

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 15.16.010 AND 15.16.030, ADDING SECTION 15.16.055 PLANNED SIGN PROGRAM AND REPEALING SECTION 15.16.140 VARIANCE PROCEDURES (SIGNS) OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING SIGNS

WHEREAS, such rules will be beneficial for the administration of City of Manitou Municipal Code ("Code") Chapter 15.16; and

WHEREAS, the Manitou Springs City Council, after reviewing the recommendations and findings of the Planning Department and Planning Commission, has recommended approval of the changes to Chapter 15.16; and

WHEREAS, after reviewing the recommendations of the Planning Department and considering public comment, the Manitou Springs Planning Commission recommended approval of the amendments to Sections 15.16.010, 15.16.030, adding Section 15.16.055 and repealing Section 15.16.140;

WHEREAS, the City Council finds that this amendment is in the best interest of the City; and

WHEREAS, the City Council makes the following findings based on the matters presented to it:

FINDINGS

- A. The amendment allows greater flexibility in sign design;
- B. The amendment is in conformance with sound land use principles and is in conformance with the Comprehensive Plan;
- C. The amendment provides a new review mechanism through the Planned Sign Program to allow innovative design solutions;
- D. The amendment clarifies what signs do not require permits and what signs are prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section **15.16.010 - Purpose** is hereby amended to read as follows:

15.16.010 - Purpose.

The purposes of this Chapter are:

- To encourage the effective use of signs as a means of communication in the City;
- To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- To improve pedestrian and traffic safety;
- To minimize the possible effect of signs on nearby public and private property; to provide a reasonable balance between the right of a business or individual to identify itself and its purpose; and the right of the public to be protected against the visual discord that results from the unrestricted proliferation of signs; and

- To enable the fair and consistent enforcement of these sign standards. Signs shall be designed and used in a manner to:
 1. Identify residential dwellings, business establishments and other organizations;
 2. Direct individuals;
 3. Provide a means for organizations and businesses to effectively advertise or communicate to the public;
 4. Be consistent with the permitted use of the site and adjacent sites;
 5. Minimize distractions or confusion of motorist, bicyclist, and pedestrians, or obstruct the views of intersection corners, neighboring lands, or other signs;
 6. Lessen visual clutter caused by improper placement, excessive illumination, or animation;
 7. Promote attractive signs consistent with the Manitou Springs Comprehensive Plan and the Manitou Springs Historic District Design Guidelines, as may be amended;
 8. Communicate a message using a reasonable size and number of signs;
 9. Establish sign size depending on the use in relationship to the scale of the lot frontage, location from which the sign will be viewed, and the building street frontage along which the sign is to be placed;
 10. Protect the public from the dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe and satisfactory manner;
 11. With the exception of misleading information and profanity, the City does not intend by any provision of this Chapter to regulate the content of any sign; and
 12. Signs containing a noncommercial message are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Section 2: Section **15.16.030 - General Provisions, Restrictions and Prohibitions** is hereby amended to read as follows:

To protect the health, safety, and welfare of the people of the City, to minimize traffic hazard and distraction and to promote the community appearance, the following signs shall be PROHIBITED in the City unless the specific use is provided for in this Chapter.

1. Any sign which in any way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign that is not legitimately installed by the City.
2. Any sign which creates in any way an unsafe distraction for motor vehicle operators.
3. Signs with visible moving, revolving, or rotating parts or visible mechanical movement, or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, and all animated or electronically activated, electronic message boards or signs with exposed LED or other light source technology including electronic message center signs. All electronic signs, including LED and similar electronic signs are prohibited, regardless of whether the message is static or displays movement.
4. Any sign that obstruct ingress to or egress from a required door, window, fire escape, or other required exit way.
5. Any sign that is painted upon retaining walls, rocks or natural features.

6. Any sign that is erected or painted upon any vegetation.
7. Any temporary, freestanding signs placed in the public right-of-way.
8. Signs painted or affixed to benches or fences.
9. Portable Signs, except those required for traffic control, and Sandwich Board or A-frame Signs.
10. Any sign which is structurally unsafe; constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural, and material standards for signs as adopted by the City.
11. Signs mounted, attached, or painted on motor vehicles, trailers or boats when used as additional advertising on or near the premises, but excluding vehicles used in conducting a business or service, whether parked or not.
12. Revolving beacons and searchlights.
13. Animated Signs.
14. Flashing Signs.
15. Signs with more than two faces unless approved as part of a Planned Sign Program.
16. Off-premise signs except as provided for in these regulations and allowed for non-commercial signs and directional signs as allowed in this Chapter.
17. Signs, other than Flags and Banners, designed or allowed to wave, flap, or rotate with the wind.
18. Any sign emitting sound.
19. Signs announcing a proposed use or land development prior to approval of the proposed use or development on that property.
20. Exposed neon tubing within the Downtown Zone District unless approved as part of a Planned Sign Program and with Historic Preservation Commission approval.
21. Obsolete signs and signs not related to the activity onsite.
22. Any sign located within utility or access easements, on public property, or within public rights-of-way, except as allowed in this Chapter or as specifically provided for in Section 15.16.055 - Planned Sign Program.

Section 3: Section **15.16.055 - Planned Sign Program** is hereby added and reads as follows:

The intent of this program is to permit some flexibility in the location, design, and materials permitted for signs for business, commercial, institutional and Planned Development uses and to allow for flexibility in the size of certain conditional signs within residential districts.

A Planned Sign Program shall be in substantial compliance to the general residential and non-residential sign regulations contained in this Chapter. It is not the intent of these provisions to alter the permitted sign area for any of these uses, nor to allow prohibited signs.

1. Approval required. Buildings, commercial centers, institutions, allowed businesses in residential areas and Planned Developments may obtain approval of a Planned Sign Program from the City Planning Director or his/her designee prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the Planned Sign Program. Any deviations from an approved Planned

Sign Program shall be unlawful unless and until a revised Planned Sign Program is approved by the Planning Director. The Planning Director shall have the discretion to require Planning Commission or City Council review of any sign program which may result in a significant visual impact or is located in an area which has a significant impact upon the image of the City.

- a. Planned Sign Program application. An application for a Planned Sign Program shall be filed with the Planning Department. The application shall include all applicable fees. The applicant shall submit the required number of copies as noted on the application form of the following information:
 - b. A copy of the approved Site Plan, or in the case of redevelopment or change of use, a plan showing all existing or approved buildings with the dimensions of building frontage and square footage for each building on site.
 - c. Building elevation drawing or sketches indicating the exterior surface design details of all buildings on the site.
 - d. Drawings or photo simulation, to scale, indicating the size, materials, method, and intensity of illumination, height, color, sign area, and general location of all signs proposed to be included within the Planned Sign Program.
 - e. For buildings whose tenants have not been determined, the location, materials, method and intensity of illumination and maximum area for each sign that an individual business will be allowed to display.
2. Failure to comply with an approved Planned Sign Program. A permit for a new Planned Sign Program shall be obtained within ninety (90) days of receipt of notice from the City that an existing sign program for any structure does not satisfy the terms of the approved Planned Sign Program, or if signs displayed in or upon any structure do not comply with the provisions of this Section.
3. The following signs shall only be allowed when approved as part of a Planned Sign Program:
 - a. Signs or building accents, which use exposed neon.
 - b. Illuminated window signs.
 - c. Illuminated Awnings, Canopies, and Marquees.
 - d. Bed and Breakfast signs that exceed four (4) square feet.
 - e. Corporate trademarked identities, logos, or colors when integrated into signs, building colors or building themes.
 - f. Works of art which contain text or logos that portray a commercial message suggestive of the on-site business.
 - g. Any sign located within utility easements, on public property, or within public rights-of-way, whether public or private except as noted in previous sections for Sandwich Boards and Real Estate Signs.
4. The Planning Director or his/her designee shall have the authority to approve, approve with conditions, or deny these applications based upon one (1) or more of the following findings:
 - a. The quality of the proposed signs.

- b. The visual impact of the proposed signs.
 - d. Surrounding Neighborhood. That the value and qualities of the neighborhood are not substantially impacted because of sign location, illumination or quality;
 - e. That the Planned Sign Program application is compatible with the architectural and historical qualities and character of the community as set forth in the Manitou Springs Design Guidelines.
 - f. That the proposed Planned Sign Program is compatible in function, scale and design with surrounding land uses.
 - g. That the proposed sign will not create a visual distraction or traffic or safety hazards.
5. Any decision of the Planning Director may be appealed to the City Planning Commission and Planning Commission decisions may be appealed to the City Council pursuant to the provisions in Section 18.44.040 of the Manitou Springs Municipal Code.

Section 4: Through adoption of the Planned Sign Program Section **15.16.140 – Variance Procedures** is hereby repealed.

Section 5: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on First Reading and Ordered Published this 21st day of July, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the August 4, 2015, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: July 23, 2015 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published by Council this 4th day of August, 2015.

Approved: /s/ Marc A. Snyder
Mayor

Attest: /s/ Donna Kast
City Clerk

Published: August 6, 2015 (in full)
City's Official Website and City Hall