

TOWN OF SILVER PLUME, COLORADO

LAND USE CODE

Adopted April 13, 2015, Ordinance No. 340

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shall correct the violations to avoid revocation.

DIVISION 13 SECURITY AGREEMENT AND FINANCIAL SECURITY

Section 13.1 Security Agreement.

The Board of Trustees at its discretion may require a Security Agreement for subdivision of land or commercial or industrial development with significant infrastructure. The Security Agreement shall include provisions for notice by the Board of Trustees of deficiencies if the Board of Trustees determines that the permittee has not complied with any or all terms of the Agreement, and for the Board of Trustees to draw upon the financial security as may be necessary to complete mitigation, restoration and compliance with the conditions of approval.

Section 13.2 Financial Security.

The Security Agreement will require that the permittee provide the Town with a financial security in the amount and form established by the Board of Trustees at the time of approval of the proposed development. The amount of financial security shall be based upon the estimated cost of mitigation, restoration, and compliance with the conditions of approval, and payable on demand to the Town, except that the financial security shall not be required for reclamation secured by a valid and adequate security instrument held by the Mined Land Reclamation Board.

Section 13.3 Completion and Release of Financial Security.

The Security Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board of Trustees.

DIVISION 14 SIGNS AND OUTDOOR ADVERTISING

Section 14.1 Permit Required.

Unless otherwise provided by these Regulations, a Sign Permit issued by the Building Inspector is required for the display, construction, erection, alteration, and location of signs within the municipal boundaries of the Town. Modification or deviation from the terms or conditions of an approved Sign Permit are prohibited without approval of the Building Inspector.

Section 14.2 Sign and Outdoor Advertising Standards.

- A. **Signage for Marijuana Establishment.** Signage for a marijuana establishment is subject to regulation under Ordinance No. 335.
- B. **Maximum Height of Sign.** Signs shall not be higher than the eave line or

parapet wall of the principal building.

C. **Sign Area.**

1. **General.**

- a. In no event shall any sign, or combination of all signs on a building be greater than the Maximum Aggregate Sign Area Allowance set forth in Section 14.2.C.2.
- b. The Maximum Aggregate Sign Area Allowance shall apply to signage for the primary business located within that building. Each additional business located within the building shall increase the total allowable maximum sign area for said building by one and one-half (1 1/2) square feet so long as each business used to increase said sign area is included and advertised in the buildings signage. In the event that any business ceases to exist in said building, the sign area allowed shall revert to the allowable amount for the building and businesses remaining.

2. **Maximum Aggregate Sign Area Allowance.**

- a. **Buildings with Frontage of Less than 25'.** For those buildings having a frontage along one or more public streets of less than twenty-five (25) feet in length, the maximum aggregate sign area allowable shall be calculated at the rate of one and 2-tenths (1.2) square feet of sign area per lineal foot of building frontage.
- b. **Buildings with Frontage of 25'-50'.** For those buildings having a frontage along one or more public streets of twenty-five (25) feet to fifty (50) feet, the maximum aggregate sign area allowable shall be calculated as thirty (30) square feet plus six-tenths (0.6) of a square foot of sign area per lineal foot of building frontage in excess of twenty-five (25) feet.
- c. **Buildings with Frontage of More than 50'.** For those buildings having a frontage along one or more public streets of more than fifty (50) feet in length, the maximum aggregate sign area allowable shall be calculated as forty-five (45) square feet plus three-tenths (0.3) of a square foot of sign area per lineal foot of building frontage in excess of fifty (50) feet, up to a maximum of eighty (80)

square feet of aggregate sign area.

- d. **Tracts of Land Developed for Use but without Substantial Buildings.** For those tracts of land which are developed for use but have no substantial buildings thereon, the maximum aggregate sign area shall be calculated at the rate of two-thousandths (0.002) of a square foot of sign area per square foot of tract area, up to a maximum of one hundred twenty (120) square feet of aggregate sign area. No one sign may exceed the size limitations specified for each type of sign.
- e. **Signs Identifying Building Name.** Signs identifying a building name are allowed in addition to all other signage at a business location provided that such signage does not exceed two-thousandths (0.002) of a square foot of sign area per square foot of land area, only the building name is written thereon, and all other provisions of this sign code are complied with.

D. **Structural Characteristics:**

1. **Projecting Signs.**

- a. **Minimum Height.** Projecting signs that project over any public right-of-way shall be a minimum of eight (8) feet above grade, and shall not extend more than four (4) feet from the building wall unless the sign is an integral part of an approved canopy or awning.
- b. **Maximum Sign Area.** No projecting sign shall exceed twenty (20) square feet in sign area.

2. **Wall Signs.**

- a. **Maximum Extension from Building Wall.** No sign part, including cut-out letters, shall extend more than six (6) inches from the building wall.
- b. **Maximum Sign Area.** No wall sign shall exceed forty (40) square feet in sign area.

3. **Signboards.**

- a. Signboards shall be located off the public right-of-way and wholly within the property of the place of business.
 - b. No business shall have more than one (1) signboard.
 - c. Signboards shall not be greater than six-and-a-half (6.5) square feet in total sign area.
 4. **Signs on Awnings.** Lettering on awnings is allowed and shall be included in the computation of the aggregate square footage of sign area for the building. Signs on awnings shall be considered to be "wall signs" for the purpose of measuring and regulating the sign area. No signs may be attached to or suspended from an awning.
- E. **Residential District Sign Restrictions.** Signage in the Residential District shall be restricted to the following:
1. **Sign Identifying Occupant or Home-based Business.** Wall sign identifying the occupant or home business, not to exceed two (2) square feet in sign area per dwelling unit.
 2. **Sign Identifying Institutional Use and Public Buildings.** Wall sign identifying institutional uses such as school or public building.
 - a. **Maximum Aggregate Sign Area.** The Maximum Aggregate Sign Area along one street shall not exceed 1 square foot of sign area for each five (5) feet of frontage occupied by the building within which the principal use is conducted. Sign area for one use shall not exceed 20 square feet on any single frontage.
 - b. **Height.** The sign shall not exceed the height of the building within which the principal use is conducted.

Section 14.3 Sign Permit Application Materials

An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Building Inspector and the Mayor that the application has been submitted.

- A. **Waiver.** The Building Inspector may waive any part of the submittal requirements when the information would not be relevant to

determining whether the proposed sign complies with the Sign Permit approval standards in Section 14.5

- B. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
- C. **Application Materials.** An applicant shall submit two copies of each of the following materials.
 - 1. **Sign Permit Application.** Completed Sign Permit Application form. The Sign Permit Application form is available through the Town Clerk.
 - 2. **Site Plan.** A site plan, drawn to scale, showing the proposed location and orientation of the proposed sign. The site plan shall include all easements, rights-of-way, sidewalks and paths, and streets that may affect or be affected by the location of the proposed sign.
 - 3. **Scale Drawing of the Sign.** A scale drawing of the proposed sign, that includes exact dimensions and area calculations, text, color and materials proposed for the sign.
 - 4. **Description of Sign Illumination.** A detailed description of the sign illumination.
 - 5. **Electrical and Engineering Data.** Electrical and engineering data sufficient to prove the safety and reliability of the proposed sign.
 - 6. **Insurance or Bond Coverage.** The Town may require the owner of a proposed projecting sign which extends over public right-of-way to provide insurance or bond coverage that is acceptable to the Town for purposes of indemnifying the Town from liability in the event of damage or injury due to collision or structural failure.

Section 14.4 Sign Permit Decision Process.

- A. **Decision by Building Inspector.** Within sixty (60) calendar days of receipt of a complete application, the Building Inspector shall approve, approve with conditions or deny the application based on the proposed sign's compliance with the sign permit approval standards in Section 14.5.

- B. **Appeal of Sign Permit Decision.** A sign permit decision may be appealed to the Board of Adjustment as provided in Section 7.2.

Section 14.5 Sign Permit Approval Standards.

- A. **Complies with Sign and Outdoor Advertising Standards.** The proposed sign shall comply with the applicable standards for signs and outdoor advertising in Section 14.2, and is not prohibited by provisions of these Regulations.
- B. **Advertises or Identifies Legally Established Use.** The proposed sign advertises or identifies a business or use legally established under these Regulations and all applicable Town ordinances.
- C. **Located on the Property that Contains Advertised Use.** The proposed sign shall be wholly located on the property that contains the advertised use.
- D. **Illumination.**
1. **No Impact to Neighboring Property.** Neither the direct or reflected light from the light source illuminating the sign shall cause glare or otherwise adversely impact neighboring property.
 2. **No Impact to Traffic.** Neither the direct or reflected light from the light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
- E. **Safety.** The sign shall be constructed and installed in a manner that does not create a hazard for pedestrian or vehicular traffic.

Section 14.6 Signs that Do Not Require a Permit under These Regulations.

- A. **Governmental Signs.**
1. Governmental signs to control traffic or for other regulatory purposes, including street name signs and signs erected for public safety purposes.
 2. Town of Silver Plume and Clear Creek County public information, directional and/or identification signs approved by the Town Board of Trustees.

3. Any signs required to be posted by local, state, or federal laws or regulations.
- B. **Changes to Advertising Copy and Routine Maintenance.** Change to advertising copy or message or routine maintenance and repair of a legally established sign that does not include structural alterations.
- C. **Signs Painted on Windows and Interior Signs.**
 1. Signs painted onto the window of a building where the business being advertised is located.
 2. Signs located inside the window of a building, except that any sign which is located within five feet (5') of any window shall not have any flashing or moving lights which would produce any glare or distraction for any passing motorist.
- D. **Temporary Signs that Do Not Require a Sign Permit.** Unless prohibited in Section 14.7, the following temporary signs and advertising devices are allowed in all zone districts and do not require a sign permit. Temporary signs and advertising devices shall comply with the applicable standards in Section 14.2.
 1. **Temporary Political Campaign Signs.** All political campaign signs shall be removed no later than seven (7) days after the election for which they are intended.
 2. **Real Estate Signs.** One (1) real estate sign located on the lot being offered for sale, rent or lease. The real estate sign shall be removed no later than seven (7) days after the closing of the real estate conveyance.
 3. **Community Event and Non-Profit Fund Raising Signs.** Signs announcing any public, charitable, educational, or religious event or function. These signs shall be removed not later than seven (7) days after the event.

Section 14.7 Prohibited Signs.

The following signs and advertising devices are prohibited in all zone districts.

- A. **Structurally Unsafe Signs.** Signs that are structurally unsafe or hazardous.

- B. **Signs Obstructing Ingress or Egress.** Signs that obstruct or interfere with ingress or egress at any door, window or fire escape.
- C. **Signs Obstructing Visibility.** Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right-of-way.
- D. **Signs with Moving Parts.** Signs with visible moving, revolving, or rotating parts.
- E. **Signs with Flashing or Fluttering Lights.** Signs with flashing or fluttering lights, except temporary holiday decorations.
- F. **Illuminated Signs.** Illuminated signs are prohibited except as follows:
 - 1. Illumination with lighting directed at the sign in a manner conforming with Section 14.5.D
 - 2. One neon or similarly illuminated sign, not more than two (2) square feet in sign area, indicating whether the business is open or has a vacancy.
 - 3. Temporary holiday decorations.
- G. **Portable Signs.** Signs placed on vehicles or other mobile units that are parked or located on the street, alley or private property for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity located on the premises or nearby.
- H. **Signs Painted on Roof.** Signs painted on the roof of any building or structure.
- I. **Signs on Natural Features.** Signs painted on rocks or other natural features.
- J. **Off-Premises Signs.** Signs not located on the property or business identified or advertised by the sign, and signs located in the public right-of-way or easement, unless the Board of Adjustment determines that an off-site sign is necessary to promote the interests of the use to which it relates. An off-site sign shall otherwise conform to the requirements of these Regulations.
- K. **Freestanding Signs.** Except as otherwise provided in this Division, free-

standing signs are prohibited within the municipal boundaries of the Town.

Section 14.8 Non-Conforming Signs.

Non-conforming signs, legally existing at the time of adoption of these Regulations, may continue in use provided they are maintained in good repair and condition and are not altered so as to increase the degree of non-conformity with these Regulations. If a non-conforming sign is damaged or destroyed for any reason, it may be reconstructed in compliance with its non-conforming status provided such reconstruction occurs within one (1) calendar year of its destruction.

Section 14.9 Definitions of Words and Terms Specific to this Division 14.

Frontage, for the purposes of computing the Maximum Aggregate Sign Area Allowance, means that portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street, measured in a single straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some other purpose than business.

Sign means an object or device which is used to advertise, identify, display, direct or attract attention to an object, place, person, institution, organization, business, product, service, event, or location.

Signboard means a moveable sign that is not permanently attached to the building or ground.

Sign, Free-standing means a sign structurally separate from the building, being supported on itself or on a standard(s), leg(s), column(s), brace(s), or upright(s).

Sign, Projecting means a sign, other than a wall sign, attached to and projecting from a building.

Sign structure means any supports, uprights, braces, or columns to which a sign is affixed, excluding any portion of the sign structure which is incorporated into the sign or the sign's message.

Sign, Wall means any sign painted on, incorporated in, or affixed to a building wall, or any sign consisting of cut-out letters, symbols, or other devices affixed to the building wall.