

ORDINANCE 2011-03  
AN ORDINANCE TO AMEND SECTION 7-2-19 OF THE CODE OF THE  
TOWN OF SILVERTON, COLORADO

WHEREAS, the Board of Trustees of the Town of Silverton desires to make certain changes to Section 7-2-19 of the Code of the Town of Silverton, Colorado;

WHEREAS, the San Juan Regional Planning Commission has reviewed the proposed changes to Section 7-2-19 of the Town Code and made recommendation to the Town Board of Trustees as required by Section 7-2-3 of the Code of the Town of Silverton, Colorado;

WHEREAS, the Board of Trustees held a public hearing on August 22, 2011 to receive public comment relative to the proposed changes.

WHEREAS, the proposed changes are necessary to the preservation of the public peace, health, and safety;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON that Section 7-2-19 of the Town Code of Silverton, Colorado is hereby amended to read:

**7-2-19            Signs and Outdoor Advertising Devices**

- A.     No sign shall be allowed except as permitted by this section, unless specifically excepted in Section 7-2-19(C) 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:     All signs, temporary or permanent, 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 building location. An application may include signage for more than one business per building location but may not include more than one business location at a different building.
- 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 of a building where the business being advertised is located.
  - 2.     Signs located inside the window of 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 community wide special event. However, such decorations and displays must be removed if damaged or in disrepair and within seventy-two (72) hours following the conclusion of the particular event 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, municipality, or any other flag other than "OPEN" flags as allowed per section 7-2-19.C.8, 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. "OPEN" flags as per section 7-2-19.C.8 of this code shall not be included in this section of 7-2-19.C.7.
8. The Town of Silverton hereby adopts in its entirety Chapter Ten (10) of Title Thirty-Six (36) of the United States Code (U.S.C) named "The Flag Code" as it pertains to all rules and regulations to the official Flag of the United States of America.
9. Open Flags: Each business may display one "OPEN" flag during the time said business is open to the public. No "OPEN" flag shall exceed three (3) feet by five (5) feet, or fifteen square feet in size and must be a minimum of eight (8) feet and a maximum of twenty (20) feet above grade and

shall not extend more than 6 feet over any public right-of-way. No "OPEN" flag shall have any wording to be displayed or used to promote any particular business or special event.

10. Works of art which in no way identify, advertise, or display, directly or indirectly, a product or business.
11. Merchandise displayed outside a building but located wholly on the building front of the building, within the property of said place of business and may not impede or block pedestrian traffic in any way.
12. Christmas/Decorative Lights: Any business may display Christmas type decorative lights on a year-round basis on the interior or exterior of the building to which such business is located. Such Christmas type decorative lights may blink so long as the safety of any moving vehicle may not be impaired by obstructing the drivers vision, including any lighting which produces any glare or distraction for any passing motorist.
13. Sandwich and Signboards: Each building having at least one (1) licensed and authorized business may display one (1) sandwich or signboard per building entrance and located wholly within the property of said building. No sandwich or signboard shall be greater than two (2) feet in width and four (4) feet in height. Said sandwich or sign board may not impede or block pedestrian traffic in any way nor be located within any right-of-way.
14. Menu Boxes and "Special's" Boards: Each restaurant and/or bar may display one menu box attached to the building to which they are located. Said menu box may be illuminated by low intensity lights to allow pedestrian viewing in the evening. Menu boxes may not exceed two (2) feet in height and two (2) feet in width and three (3) inches in depth. Each restaurant and/or bar may display one changeable "Special's" board, of chalk or dry erase or similar nature attached to the building to which they are located for the purpose of advertising special offers of said restaurant and/or bar. "Special's" boards may not exceed two (2) feet in height and two (2) feet in width and three (3) inches in depth.
15. "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

16. 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.
17. Non-illuminated Town of Silverton, County of San Juan, Public School, or Public information, directional and/or identification signs approved by the Town Board of Trustees.
18. Town sponsored, owned and maintained signs and temporary banners advertising and promoting community-wide special events and holidays that are displayed and erected above Greene Street and/or Blair Street, at or near the Visitors Center, on the fence surrounding the ball-park located at Greene Street and 4<sup>th</sup> Street and at the Kendall Mountain Recreation Center, given and provided that any sign or banner erected above and over a public right-of-way or thoroughfare shall meet the minimum and maximum height requirement by State or Federal Law. All Banners must be in compliance with the Banner Standards Policy as adopted by the Board of Trustees.
19. 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.
20. Vehicle signs: Any sign that is permanently or magnetically attached to a vehicle and incidental to the primary use of the vehicle. "FOR SALE" and/or "FOR RENT" signs shall be included and allowed if located within the interior of the vehicle windows

or windshield.

21. A single, temporary, non-illuminated sign erected on a construction site which displays the name(s) of the construction contractor(s), sub-contractors(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.
22. 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.
23. Temporary Banners for Businesses:
  - a. All temporary banners require a non-fee permit issued by the Clerk-Treasurer or other designated official of the Town of Silverton. Each permit must be obtained through an application process and each application must be received seventy-two (72) hours prior to the time of requested display of said banner.
  - b. Each temporary banner permit shall be valid for a maximum of two (2) consecutive weeks and each business shall be allowed eight (8) temporary banner permits per calendar year.
  - c. No temporary banner shall exceed forty-eight (48) square feet.
  - d. Each temporary banner shall be removed within seventy-two (72) hours immediately following the special event or holiday.
  - e. Section 7-2-19.D.1 "Off Premise Signs" shall apply to this section.
24. Political Signs: Signs eighteen (18) square feet or smaller may be displayed for up to sixty (60) days prior to the sponsored political event or election,

and must be removed no more than seventy-two (72) hours following the event or election. Only one sign per candidate per lot is allowed and shall be placed on private property with permission.

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(es) 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 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. (eff. 11/24/96)

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 any 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 decorative lights per section 7-2-19.C.11 of this code, 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, or streamers except as may be incorporated into a display allowed pursuant to Section 7-2-19.C.4 of this code or as allowed per section 7-2-19.C.21 of this 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 feet (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 eight (8) 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 7-2-5.62 of this code).

- 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 single 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 the primary business located within that building as stated per the business license issued by the Town of Silverton. Each additional business, with a valid business license, in good standing issued by the Town of Silverton, located within the building shall increase the total allowable maximum sign area for said building by one and one-half (1 1/2) square feet so long as each business used to increase said sign area is included and advertised in the buildings signage. In the event that any business ceases to exist in said building, the sign area allowed shall revert to the allowable amount for the building and businesses remaining.

- 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 2-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 building and/or business(es).
  - 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

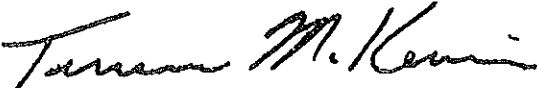
all other signage at a business location provided that such signage does not exceed two-thousandths (0.002) of a square foot of sign area per square foot of land area, only the "shopping center" or "building" name is written thereon, and all other provisions of this sign code are complied with. (amended 11/24/96)

Passed and adopted this 22<sup>nd</sup> day of August, 2011.



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Brian Carlson, Clerk-Treasurer



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Terrence M. Kerwin, Mayor