

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 7, ARTICLE 2 OF THE TOWN CODE OF SILVERTON, COLORADO

WHEREAS, the Board of Trustees of the Town of Silverton, Colorado desires to amend certain sections of Chapter 7, Article 2 of the Town Code;

WHEREAS, the San Juan Regional Planning Commission has reviewed the proposed changes and made recommendation to the Town Board concerning said changes as required by Section 7-2-3 of the Town Code;

WHEREAS, the Board of Trustees has the authority pursuant to Section 31-23-301 C.R.S. to adopt zoning regulations to be effective within the jurisdictional limits of the Town of Silverton;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:

1. Section 7-2-5 Definitions is amended as follows:

49. Sign: Any object or device or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business product, service, event, or location by any means, including words, letters, figures, designs, symbols, merchandise, fixtures, colors, motion, illumination, or projected images.
50. Sign Area: The area of the smallest rectangle, triangle, or circle which encompasses the facing of a sign, including copy, insignia, background, and borders and excluding the sign structure. Where no background is defined on a wall sign, the sign area shall be the smallest rectangle, triangle, or circle which encompasses all of the lettering or other elements of the sign. Signs which are interconnected with and hung from other signs shall be considered as one sign and shall be measured as the smallest rectangle, triangle, or circle which encompasses all of the sign elements as it will be displayed. The area measurement of projecting or hanging signs shall account for only one side of the subject sign, provided the sign copy is identical on all sides of the sign.
- 50.1 Signboard: A sign that is designed to have a changing message or advertisement (i.e. retail "specials" boards, restaurant menu boards, and similar advertisements). Signboards are not permanently attached to the building or ground.
51. Sign, Free-Standing: A sign structurally separate from the building, being supported on itself or on a standard(s), leg(s), column(s), brace(s), or upright(s).
52. Sign, Projecting: A sign, other than a wall sign, attached to and projecting from a building.
- 52.1 Sign Structure: Any supports, uprights, braces, or columns to which a sign is affixed, excluding any portion of the sign structure which is incorporated into the sign or the sign's message.
53. Sign, Wall: Any sign painted on, incorporated in, or affixed to a building wall, or any sign consisting of cut-out letters, symbols, or other devices affixed to the building wall with no background defined on said wall.
- 55.1 Tract: A land area proposed for development or use pursuant to this Code and lying in undivided ownership; a tract may consist of a lot, an irregular parcel, or adjoining lots or parcels of land.

2. Section 7-2-19 Signs and Outdoor Advertising Devices is amended as follows:

- A. No sign shall be allowed except as permitted by this section, unless specifically excepted in Section 7-2-19C of this Code. Conforming signs shall be of a permanent nature and shall be maintained in good repair or they may be removed after a hearing on the question by order of the Board of Trustees.
- B. Permit Required: Signs shall require the issuance of a sign permit. Application for a permit

shall be made, in writing, to the Town, along with a payment of a non-refundable, application fee as set by resolution of the Town Board. An application may include all signs to be installed within thirty (30) days at a single business location. An application may not include signage for more than one business or for more than one business location.

- C. Exceptions: Unless the signs listed below are utilized in a manner to evade the provisions of this section, the following signs are exempt from the requirements of this section.
1. Signs painted onto the window.
 2. Signs located inside a building, except that any sign which is located within five feet (5') of any window shall not have any flashing or moving lights, excepting Christmas type lights, which would produce any glare or distraction for any passing motorist.
 3. Governmental signs to control traffic or for other regulatory purposes, including street name signs and signs erected for public safety purposes. Signs erected by public utility companies or construction companies to warn of danger or hazardous conditions. Traffic control signs and devices which are privately owned, the sole purpose of which is to direct and control traffic.
 4. Any signs required to be posted by local, state, or federal laws or regulations.
 5. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday. However, such decorations and displays must be removed if damaged or disrepaired or immediately following the conclusion of the particular event or holiday, and such decorations and displays may not be erected so as to obstruct the use or visibility of the public right-of-way.
 6. Historic plaques, authorized by the San Juan County Historical Society, identifying historic buildings or sites are exempt.
 7. The flag of any nation, organization of nations, state, county, or municipality, provided that no more than two (2) flags may be displayed per building, no flag measures more than twenty-four (24) square feet in size, and the flags are not used or displayed in connection with a commercial promotion or as an advertising device. The display of more than two flags or flags measuring more than twenty-four (24) square feet in size or flags used as an advertising device are subject to the provisions of this section, and the area of such flags shall be included in the computation of the maximum aggregate square footage of sign area for the property.
 8. Works of art which in no way identify, advertise, or display, directly or indirectly, a product or business.
 9. Merchandise displayed outside a building but located wholly within the property of said place of business, provided such business is authorized to conduct business outside an enclosed building.
 10. "For Sale," "For Rent," or "For Lease" signs (either freestanding or wall signs only) which are not illuminated and are located only on the tract being sold, rented, or leased provided that only one (1) such sign shall be displayed on any street frontage and no sign may exceed the following size requirements:

Tracts containing not more than 5,000 square feet	6 square feet
Tracts containing 5,001 to 30,000 square feet	12 square feet
Tracts containing more than 30,000 square feet	18 square feet

11. Non-illuminated, temporary directional signs, measuring not more than sixteen (16) square feet in area, whose sole purpose is to direct persons to public, cultural, or special events approved by the Town Board of Trustees.
12. Non-illuminated Town of Silverton, County of San Juan, or Public School identification signs (either freestanding or wall signs only), provided they are not "off-premises" signs.
13. Non-illuminated residential identification signs (either freestanding or wall signs only) provided they are located on the same tract as the dwelling unit being identified, they identify only the house number and/or occupant or home occupation located therein, there is not more than one (1) sign displayed on any street frontage, and the sign does not exceed two (2) square feet in sign area per dwelling unit.
14. Signs which are painted onto or affixed, including magnetic signs, to the body or other integral part of a motor vehicle, and which are merely incidental to the use of the vehicle as a motor vehicle, provided that such signs identify only the business name, logo, address, and/or telephone number.
15. A single, temporary, non-illuminated sign erected on a construction site which displays the name(s) of the construction contractor(s), sub-contractor(s), architects, engineers, building manufacturer, or similar entities directly involved in the construction/remodel of the building. An exempted contractor's sign shall not exceed twenty-four (24) square feet in sign area, and such sign shall not be displayed on the construction site for more than one hundred eighty (180) days or past the completion of construction, whichever is less.
16. One (1) sign which identifies a national indication of approved facilities, i.e. "AAA Approved Facilities", not exceeding two (2) square feet in sign area. Additional signs indicating national approvals are subject to all the provisions of this sign code.

D. Prohibited Signs. The following types of signs shall not be permitted in any zone:

1. Off-Premise Signs: Signs shall identify or advertise only the interests or business conducted on the lot on which they are located, unless the Board of Trustees, following review and recommendation by the Planning Commission, determines that an off-premise sign is necessary to promote the interests of a use not occupying the same lot.
2. Non-Conforming Signs: New signs which do not meet all the applicable requirements of this ordinance shall be prohibited unless a variance for such sign has been granted. Non-conforming signs, legally existing at the time of the adoption of this Article, may continue in use provided they are maintained in good repair and condition and are not altered so as to increase the degree of non-conformity with these regulations. If a non-conforming sign is damaged, destroyed, or removed from its current property location for any reason, it may be reconstructed in compliance with its non-conforming status provided such reconstruction occurs within one (1) calendar year of its destruction or removal from the subject property. If the sign copy is modified or changed, a sign permit must be obtained prior to reconstructing the non-conforming sign.
3. Abandoned Signs: Any sign which is located on property which becomes vacant or is unoccupied for a period of twelve (12) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event, or purpose which no longer exists or has passed, shall be determined to be abandoned, and no person shall maintain or permit to be maintained any such sign upon their property, building, structure or business. Any sign which has been determined to be abandoned must be removed by the property owner. If the owner fails to remove an abandoned sign, upon a hearing on the matter, the Town may cause the sign to be removed and charge the property owner all costs which are incurred in the sign removal.

4. Portable Signs: No person shall park any vehicle or other mobile unit on the streets, alley or private property, which has attached thereto or suspended therefrom any advertising or sign unless otherwise permitted pursuant to Section C of this sign code.
5. No sign shall be located so that the safety of a moving vehicle might be impaired by obstructing the driver's vision, including any sign lighting which produces any glare or distraction for any passing motorists.
6. No sign with flashing or moving lights or any type of moving parts, excepting Christmas type lights, shall be allowed.
7. No sign shall resemble or conflict with traffic signs or signals with regard to color, format, shape or other characteristics.
8. Any sign with exposed neon tubing, except "vacancy" or "no vacancy" type signs.
9. Searchlights.
10. Signs constructed of paper, cloth, canvas, cardboard, wallboard, or other similar material.
11. Spinners, pendants, balloons, banners, or streamers except as may be incorporated into a display allowed pursuant to Section C.4 of this sign code.
12. Signs painted on the roof of any building or structure.

E. Sign Standards.

1. Sign Materials:
Exterior signs may not be constructed of paper, cloth, canvas, cardboard, wallboard, or other similar, non-durable material.
2. Structural Characteristics: The structural characteristics and the location of signs shall be restricted to the following:
 - a. Free-Standing signs shall be limited to one sign per tract and shall be subject to the total aggregate square footage limits set forth herein. Any free-standing sign which projects over any public pedestrian way shall be located a minimum of eight (8) feet and a maximum of twenty (20) feet above grade, and shall not extend more than six (6) feet over any public right-of-way. Any free-standing sign which does not project over a public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty (20) feet in height at its highest point above grade. No free-standing sign shall exceed forty (40) square feet in sign area, and such signs shall be subject to the total aggregate square footage limitations set forth for the property upon which it is located.
 - b. Projecting signs shall be a minimum of eight (8) feet and a maximum of twenty (20) feet above grade when projecting over any public right-of-way, and shall not extend more than six (6) feet over the public right-of-way. Any projecting sign which is not projecting over the public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty (20) feet in height at its highest point above grade. No projecting sign shall exceed twenty (20) square feet in sign area, and such signs shall be subject to the total aggregate square footage limitations set forth for the buildings upon which it is located.
 - c. Wall signs shall not be higher than the eave line or parapet wall of the building on which they are located, and no sign part, including cut-out letters, shall extend more than twelve (12) inches from the building wall. Such signs shall be subject to the total aggregate square footage limits specified herein. No wall sign shall exceed forty (40) square feet in sign area.

- d. Signboards shall be located off the public right-of-way and wholly within the property of the place of business. No business shall have more than one (1) signboard. Signboards shall not be greater than six-and-a-half (6.5) square feet in total sign area, and they shall conform to all other provisions of this Section 7-2-19. Such signs shall be subject to the total aggregate square footage limits specified herein.
- e. Signs on Marquees: Signs affixed to or located on the posts or pillars supporting a marquee, or signs affixed to the eaves of the marquee, are allowed provided they do not project above the eaves and such signs meet all the requirements of this section. Such signs are considered to be projecting signs, and they are to be included in the computation of the maximum aggregate allowable square footage of sign area for the building.
- f. Signs on Awnings: No signs may be attached to or suspended from an awning; however, lettering on awnings is permitted, provided it meets all the requirements of this ordinance and is included in the computation of the maximum aggregate allowable square footage of sign area for the building. Signs on awnings shall be considered to be "wall signs" for the purpose of measuring and regulating the sign area.

3. Signs Permitted by District:

Signs are permitted only in the B-A, B-P, E-D, and Public zoning districts. Any permitted signs must be in compliance with the following aggregate square footage limitations (see the definition of "sign area" in Section 7-2-5).


- a. For the purposes of computing the maximum sign area allowable, "frontage" shall be defined as: That portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street, measured in a straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some other purpose than business. The total maximum sign area allowable, as determined by the method described herein, shall apply to all businesses located within that building.
- b. For those buildings having a frontage along a public street of one (1) through twenty-five (25) feet in length, the maximum aggregate sign area allowable shall be calculated at the rate of one and two-tenths (1.2) square feet of sign area per lineal foot of building frontage.
- c. For those buildings having a frontage along a public street from twenty-five (25) feet to fifty (50) feet, the maximum aggregate sign area allowable shall be calculated as thirty (30) square feet plus six-tenths (0.6) of a square foot of sign area per lineal foot of building frontage in excess of twenty-five (25) feet..
- d. For those buildings having a frontage along a public street in excess of fifty (50) feet in length, the maximum aggregate sign area allowable shall be calculated as forty-five (45) square feet plus three-tenths (0.3) of a square foot of sign area per lineal foot of building frontage in excess of fifty (50) feet, up to a maximum of eighty (80) square feet of aggregate sign area.
- e. For those tracts of land which are developed for use but have no substantial buildings thereon (i.e. camper parks, miniature golf courses, commercial recreation areas, and similar uses), the maximum aggregate sign area shall be calculated at the rate of two-thousandths (0.002) of a square foot of sign area per square foot of tract area, up to a maximum of one hundred twenty (120) square feet of aggregate sign area. No one sign may exceed the size limitations specified for each type of sign.
- f. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign, or combination of all signs on a building be

greater than the maximum aggregate sign area computed using the above restrictions. The applicant may utilize the sign area formula which allows the greatest aggregate sign area for the business.

- g. Buildings or businesses which have no actual frontage on a public street because other buildings or businesses on the same lot capture the allowed frontage shall be entitled to erect signage at the building's location which is equal to the signage allowed if they did have actual street frontage. If the occupant of the back-lying building or business desires to erect signage on the actual street frontage, then the allowed signage must be within the aggregate limits calculated for the actual street frontage. The owner of any building or property which houses multiple businesses may develop a signage plan for their property which specifies the sign area allowed to each individual business operating from the premises, provided that the aggregate sign area allowed under the plan shall not exceed the building's aggregate sign area allowed under this code, and after such plan is approved by the Town's administration office, said plan shall be followed by the Town in implementing this sign code thereafter or until the plan is revised by the property owner. If there is no approved signage plan for any given property, the Town shall approve or disapprove sign permit applications on a first-in-time basis up to the building's allowed aggregate sign area. If there is no aggregate sign area available at the time an application is submitted for review and approval, the Town shall deny the application and the applicant shall be referred to the property owner to resolve the problem. The fact that the aggregate sign area is fully allocated to other businesses on the premises shall not be grounds for seeking a variance from the provisions of this sign code.
- h. Signs identifying a "shopping center" or "building" name (i.e. "Old Town Square") are allowed in addition to all other signage at a business location provided that such signage does not exceed two-thousandths (.002) of a square foot of sign area per square foot of land area, only the "shopping center" or "building" name is written thereon, and all other provisions of this sign code are complied with.

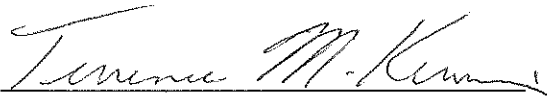
ADOPTED this 15th day of OCTOBER, 1996.

ATTEST:



Marjorie L. Gregory
Town Clerk-Treasurer

TOWN OF SILVERTON, COLORADO:



Terrence M. Kerwin
Mayor