

TOWN OF MT. CRESTED BUTTE  
ORDINANCE NO. 4  
SERIES 2023

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTERS 16 AND 21 OF THE CODE OF THE MT. CRESTED BUTTE, COLORADO CONCERNING WAYFINDING, GOVERNMENT AND SPECIAL EVENT SIGNS**

WHEREAS, the Town of Mt. Crested Butte is a Colorado home rule municipality operating under a Home Rule Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Town Council; and

WHEREAS, the Town Council has authority pursuant to the Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority the Council has previously adopted Code Chapter 16, governing the design, use and location of signs within the Town; and Chapter 21, concerning zoning regulations; and

WHEREAS, the Council wishes to facilitate the Town's wayfinding and special event support by revision of relevant sections of these Chapters addressing wayfinding, government, and special event signs.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ORDAINS THAT:

**Section 1.** Code Chapter 16, Sections 16-2, 16-3, 16-28, and 16-29 are amended to read as follows:

Sec. 16-2 Rules of construction and definitions.

Government sign shall mean any temporary or permanent sign erected and maintained by the town, county, state, or federal government, on public or private property, including signs required for public utility notification.

*Modification* shall mean a relaxation of the terms of these regulations where the intent of these regulations may be fulfilled by using an alternative design, or where strict application of these regulations may jeopardize the health, safety, or welfare of the citizens. A modification may be granted by the planning commission, but its decision can be appealed to the town council by any citizen of the town.

*Special event permit sign* shall mean a sign located within the permitted event area and which are for the operation or administration of the special event.

*Wayfinding sign* shall mean a Town erected and maintained sign that is directional, trail, transportation, informational, or similar and is consistent with the Town's adopted wayfinding plan.

#### Sec. 16-3 Exempt signs.

(a) The following signs shall be exempt from the provisions of this chapter:

- (1) Government signs
- (2) Wayfinding Signs

(b) The following signs shall not require permits, but must meet all the requirements of signs requiring permits and may not exceed the specified height and size as stated in this chapter:

- (1) Flags. Flags shall not exceed forty (40) square feet in size and no flagpole shall be higher than (40) feet above the ground;
- (2) Temporary signs, except for those placed in the town's rights-of-way. Unless expressly allowed elsewhere in this chapter, a temporary sign shall be removed upon completion of the purpose for which it was erected;
- (3) Yard signs. Yard signs shall have an aggregate maximum of twenty-four (24) square feet with no individual sign more than six (6) square feet. Yard signs shall have a maximum height of four (4) feet measured from the ground;
- (4) Signs not visible beyond a property line;
- (5) Special Event signs. Special event signs shall be located within the permitted event area. A special event sign outside of the permitted event area requires a permit. The Zoning Administrator may waive the permit fee.

#### Sec. 16-28 Modifications for Signs and Advertising Standards.

(a) Upon written request from the applicant, the planning commission may grant ~~variances~~ modifications from certain regulations contained in this chapter where the intent of these standards may be fulfilled by using an alternative design. This process is to allow for an alternative design that is found to be consistent with the objectives of this chapter as would result from strict or literal interpretations and enforcement of this chapter. A modification may be revocable, may be granted for a limited time period, or may be granted subject to such other conditions as the planning commission may prescribe. In making its decision, the planning commission shall consider the following principles:

- (1) The proposed design substantially complies with standards established herein;
- (2) That the granting of the modification will not constitute a grant of a special privilege;

(3) That the granting of the modification will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

(4) There are exceptional or extraordinary circumstances or conditions applicable to the site of the modification that do not apply generally to other properties;

(5) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other owners of other properties;

(6) The sign provides additional safety to the public;

(b) If a modification is denied, then an appeal may be made to the town council within 30 days of the planning commission action.

#### Sec. 16-29 Fees.

Permit and modification fees shall be as set forth in a list of such fees, approved by the council, and available in the office of the town clerk, and shall relate to reasonable administrative costs relative to processing a sign. The fee shall be submitted with the application. If any sign is installed prior to obtaining a permit or modification, the fee shall be doubled. A special event sign outside of the permitted event area requires a permit. The Zoning Administrator may waive the permit fee.

**Section 2.** Code Chapter 21, Sections 21-1 and 21-879 are amended to read as follows:

#### Sec. 21-1 Definitions

Wayfinding sign shall mean a Town erected and maintained sign that is directional, trail, transportation, informational, or similar and is consistent with the Town's adopted wayfinding plan.

#### Sec. 21-879 Exemptions and nonconforming fixtures.

The following exterior light fixtures or luminaries shall be exempt from the regulations contained in this division:

(a) Facilities with certificates of occupancy issued prior to the effective date of October 5, 1999 and having existing exterior light fixtures or luminaries in which the light source emits one thousand (1,000) lumens or less, measured at a point twelve (12) inches from the light source.

(b) Holiday lights are exempt from the residential lighting regulations of section 21-877 between the dates of November 1st and the next February 1st. Holiday lights are exempt from the commercial lighting regulations of section 21-878.

(c) Fixtures or luminaries which are a part of an official traffic control device.

(d) Light fixtures or luminaries which are controlled by a motion sensor and that remain lit for no longer than five (5) minutes per activation and can only be activated by motion occurring upon the same property.

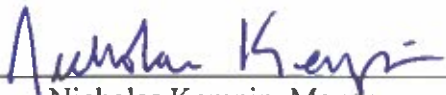
(e) Wayfinding signs.

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**Section 3. Severability.** Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 4<sup>th</sup> day of April, 2023, on first reading, and introduced, read, and adopted on second and final reading this 2<sup>nd</sup> day of May, 2023.

TOWN OF MT. CRESTED BUTTE, COLORADO

  
By: \_\_\_\_\_  
Nicholas Kempin, Mayor

ATTEST:

  
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Tiffany O'Connell, Town Clerk