

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 936**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO  
AMENDING CERTAIN PROVISIONS OF ARTICLES I, II, III, VII, AND XI  
OF CHAPTER 16 OF THE *MEAD MUNICIPAL CODE* PERTAINING TO SIGNAGE,  
ACCESSORY DWELLING UNITS, AND ACCESSORY STRUCTURES**

**WHEREAS**, Sec. 16-3-160(d) of the Town of Mead Municipal Code (“MMC”) sets forth that amendments to the text of Chapter 16 of the MMC, known as the Land Use Code (“LUC”), may be initiated by the Board of Trustees, the Planning Commission, Town Staff or written application of any property owner or resident of the Town and further provides that any such text amendments “. . . shall be reviewed and considered by the Planning Commission and the Board of Trustees at public hearings and shall be enacted by ordinance;” and

**WHEREAS**, Town staff has proposed certain amendments to the LUC; and

**WHEREAS**, a legislative redline of the staff-initiated amendments (the “Proposed Text Amendments”) has been provided to the Board of Trustees (the “Board”); and

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on June 17, 2020 to consider the Proposed Text Amendments; and

**WHEREAS**, following conclusion of the duly-noticed hearing, the Planning Commission recommended approval of the Proposed Text Amendments to the Board, as required by the MMC; and

**WHEREAS**, the Board conducted a duly-noticed public hearing on June 29, 2020 to consider the Proposed Text Amendments; and

**WHEREAS**, the Board has reviewed the recommendations of Town staff and the Planning Commission and other evidence as presented at the public hearing and has determined that the Proposed Text Amendments satisfy the following criteria set forth in Sec. 16-3-160(f)(2)-(4) of the MMC, for amending the text of the LUC:

1. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
2. To accommodate innovations in land use and development practices that were not contemplated at the adoption of Article 3 of the LUC;
3. To further the implementation of the goals and objectives of the Town Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Colorado, that:

**Section 1.** The above Recitals are incorporated as if fully set forth herein.

**Section 2.** The herein-referenced articles, sections, subsections, tables, paragraphs, or subparagraphs of the LUC (Chapter 16 of the MMC) are hereby amended, as described in this Ordinance and/or referenced and set forth in Exhibit A, attached hereto and incorporated herein. Exhibit A does not necessarily set forth the entirety of an article, section, subsection, table, paragraph, or subparagraph, but is intended to depict, in some context, the additions, amendments, and deletions effectuated by this Ordinance. Accordingly, any portion of an existing article, section, subsection, table, paragraph, subparagraph, sentence, or clause not set forth in the Exhibit or the body of this Ordinance remains unchanged, unless otherwise noted. **Note: The LUC is published as part of the official Town of Mead Municipal Code (“MMC”) and revisions to the LUC resulting from this Ordinance will be published in the format of the MMC, which may vary slightly from that format contained herein or within Exhibit A.**

**Section 3.** Section 16-1-150, *Definitions*, is amended by the deletion of the terms enumerated below and their associated definitions (see Exhibit A):

- |                                    |                                    |
|------------------------------------|------------------------------------|
| 1. <i>Awning sign</i> ;            | 6. <i>Illumination, internal</i> ; |
| 2. <i>Canopy sign</i> ;            | 7. <i>Lighting, indirect</i> ;     |
| 3. <i>Freestanding sign</i> ;      | 8. <i>Sign, projecting</i> ;       |
| 4. <i>Illumination, direct</i> ;   | 9. <i>Sign, wall</i> ;             |
| 5. <i>Illumination, indirect</i> ; | 10. <i>Sign, window</i> .          |

**Section 4.** Section 16-1-150, *Definitions*, is further amended by revisions to the definitions of *Accessory building* and *Accessory dwelling*, to read as set forth in Exhibit A.

**Section 5.** Table 2.1, *Parking Requirements*, of Section 16-2-90, *Parking*, is amended solely with respect to the entry *Accessory dwellings*, to read as set forth in Exhibit A.

**Section 6.** Subsection (3) of Section 16-2-200, *Welker Avenue Corridor*, is deleted in its entirety.

**Section 7.** The first paragraph of Section 16-2-210, *Old Town Corridor*, is amended to read as set forth in Exhibit A.

**Section 8.** Subsection (8) of Section 16-2-210, *Old Town Corridor*, is deleted in its entirety.

**Section 9.** Subsection (c)(1)c of Section 16-2-220, *Highway Design Overlay District (HDOD)*, is amended to read as set forth in Exhibit A.

**Section 10.** Subsection (d)(3) of Section 16-2-220, *Highway Design Overlay District (HDOD)*, is deleted in its entirety.

**Section 11.** Table 3.1, *Principal Uses Allowed*, of Section 16-3-40, *Use Regulations*, is amended solely with respect to the entry *Accessory dwelling unit*, to add such as a use by right in the DMU and AG zoning districts, and to read as set forth in Exhibit A.

**Section 12.** Subsection (11) of Section 16-3-50, *Specific Use Standards*, is amended by the addition of paragraph h, to read as set forth in Exhibit A.

**Section 13.** Subsection (c)(1) of Section 16-3-60, *Accessory Uses*, is amended to read as set forth in Exhibit A.

**Section 14.** Subsection (f)(2)(h) of Section 16-3-60, *Accessory Uses*, is deleted in its entirety.

**Section 15.** Subsection (f)(3)(g) of Section 16-3-60, *Accessory Uses*, is deleted in its entirety.

**Section 16.** Subsection (a)(2) of Section 16-3-70, *Temporary Uses*, is deleted in its entirety.

**Section 17.** Subsection (b)(10)h of Section 16-3-70, *Temporary Uses*, is amended to read as set forth in Exhibit A.

**Section 18.** Subsection (b)(11)j of Section 16-3-70, *Temporary Uses*, is amended to read as set forth in Exhibit A.

**Section 19.** Section 16-3-140, *Appeals and Variances*, is amended to read as set forth in Exhibit A.

**Section 20.** Subsection (a) of Section 16-3-150, *Waivers*, is amended to read as set forth in Exhibit A.

**Section 21.** Subsection 2.a of Section 16-7-70, *Prohibitions*, is amended to read as set forth in Exhibit A.

**Section 22.** Subsection 3.i of Section 16-7-70, *Prohibitions*, is amended to read as set forth in Exhibit A.

**Section 23.** The *Additional Standards* provisions applicable to Projecting Signs, as enumerated in Table 7.11(2), *Projecting, Awning, and Bracket Signs*, are amended with respect to the DMU zoning district, as set forth in Exhibit A.

**Section 24.** Subsection (7) of Section 16-11-30, *Uses Permitted*, is deleted in its entirety.

**Section 25. Effective Date.** This Ordinance shall be published and become effective as provided by law.

**Section 26. Remaining provisions.** Except as specifically amended hereby, all other provisions of the MMC shall continue in full force and effect.

**Section 27. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the MMC.

**Section 28. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 29. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby.

**Section 30. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 29TH DAY OF JUNE, 2020.**

**ATTEST:**

By: M E Strutt  
Mary E. Strutt, CMCA



**TOWN OF MEAD:**

By: Colleen G. Whitlow  
Colleen G. Whitlow, Mayor

## EXHIBIT A

UNDERLINE = ADDITION

STRIKE-OUT = DELETION

### Sec. 16-1-150. - Definitions.

*Accessory building* means a subordinate building or structure in ~~both height and~~ size, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a continuous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental for accessory to an existing and permitted principal or conditional use.

*Accessory dwelling* means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area in the RSF-4 and DMU zone districts, and fifty (50) percent of the finished floor area of the principal dwelling, not to exceed one thousand (1,000) square feet, in the AG, RSF-E and RSF-1 zone districts. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

~~*Awning sign* means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.~~

~~*Canopy sign* means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.~~

~~*Freestanding sign* means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs, but does not include a sign attached to a structure.~~

~~*Illumination, direct* means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.~~

~~*Illumination, indirect* means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.~~

~~*Illumination, internal* means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.~~

~~Lighting, indirect, when applied to the lighting of signs, means reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.~~

~~Sign, projecting means any sign supported by a building wall and projecting therefrom.~~

~~Sign, wall means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.~~

~~Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.~~

**Sec. 16-2-90. - Parking.**

**Table 2.1 Parking Requirements**

Land Use	Required Minimum Parking (Must be out of rights-of-way)
Accessory dwellings	1 <del>enclosed</del> space per bedroom, up to 2 per unit ( <u>Parking requirements can be met by spaces located in garages, driveways, or on-street.</u> )

**Sec. 16-2-200. - Welker Avenue Corridor.**

~~(3) All freestanding signs shall be monument signs only and shall only be internally illuminated.~~

**Sec. 16-2-210. - Old Town Corridor.**

The Old Town Corridor is defined to mean all property located in the DMU zoning area. The legislative intent of the Old Town Corridor is to create and preserve a traditional Old Town look without inappropriate modern architecture, building materials, or colors ~~and signage~~. This Section shall be applicable only to new construction, except that any building elevation or envelope change in an existing building in the Old Town Corridor shall also be required to undergo site plan review. All projects required under the provisions of this Section to undergo site plan review shall be subject to the following additional or more restrictive or higher standards, at a minimum, unless otherwise approved.

~~(8) Signage on buildings may be: hanging shingle (hung perpendicular to the building facade), on canvas awnings or flat wall signs; provided, however, that signs are constructed and decorated in period-appropriate style and, if illuminated, lit by exterior tightly focused light fixtures. No internally illuminated signs or back-lit awning signs shall be permitted unless otherwise approved.~~

**Sec. 16-2-220. - Highway Design Overlay District (HDOD).**

(c)(1)c. Highway 66: A minimum setback of fifty (50) feet from the existing State Highway 66 right-of-way is required. No buildings, structures, access drives or facilities (such as parking lots) may be located within such setbacks, except for the following: 1) storm water detention/retention facilities; 2) any required street lighting for State Highway 66 or Welker Ave.; 3) approved small-scale mass transit facilities such as bus shelters or bus stops; and 4) monument signs ~~not to exceed five (5) feet in height for single-tenant lots and outlots, and ten (10) feet in height for multi-tenant developments (provided, however, that they are on parcels over two (2) acres in size), such as shopping centers, that identify the development and its tenants as a whole,~~ as further regulated by ~~each municipality's~~ the Town's storm water management, lighting, accessory structure, sign and other applicable codes and regulations.

~~(d)(3) Special sign requirements:~~

~~a. I-25: Community entrance monuments. Area shall be reserved at the I-25 and Welker, and Highway 66 and I-25 interchanges to provide for Town monument signs and landscaping.~~

~~b. Highway 66: Monument signs not to exceed five (5) feet in height for single-tenant lots and outlots and ten (10) feet in height for multi-tenant developments (provided, however, that they are on parcels over two (2) acres in size), such as shopping centers, that identify the development and its tenants as a whole.~~

**Sec. 16-3-40. - Use regulations.**

**Table 3.1 Principal Uses Allowed**

Use Category	Specific Use Type	R S F - E	R S F - 1	R S F - 4	R M F - 8	R M F - 1 4	D M U	H C	G C	L I	A G	Specified Use Standard (Reference No.)
Household Living	Accessory Dwelling Unit	A	A	C			A				A	

**Sec. 16-3-50. - Specific use standards.**

(11) Junk yards, salvage yards, heavy equipment, industrial and outdoor storage. The standards below shall apply to all junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards unless they are entirely enclosed within a building.

h. A permanent building containing the principal use on the site is required. Such building shall be served with water, sewer, electricity, and other required services. The building and site shall also comply with architectural, landscaping, and other site plan requirements as defined in this Code.



**Sec. 16-3-60. - Accessory uses.**

(c) Dimensional and Operational Standards. The standards of this Section shall apply in all districts unless otherwise expressly stated.

(1) Height. The maximum height of accessory buildings or structures is defined in the density and dimensional standards of this Code~~shall not exceed two (2) stories or twenty-five (25) feet, except within the LI or AG zone districts.~~

~~(f)(2)h. Signs. Minor home occupations shall be limited to nameplate signs, not exceeding two (2) square feet in area. Such signs shall be mounted on the house. Freestanding signs shall be prohibited.~~

~~(f)(3)g. Signs. Major Home Occupations shall be limited to nameplate signs, not exceeding two square feet in area. Such signs shall be mounted on the house. Freestanding signs shall be prohibited.~~

**Sec. 16-3-70. - Temporary uses.**

~~(a)(2) Permanent signs are prohibited. All temporary signs associated with the temporary use shall be removed when the activity ends.~~

(b)(10)h. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. ~~One (1) sandwich board menu sign, not exceeding six (6) square feet, as permitted by Paragraph 16-7-60(23) of this Chapter.~~

(b)(11)j. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. ~~One (1) sandwich board menu sign, not exceeding six (6) square feet, as permitted by Paragraph 16-7-60(23) of this Chapter.~~

**Sec. 16-3-140. - Appeals and variances.**

(a) Generally. Except as provided in subsection (b) below, ~~T~~the Board of Adjustment shall have the powers and authority concerning the application and enforcement of this Chapter as those powers are delegated to it by provisions of state law and by the specific provisions of this Chapter, including those contained in this Subsection (a):

(1) Purpose. The Board of Adjustment shall hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code.

(2) Appeal application.

a. Any aggrieved person in interest may appeal a denial of a building or other development permit or any order, requirement, decision, interpretation or



determination made by an administrative official charged with the enforcement of this Code.

- b. An appeal to the Board of Adjustment shall be made within ten (10) days after the denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's right to appeal to the Board of Adjustment.
- c. The appellant shall provide a written statement that demonstrates that the application of the order, requirement, decision or determination of the Town Manager or other authorized Town official being appealed would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter. The applicant shall file, with the Town Clerk, a written notice of appeal on a form approved by the Board of Adjustment and pay the fee set by the current fee schedule.
- d. The Town Clerk shall forward a copy of the notice of appeal to the planning staff or other appropriate administrative officer, who shall prepare a record of the Town action that is being appealed for consideration by the Board of Adjustment.
- e. Set appeal public hearing and complete public notification process. The Town Clerk shall send notice of the Board of Adjustment public hearing by certified mail to the appellant. Notice of the public hearing date shall also be given to the planning staff or other appropriate administrative officer. The notice shall include the time and place of the public hearing, the nature of the hearing (the order, requirement, decision or determination being appealed) and the appellant's name. The Town Clerk shall also publish notice of the public hearing in a newspaper of general circulation no less than fifteen (15) days before the Board of Adjustment hearing. The hearing may be held no less than fifteen (15) days from the date of the newspaper publication.
- f. Board of Adjustment public hearing and action on appeal. The appeal and the staff-prepared record of the Town action being appealed shall be presented to the Board of Adjustment for its review and action. The Board of Adjustment shall hear and decide the appeal based upon the merits of the oral and written record presented during the public hearing. The Board of Adjustment, by order or resolution, may, in whole or in part, affirm, reverse or amend the order, requirement, decision, interpretation or determination appealed. The Board of Adjustment may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this Chapter. The Board of Adjustment shall provide a written record of its findings and the Town staff shall use it to propose amendments that address future interpretation problems. The appellant shall be provided a copy of the Board of Adjustment's order or resolution by certified mail or personal delivery.
- g. Appeal criteria for approval. The Board of Adjustment, in hearing an appeal from an interpretation of this Chapter, shall consider:
  1. The technical meaning of the provision being appealed;
  2. Evidence of the manner in which the provision has been interpreted in the past;

3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
4. The intent of the provision in implementing the Comprehensive Plan.

(3) Variance application.

- a. Any person in interest may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions of this Chapter. The applicant shall pay the fees set by the current fee schedule. For a variance request, the applicant shall submit nineteen (19) copies, in D-ring binders, and three (3) CDs with all maps, legal descriptions and surrounding property owner information contained thereon, of the following to the Town Clerk:
  1. Land use application form.
  2. Variance - technical criteria form.
  3. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the variance application submittal.
  4. Explanation letter identifying the variance being requested, a citation of the portion of this Chapter from which relief is requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code.
  5. Map. Town staff will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including but not limited to required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.
  6. Surrounding property ownership report. Provide the Town Clerk with a current list, not more than thirty (30) days old, of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral estate owners and appropriate ditch companies. The property owner list should also be submitted on a CD in an Excel™ spreadsheet. The applicant shall certify that the report is complete and accurate.
- b. Set variance public hearing and complete public and referral agency notification. The Town Clerk shall set the date of the public hearings before the Board of Adjustment. The Town Clerk shall send notice of the variance public hearing by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property, to mineral estate owners of record, to appropriate ditch companies and to the appropriate referral agencies no less than fifteen (15) days before the public hearing. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearing in a newspaper of general circulation no less than fifteen (15) days before the hearing. The hearing may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the hearing,

the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition until the public hearing is concluded and for removal of the signs after the public hearing is concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state: "This property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering.

- c. Board of Adjustment public hearing and action on variance request. The variance request and the staff-prepared analysis of the variance request shall be presented to the Board of Adjustment for its review and action. The Board of Adjustment shall hear and decide the variance request based upon the compliance with criteria established below and the merits of the oral and written record presented during the public hearing. The applicant for a variance has the burden of proof to establish the necessary facts to warrant favorable action of the Board of Adjustment. No single decision of the Board of Adjustment sets a precedent. The decision of the Board of Adjustment shall be made on the particular facts of each case. The Board of Adjustment may, by written order, approve the variance, approve the variance with conditions or deny the variance.
- d. Post approval action. Any variance authorized shall be stated in writing with the justifications set forth as a formal "findings and order" of the Board of Adjustment and shall be prepared, signed and recorded with the County Clerk and Recorder at the expense of the applicant.
- e. Appeals of Board of Adjustment action on variance request. Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law; provided, however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure.
- f. Variance criteria for approval. In order to grant a variance to this Chapter, the Board of Adjustment shall find that all the of following have been satisfied:
  1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property.
  2. That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter.
  3. That, due to such unique physical circumstances or conditions, the strict application of this Chapter would create a demonstrated hardship.
  4. That the demonstrable hardship is not self-imposed.
  5. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood.

6. That the variance, if granted, will not change the character of the zoning district in which the property is located.
  7. That the variance, if granted, is in keeping with the intent of this Chapter.
  8. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.
- g. The Board of Adjustment shall not grant a variance to this Chapter, which:
1. Permits a land use not allowed in the zoning district in which the property is located;
  2. Is in the public right-of-way or on public property;
  3. Alters any definition of this Chapter;
  4. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Chapter;
  5. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to this Chapter; or
  6. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.

(b) Sign Regulations.

- (1) The Board of Trustees shall have the power and authority to hear appeals from the application of the Town's Sign Regulations, as codified in Article VII of this Chapter.
- (2) Appeals to the Board of Trustees may be brought by an aggrieved applicant, at the aggrieved applicant's option, by filing a notice of appeal with the Town within ten (10) business days after the date of the written decision appealed from.
- (3) The notice shall state the grounds for, and present argument and evidence in support of, the appeal.
- (4) The appeal shall be heard on the next available agenda of the Board of Trustees for which notice may be timely provided, but in any event not more than forty-five (45) days after the appeal is filed.
- (5) In considering the appeal, the Board of Trustees shall review the matter de novo; however, evidence that was not presented to the prior decision-maker shall not be introduced unless there is good and reasonable cause shown for the prior failure to introduce it.
- (6) Upon conclusion of the hearing, the Board of Trustees shall make findings of fact and grant the appeal; grant the appeal with conditions that are supported by the facts found, and necessary to assure compliance with Article VII; or deny the appeal. The decision shall be reduced to writing within five (5) business days and promptly thereafter provided to the applicant.

(7) This Subsection (b) is an optional process for the applicant, and shall not be interpreted to limit an aggrieved applicant or other party with standing from seeking judicial review.

**Sec. 16-3-150. - Waivers.**

- (a) Purpose. Except with regard to applications that are subject to Article VII, Sign Regulations, The Board of Trustees, acting through the Town Manager, may authorize waivers from the Town Land Use Code in cases where special conditions and circumstances exist which are peculiar to the land, or where practical difficulties exist creating an unnecessary hardship on the land owner, or where a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions. Such waiver shall not be granted if it would be detrimental to the public good, creative conflict with the Town Comprehensive Plan, or impair the intent and purpose of this Code.

**Sec. 16-7-70. - Prohibitions.**

2. Prohibited signs. The following sign structures and designs are prohibited:
- a. Animated or moving signs, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, except as specifically permitted in Section 16-7-90, Message centers; provided that "moving signs" shall not be deemed to prohibit a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long, used as a projecting sign in the DMU zoning district in accordance with Table 7.11(2), Projecting, Awning, and Bracket Signs.
3. Prohibited design elements. The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
- i. Spinning or moving parts; provided that "spinning or moving parts" shall not be deemed to prohibit a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long, used as a projecting sign in the DMU zoning district in accordance with Table 7.11(2), Projecting, Awning, and Bracket Signs.

**Sec. 16-7-110. - Standards for attached permanent signs.**

**Table 7.11(2)  
Projecting, Awning, and Bracket Signs**

Additional Standards	Not applicable	<ul style="list-style-type: none"><li>• Signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas</li><li>• Projecting signs must be spaced not less than 20 ft. from other projecting signs</li><li>• Projecting signs that extend over pedestrian use areas must provide at least 8 ft. of sign clearance</li><li>• <u>In the DMU zoning district only, "projecting signs" shall include and allow for a single, vertical, striped cylindrical pole, typically rotating about its vertical axis and not more than thirty-six (36) inches long.</u></li></ul>
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**Sec. 16-11-30. - Uses permitted.**

~~(7) Identification signs: one (1) single-face sign per perimeter street frontage of the manufactured home community, and only if such signs are unlighted, less than three (3) square feet in area.~~