

# Legals

legals@crestedbuttenews.com • phone: (970)349.0500 ext. 112 • fax: (970)349.9876 • www.crestedbuttenews.com

**—IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4—  
STATE OF COLORADO  
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS  
IN SAID WATER DIVISION NO. 4**

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of July 2017. The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred. **CASE NO. 2017CW36 (REF NO. 10CW156, 04CW94).** Applicant: Colorado Department of Transportation C/O John David, 606 South 9th St., Grand Junction, CO 81501. Application for Finding of Reasonable Diligence: Old Mine Spring – NW1/4SE1/4NW1/4 of Section 1, T48N, R5W, NMPM. 3,596 feet north of the south line and 2,078 feet east of the west section line. Source: Gunnison River. Appropriation

Date: 06/01/1999. Amount Claimed: 0.02 c.f.s. conditional for domestic use. The application on file with the water court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY** YOU ARE FURTHER NOTIFIED THAT you have until the last day of September, 2017 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). **DARLEEN CAPPANNOKEEP**, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401  
Published in the *Crested Butte News*. Issue of August 11, 2017. #081103

**—TOWN OF CRESTED BUTTE—  
INVITATION TO BID  
FOR THE  
2017 FOUNDATION WATER MITIGATION PROJECT**

The Town is issuing an Invitation to Bid for the Foundation Water Mitigation Project. The Invitation to Bid can be found on the Town website www.townofcrestedbutte.com under Bids/Proposals. Copies of the Contract Documents, Bid Documents and Specifications, may be obtained from the Town of Crested Butte, Town Hall, at 507 Maroon Avenue, Crested Butte, Colorado, 81224 upon payment

of a non-refundable fee of Fifty dollars (\$50.00) per set. Make checks payable to the Town of Crested Butte. No partial sets will be issued, and no electronic copies are available. Bid documents will be available August 4th after 12:00p.m. Bid Opening: August 16, 2017 02:00p.m. MST. No Bids will be accepted after Bid Opening. Location for Bid delivery: Town of

Crested Butte, Town Hall, 507 Maroon Ave., Crested Butte, Colorado 81224, or can be mailed to PO Box 39, Crested Butte, Colorado 81224 Attn: Rodney Due Contact Information: Dale Hoots, Facilities Manager (970) 349-5338 or rdue@crestedbutte-co.gov  
Published in the *Crested Butte News*. Issues of August 4 and 11, 2017. #080404

**—LEGAL—**

The Creative District Commission has an opening for one Commission member. The Commission meets at least once a month. The Commission will be responsible for several tasks including the implementation of a public arts policy, promoting the arts through education, executing the Creative District Strategic Plan, and making recommendations to the Town Council on projects for the Creative District. Applications are available on the Creative District website (cbcreativedistrict.org) and at Town Hall. Applica-

tions are due by August 25, 2017 to Town Hall. Interviews will be held on the morning of Tuesday, August 29, 2017. More information about the Creative District Commission can be requested by emailing or calling Hilary Henry, Open Space/Creative District Coordinator at hhenry@crestedbutte-co.gov or (970)349-5338.  
Published in the *Crested Butte News*. Issues of August 4, 11 and 18, 2017. #080409

**—IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4—  
STATE OF COLORADO  
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 4**

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of July 2017. The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and

Administration Act of 1969, or be forever barred. **CASE NO. 2017CW32.** Applicant: The Blue Partnership, LTD., 800 6530 Road, Montrose, CO 81401. Application For Correction For An Established But Erroneously Described Point Of Diversion: Joe Williams Spring Pipeline No. 2: Decreed Legal Description – Point from whence the SE Corner of Section 36, T47N, R5W, N.M.P.M. bears South 72 degrees East 7,320 feet. Decreed Source of Water: Spring tributary to Middle Blue and the Gunnison River. Decreed Appropriation Date: 12/01/1970. Decreed Amount: .35 c.f.s. abso-

lute. Decreed Use: Domestic, fish culture and irrigation. Description of Proposed Correction: Spring has not moved, description in error. Corrected Legal Description: SE1/4NE1/4 of Section 35, T47N, R5W, N.M.P.M. 1,948 feet from the north line and 1,104 feet from the east section line. Joe Williams Spring Pipeline No. 3: Decreed Legal Description – Point from whence the SE Corner of Section 36, T47N, R5W, N.M.P.M. bears South 67 degrees East 9,240 feet. Decreed Source of Water: Spring tributary to Middle Blue and the Gunnison River. Decreed Appropriation Date: 06/01/1970. Decreed Amount:

.07 c.f.s. absolute. Decreed Use: domestic, stockwater and irrigation. Description of Proposed Correction: Spring has not moved, description in error. Corrected Legal Description: SW1/4SW1/4 of Section 36, T47N, R5W, N.M.P.M. 1,066 feet from the south line and 1,120 feet from the west section line. **GUNNISON COUNTY.** YOU ARE FURTHER NOTIFIED THAT you have until the last day of September, 2017 to file with the Water Clerk, in duplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be

granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at www.courts.state.co.us). **DARLEEN CAPPANNOKEEP**, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401  
Published in the *Crested Butte News*. Issue of August 11, 2017. #081102

**— SUMMONS BY PUBLICATION—  
DISTRICT COURT, SEVENTH JUDICIAL DISTRICT, COLORADO  
GUNNISON COUNTY COMBINED COURT OFFICES  
200 E. VIRGINIA AVENUE, GUNNISON, CO 81230  
970-642-8300**

Plaintiff: JOHN W. GALLOWICH, RUTH GALLO-WICH, MARY ANN FORE, PATRICIA ANN DOLL, MOLLY GIST, AND ROBERT C. NICCOLI v. Defendants: KIRSTEN A. ATKINS; THE GUNNISON BANK AND TRUST COMPANY; DAVID AND RHONDA MCCAY; VIRGIL AND LEE SPANN; PRIORITY ONE INTERNATIONAL CORPORATION, A TEXAS CORPORATION; THREE B'S REALITY, INC., A FLORIDA CORPORATION; AND ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION  
**CASE NO. 2017CV30032, DIVISION 2**  
Attorneys for Plaintiff:  
Holsinger Law, LLC  
Jack Silver, Esq. (3891)  
Austin Rueschhoff, Esq. (48278)  
1800 Glenarm Place, Suite 500  
Denver, Colorado 80202  
P: (303) 722-2828  
F: (303) 496-1025  
E: jsilver@holsingerlaw.com  
arueschhoff@holsingerlaw.com

**SUMMONS BY PUBLICATION**  
To the above-named defendants:  
PRIORITY ONE INTERNATIONAL CORPORA-TION., A TEXAS CORPORATION, which is or before may have been known as PRIORITY ONE INTERNATIONAL INC., A TEXAS CORPORA-TION; and ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION  
TAKE NOTICE HEREBY:  
This SUMMONS BY PUBLICATION is filed in accordance with and pursuant to Colorado Rules of Civil Procedures 4(g). You are hereby summoned and required to appear and defend against the claims of the COMPLAINT FOR DECLARATORY JUDGMENT, filed with the court in this action, by filing with the clerk of this court an answer or other response. You are required to file your answer or other response within thirty-five (35) days after the service of this summons upon you. Service of this summons shall be complete on the day of the last publication. A copy of the Complaint may be obtained from the clerk of the court. If you fail to file your answer or other response to the Complaint in writing within thirty-five (35) after the date of the last publication, judgment by default may be rendered against you by the court for the relief demanded in the Complaint without

further notice.  
This is an action for declaratory judgment to the following property. The legal description of the Property is:  
Township 14 South, Range 85 West, 6th P.M. A parcel of land situated in the S1/2S1/2 of Section 28 and the SW1/4 of Section 27, above township and range, being more particularly described as follows:  
Beginning at the found 3" brass cap set by L.S. 1776 for the northwest corner of Section 34, also being the southeast corner of said Section 28, the basis of bearing being S 07°28'29" E along the west line of said Section 34 to the found B.L.M. aluminum monument for the southwest corner of said Section 34;  
Thence S 89°06'04" W a distance of 1400.07 feet;  
Then N 00°09'01" W a distance of 1234.85 feet;  
Thence N 89°31'59" E a distance of 253.50 feet;  
Thence S 48°59'44" E a distance of 969.13 feet;  
Thence N 44°29'00" E a distance of 498.53 feet to the southerly right-of-way of Colorado Highway 135;  
Thence S 50°17'29" E a distance of 885.08 feet along said right-of-way;  
Thence S 58°53'20" W a distance of 714.73 feet to the point of beginning.

EXCEPTING THEREFROM that portion of the above described property lying within that property in Deed recorded September 28, 1928 in Book 236 at Page 245. AND FURTHER EXCEPTING THEREFROM those easements described in Paragraphs 2, 3, 4 and 5 excluded in Warranty Deed recorded April 12, 1995 on Book 762 at Page 419, County of Gunnison, State of Colorado. In accordance with Colorado Rules of Civil Procedure 121 § 1-26(7), a printed copy of this document with the original signature affixed thereupon is being maintained by counsel for the Petitioners and will be made available for inspection by any person or the Court, upon request. Dated August 2, 2017.  
Holsinger Law, LLC  
By: *Isl Jack Silver*  
Jack Silver (3891)  
Austin Rueschhoff (48278)  
Attorneys for Plaintiffs John W. Gallowich, Ruth Gallowich, Mary Ann Fore, Patricia Ann Doll, Molly Gist, and Robert C. Niccoli  
Published in the *Crested Butte News*. Issues of August 11, 18, 25, and September 1 and 8, 2017. #081101

**—NOTICE OF PUBLIC HEARING—  
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW  
TOWN OF CRESTED BUTTE, COLORADO  
BLOCK 1, LOTS 1-5 AND 28-32 AND BLOCK 12, LOTS 1-5 AND 28-32**

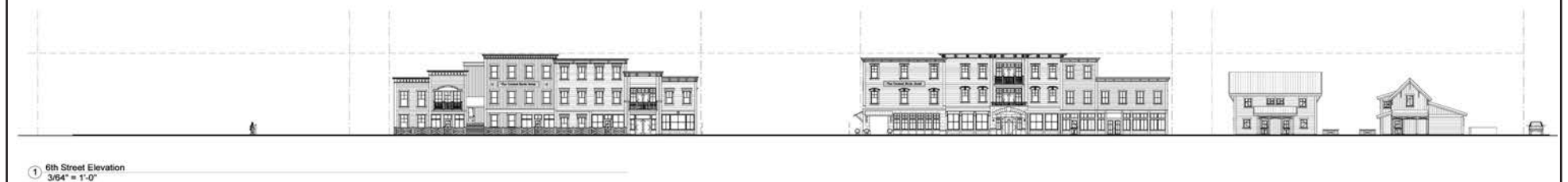
PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on August 17, 2017 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the

purpose of considering the following: The application of **Sixth Street Station LLC** for building permit review of a Planned Unit Development, P.U.D., and the construction of a commercial/residential building(s) to be located at Block 1, Lots 1-5 and 28-32 and

Block 12, Lots 1-5 and 28-32 in the B2 zone. *Continued from the July 19, 2017 BOZAR special meeting.* Additional requirements:  
- **Building Permit review for a P.U.D. in the B2 zone is required.**  
- **Architectural approval (i.e. archi-**

**ecture, color, materials, landscaping, common elements, lighting, site grading and development schedule) as part of the building permit review for a P.U.D. in the B2 zone is required.** (See attached drawing)

TOWN OF CRESTED BUTTE  
By Jessie Earley, Building Department Assistant  
Published in the *Crested Butte News*. Issues of August 4 and 11, 2017. #080406



1 6th Street Elevation  
3/4\"/>

# Legals

—MEETING NOTICE—

The Board of Directors of the Upper Gunnison River Water Conservancy District will conduct the regular board meeting on Monday, August 28, 2017, beginning at 5:30 p.m. The meeting is being held at the District Offices, 210 West Spencer, Suite B, Gunnison, and is open to the public. An agenda will be posted prior to the meeting.

Published in the *Crested Butte News*. Issue of August 11, 2017. #081104

—MOUNTAIN EXPRESS BOARD OF DIRECTORS MEETING—  
AGENDA

THURSDAY, AUGUST 17, 2017 ~ 9:00 A.M.  
MT. CRESTED BUTTE TOWN HALL

- |   |  |
|---|--|
| I. Roll Call  | request by Dave Ochs                     |
| II. Reading and Approval of the Minutes of July 20, 2017 Meeting. | C. 2018 Preliminary Budget Discussion    |
| III. Transit Manager's Operational and Financial Report           | D. Discussion of MX Shop Expansion       |
| A. Operations Report  | VI. Executive Session: MX Shop Expansion |
| B. Financial Report   | VII. Unscheduled Business                |
| IV. Unfinished Business   | VIII. Schedule Next Board Meeting        |
| V. New Business   | IX. Adjournment                          |
| A. Appointment of MX Board Secretary                              |  |
| B. CMBA Conservation Corps financial contribution                 |  |

Published in the *Crested Butte News*. Issue of August 11, 2017. #081105

**deadline tuesday at noon**

—NOTICE OF PUBLIC HEARING—  
CONCERNING A LAND USE CHANGE PERMIT  
APPLICATION TO LEGITIMIZE AN ILLEGALLY CREATED  
25-ACRE PARCEL

SE1/4NE1/4 SECTION 3, TOWNSHIP 15 SOUTH, RANGE 85 WEST, 6TH P.M

**HEARING DATE, TIME AND LOCATION:** The Board of County Commissioners will conduct an additional public hearing on **September 19th, 2017 at 9:00 a.m.** in the Board of County Commissioners Meeting Room, Gunnison County Courthouse, 200 E. Virginia Avenue, Gunnison, Colorado, to hear public comment concerning a land use change permit application.

**APPLICANT:** The applicant is Warren Anthony Sciortino.

**PARCEL LOCATION:** The property is located directly east of Highway 135, approximately

18.5 miles north of the City of Gunnison, at the base of Round Mountain. The property is legally described as being within the SW1/4NW1/4 Section 2 and the SE1/4NE1/4 Section 3, Township 15 South, Range 85 West, 6th P.M., consisting of 25.32-acres.

**PROPOSAL:** The applicant is requesting to legitimize the conveyance of an illegally created 25-acre parcel as a legal, subdivided lot, created in 2006.

**PUBLIC PARTICIPATION:** The public is invited to submit oral or written comments at

the hearing, or to submit written comments by email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org); fax (970) 641-8585, or letter (Community Development, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available in the Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling the Planning Office (970) 641-0360.

**ADA ACCOMMODATIONS:** Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.  
/s/ Neal Starkebaum  
Assistant Director  
Gunnison County Community Development Department

Published in the *Crested Butte News*. Issue of August 11, 2017. #081106

—NOTICE OF JOINT PUBLIC HEARING—  
CONCERNING A LAND USE CHANGE PERMIT  
APPLICATION FOR THE SUBDIVISION OF THE CHURCH LOT, RIVERWALK ESTATES SUBDIVISION  
CHURCH LOT, RIVERWALK ESTATES

**HEARING DATE, TIME AND LOCATION:** The Gunnison County Planning Commission and Board of County Commissioners will conduct a joint public hearing on **September 15th, 2017 at 9:30 a.m.** in the Planning Commission Meeting Room, 2nd Floor, Blackstock Government Center, 221 N. Wisconsin St. Gunnison, Colorado, to hear public comment concerning a land use change permit application.

**OWNER:** The owner is the Gunnison Church of Christ.

**APPLICANT:** The applicant is William

R. Goddard, Jr.

**PARCEL LOCATION:** The property is located approximately two miles north of the City of Gunnison, west of Highway 135, within Riverwalk Estates. The property is legally described as Church Lot, Riverwalk Estates Subdivision.

**PROPOSAL:** The applicant is requesting the subdivision of the Church Lot, Riverwalk Estates Subdivision, a 12.75-acre parcel, into two single-family lots; which will become Lot 37-7.759-acres and Lot 38 - 4.989 acres. The lot was approved for a church, a

residential parsonage and an ancillary building, constrained by two building envelopes. Water and sewer service to the residences will be serviced by individual wells and connection to the North Gunnison Sewer District sewer system. Kokanne Court will provide access to the lots. An amendment to the *Riverwalk Declaration of Protective Covenants* will revise the permitted uses on the Church Lot, to allow for one single-family residence/lot.

**PUBLIC PARTICIPATION:** The public is invited to submit oral or written com-

ments at the hearing, or to submit written comments by email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org); fax (970) 641-8585, or letter (Community Development, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available in the Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling

the Planning Office (970) 641-0360.  
**ADA ACCOMMODATIONS:** Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.  
/s/ Neal Starkebaum  
Assistant Director  
Gunnison County Community Development Department

Published in the *Crested Butte News*. Issue of August 11, 2017. #081107

NOTICE OF JOINT PUBLIC HEARING  
CONCERNING A LAND USE CHANGE PERMIT  
APPLICATION FOR THE SUBDIVISION OF 32-ACRES INTO TWO RESIDENTIAL LOTS  
WITHIN U.S. GOVERNMENT LOTS 9, 10, 15 & 16, SECTION 5, TOWNSHIP 46 NORTH, RANGE 6 WEST, N.M.P.M.  
FREE SUBDIVISION

**HEARING DATE, TIME AND LOCATION:** The Gunnison County Planning Commission and Board of County Commissioners will conduct a joint public hearing on **September 15th, 2017 at 9:00 a.m.** in the Planning Commission Meeting Room, 2nd Floor, Blackstock Government Center, 221 N. Wisconsin St. Gunnison, Colorado, to hear public comment concerning a land use change permit application.

**OWNER:** The owners are James and Shirley Bruck.

**APPLICANT:** The applicant is James C. Free.

**PARCEL LOCATION:** The property is located approximately 14 miles south of Highway 50, directly west of County Road #858 (Big Cimarron Road), adjacent to the Silverjack Subdivision. The property is legally described as being situated in U.S. Government Lots 9, 10, 15 & 16, Section 5, Township 46 North, Range 6 West, N.M.P.M.

**PROPOSAL:** The applicant is requesting the subdivision of 32.428-acres into two single-family lots: Lot 1, 5.898-acres (with existing cabin) and Lot 2, 26.53-acres (with three existing cabins) to settle a family estate. All of the cabins are served by exiting springs and pit privies. Existing access is from Hampton Road, via County #858 (Big Cimarron Road). No covenants are proposed, and no changes to the existing developed property is contemplated. The existing cabins date back to the early/mid 20th century. The 32-acre legal parcel was created as a remainder tract, during the subdivision of Silverjack Subdivision, in 1973.

**PUBLIC PARTICIPATION:** The public is invited to submit oral or written comments at the hearing, or to submit written comments by email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org); fax (970) 641-8585, or letter (Community Development, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the

afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available in the Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling the Planning Office (970) 641-0360.

**ADA ACCOMMODATIONS:** Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.  
/s/ Neal Starkebaum  
Assistant Director  
Gunnison County Community Development Department

Published in the *Crested Butte News*. Issue of August 11, 2017. #081108

—NOTICE OF PUBLIC HEARING—  
CONCERNING A LAND USE CHANGE PERMIT  
APPLICATION FOR A 250-UNIT SELF STORAGE FACILITY  
ALONG WITH TWO DEED RESTRICTED RESIDENCIAL UNITS ABOVE A 5,000 SQ. FT. LIGHT INDUSTRIAL SHOP ON 4.430 ACRES, ADJACENT TO HIGHWAY 135,  
NORTH OF THE CITY OF GUNNISON, IN THE SE4SW4, SEC 25, TOWNSHIP 50 NORTH, RANGE 1 WEST, N.M.P.M.  
1012 US HIGHWAY 135.

**HEARING DATE, TIME AND LOCATION:** The Gunnison County Planning Commission will conduct a public hearing on **September 15, 2017 at 10 a.m.** in the Planning Commission Meeting Room, 2nd Floor, Blackstock Government Center, 221 N. Wisconsin St. Gunnison, Colorado, to hear public comment concerning a land use change permit application.

**APPLICANT:** AJ Cattles

**PARCEL LOCATION:** The site is located on 4.430 acres, adjacent to High-

way 135, North of the city of Gunnison, in the SE4SW4, Sec 25, Township 50 north, Range 1 West, N.M.P.M. 1012 US Highway 135.

**PROPOSAL:** The applicant is proposing a mixed use facility comprised of a 5,000 sq. ft. light industrial shop with two residential, deed restricted units and a 45,000 sq. ft., 250 unit self-storage complex. Subdivision of the 4.43-acre parcel into two lots; Lot 1 with existing residence is .84 acres and Lot 2 with self-storage units and

light industrial shops is 3.64 acres. Water supply will be by central well and sewer by connection to the North Gunnison Sewer District sewer system. The complex will be secured by gated access and an onsite manager. **LUC-17-00015.**

**PUBLIC PARTICIPATION:** The public is invited to submit oral or written comments at the hearing, or to submit written comments by email: [planning@gunnisoncounty.org](mailto:planning@gunnisoncounty.org); fax (970) 641-8585, or letter (Community Develop-

ment, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available in the Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling the Planning Office (970) 641-0360.

**ADA ACCOMMODATIONS:** Anyone

needing special accommodations as determined by the *American Disabilities Act* may contact the Community Development Department prior to the day of the hearing.

/s/ Rachel Sabbato-Estrada  
Planner II  
Gunnison County Community Development Department

Published in the *Crested Butte News*. Issues of August 11, 18, 25, September 1 and 8, 2017. #081109

—GUNNISON COUNTY PLANNING COMMISSION—  
PRELIMINARY AGENDA: FRIDAY, AUGUST 18, 2017 8:45 A.M.

- Call to order; determine quorum
- Approval of Minutes
- Unscheduled citizens: A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

**9:00 a.m. Goddard – Church Lot Subdivision,** work session/no action, request to subdivide the Church Lot, Riverwalk Estates Subdivision, a 12.75-acre parcel, into two single-family lots; which will become Lot 37- 7.759-acres and Lot 38 - 4.989 acres. The lot was approved for a church, a residential parsonage and an ancillary building, constrained by two building envelopes. Water and sewer service

to the residences will be provided by individual wells and by connection to the North Gunnison Sewer District sewer system. Kokanne Court will provide access to the lots. An amendment to the *Riverwalk Declaration of Protective Covenants* will revise the permitted uses on the Church Lot, to allow for one single-family residence/lot.

**LUC-17-00023**

**Site Visit will follow**

**9:30 a.m. Gunnison Secure Storage,** work session/no action, request for a mixed residential/commercial use facility comprised of a 5,000 sq. ft. light industrial shop tenant space, with two residential, deed restricted units, and a 45,000 sq. ft. 250-unit self-storage complex. Subdivision of the 4.43-acre parcel into two lots, Lot 1

- .84-acres, with existing residence, and Lot 2 – 3.64-acres. Water supply will be by central well and sewer by connection to the North Gunnison Sewer District sewer system. The complex will have gated access and an onsite manager.

**LUC – 17- 00015**

**Site Visit will follow**

**10:30 a.m. Goddard – Church Lot Subdivision, Site Visit**

**11:00 a.m. Gunnison Secure Storage – Site Visit**

**Adjourn**

Published in the *Crested Butte News*. Issue of August 11, 2017. #081110

# Legals

**—GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE—  
REGULAR MEETING AGENDA  
WEDNESDAY, AUGUST 16, 2017**

**PLANNING COMMISSION MEETING ROOM, BLACKSTOCK GOVERNMENT CENTER**

- 10:00 am** • Call Regular Meeting to Order; Determination of Quorum; Verify Public Notice of Meeting
  - Agenda Approval
  - Approval of May 17, 2017 Meeting Minutes
- 10:05** • Committee Member Comments/Reports
- 10:25** • SGI Conference Update
- 10:30** • Weed Discussion
- 10:40** • Wet Meadow Restoration-Resilience Project Coordinator
- 11:10** • Waunita Lek Update
- 11:40** • Public Comments
- 11:45** • Future Meetings
- 11:50** • Adjourn

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY BE TAKEN ON ANY ITEM**. Work Sessions are not recorded and formal action cannot be taken. Two or more Gunnison County Commissioners may attend this meeting. For further information, contact the County Administration at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.

Published in the *Crested Butte News*. Issue of August 11, 2017. #081111

**—LEGAL—**

**PLEASE TAKE NOTICE**, that Ordinance No. 20, Series 2017, was passed on second reading and public hearing at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on Tuesday, the 8th day of August, 2017 in the Town Offices at 507 Maroon Avenue, Crested Butte, Colorado: Ordinance No. 20, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Section 6-4-10 to Add the Term Booth. The full text of Ordinance No. 20, Series 2017 is on file at the Town Offices at 507 Maroon Avenue and will be available on the Town website at townofcrestedbutte.com for public reading. This ordinance shall become effective five days after the date of publication.

**TOWN OF CRESTED BUTTE, COLORADO**  
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of August 11, 2017. #081112

**—LEGAL—**

**PLEASE TAKE NOTICE**, that Ordinance No. 21, Series 2017, was passed on second reading and public hearing at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on Tuesday, the 8th day of August, 2017 in the Town Offices at 507 Maroon Avenue, Crested Butte, Colorado: Ordinance No. 21, Series 2017 - An

Ordinance of the Crested Butte Town Council Approving an Amended Intergovernmental Agreement with the Town of Mt. Crested Butte for the Mountain Express Transportation System. The full text of Ordinance No. 21, Series 2017 is on file at the Town Offices at 507 Maroon Avenue and will be available on the Town website

at townofcrestedbutte.com for public reading. This ordinance shall become effective five days after the date of publication.  
**TOWN OF CRESTED BUTTE, COLORADO**  
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of August 11, 2017. #081113

**—LEGAL—**

**PLEASE TAKE NOTICE** that a public hearing will be on the 21st day of August, 2017 at 7PM in the Town Hall Offices at 507 Maroon Ave, Crested Butte, Colorado on Ordinance No. 22, Series 2017: Ordinance No. 22, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Por-

tion of the Property at 308 Third Street to West Elk Bahk Do Moo Duk Kwan, DBA West Elk Martial Arts.  
**TOWN OF CRESTED BUTTE, COLORADO**  
/s/ Lynelle Stanford, Town Clerk

Published in the *Crested Butte News*. Issue of August 11, 2017. #081114

**—GUNNISON WATERSHED SCHOOL DISTRICT—  
AUGUST 14, 2017 ~ 5:30 P.M.  
LAKE SCHOOL  
GUNNISON, COLORADO  
REGULAR SESSION**

- 5:30** I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Modifications/Approval of Agenda—**ACTION ITEM**
- V. Commendations and recognition of visitors
- VI. Comments from the Public  
*\*Visitors who wish to address the Board regarding school operations or programs, please fill out a slip of paper*
- 5:45** VII. Administrative Action Summaries
  - A. Transportation-Paul Morgan
  - B. Superintendent Update- Doug Tredway
- 6:30** VIII. Action Items
  - A. Consent Grouping  
*Note: Items under the consent grouping are considered routine and will be enacted under one motion. There will not be separate discussion of these items prior to the time the Board votes unless a Board Member requests an item be clarified or even removed from the grouping for separate consideration.*

**The Superintendent recommends approval of the following:**

  - 1. Board of Education Minutes\*

- a. June 26, 2017—Budget Adoption/Regular Session
- 2. Finance\*
  - Approve for payment, as presented by the Business Manager, warrants as indicated
  - a. General Account #33812-34109
  - b. Payroll Direct Deposit #31536-31807
- 3. Personnel\*
  - a. Matthew Benoit-Secondary Science-CBSS
  - b. Adriana Ramos-Custodian-GCS
  - c. Rick Garcia-Building Manager-CBCS
  - d. Paige Jones-Asst. CBMS Volleyball Coach-CBCS
  - e. Resignation of Tara Hamilton-General EA-GES
  - f. Resignation of Elise Brown-SPED EA-GES
  - g. Resignation of Perri Pelletier-Library EA-GCS
  - h. Resignation of Rita Merrigan-ELL-GES
- 4. Correspondence
- B. New Business
  - 1. Call for Nominations for Board of Director Seats
  - 2. Consideration of Additional Fifth Grade Section at GES
- 7:30** C. Old Business
  - 1. Second Reading:

- a. JC-School Attendance Area
  - b. JC-Exhibit (Map)
  - c. AD-Educational Philosophy/School District Mission
  - 7:45** IX. Comments from the Public
  - X. Items introduced by Board Members
  - XI. Board Committee Update
  - XII. Forthcoming Agendas/Meeting Dates and Times
    - A. Monday, August 28, 2017—Work Session@5:30 Gunnison
    - B. Monday, September 11, 2017—Regular Session@5:30 Crested Butte
    - C. Monday, September 25, 2017—District PD Day-Gunnison High School
  - XIII. Executive Session
    - A. CRS 24-6-402-(4)(f) Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointments to the board.
  - XIV. Adjourn
- Published in the *Crested Butte News*. Issue of August 11, 2017. #081115

**—REGULAR TOWN COUNCIL MEETING—  
AUGUST 15, 2017 ~ 6:00 P.M.  
COUNCIL CHAMBERS  
MT. CRESTED BUTTE, COLORADO**

- Public Hearing – 6:00PM – Public Hearing –Discussion and Possible Consideration of a Modification to the Tavern Liquor License Submitted By ND Enterprises LLC, dba The Club at Crested Butte Slopeside Located at 32 Crested Mountain Lane, Units 3A, 3SA, S4B & Suites 201-205 adding Units 206-208 and Upper Level S1 & S2.
- Public Hearing – 6:00PM – Public Hearing - Discussion and Possible Consideration of a Special Event Liquor License Submitted By The Crested Butte/Mt. Crested Butte Chamber of Commerce For An Event To Be Held On September 9, 2017 from 9:30am to 5:30pm At The CBMR Ski Area Base (Red Lady Stage)
- Public Hearing – 6:05PM – Public Hearing – Public Input On Ordinance No. 5, Series 2017- An Ordinance Of The Town Council Of The Town Of Mt. Crested Butte, Colorado, Amending Article I. General, Chapter 11 Licenses And Business Regulations, Of The Town Code Of The Town Of Mt. Crested Butte – First Reading
- Call To Order
- Roll Call
- Approval Of The August 1, 2017 Regular Town Council Meeting Minutes
- Reports
  - Manager's Report
  - Department Head's Reports
  - Town Council Reports

- CORRESPONDENCE UNFINISHED BUSINESS-**
- Discussion And Possible Consideration Of Ordinance No 4, Series 2017 - An Ordinance Of The Town Council Of The Town Of Mt. Crested Butte, Colorado, Amending The Provisions Of Chapter 6 Buildings And Building Regulations, Article II, Building Code, Section 6-21, Fees, And Article III, Residential Code, Section 6-50, Fees – Second Reading - Carlos Velado
- Discussion, Energy and Housing Challenges in Gunnison County – Emily Artale – Lotus Engineering & Sustainability
- Discussion And Possible Consideration Of The First Amendment To An Intergovernmental Agreement (IGA) For The Continuation Of Financial And Community Support Of The Gunnison Valley Regional Housing Authority – Jennifer Kermod
- Discussion and Possible Consideration of Resolution No. 2, Series 2017 - A Resolution Of The Town Of Mt. Crested Butte, Colorado, Approving An Election Called By The Gunnison Valley Regional Housing Authority For November 7, 2017 – Jennifer Kermod
- NEW BUSINESS –**
- Discussion and Possible Consideration of a Modification to the Tavern Liquor License Submitted By ND Enterprises LLC, dba The Club at Crested Butte Slopeside Located at 32 Crested Mountain Lane, Units 3A, 3SA, S4B & Suites 201-205 adding Units 206-208

- and Upper Level S1 & S2. – Brad Bogard
  - Discussion and Possible Consideration of a Special Event Liquor License Submitted By The Crested Butte/Mt. Crested Butte Chamber of Commerce For An Event To Be Held On September 9, 2017 from 9:30am to 5:30pm At The CBMR Ski Area Base (Red Lady Stage) – Scott Stewart or Ashley Upchurch
  - Discussion and Possible Consideration of Ordinance No. 5, Series 2017- An Ordinance Of The Town Council Of The Town Of Mt. Crested Butte, Colorado, Amending Article I. General, Chapter 11 Licenses And Business Regulations, Of The Town Code Of The Town Of Mt. Crested Butte – First Reading
  - OTHER BUSINESS –**
  - PUBLIC COMMENT –** *Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*
  - ADJOURN**
  - If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.
- Published in the *Crested Butte News*. Issue of August 11, 2017. #081116

**—NOTICE OF HEARING—  
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC.  
SPECIAL AREA ARCHITECTURAL REVIEW**

PLEASE TAKE NOTICE THAT a CB South Design Review Committee hearing will be held on Thursday August 24<sup>th</sup>, 2017 at 6:10 p.m. for the Crested Butte South Property Owners Association for the purpose of considering the following:  
*A Certificate of Appropriateness for the application for a Single Family Residence, Lot 19, Block 26, Filing #4, a.k.a. 135 Cisneros Lane. A complete set of plans can be viewed at the Crested Butte South P.O.A. Office, 61 Teocalli Road.*  
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION DESIGN REVIEW COMMITTEE. Submitted by Dom Eymere, CB South Property Owners Association Manager



Published in the *Crested Butte News*. Issue of August 11, 2017. #081117

**—MT. CRESTED BUTTE PERFORMING ARTS CENTER—**

Pursuant to the provisions of the Bylaws of the Mt. Crested Butte Performing Arts Center and applicable Colorado State Statutes and provisions of the IRS tax codes, Mt. Crested Butte Performing Arts Center, a nonprofit corporation organized under the laws of the State of Colorado, hereinafter referred to as the Company, provides the following Notice to Creditors and Claimants:

- The Company is in the process of dissolution and is in the process of winding up its affairs.
- The Board of Directors of the Company at its June 5, 2017 Board of Directors meeting approved a dissolution resolution. A Windup Plan was subsequently approved at the July 12, 2017 Board of Directors meeting.
- The address of the office to which written claims against the Company must be presented is as follows: PO Box 4403, Mt. Crested Butte, CO 81225.
- All the claims must be received by the Company by the later of 30 days after this notice is first published or, with respect to known creditors or claimants, 30 days after the date on which written notice was given to those creditors or claimants.

Dated this 11th day of August, 2017.  
Mt. Crested Butte Performing Arts Center  
By: /s/ Gregory L. Sherwood  
Its: Executive Director

Published in the *Crested Butte News*. Issues of August 11 and 18, 2017. #081121

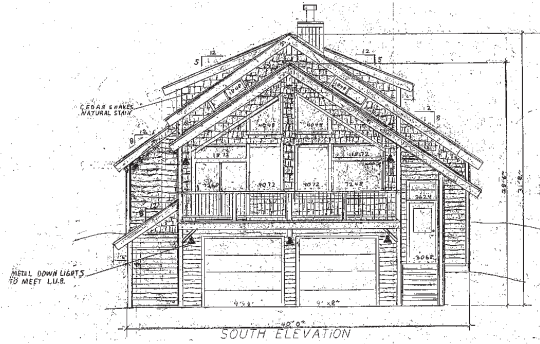
# Legals

—NOTICE OF HEARING—  
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION, INC.  
SPECIAL AREA ARCHITECTURAL REVIEW

PLEASE TAKE NOTICE THAT a CB South Design Review Committee hearing will be held on Thursday August 24th, 2017 at 6:50 p.m. for the Crested Butte South Property Owners Association for the purpose of considering the following:

A *Certificate of Appropriateness* for the application for a **Single Family Residence**, Lot 19, Block 29, Filing #4, a.k.a. 267 Neville Way. A complete set of plans can be viewed at the Crested Butte South P.O.A. Office, 61 Teocalli Road.

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION DESIGN REVIEW COMMITTEE. Submitted by Dom Eymere, CB South Property Owners Association Manager



Published in the *Crested Butte News*. Issue of August 11, 2017. #081118

legals@crestedbuttenews.com

—PLANNING COMMISSION REGULAR MEETING—  
WEDNESDAY, AUGUST 16, 2017 ~ 4:00 P.M.  
MT. CRESTED BUTTE TOWN HALL  
911 GOTHIC ROAD  
MT. CRESTED BUTTE, COLORADO

4:00 P.M. - **CALL TO ORDER**  
**ROLL CALL**

**ITEM 1**  
APPROVAL OF THE  
JULY 19, 2017 REGULAR PLANNING  
COMMISSION MEETING MINUTES.  
(CARLOS VELADO)

**ITEM 2**  
DISCUSSION AND POSSI-  
BLE CONSIDERATION TO MODIFICA-  
TIONS FOR DRIVEWAY STANDARDS  
FOR A RESIDENTIAL DRIVEWAY AT 18  
WHETSTONE RD (TODD CARROLL)

**ITEM 3**  
DESIGN REVIEW -  
BUILDING SQUARE FOOTAGE  
CONSIDERATION FOR AN ADDITION  
TO THE MALL BUILDING CRESTED  
MOUNTAIN VILLAGE PUD (TOM  
MOORE)  
**WORKSESSION - PARKING**

**OTHER BUSINESS**  
**ADJOURN**

This preliminary agenda is placed in the newspaper to notify the public of tentative agenda items for the meeting date noted above. The official posting place for the agenda is the bulletin board in the Mt. Crested Butte Town Hall entry. Please refer to that official agenda for actual agenda items for the meeting date noted above.

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance of the meeting. Plans for designs to be reviewed at the meeting are available for viewing in the Mt. Crested Butte Town Hall

Published in the *Crested Butte News*.  
Issue of August 11, 2017. #081120

—TOWN OF MT. CRESTED BUTTE—  
ORDINANCE NO. 3  
SERIES 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTER 16, SIGNS AND ADVERTISING, OF THE TOWN CODE OF THE TOWN OF MT. CRESTED BUTTE

WHEREAS, in June, 2015 the Supreme Court of the United States decided the case of Reed, et al. v. Town of Gilbert, Arizona, 576 U.S. (2015), which decision determined that content-based regulation of signs by governmental entities likely violates the First Amendment right to free speech, absent a compelling governmental interest narrowly tailored to achieve that interest, which interest must survive "strict scrutiny"; and WHEREAS, following the Court's ruling in Reed, municipalities have been required to update their sign codes to remove content-based regulations, i.e., categories such as real estate signs, or what the sign says, e.g., vote for X, based on the understanding that most content-based regulations would not survive strict scrutiny; and WHEREAS, Town Staff has proposed amendments to the Town's Sign Code to bring it into compliance with the Supreme Court's ruling; and WHEREAS, the Planning Commission considered the amended Chapter 16 and recommends approval of the same. Therefore, staff requests Council approval of the amended Chapter 16, Signs and Advertising in the form attached hereto and incorporated herein. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, THAT:

Section 1. Chapter 16. Signs and Advertising, is hereby adopted in the form attached hereto and incorporated herein. Section 2. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision. INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held this 5th day of July, 2017. PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 1st day of August, 2017. TOWN OF MT. CRESTED BUTTE, COLORADO

/s/ Todd Barnes, Mayor  
ATTEST:

/s/ Jill Lindros, Town Clerk  
**Chapter 16**  
**SIGNS AND ADVERTISING**  
**ARTICLE I. IN GENERAL**  
**Sec. 161 Purpose.**

a) The primary intent of this chapter shall be to regulate signs to be viewed from any vehicular rightofway or pedestrian walkway. The use of signs is regulated primarily by type, style, size and location of the sign. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this chapter.

b) The purpose of this chapter shall be:

- 1) To coordinate the type, placement and physical dimensions of signs within the different zoning districts;
- 2) To encourage the innovative use of design;
- 3) To promote both renovation and proper maintenance;
- 4) To allow for special circumstances;
- 5) To guarantee equal treatment under the law through accurate record keeping and consistent enforcement;
- 6) To provide a reasonable balance between the right to communicate and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices;
- 7) To recognize that instances may occur where strict application of the provisions of this Code may deprive a person of the reasonable use of a sign, and provide a procedure whereby variance from the regulations in this Code may, for good cause, be permitted;
- 8) To preserve and promote the aesthetic qualities and purposes of the town;
- 9) To ensure and promote the safety of pedestrian and vehicular traffic; and
- 10) To accomplish the above purposes by regulation of the construction, erection, alteration, location, and maintenance of signs.

**Sec. 162 Rules of construction and definitions.**

a) Rules of construction. The words and terms used, defined, interpreted or further described in this chapter shall be construed as follows:

- 1) The particular controls the general.
- 2) The present tense includes the future tense.
- 3) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 4) The phrase "used for" includes "arranged for," "designed for," "maintained for," and "occupied for."
- 5) The word "shall" is mandatory.
- 6) The word "may" is permissive.

b) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**Abandoned sign** shall mean a sign which no longer identifies or advertises a bona fide business, lessor, lessee, service, owner, product or activity, or no longer serves its purpose, or for which no legal owner can be found. A sign which is located on property which becomes vacant and unoccupied for a period of thirty (30) days or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be considered abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be abandoned unless the property remains vacant or the business is closed for a period of thirty (30) days or more. **Access point** shall mean that point on the vehicular rightofway or pedestrian walkway at which or from which the public is afforded an entrance to the property or the establishment of the sign owner. Some properties or establishments may have more than one (1) access point. **Accessory use** shall mean a use natural-

ly and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

**Animated sign** shall mean a sign which uses movement or change of lighting to depict action or create a special effect or scene.

**Architectural projection** shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, not including signs.

**Awning** shall mean a shelter which projects from and is supported by the exterior wall of a building and is constructed of nonrigid materials on a supporting framework.

**Awning sign** shall mean a sign painted on, printed on or attached flat against the surface of an awning, and is considered a projecting sign. No awning sign shall project above the top nor from the face of the awning upon which it is mounted. **Banner** shall mean a sign made of fabric or any nonrigid material with no enclosing framework. Banners may be suspended on the exterior of buildings or freehanging from a flagpole and shall be weighted so as to reduce flapping.

**Billboard** shall mean a sign which directs attention to a location other than the premises on which the sign is located.

**Building elevation** shall mean the surface of any exterior wall of the building, including windows, doors and storefronts. **Cabinet** shall mean the generally hollow portion of a sign to which, or in which, is attached the means of illumination of such sign and to which the face of translucent materials is attached or on which advertising copy is painted.

**Canopy sign** shall mean a sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground. A canopy sign is considered a projecting sign.

**Changeable copy sign (automatic)** shall mean a sign on which the copy changes automatically, such as electrical or electronic time and temperature units. **Changeable copy sign (manual)** shall mean a sign on which copy is changed manually in the field, such as reader boards with changeable letters.

**Clearance (of a sign)** shall mean the smallest vertical distance between the grade of the adjacent street or lot and the lowest point of any sign, including the framework and embellishments, extending over the grade.

**Comprehensive sign plan** shall mean the building elevations and site plan of any building, lot, parcel, collection of parcels or other premises, showing the number, size, description, color, copy, materials and location of all signs thereon.

**Copy** shall mean the wording on a sign surface in either permanent or removable letter form.

**Doublefaced sign** shall mean a sign with two (2) faces which, if not parallel, then with an interior angle of not greater than ninety (90) degrees.

**Electrical sign** shall mean a sign or sign structure in which electrical wiring, connections or fixtures are used.

**Exempt sign** shall mean a sign exempted from the normal permit requirements, including the requirement for a fee, but not including any size limitations.

**Facade** shall mean the entire building front including the parapet. (Cf. Building

elevation).

**Face of a sign** shall mean the area of a sign on which the copy is placed.

**Flag** shall mean a non-rigid fabric attached to a pole.

**Flashing sign** shall mean signs with lights or illuminations which flash, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations; does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

**Freestanding sign** shall mean a sign supported upon the ground by poles or braces and not attached to any building, excluding sandwich board signs and yard signs.

**Government sign** shall mean any temporary or permanent sign erected and maintained by the town, county, state or federal government including signs required for public utility notification.

**Height (of a sign)** shall mean the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the street or lot.

**Illegal sign** shall mean a sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

**Illuminated sign** shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. Indirect lighting may be used to illuminate any sign provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street, adjacent property or interfere with the visibility of vehicle drivers.

**Interior sign** shall mean any sign placed within the building regardless of whether its message is visible to the exterior of the building, but not including window signs. Interior signs are not regulated by the provisions of this chapter.

**Lot** shall mean a parcel of land legally defined on a subdivision map recorded with the county clerk and recorder of the county.

**Luminescent sign** shall mean a sign which contains any light produced thereon by the action of electricity on an enclosed gas, such as neon, argon or other gasses, but not including a fluorescent light.

**Maintenance** shall mean the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, color, structure or location of the sign.

**Main use** shall mean the principal or primary activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

**Mansard** shall mean a sloped roof or rooflike facade architecturally comparable to a building wall.

**Marquee** shall mean a permanent rooflike structure or canopy of rigid materials supported by, and extending from, the facade of a building.

**Marquee sign** shall mean any sign attached to or supported by a marquee structure. Marquee signs shall be considered wall signs for the purposes of this chapter.

**Module** shall mean one (1) section of a sign or sign display either singlefaced, doublefaced or multifaced, projecting from or mounted flat to a wall or on a freestanding sign structure.

**Multifaced sign** shall mean any sign having more than two (2) faces.

**Multiple occupant building** shall mean a building designed for occupation by two (2) or more businesses or occupants where each unit is structurally separated from the others and has its own entrance, either exterior or interior.

**Nonconforming sign** shall mean a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or a sign which does not conform to the sign code requirements but for which a special permit has been issued.

**Occupancy** shall mean the portion of a building or premises owned, leased, rented or otherwise occupied for given uses.

**Owner** shall mean a person recorded as such on official records. For the purposes of this chapter, the owner of the property or business to which a sign refers is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Administrator, such as a sign leased from a sign company.

**Painted wall sign** shall mean any painted scene, figure or decorative design which is applied with paint or a similar substance on the face of a wall including murals. Painted wall signs shall be considered wall signs for the purposes of this chapter.

**Parapet** shall mean the extension of a false front or wall above a roofline.

**Permanent sign** shall mean any sign which is permanently affixed or attached to the ground or to any structure.

**Person** shall mean any individual, corporation, association, firm, partnership, trust or similarly defined interest.

**Pole covers** shall mean covers enclosing or decorating poles or other structural supports of a sign.

**Portable sign** shall mean any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**Premises** shall mean a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Projecting sign** shall mean a sign, other than a wall sign, which is attached to and projects from a building wall a distance of nine (9) inches or more, or is attached to any other structure in a like manner, which structure was not designed for the sole support of the sign. Awning, canopy, hanging and undercanopy signs are included in the provisions controlling projecting signs.

**Rear entrance sign** shall mean a sign affixed to the wall above or adjacent to a rear entrance to the structure.

**Reflective sign** shall mean a sign which contains any material or device which has the effect of intensifying reflected light, such as Scotchlite, Day Glo, glass beads and luminous paint.

**Roof sign** shall mean any sign which is attached to or painted on the roof of a building or erected to extend over or on the roofline of a building.

**Roofline** shall mean the top edge of a roof.

**Rotating sign** shall mean a sign in which the sign itself, or any portion of the sign, moves in a revolving manner. Such motion does not refer to methods of changing copy.

continued on next page

# Legals

*continued from previous page*

**Sandwich board sign** shall mean a sign with two (2) faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting.

**Sign, area of:**

1) **Aggregate sign area** shall mean the total area of all signs, including the advertising surface and any framing, trim or molding around the perimeter of the sign face.

2) **Projecting and freestanding signs.** The area of such signs shall have only one (1) face (the larger one) counted of each doublefaced sign module in calculating the area, providing any one (1) interior angle formed by the planes of the sign faces does not exceed ninety (90) degrees. The sign area of a multifaced sign shall be calculated by adding the area of all sign faces except one (1). If the areas of the sign faces differ, the smallest sign face shall be the one excluded from the calculation. The total sign area shall be the sum of the areas of each module or cabinet, including any framing, trim, or molding, but shall not include the supporting structure or decorative roofing, provided that there is not written advertising copy on such structures. The area of irregularly shaped signs shall be determined by the sum of not more than the sum of three (3) geometric figures for which the area can be calculated.

3) **Wall signs.** If the sign is a separate material attached to the wall, the area shall be the face of the sign, including any framing, trim or molding. If a sign is composed of individual letters or symbols using the wall as background (signs without backing) with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of a geometric figure encompassing all the letters, symbols and decoration.

**Sign backing** shall mean any sign that is displayed upon, against or through any material, color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed. Conversely, a sign without backing is any word, letter, emblem, insignia, figure or similar character, or group thereof, that is neither backed by, incorporated in, nor otherwise made a part of any larger display area. **Sign structure** shall mean any structure which only supports, has supported, or is capable of supporting a sign and has no other purpose.

**Single business building** shall mean a structure or lot containing one (1) business or several related businesses under any form of common ownership. If two (2) or more businesses are located in a structure or on a lot, use the same entrance and are not physically separated by walls, they shall constitute one (1) business.

**Snipe sign** shall mean a temporary sign, poster or flyer affixed to a tree, utility pole, fence, side of a structure, vehicle or any roadside object.

**Statuary sign** shall mean any sign which is a threedimensional, sculptured or molded representation of an animate or inanimate object.

**Temporary sign** shall mean a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light materials and erected for short-term use as set forth in this chapter.

**Undercanopy sign** shall mean a sign suspended beneath a canopy, ceiling, roof or marquee. An undercanopy sign is considered a projecting sign.

**Vehicular sign** shall mean a sign which is affixed to a vehicle or trailer in such manner that the carrying of such sign or signs is no longer incident to the vehicle's primary purpose. This definition does not apply to signs on vehicles when in motion or to vantage trailers used on construction sites or in a place of storage but not stored in such a way as to purport to advertise.

**Walking sign** shall mean a portable sandwich boardtype sign carried on the shoulders of a person or transported by other means.

**Wall sign** shall mean a sign attached parallel to and extending not more than nine (9) inches from the wall of a building. This definition includes painted, individual letter and cabinet signs; signs on marquees or canopies; and window signs. For the purposes of computing aggregate sign area, this definition also includes awning signs, projecting signs, undercanopy signs, vending machine signs and window signs. **Winddriven signs** shall mean a sign

consisting of one (1) or a series of two (2) or more pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

**Window sign** shall mean a sign installed on the inside or outside of a window and intended to be viewed from the outside.

**Yard sign** shall mean a temporary, portable sign displayed on a lot or on premises designed or intended to be displayed for a limited period of time. **Zoning administrator** shall mean that person designated by the town manager who is responsible for the enforcement of the provisions of this chapter.

## **Sec. 163 Exempt signs.**

b) The following shall not require permits, but must meet all the requirements of signs requiring permits and may not exceed the specified height and size as stated in this chapter:

1) Flags. Flags shall not exceed forty (40) square feet in size and no flagpole shall be higher than forty (40) feet above the ground;

2) Temporary signs, except for those placed in the town's rights-of-way. Unless expressly allowed elsewhere in this chapter, a temporary sign shall be removed upon completion of the purpose for which it was erected.

3) Yard signs. Yard signs shall have an aggregate maximum of twenty-four (24) square feet with no individual sign more than six (6) square feet. Yard signs shall have a maximum height of four (4) feet measured from the ground;

4) Signs not visible beyond a property line;

5) Government signs. Government signs shall be exempt from the provisions of this chapter.

## **Sec. 164 Prohibited signs.**

The following signs are prohibited:

1) A sign which is structurally unsafe, or constitutes a hazard to the safety or health of any person by reason of inadequate maintenance or dilapidation, or which is not kept in good repair or is capable of causing electrical shocks to persons likely to come in contact with it;

2) Signs imitating or resembling official traffic or government signs or signals, or signs other than government signs using any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle or in any other way creating an unsafe distraction for motor vehicle operators;

3) Flashing, animated or rotating signs, except for dials and gauges animated to the extent necessary to display correct information;

4) Signs that obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare, or which obstruct free ingress to or egress from a required door, window, fire escape or other required exitway;

5) Nonconforming signs;

6) Signs erected on a public right-of-way without proper authorization;

7) Winddriven signs;

8) Searchlights;

9) Roof signs;

10) Signs that swing;

11) Signs which require guy wires for support;

12) Vehicular signs;

13) Billboards;

14) Snipe signs;

15) Luminescent signs, exterior, or as window signs greater than four (4) square feet; and

16) Walking signs;

17) Signs containing an obscene statement, word or picture describing or depicting sexual activities or sexual anatomical areas.

18) Signs with messages that are intended to incite imminent unlawful action(s).

## **Sec. 165 Compliance.**

a) It shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign or other advertising structure except in conformance with the provisions of this chapter. It shall be unlawful to alter or enlarge any sign or other advertising structure erected or constructed prior to enactment of this chapter except in conformance with the provisions set forth in this chapter.

b) It shall be unlawful for any person to perform or order the performance

of any act which is contrary to the provisions of this chapter, or to fail to perform any act which is required by any of the provisions of this chapter.

## **Sec. 166 Indemnity of town.**

All persons involved in the maintenance, installation, alteration or relocation of signs near or upon any public right ofway or public property shall be deemed to have agreed to hold harmless and indemnify the town, its officers, agents and employees against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

## **Sec. 167 Sign business requires valid business license.**

No person may engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid business license issued by the town.

## **Sec. 168 Maintenance of signs.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted as required. Defective parts shall be diligently replaced. The Zoning Administrator shall have the authority to order repairs or repainting as necessary.

## **Sec. 169 Materials of which permanent and temporary signs are made.**

a) Permanent signs shall be built of materials which when first installed will be maintenance free with regard to appearance for a minimum of three (3) years and require maintenance thereafter at intervals of no less than two (2) years. Metal sign components shall be noncorrosive or coated with suitable paint to prevent corrosion within the time limits specified above.

b) Exterior temporary signs shall be constructed of a material suitable for the ambient conditions for the temporary terms the sign is to be erected.

c) Sandwich board signs located in the business district or in business district sections of PUD's shall have a stained wooden frame unless approved by the zoning administrator.

## **Sec. 1610 Indirect lighting.**

Indirect lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property and so as not to interfere with the vision of vehicle drivers. The light source shall be fully recessed in the lighting fixture and the lighting shall generally come from above and shine in a downward direction. Lighting considered by the zoning administrator to be obtrusive due to quantity, quality, glare, direction, or color is prohibited.

## **Sec. 1611 Safety requirements.**

a) Freestanding or projecting signs and sign structures shall be engineered to withstand a wind loading of a minimum of thirty (30) pounds per square foot of sign area without failure of face retention system or sign structure. Engineering data sufficient to prove the reliability of the structure and the foundation shall be submitted with the drawings at the times of permit application if required by the Zoning Administrator. Signs in danger of falling down, or which become insecure, or otherwise represent an unsafe condition shall constitute a violation under the provisions of this chapter and shall be removed or corrected by the sign owner under the provisions of section 1612 of this chapter.

b) Electrical wiring to a sign for any purpose shall be underground.

c) All freestanding and ground signs shall be selfsupporting. Signs mounted on marquees, or projecting signs, shall be engineered such that no guy wires are needed for support.

d) Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.

## **Sec. 1612 Unsafe, insecure signs.**

a) If the Zoning Administrator shall find that any sign or other advertising structure as defined in this chapter is unsafe or insecure, is a menace to the public, is a prohibited sign, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Zoning Administra-

tor shall immediately give written notice to the permittee thereof, or, if there is no permittee on file with the town, then to the owner of the property upon which the subject sign or advertising structure is located.

b) Such notice shall be served upon such person, by certified mail at the last known address of the permittee, or the land owner, as on file in the office of the town, or in person, by the Zoning Administrator, an authorized agent, or by a duly authorized member or officer of the police department.

c) If such permittee or owner fails to remove or alter the structure so as to comply with the standards set forth in this chapter within five (5) working days after service of such notice upon him or her, the sign or structure may be removed by the Zoning Administrator at the expense of the permittee or owner of the property upon which it is located.

d) All costs incurred by the town for removing or altering the structure so as to comply with this chapter, along with reasonable attorneys' fees and costs incurred, shall be a lien against the property upon which such structure is located until paid, and shall have priority over all such liens except general taxes and prior special assessments. Liens imposed pursuant to this chapter shall be created and foreclosed in the same manner as provided for general mechanics liens.

## **Sec. 1613 Dangerous or abandoned signs.**

a) The Zoning Administrator may cause any sign as defined in this article which is an immediate peril to personal property to be removed summarily and without notice.

b) An abandoned sign is to be removed by the owner of the sign or the owner of the premises within ten (10) days. If, upon inspection, the Zoning Administrator finds that a sign is abandoned, the Zoning Administrator shall issue a written order to the owner of the sign and/or owner or occupant of the premises upon which such sign is located stating the nature of the violation and requiring such person to remove the signs within ten (10) days from the date of mailing of such order.

An abandoned sign not removed within ten (10) days may be removed by the Zoning Administrator. If the sign or sign structure is suitably covered or the identifying symbols or letters removed, an extension of time may be granted by the Zoning Administrator upon good cause for such extension being shown, provided the sign is conforming. If the sign is nonconforming, the sign or sign structure shall be removed if the property remains vacant for a period of thirty (30) days or more. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.

c) In cases of emergency including signs that are structurally, materially or electrically defective, or in any way endangering the public, the Zoning Administrator may cause the immediate removal of such sign without notice, and at the expense of the owner of the sign or premises.

## **Sec. 1614 Comprehensive sign plan.**

a) The owner, builder or developer of a new building or structure designed for occupation by two (2) or more separate occupants or businesses shall present to the planning commission at the time of design review or site specific review approval a comprehensive sign plan showing proposed sign locations, types and methods of allocating signs and allowances to tenants' use. The comprehensive sign plan will demonstrate coordinated signage by maintaining a certain uniformity of appearance through the consistent application of three (3) out of the following six (6) elements: color, size, shape, materials, graphics, or mounting. All proposed locations of signs shall be shown.

b) The owner and/or property manager (with the owner's written permission) shall allocate the total sign allowance for the building among the occupants. The aggregate sign area for wall signs, window signs, projecting signs and exempt signs, shall not exceed five (5) percent of each building elevation, with any one wall sign not exceeding twenty (20) square feet or three (3) percent, of the building elevation upon which it is placed, whichever is greater.

c) An amendment to the compre-

hensive sign plan shall be submitted upon any change in use or ownership requiring a change in the previously approved comprehensive sign plan.

d) The Zoning Administrator will not accept any sign permit application not in accordance with the current comprehensive sign plan.

## **Secs. 1615—1620 Reserved. ARTICLE II. SIGN PERMIT PROCEDURE**

### **Sec. 1621 Duties of Zoning Administrator.**

a) The Zoning Administrator is authorized to process applications for permits and variances, hold public hearings as required with the planning commission and council, and enforce and carry out all provisions of this chapter, both in letter and spirit.

b) The Zoning Administrator is empowered, upon presentation of proper credentials, to inspect any building, structure or premises in the town for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspection shall be carried out during regular business hours.

### **Sec. 1622 Permits required.**

a) Any person desiring to construct, erect, remodel, move or otherwise change or affect any sign within the town, except those signs listed as "exempt," shall be required to make application for a permit on appropriate forms supplied by the town clerk.

b) No work shall be commenced on any sign structure or any sign erected until such permit is issued by the town and upon the applicant's compliance with all the rules, regulations and procedures under this chapter; provided, however, that no permit is required to keep any sign in good repair or otherwise maintain a sign in conformance with the provisions of this chapter.

c) Unless otherwise provided by this chapter, all new signs shall require permits and payment of fees. No permit is required for the maintenance of a sign or for a change of copy, provided the business stays the same and the sign is conforming.

### **Sec. 1623 Application for permit—Submittal.**

a) Application for permits shall be made to the Zoning Administrator on forms provided.

b) Drawings and engineering specifications as required by this chapter and as necessary to properly describe the sign structure for which permit is sought shall be submitted along with the application.

c) One (1) complete scale drawing (showing size, shape, color, design, materials, site plan, including any required landscaping, specific sign location, elevation of sign on building, mounting method and lighting) shall be submitted to the town.

### **Sec. 1624 Same—Review**

The Zoning Administrator shall review the application and supporting documents to determine whether the sign as designed can be constructed in conformance with this chapter and other applicable ordinances of the town and shall approve or reject such application within five (5) days of receipt of same.

### **Sec. 1625 Same—Approval.**

a) One (1) copy of the approved application shall be furnished to the applicant within five (5) working days after approval by the Zoning Administrator and shall serve as the sign permit.

b) The Zoning Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

### **Sec. 1626 Same—Rejection.**

a) If an application is rejected, the Zoning Administrator shall be obligated to state the rationale of the rejection to the applicant in writing, and shall make a firm recommendation as to the changes necessary for approval. Upon reapplication for a sign(s) for the same site which was previously rejected, another application fee will not be required. In the event of a second rejection of an application for the same site, any subsequent application will require a new application fee.

b) If a permit is denied, then an appeal may be made to the town council.

### **Sec. 1627 Appeals.**

Any person aggrieved by a decision of the Zoning Administrator may appeal to the town council. In the case of an alleged violation of a nonemergency nature, the action being appealed shall be stayed pending the decision of the town council.

*continued on next page*

# Legals

continued from previous page

## Sec. 1628 Variances.

a) The planning commission may grant variances from certain regulations contained in this chapter in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter as would result from strict or literal interpretations and enforcement of this chapter. The applicant may request, after obtaining written acknowledgment from the property owner or designee that a variance is being requested, that a public hearing on a variance from the regulations be held before the planning commission. This hearing shall be held as soon as practical, while allowing publication of notice of the public hearing. Within twentyeight (28) days following such public hearing, the planning commission shall act upon such application.

b) A variance may be revocable, may be granted for a limited time period, or may be granted subject to such other conditions as the planning commission may prescribe.

c) Before acting upon a variance, the planning commission shall make the following findings:

1) That the granting of the variance will not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same district;

2) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

3) That the variance is warranted for one (1) or more of the following reasons:

a) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;

b) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;

c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other owners of other properties in the same district.

d) If a variance is denied, then an appeal may be made to the town council.

## Sec. 1629 Permit fees.

Permit fees shall be as set forth in a list of such fees, approved by the council, and available in the office of the town clerk, and shall relate to reasonable administrative costs relative to processing a sign ordinance. The permit fee shall be submitted with the application for permit. If any sign is installed prior to obtaining a permit, the permit fee shall be doubled.

## Sec. 1630 Nonconforming signs.

Existing signs which do not conform to the specific provisions of this chapter may be eligible for the designation of "legally nonconforming," provided that the Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public, and the sign was covered by a valid permit or variance and complied with all previously applicable ordinances of the town on the date of the adoption of this ordinance.

A sign may lose this designation if the sign is relocated or replaced, or becomes abandoned (see section 162), or the structure or size of the sign is altered in any way except in compliance with this chapter. This does not refer to normal maintenance. If the sign suffers more than fifty (50) percent appraised damage or deterioration from fire, wind or other cause except vandalism, it must be brought into compliance with this chapter. If the sign is remodeled or copy or text is changed under a new ownership, or it was never erected in accordance with an ordinance in effect at the time, the sign must be removed or brought into compliance with this chapter.

## Secs. 1631—1650 Reserved. ARTICLE III. PERMITTED SIGNS DIVISION 1. RESIDENTIAL DISTRICTS

### Sec. 1651 Signs permitted in the single family residential district and the low density multiple-family district.

a) The following categories of signs are permitted in the singlefamily residential (SFR) district and the low density multiplefamily (LDMF) district;

subject to obtaining the required permits (unless it is specifically stated that a sign is exempt from permit requirements), and subject to the regulations listed as to size and number of signs:

1) All exempt signs listed in section 163;

2) Window Signs.

3) Statuary Signs. Statuary signs shall be approved by the zoning administrator.

4) One (1) freestanding sign.

The maximum height of a freestanding sign is seven (7) feet. The area of a freestanding sign shall not exceed ten (10) square feet. Freestanding signs shall be installed no closer than six (6) feet to the street rightofway or pedestrian walkway and no part of the sign shall project into the rightofway. No such sign shall be closer than five (5) feet to the side lot line, or project into the adjacent lot. On a corner lot, no freestanding sign without clear air space from at least thirty (30) inches from grade to eight (8) feet from grade shall be placed within a triangle formed by measuring thirtyfive (35) feet along the rightofway lines from the corner of the lot and then drawing a straight line joining the points thirtyfive (35) feet distant from the corner. All permanent freestanding signs shall require a minimum of two (2) square feet of landscaping for each square foot of sign consisting of shrubs, flowers, small trees or dry landscaping consisting of, but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. These landscaping requirements are in addition to the landscape requirements of the zoning chapter of the Code. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved. Such landscaping shall be located immediately beneath and directly adjacent to the sign;

5) One (1) wall sign, excluding marquee signs. Wall signs shall not exceed twenty (20) square feet or three (3) percent of the building elevation upon which it is placed, whichever is greater. Wall signs shall not interrupt any architectural projections. Wall signs shall not be placed higher than the second floor, in the case of multilevel buildings, nor higher than the wall area above the ground level for singlelevel buildings, nor, in any event, higher than twentyfive (25) feet. The aggregate sign area for wall signs, including exempt signs, shall not exceed five (5) percent of each building elevation, with any one wall sign not exceeding twenty (20) square feet or three (3) percent of the building elevation upon which it is placed, whichever is greater.

### Sec. 1652 Signs permitted in the high density multiple-family district and the residential portions of a PUD.

a) The following categories of signs are permitted in the high density multiplefamily (HDMF) district and the residential portions of a PUD, subject to obtaining the required permits (unless it is specifically stated that a sign is exempt from permit requirements), and subject to the regulations listed as to size and number of signs:

1) All exempt signs listed in section 163;

2) Statuary Signs. Statuary signs shall be approved by the zoning administrator.

3) One (1) awning sign not exceeding six (6) square feet. Awnings on which awning signs are attached shall be at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, except that any valance attached to any awning may be seven (7) feet in height above a pedestrian walkway;

4) One (1) canopy sign not exceeding six (6) square feet;

5) One (1) under canopy sign not exceeding six (6) square feet. The bottom of an undercanopy sign shall be a minimum of fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway

6) One (1) freestanding sign. The maximum height of a freestanding sign is seven (7) feet. The area of a freestanding sign shall not exceed ten (10) square feet. Freestanding signs shall be installed no closer than six (6) feet to the street rightofway or pedestrian walkway and no part of the sign shall project into the rightofway. No such sign shall be closer than five (5) feet to the side lot line, or project into the adjacent lot. On a corner lot, no freestanding sign without clear air

space from at least thirty (30) inches from grade to eight (8) feet from grade shall be placed within a triangle formed by measuring thirtyfive (35) feet along the rightofway lines from the corner of the lot and then drawing a straight line joining the points thirtyfive (35) feet distant from the corner. All permanent freestanding signs shall require a minimum of two (2) square feet of landscaping for each square foot of sign consisting of shrubs, flowers, small trees or dry landscaping consisting of, but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. These landscaping requirements are in addition to the landscape requirements of the zoning chapter of the Code. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved. Such landscaping shall be located immediately beneath and directly adjacent to the sign;

7) Wall Signs, excluding marquee signs. Wall signs shall not interrupt any architectural projections. Wall signs shall not be placed higher than the second floor, in the case of multilevel buildings, nor higher than the wall area above the ground level for singlelevel buildings, nor, in any event, higher than twentyfive (25) feet. The aggregate sign area for wall signs, window signs, projecting signs and exempt signs, shall not exceed five (5) percent of each building elevation, with any one wall sign not exceeding twenty (20) square feet or three (3) percent of the building elevation upon which it is placed, whichever is greater;

8) One (1) projecting sign per entrance. Projecting signs shall not exceed six (6) square feet and shall not project over five (5) feet from the face of the building, not more than onehalf the minimum required dimension into a required setback; nor project more than five (5) feet nor more than onequarter the minimum required dimension into a required distance between buildings. Projecting signs shall be placed only on a building elevation with an access point. When a projecting sign is attached to a balcony, the sign may not extend beyond the outer edge of the balcony. The bottom of a projecting sign shall be a minimum of fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway;

9) Banners. All banners shall be a maximum of thirtysix (36) square feet, shall have a minimum clearance of at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, and shall be maintained in good repair and safe condition. If a banner is to be used in successive years a permit shall be required each calendar year;

10) One (1) window sign per window.

11) For mixed use or multiple-business buildings, a comprehensive sign plan shall be submitted to the planning commission at the time of design review or site specific review. See section 1614.

### Secs. 1653—1660 Reserved. DIVISION 2. BUSINESS AND COMMERCIAL DISTRICTS

#### Sec. 1662 Signs permitted in the business district, the commercial district, and the business and commercial portions of a PUD.

The following categories of signs are permitted in the business district, the commercial district and the business and commercial portions of a PUD, subject to obtaining the required permits (unless it is specifically stated that a sign is exempt from permit requirements), and subject to the regulations listed as to size and number of signs:

1) All exempt signs listed in section 163;

2) Statuary Signs. Statuary signs shall be approved by the zoning administrator.

3) Awning signs not exceeding six (6) square feet. Awnings on which awning signs are attached shall be at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, except that any valance attached to any awning may be seven (7) feet in height above a pedestrian walkway;

4) One (1) projecting sign per entrance. Projecting signs shall not exceed six (6) square feet and shall not project over five (5) feet from the face of the building, not more than onehalf the minimum required dimension into a required setback; nor project more

than five (5) feet nor more than onequarter the minimum required dimension into a required distance between buildings. Projecting signs shall be placed only on a building elevation with an access point. When a projecting sign is attached to a balcony, the sign may not extend beyond the outer edge of the balcony. The bottom of a projecting sign shall be a minimum of fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway;

5) One (1) canopy sign not exceeding six (6) square feet;

6) One (1) under canopy sign not exceeding six (6) square feet. The bottom of an undercanopy sign shall be a minimum of fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway;

7) One (1) freestanding sign.

The maximum height of a freestanding sign is seven (7) feet. The area of a freestanding sign shall not exceed ten (10) square feet. Freestanding signs shall be installed no closer than six (6) feet to the street rightofway or pedestrian walkway and no part of the sign shall project into the rightofway. No such sign shall be closer than five (5) feet to the side lot line, or project into the adjacent lot. On a corner lot, no freestanding sign without clear air space from at least thirty (30) inches from grade to eight (8) feet from grade shall be placed within a triangle formed by measuring thirtyfive (35) feet along the rightofway lines from the corner of the lot and then drawing a straight line joining the points thirtyfive (35) feet distant from the corner. All permanent freestanding signs shall require a minimum of two (2) square feet of landscaping for each square foot of sign consisting of shrubs, flowers, small trees or dry landscaping consisting of, but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. These landscaping requirements are in addition to the landscape requirements of the zoning chapter of the Code. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved. Such landscaping shall be located immediately beneath and directly adjacent to the sign;

8) Wall signs. Wall signs shall not interrupt any architectural projections. Wall signs shall not be placed higher than the second floor, in the case of multilevel buildings, nor higher than the wall area above the ground level for single level buildings, nor, in any event, higher than twenty-five (25) feet. The aggregate sign area for wall signs, window signs, projecting signs and exempt signs, shall not exceed five (5) percent of each building elevation, with any one wall sign not exceeding twenty (20) square feet or three (3) percent of the building elevation upon which it is placed, whichever is greater;

9) Banners. All banners shall be a maximum of thirty-six (36) square feet, shall have a minimum clearance of at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, and shall be maintained in good repair and safe condition. If a banner is to be used in successive years a permit shall be required each calendar year;

10) Window signs. One (1) sign per window.

11) One (1) sandwich board sign allowed per access point per elevation with a maximum of two (2). Sandwich board signs shall not exceed eight (8) square feet per side. Sandwich board signs shall only be displayed outside during hours of operation. Sandwich board signs shall remain within ten (10) feet of the access point. No sign permit shall be approved without a written approval letter from the property owner or HOA where the sign location is proposed. Sandwich board sign permits are valid for one calendar year.

12) For mixed use or multiple-business buildings, a comprehensive sign plan shall be submitted to the planning commission at the time of design review or site specific review. See section 1614.

### Secs. 1663—1670 Reserved. DIVISION 3. RECREATIONAL AND OPEN SPACE DISTRICT

Sec. 1672 Signs permitted in the recreational and open space districts. The following categories of signs are permitted in the recreational and open space district, subject to obtaining the required permits (unless it is speci-

cally stated that a sign is exempt from permit requirements), and subject to the regulations listed as to size and number of signs:

1) All exempt signs listed in section 163;

2) Statuary Signs. Statuary signs shall be approved by the zoning administrator.

3) Banners. All banners shall be a maximum of thirtysix (36) square feet, shall have a minimum clearance of at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, and shall be maintained in good repair and safe condition. If a banner is to be used in successive years a permit shall be required each calendar year;

4) Freestanding signs. The maximum height of a freestanding sign is seven (7) feet. The area of a freestanding sign shall not exceed ten (10) square feet. Freestanding signs shall be installed no closer than six (6) feet to the street rightofway or pedestrian walkway and no part of the sign shall project into the rightofway. No such sign shall be closer than five (5) feet to the side lot line, or project into the adjacent lot. On a corner lot, no freestanding sign without clear air space from at least thirty (30) inches from grade to eight (8) feet from grade shall be placed within a triangle formed by measuring thirtyfive (35) feet along the rightofway lines from the corner of the lot and then drawing a straight line joining the points thirtyfive (35) feet distant from the corner. All permanent freestanding signs shall require a minimum of two (2) square feet of landscaping for each square foot of sign consisting of shrubs, flowers, small trees or dry landscaping consisting of, but not limited to, decorative rock, railroad ties, bark chips and other decorative materials. These landscaping requirements are in addition to the landscape requirements of the zoning chapter of the Code. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved. Such landscaping shall be located immediately beneath and directly adjacent to the sign;

5) Wall Signs, excluding marquee signs. Wall signs shall not interrupt any architectural projections. Wall signs shall not be placed higher than the second floor, in the case of multilevel buildings, nor higher than the wall area above the ground level for singlelevel buildings, nor, in any event, higher than twentyfive (25) feet. The aggregate sign area for wall signs, window signs, projecting signs and exempt signs, shall not exceed five (5) percent of each building elevation, with any one wall sign not exceeding twenty (20) square feet or three (3) percent of the building elevation upon which it is placed, whichever is greater;

6) Sandwich board signs. Sandwich board signs shall not exceed eight (8) square feet per side. Sandwich board signs shall only be displayed outside during hours of operation.

### Secs. 1673—1680 Reserved. DIVISION 4. TOWN'S RIGHTS-OF-WAY

#### Sec. 1681 Permitted signs.

a) The following signs are permitted in the town's rightofway, subject to obtaining the required permits and subject to the regulations listed as to size and number of signs:

1) Temporary signs. Temporary signs shall only be displayed in town's right-of-way during daylight hours. Any snow event shall require immediate removal a temporary sign.

2) Freestanding signs. The maximum height of a freestanding sign is seven (7) feet. The area of a freestanding sign shall not exceed ten (10) square feet.

3) Banners. All banners shall be a maximum of thirtysix (36) square feet, shall have a minimum clearance of at least fifteen (15) feet above a vehicular rightofway and eight (8) feet above a pedestrian walkway, and shall be maintained in good repair and safe condition. If a banner is to be used in successive years a permit shall be required each calendar year;

4) Sandwich board signs. Sandwich board signs shall not exceed eight (8) square feet per side. Sandwich board signs shall be treated as temporary signs for display and removal purposes.