

ORDINANCE NO. 3.324, Series of 2016

TITLE: A BILL FOR AN ORDINANCE TO REPEAL AND REENACT CHAPTER 13.09 OF THE PARKER MUNICIPAL CODE CONCERNING THE TOWN OF PARKER SIGN CODE

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Chapter 13.09 of the Parker Municipal Code is repealed and reenacted as follows:

CHAPTER 13.09

Sign Code

13.09.010 Purpose and intent.

The purpose of this Chapter is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the Town of Parker, which are subject to the provisions of this Chapter. More specifically, this Chapter is intended to:

- (1) Enhance and protect the physical appearance of the Town;
- (2) Further the values, goals and policies set forth in the Town's Master Plan;
- (3) Protect property values;
- (4) Promote and maintain visually attractive, high-value residential, retail, commercial and industrial areas;
- (5) Promote the economic well-being of the community by creating a favorable physical image;
- (6) Ensure that signs are located and designed to:
 - a. Provide an effective means of way-finding in the community;
 - b. Afford the community an equal and fair way to advertise and promote its products and services;
 - c. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;

d. Minimize the disruption of the scenic views which when maintained protect important community values; and

e. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication;

(7) Provide review procedures that assure that signs are consistent with the Town's objectives and within the Town's capacity to efficiently administer the regulations; and

(8) Provide for and ensure the protection of the free speech rights of the Town's citizens, residents, businesses, and visitors as established in the United States and Colorado constitutions.

13.09.020 General provisions.

(a) Applicability. All construction, relocation, enlargement, alteration, and modification of signs within the Town shall conform to the requirements of this Chapter.

(b) Permit required. A sign permit issued in accordance with the administrative procedures set forth in Subsection 13.09.040(c) of this Chapter shall be required for all permanent signs allowed under this Chapter, unless otherwise exempted by Subsection (d) below or as otherwise set forth herein. In addition, a new sign permit shall be required for any change or modification to the sign location, size, shape or other characteristic of the sign except its message.

(c) Registration required. Registration in accordance with the administrative procedures set forth in Subsection 13.09.040(b) of this Chapter shall be required for all temporary signs allowed under this Chapter, unless otherwise exempted by Subsection (d) below or as otherwise set forth herein.

(d) Exemptions. The following signs and displays are exempted from regulation and permitting under this Chapter:

(1) Any sign required by a valid and applicable federal, state or local law, ordinance or regulation;

(2) Signs and other visual displays erected by, or at the direction of, federal, state or local governmental or quasi-governmental agencies;

(3) Any sign not legible from any right-of-way or abutting property;

(4) Decorative lighting displays, *i.e.*, holiday lights, that do not display a commercial message; provided: (i) that such displays comply with the lighting standards set forth in Section 13.10.140 of this Title; and (ii) that such displays may not be displayed for longer than two consecutive months per year in all zoning districts except such displays are allowed year-round in the

Historic Center and Pikes Peak Center design districts of the Greater Downtown District;

(5) Any sign smaller than two square feet in area, if located on a residential parcel;

(6) Signs conforming to or required by the Manual of Uniform Traffic Control Devices, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F;

(7) Signs on athletic fields and scoreboards intended for on-premises viewing;

(8) Signs located on any Town-owned property not specifically addressed in this Chapter;

(9) Signs displayed on motor vehicles, including trucks, buses, trailers or other motor vehicles operated in the normal course of business, subject to the following limitations:

a. Any vehicle utilized for the display of a motor vehicle sign must have all required State of Colorado licenses, license plates and inspection stickers, and must be currently operable;

b. Any vehicle utilized for the display of a motor vehicle sign must be regularly operated, which shall mean that the vehicle must leave the premises on a regular basis for a business purpose, and any such vehicle shall not be parked in excess of twelve (12) continuous hours within one hundred fifty (150) feet of a business location unless such vehicle is being offered for sale, lease, or rent from such business; and

c. Any motor vehicle sign shall be magnetic, have vinyl graphics, or be painted directly on the vehicle. A motor vehicle sign may be attached to a hitch on the vehicle, but such sign may not protrude more than eighteen (18) inches from the rear bumper of the vehicle; and

(10) Signs displayed in accordance with an approved community event plan pursuant to Chapter 10.08 of this Code.

(e) Exception to permitting requirement. Any permanent freestanding sign(s) meeting the requirements of Subparagraph 13.09.080(f)(2)a. of this Chapter shall not require a permit.

(f) Prohibited signs. Without limiting the generality of any other permissions or prohibitions contained in this Chapter, the following signs are expressly prohibited by this Chapter:

(1) Except in accordance with Chapter 10.13 of this Code, any sign placed by a nongovernmental person or entity and located within the right-of-way;

(2) Any sign or display that would conflict with the provisions of the Colorado Roadside Advertising Statute, Section 43-1-401, *et seq.*, C.R.S., as the same may be amended from time to time;

(3) Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners and other similar types of attention-getting devices, except for changeable copy signs when in compliance with the applicable regulations in this Chapter;

(4) Handheld commercial signs;

(5) Signs which incorporate projected or three-dimensional images, emit any sound which is intended to attract attention or involve the use of live or preserved animals;

(6) Roof signs and other roof-mounted signs or signs which project above the highest point of the roofline or fascia of a building upon which such sign or signs are attached;

(7) Temporary signs with more than one (1) face where the faces meet at an angle greater than zero (0) degrees, as shown in Figure 1 (otherwise referred to as V-shaped or angle signs);

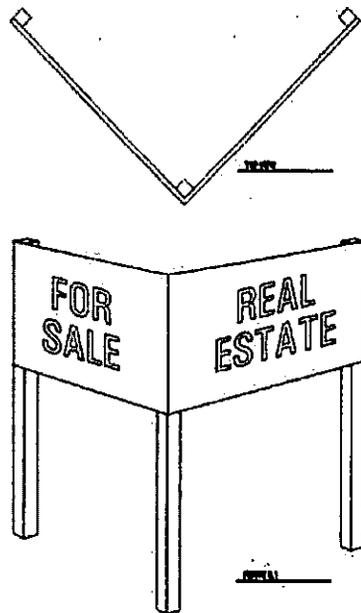


Figure 1
V-Shaped or Angle Signs

(8) Signs advertising or promoting businesses or events of a commercial nature occurring on a parcel other than that upon which the sign is located, except as expressly allowed in this Chapter;

(9) Signs with more than two (2) faces.

(10) Signs with commercial messages that concern illegal activity or are false or misleading, and

(11) All other signs not expressly allowed pursuant to this Chapter.

(g) Interpretations.

(1) Prohibited signs. All signs not expressly allowed in accordance with this Chapter are prohibited.

(2) Interpretation by director. Unless otherwise stated in this Chapter, all determinations, findings, and interpretations shall be made by the Planning Director.

(3) Conflicts. No provision of this Chapter shall be interpreted as authorizing the erection or maintenance of any sign or display in a manner that would conflict with the provisions of the Colorado Roadside Advertising Act, Section 43-1-401, *et seq.*, C.R.S., as the same may be amended from time to time. In the event of a conflict between this Chapter and any other applicable provision of federal, state or local law, the more strict provision will govern.

(4) Substitution of messages. This Chapter is not intended to, and shall not be interpreted to restrict noncommercial speech on the basis of its content, viewpoint, or message. Any commercial sign authorized to be erected by this Chapter may display a noncommercial message.

(h) Severability. The invalidation of any section, subsection, clause, word, or phrase of this Chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this Chapter:

(i) Transitional provisions.

(1) Pending permits. If a permit for a sign has been submitted or issued in accordance with all Town regulations in effect prior to the effective date of this Chapter, and provided that construction on such sign is commenced within one hundred eighty (180) days of date upon which the Town approved such permit and such construction is diligently pursued to completion, said sign may be completed in accordance with the approved permit. Following completion of the sign, to the extent such sign does not conform to the provisions of this Chapter as the same may be in effect from time to time,

such sign will be subject to the nonconforming use provisions set forth in Section 13.09.100 of this Chapter, as applicable.

(2) Prior violations. All violations of the sign regulations repealed by the adoption of this Chapter shall remain violations of the ordinances of the Town, and all penalties and enforcement remedies set forth herein shall be available to the Town as though the violation were a violation of this Chapter; provided, however, that if the effect of the enactment of this Chapter is to make a sign that was formerly unlawful or nonconforming become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this Chapter.

13.09.030 Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this Section shall have the meanings indicated when used in this Chapter. Words and phrases used in connection with measurement of signs are set forth in Section 13.09.050 of this Chapter.

Architectural feature means any construction attendant to, but not an integral part of, the sign, which may consist of landscape, building or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serve a functional purpose or, when the stripes or other painting techniques are applied to a building, provided that such treatment does not include lettering, logos or pictures.

Building Unit means a space in a building that is leased or occupied by a commercial tenant or other occupant.

Building wall means any vertical surface of a building or structure that is integral to and can reasonably be construed as part of the architecture of the building. Examples of building walls include, but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc. Building wall shall not include pitched roofs, mansard roofs, fences or retaining walls.

Commercial means proposing or otherwise encouraging one or more commercial transactions.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols and is attached to a pole and which is intended to be permanently affixed to the ground or attached to a building.

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 that is within letters or designs that are themselves made of translucent materials.

Illumination, external means lighting by means of a light source located outside of the sign.

Noncommercial means any message or other communication that does not meet the definition of commercial.

Nonresidential means any use that does not meet the standard for a residential use, including any vacant parcel.

Parcel means a lot, tract, plot or portion of a subdivision or other parcel of land in single ownership and not divided by a public right-of-way, so long as such area of land complies with the Land Development Ordinance of the Town of Parker. The term *lot* or *tract* may also be referring to a parcel. A business, commercial, industrial or office park or a shopping center shall constitute a single parcel.

Residential means any primary allowed land use that includes one or more dwellings. Residential uses expressly include single-family, duplex, townhome, and multiple-family dwellings.

Right-of-Way (or *ROW*) means a sidewalk, curb, street, alley, bike path or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.

Sign means any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct, or inform.

Sign, abandoned means any sign (together with its supporting structure) that no longer advertises or identifies a bona fide business, owner, lessor, person, service, product, event or activity, or for which no legal owner can be found. This definition 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.

Sign, banner means a sign made of lightweight fabric or similar material with no enclosing framework.

Sign base means the pedestal or other structural feature that is directly affixed to the ground on any ground-mounted sign.

Sign, building means any sign attached to any part of a building and including wall, awning, canopy and projecting signs.

Sign, changeable copy means a portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or

electronic message board. Changeable copy signs shall be classified as permanent signs.

Sign, electric means any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights.

Sign, freestanding means a sign supported from the ground and not attached to any building.

Sign, handheld means a sign that is, or was intended to be, held by, attached to, or affixed on an individual.

Sign, Inflatable means any inflatable shape or figure designed or used to attract attention to a business event or location.

Sign, instructional means a sign reasonably necessary for the safe circulation of pedestrian or vehicular traffic within a given parcel, which may be freestanding or attached to a building.

Sign, motor vehicle means a sign displayed on motor vehicles, including trucks, buses, trailers or other motor vehicles such as moving vans, delivery trucks, rental trucks, trailers and the like, but not including vehicles used for commercial transit and licensed by the Public Utilities Commission of the State such as taxis and buses.

Sign, nonconforming means any sign that:

a. On the effective date of the ordinance codified in this Chapter, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior applicable sign regulation but does not conform to the limitations established by this Chapter; or

b. On or after the effective date of the ordinance codified in this Chapter, was lawfully maintained and erected in accordance with the provisions of this Chapter but, by reason of amendment to this Chapter after the effective date thereof, does not conform to the limitations established by the amendment to this Chapter in the district in which the sign is located.

Sign, permanent means a sign that is designed to be used on a permanent basis and is intended to be attached to a building wall or sign structure or installed in the ground. Permanent signs expressly include blade/bracket signs, building signs, freestanding signs, and projecting signs.

Sign, projecting means a sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular to) the building wall and twelve (12) inches or more beyond the face of the wall. A *projecting sign* shall also include a blade or bracket sign, or a combination of these sign styles, that hangs

or extends twelve (12) inches or more from a building wall, eave, fascia, canopy, awning or sign structure.

Sign, roof means a sign, or any portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building, whether the principal support for the sign is on the roof, wall or any other structural element of the building.

Sign, sandwich board means a portable sign that is an A-frame-type sign that is hinged or unhinged, or is vertical and located on skids or runners, and which is portable and temporary in nature. A sandwich board sign does not include a sign attached to or affixed on an individual.

Sign structure means the supports, uprights, bracing or framework designed to support or exhibit a sign as it is regulated by the building code for structural soundness; provided, however, that sign structures shall not include fences or retaining walls.

Sign, temporary means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building wall or sign structure or permanently installed in the ground. Temporary signs expressly include banner signs, and may be building or freestanding signs.

Sign, wall means a type of building sign that is applied or attached to an exterior wall of a building.

Sign, window means a sign that is applied or attached to a window or door or a sign located near a window or door within a building for the purpose of being visible to and read from the outside of the building. Window signs may include permanent or temporary signs.

Subdivision tract means land designated on a final subdivision plat as a "tract" or otherwise designated for conveyance or dedication to a metropolitan district, owners association, or other entity allowing for common ownership of such land by the owners of lots within the subdivision, and used for the purpose of open space, parks, landscaping. For purposes of this Chapter, the term "subdivision tract" applies only to tracts, adjacent to right-of-ways, in subdivisions that contain one or more lots intended for single-family residential development.

13.09.040 Administrative procedures.

(a) Applicability. All signs requiring a sign permit or registration and regulated under this Chapter shall be allowed in accordance with this Section.

(b) Temporary signs. The Town will permit temporary signs on residential and nonresidential parcels in accordance with the following standards and procedures:

(1) Registry. All temporary signs must be registered with the Planning Department prior to being displayed. The Planning Department will maintain an electronic registry of all temporary signs, which registry will include the following information for each sign:

- a. Temporary sign registrant name, address, phone number and email address;
- b. Parcel owner name, address, phone number and email address;
- c. Parcel address;
- d. Approximate sign dimensions;
- e. Approximate sign location; and
- f. Commencement date and anticipated duration of sign display.

(2) Registry Not Required. Notwithstanding Paragraph (1) above, registration of temporary signs will not be required between October 1 and November 15 of each calendar year. During such period, temporary signs will be required to conform in all other respects to the provisions of this Chapter.

(3) Planning Department review. The Planning Department may cause any sign that does not comply with the standards set forth in this Chapter, including any sign that is not registered in accordance with this Section, to be removed immediately and without notice.

(c) Permanent signs. The Town will issue sign permits for permanent signs on residential and nonresidential parcels in accordance with the following standards and procedures:

(1) Submittal requirements. Any person desiring a sign permit shall submit the following materials to the Planning Department for the consideration of the permit request:

- a. Completed application form (application forms are available from the Planning Department);
- b. Application fee, as set by the Town Council from time to time;
- c. A scaled drawing of the proposed signage, including the location of the signage relative to other improvements on the subject property and, for freestanding signs, setbacks from property lines; and
- d. Any other supplemental materials deemed necessary for the review of the permit request.

(2) Completeness review. The Planning Department shall check each application submittal for its completeness, and provide notification to the applicant of any deficiencies in the application within a ten (10) days following receipt and review thereof. Upon the Planning Department's determination that the application is complete and receipt of all fees associated with the application, the application shall be reviewed by the Planning Department or its designee for conformity with this Chapter.

(3) Approval or denial. If the Planning Department finds that the sign permit application is in conformance with the provisions of this Chapter, the Code, and any other applicable regulations, including, if applicable, an approved planned sign program, the Planning Department shall issue a sign permit to the applicant within thirty (30) days of the date the completed application and applicable fee was filed. If the Planning Department does not approve the sign permit application, the Planning Department shall provide written notice of the denial, together with the reasons for the denial.

(4) Inspection. Because of the potential hazard to the public resulting from badly constructed or installed signs, all signs shall be inspected by the Building Division immediately after installation. Any signs found not to conform with the requirements of this Chapter and the approved sign permit shall be made to conform or be removed as provided in this Chapter.

(5) Appeals. Any applicant who is denied a sign permit may file a written appeal to the Planning Commission within ten (10) days following receipt of the written copy of the denial. Any nonprevailing party may file an appeal from the Planning Commission decision in accordance with applicable state law.

(6) Expiration. An approved sign permit shall expire one hundred eighty (180) days from the date of approval if no permitted signs have been constructed or erected within such time period.

(d) Variances.

(1) Applicability. Variances and other exceptions to the standards set forth in Sections 13.09.060, 13.09.070 and 13.09.080 of this Chapter may be granted in accordance with this Section; provided, however, that no variance shall be allowed to exceed the allowed sign area or sign height.

(2) Administrative variances. Upon receipt of an application for a variance pursuant to this Chapter, an administrative variance may be approved by the Planning Director if the variance meets all of the following criteria:

a. The applicant shall submit a completed sign application and appropriate fees to the Planning Department.

b. The applicant shall also submit a narrative letter describing the nature of the sign variance request as well as the hardship placed on the applicant resulting in the request.

c. Approval or denial of a variance pursuant to this subsection shall be based upon the criteria contained in Paragraph (d)(4) below.

d. A variance qualifies for an administrative variance if it requires less than a fifteen percent (15%) variance from the applicable regulation.

(3) Major variances. Any sign that does not conform to the provisions of this Chapter and does not qualify as an administrative variance pursuant to Paragraph (d)(2) above may be approved by the Town Council, upon recommendation from the Planning Commission, pursuant to the following:

a. The applicant shall submit a completed variance application and appropriate fees to the Planning Department.

b. The applicant shall also submit a narrative letter describing the nature of the sign variance request as well as the hardship placed on the applicant resulting in the request.

c. The Planning Department shall set a time before the Planning Commission and Town Council to consider the request at a public hearing.

d. Notice of the public hearing shall be provided as outlined in Chapter 13.08 of this Title.

e. Approval or denial of a variance pursuant to this subsection shall be based upon the criteria contained in Paragraph (d)(4) below.

f. All sign variance requests shall be processed in accordance with Section 13.04.260 of this Title.

(4) Approval criteria. No such variance shall be approved or recommended by the approving authority unless it finds that:

a. The strict application of the Chapter would produce peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property;

b. Such hardship results from exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Chapter, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property;

c. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity, and the condition or situation

of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Chapter;

d. The authorization of such variance will not result in substantial detriment to adjacent property or the public good, materially change character of the district, or substantially impair the intent and purpose of the Chapter; and

e. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(e) Enforcement.

(1) Revocation of a sign permit.

a. Any signs found not to be in conformance with this Chapter shall be subject to revocation of the sign permit.

b. Except for signage that is included within an approved planned sign program, if any work on the sign as allowed has not commenced within a period of one hundred eighty (180) days from the date the sign permit was issued, the sign permit automatically expires. The Director may allow an extension of up to thirty (30) days for construction delays that are not the result of willful acts or neglect by the permittee.

c. No refund of any fees will be made if the sign permit is revoked or expired under the provisions of this Section.

(2) Fines and penalties.

a. Except as provided by Subparagraph b. below, any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each and every day on which any violation of this Chapter is committed, exists or continues shall be deemed a separate offense.

b. At the sole discretion of the Neighborhood Services Officer, the penalty assessment procedure provided in Section 3.03.300 of this Code may be used by the Neighborhood Services Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period:

1. First violation: fifty dollars (\$50.00).
2. Second violation: one hundred dollars (\$100.00).
3. Third violation: two hundred dollars (\$200.00).

4. Fourth violation: A summons and complaint shall be required.

13.09.050 Rules of measurement.

The following regulations shall control the computation and measurement of sign area, sign height, building frontage and street frontage:

(1) Sign area.

a. General. The sign area shall include the face of all the display area of the sign. The sign area shall include the frame and structural support unless such structural support is determined to be an architectural feature as defined in Section 13.09.030 of this Chapter, or except as specifically exempted by Subparagraph (1)d. below. Architectural features that are either part of a building or part of a freestanding structure as illustrated on approved site plan and sign plan elevations are not considered signs and are thus exempt from these regulations, however, any architectural feature that is part of a sign structure shall be subject to the height restrictions set forth in this Chapter.

b. Backgrounds. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the entire area within a single contiguous perimeter of not more than eight (8) straight lines enclosing the extreme limits of the sign, including the background or frame.

c. Irregular shapes. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, the area of the sign shall be the entire area within a single contiguous perimeter of not more than eight (8) straight lines enclosing the extreme limits of all the elements in the display. For other irregularly shaped or circular signs, the area may be measured by means including mathematical methods of calculating area, *i.e.*, πr^2 for a circular sign, etc. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.

d. Sign faces. For freestanding and projecting signs, the sign area shall be computed by the measurement of: (a) both of the sign faces when both sign faces contain a display; or (b) only one of the sign faces when the reverse sign face is blank. For any sign that has two (2) display surfaces that do not comply with the above regulation, then each surface shall be included when determining the area of the sign. In determining the area of freestanding signs, the following shall be exempted from being considered as part of the maximum allowed area:

1. The air space under a freestanding sign between supporting posts, other airspace between a projecting sign and the wall to which it is attached. (See Figure 2.)

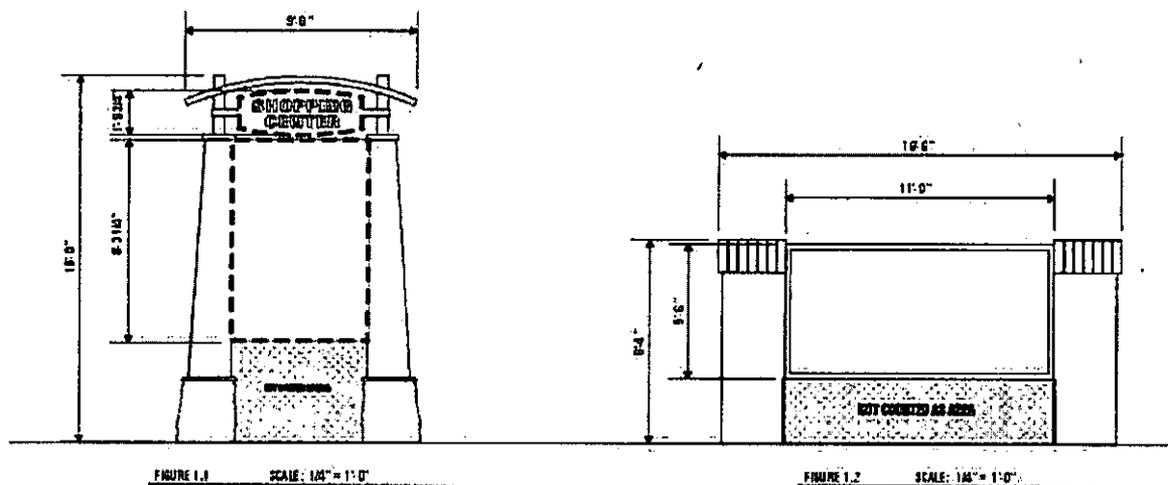


Figure 2
Calculation of Freestanding Sign Area

2. Additional base area, framing or structural supports or other portions of the sign when such areas are determined to be:

- a) Constructed and designed with materials which are similar to, or compatible with, the architecture of the building or other site features;
- b) Not intended or designed to include messages; and
- c) Exclusive of colors, trademarks or any other decorative design features that are primarily intended to attract attention rather than be unobtrusive or compatible with the architecture of the building or other site features.

(2) Sign height. The height of a freestanding sign shall be measured from the elevation of the edge of the nearest public right-of-way facility immediately adjacent to or nearest the sign structure, to the highest point of the sign, its frame or decorative features, unless said elevation is higher than the base of the sign, in which case it is measured from the base of the sign or the predevelopment grade, whichever is lower.

(3) Building frontage. For the purposes of this Chapter and for determining allowable wall sign area, the building frontage shall include the building walls that: (1) face a public or Town-approved private street; (2) face a parking lot which serves the use; or (3) contain the primary public

entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public or Town-approved private street.

a. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.

b. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.

c. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

d. The primary frontage shall be the building frontage that includes the main access point to a building or building unit. (See Figure 3.)

e. The secondary frontage shall be all other frontages. (See Figure 3.)

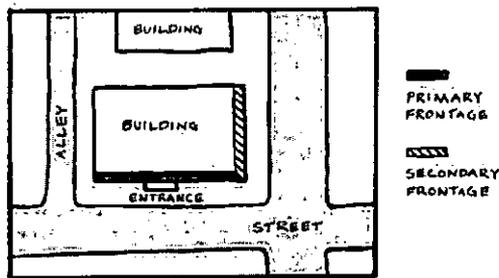


Figure 3
Primary and secondary frontage

(4) Street frontage. For the purposes of this Chapter and for determining allowable freestanding sign area, street frontage is the length of the public or Town-approved private street or both, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations, a public alley is not considered a public or Town-approved private street. For the purposes of this Chapter, standards, which are based on a minimum length of the street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise.

(5) Sign setbacks. The required setbacks for the sign shall apply to all elements of the sign, including its frame and base. The setback shall be measured from the parcel boundary or the interior line of the sidewalk, whichever is less permissive.

13.09.060 General requirements for all allowed signs.

(a) Applicability. All signs requiring a sign permit under this Chapter shall comply with the provisions set forth in this Section except to the extent superseded by a planned sign program approved in accordance with Section 13.09.090 of this Chapter.

(b) Preservation of sight lines. For the purpose of assuring that drivers and pedestrians have adequate visibility at the intersection of a roadway, street, driveway, trail or alley, no sign or portion of a sign shall be designed or erected in a manner so as to conflict with the Town of Parker Roadway Design and Construction Criteria Manual.

(c) Illumination. Signs shall be allowed to be illuminated in accordance with Paragraph (c)(4) below, subject to the lighting provisions contained in Section 13.10.140 of this Title:

(1) Animation. Signs shall not include animated, flashing, moving or intermittent illumination, except that the message on any changeable copy sign may change at the rate established in Paragraph 13.09.070(6) of this Chapter.

(2) Illumination prohibited. Illumination shall be prohibited on: (a) signs accessory to a single-family dwelling, or duplex; or (b) any temporary sign.

(3) Internal illumination.

a. Internally illuminated signs are prohibited on parcels containing multiple-family residential uses.

b. For signs located within two hundred (200) feet of a residential zoning district; internal illumination of the background portion of the sign is prohibited.

c. All internally illuminated signs shall comply with the following:

1. Except as provided in Subparagraph 3. or 4. below, the sign shall be constructed with either: an opaque background and translucent letters and symbols or a translucent darker-colored background with a lighter contrasting color for the letters and symbols;

2. Internal lighting shall not include exposed neon, LED, incandescent, fluorescent or other bulbs;

3. A changeable copy sign may be internally illuminated;

4. Internally illuminated signs shall not be allowed within the Historic and Pikes Peak Districts of the Greater Downtown District.

(4) External illumination.

a. Signs on a parcel containing one or more multiple-family residential uses may be externally illuminated in accordance with the provisions of this Paragraph.

b. Signs located within a subdivision tract may be externally illuminated in accordance with the provisions of this Paragraph.

c. The external illumination of freestanding signs shall comply with the following:

1. Any external lighting for signs that have a height greater than eight (8) feet must be from the top of the sign and directed downward; and

2. The lighting of signs that have a height of eight (8) feet or less may be illuminated from the top of the sign or from the ground.

d. Externally illuminated building signs may only be illuminated from the top of the sign.

e. Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that illumination beyond the sign face is minimized.

(d) Construction. All signs shall be constructed in accordance with the following requirements:

(1) Compliance with building code. The construction, erection, safety and maintenance of signs shall comply with all building regulations of the Town, including building permit requirements where necessary. Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.

(2) Safety. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic. No sign regulated by any of the provisions of this Chapter shall be erected in proximity to railroad crossings or at the intersection of any streets in such a manner as to obstruct free and clear vision; 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; or which makes use of any word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(3) Materials.

a. Permanent signs shall be fabricated on and of materials that are of good quality, durable, weather-resistant, fastened or anchored sufficiently

as described in this Section. Fabric or similar materials are not allowed for permanent signs. All wood sign components shall be stained or painted to ensure durability. Permanent freestanding signs shall complement the architectural style, character, materials, color and detail of adjacent buildings.

b. Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground. If a lightweight fabric or similar material is being used as a freestanding temporary sign, it shall be mounted securely to a solid, hard-backed, rigid surface.

(4) Support. No sign, including temporary signs, shall be attached to a fence, retaining wall, utility box, utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support except as otherwise provided in this Chapter. Notwithstanding the foregoing, temporary signs on a construction site as described in Subparagraph 13.09.070(1)e. of this Chapter may be attached to a fence.

(5) No obstruction. No sign shall be erected and located so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress and egress of any building.

(e) Maintenance. All signs shall be maintained in accordance with the following:

(1) Compliance with building code. The property owner, occupant or other person responsible for the sign shall maintain the sign in a condition fit for the intended use, and he or she shall have a continuing obligation to comply with all building code requirements.

(2) Repair. The Planning Department may order any sign to be repaired whenever needed to keep the sign in a safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing or repainting, the same may be done without a permit or any payment of fees, provided that all of the following conditions are met:

a. There shall be no alteration or remodeling to the sign base, sign support or the mounting of the sign itself;

b. There shall be no enlargement or increase in any of the dimensions of the sign or its structure; and

c. The sign shall be accessory to a legally allowed, conditional, or nonconforming use.

(3) **Noncompliance.** If the Planning Department finds that any sign is unsafe, insecure or a menace to the public, notice shall be given in writing by the Planning Department to the owner. The owner of the parcel shall, within forty-eight (48) hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the forty-eight (48) hours, the sign may be removed or altered by the Town to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Planning Department may cause any sign which, in the Town's opinion, creates a danger to persons or property to be removed immediately and without notice.

(4) **Abandonment.** The sign face of any permanent sign which has been abandoned or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent or person having the beneficial use of the building, structure or land upon which such sign is located, within fifteen (15) days after cessation of the use in connection with which the sign was used, the sign area shall be replaced by a neutral, single-background-color panel or similar cover. If the sign is comprised of individually raised letters, then the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the Planning Department is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

13.09.070 Sign type-specific standards.

The following standards and limitations apply based on the sign type indicated below:

(1) **Temporary signs.**

a. **General.** Temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter and must comply with the dimensional limitations set forth in Section 13.09.080 of this Chapter, as applicable. Temporary signs may not be placed within the public right-of-way except pursuant to Chapter 10.13 of this Code.

b. **Duration of display for temporary freestanding signs.** Any temporary freestanding sign may be displayed for a maximum of ninety (90) days per calendar year, plus one (1) extension of an additional sixty (60) days if resubmitted to the registry in accordance with Paragraph 13.09.040(b)(1) of this Chapter. The display duration set forth in this Section shall not apply to any sign placed on a parcel of real property during any time period in which the parcel is actively listed for sale, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service.

c. Duration of display for temporary banners. Any temporary banner may be displayed for a maximum of fifteen (15) consecutive days per banner. Banners may be displayed on up to six (6) separate occasions per year, however, no extensions shall be permitted.

d. Temporary banners during sign permit review. In addition to the sign(s) allowed on a parcel pursuant to this Chapter, one (1) banner of up to forty (40) square feet and registered in accordance with Subsection 13.09.040(b) of this Chapter shall be allowed on each nonresidential parcel during the pendency of the Town's review of a permit application for one or more permanent signs on such parcel, however, such banner must be removed upon: (i) the completion of the installation of the permanent sign subject to such permit; or (ii) expiration of the approval of such a sign permit, whichever occurs first. The banner allowed by Subparagraph c. above may be affixed to a building; provided, however, that no freestanding banners are allowed. Banners placed in accordance with this Subparagraph c. above shall not be subject to the aggregate sign area limitations of Subsection 13.09.080(e) or (f) of this Chapter.

e. Temporary signs on construction sites. In addition to any temporary signs allowed pursuant to Subparagraph b. above, temporary signs of any type allowed by Subsection 13.09.080(d) of this Chapter may be displayed on a parcel for the duration of any active construction of a new building that will contain a primary use and requiring a building permit and occurring on that parcel. Each sign placed in accordance with this Subparagraph e. shall meet the following requirements:

1. There shall be no more than three (3) such signs per highway, arterial, collector, or nonresidential local street frontage. Signage along local residential street frontages shall be required to conform with the provisions of this Chapter and shall not be allowed any additional signage permitted by this Subparagraph e.;

2. The maximum size of any one sign shall be thirty-two (32) square feet along streets with a speed limit less than thirty-five (35) miles per hour or sixty-four (64) square feet along streets with a speed limit of thirty-five (35) miles per hour or greater;

3. Such signs may be attached to fences or construction trailers, or may be freestanding; and

4. For purposes of this Subparagraph e., a subdivision tract shall be deemed to have active construction requiring a building permit so long as any one parcel within the same subdivision filing has active construction of new residential units requiring a building permit.

(2) Projecting signs. Projecting signs shall be allowed for each building occupant with a minimum of ten (10) feet of occupant building frontage.

Projecting signs shall comply with the dimensional limitations set forth in Paragraph 13.09.080(f)(1) of this Chapter.

a. Projecting signs may not extend further than five (5) feet from a building frontage.

b. The bottom of any projecting sign must be a minimum of eight (8) feet above the sidewalk and/or grade.

c. Projecting signs may have a zero-lot line setback; provided, however, where projecting signs extend over a public right-of-way, a license agreement must be received from the Town.

d. Projecting signs must be of a scale consistent with and appropriate for the building to which they are affixed.

(3) Freestanding signs. Freestanding signs shall not impede pedestrian movement into and out of structures and along the sidewalk or street right-of-way. Permanent freestanding signs shall comply with the dimensional limitations set forth in Paragraph 13.09.080(f)(2) of this Chapter.

(4) Instructional signs. Instructional signs shall be allowed provided that such signs comply with the following limitations, as determined by the Planning Director:

a. The number of instructional signs located on the site is the minimum needed to serve the intended instructional purpose.

b. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.

Instructional signs that meet the foregoing requirements shall not count toward the allowed sign area set forth in Section 13.09.080 of this Chapter.

(5) Sandwich board signs. All sandwich board signs shall comply with the following requirements:

a. Sandwich board signs shall not be allowed within the public right-of-way except in accordance with Chapter 10.13 of this Code.

b. Sandwich board signs may only be displayed during the operating hours of the individual or entity posting the sandwich board sign; and

c. Sandwich board signs must be located within twenty (20) feet of the principal entrance of the building or building area occupied by the individual or entity posting the sandwich board sign.

d. Sandwich board signs shall not obstruct any sidewalk, parking areas, drive aisles. The placement of a sandwich board sign shall not result in any noncompliance with the Americans With Disabilities Act.

e. Sandwich board signs shall comply with the dimensional limitations set forth in Subsection 13.09.080(d) of this Chapter.

f. One (1) sandwich board sign shall be permitted in connection with an approved Vendor Permit as described in Section 13.04.215 of this Title.

(6) Changeable copy signs. Signs containing changeable copy shall comply with the following requirements:

a. Changeable copy signs, or any portion of a sign that contains changeable copy, may not exceed twenty (20) square feet;

b. The changeable copy shall not change more than two (2) times per calendar day; and

c. Changeable copy may be changed electronically, mechanically or manually.

(7) Flags. All flags shall conform to the following regulations unless included in an approved planned sign program pursuant to Section 13.09.090 of this Chapter:

a. Flags shall not exceed one hundred (100) square feet per face in area on nonresidential parcels and shall not exceed twenty-five (25) square feet per face in area on residential parcels;

b. The maximum flagpole height for nonresidential parcels shall be determined based on the size of the flag area, as follows:

**Schedule 13.09.070
Maximum Flagpole Height for Nonresidential Parcels**

<i>Flag Area (per face)</i>	<i>Maximum Flagpole Height</i>
15 s.f. or smaller	20 ft.
15 s.f. – 25 s.f.	25 ft.
25 s.f. – 40 s.f.	35 ft.
40 s.f. – 60 s.f.	45 ft.
Larger than 60 s.f.	50 ft.

c. No more than two (2) flagpoles shall be allowed per parcel; and

d. The maximum flagpole height for residential parcels shall be twenty-five (25) feet.

e. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height.

f. Illumination of flags is subject to the provisions of Section 13.10.140 of this Title.

Flags that meet the foregoing requirements shall not count toward the allowed sign area set forth in Section 13.09.080 of this Chapter and shall not require a permit pursuant to Section 13.09.030 of this Chapter.

(8) Window signs. Window signs shall not exceed the lesser of: (a) twenty-five percent (25%) of the area of the window upon which such window signs are located; or (b) one hundred fifty (150) square feet of aggregate window sign area for any single occupant of a parcel.

13.09.080 Design standards.

(a) Purpose. The purpose of this Section is to reinforce and enhance the unique character of the residential and nonresidential parcels within the Town in an appropriate manner. An excessive number of signs, improper placement of signs, or excessive sign area can create visual clutter that detracts from the aesthetic quality of the Town's residential neighborhoods.

(b) Applicability. All signs that require a sign permit shall comply with the provisions set forth in this Section except to the extent superseded by a planned sign program approved in accordance with Section 13.09.090 of this Chapter.

(c) Dimensional and design standards for permanent signs, by sign type. The following dimensional limitations shall apply, by sign type and parcel type, to permanent signs on residential and nonresidential parcels. Permanent signs shall also be subject to the aggregate area limitations per parcel as set forth in Subsections (e) and (f) below. Additional limitations may apply to the sign types referenced below as set forth in Section 13.09.070 of this Chapter.

Schedule 13.09.080A

<i>Sign Type</i>	<i>Parcel Type</i>	<i>Maximum Sign Area (per sign) (sq. ft.)</i>	<i>Maximum Height (ft.)</i>	<i>Minimum Setback From ROW (ft.)¹</i>
Building (except Projecting or Window)	Nonresidential	Refer to Paragraph (f)(1) below		
Changeable Copy	Nonresidential	20	8 (for single primary use)/ 15 (for multiple primary uses)	10
Freestanding	Residential	24	8	See Subparagraph (f)(2)c. below
	Nonresidential	Refer to Paragraph (f)(2) below		
Instructional	Residential	6	5	5

<i>Sign Type</i>	<i>Parcel Type</i>	<i>Maximum Sign Area (per sign) (sq. ft.)</i>	<i>Maximum Height (ft.)</i>	<i>Minimum Setback From ROW (ft.)¹</i>
	Nonresidential	15	5	5
Projecting	Nonresidential	30	--	--
Window	Nonresidential	6	--	--

¹ The minimum setback from the right-of-way is five (5) feet in the Historic and Pikes Peak design districts of the Greater Downtown District. The minimum setback for any sign over six (6) feet in height in all districts except the Historic and Pikes Peak design districts of the Greater Downtown District is twenty (20) feet.

(d) Dimensional and design limitations for temporary signs, by sign type. The following dimensional limitations shall apply, by sign type and parcel type, to temporary signs on residential and nonresidential parcels. Additional limitations may apply to the sign types referenced below as set forth in Section 13.09.070 of this Chapter.

Schedule 13.09.080B

<i>Sign Type</i>	<i>Maximum Area Per Sign</i>	<i>Maximum Total Sign Area</i>	<i>Maximum Sign Height</i>	<i>Display Duration Limitations</i>
Banner	40 sq. ft.	40 sq. ft. per occupant	-	See Subparagraph 13.09.070(1)c.
Flag	See Paragraph 13.09.070(7)			None
Freestanding	32 sq. ft.	64 sq. ft. per parcel	8 ft. ¹	See Subparagraph 13.09.070(1)b.
Sandwich Board	8 sq. ft.	8 sq. ft. per occupant	4 ft.	See Subparagraph 13.09.070(5)b.
Window	See Paragraph 13.09.070(8)			None

¹ Freestanding temporary signs located within the Pikes Peak or Historic Districts shall not exceed five (5) feet in height.

(1) All temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter and may be displayed only in accordance with the limits set forth in Paragraph 13.09.070(1) of this Chapter.

(2) In addition to the dimensional limitations above, temporary signs located on residential parcels shall also be subject to the maximum area limitations per residential parcel as set forth in Subsection (e) below.

(e) Aggregate sign area for residential parcels.

(1) Total sign area limitation. Notwithstanding anything to the contrary set forth in this Chapter, the aggregate area of all signs located on a residential parcel shall not exceed the lesser of: (a) six (6) square feet per each dwelling

unit located on such parcel; or (b) sixty (60) square feet per building containing one or more dwelling units located on such parcel.

(2) Sign types allowed. The aggregate sign area permitted under Paragraph (1) above may include any combination of signs allowed pursuant to Subsections (c) and (d) above.

(3) Additional temporary signs. Notwithstanding the limitations of Paragraph (1) above, an additional six (6) square feet of sign area used exclusively for one or more temporary signs meeting the requirements of Paragraph 13.09.070(1) of this Chapter shall be allowed for each single-family and duplex residential parcel and an additional forty (40) square feet of sign area used exclusively for one or more temporary signs meeting the requirements of Paragraph 13.09.070(1) of this Chapter shall be allowed for each multifamily residential parcel. All temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter.

(4) Exemptions from maximum allowed sign area. The following sign types shall be exempt from the maximum allowed sign area per residential parcel pursuant to this Section:

a. Temporary signs located on construction sites allowed per Subparagraph 13.09.070(1)e. of this Chapter; and

b. Instructional signs allowed in accordance with Paragraph 13.09.070(4) of this Chapter.

(f) Aggregate sign area for signs on nonresidential parcels.

(1) Building sign area.

a. Subject to the maximum sign area allowances set forth in Subparagraph (f)(1)c. below, for each building on a nonresidential parcel, the area of all allowed permanent building signs per building or building unit frontage shall not exceed the following: thirty (30) square feet, plus the greater of either: (i) one (1) square foot per linear foot of frontage over thirty (30) linear feet up to seventy-five (75) linear feet, then one (1) square foot per two and one-half (2.5) feet over seventy-five (75) linear feet of frontage; or (ii) one (1) square foot per two hundred (200) square feet of gross leasable floor area over nine hundred (900) square feet.

b. Additional building signs for multiple-story buildings. In addition to the building signs in Schedule 13.09.080A, additional sign area is permitted for each of the building's primary and secondary frontages according to the following: For a building with two (2) floors, the additional permitted aggregate sign area is forty (40) square feet per building wall. Such additional aggregate sign area may be increased by ten (10) square feet for each additional floor in the building. For any building

sign that utilizes the additional sign area permitted pursuant to this Section, such building sign must be located above the floor height of the highest floor in such building.

c. For each building on a nonresidential parcel, the aggregate area of all allowed permanent building signs per building shall not exceed the limits set forth in the following table, measured on a per building basis:

Schedule 13.09.080C

<i>Size of Building (square feet)</i>	<i>Maximum Aggregate Building Sign Area</i>	<i>Maximum Area per Building Sign.</i>	<i>Aggregate Sign Area Bonuses</i>	
			<i>Planned Sign Program Required to Receive Bonus?</i>	<i>Adjacent ROW Exceeds 65 MPH.</i>
< 55,000	450 sq. ft.	150 sq. ft.	N/A	none
≥ 55,000 and < 100,000	500 sq. ft.	300 sq. ft.	yes	150 sq. ft.
≥ 100,000 and < 125,000	550 sq. ft.	300 sq. ft.	yes	275 sq. ft.
≥ 125,000 and < 150,000	600 sq. ft.	350 sq. ft.	yes	300 sq. ft.
≥ 150,000	700 sq. ft.	350 sq. ft.	yes	350 sq. ft.

(2) Freestanding signs.

a. Base sign allowance (“32/64”). Notwithstanding any other provision of this Chapter, each separate nonresidential parcel shall be allowed one (1) permanent freestanding sign for each street frontage, in accordance with the following standards:

Schedule 13.09.080D

	<i>Maximum Sign Area per Face</i>	<i>Maximum Total Sign Area</i>	<i>Maximum Height</i>
Street Frontages with Posted Speed Limits < 45 m.p.h.	16 sq. ft.	32 sq. ft.	8 feet
Street Frontages with Posted Speed Limits ≥ 45 m.p.h.	32 sq. ft.	64 sq. ft.	8 feet

If there is no available land to place such freestanding sign, an additional banner sign may be substituted so long as such banner sign meets the requirements of Paragraph 13.09.070(1) of this Chapter. Any sign which meets the requirements of this Subparagraph shall not be subject to the permitting requirements of Section 13.09.040 of this Chapter; however, the duration of display for any such sign may not exceed twelve (12)

months, unless such sign is located on a vacant parcel or subdivision tract, in which case the time limitations set forth in this Section shall not apply.

b. Additional permanent freestanding sign allowance. In addition to the base allowance for sign(s) set forth in Subparagraph a. above, additional permanent freestanding signs may be placed on nonresidential parcels in accordance with the following table:

Schedule 13.09.080E

<i>Parcel Type</i>	<i>Maximum Sign Area per Face</i>	<i>Maximum Aggregate Sign Area</i>	<i>Maximum Number of Signs Per Parcel</i>	<i>Maximum Height¹</i>
Multiple Primary Uses	100 sq. ft.	200 sq. ft.	1 sign per access driveway	15 ft.
Single Primary Use				
Lot Size < 8 acres	40 sq. ft.	80 sq. ft.	1	8 ft.
Lot Size ≥ 8 acres	40 sq. ft.	80 sq. ft.	1 sign per street frontage	8 ft.

¹ Freestanding signs located within the Pikes Peak or Historic Districts shall not exceed seven (7) feet in height.

c. Sign base and setback limitations. In addition to the limitations set forth in this Section, all freestanding signs shall meet the following standards:

Schedule 13.09.080F

	<i>Sign Base Width Minimum</i>	<i>Minimum Setback from Parcel Boundary</i>
Located in Pikes Peak or Historic Districts	100% of Sign Width	5 ft.
Not Located in Pikes Peak or Historic Districts	50% of Sign Width	10 ft.

d. Signs in easement areas. Freestanding signs may not be located in utility, public access, parking, or circulation easements unless approved in writing by all easement holders.

(3) Exemptions. Instructional signs allowed in accordance with Paragraph 13.09.070(4) of this Chapter shall be exempt from the maximum allowed sign area per nonresidential parcel pursuant to this Section.

(g) Signs on vacant parcels and subdivision tracts. Signage shall be allowed on vacant parcels as follows:

(1) Vacant parcels not subject to a building permit. For any vacant parcel not subject to a building permit, the limitations of Paragraph (f)(2) above shall apply. For purposes of this Chapter, a vacant parcel shall be treated as a nonresidential parcel with no primary use(s).

(2) Vacant parcels subject to a building permit. On any vacant parcel for which a building permit has been issued, permanent signage shall be allowed in accordance with Paragraph (f)(2) above and temporary signage shall be allowed in accordance with Subparagraph 13.09.070(1)e. of this Chapter.

(3) Subdivision tracts. Permanent signs shall be allowed on each subdivision tract in accordance with Paragraph (f)(2) above. Temporary signs shall be allowed on each subdivision tract in accordance with Subsection (d) above or, for subdivision filings with one or more active building permits for new residential dwelling units, in accordance with Subparagraph 13.09.070(1)e. of this Chapter. For purposes of determining maximum and aggregate permitted sign area, subdivision tracts shall be treated as nonresidential parcels.

13.09.090 Planned sign program

(a) Purpose. A planned sign program is a site-specific, written and visual statement that provides for increased creativity of sign design in exchange for flexibility, or even exemption from, certain standards and restrictions set forth in Sections 13.09.060, 13.09.070, and Paragraphs 13.09.080(e)(1) and (f)(2) of this Chapter by undergoing a more comprehensive design review process. The planned sign program may also be used to accommodate irregular site shapes (which are typically characterized by narrow lot frontages, resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street), multiple contiguous lots and/or tracts. Except as set forth below, it is not the intent of these provisions to alter the allowed sign area for any residential or nonresidential use.

(b) Applicability. The owner of any property, or the owners of multiple contiguous properties, may submit an application for a planned sign program for any residential or nonresidential use. Planned sign programs may be allowed under the following circumstances:

(1) To modify any of the standards and requirements for all permanent signs set forth in Section 13.09.060 of this Chapter, including, without limitation, construction materials, and other requirements;

(2) To modify the design standards and requirements for all signs set forth in Section 13.09.080 of this Chapter with respect to setbacks and minimum and maximum heights provided, however, that such modifications may not exceed twenty-five percent (25%) of the requirements set forth in Section 13.09.080 of this Chapter; and

(3) To reallocate sign area allowed in accordance with Sections 13.09.070 and 13.09.080 of this Chapter on individual parcels as among all parcels subject to the planned sign program;

(c) Planned sign program required. A planned sign program shall be required as a prerequisite to the issuance of any sign permit(s) on any parcel containing seven or more primary uses and/or nonresidential tenants.

(d) Application process.

(1) Submittal requirements. Any person desiring a planned sign program shall submit the following materials to the Planning Department for the consideration of the planned sign program:

a. Completed application form (application forms are available from the Planning Department);

b. Application fee and planned sign program fee, as set by the Town Council from time to time;

c. A copy of the approved site plan for the property subject to the planned sign program, drawn to scale, showing existing and approved buildings (including dimensions of building frontages and square footage for each building), lighting, landscaping, and property lines;

d. Location, materials and maximum area for each sign that each occupant will be allowed to display;

e. Scaled, color elevations of the proposed signage with appropriate dimensions, including height, width, and depth drawing of the proposed signage;

f. A calculation of the total amount of sign area for each structure, and for the property as a whole; and

g. Any other supplemental materials deemed necessary for the review of the permit request, which may include, without limitation, a maintenance plan, including responsible parties, a funding source for maintaining the feature and information on materials, paint and other necessary information to assure proper maintenance and upkeep of the piece.

(2) Completeness review. The Planning Department shall check each application submittal for its completeness, and provide notification to the applicant of any deficiencies in the application within ten (10) days following receipt and review thereof. Upon the Planning Department's determination that the application is complete and receipt of all fees associated with the

application, the application shall be reviewed by the Planning Department or its designee for conformity with this Chapter.

(3) Approval. If the Planning Director finds that the planned sign program application conforms with the criteria for approval set forth in Subsection (e) below, the provisions of this Chapter not superseded by the planned sign program, the Code, and any other applicable regulations, the Planning Director shall approve the planned sign program within thirty (30) days of the date the completed application and applicable fee was filed. Any denial of the planned sign program application by the Planning Director shall be in writing and shall be issued within thirty (30) days of the date the completed application and applicable fee was filed.

(e) Criteria for approval. No planned sign program shall be approved by the Planning Director or, if applicable, the Planning Commission, unless it finds that the proposed planned sign program meets the following criteria:

(1) Sight distances. The proposed signs shall not interfere with required sight distances as established in the Code and the Roadway Design and Construction Criteria Manual, or as otherwise determined by the Town.

(2) Safety. The proposed signs shall not provide a safety or security hazard to pedestrians, drivers, or the general public, and shall not interfere with pedestrian and bicycle movements.

(3) Trash and graffiti. The proposed signs shall be designed to minimize graffiti and vandalism and shall be designed to minimize the collection of trash and litter.

(4) Scale. The proposed signs, both individually and in the aggregate, shall be proportional to the building size and massing, relevant to both buildings within the parcel subject to the planned sign program and the neighborhood context.

(5) Architectural features. The proposed signs shall complement the architectural style, character, materials, color and detail of adjacent building.

(f) Approved planned sign programs.

(1) Effect of approval. An approved planned sign program shall supersede the requirements in this Chapter for signs included in the planned sign program. All signs erected or maintained within the structure or property shall conform at all times to the planned sign program. Any deviations from an approved planned sign program shall be unlawful unless and until a revised planned sign program is amended or approved in accordance with this Section.

(2) Sign permit required. No signs may be constructed pursuant to a planned sign program prior to approval of a sign permit in accordance with Subsection 13.09.040(c) of this Chapter.

(3) Noncompliance. An application for a new planned sign program shall be obtained within ninety (90) days of receipt of notice from the Planning Director that an existing sign program for any structure does not contain all of the information required by this Section, or if signs displayed in or upon any structure do not comply with the provisions of this Section. If the Planning Department does not receive such new application within the 90-day period, then the noncompliant planned sign program will expire, and any sign permit(s) issued pursuant to the planned sign program shall be deemed null and void, unless such period is extended by the Director.

(4) Expiration. An approved planned sign program shall expire one (1) year from the date of approval if no allowed signs have been constructed or erected within such time period.

(g) Amendment. Modifications or amendments to an approved planned sign program may be requested and approved in accordance with the procedure for new planned sign programs set forth in this Section.

(h) Appeals. Any applicant who is denied a planned sign program may file a written appeal to the Planning Commission within ten (10) days following receipt of the written copy of the denial.

13.09.100 Nonconforming signs

(a) Continued use. Any nonconforming sign lawfully existing at the time of adoption of the ordinance codified in this Chapter may be continued in operation and maintained after the effective date of the ordinance codified herein; provided that no sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this Chapter.

(b) Termination. Termination of nonconforming signs shall be:

(1) By Abandonment. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign. Abandonment shall mean any sign which meets the definition of an abandoned sign set forth in Section 13.09.030 of this Chapter for at least ten (10) consecutive days.

(2) By Violation of the Chapter. Any violation of this Chapter shall terminate immediately the right to maintain a nonconforming sign.

(3) 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 in excess of fifty percent (50%) of the current

replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinances of the Town.

(c) Nuisance. If the Building Official or the Planning Department shall find that any sign is maintained in violation of the provisions of this Chapter, such violation shall constitute a nuisance to be abated in the manner provided in Chapter 6.01 of this Code.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

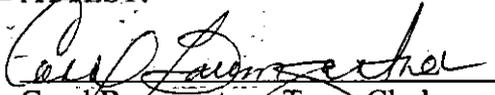
Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

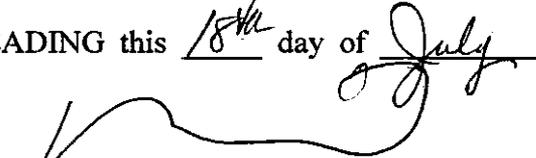
INTRODUCED AND PASSED ON FIRST READING this 5th day of July,
2016.


Mike Waid, Mayor

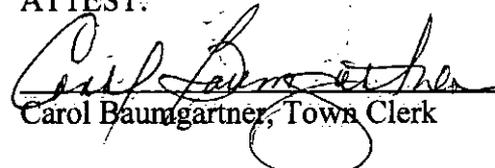
ATTEST:


Carol Baumgartner, Town Clerk

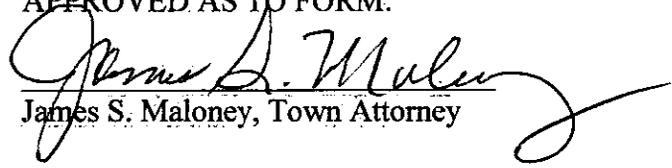
ADOPTED ON SECOND AND FINAL READING this 18th day of July,
2016.


Mike Waid, Mayor

ATTEST:


Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:


James S. Maloney, Town Attorney