

## ORDINANCE NO. 421

### AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BAYFIELD AMENDING THE LAND USE CODE SIGN REGULATIONS

WHEREAS, on November 7, 2017, by its adoption of Ordinance No. 409, the Board of Trustees repealed and readopted the Bayfield Land Use Code; and

WHEREAS, the Land Use Code contains regulations regarding signs within the Town; and

WHEREAS, the 2015 United States Supreme Court case *Reed v. Town of Gilbert* and subsequent lower court decisions applying *Reed v. Town of Gilbert* prompted a review of the Town's sign regulations with regards to the issues of content and viewpoint neutrality; and

WHEREAS, the changes to the Town's sign code contained in this Ordinance comply with *Reed v. Town of Gilbert* and related cases; and

WHEREAS, the Town has legitimate, important, substantial, or compelling interests in preventing the proliferation of signs and maintaining a high quality aesthetic environment to protect and enhance property values and the public investment in streets, sidewalks, trails, parks, and landscaping; and

WHEREAS, the Town finds that the regulations set out in this Ordinance are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers; and

WHEREAS, any incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Ordinance is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein; and

WHEREAS, regulation of the location, number, materials, height, sign area, form, and duration of display of signs is essential to preventing the proliferation of signs, protecting the environmental and economic health of the Town; and

WHEREAS, signs may be degraded, damaged, moved, or destroyed by causes including wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town if they are not removed; and

WHEREAS, the purpose and intent of this Ordinance is to establish reasonable regulations for the design, location, installation, maintenance, and removal of signs in a manner that advances the Town's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding constitutionally protected free speech; and

WHEREAS, the Board of Trustees has determined that the Land Use Code sign regulations contained in this Ordinance will promote the objectives and public purposes described above and are in the best interests of the Town and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD AS FOLLOWS:**

**Section 1.** Board of Trustees hereby makes and adopts the determinations and findings contained in the recitals set forth above.

**Section 2.** Section 7-27 of the Land Use Code is hereby repealed in its entirety and reenacted with new Article X to read as follows:

**ARTICLE X Sign Regulations**

**Sec. 10-1. Purpose and intent.**

A. The purpose of this Article is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the Town.

Specifically, this Article is intended to:

- (1) Enhance and protect the physical appearance of the Town;
- (2) Protect property values;
- (3) Promote and maintain visually attractive, high-value residential, commercial and industrial areas;
- (4) Promote the economic well-being of the community by creating a favorable physical image; and
- (5) Ensure that signs are located and designed to:
  - a. Provide an effective means of way-finding in the community;
  - b. Afford the community an equal and fair way to advertise and promote its products and services;
  - c. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents and maintain a safe and orderly pedestrian and vehicular environment;
- (6) Minimize the disruption of the scenic views which, when maintained, protect important community values; and
- (7) Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication.

**Sec. 10-2. Applicability.**

- A. This Article shall apply to all signs in the Town, except as specifically stated otherwise.
- B. A sign may only be erected, established, painted, created or maintained in conformance with the standards, criteria, procedures and other applicable requirements of this Article. Any sign not expressly allowed by this Article or not in conformance with its requirements is prohibited. On properties where mixed uses exist, residential uses shall comply with the sign regulations for residential lots, and commercial uses shall comply with the nonresidential property sign regulations.
- C. No sign or sign structure shall be placed on private or public property without the written consent of the owners or agents thereof.
- D. Blanketing. For the purpose of preventing the blanketing of one sign by another, the following provisions regulating the size of a sign and its location shall govern:
  - (1) No sign shall be erected in the same horizontal plane with other signs unless the sizes are spaced as set forth below, measured center to center:

Overlap of Signs by Size and  
Required Spacing as Measured From  
Center to Center of Sign

Sign by Size	Spacing Between Signs
3 square feet or less	10 Feet
Greater than 3 square feet to 4 square feet	20 Feet
Greater than 4 square feet to 6 square feet	25 Feet
Greater than 6 square feet 30 feet	30 Feet

- (2) Any projecting sign erected at a shorter distance than required above shall be erected above the top edge or below the bottom edge of the blanketing sign.
- E. Unless otherwise expressly stated herein, all determinations made pursuant to this Article shall be made by the Land Use Administrator or his or her designee.
- F. The following are exempt from this Article:
- (1) Signs not exceeding three (3) square feet in area that are customarily associated with residential uses, such as property identification names and numbers, signs on mailboxes or newspaper tubes and signs posted on private property warning the public against trespassing or danger from animals;
  - (2) Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation authorized by the law, statute or ordinance under which the signs are erected;
  - (3) Official signs erected by state or local governments or their contractors or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;
  - (4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or inlaid so as to be part of the building, provided that such signs do not exceed six (6) square feet in sign area;
  - (5) Flags of any nation or government or displaying a noncommercial message, provided that such flags do not exceed forty (40) square feet and do not extend over a public right-of-way when unfurled;
  - (6) Architectural features of buildings or works of art, if such features or works of art do not contain letters, trademarks, moving parts or lights and do not display a commercial message;
  - (7) Any traffic control sign, such as "STOP" or "YIELD," located on public or private property that meets applicable governmental standards pertaining to such signs and does not display a commercial message;
  - (8) Name plate signs of not more than two (2) square feet in area which are fastened directly to a building and do not project from the face of the building;
  - (9) National holiday and community special event decorations that do not display a commercial message;
  - (10) Signs on athletic fields and scoreboards intended for viewing on the property upon which the scoreboard is located;
  - (11) Signs located inside buildings which are not placed there for the purpose of being visible to and read from the outside of the building and which are not legible from a distance of more than three (3) feet beyond the building in which such sign is located; and
  - (12) Instructional signs on Town property erected by the Town;
  - (13) Signs placed for permitted special events. Special event permit conditions may apply.

**Sec. 10-3. Definitions.**

As used in this Article, the following words shall have these specific meanings:

*Abandoned sign* means any sign, together with its supporting structure, which, one hundred and eighty (180) days or more after the property has been vacated, advertises an activity, business, product or service no longer produced or conducted upon the property upon which such sign is located, or a supporting

structure or shell that no longer exhibits any content, excluding permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

*Architectural feature* means any construction attendant to, but not an integral part of, a sign, which may consist of landscaping, building or structural forms that enhance the site in general, graphic stripes and other architectural painting techniques applied to a structure that serve a functional purpose or stripes or other painting techniques applied to a building, provided that such treatment does not include lettering, logos or pictures.

*Banner* means a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.

*Billboard* means a sign structure advertising an establishment, merchandise, event, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located, as well as any other outdoor advertising prohibited by Section 43-1-401, et seq., C.R.S.

*Blanket or blanketing*, when applied to signs or sign structures, means the partial or complete shutting off of the face of one (1) sign by another sign.

*Building frontage* means the building face on which the primary entry is located. There can be only one (1) building frontage per building.

*Building sign* means a sign attached to any part of a building, including wall, awning, canopy and projecting signs.

*Building wall* means a vertical surface of a building or structure, other than a pitched roof, that is integral to and could reasonably be construed as part of the architecture of the building, such as awnings, canopies, marquees, the vertical portion of gable roofs, parapets and mechanical penthouses.

*Changeable copy sign* means a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified from time to time manually or by electronic, digital or mechanical devices, such as a bulletin board or electronic message board, maintained so that the entire message is shown at once; provided that the sign does not include commercial messages relating to products or services that are not offered on the property.

*Commercial* means predominately related to economic interests or commerce, or a transaction for a particular product or service or a group of products or services for profit.

*Flag* means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision, commercial entity or institution, provided that a commercial entity or institutional flag may only display the name, trademark or logo of the business or institution on the property and no advertising.

*Freestanding sign* means a sign which is placed on or anchored to the ground or is supported by a sign structure that is placed on or anchored to the ground and is independent from any building or other structure.

*Grade (ground level)* means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

*Height* means the vertical distance measured from the elevation of the nearest sidewalk or, if there is no sidewalk within twenty-five (25) feet, from the lowest point of the finished grade on the lot upon which the sign is located, to the uppermost point on the sign or the sign structure.

*Illuminate* means to shine an artificial light either by internal or external means and includes, but is not limited to, electronic, digital, LED or neon pan channel lighting.

- a. *Direct* means lighting by means of an unshielded light source which is effectively visible as a part of the sign. Neon lighting is considered direct lighting.
- b. *Indirect* means lighting which illuminates the front of a sign upon which the sign is displayed, the source of the light being shielded from public view and from surrounding properties. Indirect illumination does not include lighting which is used for purposes other than sign illumination, such as parking lot light.
- c. *Internal* means lighting by means of a light source which is within a sign having a translucent background and which silhouettes opaque letters or designs, or for lighting behind letters or designs which are themselves made of translucent or opaque material.

*Instructional sign* means a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity, such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building and including a sign erected by a public authority, utility, public service organization or private industry that is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

*Joint sign* means a sign which serves as a common or collective sign for two (2) or more businesses or industrial uses located within the same building or which share a common wall, or for two (2) or more businesses or industrial buildings located within a jointly used area or on directly adjacent properties; said buildings are to be in close proximity to one another. Such signs are for the purpose of reducing the number of detached or freestanding signs and may contain a general identification for shopping centers, industrial parks, office centers and similar developments and may, in some cases, contain a directory to individual uses as an integral but clearly secondary part of the sign.

*LED (light-emitting diode)* means a particular type of electronic light source that exhibits light by electroluminescence.

*Name plate sign* means a building sign not exceeding two (2) square feet indicating the street number, the name of the person, business, profession or activity occupying the lot, building or part thereof, or other information pertaining to the use on the lot.

*National holiday* means any of the following days:

- a. New Year's Day;
- b. Martin Luther King, Jr.'s Birthday;
- c. President's Day;
- d. Memorial Day;
- e. Independence Day;
- f. Labor Day;
- g. Veterans' Day;
- h. Thanksgiving Day; and
- i. Christmas Day.

*Neon sign* means a sign that includes visible neon tubing.

*Nonresidential property* means any property on which a commercial or industrial use occurs.

*Opaque* means exhibiting opacity: partially blocking the passage of radiant energy and especially light.

*Pole-mounted signs* are freestanding signs where the structural support for the sign is a pole.

*Portable sign* means a sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported on wheels, skids, a bench, runners or brackets, or has a frame to which wheels, skids, runners, brackets or similar mechanical devices can be attached to or support the sign, including inflatable devices and vehicle signs, and also including a sign displaying a commercial message held by, attached to or affixed on an individual who is exhibiting such sign for the predominant purpose of conveying the commercial message on such sign.

*Projecting sign* means a sign that is attached to a building wall and extends perpendicular to (or approximately perpendicular to) the building wall.

*Raceway* means the enclosure behind a sign used to contain and protect wires, cables or bus bars.

*Residential lot* means any lot or parcel on which a residential use occurs.

*Retail or commercial centers* means a group of three (3) or more freestanding buildings containing commercial uses that developed as a planned unit with common open space and landscape areas.

*Roof sign* means a sign located on or projecting over the roof or parapet wall of any building, whether the principal support for the sign is on the roof, wall or any other structural element of the building.

*Sandwich board sign* means a sign composed of two (2) large surfaces bearing placards, hinged at the top, which can be placed in an "A" shape on the ground.

*Sign* means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of, an announcement, direction or advertisement.

*Signable area* means that portion of the building facade unbroken by doors or windows upon which a wall sign is or may be located. It is calculated by selecting a continuous facade, then drawing the largest possible imaginary rectangle unbroken by doors or windows and computing the square foot area of this rectangle.

*Story* means each fifteen (15) feet in height of a building for purposes of measuring window signs, regardless of whether a building is occupied on more than one (1) level.

*Street frontage or street line* means any boundary line of a private lot or parcel of land that coincides with the right-of-way of a public street.

*Temporary sign* means a sign, banner or similar device or display that is intended for a temporary period of display. A temporary sign does not include a sign display area that is permanent, but the message displayed is subject to periodic changes. This Section shall not be interpreted to permit signs that are prohibited in Section 10-4.

*Vehicle sign* means a sign displayed on a motor vehicle, including trucks, buses or other motor vehicles such as moving vans, delivery trucks, rental trucks and the like, and trailers, whether or not attached to a motor vehicle, but not including motor vehicles or trailers used for commercial transit and licensed by the Public Utilities Commission of the State, such as taxis and buses. Examples of vehicle signs are signs indicating the name of the owner or business located on moving vans, delivery trucks, rental trucks, trailers and the like.

*Wall sign* means a building sign that is attached parallel to the wall of a building.

## **Sec. 10-4. Prohibited signs.**

A. The following signs are prohibited in the Town:

- (1) Billboards.
- (2) Signs incorporating any flashing or moving illumination or with illumination that periodically varies in intensity or color, or signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsations, by actions or normal wind currents, including but not limited to promotional balloons and

the like.

- (3) Signs with light sources not shielded such that the bulbs, floodlights or tubes are visible off the property on which the signs are located.
- (4) Any sign that violates any provision of this Article or constitutes a hazard to public safety, health or welfare.
- (5) Signs that, by reason of size, location, coloring or manner of illumination or movement, obstruct the vision of drivers when traveling on a roadway, leaving a roadway or entering a roadway.
- (6) Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit, or that obstructs property ventilation or lighting.
- (7) Abandoned signs.
- (8) Searchlights, pennants and spinners.
- (9) Roof signs or any signs which project above a building wall or parapet.
- (10) Signs in the public right-of-way, except those erected by the Town or a licensee of the Town or the State in accordance with the current Uniform Manual on Traffic Control Devices.
- (11) Center pole-mounted signs.
- (12) Portable signs, except as expressly permitted in Section 10-5 and Subsections 10-7(C), and 10-8(F) of this Article.
- (13) Signs with exposed cables or electrical mountings, unless the Building Official finds that unusual construction problems exist necessitating such cables or mountings.
- (14) Permanent freestanding signs on residential lots, except as expressly permitted in Subsection 10-7(F) below.
- (15) Signs using any sound- or noise-making or -transmitting device.
- (16) Projecting signs that project from the corner of a building.
- (17) Signs with more than one (1) face where the faces meet at an angle shall be no greater than zero (0) degrees (otherwise referred to as "V"-shaped signs), excluding temporary sandwich boards.
- (18) Neon signs.

### **Sec. 10-5. Vehicle signs.**

A. Vehicle signs on vehicles being operated in the normal course of business shall be allowed without a permit and without reference to the regulations set forth in this Article, subject to the following limitations:

- (1) The vehicle shall have any required state licenses, license plates and inspection stickers, and must be operable.
- (2) The vehicle shall be regularly operated, which means that the vehicle must leave the property on a regular basis for a business purpose, and shall not be parked in excess of twelve (12) continuous hours at a business location. This Paragraph shall not be construed to apply to a vehicle used on a regular basis for a business purpose that is taken home during nonbusiness hours and parked or stored on a private residential lot during nonbusiness hours.
- (3) The primary purpose of such vehicle shall not be for the display of signs. In determining whether the primary purpose of such vehicles is for the display of signs, the Town shall consider the following criteria:
  - a. Whether the vehicle is regularly operated as set forth in Paragraph (2) above.
  - b. The location of the vehicle when it is parked on or near the property of the business for which the sign is provided. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way, unless no other alternative parking area is available.
  - c. Whether the vehicle is parked in a location that is not on or near the property of the business for which the sign is provided in a manner so as to constitute a billboard. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way without a valid business purpose, such as deliveries or repair work.

B. Vehicle signs shall be magnetic, have vinyl graphics or be painted directly on the vehicle.

C. Vehicle signs on food and vendor trucks, trailers, and carts permitted in accordance with the Municipal and Land Use Codes are permissible. The vehicle sign shall be considered a building sign for conformance with number of signs permitted on a non-residential property.

## Sec. 10-6. Planned developments.

Signs in planned developments shall comply with the sign requirements of the final development plan. Unless expressly provided in the final development plan, this Article shall not apply to planned developments. Upon submittal of a final development plan for a planned development, the applicant shall have the option of seeking approval of its own sign plan for the planned development or meeting the requirements of this Article.

## Sec. 10-7. Signs on residential lots.

- A. Signs on residentially zoned lots shall comply with the standards set forth in this Section.
- B. Instructional signs. Instructional signs are permitted on residential lots in compliance with the following:
  - (1) An instructional sign shall not be larger than necessary to serve the intended instructional purpose and shall not exceed two (2) square feet in area and six (6) feet in height;
  - (2) The number of instructional signs located on any lot shall be the minimum needed to serve the intended purpose; and
  - (3) An instructional sign shall not attract attention beyond the perimeter of the lot on which it is located.
- C. Temporary signs.
  - (1) Up to five (5) temporary signs of four (4) square feet in area or less are permitted on each residential lot.
  - (2) Temporary signs shall not exceed six (6) feet in height and must be set back at least five (5) feet from the right-of-way.
  - (3) Each temporary sign shall be constructed of a durable material and must be affixed to the ground or a structure so that it will remain in place.
  - (4) A temporary sign permitted pursuant to this Subsection shall be exempt from the prohibition on billboards set forth in Paragraph 10-4(A)(1) of this Article.
- D. Window signs. One (1) sign may be placed in the window of a dwelling unit, provided that the sign does not exceed four (4) square feet in total area and eight (8) feet above grade in total height, and provided that such sign does not block more than twenty-five percent (25%) of the window area.
- E. Building signs are permitted on residential lots greater than forty-three thousand five hundred sixty (43,560) square feet.
  - (1) Size: In residential zoning districts, maximum building sign surface area shall be thirty-six (36) square feet or twenty-five percent (25%) of the signable area, whichever is greater.
  - (2) Location: Building signs shall be placed on the walls, awnings, canopies or parapets of the building in compliance with the following:
    - (a) Wall signs.
      - 1. A wall sign shall not project more than six (6) inches from the surface upon which it is mounted and shall not exceed six (6) feet in height. If external lighting is used, reflectors must be six (6) feet above the surface of the sidewalk and must be equipped with wire mesh guards. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
    - (b) Projecting signs.
      - 1. Projecting signs shall be limited to buildings that have a minimum of ten (10) feet of street frontage, provided that:
        - a. All projecting signs shall have a maximum height of ten (10) feet from the ground and a minimum clearance of seven (7) feet from the ground to the bottom of the sign.
        - b. Projecting signs shall be placed on the building so that the edge of the sign nearest the wall is twelve (12) inches or less from the wall.
        - c. No projecting sign shall project more than three (3) feet beyond the building line in the direction of the street or one-third of the width of the sidewalk, whichever is less.
        - d. No single face of a projecting sign shall exceed nine (9) square feet in sign area.
    - (c) Awning signs.
      - 1. Awning signs may be placed only on awnings that are located on the ground floor façade of a building.
      - 2. No sign mounted on an awning shall project beyond, above or below the face of an awning.
    - (d) Canopy Signs.
      - 1. No sign mounted on a canopy shall project beyond, above or below the face of a canopy.
    - (e) Marquee Signs.
      - 1. A marquee sign shall be placed on a ground floor façade of a building.

2. No marquee sign shall extend above the roof or parapet line of any building.
- (3) Number: There shall be no more than one (1) building sign per building.
- F. Permanent freestanding signs are permitted on residential lots greater than forty-three thousand five hundred sixty (43,560) square feet, subject to the restrictions set forth in this Subsection, and shall comply with the requirements of Subsection 10-8(D) below if changeable copy is used.
- (1) Size:
- A side of a freestanding sign is any plane or flat surface of the sign. The side shall be included in the calculation of the total sign surface area.
  - Subject to Subsection (c) hereof, a single side of a freestanding sign shall not exceed one (1) square foot in surface area for every two (2) linear feet of street frontage on the street toward which the sign is primarily oriented, provided that no single side of a freestanding sign shall exceed sixty (60) square feet.
  - If a property has no street frontage and an applicant desires to install a freestanding sign oriented toward a street, then the total freestanding sign surface area permitted for all businesses located on that property is that allowed as if the property boundary closest to the street toward which such sign is to be oriented fronted the street, provided that only one (1) street and the closest property boundary to such street may be used to determine the total permitted sign surface area.
  - For freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsection (b) hereof for a single side of a freestanding sign.
- (2) Location: Freestanding signs shall be set back ten (10) feet from the nearest right-of-way, provided that no freestanding sign shall be closer to an abutting property line than fifteen (15) feet or as allowed by Paragraph 10-2(D) of this Article, whichever is more restrictive.
- (3) Number: One (1) freestanding sign shall be allowed per lot in excess of forty-three thousand five hundred sixty (43,560) square feet; however, if the lot has multiple buildings constituting a primary use under the zoning provisions of the Town, one (1) freestanding sign is allowed per street frontage.
- (4) Height: Freestanding signs shall not exceed six (6) feet in height.
- (5) Multiple-occupant buildings: When a freestanding sign is constructed on property that has more than one (1) occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building, the anchor occupant, all occupants or some combination thereof.
- (6) Lots may be combined for purposes of meeting the forty-three-thousand-five-hundred-sixty-foot threshold for a freestanding sign, and a joint freestanding sign may be erected as if the combined lots constituted a single lot.

Signs on Residential Lots  
Schedule

Type of Sign	Maximum Number Permitted	Maximum Area Per Sign	Maximum Height	Minimum Setback
Instructional sign	Minimum necessary to serve intended use	2 sq. ft.	6 ft.	N/A
Temporary sign	5 signs per Lot	4 sq. ft.	6 ft.	5 ft.
Window sign	1 sign per building for single-family 1 sign per unit for multiple-family	4 sq. ft.	8 ft.	N/A

Building sign	1 sign per building on lots greater than 43,560 sq. ft.	36 sq. ft. or 25% of signable area. If projecting, 9 sq. ft.	6 ft.	Same as building setback  If projecting, see Subparagraph 10-7(E)(2)(b)(1)(c)
Freestanding sign	1 sign on lots greater than 43,560 sq. ft. (or if lots are combined for purposes of a joint sign), unless multiple primary buildings, then 1 sign per street frontage	1 sq. ft. per 2 Lin. ft. of street frontage up to 60 sq. ft. for a single sign	6 ft.	10 ft.

**Sec. 10-8. Signs on nonresidential property.**

**A. Building signs.**

- (1) Size: In nonresidential zoning districts maximum allowable building sign surface area shall be thirty-six (36) square feet or twenty-five percent (25%) of the signable area, whichever is greater.
- (2) Location: Building signs shall be placed on the walls, awnings, canopies or parapets of the building in compliance with the following:
  - (a) Wall sign.
    1. A wall sign shall not project more than six (6) inches from the surface upon which it is mounted and shall not exceed ten (10) feet in height. If external lighting is used, reflectors must be ten (10) feet above the surface of the sidewalk and must be equipped with wire mesh guards. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
  - (b) Projecting Sign.
    1. Projecting signs shall be limited to buildings that have a minimum of ten (10) feet of street frontage, provided that:
      - a. All projecting signs shall have a maximum height of ten (10) feet from the ground and a minimum clearance of seven (7) feet from the ground to the bottom of the sign.
      - b. Projecting signs shall be placed on the building so that the edge of the sign nearest the wall is twelve (12) inches or less from the wall.
      - c. No projecting sign shall project more than three (3) feet beyond the building line in the direction of the street or one-third of the width of the sidewalk, whichever is less.
      - d. No single face of a projecting sign shall exceed nine (9) square feet in sign area.
  - (c) Awning signs.
    1. Awning signs may be placed only on awnings that are located on the ground floor façade of a building.
    2. No sign mounted on an awning shall project beyond, above or below the face of an awning.

- (d) Canopy Signs.
  - 1. No sign mounted on a canopy shall project beyond, above or below the face of a canopy.
- (e) Marquee Signs.
  - 1. A marquee sign shall be placed on a ground floor façade of a building.
  - 2. No marquee sign shall extend above the roof or parapet line of any building.
- (3) Number: There shall be no more than one (1) building sign per business.
- B. Freestanding signs.
  - (1) Size:
    - (a) A side of a freestanding sign is any plane or flat surface of the sign. The side shall be included in the calculation of the total freestanding sign surface area.
    - (b) Subject to Subsection (c) hereof, a single side of a freestanding sign shall not exceed one (1) square foot in surface area for every two (2) linear feet of street frontage on the street toward which the sign is primarily oriented; provided that no single side of a freestanding sign shall exceed sixty (60) square feet if it is for a single business or one hundred fifty (150) square feet if the sign is for multiple businesses. No portion of a joint sign allocated to a single business shall exceed sixty (60) square feet.
    - (c) If a property has no street frontage and an applicant desires to install a freestanding sign oriented toward a street, then the total freestanding sign surface area permitted for all businesses located on that property is that allowed as if the property boundary closest to the street toward which such sign is to be oriented fronted the street, provided that only one (1) street and the closest property boundary to such street may be used to determine the total permitted sign surface area.
    - (d) For freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subparagraph (b) above for a single side of a freestanding sign.
  - (2) Location:
    - (a) Freestanding signs shall be set back ten (10) feet from the nearest right-of-way, except that freestanding signs in the Mill Street (MS) Zoning District may be set back two (2) feet from the right-of-way.
    - (b) No freestanding sign on a nonresidential lot shall be located within thirty (30) feet of a residential zoning district or closer to an abutting property line than five (5) feet or as allowed by Paragraph 10-2(D) of this Article, whichever is more restrictive.
  - (3) Number:
    - (a) One (1) freestanding sign shall be allowed per nonresidential lot; however, if the lot has multiple buildings constituting a primary use under the zoning provisions of the Town, one (1) freestanding sign is allowed per street frontage.
  - (4) Height: Freestanding signs shall not exceed ten (10) feet in height.
  - (5) Multiple-occupant buildings: When a freestanding sign is constructed on property that has more than one (1) occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the buildings, the anchor occupant, all occupants or some combination thereof.
- C. Joint sign. A freestanding joint sign shall be exempt from the billboard prohibition, provided that the erection of a joint sign shall reduce the number of allowable freestanding signs on any adjacent lot that has a business identified on the joint sign by one (1) sign.
- D. Changeable copy signs.
  - (1) Size: Changeable copy signs shall not exceed twenty (20) square feet, which may be allocated as ten (10) square feet per sign face or twenty (20) square feet on a single-faced sign. Signs with changeable copy as a component of the sign shall not exceed fifty percent (50%) of the sign area with changeable copy.
  - (2) Other: Changeable copy may be changed electronically, digitally, mechanically or manually, but the entire message shall be shown at all times, and the changeable copy shall not be changed more than four (4) times per calendar day.
- E. Instructional signs.
  - (1) Number: The number of instructional signs shall equal the minimum number needed to achieve the intended instructional purpose.
  - (2) Size: Instructional signs shall not exceed six (6) square feet in area or six (6) feet in height. Instructional signs may be placed on the base of a freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the

freestanding sign.

- (3) Location: Instructional signs shall not be located or designed to be legible or serve to attract attention beyond the perimeter of the site.

F. Temporary signs.

- (1) Number: Three (3) temporary sign of less than thirty-two (32) square feet is allowed, unless otherwise stated in this Section, per nonresidential property.
- (2) Height: Temporary signs shall not exceed eight (8) feet in height.
- (3) Sandwich boards are permitted during hours of operation, but must comply with all other sign requirements, including size and setback. Sandwich boards may be placed on sidewalks on Mill Street during hours of operation, but shall not impede pedestrian movement.

G. Banners.

- (1) One (1) temporary banner of less than fifty (50) square feet is allowed, unless otherwise stated in this Section, per nonresidential property.
- (2) Banners shall be securely attached to a building or structure at all times.
- (3) Inflatable Sign not exceeding ten (10) feet in height may be placed in lieu of banner.

H. Window signs.

- (1) Location: Window signs shall be located in the display windows of a business use which incorporates a display of merchandise or a display relating to a service offered.
- (2) Size and number: One (1) window sign per window is permitted on any face of a building. No such sign letter or composition shall exceed twenty-four (24) inches in height, and its area shall not be greater than twenty-five percent (25%) of the window area. The maximum window area that may be used by a window sign shall not exceed thirty-six (36) square feet. Window signs shall be no greater than a single story in height.

Signs on Nonresidential Lots  
Schedule

Type of Sign	Maximum Number Permitted	Maximum Area Per Sign	Maximum Height	Minimum Setback
Building Sign	1 per business	36 sq. ft or 25% of signable area  If projecting 9 sq. Ft.	10 ft.	Same as building setback  If projecting, see Subparagraph 10-8(A)(2)(b)(1)(c).
Freestanding Sign	1 sign per building or if multiple businesses, 1 per street frontage	1 sq. ft. per linear ft. of street frontage up to 60 sq. ft. for single business sign or 150 sq. ft. of multiple business signs	10 ft.	10 ft. except 2 ft. on Mill Street
Freestanding – joint sign	1 sign per lot, unless multiple primary buildings or combining multiple lots for a joint sign,	1 sq. ft. per lin. ft. of street frontage up to 60 sq. ft. for single business sign or 150 sq. ft. of multiple business signs	10 ft.	10 ft.

	then 1 per street frontage			
Instructional Sign	Minimum necessary to serve intended purpose	6 sq. ft.	6 ft.	N/A
Temporary Sign	3 signs per property	32 sq. ft.	8 ft.	N/A
Banner Sign	1 sign per property	50 sq. ft., single or combined	N/A	Attached to building or secured
Window sign	1 per window	25% of window area or 36 sq. ft., whichever is less	1 story	N/A

**Sec. 10-9. Number of signs on nonresidential properties.**

A. No more than five (5) signs may be erected or maintained on any nonresidential property at any time, unless the property is located on a corner and has public entrances on two (2) or more public ways or where a building has both a front and rear public entrance, in which case, one (1) additional sign may be erected.

B. To determine the number of signs that may be displayed on a particular nonresidential property, the following rules shall apply:

- (1) A sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
- (2) Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- (3) A multi-sided sign shall be regarded as one (1) sign so long as the distance between the backs of each face of the sign does not exceed two (2) feet.

C. In calculating the total number of signs on any property, both permanent and temporary signs shall be combined in the total, but signs enumerated in Subsection 10-2(F) of this Article and instructional signs shall not be included.

**Sec. 10-10. Sign Area Calculation.**

A. Sign area calculation.

- (1) The surface area of a sign shall be calculated by including the entire area within a single, rectilinear perimeter of not more than eight (8) straight lines, a circle or an ellipse, enclosing the limits of the writing or other display, together with any material, color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure, such as a wall or fence structure, against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- (2) If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
- (3) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed two (2) feet.

### **Sec. 10-11. Illumination.**

- A. Illuminated signs are prohibited on residential lots, except those on lots greater than forty-three thousand five hundred sixty (43,560) square feet. No sign located in or within sixty (60) feet of a residential zoning district shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- B. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential lot.
- C. Illuminated signs shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m., except:
  - (1) Signs that advertise a business that is open for general business during such hours.
  - (2) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date or weather conditions or similar device whose principal function is not to convey a commercial message.
  - (3) Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

### **Sec. 10-12. Maintenance.**

- A. All signs and components thereof, including supports, braces and anchors, shall be kept in a state of good repair and be constructed and maintained in compliance with all building, electrical and fire prevention codes.
- B. Abandoned signs shall, within one hundred and eighty (180) days after abandonment, be removed by the sign owner, owner of the property where the sign is located or other party having control over such sign.
- C. If the message portion of a sign is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the property where the sign is located or other person having control over such sign shall, within forty-five (45) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Subsection shall not alter the effect of Section 10-14 below which prohibits the replacement of a nonconforming sign, nor shall this Subsection be construed to prevent the changing of the message of a sign.
- D. The area within ten (10) feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than twelve (12) inches in height.

### **Sec. 10-13. Visibility.**

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation without the express written authorization of the property owner, or in any area where the trees or shrubs are required by this Code to remain.

### **Sec. 10-14. Legal nonconforming signs.**

- A. A legal nonconforming sign is any sign that does not conform to the requirements of this Article but on the effective date of the ordinance codified in this Article, was lawfully maintained and had been lawfully erected in accordance with any prior applicable sign regulation.
- B. Any legal nonconforming sign may be continued in operation and maintained despite this Article, provided that no sign shall be changed so as to increase its size or nonconformity. Impermissible changes in use include, but are not limited to, adding illumination or moving or replacing a nonconforming sign.
- C. The right to maintain a legal nonconforming sign shall terminate immediately upon any of the following:
  - (1) Abandonment of the nonconforming sign;
  - (2) Any violation of this Article on the property containing the sign; or
  - (3) If the sign is damaged or destroyed in excess of fifty percent (50%) of the current replacement cost of the sign from any cause whatsoever or becomes obsolete or substandard under any applicable ordinances of the Town.

### **Sec. 10-15. Traffic control signs.**

- A. Traffic control signs shall not be erected on private or public property without the prior approval of the Town. The Town shall not approve a traffic control sign, unless the proposed sign conforms to the

specifications in the most recent Manual of Uniform Traffic Control Devices.

B. To obtain approval of a traffic control sign, an applicant shall submit to the Land Use Administrator or his or her designee a request, including plans specifying the type, location and size of the intended sign.

C. The Land Use Administrator or his or her designee shall review the request and may approve the traffic control sign.

### **Sec. 10-16. Sign permits, applications and fees.**

A. Except as specifically provided in this Article, a sign permit shall be required for permanent building signs, permanent freestanding signs and any other illuminated sign, including any signs being retrofitted with illumination.

B. The fee for a permit to erect, alter, construct or reconstruct a sign in the Town shall be set by the Board of Trustees.

C. Sign permit applications shall be submitted to the Land Use Administrator or his or her designee on official Town forms.

D. A permit shall be issued by the Land Use Administrator or his or her designee upon finding that the sign complies with this Article.

### **Sec. 10-17. Comprehensive sign plan.**

The Board of Trustees may permit the utilization of comprehensive sign plans for multiple building complexes which are located on one (1) tract or parcel of real estate or two (2) or more contiguous parcels which are held in unified control and which comprise one (1) or more acres, subject to the following requirements:

- (1) Submittal requirements: Applicants must submit a detailed sign plan with attached written stipulations to the Town for review and approval. Such stipulations shall consider all appropriate concerns, including but not limited to the following items: location, size, height, color, lighting, orientation, construction materials and copy.
- (2) No minimum or maximum standards are established for the comprehensive sign plans, but each plan must contain such limitations within the plan stipulations. The sign plan shall be reviewed in terms of its impact on surrounding land uses and its compatibility with the purposes of this Article and with other Town planning and zoning programs. The submittal shall be reviewed by the Planning Commission in its advisory capacity and shall be considered for approval by the Board of Trustees. The Board of Trustees shall not approve a sign plan which contains any prohibited signs as set forth in Section 10-4 of this Article.
- (3) All parties affected by provisions of the comprehensive sign plans must be signatories to such plans; provided, however, that if the multiple-building complex or any part thereof is governed by a management agreement, the duly constituted representative of the management association or firm shall be a signatory to such plans. It is unnecessary for owners or lessees to sign if said representative has signed on their behalf.
- (4) Once approved by the Board of Trustees, a comprehensive sign plan may be modified through the following procedure:
  - a. The Land Use Administrator or his or her designee is authorized to determine whether a modification of, or a release from, a provision of the sign plan would constitute a substantial variation from the guidelines originally approved by the Board of Trustees.
  - b. If the Land Use Administrator or his or her designee determines that the modification or release is not substantial, the Land Use Administrator or his or her designee may grant such a change, and a written summary of such determination shall be placed in the file for the comprehensive sign plan.
  - c. If the Land Use Administrator or his or her designee determines that the requested change is substantial, the proposed change and all relevant material shall be submitted to the Town for the Planning Commission and Board of Trustees' consideration. .
  - d. The Board of Trustees shall allow the proposed change only if the following criteria are met:
    1. The proposed change will not adversely affect the development and preservation of the entire sign plan;
    2. The change will not adversely affect surrounding land uses;
    3. The change will not conflict with the purposes of this Article; and
    4. The change is not granted solely to confer a special benefit upon any party.

- e. Nothing in these provisions shall be construed to deny the Board of Trustees power to require any modification of or release from any provision of the comprehensive sign plan so that the plan conforms to other Town ordinances.

### **Sec. 10-18. Removal of illegal or hazardous signs.**

A. The Land Use Administrator or his or her designee shall be the official responsible for administering and enforcing the provisions of this Section and, following proper notice, for removing or causing to be removed any sign or outdoor commercial advertising device not in compliance with all applicable provisions of this Article, other ordinances, resolutions and regulations of the Town or state statutes and regulations. The cost of removal shall be borne by the owner or lessee of the sign.

B. The Land Use Administrator shall notify the sign permittee, or the owner, lessee, lessor of the property upon which the sign is located, or any of these persons, in writing, that a sign is dangerous, constitutes a traffic hazard or is illegal and that the same shall be removed, repaired or corrected within a reasonable time period from the date of the notice as specified by the Land Use Administrator. If the sign poses an imminent danger of damage or injury to or loss of life, limb, property or health, the Land Use Administrator shall give notice, in writing, that the condition will be abated by the Town unless properly abated by the owner or occupant within twenty-four (24) hours or such less time as the Land Use Administrator believes is reasonable. The notice shall contain a description of the condition which violates this Article; the date before which the condition must be corrected; and a statement that the person receiving the notice may protest the findings of the authorized inspector with respect to any matters in the notice by filing a written notice of protest in the office of the Town Clerk before the date on which the notice directs the condition to be corrected. Such notice shall be served personally upon the permittee, owner or lessee of the sign. If the Land Use Administrator is unable to personally serve the summons and complaint, such service may occur by mailing a copy of the summons and complaint to the last known address of the permittee, owner or lessee by certified mail, return receipt requested, and by posting a copy of such summons and complaint in a conspicuous place on the premises of the violating sign.

C. Upon receipt of any notice of protest regarding a violation of this Article, the Town Clerk shall forward the notice of protest to the Board of Adjustment. The Board of Adjustment, or a hearing officer appointed by the Board of Adjustment, shall forthwith schedule a hearing on the protest. During the pendency of the protest, the notice of violation shall be extended, unless such item is of a temporary nature. The Board of Adjustment or hearing officer may affirm, modify or reverse the findings of the Land Use Administrator and, when appropriate, order that the violation be corrected within a specified time.

D. If the permittee, owner, lessee, lessor or any of these fails to comply with the written notice of violation or with the order of the Board of Adjustment or hearing officer, the Land Use Administrator may proceed to abate the violation, the cost of which shall constitute a perpetual lien on the property upon which the sign is located and which may be collected by any legal means, including certifying the lien to the County Treasurer for collection.

E. The Land Use Administrator may also issue a summons and complaint for the violation in the Municipal Court. Nothing in this Section shall require the Land Use Administrator to first follow the abatement procedures set forth in Subsection (B) above before proceeding with a Municipal Court action.

F. Upon being found liable for a violation of this Article, the Court shall have the authority to order the forthwith removal of the sign or correction of the violation. Such order shall be entered upon the docket of the Court and be made part of the judgment.

G. In the event that the defendant fails to correct such violation pursuant to the Court's order, the Court may order that the Town, by and through the Land Use Administrator, abate the violation and order that the defendant pay as restitution the costs of abating the violation.

H. The Land Use Administrator is authorized to place barriers around any sign posing an immediate danger to persons or property, with or without notice to the owner, permittee, lessee or lessor.

### **Sec. 10-19. Appeals and variances.**

A. Appeals. Appeals may be made in accordance with Section 2-10 of this Land Use Code.

B. Variances. Applicants seeking a variance to the size, height, location, illumination, number and type of signs and/or other standards set forth in this Article, may do so in accordance with Section 2-12 of this Land Use Code.

**Sec. 10-20. Violation; penalty.**

It is unlawful for any person to violate any of the provisions of this Article. Any violation of this Article shall be punishable by a fine of not more than the amount set forth in Section 1-5 of the Municipal Code. Each twenty-four-hour period for which a violation continues shall constitute a separate offense and subject the violator to separate penalties.

**Section 3. Severability.** If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 4.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 5.** The Ordinance shall become effective thirty (30) days after publication of ordinance by title only.

Read and approved at a meeting of the Board of Trustees of the Town of Bayfield, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed by a vote of \_\_ for and \_\_ against and ordered published.

\_\_\_\_\_  
Matthew Salka, Mayor

ATTEST

\_\_\_\_\_  
Kathleen S. Cathcart, Town Clerk