

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS

SECTION 6.12 SIGN CODE

SUBSECTION 6.12.1 PURPOSE AND OBJECTIVES

6.12 SIGN CODE

6.12.1 PURPOSE AND OBJECTIVES

A. General Purpose

The purpose of the Pagosa Springs Sign Code is to regulate noncommercial, commercial and event signage with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and requirements. The Sign Code will identify sign regulations that detail specifics for signs identifying non-commercial and commercial establishments and events, while maintaining public safety and overall community welfare.

B. Objectives

With these purposes in mind, the Town Council hereby declares that the enactment of this comprehensive Sign Code is necessary to achieve the above stated purposes and to accomplish the following objectives:

1. To preserve and enhance the Town as an aesthetically attractive environment that promotes residential, business and vacation activities.
2. To preserve the historically and architecturally unique character of the Town, and maintain scenic views when possible.
3. To encourage signage that is compatible and appropriate with surrounding buildings, landscaping and other site features.
4. To establish signs that aid residential and business uses while not concealing or obstructing adjacent land uses or signs.
5. To establish sign size in relation to the scale of the lot and building frontage along which the sign is to be placed.
6. To lessen the confusion and visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height and area of all signs that also compete for the attention of pedestrian and vehicular traffic.
7. To curtail the size and number of signs to the minimum reasonably necessary to convey the desired message or identify a commercial or non-commercial establishment or event.
8. To protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed, and maintained in a safe and satisfactory manner.

6.12.2 EXEMPT SIGNS

The following signs are exempt from permit requirements, but shall otherwise be in conformance with all requirements contained in the Sign Code.

- A. Artistic murals
- B. Construction signs not exceeding nine square feet in size. Such signs shall be removed prior to the issuance of a certificate of occupancy.
- C. Flags-governmental, which are limited to no more than two per parcel.

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SUBSECTION 6.12.2 EXEMPT SIGNS

- D. **Flags-nongovernmental**, which are limited to no more than one per parcel and shall not contain any advertising. For purposes of this provision, signs containing "open" and "welcome" are considered advertising.
- E. **Holiday decorations**, which may be erected for no more than 45 consecutive days per holiday.
- F. **Non-profit signs**
 - 1. **On-site signs ten square feet or smaller** may be displayed for up to 30 days before the sponsored event, and must be removed no more than three days following the event.
 - 2. **On-site signs exceeding ten square feet, and any off-site non-profit signs** are not exempt from permitting requirements and must be reviewed and approved in accordance with Section 2.4.9 and comply with the remaining provisions of the Sign Code.
- G. **Political Signs**
 - 1. **Signs six square feet or smaller** may be displayed for up to 45 days before the sponsored political event or election, and must be removed no more than three days following the event or election. Only one sign per candidate per lot is allowed and shall be placed on private property with permission. Signage within the right-of-way is prohibited.
 - 2. **Signs exceeding six square feet** are not exempt from permitting requirements and must be reviewed and approved in accordance with Section 2.4.9 and comply with the remaining provisions of the Sign Code.
- H. **Real Estate Signs**
 - 1. **Residential**
One per street frontage, no more than nine square feet, including riders.
 - 2. **Commercial**
One per 400 feet of street frontage, no more than 32 square feet in size.
 - 3. **Temporary, Off-Site 'Open House' Signage**
A sign identifying an attended open house event for property that is listed for sale or lease. A permit is required. For new construction, open house signs shall not be permitted until the Building Official has issued a certificate of occupancy.
 - a. **One on-site 'Open House' sign, non-illuminated, not exceeding six square feet in area and no more than three feet high measured from the top of the sign to the ground or snow level, may be permitted on the premise that is holding an 'Open House'.**
 - b. **One off-site 'Open House' sign, non illuminated, not exceeding six square feet in area and no more than three feet high measured from the top of the sign to the ground or snow level, may be permitted off-site under the provisions as established below. A maximum of two additional off-site signs are permitted for each 'Open House' as directional signage to the property.**

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- i. Off-site signage shall be limited to one sign per intersection at any given time (daily permits issued on a first come first serve basis by code administrator);
 - ii. Any permitted off-site signage shall be placed at the nearest intersection or closest proximity to the 'Open House'.
 - c. Such signs shall be displayed only when the unit is actually open and attended by a representative, for a time period not to exceed ten hours per day, and in all cases shall be removed by night. Such signs shall be limited to private property for which written permission has been obtained and to public rights-of-way that meet the following criteria:
 - i. Placement of signage within Highway 160 right-of-way, any sidewalk, street travel lane or parking lane is prohibited;
 - ii. Signage shall not be placed any closer than three feet from the edge of sidewalk or seven feet from the edge of asphalt, curb & gutter (note: roadways are not always situated in the center of the right-of-way and therefore seven feet from edge of pavement may be private property);
 - d. 'Open House' signs require a permit, issued by the code administrator after an application for such sign is completed. A permit sticker will be issued and must be affixed to the 'Open House' sign. Applicants are allowed a total of 14 days per application, per location.
 - e. All regulations as stated above are subject to the code administrator's review and approval. Appeals to this Section are processed under Section 2.4.13.
- I. Vehicle signs, provided they are permanently attached to a vehicle and incidental to the primary use of the vehicle.
 - J. Window signs occupying no more than 50 percent of window area attached to the inside of the glass.
 - K. Yard/garage sale signs not exceeding six square feet in area and two feet in overall height, which shall be removed within three days of the yard/garage sale.

6.12.3 PROHIBITED SIGNS

The following signs are prohibited within the Town:

- A. Billboards.
- B. Inflatable figures, shapes or mascots used for advertising purposes, unless otherwise permitted herein.
- C. Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
- D. Nongovernmental flags used for advertising purposes.
- E. Offsite signs, unless otherwise permitted under a specific provision in the Sign Code.
- F. Pennants and streamers, excluding those under the provisions of Section 6.12.4.(B)(5).
- G. Search lights or beacons.

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SUBSECTION 6.12.4 REGULATIONS AND STANDARDS

H. Signs in the public right-of-way, except authorized traffic control devices.

6.12.4 REGULATIONS AND STANDARDS

A. Permanent Sign Standards

The following standards apply to all permanent signs unless specifically exempted in other parts of the Sign Code or by a variance granted by the Design Review Board. In many instances, the following standards are minimum requirements and the sign(s) may be subject to additional requirements elsewhere in the Sign Code.

1. Area

The area of a sign shall be equivalent to the total exposed surface devoted to a sign message, including ornamentation, embellishment and symbols, but excluding supporting structures. Listed below are additional area definitions and specifications:

a. Aggregate Area

The following rules shall apply in determining the aggregate area of all signage on a single parcel of land:

- i. The aggregate area shall not exceed one square foot of signage per linear foot of lot frontage.
- ii. Parcels with more than one frontage may calculate maximum allowable aggregate area as the total of one frontage plus 50 percent of any additional frontage.

b. Maximum Area

The maximum area of any one sign shall be determined by the following formulas:

- i. Wall-mounted signs shall not exceed five percent of the façade in Zone 1 or ten percent of the façade in Zone 2, on which it is mounted, up to a maximum of 100 square feet, in total.
- ii. Projecting signs shall not exceed one-half square foot per linear foot of building frontage to a maximum of 24 square feet.
- iii. Freestanding (pole, monument) signs shall not exceed 75 square feet in Zone 1, and 100 square feet in size in Zone 2, and shall not exceed one freestanding sign per lot.
- iv. Signs in a manufactured home park or on a subdivision site on which there is construction shall not exceed total area of 200 square feet.
- v. In residential areas, no permanent sign of any type shall exceed twenty-four (24) square feet.

c. Single-Faced Signs

The area of a sign with one sign face shall be calculated as the total area of the face. In the case of cutout letters, displays, symbols, statuary or logos, the area will be calculated as that area which can be enclosed within a rectangle, series of attached rectangles, or other geometric shapes.

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- d. **Double-Faced Signs**

The area of a sign with two sign faces shall be calculated as one sign face only as long as the sign faces are identical and parallel.
 - e. **Angled Signs**

If the angle between the two faces is greater than 30 degrees, the sign area shall be calculated by adding the areas of the two faces. If the angle is less than 30 degrees, the sign area shall be calculated in the same manner as for double-faced signs. Angled signs may be used for real estate signs only.
 - f. **Multi-faced (Three or More) Signs**

The sign area shall be computed as the sum of the area of all sign faces.
 - g. **Multiple Signs**

Whenever more than one sign is hung continuously or placed on a freestanding or projecting structure, the combination of signs shall be considered as one sign for the purpose of computing sign area and determining the number of signs on a parcel.
2. **Height**

The maximum height for any freestanding sign and supporting structure is not to exceed 15 feet in Zone 1 and 20 feet in Zone 2. Height is measured from the average grade at the base of the sign to the top of the highest point of the sign. In no case shall any sign exceed the height of any building for which signage is provided.

 - a. Freestanding signs in residential zones shall not exceed five feet in height.
 - b. Roof-mounted signs shall not extend beyond the roofline.
3. **Location**

The following rules and standards shall apply in establishing the location of signs:

 - a. No sign shall be placed so as to impede the visibility of motorists or pedestrians.
 - b. Signage may be mounted on any side of a building.
 - c. Except for approved sandwich board signs, no signs or sign structures shall be built or placed on the sidewalk, curb or area between sidewalk and curb, or public right-of-way except for approved sandwich board signs.
 - d. Except as provided in this subsection, freestanding signs shall be installed a minimum of six feet from the street right-of-way and five feet from the side lot line. In the Mixed-Use Town Center District from 1st Street to 4th Street, freestanding signs may be installed to within one foot of the sidewalk with approval by the Director. No sign may cross the plane of the property line.

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4. Illumination

The following rules and standards shall apply in establishing the type of illumination that may be used for signs:

- a. The source of a sign's illumination (bulb or direct lamp image) shall not be visible from any street, sidewalk or adjacent property. This shall not preclude the use of neon sign elements.
- b. Internally illuminated single-sided signs larger than 24 square feet in Zone 1, and 32 square feet in Zone 2, shall have the copy in a lighter color than the background. This includes changeable copy signs.
- c. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness will not be disruptive to residential property or create a distraction to a motorist.
- d. No sign shall have or contain blinking, flashing, fluttering or intermittent lights or other devices that create a change in color, brightness, direction or intensity of lighting.
- e. In residential districts, only indirect lighting may of the adjacent lot.
- f. On a corner lot, freestanding signs shall not be placed within a triangle formed by measuring 35 feet along each right-of-way line and connected by a hypotenuse.
- g. Projecting signs located over sidewalks or public ways shall be placed not less than 8.5 feet from the travel way to the base of the sign. The projecting edge of the sign shall be at least two feet back from any curb line. be used.
- h. Neon may be used in sign text only, not as an architectural feature.

5. Landscaping

Freestanding signs shall be landscaped at their base extending a minimum of one (1) foot beyond the edges of the sign, in plain view. A landscape plan shall be reviewed and approved by the Administrative Officer or Design Review Board. Landscaping shall consist of shrubs, flowers, small trees or dry landscaping materials including but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved.

6. Structural and Safety Considerations

- a. All exterior signs shall be designed to withstand a minimum wind load of 80 miles per hour and snow load of 65 pounds per square foot. The Building Official may require structural signs to be designed by a Colorado licensed engineer with plans complete with required information and professional stamps.
- b. All electrical service for sign lighting shall be provided with underground or hidden devices. All such devices, as well as signage using electrical

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devices, must comply with the State Electrical Code, and a permit must be obtained to that effect.

- c. Exposed reflective type bulbs, incandescent lamps or other illuminating devices that exceed 40 watts shall not be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- d. Guy wires can only be used after special review and approval by the Design Review Board.
- e. All parts of any electric, illuminated or transparent sign shall be of metal or other materials that are not readily combustible.
- f. Freestanding signs must be anchored in concrete unless the structure is sufficiently small to allow alternative means of anchoring.
- g. Wall-mounted and projecting signs shall be directly secured by metal anchors, bolts, supports, stranded cable or braces, in such a manner as to assure that the sign remains securely attached.
- h. All structural components shall be compatible with surrounding design and architectural features.

B. Temporary Sign/Banner Standards

- 1. All temporary signs require sign permits and payment of a fee and a deposit, unless otherwise exempted under Section 6.12.2.
- 2. Each temporary sign permit shall be valid for a maximum of two consecutive weeks, unless otherwise approved in the permit. Each business or allowed use determined in the CSP shall be allowed five temporary sign periods per calendar year.
- 3. Unless otherwise stated herein, the area of a temporary sign shall not exceed ten square feet.
- 4. Signs permitted in conjunction with a conditional use permit and issued for a temporary use shall not exceed ten square feet unless otherwise reviewed and approved by the Design Review Board.
- 5. The following types of temporary signs are allowed pursuant to the following additional specifications:
 - a. **Grand Opening Signs**

A maximum of one temporary sign per street frontage indicating the grand opening of a business or industry is allowed, by permit, subject to the following requirements:

 - i. Maximum area shall not exceed 60 square feet.
 - ii. Such signs shall relate to the activity being conducted on the premises where they are placed.
 - iii. Such signs shall be displayed for a maximum of four weeks.
 - iv. Pennants and inflatable figures may be displayed only in conjunction with grand opening signs for a maximum of 14 days.

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- b. **Holiday Decorations**
Decorations that also include advertising shall be erected for no more than 45 days and subject to the provisions of this Section.
- c. **Non-Profit Signs**
When the dimensions exceed ten square feet and/or are off-site, such signs shall require the completion of an application with a detailed plan identifying the type, number and locations of all proposed signage, for review and approval by the Administrative Officer. Signage may be erected 14 days prior to the event and removed within three days following the event.
- d. **Political Signs**
When the dimensions exceed six square feet, such signs must be reviewed and approved by the Administrative Officer in accordance with all provision of the Sign Code. Signage may be erected 45 days prior to the event and removed within three days following the event/election.
- e. **Real Estate Signs**
When the dimensions exceed nine square feet for residential signs or 32 square feet for commercial signs, such signs must be reviewed in accordance with all provisions of the Sign Code and approved by the Administrative Officer.
- f. **Sandwich Board Signs**
Such signs shall be removed daily, upon close of business. Such signs shall not exceed five square feet of surface area per one-sided sign and ten square feet of surface area as a combination of both sides of the sign. One sandwich board (SB) sign is allowed per parcel. Sandwich board (SB) signs may be placed no more than three feet from the primary entrance of the building, and a pedestrian way of at least 42 inches shall be maintained. In addition to the above SB regulations (Amended Per Ordinance No. 764) within the Historic District, SB signs are limited to 24" in width, and shall be placed along the building wall on the sidewalk.
- g. **Hot Springs Boulevard Banners**
The Town reserves the right to refuse to hang any banner across Hot Springs Boulevard determined to be unsafe or unsuitable.
 - i. **Application, Design and Removal**
 - (1) Application for a banner must be submitted at least two weeks prior to installation.
 - (2) Banners must be delivered to the Town Hall one week prior to the installation date.
 - (3) The banner must have the proper configuration of grommets to facilitate hanging it. One grommet must be

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placed at each corner. Grommets must be placed along the bottom and top edges, equally spaced and not more than 24 inches apart. Vinyl banners shall have two rows of "U" shaped wind holes (6" x 6") cut no more than 24 inches apart and equally spaced throughout the banner.

- (4) Banners must be picked up immediately after removal date. Unclaimed banners will be disposed of. The Town is not responsible for damage or loss.

ii. **Qualified Organization**

- (1) To qualify for a banner permit an organization or entity making application must submit evidence satisfactory to the Town indicating that such organization or entity is and has been for a period of not less than 90 days preceding the date of application:

(a) Incorporated under the laws of Colorado for purposes of social, fraternal, patriotic, or athletic-nature, and not for pecuniary gain, or

(b) A regularly chartered branch, lodge or chapter of a national nonprofit organization or society that is organized for social, fraternal, patriotic, cultural or athletic purposes.

- (2) Banners promoting events sponsored or affiliated with religious organizations may be allowed. Banners intended to promote or inhibit a specific religion shall not be allowed.

iii. **Fees**

A hanging fee will be assessed for each banner installation and the amount shall be set by Town Council resolution.

C. **Additional District-Specific Standards**

1. **ODE and ODB Districts**

Monument signs should be used in ODE and ODB districts, instead of pole-mounted signs.

2. **Hot Springs Boulevard District**

In the Hot Springs Boulevard Neighborhood, special consideration shall be given to pedestrian-oriented sign programs, clustering of signs for individual establishments, and signs containing historic appeal and/or close association with surrounding architecture. In addition to compliance with the Sign Code, Town staff will review architectural sketches of proposed signs.

3. **Historic Districts**

All signs in designated historic districts and with historic landmarks shall comply with the standards in Article 8, *Historic Preservation*, and the adopted Historic Design Guidelines, in addition to the standards of the Sign Code.

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SUBSECTION 6.12.5 PROHIBITED, ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

4. **Buildings 18,000 square feet in size and greater**
 - a. Monument signs shall be used instead of pole-mounted signs.
 - b. Changeable copy signs shall be prohibited on the building and site.
 - c. Directory/Marquee signs should be used to reduce the number of signs used in a single location.

D. Sign Maintenance

All signs shall be properly maintained, kept in good repair and condition, and shall be constructed of safe and permanent materials. Failure to abide by this maintenance provision will constitute a violation as specified in Section 1.6.2 of this Land Use Code.

E. Tourist Oriented Directional Signs (TODS) (Addition via Ordinance No. 761 - May 3, 2011)

1. Tourist Oriented Directional Signs (TODS) require an annual approved town sign permit as pre-approval to the Colorado Department of Transportation TODS annual application approval.
2. Only one TODS assembly of 4 business plaques will be allowed at approved intersection locations.
3. TODS are approved only in the following travel directions and intersection locations; North Pagosa Blvd (west bound only) and Piedra Road (west and east bound).
4. TODS locations are prohibited between 1st Street and 10th Street.
5. Eligible tourist oriented businesses for TODS are restricted to Service Businesses (defined as: Gas, Food, Lodging & Camping), Cultural Businesses (defined as Drama, Amphitheater & Galleries) and Commercial Businesses (defined as Antique Shops, Farm Markets & Gift Shops).

6.12.5 PROHIBITED, ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

A. General

in order to achieve the general purpose and objectives of the Sign Code, it is necessary to remove all signs that are illegal, nonconforming, prohibited and unused. Each such classification of signs involves a varying level of impact upon the general purpose and objectives of the Sign Code. The following subsections identify circumstances under which such classifications occur and the method of correction and/or disposition required.

B. Removal

1. Determination of Violation

Any sign and its supporting structure determined to be in violation of the Sign Code shall be removed within 30 days from the date of notice of violation, unless the Administrative Officer or Design Review Board has determined that such sign qualifies as a nonconforming sign. If such signs are not removed from the premises by the owner, user, or property owner following the thirty (30) days notice of violation, such signs shall be subject to removal by the Administrative Officer or his/her designee in accordance with the provisions set forth below. The existence of any prohibited or illegal sign shall also be

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considered a violation of the provisions of the Sign Code and shall be subject to penalties as stated in Section 1.6, *Enforcement*.

2. Removal by Authorities

The Administrative Officer is hereby authorized to remove any sign determined to be in violation of the Sign Code. The Administrative Officer shall mail to the sign permittee or owner by first-class, certified or registered mail a bill for the removal costs. Such costs shall be paid within 30 days of receipt of the bill by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. If such costs have not been remitted to the Town as directed, such unpaid charge shall constitute a lien upon the real estate. The Town Attorney is hereby authorized to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permittee, or their agents, to recover the money due, plus all its costs, together with reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the Town shall be the costs, together with all office and legal expenses, incurred in connection with collection of the amount due hereunder. Any sign removed by the Administrative Officer, pursuant to the provisions herein contained, shall become the property of the Town and may be disposed of in any manner deemed appropriate by the Town.

C. Nonconforming Signs

1. In addition to the provisions in Subsection (c) below, no new permanent sign permits will be issued if nonconforming signage exists on the property.
2. Any nonconforming sign may be brought into conformity with the Sign Code by independent action of the sign owner or user upon review and approval of an application for a sign permit by the Design Review Board or the Administrative Officer. Sign permit fees shall be waived for any nonconforming sign brought into conformity with the Sign Code.
3. If one of the following triggering events occurs and the property contains one or two nonconforming signs, the nonconforming signs shall be brought into conformity with the Sign Code within two years of the triggering event. If the property contains three or more signs, a CSP must be submitted within 60 days of the triggering event and the non-conforming signs brought into conformity within two years of the triggering event. Triggering events are:
 - i. A building permit is sought or required for construction valued at \$50,000 or greater, according to the most recently amended International Code Council Valuation Chart, or
 - ii. A change in business use or activity, or
 - iii. A nonconforming sign is altered, repaired or relocated, which results in a decrease in the sign's nonconforming features.
4. An area and/or height variance of up to ten percent may be issued for an existing non-conforming sign. Only one sign per property may be granted a variance.

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SUBSECTION 6.12.6 FEES

D. Unused (Abandoned) Signs

1. All unused signs that are also nonconforming with the provisions of the Sign Code shall be removed from the premises upon which it is located within 30 days from the date of notice of violation.
2. All unused signs that otherwise conform to the provisions of the Sign Code and have a valid sign permit may remain on the premise for six months following the conclusion or termination of the reason for the sign. The unused sign shall have the copy, text, icon or any other message delivering features removed within 30 days from the date of notice of violation.

6.12.6 FEES

The Town Council shall adopt by separate resolution fees for the following actions related to administration of the Sign Code.

A. Sign Permit Application Fee

1. Permanent Sign.
2. Temporary Sign.
3. Signs within a Comprehensive Sign Program.
4. Additional signage to the Comprehensive Sign Program.