

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, REPEALING AND REINSTATING CHAPTER 15.16 OF THE MANITOU SPRINGS MUNICIPAL CODE

WHEREAS, in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the U.S. Supreme Court held provisions of a municipality's sign code to be in violation of the First Amendment, thereby providing further guidance concerning the regulation of signs within a municipality; and

WHEREAS, the City Council desires to repeal and reenact Chapter 15.16 of the Manitou Springs Municipal Code to ensure compliance with the Reed decision and other applicable judicial decisions concerning governmental regulation of signs and the First Amendment.

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

Section 1. Chapter 15.16 of the Manitou Springs Municipal Code is hereby repealed and reinstated to read as follows:

Chapter 15.16 - SIGNS

15.16.010 - Purpose.

In the interest of public health, safety and welfare, the purposes of this Chapter are:

- A. To encourage the efficient and effective use of signs as a means of communication in the City;
- B. To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- C. To improve pedestrian and traffic safety;
- D. To minimize the negative effects 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;
- E. To promote fair and consistent enforcement of these sign standards; and
- F. To require that signs are designed and used in a manner to:
 - 1. Identify residential dwellings, business establishments and other organizations;
 - 2. Direct individuals;
 - 3. Provide a means for individuals, 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. Comply with requirements of this chapter regulating 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 manner; and
11. With the exception of signs conveying false or misleading information, advertising illegal or criminal activity, or displaying obscenity, the City does not intend by any provision of this Chapter to regulate the content of any sign.

15.16.020 - Definitions.

For the purpose of this chapter certain words and phrases used are defined as follows:

1. "Animated sign" means any sign or exterior graphic display device, or any part thereof, which changes physical position by movement or rotation or message by electronic means and changes more frequently than once per day.
2. "Awning" means a shelter projecting from the exterior wall of a building and composed of a frame.
3. "Building code" means the Uniform Building Code, as adopted and modified by this jurisdiction.
4. "Business" means a single commercial enterprise or group of enterprises housed within a single building or which utilize the same business frontage.
5. "Business frontage" means the distance along any commercial structure which is also the boundary line of a public right-of-way.
6. "Commercial" means predominantly related to economic interests or commerce.

7. "Commercial sign" means any sign that advertises or directs attention to a business, product, service or other commercial activity.
8. "Deceptive sign" means any commercial sign which is false or misleading.
9. "Election season" means the time period that begins thirty (30) days prior to an election, and ends two (2) days after an election, and, for purposes of this definition, election includes any regular or special City election, county election or state or federal primary or general election.
10. "Flashing sign" means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.
11. "Freestanding sign" means any sign independent of buildings and consisting of self-supporting elements, except sandwich board signs.
12. "Hanging sign" means any sign suspended from or supported by a building or wall projecting outward at a perpendicular angle therefrom, or any sign suspended under a marquee, porch, walkway covering, or similar covering structure.
13. "Historic district" means that portion of the city within the boundaries of the National Historic District.
14. "Historic sign" means any sign that has historic significance as determined by the city council on the recommendation of the historic preservation commission.
15. "Indirect illumination" means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.
16. "Neon sign" means a light source supplied by a tube which is built to form letters, symbols or other shapes.
17. "Non-commercial sign" means any sign that does not advertise or direct attention to a business, product, service or other commercial activity.
18. "Nonconforming sign" means any legally existing sign which does not conform to the regulations of this chapter, either at the effective date of the regulation establishing this chapter, or as a result of subsequent amendments which may be incorporated into this chapter.
19. "Obscenity" shall mean graphic material (such as words, symbols, drawings, or photographs) that: (1) the average person, applying contemporary community standards would find, taken as a whole, appeals to the prurient interest; (2) describes in a patently offensive way, sexual conduct; and (3) which, taken as a whole, lacks serious literary, artistic, political, or scientific value.
20. "Obsolete sign" means any commercial sign, except a historic sign, that is misleading in terms of identifying a business, service, attraction, that no longer exists or advertising one or more events that are all concluded.

21. "Off-premises sign" means any commercial sign placed other than on the parcel of land or premises wherein or upon which the commercial activity in reference is located or conducted.
22. "Official sign" means any sign required by law or constructed, placed or maintained by the state, the federal government or the city. The inclusion of "government" in defining such signs does not intend to subject the government to regulation, but instead helps describe the type of sign that falls within the immunities of the government from regulation.
23. "On-premises sign" means any sign placed on the parcel of land or premises wherein or upon which the commercial activity in reference is located or conducted.
24. "Parking sign" means any sign within twenty feet of a vehicle entrance for a parking area.
25. "Prohibited sign" means any sign not permitted within the corporate limits of Manitou Springs.
26. "Public right-of-way" means any parcel or portion of land which allows for public pedestrian or vehicular access thereupon.
27. "Roof sign" means any sign erected upon or over the roof or parapet of any building.
28. "Sandwich board signs" means temporary freestanding signs constructed in an A-frame style.
29. "Searchlight" means an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam in any direction.
30. "Sign" means any stationary object, device, symbol, or part thereof, subject to view from a public right-of-way, used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, logos, fixtures, colors, motion, illumination, or projected images. Any displayed merchandise shall be not considered a sign.
31. "Sign area" means the area that includes the entire face of the sign, frame, artwork, and any spacing between letters, figures and designs, but not including any incidental decoration or the bracing or structure of the sign. For window signs, "sign area" shall be measured at the extremities of the lettering in each line or from the extremities of any graphic.
32. "Sign permit" means a permit issued for the erection, construction, enlargement, alteration, moving or conversion of any sign, issued pursuant this chapter.
33. "Temporary sign" means any sign that is intended for a temporary period of display of thirty (30) days or less.
34. "Trailblazer sign" means an official sign used to facilitate traffic movement to significant area attractions and points of interest from major city automobile routes along the most safe and direct local streets.

35. "Two-sided sign" means any sign with two identical faces no greater than twelve inches apart or connected so as not to exceed a forty-five degree angle.
36. "Wall sign" means any sign attached to, painted on, or erected against the exterior of a building or structure.
37. "Window sign" means any permanent sign applied to, attached to, or located within twelve inches of the interior of a window which can be seen through the window from the exterior of the structure.

15.16.030 - General provisions, restrictions and prohibitions.

The following signs are prohibited in the City unless otherwise specifically provided for in this Chapter:

1. Any sign that is not an official sign and obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign.
2. Any sign that obstruct ingress to or egress from a required door, window, fire escape, or other required exit way.
3. Any sign that is painted upon retaining walls, rocks or natural features.
4. Any sign that is erected or painted upon any vegetation.
5. Any temporary, freestanding signs placed in the public right-of-way.
6. Signs painted or affixed to benches or fences.
7. Portable signs, except signs required for traffic control and sandwich board signs as permitted by this Chapter.
8. 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.
9. Commercial signs mounted, attached, or painted on motor vehicles, trailers or boats used as advertising, but excluding vehicles actually used in the normal course of business, whether parked or not, in compliance with Section 15.16.040.
11. Revolving beacons and searchlights.
12. Animated signs.
13. Flashing signs.
14. Signs with more than two faces unless approved as part of a planned sign program.

15. Off-premise signs except as provided for in this chapter.
16. Signs designed or allowed to wave, flap, or rotate with the wind, except for flags of less than twenty (20) square feet.
17. Any sign emitting sound.
18. Exposed neon tubing within the Downtown Zone District unless approved as part of a Planned Sign Program and with Historic Preservation Commission approval.
19. Obsolete signs.
20. 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.

15.16.040 - Signs not requiring permits.

Signs not requiring permits shall not be considered in calculating the total area of signs under the provisions of Section 15.16.050, "Signs Subject to Permits."

- A. All Zones. The following signs may be erected and maintained, subject to stated restrictions, without a permit in all zones as defined in the zoning ordinance of the city:
 1. Official signs; provided that to the maximum extent possible, official signs in the Downtown zone shall meet the guidelines in Sec. 15.16.090.
 2. Street and lodging room numbers.
 3. Up to two freestanding signs per parcel provided they do not exceed six square feet per side not to obstruct or impair the safety of pedestrian or vehicular traffic. During election season, one (1) additional temporary sign per ballot issue or per office seat up for election within the City shall be permitted on each residential lot.
 4. Vehicle signs on vehicles being operated in the normal course of business shall be allowed without a permit, subject to the following limitations:
 - a. The vehicle shall have all required state licenses, license plates and inspection stickers and shall be operable.
 - b. The vehicle shall be regularly operated, which means that the vehicle shall leave the property on a regular basis for a business purpose and shall not be parked in excess of twelve (12) continuous hours at a business location. This Subsection shall not be construed to apply to a vehicle used on a regular basis for a business purpose that is taken home during nonbusiness hours and parked or stored on a private residential lot during nonbusiness hours.

- c. The primary purpose of the vehicle shall not be for the display of signs. In determining whether the primary purpose of such vehicles is for the display of signs, the City shall consider the following criteria:
 - i. Whether the vehicle is regularly operated as set forth in Paragraph (4)(b) hereof.
 - ii. The location of the vehicle when it is parked on or near the property of the business for which the sign is provided. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way, unless no other alternative parking area is available.
 - iii. Whether the vehicle is parked in a location that is not on or near the property of the business for which the sign is provided in a manner so as to constitute a billboard. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way without a valid business purpose, such as deliveries or repair work.
 - d. Vehicle signs shall be magnetic, have vinyl graphics or be painted directly on the vehicle.
- B. Downtown Zone. The following signs may be erected and maintained, subject to the stated restrictions, without a permit in the downtown zone as defined in Chapter 18 of this Code.
- 1. Two parking signs at each access to a parking area with a maximum sign area of three square feet per entrance.
 - 2. Sandwich Board signs, subject to the following limitations:
 - a. The sign shall not constitute a hazard to pedestrian or vehicular traffic, such as blocking site lines, obstructing the free flow of pedestrian or vehicular traffic, or presenting a tripping hazard.
 - b. The sign height shall be no more than four feet, and the total square footage no more than eight square feet per side. The sign shall be constructed in a manner that assures safety for pedestrian traffic and stability in all weather conditions.
 - c. Sandwich board signs may only be placed directly on the sidewalk in front of a business related to the sign, unless permitted pursuant to an approved planned sign program. No business shall have more than one sandwich board sign.
- C. Commercial Zones Outside Downtown Zone. The following signs may be erected and maintained, subject to the stated restrictions, without a permit in commercial zones outside the downtown zone as defined in the zoning ordinance of the city:
- 1. Two parking signs at each access to a parking area with a maximum sign area of three square feet per entrance.

2. Sandwich Board signs, subject to the following limitations:
 - a. The sign shall not constitute a hazard to pedestrian or vehicular traffic, such as blocking site lines, obstructing the free flow of pedestrian or vehicular traffic, or presenting a tripping hazard.
 - b. The sign height shall be no more than four feet, and the total square footage no more than eight square feet per side. The sign shall be constructed in a manner that assures safety for pedestrian traffic and stability in all weather conditions.
 - c. Sandwich board signs may only be placed directly on the sidewalk in front of a business related to the sign. No business shall have more than one sandwich board sign.

15.16.050 - Signs subject to permits.

Subject to the stated restrictions the following signs require a sign permit under this chapter.

A. Downtown Zone.

1. Design. All signs required a permit in the Downtown zone shall meet the design standards in Section 15.16.090.
2. Total Number. For each business with a single business frontage, the total number of permitted signs shall not exceed three, excluding temporary and off-premises signs.
 - a. For each business with adjoining but separate business frontages (corner), the total number of permitted signs shall not exceed two signs per adjoining but separate business frontage, excluding temporary and off-premises signs. Businesses with adjoining but separate business frontages may choose to be classified under the provisions for businesses having single business frontage allowing three signs on one business frontage and no signs on the adjoining business frontage.
 - b. If a business has two totally separate business frontages, that is, front to back, the total number of signs subject to permit shall not exceed three signs per business frontage.
2. Area.
 - a. Sign area per business shall be allotted on the basis of three square feet of sign per one foot of business frontage, or one hundred square feet maximum, whichever is less, for the street-level businesses. For all other building levels, the sign area shall be allowed on the basis of one square foot of sign per one foot of business frontage, or fifty square feet maximum, whichever is less.
 - b. The sum of the areas of all window, wall, hanging, roof, and freestanding signs for a business shall not exceed the maximum sign area allocated to that business.

3. The following signs are allowed, subject to the stated restrictions, within the downtown zone as defined in Chapter 18 of this Code and require sign permits. These may be subject to restrictions in more than one of the following categories:
 - a. Window and Door Signs.
 - i. Size. Total sign area shall not exceed twenty-five percent of glass area.
 - ii. Number. Excluding temporary signs, the total number of signs on windows and doors shall not exceed three window signs or two door signs per business frontage. The signs permitted in this subsection shall be counted as one sign for the purpose of calculating the total number of signs permitted pursuant to Sec. 15.16.050(A)(1).
 - b. Wall Signs.
 - i. Location. Signs on wall areas visible from the public right-of-way shall be located a minimum of one foot inward from perimeter edges of walls and shall not project outward from walls more than eight inches.
 - b. Size. Business frontage provisions apply.
 - c. Hanging Signs.
 - i. Location. Signs shall not extend outward more than four feet from a building wall.
 - ii. Size. Sign area shall not exceed eight square feet per side (exclusive of brackets).
 - iii. Awnings. Awnings shall not be counted as signs. Lettering (in addition to the allowable sign area under the business frontage ratio in this section) may be applied to a fabric awning surface; however, this additional lettering may not increase the allowable sign area by more than twenty-five percent. The calculation for additional sign area shall include only the immediate area of the lettering and not the whole surface of the awning.
 - iv. Number. The number shall be limited to one per business frontage. Signs with multiple sides shall count as one sign.
 - v. Liability. If a hanging sign is in the public right-of-way, the business or property owner shall assume full liability for any damages incurred due to the positioning of the sign. The business or property owner may be required to agree to this condition in writing before a permit is issued.
 - d. Freestanding Signs.

- i. Location. Signs less than eight square feet in size shall be set back from side lot lines a minimum of six feet. Signs more than eight square feet in size shall be set back from all property lines a minimum of six feet. For each additional foot in height over eight feet, there must be an additional one foot setback. No portion of any sign shall extend into the six-foot setback area.
 - ii. Size. Sign area shall not exceed fifty square feet per side.
 - iii. Height. Signs shall not exceed fifteen feet in height measured at the highest point.
 - iv. Number. The number shall be limited to two on-premises signs per business. Signs with multiple sides shall count as one sign.
- e. Temporary Signs.
- i. Location. Signs shall be displayed within window areas or on walls located along business frontage, or freestanding and set back a minimum of six feet from property lines.
 - ii. Size. Sign area shall not exceed eight square feet per side.
 - iv. Number. The number shall be limited to one per twenty linear feet of business frontage.
 - v. Sandwich board signs shall be exempt from this Section.
- f. Neon Lighting. Any Sign Permit for neon signs greater than six square feet in size must be approved by the Historic Preservation Commission. Signs will be approved by the Historic Preservation Commission if it is determined that they are consistent with the Sec. 15.16.090.
- g. Roof Signs.
- i. Height. Signs shall not be higher than one foot below the highest point of the roof.
 - ii. Size. The size area shall not exceed eighteen square feet per side.
 - iii. Number. The number shall be limited to one sign per on-premises business per property.
- h. Historic Signs. Historic signs are permitted regardless of size, height, and obsolescence if approved by the City Council upon recommendation by the Historic Preservation Commission.

B. Commercial Zones Outside the Downtown Zone.

1. Total Number. For a business with a single frontage, the total number of signs subject to permit shall not exceed three per business, excluding temporary and off-premises signs.
 - a. For a business with adjoining but separate business frontages (corner), the total number of signs subject to permit shall not exceed two signs per adjoining but separate business frontage, excluding temporary and off-premises signs. Businesses with adjoining but separate business frontages may choose to be classified under the provisions for businesses having single business frontage allowing three signs on one business frontage and no signs on the adjoining business frontage.
 - b. If a business has two totally separate business frontages, that is front to back, the total number of signs subject to permit shall not exceed three signs per business frontage.
2. Area.
 - a. Sign area per business shall be allotted on the basis of three square feet per one foot of business frontage, or one hundred fifty square feet maximum, whichever is less, for street level businesses. For all other building floors, the sign area shall be allotted on the basis of one square foot per one foot of business frontage, or one hundred fifty square feet maximum, whichever is less. No single sign shall exceed one hundred square feet in size.
 - b. The sum of the areas of all window, wall, hanging, roof, and freestanding signs for a business shall not exceed the maximum sign area allocated to that business.
3. The following signs are allowed within the commercial zones outside the Downtown Zone as defined in Chapter 18 of the code, and require a sign permit. These may be subject to restrictions in more than one of the following categories:
 - a. Window Signs.
 - i. Size. Total sign area shall not exceed twenty-five percent of glass area.
 - ii. Number. Excluding temporary signs, the total number of signs on windows and doors shall not exceed three window signs or two door signs per business frontage.
 - b. Wall Signs.
 - i. Location. On wall areas visible from the public right-of-way, signs shall be located a minimum of one foot inward from perimeter edges of walls, and shall not project outward from walls more than eight inches.
 - ii. Size. Business frontage provisions apply.

- c. Hanging Signs.
 - i. Location. Signs shall not extend outward more than four feet from the building wall.
 - ii. Size. Sign area shall not exceed eight square feet per side (exclusive of brackets).
 - iii. Awnings. Awnings shall not be counted as signs. Lettering (in addition to the allowable sign area under the business frontage ratio in this section) may be applied to a fabric awning surface; however, this additional lettering may not increase the allowable sign area by more than twenty-five percent. The calculation for additional sign area shall include only the immediate area of the lettering and not the whole surface of the awning.
 - iv. Number. The number shall be limited to one sign per business frontage. Signs with multiple sides shall count as one sign.
 - v. Liability. If a hanging sign is in the public right-of-way, the business or property owner shall assume full liability for and damages incurred due to the positioning of the sign. The business or property owner may be required to agree to this condition in writing before a permit is issued.
- d. Freestanding Signs.
 - i. Location. Signs shall be set back from all property lines a minimum of ten feet. For each additional foot of height over ten feet, there must be an additional one foot of setback from the adjacent property line(s). No portion of any freestanding sign shall extend into the setback area. Signs less than forty feet from any street corner shall be set back at least ten feet from the public right-of-way.
 - ii. Size. Sign area shall not exceed one hundred fifty square feet per side.
 - iii. Height. Signs shall not exceed twenty-five feet in height measured at the highest point.
 - iv. Number. The number shall be limited to two on-premises signs per business. Signs with multiple sides shall count as one sign.
- e. Temporary Signs.
 - i. Location. Temporary signs shall be displayed within window areas or on walls located along business frontage, or free-standing and set back a minimum of ten feet from property lines.

- ii. Size. Sign area shall not exceed thirty-two square feet per side.
 - iii. Number. The number shall be limited to one sign per on-premises business per property.
 - vi. Sandwich board signs shall be exempt from this Section.
 - f. Roof Signs. Roof signs are allowed if not more than ten square feet of the total sign area is above the highest point of the roof.
 - g. Historic Signs. Historic signs are permitted regardless of size, height, or obsolescence if approved by the planning commission upon recommendation by the historic preservation commission.
- C. Residential Zones. Any sign in any residential zone, except those allowed in Section 15.16.040 of this chapter and those allowed in Chapter 18.40, shall require a permit.

1. Bed and Breakfast Inn.

- a. In addition to signs permitted under Sec. 15.16.040 or otherwise permitted under this Chapter, a bed and breakfast inn shall be entitled to one additional freestanding sign, if approved by planned sign program permit as part of the conditional use application and subject to the requirements of this Section.
- b. The total sign area shall not exceed twenty square feet. Only one side of the freestanding sign shall count toward the total area. Individual sign area shall not exceed twenty square feet at a distance of fifty feet or greater from the front property line and shall decrease in area one and one-half square feet for each ten feet or increment thereof toward the front property line as shown in the following table:

Sign Distance From the Front Property Line	Sign Size
50 ft. or greater	20.0 sq. ft.
40 – 49.9 ft.	18.5 sq. ft.
30 – 39.9 ft.	17.0 sq. ft.
20 – 29.9 ft.	15.5 sq. ft.
10 – 19.9 ft.	14.0 sq. ft.
0 - 9.9 ft.	12.5 sq. ft.

- c. Sign height shall not exceed eight feet from grade level.
2. Criteria. The following criteria shall be met in order for approval to be granted for a sign permit in the residential zones:
- a. The number and size of signs shall be accessory and subordinate to and consistent with the design of the main structure.

- b. Wall and hanging signs shall be placed to enhance architectural features.
- c. Signs materials shall be of wood, painted metal or stained glass or equivalent durable material.
- d. Sign color shall be coordinated with and complementary of the structure or it shall be of material earth tones.
- e. Typefaces shall be simple, uniform and readable with logos, symbols and borders.
- f. Sign location and typeface shall take into account and be of consistent character to the structure and street and adjacent residential structures.
- g. Sign area shall be of a size and scale compatible with the neighboring residential area.

15.16.060 - Planned sign program.

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 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 the erection of any signs. 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.
 - 2. 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:
 - a. 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.
 - b. Building elevation drawing or sketches indicating the exterior surface design details of all buildings on the site.

- c. 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.
 - d. 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.
3. Failure to comply with an approved Planned Sign Program. A permit for a new Planned Sign Program shall be obtained within ninety 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.
4. 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. The additional freestanding signs permitted under Section 15.16.050(C)(1).
5. The Planning Director or his/her designee shall approve a planned sign program only upon finding all of the following criteria are met:
 - a. The proposed signs will be constructed in a quality manner and of durable, quality materials.
 - b. The value and qualities of the neighborhood are not substantially impacted because of sign size, appearance, location, illumination or quality.
 - c. The Planned Sign Program application is compatible with the architectural and historical qualities and character of the community as set forth in Section 15.16.090 as applicable.
 - d. The proposed Planned Sign Program is compatible in function, scale and design with surrounding land uses.
 - e. That the proposed sign will not create a visual distraction or traffic or safety hazards.
6. 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.

15.16.070 - Off-premises signs.

- A. Only freestanding signs are permitted as off-premises signs. The total size area of all off-premises signs per business shall not exceed thirty-two square feet.
- B. No business shall erect, install, or maintain more than two off-premises signs within the city limits.
- C. Off-premises signs are permitted only in commercial zones outside the downtown zone.
- D. Only one off-premises sign is permitted on each property.
- E. An off-premises sign must be at least one hundred fifty feet from another existing off-premises sign along the same street frontage.
- F. No off-premises sign shall be allowed in the public right-of-way.

15.16.080 - Trailblazer signs.

- A. No business located on Manitou Avenue, Park Avenue, Canon Avenue or through the 100 block of Ruxton Avenue, or with other usable signage readily visible from these areas shall be allowed a trailblazer sign.
- B. Trailblazer signs shall be reflective white on green with the total area, shape and placement to be determined by the City.
- C. A maximum of three trailblazer signs will be allowed per use within the city limits, only upon demonstration of need.
- D. Upon request for trailblazer signs the city will determine locations and placement. Criteria will be number of visitors/customers, distance from major streets, clarity of route and safety.
- E. Trailblazer signs may be installed, removed or altered by the city at any such time as recommended by the planning department and approved by the planning commission.
- F. Application for trailblazer signs may be initiated by business owners to the planning department for consideration by the planning commission through the sign permit process. Upon approval of these applications, costs for installation will be the responsibility of the applicant.
- G. Trailblazer signs, if approved, are allowed in any zone district.
- H. The content of trailblazer signs shall be limited to the name of the business or specific attraction, graphic indication of direction to be taken and the city logo.

15.16.090 - Design standards for signs.

- A. Signs permitted within the Downtown zone shall meet the following standards:
 - 1. Signs shall not overpower the façade of the building or streetscape. Signs should be subordinate elements of the entire façade. The City may reduce the number and size of signs permitted under this Chapter when the signs do not meet this standard.
 - 2. Primary signs should be place flush on the building to be visible for both vehicle and pedestrian traffic and approximately 7 to 9 feet above the ground. Hanging or perpendicular signs should be at least 7 feet high. Window sign should be between 4 and 6 feet above the sidewalk.
 - 3. Signs related to building uses on upper floors shall attempt to make use of lower floor directories or other lower floor space for signage. However, upper floor window signs are acceptable.
 - 4. When available, sign bands on buildings should be utilized for compatibility with the building façade. Traditional sign placement locations are considered more favorable than non-traditional sign placement.
 - 5. Sign placement should be balanced with structural details like doors and windows so that the building characteristics are dominant over the signage.
 - 6. Sign materials should be compatible with the building façade and other signs and buildings in the vicinity.
 - 7. Sign colors should complement the building façade and nearby structures. Borders and frames should be utilized to give the sign a “finished appearance.”
 - 8. Sign typeface should be of one type of lettering, easily readable, subdued and not overly decorative. Typeface shall be 9 inches or less in height.
- B. Signs may not obstruct scenic views from public rights-of-way, residential dwellings, or business establishments.
- C. Utilities to signs shall be concealed whenever possible.
- D. Methods of illumination shall be provided where allowable in a manner which shields light sources from rights-of-way and adjacent properties, to prevent adverse brightness and glare.
- E. All business premises shall have street numbers, and room identification numbers for lodgings, which shall be easily viewed from adjacent public rights-of-way.

15.16.100 - Design guidelines for signs.

- A. The use of symbols and awnings is encouraged.
- B. The use of vegetation in conjunction with signs is encouraged, i.e., hanging plants, vines, flower boxes, planters, etc.

- C. Freestanding signs accompanied by landscaping bases which consist of well-maintained planters, ferns, rock outcroppings, shrubbery, flowers, waterscapes, or any combination thereof, are encouraged.

15.16.110 - Construction and maintenance standards for signs.

- A. Signs must be constructed according to standards established in the building code.
- B. When applicable, building permits must be obtained for signs.
- C. All signs and supporting structures shall be maintained in a good state of appearance and repair. Business or property owners are responsible for the maintenance of all signs.

15.16.120 - Obsolete and Deceptive signs.

- A. Obsolete and deceptive signs are prohibited. Obsolete signs are prohibited after thirty days of discontinuance of the subject business, service, attraction or events. Business or property owners are responsible for the removal of obsolete and deceptive signs.
- B. This section is not intended to prohibit historic signs as defined by this chapter.
- C. Before any sign within the city is determined to be deceptive or obsolete, City Council shall first conduct a hearing on said question, for which notice shall be provided in advance to the owner of the sign and, if other than the owner of the sign, also to the owner of the property on which the sign is placed. Such notice shall be sent by regular mail at least fourteen days prior to the date of the hearing. At the hearing, in deliberating on the question of whether or not the sign in question is obsolete, City Council shall consider relevant factors, including the following:
 - 1. Is the business, service or attraction advertised by the sign still open for business?
 - 2. If the business, service or attraction advertised by the sign has customarily only been open for business seasonally, has it been open for business within the proceeding twelve months?
 - 3. If the business, service or attraction advertised by the sign changed either its name or its address more than twelve months previously, has the sign stated either the former name or the former address for more than twelve months?
 - 4. If the business, service or attraction advertised by the sign is required by law to pay tax on articles sold in the business, has it paid any sales taxes to the city or county within the preceding twelve months?
 - 5. If the business, service or attraction advertised by the sign is required by law to have a business license, does it currently have a business license?
 - 6. If the business, service or attraction operates as a corporation or a limited liability company, does it have a current certificate of good standing from the office of the Secretary of State for Colorado?

7. The owner of the sign or the property on which the sign is situated shall show cause by whatever relevant proofs he or she may select, including the forgoing factors, why the sign should not be deemed obsolete or deceptive.

15.16.130 - Nonconforming signs.

- A. Nonconforming signs in existence on the effective date of this Chapter will be identified by the City. Owners of these signs will be notified of the existence of the regulations in this Chapter and the provisions thereof within one hundred eighty days upon passage of this chapter. Said notice shall also include a description of the sign or signs that have been identified as nonconforming.
- B. The right to retain any nonconforming sign shall be terminated by any one of the following:
 1. Abandonment of the nonconforming sign for a continuous period of thirty days;
 2. Any dimensional changes of the nonconforming sign after the effective date of this chapter; or
 3. Damage to or destruction of the nonconforming sign from any cause whatsoever, in which the cost of repairing the damage or destruction exceeds seventy-five percent of the replacement cost of such sign on the date of damage or destruction. In determining the replacement cost of any nonconforming sign, the cost of the land, or the cost of renting the land, or any factor other than the sign itself, shall not be included.
- C. All nonconforming signs must conform with the construction and maintenance standards set forth in Section 15.16.110. Obsolete or deceptive signs are not entitled to continue in existence as nonconforming signs.

15.16.140 - Permit.

No signs requiring a sign permit shall be erected, installed, relocated or displayed without prior city approval and issuance of a sign permit. Permit fees shall be determined by and paid to the City of Manitou Springs. The city shall establish standard application requirements and fees for sign permits. Permits issued for signs which are not erected shall expire three months from the date of issuance. A building permit may also be required prior to any construction of a sign.

15.16.150 - Review procedures.

The city shall review the submitted material in terms of its conformance with this chapter. If in compliance, the city shall issue the required permit. If not in compliance, additional information will be requested from the applicant, or the application will be denied.

15.16.160 - Enforcement.

- A. The city administrator or a designated staff member shall be charged with the responsibility of enforcing the provisions of this chapter. The city administrator shall make a periodic

inspection, review complaints, and perform such tasks necessary to insure compliance with the provisions of this chapter.

- B. If the city administrator or designated staff member makes a preliminary determination that any sign violates any provision of this chapter, the owner or individual responsible for the sign shall be notified by certified mail or in person. Such notice shall include preliminary determinations and an order that the violation be remedied within a reasonable, specified time period. Unless this owner or individual responsible for the sign demonstrates compliance within this period, the city will pursue corrective measures and penalties as outlined in Section 15.16.170.
- C. In the event that conflicts arise with the standards set forth in this chapter, the more restrictive standards shall be enforced.

15.16.170 - Violations and penalties.

- A. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the city administrator's office. The complaint shall be investigated promptly and action taken if a violation is confirmed.
- B. Penalties.
 - 1. It shall be unlawful to erect, construct, reconstruct, alter, maintain, use, or have on one's property any sign in violation of this chapter or any amendment thereof. Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars. Any subsequent violation of the same provision of this chapter, upon conviction thereof, shall result in a fine of not more than five hundred dollars.
 - 2. Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.
 - 3. In the case any sign is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used in violation of any provision of this chapter, the city or any owner of real estate within the city, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use. The city may remove any sign in violation of this chapter at the business or property owner's expense through either a personal obligation of the business or property owner or an assessment against the business or property involved.

15.16.180. Substitution.

Subject to the land owner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This

provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

15.16.190. Severability.

If any section, paragraph, clause or provision of this chapter shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this chapter, the intent being that the same are severable.

Section 2: 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 3: 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 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 17th day of October, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the November 21, 2017, City Council meeting. The meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: October 19, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 21st day of November, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: November 22, 2017 (in full)
City's Official Website and City Hall