

**JOINT MEETING BETWEEN CITY OF GUNNISON
CITY COUNCIL & PLANNING & ZONING COMMISSION**
MEETING TO BE HELD AT CITY HALL, IN CITY COUNCIL CHAMBERS,
201 W. VIRGINIA AVE., IN GUNNISON, CO

**WEDNESDAY,
MARCH 7, 2012 WORK SESSION AGENDA 7:00 P.M.**

- 7:00 – 7:45 P.M. A. Discussion and Update on VanTuyl Ranch Annexation – CD Director Steve Westbay
- 7:45 – 8:45 P.M. B. Discussion on Update of City Sign Code – CD Director Westbay, Planning Commissioners and City Councilors

This agenda is subject to change, including the addition or deletion of items at any time. **This meeting will not be televised due to a different meeting configuration.** Work sessions are recorded but minutes are not produced. Formal action cannot be taken. For further information, contact the City Clerk’s office at 641-8140.

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MEMORANDUM

TO: City Council
Planning and Zoning Commission
FROM: Steve Westbay
DATE: March 7, 2012
RE: VanTuyl Ranch Annexation - Initial Scoping (Phase 1) Staff Report

Introduction

Why should the City pursue annexation of the VanTuyl Ranch? This is a fundamental question to consider during this Initial Scoping review process. The VanTuyl Ranch annexation will result in direct control and oversight of the Ranch by the City. This concept of City oversight is established in existing and historic master planning documents to include the *City of Gunnison Master Plan* (1994, Volumes I and II). The 1994 *Master Plan* was approved in the same time period that the Ranch was acquired by the City. The 1994 *Master Plan* contains the following statements reflecting the City's interest in managing the Ranch resources:

The City's potable water system is supplied from groundwater sources tapped from nine wells constructed in an historic subsurface alluvial channel of the Gunnison River. Protection of the ground water recharge area which replenishes this source of water is critically important to the future quality and quantity of the resource. (Volume I, Ground Water, Pg#13)

This river corridor [VanTuyl Ranch] will continue to be irrigated hay meadow providing critical aquifer recharge for the City's potable water system. The VanTuyl Ranch property has tremendous recreational potential and an overall plan for the area will be developed in the near future. (Volume I, Surface Water, Pg#13)

Develop and maintain the VanTuyl property as an element of the City's water resource management efforts. (Volume II, Pg#3, Water, Air, Land and Wildlife Actions, subsection 5)

Determine the appropriate land uses and recreational opportunities for the VanTuyl Property and develop a master plan for the property. (Volume II, Pg#18, Parks and Recreation Actions, subsection 11).

The *City of Gunnison Master Plan* (2007) contains a simple action statement to annex the Ranch. The *VanTuyl Ranch Management Plan* (2010) was adopted as a sub-area master plan by the City. The *Management Plan* contains a series of "givens" including a statement that the Ranch will be annexed into the City. This "given" statement affected the *Management Plan* structure and outcome, otherwise directives contained in the *Management Plan* would have had to contemplate county oversight for future land use decisions and police protection.

Establishing the terms for local governance over the Ranch is fundamental to this annexation application. The fact that the Ranch oversight is part of existing municipal service functions, and that the Ranch is a magnificent City icon also weighs into answering the question – Why should the Ranch be annexed?

On November 29, 2011, City Council took action to accept the *VanTuyl Ranch Annexation Petition and Application*. This staff report describes the process; addresses land uses, utilities, and other anticipated municipal services; summarizes comments received to date; and focuses on amendments and tasks that should be included in the Final Scoping review which is the next step in the annexation process.

Process Overview

The *Municipal Annexation Act of 1965*, as set forth in the Colorado Revised Statutes (CRS), details specific procedures and mandates that direct the annexation process (See CRS Title 31, Article 12). Resolution 15, Series 2007 of the City of Gunnison sets forth existing municipal annexation policies. This resolution establishes a three-step process for annexation: Step 1 (Initial Scoping); Step 2 (Impact Report and Final Scoping); and Step 3 (Annexation Negotiations and Public Hearings).

Steps 1 and 2 follow an identical review process. After the application is submitted, copies are forwarded to review agencies and the Planning and Zoning Commission (P&Z) is briefed about the proposal. Thereafter, the City staff is required to conduct a review and report to the P&Z at a regular meeting. The staff report includes a review of all comments provided by review agencies. After the P&Z review is completed a joint meeting with Council and P&Z is convened and comments regarding the application are formalized. The Initial and Final Scoping processes (Steps 1 and 2) are concluded by the submittal of City comments to the annexation applicant. The City's formal comments are not conditions or mandates, but the comments may include specific directives and positions that should be considered by the applicant.

Step 3 sets forth the process requirements necessary to complete the annexation pursuant to CRS procedures. The CRS requires that the City Council review the annexation petition and act on a resolution determining whether or not the petition is substantially complete. Thereafter, the Council sets a public hearing to consider if the annexation property is eligible under the terms of the CRS and/or whether there are existing "limitations" concerning the annexation petition.

The CRS has several stipulations regarding public notice requirements for the eligibility hearing. One of the major considerations is that an Annexation Impact Report be developed and submitted to the County at least 25 days prior to the public hearing. This impact report will be developed by City staff. The City's annexation resolution requires that the zoning of the property be established concurrently with annexation. Therefore, as the Council works on the eligibility review, the P&Z conducts a public hearing specific to the proposed zoning of the annexation property. The process is concluded when the Council holds the eligibility public hearing and a public hearing for the initial zoning application. Thereafter, ordinances are considered under first and second reading.

Project Description

The proposed annexation territory contains approximately 390 acres and is located to the north and west of the Palisade subdivision. This territory is bound on the south by County Road 15 and the Community School, and on the east by County Road 13. The annexation includes real property owned by the City of Gunnison (\pm 384 acres) and the Gunnison Library property (\pm 5 acres).

Annexation will result in two enclaves as defined by the CRS. An enclave is an unincorporated (county) parcel surrounded by property within the City boundary. In October 2011, the enclave property owners (Mrs. Opal Weaver and Albert M. Starika Family Trust) were sent letters stating that the annexation was being initiated. These property owners were invited to contact City staff if they wished to discuss the possibility of being included in the annexation. Neither property owner responded to the City letter.

Proposed Land Use and Zoning

Proposed annexation land uses are limited to habitat protection, passive recreation, public education facilities and agriculture production. These uses are considered appropriate and compatible with the underlying need to protect the alluvial aquifer.

Future development of annexed territory will be regulated by a Planned Unit Development (PUD) zoning designation. The Library district and the Agriculture and Open Space district are the two proposed zones under the PUD. The PUD Library district establishes standards that allow for the development of a building up to 26,000 square feet. The Agriculture and Open Space district encompasses the entirety of City owned property. Uses in this Agriculture and Open Space district are limited to traditional agriculture production, recreation, public education activities and development of a water well field. Future facilities in the Agriculture and Open Space district are identical to the facilities proposed in the *VanTuyl Ranch Management Plan*.

Management staff discussions have included deliberation about how the PUD will affect the Ranch lease. Specific agriculture management details are intended to be addressed in the agriculture lease. That is, lease conditions direct agriculture management and those agriculture functions are merely permitted by the PUD development standards.

There is a need to have a directive statement in the PUD development standards that segregates land use controls and the agricultural lease which sets forth agriculture management practices. As long as lease conditions do not have direct implications on land use standards, the lease will to direct agriculture management and operations.

Utility Service Considerations

The future library and public facility sites are located adjacent to existing water, wastewater, and electrical utility services and significant utility extensions are not anticipated. Major development of the Ranch headquarters is not contemplated, and water and wastewater services will continue to be from the domestic well and individual sewage disposal system, respectively.

It is anticipated that a major future utility function in the Agriculture and Open Space district will be the development of municipal water wells and a delivery system to supply increased future domestic water service demands. Existing City water right decrees contemplate future development of domestic wells and related facilities. The proposed PUD permits the development of these facilities in the Ranch.

Existing overhead electrical lines owned by the Western Area Power Administration (WAPA), the Gunnison County Electric Association (GCEA) and the City bisect the Ranch. The WAPA lines are within recorded easements (Bk. 287, Pg. 346 and Bk. 771 Pg. 346). In October 2001, GCEA recorded a series of older easements (circa 1950's) that had not previously been recorded. Because these easements were not recorded at the time the City purchased the Ranch, they are invalid. City staff offered to work with GCEA to establish formal easements but to date, GCEA has not requested any action be taken.

In 2004, Gunnison County installed a wastewater trunk line that parallels the north/south alignment of Slaughterhouse Road (CR13). This trunk line serves dwelling units within the North Gunnison Sewer District. Installation of this wastewater trunk line was granted by the City (Resolution 6, Series 2004) with the requirement that an as-built survey be established and recorded. The as-built easement survey was not finalized and recorded. Marlene Crosby (County Public Works Director) was notified about this situation and City and County staff coordinated on developing the final easement. On February 9, 2012 the final easement was recorded.

CenturyLink phone service to the Ranch headquarters is the only existing private utility in the annexation territory. Private utility service extensions to the annexation will be minimal except for the future Library facility needs.

Streets

Three existing County Roads are located adjacent to the proposed annexation boundary. Slaughterhouse Road abuts the east Ranch boundary, County Road 14 is the Ranch driveway and County Road 15 provides access to the Starika and Weaver residences on the south boundary. The annexation does not contemplate the rededication of these roads from the County to the City.

Maintenance of the Ranch driveway has been an ongoing discussion between the County and City. The City Public Works Director noted that it may be in the City’s interest to maintain the driveway (CR14). An intergovernmental agreement could be used to address this maintenance matter.

Realignment of the intersection at Spencer, Quartz, County Road 15 and 11th Street is being contemplated to facilitate safe vehicle movement. The existing intersection is not properly aligned and it presents potential traffic movement issues, but a segment of the library site is needed to facilitate the new alignment. The Library Board representatives are considering this realignment matter but no decisions have been established. If the Council and Library Board agree to the realignment, related cost responsibilities will be negotiated between the two parties and formalized in the *Annexation Agreement*.

Traffic Impacts

The Fox Higgins Transportation Group developed the *VanTuyl Ranch Annexation and Gunnison Library Traffic Study* (July 23, 2008). This report addresses future traffic demands generated by the Ranch and the Library site. The Community School trip generation and peak demand periods are the most significant traffic factors to consider in association with the Library and other future traffic demands generated by the annexation. The traffic study notes that library and trailhead uses will not add significant traffic to area roadways when the Community School traffic is at its peak, which is during morning and mid-afternoon time periods. The report also states the annexation land uses will be easily accommodated by the existing network of roadways in the area.

Municipal Regulations and City Service Impacts

There are a number of existing and anticipated municipal service-related functions that deserve evaluation during this annexation review process. These include Police and Neighborhood Services, zoning administration, agriculture management, recreation facilities administration, facilities maintenance, and general administration oversight (contracts, billing, etc.). The following table summarizes existing and future task responsibilities for City departments.

TASKS	Manager / Clerk	Finance	CD	Police	Public Works	Parks and Recreation
Agriculture Operations	X Manager				X	
Agriculture Lease	X Manager	X			X	
Agriculture Plan	X Manager				X	
Irrigation Facilities					X	
Fencing					X	
Weeds					X	
House and Buildings					X	
Trail Construction					X	
Trail Maintenance					X	
Trash					X	
Snow Storage					X	
Signs					X	
Trail Use	X Manager					
Nordic Club	X Manager				X	

TASKS	Manager / Clerk	Finance	CD	Police	Public Works	Parks and Recreation
Water Rights	X Manager					
Water Source Protection					X	
Well Field Development	X Clerk/Manager				X	
Well Field Maintenance					X	
Floodplain Manager			X			
Stormwater					X	
Zoning			X			
Easements	X Clerk / Manager		X		X	
Wildlife	X Manager, Clerk, CDPW				X	
Public Facilities					X	X
Trail Closures	X Manager				X	
Ranch Closure	X Manager			X	X	
Event Reservations	X Clerk			X	X	X
Operation Hours				X		
Dog Control				X		
Criminal Offenses	X City Court			X		
Fire Control				X PD, Fire, EMS		
Emergency Medical Response				X PD, Fire, EMS		
Undesignated Activities	X			X	X	
Record Management	X Clerk					
Revenues and Expenditures		X			X	
Insurance claims		X				

Annexation of the Ranch and Library site will have a direct impact on the Police Department services. Presently, law enforcement protection at the Ranch and Library site is provided by the Gunnison County Sheriff's Office. The Gunnison Police Department can patrol the Ranch but with limited authority to enforce criminal acts. The City can enforce prohibited acts such as dogs-at-large, through civil court procedures but not under the General Offenses (Title 5) of the *City of Gunnison Municipal Code*. Annexation will result in the City's ability to enforce criminal and nuisance regulations.

Existing nuisance and animal control standards, found in the *City of Gunnison Municipal Code*, lack sufficient detail for controlling weeds and domestic pets in all parts of the City under agriculture production. Changes to these *Code* provisions are needed. Changes to weed control regulations will be integrated with the landscape standards of the draft *Land Development Code*.

The Public Works Department has significant oversight responsibilities for the Ranch. Presently, this oversight is focused on trail construction and maintenance, and management of the *Agriculture Lease* and facilities.

Municipal Service Demand and Fiscal Considerations

Revenues for operations and capital improvements for the Ranch are derived from the house and agriculture land leases, under the City's General Fund. Existing lease agreements generate approximately \$30,000 per year.

Trail improvements and maintenance revenues are described in the Municipal Budget, under the Trails Department of the Park & Recreation Fund. Trails are funded by several sources including, but not limited to, sales and use tax revenues collected pursuant to Ordinance No. 7, Series 2007, and State grants. During the past four years, sales and use tax revenues allocated to the Trails Department has averaged \$149,800 annually. These revenues cover trails improvement projects for the entire City trail system.

The funds derived from the ranch house and agriculture lease are minimal for covering the municipal service functions necessary to manage the Ranch. The majority of service tasks are integrated into individual department work plans and are absorbed under existing department budgets. Long term management and capital projects expenses on the Ranch will be funded by General Fund revenues, including lease revenues generated by the Ranch.

Initial Scoping Comments

On December 2, 2011 letters inviting comments on the annexation application were delivered to 35 City and County residents adjacent the annexation property. Additionally, seven review agencies, and all City departments were asked to provide comments. The following is a summary of the comments that have been received to date.

Police. As noted above, the Police Chief raised issues regarding existing animal control and weed control regulations that do not adequately address agriculture operations occurring within the City. These enforcement issues are city-wide for large agriculture parcels and not isolated only to the VanTuyl Ranch.

Parks & Recreation. Dan Ampietro noted that there is a small existing (land-locked) parcel owned by Mr. Dick Sweitzer that is adjacent to the northwest corner of Char-Mar Park. Mr. Sweitzer and Dan Ampietro discussed the possibility of establishing and recording a quit-claim deed by the City to resolve this issue. This procedure has not been initiated, but staff will begin to work on this task.

Fire Marshal. No Comment

Building Official. No Comment

Public Works Director. No Comment

City Engineer. No Comment

Water & Sewer Department. No Comment

Electrical Department. No Comment

Gunnison Trails. No Comment

Colorado Department of Parks and Wildlife. No Comment

RE-1J Schools. No Comment

Gunnison County Electrical Association. No Comment

Upper Gunnison Water Conservation District. No Comment

County Manager. No Comment

County Public Works Director. No Comment

County Planning Director. No Comment

Gunnison Nordic. Several comments were provided by Joellen Fonken representing Gunnison Nordic. Gunnison Nordic comments were based on a review of the *VanTuyl Ranch Management Plan* and not the Annexation Application. The following is a summary of their comments.

- Gunnison Nordic feels that it would be advantageous to require hay to be mowed on nordic track alignments as depicted on accurate mapping. **STAFF NOTE:** This is being coordinated on a seasonal basis in conjunction with Gunnison Nordic, City staff and the Ranch leasee.
- Gunnison Nordic is amenable to having a formal agreement establishing the terms of this use.
- Ditch crossings need to be kept in good repair for ski trail grooming equipment.
- Gunnison Nordic would like to continue using the little barn/shed at the Ranch headquarters.

Annexation Policy Review

Exhibit A of Resolution 15, Series 2007 sets forth a series of philosophy guidelines to be considered for annexations. The following narrative discusses the *VanTuyl Ranch Annexation Petition and Application* submittal in relation to these City annexation guideline statements.

STATEMENT 1

The City's annexation philosophy is to evaluate proposed annexations in relation to the capacity of community services and facilities to accommodate development.

- 1. The annexation of land should minimize the length of vehicle trips generated by development of the land.***

POSSIBLE CONFLICT. Annexation land uses will generate additional vehicle traffic, primarily from the future Library site functions and vehicles parking at trailheads. However, the Library site and trailheads are located in the immediate proximity to the existing developed City urban core. The proximity of these facilities provides City residents the choice to leave the car at home and walk or bike to the Ranch and Library.

A traffic impact report assessing the annexation was developed by Fox/Higgins. The report notes that “...the annexation land uses as proposed will be easily accommodated by the existing network of roadways in the area.”

- 2. The annexation of land should minimize the short and long-term costs of providing community service and facilities which benefit the annexed area.***

POSSIBLE CONFLICT. Utility service extensions and related capital costs will be minimal since the majority of the Ranch will remain undeveloped. However, future capital improvements on the Ranch will be considered on a case-by-case basis and budgeted through approved General Revenue Fund allocations.

- 3. Annexation of land should encourage infill development and generally ensure that land is immediately contiguous to other land in the City that is already receiving services. The City's***

edge should be clearly defined and leapfrog or scattered site developments are to be discouraged.

NO CONFLICT. The proposed annexation property is determined to have at least 1/6 contiguity to the existing municipal boundary. Furthermore, the future Library and public facilities sites are located immediately adjacent to the City's developed urban area.

- 4. Additional extension of City utilities should not be made outside the city limits without formal approval by the City Council.*

POSSIBLE CONFLICT. If the annexation does not occur the Library District and City Council would need to establish agreements for the future utility service when library building construction takes place. The only other contemplated utility extensions are to serve future public facilities on the southeast corner of the Ranch, adjacent to Vulcan Street.

- 5. The annexation of land should be allowed only if a fiscal impact study detailing the economic impacts of the proposed development has been conducted. At a minimum, the fiscal impact study will address City, School District, Fire District and Western State College impacts.*

NOT APPLICABLE. Pursuant to the City's adopted annexation policy, a fiscal impact study will be developed during the Final Scoping Review of this annexation application process.

- 6. Proposed annexations will be accompanied by an advisory master plan submittal addressing land use, transportation, cultural and environmental resources, and utilities.*

NO CONFLICT. See the *VanTuyl Ranch Annexation Petition and Application* (November 22, 2011).

STATEMENT 2

The City's annexation philosophy should give appropriate consideration to the need for open space and critical habitat areas.

- 1. Proposed annexations should avoid impacts to critical sage grouse habitat.*

NO IMPACT. Colorado Department of Parks and Wildlife mapping indicates that the Ranch is in existing occupied sage grouse habitat. However, the riparian and hay meadow environs such as those found on the Ranch are not critical for sage grouse. Furthermore, the Ranch will remain as public open space and managed to enhance riparian habitat.

- 2. Proposed annexations should avoid impact to wetlands.*

POSSIBLE IMPACT. A wetland inventory was conducted as part of the *VanTuyl Ranch Management Plan*. No proposed facilities are located in designated wetlands. The *Management Plan* contemplates potential wetland impacts from construction of proposed trails, but these potential impacts will be addressed on a case-by-case basis following permit requirements from the Army Corps of Engineers.

- 3. Proposed annexations should preserve ground water recharge areas and avoid development in areas with high ground water.*

NO IMPACT. Protection of ground water is a major policy directive established in the land use controls that are proposed by this annexation application.

- 4. Proposed annexations should avoid development within designated flood plains.*

NO IMPACT. Future land uses proposed for the Ranch prohibit the construction of buildings in Special Flood Hazard Areas.

STATEMENT 3

The City's annexation philosophy will promote quality developments.

1. *Proposed annexations should allow for the logical extension of existing City streets.*
NO IMPACT. Street extensions are not proposed on the annexation property. However, the existing street alignment of Quartz Street and 11th Street is off-set and improvements of the intersection are warranted in conjunction with the future Library facility construction.
2. *Proposed annexation should allow for the logical extension of domestic water, irrigation water, sewer and electrical infrastructure.*
NO IMPACT. There are no major utility extensions proposed by the annexation application.
3. *Proposed annexations should promote best management strategies for storm water drainage control.*
POSSIBLE IMPACT. The *VanTuyl Ranch Management Plan* outlines the need for stormwater management on the Ranch, but the proposed PUD does not specify specific stormwater standards. Future stormwater facility designs will be predicated on Improvement Regulations contained in the *City of Gunnison Land Development Code*. The Draft *Land Development Code* being reviewed by the P&Z includes detailed stormwater standards.
4. *Proposed annexations should provide a broad mix of housing types to support the diverse income mix of citizens, and provide a proportional share of essential housing.*
NOT APPLICABLE. Housing development is not contemplated in the annexation application.
5. *Proposed annexations should provide retail commercial uses that enhance the City's sales tax base.*
NOT APPLICABLE. Commercial retail use is not contemplated in the annexation application.
6. *Proposed annexations should comply with policies of the City's Master Plan and Three Mile Plan.*
NO CONFLICT. The *VanTuyl Ranch Annexation Petition and Application* has been developed following the directives for the *VanTuyl Ranch Management Plan*, which is an adopted City sub-area master plan. Additionally, the *City of Gunnison Master Plan* (2007) sets forth this annexation as an action item, and the *Gunnison Three Mile Plan and Urban Growth Boundary* (1997) designates the Ranch as a City Park.

Staff Observations

1. The Ranch annexation will have a fairly minimal utility service delivery effect because future facilities are located in the proximity of existing utilities.
2. Street improvements and maintenance services will increase. The Quartz Street realignment will be relatively expensive and financing responsibilities will be established in an *Annexation Agreement* between the City and the Library Board.
3. The proposed annexation will have no affect on the existing designated County Roads 13, 14, and 15 which abut the Ranch.
4. There is a need to have a directive statement in the PUD development standards that segregates land use standards and agricultural lease conditions. As long as lease conditions do not have direct

implications on land use standards, the lease should have the latitude to direct all specific agricultural operation matters.

5. Two enclave parcels will be created as a result of this annexation. The owners of these properties were formally notified of the annexation and were invited to consider being included in this annexation process. To date, neither property owner has responded to this invitation.
6. Annexation will establish the City's autonomous land use authority for the Ranch.
7. Gaining direct land use authority will aid in the decisions regarding future trail extension to the CDPW property, and future domestic water facility development by the City.
8. The proposed PUD zoning and land use plan are intended to fulfill the oversight objectives of the *VanTuyl Ranch Management Plan*.
9. A number of staff services must be considered for the Ranch operations. The majority of staffing and service tasks for the Ranch will occur regardless of the annexation outcome.
10. The majority of existing task responsibilities falls upon the Public Works Department.
11. Presently, the Sheriff has law enforcement authority at the ranch. Annexation will allow the Gunnison Police Department to provide protection under the *Municipal Code* regulations.
12. The existing revenues generated from the house and agriculture lease are minimal for covering all tasks required to manage the Ranch. Future capital improvements on the Ranch will be considered through the Five-Year Capital Plan which is used to prioritize all capital projects in the city.
13. Dan Ampietro commented that a small existing land-locked parcel owned by Dick Sweitzer exists on the western edge of Char-Mar Park. Mr. Sweitzer offered to work with the City to quit-claim the parcel to the City. While this action has no bearing on the annexation it would be in the City's interest to fulfill this task.
14. Gunnison County Nordic supports the proposed future uses on the Ranch and the continued Nordic ski venue on the Ranch.

Task List

- The City Council and the Library Board will initiate discussions regarding the annexation agreement contents and street improvement recommendations proposed by City staff; specific improvements contemplate the realignment of the intersection at Quartz Street, Spencer Avenue and 11th Streets. Final annexation agreement content must be mutually established by both parties prior to the annexation and zoning ordinance approvals. Procedure efficiency will be gained if this negotiation process begins sooner rather than later in the review process.
- Section 4.0.4.C (General Development Standards) of the PUD zoning will be amended by including a statement addressing the ranch and agriculture lease. Specifically, the PUD only permits agriculture uses, it does not set forth agriculture management directives. The agriculture lease document will set forth agriculture management details.
- Municipal Code regulations controlling weeds and dogs are not sufficient to address recreation and agriculture activities at the ranch, and other lands in the City used for agriculture operations. Nuisance regulations (Section 5.30) and Animal Control regulations (Section 5.40) in the Municipal

Code need to be updated to address existing shortfalls. These amendments should not be a reason to delay annexation, but they are very relevant to future management of the ranch and other agriculture land use within the City limits.

- A land-locked parcel owned by Mr. Dick Sweitzer exists on the western edge of Char-Mar Park. Mr. Sweitzer offered to work with the City to quit-claim the parcel to the City. This action item has no direct relationship to the annexation process but is an important housekeeping chore to be completed.
- Annexation Application, Section 4.04.C.5 (Parking Requirements). The last sentence of this Section will be deleted. The sentence is not a standard and is not necessary. It reads as follows:
“Specifically, there is an opportunity for the Library and the Community School to provide parking needs for the trail head, and coordinating appropriate agreements between the City and these parties is considered an important strategy to be implemented.”
- Mr. VanTuyl gifted the library site to the County with a deed restriction. The deed restriction (Reception # 572456) reads as follows:
The Property herein is conveyed to the County upon the covenant, condition, and restriction that the Property (i) shall be owned only by the County, or a library board or library district duly established pursuant to statute, and (ii) shall be used only as a public library and any ancillary uses incidental thereto or for other public uses of the Property that are complementary to and do not interfere with the use of the Property as a public library.
Section 4.04.D.1 (PUD Library District) of the Annexation Application sets forth the permitted uses for the library parcel. Pursuant to a request from the Library Board, this section will be amended to reflect the specific use language contained in the original deed from Mr. VanTuyl to the County.
- The City Attorney has reviewed the Annexation Petition and the Annexation Map. He has directed that the annexation legal description be amended. The legal description amendment must include a distinct legal description of the Library parcel and the City owned ranch property, which is consistent with statutory requirements for the annexation survey. Surveyor Tim Pearson completed the legal description amendment and it is included in the revised annexation application.

MEMORANDUM

TO: City Council
Planning and Zoning Commission
FROM: Steve Westbay
DATE: March 7, 2012
RE: Existing Sign Code Enforcement

During the past couple of months there has been a proliferation of message boards (electronic signs) being used by businesses in the City. This has led to difficulty in administration of the sign code because the existing regulations have ambiguous directives. This memorandum provides a summary of existing sign code regulation conflicts and discusses the options being considered by staff to address the situation.

Three definitions in the existing sign code play into the code's interpretation (LDC 15.100.030).

- *Changeable Copy Sign means a sign on which the message changes, either manually or automatically, on a lamp bank or through mechanical or electronic means.*
- *Flashing Sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention, excluding changeable copy signs.*
- *Moving or Flashing Signs mean signs which are designed to move, or have parts designated to move, or which have parts that appear to move, or flashing signs. Signs or sign parts which are inadvertently moved by wind or changeable copy signs, including time-and temperature displays, are not prohibited.*

Section 15.100.040.H (Prohibited Signs) of the LDC prohibits "...*Moving or flashing signs (except as noted in the definition of "moving or flashing signs" in the GMC 15.100.030).*"

The conflicting interpretation is rooted in the "prohibited" statement and its exception clause, and the definition of "Moving or Flashing Signs." Historically, staff has interpreted the exception clause to be directed at the signs such as those found on the Bank of the West building and the Gunnison Bank and Trust building, which display time-temperature and community events, but do not advertise the business.

The existing sign code ambiguities and the proliferation of electronic message centers creates a tenuous situation. There are two action options proposed by staff in regard to this situation. First, the existing sign code may be enforced using the historic interpretation that such signs are allowed if they display only time and temperature, and do not include business advertisement messages. Second, a Text Amendment to the LDC is initiated to repeal the existing sign code and replace it with the draft sign code that has been developed.

During the joint meeting on November 2, 2012, the Council and P&Z discussed the draft sign code which has standards for electronic message centers. Enclosure 1 is a staff memorandum provided for the joint work session; it summarizes the draft sign code. The draft sign code (Enclosure 2) establishes performance standards for display area size, copy change rate, placement, and illumination for electronic message centers.

Moving forward with the Text Amendment option is supported by the Planning and Zoning Commission. The Planning and Zoning Commission noted that initiating the text amendment will allow the issue to be discussed in a public forum.

ENCLOSURE 1

MEMORANDUM

TO: City Council
Planning and Zoning Commission
FROM: Steve Westbay
DATE: November 2, 2011
RE: Draft Sign Code Review

INTRODUCTION

During the past few months the Planning and Zoning Commission has worked on the draft *Sign Code* development. Detailed focus on sign code regulations is warranted because the existing code lacks necessary specificity, directives are confusing, and it does not address modern sign technologies. Revised elements of the draft *Sign Code* include but are not limited to:

- expanded definition section to help facilitate better understanding and administration;
- expanded “exemption” list to address specific signage not requiring official permit review;
- expanded list of “prohibited” signs addressing safety and other factors;
- detailed provisions addressing the computation of sign area;
- specified conditions defining sign illumination standards;
- detailed regulations addressing Electronic Message Centers;
- specified regulations central to administering signage in individual zoning districts; and,
- detailed provisions addressing critical International Code requirements for sign construction and maintenance.

The draft *Sign Code* employs a performance-based structure. This structure addresses critical performance standards such as location, size and height, and construction of signage. Topics summarized in this memorandum include a review of Performance Based Standards, Electronic Sign Standards, and proposed code incentives to promote business marketing potential.

PERFORMANCE BASED STANDARDS

Approximately 15 to 20 contemporary municipal sign codes were reviewed during the development of this draft *Sign Code*. Model sign code standards from the American Planning Association (APA) and the United States Sign Council (USSC), the largest association of independent sign shops in the world, were also used in the development of these regulations.

The trend in contemporary sign codes is to use performance-based standards for promulgating related regulations. These performance-based standards set criteria for size, appropriate locations based on land use, illumination standards and other critical topics related to signage. The performance-based structure is integrated with a comprehensive list of definitions and coherent directives that guide the permitting and administration process. Performance-based standards integrated into the draft *Sign Code* include, but are not limited to the following:

Sign Types. The draft *Sign Code* includes a lengthy list of sign types located in the definitions section. These definitions are essential for the reader to understand the related standards and for code administration. For the most part, sign types are similar to those presently found in the City. Basic sign types include wall signs, freestanding signs, projecting signs and window signs.

Prohibited Signs. The draft *Sign Code* contains a fairly lengthy list of prohibited signs. Many of the prohibited sign types are derived from recommendations of the USSC. Prohibited signs include mechanically moving signs, flashing signs, signs that obstruct ingress/egress, and mirror device signs.

Sign Area and Computation. The draft *Sign Code* does not propose any major changes to the maximum allowed sign area, which is a function of the street frontage length, and is set at 150 square feet. The draft *Sign Code* is more explicit in defining how the sign area is calculated. Additionally, the draft *Sign Code* has relaxed regulations whereby incidental signs such as directories, menus, “open/closed,” “vacancy,” and other similar signs are not included in the computation of total Permitted Sign Area.

Zone District Regulations. The functional needs and scale of signage is different for individual zone districts. The draft *Sign Code* incorporates performance standards based on zoning land uses designations. Zone district sign regulations are set forth in a table format. These tables define maximum sign area, allowed number of signs, maximum sign height and specify prohibitions in given zone districts.

Construction Standards. The draft *Sign Code* establishes specific construction standards. Draft regulations require that electric components be designed to meet *Fire Code* standards and be equipped with components tested and validated by the Nationally Recognized Testing Laboratory (NRTL). The Building Official is authorized to require a building permit and engineer stamp for proposed signs.

ELECTRONIC SIGN STANDARDS

The industry refers to modern electronic signs as Electronic Message Centers (EMCs). By definition an EMC is “... *An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location*”. They are also known as an EMC and typically use light emitting diodes (LEDs) or liquid crystal display (LCD) as a lighting source. *Electronic message centers provide a static image display for a minimum of five second interval.*

Local governments regulate electronic advertising devices in varying degrees. While some cities completely prohibit the use of all electronic signs, others have no regulations specific to electronic signs. The draft *Sign Code* incorporates a menu of performance standards derived from the United States Sign Council and other modern municipal codes. These standards include display area size, copy change rate, placement, and illumination.

Display Size. The copy area of EMCs is limited to 25 percent of the total sign area; the maximum EMC display area will not exceed 37 square feet. The draft *Sign Code* also establishes further restrictions based on the zone district designation. Maximum display area of EMCs is greatest in the Commercial District and is reduced in other districts.

Sign Copy Change Rate. There are varying opinions regarding the change rate of sign copy. Studies by the Federal Highway Administration in Seattle, Washington indicated that sequencing increases the likelihood of distractions and accidents; the USSC maintains that the static rate display duration of at least four seconds is appropriate and safe.

The draft *Sign Code* requires a minimum static display time interval of five seconds, which is in line with the USSC recommended four second interval. Thresholds for copy change rate (sequencing) in conjunction with standards for maximum display transition time are used to distinguish between the allowed copy change rate and prohibited flashing or illusionary movement messages.

Placement. There are several considerations related to electronic sign placement. Many modern codes prohibit the placement of EMC signs that may be viewed from any residentially-zoned property. This

approach was not included in the draft *Sign Code* because EMCs presently exist at the High School and Community School. There have also been inquiries from the College to place an EMC on the College Foundation property west of McDonalds, which is zoned R-2 residential.

The draft *Sign Code* addresses this issue by establishing maximum size thresholds and, in the case of residential areas, limiting their installation to churches, schools and other institutional facilities. Establishing an overlay district would be another method to address the placement and use of EMCs.

Illumination (brightness). The draft *Sign Code* sets limits for daytime and nighttime illumination: “*No sign shall exceed 5000 nits during the day and 500 nits during nighttime hours.*” This light intensity threshold was derived from other model codes reviewed during the development of this draft *Sign Code* and is in line with recommended levels published by the USSC.

CODE INCENTIVES

The regulatory bounds of the draft *Sign Code* have been relaxed in some instances to enhance business marketing opportunities and simplify the code’s administration.

Exempt Signs. The existing *Sign Code* defines 10 sign types that are exempt and the draft update includes 24 sign types that are exempt. The exemption list simplifies the administration provision of the code, and in some cases provides additional marketing flexibility. For example, exempting traffic control signs makes administrative sense, and exempting menu signs and small window signs promotes marketing potential.

EMCs. As discussed previously, EMCs are being permitted with specific performance standards. While EMCs are allowed in all zone districts the maximum display area is set according to the zone district; the Commercial District is permitted up to 37.5 square feet and the other zone districts are limited to a maximum of 12 square feet of display area.

Sign Area. In many instances the permitted area of signs has been increased, but the maximum sign area for any business is 150 square feet which is consistent in the existing *Sign Code*. The area of freestanding signs in non-residential districts has been increased from 50 square feet to 60 square feet. Additionally, the permitted area of wall signs and freestanding signs in the multi-family zone district has been adjusted to a maximum of 75 square feet; this has been included to allow multi-family complexes the ability to have identification signage.

The other major incentive in sign area provisions relate to the exclusion of small signage used by businesses to market to pedestrian traffic. Window sign displays have been relaxed to exclude a portion of the window signage display area from the Permitted Sign Area; small suspended signs, food menus and other small signage features are also excluded from the total Permitted Sign Area. These signage exclusions allow business owners to market to pedestrian traffic without affecting the allowed area of primary sign structures.

Sandwich Board Signs. Another change relates to the display of sandwich board signs on public rights-of-way. The draft *Sign Code* contemplates these displays as long as the business owner is granted an administrative license agreement to address liability issues. The administrative license agreement concept is supported because the existing license agreement process is very cumbersome and time consuming for both the applicant and City staff.

Historic Signs. The draft *Sign Code* includes an exemption provision for any sign that is designated as an historic sign by City Council resolution. This exclusion allows the Council to consider the merits of any existing sign and to allow for its continued existence if it has historic value.

CONCLUSION

The draft *Sign Code* includes provisions that expand business marketing potential. However, the new code also establishes performance-based standards to ensure that signs do not overwhelm the City's streetscape. Considering new electronic sign technologies is possibly the most difficult topic addressed in the draft *Sign Code*. Regulation of EMCs is based on performance measures that address illumination, sequencing, and other technical quantifications. The Planning and Zoning Commission has included standards intended to protect the sense of the existing community, but allows for the flexibility to use modern signage technologies.

§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).

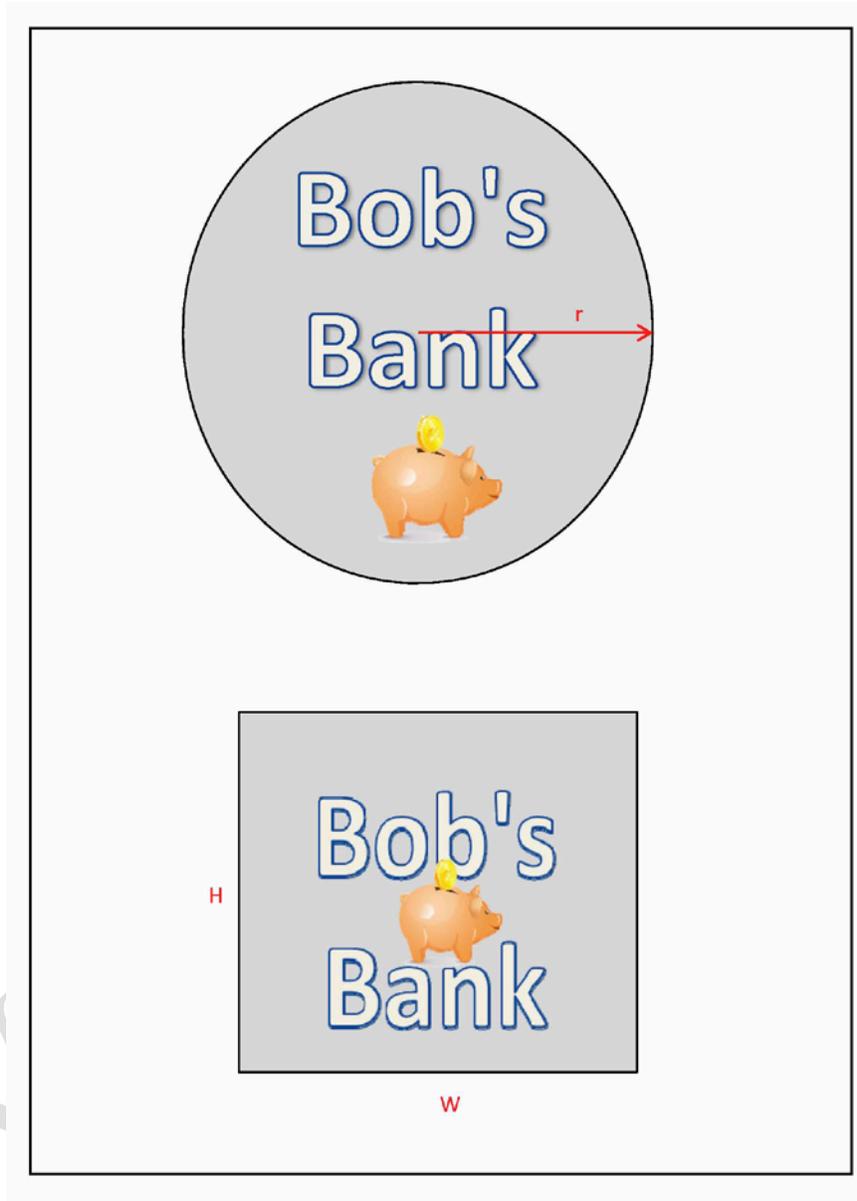


FIGURE 16 GEOMETRIC SIGNS

- 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.

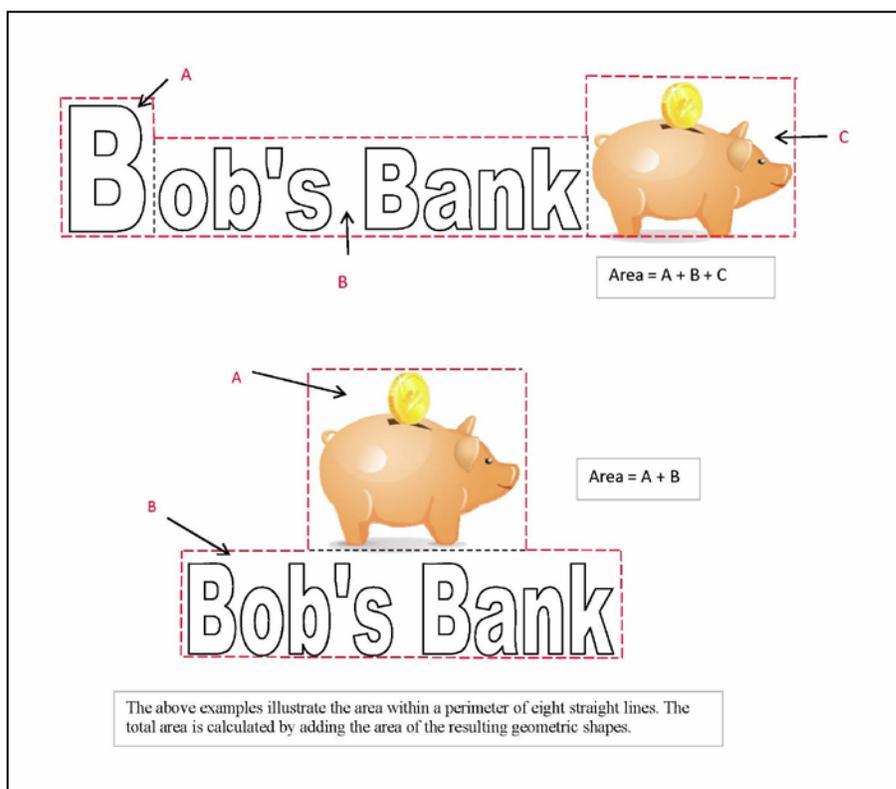


FIGURE 17 IRREGULARLY SHAPED SIGNS

- 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.

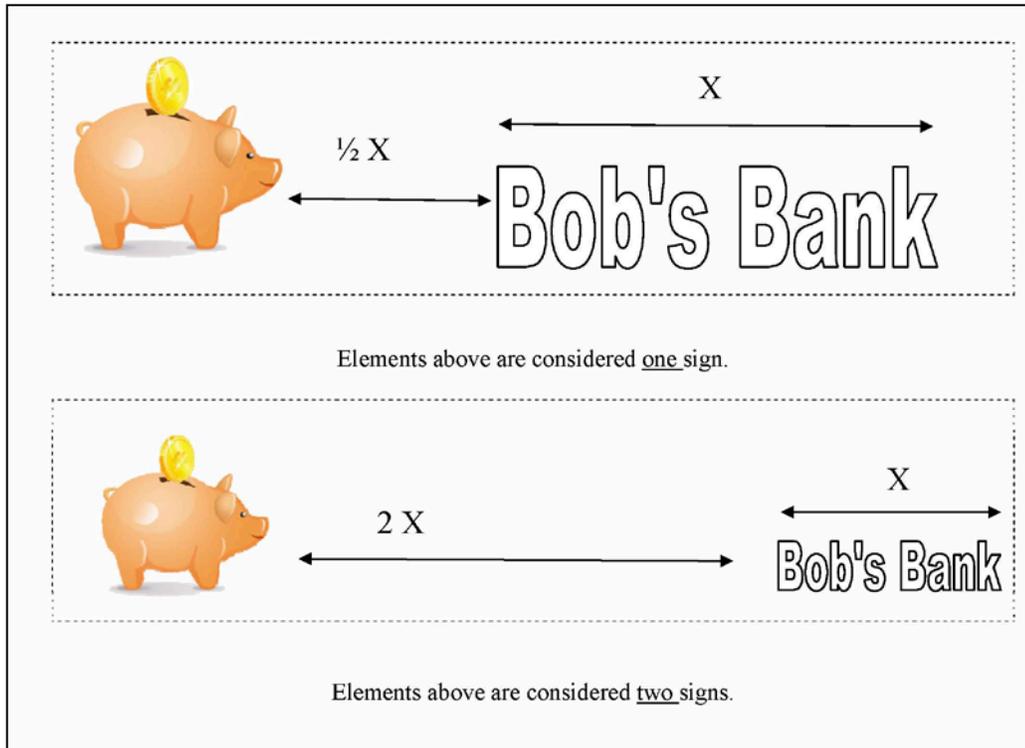


FIGURE 18 SIGNS WITH MULTIPLE ELEMENTS

- 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
In addition to §4.8 E., the following signs are prohibited: Bulletin Board signs (§4.8 C 38 d) 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 38dd)	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	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.
	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	1 per general access point	6 feet
	Joint Identification signs (§4.8 C 38 r): PSA depends upon the sign type.	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.
	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 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
	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.		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