

### 7.1 Purpose/Intent

- A. The regulations in this Article are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town of Kersey. The purpose of these regulations is to:
1. Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
  2. Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and limit signs to those, which are accessory and incidental to the use on the premises where such signs are located.
  3. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
  4. Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.
  5. Ensure signs are well designed and contribute in a positive way to the Town's visual environment, express local character and help develop a distinctive image for the Town of Kersey.
  6. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.
  7. Ensure signs are appropriate for the type of street on which they are located.
  8. Bring nonconforming signs into compliance with these regulations.

### 7.2 Sign Permits and Administration

- A. **Signs Permitted.** Signs shall be permitted in the various zone districts as accessory uses in accordance with the regulations contained in this Section.
- B. **Sign Permit Required.** To ensure compliance with this Article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 7.4 (Exempt Signs). In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s). Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Servicing and maintenance of existing signs shall not require a permit. Nor shall changing or replacing the copy on an existing lawful sign require a permit, provided the copy change does not change the nature of the sign or render the sign in violation of this Article.

**C. Application for a Sign Permit.**

1. Sign Permit Application Requirements. Applications for sign permits shall be made in writing on forms furnished by Staff. The application shall contain:
  - a. Name, address, and telephone number of the applicant
  - b. Written consent of the property owner;
  - c. Location of the building, structure or lot where the sign is proposed or located
  - d. Legible site plan indicating the proposed location of the sign on the building and/or lot in relation to nearby buildings and other structure, including dimensions showing setbacks to adjacent property lines and buildings.
  - e. A detailed drawing indicating the dimensions of the sign, materials, method of construction, support, weight, colors, and distance from doors, windows, fire escapes, and driveways of the proposed sign structure. A certification by a structural engineer may be required by Staff for a freestanding or projecting sign;
  - f. A graphic drawing or photograph of the sign copy;
  - g. A description of the lighting to be used, if applicable;
  - h. A written description of how the proposed sign meets the intent and purpose of the sign code;
  - i. If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and
  - j. Sign permit fee as established by the current fee schedule. The applicant shall pay all costs billed by the Town of Kersey relative to the review of the application.
  - k. The applicant has the option of using the creative sign permit process if applicable. See Section 7.12 for a description of the creative sign permit process.
2. Sign Permit Application Certification of Completion. Within a reasonable time of the date of application submission, Staff shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.
3. Staff Review and Approval. When Staff has determined the application to be complete, Staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon Staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

- C. **Sign Permit Review Criteria.** The following review criteria will be used by the Town of Kersey Staff to evaluate all sign permit applications:
1. Sign meets the requirements of this Article;
  2. Sign conforms to the requirements of the building and electrical code as adopted by the Town;
  3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
  4. Sign would not interfere with pedestrian or vehicular safety;
  5. Sign would not detract from the character of an architecturally significant or historic structure;
  6. Signs mounted on buildings are designed to complement the architecture rather than obscure it.
  7. Sign contributes to building the image of the community by conveying quality and distinctive character.
  8. Sign would not be located so as to have a negative impact on adjacent property;
  9. Electrical signs must be approved by an independent testing laboratory;
  10. Sign would not detract from the pedestrian quality of street or area; and
  11. Sign would not add to an over-proliferation of signs on a particular property or area.
- D. **Appeal of Sign Permit Denial or Approval with Conditions.** Any appeal of Staff's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment as provided in the Zoning Code.
- E. **Waivers.** Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Town Board.

<b>7.3 Enforcement</b>
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- A. **Discontinued Establishments; Removal of Signs.** Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within ninety (90) days after the discontinuance of such use.

## B. Illegal Signs.

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

<b>7.4 Exempt Signs</b>
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**A. Exempt Signs.** The following types of signs are exempt from permit requirements of this Article and may be placed in any zoning district subject to the provisions of this Article. **Such signs shall otherwise be in conformance with all applicable requirements contained in this Article. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections.** Evidence of owner's permission to install sign may be required if the Town of Kersey checks for the sign's compliance with this Article. All other signs shall be allowed only with permit and upon proof of compliance with this Article.

1. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this Article, except that such signs shall be subject to the safety regulations of the Uniform Building Code and the National Electrical Code.
2. Address. Non-illuminated signs not to exceed two (2) square feet in area, which identify the address and/or occupants of a dwelling unit or of an establishment.
3. Architectural features. Integral decorative or architectural features of buildings so long as such features do not contain letters, trademarks, moving parts or lights.
4. Art. Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.
5. Banners. Banners applied to paper, plastic or fabric used to decorate or attract attention to a business establishment, provided:
  - a. The signs are displayed in conjunction with a grand opening celebration for a period not to exceed thirty (30) days, or

- b. The signs are displayed in conjunction with a special sale for a period not to exceed thirty (30) days.
  - c. The signs are displayed no more than two (2) times per calendar year per establishment.
  - d. The banner shall be securely attached to the wall of the establishment, freestanding signs or light poles on private property.
  - e. One (1) banner per street frontage per establishment shall be permitted.
6. Building Identification, Historical Markers. Non-illuminated signs constructed of metal or masonry which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by Staff.
7. Bulletin Board. Bulletin board signs not exceeding fifteen (15) square feet in gross surface area accessory to a church, school, or public or nonprofit institution.
8. Construction. Temporary construction signs provided that:
- a. Signs in conjunction with any residential use shall not exceed eight (8) square feet each.
  - b. Signs in conjunction with subdivision sales office shall not exceed ten (10) square feet per face.
  - c. Signs in conjunction with all other uses shall have a maximum area of sixty-four (64) square feet each.
  - d. Only one (1) such sign oriented per street front per premises shall be erected.
  - e. Such signs shall not be illuminated.
  - f. Such signs shall only appear at the construction site.
  - g. Such signs shall be removed within seven (7) days after completion of the project.
9. Courtesy. Non-illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices; limited to one (1) such sign for each use, not to exceed four (4) square feet per face or eight (8) square feet in total area. Such signs may be attached to the building, as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.
10. Decorations (Holiday). Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more

than sixty (60) days in any one (1) year; and may be of any type, number, area, height, location, illumination or animation. Does not include signs or displays which negatively impact the health, safety or welfare of the Town and citizens, e.g. signs or banners which negatively impact the view of a street or intersection.

11. Directional. On-premise directional and instructional signs not exceeding six (6) square feet in area apiece.
12. Doors. Signs affixed to door glass, which identify the name and/or address of an establishment which are not larger than two (2) square feet.
13. Farm Products. Temporary farm product signs provided that:
  - a. One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.
  - b. A maximum of two (2) off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way nor within ten (10) feet of a side lot line.
14. Flags. Flags, crests or banners of nations, or organizations of nations, or states and cities, or professional fraternal, religious, or civic organizations, except when displayed in connection with commercial promotion. The flags shall not exceed thirty square feet nor shall they be on a flagpole more than twenty-five feet high.
15. Garage, Estate, Yard Sale or Farm Auction. Signs which advertise a private garage or yard sale on the property on which the sign is located; provided such signs are displayed no more than twice per year per dwelling unit for a period not to exceed three (3) days for each sale. Garage, Estate, Yard Sale or farm auction signs shall be no larger than a total of six (6) square feet per side, and shall not be placed in such a manner or location that impedes visibility or public safety. Such signs shall be removed within one (1) hour after the sale or by 7:00 p.m., whichever comes first.
16. Hazards. Temporary or permanent signs erected by the Town of Kersey, public utility companies, oil and gas companies, construction companies or others as applicable to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
17. Memorial. Memorial signs, plaques or grave markers, which are noncommercial in nature, not to exceed ten (10) square feet.
18. Merchandise. Merchandise, pictures or models of products or services, which are incorporated as an integral part of a window display.
19. Notice Boards. Notice boards for public or religious institutions or other uses as approved by Staff as being primarily intended for pedestrians.

20. Oil and gas operation. Identification signs for any oil and gas drilling or well operation, not to exceed ten (10) square feet.
21. Political/Election Signs. On premises political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office provided:
  - a. The total area of all such signs on a lot does not exceed sixteen (16) square feet.
  - b. All such signs may be erected no sooner than forty-five (45) days in advance of the election for which they were made.
  - c. The signs are removed within seven (7) days after the election for which they were made.
  - d. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations.
22. Public Information. Signs which identify restrooms, public telephones or provide instructions as required by law or necessity, provided the sign does not exceed two (2) square feet in area or as approved by Staff for these purposes and is non-illuminated, internally illuminated or indirectly illuminated. (This category shall be interpreted to include such signs as "no smoking," "restrooms," "no solicitors," "self-service" and similar informational signs.)
23. Religious Symbols. Religious symbols located on a building or lot used for organized religious services.
24. Regulatory Signs. Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.
25. Sale, Lease, Rent. Temporary signs used to offer for sale, lease or rent the land or buildings upon which the sign is located provided:
  - a. One (1) sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") not greater than eight (8) square feet in area in a residential district and thirty-two (32) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line
  - b. In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. Such signs must be placed outside all existing right-of-ways. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional

arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc.

- c. No more than three (3) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted offsite. Each such sign may have a maximum area of four (4) square feet and shall be placed outside all existing right-of-ways.
- d. All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction.
- e. No sign allowed under this subsection shall be lighted internally or externally.

26. Sandwich Board Signs. A maximum of one sandwich board sign per individual retail use/retail service business (including restaurants) is permitted provided:

- a. The sign does not exceed the maximum sign height of four and one half feet measured from the ground to the top of the sign.
- b. The sign is placed a minimum of ten linear feet from the base of another sandwich board sign.
- c. The sign is truly portable and cannot be permanently affixed to any structure or sidewalk.
- d. The sign is removed from the public right-of-way at the end of each business day.
- e. The sign is located next to the curb edge of a sidewalk on the premises in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic.
- f. The sign is placed a minimum of forty-eight inches from all obstructions within the sidewalk right-of-way including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Sign placement shall also meet all Americans with Disabilities Act requirements.
- g. The sign is placed a minimum of ten feet from a building corner or pedestrian crosswalk.
- h. The sign is weighted to withstand wind.

27. Scoreboards. Scoreboards for athletic fields.

28. Special Events. Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit organizations provided that:

- a. Signs shall be erected no sooner than thirty (30) days prior and removed no later



than seven (7) days after the event.

- b. No such sign shall exceed thirty-two (32) square feet.
- c. No such sign shall be illuminated.
- d. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town of Kersey or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.)

29. Strings of Light Bulbs. Displays of string lights, provided:

- a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.
- b. They are steady burning bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.
- c. They are no greater in intensity than five (5) watts.
- d. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.
- e. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.
- f. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.
- g. They shall be placed only on private property.
- h. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this Article.

30. Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy; provided that no structural changes are made to the sign, and provided that the name of the business to which the sign belongs is not changed.

31. Time and Temperature. Signs displaying time and temperature devices provided they are not related to a product and do not exceed fifteen (15) square feet.

32. Traffic Control. Signs for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by, or on the

authority of, a public officer in the performance of his/her duty

33. Vacancy and No Vacancy. All "vacancy" and "no vacancy" signs, where they are non-illuminated, internally illuminated, indirectly illuminated or directly illuminated signs; provided that the area of the sign does not exceed two and one-half (2½) square feet per face. Also, signs designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this paragraph if they meet the area requirement.
34. Vehicular For Sale Signs. Motor vehicle for sale signs provided there is only one (1) sign per vehicle, the sign does not exceed two (2) square feet, and the vehicles are located in approved sales lots.
35. Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Article, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.
36. Vending Machine Signs. A sign permit shall not be required for vending machine signs provided that the advertisement upon the vending machine sign is limited to the product vended.

<b>7.5 Prohibited Signs</b>
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- A. Prohibited Signs.** The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts.
- B. Distracting Signs.**
1. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
  2. Signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
  3. Mechanical or electrical appurtenances, such as "revolving beacons" and portable spotlights.
  4. Rotating signs.
  5. Searchlights.
  6. Electronic message boards except governmental signs.
  7. Wind signs.
  8. Roof signs and all other signs that project above the main roofline of a building.
- C. Visual Obstructions.**
1. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, pedestrian traffic or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
  2. Any sign located in such a way as to substantially deny an adjoining property owner visual access to an existing sign.
  3. Any sign or sign structure which:
    - a. In any other 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;
    - b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;
    - c. Creates in any other way an unsafe distraction for motor vehicle operators, pedestrians; or

- d. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

**D. Right of Way Signs.**

- 1. Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued in accordance with the requirements of this Article.
- 2. Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 7.9 (Standards for Specific Types of Signs).

**E. Unsafe Signs.**

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

**F. Portable Signs.**

- 1. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except for real estate signs attached to posts driven into the ground, window signs and temporary barriers except as permitted in Section 7.4 (Exempt Signs).
- 2. Vehicle-mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this

subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

3. Inflatable freestanding signs or tethered balloons (may be used temporarily during sales or special events but not more than five days a month).
4. Fabric signs, flags, pennants or banners when used for commercial advertising purposes except as permitted in Section 7.4 (Exempt Signs).

**G. Discontinued Businesses.**

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

**7.6 Measurement of Sign Area and Height**

**A. Sign Surface Area.** The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Regular geometric shapes shall include, but not be limited to, squares, rectangles, triangles, parallelograms, circles, ellipses or combinations thereof. Time and temperature devices shall not be included within the measurement of maximum sign area. The total measured area of a sign shall include the area of all writing, representation, lines, emblems or figures contained within all modules, together with any air space, material or color forming an integral part or background of the display if used to differentiate such sign from the backdrop or structure against which it is placed. The total surface area of all sign faces shall be counted and considered to be part of the maximum total sign area allowance.

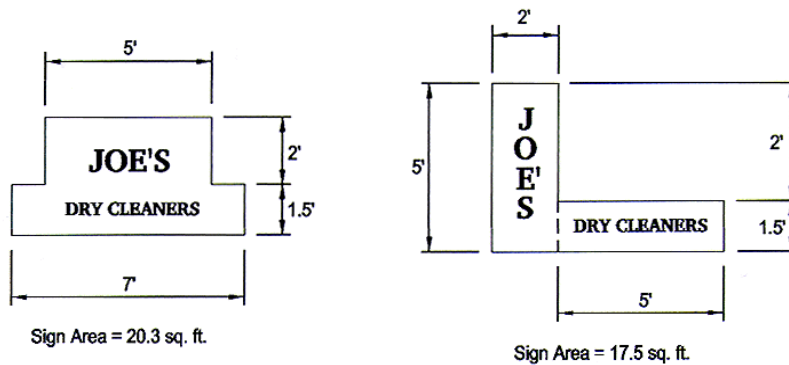


Figure 7-1

- B. **Sign Support.** Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- C. **Back-to-Back (Double-Faced) Signs.** Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point.
- D. **Three-Dimensional Signs.** Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with Section 7.12 (Creative Signs).
- E. **Wall Signs.** If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.

- F. **Sign Height.** The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. The ground surface shall mean the average grade within five (5) feet of the base. When berms are used in conjunction with signage or there are significant changes in grade, the height of the sign shall be measured from the mean elevation of the fronting street.

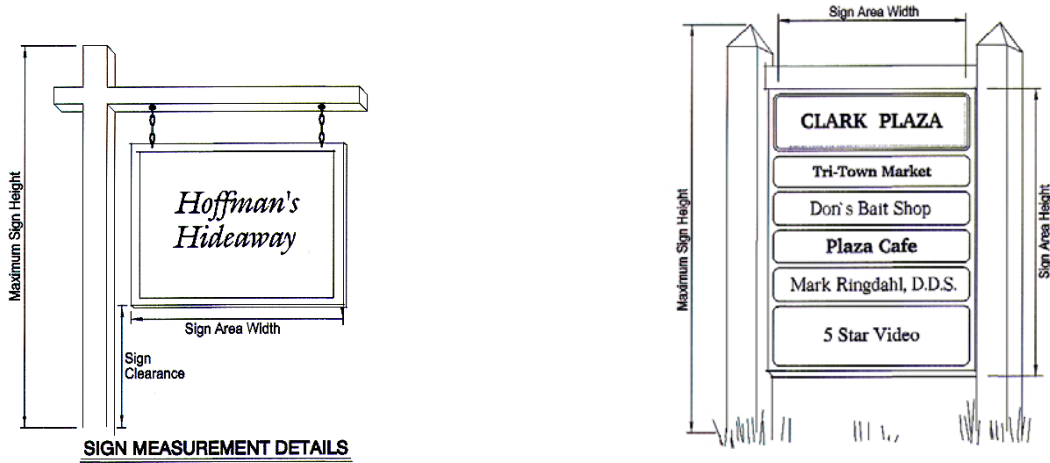


Figure 7-2

<b>7.7 Sign Design</b>
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**C. Design compatibility.**

1. Creative design encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town of Kersey encourages imaginative and innovative sign design. The creative sign application procedure (Section 7.12) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.
2. Professional. Signs shall be made by a professional sign company or other qualified entity.
3. Proportionate size and scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted to.
4. Sign location and placement.
  - a. *Visibility* – Signs shall not visually overpower nor obscure architectural features. The following illustrations are examples of design that Kersey is encouraging. *Integrate signs with the building and landscaping* – Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
  - c. *Unified sign band* – Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first floor level only for retail uses.
  - d. *Monument signs* – Locate monument signs in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one (1) monument sign per entry is permitted.
  - e. *Pedestrian-oriented signs* – Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.
  - f. *Road right-of-way* – No sign shall be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an



intersection must be outside of the sight distance triangle.

5. Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.

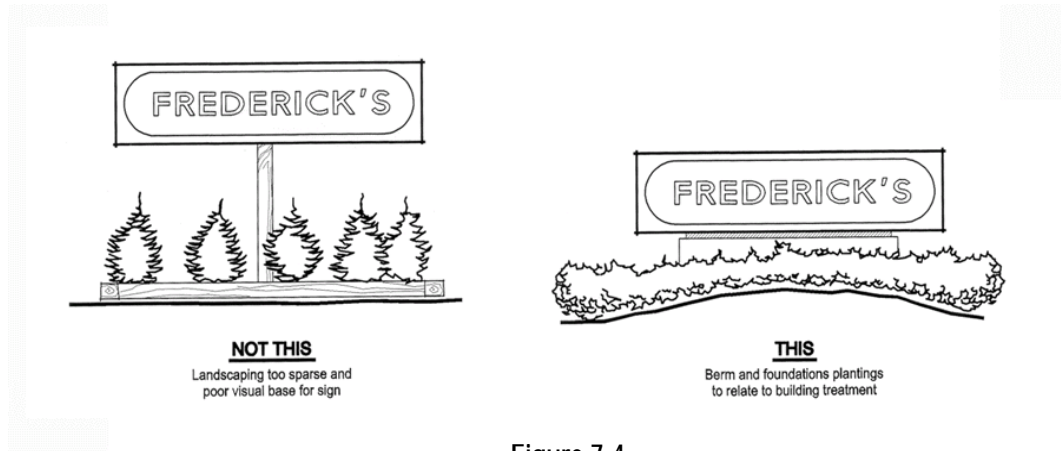


Figure 7-4

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



**REDUCE SIGN IMPACT**

Figure 7-5

**D. Color.**

1. Select colors carefully. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.
2. Use contrasting colors. Provide a substantial contrast between the color and the material of the background and the letters or symbols to make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.
3. Avoid using too many colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

**E. Materials.**

1. Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, painted metal, stone, brick and stucco are the preferred materials for signs.

F. **Legibility.** Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:

1. The speed at which they are viewed;
2. The context and surroundings in which they are seen; and
3. The design, colors and contrast of the sign copy and sign face.
4. The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

G. **Sign Illumination.**

1. Use illumination only if necessary.
2. Sign illumination shall complement, not overpower, the overall composition of the site.

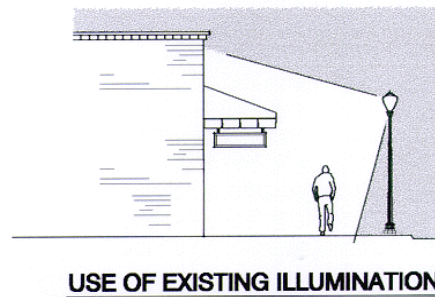


Figure 7-6

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

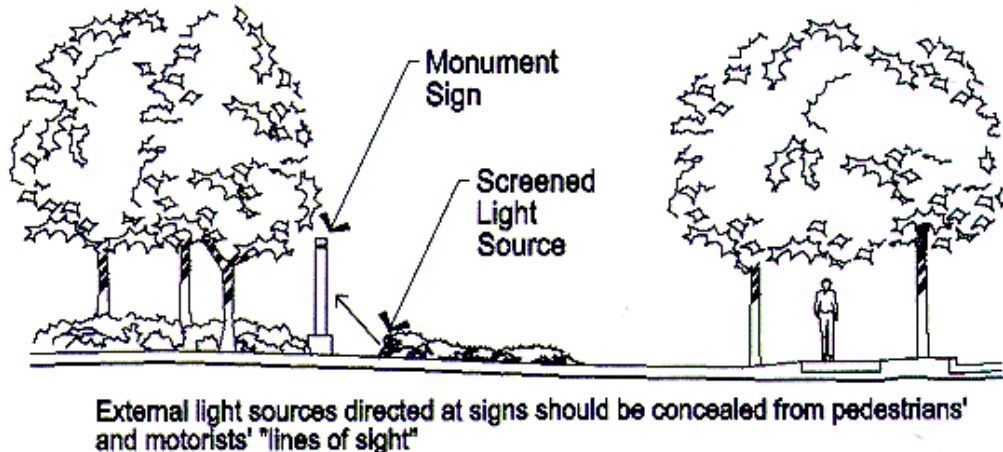


Figure 7-7

4. Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability.
5. Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
6. Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.
7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
8. The use of individually-cut, back-lit letter signs is encouraged.
9. Lighting behind sign faces may only illuminate the symbol or message through a translucent material; the rest of the sign shall be opaque.
10. No commercial sign within three hundred (300) linear feet of any property which contains an existing or approved residential use or is zoned for residential use, may be illuminated between the hours of 11:00 p.m. (or one-half [½] hour after the use to which it pertains is closed, whichever is later) and 6:00 a.m.; provided, however, that this time limitation shall

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

### 7.8 Sign Installation and Maintenance

#### A. Installation.

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

#### B. Maintenance.

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

## 7.9 Standards for Specific Sign Structures

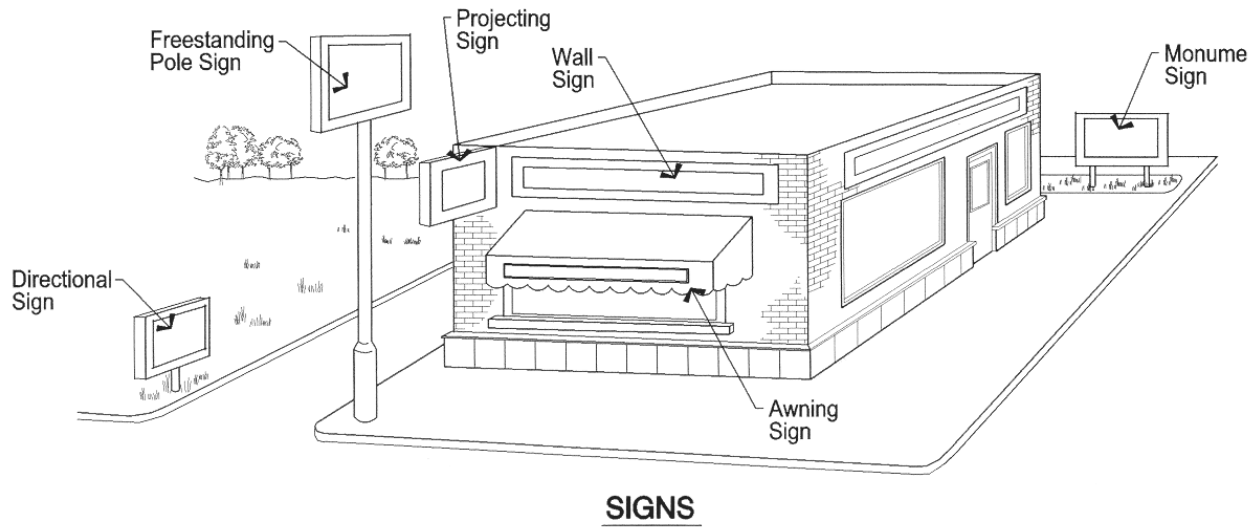


Figure 7-8

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

1. **Location.** Signs may be placed only on awnings that are located on first-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.



Example of Awning Sign

2. **Maximum area and height.** Sign area shall comply with the requirements established by Section 7.10 (Sign Standards by Zoning District). No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building. No awning, with or without signage, shall extend above the roofline of any building.
3. **Lighting.** The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five (25) percent of the total area of

the awning. Awning signs shall not be allowed above the first story of a building.

4. Required maintenance. Awnings shall be regularly cleaned and kept free of dust and visible defects.

- B. **Canopy Signs.** A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building or by columns extending from the ground or by a combination of a building and columns.

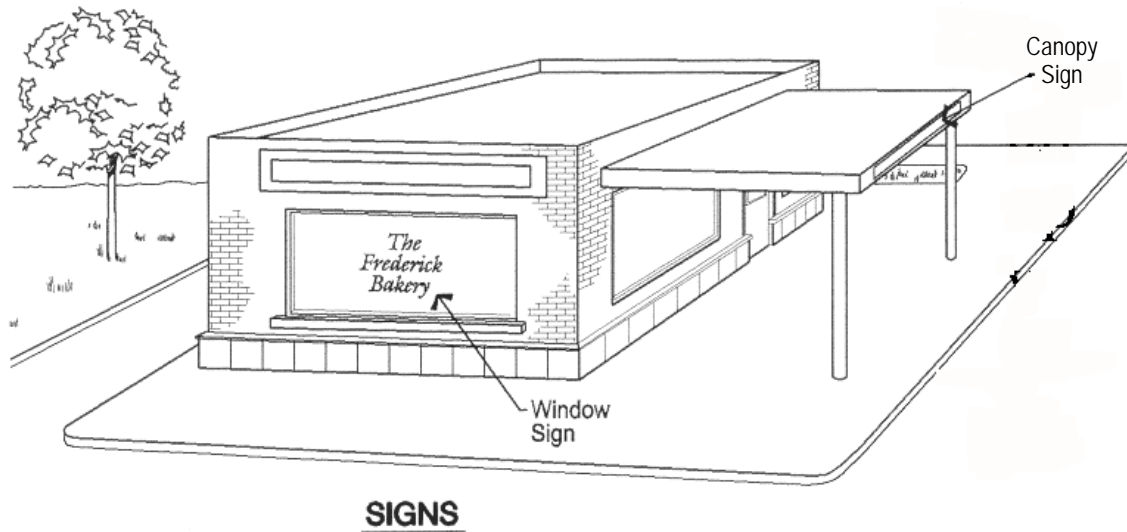


Figure 7-9

1. Maximum area and height. Sign area shall comply with the requirements established by Section 7.11 (Sign Standards by Zoning District). No canopy, with or without signage, shall extend above the roofline of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches (measured from the bottom of the sign). Under-canopy signs, which are perpendicular to the face of the building, shall be deemed to be projecting wall signs. Under-canopy signs that are parallel to the face of the building, shall be a minimum of eight (8) feet above grade and shall be deemed to be flush wall signs.
2. Required maintenance. Canopies shall be regularly cleaned and kept free of dust and visible defects.



C. **Freestanding Signs.** A freestanding sign is a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure

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

a. When a freestanding sign is placed on a lot with two (2) or more street frontages, such sign shall be said to be adjacent to a particular street frontage when it is located closer to that street frontage than any other street frontage.

b. If a lot has more than one (1) street frontage, the freestanding sign permitted for each frontage must be located adjacent to the street frontage that is the basis for the allotment of such sign.

c. No freestanding sign shall be built within fifteen (15) feet of any interior side lot line. The minimum horizontal distance between freestanding or monument signs located on the same lot shall be seventy-five (75) feet.

d. The sign face of a single face sign must be most nearly parallel to the street frontage to which it is adjacent. The sign faces of a multi-face sign must be most nearly perpendicular to the street frontage to which they are adjacent.

2. **Setback.** The setback of any freestanding sign shall be measured from the street right-of-way line of the street frontage that is the basis for the allotment of such sign. Any such setback shall be measured perpendicularly from the street right-of-way line to the nearest portion of the sign face or structure.

3. **Maximum number of signs.** No more than one (1) freestanding or monument sign per street frontage shall be permitted for any property. A drive-in restaurant, when located on a lot with frontage on only one (1) street, shall be permitted one (1) additional freestanding or monument sign for the sole purpose of a menu board for the drive-through customers. Such sign shall not exceed five (5) feet in height, thirty-five (35) square feet in area and shall be limited to one (1) face. Fifty (50) percent of the square footage of such sign shall be exempted from the total allowed for the property.



Example of Freestanding Sign.



4. Maximum area and height. The sign shall comply with the height and area requirements established in Section 7.11 (Sign Standards by Zoning District).
- a. The maximum size for freestanding signs shall be 1.5 square feet for every one linear foot of building frontage. In no event, shall the cumulative total allowable sign area exceed 150 square feet per business.
  - b. The maximum height for freestanding signs shall be eighteen feet above grade in accordance with the setbacks below.

Distance from street right-of-way line (feet)	Maximum height above grade (feet)	Maximum size allowed per side (square feet)
0	10	20
5	10	30
10	12	40
15	12	50
20	14	60
25	16	70
30	18	80
35 or more	18	90

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

exceeds fifty (50) percent of the width of its face or three (3) feet, whichever is smaller. In addition, freestanding and monument signs shall not be located closer to the right-of-way line than allowed in the tables below that apply to such signs.

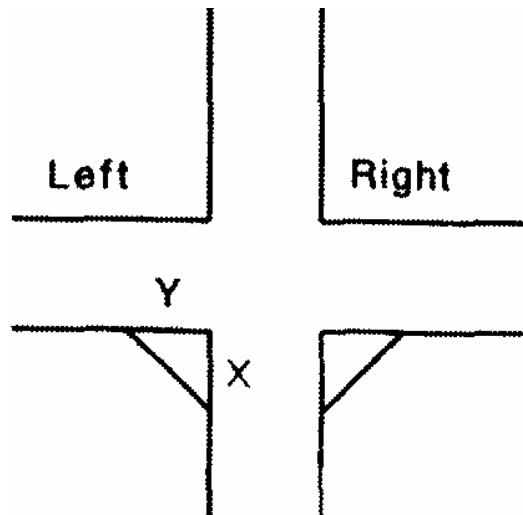


Figure 7-10

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

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

D. **Monument Signs.** A monument or ground sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

1. Location. The sign may be located only along a site frontage adjoining a public street. The sign may not be located in the site distance triangle (refer to Section 7.9 C.9 a. and b. for details).



Example of a Monument Sign.

2. Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. Project monument signs shall contain only the name and address of the project that it identifies.

3. Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign and supporting structure. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Planning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

4. Setback. The setback of any freestanding sign shall be measured from the street right-of-way line of the street frontage that is the basis for the allotment of such sign. Any such setback shall be measured perpendicularly from the street right-of-way line to the nearest portion of the sign face or structure.

5. Maximum number of signs. No more than one (1) freestanding or monument sign per street frontage shall be permitted for any property. A drive-in restaurant, when located on a lot with frontage on only one (1) street, shall be permitted one (1) additional freestanding or ground sign for the sole purpose of a menu board for the drive-through customers. Such sign shall not exceed five (5) feet in height, thirty-five (35) square feet in area and shall be limited to one (1) face. Fifty (50) percent of the square footage of such sign shall be exempted from the total allowed for the property.

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

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

E. **Off-Premise Signs.** Off-premise signs, also known as off-site signs, are generally prohibited, except for those specific types of signs listed in this section.

1. Business or residential district identification signs. A business or residential district identification sign is an off-premise sign for the identification of a specific business district, residential district or center identified in the Comprehensive Plan or a business improvement or redevelopment area approved by the Town Board. These signs shall not:

- a. Interfere with pedestrian or vehicular safety;
- b. Detract from the pedestrian quality of the surrounding area; or
- c. Add to an over-proliferation of signs on one property or in an area.

The owner of the sign shall enter into an agreement with the Town of Kersey for funding the ongoing cleaning, maintenance, and repair of the sign.

2. Church and civic club off-premise signs. A church or civic club off-premise sign is an off-premise sign intended to direct people to the church or civic club and/or state meeting dates and times. Such signs shall not:

- a. Interfere with pedestrian or vehicular safety;
- b. Detract from the pedestrian quality of the surrounding area;
- c. Add to an over-proliferation of signs on one property or in an area;
- d. Be allowed for any organization that has not proven "non-profit" status;
- e. Measure more than four (4) square feet; or
- f. Number more than five (5) for any organization.

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

- F. **Projecting Signs.** A projecting sign is any sign supported by a building wall and projecting there from at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached.
1. **Location.** Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access. Mount projecting signs so they generally align with others in the block. This helps to create a “canopy line” that gives scale to the sidewalk.
  2. **Maximum area and height.** Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs must have eight (8) feet clearance, and may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to sixteen (16) square feet.
  3. **Sign structure.** Sign supports and brackets shall be compatible with the design and scale of the sign.
  4. **Quantity.** The number of projecting signs is limited to one per business. Projecting signs are not permitted in conjunction with wall-mounted or pole signs.

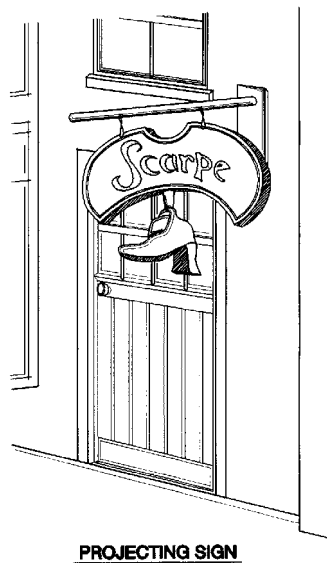


Figure 7-11

**G. Wall Signs.** A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level.



Example of a Wall Sign.

2. Maximum area and height. Wall signs shall not be higher than the eave line of the principal building. Wall signs shall not exceed one square foot per linear foot of building frontage at ground level, and 0.75 square foot per linear foot of second story building frontage. The sign shall comply with the height and area requirements established in Section 7.10 (Sign Standards by Zoning District).

3. Projection from wall. No sign part, including cut-out letters, may project from the surface upon which it is attached more than required for construction purposes.

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

**H. Window Signs.** A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second floor level.

1. Maximum area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:

a. Twenty-five (25) percent of the window or door area at the ground floor level; and

b. Twenty-five (25) percent of the total allowable sign area for the premises.

2. Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises. Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs.

<b>7.10 Standards for Specific Types or Purposes</b>
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- A. **Identification Signs.** An identification sign is any sign created for the purposes of identifying a business or private residence.
- B. **Time and/or Temperature Signs.** A time and/or temperature sign is any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.
1. Maximum area. Time and/or temperature signs which do not exceed ten (10) square feet shall not be required to be included in the allowable sign area permitted in Section 7.6 (Measurement of Sign Area and Height; Sign Setbacks); provided however, that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.
  2. Design. The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.
  3. Maintenance. It shall be the responsibility of the owner of such signs to maintain such signs and insure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed.

## 7.11 Sign Standards by Zoning District

### A. Residential Zones

Signs for uses within residential zones or for any residential use in a mixed-use district shall be limited to the following:

Type or Purpose of Sign	Permitted Sign Structure	Number of signs allowed per use	Maximum area (s.f) per sign	Maximum height	Comments
Identification sign	freestanding or wall sign	One (1) per single-family, two-family, mobile home	Two (2) s.f. per face		
		One (1) per multi-family	Twenty (20) s.f. per face		Only indirect illumination
		One (1) per public or semipublic use	Thirty-five (35) s.f. per face	Eight (8) feet	Only indirect illumination
		One (1) per subdivision entrance (monument sign or wall sign)	Thirty-five (35) s.f. per face	Six (6) feet	Only direct illumination
		One (1) per child care center	Ten (10) s.f. per area		Unlighted
		One (1) per subdivision sales office	Ten (10) s.f. per face		Unlighted
		One (1) per licensed home occupation	Four (4) s.f. per face	5 feet	
		One (1) per Bed and Breakfast per street frontage	Four (4) s.f.	Below edge of roof, 4' freestanding	May be lighted; name and address of facility only
		One (1) per tenant space for a commercial use (legal use)	1 for each linear foot of building frontage; 25 s.f. maximum	6 feet	Direct light source only; may not be illuminated between 11 p.m. and 6 a.m. if within 500' of existing residential



- B. Non-Residential Zones.** Signs for uses within non-residential zones including commercial and industrially zoned sites or for any institutional/civic/public, business, commercial or industrial use in a mixed-use district shall be limited to the following:

<i>Type of Sign</i>	<i>Number of Signs</i>	<i>Maximum Area (sq. ft.)</i>	<i>Maximum Height of Freestanding Signs</i>	<i>Comments</i>
Identification Sign (Freestanding, Wall, Window, Awning, Canopy, Projecting)	Project entry monument sign: 1 per entrance	90	12' – refer to setback chart in section 7.9 D.	Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign
	Arterial street Freestanding sign: 1 every 1500' of street frontage	1.5 sq ft of sign area for each linear foot of total building frontage up to 90 sq ft maximum	18' - refer to setback chart in section 7.9 C.	Freestanding sign shall be in place of project monument sign; not allowed on local or collector streets
	Wall sign: 1 per individual tenant building frontage	1 sq ft of sign area for each linear foot of total building frontage	n/a	The total area of signs on the second story of a building shall not exceed 0.75 square feet per lineal foot of building frontage.
	Canopy or awning sign: 1 per individual building tenant		Minimum 8' above finished grade	Allowed in place of a wall sign
	Window sign: 1 per business	25% of window or door area	n/a	May be placed on the window <u>or</u> door; cannot exceed 25% of the total allowable sign area for the premises
	Projecting sign	3 feet wide, 6 square feet	No higher than first story of building	Must have 8' clearance and extend no more than 4'
	Information signs	5	6'	Permitted at rear and loading door entrances
Time and/or Temperature	1	10	6' monument, 12' pole	Identification or advertising that is part of sign structure must be included in allowable sign area

- C. **Total allowable sign area.** The total area of all signs on a lot, or, in the case of a permitted use or uses occupying two (2) or more adjacent lots, the total area of all signs on all such adjacent lots shall not exceed one and one-half (1.5) square feet per linear foot of building frontage at ground level, and three-quarters (0.75) square foot per linear foot of second story building frontage. In no event, however, shall the cumulative total allowable sign area exceed one hundred fifty (150) square feet per business.

## 7.12 Creative Signs

- F. **Purpose.** This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:
1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Town of Kersey, while mitigating the impacts of large or unusually designed signs.
- G. **Applicability.** An applicant may request approval of a Sign Permit under the Creative Sign Program to authorize on-site signs that employ standards that differ from the other provisions of this Article but comply with the provisions of this Section.
- H. **Approval Authority.** A Sign Permit application for a creative sign shall be subject to review by the Planning Commission and approval by the Board of Trustees.
- I. **Application Requirements.** A Sign Permit application for a creative sign shall include all information and materials required by the Town of Kersey, and the filing fee based on the same fee schedule as a building permit.
- J. **Design Criteria.** In approving an application for a creative sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria:
1. Design quality. The sign shall:
    - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
    - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
    - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  2. Contextual criteria. The sign shall contain at least one (1) of the following elements:
    - a. Classic historic design style;
    - b. Creative image reflecting current or historic character of the Town of Kersey.
    - c. Symbols or imagery relating to the entertainment or design industry; or
    - d. Inventive representation of the use, name or logo of the structure or business.

3. Architectural criteria. The sign shall:
  - a. Utilize and/or enhance the architectural elements of the building; and be placed in a logical location in relation to the overall composition of the building's facade and
  - b. Not cover any key architectural features/details of the facade.

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