

ORDINANCE NO. 2014 – 3

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF HOTCHKISS,
COLORADO, AND ADOPTING A CODE REQUIRING CERTAIN STANDARDS
FOR SIGNS AND ADVERTISING DEVICES WITHIN THE TOWN**

WHEREAS, the Town of Hotchkiss has adopted a building code which includes portions applicable to some signs; and

WHEREAS, the Town of Hotchkiss has adopted the Hotchkiss Community Comprehensive Master Plan that recommends exploring the adoption of sign code regulations; and

WHEREAS, the Town of Hotchkiss has the power and authority to make and publish ordinances that are necessary and proper to provide for the safety and preserve the health of the inhabitants of the Town of Hotchkiss not inconsistent with the laws of the State of Colorado; and

WHEREAS, it is the opinion and desire of the Board of Trustees for the Town of Hotchkiss, Colorado that the building code and zoning ordinance be enhanced by the adoption of sign standards requirements including height limitations, lighting and size limits within certain specific zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO, that (Insert Specific Chapter) the Code of the Town of Hotchkiss be amended by the addition of the following, to-wit:

Signs

1.01: **Intent.** It is the intent of these regulations also known as the HOTCHKISS SIGN CODE to provide for the proper control of signs within the Town of Hotchkiss. It is recognized that signs are a necessary means of visual communication for the convenience of the public and also for the benefit of businesses. It is intended to provide for a reasonable balance between the right of the individual to identify his business and the right of the public to be protected against visual discord and clutter resulting from the unrestricted proliferation of signs. It is further intended that the public be protected from signs that are structurally unsafe or obscure the vision of motorists or conflict with necessary traffic signals and signs.

1.02: **Scope.** The provisions of this code shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs within the Town of Hotchkiss. All signs displayed, constructed, erected or altered after the date of the adoption of this code shall be in conformance with the provisions of this code. All signs that are existing at the time of adoption of this code shall not be altered or enlarged without being brought into conformance with this code. The Building Official is hereby authorized and directed to enforce the provisions of this code as they apply to structural signs that fall within the purview of the building code. Non-structural signs shall be subject to complaint-driven code enforcement as per the specifics of this ordinance.

1.03: **Definitions.**

Building Frontage. The horizontal, linear dimension of that side of a building, which abuts a street, parking area, or other circulation area open to the general public. Where more than one use occupies a building, each such use having a public entrance or main window display 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.

Sign. Any written, pictorial representation, form emblem, flag or banner or figure of similar character which has one or more of the following characteristics:

1. Is a structure or part thereof;
2. Is written, printed, projected, painted or constructed or otherwise placed or displayed upon or designed into a building canopy, awning or vehicle;
3. Is used as a means of identification or advertisement.

Note: For the purposes of this code, and to encourage downtown beautification, any artwork such as a mural or sculpture shall not be considered a "sign" as long as its theme, subject, or incorporated lettering does not directly promote a business either at the site or nearby (i.e. a giant tire sculpture at a tire store.)

Structural Sign. Structural signs are any sign that falls under the purview of the International Building Code and require a building permit. This would be any "sign" that is not painted directly onto an existing building surface like a wall or window and is not temporary in nature, like a cardboard sign in a window. Structural signs are signs that are free standing, bolted or otherwise attached to a structure—projecting or flat.

Sign Face. The surface of a sign upon, against, or through which the message is displayed or illustrated.

Functional Types of Signs

Business Sign. A sign which identifies and directs attention to the business, service, profession, or activities conducted.

Construction Sign. A temporary sign identifying a subdivision, development or property improvement by a builder, contractor or other person furnishing materials, labor or services to the premises.

Identification Sign. Identification signs include name plates; signs or symbols establishing the identity of a building; combination of name and street address; landmark or natural features; plaques that are an integral part of the structure.

Joint Identification Signs. A sign that serves a common or collective identification for two or more businesses or industrial uses.

Real Estate Signs. A sign indicating the availability for sale, rent or lease of a specific lot or building.

Structural Types of Signs

Freestanding Sign. A sign that is supported by one or more columns, uprights, poles extended from the ground or from an object on the ground or a sign that is erected on the ground. No part of the sign may be attached to a building.

A Billboard - shall be defined as any *freestanding* sign with more than one-hundred square feet per face side.

Projecting Sign. A sign attached to a building and extending in whole or in part fifteen inches or more horizontally beyond the surface of the building to which the sign is attached.

Wall Sign. A sign displayed upon or against the wall of an enclosed building where the exposed face of the sign is in the plane parallel to the plane of the wall and extended not more than fifteen inches from the face of the wall.

Suspended Sign. A sign suspended from the ceiling of an arcade, marquee, or canopy.

Awning Signs. Written on the face or edge of awning.

Window Signs. Any removable or non-removable sign placed in or attached/painted on the surface of a window. - (Note: To be considered non-structural and thus not subject to review by building official but subject to size restrictions of the applicable zoning.)

1.04: **Exemptions.** The following signs shall be exempt from the provisions of this code:

1. Official government notices posted by government officers in the performance of their duties to control traffic or to provide warning. This includes portable, electronic, trailer-mounted speed information signs. Identification signs or bulletin boards accessory to government buildings are not exempt from the provision of this code.
2. Temporary decorations or displays, which are clearly incidental to and are customarily, associated with any national, local or religious holiday or celebration.
3. Temporary or permanent signs erected by a public utility company or construction company to warn of dangerous or hazardous conditions.
4. Political signs for temporary use during an election if removed within 30 days after the specific vote.
5. Temporary yard sale signs if removed within 72 hours of the event.
6. Projecting signs extending more than 15 inches over a public right of way existing as of the date of adoption of these regulations may remain, be repaired as needed, and may be replaced by new signs of the same approximate size and style of the existing sign.
7. For the purposes of this code, and to encourage downtown beautification, any artwork painted on or attached to the surface of a structure, such as a mural or sculpture shall not be considered a "sign" as long as its theme, subject, or any incorporated lettering does not directly promote the business located at, or nearby to, the site of said artwork (i.e. a giant tire sculpture at a tire store.) Such "artworks" may be indirectly illuminated but only under the restrictions put forth in section 1.11 (2).
Artwork is not exempt from any applicable requirement of the Hotchkiss Building Code.
8. The three Welcome to Hotchkiss signs maintained, and periodically replaced if necessary, by the Chamber of Commerce shall be exempt from the billboard prohibition.

9. Portable signs, flags or banners placed in the public right of way in C-1 or C-2 zoning during regular business hours. As per the requirements of the Hotchkiss Sidewalks ordinance 2013-1 (15-1-2 Obstruction of Streets or Sidewalks, Commercial Usage of Sidewalks) , all such signs, banners and flags shall be placed so as to leave a minimum of five feet of sidewalk space clear. All such signs, banners and flags shall be anchored and/or adequately weighted so as to not create a hazard. (See 1.05)

1.05: Prohibited Signs.

1. There shall be no flashing lights connected to, or a part of, any sign that may reasonably be deemed to be a distraction to drivers. (Exceptions - see 1:04)
2. There shall be no freestanding signs placed at the intersection of two streets within the triangular area defined by a line extending from a point 30 feet from the intersection of curb lines along one street to a point 30 feet from the intersection along the other curb line.
3. There shall be no signs with visible moving, revolving or rotating parts, other mechanical movement or apparent movement achieved by electrical, electronic or mechanical means that may reasonably be deemed to be a distraction to drivers, except for time-temperature and date signs.
4. Signs shall be prohibited that are structurally unsafe or constitute a hazard to safety or health by reason of inadequate maintenance, anchoring, or dilapidation.
5. Signs shall be prohibited that create an unsafe visual distraction or obstruct the view of motor vehicle operators.
6. New projecting signs-may not be placed in such a way as to obstruct or obscure the view of any other prior existing projecting, or other sign. Note: New or existing projecting signs that extend more than 15 inches into the sidewalk area may be subject to regulation/prohibition by CDOT at any time.
7. With the exception of the Welcome to Hotchkiss signs, there shall be no freestanding billboards erected within the Town of Hotchkiss. "Billboard" defined as having more than 100 square feet per face.
8. No sign may be placed that advertises a business located more than 200 feet from the site of the sign. (CDOT enforces this and has procedures for wayfinding exceptions.)

1.06: Setback requirements for Freestanding Signs. Freestanding signs in any zoning district shall be setback from the property line the following distances:

<u>Zone</u>	<u>Minimum Setback</u>
R-1, R-2.	10 ft.
C-1	0 ft. (May not obscure existing sign)
C-2	0 ft. " " "
I-1, I-2	0 ft. . " " "

1.07: Permits Required.

1. It shall be unlawful to display, erect, relocate or alter any structural sign without first obtaining a sign permit from the Building Official, or in the case of permanent non-structural signs, from the Town Clerk's office, except as provided in Section 1.04 (Exemptions). If a

building permit is required for a specific sign no additional Town sign permit is needed. In this case the building permit will be also considered the sign permit.

2. Once a structural sign permit has been issued it shall be unlawful to change, modify or deviate from the terms or conditions of the approved permit without the consent of the Building Official.
3. The application for a structural sign permit shall be made by the owner or tenant of the property on which the sign is to be place or the authorized agent of the owner or tenant. The application shall be made on forms provided by the Building Official and shall be signed by the applicant.
4. The application shall include applicable information as to the size, character, construction, height and proposed location of the sign.
5. Permit fees, if any, shall be established by a resolution the Town Board.
6. The Owner of any new structural sign erected without a permit shall, in addition to building permit penalties, have imposed a fine of \$100.00 unless the sign is removed within 30 days. After 30 days each subsequent day may be considered a separate violation.
7. Variances from the sign ordinance for good cause, as per standard variance criteria, will be considered on a case by case basis by the Hotchkiss Town Council.

1.08: **Structural Requirements.** Signs and structures for signs shall be designed in conformity with the International Building Code including, but not limited to, consideration for wind loads, seismic loads, allowable stresses, materials and anchorage requirements.

1:09 **Insurance Requirements for Signs Allowed on or Extending Onto Public Sidewalks or Right of Ways.** Owners of signs and structures for signs in commercial districts that have been permitted to extend onto public sidewalks or other rights of way shall be required to maintain, and provide proof of upon request, adequate insurance liability coverage for said signs and structures for signs. Proof of such insurance shall be a condition of new structural signs that extend into, or is placed on the public right of way.

1.10 Sign Regulations – Schedule of Requirements

Zoning	Functional Type	Structural Type	Maximum Area	Maximum Number of Signs	Maximum Height of Freestanding Signs
R1	Identification,	Freestanding/Wall	4 sq. feet	1 per dwelling	4 feet
R1, R2	Permanent Subdivision Identification	Freestanding	50 sq. feet	1 per project	6 feet
Churches In R-1 or R-2	Identification/Info.	Freestanding/Wall	30 sq. feet	2 per church	7 feet
Home Occupation R-1-R2	Identification/Info.	Wall/Freestanding	2 sq. feet	1 per dwelling	NA

R2	Business Identification/Info.	Wall, Freestanding	Total maximum coverage of 25 sq. feet	1 sign per building except for corner building which may have 2	6 feet
	Additional Business Information signs	Window Awnings, banners, etc.	Total maximum coverage (including primary signs) not to exceed 50 sq. feet	NA	NA
		Projecting or suspended		Not to exceed 6 sq. feet or a total of 12 sq. feet No internally or externally illuminated signs	1 sign per business
C1-C2 I1, I2	Business Identification/Info.	Wall, Freestanding	Total maximum coverage of 200 sq. feet	2 signs per business except for corner business which may have 3	25 feet not to exceed height of business building
	Additional signs	Window, awnings, banners, sidewalk sign, roof, etc.	Total maximum coverage (including primary signs) not to exceed 225 sq. feet	NA	NA
	Business Identification/Info.	Projecting or suspended		Not to exceed 12 sq. feet or a total of 24 sq. feet if internally illuminated or 18 sq. feet per face or a total of 36 sq. feet if not internally illuminated.	1 sign per business
Any	Real Estate Signs			Standard size	1 sign per property

2. Variances to sign code for C-1, R-2, and I-1 and I-2 zones may be considered on a case by case basis by the Town Council as a Special Review under the Zoning Code. (See 1:12 below for current non-conforming signs.

1:11 – Lighting of Illuminated Signs

1. Interior Illuminated Signs Including Neon

- a. No new interior illuminated sign shall be approved or continue to operate if the brightness exceeds International Sign Association standards and/or an unreasonable level of brightness as determined by a designated official of the Town using the appropriate meter if necessary.
- b. There shall be no flashing lights, including active neon, connected to, or a part of, any sign. (Exceptions - see 1:04)

2. Indirectly Lighted Signs

- a. Lighting directed to illuminate signage must be hooded or otherwise shielded and directed so as to reasonably illuminate only the subject sign. Indirectly lighted signs may not be constructed of highly reflective materials.

1.12: Existing Non-conforming Signs. All previously allowed or approved signs, existing as of the date of adoption of this ordinance, that are not in conformance with the provisions of these regulations, may be continued and shall be maintained in good condition but shall not be:

- 1. Changed to another non-conforming sign.
- 2. Structurally altered so as to prolong the life of the sign -except for safety reasons.
- 3. Altered or expanded so as to increase the degree of non-conformity of the sign;
- 4. Continued in use after cessation or change of business or activity to which the sign pertains, unless as in the case of signs of historical significance, the Town Council approves continued display.
- 5. Re-established after damage or destruction if the estimated cost or reconstruction exceeds 50% of the appraised value (as determined by the Building Official).

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts whereof, in conflict or inconsistent therewith, and to the extent they are in conflict inconsistent therewith, are hereby repealed; provide however, that the repeal of any ordinance, resolution and other provisions of the Town of Hotchkiss, Colorado or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO, THIS

14 DAY OF November, 2014.

TOWN OF HOTCHKISS, COLORADO

By: Wendell A. Koontz
Mayor - Wendell Koontz

By: Marlene F. Searle
Town Clerk - Marlene F. Searle

ATTEST: