

Sec. 16-3-100. Sign standards.

(a) Purpose and Intent. The purpose of this Section is to establish regulations for the systematic control of signs and advertising displays within the Town. The intent is to protect and promote the general health, safety and welfare of the public. It is also the intent to aid and assist in the safe and aesthetic development and promotion of business. This can be accomplished by providing standards, which allow signs and advertising displays that are compatible with their surroundings.

(b) Scope.

(1) To establish a permit system to allow a variety of types of signs in commercial and residential zones.

(2) To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without a requirement for permits.

(3) To provide for temporary signs without commercial messages in limited circumstances.

(4) To encourage signs which are compatible with adjacent land uses.

(5) To provide for the enforcement of the provisions of this Chapter.

(c) General Provisions.

(1) The provisions of this Section shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the Town.

(2) All signs located within the limits of the Town shall be required to comply with all applicable requirements for zoning districts in which the sign is located, unless otherwise provided for in this Section.

(3) Signs and sign structures shall be maintained at all times in a state of good repair and free from deterioration, insect infestation, rot, rust or loosening.

(4) Signs shall be constructed so that they are able to withstand the maximum wind pressure for the area in which they are located.

(5) The Town shall have the authority to order the repair, alteration or removal of a sign that constitutes a hazard to life or property or that does not comply with the requirements of this Section.

(d) Exempt Signs. The following signs are exempt from the requirements of this Section and do not require a sign permit.

(1) All signs erected by the Town.

(2) Bus shelters, but not including the benches within said shelters, erected by or on behalf of the Town.

(3) Official governmental notices and notices posted by governmental officers in the performance of their duties.

(4) Temporary or permanent signs erected by public utility companies, transit authorities or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(5) Signs required or specifically authorized for a public purpose by any law, statute or ordinance. No such sign shall be placed in the public right-of-way unless specifically authorized or required by law, statute or ordinance.

(6) Public signs: Signs required or specifically authorized for public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the signs are erected. Signs of danger or of a cautionary nature are limited to wall and ground signs; no more than two (2) per street front; no more than four (4) square feet per sign in area; and no more than ten (10) feet in height above grade. These signs may be illuminated but only from a concealed light source which does not flash, blink, chase or fluctuate; and signs which are not animated.

(7) Private traffic control signs, including directional signs and signs relating to a hazardous area or construction zone that conform to the standards of the Colorado Manual of Uniform Traffic Control Devices. These signs must be placed within the established road right-of-way.

(8) Small signs not exceeding six (6) square feet that do not contain any advertising which are displayed for the direction, information or convenience of the public, including signs that identify hours of operation, rest rooms, location of public telephones and parking entrances.

(9) Memorial signs and plaques: Memorial signs, plaques, tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building when constructed of bronze or other noncombustible material.

(10) Signs in the display window: Signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services offered which do not exceed four (4) square feet in area.

(11) Professional: Nameplate signs not more than two (2) square feet in area which are fastened directly to the nonresidential building and do not project more than six (6) inches beyond the property line.

(12) Signs within buildings: Any sign placed inside a building may be erected without requiring a permit if not visible from a public street or sidewalk.

(13) Environmental signs, including but not limited to wildlife, wildfire, environmental, wetlands, conservation area and riparian area identification signs.

(14) Flags of any nation or government, whether in a residential, nonresidential or Planned Development District as further regulated in Paragraph (j)(7) of this Section.

(15) Any event signs for events lasting less than twenty-four (24) hours, including but not limited to garage sales, weddings, gatherings, etc. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided that these event signs are not displayed for more than fourteen (14) days and do not exceed sixteen (16) square feet in total sign area.

(16) Holiday displays installed no earlier than two (2) weeks prior to the holiday and removed within two (2) weeks following the holiday, except that lighting erected in connection with the observation of Christmas, Hanukkah or Kwanza may be installed no earlier than Thanksgiving of the same year.

(17) Construction signs. One (1) temporary construction sign advertising a new development, construction or other new improvement of a property denoting architectural, engineering or construction firms engaged in work, shall be permitted. Such sign shall be limited to ground or wall signs; shall not exceed thirty-two (32) square feet per face or ten (10) feet in height. The temporary sign shall be removed upon issuance of a certificate of occupancy.

(18) Real estate signs subject to the provisions in each zone district.

(19) Political signs subject to the provisions in each zone district.

(e) Sign Permits.

(1) All requests for sign permits shall be submitted to the Town with a completed application form.

(2) A sign permit deposit shall be collected by the Town at the time the permit request is submitted.

(3) All requests for signage shall be accompanied by a drawing, fully dimensioned, showing the sign construction specifications, color, method and intensity of illumination, message and site plan showing the location, setback, height and sign area of all proposed and existing signage. If the sign is to be placed on an existing building in a nonresidential zone district or within a Planned Development District, a photo simulation of the sign on the wall on which it is to be placed shall be included. If the sign is a freestanding or monument sign in a nonresidential zone district or within a Planned Development District, a stamped structural drawing of the proposed sign shall be included.

(4) Prior to approval by the Town, the Town Planner shall review all permanent (non-temporary) sign permit requests.

(5) The Town Planner shall have the authority to approve, deny or make recommendations or conditions on any sign permit application. Any decision or recommendation made by the Town Planner may be appealed upon request of the applicant to the Board of Trustees.

(6) Following approval by the Town, the sign owner or sign contractor shall apply to the Town for a building permit, which permit must be issued prior to placement of the signs on the property.

(7) The expiration date for such permits shall be specified in each permit and, with respect to installation of signs, shall not exceed one hundred eighty (180) days and shall be issued in conjunction with building permits.

(f) Sign Measurement.

(1) Sign area. The area of a sign shall be measured as follows:

a. The measured area of a sign shall be the entire area within a single continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of a writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate a sign designed with more than one (1) exterior surface.

b. The supports, structure or bracing of a sign shall be omitted from measurement unless such supports, structure or bracing are part of the message or face of the sign or form an integral background of the display.

c. The area of all faces shall be included in determining the total area of a sign.

d. Corporate logos, color schemes, trademark identities and themes shall be included in calculations of sign area.

e. The building footprint on the approved site plan shall be used to calculate wall sign area allowances on each building. Only one (1) floor level shall be used.

(2) Setbacks. For the purpose of determining setback distances, measurements shall be taken from the edge or surface of the sign or sign structure, which is closest to the street, right-of-way, district line or property line from which the sign is to be setback.

a. Freestanding signs in nonresidential zoning districts up to and including signs six (6) feet in height above ground level shall be set back ten (10) feet from any property line adjacent to a street.

b. Signs exceeding six (6) feet in height above ground level shall be set back a minimum of twenty (20) feet from any property line adjacent to a street.

c. Signs in a nonresidential zoning district or Planned Development District shall be located not less than twenty (20) feet from any adjacent residential zoning district line.

d. Signs on corner lots or at the intersection of any driveway, parking lot, entrance or exit with any street shall be regulated such that no sign exceeding a height of three (3) feet above ground level shall be erected within the sight triangle established for said property.

(3) Height.

a. Wall signs. For the purpose of determining the height of any wall sign, height shall be measured from the average finished grade elevation along the building frontage to the highest point of the sign. No portion of a sign may exceed the height of the wall to which it is attached nor extend over windows.

b. Freestanding signs. For the purpose of determining the height of any freestanding sign, measurement of the vertical distance from the elevation of the nearest public sidewalk or paved street within twenty-five (25) feet or, if there is not a public sidewalk or paved street within twenty-five (25) feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five (25) feet of the sign, to the uppermost point on the sign or sign structure. No freestanding sign shall exceed fifteen (15) feet in height.

(g) Prohibited Signs. To protect the health, safety and welfare of the people of the Town, to minimize traffic hazard and distraction and to promote the community appearance, the following signs shall be prohibited in the Town unless the specific use is provided for in this Chapter.

(1) Any sign which in any way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign.

(2) Any sign which creates in any way an unsafe distraction for motor vehicle operators.

(3) Any sign which obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

(4) Any sign which is located in a street intersection sight triangle and exceeds three (3) feet in height.

(5) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

(6) Any sign which is structurally unsafe; constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural and material standards for signs as adopted by the Town.

(7) Any sign located within utility easements, on public property or public rights-of-way, unless the use is specifically provided for in Section 16-3-20 of this Chapter.

(8) Signs painted or affixed to benches.

(9) Signs mounted, attached or painted on motor vehicles, trailers or boats when used as additional advertising on or near the premises and not used in conducting a business or service on the premises.

(10) Portable signs, except those required for traffic control and sandwich boards and A-frame signs unless located on a sidewalk of sufficient width so as not to block pedestrian circulation.

(11) Roof signs.

(12) Electronic message center signs unless approved as part of a planned sign program.

(13) Animated signs.

(14) Flashing signs.

(15) Revolving beacons and searchlights.

(16) Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations used in compliance with these regulations.

(17) Exposed neon tubing or signs unless approved as part of a planned sign program.

(18) Signs, other than flags, designed or allowed to wave, flap or rotate with the wind.

- (19) Any sign emitting sound.
- (20) Signs with more than two (2) faces.
- (21) Off-premises signs.
- (22) Commercial billboards.

(23) Signs announcing a proposed use or land development prior to approval of the proposed use on that property by the Town.

(h) Signs in Residential Districts. In general, small, unobtrusive signs, bearing no commercial or off-premises content and which are relevant to the lives of the residents are permitted in the RR (Large Lot Rural Residential) Zoning District. Permanent signs in any Planned Development Zoning District shall require an approved planned sign program. Signs on residential lots shall adhere to the following design standards:

(1) Signs and sign structures that incorporate a foundation, footer or illumination require a permit.

(2) Illuminated signs and sign structures and flagpoles shall be regulated according to the requirements of Section 16-3-80 of this Chapter.

(3) The following specific sign types shall be regulated as follows in residential zoning districts:

a. Individual residential lot sales. One (1) unlighted real estate sign per street frontage advertising the sale, rental or lease of the premises on which it is maintained; not to exceed four (4) square feet per sign face and not over three (3) feet high. Such sign shall be removed within seven (7) days after the sale, lease or rental.

b. Multiple residential lot sales. One (1) unlighted real estate sign per major street frontage advertising the sale, rental or lease of the premises on which it is maintained; not to exceed sixteen (16) square feet per sign face and not over five (5) feet high. Such sign shall be set back ten (10) feet from the property line and removed within seven (7) days after the sale, lease or rental.

c. "For Sale," "Garage Sale" and "Yard Sale" signs shall only be used to advertise commodities or objects that are owned by a resident of the Town. "Estate Sale" signs shall only be used to advertise commodities or objects that were owned by the occupant of the residence at which the sale is held, at the time of the person's death. All such signs shall be displayed according to the requirements of all applicable Town ordinances.

d. Political signs erected on private property with the permission of the property owner, in connection with proposition elections or political campaigns or elections, shall not exceed four (4) square feet in surface area per face or three (3) feet in height. Signs may be displayed for a period of one hundred twenty (120) days, beginning no sooner than ninety (90) days prior to the date of the election or the commencement of early voting. The person or organization responsible for the erection or distribution of any election signs or the owners of the property on which such signs are located shall remove such signs within three (3) days following the election or conclusion of the campaign.

(i) Signs in the Right-of-Way. Signs in the right-of-way of residential zones shall be regulated as follows. No signs are allowed within the right-of-way in any nonresidential zone district or PD District. Temporary signs are permitted in the right-of-way in residential zones at the discretion of the Town, provided that they comply with all of the following standards:

(1) Such sign does not exceed two (2) square feet in area per face and the top of the sign is no more than three (3) feet above the ground.

(2) No person shall construct or cause to be constructed a sign or sign structure in the right-of-way, which would not easily break away if hit by a vehicle or otherwise creates a potentially hazardous roadside obstacle.

(3) All temporary signs shall be located at least ten (10) feet from a paved street or trail.

(4) No sign except for political signs and "House for Sale" signs shall remain in the right-of-way for more than one (1) week.

(5) No sign shall advertise or direct attention to a business, commodity, service or activity regardless of whether it is conducted, sold or offered in the Town, except that it may advertise a specific house for sale, open house, garage, yard or estate sale located in the Town. Both the sign and related activity shall comply with all applicable sections of this Section.

(6) Signs which do not violate any other provision of this Section may be used to direct traffic to a property within the Town; however, the number of signs shall not exceed the minimum number needed to direct traffic to the property and shall be limited to one (1) sign per entry and one (1) sign per intersection.

(7) The person or organization responsible for the erection or distribution of any sign in the right-of-way shall be responsible for removing such sign. The removal of garage, estate and yard sale signs shall be regulated by this Section. Political signs shall be removed within three (3) days following the election or termination of the campaign. All other signs shall be removed immediately following the conclusion of the event or activity to which they are related.

(j) Signs in All Nonresidential Zone Districts and Planned Development Districts. All signs in a nonresidential zone district or Planned Development District require a sign permit and shall be regulated as follows:

(1) Freestanding signs. All freestanding signs shall be ground or monument signs. The sign panel or backing shall be a maximum of six (6) feet high by ten (10) feet long; shall not exceed eight (8) feet in height above finished grade; and must be located within the complex or area or an adjacent road right-of-way. All text must fit within a twenty-four-square-foot rectangle. All ground or monument signs are also required to meet the following requirements:

a. Commercial centers with a floor area of at least fifteen thousand (15,000) square feet of gross leasable floor area shall be permitted one (1) identification monument sign that identifies the center. The maximum size of the sign is the same as for any freestanding sign. A portion of the sign area may be used as a directory to identify individual businesses within the center, provided that a minimum of twenty-five percent (25%) of the area of said sign serves as identification of the center. The sign area of said sign shall not be counted as a portion of the total aggregate sign area allowed for single uses in a center. When a directory

sign is incorporated into the identification sign, consideration should be given to allow space for uses with limited street frontage or visibility over those with high visibility.

b. Commercial centers with less than fifteen thousand (15,000) square feet of gross leasable floor area shall be permitted one (1) identification monument sign identifying the individual uses within the center, provided that a minimum of twenty-five percent (25%) of the area of said sign serves as identification of the center, the sign does not exceed six (6) feet in height above ground level, the total sign area does not exceed one hundred (100) square feet and no sign face exceeds fifty (50) square feet. The sign area of such sign shall not be counted as a portion of the total aggregate sign area allowed for the uses in a center.

c. A single use or business, not part of a center, shall be permitted one (1) identification monument sign, provided that the sign shall not extend more than six (6) feet in height above ground level, the total sign area does not exceed sixty (60) square feet and no sign face exceeds thirty (30) square feet.

d. All ground or monument signs shall be located in a landscaped area which is of a shape, design and size (equal to at least twice the total sign area of all faces) that will provide a compatible setting for the sign. The landscaped area shall be maintained on a reasonable and regular basis.

e. All ground or monument signs shall match the architectural style, character, materials, color and detail of the building or center they advertise. Ground or monument signs shall indicate the address or address range for the use or center with eight-inch minimum, twenty-four-inch maximum letters and numbers. The address shall not count against the allowable sign area.

(2) Wall signs. Wall signs shall be parallel to the wall and project no more than eighteen (18) inches horizontally, in whole or in part, from the wall to which they are attached. Wall signs shall not exceed the height of the wall to which they are attached.

a. Single uses with frontage on one (1) street or parking lot. Each use within a commercial center shall be allowed a total aggregate wall sign area of thirty (30) square feet.

b. The wall sign area may be increased at a rate of one (1) square foot of sign area for each one (1) linear feet of building frontage in excess of thirty (30) linear feet up to seventy-five (75) linear feet, then at a rate of one (1) square foot of sign area for every two and one-half (2½) linear feet of building frontage in excess of seventy-five (75) square feet or such sign area may be increased at a rate of one (1) square foot of sign area for each two hundred (200) square feet of gross leasable floor area (G.L.A.) in excess of nine hundred (900) square feet, whichever is greater.

c. No single wall sign may exceed one hundred fifty (150) square feet in area except to the extent allowed under the planned sign program.

d. Wall signs must be architecturally integrated into the structure to which they are attached.

(3) Buildings and uses with multiple frontages. Buildings and uses with frontage on more than one (1) street or parking lot shall be permitted to place signs on all building sides with frontage on a street or parking lot, up to four (4), in their calculation of permitted sign area.

Determination of frontages, as they relate to the signage, shall be made by the Town Planner. Each side of a business or use with frontage on a street or parking lot shall be allowed a total aggregate wall sign area of thirty (30) square feet. The calculation and location of wall signs for buildings and uses with multiple frontages shall meet the following criteria:

a. Sign area may be increased at a rate of one (1) square foot of sign area for each one (1) linear feet of building frontage (on the side where the sign is located) in excess of thirty (30) linear feet up to seventy-five (75) linear feet, then at a rate of one (1) square foot of sign area for every two and one-half (2½) linear feet of building frontage in excess of seventy-five (75) square feet.

b. One (1) of the sides containing a sign must contain the main entrance to the property.

c. To qualify as a frontage for purposes of determining sign area, sides must be fully exposed to public view and cannot be obstructed by other buildings, properties or uses.

d. No single wall may exceed the maximum sign area permitted calculated using the linear frontage for that same side of the building or one hundred fifty (150) square feet in area, whichever is more restrictive. Sign areas for wall signs may not be reassigned to other building sides, except to the extent allowed under an approved planned sign program.

e. The total maximum wall sign area shall be four hundred fifty (450) square feet.

f. Signage must be architecturally integrated into the structure to which they are attached.

(4) Window signs. Each use shall be permitted to have up to twenty-five percent (25%) of the total window area for signs, which may be temporary or permanent in nature. Window signs greater than four (4) square feet in area shall require a sign permit.

(5) Directional signs. Private traffic directional signs for the purpose of guiding or directing vehicular or pedestrian traffic onto or off of a parking lot or commercial center or within a parking lot or commercial center, are permitted, provided that each sign complies with the standards of the adopted Model Traffic Code or such other traffic code adopted by the Town, does not exceed three (3) square feet per sign face in area and four (4) feet in height and shall not contain any advertising or trade name identification.

(6) Illuminated signs. For the protection of community appearance and to minimize light pollution and traffic hazards caused by glare, illuminated signs shall be subject to the following conditions:

a. Illuminated signs shall be designed to minimize negative visual impacts on nearby residential neighborhoods.

b. Illuminated signs shall conform to the requirements of Section 16-3-90 of this Chapter.

c. Illuminated signs must be approved as part of a planned sign program.

(7) Flags and flagpoles. One (1) flagpole per lot is permitted without a permit and shall be subject to the following requirements. Any flag or flagpole that does not meet the following requirements may be allowed as part of a planned sign program and sign permit:

- a. Flagpoles shall not exceed twenty-five (25) feet in height;
- b. Flags shall not exceed four (4) feet by six (6) feet in dimension;
- c. No more than two (2) flags of any size shall be permitted upon any single pole;
- d. No flag shall be mounted higher than fifteen (15) feet above the maximum height of the building or structure on the property on which the flag will be flown;
- e. No flag shall, when fully unfurled, extend over the property boundary onto any adjoining property or public right-of-way;
- f. No flag shall be erected or maintained so as to allow a flag at rest to reach a height less than ten (10) feet above the ground;
- g. Multiple flagpoles may be permitted when part of an approved planned sign program and shall require a permit;
- h. The United States flag must be lowered at dusk or illuminated throughout the night;
- i. Illumination of the United States flag on a flagpole shall be regulated by Section 16-3-80 of this Chapter. (Permitted, provided that a narrow spread thirty-nine-watt par-metal halide or fifty-watt par-halogen lamp or an equivalent lamp with a similar narrow spread, is used and aimed to only illuminate the top of the flagpole.) The source of illumination (lamp) must be shielded in a manner so as not to be visible from adjacent property. Illumination shall be re-aimed whenever the flag is flown at half-mast and turned off whenever the flag is taken down;
- j. The United States flag must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes;

(8) Banners (architectural). Architectural banners mounted on a pole or streetlight, intended primarily for seasonal use, to identify events or uses within the commercial district are permitted, provided that the banner size shall be appropriate to the pole or streetlight on which it is mounted.

(9) Banners (advertising). Banners shall not exceed forty (40) square feet in total area, shall be nonilluminated, shall be securely attached to a permanent structure and shall not be freestanding. Said signs shall not be placed above the first story of any multi-story building. Banners shall be displayed for no more than fourteen (14) consecutive days per event and fifty-six (56) days per calendar year. Banners for grand openings of a new business shall be permitted for one (1) thirty-day period within the first one hundred eighty (180) days of the opening of the business.

(10) Inflated balloons. Inflated balloons are allowed on a temporary basis, shall not exceed forty (40) feet in height and shall not to be displayed more than three (3) consecutive days per month.

(11) Temporary signs for new businesses. In the event that a business has opened whose permanent sign is not yet available, in order that such business may alert the public of its presence, a temporary sign may be utilized by such business under the following conditions:

a. Such temporary sign must conform to all height and sign area requirements which would be applicable to the permanent sign.

b. A permanent sign must be on order or being constructed prior to the erection of any temporary sign for a business.

c. No temporary sign for a business shall be displayed more than six (6) months after the date of issuance of the sign permit for the permanent sign.

d. Upon erection of any permanent sign for said business, all temporary signs for such business shall be removed.

(12) Real estate signs:

a. One (1) temporary "for sale/rent/lease" wall or freestanding sign per commercial center or use not part of a center, per street frontage, to a maximum of two (2). Said sign shall not exceed thirty-two (32) square feet per sign face and ten (10) feet in height. Such signs shall not count as part of the total sign area allowed per individual use or commercial center.

b. One (1) unlighted real estate sign per individual use in a center, containing the message that the individual store, business or building on which the sign is located is for sale, lease or rent, together with information identifying the owner or agent, shall be allowed without a permit if the following criteria are met: Such signs may not exceed six (6) square feet in area per face and freestanding signs shall not exceed six (6) feet in height. Said sign shall be removed within thirty (30) days after sale, lease or rental. Such signs shall not count as part of the total sign area allowed for the individual use. No permit is required.

(13) Political signs. Political signs erected in connection with proposition elections or political campaigns or elections may be displayed without a permit. When displayed on private property, said sign may not exceed twenty (20) square feet in surface area or six (6) feet in height or be placed in a public right-of-way. Political signs in any right-of-way shall not exceed four (4) square feet in surface area per face nor exceed three (3) feet in height. The person or organization responsible for the erection or distribution of any election signs or the owner of the property on which such signs are located, shall remove such sign within three (3) days following the election or conclusion of the campaign.

(k) Planned Sign Program. Signs may be allowed in any zoning district as part of a comprehensive planned sign program. The intent of this program is to permit some flexibility in the location, design and materials permitted for signage for business, commercial, institutional and Planned Development uses. A planned sign program shall be in substantial compliance with the general residential and nonresidential sign regulations contained in this Section. It is not the intent of these provisions to alter the permitted sign area for any of these uses.

(1) Approval required. Buildings, commercial centers, institutions and Planned Developments may obtain approval of a planned sign program from the Town Planner prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the sign program. Any deviations from an

approved planned sign program shall be unlawful unless and until a revised planned sign program is approved by the Town Planner. The Town Planner shall have the discretion to require Board of Trustees review of any sign program which may result in a significant visual impact or is located in an area which has a significant impact upon the image of the Town.

(2) Planned sign program application. An application for a planned sign program shall be filed with the Town Clerk. The application shall include a deposit for review of the planned sign program application by the Town Planner as denoted in the Town's Fee Schedule and three (3) copies or a number of copies as directed by Town staff, of at least the following information:

a. A copy of the approved site plan showing all existing or approved buildings with the dimensions of building frontage and square footage for each building on site.

d. Building elevation drawing or sketches indicating the exterior surface design details of all buildings on the site.

c. Drawings or photo simulation, to scale, indicating the size, materials, method and intensity of illumination, height, color, sign area and general location of all signs proposed to be included within the planned sign program.

d. For buildings whose tenants have not been determined, the location, materials, method and intensity of illumination and maximum area for each sign that an individual business will be allowed to display.

(3) Failure to comply with an approved planned sign program. A permit for a new planned sign program shall be obtained within ninety (90) days of receipt of notice from the Town Planner that an existing sign program for any structure does not satisfy the terms of the approved planned sign program or if signs displayed in or upon any structure do not comply with the provisions of this Section.

(4) The following signs shall only be allowed when approved as part of a planned sign program, a site review or a site plan amendment by the Town Planner.

a. Signs or building accents which use exposed neon.

b. Illuminated window signs.

c. Awnings, canopies and marquees.

d. Projecting signs.

e. Signs with interchangeable copy or electronic message.

f. Gasoline station price. Price signs shall be integrated into a monument sign that identifies the gasoline station.

g. Corporate trademarked identities, logos or colors when integrated into signs, building colors or building themes.

(5) The Town Planner shall have the authority to approve, approve with conditions or deny these applications based upon one (1) or more of the following:

- a. The quality of the proposed signs.
- b. The visual impact of the proposed signs.
- c. Compatibility with the surrounding uses and buildings.

(l) Enforcement. Any sign not expressly allowed by this Section is prohibited. The Town shall be vested with the duty of enforcing this Section and, in performance of such duty, shall be empowered and directed to:

(1) Issue permits. To issue permits to construct, alter or repair signs which conform to the provisions of this Chapter. The expiration date for such permits shall be specified in each permit and, with respect to installation of signs, shall not exceed one hundred eighty (180) days and shall be issued in conjunction with building permits.

(2) Determine conformance. To ascertain that all signs, constructions and all reconstructions or modifications of existing signs are built or constructed in conformance with all Town regulations.

(3) Legal action. In addition to those penalties set forth in Section 16-1-100 of this Chapter, the Town is hereby authorized to take appropriate action in a court of competent jurisdiction, including the Municipal Court, to: (a) abate or remove unsafe or dangerous signs pursuant to the provisions of applicable Town nuisance regulations or any other applicable regulations; and (b) seek removal of illegal signs as a remedy in the Municipal Court. The Town is specifically authorized to impose fines not to exceed four hundred ninety-nine dollars (\$499.00) per day per violation and, in addition, to seek restitution for any costs associated with the abatement of illegal signs and the enforcement of these sign regulations. The Town is further authorized to immediately remove any signs placed on Town property not in compliance with these regulations.

(4) Right to appeal. Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Board of Adjustment by serving a written notice to the Town within ten (10) working days of the order or denial. An applicant may also appeal to the Board of Adjustment an alleged error by the Town or staff.

(m) Nonconforming Signs.

(1) Definition of nonconforming signs. A *nonconforming sign* shall be any sign which:

a. Was lawfully maintained on the effective date of the ordinance from which the provisions of this Chapter concerning nonconformity derive and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this Chapter in the district in which the sign is located; or

b. Was lawfully maintained and erected on or after the effective date of the ordinance from which the provisions of this Chapter concerning nonconformity derive in accordance with the provisions of this Chapter but which sign, by reason of amendment to this Chapter, after the effective date of said ordinance, does not conform to the limitations established by the amendment in the district in which the sign is located.

(2) Continuance of nonconforming signs. Subject to termination as provided below, any nonconforming sign located on private property may be continued in operation and maintained after the effective date of the ordinance which caused the sign to become nonconforming, provided that the sign shall not be changed in any manner that increases noncompliance of such sign with any Town regulations.

(3) Termination of nonconforming signs.

a. Upon expiration of a lease agreement for said sign, unless extended by the Town.

b. By abandonment. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.

c. By application to change any zoning or use of the property on which the nonconforming sign is located.

d. By destruction, damage or obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed from any cause whatsoever or becomes obsolete or substandard under any applicable ordinance of the Town to the extent that the sign becomes a hazard or a danger.

e. Alteration. The right to maintain a nonconforming sign shall terminate immediately whenever the business name, size, configuration, height, setback or other attribute is altered in any manner or the sign is abandoned.

f. For the purposes of public need or public safety. (Ord. 5 §1, 2009; Ord. 1 §1, 2012; Ord. 04 §6, 2014)