

Chapter 17.80

SIGNS

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17.80.010 Title.

The provisions of this chapter shall be known as the "Leadville Sign Code." (Ord. 01-1 § 1 (part): prior code § 17.24.010)

17.80.020 Intent.

The intent of this chapter is:

A. To provide minimum restrictions on signs while at the same time preserving the character of the zoning district in which the sign is located. What follows are a few thoughts along these lines, intended as suggestion only.

1. Well-designed signs can serve to emphasize the historic nature of Leadville and can improve visual continuity, especially along Harrison Avenue. Size, character and placement of signs are vital to creation of a cohesive, easily understood community image. Signs should not restrict uniqueness nor impair residents and visitors

abilities to clearly identify the location and nature of a business.

2. Raised letters and borders add to the decoration of a sign and painted shadows also add dimension. Signs with rounded shapes and bevels are appealing, as are three-dimensional objects that characterize the business. Ornamental iron standards and fasteners likewise enhance the sign.

B. To protect the investments of business owners by allowing the continued use of signs that were legally installed prior to the adoption of this code. (Ord. 01-1 § 1 (part): prior code § 17.24.020)

17.80.030 Purpose.

The purpose of this chapter is:

A. To establish the maximum signage allowed in each zoning district.

B. To establish liberal policies for obtaining variances from this code for signs that do not meet the standards of this code but do follow the intent of the code. (Ord. 01-1 § 1 (part): prior code § 17.24.030)

17.80.040 Permit required.

A sign permit application and fee is required and must be submitted to the planning and zoning office for all new signs or relocated signs if moved to a different zoning district. A permit issued to a business for a banner, portable sign, or temporary sign is valid for any conforming banner, portable sign or temporary sign to be used by that business at the same business location. Approval of the sign by the planning and zoning office is required prior to the sign being erected or displayed. A fee schedule, sign application and user's guide are available from the planning and zoning office. (Ord. 01-1 § 1 (part): prior code § 17.24.040)

17.80.50 Appeal procedures regarding signs.

A. Requests to change the status of a legal nonconforming sign, or to have a sign designated as a historically significant sign shall be approved pursuant to a sign review hearing before the board of adjustment.

B. Variances to the sign code and appeals of decisions of an administrative officer or agency shall follow the board of adjustment procedures set forth in Section 17.88.030. (Ord. 01-1 § 1 (part): prior code § 17.24.050)

17.80.060 Legal nonconforming signs.

Legal nonconforming signs are permitted.

A. Legal nonconforming signs may be replaced if the sign is destroyed through no fault of the owner.

B. A sign can be designated as a historically significant sign and permitted as a legal nonconforming sign pursuant to a sign review hearing before the board of adjustment.

C. Legal nonconforming signs may not be altered or changed so as to increase the area or degree of nonconformity of the sign.

D. Legal nonconforming signs may not be altered to advertise a different business name. (Ord. 01-1 § 1 (part): prior code § 17.24.060)

17.80.070 Exempted signs.

The following signs are not subject to the provisions of this chapter:

A. Official government and public utility signs and notices.

B. Flags of nations, or organization of nations, state, county, city, any religious, civic or fraternal organization or educational institution except when used in connection

with a commercial promotion or as an advertising device.

C. Temporary decorations or displays that are customarily associated with any national, local or religious holiday or celebration.

D. Signs displayed on motor vehicles or trailers that are being operated or stored in the normal course of business provided that the vehicles are parked or stored in areas appropriate to their use as vehicles.

E. Fine art painted on outside walls that serves no commercial purpose.

F. Window signs in the retail core and commercial districts. (Ord. 01-1 § 1 (part): prior code § 17.24.070)

17.80.080 Prohibited signs.

The following signs are prohibited:

A. Signs that are not securely affixed to any structure or not constructed to withstand substantial snow and wind loading;

B. Signs with searchlights, revolving beacons, flashing lights, holographic signs or signs with any type of animation or intermittent lighting effects, except traditional barber poles, clocks, or thermometers;

C. Signs designed to resemble public signs and traffic control devices;

D. Signs attached to any tree or utility pole;

E. Signs with surfaces that reflect light in a dangerous manner;

F. Parked vehicles including, but not limited to, automobiles, trucks, buses, trailers, mobile homes, boats and the like shall not be used as a sign or sign structure. (Ord. 01-1 § 1 (part): prior code § 17.24.080)

17.80.90 Specific regulations by zoning district.

The following table summarizes the types of signs and associated regulations allowed in each zoning district. See regulations for more specific information. Signs not listed

are considered permitted. For purposes of this table, "R" means permitted signs, "P" means prohibited signs and "C" means permitted subject to some conditions.

Types of Signs	R-1	R-2	TR	RC	C
Home Occupation	Up to 4 sq. ft. per occupation	Up to 4 sq. ft. per occupation	Up to 6 sq. ft. per occupation	Up to 8 sq. ft. per occupation	Up to 8 sq. ft. per occupation
Internally or Directly Illuminated Signs	P	P	P	P	R
External Signage Area	Up to 25 sq. ft.	Up to 25 sq. ft.	Up to 25 sq. ft.	See specific type of sign below.	See specific type of sign below.
Freestanding Sign	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 per business entrance of either freestanding or projecting Freestanding : 25 sq. ft. or less per side	Total of 200 sq. ft or less w/no >100 sq. ft per side 1 sq. ft. or less for ea. 1 linear foot of street frontage per building/lot. Top of sign no more than 20' above ground or surface of Hwy. 24
Projecting Sign	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 of either freestanding or projecting of 12 sq. ft. or less per side	1 per business entrance of either freestanding or projecting Projecting: 20 sq. ft. or less per side	1 per business of 20 sq. ft. or less per side, per business entrance.

Types of Signs	R-1	R-2	TR	RC	C
Murals	All must be approved by city council	All must be approved by city council	All must be approved by city council	All must be approved by city council	All must be approved by city council
Banners	P	P	R Up to 120 days ea. year. Total area < 25 sq. ft.	R Up to 120 days ea. year. Equal to or < 100 sq. ft. per business. No single banner > 50 sq. ft.	R Up to 120 days ea. year. Equal to or < 100 sq. ft. per business. No single banner > 50 sq. ft.
Window Signs				R	R
Wall Signs				R	R
Portable Signs				R: 1 per business on business premises. Equal to or < 15 sq. ft. per side. Secured to withstand elements.	R: 1 per business on business premises. Equal to or < 15 sq. ft. per side. Secured to withstand elements.
Off Premise Portable Signs on the public right-of-way				C: Equal to or < 15 sq. ft. per side. Secured to withstand elements. See Section 17.24.120 for conditions	C: Equal to or < 15 sq. ft. per side. Secured to withstand elements. See Section 17.24.120 for conditions

A. Residential Districts R1, R2.

1. Each home occupation may have up to a total of four square feet of signage for each occupation.

2. No internally or directly illuminated signs (to include neon).

3. Each business may have up to a total of twenty-five (25) square feet of external signage.

4. Each business may have one freestanding or projecting sign.

5. Freestanding and projecting signs shall be twelve (12) square feet or less per side.

6. Legal nonconforming uses will apply the sign standards for the retail core for any standard not addressed in this subsection.

7. Uses requiring a CUP must have all signage approved during the CUP process. Decisions regarding signs in the CUP process will supercede provisions in this code regarding signs in these districts.

8. All murals must be approved by city council in accordance with the intents and purposes of the sign code.

9. Banners prohibited in these districts.

10. Businesses must remove their signs within thirty (30) days of going out of business.

11. For rent and for sale signs shall comply with the sign code requirements, except that no application, fee or permit shall be required.

12. Off Premise Signs.

a. Off premise signs are prohibited within sight of Highway 24.

b. The square footage of any off premise sign will be included when computing the total square footage of external signage.

B. Transitional Retail/Residential.

1. Each home occupation may have up to a total of six square feet of signage for each occupation.

2. No internally or directly illuminated signs (to include neon).

3. Each business may have up to a total of twenty-five (25) square feet of external signage.

4. Each business may have one freestanding or projecting sign.

5. Freestanding and projecting signs shall be twelve (12) square feet or less per side.

6. Legal nonconforming businesses will apply the sign standards for the retail core for any standard not addressed in this subsection.

7. Uses requiring a CUP must have all signage approved during the CUP process. Decisions regarding signs in the CUP process will supercede provisions in this code regarding signs in this district.

8. All murals must be approved by city council in accordance with the intents and purposes of the sign code.

9. Businesses may use banners to advertise for as many as one hundred twenty (120) days each calendar year. The total area for all banners shall not exceed twenty-five (25) square feet.

10. Businesses must remove their signs within thirty (30) days of going out of business.

11. For rent and for sale signs shall comply with the sign code requirements, except that no application, fee or permit shall be required.

12. Off Premise Signs.

a. Off premise signs are prohibited within sight of Highway 24.

b. The square footage of any off premise sign will be included when computing the total square footage of external signage.

C. Retail Core.

1. Each home occupation may have up to a total of eight square feet of signage for each occupation.

2. No internally or directly illuminated freestanding, wall, portable, projecting, roof or awning signs are permitted.

3. Each business may have one freestanding or projecting sign per business entrance.

4. The area of freestanding signs shall be twenty-five (25) square feet or less per side.

5. The area of projecting signs shall; be twenty (20) square feet or less per side.

6. Window signs are permitted.

7. Wall signs are permitted.

8. Uses requiring a CUP must have all signage approved during the CUP process. Decisions regarding signs in the CUP process will supercede provisions in this code regarding signs in this district.

9. All murals must be approved by city council in accordance with the intents and purposes of the sign code.

10. Businesses must remove their signs within thirty (30) days of going out of business.

11. For rent and for sale signs shall comply with the sign code requirements, except that no application, fee or permit shall be required.

12. Portable Signs.

a. Each business is limited to one portable sign.

b. Must be located on the business property or on the on the public right-of-way in accordance with Section 17.24.120.

c. Shall be equal to or less than fifteen (15) square feet per side.

d. Must be adequately secured to withstand adverse weather conditions.

13. Off Premise Signs.

a. Prohibited within sight of Highway 24, subject to Section 17.24.120.

14. Banners.

a. Shall be equal to or less than one hundred (100) total square feet per business with no single banner to exceed fifty (50) square feet.

b. A business may use banners to advertise for as many as one hundred twenty (120) days each calendar year.

D. Commercial District.

1. Each home occupation may have up to a total of eight square feet of signage for each occupation.

2. Internally illuminated signs are permitted but must not create unreasonable illumination.

3. Wall signs are permitted.

4. Window signs are permitted.

5. Each business may have one projecting sign of twenty (20) square feet or less per side, per business entrance.

6. Each building or lot may have freestanding signs of one square foot or less for each one linear foot of street frontage.

a. Total freestanding signs shall be equal to or less than two hundred (200) total square feet, and no greater than one hundred (100) square feet per side.

b. The top of any freestanding signs will not extend more than twenty (20) feet above ground level, or the surface of Highway 24 at the closest point, whichever is higher.

7. Portable Signs.

a. Each business is limited to one portable sign.

b. Must be located on the business property or on the on the public right-of-way in accordance with Section 17.24.120.

c. Shall be equal to or less than fifteen (15) square feet per side.

d. Must be adequately secured to withstand adverse weather conditions.

8. Banners.

a. Shall be equal to or less than one hundred (100) square feet per business with no single banner to exceed fifty (50) square feet.

b. A business may use banners to advertise for as many as one hundred twenty (120) days each calendar year.

9. All murals must be approved by city council in accordance with the intents and purposes of the sign code.

10. Businesses must remove their signs within thirty (30) days of going out of business.

11. For rent and for sale signs shall comply with the sign code requirements, except that no application, fee or permit shall be required.

12. Off Premise Signs.

a. Prohibited within sight of Highway 24, subject to Section 17.24.120. (Ord. 02-7 §§ 1, 2; Ord. 01-13 § 1; Ord. 01-1 § 1 (part): prior code § 17.24.090)

17.80.100 Definitions.

As used in this chapter:

"Business" is any sole proprietorship, partnership, corporation or company, to include non-profits, with the exception of churches and home occupations.

"Home occupation" is a business run out of a home where the primary purpose of the dwelling is a home. For a more specific definition, see 17.08.020.

"Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for the purpose of advertising or proposing a commercial transaction and which is visible from any public thoroughfare or right-of-way. A visible sign is one capable of being seen without visual aid by a person of normal visual acuity.

1. "Banner" means a temporary sign made of cloth or a similar material and displayed outdoors.

2. "Legal nonconforming sign" means a sign lawfully erected and maintained prior to the adoption of the ordinance codified in this chapter, or which has been approved by the

board of adjustment in accordance with Section 17.88.030 of this title and which does not conform to the restrictions of this chapter.

3. "Directory sign" means a sign that serves as a common or collective identification for two or more businesses on the same lot or within the same building.

4. "Freestanding sign" means a sign that is supported by one or more columns, uprights or braces extending from the ground or an object on the ground and where no part of the sign is attached to any structure or building.

5. "Historically significant sign" means a nonconforming sign that has been designated as having historical significance by the board of adjustment in accordance with Chapter 17.88.

6. "Mural" means a sign painted directly on an outside wall.

7. "Portable sign" means an exterior, moveable, freestanding and unattached sign that uses letters, pictures or other graphics to advertise a business.

8. "Projecting sign" means a sign attached to a building or structure and extending in whole or in part eight inches or more beyond the surface of the building to which the sign is attached. A projecting sign must be eight feet above any sidewalk and ten (10) feet above a private roadway and may include roof signs.

9. "Roof sign" means a sign painted or placed on a roof which projects up to ten (10) feet of the roof line or fascia of the building in which it is mounted. A roof sign that is attached to the roof line is to be considered a projecting sign and is subject to all limitations of projecting signs.

10. "Temporary sign" means a sign intended for a definite and limited period of display for the purpose of announcing a

special event or a sale of one time or unusual nature for the owner of the sign.

11. "Wall sign" means a sign displayed on or against a wall, where the face of the sign is parallel to the wall and extends less than eight inches from the wall.

12. "Window sign" means a sign that is painted on or located inside the window and intended to be seen from the exterior of the building. A window sign does not include merchandise.

13. "Off premise sign" means a sign advertising a business or sale conducted on property other than where the sign is located.

E. Sign Illumination.

1. "Internally illuminated" means a sign lighted by a light source that is within the sign and where the light travels through parts of the sign to the viewer.

2. "Directly illuminated" means a sign lighted by means of an unshielded light source that is effectively visible as part of the sign and where the light travels directly from the source to the viewer. This does not include illumination from the exterior of the sign by means of tubes of neon or other electrically charged inert gases.

3. "Indirect illumination" means a sign that is lighted from a shielded light source that illuminates the sign and where the light travels from the light source to the sign and is reflected to the viewer.

F. "Sign review hearing" means a hearing before the board of adjustment to determine: (1) the status of a legal nonconforming sign or (2) whether a sign shall be designated as historically significant sign, all in accordance with Chapter 17.88. (Ord. 01-1 § 1 (part): prior code § 17.24.100)

17.80.110 Violations--Penalties.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, use or maintain any sign or sign structure in this city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. (Ord. 01-1 § 1 (part): prior code § 17.24.110)

17.80.120 Off-premise portable signs in the public right-of-way.

The city may issue revocable licenses to allow portable signs to be placed upon the public right-of-way in commercial and retail core zones within the city, provided such signs meet the following requirements and a sign permit application is submitted to and approved by the planning official. For purposes of this section, public right-of-way means beyond and including the curbs, contiguous shoulders, and appurtenances.

A. Signs advertising two or more businesses must not be larger than three feet in width and five feet in height and for a single business must not be larger than two and a half feet in width and four feet in height.

B. Portable signs may be placed in the public right-of-way in front of a business (other than the sign owner's business) subject to a statement on the sign permit application form by the owners and any tenants of the property adjacent to the public right-of-way where the sign is to be placed that there are no objections to the sign. Whenever there is a change in ownership of any business owner or tenant of property adjacent to the public right-of-way on which a portable sign is located, the new owner or tenant of such business may notify the planning official of its objection to the

portable sign and shall request the city's revocation of such portable sign permit in accordance with subsection (J) of this section.

C. Each business shall be limited to one portable sign placed in the public right-of-way; provided, however, no business located on Harrison Avenue between 9th Street and West Elm Street or on 9th Street from Harrison Avenue to Poplar Street shall be allowed a portable sign in the public right-of-way.

D. The sign must be kept in good repair at all times and the immediate area around the sign must be kept clean.

E. The sign must be removed when the business or activity being advertised by the sign is closed for more than seven consecutive days.

F. No sign shall be placed within the traveled portion of the right-of-way to include that portion of the right-of-way traditionally used for parking.

G. If placed on a sidewalk, the sign must be located on the curb side of the sidewalk but shall not extend over the curb; nor shall such sign obstruct the natural flow of pedestrian travel on the sidewalk or shall it be placed in such a manner or location where it impedes motor vehicle operator visibility of pedestrians and other vehicles along the existing sight angles at intersections.

H. Liability insurance covering damages arising from or associated with the placement of such signs shall be maintained by the sign owner. Such insurance shall be provided with limits of liability not less than those set forth in the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as from time to time amended. Proof of such insurance shall be submitted with the sign permit application

and annually with the submission of a business license fee.

I. An application for a permit for such sign is made and approved in accordance with Section 17.80.040 and the fee required in Section 17.80.070 is paid.

J. The city's approval of the sign permit application under this section is subject to revocation by the city for any reason with fifteen (15) days prior written notice to the permit holder, unless the city determines an emergency exists which necessitates immediate removal of such sign without prior written notice.

K. Any portable, non-conforming sign existing on the effective date of this section shall be allowed to continue at its current location until such time as the business is permanently closed or sold unless earlier revoked by the city in accordance with the provisions of this section; however, such sign shall conform to all other provisions of this section, exclusive of the requirement to obtain a permit.

L. This section, or any part thereof, shall not apply if the city receives written notification from applicable state or federal authorities or otherwise concludes that compliance with this section will cause denial of federal or state money or would otherwise be inconsistent with federal or state law. (Ord. 02-7 § 3)

