

**A BILL FOR AN ORDINANCE**

**ORDINANCE NO. 14**

**SERIES OF 2022**

**INTRODUCED BY: MAYOR PRO TEM KERBER**

**AN ORDINANCE AMENDING THE GREENWOOD VILLAGE MUNICIPAL CODE REGARDING THE PLANNED SIGN PROGRAM AND SIGN VARIANCE CRITERIA**

WHEREAS, the Greenwood Village Planning and Zoning Commission is tasked with hearing and ruling on requests for commercial signage made under the Village's Planned Sign Program, codified in section 16-21-490 of the Greenwood Village Municipal Code; and

WHEREAS, the Commission and City Council are desirous of modifying the Planned Sign Program and other provisions in the Village's sign code to reflect the desire of the City Council regarding commercial signage, and to reduce the number of Planned Sign Programs by including a sign variance procedure for commercial signage in developments having fewer than ten retail tenants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. Section 16-21-410 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-21-410. - Intent and applicability.

(a) This section is intended to:

- (1) Provide for the orderly control of signs to protect aesthetic qualities by preventing visual clutter, protecting scenic views and preserving the City's character by favoring fewer signs rather than more; dimmer signs rather than brighter; smaller signs rather than larger; and shorter signs rather than taller;
- (2) Protect the visual environment by regulating and controlling the type, location, illumination and physical dimensions of signs and sign structures;
- (3) Permit the use of signs only as necessary for adequate identification, direction, and notification in order to promote the welfare of the citizens and businesses of Greenwood Village;
- (4) Preserve the right of free speech and expression; and
- (5) Reduce hazards that result from signs that obscure or distract the vision of motorists, bicyclists, and pedestrians.

(b) Applicability.

(1) This Division shall apply to all signs in the City unless otherwise specified below or provided for in a Special Use Permit (SUP), Final Development Plan (FDP), Site Development Plan (SDP), Master Development Plan (MDP), or Planned Unit Development (PUD).

Section 2. Section 16-21-430 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-21-430. - Prohibited signs.

(a)The following signs are specifically prohibited in Greenwood Village unless allowed by a Planned Sign Program or Sign Variance:

- (1) Signs with spinning or moving parts;
- (2) Search lights or projected light displays, except temporary projected light displays customarily associated with national, local, or religious celebrations;
- (3) Light bulb strings intended to draw attention to a business as opposed to providing ambient lighting, except temporary decoration or displays customarily associated with national, local, or religious celebrations;
- (4) Signs painted on or affixed to benches;
- (5) Animated, flashing or moving signs where any part of the message or sign itself changes position or color by movement whether mechanically or manually;
- (6) Inflatable signs, balloons or similar types of "lighter than air" objects tethered to the ground or wall by lines or other method;
- (7) Building-mounted signs projecting above the highest point of the roof line, parapet, or fascia of the building, or signs on walls enclosing mechanical equipment;
- (8) Cabinet signs other than logos;
- (9) Signs in the public right-of-way;
- (10) A-frame signs other than sandwich board signs used for traffic control, the design and location of which have been approved in advance by the Director of Community Development;
- (11) Changeable copy or changeable color signs, any portion of which provides for temporary or changeable type, copy, logo, color, or any other graphic, by manual or electronic means, including electronic message displays with a fixed or changing display;
- (12) Off-site signs, including hand held signs, that announce, direct attention to, identify or advertise a service, business, location or activity that is not located on the same premises;
- (13) Signs on vehicles parked and visible from the public right-of-way, unless:
  - a. The vehicles are functional, used as motor vehicles, and have current registration and tags;

- b. The display of signage is incidental to the motor vehicle use; and
- c. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building.

(14) Signs that emit sound;

(15) Signs on umbrellas displayed in outdoor eating or outdoor dining areas;

(16) Signs erected at a street intersection so as to create a traffic hazard by obstructing vision, or at a location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign;

(17) Signs which contain iridescent, florescent or "day-glo" colors;

(18) Signs located within or project over a public right-of-way except that pedestrian-oriented blade signs that project perpendicular from a structure or hangs beneath a canopy or arcade may project over a public sidewalk when expressly permitted by a Sign Variance, Planned Sign Program (PSP), Special Use Permit (SUP), Final Development Plan (FDP), Site Development Plan (SDP), Master Development Plan (MDP), or Planned Unit Development (PUD);

(19) Commercial wraps on stationary outdoor objects such as ice machines and dumpsters;

(20) Any sign on any fence or painted or affixed on or to any fence set back five (5) feet or less from the rights-of-way; and

(21) Any sign attached to landscaping elements or other natural objects other than neighborhood identity signs.

Section 3. Section 16-21-460 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-21-460. - Sign illumination.

(a) Illuminated signs are subject to the following conditions:

(1) Sign illumination shall not create a hazardous glare for pedestrians or vehicles on adjacent properties or public ways.

(2) Sign illumination shall be turned off at 10:00 p.m. or one (1) hour after close of business, whichever is later. Illuminated scoreboards must be turned off when fields are not in use.

(3) The light source, whether internal to the sign or external, shall be shielded from view and diffused through an external translucent surface if contained within the sign itself. This shall not preclude the use of exposed neon when approved as part of a Planned Sign Program or SDP.

(4) Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any adjacent properties or public ways.

(5) Signs shall not be illuminated in Residential districts other than neighborhood identity signs.

(6) Internally illuminated signs, including monument signs, wall signs and projecting signs shall have dark backgrounds with light lettering.

Section 4. Section 16-21-475 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-21-475. – Sign Variances.

(a) A Sign Variance must be requested for any sign that deviates from the standards set forth in this Division, except for signs in retail centers with ten or more retail tenants or retail tenant spaces which must seek approval for variances through a Planned Sign Program.

(b) Submittal Requirements. The submittal requirements for a Sign Variance application are set forth in the submittal requirements table.

(c) Steps. The steps required to process a Sign Variance application are set forth in the review process table.

(d) General Regulations.

(1) The applicant shall notify landowners by mail of the date, time, and place of the hearing in accordance with the notification required for Planned Sign Programs.

(2) The Planning and Zoning Commission shall review the completed application, along with the concerns of the public and the criteria for review, and shall deny, approve or approve with conditions at a public hearing to be held within ninety (90) days of submittal.

(e) Criteria for Approval. Prior to approval of a Sign Variance, the Planning and Zoning Commission shall find that:

(1) Application of the sign regulations would result in peculiar, exceptional, or undue hardship on the property owner which is not self-imposed; and

(2) The proposed sign variance adheres to the Greenwood Village guiding principles for signage: fewer signs rather than more; dimmer signs rather than brighter; smaller signs rather than larger; and shorter signs rather than taller; and

(3) The proposed sign variance is the least deviation from the Land Development Code to achieve relief for the property owner's peculiar, exceptional, or undue hardship; and

(4) The proposed signs are to be of high-quality, and criteria to include, but not limited to: (a) the colors, materials, and architectural style and size are compatible with buildings on the site, (b) employ good design relationships, and (c) conform to the guiding principles of the Zoning Ordinance, Sign Code, Comprehensive Plan or an existing PSP.

Section 5. Section 16-21-490 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-21-490. Planned Sign Program.

(a) Description. Where deviations from the standards set forth for signage in this Division are desired for retail centers having ten or more retail tenants or retail tenant spaces a PSP is required. A PSP in existence prior November 14, 2022 that does not meet the ten or more retail tenants or retail tenant spaces may continue, but any changes to the signage allowed under such PSPs must follow either the provisions set forth in this Division or the variance process set forth in Section 16-21-475.

(b) Submittal Requirements. The submittal requirements for a PSP application are set forth in the submittal requirements table.

(c) Steps. The steps required to process a PSP application are set forth in the review process table.

(d) General Regulations.

(1) The applicant shall notify landowners by mail of the date, time, and place of the hearing in accordance with Section 16-2-270(b)(2)(d).

(2) The Planning and Zoning Commission shall review the completed application, along with the concerns of the public and the criteria for review, and shall deny, approve or approve with conditions at a public hearing to be held within ninety (90) days of submittal.

(3) The Plan submitted shall be written in a manner such that it is not specific to the content of particular signs, but rather identifies general regulations for all signage types, sizes, locations, and quantities within the retail development.

(4) Once a PSP is approved for an area, prior to permits being issued, signs for that area shall be reviewed to ensure compliance with the approved PSP.

(e) Criteria for Approval. Prior to approval of a PSP, the Planning and Zoning Commission shall find that:

(1) Application of the sign regulations would result in peculiar, exceptional, or undue hardship on the property owner which is not self-imposed; and

(2) The proposed PSP or amendment adheres to the Greenwood Village guiding principles for signage: fewer signs rather than more; dimmer signs rather than brighter; smaller signs rather than larger; and shorter signs rather than taller; and

(3) The proposed PSP or amendment is the least deviation from the Land Development Code to achieve relief for the property owner's peculiar, exceptional, or undue hardship; and

(4) The proposed signs are to be of high-quality, and criteria to include, but not limited to: (a) the colors, materials, and architectural style and size are compatible with buildings on the site, (b) employ good design relationships, and (c) conform to the guiding principles of the Zoning Ordinance, Sign Code, Comprehensive Plan or an existing PSP.

(f) Signs Affixed to Buildings.

(1) If allowed as part of a PSP, a sign located above a building facade (eave line) shall be integral with the building and an integral design feature of the building.

(2) Signs Affixed to Buildings Below Canopy. Any sign located beneath a canopy, arcade, marquee or other similar building projection shall not contain more than three (3) square feet in sign area and shall be located on a building frontage proximate to an entrance to the building in regular use by the general public.

(g) Ground Signs.

(1) Monument signs with architecturally compatible bases are encouraged in order to avoid a top-heavy appearance of the sign.

(2) Landscaping shall be proposed to minimize the visual impact of the base of ground signs.

(3) Joint retail tenant co-location of signage shall be incorporated, if applicable.

(h) Amendments.

(1) Description. An amendment to a PSP for retail centers having ten or more retail tenants or retail tenant spaces is required for any change, including without limitation changes in area, height, location, quantity, materials, letter style, illumination, or sign shape, provided, however, that changes in content to accommodate new retail tenants does not constitute the need for an amendment provided all regulations of the approved PSP are followed. An existing PSP for less than ten retail tenant or retail tenant spaces that is seeking an amendment must go through the variance process.

(2) Submittal requirements and steps. The submittal requirements and steps for an allowed amendment to a PSP shall be the same as the original PSP.

(3) Review criteria. In reviewing an amendment to an existing PSP as allowed in this section, the Planning and Zoning Commission shall consider the PSP criteria set forth above.

(4) Where a PSP is silent with regard to sign types, an amendment to a PSP is required for signs requiring a permit except for temporary banners.

(i) Conditions. The Planning and Zoning Commission may impose appropriate and reasonable, conditions on the approval of any PSP or amendment, including, but not limited to, conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications in order to address a legitimate governmental concern of health, safety, welfare or facilitating the orderly growth and expansion of the Village.

(j) Expiration/Lapse.

(1) A PSP shall lapse and have no further effect if no signs have been erected in compliance with the terms and conditions of the permit within one (1) year after the date of the PSP approval, or upon redevelopment of the property, unless the scope of redevelopment is limited and the decision-making body agrees that the PSP can remain in effect.

(2) The City Manager shall not refund any permit fees paid under this section if any PSP lapses or expires pursuant to this Subsection.

Section 6. Section 16-2-270(b)(2)(d) of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-2-270(b)(2)(d) Planned Sign Programs and Sign Variances.

1. Mailed notice shall be provided to record owners of all real property adjacent to any sign variance or planned sign program requests at least fifteen (15) days prior to the hearing.
2. Mailed notice shall also be provided at least fifteen (15) days prior to the hearing to all record owners of residential property within five hundred (500) feet of a proposed sign that will be visible to said residential properties.
3. Mailed notice shall also be provided at least fifteen (15) days prior to the hearing to the record owners of all residential property within one thousand (1,000) feet of a proposed sign that will be visible to said properties and which sign application requests a variation greater than one hundred fifty (150) percent of standards otherwise allowed by this Code.

Section 7. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

INTRODUCED AND APPROVED ON FIRST READING ON THE 3<sup>RD</sup> DAY OF OCTOBER, 2022, AND ORDERED PUBLISHED.

AS AMENDED

DocuSigned by:  
*George E. Lantz*  
5E21F86C662E4A5...  
George E. Lantz, Mayor

ATTEST:  
DocuSigned by:  
*Susan M Ortiz*  
5DB81BC3BA4643C...  
Susan M. Ortiz, MMC  
City Clerk



INTRODUCED AND APPROVED ON SECOND READING AS AMENDED ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2022, AND ORDERED PUBLISHED IN FULL.

DocuSigned by:  
*George E. Lantz*  
5E21F86C662E4A5...  
George E. Lantz, Mayor

ATTEST:  
DocuSigned by:  
*Susan M Ortiz*  
5DB81BC3BA4643C...  
Susan M. Ortiz, MMC  
City Clerk



EFFECTIVE: November 14, 2022