

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 3/8/2012**

**DATE: WEDNESDAY, MARCH 14, 2012
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

- 7:00pm**
- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE TO THE FLAG**
 - III. CONSIDERATION OF THE FEBRUARY 22, 2012 MEETING MINUTES**
 - IV. UNSCHEDULED CITIZENS**
 - V. COUNCIL UPDATE**
 - VI. COMMISSIONER COMMENTS**
 - VII. PLANNING STAFF UPDATE**
 - VIII. ADJOURN TO WORK SESSION**

WORK SESSION

- I. REVIEW OF SECTION 4.8 SIGN CODE – LAND DEVELOPMENT CODE UPDATE**
- II. REVIEW OF SECTION 4.10 LARGE SCALE RETAIL - LAND DEVELOPMENT CODE UPDATE**

TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

**ALL PLANNING & ZONING COMMISSION MEETINGS
ARE USUALLY BROADCAST LIVE ON LOCAL CABLE CHANNEL 15**

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MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Dusty Szymanski	X		
Erich Ferchau	X		
Stu Ferguson	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera

I. CALL TO ORDER AT 7:02 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE FEBRUARY 8, 2012 MEETING MINUTES

Commissioner Greg Larson moved to approve the February 8, 2012 meeting minutes.

Commissioner Carolyn Riggs seconded the motion.

Roll Call Yes: Dusty, Erich, Stu, Bob, Carolyn and Greg

Roll Call No:

Roll Call Abstain Ed – was not present at the February 8th meeting.

Motion carried

IV. UNSCHEDULED CITIZENS. There were none.

V. COUNCIL UPDATE. Councilor Seymour updated the Commission on recent Council business:

- Judge Jim McDonald presented the 2011 Municipal Court Report;
- Finance Director Wendy Hanson presented the 2011 City Financial Report;
- Council approved the 1st reading of the ordinance for a Text Amendment to allow retail sales establishments in the Industrial district, subject to Conditional Use review;
- Council was updated on the GOCO Grant application for the proposed skate park;
- Director Steve Westbay gave an update on the Gunnison Sage Grouse endangered species listing;
- Director Steve Westbay presented the proposed Emergency Operations Plan; and
- Council discussed existing and proposed sign codes.

VI. COMMISSIONER COMMENTS.

Commissioner Greg Larson commented that the Economic Development Council had been chosen.

Commissioner Carolyn Riggs stated that March 2nd is the anniversary of Mountain Roots and a celebration will be held at the Brick Cellar and updates given on the Community Gardens and the Farm to School programs.

VII. PLANNING STAFF UPDATE. Director Westbay updated the Commission on recent department activity:

- The joint meeting with City Council is scheduled for March 7th and we will discuss the VanTuyl Ranch Annexation and the Sign Code (existing and proposed);

- Steve completed his semi-annual report for City Council; and
- Approved a townhome plat for the Archuletta Cottages.

VIII. ADJOURN TO WORK SESSION. Chair Beda adjourned the meeting at approximately 7:15 p.m.

Bob Beda, Chair

Attest:

Andie Ruggera, Secretary

§4.8 SIGNS

A. Purpose and Intent

The purpose of this Section is to provide information to the public; identify businesses, services and activities; and, establish uniform control of signs. It is the intent of the regulations set forth in this Section to:

1. recognize that signs are a necessary means of visual communication;
2. recognize and ensure the right of those concerned to identify businesses, services and other activities by use of signs;
3. ensure that signs are compatible with adjacent land uses and with the total visual environment of the community; and,
4. protect the public from hazardous conditions that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.

B. Applicability. The provisions of this Section shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs, within the City, excluding traffic signage required by the Model Traffic Code, and it is unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with the provisions of this Section. Signs that are issued a City Sign permit prior to the time of adoption of this *LDC* may be treated as Non-Conforming Signs (§10.5).

C. Definitions. As used in this Section, the following words and phrases are defined as follows:

1. *Area of sign* means the area of the smallest regular geometric symbol encompassing all the informative features of the sign, including copy, insignia, background and borders.
2. *Awning* means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building; or a covered space frame structure.
3. *Building Code* means the latest edition of the *Building Code*, as amended and adopted by the City.
4. *Building Official* means the officer or other person charged with the administration and enforcement of this Section, or his or her duly authorized deputy.
5. *Canopy* means a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.
6. *Dissolve* means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to

dissipate and lose legibility with the gradual appearance and legibility of the second message.

7. *Face or wall of building* means the general outer surface of any main exterior wall or foundation wall of the building, including windows and storefront.
8. *Flag* means the flag, pennant or ensign of any nation, organization of nations, state, county, city, religious, civic, charitable or fraternal organization, or educational institution.
9. *Foot Candle* is an English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot and can be measured by means of an illuminance meter.
10. *Frame* means a complete, static display screen on an Electronic Message Sign.
11. *Frame Effect* means a visual effect on an Electronic Message Sign applied to a single frame.
12. *Frontage, building* means the horizontal, linear dimension of that exterior side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public; and has either a main window display of the enterprise or a public entrance to the building. Where more than one use occupies a building, each such use having an exterior public entrance or exterior main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.
13. *Frontage, street* means the linear frontage (or frontages) of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.
14. *Height* means the vertical distance measured from the elevation of the nearest sidewalk or, in the absence of a sidewalk within 25 feet, then from the lowest point of finished grade on the lot upon which the sign is located and within 25 feet of the sign, to the uppermost point on the sign or sign structure.
15. *Illuminance* is the amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Illumination is measured in foot candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.
16. *Kiosk* means a small structure, typically located within a pedestrian walkway or similar circulation area, and intended for use as display space for posters, notices, exhibits, etc.
17. *Liquid Crystal Display (LCD)*, means a method of displaying readings continuously using a liquid crystal film sealed between glass plates, which changes its optical properties when a voltage is applied.
18. *Light Emitting Diode (LED)* means diodes that emit visible light when electricity is applied, much like a light bulb. When many LEDs are side-by-side, they can create pictures and images.
19. *Light source* means and includes any device, or method of producing light, including neon, fluorescent or similar tube lighting, incandescent bulb and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source.

20. *Lighting, backlighted* means a concealed light source located behind the surface of the sign to highlight specific elements of the sign.
21. *Lighting, neon* means any method of lighting using neon tubes in a manner in which the neon tube can be seen.
22. *Lot* means a portion or parcel of land, whether part of a platted subdivision or otherwise, occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this *LDC*. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy.
23. *Luminance* is the light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Luminance is expressed in SI units as cd/m^2 , and in English units as foot lamberts. Luminance is sometimes also expressed as “nits,” a colloquial reference to SI units. Luminance can be measured by means of a luminance meter.
24. *Lux* is the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.
25. *Maintenance* means the replacing, repairing or repainting of a portion of a sign structure; periodic changing of bulletin board panels; or renewing of copy which has been made unusable by ordinary wear and tear, weather or accident.
26. *Marquee* means a permanently roofed structure attached to and supported by a building, and projecting from the building.
27. “*Nit*” is a photometric unit of measurement referring to luminance. One nit is equal to one candela per square meter (cd/m^2).
28. *Obscene sign* means a sign having those characteristics defined as obscene in the *Colorado Revised Statutes*, as amended.
29. *Off-premise window display* means a display in the window of a vacant building advertising a business at another location.
30. *Permitted Sign Area* means the total allowed sign for any street frontage, as calculated according to §4.8 G.1.
31. *Roof* means the cover of any building, including the eaves and similar projections.
32. *Roof line* means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. Roof line also includes the highest point of any parapet wall, provided that the parapet wall extends around the entire perimeter of the building.
33. *Scroll* is a mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.
34. *Sequencing* is the display of two or more successive screens on an Electronic Message Center to convey a message.

35. *SI (International System of Units)* is the modern metric system of measurement; abbreviated SI for the French term “Le Systeme International d’Unites.”

36. *Sign* means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or mural to attract business, or any other display of similar character which:

- a. Is a structure or any part thereof (including the roof or wall of a building);
- b. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle or upon any material object or device whatsoever; and
- c. By reason of its form, color, wording, symbol, design, illumination, motion or other feature attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

37. *Sign face* means the surface of a sign upon, against or through which the message is displayed or illustrated.

38. *Sign Types*

- a. *Abandoned sign* means a sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.
- b. *Animated sign* means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:
 - i) *Environmentally Activated sign* means animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
 - ii) *Mechanically Activated sign* means animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - iii) *Electrically Activated signs* are animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a) *Flashing* means any sign that contains an intermittent or flashing light source, or includes the illusion of intermittent or flashing light by means of animated electronic function whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of

non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the static display period exceeds five seconds or more.

- b) *Patterned Illusionary Movement* means animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion. For the purposes of this *Code*, signs with Patterned Illusionary Movement of less than 2.5 square feet are permitted.
- c) *Awning sign* means a sign painted, printed or attached flat against the surface of an awning. For the purposes of determining the maximum permitted sign area, only the area encompassing the graphic representation of the message shall be counted.
- d) *Bulletin Board sign* means a sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
- e) *Canopy Signs*
 - i. *Canopy Fascia sign* means signs which are mounted to the front or side fascia of a canopy and contained completely within that fascia.
 - ii. *Above Canopy sign* means signs which are mounted partially or entirely above the front fascia of a canopy and oriented parallel to the building wall surface.
 - iii. *Under Canopy sign* means signs which are suspended under a canopy, perpendicular to the building façade.
- f) *Changeable sign* means a sign with the capability of content change by means of manual or remote input includes the following types:
 - i. *Manually Activated* means a *Changeable sign* whose message copy or content can be changed manually on a display surface.
 - ii. *Electrically Activated* means a *Changeable sign* whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. For the purposes of this *Code*, Electrically Activated Changeable Signs shall be classified as *Electronic Message Centers*.
- g) *Construction sign* means a temporary sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to the premises. For the purposes of this Section, a construction sign shall not be construed to be a real estate sign as defined in this Section.
- h) *Double-face sign* means a sign where two sides are separated by not more than 18 inches and are parallel to each other. Such signs shall be considered as one sign.
- i) *Electric sign* is any sign activated or illuminated by means of electrical energy.

- j.** *Electronic Message Center or Sign (EMC)* means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LED) or liquid crystal display (LCD) as a lighting source. Electronic Message Centers provide a static image display for a minimum of five second interval.
- k.** *Electronic Reader Board* means a sign which contains a traveling message or a message that appears to be traveling, usually in a horizontal manner. The characteristics incorporated into any message remains constant and does not change in hue or intensity or appear to change in hue or intensity as they appear to travel across or through the automatic changing copy area. Electronic reader boards are only mono colored. Electronic Reader Boards shall be classified as *Electronic Message Centers*
- l.** *Flashing sign* - see *Animated Sign, Electrically Activated* (b.ii), above).
- m.** *Freestanding sign* means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign. Freestanding sign includes pole signs, pedestal signs and ground signs.
- n.** *Government Directional sign* or *Safety sign* means a sign erected by the City or other governmental agency, or a sign erected by permission of the City, directing vehicular or pedestrian traffic.
- o.** *Historical sign* means a sign designated as such by City Council that has been in place for at least 20 years and contains historic and/or community significance. The sign may have relevance because of its unique mechanical features, it's relevance to a building's design, or possesses other traits that may be worthy for such designation. Historical signs must be maintained in both appearance and structure.
- p.** *Identification sign* means and includes any of the following:
 - i.** A nameplate which establishes the identity of an occupant by listing his or her name and business or professional title;
 - ii.** A sign which establishes the identity of a building or building complex by name or symbol only;
 - iii.** A sign which indicates street address or combines nameplate and street address;
 - iv.** A sign which identifies an area in the City which, by reason of development, natural features, historical occurrences or common references, has or will become a landmark in the City; or,
 - v.** A commemorative sign, such as a cornerstone, memorial or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material and is made an integral part of the structure.

- q.** *Illuminated sign* means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally or trans-illuminated); or reflecting off its surface(s) (externally illuminated).
- r.** *Joint Identification sign* means a sign which serves as common or collective identification for two or more uses on the same lot.
- s.** *Marquee sign* means a sign depicted upon, attached to, or supported by, a marquee as defined in this Section.
- t.** *Off-premises Advertising sign* means any off-premises sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered else-where than on the same lot or within the same building upon which such sign is located.
- u.** *Portable sign* means a sign which is not attached to the ground, a building or other structure, but does not include a *Vehicle-mounted sign* or *Sandwich Board sign* as defined in this Section.
- v.** *Projecting sign* means a sign attached to a building or extending in whole or in part greater than 12 inches or more horizontally beyond the surface of the building to which the sign is attached, but does not include a marquee sign as defined in this Section.
- w.** *Real Estate sign* means a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building or lot upon which the sign is erected or displayed.
- x.** *Revolving sign* is a sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis. See also: *Animated Sign*, *Mechanically Activated Sign*.
- y.** *Roof sign* means a sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building, but does not include a sign projecting from or attached to a wall as permitted by this Section (see *Wall sign*).
- z.** *Sandwich Board sign* means a sign not exceeding two feet in width to three and one half feet in height located on a sidewalk/grass strip of a public right-of-way or on private property.
- aa.** *Suspended sign* means a sign suspended from the ceiling of an arcade, marquee or canopy.
- bb.** *Temporary sign* means a sign which is intended for a temporary period of display for the purpose of announcing a special event, advertising or directing persons to a subdivision or other land or building development, advertising personal property for sale, or promoting a political campaign or special election.
- cc.** *Vehicle-mounted sign* means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

dd. *Vending Machine sign* means a sign that is incorporated into and designed as a part of a vending machine.

ee. *Wall sign* means a sign displayed upon or against the wall of an enclosed building or structure where the exposed face of the sign is in a plane parallel to the plane of the wall and extends not more than 12 inches horizontally from the face of the wall. A sign erected against the side of a roof (on the same plane) having a 6:12 pitch or less, is considered to be a wall sign, and shall be regulated as such.

ff. *Wind sign* means a sign consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze, but does not include flags as defined in C 8.

gg. *Window sign* means a sign which is painted on, applied or attached to, or located within three feet of, the interior of a window, which can be seen through the window from the exterior of the structure. Illuminated window signs and merchandise which is included in a window display shall not be included as part of a *Window sign*.

39. *Sign structure* means any supports, uprights, braces or framework of a sign.

40. *Signs, number of.* For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where sign elements are displayed in an unrelated or random manner, each element shall be considered to be a single sign.

41. *Transition* is a visual effect used on an *Electronic Message Center* to change from one message to another.

42. *Travel* is a mode of message transition on an *Electronic Message Center* in which the message appears to move horizontally across the display surface.

D. Exemptions. Except as specifically provided, the following may be erected without a sign permit. All signs shall meet all applicable setback, sign area, construction, illumination and safety standards excluding *Government Directional signs* and *Safety signs*.

1. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.
2. Official governmental notices and notices posted by governmental officers in the performance of their duties, and governmental signs to control traffic or for other regulatory purposes, to identify streets or to warn of danger.
3. Flags, limited to three flags per lot. The maximum individual size of a permanently displayed flag shall be 40 square feet.
4. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday, celebration or event.

5. Temporary or permanent signs erected by the City, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
6. Merchandise, pictures or models of projects or services which are incorporated as an integral part of a window display, where all such items displayed are located within the interior of the building where the business is located.
7. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, provided that the primary purpose of such vehicles is not for the display of signs, and provide that they are parked or stored in areas appropriate to their use as vehicles.
8. All “open,” “vacancy” and “no vacancy” signs and signs designated to indicate vacancy, such as “yes,” “no,” and “sorry,” whether they are nonilluminated, internally illuminated, indirectly illuminated or directly illuminated signs, provided that the area of the sign does not exceed two and one-half square feet per face.
9. Displays of string lights, provided that they are decorative displays which only outline or highlight landscaping or architectural features of a building.
10. Signs displayed on motor vehicles providing public transportation, provided that they conform to the following requirements:
 - a. the signs are flat and do not project more than four inches from the surface of the motor vehicle; and
 - b. the signs shall not be prohibited signs as more specifically set forth in §4.8 E.
 - c. *Motor vehicle providing public transportation* is a motor vehicle operated pursuant to a certificate of public convenience and necessity to operate as a common carrier for hire for the transportation of passengers and their baggage, on schedule, issued by the Public Utilities Commission of the State. Vehicles which are exempt from regulation as public utilities pursuant to §40-15-101, C.R.S., are not eligible for an exemption from the sign code pursuant to this Section.
11. Identification signs which do not exceed two square feet per face or four square feet in total surface area; limited to six feet in height and limited to one such sign per use or per building, whichever is the greater number.
12. Temporary nonilluminated real estate signs which do not exceed eight square feet in total area and six feet in height, limited to one such sign per street frontage. Such signs are restricted to the subject property and shall not remain in place more than seven days after the sale, lease or rental of the subject property.
13. Signs in the nature of cornerstones and commemorative tablets which do not exceed four square feet per face in area and six feet in height, and which are nonilluminated or indirectly illuminated.
14. Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off

of a lot or within a lot when such do not exceed three square feet per sign per face in area and eight feet in height, and do not contain any advertising or trade name identification. Private traffic control signs which conform to the standards of the *Colorado Manual of Uniform Traffic Control Devices* may exceed three square feet per face in area, but shall not exceed seven square feet per face. Such signs shall not exceed eight feet in height.

15. Signs required or specifically authorized for a public purpose by any law, statute, ordinance or resolution.
16. Illuminated and nonilluminated window signs, when the total area of such signs:
 - a. does not exceed 25 percent of the total window sign area to a maximum of 12 square feet, whichever is less, and are located at the ground floor level; and
 - b. does not exceed 25 percent of the Total Permitted Sign area for the premises.
 - c. Such signs shall not exceed four square feet in total surface area per sign when placed in windows above the ground floor level, and no signs shall be placed in windows above the second floor level.
17. Signs commonly associated with, and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed 150 square inches in total area. This category shall be interpreted to include such signs as “no smoking,” “restroom,” “no solicitors,” “self-service” and similar informational signs.
18. Signs which identify items such as credit cards, menus or prices; limited to one such sign for each use, not to exceed four square feet per face or eight square feet in total area. Such signs may be attached to the building, as projecting or wall signs, or included as an integral part of a freestanding sign.
19. Regulatory signs erected on private property, such as “no trespassing” signs, which do not exceed two square feet per face or four square feet in total surface area, limited to four such signs per use or per building.
20. A sign, or component area thereof, that is used exclusively to announce or describe public holidays, special community events, or seasonal promotion of interest to the entire community and bearing no commercial statements are exempt. Signs used for such purposes shall not exceed 16 square feet per face or 32 square feet in total surface area, and are limited to one sign per lot.
21. Vending machine signs, provided that such signs are limited to the product being vended.
22. Kiosks or similar structures and the display thereon of signs, posters, notices, etc. when such structures are located in pedestrian-oriented circulation areas. Such structures shall only be permitted in the Commercial, CBD, or Industrial districts or in a PUD.
23. Signs for placement upon publicly owned athletic field fences, scoreboards, ice rink boards, and rodeo arenas which meet the following criteria:

- a. Such signs shall be securely fastened, constructed and continuously maintained in such a manner as to prevent damage from the natural elements.
 - b. Such signs shall be located only upon fences or boards which encircle playing fields or rinks, and in such a manner so as to minimize visual impacts to areas located outside of the park facilities.
 - c. Such signs shall be permitted for the sole purpose of generating funds for government-sponsored programs and facilities. In all cases, the overall aesthetics of the surrounding area shall be significant considerations in the placement and design of the signs.
 - d. In the case of City facilities, an agreement between the City and the sign sponsor shall be executed specifying annual or one-time fees and a maintenance schedule. This agreement may be reviewed annually.
24. Signs designated by passage of a City Council resolution establishing a pre-existing sign as a historical sign.
25. Suspended signs, as long as they comply with the provisions of §4.8. I.

E. Prohibited Signs. The following signs shall not be permitted, erected or maintained in the City:

- 1. obscene signs;
- 2. any sign which is hand-held, installed or erected in or projects onto or over any public right-of-way, except in the case of a sign which meets the standards of this Section and is granted under a license agreement by the City;
- 3. inflatable signs and other permanent objects including, but not limited to, balloons. Party balloons less than two cubic feet are allowed. Balloons larger than two cubic feet may be permitted in temporary non-commercial situations; for instance: they are permitted for special occasions at a residence.
- 4. any sign or sign structure which:
 - a. is structurally unsafe, or
 - b. constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, or
 - c. is capable of causing electrical shocks to persons likely to come in contact with it.
- 5. any sign or sign structure which:
 - a. may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstructs the sight-distance triangle at any road intersection or extends into the public right-of-way;
 - b. creates an unsafe distraction for motor vehicle operators; or,

- c. obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.
- 6. any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;
- 7. off-premise advertising signs, except as specifically permitted by Section 7. , (Conditional Use), off-premise advertising signs shall not be permitted in the right-of-way;
- 8. signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the *Code*; or any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity or if it meets the definition of an abandoned vehicle. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- 9. animated signs (§4.8 C. 38. b.) except signs that have a static change rate of five seconds or longer are not subject to the prohibition noted herein;
- 10. patterned illusionary movement signs;
- 11. any sign which adversely affects safety including signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
- 12. revolving signs;
- 13. roof signs, except for those permitted in the Industrial zone district and under the definition of a wall sign;
- 14. any sign which emits smoke, visible vapors, particles, sound or odor;
- 15. open flames used to attract public attention to a place of business or to an advertising sign;
- 16. no mirror device shall be used as part of a sign; and,
- 17. abandoned signs.

F. Temporary Signs. Temporary signs in all zone districts shall be subject to the following specific requirements:

- 1. **Construction Signs.** Signs advertising subdivision, development, construction or other improvements of a property shall be permitted in any zone district and shall comply with the following:
 - a. Such signs shall be limited to free-standing or wall signs and shall not exceed 36 square feet per face, and shall not exceed 12 feet in height. No riders or attachments to such signs shall be permitted. For residential developments consisting of five dwelling units or less, the maximum area permitted for a construction sign shall be three square feet per face for each dwelling unit being constructed.

- b. Construction signs shall be displayed only on the property to which the sign pertains. One such sign shall be permitted for each street upon which the property either has frontage or has an entrance from a major thoroughfare; provided that the minimum distance between signs on any single development shall be 1,000 feet.
 - c. In the case of a subdivision, construction signs shall not be displayed prior to the date of official filing of the subdivision plat.
 - d. In other cases, such signs may be displayed for the duration of construction until issuance of a certificate of occupancy.
2. **Election Signs.** Those signs concerning issues and candidates in forthcoming elections shall be removed by the person placing or erecting them or by the occupier of the premises on which they are located within 10 days following the election to which they pertain unless the sign conveys some other or further ideological message or has some other or further ideological significance. Election signs shall be restricted to a maximum size of four square feet in all residential districts and a maximum size of 150 square feet in all other districts.

G. Sign Area

1. **Total Permitted Sign Area.** The total Permitted Sign Area (PSA) for any street frontage shall be calculated by using the formula below; provided that the maximum permitted sign area, which is the sum of all signs, shall not exceed a total of 150 square feet per ownership parcel.

Formula: $(LF \times 2) + 20$ square feet = PSA

Where: LF = Lineal feet of street frontage of the property and

PSA = Permitted Sign Area in square feet.

2. **Signs or Uses with Multiple Frontage.** The total area of all signs on any face of a building shall not exceed one and one-half square feet per lineal foot of building frontage at ground level.

3. Computation of Sign Area. The area of a sign shall be measured with the following regulations:

- a. For signs whose shape is a regular geometric figure (square, rectangle, circle, oval, etc.), the area shall be calculated using standard formulas ($H \times W$; πr^2 ; etc).

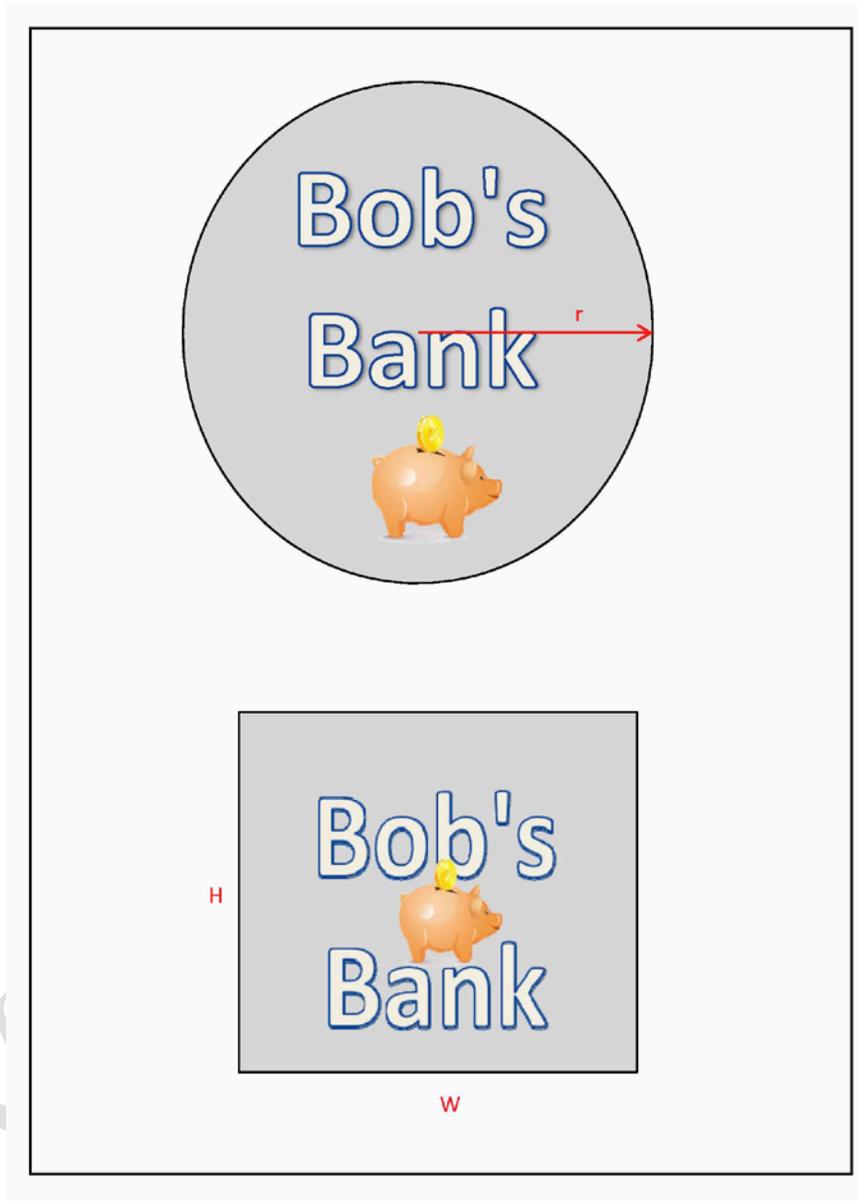


FIGURE 16 GEOMETRIC SIGNS

- b. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than eight straight or radial lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

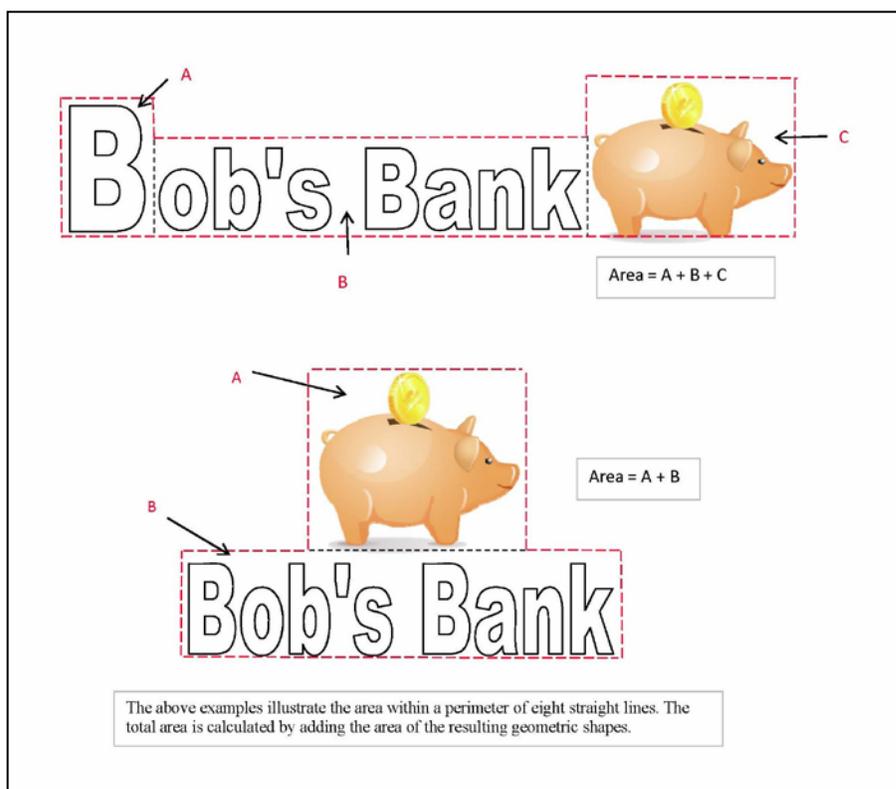


FIGURE 17 IRREGULARLY SHAPED SIGNS

- c. Where a sign contains a frame, background, or other material used to differentiate the sign from the background on which it is placed, the sign area shall be measured to include the entire frame, background, or other material.
- d. Where a sign has two or more display faces and is not a double-faced sign, the area of all faces shall be included in determining sign area.
- e. The following standards shall be used to determine the area of signs containing multiple elements. Figure 18 illustrates these measurement methods.
 - i. Regardless of their spacing, the letters forming a word or name shall be considered a single sign.
 - ii. When two or more separate items in a sign (such as a word and a logo) are separated horizontally or vertically by less than twice the width or height of the largest item,

the items shall be considered a single sign, and the area shall be determined by measuring the area enclosed by a perimeter enclosing all of the items.

- iii. When two or more separate items (such as a word and a logo) are separated horizontally or vertically by more than twice the width or height of the largest item, the items shall be considered two signs, and the area of each item shall be determined individually.

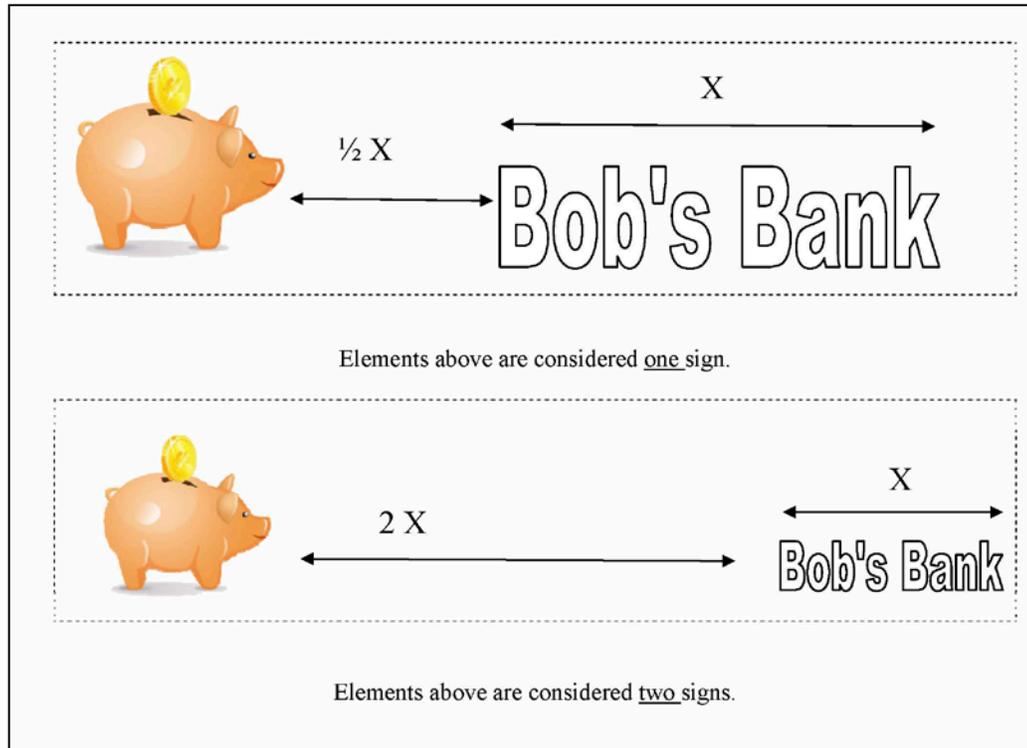


FIGURE 18 SIGNS WITH MULTIPLE ELEMENTS

- f. Where three-dimensional figures are used as signs, the area shall be the total area, as projected on a vertical plane (elevation view), of each side of the figure which is visible by the public beyond the boundaries of the lot upon which the figure is located. For purposes of this regulation, a figure shall be considered to have not less than one or more than four sides.
- g. Lot frontage used as the basis of determining permitted sign area for one use shall not be used again as the basis for determining the permitted sign area for a different use. Nothing in this Subsection shall be construed to prohibit the additional lot, building or use from erecting a sign which would otherwise be authorized by the provisions of this Section.
- h. All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

H. General Regulations

1. **Signs at Street Intersections and Driveways.** Other than a pole 12 square inches or less in cross-sectional area, sign placements shall conform to Site Visibility Standards (§4.3.J.4.a.).
2. **Illumination.** Illuminated signs shall be subject to the following conditions:
 - a. signs may be indirectly or internally illuminated;
 - b. any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly beyond the lot upon which the sign is located;
 - c. neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares;
 - d. no sign shall exceed 5,000 nits during the day and 500 nits during nighttime hours. Prior to issuance of a sign permit the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the Community Development Director.
 - e. all illuminated signs must comply with the maximum luminance level of 500 cd/m² or nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
 - f. signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded;
 - g. on-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations adopted by the City.

3. **Electronic Message Centers (EMCs)**

As a guideline, scrolling, traveling, flashing, spinning, rotating, any moving effects and all dynamic frame effects or patterns of illusionary movement or simulated movement should be avoided.

The following standards apply:

- a. The minimum static display time interval is five seconds.
- b. The transition time between messages or message frames will be one second.
- c. Electronic Message Centers are not permitted in residential districts except for schools,

churches or other community buildings that are located in a residential district.

4. **Signs on Fences and Freestanding Walls.** Signs on fences or freestanding walls shall be erected or mounted in a plane parallel to the fence or wall, and shall not extend above the top of the fence or wall nor project more than 12 inches from the face of the fence or wall. Such signs shall be subject to all regulations of this Section applicable to free-standing signs, including but not limited to maximum area per sign, maximum sign height, minimum setback from property lines and number of signs permitted per lot or per premises.
5. **Window Signs.** The area of all window signs less than 25 percent of the total window area or 12 square feet maximum, at ground floor level will not be included in the total permitted sign area. Illuminated window signs shall be included in the total window area calculation, unless the sign is exempt pursuant to §4.8 D.
6. **Subdivision Identification Signs.** Signs which identify lands which have been subdivided in accordance with this *LDC* shall be subject to the following regulations:
 - a. The sign may be located within public street right-of-way where such sign is approved as an integral feature of the street construction plans at the time of final plat approval. Otherwise, the sign shall be located so as not to intrude into the right-of-way.
 - b. Such signs shall conform to the sign requirements relating to the site distances at intersections under the provisions of §4.3.J.4.
 - c. The maximum size for a subdivision identification sign shall be 36 square feet per face as long as they meet the definition of a *Double-faced sign* (§4.8 C.38. h).
 - d. The signs shall only contain the name of the subdivision.
7. **Signs in the Public Right-of-Way.** Any sign in the public right-of-way is subject to an administrative license agreement and shall be compliant with all sign standards. The staff may refer the application to City Council for any reason. The City Manager or their designee may issue an administrative license agreement to allow the sign in accordance with Chapter 9.40.030 of the *City of Gunnison Municipal Code* as long as:
 - a. the City is carried as “additionally insured” on a current insurance policy; and,
 - b. proof of coverage is provided to the City Clerk and remains in effect for the duration of the permit issued.
8. **Sandwich Board Sign.** One sign per property (parcel) not exceeding 30 inches in width and 42 inches in height may be permitted within the sidewalk/grass strip of a public right-of-way or on private property provided the following requirements are met:
 - a. the building owner has obtained a license agreement pursuant to 7, above;
 - b. the sign is located in front of, and within 12 feet of the main entrance to the establishment it advertises;
 - c. placement of the sign allows a minimum of five feet of unobstructed sidewalk/accessway clearance between it and any building, adjacent parking space or other obstruction;

- d. the sign must be free-standing and shall not be permanently affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure;
 - e. the sign must be internally weighted so that it is stable and windproof;
 - f. the sign is placed within the public right-of-way only during the hours of the establishment's operation;
 - g. no sign shall be placed in a public right-of-way for the duration of a declared snow emergency; and,
 - h. *Sandwich Board* signs shall not count toward the permitted sign area of the premise.
9. **Free Standing Sign Height.** The free standing sign height shall be based on the distance the sign is setback from the back of the curb or edge of pavement where no curb exists. Signs setback zero to 20 feet shall have a maximum height of 15 feet; signs setback greater than 20 feet may increase the sign height six inches for every one foot of additional setback, to a maximum of 25 feet.

I. Zone District Sign Regulations

1. **Zoning Districts.** The zoning districts, as set forth in Section 2. and amendments thereto, shall apply to this Section. The boundaries of these zone districts shall be determined by reference to the zoning map of the City of Gunnison.
2. **Establishment of Zone District Regulations.** The type of signs permitted and the regulation of the number, placement, area and use of signs is established herein. No sign shall be erected except as provided in this Section and in the district in which it is permitted, nor shall any sign be used for any purpose or in any manner except as allowed by the regulations for the district in which such sign is proposed or maintained.
3. **Schedule of Requirements.** The following schedule of “class of sign permitted,” “type of sign permitted,” “maximum sign area permitted per lot,” “maximum area per sign face,” “maximum number of signs permitted” and “maximum height of freestanding signs” regulations for the various zoning districts is adopted.
4. **Maximum Sign Area** is calculated according to the provisions of §4.8 G.3.

**TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS
(CBD, I, C)**

Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
See Section §4.8 E. Prohibited Signs	Awning signs (§4.8 C 38 c), Canopy signs (§4.8 C 38 e), or signs on Architectural Projections: 30% of the width multiplied by the vertical height of the projection	1 per building face or per business storefront	
	Free Standing signs (§4.8 C 38 m): calculated PSA up to a maximum of 60 square feet. EMC (§4.8 C 38 j): 25% of sign area in Commercial; 12 square feet in CBD and Industrial	2 per parcel	25 feet; see §4.8 H.9 for additional standards associated with freestanding signs.
	Joint Identification signs (§4.8 C 38 r): PSA depends on the type of sign	1 per building face or per business storefront	May be freestanding, projecting, or wall. Where a joint identification sign is used, there shall be no other freestanding signs permitted on the premises.
	Other Sign Types: Marquees (§4.8 C 38 s), Roof signs (§4.8 C 38 y), or Wind signs (§4.8 C 38 ff) – calculated PSA up to a maximum of 60 square feet	1 per building face or per business storefront	Industrial zone district roof signs must meet the definition of a wall sign
	Projecting signs (§4.8 C 38 v): 12 square feet per sign face EMC (§4.8 C 38 j): 25% of sign area.	1 per frontage or 2 allowed on corner parcels	4 feet from the property line in the CBD, 8 feet from property lines in all other zoning districts. Maximum height: 18 feet or to the eave line or top of parapet wall of the building to which it is affixed. Minimum clearance: 8 feet from the ground to the bottom edge of the sign Maximum projection: 5 feet
	Standard Brand-Name signs:	1 per building face or per business storefront	Not more than 20% of the total percent of the PSA for any permitted use shall be devoted to the advertising of any standard brand-name commodities or services which are not the principal commodity or service being sold or rendered on the premises, or area not a part of the name of the business concern involved.

**TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS
(CBD, I, C) (CONTINUED)**

Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	<p>Suspended signs (§4.8 C 38 aa): 1.5 square feet per face (3' total). Does not count toward the total PSA.</p>	1 per building face or per business storefront	<p>8 feet from the ground to the bottom edge of the sign Minimum horizontal separation: 15 feet between suspended signs. Projection: shall not project beyond the outside limits of the arcade, canopy, or marquee to which they are attached.</p>
	<p>Temporary signs (§4.8 C 38 bb and §4.8 F): 36 square feet</p>	1 per street frontage	12 feet
	<p>Time/Temperature/Community Announcement signs: The display area of less than 16 square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.</p>	1 per building face or per business storefront	
	<p>Wall signs (§4.8 C 38 ee): calculated PSA. EMC (§4.8 C 38 j): 25% of sign area in Commercial; 12 square feet in CBD and Industrial</p>	1 per building face or per business storefront	<p>Maximum height: 25 feet above the ground. Maximum projection: 24" above the eave line or parapet. 12" from the face of the building. Any sign erected upon the plane of a roof having a 6:12 pitch or less from vertical shall be considered a wall sign, and shall be subject to the size and height limitations noted under this subsection.</p>

TABLE 4-13 SCHEDULE OF REQUIREMENTS FOR THE B-1 DISTRICT (B-1)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
<p>In addition to §4.8 E., the following signs are prohibited:</p> <p>Bulletin Board signs (§4.8 C 38 d)</p> <p>Marquee signs (§4.8 C 38 s)</p> <p>Portable signs (§4.8 C 38 u)</p> <p>Roof signs (§4.8 C 38 y)</p> <p>Vending Machine signs (§4.8 C 38dd)</p>	<p>Awning signs (§4.8 C 38 c), Canopy signs (§4.8 C 38 e), or signs on architectural projections: 30% of the width multiplied by the vertical height of the projection</p>	1 per building face or per business storefront	The face of any such sign shall not project above or below the face of the canopy, awning or architectural projection. Signs may project horizontally beyond the face of the canopy or architectural projection the distance necessary to accommodate the thickness of the letters, but no more than 12 inches. Signs displayed on architectural projections which extend 15 inches or less from the face of a building may be considered wall signs, and are subject to those provisions.
	<p>Free Standing signs (§4.8 C 38 m): calculated PSA or 12 square feet maximum. EMC (§4.8 C 38 j): 15% of sign area</p>	1 per general access point	6 feet
	<p>Joint Identification signs (§4.8 C 38 r): PSA depends upon the sign type.</p>	1 per building face or per business storefront	May be freestanding, projecting, or wall. Where a joint identification sign is used, there shall be no other freestanding signs permitted on the premises.
	<p>Projecting signs (§4.8 C 38 v): 12 square feet per sign face EMC (§4.8 C 38 j): 25% of sign area</p>	1 per building face or per business storefront	18' or to the eave line or top of parapet wall of the building to which it is affixed. 8 feet from the property line. Minimum clearance: 8 feet from the ground to the bottom edge of the sign. Maximum projection: 5 feet
	<p>Suspended signs (§4.8 C 38 aa): 1.5 square feet per face (3 feet total). Does not count toward the total PSA. EMC (§4.8 C 38 j): 25% of sign area.</p>		8 feet from the ground to the bottom edge of the sign. Minimum horizontal separation: 15 feet between suspended signs. Projection: shall not project beyond the outside limits of the arcade, canopy, or marquee to which they are attached.

TABLE 4-13 SCHEDULE OF REQUIREMENTS FOR THE B-1 DISTRICT (B-1)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	Standard Brand-Name signs: Not more than 20% of the total percent of the PSA for any permitted use shall be devoted to the advertising of any standard brand-name commodities or services which are not the principal commodity or service being sold or rendered on the premises, or area not a part of the name of the business concern involved.	1 per building face or per business storefront.	
	Temporary signs (§4.8 C 38 bb and §4.8 F): 36 square feet	1 per street frontage	12 feet
	Time/Temperature/Community Announcement signs: The display area of less than 16 square feet shall not be included in the allowable sign area; provided however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.	1 per building face or per business storefront	
	Wall signs (§4.8 C 38 ee): calculated PSA up to 75 square feet maximum. EMC (§4.8 C 38 j): 12 square feet of sign area.		

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX DISTRICTS (R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited: Awning signs (§4.8 C 38 c) Canopy signs (§4.8 C 38 e) Changeable signs (§4.8 C 38 f) Electronic Message Centers (§4.8 C 38 j and §4.8H 3c) Joint Identification signs (§4.8 C 38 r) Marquee signs (§4.8 C 38 s) Portable signs (§4.8 C 38 u) Roof signs (§4.8 C 38 y) Vending Machine signs (§4.8 C 38 dd) Wind signs (§4.8 C 38 ff)	Identification signs (§4.8 C 38 p): 4 square feet	1 per building	6 feet
	Temporary Signs (§4.8 C 38 bb and §4.8 F): 36 square feet	1 per street frontage	12 feet
	EMC (§4.8 C 38 j): 12 square feet of sign area.		Allowed for churches, schools, and community buildings only.

TABLE 4-15 SCHEDULE OF REQUIREMENTS FOR RESIDENTIAL MULTI-FAMILY DISTRICTS (RMU AND R-3)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs
In addition to §4.8 E., the following signs are prohibited: Awning signs (§4.8 C 38 c) Bulletin Board signs (§4.8 C 38 d) Canopy signs (§4.8 C 38 e) Electronic Message Centers (§4.8 C 38 j and §4.8 H 3c) Marquee signs (§4.8 C 38 s) Portable sign (§4.8 C 38 u) Roof signs (§4.8 C 38 y) Vending Machine signs (§4.8 C 38 dd) Wind signs (§4.8 C 38 ff)	Free Standing signs (§4.8 C 38 m): calculated PSA up to 60 square feet except for complexes with 25+ units, up to 75 square feet	1 per general access point.	15 feet
	Projecting signs (§4.8 C 38 v): 15 square feet		18 feet or to the eave line or top of parapet wall of the building to which it is affixed
	Suspended signs (§4.8 C 38 aa): 1.5 square feet per face (3' total)		
	Wall signs (§4.8 C 38 ee): calculated PSA up to 75 square feet maximum		
	Temporary signs (§4.8 C 38 bb and §4.8F): 36 square feet	1 per street frontage	12 feet
	EMC (§4.8 C 38 j and §4.8H 3): 12 square feet of sign area.		Allowed for churches, schools, and community buildings only.

J. Structural Requirements

1. Construction

- a. The installation, repair or replacement of any sign is subject to possible required issuance of a building permit by the City of Gunnison Building Official.
- b. The City of Gunnison Building Official may require that building plans for any sign be stamped by an engineer licensed in the State of Colorado.
- c. Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the *International Building Code* as adopted by the City. All signs and their foundations and attachments must be designed for the appropriate dead load, wind load and snow load for the geographic area in question.
- d. The supports and foundations used in construction for all signs and sign structures must be located outside of any public rights-of-way.
- e. Welds of sign structures and sections of sign structures must be welded in accordance with the *International Building Code*.

2. Electrical and Fire Code Requirement

- a. *Electric signs* and *Electronic Message Centers* shall be manufactured and installed in compliance with National Fire Protection Association (NFPA) NFPA70e, or other code administered by the State of Colorado. Installation of any electronic sign is subject to obtaining an electrical permit.
- b. The listing label number for all signs shall be provided on the Sign Permit application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the Sign Permit application.

3. Dangerous Sign Structures and Equipment.

Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Building Official deems necessary. Signs may be deemed dangerous for any specific reason including but not limited to:

- a. if a sign structure, it's foundation, attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe;
- b. if any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse;
- c. if any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;
- d. if a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;

All signs, sign structures and awnings determined after inspection by the Code Officer to be dangerous must be abated by repair, rehabilitation, demolition or removal.

4. **Clearance.** Signs shall not be located with less than six feet horizontal clearance or 10 feet vertical clearance from overhead primary lines.
5. **Freestanding Signs.** Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete, steel or other effective barrier not less than 30 inches high, shall be provided to protect the base of the sign from possible damage by vehicles. Where any freestanding sign has a clearance of less than nine feet from the ground, there shall be provided a barrier or other adequate protection to prevent hazard to pedestrians and motorists.

K. Permits

1. **Sign Permit Required.** Except as provided in §4.8 D., it is unlawful to display, erect, relocate or alter any sign without first filing with the Building Official an application in

writing and obtaining a sign permit. When a sign permit has been issued by the Building Official, it is unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official.

2. **Application for Permit.** The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent. Such applications shall be made in writing on forms furnished by the Building Official and shall be signed by the applicant. The Building Official shall, within seven working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

3. **Revocation of Permits.** If the Building Official finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this Section or any other pertinent ordinance of the City, or should he or she find that there has been any misrepresentation in connection with the application for the permit, he or she shall notify the sign owner or erector of such findings and that the violations must be corrected without delay. If such correction is not made forthwith, the Building Official shall revoke the permit and serve written notice thereof upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received.

4. **Revocation of Permits for Nonuse**
 - a. If actual work whether on-site or off-site is not completed under any permit issued within 60 days from the date of such permit, and/or if substantial building operations under any permit issued under this Section are suspended for a period of 60 consecutive days, the permit shall automatically become null and void.
 - b. The Building Official may grant an extension of time in which to start or resume operations. All requests for extension and approval thereof shall be in writing.

5. **Plans, specifications and other data required.** The application for a sign permit shall be accompanied by the following plans and other information:
 - a. the name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
 - b. the location, by street address or other location identification acceptable to the building official, of the proposed sign structure;
 - c. complete information as required on an application form provided by the Building Official, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, type of proposed illumination and such other data as is pertinent to the application;
 - d. plans indicating the scope and structural details of the work to be done, including details of all connections, guy lines, supports and footings and materials to be used; and,
 - e. if an electrical permit is required, verification of final electrical inspection approval shall

be provided to the Building Official.

- 6. Inspections.** All signs shall be subject to inspection by the Building Official. Footing inspections may be required for all freestanding signs. The permit holder or his or her agent shall notify the Building Official when signs are complete and ready for final inspection.

Working Draft

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: March 14, 2012
RE: Large Scale Retail Development Standards

Development of the city's Large Scale Retail Development Standards was initiated in 2004 with pressure from the community to address the design issues for big-box development. In June, 2005 the existing standards were adopted by the city. The Standards were developed by Richard Grice (4-Corners Planning) and the Planning and Zoning Commission in a process that lasted approximately one year.

The existing development standards apply to buildings with a gross floor area of 50,000+ square feet. Adopted standards also contemplate mall developments that have an anchor retail and subsidiary (liner) retail buildings. Various standards apply to include the following:

- Building orientation and location standards;
- Parking lot orientation;
- Vehicular circulation;
- Pedestrian circulation;
- Buffer of any adjacent residential development;
- Building design standard; and
- Waiver provisions.

Wal-Mart was asked to comment during the development of the design standards. They provided numerous comments including a review of the standards by Kimley-Horn and Associates, who were hired by Wal-Mart. The city also hired Leslie Bethel, an urban design consultant from the Roaring Fork Valley to critique the design standards. The resulting standards were subjected to critical assessment from architects, planning consultants, Wal-Mart representatives and larger communities.

§4.10 LARGE SCALE RETAIL

A. Purpose. These standards are intended to ensure that large scale retail establishment development is compatible with its surrounding area and contributes to the unique community character of Gunnison.

B. Applicability. The standards of this Section shall apply to all retail uses in structures with more than 50,000 gross square feet, including single or multi-building developments with more than 50,000 square feet in any one structure. Large retail sales developments include;

1. single large retail sales buildings;
2. multiple large retail sales buildings; or
3. large retail sales building(s) with pad/liner sites comprising a complex that is planned, developed, owned, or managed as a single association.

C. Single Building Site Development Intent. The single building site design standards are intended to create an attractive building in an appealing and functional setting. The integration of structure, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;
2. achieve defined edges with landscape, streetscape, and signage to frame a building that uses a variety of architectural features to reflect the character of the community;
3. establish a safe and coherent pedestrian and vehicular network within the site and between adjacent neighborhoods in accord with existing and projected traffic patterns;
4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as storm-water runoff, light pollution, noise, odor, and waste; and
5. comply with the *City of Gunnison Master Plan*.

D. Single Building Site Development Standards

1. **General.** Site development shall be designed and constructed in accordance with all of the provisions of Section 4. , General Development Standards, as well as all other applicable standards of the *LDC*.
2. **Orientation.** Building wall planes shall be oriented parallel to primary street frontages and accessways.
3. **Front Parking.** No more than 50 percent of the required off-street spaces shall be located between the front lot line and a line segment parallel to the entire lot frontage and intersecting the closest point of the building front. All remaining off-street parking shall be located outside of the area delineated by this standard.

E. Multiple Building Site Development Intent. The multiple building site design standards are intended to create attractive primary and secondary retail buildings in an appealing and functional setting. The integration of structures, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;
2. achieve defined edges by the use of landscape, streetscape, signage, and siting of secondary buildings to frame the primary building. All buildings shall use a variety of architectural features in a common theme;
3. establish a safe and coherent pedestrian and vehicular network within the site and between adjacent neighborhoods in accord with existing and projected traffic patterns;
4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as storm-water runoff, light pollution, noise, odor, and waste;
5. comply with the *City of Gunnison Master Plan*; and
6. provide that primary commercial buildings serve as “anchors” for commercial and mixed-use zones. Anchor buildings may be flanked by a variety of supporting, pedestrian-oriented retail storefronts and secondary commercial uses located on pad sites provided that they meet the following design elements:
 - a. The siting and design of smaller retail stores (pad sites or liner buildings) creates an inviting appearance along arterial and highway corridors and within the neighborhood by reducing the project's apparent visual scale and by expanding the range of activities and businesses found within the neighborhood.
 - b. The layout of pad site or liner buildings relate coherently to the public streets and surroundings (outward) as well as to the main center (inward), and specific siting decisions shall further the general intent of creating a sense of place, focal points, community amenities, and arrival into a commercial center.
 - c. The location, orientation of the entry, and architecture of pad site buildings frame the entry into the neighborhood and contribute to the development's aesthetic appeal by placing storefront spaces closer to the street and creating a street scene.
 - d. Smaller retail stores are sited in a liner building configuration or on discrete pads or building pad groups that complement overall site layout and function; they shall not be randomly sited inconsistently with other site plan elements.
 - e. The architecture of pad site structures or liner buildings is compatible with the development's anchor buildings.

F. Multiple Building Site Development Standards. Where multiple buildings are proposed, the building footprints may be configured as individual pads, pads wrapping the anchor(s), or contiguous liner buildings wrapping edges of the development. Multiple building layouts shall be

completed in accordance with the following requirements.

1. **Location Standards.** Pad sites shall be clustered together to define street edges and entry points or to enclose and create community amenities and visual interest between buildings. Pad site building wall planes shall be no more than 100 feet from primary street frontages, major collector streets, or entrance driveway. Isolated pad buildings will be reviewed on a case-by-case basis but shall be adjacent to roads or entrance driveways as required herein.
2. **Orientation.** Buildings shall be oriented parallel or perpendicular to primary street frontages or entrance driveways.
3. **Front Parking.** No more than 20 percent of the required off-street spaces of any pad site building shall be located between the front lot line and the building's front elevation. All remaining off-street parking shall be located outside of the area delineated by this standard. Additionally, no more than 50 percent of the parking dedicated to the large scale retail establishment (anchor building) shall be located between the front lot line and that building's front elevation.
4. **Phasing.** If a large retail sales development is built in phases, the phasing shall be established as part of the design review. Site improvements for phased developments including, but not limited to landscaping, circulation, parking, and drainage shall be guaranteed by a development improvement agreement secured by corporate surety bond, irrevocable letter of credit, cash, and/or other means acceptable to the Director. The applicant shall submit to the Director estimates of the cost of completion of each required improvement, made by the applicant's engineer, along with the schedule of construction and completion thereof. The collateral amount shall equal 125 percent of the prescribed cost as determined to be satisfactory by the Director of Community Development.

G. Vehicular Circulation

1. **Transportation Impact Study Requirements.** A detailed Transportation Impact Analysis (TIA) shall be prepared in accordance with §4.1 H. of this LDC. Those guidelines include a description of all necessary procedures and analysis as well as steps to identify any transportation mitigation measures.

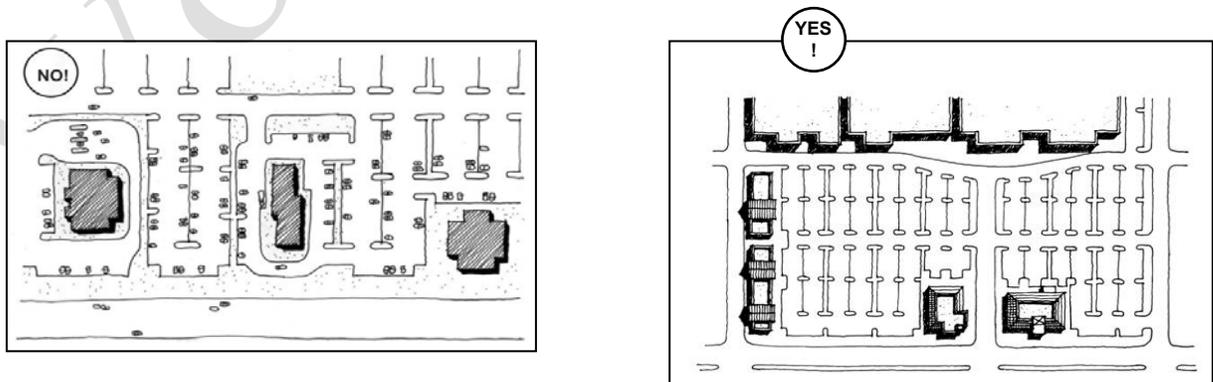


FIGURE 19 BUILDING ORIENTATION FOR MULTIPLE BUILDING DEVELOPMENT

2. **Access to Collector Streets.** Access onto collector streets that serve adjacent residential areas is prohibited unless it can be shown that the site traffic will not have a negative impact on adjacent residential areas and the access is approved by the City. Additionally, the City may require a license plate cut-through traffic study to be completed after the project completion if residential neighborhood traffic is perceived to have significantly increased. Negative impacts on adjacent residential areas are defined to include but not be limited to:
 - a. any increase in delivery truck traffic in the adjacent residential area (10 or more delivery truck trips per day serving the development); and
 - b. an increase in cut-through traffic in the adjacent residential area by those that do not live within the adjacent residential area that exceeds the greater of: (a) 20 percent of the existing residential traffic volume on a given roadway or (b) 200 cars per day.
 - c. Traffic impacts that exceed either of the thresholds in 1 and 2 above will require mitigation of the impact or the closure of the access in question. The costs of cut-through and/or truck monitoring study and any mitigating measures shall be the responsibility of the owner or owners of the large scale retail establishment.
3. **Internal Drive Connectivity.** Any building, lot, parcel, or other real property that is intended to serve the general public, and that is designed as part of the development plan for a large scale retail establishment, shall be provided with vehicular access from the internal circulation system.

4. **Passenger Loading Zones**

- a. In addition to passenger loading zones required by the *International Building Code* as amended and adopted by the city, each large scale retail establishment shall provide at least one pull-up space directly adjacent to the large scale retail establishment main entrance. Specific location shall be coordinated with the City Fire Marshal.
 - b. The loading zone length shall be a minimum 50 feet length and 10 feet width. The loading zone shall be signed as a physically disabled loading zone.
5. **Traffic Control.** All accesses shall be designed and constructed with appropriate traffic control and signage conforming to the *Federal Highway Administration Manual on Uniform Traffic Control Devices*, latest edition.

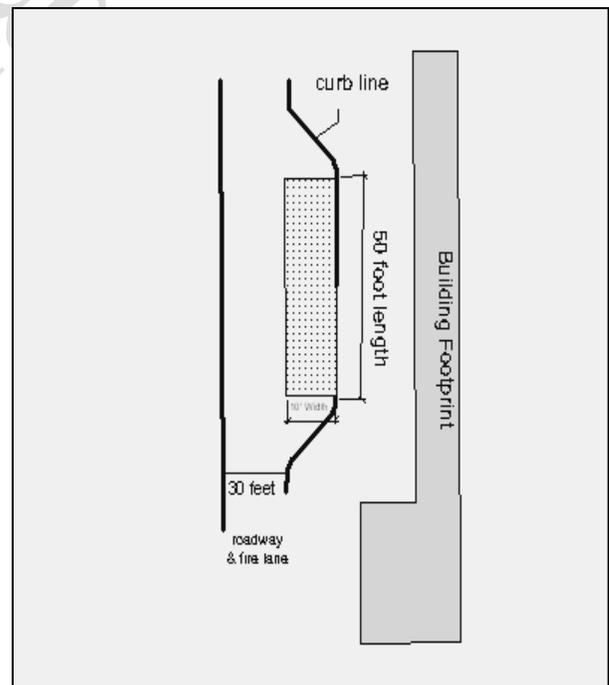


FIGURE 20 PASSENGER LOADING ZONES

6. **Speed Change Lanes.** Speed change lanes shall be required on collector or arterial roadways when the design hour traffic volume to or from the access will equal or exceed the standards

in the *Colorado State Highway Access Code*, assuming the most appropriate access category. The design of any required speed change lanes shall also comply with the recommendations of the *Colorado State Highway Access Code*.

7. **Restricted Turning Movements.** Where a site driveway accesses an arterial roadway, left turning movements into and/or out of the driveway may need to be restricted based on the findings of the approved traffic study. The preferred method for restricting left turns is the construction of a median that limits the driveway to a one-half or three quarter access. Turn restriction islands in the throat of a driveway may only be considered if median construction is not possible (e.g., adequate right-of-way width is not available and cannot be acquired; adjacent mature trees would have to be removed). The decision to consider a turn restriction island instead of the construction of a median shall be made by the decision-making authority. If allowed, the design of a turn restriction island must be approved by a representative of the City who is a licensed civil engineer with a specialty in traffic engineering.

H. Pedestrian Circulation Facilities

1. **Connectivity.** New developments shall be laid out and designed to provide sidewalks, accessways, bikeways, and multi-use trails that connect with existing or planned sidewalks, multi-use trails, and destinations such as parks, schools, and shopping areas. Accessways shall connect building fronts within a site, building fronts on adjacent sites where cross-site access is possible, and from public rights-of-way onto the large scale retail development.
2. **Easements and Multi-use Trails.** Multi-use trails, where required, shall have a minimum 15 foot wide, public right-of-way or easement for bicycle and pedestrian uses dedicated to the public. A 10 foot wide treadway shall be constructed in the center of the right-of-way or easement conforming to the City standards.
3. **Multi-Use Trail Location Guidelines.** Bikeways shall be located to integrate with the existing and future city street and park system. Important criteria used in determining facility types and locations follow.
 - a. compatibility with adopted plans, including, but not limited to, the *City of Gunnison Master Plan* and the *Parks, Recreation and Open Space Master Plan*;
 - b. safety in terms of existing street width;
 - c. existing and potential demand for use;
 - d. spacing in relation to other pedestrian circulation facilities;
 - e. location of schools and other public facilities frequented by bicycle riders; and
 - f. location of parks.
4. **Bike Racks.** Bike racks shall be provided at the rate specified in §4.4 F.10. The location of required bike racks shall be based on consideration of the safety and convenience of users. Bicycle racks should be of the “Cora” type as depicted in the *Transportation Element of the Gunnison Master Plan* or as approved by the decision-making body. Cut sheets may be

required prior to approval.

5. Internal Pedestrian Circulation Design Standards. Unless otherwise modified herein, pedestrian circulation facilities shall comply with §4.5, Pedestrian Circulation Facilities. If there are any conflicts between these standards and §4.5, the more restrictive standard shall apply.

- a. Detached sidewalks at least eight feet in width shall be provided along all lot boundaries that abut public streets. These sidewalks shall be detached a minimum of ten feet from all collector and arterial streets, and six feet from all other streets.
- b. Multi-use trails shall be constructed in accordance with the adopted provisions of the *Gunnison Trails Master Plan* as amended. The City may also require multi-use trails along the front lot line or front yard of any large retail sales development along either Highway 50 or Highway 135 frontage, or in a configuration that connects with *City of Gunnison Trails Master Plan*.
- c. Continuous internal accessways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large scale retail establishments and pad or liner buildings on the site. At a minimum, accessways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building, and store entry points.
- d. Snow shedding from roof structures adjacent to sidewalks or accessways is prohibited. Cold roof designs that retain snow on the roof or avalanche guards are required on all roof planes that may shed snow on sidewalks or walkways. Additional mitigation may be required where icicles may form on eaves adjacent to walkways or sidewalks.
- e. Any large scale retail establishment development sharing a common lot line with another nonresidential district parcel shall provide an internal pedestrian walkway to the common property boundary.
- f. Continuous sidewalks in conjunction with walkways across the internal access roads shall connect internally and externally to all buildings (pad sites, liner buildings, and anchor buildings) proposed by the site development plan.
- g. Accessways, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Additional sidewalk width shall be provided as needed to accommodate outdoor seating areas adjacent to restaurants to maintain an eight foot wide clear pedestrian circulation area.
- h. All internal accessways shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

I. Central Features and Community Space. Each retail sales establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza or pocket park with benches, commuter parking area, window shopping walkway, outdoor playground area,

informational kiosk area, water feature, clock tower, or other such deliberately shaped area, focal feature, or amenity that, in the judgment of the decision-making body, enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscaping.

J. Residential Protection. The provisions of this Section are specifically designed to mitigate impact of large scale retail establishments and related development on existing residential uses and all residential districts (R-1, R-1M, R-2, RMU, or R-3 district).

- 1. Building Location.** No building shall be erected within 100 feet of the lot line of property that is in a residential zone district or that contains a single-family, attached single-family or duplex use; provided, however, that this provision shall not apply across the street from a residential zone district.
- 2. Buffering and Landscaping.** Buffers shall provide sufficient landscaping to protect adjacent land uses. Buffers may include walls, fences, and berms. Landscaping and buffering shall comply with the standards of §4.6 and shall be provided across the street from or adjacent to any property located in a residential district or containing a single-family, attached single-family or duplex dwelling.

K. Building Design Standards

- 1. Intent.** Building design shall be tailored specifically to the site, the neighborhood and the physical context of the general area. The use of building wall and roof articulation, materials, architectural elements, color, and texture features shall ensure visual interest and compatibility with the surrounding neighborhood and comply with Section 6. , Development Review Procedures; §4.10 C, Single Building Development Intent; and, §4.10 E, Multiple Building Site Development Intent.
- 2. Ground Floor Façades**
 - a.** Ground floor façades abutting public streets and/or parking lots shall have arcades, display windows, entry areas, awnings, or other such features. Animating features such as these must total no less than 60 percent of the horizontal length of the façade.
 - b.** Liner and pad site buildings shall have separate, exterior customer/resident entrances. Such entrances are preferred on both street and parking lot sides. The street level façade of liner or pad site buildings shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.



FIGURE 21 GROUND FLOOR FACADES

3. Articulation

- a. Exterior Wall Plane.** No single exterior wall plane shall constitute more than 60 percent of any primary facade of 100 feet or more in length. Variations of less than one foot in depth are not considered to break the plane.
- b. Primary Façades.** Any primary façade shall include projections or recesses (articulation) in accordance with this subsection. No uninterrupted horizontal length or uninterrupted curve of such facade shall exceed the lengths set forth below:

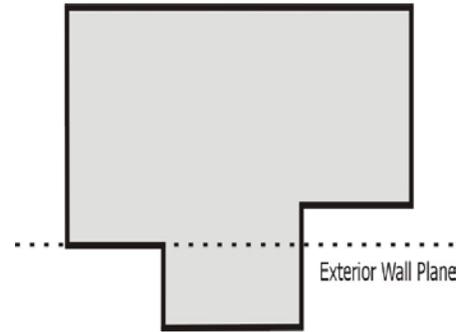


FIGURE 22 EXTERIOR WALL PLANE

- i.** Buildings of less than 20,000 square feet in floor area shall require one articulation of not less than five feet in depth for every 50 feet in length. Such articulation shall extend at least five feet horizontally.
- ii.** Buildings 20,000 square feet or more in floor area shall require one articulation of not less than 10 feet in depth for every 100 feet in length. Such articulation shall extend at least 10 feet horizontally.

- c. Secondary Façades.** Any façade, other than a primary façade, shall include no less than three of the following elements:

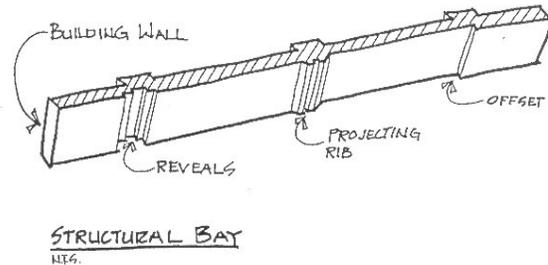


FIGURE 23 SECONDARY FAÇADE

- i.** an expression of architectural or structural bays through a change in plane of no less than 12 inches in width, such as an offset, reveal or projecting rib, as shown in Figure 23;
- ii.** horizontal separation between projecting ribs, reveals and offsets may vary depending on the building wall manufacture specifications, but shall not be greater than 20 feet on center;
- iii.** material module change;
- iv.** color change; or
- v.** textural change.

- L. Architectural Elements.** Primary facades of large scale retail establishments shall have clearly defined architectural detail featuring no less than three of the following:

1. canopies or porticos;
2. overhangs;
3. recesses and projections;
4. arcades;
5. raised, corniced parapets over the door;
6. peaked roof forms;
7. arches;
8. outdoor patios;
9. display windows;
10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design; or
11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.



FIGURE 24 ARCHITECTURAL ELEMENTS

M. Building Entrances. The public access points of large scale retail establishments shall have clearly defined, highly visible entrances featuring at least three of the following elements:

1. canopies or porticos;
2. overhangs;
3. recesses and projections;
4. arcades;
5. raised, corniced, parapets over the door;
6. peaked roof forms;
7. arches;
8. outdoor patios;
9. display windows;
10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design; or
11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.



FIGURE 25 BUILDINGS ENTRANCES

N. Materials and Colors

1. Predominant exterior building materials on all sides shall be of high quality, including the following or other materials of similar appearance and characteristics: brick, sandstone, other native stone; tinted/textured concrete masonry units; brick, stone or native veneer; architectural concrete with form, line, texture, mass, and space (negative and positive) elements that establish aesthetic quality; metal for beams, lintels, trim elements and ornaments; wood and log; and glass.
2. Color shades shall be used to unify the development. Façade colors shall be low reflectance, subtle, neutral, earth tone colors. The use of high-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors.
4. Wall surface materials shall not include smooth-faced concrete block, smooth-faced concrete panels or other similar products, aluminum or vinyl siding, or prefabricated steel panels.
5. Metal may be utilized as a roofing material and/or as an accent to other siding materials, provided that all such metal materials used shall have a non-metallic luster.
6. Use of neon as an architectural building accent is prohibited.

O. Roofs. Roofs shall comply with the provisions of §4.6.I.4., and shall have no less than two of the following features:

1. parapets, the average height of which shall not exceed 15 percent of the height of the supporting wall, shall not at any point exceed one-third of the height of the supporting wall, and shall feature three-dimensional cornice treatment;
2. overhanging eaves, extending no less than three feet past the supporting walls;
3. sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every four feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
4. three or more roof slope planes.

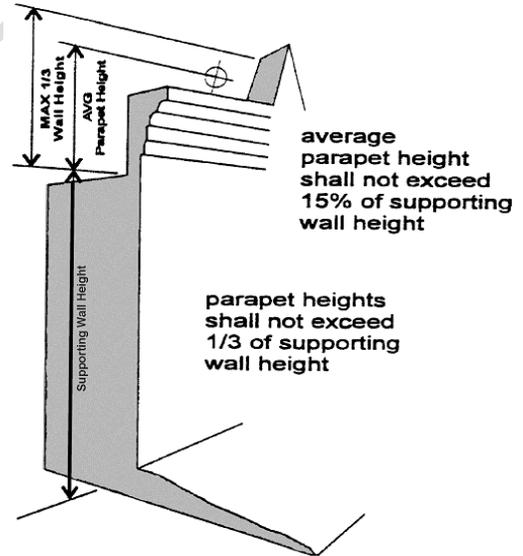


FIGURE 26 PARAPETS

P. Abandoned Buildings. No certificate of occupancy shall be issued for any new building or space that is subject to the provisions of this Section, without compliance with the following requirements. All properties developed for commercial purposes including those abandoned by the applicant in favor of new development regulated by this section, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect. This maintenance requirement shall be established by a covenant or other document considered satisfactory to the City Attorney,

memorializing this requirement. At a minimum the following maintenance functions shall occur:

1. the building shall remain fully illuminated inside within 100 feet of all public entrances, and outside including all parking lot areas, consistent with the historic practice;
2. glazing shall not be boarded and broken windows shall be replaced immediately;
3. vegetated landscaping shall be watered, trimmed and mowed during the growing season;
4. dead vegetation shall be replaced immediately;
5. graffiti shall be immediately removed from the site;
6. painted or stained building surfaces shall be painted or stained at least every three years or when the surface starts to peel, crack, or fade;
7. snow removal shall occur within 24 hours after all snow storms.

§4.11 DEVELOPMENT STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain development standards contained in this Section 4. may be considered for a waiver pursuant to the directives established in §8.10 of this *Land Development Code*.