

# AGENDA ITEM # 4

## PLANNING COMMISSION COMMUNICATION FORM

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FROM: Jonathan Spence, Senior Planner (Ext. 224)

THROUGH: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 280)

DATE: January 28, 2010

ITEM: Revisions to Article IX, Signs, Text Amendment to the Community Development Code, #TXT-09-09

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading.

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- ORDINANCE
  - RESOLUTION
  - MOTION
  - DIRECTION
  - INFORMATION
- 

PROJECT NAME: Revisions to Article IX, Signs, Text Amendment to the Community Development Code, #TXT-09-09

PETITION: An amendment to the CDC to revise the term of approval for Final Development Plans, as well as the vesting period for single-phased projects that have installed required infrastructure and received Preliminary Acceptance from the City.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Jonathan Spence, Senior Planner, Centennial Hall, 124 10<sup>th</sup> Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

**I. RECOMMENDED ACTION**

Staff recommends the Planning Commission approve the draft ordinance amending the Community Development Code, Section IX, Signs.

**II. BACKGROUND INFORMATION**

The Department of Planning and Community Development has initiated the proposed changes to Article IX, Signs, to respond to changes in the regulatory environment, to assist the Real Estate Community and to perform a needed simplification of the code through the removal of unnecessary provisions. The impacts of the proposed changes, particularly related to the expansion of the prohibition on pole signs and internal illumination, will largely be felt by new development as existing development will still adhere to their approved Master Sign Plans.

A worksession was held with the Planning Commission, members of the Real Estate Community, and Sign Professionals on December 14, 2009. The proposed changes were discussed at that time with recommendations made by those in attendance for modifications. These modifications have been incorporated into the proposal.

**III. DESCRIPTION**

Amendments to Article IX, Signs are as follows:

Clean up.

The sign code has been cleaned up with references to unnecessary items, largely construction criteria, removed.

Reformat

The sign code has been reformatted to bring the definitions related to signs, previously scattered in the definition section, into the sign code section of the code.

Ground Signs

The language related to monument signs has been simplified to remove the language that determined allowable height based on distance from property line. The definition for monument signs and pole signs has been revised. The prohibition on pole signs downtown has been expanded to all areas of the City.

Temporary Signage

In response to a request from the retail business community, a change is proposed that would increase the frequency of allowed temporary banners from two (2) to four (4) times per year.

Assistance to the Real Estate Community

The revisions to the sign code related to real estate signs are intended to assist the real estate community while still maintaining an enforceable regulatory framework. The revised language allows temporary open house signs, expands the allowable typical size of a real estate sign to

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Revisions to Article IX, Signs, Text Amendment to the Community Development Code, #TXT-09-09

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accommodate riders and permits centralized advertising and distribution of real estate information for multi-family projects. A definition of a centralized advertisement device, with graphic examples, has been added.

Construction Signs

The sign code has been revised to only allow one renewal for a construction sign following the issuance of a Certificate of Occupancy or a Certificate of Appropriateness. This will result in a more timely removal of this type of signage.

Materials

The sign code has been amended to include a requirement that the sign materials reflect the materials found in the development or on the building.

Substantive Changes to Illumination

Substantive changes to allowable illumination are proposed with these revisions. This includes an expansion of the current prohibition on internally illuminated signs downtown to the entire City. Secondly, the proposed changes include an hours of operation limit that signs shall not be illuminated unless a business is open to the public between the hours of 12:00 AM and 6:00 AM. It is the intent of this restriction to conserve energy and reduce visual clutter.

**IV. ATTACHMENTS**

Attachment 1: Revised Article IX (to replace existing Article IX)

Attachment 2: Draft Ordinance (available by request)

## ARTICLE IX.

### SIGNS\*

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\* **Cross References:** Sign review board, § 2-486 et seq.; buildings and building regulations generally, ch. 5; licenses, permits and miscellaneous business regulations, ch. 12.

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#### Sec. 26-221. Administration.

(a) *Purpose.* The purpose of this article is to provide for fair, concise and uniform control of signs within the city, in recognition that a sign code should provide for a balance between the following values:

- (1) Citizens must be allowed to fully exercise their right to free speech and the use of signs;
- (2) Signs can be informative, creative and aesthetically pleasing;
- (3) Signs can contribute to the common welfare and needs of the local residents, businesses and guests alike; and
- (4) Citizens have a right to be protected from the visual clutter that results from the unrestricted proliferation of signs.

(b) *Applicability.* No sign or part of a sign, or lighting for a sign, may be erected, altered, constructed, changed, converted, enlarged, or moved without a sign permit, unless specifically stated otherwise in this article. The director shall have the authority to approve and deny any request for a sign permit pursuant to the provisions of this article.

(c) *Exemptions.* The following signs may be erected or changed without a permit:

- (1) *Changing of copy.* The manual changing of copy on theater marquee and similar signs on permitted or existing legal and legal nonconforming signs.
- (2) *Cornerstones, plaques.* Signs in the nature of cornerstones, commemorative tablets and signs identifying historical sites or structures not more than six (6) square feet per sign.
- (3) *Flags.* Any national, state or local flag may be erected upon private property. All flagpoles must be restricted to a maximum height of twenty (20) feet above ground elevation.
- (4) *Holiday signs.* Noncommercial signs or other materials temporarily displayed on civic, patriotic, and/or religious holidays, provided that such signs shall be displayed for a period of not more than thirty (30) days before or after the holiday. Such signs may be flashing, blinking or

animated so long as they do not create a traffic safety problem as determined by the director of public safety.

- (5) *Menu signs.* Menus for restaurants may be posted within a frame on the outside of the building, provided the menu and frame do not to exceed four (4) square feet. A maximum of one menu sign will allowed per restaurant without issuance of a sign permit.
- (6) *On-site directional signs.* Directional signs on private property that do not exceed 1 1/2 square feet. A maximum of four (4) signs per property in addition to one sign per (10) ten parking spaces, will be allowed without a permit. Directional signs on public property located adjacent to streets, sidewalks or trails are allowed if approved by city council.
- (7) *Political, civic, and noncommercial signs.* Flyers or posters visible through windows on private property advertising a political candidate, civic event, or noncommercial public event;
- (8) Window signs within a commercial building utilizing up to twenty-five (25) percent of the collective glass area per building frontage or 1/2) square foot linear foot of street building frontage, whichever is the lesser amount. Gas fired window signs are limited to 1/2) the above specified amount. Window signage allocation cannot be transferred to another frontage.
- (9) *Political campaign signs.* Political campaign signs may be displayed without permit; however, such signs must be located on private property with the property owners consent, shall not be located within the city right-of way and must be removed no later than seven (7) calendar days from the date of election.
- (10) *Public signs.* Signs required or specifically authorized for a public purpose by any law, including but not restricted to:
  - a. Notice of any judicial or public proceeding posted by public officers or employees in the performance of their duties pursuant to laws, ordinances, regulations, policies and procedures;
  - b. Signs erected by a public agency to improve traffic safety;
  - c. Signs of government, public utility, public service, or their contractors that aid safety, indicate installations or repairs, or which show the location of underground facilities; and
  - d. Other signs required or specifically authorized for a public purpose by any law, statute, regulation, or ordinance.

- (11) *Real estate and construction signs.* Real estate or construction signs on undeveloped lots that are not greater than seven (7) square feet in size. A maximum of one sign per lot or parcel shall be allowed. Multifamily properties may utilize a central advertising device that allows distribution of materials for more than one listing identified by one sign no more than seven (7) square feet in size.
- (12) *Temporary Real Estate signs.* Two (2) Directional Open House signs no greater than two (2) square feet, with the brokerage firm identified, to be erected not more than one hour prior to an open house and removed no more than one hour after the open house hours, shall be allowed. These may be located within the City right-of-way but may not be placed in such a way as to present hazards to motorists or pedestrians. One (1) Open House sign not to exceed two (2) square feet on the subject property and erected not more than one hour prior to the open house and removed no more than one hour after the open house hours.
- (13) *Residential signs.* Each existing residential unit shall be allowed one attached or detached sign not to exceed 1 1/2 square feet. Such signs shall not be illuminated from the interior or back of the sign.
- (14) *Trespass signs.* Signs located on a property, posting the property for warning or prohibitions on trespassing, hunting, fishing, swimming or other prohibited activity. Such signs shall be no larger than one square foot in size and shall be spaced no closer than one hundred fifty (150) feet apart.
- (15) *Typical maintenance.* Painting, repainting or cleaning of an advertising structure without changes to the structure, or lighting or any other change that would require a permit.
- (16) *Vehicle signs.* Signs applied to vehicles where the vehicle is:
  - a. Operable;
  - b. Legally licensed and insured in the state; and
  - c. Parked in parking area that is in conformance with the requirements of the Steamboat Springs Revised Municipal Code and article V of the CDC.
- (17) *Warning and cautionary signs.* Signs of danger or of a cautionary nature not exceeding four (4) square feet per sign unless otherwise required to be larger by local, state or federal law.

- (18) *Garage sale signs.* Signs directing the public to yard or garage sales no larger than four (4) square feet and displayed for no more than three (3) days prior to the sale and removed no later than two (2) days after the event. All signs must have the dates of sale posted.

(Ord. No. 1802, § 9.1, 7-23-01; Ord. No. 1982, § 39, 3-15-05)

**Sec. 26-222. Prohibited signs.**

(a) *Prohibited signs in all zone districts.* The following signs are prohibited in all zone districts:

- (1) All signs without a valid permit or revocable permit where one is required, or signs that are otherwise unlawfully erected or maintained.
- (2) Roof signs, bench signs, bus stop signs, portable signs as defined in this CDC.
- (3) Any signs, lights, rotating disks, words, spotlights or other devices including both illuminated and highly reflective signage which the director, director of public works or director of public safety determines would obstruct or hamper the vision of bicyclists or motorists using any street, private driveway, or approach to any street intersection, or would obstruct or interfere with the effectiveness of any traffic sign, device or signal.
- (4) Signs, lights, rotating disks, words, and other devices that may be erroneously construed as governmental signs or emergency warning signs.
- (5) Any sign that obstructs or interferes with free passage from any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- (6) Any sign placed in a corner sight triangle as determined by the director, director of public works or director of public safety, or on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, right-of-way, property or thoroughfare, unless specifically authorized by this CDC.
- (7) The tacking, posting, or otherwise affixing of signs or bills of a miscellaneous character on the outside walls of buildings, barns, sheds, trees, poles, fences, benches, bus stops or other structures, and visible from a public way, unless specifically authorized by this CDC.
- (8) Any sign that pertains to a business, profession, commodity, or service that is vacant, unoccupied, or discontinued for a period of six (6) months or more, or any sign that pertains to an event or purpose that no longer

applies, shall be deemed abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner or tenant of the premises.

- (9) Off-premises signs, unless allowed by an approved master sign plan as outlined in section 26-75.
- (10) All flashing, blinking, animated signs and signs with auditory commercial messages, with the exception of holiday decorations within sixty (60) days of any civic, patriotic, or religious event. The public safety director may prohibit certain holiday decorations if he or she determines that they pose a threat to public health, safety and welfare.
- (11) Any sign that extends above the elevation of the roof behind it; and any sign that extends above or beyond the roof behind it when viewed from any point in the public right-of-way; with the exception of gas pump canopy signs.
- (12) Vehicle signs, or vehicles that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to use the parking of the vehicle to advertise a product, service or activity or direct people to a business or activity.
- (13) Beacons or searchlights, other than for emergency aviation purposes.
- (14) Photographically projected copy such as motion pictures, film slides, holographs or other similar images.
- (15) Interior illuminated awnings or canopies.
- (16) Flags, pennants, or balloons with a commercial message.
- (17) Vending machines that are internally illuminated and visible from the public right-of-way.
- (18) Pole signs.
- (19) All internal illuminated signs, as defined in section 26-223.

#### **Sec. 26-223 Sign Definitions**

*Animated Sign.* A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash or visibly alters in appearance.

*Attached sign.* Includes any sign painted, incorporated into or fixed to the building wall, and any sign consisting of cutout letters or devices affixed to the building wall with no background design on the building wall and extending no more than twelve (12) inches away from the wall.

*Awning sign.* A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

*Bench sign.* A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

*Billboard sign.* Any off-premises sign on a permanent structure on which the copy may be periodically changed and which is not located on the premises to which such advertising copy pertains.

*Construction sign.* A sign identifying or advertising new construction, remodeling, rebuilding or development of any structure or land area. The sign could include but not be limited to the following information: architect, engineer, owner/developer, contractor, tenant, sale agent, financing, opening dates/date of completion, business operational status, hours of operation, price, project name, directions, or rendering.

*Detached sign.* Any sign that is structurally separate from the building that houses the use to which the sign pertains, and permanently attached to the ground.

*Directional sign.* Any onsite sign that directs the necessary movement of pedestrians or vehicular traffic without reference to the name of the business, products sold or services offered. Directional signs also include signs locating public facilities such as telephones and restrooms.

*Directory sign.* Means any sign that lists the names or uses of the tenants within the development.

*Electronic Message Board.* A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

*Gas pump sign.* Any sign that is affixed or attached to individual gas pumps.

*Ghost sign.* An old sign, which may or may not be applicable to the building or use where it is located that appears faded and is not maintained. Ghost signs usually appear on masonry structures and the image appears when wet.

*Height, sign.* The vertical distance between the average elevation of the ground

adjoining the base of the sign and the level of the highest point of the sign.

*Historical sign.* A sign, designated by the city council, as having historical significance to the city. Historical signs must have been in existence for a minimum period of twenty (20) years.

*Illuminated sign.* A sign which is lighted by either an external or internal light source. This includes but is not restricted to incandescent, fluorescent and gas-fired fixtures.

- (1) *External.* A sign lighted by an artificial light source located outside of and away from the sign, and directed toward the sign.



- (2) *Internal.* A sign where the light source is contained within the structure or body of the sign and where no portion of the light source can be seen from any point exterior to the sign. This type of illumination is generally used with channel letters or lighted box signs.



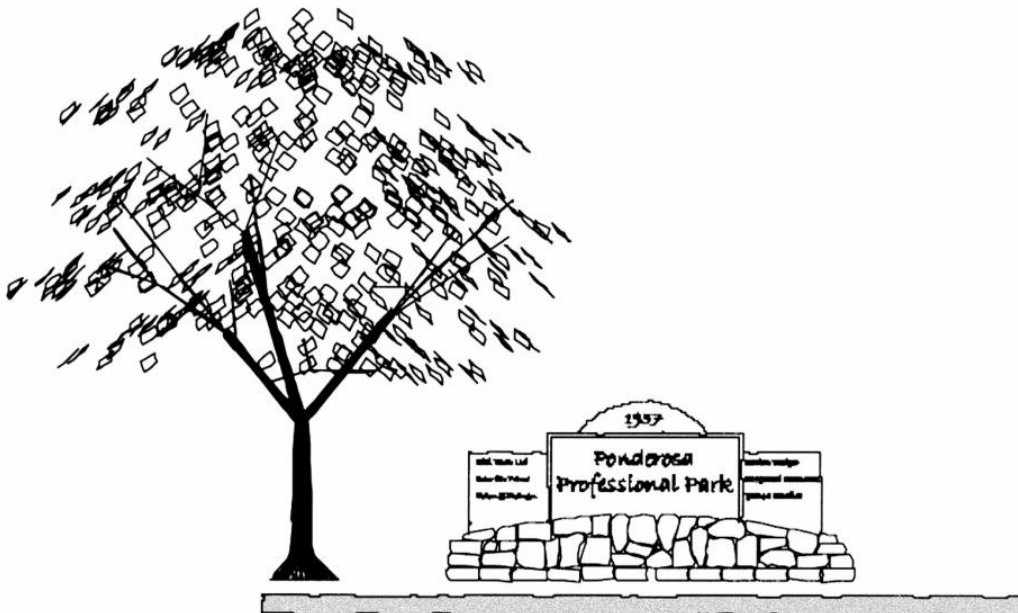
- (3) *Indirect* A sign where the source of the light is concealed resulting in a halo or glowing effect.



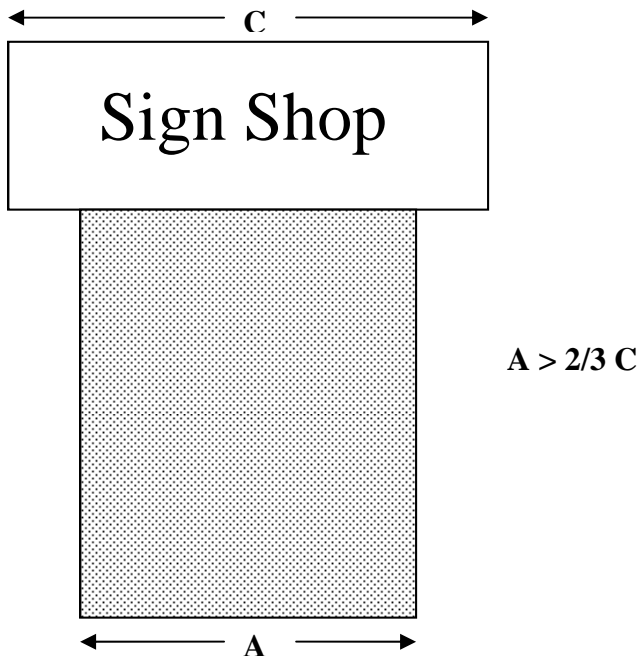
*Inflatable sign.* Any sign of nonrigid material which utilizes air or other gases, either under pressure or heated, to maintain its shape.

*Master sign plan.* A comprehensive signage program for multi-tenant buildings, lots, subdivisions, and developments.

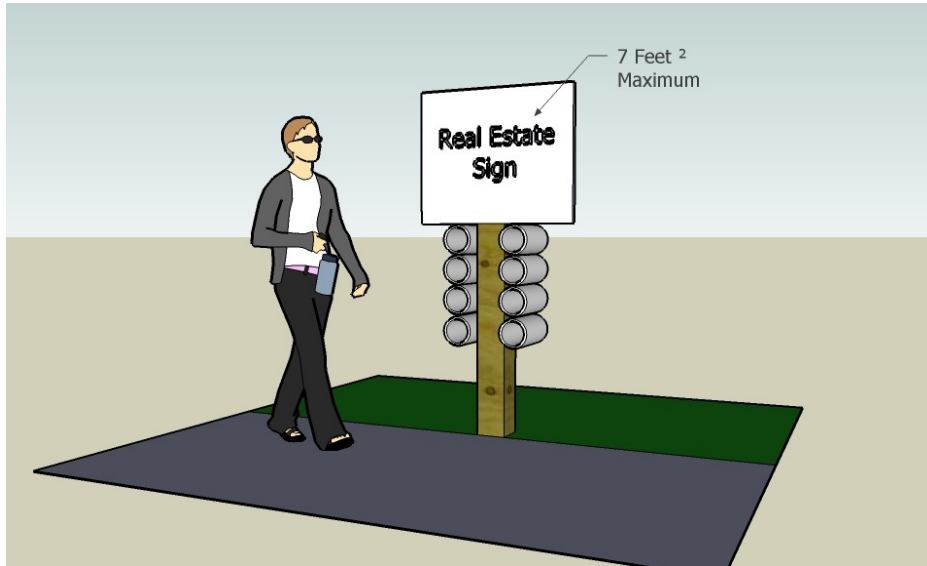
*Monument sign.* A detached sign permanently affixed to the ground with a base a minimum width of two thirds (2/3) the width of the sign, including any border.

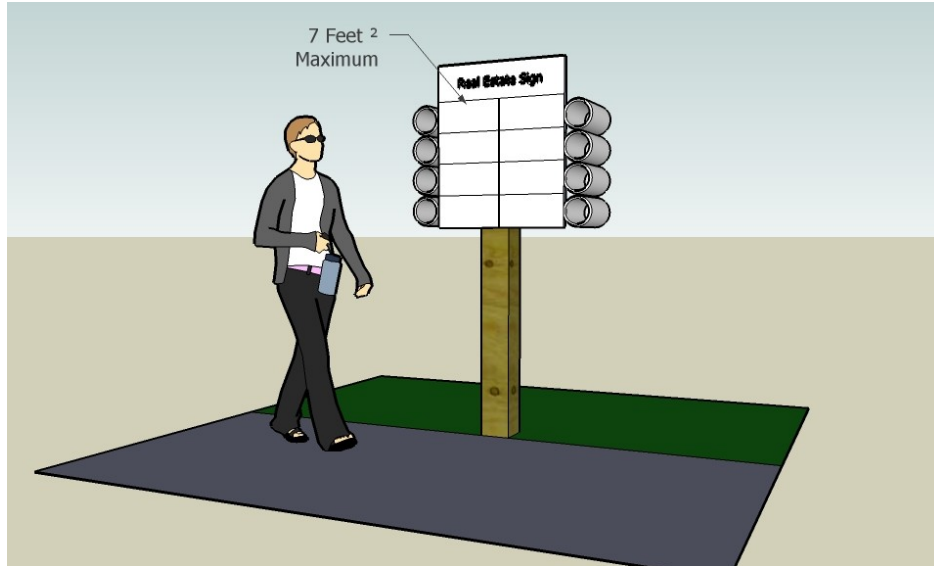


Monument Sign



*Multifamily Central Advertising Device.* A sign used to promote multiple real estate listing for multi-family properties in a centralized location. The sign does not exceed seven (7) square feet in sign copy area. Possible examples include:





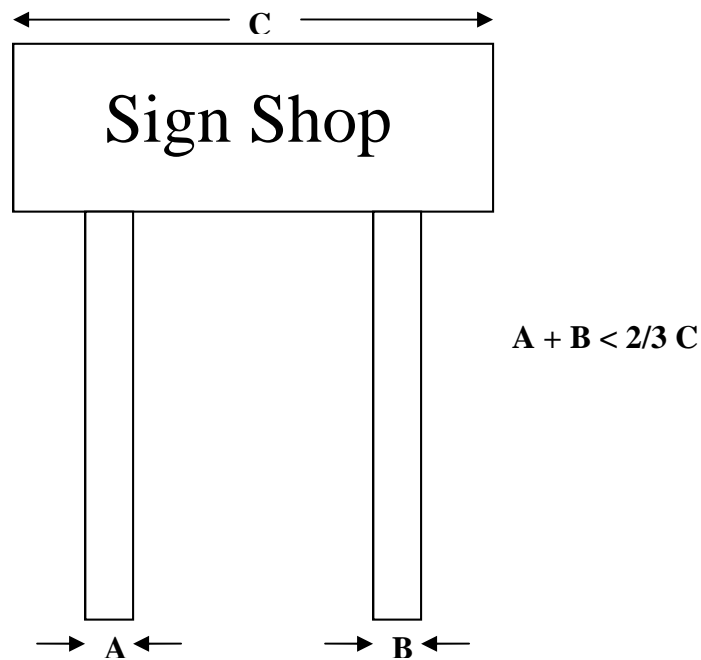
*Nonconforming sign.* Any sign which was lawfully erected and maintained under prior codes but which does not meet the provisions of article IX.

*Off-premises sign.* Any sign that is not located upon the same lot of the business or activity to which it refers, but not including monument signs permitted by an approved master sign plan. A billboard is considered an off-premises sign.

*On-premises sign.* Any sign that is located upon the premises of the business or activity to which it refers.

*Permanent sign.* Any sign that is permanently affixed or attached to the ground or to any structure.

*Pole sign.* A sign that is supported by single or multiple poles or other similar structures where the pole(s) are less than two thirds (2/3) the width of the sign, including any border.



*Political sign.* A sign used in connection with a local, state or national political issue, election or referendum.

*Portable sign.* A sign that is not permanent, affixed to a building, structure, or the ground. Examples of portable signs include sandwich boards.

*Projecting sign.* A sign that extends more than twelve (12) inches from the supporting wall of a building, or any sign that is attached or suspended from a canopy, awning or marquee.

*Public information sign.* A sign identifying community activities and special events sponsored by a nonprofit corporation. It is not intended for commercial, personal or private use.

*Real estate sign.* A sign located on property advertising the property for sale, lease, or rent

*Real Estate Sign, Temporary.* A sign generally used to advertise for Open Houses or similar real estate showings erected for a limited period of time.

*Roof sign.* Any sign affixed to the roof of a structure.

*Sandwich board sign.* A portable self-supporting sign with one or more faces. Generally, this is a temporary sign used to advertise merchandise, service, price specials, or events.

*Sign.* Any object or device or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, purpose, product, service, contract event, or location by means of copy. Examples include: words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images which are visible from any street, alley or other public right-of-way.

*Statuary sign.* A three-dimensional form or likeness constructed of any rigid material, with or without copy, that represents copyrighted material, a trademark, a corporate symbol, corporate logo or any other copy or artwork that is commonly associated with the use.

*Temporary sign.* A sign, banner, pennant, valance or advertising display constructed of cloth, canvas, paper, fabric, chalkboard, plywood or other materials and designed or erected for short-term use. Also, a sign that is limited in the amount of time that it is allowed to be displayed by a specific timeframe, contract, event or purpose to which the sign is related. Examples include construction, real estate, political, portable, easel, chalkboard, garage sale, and special sale signs.

*Traffic control sign.* Any governmental sign used to direct or control the movement of motor vehicles and/or pedestrians within public streets, alleys or rights-of-way.

*Vehicular sign.* Any sign that is mounted upon, painted or otherwise erected upon a vehicle, including but not restricted to van, truck, automobile, bus or other vehicles

*Wall sign.* A sign fastened to or painted on the wall, parapet or roof of a building or structure in such a manner that the wall becomes the supporting structure for the sign and that does not project more than twelve (12) inches from the wall behind. In general, a wall sign is a sign that is backed by a wall, parapet wall or roof when viewed from the public right-of-way at a height of five (5) feet.

*Window sign.* A sign consisting of copy that is located within twelve (12) inches of the interior of the window and that can be seen from the exterior. Any gas-lit, or internally illuminated sign that can be seen from the public right-of-way, regardless of its distance from the window shall be considered a window sign. This does not include price tags smaller than four (4) square inches.

## **Sec. 26-224 Illumination, Hours of Operation, Projections, Sign Measurement and Materials**

### *(a) Illumination*

- (1) *Prohibited Illumination.* No sign shall be illuminated through the use of internal illumination, rear illumination, fluorescent illumination or neon or

other gas tube illumination, except when used for indirect illumination and in such a manner as to not be directly exposed to public view. (window signs excepted)

- (2) *Indirect Illumination Signs* may be illuminated indirectly, as defined in Sec. 26-223.
- (3) *External Illumination Signs* may be illuminated externally, as defined in Sec. 26-223.
- (4) *Hours of Illumination* No sign shall be illuminated between 12:00 AM and 6:00 AM unless a business establishment is open to the public.

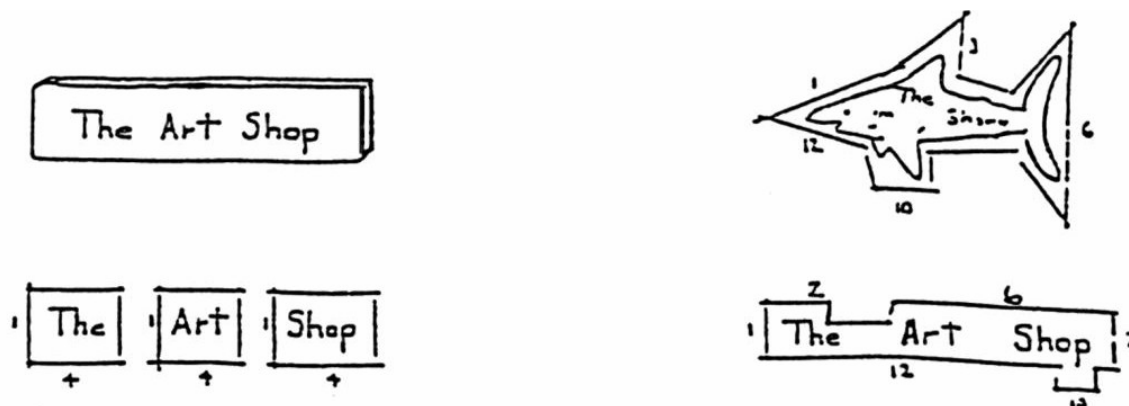
(b) *Projections and clearance.*

- (1) *General.* Signs shall conform to the clearance and projection requirements of this subsection.
- (2) *Clearance from high voltage power lines.* Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- (3) *Clearance from fire escapes, exits or standpipes.* No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
- (4) *Obstruction of openings.* No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by this CDC or the Uniform Building Code.
- (5) *Projection over alleys.* No sign or sign structure shall project into any public alley below a height of sixteen (16) feet above grade. The sign or sign structure may project up to twelve (12) inches if located at a height of sixteen (16) to twenty (20) feet above grade. The sign or sign structure may project not more than thirty-six (36) inches into the public alley where the sign structure is located more than twenty (20) feet above grade.
- (6) *Clearance from streets.* Signs shall not project within two (2) feet of the curbline.
- (7) *Sign projection.* No sign or sign structure shall project into any street or

public right-of-way below a height of eight (8) feet. A permitted sign or sign structure may project into a street or public right-of-way up to three (3) feet if it is located eight (8) feet or more above grade.

(c) *Sign Measurement*

- (1) For signs having a defined border that encompasses all the copy, "sign area" is defined as the actual area inside the outer limits of the border. Sign area includes the area of the smallest twelve- or fewer-sided plane geometric figures that encompass the face of the sign, including copy, border and nonstructural trim. For signs consisting of copy attached or painted on the building surface and containing no differentiation background color or border, the sign area shall be derived by adding the sum of the area encompassed by plane geometric figures containing no more than a total of twelve (12) sides.
- (2) If a detached or projecting sign has parallel faces, back to back, the total allowable area shall be permitted on each sign face. The area of three-dimensional figures shall be calculated on the largest possible silhouette cross section encompassed by a plane geometric figure containing no more than twelve (12) sides.



Sign Area Calculations

(d) *Materials*

- (1) All signage materials shall be chosen to complement the materials found on the building or within the development.

**Sec. 26-225. Residential signs.**

The following restrictions shall apply to all signs related to residential uses:

- (1) *Number.* One sign shall be permitted per street frontage.

- (2) *Maximum sign area.* Maximum sign area for any residential single-family or duplex subdivision/development identification sign shall be restricted to ten (10) square feet per sign. Maximum sign area for any multiple-family residential subdivision/development identification sign shall be twenty (20) square feet per sign.
- (3) *Detached signs.* Monument signs shall not exceed twenty (20) square feet per sign face, including twenty (20) square feet per face for signs with two (2) parallel faces. Monument signs must conform to the requirements of this subsection. The base of a monument-style sign shall not be considered part of the sign for the purpose of sign area calculations for that portion of the base that does not extend more than 3 1/2 feet above average elevation of ground and that portion of the borders does not extend more than twelve (12) inches around the sides and top of the sign face. Neither the base nor the border may be lighted internally. The total height of a monument sign, including the border and base, may not exceed nine (9) feet above the average ground elevation. The sign and the base must be constructed of materials compatible with the façade of the building.

**Sec. 26-226. Commercial signs.**

The following restrictions shall apply to all signs in commercial developments or on commercial structures:

- (1) *Master sign plans.* A master sign plan (MSP), conforming to all and only those provisions in this chapter, shall be required for all development as listed in subsection 26-75(b). The MSP must be approved prior to the issuance of a building permit for all new buildings, additions or renovations. The MSP shall run with the development and not with individual tenants. Any variance from these provisions shall require approval from the board of adjustment.
- (2) *Number.* The number of attached signs per building frontage shall not be restricted so long as the total sign area per building does not exceed the amount allotted by this chapter. The number of detached signs for single-use or commercial developments containing more than one building shall be restricted to one 20-square-foot double-faced sign. Detached signage allocated to a specific frontage may be allocated to another frontage only with the approval of the board of adjustment, pursuant to the section 26-70, variance.
- (3) *Sign area.* Sign area shall allocated as follows:
  - a. For single-use buildings, one square foot of signage per linear foot of street building frontage for the first fifty (50) linear feet and 0.4 square foot per linear foot thereafter, up to a maximum of one

hundred twenty (120) square feet per street frontage shall be permitted.

- b. For a multiuse building with a common entrance, one square foot of signage per linear foot of street building frontage for the first fifty (50) linear feet and 0.4 square foot per linear foot thereafter, up to a maximum of one hundred twenty (120) square feet, shall be permitted.
- c. For a multiuse building with separate exterior entrances for each tenant, one square foot of signage per linear foot of street building frontage for the first fifty (50) linear feet and 0.4 square foot per linear foot thereafter up to a maximum of one hundred twenty (120) square feet per tenant space shall be permitted. Uses or tenant spaces above the first story shall be allowed signage equal to the provisions stated in this section if the use or tenant has an individual direct exterior access.
- d. Businesses which front and have sole public access on an alley or public walkway/path shall be allowed sign area equal to the alley building frontage as calculated in this section. Businesses which have a secondary public entrance on an alley or public walkway/path, shall be allowed 0.2 of a square foot of signage per linear foot of alley building frontage.
- e. Businesses in single-use or multiuse buildings may distribute signage allocated to a specific frontage to another side of the building which does not constitute a frontage only with the approval of the board of adjustments. This applies only to wall signage.
- f. The square footage allocation for detached signage for multiuse projects is independent of the allocations in this section if the sign serves to identify the development without functioning as a directory. If the sign functions as a directory, listing the uses or tenants, then the square footage shall be subject to the limitations in this section.

- (4) *Detached signs.* Monument signs shall not exceed twenty (20) square feet per sign face, including twenty (20) square feet per face for signs with two (2) parallel faces. Monument signs must conform to the requirements of this subsection. The base of a monument-style sign shall not be considered part of the sign for the purpose of sign area calculations for that portion of the base that does not extend more than 3 1/2 feet above average elevation of ground and that portion of the borders does not extend more than twelve (12) inches around the sides and top of the sign face. Neither the

base nor the border may be lighted internally. The total height of a monument sign, including the border and base, may not exceed nine (9) feet above the average ground elevation. The sign and the base must be constructed of materials compatible with the façade of the building.

- (5) *Projection.* No projecting sign which projects more than three (3) feet shall be allowed, and no projecting sign shall exceed nine (9) square feet of sign area for any single sign face up to a total of two (2) parallel faces.
- (6) *Directory signage.* Directory signage shall be restricted to pedestrian-oriented applications and shall not exceed twenty (20) square feet.
- (7) *Electronic Message Boards* Electronic Message Boards shall be permitted provided that the copy, including text, does not change more than once in any twenty four (24) hour period. (Time/Temperature excepted)
- (8) *Statuary signs.* Statuary signage will be allowed only on private property within a commercial development. The maximum of one statuary sign per street frontage will be permitted. All such signs shall be set on a base no more than two (2) feet above the average grade. Such statuary may be life-size up to a maximum of twenty (20) square feet. Statuary signs will be debited against the total allowable signage for the building or use. A sign permit is required. The silhouette shall be considered the face of the sign.
- (9) *Sandwich board/easel signs.* The use of sandwich board signs and easels is prohibited on property located on Lincoln Avenue and along the adjoining Yampa and Oak Streets (commonly known as Old Town) between Third Street and Eleventh Street. In the districts, as defined in section 18-2, of Mt. Werner, Highway 40/South Lincoln Avenue and West Highway 40 the use of sandwich board signs may be permitted only through an application for a variance approved by the board of adjustments. If such variance is granted, a revocable permit shall be required for all such signs within the right-of-way. Such signage shall be debited against the total allowable signage for the building or use.
- (10) *Temporary commercial banners/inflatable signs.* Temporary commercial banner/inflatable sign permits may be issued for a maximum of four (4) times per year per business. Banner/inflatable permits may be issued for a maximum of fourteen (14) consecutive days. Permitted banners/inflatables shall not exceed thirty (30) square feet. The maximum sign height shall not exceed twenty (20) feet above average grade elevation.
- (11) *Going out of business signs.* Any sign advertising that a shop is going out of business is subject to issuance of a permit in accordance with this subsection. All such signage, whether exterior signs or window signage must comply with the provisions herein. The business owner will be

allowed to display such signage for a maximum period of twenty-one (21) days. Any window signage is restricted to the same sign area requirements as window signage in subsection 26-221(c)(7). Any exterior signage is restricted to a maximum of thirty (30) square feet. Only one permit may be issued per business for a going out of business sign for either exterior or window signage.

- (12) *Awning and canopy.* Awning and canopy signs shall be subject to the same regulations as individual letters/symbols/logos attached to a wall.
- (13) *Signs allowed on roof.* Signs will only be allowed on the roof of a structure if the sign does not extend beyond or above the roof directly behind it and to which it is attached and provided that the sign is parallel to the roof.
- (14) *Gasoline pump signage.* The only signage allowed on the sides or tops of gasoline pumps or on the support poles of the canopy is that required by federal or state laws relating to safety precautions or brand/gasoline identification signs.
- (15) *Commercial signage in West Steamboat.* The signage regulations for commercial properties west of the Stock Bridge Road along U.S. Highway 40 shall conform to the following:
  - a. Automobile dealers selling new cars shall be allowed one sign which shall not exceed twenty-five (25) square feet per face for signs with two (2) parallel faces for each franchise that they hold. This sign may be of either wall or monument type.

**Sec. 26-227 Miscellaneous signs.**

The following restrictions shall apply to all signs not regulated elsewhere in this article:

- (1) Signs, pennants and banners announcing civic occasions, sports events or arts and humanities events. Any individual or organization sponsoring a civic occasion, sporting event, or art and humanities event may apply, without fee, to the director of community development, for issuance of a sign permit allowing for the erection and display offsite of not more than two (2) signs, pennants, or banners announcing such occasion or event. Such signs, pennants, or banners shall not advertise any commercial activity. However, commercial symbols, logos, or titles identifying contributors toward the permitted event or occasion shall be allowed if such logos, symbols, or titles are limited to an area constituting no more than fifteen (15) percent of the signs, pennants, or banner area and that such contributors have been specifically identified by the sponsor in the permit application. Should the title of the permitted event or occasion

include the name or title of the sponsor or contributor, the name of such event or occasion or title shall not be considered in the calculation of the fifteen (15) percent logo, symbol or title restriction. Any such signs, pennants, or banners erected or displayed shall remain erected or displayed for a maximum period of twenty-one (21) consecutive days. Signs, pennants and banners normally and customarily used within a major sporting facility, or at a major sporting, civic or arts and humanities event shall not be subject to these limitations or the limitations in subsection 26-223(h)(9), but may be granted an annual or event permit by the director. The erection of signs, pennants, or banners not in strict conformity with the provisions of this subsection shall be subject to review by the board of adjustment.

- (2) *Construction signs.* Signs may be authorized by the director identifying or advertising new construction, remodeling, rebuilding or development of any structure or land area. Each permit issued for a construction sign shall be valid for a period of not more than six (6) months and shall not be renewed for more than three (3) successive periods in the same location. Only one (1) renewal shall be permitted following the issuance of a Certificate of Occupancy or a Certificate of Approval. Construction signs shall conform in all respects to the requirements for all signs subject to a permit, except that they shall be allowed in addition to any other signs permitted. The maximum construction signage allowed is one sign per public right-of-way frontage or one sign per site, whichever is greater. The maximum sign size shall not exceed thirty (30) square feet. Construction signs six (6) square feet or less will be allowed subject to the provisions of subsection 26-221(c)(10).
- (3) *Historic signs.* Upon receipt of an application for designation, the city council will determine whether the sign qualifies as a historical sign. Criteria for historic designation includes but is not limited to: western image, nostalgic significance, "landmark recognition." Such signs shall be exempted from the amortization provisions in this chapter if they are restored and maintained in their near-original condition with the exception of animation and flashing components. Historic signs must be a minimum of twenty (20) years old. Historic signs may include ghost signs. Historic signs will be debited against the total allowable signage for the building or use unless it is a ghost sign which does not pertain to the business or building upon which it exists.
- (4) *Pennants and flags.* No commercial pennants or flags shall be allowed. Noncommercial pennants shall be allowed only upon the approval of a variance pursuant to section 26-70.

**Sec. 26-228. Variances.**

(a) *General variances.* The board of adjustment may grant variances to this article consistent with the following guidelines:

- (1) It is the responsibility of the board of adjustment to approve signage which is informative, creative and aesthetically acceptable and which contributes to the common welfare and needs of local residents, businesses and guests alike.
- (2) Signs should be limited to the fewest number reasonable necessary to accomplish the purpose for which they are intended.
- (3) Signs should be sized with consideration of the purpose of the sign, the distance from which it must be viewed, the size of other signs in the vicinity, the amount of total sign area related to the same use and the speed of passing vehicles. Consideration should also be given to the size of the building upon which the sign is placed and the size of the building site as it relates to the proportion of the sign.
- (4) Excessively tall signs should be avoided to prevent visual obstruction of the natural scenery surrounding the city. Factors to be considered include: the topography of the site, location of the sign on the site, and the sign's relationship to pedestrian and vehicular circulation from which the sign is viewed.
- (5) The board of adjustment should consider unique and geographic characteristics of the property and of the district in which the property lies.
- (6) Projecting signs should not substantially obscure any part of another sign relating to another use.
- (7) Artificial illumination should be no brighter than necessary to accomplish the purpose for which the sign is intended. It should be a goal to avoid illumination which penetrates residential areas or may hinder the vision of drivers of motor vehicles passing by.
- (8) Variances should not be granted which would allow any business use an unfair advertising advantage over any other business use.

(b) *Sandwich board sign variances.* The board of adjustment may grant sandwich board variances to this chapter consistent with the following guidelines:

- (1) Signs will not exceed six (6) square feet and will not exceed a height of four (4) feet from the average elevation of the ground. Sandwich board signs will be permitted on private property only. Such signage will be debited against the total allowable signage for the building or use.
- (2) Signs should be informative, creative and aesthetically acceptable.
- (3) Business must provide a hardship based on unique and geographic characteristics of the property.

- (4) Signs will not be allowed to create a potentially hazardous situation or impede the flow of pedestrian traffic.
- (5) Only one sandwich board sign per business will be permitted if a variance is granted.
- (6) Signs will be located upon the premises of the business or activity to which it refers at a location approved by the board.
- (7) Variances will not be granted which would allow any business use an unfair advantage over any other business use.
- (8) Any addition to an approved sandwich board sign, i.e. balloons, lights, tinsel, etc., is expressly prohibited and will result in immediate revocation.
- (9) Sandwich board signs must conform to subsections 26-223(a) and (b).

(c) *Transferability of variance.* A variance for a sign may be transferred to a new owner only if the old sign remains in use. The text may be modified; however, the color, size, shape, material, lighting and all other design elements must remain the same. All nonconforming signs proposed to be included in a master sign plan must receive approval of a new variance from the board of adjustment after approval of the master sign plan from the architectural review commission.

(Ord. No. 1815, § 21, 11-6-01)

#### **Sec. 26-229. Nonconforming signs.**

(a) *Policy.* It is reasonable that a time limit be placed upon the continuance of an existing nonconforming sign. An amortization program permits the owner to plan during the period when such owner is allowed to continue the nonconforming sign while at the same time assuring that the district in which the nonconforming sign exists will eventually benefit from a substantial uniformity of signs.

(b) *Continuance.* Subject to the terms of this chapter, all nonconforming signs were granted an amortization period from October 17, 1989 to October 17, 1994; provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this chapter. In any enforcement action under this chapter, should a property owner claim the right to continue the use of a sign not in conformance with the provisions of this chapter, the burden of establishing that the sign was legally erected, in existence on the effective date of the ordinance in which this section derives, and lawfully maintained after erection shall rest solely upon the property owner claiming the nonconforming status.

(c) *Termination.* The right to maintain a nonconforming sign terminates immediately upon any of the following:

- (1) By abandonment of a sign for a continuous period of six (6) months;

- (2) By violation of the Community Development Code;
- (3) By destruction or damage, whenever the sign is damaged or destroyed, in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the total cost of reconstructing the entire sign;
- (4) By change in use to which the sign pertains. Change in use shall be determined in accordance with the provisions of the Community Development Code;
- (5) By change/renovation to the facade of the building on which the nonconforming sign is located;
- (6) By determination of the building official that the sign is an immediate hazard to the public health, safety, and welfare because of disrepair, unsafe mounting, imminent dislodging or other safety factors;
- (7) Any nonconforming, temporary signage, must be removed no later than ninety (90) days after the effective date of the ordinance from which this section derives.

(d) *Penalties.* A sign which continues after its amortization period is an illegal sign and shall subject the owner to penalties provided in this Code and be immediately removed.

(e) *Appeals.* Any party wishing to appeal a determination concerning the amortization of a sign or request a variance from the requirements of this section may appeal the determination to the board of adjustment. If the amortization or variance were found unlawful, the only remedy for the appellant would be the current value of the sign.

(Ord. No. 1815, § 21, 11-6-01) Secs. 26-228--26-240. Reserved.