, as follows:

(3) The total sign face area of signs required to have a permit, per building, other than those restricted by Subsection (6), shall not exceed the lesser of one square foot per foot of lineal street frontage of the premises abutting Town streets or 150 square feet. When more than one building is on the premises, the premises street frontage shall be allocated among the buildings accordingly. A minimum of 32 square feet of sign area shall be allowed for each separate business, as defined by lot, unit, lease, or other legally created property interest, subject to the total sign face area limitation of 150 square feet per building. Total sign face area in excess of 150 square feet shall not be allowed for any building unless approved through a Master Sign Plan applicable to that building. No single business may have a sign with any face area larger than 32 square feet.

Section 2. Section 7-3-12(F) Performance Criteria, subsection (7) of the Ridgway Municipal Code, is amended as follows:

(7) No sign shall be larger than 32 square feet in area, except a freestanding sign with more than one business advertised may have a sign face up to 56 square feet, unless approved

through a Master Sign Plan applicable to that building. No sign shall have more than 2 sign faces. No sign face on a temporary "For Sale" or "For Rent" sign shall exceed 7 square feet in area including riders. All "For Sale" signs shall be taken down when the sale of the premises is closed.

Section 3. Section 7-3-20(A) Fees and Costs for Master Sign Plans, subsection (8) of the Ridgway Municipal Code, is amended to add subsections (8)(a)(b) and (c) as follows:

- (8) Master Sign Plans pursuant to 7-3-12: \$150.00
 - (a) Minor Change to Master Sign Plan: \$50.00
 - (b) Major Change to Master Sign Plan: \$150.00
 - (c) Appeal to Master Sign Plan: \$250.00

Section 4. Section 7-3-12(J) Master Sign Plans is added to the Ridgway Municipal Code as follows:

(J) Master Sign Plans

- (1) Purpose: To provide flexibility for the amount of signage and size of signs for multi-tenant buildings and developments to ensure signage is available for business and facility wayfinding and identification. To protect the health, safety and welfare of the community while preserving town aesthetics.
- (2) Applicability
 - (a) A Master Sign Plan shall be encouraged for all properties with multi-tenant buildings and/or multiple buildings in which three or more non-residential tenants or businesses are present.
 - (b) Any property with multiple-tenant buildings or multiple buildings in which three or more non-residential tenants existing at the time of adoption of this section that does not have a Master Sign Plan is encouraged to apply for a Master Sign Plan at the time of application for a new sign at the site.
 - (c) Any property owner with multi-tenant and/or multiple buildings in which two or more non-residential tenants or businesses are present may apply for a Master Sign Plan.
- (3) General Regulations
 - (a) All signs subject to a Master Sign Plan shall apply for and receive a sign permit before any sign may be installed.
 - (b) All signs on the site shall conform at all times to the approved Master Sign Plan and other applicable Sign Regulations.
 - (c) A Master Sign Plan shall run with the property for which it was issued and not with individual tenants or businesses.

- (d) Applications for a Master Sign Plan shall be submitted to the Town on forms supplied by the Town accompanied by the fee per Ridgway Municipal Code Section 7-3-20. At a minimum the Applicant shall submit the following information to the Town:
 - (i) Identification of the property for which the Master Sign Plan application shall apply;
 - (ii) Proof of property ownership, or partial ownership, and signatures from all property owners included in the proposed Master Sign Plan;
 - (iii) Total sign area allowed per Ridgway Municipal Code Section 7-3-12 and the total sign area requested with the Master Sign Plan;
 - (iv) Site plan showing location of all existing and proposed signs on property, with distance from property lines;
 - (v) Building elevations/pictures showing location of all existing and proposed signs on property, with height of all signs from the ground;
 - (vi) Dimensions and type of all existing and proposed signs, including the unit number/address for each;
 - (vii) Any proposed lighting for the signs, including location, type, kelvin, and lumens for each fixture; and
 - (viii) Proof that the Criteria for Approval have been met.
- (e) Through these Master Sign Plan Regulations, the following deviations from the specified dimensional requirements may be considered.
 - (i) A free-standing sign may be up to 30% larger than the 56 square feet limitation of 7-3-12(F)(7).
 - (ii) Up to 30% more than the allotted square footage per 7-3-12(E)(3) of sign area may be allowed.

Deviations shall not be considered for any other sign regulations in the Ridgway Municipal Code.

(4) Criteria for Approval

The proposed Master Sign Plan:

- (a) will not be contrary to the public health, safety, or welfare;
- (b) will not create traffic hazards;
- (c) provides for adequate assurances of safety from natural conditions (such as wind, snow, and ice) as it relates to the signs proposed;
- (d) will not unreasonably interfere with neighboring commercial businesses or properties; and
- (e) provides for signs that are reasonably necessary to operate the business or businesses on the property.

The burden shall be on the applicant to show that these criteria have been met.

(5) Review Procedure

- (a) Within 14 days of receipt of a completed application accompanied by the applicable fee for a Master Sign Plan, or a minor change to an existing Master Sign Plan, the Town will administratively approve or deny the application according to the Criteria for Approval. It

shall not be necessary for the Town to provide written findings or conclusions, except upon request of the applicant.

- (i) To the extent an application for a Master Sign Plan or minor change is denied in whole or in part, the requesting party may appeal to the Planning Commission as set forth in subsection (5)(b) of this section. Such appeal shall be in writing and submitted within 7 days of the Town's decision and review shall be *de novo*.
- (b) Within 14 days of receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan, the Planning Commission will set a hearing;
 - (i) The hearing shall be heard at the next regularly scheduled Planning Commission meeting for which proper notice of the hearing can be made, and no later than 40 days after receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan. A hearing that must be continued due to time constraints or other delays may be continued for an additional 7 days beyond the 40-day deadline, assuming the hearing was commenced within the 40-day deadline. By mutual agreement, the applicant and the Planning Commission may also extend the 40-day and 7-day deadlines set forth in this subsection.
 - (ii) At the hearing scheduled, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Planning Commission may limit testimony, evidence, and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Court. The hearing should be tape recorded or otherwise electronically recorded. The applicant, or other interested party may, if he desires, have the hearing recorded by a court reporter, at the applicant's sole expense. The burden is upon the applicant in all cases to establish that the applicable criteria for any action are met.
 - (iii) Notice of the hearing shall be posted at Town Hall at least 10 days before the hearing and posted, visible for each street frontage abutting the property, for at least 10 days prior to the hearing in addition to any other notice required by Town regulations.
 - (iv) The Planning Commission shall announce its decision according to the Criteria for Approval within 14 days of the completion of the hearing. It shall not be necessary for the Planning Commission to provide written findings or conclusions, except upon request of the applicant, or other party appearing or participating in the hearing. The decision of the Planning Commission with respect to an application for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan shall be final, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure. Upon the filing of an appeal under Rule 106, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review, shall pay the Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at the applicant's expense.
 - (v) The Planning Commission may approve the requested action only upon finding that all applicable criteria and requirements of these Master Sign Plan regulations or other Town ordinances have been met. If it determines such criteria have not been met,

the application shall be denied. The application may be granted upon conditions or limitations which the Planning Commission determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties, in writing, as part of the decision, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure.

(6) Amendments to Approved Master Sign Plans

- (a) Minor Changes: Minor changes are those changes that do not alter the overall characteristics of the existing Master Sign Plan and that create no adverse impacts on adjacent uses, infrastructure, or public safety. Examples of what may be considered a minor change include, but is not limited to, 1) changes in the location of signs, 2) replacement of existing signs that are the same size or smaller than the existing sign, and 3) changes in the number of signs, as long as the aggregate square footage remains the same.
- (b) Major Changes: Major changes are those that can alter the overall character of the Master Sign Plan and which could create adverse impacts on adjacent uses or public infrastructure. Examples of what may be considered a major change include, but are not limited to, 1) changes in the total square footage of the Master Sign Plan and 2) requests for deviations per 7-3-12(J)(3)(e).

Section 5. Severability

The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 6. Effective Date

This Ordinance shall take effect 30 days after adoption.

Section 7. Publication of Notice

Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

Section 8. Public Hearing

A public hearing on this Ordinance was held on the 9th day of October, 2019, in the Town Council Chambers, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED by the Town Council of the Town of Ridgway, Colorado this 11th day of September, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By: _____
John I. Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved as to Form:

Bo James Nerlin, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this 9th day of October, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By: _____
John I. Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved as to Form:

Bo James Nerlin, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on _____, 2019, published by title and posted thereafter, and adopted by the Town Council on _____, 2019.

(SEAL)

Pam Kraft, MMC, Town Clerk