

## CHAPTER 16

### Land Use Code

(The proposed changes include definitions that relate to signage, changes to remove regulations that are content-based and/or contain an unconstitutional government preference of commercial over noncommercial speech. The proposed Code changes do not address other issues that may exist within the existing Code.)

#### Sec. 16-1-150. - Definitions.

Terms used in this Code are defined as follows:

*Accessory use means a subordinate use, clearly incidental and related to the main structure, building or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.*

*Advertise means to make known, to notify of, to make publicly and generally known, to announce publicly or to call public attention to.*

...

*~~Banners and pennants means mean devices signs~~ constructed of fabric or plastic, anchored on both ends ~~or at one end, respectively,~~ and used ~~as a means to identify or call attention to a business or product~~ for a limited period of time.*

...

*~~Billboard means a structure for the display of advertisements in public places or alongside highways.~~*

...

*Canopy sign means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.*

*Commercial means predominately related to economic interests or commerce, or a transaction for a particular product or service or a group of products or services for profit.*

*Commercial sign means any sign that advertises or directs attention to a business, product, service or other commercial activity.*

*Election season means forty-five (45) days before and seven (7) days after any regular or special Town election, county election or any state or federal primary or general election.*

*Freestanding sign means a sign which is not attached to any building and which is supported by a structure extending from the ground, or from an object on or in the ground.*

*Government sign means any sign constructed, erected, placed or maintained by State, federal or local government, for any purpose, including, without limitation traffic direction and designation of or direction to any school, hospital, historical site or public service or facility, or a sign that is required to be constructed, placed or maintained by the federal, state or local government.*

*Ground or monument sign* means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with ~~of~~ or is close to the ground and is independent of any other structure.

*Identification sign* means a sign ~~intended to identify~~ on a specific property identifying the a development or a specific lot or parcel. An identification sign must include the property address. by name, address and/or the name of the occupant, property owner or manager.

...

*Illumination, internal* means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

...

*Lighting, indirect* when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face that reflects from the sign face only or from the sign face and sign copy.

...

*Mural* means a picture or graphic illustration painted or applied directly on a wall, ceiling or other large permanent surface. (modified this definition for content neutrality from Section 16-7-50(21).)

...

*Off-premises sign* means a commercial sign that directs attention to a business, property, commodity, service or entertainment conducted, sold or offered at a different location from the premises on which the sign is located.

*On-premises sign* means a commercial sign that directs attention to a business, property, commodity, service or entertainment conducted, sold or offered at premises on which the sign is located.

~~*Political sign* means a sign relating to a public election.~~

...

~~*Public safety sign* means a sign required or specifically authorized for a public purpose and which shall not be limited as to the type, number, sign or height.~~

...

*Real estate sign* means a temporary sign as provided in this code on a or near real property currently offered for sale, rent or lease.

...

*Sidewalk* means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

...

*Sign means a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. An object located completely within an enclosed building, and not exposed to view from a street, is not a sign. Each display surface of a sign or sign face constitutes a sign.*

*Sign area means the entire face of a sign, including the advertising surface and any framing, trim or molding but not including the supporting structure.*

*Sign face means the area of the sign on which the message is placed.*

*Sign permit means a permit issued by the Town Building Official and which is required for any sign specified in this Code.*

*Special event, except as this Code otherwise expressly provides, means an event of limited duration or frequency that is different in character from the customary or usual activities generally conducted on the subject property. (Moved and revised from prohibition on vehicle mounted signs, below, §16-7-60 (5) b.)*

...

*Traffic control device means a traffic control device authorized or required by law on private or public property, which must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state all and, if not adopted by this state, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.*

...

*Wall sign means a sign that is attached parallel to and extending less than twenty (20) inches from the wall of a building; includes awning signs and canopy signs as defined herein.*

...

*Window sign means a sign or graphics that are applied directly to a window, or any sign hanging within twelve (12) inches of the interior surface of a window and which is visible from the exterior of the building.*

## ARTICLE VII - Sign Code

### ~~Sec. 16-7-10. Adoption.~~

~~Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., the Sign Code of the Town is hereby adopted by reference as a portion of the Land Use Code. The subject matter of the Sign Code establishes the regulations and standards governing the size, location and use of signs within the Town. Three (3) copies of the Sign Code are now filed in the office of the Town Clerk and may be inspected during regular business hours.~~

(Ord. 523 §1, 2005)

Sec. 16-7-20. - Purpose/intent/interpretation.

(A) Signs can obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. The regulations in this Article are intended to coordinate the use, placement, physical dimensions and design of all signs within the Town. The purpose of these regulations is to:

- (1) Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
- (2) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and limit commercial signs to those which are accessory and incidental to the use on the premises where such signs are located~~-.~~
- (3) Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of commercial signs and similar devices.
- (4) Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.
- (5) Ensure signs are well designed and contribute in a positive way to the Town's visual environment, express local character and help develop a distinctive image for the Town.
- (6) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses and the surrounding neighborhood. ~~Ensure signs~~ and are compatible and integrated with the building's architectural design and with other signs on the property.
- (7) Ensure signs are appropriate for the type of street on which they are located.
- (8) Bring nonconforming signs into compliance with these regulations when the use of the property changes or is discontinued, when a new business license is issued or as a condition of approval of a land use action approved by the Town, such as a rezoning, variance or other land use action.
- (9) Assist in wayfinding.
- (10) Regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development.
- (13) Promote efficient communication of messages.
- (14) Promote public welfare by reducing visual clutter.

(15) Recognize that signs advertising discontinued commercial uses are misleading, unnecessarily contribute to visual clutter, and can unnecessarily obstruct views and distract motorists.

(B) This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(C) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in this Article.

(D) This Article does not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Town. Rather, it is intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(F) This Article does not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, it strikes an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(G) This Article is not intended to and does not apply to signs erected, maintained or otherwise posted, owned or leased by the State, the federal government or the Town. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of sign that falls within the immunities of the government from regulation.

(H) With respect to permitted hazard warning signs, the Board finds that the dispersed nature of utility, oil and gas lines and other potential hazards throughout all the community does not lend itself to the property by property regulation otherwise used in this code, and that warning of the location of utilities and of their hazards so that persons will not be injured thereby, so that fire, police, and other public emergency services may be conducted all expeditiously and safely, and so that the essential public functions served by such utilities will not be impaired constitutes a compelling governmental interest and requires a different form of regulation;

(I) Except as this Article expressly provides, the Board does not intend to regulate signs based upon the content of any sign's message.

(J) Where this Article uses the terms "shall" or "must" to express rules, requirements, or standards, compliance is mandatory, and noncompliance is grounds for denial of any required sign permit and a violation of this Article. Where this Article uses the terms "should", "encouraged",

“desirable” or similar terms, to express an expectation, compliance is encouraged, but not required, and noncompliance is not grounds for denial of a sign permit and shall not constitute a violation of this Article.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-30. - Sign permits and administration.

- (a) Signs Permitted. Signs shall be permitted in the various zone districts as accessory uses in accordance with the regulations contained in this Section.
- (b) Sign Permit Required. To ensure compliance with the regulations of this Article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 16-7-50 below. In multiple-~~tenant-occupant~~ buildings, a separate permit shall be required for each business entity's sign. Separate building and electrical permits may be required for signs ~~and will be determined on a case-by-case basis~~. Neither servicing and maintenance of existing signs nor changing or replacing the copy on an existing lawful sign shall require a permit; ~~provided that the copy change does not change the nature of the sign or render the sign in violation of this Article.~~
- (c) Application for a Sign Permit.
  - (1) Sign Permit Application Requirements. Applications for sign permits shall be made in writing on forms furnished by Staff. The application shall contain:
    - a. Name, address and telephone number of the applicant;
    - b. Written consent of the property owner;
    - c. Location of the building, structure or lot where the sign is proposed or located;
    - d. Legible site plan indicating the proposed location of the sign on the building and/or lot in relation to nearby buildings and other structures, including dimensions showing setbacks to adjacent property lines and buildings;
    - e. A detailed drawing indicating the dimensions of the sign, materials, method of construction, support, weight, colors, and distance from doors, windows, fire escapes and driveways of the proposed sign structure. A certification by a structural engineer may be required by Staff for a freestanding or projecting sign;
    - f. A graphic drawing or photograph of the sign copy;
    - g. A description of the lighting to be used, if applicable;
    - h. If the sign is to be located off the applicant's own premises ~~advertised~~, a written lease or permission from the property owner of the site on which the sign will be located; and
    - i. Sign permit fee as established by the current fee schedule. The applicant shall pay all costs billed by the Town relative to the review of the application.

j. Sufficient information to determine whether the proposed sign is allowed under this Article and other applicable laws, regulations, and ordinances.

k. The date when the applicant intends to erect the sign.

l. For a temporary sign, the dates intended for the erection and removal of the sign.

~~j-m~~ The applicant has the option of using the creative sign permit process if applicable. See Section 16-7-130 below for a description of the creative sign permit process. (trying to clarify 16-7-130 or the Commission/Board may want to delete 16-7-130 "Creative Sign Process")

(2) Sign Permit Application Certification of Completion. Within a reasonable time ~~not exceeding [specify] days~~ of the date of application submission, Staff shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies. (Case Law requires certainty in providing a brief, specific review time period – what does Commission think should be the number of days?)

(3) Staff Review and Approval. ~~When~~ Within [specify] days of receiving an application, Staff has determined ~~the application~~ to be complete, Staff shall review the sign permit in accordance with the established review criteria and shall, has the authority to approve, approve with conditions or deny the sign permit. Staff must approve any application that complies with all provisions of this Article and other applicable laws, regulations, and ordinances. Upon Staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant. ~~Upon denying an application the, Staff shall provide the applicant with a written statement of the reasons for that action in writing.~~

(d) Sign Permit Review Criteria. The following review criteria will be used by the Town Staff to evaluate all sign permit applications:

(1) Sign meets the requirements of this Article;

(2) Sign conforms to the requirements of the Building and Electrical Code as adopted by the Town;

(3) Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;

(4) Sign would not interfere with pedestrian or vehicular safety;

~~(5) Sign would not detract from the character of an architecturally significant or historic structure;~~ (too vague – could rewrite – defining the materials allowed etc.)

(6) Signs mounted on buildings are designed to complement the architecture rather than obscure it; and

(7) ~~Sign contributes to building the image of the community by conveying quality and distinctive character;~~ (too vague – could rewrite – defining the materials allowed etc.)

~~(8) Sign would not be located so as to have a negative impact on adjacent property;~~ (again too vague – could rewrite as not to obstruct view of or from an adjacent property)

(9) Electrical signs must be approved by an independent testing laboratory;

~~(10) Sign would not detract from the pedestrian quality of street or area; and (vague and attorney pulled out “detract from the pedestrian quality incomplete sentence)~~

~~(11) Sign would not add to an over-proliferation of signs on a particular property or area.~~

(e) Appeal of Sign Permit Denial or Approval with Conditions. Any appeal of Staff's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment as provided in the Zoning Code. Except for delay caused by or with the consent of the applicant, Staff and the Board of Adjustment shall promptly process the appeal. Within [specify] days after the applicant files its notice of appeal, the Board shall conduct a hearing and issue a decision on that appeal.

~~(f) Waivers. Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Board of Trustees. (no criteria – use the BOA variance criteria?)~~

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-40. - Enforcement.

~~(a) Discontinued Establishments; Removal of Signs. Whenever a business, industry, service or other use is discontinued, the signs pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within ninety (90) days after the discontinuance of such use. (moved to Section 16-7-60(6))~~

(ba) Illegal Signs.

- (1) Removal of illegal signs in the public right-of-way. The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this Article.
- (2) Storage of removed signs. Signs removed in compliance with this Section shall be stored by the Town for thirty (30) days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the thirty-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

#### 16-7-45 Authorized Signs.

Although this Article does not apply to signs erected, maintained or posted by the State, federal or local government, this section clarifies that signs are allowed in every zoning district that form the expression of the government, including the signs described and regulated in the following paragraphs of this section when erected and maintained pursuant to law. The following signs are authorized in every District:

- (1) Traffic control devices.

(2) Identification signs. Each property owner must identify their property using numerals that identify the address of the property so the public and public safety agencies can easily identify the address from the public street. Identification may be on an identification sign and, where required under this code or other law, must also be on the curb. (

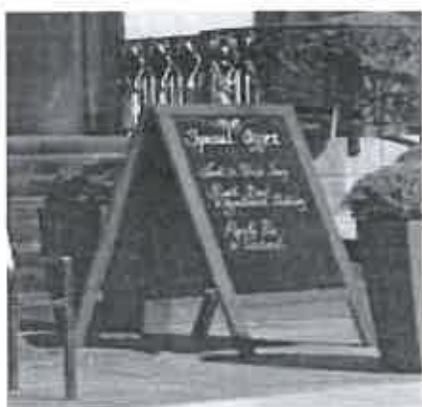
(3) Legally required signs. Where federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

(4) Government signs.

Sec. 16-7-50. - Exempt signs.

The following types of signs are exempt from permit requirements of this Article and may be placed in any zoning district subject to the provisions of this Article. Such signs shall otherwise be in conformance with all applicable requirements contained in this Article. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic ~~control devices signs~~ or the sight distance triangle at intersections. Evidence of owner's permission to install the sign may be required ~~if the Town checks for the sign's compliance with this Article~~. All other signs shall be allowed only with permit and upon proof of compliance with this Article.

- (1) ~~Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this Article, except that such signs shall be subject to the safety regulations of the Uniform Building Code and the National Electrical Code. (no need for exemption)~~
- (2) Address. ~~Nonilluminated~~Non-illuminated identification signs not to exceed two (2) square feet in area, ~~which identify the address and/or occupants of a dwelling unit or of an establishment.~~
- (3) A-Frames. See Sandwich Board signs. ~~(probably need another example – A-frame signs are not limited to commercial –garage sales, non-profit events, etc. - or add not limited to commercial signage)~~



- (4) Architectural features. Integral decorative or architectural features of buildings so long as such features do not contain ~~commercial messages, trademarks~~, moving parts or lights.

- (5) Art. ~~Integral decorative or architectural features of buildings; Works~~ works of art; so long as such ~~features or works~~ do not contain ~~letters, trademarks~~, moving parts or lights.
- (6) Banners. Banners ~~applied to paper, plastic or fabric used to decorate or attract attention to a business establishment~~, provided: (case law – can't
- a. ~~The signs- banners~~ are displayed ~~in conjunction with a grand opening celebration~~ for a period not to exceed thirty (30) days in any [specify] day period, or
  - b. ~~The signs are displayed in conjunction with a special sale for a period not to exceed thirty (30) days.~~
  - c. ~~The signs- banners~~ are displayed no more than two (2) times per calendar year per lot or parcel establishment.
  - d. The banner shall be securely attached to ~~the~~ a wall ~~of the establishment~~, freestanding signs or light poles on private property.
  - e. Banners shall not exceed One (1) banner per street frontage per establishment shall be permitted lot or parcel.
- (7) ~~Building Identification, Historical Markers. Nonilluminated signs constructed of metal or masonry which are permanently affixed to buildings or structures for the purpose of Government signs~~ identifying the name of a building, date of erection or other historical information ~~as approved by Staff~~.
- ~~(8) Bulletin Board. Bulletin board signs not exceeding fifteen (15) square feet in gross surface area accessory to a church, school or public or nonprofit institution.~~
- (9) Construction. Temporary ~~construction signs~~ on a lot or parcel where construction activities of any type are being actively performed, provided that:
- a. ~~Signs in conjunction with any~~ Signs on a residential use shall not exceed eight (8) square feet each.
  - b. ~~Signs in conjunction with~~ on the site of a subdivision sales office shall not exceed ten (10) square feet per face.
  - c. ~~Signs in conjunction with all~~ All other uses temporary construction signs shall have a maximum area of sixty-four (64) square feet each.
  - d. Only one (1) such sign ~~oriented~~ per street front per premises shall be erected.
  - e. Such signs shall not be illuminated.
  - f. ~~Such signs shall only appear at the construction site. (redundant)~~
  - g. Such signs shall be removed within seven (7) days after completion of the project.
- (10) Courtesy. ~~Nonilluminated~~ Non-illuminated or indirectly illuminated signs ~~which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices;~~ limited to one (1) such sign for each use, not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

- (11) Decorations (Holiday). Temporary decorations or displays, installed no earlier than two (2) weeks before and removed within two (2) weeks after the following dates, [Here list the dates of the respective holidays.] when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year; and Such decorations may be of any type, number, area, height, location, illumination or animation. ~~Does not include signs or displays which negatively impact the health, safety or welfare of the Town and citizens, e.g., signs or banners which negatively impact, but shall not obstruct driver or pedestrian views the view of a street or intersection.~~ (think we may want to allow a longer time period given weather)
- (12) ~~Directional. Private On premises directional and instructional signs~~ not exceeding six (6) square feet in area apiece. on a lot or parcel within [specify] feet of an entrance to or exit from the property, within [specify] feet of an entrance to or exit from any building on the property or within [specify] feet of any vehicle traffic lane or parking on the property.
- (13) Doors. Signs affixed to ~~door glass~~ door, which identify the name and/or address of an establishment which are not larger than do not exceed two (2) square feet per door.
- (14) Farm Products. Temporary ~~farm product commercial signs~~ on or within [specify distance] of a lot on which farm products are offered for sale provided that:
- One (1) on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.
  - A maximum of two (2) Off-premises signs shall be permitted. Said Off-premises signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way nor within ten (10) feet of a side lot line.
- (15) Flags. ~~Flags, or crests or banners of nations or organizations of nations, or states and cities or professional fraternal, religious, or civic organizations. Pedestal flags, when displayed in connection with commercial promotion, shall meet the requirements of this Section for banners.~~
- (16) Garage, Estate, Yard Sale or Farm Auction. Signs ~~which advertise on the lot or parcel where a private garage, estate or yard sale or Farm auction on the property on which the sign is located occurs;~~ provided such signs are displayed no more than twice per year per dwelling unit lot or parcel for a period not to exceed three (3) days for each sale. ~~Garage, estate, yard sale or farm auction signs~~ Signs shall be no larger than a total of six (6) square feet per side and shall not be placed in such a manner or location that impedes visibility or public safety. ~~Such signs shall be removed within one (1) hour after the sale or by 7:00 p.m., whichever comes first.~~ (suggests defining these terms for these types of signs)
- (17) Hazards. Temporary or permanent signs erected by the Town, public utility companies, oil and gas companies, construction companies or others as applicable to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

~~(18) Inflatables. See Portable Signs - Inflatable freestanding signs or tethered balloons.~~



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- (19) ~~Memorial. Memorial signs~~ Signs, plaques or ~~grave~~ markers, which are noncommercial in nature, not to exceed ten (10) square feet when cut into any masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material.
- (20) Merchandise. Merchandise, pictures or models of products or services, which are incorporated as an integral part of a window display.
- (21) Murals. ~~A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A particularly distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture. See Art or Architectural Features. (moved to art above)~~
- (22) Notice Boards. ~~Notice boards~~ Signs not exceeding [specify display and size limits] on the owner's property within [specify proximity] of a sidewalk and for public or religious institutions or other uses as approved by Staff as being primarily intended for visible to pedestrians.
- (23) ~~Oil and Gas Operation. Identification signs for any oil and gas drilling or well operation, not to exceed ten (10) square feet.~~
- (24) Pedestal flags. See flags.



- (25) ~~Political/Election Season Signs. On-Premises~~ During an election season, as defined in this Article, temporary signs are allowed political signs displayed on an owner's private property property in a number not exceeding the number of ballot issues and ballot candidates that will appear on a ballot of an election within the town. in accordance with an official election or signs erected on behalf of candidates for public office provided:

- a. Such signs shall not exceed [specify] square feet per face and shall comply with applicable height and setback restrictions in this Article. The total area of all such signs on a lot does not exceed sixteen (16) square feet.
  - b. Such signs shall be in addition to other temporary signs permitted under this Article. All such signs may be erected no sooner than forty five (45) days in advance of the election for which they were made.
  - c. ~~The signs are removed within seven (7) days after the election for which they were made.~~
  - d. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations.
- ~~(26) Public Information. Signs which identify restrooms, public telephones or provide instructions as required by law or necessity, provided the sign does not exceed two (2) square feet in area or as approved by Staff for these purposes and is nonilluminated, internally illuminated or indirectly illuminated. (This category shall be interpreted to include such signs as "no smoking," "restrooms," "no solicitors," "self service" and similar informational signs.)~~
- (27) Religious Symbols. Religious symbols ~~Symbols~~ located on a building or lot used for organized religious services.
- ~~(28) Regulatory Signs. Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.~~
- (29) Real Estate Signs Sale, Lease, Rent. ~~Temporary signs~~ Temporary signs on used to offer for sale, lease or rent the land or buildings an individual real estate parcel upon which the sign is located currently offered for sale, lease or rent, provided:
- a. One (1) sign per street frontage ~~advertising real estate ("For Sale," "For Rent," "For Lease" or "For Development")~~ not greater than eight (8) square feet in area in a residential district and thirty-two (32) square feet in area in nonresidential districts may be located on the offered property ~~being advertised~~ so long as said sign is located behind the street right-of-way line.
  - b. In addition to on-site real estate signs, a maximum of three (3) ~~directional off-site~~ signs, each not exceeding four (4) square feet in area, shall be permitted ~~off~~ within [specify distance] of the subject premises with permission of the owner of each such off-site location. Such signs must be placed outside all existing right-of-ways. ~~The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property and the terms "Lot/Home For Sale," "For Rent," "For Lease," "For Development," etc. All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction for the subject parcel.~~
  - c. ~~No more than three (3) temporary directional signs advertising~~ Within [specify distance] of a specific planned commercial or mixed use development, subdivision, multi-family development, etc. where property is currently offered for sale, no more

than three (3) temporary signs may also be permitted placed offsite with permission of the owner of each such off-site location. Each such sign may have a maximum area of four (4) square feet and shall be placed outside all existing right-of-ways. All such temporary signs shall be removed within seven (7) days after no further units within the development or subdivision are offered for sale.

d. ~~All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction.~~

e. — No sign allowed under this Subsection shall be lighted internally or externally.

(30) Sandwich Board. ~~(I don't think there is a difference between an A-frame sign and a sandwich board so these need to be consolidated? People between 2 signs doesn't work given this definition.)~~ Sandwich board signs, provided:

a. Maximum size is twelve (12) square feet per side.

b. Maximum height is five (5) feet.

c. Placed on sidewalk only during ~~business~~ [specify] hours.

d. ~~Maximum number of two (2) per business with a~~ minimum separation of fifteen (15) feet between signs.

e. Minimum of four-inch-high lettering when adjacent to an arterial street.

f. Sign location must not interfere with or block pedestrian or vehicular traffic.

g. Sign must be anchored to ground or weighted sufficiently to prevent movement by force of wind.

(31) ~~Scoreboards Athletic Fields Signs, Scoreboards for athletic fields Signs, not exceeding [specify dimensions] visible to athletes and spectators at athletic fields.~~

(32) Sidewalk Signs. See Sandwich Board signs.



(33) Special events. Temporary ~~special event~~ signs and banners on property where a noncommercial special event, occurs for religious, charitable, civic, fraternal or similar nonprofit organizations provided that:

a. Signs and banners shall be erected no sooner than thirty (30) days prior and removed no later than seven (7) days after the event.

b. No such sign or banner shall exceed thirty-two (32) square feet.

c. No such sign or banner shall be illuminated.

- d. All such signs and banners shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign or banner impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.).
- (34) Strings of Light bulbs. Displays of string lights, provided:
- a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.
  - b. They are steady burning bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.
  - c. They are no greater in intensity than five (5) watts.
  - d. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.
  - e. ~~They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.~~
  - f. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.
  - g. They shall be placed only on private property. (on public property is in Section 16-745)
  - h. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this Article.
- (35) Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy, provided that no structural changes are made to the sign ~~and provided that the name of the business to which the sign belongs is not changed.~~
- (36) ~~Time and temperature. Signs displaying Time and temperature devices provided they are not related to a product and do not exceed fifteen (15) square feet.~~
- (37) ~~Traffic Control Devices and government. Signs. Traffic control devices for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by or on the authority of a public officer in the performance of his or her duty~~ Government signs.
- ~~(38) Vacancy and No Vacancy. All "vacancy" and "no vacancy" signs, where they are nonilluminated, internally illuminated, indirectly illuminated or directly illuminated signs, provided that the area of the sign does not exceed two and one-half (2½) square feet per face. Also, signs designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this Paragraph if they meet the area requirement.~~

- (39) Vehicular ~~For Sale~~ Sales Signs. Signs on Motor motor vehicle-vehicles currently offered for sale signs provided there is only one (1) sign per vehicle, the sign does not exceed two (2) square feet and the vehicles are located in approved sales lots.
- (40) Vehicular Signs. Except as prohibited in Sec. 16-7-60 (5) b., Signs-signs displayed on trucks, buses, trailers or other motor vehicles which are being-regularly operated ~~or-stored-in-the-normal course-of-a-business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Article,~~ provided that the primary-purpose- use of such vehicles is not ~~for the display of commercial signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.~~
- (41) Vending Machine Signs. A sign permit shall not be required for a sign on a vending machine signs, provided that the sign does not extend beyond machine surface to which it is attached is mounted advertisement upon the vending machine sign is limited to the product vended.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-60. - Prohibited signs.

The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts:

(1) Distracting Signs

- a. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, ~~except for Time and temperature devices.~~
- b. Signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
- c. Signs with Meechanical-mechanical or electrical appurtenances, such as "revolving beacons" and portable spotlights.
- d. Rotating signs.
- e. Searchlights.
- f. Electronic message boards ~~except-governmental- government~~ signs.
- g. Wind signs, ~~except as permitted in Section 16-7-50 above.~~
- h. Roof signs and all other signs that project above the main roofline of a building.

(2) Visual Obstructions.

- a. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, pedestrian traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
- b. Any sign located in such a way as to substantially deny an adjoining property owner visual access to an existing sign.

c. Any sign or sign structure which:

1. In any other way obstructs the view of, may be confused with or purports to be ~~an official traffic sign~~ traffic control device, signal or device or any other official sign;
- ~~2. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;~~
3. Creates in any other way an unsafe distraction for motor vehicle operators or pedestrians; or
4. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

(3) Right-of-Way Signs.

- a. Any sign other than traffic control ~~signs~~ devices erected, constructed or maintained within, over or upon the right-of-way of any public road, street or highway, except in the case of a sign for which a permit has been issued in accordance with the requirements of this Article.

~~b(4). Off-premises signs. Off-premises advertising signs also known as off-site signs, except as this Article specifically permits or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 16-7-100 below. (farm product sales exempted Section 16-7-50(14))~~

(45) Unsafe Signs.

- a. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
- b. Any sign or sign structure which:
  1. Is structurally unsafe;
  2. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
  3. Is not kept in good repair;
  4. Is not designed or constructed in a professional manner;
  5. Is capable of causing electrical shocks to persons likely to come in contact with it; or
  6. Presents a danger to the health, safety or welfare of the Town or its citizens.

(56) Portable Signs

- a. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except for real estate signs attached to posts driven into the ground, window signs and temporary barriers except as permitted in Section 16-7-50 above.

- b. Vehicle-mounted commercial signs, including but not limited to signs painted on or attached to semi-trailers or cargo containers, when exhibited on private property adjacent to public right-of-way ~~for the purpose of and~~ advertising the business or services offered on the property. Vehicle-Mounted commercial signs on property used in for connection with a special event events lasting no longer than [specify] and occurring no more frequently than [specify] are exempted from the requirements of this Section during ~~the duration of~~ the special event only. Upon the conclusion of the special event, such signs must be dismantled. ~~For the purposes of this Subparagraph, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.~~
- c. Inflatable freestanding signs or tethered balloons ~~(may be, except used temporarily on a property during sales or special events on the property but not more than five [5] days per month).~~
- d. ~~Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 16-7-50 above. (moved to Section 16-7-40)~~

(67) Discontinued Commercial Use Signs.

- a. Whenever a business, industry, service or other commercial use is discontinued, all signs advertising the discontinued use shall be removed or obscured within ninety (90) days after the discontinuance of such use. Signs advertising discontinued commercial uses are misleading, unnecessarily contribute to visual clutter, and can obstruct views and distract motorists. (moved from Section 16-7-40(a))

~~Discontinued Businesses. Any sign (together with its supporting structure) now or hereafter existing which, one (1) month or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Code Enforcement Officer upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses, which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.)~~

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

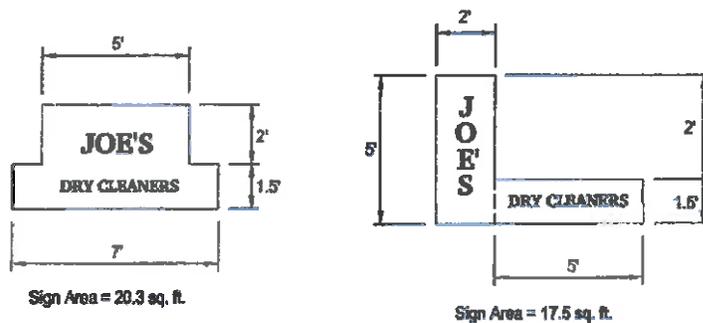
Sec. 16-7-70. - Measurement of sign area and height.

- (a) Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Regular geometric shapes shall include, but not be limited to, squares, rectangles, triangles, parallelograms, circles, ellipses or combinations thereof. ~~Time and temperature devices shall not be included within the measurement of maximum sign area.~~ The total measured area of a

sign shall include the area of all writing, representation, lines, emblems or figures contained within all modules, together with any air space, material or color forming an integral part or background of the display if used to differentiate such sign from the backdrop or structure against which it is placed. The total surface area of all sign faces shall be counted and considered to be part of the maximum total sign area allowance.

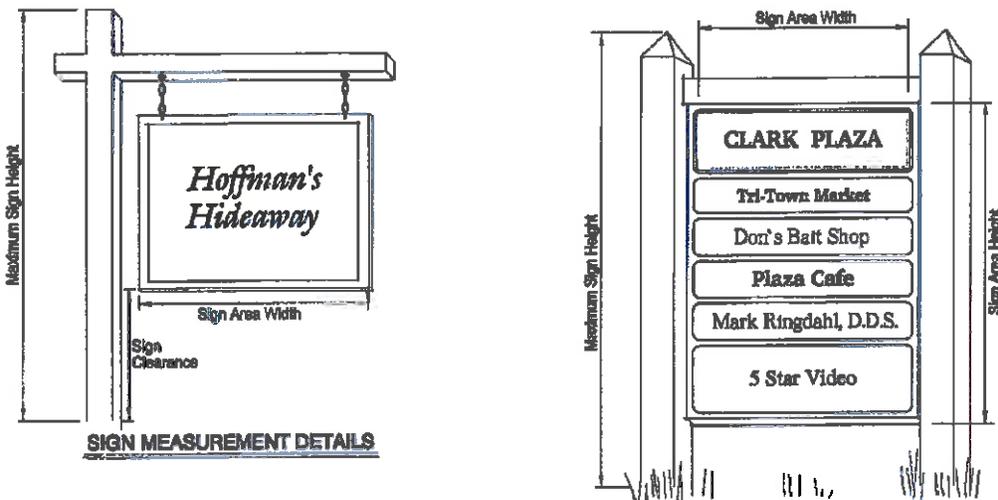
- (b) Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (c) Back-to-Back (Double-Faced) Signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point.

**Figure 7-1**  
**Sign Area Measurement**



- (d) Three-Dimensional Signs. Where a sign consists of one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with Section 16-7-130 below.
- (e) Wall Signs. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.
- (f) Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. The ground surface shall mean the average grade within five (5) feet of the base. When berms are used in conjunction with signage or there are significant changes in grade, the height of the sign shall be measured from the mean elevation of the fronting street.

Figure 7-2  
Sign Height



(Ord. 523 §1, 2005; Ord. 658 §1, 2012))

Sec. 16-7-80. - Sign design.

(a) Design compatibility.

- (1) Creative design encouraged. Signs ~~shall~~should make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town encourages imaginative and innovative sign design. The creative sign application procedure (Section 16-7-130 below) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories. (vague)
- ~~(2) Professional. Signs shall be made by a professional sign company or other qualified entity.~~
- (3) Proportionate size and scale. The scale of signs ~~shall~~ should be appropriate for the building on which they are placed and the area in which they are located. Building signs should shall be harmonious in scale and proportion with the building façade they are mounted to. (vague)

(4) Sign location and placement.

- a. *Visibility* - Signs ~~shall~~should not visually ~~overpower~~~~nor~~ obscure architectural features. The following illustrations are examples of design that the Town is encouraging.

**Figure 7-3**  
**Visibility**



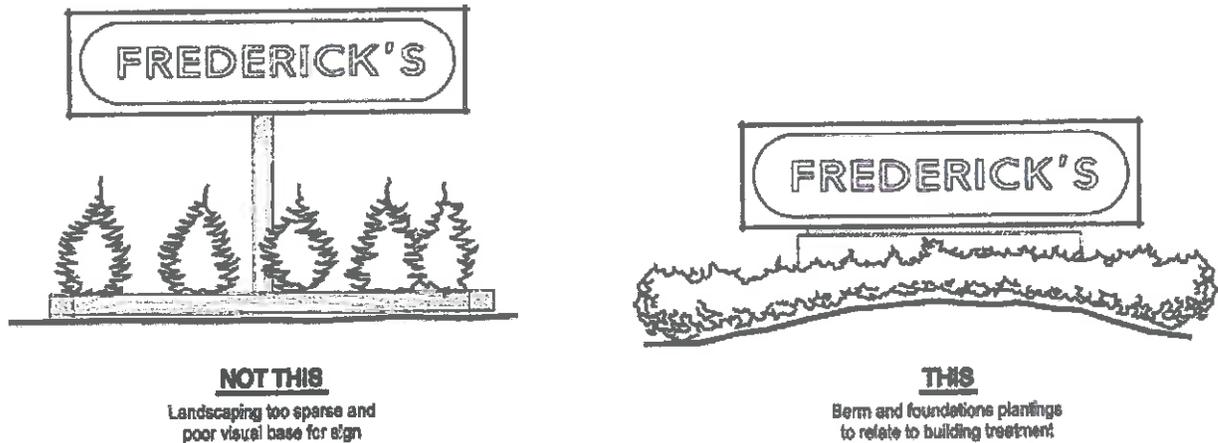
- b. *Integrate signs with the building and landscaping* -~~Carefully~~ Signs should be carefully coordinated ~~coordinate the sign~~ with the architectural design, overall color

scheme and landscaping. Signs ~~shall~~should be designed to complement or enhance the other signs for a building.

- c. *Unified sign band* - Whenever possible, signs located on buildings with the same blockface ~~shall~~should be placed at the same height, in order to create a unified sign band. ~~Wall signs should be located~~ ~~Locate wall signs~~ at the first floor level only for retail commercial uses. (define blockface to avoid vagueness)
  - d. *Monument signs* - ~~Locate monument~~ Monument signs should be located in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one (1) monument sign per entry ~~is~~ shall be permitted.
  - e. *Pedestrian-oriented signs* - Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the ~~permitted~~ signs for a business. These signs ~~are~~ should be designed for and physically directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.
  - f. *Road right-of-way* - No sign shall be erected within the road right-of-way or near the intersection of any roads or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.
- (5) Landscaping. Freestanding signs ~~shall~~should be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping ~~shall~~should form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.

Figure 7-4

Landscaping



- (6) Reduce sign impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed and located so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.

Figure 7-5  
Sign Impact

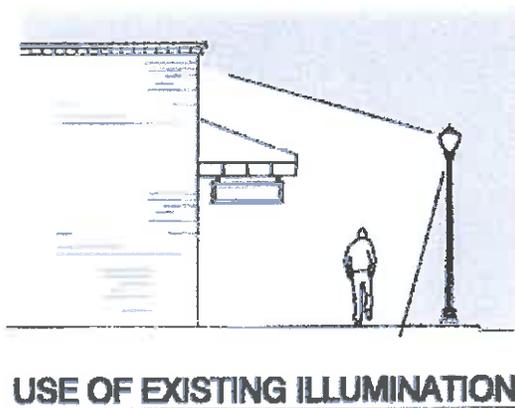


(b) Color.

- (1) Select colors carefully. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.

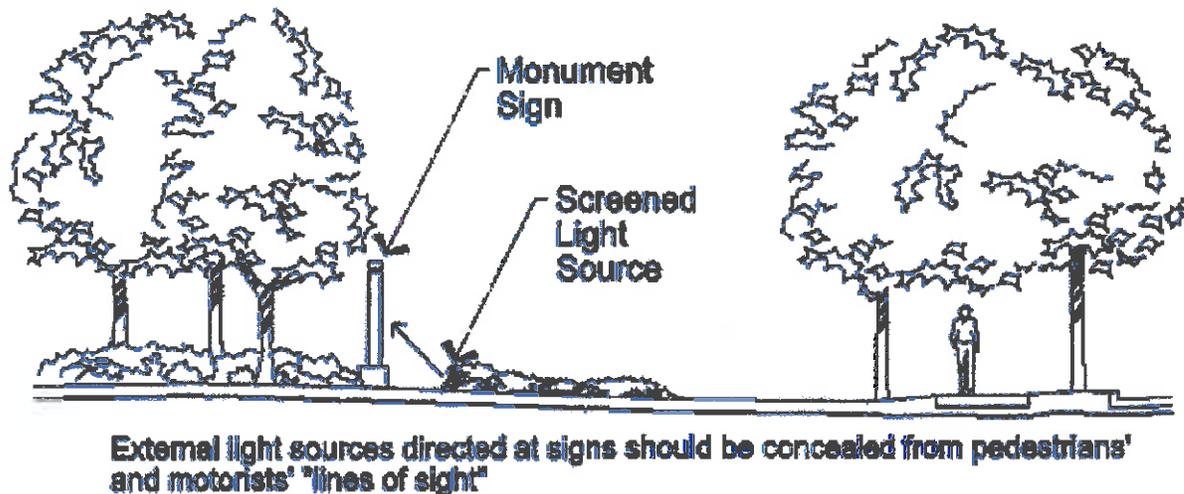
- (2) Use contrasting colors. ~~Signs should Provide~~provide a substantial contrast between the color and the material of the background and the letters or symbols to make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.
- (3) Avoid using too many colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs ~~shall~~should be avoided.
- (c) Materials. Signs ~~shall~~should be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building façade. Sign materials must be of proven durability. Treated wood, painted metal, stone, brick and stucco are the ~~preferred~~encouraged materials for signs.
- (d) Legibility. Signs ~~shall~~should be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:
  - (1) The speed at which they are viewed;
  - (2) The context and surroundings in which they are seen; and
  - (3) The design, colors and contrast of the sign copy and sign face.
  - (4) The design of the sign including copy, lettering size and style and colors ~~shall~~should logically relate to the average speed of the traffic which will see it. Signs ~~shall~~should legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.
- (e) Sign Illumination.
  - (1) ~~Signs should have Use~~ illumination only if necessary.
  - (2) Sign illumination ~~shall~~should complement, not overpower, the overall composition of the site.

**Figure 7-6  
Existing Illumination**



- (3) Use a direct light source. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface, the light source must be concealed from pedestrians' and motorists' "lines of sight."

**Figure 7-7**  
**Direct Light Source**



- (4) Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the ~~minimum level for nighttime readability.~~ intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet and shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the lighting according to the amount of ambient light;
- (5) Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
- (6) Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except ~~Time and temperature~~ signs.
- (7) Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
- (8) The use of individually cut, backlit letter signs is encouraged.
- (9) Lighting behind sign faces may only illuminate the symbol or message through a translucent material; the rest of the sign shall be opaque.
- (10) No commercial sign within three hundred (300) linear feet of any property which contains an existing or approved residential use or is zoned for residential use, may be illuminated between the hours of 11:00 p.m. ~~(or one half [1/2] hour after the use to which it pertains is closed, whichever is later) and 6:00 a.m.; provided, however, that this.~~ This time

limitation shall not apply to any lighting which is used primarily for the protection of the premises or for safety purposes or any signage which is separated from a residential use by an arterial street. For purposes of this Subsection, the term *approved* shall mean having final plat approval.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-90. - Sign installation and maintenance.

(a) Installation.

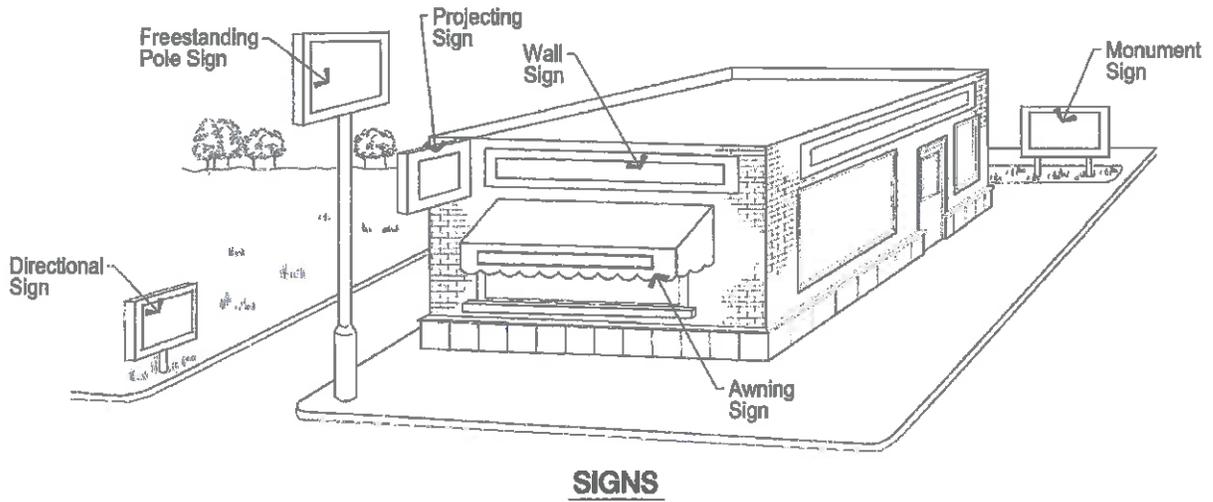
- (1) All signs shall be mounted so that the method of installation is concealed to the maximum extent possible.
- (2) Projecting signs shall be mounted so they generally align with others in the block.
- (3) All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes. The Town may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
- (4) Owners of projecting signs extending over public right-of-way shall be required to maintain public liability insurance in an amount to be determined appropriate by the Town, in which the Town is named as an "other insured."

(b) Maintenance.

- (1) The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources, in neat and orderly condition and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.
- (2) The owner of any sign regulated by this Article shall be required to keep signs and supporting hardware, including temporary signs ~~and time/temperature signs~~, structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (3) The Town may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. (Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-100. - Standards for specific sign structures.

**Figure 7-8**  
**Specific Sign Standards**



- (a) **Awning Signs.** An awning sign is a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning. An awning is a movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

**Example of Awning Sign**



- (1) **Location.** Signs may be placed only on awnings that are located on first-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.
- (2) **Maximum area and height.** ~~Sign area shall comply with the requirements established by Section 16-7-110 below.~~ No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a

supporting building. No awning, with or without signage, shall extend above the roofline of any building.

- (3) ~~Lighting~~ **Maximum signage.** The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five percent (25%) of the total area of the awning. Awning signs shall not be allowed above the first story of a building.
- (b) **Canopy Signs.** ~~A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building or by columns extending from the ground or by a combination of a building and columns. (See Section 16-1-150)~~
  - (1) **Maximum area and height.** Sign area shall comply with the requirements established by Section 16-7-120 below. No canopy, with or without signage, shall extend above the roofline of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment but not more than twelve (12) inches (measured from the bottom of the sign). Under-canopy signs, which are perpendicular to the face of the building, shall be deemed to be projecting wall signs. Under-canopy signs that are parallel to the face of the building shall be a minimum of eight (8) feet above grade and shall be deemed to be flush wall signs.
- (c) **Freestanding Signs.** A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure. **(Slightly different definition in Section 16-1-150 -creates conflict)**

#### Example of Freestanding Sign



- (1) **Location.** The sign may be located only on a site frontage adjoining a public street.

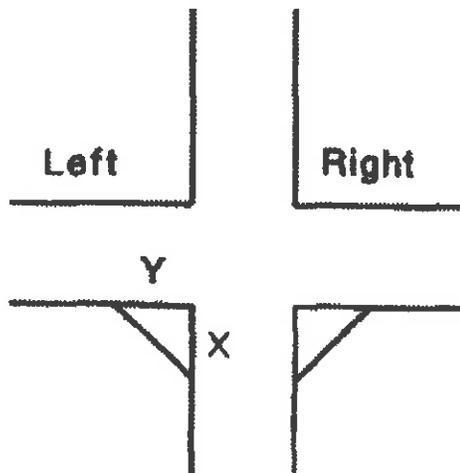
- a. When a freestanding sign is placed on a lot with two (2) or more street frontages, such sign shall be said to be adjacent to a particular street frontage when it is located closer to that street frontage than any other street frontage.
  - b. If a lot has more than one (1) street frontage, the freestanding sign permitted for each frontage must be located adjacent to the street frontage that is the basis for the allotment of such sign.
  - c. No freestanding sign shall be built within fifteen (15) feet of any interior side lot line. The minimum horizontal distance between freestanding or monument signs located on the same lot shall be seventy-five (75) feet.
  - d. The sign face of a single face sign must be most nearly parallel to the street frontage to which it is adjacent. The sign faces of a multiface sign must be most nearly perpendicular to the street frontage to which they are adjacent.
- (2) **Setback.** The setback of any freestanding sign shall be measured from the street right-of-way line of the street frontage that is the basis for the allotment of such sign. Any such setback shall be measured perpendicularly from the street right-of-way line to the nearest portion of the sign face or structure.
- (3) **Maximum number of signs.** No more than one (1) freestanding or monument sign per street frontage shall be permitted for any property. A drive-in restaurant, when located on a lot with frontage on only one (1) street, shall be permitted one (1) additional freestanding or monument sign ~~for the sole purpose of a menu board for the drive-through customers~~. Such sign shall not exceed five (5) feet in height, thirty-five (35) square feet in area and shall be limited to one (1) face. Fifty percent (50%) of the square footage of such sign shall be exempted from the total allowed for the property.
- (4) **Maximum area and height.** The sign shall comply with the height and area requirements established in Section 16-7-120 below.
- a. The maximum size for freestanding signs shall be one and one-half (1½) square feet for every one (1) linear foot of building frontage. In no event shall the cumulative total allowable sign area exceed one hundred fifty (150) square feet per business.
  - b. The maximum height for freestanding signs shall be eighteen (18) feet above grade in accordance with the setbacks below.

<i>Distance from street right-of-way line (feet)</i>	<i>Maximum height above grade (feet)</i>	<i>Maximum size allowed per side (square feet)</i>
0	10	20
5	10	30
10	12	40
15	12	50

20	14	60
25	16	70
30	18	80
35 or more	18	90

- (5) Electrical service. When electrical service is provided to freestanding signs or monument signs, all such electrical service shall be underground.
- (6) Supporting structure materials. All supporting structures of monument signs shall be of the same or similar materials or colors of the associated buildings which house the businesses or activities advertised on the sign.
- (7) Sign mounting. The sign shall be mounted on one (1) or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve (12) inches.
- (8) Sign pole signs. Pole signs should not be so large as to obscure the patterns of front façades and yards.
- (9) Site distance triangle. This requirement applies to freestanding and monument signs.
  - a. Monument signs which exceed forty-two (42) inches in height, and freestanding signs which do not maintain free air space between a height of forty-two (42) inches and seventy-two (72) inches above the adjacent street elevation, shall be set back from the right-of-way line a distance as established in the sight distance triangle table contained in this Subsection. A freestanding sign shall not be construed to have free air space if such sign has a base the width of which exceeds fifty percent (50%) of the width of its face or three (3) feet, whichever is smaller. In addition, freestanding and monument signs shall not be located closer to the right-of-way line than allowed in the tables below that apply to such signs.

**Figure 7-9  
Sight Distance Triangle**



- b. The leading edge of freestanding signs shall not extend past the property line. At intersections where sight distance triangles apply, freestanding signs shall not be placed within the applicable sight distance triangle nor in any manner that impedes visibility or public safety. The following chart shall be used to determine the sight distance triangle:

<i>Sight Distance Triangle Table - Distances measured from flow line</i>		
Type of Street	Y Distance (in feet)	X Distance (in feet)
Arterial	Right 135 Left 270	15
Collector	Right 120 Left 220	15
Local	Right 100 Left 150	15

- (d) Monument Signs. A monument or ground sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building. (clarify and define in Section 16-1-150)



- (1) Location. The sign may be located only along a site frontage adjoining a public street. The sign may not be located in the site distance triangle (refer to Subparagraphs 16-7-100(c)(9)a. and b. above for details).
- (2) Design. The design of a monument sign ~~shall~~ should be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. ~~Project monument signs. A monument sign at an entrance to a subdivision, development project or neighborhood shall contain include only the name and address of the project subject property that it identifies. (public safety -wayfinding sign)~~
- (3) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign and supporting structure. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Planning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
- (4) Setback. The setback of any freestanding sign shall be measured from the street right-of-way line of the street frontage that is the basis for the allotment of such sign. Any such setback shall be measured perpendicularly from the street right-of-way line to the nearest portion of the sign face or structure.
- (5) Maximum number of signs. No more than one (1) freestanding or monument sign per street frontage shall be permitted for any property. A drive-in restaurant, when located on a lot with frontage on only one (1) street, shall be permitted one (1) additional freestanding or ground sign ~~for the sole purpose of a menu board for the drive through customers.~~ Such sign shall not exceed five (5) feet in height, thirty-five (35) square feet in area and shall be limited to one (1) face. Fifty percent (50%) of the square footage of such sign shall be exempted from the total allowed for the property.

- (6) Maximum area and height. The sign shall comply with the height and area requirements below.

<i>Distance from street right-of-way (feet)</i>	<i>Maximum height above grade (feet)</i>	<i>Maximum size allowed per side (square feet)</i>
0	7	45
5	8.5	60
10	10	75
15 and more	12	90

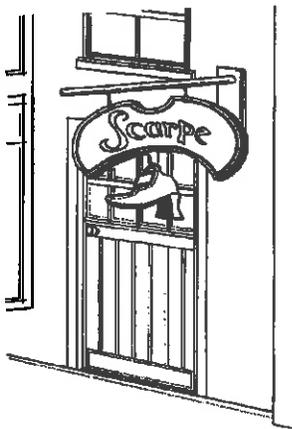
- ~~(e) Murals. Murals determined by the Town's staff to be predominately of a public, historic or ideological purpose, if appropriate and necessary to that specific zone as being beneficial to the Town, shall be permitted without the requirement for processing as a use by special review. In the event either the applicant or the Town's staff is uncertain as to the permissibility of a sign or mural, they may present the application to the Planning Commission for clarification and direction.~~
- ~~(f) Off-premises Signs. Off-premises signs, also known as off-site signs, are generally prohibited, except for those specific types of signs listed in this Section.~~
- ~~(1) Business or residential district identification signs. A business or residential district identification sign is an Off premises sign for the identification of a specific business district, residential district or center identified in the Comprehensive Plan or a business improvement or redevelopment area approved by the Board of Trustees. These signs shall not:~~
- ~~a. Interfere with pedestrian or vehicular safety;~~
  - ~~b. Detract from the pedestrian quality of the surrounding area; or~~
  - ~~c. Add to an over-proliferation of signs on one (1) property or in an area.~~
- ~~The owner of the sign shall enter into an agreement with the Town for funding the ongoing cleaning, maintenance and repair of the sign.~~
- ~~(2) Church and civic club Off premises signs. A church or civic club Off premises sign is an Off premises sign intended to direct people to the church or civic club and/or state meeting dates and times. Such signs shall not:~~
- ~~a. Interfere with pedestrian or vehicular safety;~~
  - ~~b. Detract from the pedestrian quality of the surrounding area;~~

- ~~e. Add to an over proliferation of signs on one (1) property or in an area;~~
- ~~d. Be allowed for any organization that has not proven "nonprofit" status;~~
- ~~e. Measure more than four (4) square feet; or~~
- ~~f. Number more than five (5) for any organization.~~

~~The owner of the sign shall be responsible for repair and maintenance of the sign.~~

- (g) Projecting Signs. A projecting sign is any sign supported by a building wall and projecting therefrom at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached.

**Figure 7-10  
Projecting Sign**



- (1) Location. Projecting signs shall be placed only on a ground floor façade, except for businesses located above the ground level with direct exterior pedestrian access. Mount projecting signs so they generally align with others in the block. This helps to create a "canopy line" that gives scale to the sidewalk.
- (2) Maximum area and height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single-story building or the height of the bottom of any second-story window if attached to a multistory building. Projecting signs must have eight (8) feet clearance and may not extend more than four (4) feet from the building wall, except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to sixteen (16) square feet.
- (3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
- (4) Quantity. The number of projecting signs is limited to one (1) per business tenant, to a maximum of two (2). Projecting signs are not permitted in conjunction with pole signs.
- (h) Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall. **(Compare with Section 16-1-50 -move to definition section)**

### Example of a Wall Sign



- (1) Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first-floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level.
- (2) Maximum area and height. Wall signs shall not be higher than the eave line of the principal building. Wall signs shall not exceed one (1) square foot per linear foot of building frontage at ground level and three-quarters ( $\frac{3}{4}$ ) square foot per linear foot of second-story building frontage. The sign shall comply with the height and area requirements established in Section 16-7-120 below.
- (3) Projection from wall. No sign part, including cut-out letters, may project from the surface upon which it is attached more than required for construction purposes. Single-sided wall signs allowed when suspended from front porch.

~~(4) Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.~~

- (i) Window Signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second floor level.
  - (1) Maximum area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:
    - a. Forty percent (40%) of the window or door area at the ground floor level; and
    - b. Forty percent (40%) of the total allowable sign area for the premises.
  - (2) Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises. Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-110. - Standards for specific types or purposes.

~~(a) Identification Signs. An identification sign is any sign created for the purposes of identifying a business or private residence.~~

~~(b) Time and/or Temperature Signs. A time and/or temperature sign is any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.~~

~~(1) Maximum area. Time and/or temperature signs which do not exceed ten (10) square feet shall not be required to be included in the allowable sign area permitted in Section 16-7-70 above; provided however, that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.~~

~~(2) Design. The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.~~

~~(3) Maintenance. It shall be the responsibility of the owner of such signs to maintain such signs and ensure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed.~~

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-120. - Sign standards by zoning district.

(a) Residential Zones. Signs for uses within residential zones, including A, AE, CD, E-1, R-1, R-2, R-3, R-M, R-MH, or for any residential use in a mixed-use district shall be limited to the following:

**Residential Zone Sign Standards (need to revise to match text)**

<i>Type or Purpose of Sign</i>	<i>Permitted Sign Structure</i>	<i>Number of Signs Allowed per Use</i>	<i>Maximum Area per Sign</i>	<i>Maximum Height</i>	<i>Comments</i>
Identification sign	Freestanding or wall sign	1 per single-family, two-family, mobile home	2 sq. ft. per face	—	—
		1 per multi-family	20 sq. ft. per face	—	Only indirect illumination
		1 per public or semipublic use	35 sq. ft. per face	8 ft.	Only indirect illumination

1 per subdivision entrance (monument sign or wall sign)	35 sq. ft. per face	6 ft.	Only direct illumination
1 per child care center	10 sq. ft. per area	—	Unlighted
1 per subdivision sales office	10 sq. ft. per face	—	Unlighted
1 per licensed home occupation	4 sq. ft. per face	5 ft.	—
1 per Bed and Breakfast per street frontage	4 sq. ft.	Below edge of roof, 4 ft. freestanding	May be lighted; name and address of facility only
1 per tenant space for a commercial use (legal use)	1 for each linear foot of building frontage; 25 sq. ft. maximum	6 ft.	Direct light source only; may not be illuminated between 11 p.m. and 6 a.m. if within 500 ft. of existing residential

(b) Nonresidential Zones. Signs for uses within nonresidential zones, including C-1, C-2, C-3, C-4, I-1, I-2 or I-3, or for any institutional/civic/public, business, commercial or industrial use in a mixed-use district shall be limited to the following:

Total allowable sign area. The total area of all signs on a lot or, in the case of a permitted use or uses occupying two (2) or more adjacent lots, the total area of all signs on all such adjacent lots shall not exceed one and one-half (1½) square feet per linear foot of building frontage at ground level and three-quarters (¾) square foot per linear foot of second-story

building frontage. In no event, however, shall the cumulative total allowable sign area exceed one hundred fifty (150) square feet per business.

**Nonresidential Zone Sign Standards** (Revise table to match text)

<i>Type of Sign</i>	<i>Number of Signs</i>	<i>Maximum Area</i>	<i>Maximum Height of Freestanding Signs</i>	<i>Comments</i>
Identification sign (freestanding, wall, window, awning, canopy, projecting)	Project entry monument sign: 1 per entrance	90 sq. ft.	12 ft. - refer to setback chart in Section 16-7-100(d)	Landscaping shall be provided at the base of the supporting structure equal to twice the area of 1 face of the sign
	Arterial street freestanding sign: 1 every 1,500 ft. of street frontage	1.5 sq. ft. of sign area for each linear foot of total building frontage up to 90 sq. ft. maximum	18 ft. - refer to setback chart in Section 16-7-100(c)	Freestanding sign shall be in place of project monument sign; not allowed on local or collector streets
	Wall sign: 1 per individual tenant building frontage. Two if suspended from a front porch, single-sided only.	1 sq. ft. of sign area for each linear foot of total building frontage	n/a	The total area of signs on the second story of a building shall not exceed 0.75 sq. ft. per lineal foot of building frontage
	Canopy or awning sign: 1 per individual building tenant. Maximum of 2 if solely on	—	Minimum 8 ft. above finished grade	Allowed in place of a wall sign

	awning side perpendicular to street.			
	Window sign: unlimited. See Maximum Area.	25% of window or door area	n/a	May be placed on the window or door; cannot exceed 25% of the total allowable sign area for the premises
	Projecting sign. One per individual tenant, maximum of 2.	16 sq. ft.	No higher than first story of building	Must have 8 ft. clearance and extend no more than 4 ft.
	Information signs	5 sq. ft.	6 ft.	Permitted at rear and loading door entrances
<del>Time and/or temperature</del>	<del>1</del>	<del>10 sq. ft.</del>	<del>6 ft. monument, 12 ft. pole</del>	<del>Identification or advertising that is part of sign structure must be included in allowable sign area</del>

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16-7-130. - Creative signs. ~~(need to rewrite or take out this section)~~

- (a) Purpose. This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:
- (1) Encourage signs of unique design and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
  - (2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Town,

while mitigating the impacts of large or unusually designed signs. (need to rewrite this section or take it out)

- ~~(b) Applicability. An applicant may request approval of a sign permit under the creative sign program to authorize on-site signs that employ standards that differ from the other provisions of this Article but comply with the provisions of this Section.~~
- ~~(c) Design Criteria. In approving an application for a creative sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria: (not meaningful criteria as very vague and subjective)~~
  - ~~(1) Design quality.~~
  - ~~(2) Contextual criteria.~~
  - (3) Architectural criteria.

(Ord. 523 §1, 2005; Ord. 658 §1, 2012)

Sec. 16- 7-140. 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 Article. 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.

Sec. 16- 7-150. Severability.

If any section, paragraph, clause or provision of this Article 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 Article, the intent being that the same are severable.