

ORDINANCE NO. 088, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE LAND USE CODE SIGN REGULATIONS

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 1997, the City Council enacted the Fort Collins Land Use Code; and

WHEREAS, the Land Use Code contains regulations regarding signs within the City; and

WHEREAS, the 2015 United States Supreme Court case *Reed v. Town of Gilbert* and subsequent lower court decisions applying *Reed v. Town of Gilbert* prompted a review of the City's sign regulations with regards to the issues of content and viewpoint neutrality; and

WHEREAS, the changes to the City's sign code contained in this Ordinance are for the purpose of ensuring compliance with *Reed v. Town of Gilbert* and related cases; and

WHEREAS, the City has legitimate, important, substantial, or compelling interests in:

1. Preventing the proliferation of signs that tends to result from property owners competing for the attention of passing motorists and pedestrians (also known as "sign clutter"), because sign clutter:
  - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
  - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
  - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
  - d. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
2. Protecting the health of its tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region; and
3. Maintaining a high quality aesthetic environment to protect and enhance property values and the public investment in streets, sidewalks, trails, plazas, parks, and landscaping, and to enhance community pride; and

WHEREAS, the Council finds that:

1. The regulations set out in this Ordinance are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected

messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers;

2. Any incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Ordinance is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein;
3. Regulation of the location, number, materials, height, sign area, form, and duration of display of signs is essential to preventing sign clutter; and
4. Signs may be degraded, damaged, moved, or destroyed by causes including wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City if they are not removed; and

WHEREAS, the purpose and intent of this Ordinance is to establish reasonable regulations for the design, location, installation, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding constitutionally protected free speech; and

WHEREAS, the City Council has determined that the Land Use Code sign regulations contained in this Ordinance will promote the objectives and public purposes described above and are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 3.8.7 of the Land Use Code is hereby amended to read as follows:

### **3.8.7 Signs.**

#### **3.8.7.1 Permanent Signs**

##### **(A) General.**

- (1) *Signs Permitted.* Permanent signs shall be permitted in the various zone districts as accessory uses in accordance with the regulations contained in this Section. The regulations contained in this Section 3.8.7.1 apply to permanent signs while temporary signs are regulated under Section 3.8.7.2 unless specifically provided herein.

(2) *Prohibited Permanent Signs.* Rooftop signs and all other signs which project above the fascia wall, portable signs, revolving and rotating signs, inflatable signs, and wind-driven signs (except flags in compliance with this Section 3.8.7.1) shall be prohibited in all zone districts.

(3) *Nonconforming Signs.*

(a) Existing signs which were erected without a permit and which, although legally permissible at the time they were erected, have become nonconforming because of subsequent amendments to this Code must be brought into conformance with the provisions of this Section, as amended, within ninety (90) days of the effective date of the amendment which caused the nonconformity.

(b) Existing on-premise signs for which a sign permit was issued pursuant to the previous provisions of this Code, and which have become nonconforming because of an amendment to this Code, shall be brought into conformance with the provisions of this Section 3.8.7.1 within the period of time specified in the ordinance containing the amendment which causes the nonconformity. In determining such period of time, the City Council shall consider the length of time since the last Code change affecting that same category of signs as well as the cost of bringing the signs into compliance. During the period of time that the signs may remain nonconforming, such signs shall be maintained in good condition and no such sign shall be:

1. structurally changed to another nonconforming sign, although its content may be changed;  
  
structurally altered in order to prolong the life of the sign, except to meet safety requirements;
3. altered so as to increase the degree of nonconformity of the sign;
4. enlarged;
5. continued in use if a change of use occurs as defined in the zoning ordinance, or if the premises promoted by the sign comes under new ownership or tenancy and such sign is proposed to be remodeled, repainted or otherwise changed for the purpose of displaying the new name or other new identification of the premises; or

6. re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost.
- (c) Except as provided in subsection (d) below, all existing nonconforming signs located on property annexed to the City shall be removed or made to conform to the provisions of this Article no later than seven (7) years after the effective date of such annexation; provided, however, that during said seven-year period, such signs shall be maintained in good condition and shall be subject to the same limitations contained in subparagraphs (b)(1) through (b)(6) above. This subsection shall not apply to off-premises signs which are within the ambit of the just compensation provisions of the Federal Highway Beautification Act and the Colorado Outdoor Advertising Act.
- (d) All existing signs with flashing, moving, blinking, chasing or other animation effects not in conformance with the provisions of this Article and located on property annexed to the City after November 28, 1971, shall be made so that such flashing, moving, blinking, chasing or other animation effects shall cease within sixty (60) days after such annexation, and all existing portable signs, vehicle-mounted signs, banners and pennants located on property annexed to the City after November 28, 1971, shall be removed or made to conform within sixty (60) days after such annexation.

(B) ***Administration.***

(1) ***Permit Required; Exceptions.***

- (a) The erection, remodeling, reface, or removal of any permanent sign shall require a permit from the Director, except that no permit shall be required for the erection, remodeling or removal of any of the following signs:
  1. Signs that are required by law at the minimum size required, including but not limited to address signs that are required by the applicable Fire Code;  
  
One attached sign of any type per building elevation or entrance (whichever provides for more signs on an elevation), provided that the sign does not exceed two square feet in sign area;
  3. Three or fewer flags per property, or group of properties that were planned or developed with shared pedestrian or

vehicle access, hung separately or together from a rigid, straight, building or ground-mounted flagpole, or flagpoles, and where no flag exceeds 32 square feet in area;

4. Signs that are less than one square foot in sign area that are attached to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, utility cabinets, and other such structures, provided that no more than two of such signs are spaced less than 10 feet apart, or such signs are not visible from public rights-of-way; and
  5. Window signs that are less than 6 square feet.
- (b) All sign permit applications shall be accompanied by detailed drawings indicating the dimensions, location and engineering of the particular sign, plat plans when applicable, and the applicable processing fee.
- (2) *Permit Processing.* The Director shall review the sign permit application within two business days to determine if it is complete. If it is complete, the Director shall approve or deny the application within three business days after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one business day of the determination, along with written reasons for the determination of incompleteness.

(C) ***Standards and Limitations.***

- (1) *Limitations for Residential Districts and Uses.* Signs in the N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, R-C and P-O-L Districts may include and shall be limited to the following:
- (a) one (1) sign per public vehicular entry to a multi-family development or residential subdivision, provided such sign does not exceed thirty-five (35) square feet in area per face; or six (6) feet in height, and has only indirect illumination;
- When such signs are placed on subdivision entry wall structures, only the sign face shall be used to calculate the size of the sign;
- (b) one (1) detached or attached sign per nonresidential use, provided such sign does not exceed thirty-five (35) square feet in area per face or eight (8) feet in height (for detached signs), and has only indirect illumination;

- (c) one (1) detached or attached sign per single-family or duplex building with lot frontage on an arterial street, provided that such sign does not exceed four (4) square feet in area per face or five (5) feet in height, and has no illumination.
- (D) ***General Limitations for Nonresidential Districts and Uses.*** Signs in the D, R-D-R, C-C, C-C-N, C-C-R, C-G, C-S, N-C, C-L, H-C, E and I districts, or for any institutional/civic/public, business, commercial or industrial use in a mixed-use district shall be limited to the following:
  - (1) such signs as are permitted in the R-L District;
  - (2) one (1) flag larger than thirty-two (32) square feet in area and within the permitted sign area allowance for the property, provided no other flags are displayed;
  - (3) flush wall signs, projecting wall signs, window signs, freestanding signs and ground signs, provided that the placement and use of all such signs shall be governed by and shall be within the following limitations:
    - (a) For the first two hundred (200) feet in building frontage length, the maximum sign area permitted shall be equal to two (2) square feet of sign area for each linear foot of building frontage length.
    - (b) For that portion of a building frontage which exceeds two hundred (200) feet in length, the maximum sign area permitted shall be equal to one (1) square foot of sign area for each linear foot of building frontage length over such two hundred (200) feet. The sign area permitted hereunder shall be in addition to the sign area permitted under (3)(a) above.
    - (c) In no event shall the total sign allowance for any property be less than one (1) square foot of sign allowance for each linear foot of lot frontage.
    - (d) In no event shall more than three (3) street or building frontages be used as the basis for calculating the total sign allowance as permitted in subsections (3)(a) and (3)(c) above, inclusive.
    - (e) For flush wall signs consisting of framed banners, all banners shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.
  - (4) For the purpose of this Section, the sign allowance shall be calculated on the basis of the length of the one (1) building frontage which is most nearly parallel to the street it faces. If a building does not have frontage on

a dedicated public street, the owner of the building may designate the one (1) building frontage which shall be used for the purpose of calculating the sign allowance. If the only building frontage which fronts on a dedicated street is a wall containing no signs, the property owner may designate another building frontage on the building on the basis of which the total sign allowance shall be calculated, provided that no more than twenty-five (25) percent of the total sign allowance permitted under this Article may be placed on frontage other than the building fascia which was the basis for the sign allowance calculation. In all other cases, the sign allowance for a property may be distributed in any manner among its building and/or street frontages except that no one (1) building or street frontage may contain more sign area than one hundred (100) percent of the sign area provided for by (3)(a) through (3)(c) above, inclusive.

- (5) In addition to the sign allowance calculation described in paragraph (4) above, a building located in the Downtown (D) Zone District that abuts an alley which has been improved pursuant to the Downtown Development Authority's Alley Enhancement Project may be allowed one (1) flush wall sign not to exceed six (6) square feet, or one (1) projecting wall sign not to exceed six (6) square feet per side, on the rear wall of such building, provided that a public entrance to the building exists in said wall.

(E) ***Limitations for Nonresidential Districts and Nonresidential Uses in the Residential Neighborhood Sign District.*** There is hereby established a "Residential Neighborhood Sign District" for the purpose of regulating signs for nonresidential uses in certain geographical areas of the City which may be particularly affected by such signs because of their predominantly residential use and character. The boundaries of the "Residential Neighborhood Sign District" shall be shown on a map which shall be maintained in the office of the City Clerk. Any amendments to this map shall be made in the same manner as amendments to the Zoning Map of the City, as provided in Article 2. The following provisions shall only apply to project development plans proposed in the Neighborhood Commercial Districts and neighborhood service centers, convenience shopping centers, business service uses and auto-related and roadside commercial uses in the "Residential Neighborhood Sign District" which are developed on or after January 15, 1993. In addition, all such provisions, except paragraphs (14) and (15) below, shall apply to signs in neighborhood service centers, neighborhood commercial districts, convenience shopping centers, business service uses and auto-related and roadside commercial uses in the "Residential Neighborhood Sign District" which were developed prior to the effective date of this Code, whenever such signs are erected or remodeled pursuant to a permit after January 15, 1993.

- (1) Signs regulated under this Section shall generally conform to the other requirements of this Section, except that when any of the following limitations are applicable to a particular sign, the more restrictive limitation shall apply.

- (2) Signs regulated under this Section shall also conform to any locational requirements imposed by the decision maker as a condition of the approval of the development plan.
- (3) No sign shall project more than twelve (12) inches beyond the building fascia. Under-canopy signs which are perpendicular to the face of the building shall be exempted from this requirement, except that they shall be limited to four (4) square feet in area per face.
- (4) Freestanding or ground signs shall comply with the following requirements with respect to size, number and height:

Use	Maximum area per sign face (sf. = square feet)	Maximum number of signs permitted per street frontage	Maximum height
All Institutional, Business and Commercial Uses Not Otherwise Specified in this Table	Primary - 32 s.f.	Primary - 1	Primary - 5 ft.
Convenience Shopping Center	Primary - 40 s.f.	Primary - 1	Primary - 8 ft.
Neighborhood Service Center, Neighborhood Commercial District	Primary - 55 s.f. Secondary - 32 s.f.	Primary - 1 Secondary - 1	Primary - 10 ft. Secondary - 6 ft.

- (5) Freestanding signs shall be permitted only if constructed with a supporting sign structure, the width of which exceeds seventy (70) percent of the width of the sign face. Freestanding or ground signs shall contain no more than two (2) faces. No freestanding or ground sign shall be located less than seventy-five (75) feet from any directly abutting property which contains an existing or approved residential use or is zoned for residential use. For the purposes of this subsection, the term *approved* shall mean having current project development plan or final plan approval.
- (6) All supporting sign structures of a freestanding or ground sign shall match the primary finish and colors of the associated building(s).
- (7) All signs which are greater than four (4) square feet in area, except ground signs individual letters signs or cabinets signs wherein only the letters are illuminated.



- (8) The maximum size of flush wall cabinets or individual letters shall be as follows:

<b>Use</b>	<b>Maximum Cabinet or Individual Letter Height</b>
All Institutional, Business and Commercial Uses Not Otherwise Specified in this Table	18"
Convenience sShopping eCenter	24"
Neighborhood sService eCenter, Neighborhood Commercial District	30" *

\* Any individual tenant space exceeding forty-five thousand (45,000) square feet in floor area shall be permitted one (1) flush wall sign with individual letters not to exceed fifty-four (54) inches in height. The maximum cabinet height shall be fifty-four (54) inches in height.

- (9) If signs are illuminated, only internal illumination shall be permitted. This requirement shall not apply to freestanding or ground signs.
- (10) The length of any flush wall sign for an individual tenant space shall be limited to seventy-five (75) percent of the width of the tenant storefront, but no sign shall exceed forty (40) feet in length; provided, however, that any individual tenant space exceeding forty-five thousand (45,000) square feet in floor area shall be permitted one (1) flush wall sign not exceeding fifty-five (55) feet in length. Each tenant space shall be allowed one (1) such flush wall sign on each exterior building wall directly abutting the tenant space. In the event that a tenant space does not have a directly abutting exterior wall, one (1) sign not exceeding thirty (30) square feet may be erected on an exterior wall of the building for the purpose of identifying that tenant space.
- (11) The location of any flush wall sign shall be positioned to harmonize with the architectural character of the building(s) to which they are attached, including, but not limited to, any projection, relief, cornice, column, change of building material, window or door opening. Flush wall signs shall align with other such signs on the same building.
- (12) No illuminated sign visible from or within three hundred (300) feet of any property which contains an existing or approved residential use or is zoned for residential use, may be illuminated between the hours of 11:00 p.m. (or one-half [ $\frac{1}{2}$ ] hour after the use to which it is pertains is closed, whichever is later) and 6:00 a.m.; provided, however, that this time limitation shall not apply to any lighting which is used primarily for the protection of the premises or for safety purposes or any signage which is separated from a

residential use by an arterial street. For the purposes of this subsection, the term "approved" shall mean having current project development plan or final plan approval.

- (13) One (1) flush wall sign or under-canopy sign per street frontage, not to exceed twelve (12) square feet in area, shall be permitted on or under the fascia of a canopy covering an area used by motor vehicles (including but not limited to service station canopies, canopies over drive-in or drive-through facilities, etc.)
- (14) For the first two hundred (200) feet in building frontage length in a neighborhood service center, the maximum sign area permitted shall be equal to one and one-quarter ( $1\frac{1}{4}$ ) square feet for each linear foot of building frontage length. For that portion of a building frontage which exceeds two hundred (200) feet in length, the maximum sign area permitted shall be equal to two-thirds ( $\frac{2}{3}$ ) foot for each linear foot of building frontage length over such two hundred (200) feet.
- (15) For the first two hundred (200) feet in building frontage length in a convenience shopping center, or any other business or commercial use that is not a neighborhood service center or neighborhood commercial district, the maximum sign area permitted shall be equal to one (1) square foot for each linear foot of building frontage length. For that portion of a building frontage which exceeds two hundred (200) feet in length, the maximum sign area permitted shall be equal to one-half ( $\frac{1}{2}$ ) foot for each linear foot of building frontage over such two hundred (200) feet.
- (16) Window signs shall cover no more than twenty-five (25) percent of the surface area of the window or door in which such signs are placed. Temporary window signs shall not be allowed above the first story of a building. A window sign shall be considered to be a temporary window sign if it is displayed in the same window or door, or same approximate location outside of a window or door, for no more than thirty (30) calendar days within a calendar year. Changes in the message displayed on such sign shall not affect the computation of the thirty-day period of time provided for herein.

...

(G) ***Freestanding and Ground Sign Requirement.***

- (1) Ground signs which exceed forty-two (42) inches in height, and freestanding signs which do not maintain free air space between a height of forty-two (42) inches and seventy-two (72) inches above the abutting street elevation, shall be set back from the right-of-way line a distance as established in the sight distance triangle table contained in this subsection. A freestanding sign shall not be construed to have free air space if such

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

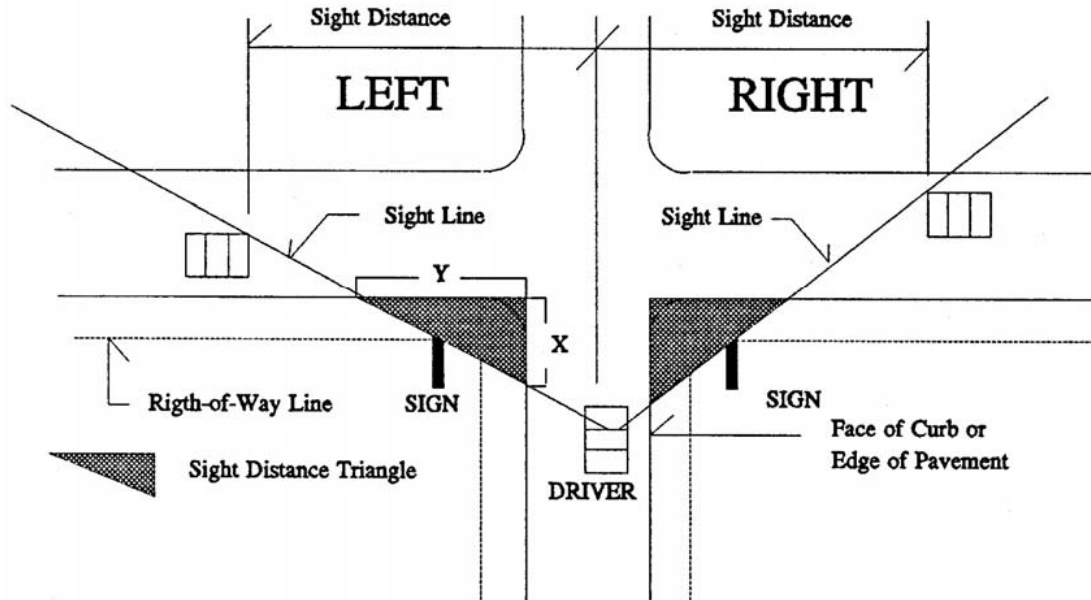
**Sight Distance Triangle Setbacks (See Figure 16)**

<b>Type of street</b>	<b>Y distances (feet)</b>	<b>X distances (feet)</b>	<b>Safe sight distance (feet)</b>
Arterial	Right 135 Left 270	15	500
Collector	Right 120 Left 220	15	400
Local	Right 100 Left 150	15	300

**Figure 16**

**Sight Distance Triangle Setbacks**

Note: All "X" distances shall be fifteen (15) feet measured perpendicular from the project flowline of the intersecting street. For explanation of distances, see the following diagram. These distances are typical sight distance triangles to be used under normal conditions and may be modified by the Director of Engineering in order to protect the public safety and welfare in the event that exceptional site conditions necessitate such modification.



**Requirements for Freestanding Signs**  
(See Accompanying Text Below)

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

***Requirements for Ground Signs***  
(See Accompanying Text Below)

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

- (2) The maximum size for ground and freestanding signs shall be ninety (90) square feet per side. The maximum height for freestanding signs shall be eighteen (18) feet above grade. The maximum height for ground signs shall be twelve (12) feet above grade. No freestanding or ground sign shall be built within fifteen (15) feet of any interior side lot line. The minimum horizontal distance between freestanding or ground signs located on the same lot shall be seventy-five (75) feet.
- (3) The maximum combined sign area of all faces of a freestanding or ground sign shall be two (2) times the maximum sign area allowed per side, based on setback. Any limitation imposed under this Article on the size of the face of a sign shall also apply to the entire side of the sign.
- (4) The required setback of any freestanding or ground sign shall be measured from the street right-of-way line of the street frontage which is the basis for the allotment of such sign. Any such setback shall be measured perpendicularly from the street right-of-way line to the nearest portion of the sign face or structure.
- (5) When a freestanding or ground sign is placed on a lot with two (2) or more street frontages, such sign shall be said to abut a particular street frontage when it is located closer to that street frontage than any other street frontage.
- (6) No more than one (1) permanent freestanding or ground sign per street frontage shall be permitted for any property or group of properties that were planned or developed with shared pedestrian or vehicle access. No permanent freestanding or ground sign shall contain more than three (3) cabinets or modules.
- (7) If a lot has more than one (1) street frontage, the freestanding or ground sign permitted for each frontage must abut the street frontage which is the basis for the allotment of such sign.

- (8) The sign face of a single face sign must be most nearly parallel to the abutting street frontage. The sign faces of a multi-face sign must be most nearly perpendicular to the abutting street frontage.
- (9) A drive through use, when located on a lot with frontage on only one (1) street, shall be permitted one (1) additional freestanding or ground that is physically oriented to the drive through lane. Such sign shall not exceed five (5) feet in height and thirty-five (35) square feet in area and shall be limited to one (1) face. Fifty (50) percent of the square footage of such sign shall be exempted from the total allowed for the property.
- (10) A drive-in use shall be permitted up to eight (8) square feet of signage at each drive-in station (including but not limited to menu boards, signs affixed to gasoline pumps, etc.), provided that the sign is physically oriented to the drive-in station. The square footage of such sign shall be exempted from the total allowed for the property.
- (11) All supporting structures of ground signs shall be of the same or similar materials or colors of the associated building(s) which house the businesses or activities advertised on the sign.
- (12) When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground.
- (13) Freestanding signs (pole signs) shall contain no more than thirty (30) percent (forty [40] percent if located within the site distance triangle as described in paragraph 3.8.7.1(G)(1) above) free air space between the top of the sign and the ground, vertically and between the extreme horizontal limits of the sign extended perpendicular to the ground. A base or pole cover provided to satisfy this requirement shall be integrally designed as part of the sign by use of such things as color, material and texture. Freestanding signs that existed prior to December 30, 2011, and that do not comply with this regulation shall be removed or brought into compliance by December 31, 2019, provided that such signs otherwise comply with subparagraph (A)(3)(b) of this Section.

(H) ***Projecting Signs.***

- (1) Signs projecting over private property shall not project more than six (6) feet from the face of the building or beyond the minimum required building setback for the zone district in which located. Such signs shall not exceed fifteen (15) square feet per face.
- (2) No sign may project over a public right-of-way in any zone district, except that signs eight (8) feet or more above grade may project up to forty-eight (48) inches from the face of the building if the total area for such signs is

the lesser of one (1) square foot of sign for each linear foot of building or twelve (12) square feet per face.

(3) No projecting sign shall exceed 7 feet in height.

- (I) ***Flush Wall Signs and Individual Letter Signs.*** No flush wall or individual letter sign shall exceed seven (7) feet in height. Flush wall and individual letter signs may not project more than twelve (12) inches horizontally from the face of the building on which they are erected. Flush wall and individual letter signs that are mounted on mansards or similar architectural features may not project more than twelve (12) inches horizontally, measured at the bottom of the sign, from the surface to which they are mounted. If the individual sections of an individual letter sign are connected by a common structure, commonly known as a "raceway," which provides for the electrical and/or mechanical operation of said sign, the "raceway" must be painted to match the color of the wall to which the sign is mounted and must be limited to a height of no more than one-half (½) of the height of the tallest letter.

...

(K) ***Awning Signs.***

- (1) No awning sign shall project above the top of the awning on which it is mounted. No awning sign shall project from the face of an awning. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building. Awnings on which awning signs are mounted shall be at least eight (8) feet above any public right-of-way, except that any valance attached to an awning may be no less than seven (7) feet above a public right-of-way.
- (2) Awning signs shall not be back-lit, except that letters and graphics may be back-lit if the background is completely opaque. The amount of signage on an awning shall be limited to the lesser of thirty-five (35) square feet per individual tenant space or twenty-five (25) percent of the total area of the awning. Awning signs shall not be allowed above the first story of a building.

(L) *Repealed as of August 25, 2017*

(M) ***Electrical Signs and Electronic Message Center Signs.***

- (1) Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs.

- (2) Illuminated signs shall avoid the concentration of illumination. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
- (3) Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, and all wiring connected to such sign shall comply with all provisions of the National Electrical Code, as adopted by the City.
- (4) Signs that contain an electronic message center shall be subject to the following limitations.
  - (a) The electronic message center must be programmed so that the displayed message does not change more frequently than once per minute and so that the message change from one (1) static display to another occurs instantaneously without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete in itself without continuation in content to the next message. Messages published by federal, state, or local government to communicate information to the public regarding an immediate threat to public health safety may be displayed notwithstanding the limitations set forth in this subsection (4)(a).
  - (b) The electronic message center must be provided with automatic dimming software or solar sensors to control brightness for nighttime viewing and variations in ambient light. Lighting from the message center shall not exceed three-tenths (0.3) foot-candles over the ambient light as measured using a foot-candle meter at the following distances from the face of the message center: thirty-two (32) feet for a sign face greater than zero (0) square feet and not more than ten (10) square feet per side; thirty-nine (39) feet for a sign face greater than ten (10) square feet and not more than fifteen (15) square feet per side; forty-five (45) feet for a sign face greater than fifteen (15) square feet and not more than twenty (20) square feet per side; fifty (50) feet for a sign face greater than twenty (20) square feet and not more than twenty-five (25) square feet per side; fifty-five (55) feet for a sign face greater than twenty-five (25) square feet and not more than thirty (30) square feet per side; fifty-nine (59) feet for a sign face greater than thirty (30) square feet and not more than thirty-five (35) square feet per side; sixty-three (63) feet for a sign face greater than thirty-five (35) square feet and not more than forty (40) square feet per side; and sixty-three (63) feet for a sign face greater than forty (40) square feet and not more than forty-five (45) square feet per side. Lighting measurements shall be taken with the meter aimed directly at the message center face,



with the message center turned off, and again with the message center turned on to a full white image for a message center capable of displaying a white color, or a full amber or red image for a message center capable of displaying only an amber or red color. The difference between the off and the white, amber or red message measurements shall not exceed three-tenths (0.3) foot-candles. All such signs shall contain a default mechanism that will cause the message center to revert immediately to a black screen if the sign malfunctions.

Prior to the issuance of a permit for a sign containing an electronic message center, the permit applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above. Prior to acceptance of the installation by the City, the permit holder shall schedule and inspection with the City Zoning Department to verify compliance. The permit holder and the business owner, business manager or property manager shall be in attendance during the inspection.

- (c) A displayed message must be presented in a single color, value and hue and the background must also be a single color, value and hue.
- (d) The maximum allowed size of an electronic message center shall be fifty percent (50%) of the total area of the sign face.
- (e) Electronic message centers shall be integrated harmoniously into the design of the larger sign face and structure, shall not be the predominant element of the sign, shall not be allowed on a freestanding pole sign, and if located at the top of the sign, must include a substantial cap feature above the electronic message center which consists of the same material, form, color or texture as is found on the sign face or structure.
- (f) With respect to sign permits issued after December 30, 2011, the pixel spacing of an electronic message center shall not exceed sixteen (16) mm, except that the maximum pixel spacing for a message center that is manufactured as a monochrome-only sign shall not exceed twenty (20) mm.
- (g) In the Downtown (D) District, wall signs with electronic message centers are not permitted on properties located within the boundaries of the Portable Sign Placement Area Map.
- (h) With respect to sign permits issued after December 30, 2011, no more than one (1) electronic message center sign shall be allowed

to face each street abutting or within any property and/or site specific development plan. The minimum horizontal distance between electronic message center signs located on the same side of a street shall be one hundred (100) feet measured in a straight line.

- (i) An electronic message center located inside a building but visible from a public sidewalk or public street is subject to all of the regulations contained in this subsection.
- (j) Signs that contain an electronic message center which do not comply with the provisions of this Section shall be removed or made to conform by the dates specified in subparagraphs 1., 2. and 3. below and provided that such signs otherwise comply with subparagraph 3.8.7.1(A)(3)(b).

- 1. Electronic message centers that contain dimming software or solar sensors capable of meeting the brightness levels described in subparagraph 3.8.7.1(M)(4)(b) shall be required to comply with such levels by January 31, 2012, and all electronic message centers located inside a building but not visible from a public sidewalk or public street shall be required to comply with paragraph 3.8.7.1(M)(1) and subparagraphs 3.8.7.1(M)(4)(a) and (c) by January 31, 2012.

Except as otherwise required in subparagraph (j)1. above, all signs that do not comply with the requirements of subparagraphs 3.8.7.1(M)(4)(a), (b) and/or (c) shall be made to comply with those requirements by December 31, 2015.

- 3. Structural changes or sign removal that may be required in order to comply with the requirements of subparagraphs 3.8.7.1(M)(4)(d), (e) and/or (g) shall be completed by December 31, 2019.

(N) *Repealed as of August 25, 2017*

(O) ***Structural Requirements; Exceptions.***

- (1) All signs shall be maintained in good structural condition at all times. All signs, including sign structures and sign faces, shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant metals, and in a general state of good repair. For the purposes of this Section, good repair shall mean that there are no loose, broken or

severely weathered portions of the sign structure or sign face. The Director may inspect any sign governed by this Division and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

- (2) Permanent signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.

- (P) ***Off-Premise Signs.*** No off-premise sign shall be constructed in any zone district after February 25, 1994. No illumination shall be added to any off-premise sign already in existence.

- (Q) ***Vehicle-Mounted Signs.***

...

- (5) Banners displayed on vehicles shall be subject to the regulations contained in Section 3.8.7.2.

...

- (R) ***Removal of Abandoned Sign(s).*** Abandoned sign(s) shall be removed by the person or entity owning or having possession of the property.

...

Section 3. That Article 3 of the Land Use Code is hereby amended by the addition of a new Section 3.8.7.2 which reads in its entirety as follows:

### **3.8.7.2 – Temporary Signs**

- (A) ***Applicability.*** The regulations contained in this Section 3.8.7.2 apply to temporary signs while permanent signs are regulated under Land Use Code Section 3.8.7.1 unless specifically provided herein.

- (B) ***Measurements.***

- (1) ***Sign Area.***

- (a) ***Generally.*** In general, 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 contents from the background against which they are placed.

- (b) *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, 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.
  - (c) *Multiple Sign Faces.* Freestanding temporary signs may have multiple faces. The area of such signs is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane (e.g., for a sign with two opposite faces on the same plane, only one of the sign faces is measured).
- (2) *Sign Height.* Sign height is measured for detached temporary signs as the distance between ground level at the base of the sign and the top of the sign or sign structure, whichever is higher.
  - (3) *Property Frontage.* Property frontage is measured as the length of each property boundary that abuts a public street right-of-way.

(C) ***Prohibited Signs and Sign Elements.***

- (1) *Generally.* The prohibitions in this Section apply to temporary signs in all zone districts of the City.
- (2) *Prohibited Sign Structures.* The following sign structures are not allowed:
  - (a) portable signs, except as permitted in the Code of the City of Fort Collins Chapter 24, Article IV;
  - (b) wind-driven signs except feather flags, banners, and pennants in compliance with this Section 3.8.7.2;
  - (c) inflatable signs;
  - (d) abandoned signs;
- (3) *Prohibited Design Elements.* The following elements shall not be incorporated as an element of any sign or sign structure:
  - (a) animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light; except as expressly allowed in this Section 3.8.7.2;

- (b) cardboard, card stock, or paper, except when laminated or used as a window sign located on the interior side of the window;
- (c) motor vehicles, unless:
  - 1. the vehicles are operational, and either:
    - a. automobile dealer inventory; or
    - b. regularly used as motor vehicles, with current registration and tags;

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 if the vehicle were in motion are not allowed); and
  - 3. the motor vehicle is legally parked in a vehicle use area depicted on an approved site plan.
- (d) semi trailers, shipping containers, or portable storage units, unless:
  - 1. the trailers, containers, or portable storage units are:
    - a. structurally sound and capable of being transported;
    - b. used for their primary purpose (*e.g.*, storage, pick-up, or delivery); and
    - c. if subject to registration, have current registration and tags; and

the display of signage is incidental to the primary purpose; and
  - 3. the semi-trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
- (e) stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch) that are placed in unapproved outdoor storage locations;

- (f) 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 the standards set forth in the Manual on Uniform Traffic Control Devices;
  - (g) rooftop signs and all other signs which project above the fascia wall.
- (4) *Prohibited Obstructions.* In no event shall a temporary sign obstruct the use of:
- (a) building ingress or egress, including doors, egress windows, and fire escapes;
  - (b) operable windows (with regard to movement only, not transparency);
  - (c) equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
- (5) *Prohibited Mounts.* No temporary sign shall be posted, installed, mounted on, fastened, or affixed to any of the following:
- (a) any tree or shrub;
  - (b) any utility pole or light pole, unless:
    - 1. the sign is a banner or flag that is not more than 10 square feet in area;
    - the owner of the utility pole or light pole consents to its use for the display of the banner or flag;
    - 3. 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;
    - 4. 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 is at least eight feet above grade; and
    - 5. any applicable City encroachment and banner permits are obtained.

(c) utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).

(6) *Prohibited Locations.* In addition to applicable setback requirements and other restrictions of this Section 3.8.7.2, no sign shall be located in any of the following locations:

(a) in or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:

1. 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;

signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement;

3. portable signs permitted pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV; or

4. signs posted by the City or jurisdiction that owns or maintains the right-of-way.

(b) within any sight distance triangle that is described in Section 3.8.7.1.

(D) ***Temporary Sign Districts.***

(1) *Generally.* In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, signs shall be regulated based on sign district in which they are located.

(2) *Temporary Sign Districts Created.* The following sign districts are created: Downtown, Commercial/Industrial, Multifamily, and Single-Family. Sign districts shall correspond to zoning districts as provided in Table D, Temporary Sign Districts.

<b>Table D</b>	
<b>TEMPORARY SIGN DISTRICTS</b>	
Sign District	Corresponding Zoning Districts
Downtown	D; R-D-R

<p style="text-align: center;"><b>Table D</b> <b>TEMPORARY SIGN DISTRICTS</b></p>	
Sign District	Corresponding Zoning Districts
Commercial/Industrial	T; C-C; C-C-N; C-C-R; C-G; C-S; C-L; H-C; E; I
Multifamily/Mixed-Use	L-M-N; M-M-N; N-C-M; N-C-B; H-M-N; N-C
Single-Family	R-U-L; U-E; R-F; R-L; N-C-L; P-O-L; R-C

(E) ***Standards for Attached Temporary Signs.***

- (1) *Generally.* The standards of this Section apply to temporary signs that are attached to buildings. Temporary signs that are not attached to buildings are subject to the standards of Section 3.8.7.2(F). The standards of this Section are applied in conjunction with all other applicable standards. Duration of display is limited by Section 3.8.7.2(G).
- (2) *Attached Temporary Banners and Pennants.* Attached temporary banners and pennants may only be displayed provided a permit is obtained pursuant to Section 3.8.7.2(I).
- (3) *Temporary Sign Covers.* Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed 40 days in which a new permanent sign or sign component is being fabricated and such sign or sign component is permitted and installed in accordance with Section 3.8.7.1.
- (4) *Temporary Window Signs.*
  - (a) Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the transparency standards of Section 3.8.7.1 are met as to the combination of temporary and permanent window signs.
  - (b) 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.

(F) ***Standards for Detached Temporary Signs.***

- (1) *Generally.* The standards of this Section apply to temporary signs that are not attached to buildings. Temporary signs that are attached to buildings are subject to the standards of Section 3.8.7.2(E). The standards of this Section (F) are applied in conjunction with all other applicable standards of this Section 3.8.7.2. Duration of display is limited by Section 3.8.7.2(G).



- (2) *Detached Temporary Signs.* Detached temporary signs are allowed according to the standards in Table F, Detached Temporary Signs. Detached temporary sign types that are not listed in Table F (including but not limited to inflatable signs) are not allowed. Detached banners and pennants may only be displayed provided a permit is obtained pursuant to Section 3.8.7.2(I). Portable signs may only be displayed provided a permit is obtained pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV.

<b>Table F</b> <b>DETACHED TEMPORARY SIGNS</b> (sf. = square feet / ft. = linear feet / N/A = not applicable)				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multifamily/Mixed Use	Single-Family
<b>Yard Signs</b>				
Max. #	Single-Family and Duplex Residential Buildings: Not Limited  Multi-Family Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof  Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof	Single-Family and Duplex Residential Buildings: Not Limited  All other uses: 2 per vehicular access point	Single-Family and Duplex Residential Buildings: Not Limited  Multi-Family Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof  Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof	Residential Buildings: Not limited  Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof
Max. Sign Area (per sign)	6 sf.	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None	None	None	None
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs

<b>Table F</b> <b>DETACHED TEMPORARY SIGNS</b> (sf. = square feet / ft. = linear feet / N/A = not applicable)				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multifamily/Mixed Use	Single-Family
Other Standards	Must be installed in permeable landscaped area.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension, not more than 10 ft. from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension
<b>Site Signs</b>				
Max. #	Residential Buildings: Not Limited  Nonresidential and Residential Mixed Use Buildings: 1 per property	1 per 600 ft. of property frontage or fraction thereof	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs
Max. Sign Area	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External, down directional and concealed light source	External, down directional and concealed light source	External, down directional and concealed light source	External, down directional and concealed light source
Setbacks and Spacing	2 ft. from front property lines  10 ft. from all other property lines  10 ft. from all other signs  12 ft. from building walls	2 ft. from front property lines  10 ft. from all other property lines  10 ft. from all other signs  12 ft. from building walls	2 ft. from front property lines  10 ft. from all other property lines  10 ft. from all other signs  12 ft. from building walls	2 ft. from front property lines  10 ft. from all other property lines  10 ft. from all other signs  12 ft. from building walls

<b>Table F</b> <b>DETACHED TEMPORARY SIGNS</b> (sf. = square feet / ft. = linear feet / N/A = not applicable)				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multifamily/Mixed Use	Single-Family
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area
<b>Swing Signs</b>				
Max. #	Not allowed	Not allowed	1 per property frontage	1 per property frontage
Max. Sign Area	N/A	N/A	5 sf., including riders	5 sf., including riders
Max. Sign Height	N/A	N/A	5 ft.	5 ft.
Allowed Lighting	N/A	N/A	None	None
Setbacks and Spacing	N/A	N/A	2 ft. from all property lines	2 ft. from all property lines
Other Standards	N/A	N/A	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area
<b>Feather Flags</b>				
Max. #	1 per 100 ft. of property frontage or fraction thereof; may be clustered	1 per 100 ft. of property frontage or fraction thereof; may be clustered	1 per 100 ft. of property frontage or fraction thereof; may be clustered	Not allowed
Max. sign area	40 sf.	40 sf.	40 sf.	N/A
Max. sign height	15 ft.	15 ft.	15 ft.	N/A

<b>Table F</b> <b>DETACHED TEMPORARY SIGNS</b> (sf. = square feet / ft. = linear feet / N/A = not applicable)				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multifamily/Mixed Use	Single-Family
Other Standards	Not allowed if freestanding banner is present  Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	Not allowed if freestanding banner is present  Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	N/A

(G) ***Duration of Display of Temporary Signs.***

- (1) *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 Section 3.8.7.1.
- (2) *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 G1, Classification of Temporary Sign Materials.

<b>Table G1</b> <b>Classification of Temporary Sign Materials</b>					
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					✓

(3) *Duration of Display.*

(a) In general, a temporary sign shall be removed as of the earlier of the date that:

1. it becomes an abandoned sign; or

it falls into disrepair (see Section 3.8.7.2(H)); or

3. the number of days set out in Table G2, Duration of Temporary Sign Display by Material Class, expires.

<b>Table G2</b> <b>Duration of Temporary Sign Display by Material Class</b>						
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>
Window Sign	30 days per sign	30 days per sign	30 days per sign	30 days per sign	30 days per sign	30 days per sign
Feather Flags	Not Allowed	Not Allowed	20 days	Not Allowed	Not Allowed	20 days

**TABLE NOTES:**

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

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

(4) *Administrative Interpretations.* Materials for signage that are not listed in this Section 3.8.7.2(G) may be introduced into the market. When a material is proposed that is not listed in this Section 3.8.7.2(G), the Director shall determine the class of materials with which the new material is most closely comparable, based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than a site sign constructed of class 5

material, regardless of the durability material (although such a sign may be permissible under Land Use Code Section 3.8.7.1).

(H) ***Temporary Sign Maintenance.*** Temporary signs and temporary sign structures of all types shall be maintained as follows:

- (1) *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.
- (2) *Mineral Deposits and Stains.* Mineral deposits and stains shall be promptly removed.
- (3) *Damage.* Temporary signs that are obviously damaged shall be removed within 24 hours.
- (4) *Upright, Level Position.* Signs that are designed to be upright and level shall be installed and maintained in an upright and level position. Feather flag poles shall be installed in a vertical position. Signs that are not upright and level shall be removed or restored to an upright, level position.

(I) ***Banners and Pennants.***

- (1) Attached unframed banners, detached banners, and attached and detached pennants are allowed in any zone district pursuant to the restrictions in below Table I provided a permit is obtained from the Director. The Director shall issue a permit for the display of banners and pennants only in locations where such banners and pennants will not cause unreasonable annoyance or inconvenience to adjoining property owners or other persons in the area and on such additional conditions as deemed necessary to protect adjoining premises and the public. All banners and pennants shall be removed on or before the expiration date of the permit. If any person, business or organization erects any banners or pennants without receiving a permit, as herein provided, the person, business or organization shall be ineligible to receive a permit for a banner or pennant for the remainder of the calendar year.
- (2) Each business or non-profit entity or other organization, and each individual not affiliated with an entity or organization, shall be eligible to display banners and pennants pursuant to a valid permit for a maximum of 40 days per calendar year.
- (3) The Director shall review a banner or pennant permit application within two business days to determine completeness. If it is complete, the Director shall approve or deny the application within three business days

after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one business day of the determination, along with written reasons for the determination of incompleteness.

- (4) Notwithstanding the size and time limitations contained in Table I, noncommercial banners or pennants may be larger in size and displayed for such additional periods of time as may be established by the City Manager during community events that, in the judgment of the City Manager, advance a goal or policy of the City Council and contribute to the health, safety or welfare of the City.

<b>Table I</b> <b>ATTACHED UNFRAMED BANNERS AND PENNANTS</b> (sf. = square feet / ft. = linear feet / N/A = not applicable)				
Standard	Sign District			
	Downtown	Commercial-Industrial	Multifamily/Mixed Use	Single-Family
Max. # on each building elevation	1	1 per 300 ft. of building elevation or fraction thereof, but not more than 3 banners per building	1	Residential Buildings: Not Allowed Nonresidential Buildings: 1
Max. Sign Area	40 sf.	40 sf.	40 sf.	Residential Buildings: N/A Nonresidential Buildings: 40 sf.
Allowed Lighting	None	External	None	None
Max. Sign Height	7 ft.	7 ft.	4 ft.	4 ft.
Other Standards	None	If more than one banner is allowed on a building elevation, banners may be clustered	None	None

<b>DETACHED BANNERS AND PENNANTS</b>				
Max. #	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Not allowed
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	40 sf.
Allowed Lighting	None	None	None	None
Max. Sign Height (applies to freestanding banner frames)	6 ft.	6 ft.	6 ft.	6 ft.

- (5) For banners and pennants in all sign districts, the following shall apply:
- (a) mounting hardware shall be concealed from view;
  - (b) banners shall be stretched tightly to avoid movement in windy conditions;
  - (c) all banners that are installed in banner frames shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame;
  - (d) banners are not allowed if any of the following are present on the property: feather flag, yard sign, site sign, or swing sign;
  - (e) any common line of pennants must be stretched tightly to avoid movement in windy conditions.

Section 4. That Section 5.1.2 of the Land Use Code is hereby amended by the addition, amendment or deletion of the following definitions only:

*Banner* shall mean a type of temporary or permanent sign that is painted or printed on cloth, vinyl, or other flexible material, that is designed to be stretched between poles, fence posts or wire, mounted in a free-standing frame, or hung on walls with ties, clips,



rails, brackets, hooks, or banner frames. The definition of “banner” does not include “flag” or “feather flag.”

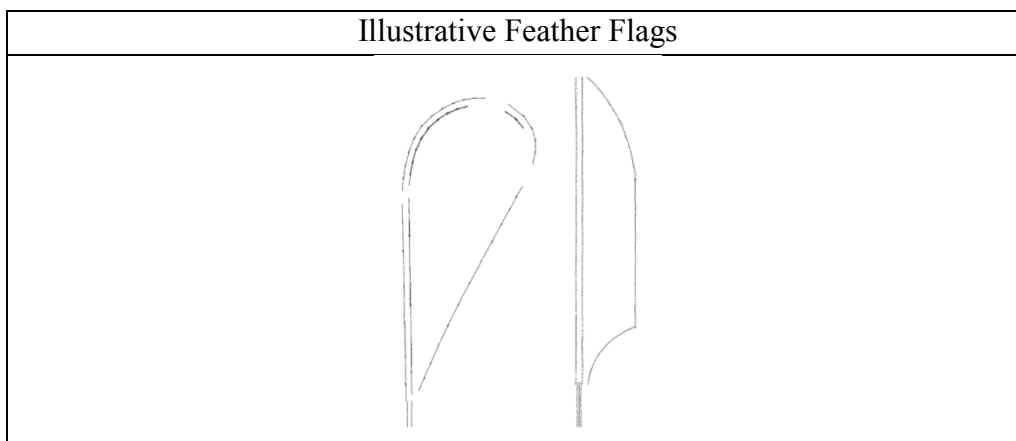
*Banner, framed* shall mean (depending upon the context): (i) a type of temporary sign if displayed for 40 days or less and a flush wall sign when displayed for more than 40 days composed of a frame that is secured to a building wall and used to stretch banners such that they are tightly stretched and their mounting hardware is hidden from view; or (ii) a structure that is anchored to the ground, that provides a frame for stretching banners such that they are tightly stretched and their mounting hardware is hidden from view. Frames upon which banners are mounted must be designed to visually blend into the surface upon which they are mounted.

*Building elevation*, for purposes of Sections 3.8.7.1 and 3.8.7.2 only, shall mean the external face of a building, projected onto a two-dimensional plane. For purposes of calculating the allowed number of signs or sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

*Electronic message center*, or *EMC*, shall mean the portion of an on-premise ground or wall sign that is capable of displaying words or images that can be electronically changed by remote or automatic means.

*Flag* shall mean 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 include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message. Flags are considered to be a type of sign.

*Flag, feather* shall mean a flexible piece of fabric that is attached to a flexible pole along a long edge such that the pole stretches the fabric taut regardless of wind conditions. Feather flags are also commonly referred to as “teardrop banners,” “teardrop flags,” and “flutter flags.” Feather flags are considered to be a type of sign.



*Pennant* shall mean a narrowing or tapering flag or similar shape that is two (2) square feet in size or less, that is repeated along a common line and is not attached to a flag pole.

*Principal building entrance*, for purposes of Sections 3.8.7.1 and 3.8.7.2 only, shall mean a street-level 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).

*Property*, for purposes of Sections 3.8.7.1 and 3.8.7.2 only, shall mean the real property, or group of real properties that were planned or developed with shared pedestrian or vehicle access, upon which a sign or signs are displayed.

*Property frontage*, for purposes of Sections 3.8.7.1 and 3.8.7.2 only, shall mean the length of a front, side, or rear property line that abuts a public street right-of-way.

*Rider* shall mean a subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as “for sale,” a rider is often used to convey a related message such as “contract pending.”

*Sign* shall mean any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the premises upon which it is situated, or is used as a means of identification, advertisement or announcement. The term *sign* shall not include the following:

- (1) window of merchandise or products;
- (2) works of art that in no way identify the name of a business and which in the judgment of a reasonably prudent person are not displayed in conjunction with a commercial enterprise for the purpose, or with the effect, of advertising a product or service offered by a business located on the property where such work of art is displayed;
- (3) signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way;
- (4) traffic and other official signs of any public or governmental agency;

- (5) products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials; and
- (6) a sign that has been found by the Landmark Preservation Commission to have been an integral part of a building designated as a historic landmark, and is a contributing feature of the historic character of such building.

*Sign, abandoned* shall mean 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 sixty (60) days or more.

*Sign, attached* shall mean a flush wall sign, a window sign, or a projecting sign.

*Sign, detached* shall mean a sign that is not attached to or located inside of a building.

*Sign face* shall mean the surface area of a sign that is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

*Sign, flush wall* shall mean any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Framed banners attached directly to the building fascia, are considered to be a type of flush wall sign. Unframed banners attached directly to the building fascia are not a considered to be flush wall signs and shall be subject to the banner regulations contained in Section 3.8.7.2.

*Sign, individual letter* shall mean a type of flush wall sign consisting of individual letters, incised letters, script or symbols with no background material other than the wall of the building to which the letters, script or symbols are affixed.

*Sign, inflatable* shall mean a sign that is constructed from an envelope of flexible material that is given shape and / or movement by inflation.

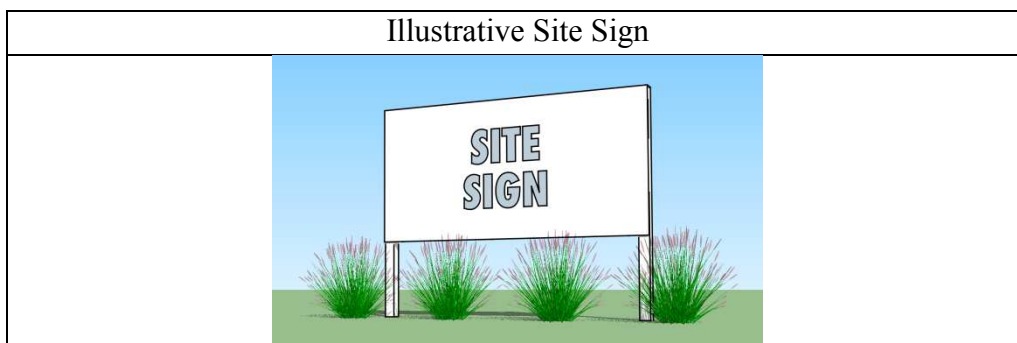
*Sign, portable* shall mean (depending upon the context): (1) a temporary sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it, or (2) any outdoor display of a product, merchandise or material which, by reason of its

location or manner of display, is intended primarily to attract attention to the product, merchandise or material, or the premises upon which it is situated.

*Sign, sidewalk* shall mean a type of portable sign that is designed to be placed upon a hard surface in order to attract the attention of pedestrians.



*Sign, site* shall mean a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, that is displayed on a structure that includes at least two posts.



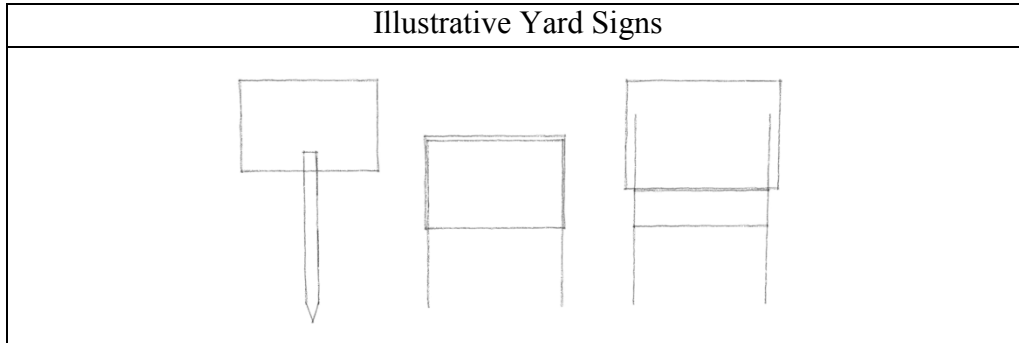
*Sign, swing* shall mean a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

*Sign, temporary* shall mean a sign that is designed or intended to be displayed for a short period of time.

*Sign, vehicle-mounted* shall mean any sign that is painted on, affixed to or otherwise mounted on any vehicle or on any object that is placed on, in or attached to a vehicle. For the purposes of this definition, the term vehicle shall include trucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, semi-tractors or any other motorized or nonmotorized transportational device, whether or not such vehicle is in operating condition.

*Sign, wind-driven* shall mean any sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, inflatable signs, or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

*Sign, yard* shall mean 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.



*Temporary sign cover* shall mean a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

*Window transparency*, for purposes of Sections 3.8.7.1 and 3.8.7.2 only, shall mean the surface 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.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2017, and to be presented for final passage on the 15th day of August, A.D. 2017.

---

Mayor

ATTEST:

---

City Clerk

Passed and adopted on final reading on this 15th day of August, A.D. 2017.

---

Mayor

ATTEST:

---

Interim City Clerk