

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1216**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND  
REENACTING ARTICLES 7 AND SECTION 15.8 OF THE FREDEREICK LAND USE  
CODE AND DECLARING AN EMERGENCY.**

**WHEREAS**, a recent decision by the United States Supreme Court in *Reed v. Town of Gilbert*, has redefined how municipalities review their respective sign codes; and

**WHEREAS**, The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians); and

**WHEREAS**. The Town has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community; and

**WHEREAS** The Town has a substantial and / or compelling interest in preventing traffic accidents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE  
TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Article 7 and Section 15.8 of the Frederick Land Use Code are repealed in their entirety and reenacted as set forth in Exhibit A, attached hereto and made a part hereof.

**Section 2. Emergency Measure.** The Board of Trustees finds and determines that because this Ordinance concerns the immediate and ongoing administration and operation of the Town, its adoption as an emergency measure is necessary to the immediate preservation of the public health, safety and welfare, and this Ordinance shall therefore take effect January 12, 2016, as provided by law.

**Section 3. 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 Town 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 parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 4. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion

thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 12TH DAY JANUARY, 2016.**

**ATTEST:**

**TOWN OF FREDERICK**

By *Meghan C. Martinez*  
Meghan C. Martinez, Town Clerk

By *Tony Carey*  
Tony Carey, Mayor



# **EXHIBIT A**

## **Article 7 Sign Code**

### **Part 1**

#### **Findings; Purpose; Objectives; Authority; Applicability; and Exceptions**

##### **7.1 Findings of Fact.**

The Board of Trustees finds as follows:

- A. This Article advances important, substantial, and compelling governmental interests.
- B. The regulations set out in this Article are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers.
- C. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this Article.
- D. The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
  1. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
  2. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
  3. Degrades the aesthetic character of the Town, making the Town a less attractive place for residents, visitors, commerce, and private investment; and
  4. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures that compete for attention.
- E. The Town has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community.
- F. The Town has a substantial and / or compelling interest in preventing traffic accidents.
- G. Sign clutter can be reduced and prevented by reasonable sign regulations that:
  1. Do not relate to the content of the regulated signs; and

2. Balance the legitimate needs of individuals, entities, and organizations to convey messages with the legitimate objectives of the Town to promote public safety; sustain, protect, and enhance community character; and support and enhance private property values.
- H. Signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.
- I. Certain types of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
- J. The Town has a compelling interest in protecting minors from speech that is harmful to them as provided by state or federal law, and such speech may be prohibited in places that are accessible to minors.

## **7.2 Purpose and Intent.**

The purpose of this Article is to set out reasonable regulations for the design, location, installation, operation, repair, and maintenance of signs in a manner that advances the Town's important, substantial, and compelling interests set out in Section 7.1, while simultaneously safeguarding the constitutionally protected right of free expression. It is the intent of the Board of Trustees to provide a reasonable balance between the right of an individual to communicate through the use of signs and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.

## **7.3 Objectives.**

The objective of the regulations of this Article is to provide a balanced and fair legal framework for the design, location, installation, operation, repair, and maintenance of signs that:

- A. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
  1. Collapsing, catching fire, or otherwise decaying;
  2. Physically obstructing travel ways;
  3. Confusing or distracting motorists; or
  4. Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs; and
- B. Protects the public welfare and enhances the appearance and economic value of the landscape by reducing and preventing sign clutter;
- C. Protects the integrity of the Town's "small town" character;
- D. Ensures that signs are compatible with their surroundings, and prevents the construction or installation of signs that are a nuisance to occupants of adjacent and contiguous property or

users of the public rights-of-way due to brightness, glare, reflectivity, bulk, location, or height; and

- E. Provides timely, fair, and consistent permitting and enforcement.

#### **7.4 Authority.**

- A. **GENERALLY.** The Town has the authority to regulate signs under the United States Constitution, and the Constitution and Statutes of the State of Colorado.
- B. **MARIJUANA.** The content of signs related to marijuana may be restricted by state laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The Town has no authority to supersede state or federal laws.

#### **7.5 Applicability and Exceptions.**

##### A. APPLICABILITY OF ARTICLE.

1. *Generally.* All construction, relocation, enlargement, alteration, and modification of signs within the Town shall conform to the applicable requirements of this Article. This Article applies only to signs that are integrated into, attached to, installed upon, or set upon the ground, a structure, landscaping, or a building, or installed within a building within two feet of a window. This Article does not apply to signs that are affixed to or painted on vehicles (except as provided in Section 7.7C7.) or to signs that are carried by people.
2. *Signs Permitted Before Effective Date.* If a permit for a sign has been issued in accordance with applicable Town ordinances in effect prior to the effective date of this Article, and provided that construction is commenced pursuant to the permit within six months of the effective date of this Article or prior to the expiration of the permit, whichever occurs first, and is diligently pursued to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued. The sign may be thereafter subject to the provisions of Section 7.19 regarding nonconforming signs, if Section 7.19 is applicable.

##### B. OTHER REGULATIONS.

1. In addition to the regulations set out in this Article, signs may also be subject to applicable State laws and regulations (*e.g.*, State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building codes.
2. Where any provision of this Article covers the same subject matter as other regulations of the Town, the more restrictive regulation shall apply, unless the Town Manager determines after consultation with legal counsel that the more restrictive regulation is clearly unenforceable as a matter of then-established constitutional law.

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3. Where any provision of this Article covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Article shall be construed as a defense to a violation of applicable state or federal law except as provided in the state or federal law; and that the Town is not responsible for enforcement of state or federal law as it pertains to signage.
- C. PARTIALLY EXEMPT SIGNS. The following signs are subject only to Sections 7.7, 7.8, and 7.10, and are exempt from the application of this Article
1. *Public Signs*. Signs that are posted by:
    - a. The Town (or another entity on behalf of the Town) on property owned, leased, licensed, or comparably controlled by the Town (*e.g.*, a right-of-way easement); or
    - b. Governmental and quasi-municipal entities that are not subject to Town jurisdiction, on property owned, leased, licensed, or comparably controlled by the governmental or quasi-municipal entity.
  2. *Required Signs*. Signs that are required by law or regulation:
    - a. In furtherance of the performance of a public duty or function (*e.g.*, temporary or permanent traffic controls and street signs); or
    - b. To give legal notice (*e.g.*, notices of pending action pursuant to Town ordinances or state or federal law); or
    - c. To comply with building codes (*e.g.*, address numbers); or
    - d. To comply with other laws or regulations (*e.g.* Colorado Oil and Gas Conservation Commission Rule 210).
  3. *Small Signs*.
    - a. Signs that are affixed to a building or structure, that do not exceed two square feet in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
    - b. Signs that are less than three-fourths of a square foot in area that are affixed to doors, machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets, provided that the aggregate area of such signs that are located within 12 feet of each other does not exceed 3 square feet.
- D. SIGN PERMIT REQUIRED. A Sign Permit is required prior to the erection, installation, or substantial modification of any sign that is not an Exempt Sign as defined in subsection E., below.
- E. EXEMPTIONS FROM PERMIT REQUIREMENT. The following “Exempt Signs” are not exempt from applicable provisions of this Article, but are exempt from the requirement of subsection D. that a sign permit be obtained prior to erection, installation, or substantial modification. Exempt

Signs may require a building permit or other related permit if they are subject to a building or electrical code.

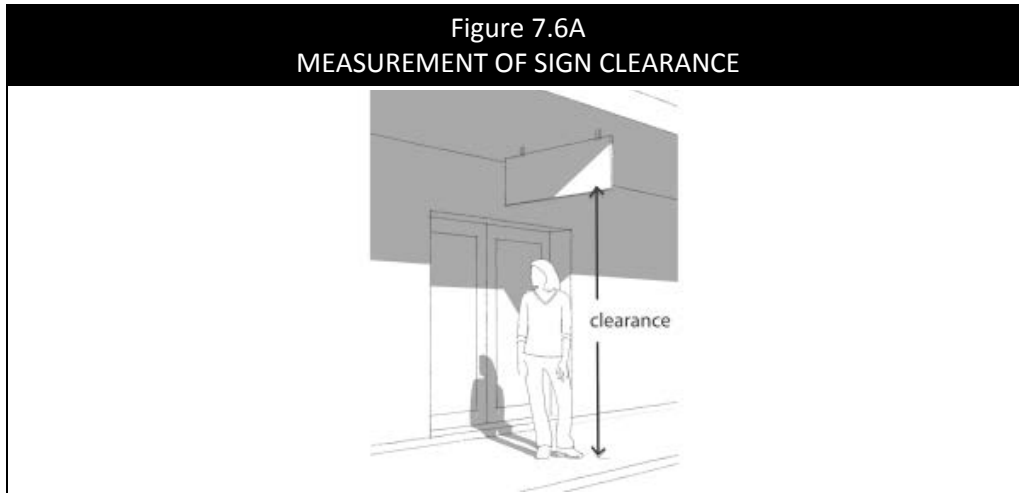
1. *Optional Residential Signs.* One wall sign, painted on, applied to, or affixed to a residential building on its front elevation, provided that the sign does not exceed five square feet in sign area.
2. *Optional Storage Tank and Utility Cabinet or Pedestal Signs.* Signs painted on or applied to the surface of above-ground storage tanks or utility cabinets or pedestals, provided that the above-ground storage tanks or utility pedestals are currently in use for storage or utility purposes, respectively.
3. *Flags.* Flags that are hung from not more than three rigid, building-mounted or ground-mounted flagpoles per 100 feet of street frontage, provided that:
  - a. No flag exceeds 32 square feet in area.
  - b. No flagpole exceeds the maximum building height for the zoning district in which it is located.
4. *Holiday Decorations.* Decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.
5. *Interior Signs.* Signs that are not visible from residential lots, abutting property, or public rights of way.
6. *Temporary Signs.* Temporary signs that are in compliance with the applicable requirements of Part 4 of this Article.

## Part 2

### Measurements and Calculations; General Design Standards; Content

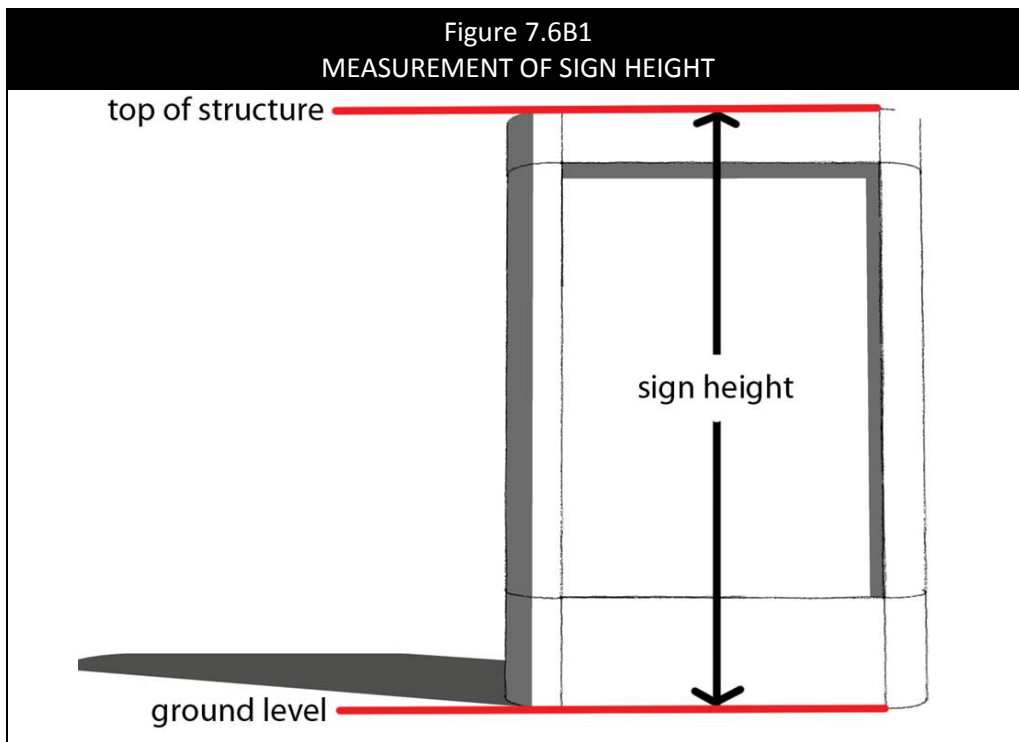
#### 7.6 Measurements and Calculations.

- A. SIGN CLEARANCE. Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the ground-level surface under it. See Figure 7.6A, *Measurement of Sign Clearance*.



B. SIGN HEIGHT.

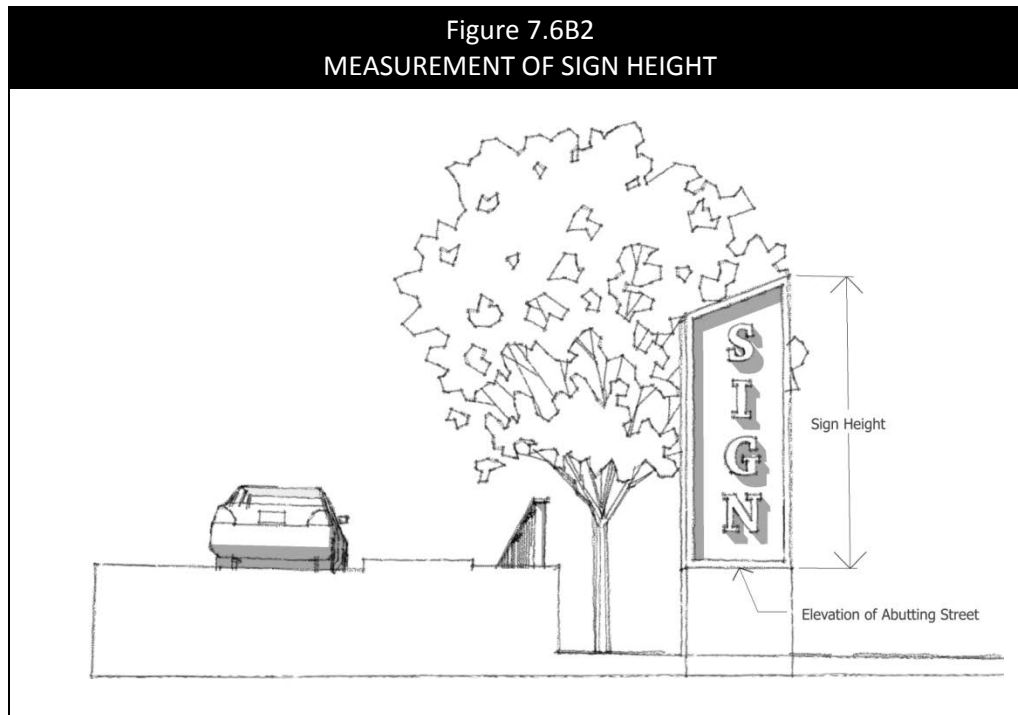
1. *Generally.* In general, for detached signs (temporary and permanent), sign height is the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign. See Figure 7.6B1, *Measurement of Sign Height*.



2. *Exception where Abutting Street is Significantly Higher than Property Upon Which Sign is Located.* If the average grade around the base of the sign is more than two feet lower than the average grade of the abutting street, then the height of the sign shall be

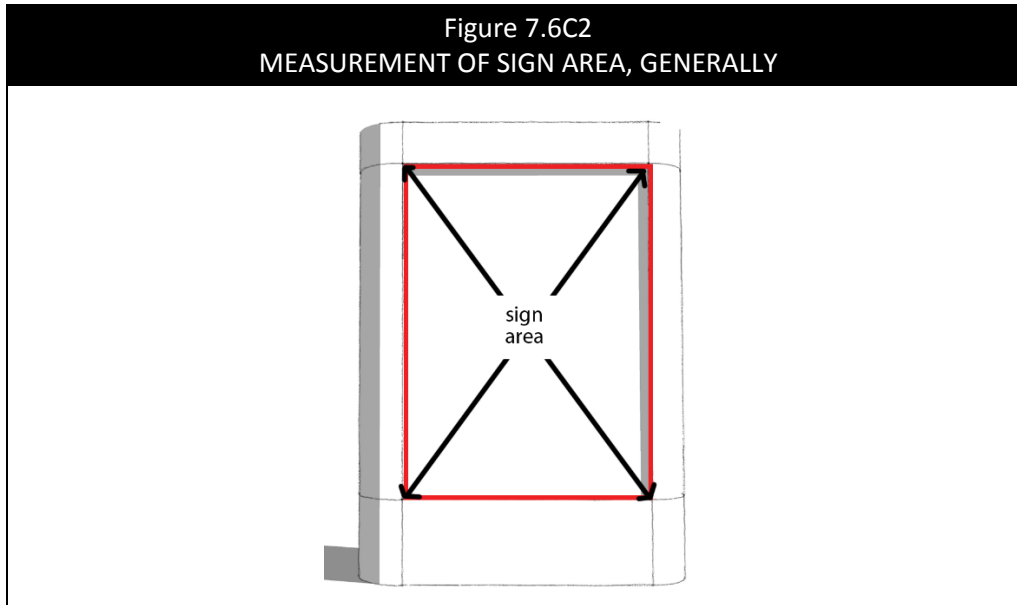


measured from the average elevation of portion of the street that abuts the property upon which the sign is to be installed to the top of the higher of the sign face or sign structure.

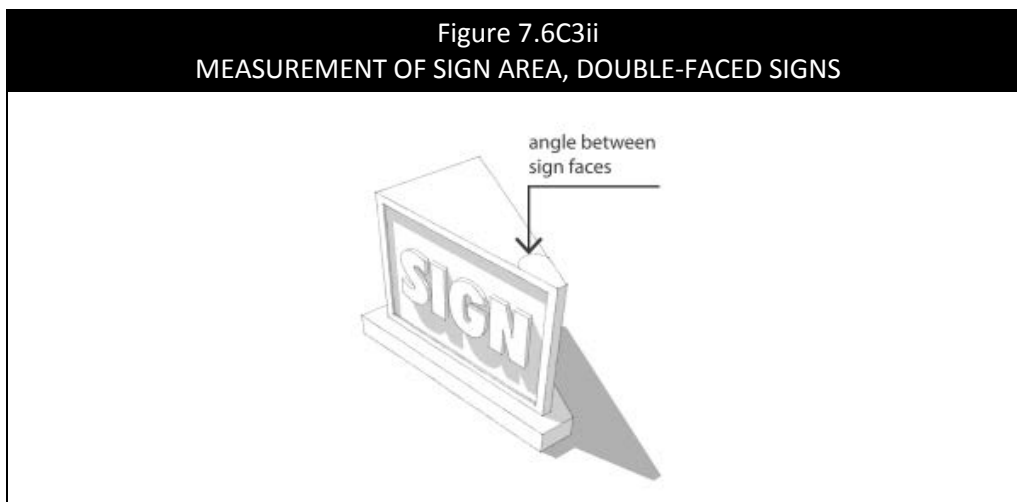


#### C. SIGN AREA.

1. *Generally.* Sign area is the area within a continuous polygon with up to eight straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.
2. *Three-dimensional signs.* The sign area of signs that include one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), shall be measured from the cross-section that represents the sign's maximum projection upon a vertical plane.
3. *Inclusions and Exclusions.* The sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. See Figure 7.6C2, *Measurement of Sign Area, Generally.*

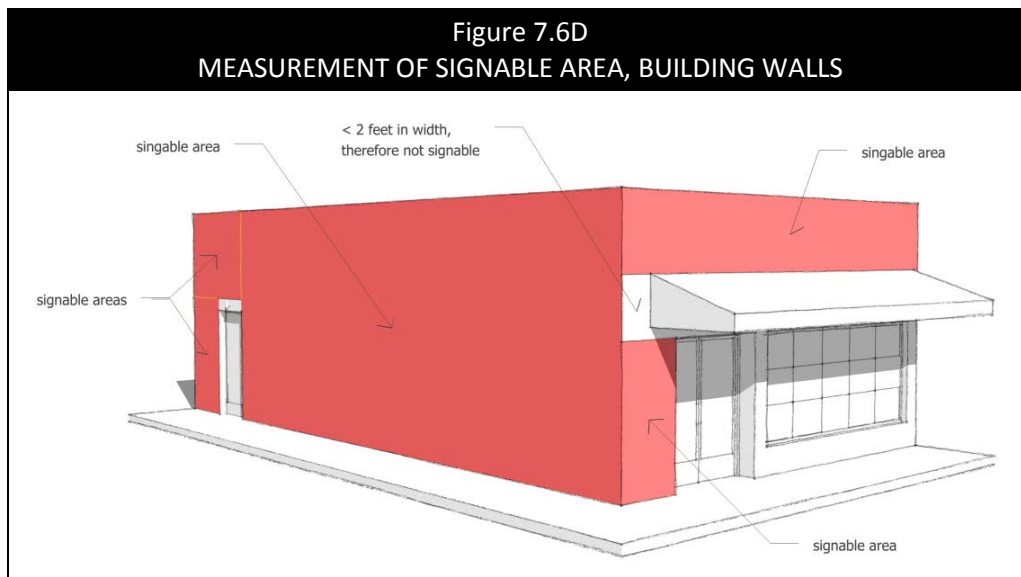


4. *Signs with More than One Face.* For projecting, suspended, detached, or other signs with more than one face:
- i. Only one sign face is measured if the sign has two faces that are parallel or form an interior angle of less than 30 degrees and the sign faces are mounted on the same structure. If the sign faces are not equal in area, the larger sign face is measured.
  - ii. The combined area of all sign faces is measured if the sign has three or more faces, or if the sign has two faces and the interior angle between the sign faces is more than 30 degrees. See Figure 7.6C3ii, *Measurement of Sign Area, Double-Faced Signs.*



**D. SIGNABLE AREA.**

1. **Building Walls.** Signable Area is that portion of a building façade that is at least two feet in horizontal and vertical dimension that is uninterrupted by doors, windows or architectural details, upon which a wall-mounted sign is or may be located (except as provided in Section 7.7F). Its area is calculated by selecting a continuous façade, then drawing the largest possible imaginary rectangle uninterrupted by and not including doors, windows or architectural details and computing the area of said rectangle. The applicant shall designate signable areas that comply with this subsection, and such signable areas shall not overlap. Signable areas shall not be re-drawn upon subsequent application in a manner that would render existing signage nonconforming. See Figure 7.6D, *Measurement of Signable Area, Building Walls*.



2. **Awnings and Fascia.** Signable area with regard to awnings and building fascia is the area of each plane of the awning or fascia.
3. **Storage Tanks and Utility Cabinets or Pedestals.** All parts of storage tanks and utility cabinets or pedestals that are used for optional signage pursuant to Section 7.5E.2 are signable.

**7.7 Prohibitions.**

- A. **GENERALLY.** The prohibitions in this Section apply to temporary and permanent signs in all areas of the Town.
- B. **PROHIBITED SIGNS.** The following sign structures and designs are prohibited:
  1. Signs with more than two sign faces.

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2. Animated or moving signs, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, except as specifically permitted in Section 7.9, *Electronic Message Centers*.
  3. Portable Signs, except as specifically permitted in Part 4, *Temporary Signs*.
  4. Pole Signs.
  5. Abandoned Signs.
- C. PROHIBITED DESIGN ELEMENTS. The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
1. Awnings or fascias that are backlit or made of plastic.
  2. Cardboard, card stock, or paper, except when laminated or used as a window sign.
  3. Feather flags.
  4. Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (*e.g.*, flags may be attached to flagpoles, but may not be attached to monument signs).
  5. Flashing lights, except as part of holiday displays.
  6. Motor vehicles, unless:
    - a. The vehicles are operational, and either:
      - i. New; or
      - ii. Regularly used as motor vehicles, with current registration and tags;
    - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (*e.g.*, signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle while the vehicle is in motion are not allowed); and
    - c. The motor vehicle is legally parked in a designated off-street parking space.
  7. Semi trailers, shipping containers, or portable storage units, unless:
    - a. The trailers, containers, or portable storage units are:
      - i. Structurally sound and capable of being transported;
      - ii. Used for their primary purpose (*e.g.*, storage, pick-up, or delivery); and
      - iii. If subject to registration, have current registration and tags; and
    - b. The display of signage is incidental to the primary purpose; and

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- c. The semi trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site at which it is being used for its primary purpose.
8. Stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch).
  9. Spinning or moving parts.
  10. Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard (note that illumination of signs in any manner is subject to Section 7.8).
  11. Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with MUTCD criteria.
- D. PROHIBITED OBSTRUCTIONS. In no event shall a sign, whether temporary or permanent, obstruct the use of:
1. Building ingress or egress, including doors, egress windows, and fire escapes.
  2. Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (*e.g.*, standpipes, fire hydrants, vents, and meters).
  3. Any required sight distance triangle, as defined in the approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.
- E. PROHIBITED MOUNTS. No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
1. Any tree or shrub.
  2. Any utility pole or light pole, unless:
    - a. The sign is a banner or flag that is not more than 10 square feet in area;
    - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
    - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole;
    - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight feet; and
    - e. The requirements of Subsection F are met, if applicable.
  3. Utility cabinets or pedestals (except Exempt Signs that are posted by or with the consent of the owner of the utility cabinet or pedestal).

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- F. PROHIBITED LOCATIONS. In addition to applicable setback requirements and other restrictions of this Article, no sign shall be located in any of the following locations:
1. In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within public rights-of-way), except:
    - a. Temporary or permanent signs posted by or under the authority of the Town or governmental entity with jurisdiction over the right-of-way;
    - b. Temporary signs posted in connection with authorized work within the right-of-way, as authorized or required by the Town or governmental entity with jurisdiction over the right-of-way;
    - c. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
    - d. Signs that are the subject of a revocable license agreement with the Town, installed and maintained in accordance with the terms of that agreement.
  2. In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than the minimum clearance required by the laws of the State of Colorado and the regulations duly promulgated by agencies thereof.
  3. Wall signs shall not be located within six inches of architectural features, or within 12 inches from building corners, cornice or eave lines, or ground planes.
  4. Fascia signs shall not be installed in locations that cover decorative fascias.

## 7.8 Illumination

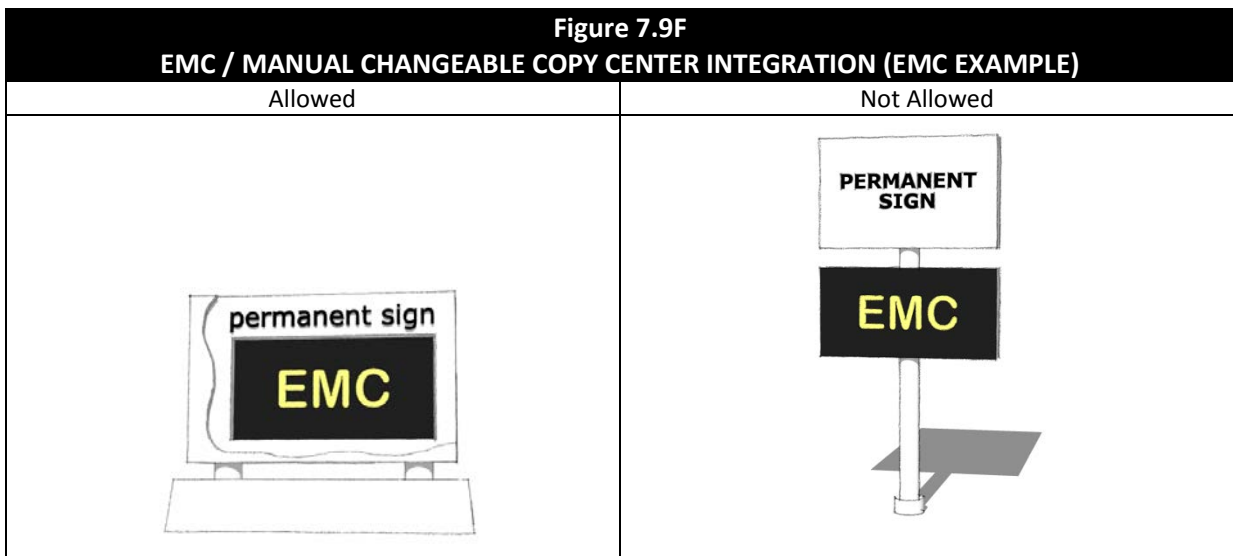
- A. GENERALLY. Illumination of signs using internal or external light sources is subject to the provisions and limitations of this Section.
- B. WIRING AND ELECTRICAL COMPONENTS. Junction boxes, conduits, switches, sensors, transformers, wires, and other electrical or electronic components used to illuminate signs shall be hidden from view.
- C. LIGHT TRESPASS. No sign or associated luminaire shall create light spillover of more than one lux at any property line within or bounding an R-E, R-1, R-2, R-3, R-MH1, or R-MH2 zoning district.
- D. INTERNAL ILLUMINATION. Internal illumination of signs is allowed in the CC, CH-52, CE, BLI, I, and P zoning districts.
- E. EXTERNAL ILLUMINATION.
  1. External illumination of signs shall not exceed the following illuminance on any part of the sign face or surrounding surfaces:

- i. In the CC, CH-52, CE, BLI, I, and P zoning districts: 500 lux.
    - ii. In all other zoning districts: 400 lux.
  2. All fixtures used to illuminate signs shall be shielded and directed to prevent glare and sky glow.
- F. PROJECTED SIGNS. In the D-A zoning district, signs may be projected onto sidewalks or plazas, provided that:
1. The angle of projection is perpendicular to the sidewalk or plaza;
  2. The projector does not create glare or perceptible noise;
  3. The projector is mounted under (and hidden from view by) an awning or canopy at least 8 feet above the surface of the sidewalk;
  4. The projected image is located in front of a principal entrance to the building; and
  5. The difference in illuminance between the projected image and the adjacent sidewalk surface is not more than 300 lux.

## 7.9 Message Centers

- A. Generally. Electronic message centers (EMCs) and manual changeable copy centers may only be used on the following types of signs, if and where allowed by this Article, and subject to the requirements of this Article:
1. Monument signs
  2. Projecting signs
  3. Cabinet wall signs
  4. Window signs (EMCs only)
- B. PROHIBITIONS.
1. EMCs and manual changeable copy centers are not allowed on nonconforming sign structures or on property that contains a nonconforming sign.
  2. EMCs and manual changeable copy centers are not allowed on temporary signs.
  3. EMCs are not allowed in residential zoning districts (*see* Land Use Code § 3.3.1.).
  4. EMCs are not allowed closer than 50 feet to residential zoning districts or existing single-family or duplex dwelling units (collectively, “residential property”) if the EMC display faces the residential property.
- C. WIRING AND ELECTRICAL COMPONENTS. Junction boxes, fans, conduits, switches, sensors, transformers, wires, and other electrical or electronic components used to provide power, data, or cooling to EMCs shall be hidden from view.

- D. NUMBER OF EMCs OR MANUAL CHANGEABLE COPY CENTERS. Not more than one sign per property shall contain an EMC or manual changeable copy center. Monument signs or projecting signs that have two sign faces may include one EMC or manual changeable copy center per sign face. EMCs and manual changeable copy centers shall not be installed upon the same sign structure.
- E. ENCLOSURE REQUIRED. EMC displays and manual changeable copy centers that are a component of monument signs, cabinet wall signs, or projecting signs shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is used for that portion of surface of the sign face that is not an EMC or manual changeable copy center, and the EMC display or manual changeable copy center shall appear to be either recessed into the frame or flush with it. The enclosure shall extend not less than six inches outward from the EMC display or manual changeable copy center component on all sides.
- F. DESIGN. EMC displays or manual changeable copy centers on monument signs, cabinet wall signs, or projecting signs shall be designed as an integral part of the sign. See Figure 7.9F, *EMC / Manual Changeable Copy Center Integration (EMC Example)*.



- G. SIZE AND PROPORTIONS.
  - 1. An EMC or manual changeable copy center that is incorporated into a monument sign shall not occupy more than 45 percent of the sign area of the sign into which it is integrated.
  - 2. An EMC or manual changeable copy center that is incorporated into a projecting sign or cabinet wall sign shall not exceed the lesser of 12 square feet of display area or 45 percent of the sign area of the sign into which it is integrated.
  - 3. An EMC that is used as a window sign shall not exceed six square feet of display area.
- H. MAXIMUM PIXEL PITCH. The pixel pitch of an EMC shall not be greater than:



1. Generally: 16 mm
  2. Signs directed at motorists on Highway 52: 19 mm
  3. Signs directed at motorists on I-25: 25 mm
- I. BRIGHTNESS.
1. EMCs shall be equipped with ambient light sensors and programmed to automatically dim when ambient light levels drop.
  2. The maximum brightness of an EMC (whether conforming or legally nonconforming to the other provisions of this Section) during the time period between 30 minutes after sunset and 30 minutes before sunrise shall be calibrated in nighttime conditions (at least 30 minutes after sunset) as follows:
    - i. From a point on the public right-of-way 40 feet in horizontal distance from the face of the EMC, five feet above ground level, light readings shall be taken in the vertical plane, facing the EMC, as follows:
      1. With the EMC turned off, an ambient light reading shall be taken to establish the Baseline Light Level;
      2. With the EMC turned on, displaying all white copy, another light reading shall be taken to establish the maximum brightness of the EMC;
    - ii. The EMC shall be calibrated such that the difference between the maximum brightness and the baseline light level is not more than 3.25 lux.
- J. OPERATION. EMCs shall be programmed, maintained, and / or operated as follows:
1. EMCs shall display only static images (messages and / or graphics without motion, flashing, animation, or frame effects).
  2. Images shall be displayed for a period of not less than six seconds.
  3. If the EMC is damaged or malfunctions such that image data is not properly displayed or such that the requirements of subsection I. are not met, it shall be automatically turned off.

## 7.10 Content

- A. GENERALLY. Except as provided in this Section, no sign shall be approved or disapproved based on the content or message it displays.
- B. PROHIBITION ON CERTAIN TYPES OF UNPROTECTED SPEECH. The following content is prohibited without reference to the viewpoint of the individual speaker:
1. Text or graphics of an indecent or immoral nature that is harmful to minors under state or federal law;
  2. Text or graphics that advertise unlawful activity;

3. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
  4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or signs that provide false information related to public safety (for example, signs that use the words “Stop,” “Yield,” “Caution,” or “Danger,” or comparable words, phrases, symbols, or characters that are presented in a manner as to imply a safety hazard that does not exist).
- C. PROHIBITION ON OFF-SITE COMMERCIAL MESSAGES. Signs shall not display off-site commercial messages.
- D. SEVERABILITY. The narrow classifications of content that are prohibited from display on signs by this Article are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the Town Board of Trustees that each paragraph or subsection of this Section (*e.g.*, paragraphs B.1., B.2., B.3., or B.4. or subsection C.) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States or Colorado Constitutions.

## Part 3 Standards for Permanent Signs

### 7.11 Standards for Attached Permanent Signs

- A. WALL SIGNS. Wall signs are allowed according to the standards in Table 7.11A, *Wall Signs, Fascia Signs, Window Signs, and Optional Storage Tank or Utility Cabinet or Pedestal Signs*.

Table 7.11A Wall Signs, Fascia Signs, Window Signs, and Optional Storage Tank or Utility Cabinet or Pedestal Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
<b>Wall Signs</b>					
Max. # of Signs	1 per principal building (if no fascia sign)		2 per building elevation that faces a street + 1 per primary public entrance		
Max. Sign Area	<ul style="list-style-type: none"> <li>Single-family and duplex residential uses: 5 sf.</li> <li>All other uses: 20% of signable area</li> </ul>		<ul style="list-style-type: none"> <li>Painted or applied wall signs in signable area larger than 10 ft. x 10 ft.: 70% of signable area;</li> <li>Bulletin Boards: 6 sf.</li> <li>All other wall signs (or painted or applied wall signs in signable area is less than 10 ft. x 10 ft.), 1 sign may be up to 40% of signable area, and all other signs may be up to 30% of signable area</li> </ul>		
Additional Standards	Back-lit cabinet signs are not allowed			None	
<b>Fascia Signs</b>					
Max. # of Signs	1 per principal nonresidential building (if no wall sign)		May be substituted for permissible wall signs		

Table 7.11A Wall Signs, Fascia Signs, Window Signs, and Optional Storage Tank or Utility Cabinet or Pedestal Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
Max. Sign Area	25% of signable area		35% of signable area (if multiple signs are installed on a single fascia, the maximum sign area applies to the total sign area of all signs on the same fascia)		
Additional Standards	Cabinet signs are not allowed			None	
Alternative Configuration	Fascia sign may be located above the eave line instead of upon the fascia if: <ul style="list-style-type: none"> <li>• The fascia and eave line are part of a roof structure that is subordinate to and lower than the principal roof structure of the building; and</li> <li>• The height of the sign is not more than the vertical dimension of the fascia over which the sign is installed; and</li> <li>• The sign is composed of channel letters or sculpted elements (cabinet signs are not allowed above eave lines); and</li> <li>• Supporting structures are hidden from view</li> </ul>				
Window Signs					
Max. # of Signs	1 per window		No specific limitation		
Max. Sign Area	1.5 sf.		<ul style="list-style-type: none"> <li>• 25% of the area of windows larger than 8 sf. may be covered with signs</li> <li>• 75% of the area of windows smaller than 8 sf. may be covered with signs</li> <li>• For the purposes of the standards above, window area is calculated as the total area of window panes that are situated within six inches of each other</li> </ul>		
Additional Standards	None		<ul style="list-style-type: none"> <li>• Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)</li> </ul>		
Optional Storage Tank or Utility Cabinet or Pedestal Signs					
Standards	100% of signable area of a storage tank or utility cabinet or pedestal may be used to display optional storage tank and utility cabinet or pedestal signs that meet the requirements of Section 7.5E.2. No other signs (except partially exempt signs) are allowed on storage tanks, utility cabinets, or utility pedestals.				

B. PROJECTING, AWNING, AND BRACKET SIGNS. Projecting, awning, and bracket signs are allowed according to the standards in Table 7.11B, *Projecting, Awning, and Bracket Signs*.

Table 7.11B Projecting, Awning, and Bracket Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
Projecting Signs					
Max. # of Signs	Not Allowed		May be substituted for permissible wall signs (see Table 7.11A)		
Max. Sign Area	Not Applicable		<ul style="list-style-type: none"> <li>• If the elevation includes one projecting sign: 1 sf. per 2 linear feet of front building elevation width</li> <li>• If the elevation includes two or more projecting signs: 1 sf. per 4 linear feet of front building elevation width (each sign)</li> </ul>		
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 feet from other projecting signs</li> <li>• Projecting signs that extend over pedestrian use areas must provide at least 8 feet of sign clearance</li> </ul>		

Table 7.11B Projecting, Awning, and Bracket Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
<b>Awning Signs</b>					
Max. # of Signs	1 per principal nonresidential building, on awning located over principal entrance		Not limited, but awning must shelter a window, a door, or an outdoor seating area		
Max. Sign Area	40% of signable area		60% of signable area		
Additional Standards	<ul style="list-style-type: none"> <li>• Signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas</li> <li>• Awning signs that extend over pedestrian use areas must provide at least 8 feet of sign clearance</li> <li>• Signs must be stitched to, applied to, or printed or painted on awning, rivets and other fasteners are not allowed</li> </ul>				
<b>Bracket Signs</b>					
Max. # of Signs	1 per principal nonresidential building entrance		May be substituted for permissible projecting signs		
Max. Sign Area	5 sf.		6 sf.		
Additional Standards	<ul style="list-style-type: none"> <li>• Signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas</li> <li>• Bracket signs that extend over pedestrian use areas must provide at least 8 feet of sign clearance</li> </ul>				

### 7.12 Standards for Detached Permanent Signs

Detached permanent signs are allowed according to the standards in Table 7.12A, *Detached Permanent Signs*.

Table 7.12A Detached Permanent Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
<b>Primary Monument Signs</b>					
Max. # of Signs	1 per entrance to residential subdivision or agricultural use on parcel larger than 5 acres		1 per parcel	1 per frontage	
Max. Sign Area	32 sf.			1 sf. per 2 lf. of frontage for the 1 <sup>st</sup> 100 ft. of frontage, then 1 sf. per 4 lf. of frontage	
Max. Sign Height	6 ft.			10 feet or 5 percent of frontage, whichever is taller, plus 5 feet for signs located along Hwy 52 frontages (not to exceed 20 feet) and 10 feet for signs located along I-25 frontages (not to exceed 25 feet)	

Table 7.12A Detached Permanent Signs				
Type of Sign Standards	Zoning District			
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)
Setbacks and Spacing	<ul style="list-style-type: none"> <li>• Primary monument signs must be spaced at least 12 feet from building walls, at least 100 feet from other primary monument signs on the same parcel</li> <li>• Primary monument signs must be set back at least 1 foot from front property lines, plus 1 foot for each 2 feet of sign height (or portion thereof) above 4 feet (“<u>ADDITIONAL SETBACK</u>”); except that the additional setback does not apply to locations where:                             <ul style="list-style-type: none"> <li>○ The property line is separated from the street frontage by public open space, drainage, an irrigation ditch, or a non-vehicular trail or greenway, provided that the presence of the sign does not interfere with the maintenance of a drainage area or irrigation ditch; or</li> <li>○ The adjacent right-of-way is I-25</li> </ul> </li> <li>• Primary monument signs must be set from side and rear property lines a distance equal to the height of the sign</li> </ul>			
Additional Standards	<ul style="list-style-type: none"> <li>• Backlit cabinet signs are not allowed</li> <li>• Signs must be installed in a landscaped area that extends at least 3 feet in all directions from the base of the sign, or within a pedestrian plaza, provided that the sign does not obstruct pedestrian traffic</li> </ul>		Signs must be installed in a landscaped area that extends at least 3 feet in all directions from the base of the sign, or within a pedestrian plaza, provided that the sign does not obstruct pedestrian traffic	
<b>Secondary Monument Signs</b>				
Max. # of Signs	Not allowed	1 per vehicular entrance	1 per vehicular entrance	
Max. Sign Area	Not applicable	6 sf.	8 sf.	
Max. Sign Height	Not applicable	4 ft.		
Setbacks and Spacing	Not applicable	<ul style="list-style-type: none"> <li>• 1 ft. from property lines</li> <li>• 2 ft. from sidewalk or pavement</li> </ul>		
Additional Standards	Not applicable	Backlit cabinet signs are not allowed	None	

## Part 4 Standards for Temporary Signs

### 7.13 Standards for Attached Temporary Signs

- A. **GENERALLY.** Attached temporary signs are allowed subject to the standards of this Section, for the duration that is set out in Section 7.14, *Duration of Temporary Signs*.
- B. **BANNERS.** Banners may be installed on building walls within in the A, D-A, D-B, C-N, C-C, C-H52, P, BLI, I, and C-E zoning districts, provided that:
  - 1. The property does not have a sign with an EMC that is larger than 6 sf.;
  - 2. There is not more than one banner displayed per street frontage;
  - 3. Banners displayed on buildings are fastened to the building in a manner that obscures the fasteners, are situated within a signable area, and do not exceed the sign area allowed for wall signs within that area; and
  - 4. Banners with a sign area that is larger than 32 sf. are installed within a banner frame.

- C. **INFLATABLE SIGNS.** One inflatable sign may be attached to a principal building rooftop in the C-C, C-H52, P, BLI, I, and C-E zoning districts, provided that:
  1. The sign area is not more than 225 sf.;
  2. The vertical dimension of the sign is not more than 15 feet; and
  3. No other inflatable sign is present on the parcel.
  
- D. **SOCK SIGNS AND TEMPORARY WALL SIGNS.** Sock signs and temporary wall signs are permitted in all zoning districts, provided that they are used during a period not to exceed 45 days in which a new permanent sign or sign component is being fabricated and installed in accordance with this Article.
  
- E. **WINDOW SIGNS.**
  1. Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the applicable transparency standards of Table 7.11A are met.
  2. Temporary window signs shall be affixed to the window such that the fastener (*e.g.*, tape) is not highly visible, or shall be mounted vertically inside of the building for viewing through the window.

**7.14 Standards for Detached Temporary Signs**

The maximum number, maximum sign area, maximum height, and other restrictions that apply to detached temporary signs are set out in Table 7.14, *Detached Temporary Signs*.

Table 7.14 Detached Temporary Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
<b>Yard Signs</b>					
Max. # of Signs	<ul style="list-style-type: none"> <li>• Not limited for single family detached and duplex uses;</li> <li>• 2 per vehicular access point for multifamily and nonresidential (except vacant or agricultural) uses;</li> <li>• 1 per 80 ft. of frontage (or fraction thereof) for vacant or agricultural property</li> </ul>	Not allowed	2 per vehicular access point		
Max. Sign Area (per sign)	6 sf.	Not applicable	6 sf.		
Max. Sign Height	3 ft.	Not applicable	3 ft.		
Setbacks and Spacing	Yard signs shall be set back 1 foot from all property lines	Not applicable	Yard signs shall be set back 2 feet from all property lines Yard signs shall be spaced at least 2 feet from other yard signs		

Table 7.14 Detached Temporary Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
Additional Standards	<ul style="list-style-type: none"> <li>Yard signs shall be installed only in permeable landscaped areas (e.g., grass, mulch, or crushed rock) that extend at least 2 feet in all horizontal directions from the sign</li> <li>Where the number of permissible yard signs is related to the number of vehicular access points, the yard signs allowed per access point shall be installed within 10 feet of the edge of the access point</li> </ul>		Not applicable	<ul style="list-style-type: none"> <li>Yard signs shall be installed only in permeable landscaped areas (e.g., grass, mulch, or crushed rock) that extend at least 2 feet in all horizontal directions from the sign</li> <li>Where the number of permissible yard signs is related to the number of vehicular access points, the yard signs allowed per access point shall be installed within 10 feet of the edge of the access point</li> </ul>	
<b>Site Signs</b>					
Max. # of Signs	1 per parcel, provided that the area of the parcel is at least 2 acres; parcels that are less than 2 acres shall not display site signs	1 per 500 ft. of frontage (or fraction thereof)	1 per parcel	1 per frontage	
Max. Sign Area (per sign)	16 sf.	16 sf.	16 sf.	32 sf.	
Max. Sign Height	5 ft.	5 ft.	5 ft.	6 ft.	
Setbacks and Spacing	Site signs shall be set back 2 ft. from all property lines	<ul style="list-style-type: none"> <li>Site signs shall be set back 2 ft. from front property lines and 10 ft. from all other property lines</li> <li>Site signs shall be spaced not less than 10 ft. from each other</li> </ul>			
Additional Standards	Swing signs shall be installed only in permeable landscaped areas (e.g., grass, mulch, or crushed rock) that extend at least 2 feet in all horizontal directions from the sign				
<b>Swing Signs</b>					
Max. # of Signs	1 per frontage		Not allowed		
Max. Sign Area (per sign)	5 sf., including riders		Not applicable		
Max. Sign Height	5 ft.		Not applicable		
Setbacks and Spacing	Swing signs shall be set back 2 ft. from all property lines		Not applicable		
Additional Standards	Swing signs shall be installed only in permeable landscaped areas (e.g., grass, mulch, or crushed rock) that extend at least 18 inches in all horizontal directions from the sign		Not applicable		
<b>Sidewalk Signs</b>					
Max. # of Signs	Not allowed		1 per primary building entrance		
Max. Sign Area (per sign)	Not applicable		6 sf.		
Max. Sign Height	Not applicable		4 ft.		

Table 7.14 Detached Temporary Signs					
Type of Sign Standards	Zoning District				
	Residential (R-E, R-1, R-2, R-3, R-MH1, R-MH2)	Agriculture (A)	Downtown (D-A, D-B)	Commercial / Mixed-Use / Public (C-N, C-C, C-H52, P)	Industrial and Employment (BLI, I, C-E)
Setbacks and Spacing	Not applicable		Must leave at least 4 feet of clear sidewalk width for pedestrian use	<ul style="list-style-type: none"> <li>Must leave at least 4 feet of clear sidewalk width for pedestrian use</li> <li>Must be located within 10 feet of a principal building entrance</li> </ul>	
Additional Standards	Not applicable		<ul style="list-style-type: none"> <li>Not allowed in vehicular use areas or permeable landscaped areas;</li> <li>Must not obstruct pedestrian travel path or building entrance</li> <li>Must be weighted, anchored, or tethered to avoid movement in high winds</li> <li>Placement in public right-of-way is restricted (see Section 7.7F1.d.)</li> </ul>		
<b>Banners</b>					
Max. # of Signs	1 per street frontage				
Max. Sign Area (per sign)	32 sf.			48 sf.	
Max. Sign Height	4 ft., or any location on a fence or retaining wall				
Setbacks and Spacing	See additional standards, below		<ul style="list-style-type: none"> <li>Banners shall be set back at least 2 feet from all property lines, or affixed to a fence, handrail, or retaining wall</li> </ul>		
Additional Standards	Banners shall be affixed to a fence, handrail, or retaining wall		<ul style="list-style-type: none"> <li>Banners shall be installed not less than 18 feet from any wall of a principal building, unless affixed to a fence, handrail, or retaining wall that is closer than 18 feet to the building</li> <li>If banners are stretched between posts, the posts shall be firmly anchored, such that they will remain in a vertical position in windy conditions</li> </ul>		
<b>Inflatables</b>					
Max. # of Signs	Not allowed		1 per parcel, unless an inflatable sign is affixed to a principal building rooftop on the parcel (see Section 7.13C)		
Max. Sign Area (per sign)	Not applicable		225 sf.		
Max. Sign Height	Not applicable		15 ft.		
Setbacks and Spacing	Not applicable		All parts of the sign shall be set back 5 feet from all property lines		
Additional Standards	Not applicable		Inflatable sign must be tethered to prevent movement in windy conditions		

### 7.15 Duration of Display of Temporary Signs

- A. **GENERALLY.** The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by this Article.
- B. **CLASSIFICATION OF TEMPORARY SIGN MATERIALS.** Temporary signs are constructed from a variety of materials with varying degrees of durability. Common materials are classified in Table 7.15A, *Classification of Temporary Sign Materials*.



Table 7.15A Classification of Temporary Sign Materials					
Material	Material Class				
	1	2	3	4	5
Paper, card stock, foam core board, or cardboard	✓				
Laminated paper or cardstock, polyethylene bags		✓			
Cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of comparable durability			✓		
Inflexible vinyl, hard plastic, composite, or corrugated plastic ("coroplast")				✓	
Wood or metal					✓

C. DURATION OF DISPLAY.

1. In general, a temporary sign shall be removed as of the earlier of the date that:
  - a. It becomes an Abandoned Sign; or
  - b. It falls into disrepair (*see Section 7.18, Sign Maintenance*); or
  - c. The number of days set out in Table 7.15B, *Duration of Temporary Signs by Material Class* expires.

Table 7.15B Duration of Temporary Signs by Material Class						
Sign Type	Max. Duration for Individual Sign by Material Class					Max. Posting Days / Year
	1	2	3	4	5	
Yard Sign	Not Allowed	45 days	Not Allowed	60 days	180 days	180 days
Site Sign	Not Allowed	Not Allowed	Not Allowed	60 days	180 days	180 days <sup>1</sup>
Swing Sign	Not Allowed	Not Allowed	Not Allowed	60 days	180 days	180 days <sup>1</sup>
Sidewalk Sign	Not Allowed	Not Allowed	Not Allowed	6 AM to 10 PM daily <sup>2</sup>		365 days
Banner	Not Allowed	Not Allowed	30 days	Not Allowed	Not Allowed	180 days
Window Sign	90 days	90 days	Not Allowed	90 days	365 days	365 days
Inflatable Sign	Not Allowed	Not Allowed	21 days	Not Allowed	Not Allowed	42 days

**TABLE NOTES:**

<sup>1</sup> alternatively, the sign type may be displayed for 360 days every two calendar years

<sup>2</sup> may be modified by revocable right-of-way license

2. Temporary signs that are required due to governmental regulation (*e.g.*, public notices) shall be removed as required by the applicable regulation.

D. ADMINISTRATIVE INTERPRETATIONS. Materials for signage that are not listed in this Section may be introduced into the market. When a material is proposed that is not listed in this Section, the Planning Director shall determine the class of materials with which the new material is comparable, based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than the longest permitted period in this Section, regardless of the material.

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## Part 5

### Permitting Procedures; Design Program Alternative

#### 7.16 Permitting Procedures

- A. SIGN PERMIT REQUIRED. A Sign Permit is required prior to the erection, installation, or substantial modification of any sign that is not an Exempt Sign. Sign permits are issued by the Planning Department if, after review of a complete application for sign permit and payment of the applicable fee, Planning staff determines that the proposed sign complies with the applicable requirements of this Article.
- B. APPLICATION REQUIREMENTS. Application for a permit to erect or display signs in the Town shall be made to the Planning Department on forms approved by the Planning Director and shall be accompanied by the applicable processing fee and a scaled drawing or other graphic representation of the proposed sign, specifying the size, shape, lighting and position of the sign in relation to the building or property from or upon which it will be displayed, and such other information as is necessary to determine compliance with the requirements of this Article.
- C. ADMINISTRATIVE PERMITTING PROCEDURES. Planning staff shall determine whether an application for a sign permit is complete within one business day after it is submitted, and shall approve or deny the permit application within five business days after receipt of a complete application and fee (“ADMINISTRATIVE PROCESSING PERIOD”). If an application is incomplete, staff shall return it to the applicant, along with a notice specifying what must be included to complete the application. If an application is denied, staff shall specify the reason for denial to the applicant in writing. If staff does not decide the application within the administrative processing period, the application is approved.
- D. CALCULATION OF ADMINISTRATIVE PROCESSING PERIOD. For the purposes of calculating the administrative processing period, the first day is not counted, and the period ends at 11:59 PM on last day. If the end of the period is a weekend day or legal holiday, the period shall be extended until 11:59 PM on the next business day.

#### 7.17 Design Program Alternative

- A. PURPOSE. The requirements of this Article ensure that signs that meet certain minimum standards for public safety and consistency with the aesthetic character of the Town may be promptly approved and displayed. In some cases, alternative standards may improve the aesthetic and functional qualities of the development. Approval of a Design Program pursuant to the standards of this Section allows for unified presentation of signage throughout a development, flexibility to address unique environments, and pre-approval of designs and design elements to make processing of subsequent applications for sign permits more efficient. To these ends, a Design Program alternative is hereby created.
- B. AUTHORIZATION TO MODIFY REQUIREMENTS. Signage which is proposed as part of a Design Program may deviate from the standards of this Article in terms of the types and numbers of signs

allowed, the maximum sign area, and materials and illumination standards (including electronic message centers), subject to compliance with an approved Design Program. Prohibited sign types and prohibited sign elements shall not be allowed by Design Program approval.

- C. PROCEDURES. Design Program applications shall be submitted on a form approved by the Planning Director. Town staff shall review the application for completeness and shall forward the application to the Board of Trustees for consideration at a noticed public hearing within 39 days after the date of application. The Board of Trustees shall consider the application at the public hearing, and shall either approve the application, approve the application with conditions unrelated to sign content or viewpoint, or deny the application after applying the approval criteria set out in Subsection D, subject to the limitations of Subsection E. Public hearings on Design Program applications shall not be tabled or continued without the applicant's consent, which shall be included in the record of the hearing.
- D. APPROVAL CRITERIA. The Board of Trustees may approve a Design Program if it finds that the Design Program results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this Article.
1. *Modification of Sign Setbacks or Required Landscape Area.* Setbacks or required landscape area for detached signs may be different from the requirements of this Article if it is demonstrated that there is no impact on public safety or on utility easements, the aesthetic impact of the modification is appropriately mitigated, and all other requirements for approval of a Design Program are met.
  2. *Architectural Theme.* All signs shall be architecturally integrated into or complimentary to the design and materials of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The Design Program shall establish or continue an integrated architectural vocabulary and cohesive theme for the development.
  3. *Height, Area, Number and Location of Signs.* The height, area, type, number and location of signs permitted through the Design Program shall be determined by the Board of Trustees, based on the following criteria:
    - a. The overall size of the development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);
    - b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);
    - c. Frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter by allowing additional spacing between signs);
    - d. Access and visibility to the site;

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- e. Intended traffic circulation pattern;
  - f. Hierarchy of signage;
  - g. Relationship between the site and adjacent uses; and
  - h. Consistency with the objectives and design policies of the Town's Comprehensive Plan and any applicable land use or design plans approved by the Board of Trustees for the area in which the Design Program is proposed.
- E. **MAXIMUM TOTAL SIGN AREA AND SIGN HEIGHT.** Maximum sign area and sign height for the property subject to a Design Program shall be established in the Design Program (as to particular signs or for the entire site), but shall not exceed the following limits:
- 1. The total permitted sign area for detached permanent signs shall not exceed 125 percent of the sign area for detached permanent signs that would otherwise be permissible if the property were in strict compliance with this Article.
  - 2. The total permitted sign area for attached permanent signs shall not exceed 150 percent of the sign area for attached permanent signs that would otherwise be permissible if the property were in strict compliance with this Article.
  - 3. The permitted sign height for detached permanent signs shall not exceed 150 percent of the permitted sign height for the type of sign to which the increase in height is applied.
  - 4. Attached signs may be allowed to extend above principal roof lines, provided that they do not extend above the roof line more than the height of the building to which they are attached.
- F. **ELIMINATION OF NONCONFORMING SIGNS.** In addition to proposed new signage, all existing signs on a property for which a Design Program approval is sought shall be addressed in the application. The Board of Trustees may require removal or modification of existing nonconforming signs as a condition of approval of a Design Program.
- G. **TEMPORARY SIGNS.** A Design Program may address temporary signs.
- H. **CONDITIONS OF APPROVAL.** The Board of Trustees may impose reasonable conditions on the Design Program that are not related to the content or viewpoint of the signs or the nature of the sign users, in order to ensure continuing compliance with the standards of this Article and approved Design Programs. If an applicant does not agree to the conditions, the applicant may terminate the Design Program by notifying the Town in writing, provided that either:
- 1. No signs have been installed pursuant to the Design Program; or
  - 2. The termination of the Design Program does not result in the presence of nonconforming signs on the applicant's property.
- I. **CONTENTS OF DESIGN PROGRAM.** A Design Program shall set forth a master plan for signage for an entire development. Design Programs shall set out:

1. The boundaries of the parcel or parcels in which the program will be applied;
  2. Architectural elevations and principal building materials for the buildings that are proposed (or will be retained) on the parcel or parcels;
  3. Sign dimensions and approximate locations;
  4. Sign materials;
  5. Proposed illumination, including maximum illumination levels and light sources;
  6. A design theme with illustrative examples of each sign type, the form of each sign type, and the proposed general locations of each sign type; and
  7. A demonstration that the Design Program will improve the aesthetics of the development, reduce sign clutter, and avoid or mitigate adverse impacts on the use, enjoyment, or value of adjacent and nearby property, compared to the signage that would be allowed pursuant to the strict application of this Article.
- J. EFFECT OF APPROVAL. Upon approval of a Design Program, sign permits shall be issued by Planning staff based on compliance with the standards set out in the Design Program for the development. Design Programs may also specify types of signs that may be installed without further permits. If temporary signs are not addressed in a Design Program, then they shall be subject to the standards set forth in this Article.
- K. DURATION OF APPROVAL. A Design Program approval shall have a term of three years. If no sign has been constructed or installed within the term of the approval, the Design Program approval shall terminate. The Board of Trustees may require that a Design Program be tied to a concurrent development approval, and may extend the term of the Design Program to correspond to the term of an associated development approval.
- L. AMENDMENT. A Design Program may be amended by the same process that is used to create the Design Program. An application for amendment to a Design Program shall not affect the validity of the Design Program unless and until the application is approved and conditions of approval, if any, are accepted by the applicant.

## **Part 6**

### **Sign Maintenance**

#### **7.18 Sign Maintenance**

- A. GENERALLY. Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Section.
- B. PAINT AND FINISHES. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.

- C. WEATHERING AND FADING. Temporary signs that have faded or weathered such that their condition is obviously and materially degraded shall be removed.
- D. MINERAL DEPOSITS AND STAINS. Mineral deposits and stains shall be promptly removed.
- E. CORROSION AND RUST. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.
- F. DAMAGE. Permanent signs that are damaged shall be repaired or removed within 60 days. Temporary signs that are damaged (*e.g.*, broken yard signs, torn banners) shall be removed, repaired, or restored within 24 hours.
- G. LEVEL POSITION. Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position. If such signs fall out of a level position, they shall be removed or righted within 24 hours.
- H. BANNER TENSION. Banners shall be stretched to minimize wrinkles and sagging. Banners that lose tension shall be re-stretched or removed within 24 hours.
- I. EMC MAINTENANCE. If an EMC is damaged or otherwise malfunctions, it shall repaired, replaced, or removed (along with all associated electronics and mounting brackets) within 30 days.

## **Part 7**

### **Nonconformities and Enforcement**

#### **7.19 Nonconforming Signs**

- A. GENERALLY. Any permanent sign that exists on the effective date of this Article but does not conform to the provisions of Article is a “legal nonconforming” sign, provided that it was originally approved by a sign permit, or, if no sign permit was required under applicable law, it was in all respects in conformity with the applicable law immediately prior to the effective date, or had legal nonconforming status at such time. Signs that were allowed to display off-premises commercial messages before the effective date are nonconforming, but may continue to display such messages until the signs are removed.
- B. REPAIRS AND ALTERATIONS. Routine maintenance of nonconforming signs is permitted, including necessary non-structural repairs, paint, and incidental alterations (*e.g.*, changing the message of the sign by replacing or repainting the sign face). Structural alterations to nonconforming signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity.
- C. TERMINATION AND REMOVAL.
  - 1. A nonconforming sign which has been damaged by fire, wind or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with this Article.

2. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.
3. If a nonconforming sign structure becomes an Abandoned Sign, it shall be removed or brought into conformance with this Article. For the purposes of this standard, a temporary “sock sign” may be used to display a message while a new sign face is being created.
4. If a nonconforming sign structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement sign conforms to this Article.
5. Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this Article.

## 7.20 Enforcement

- A. ENFORCEMENT AUTHORITY. This Article shall be enforced by the designee of the Town Manager.
- B. IMMEDIATE REMOVAL OF SIGNS. Signs that are unlawfully located within public right-of-way may be summarily removed by the Town and disposed of without notice. The Town may, but is not obligated to, store such signs and return them to their owners.
- C. PENALTY FOR NONCOMPLIANCE. Every person convicted of a violation of any provision of this Article shall be punished by a fine not to exceed the maximum fine a municipal court may impose as a matter of law for each day the violation continues. The Municipal Court may further order the defendant to remove a prohibited or unlawful sign within five days or such other time period as the Court determines is reasonable, and if the defendant fails to timely do so that the City may remove such sign and charge the property owner for the cost of removal plus a five percent fee for administration, inspection, and other incidentals.
- D. SERVICE OF NOTICE.
  1. Notices of violation of this Article shall be personally served upon or sent by first-class mail, postage prepaid, to:
    - i. The address of the record owner of the real estate and/or person in possession and control of the property upon which the violation is alleged, or
    - ii. For signs located within the public right-of-way, the owner of the sign or the person, entity, or organization who directed the sign to be placed (if known).
  2. The notice of violation shall identify the sign or activity that is in violation of this Article, and cite the section number that is allegedly violated. The notice of violation shall state that:

- i. One or more signs has been removed from the public right-of-way and the Town alleges that the party notified is responsible for unlawfully installing such sign(s); or
    - ii. Temporary signs are present on the party's property that are in violation of this Article, and the party has 24 hours to correct the violation; or
    - iii. Permanent signs are present on the party's property that are in violation of this Article, and the party has 30 days to correct the violation
  3. A notice of violation issued pursuant to subsection 2.i., or failure to comply with the terms of the notice of violation issued pursuant to subsections 2.ii. or 2.iii. may result in the summons to appear in Municipal Court.
- E. LIEN FOR COLLECTION OF FINES, PENALTIES, AND COSTS. In order to collect fines, penalties, and costs that are assessed by the Municipal Court, the Town may file a lien against the property upon which the prohibited or unlawful sign is located; such lien to have priority over all liens except general taxes and prior special assessments. The lien shall be placed upon the tax rolls for the current year, to be collected in the same manner as other taxes are collected. The Town may file such lien at any time not less than 30 days after judgment is entered by the Municipal Court.

## Part 8 Definitions

### 7.21 Definitions

The following definitions apply within this Article:

**ABANDONED SIGN** means a sign that does not contain a message, or contains a commercial or event-based message that is obviously obsolete (*e.g.*, the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a continuous period of 60 days.

**ATTACHED SIGN** means a sign that is attached to the outside of a building or located inside a building but is highly visible through a window, and obviously intended to attract the attention of a person outside of the building (*e.g.*, a wall sign, projecting sign, awning sign, or window sign).

**AWNING OR CANOPY SIGN** means a sign that is mounted, painted, or attached to canvas or other material that is installed over a projecting structural framework above a building window or door.

**BANNER** means a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

**BANNER FRAME** means a frame system that is used for stretching banners, which is designed to prevent wrinkling and movement and to conceal fasteners.



**BRACKET SIGN** means a type of permanent sign that is mounted above a principal entrance to a building, on a bracket that extends generally perpendicular to the building wall; with the bracket attached either to the building wall or to the underside of a canopy or awning structure.

**BUILDING ELEVATION** means the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

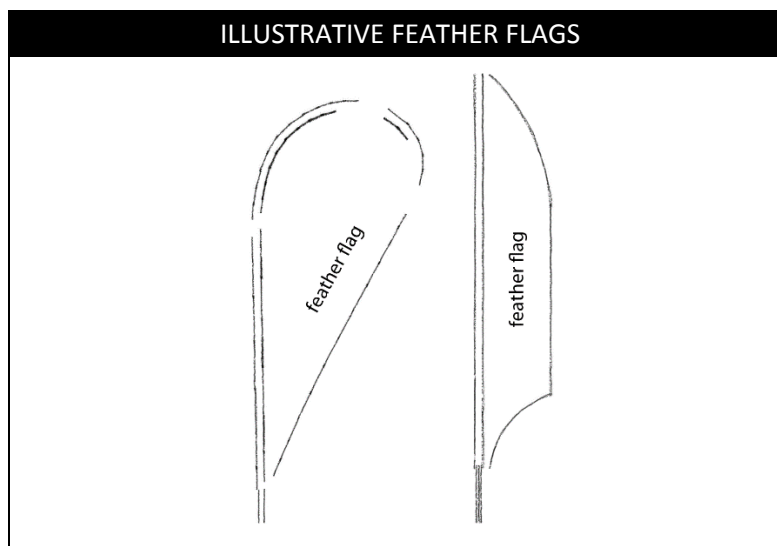
**BULLETIN BOARD** means a cabinet sign structure that houses a display board upon which bulletins and posters are displayed.

**DETACHED SIGN** means a sign that is not attached to or located inside a building (*e.g.*, a monument sign).

**E.G.** means “for example,” and is intended to be illustrative and not exclusive.

**ELECTRONIC MESSAGE CENTER (EMC)** means a display surface that is composed of light emitting diodes (LEDs) or comparable devices, that is capable of displaying variable messages and graphics.

**FEATHER FLAG** means a flag that is mounted on a temporary flagpole (*e.g.*, a flagpole that is installed in a mount that is staked into the ground, or attached to a weighted base), which may be vertical, bowed, or flexible. Feather flags do not include flags that are flown from straight, rigid flagpoles that are permanently installed in the ground or temporarily or permanently attached to buildings, light poles, or utility poles.



**FLAG** means a flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

**GLARE** means light emitted from a luminaire that trespasses beyond the object that the luminaire is intended to illuminate, such that the point source of the light is visible to pedestrians, motorists, or people within nearby buildings.

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**LAND USE CODE** means the Town of Frederick, Colorado Land Use Code, as amended from time to time.

**LF.** means linear foot.

**LUX** means a measure of illuminance (a measure of light that falls upon or passes through an object), in terms of lumens per square meter.

**MANUAL CHANGEABLE COPY CENTER** means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (*e.g.*, by placement of letters into tracks). Manual changeable copy centers are sometimes known as “readerboards” or “marquee signs.”

**MONUMENT SIGN** means a detached permanent sign that is supported by more than one pole or by a base structure that is not a pole (or if a pole is used, the pole is concealed).

**OFF-SITE Commercial Message** means speech that proposes a commercial transaction at a location other than the property upon which the message is displayed, or advertises a business that is not located on the property upon which the message is displayed.

**PIXEL PITCH** means a measurement of the resolution of an electronic message center display, in terms of the distance (generally in millimeters) between the center of a light emitting diode (LED) cluster (pixel) and the center of the next LED pixel. Lower pixel pitch measurements indicate higher display resolution.

**POLE SIGN** means a detached permanent sign that is mounted upon one pole.

**PORTABLE SIGN** means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

**PRINCIPAL BUILDING ENTRANCE** means a primary point of public pedestrian access into a building. The phrase “principal building entrance” does not include doors used principally as emergency exits, or doors that provide restricted access (*e.g.*, for employees or deliveries).

**PROJECTING SIGN** means a sign that is mounted upon a building wall such that the sign face is not roughly parallel to the building wall.

**ROOF SIGN** means a sign that is installed, in whole or in part, above an eave line or parapet of a building.

**SF.** means square foot.

**SIDEWALK SIGN** means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

**SIGN** means any surface, fabric, device, or display that includes (or is specifically designed to include) lettered, pictorial, or sculptured matter that is intended to convey information to people on a sidewalk, in a parking lot, on a public street or other right-of-way, or on nearby property. The term “sign” also includes all structural members (if any).

**SIGN FACE** means the surface area of a sign which is designed for placement of text, symbols, or images.

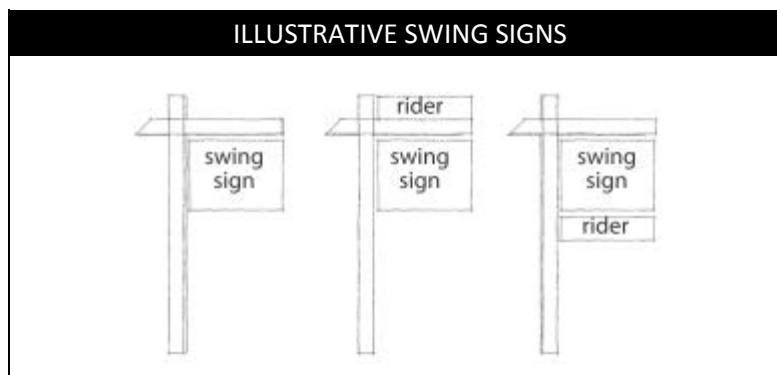
**SITE SIGN** means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two posts.

**SOCK SIGN** means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

**STREET ELEVATION** means a street-facing building elevation.

**SUBSTANTIAL MODIFICATION** means any modification of a sign that involves alteration or replacement of a structural support, enlargement of the sign area, material changes to the sign height or sign clearance, obvious changes of materials or components (*e.g.*, replacement of wood with plastic), addition of new components (*e.g.*, installation of lighting or an EMC) or repairs that cost more than fifty percent of the replacement cost of the sign. Substantial modifications do not include replacement of sign panels in a sign cabinet with comparable materials that display different messages, replacement of existing light sources with compliant light sources (unless the electrical work exceeds the repairs limit), painting, or repainting,

**SWING SIGN** means a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.



**TOWN** means the Town of Frederick, Colorado

**WALL SIGN, PAINTED OR APPLIED** means a type of permanent sign that is painted on or applied to a wall of a building, which extends not more than two inches from the building wall.

**WALL SIGN, CABINET** means a type of permanent sign that is installed against the wall of a building, with a structure that extends more than two inches, but not more than one foot, from the building wall and a sign face that is roughly parallel to the building wall upon which the sign is mounted.

**WINDOW SIGN** means a type of temporary or permanent sign that is: (i) painted on, applied to, or attached to a window; or (ii) installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within six feet of the sign.

**WINDOW TRANSPARENCY** means, for the purposes of this Article, any area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a

sign. The actual visibility through the window (*e.g.*, a pedestrian’s ability to overcome daytime glare) is not a factor in the determination of window transparency.

**YARD SIGN** means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

