



**Land Use and Development Code Update Committee**  
**Monday, January 10, 2022, 6:00 PM**  
**Public Meeting Room / Eagle Town Hall**  
**200 Broadway, Eagle, CO 81631**

**ON-LINE MEETING**

*This agenda and the meetings can be viewed at [www.Townofeagle.org](http://www.Townofeagle.org).*

**PUBLIC WIFI - TOEG – townofeagle2019**

**MEETING ACCESS INFORMATION**

This will be an on-line meeting, hosted through Zoom.

Meeting access can be found here: <https://us06web.zoom.us/j/88128963317> | Meeting ID: 881 2896 3317

**6:00 PM MEETING CALLED TO ORDER**

1. Appoint committee Chairman and Vice Chairman

**APPROVAL OF MINUTES**

1. Minutes dated December 6, 2021

**DISCUSSION**

1. Interim Sign Code draft
2. Future agenda items

**ADJOURN**

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

*Nikki Davis*

Nikki Davis

Administrative Technician II



**MEETING MINUTES**  
**Land Use and Development Code Update Committee**  
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**MEETING ACCESS INFORMATION**

This was the first committee meeting, attended in-person.

**6:00 PM MEETING CALLED TO ORDER**

1. Advisory committee introductions and organization.

**COMMITTEE MEMBERS PRESENT**

Allison Kent, Rick Pylman, Scott Schlosser,  
Dawn Koenig, Jack Albertson,  
Scott Turnipseed, Kyle Hoiland

**COMMITTEE MEMBERS ABSENT**

Lee Hoover

**STAFF**

Chad Phillips – Community Development Director  
Peyton Heitzman – Planner I  
Jessica Lake – Planner I  
Nikki Davis - Administrative Tech II  
Elizabeth Garvin – Clarion Associates

**DISCUSSION**

1. LUDC Project Overview

Garvin provided a high-level summary of the project structure and established understanding of committee members' roles as an advisory group.

## 2. Code Assessment Overview

- Project Goals
  - Community priorities change quickly. The code should be timeless and forward thinking to address future technology and trends.
  - After adoption, the code should remain a living, dynamic document subject to regular maintenance and amendments. It also gives the community the chance to question whether anything has been left out. A process should be established that allows for easy, quick amendments.
  - Ensure the code implements the Elevate Eagle Comprehensive Plan.
  - Ensure the code aligns with other Town departments' standards, goals, and initiatives.
  - Develop a code that supports development and redevelopment.
  - Incorporate policies derived from the forthcoming innovative affordable housing assessment. This assessment will be specific to the Town of Eagle.
- Project Timeline
  - Phillips commented that accomplishing the code rewrite in the next year is realist. There are no 'lightning rod' items within this project.
- Code Assessment Overview feedback
  - Other long range planning documents should be included such as the Eagle River Corridor Plan, Town of Eagle Water Efficiency & Conservation Plan, and the Town's Net Zero Goal initiative.
  - Phillips commented that the Town of Eagle Strategic Plan is not really a land use policy document, despite having land use components within it. The document is an outline of Town Council's strategic vision.
  - Garvin noted that a new section for Sustainability, Resilience, and Hazards will be written into the new code.

## 3. Future agenda items

The committee will appoint a Chairman and Vice Chairman at the next meeting. The second meeting has been scheduled for Monday, January 10, 2022.

## **ADJOURN**

Meeting adjourned at 8:30 PM.

## Eagle LUDC Update Committee

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For our **January 10, 2022 meeting**, we are going to review the attached preliminary updates to the Eagle Sign Code.

The primary goals of the sign code update are to: (A) create a comprehensive set of sign regulations, and (B) to bring the regulations into compliance with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*. The *Reed* decision requires that sign regulations be content-neutral in drafting and application, which translates to a general rule that Town staff cannot be required to read the copy on a sign to regulate the sign. This means, for example, that a regulation establishing "the maximum height of real estate signs is 5 feet" is prohibited because the only way to know if a sign is a real estate sign is to read it.

The consultant team will give an overview of the sign code drafting process, input from the sign community focus group, and the next steps for this draft. [We then have three topics for Update Committee discussion on January 10:](#)

1. What is the size dividing line between a large sign and a billboard in Eagle?
2. Is the Town interested in allowing additional lighting for building wall signs and adjusting the lighting rules for cabinet box signs in commercial districts?
3. Should electronic message centers (digital signs) be allowed for gas stations and convenience store sites?

At the meeting, it will be helpful to talk about local examples for all three of these topics, so think about how you would answer these questions and collect any pictures that you want to share with the committee. This meeting will be virtual, so you'll be able to share screen to show images. If that's not your thing, please email your images to staff and we'll have them ready to share.

The draft includes the following **information for your review**:

1. Existing code language that has been carried forward and reorganized.
2. Drafting notes and comments that identify future changes to the draft or ask questions about current interpretation to allow the regulations to be clarified as needed.
3. Identification of **content-specific language** that might violate the U.S. Supreme Court's requirement that sign regulations be drafted in a content-neutral manner.
4. Identification of **terms** that need to be updated or clarified, usually to reflect current Town regulations and staffing.
5. Examples of sign regulations from other communities that help explain how the updated Eagle Sign Code will be organized.

The Update Committee is not responsible for replying to questions or comments in this draft.

# Chapter 4.19: Sign Code<sup>1</sup>

This preliminary document is a hybrid annotated outline and first working draft of the updated sign code. We have created a new organizational structure for the updated sign code and provided a brief description of the content that should be included in each section. We have also carried the current sign code into this draft and started to move the various standards into their new sections.

|                 |                                                  |                                     |
|-----------------|--------------------------------------------------|-------------------------------------|
| Section 4.19.01 | General Provisions .....                         | 4                                   |
| A.              | Purposes and Interests.....                      | 4                                   |
| B.              | Findings.....                                    | 4                                   |
| C.              | Savings and Severability.....                    | 4                                   |
| D.              | Noncommercial Message Substitution .....         | 5                                   |
| Section 4.19.02 | Applicability.....                               | 5                                   |
| A.              | Applicability .....                              | 5                                   |
| B.              | Sign Permit Required .....                       | 5                                   |
| C.              | Exemptions .....                                 | 5                                   |
| D.              | Prohibited Signs and Sign Locations.....         | 6                                   |
| E.              | Prohibited Content.....                          | 7                                   |
| Section 4.19.03 | Standards for Permanent Signs .....              | 8                                   |
| A.              | Attached Signs .....                             | 9                                   |
| B.              | Electronic Message Display (EMD) Signs.....      | 9                                   |
| C.              | Freestanding Signs .....                         | 9                                   |
| D.              | Sign Illumination .....                          | 9                                   |
| E.              | Lighting Standards .....                         | <b>Error! Bookmark not defined.</b> |
| F.              | Materials.....                                   | 12                                  |
| Section 4.19.04 | Permanent Sign Regulations by Zone District..... | 13                                  |
| A.              | Residential Zone Districts.....                  | 13                                  |
| B.              | Nonresidential Zone Districts.....               | 13                                  |
| C.              | Signs Permitted by Use Type.....                 | 17                                  |
| Section 4.19.05 | Standards for Temporary Signs .....              | 17                                  |
| A.              | Purpose and Intent .....                         | 17                                  |
| B.              | Permit and Display .....                         | 17                                  |
| C.              | Temporary Sign Types and Standards.....          | 17                                  |
| Section 4.19.06 | Temporary Signs Allowed by Zone District.....    | 18                                  |
| A.              | General Standards .....                          | 18                                  |

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<sup>1</sup> New Section 19

|                                                                  |    |
|------------------------------------------------------------------|----|
| B. Temporary Sign Substitution for Damaged Permanent Signs ..... | 19 |
| Section 4.19.07 Nonconforming Signs.....                         | 19 |
| Section 4.19.08 Installation and Maintenance .....               | 19 |
| A. Installation .....                                            | 19 |
| B. Maintenance.....                                              | 19 |
| C. Abandonment .....                                             | 19 |
| Section 4.19.09 Measurements and Calculations .....              | 20 |
| A. Applicability .....                                           | 20 |
| B. Sign Area .....                                               | 20 |
| C. Height and Clearance .....                                    | 20 |
| D. Setback, Separation, and Spacing .....                        | 20 |
| Section 4.19.10 Violation and Enforcement.....                   | 20 |
| A. Violation .....                                               | 20 |
| B. Enforcement.....                                              | 20 |
| Section 4.19.11 Definitions.....                                 | 21 |
| Section 4.19.12 Administration.....                              | 22 |
| A. Sign Permit.....                                              | 22 |
| B. Variance .....                                                | 23 |

## Section 4.19.01 General Provisions

This section identifies the Town’s purposes for regulating signs and the governmental interests furthered by these regulations. This section also includes sign-specific savings and conflicts clauses.

### A. Purposes and Interests<sup>2</sup>

The purpose and intent section establishes the policy reasons that are the basis for the Town’s regulation of signs. The ability to link sign regulation to reasonable and compelling local interests serves three purposes: First Amendment law requires specific policy reasons for the regulation of speech, identified policies provide baseline decision-making criteria, and these policies are important to supporting the Town’s decision-making if challenged. This section will describe the Town’s current and updated policy reasons for regulating signs, including any sign-related purposes from Elevate Eagle and the Town’s area plans.

The purposes of this chapter are to:

1. Reduce hazards to motorists and pedestrians.
2. Eliminate fire hazards caused by the size and placement of signs.
3. Reduce the possibility of injuries to those coming near or under signs.
4. Reduce needless and destructive competition among signs.
5. Reduce and eliminate confusion and conflicts caused between advertising signs, on the one hand, and traffic control signs and devices on the other hand.
6. Control and reduce insistent and distracting demand for attention from signs which can be injurious to the mental and physical well-being of the public and destructive to adjacent property values and the natural beauty of the Town.
7. Reduce visual degradation of the attractiveness of the Town.
8. Promote the health, safety, and public welfare of the Town, and its residents and visitors.

### B. Findings

This new section will provide the Town’s legal findings that underpin the sign regulations, including: support for the purposes of sign code: essential nature of content-neutrality, non-suppression of free speech, any incidental restrictions on speech are no greater than essential to further compelling Town interests, regulations are essential to preventing sign clutter, and certain classifications of speech (e.g., hate and obscenity) are not constitutionally protected

### C. Savings and Severability

This section will include a sign code-specific severability clause. The goal of a sign-specific severability clause is to ensure that if any provisions of the sign code are determined to be invalid, only those invalid portions of the code are “severed” from the rest of the code. This will be redundant to similar language in

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<sup>2</sup> Current 4.08.0101

the general provisions of the full LUDC, but we recommend including a sign-specific section because one of the litigation strategies in a sign code challenge is to ask to have the entire code declared invalid if any clause is declared invalid.

## D. Noncommercial Message Substitution

This new section will specify that a noncommercial message may be substituted for any legal commercial message.

## Section 4.19.02 Applicability

The Applicability section establishes the presumption that signs are subject to the sign code and required to be permitted unless the sign type is expressly exempt from regulation. This section will clearly identify which sign types and locations are subject to the sign code standards and which are not. This section organizes signs into: (1) those that are allowed subject to permitting requirements, (2) those that are allowed but that are exempt from permit requirements, and those that are prohibited. Note that exempt signs may still need to comply with these regulations, as described further in Sec. 4.19.02.C, below.

### A. Applicability<sup>3</sup>

The provisions of this chapter shall apply to all uses established or commenced on or after the effective date of the ordinance from which this Title is derived. For uses existing on this date, any lawfully existing sign shall be considered a legal nonconforming sign and as such may continue in use but may not be altered to refer to a new product, business, service, activity, condition or person and may not be used in a new or different location and shall be subject to Section 4.08.100.

### B. Sign Permit Required

~~Pursuant to the Uniform Sign Code, n~~No sign, as defined in this ~~Title~~chapter, shall be erected, re-erected, constructed, altered or maintained except in conformance with the **Uniform Sign Code** and this chapter and except after issuance of a sign permit by the **Building Official**. Every sign permit application shall also be subject to approval by the Town Planner, who shall review such application for conformance with this chapter and the Town's goals, policies and plans.<sup>4</sup>

### C. Exemptions<sup>5</sup>

This section will include carried-forward (and revise for user-friendliness) provisions from current Section 4.08.040, updated and reorganized into two categories: (1) Sign Regulation Exemptions for signs that are completely exempt from sign regulations, and (2) Sign Regulation Permit Exemptions for signs that may be installed without a permit but that are still subject to some aspect of the regulations, such as maximum size.

The following shall not require a sign permit, however, these exemptions shall not be construed as relieving the owner of a sign from the responsibility of erecting, maintaining and otherwise complying with the provisions of this chapter or any other law or ordinance regulating such exempted sign:

<sup>3</sup> Current 4.08.020, Applicability

<sup>4</sup> Current 4.08.040.A, Administrative review.

<sup>5</sup> Current 4.08.040.B, Administrative review.

Drafting Note: Content highlighted in blue can be interpreted as content-based and will be revised or eliminated.

1. Temporary signs, as set forth in Section 4.08.090;
2. Signs not visible beyond the boundaries of the lot or parcel on which they are located and not visible from any public right-of-way;
3. On-site traffic directional signs which do not exceed four square feet of sign area per face, which do not exceed six feet in height above level, and which do not carry any commercial message or identification;

Drafting Note: consolidate 2 and 3 which seem to regulate the same thing.

4. Non-illuminated traffic directional signs which do not exceed five square feet of sign area per face, and which are not visible from any adjoining property which is in any residential zone district or which is devoted wholly to a residential use;

Drafting Note: remove from sign code, would be installed by the Town

5. Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of his public duty;

Drafting Note: change this to a category of governmental signs.

6. Names of buildings, dates of erection, monumental citations and commemorative tablets which are carved into stone, concrete or similar permanent materials and which are constructed as integral part of a structure; and
7. Residential identification signs.

#### D. Prohibited Signs and Sign Locations<sup>6</sup>

1. The following signs are prohibited within the Town:
  - a. Signs which create a danger to motorists, pedestrians, or other members of the public due to the signs' size, construction, location, movement, content, coloring or manner of illumination. This prohibition includes signs which may be confused with or construed as official traffic control devices, signs which are structurally unsound, and other similar signs.
  - b. Signs which move or have any animated or moving parts, including, but not limited to, streamers, spinners, and other similar devices.
  - c. Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, except those giving the following public service information: time, date, temperature and weather.
2. Signs are prohibited in the following locations within the Town:
  - a. Within any public right-of-way or on property owned by the Town or Eagle County.
  - b. Any sign advertising a business other than those on the same lot that the sign is located.

<sup>6</sup> Current 4.08.050, Prohibited signs.

Drafting Note: The regulation of signs as “on-premises” and “off-premises” is still valid law, however, those attorneys who follow the U.S. Supreme Court for free speech issues seem to believe that the Court will eventually eliminate this distinction because it is speaker-based and not in keeping with the Court’s recent shift in *Reed v. Town of Gilbert* to more content-neutral regulations.

- c. Signs which hide from view any official traffic control device, signs which cause glare or which impair the vision of any motorist, signs which obstruct the view in any direction at an intersection.

## E. Prohibited Content<sup>7</sup>

This section will identify exceptions from the general requirement that content will not be regulated. Exceptions include content that is harmful to minors, obscene, defamatory, incitement to lawless behavior, threats, and content that is potentially confusing with respect to traffic controls and safety.

1. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency in accordance with constitutional standards.

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<sup>7</sup> Current 4.08.050, Prohibited signs.

## Section 4.19.03 Standards for Permanent Signs (NEW)

This new section will be designed to help code users identify the different types of permanent, on-premises signs – including those that have been renamed to comply with *Reed* - and as a location to collect and carry forward the repetitive standards related to those signs in a single location. Here is an example from another community:

### C. Awning or Attached Canopy Signs

1. Any awning or attached canopy projecting into any city right-of-way shall require an encroachment agreement.
2. All awning and attached canopy signs shall have a minimum clearance of nine feet over any pedestrian use area.
3. Above-canopy signage may extend up to 18 inches vertically above the top of the canopy to which it is attached. Above-canopy signage is not considered roof signage.
4. Signs that are attached below a canopy, awning, overhang or porch roof shall not extend beyond the width of such canopy, awning, overhang, or porch roof and shall have a clearance of not less than nine feet above the pedestrian walkway and shall not exceed three square feet in area. The awning or canopy must meet all state building code requirements for height and method of attachment.

Fig. 27-715.A: Sample Images of Awning Signs



Fig. 27-715.B: Sample Images of Canopy Signs



## A. Attached Signs

- A. Awning Signs
- B. Canopy Signs
- C. Marquee Signs
- D. Projecting Signs
- E. Roof Signs
- F. Wall Signs
- G. Window Signs

## B. Electronic Message Display (EMD) Signs

This section will include standards for electronic message display (EMD, digital) signs.

## C. Freestanding Signs

- A. Access Point Signs
- B. Billboards
- C. Monument Signs
- D. Pole Signs
- E. Structural Canopy Signs (Detached Canopy)

The current regulations do not appear to specifically address billboards. If the Town (or the Supreme Court) decides to eliminate the on-premises/off-premises requirement, this will be a topic to discuss.

## D. Sign Illumination<sup>8</sup>

This section will carry forward and update Section 4.08.060, Sign Lighting, and the various individual standards included throughout the current regulations. This section should be revised to work more closely with current Section 4.07.010, Lighting Standards so there is not repetitive regulation between the two sections.

Every sign that is illuminated shall comply with these requirements.

### A. Objectives

1. Provide quality, context-sensitive lighting for the Town mountain environment.
2. Sustain a pristine nighttime sky by controlling glare, light trespass, and light pollution.
3. Zero tolerance of light pollution and light trespass beyond property lines within and into residential areas.
4. Minimize light pollution and light trespass beyond property lines within and into commercial and industrial areas.

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<sup>8</sup> Current 4.08.060

5. Use proper shielding to eliminate glare at normal viewing angles from all high brightness sources.
6. Use lighting to create visual hierarchy which facilitates circulation and way finding.

**B. Prohibitions**

1. Signs which are lighted by any method other than by indirect illumination, except signs fronting on the I-70 Spur Road as provided in Section 4.08.080(F).

**Focus Group Comment:** Consider allowing halo lit signs.



2. All mercury vapor sources are outdated and are therefore prohibited. Existing fixtures should be modified to accommodate more current technologies such as metal halide or fluorescent lamp sources.

**Drafting Note:** Has this change been completed?

3. Any searchlight or laser light used for the purpose of advertising, or as a beacon, is prohibited.
4. Blinking, tracing, or flashing lights are prohibited.
5. High intensity discharge (HID) floodlighting is prohibited.
6. Fixtures with high brightness lamps and poor visual cutoff are prohibited.
7. Exterior neon sources such that the source can be directly viewed are prohibited. Backlight applications may be acceptable, and must conform to the same restrictions as cabinet signs.

**C. Exemptions**

1. Low voltage, ornamental landscape lighting which meets yard lighting and lamp shielding requirements is allowed.
2. Low-brightness, seasonal holiday lighting is allowed. Note that the National Electrical Code (Section 305-3) allows for temporary lighting installations for up to 90 days.
3. Lighting for the purpose of security must meet the criteria of each application category but may be exempted from specific control requirements.

**Drafting Note:** Move these exemptions to the outdoor lighting section, not signs.

**TABLE 4.19-1: LAMP SHIELDING CHART**

Key: None = no shielding (IESNA non-cutoff) Low = Low shielding (IESNA semi-cutoff) Medium = Medium shielding (IESNA full-cutoff) Full = Full shielding (lamp shielded from view outside of property) Full = Prohibited (see "exemptions")

| Lamp Wattage | Incandescent | Fluorescent | H.I.D. |
|--------------|--------------|-------------|--------|
| Less than 35 | None         | None        | N/A    |
| 36—75        | None         | None        | Low    |
| 76—100       | Low          | Low         | Medium |
| 101—150      | Medium       | Medium      | Medium |
| 151—250      |              |             | Medium |
| 251—500      |              |             | Full   |
| 501—1,000    |              |             | Full   |
| 1,001+       |              |             | Full   |

**Notes**

- [1] Requires a semi-cutoff fixture that emits sunlight above horizontal, but less than a non-cutoff fixture.
- [2] Requires a full cutoff fixture that allows no emission of light above horizontal.
- [3] Requires a fixture containing internal and/or external shields and louvers to provide brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

<sup>1</sup> Drafting Note: Reconnect footnotes to the table

**TABLE 4.19-2: SIGN LIGHTING**

|  | Sign Lighting                   | Acceptable Lamp Types                                               | Minimum Allowable Wattages                              | Controls                                    | Maximum Mounting Height |
|--|---------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|-------------------------|
|  | Residential                     | Sign lighting is prohibited in rural or standard residential areas  |                                                         |                                             |                         |
|  | Residential Multifamily         | Sign lighting is prohibited in residential multifamily areas        |                                                         |                                             |                         |
|  | Residential Multifamily Density | Sign lighting is prohibited in residential medium density areas     |                                                         |                                             |                         |
|  | Public Area                     | Compact fluorescent<br>Linear fluorescent<br>Incandescent           | (2)42 W max.<br>(2)32 W max.<br>100 W max.              | Sign lights on dusk to dawn                 | See notes below         |
|  | Commercial Limited              | Compact fluorescent<br>Linear fluorescent<br>H.I.D.<br>Incandescent | (2)42 W max.<br>(2)32 W max.<br>70 W max.<br>150 W max. | Sign lights on until one hour after closing | See notes below         |
|  | Commercial General              | Compact fluorescent<br>Linear fluorescent<br>H.I.D.<br>Incandescent | (2)42 W max.<br>(2)32 W max.<br>70 W max.<br>150 W max. | Sign lights on until one hour after closing | See notes below         |

**TABLE 4.19-2: SIGN LIGHTING**

|              | Sign Lighting                 | Acceptable Lamp Types                                               | Minimum Allowable Wattages                                | Controls                                    | Maximum Mounting Height |
|--------------|-------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------|-------------------------|
|              | Central Business District [1] | Compact fluorescent<br>Linear fluorescent<br>Incandescent           | (2) 42 W max.<br>(2) 32 W max.<br>100 W max.              | Sign lights on until one hour after closing | See notes below         |
|              | Industrial                    | Compact fluorescent<br>Linear fluorescent<br>H.I.D.<br>Incandescent | (2) 42 W max.<br>(2) 32 W max.<br>70 W max.<br>150 W max. | Sign lights on until one hour after closing | See notes below         |
| <b>Notes</b> |                               |                                                                     |                                                           |                                             |                         |

[1] Cabinet signs are prohibited in Central Business Districts

### 1. General Notes<sup>9</sup>

- a. The word "sign" refers to any object attached to or apart from a structure intended to convey advertising, image, or identification. **Note that the National Electrical Code (Section 305-3) allows for temporary lighting installations for up to 90 days.**

Drafting Note: Use general definition of sign here. Text in yellow (above and below) is not regulatory and also potentially not a sign regulation.

- b. Each proprietor is limited to one illuminated sign per establishment except in the CBD on corner lots.
- c. In all sign lighting, the source will be fully shielded from pedestrians and motorists.
- d. Sources should not be visible from inside the associated building or from surrounding buildings.

### 2. Externally Lighted Signs

- a. Downlighting of signs is **preferred**.
- b. Uplighting must be shielded and/or fall completely on the sign.

### 3. Internally Lighted Signs

- a. Cabinet signs, where allowed, or signs with interior lighting are to have fluorescent lamps and will not exceed 130 watts.
- b. The use of sources other than fluorescent for cabinet signs is subject to the approval of the Town.

## E. Materials

This section will provide generally-applicable materials standards.

<sup>9</sup> Current notes following 4.08.060 Sign Lighting table.

## Section 4.19.04 Permanent Sign Regulations by Zone District

The Permanent Sign Regulations by Zone District section identifies which sign types are allowed in which districts, along with relevant district-specific restrictions such as maximum height or required spacing.

### A. Residential Zone Districts<sup>10</sup>

#### 1. Residential Uses

- a. In all residential zone districts, one sign per single-family or multifamily dwelling shall be allowed.

Drafting Note: Is this one sign per multifamily DU or structure?

- b. Each sign shall have a maximum sign area of one square foot per dwelling unit, up to a maximum area of eight square feet.

Drafting Note: how is this applied – would the 8' max be for a multifamily structure?

- c. Such sign may identify the residential use and/or a home occupation.

#### 2. Nonresidential Uses

- a. For each lot or series of contiguous lots in common ownership in nonresidential use, one flat wall sign shall be allowed, which shall have a maximum sign area of 12 square feet.
- b. Any such sign which is lighted shall be lighted by indirect illumination only.

Drafting Note: What calculation is applied to mixed-use structures?

### B. Nonresidential Zone Districts<sup>11</sup>

We propose reorganizing this information by sign type, grouped as attached and freestanding, and then by district. Much of this information can be moved into tables similar to these examples from another community:

**Table 27-1400.6: Attached Signs in CMU1, CMU2, and EBURD RSVMS**

| Sign Type  | Number           | Height (max., ft.) | Sign Area per Sign (max., sf.) | Illumin.             | EMD                          | Additional Standards       |
|------------|------------------|--------------------|--------------------------------|----------------------|------------------------------|----------------------------|
| Awning     | 1 per awning     | n/a                | n/a                            | Internal or external | n/a                          | 27-1405.B, Awning Sign     |
| Canopy     | 1 per canopy     | n/a                | n/a                            | Internal or external | n/a                          | 27-1405.B, Canopy Sign     |
| Projecting | 1 per tenant     | Same as wall       | 48                             | Internal or external | n/a                          | 27-1405.B, Projecting Sign |
| Wall       | 1 per tenant per | Same as wall       | D.2.(a), above [1]             | Internal or external | Static; Max 40% of sign area | 27-1405.B, Wall Sign       |

<sup>10</sup> Current 4.08.070, Signs in residential zone districts

<sup>11</sup> Current 4.08.080, Signs in nonresidential zone districts

**Table 27-1400.6: Attached Signs in CMU1, CMU2, and EBURD RSVMS**

| Sign Type | Number          | Height (max., ft.)              | Sign Area per Sign (max., sf.) | Illumin. | EMD | Additional Standards    |
|-----------|-----------------|---------------------------------|--------------------------------|----------|-----|-------------------------|
|           | street frontage |                                 |                                |          |     |                         |
| Window    | n/a             | architect. distinct window area | 27-1405.B, Window Signs        | No       | n/a | 27-1405.B, Window Signs |

**Notes**

[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

**Table 27-1400.7: Freestanding Signs in CMU1, CMU2, and EBURD RSVMS**

| Sign Type                                                   | Number                | Height (max., ft.)             | Sign Area per Sign (max., sf) | Setback (min., ft.)             | Illumin.             | EMD                          | Additional Standards                      |
|-------------------------------------------------------------|-----------------------|--------------------------------|-------------------------------|---------------------------------|----------------------|------------------------------|-------------------------------------------|
| Access Point                                                | 1 per vehicle access  | 3                              | 6                             | 0 [2]                           | Internal or external | n/a                          | 27-1405.A, Access Point Sign              |
| 1) Monument, 2) Multitenant Monument, or 3) Shopping Center | Table 27-1400.1       | 8                              | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A Monument Sign                   |
| Pedestrian-Scale Freestanding                               | Table 27-1400.1       | Single Pole: 8; Double Pole: 5 | 8                             | 2 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pedestrian-Scale Freestanding. |
| Pole                                                        | 1 per parcel          | 25 [1]                         | Table 27-1400.5               | 5 [2]                           | Internal or external | Static: Max 40% of sign face | 27-1405.A, Pole Sign                      |
| Structural Canopy                                           | 1 per street frontage | 2 feet above canopy            | n/a                           | Canopy: Zone district standards | Internal             | Static; Max 40% of sign face | 27-1405.A, Structural Canopy Sign         |

**Notes:**

[1] The maximum height of pole signs located in the CMU2 and EBURD RSVMS districts within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.

[2] From all property lines; must comply with clear vision areas per 27-1802.H.

## 1. General Standards

- a. Except as otherwise provided herein, one flat wall sign or projecting sign per business and one freestanding sign per building lot shall be allowed in Commercial and Industrial Zone Districts. Each property shall have a maximum

sign area of one square foot per lineal foot of property frontage along a public street.

- b. Each flat wall sign or projecting sign shall have a maximum sign area of 30 square feet and a maximum height of 20 feet or the height of the tallest building on the same lot, whichever is lower.
- c. Each freestanding sign **advertising one business** shall be of monument style and have a maximum sign area of 30 square feet and a maximum height of five feet.
- d. Each freestanding sign **advertising two or more businesses** shall be of monument style and have a maximum sign area of 50 square feet and a maximum height of ten feet.
- e. No sign shall be located in a rear yard except on properties that adjoin the I-70 right-of-way, these properties shall be allowed one flat wall sign in the rear yard of up to 30 square feet per property. The sign shall be of a color compatible with the building on which it is placed. **The sign message shall contain the business name and/or type of business only; phone numbers, product logos and product names are prohibited. Individual business logos are allowed.** Signs shall be down lighted only between the hours of 6:00 a.m. and 10:00 p.m. and shall comply with Section 4.07.010.
- f. On those properties fronting on the I-70 Spur Road, which location shall be subject to approval by the Town Planner, each flat wall sign, projecting sign or freestanding sign shall have a maximum sign area of 80 square feet and a maximum height of 30 feet.
- g. In the CBD zone district, businesses on corner lots may have two flat wall or projecting signs with one sign to be located on each of the two sides facing a public right-of-way.
  - i. Signs separate from buildings shall be monument style and be integrated with the overall site plan and planting plan.
  - ii. Projecting signs must be eight feet above finished grade, measuring from pavement to the bottom off sign.
  - iii. Neon lighting on the exterior of the building is prohibited.
  - iv. All sign faces to be no larger than 20 square feet.
  - v. All signs may be constructed of wood, wood look materials, painted on windows or wall or be a part of an awning installed over doors or windows. Other acceptable materials include stone, glass, and unpainted metals, excluding aluminum.

Drafting Note: B.1.g, above, looks like a repeat of the sign information in the CBD zone district section, shown below in B.2, is that how the Town interprets it?

- h. Internally illuminated signs are not permitted except on properties adjacent to Eby Creek Road or Market Drive.
- i. Sign materials shall be compatible with building facade materials and must be durable to withstand climatic effects of the area. Painted wood or metal is

preferred, highly reflective materials are prohibited. Plastic is permitted only on internally illuminated signs.

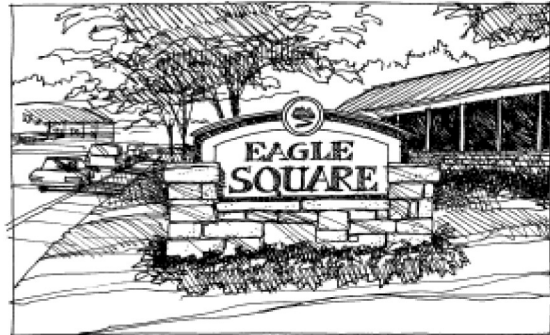
The following standards will be carried forward from the various district regulations.

## 2. Central Business Area<sup>12</sup> and Broadway District<sup>13</sup>

- a. Signage separate from the building shall be integrated with the overall site plan and planting plan. Signage must comply with the Town Sign Code (Chapter 4.08).
- b. Projecting signs must be mounted eight feet above finished grade, measuring from pavement to bottom of sign.
- c. Neon lighting on exterior building facades is not permitted in the Central Business District.
- d. All sign faces are to be no more than 20 square feet.
- e. Sign material shall be compatible with building facade materials and must be durable to withstand climactic effects of the area. Painted wood or metal is preferred. Highly reflective materials are prohibited.
- f. All signs shall receive a separate sign permit prior to erection as required in Chapter 4.08.
- g. Buildings which contain more than one sign shall have a coordinated plan for all signs on the building and property.

## 3. Chambers Avenue Commercial Zone<sup>14</sup> and Industrial Zone Area<sup>15</sup>

- a. All freestanding signs to be monument style (grounded) and integrated with the site plan and planting plan.
- b. Lighting of signs shall be permitted during the period the commercial enterprise is open for business and for up to one hour following the close of business.
- c. Plastic is permitted only for internally illuminated signs allowed on those lots in the commercial zone which front onto Eby Creek Road.
- d. All signs shall receive a separate sign permit prior to erection as required in Chapter 4.08.
- e. Buildings which contain more than one sign shall have a coordinated sign plan for the building and property.



<sup>12</sup> Current 4.07.050.J, Central Business Area, Signage

<sup>13</sup> Current 4.07.060.J, Broadway District, Signage

<sup>14</sup> Current 4.07.070.B.8, Chambers Avenue Commercial Zone Area, Signage

<sup>15</sup> Current 4.07.070.C.7, Chambers Avenue Industrial Zone Area, Signage

#### 4. North Interchange Area<sup>16</sup> and Highway 6 Corridor<sup>17</sup>

- a. All freestanding signs to be monument style (grounded) and integrated with the site plan and planting plan.
- b. Lighting of signs during the period a commercial enterprise is open for business and for up to one hour following the close of business shall be permitted.
- c. Plastic is permitted only for internally illuminated signs in the North Interchange Area.
- d. All signs shall receive a separate sign permit prior to erection as required in Chapter 4.08.
- e. Buildings that contain more than one business shall have a coordinated sign plan for the building and property.

### C. Signs Permitted by Use Type

#### A. Bed and Breakfast Facility<sup>18</sup>

There shall be no advertising display or other indication of the bed and breakfast use on the premises other than a single six square foot unlighted sign that is otherwise in compliance with the provisions of Chapter 4.08.

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## Section 4.19.05 Standards for Temporary Signs

Similar to Section 4.19.03, Standards for Permanent Signs, this section will be the place where we collect all of the generally applicable and repetitive standards related to limited duration and temporary signs.

### A. Purpose and Intent

This new section will establish the Town's purpose and intent for regulating temporary signs.

### B. Permit and Display

This new section will identify those temporary signs that require a permit, those that do not, and any regulations regarding the display of temporary signs.

### C. Temporary Sign Types and Standards

1. Banner Signs
2. Portable Signs
3. Sandwich Board Sign
4. Yard Signs

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<sup>16</sup> Current 4.07.080.I, North Interchange Area, Signage

<sup>17</sup> Current 4.07.090.J, Highway 6 Corridor, Signage

<sup>18</sup> Current 4.05.010.A.4, Bed and breakfast facility.

## Section 4.19.06 Temporary Signs Allowed by Zone District

### A. General Standards<sup>19</sup>

Depending on how the Town decided to regulate temporary signs, we may convert much of this section into a table similar to this table from another community:

| Table 18-172.1: Temporary Signage Permitted by District |                                     |                              |           |                       |         |          |          |
|---------------------------------------------------------|-------------------------------------|------------------------------|-----------|-----------------------|---------|----------|----------|
| Zone/District                                           | Land Use                            | Standards                    | Sign Type |                       |         |          | Duration |
|                                                         |                                     |                              | Yard      | Banner                | A-Frame | Portable |          |
| Residential                                             |                                     |                              |           |                       |         |          |          |
| All /R/ and HD-R                                        | Single-Family detached and attached | Number, max                  | 2         | n/a                   | n/a     | n/a      | 30 days  |
|                                                         |                                     | Sign Area, sf max (per sign) | 6         |                       |         |          |          |
|                                                         |                                     | Height, ft max               | 6         |                       |         |          |          |
| All MF and MHP                                          | Multifamily                         | Number, max                  | 2         | 1 per street frontage | n/a     | n/a      | 30 days  |
|                                                         |                                     | Sign Area, sf max (per sign) | 6         | 16                    |         |          |          |
|                                                         |                                     | Height, ft max               | 6         | 8                     |         | 35       |          |
|                                                         |                                     | Sign Area, sf max (per sign) | 6         | 32                    |         |          |          |
|                                                         |                                     | Height, ft max               | 6         | 10                    |         |          |          |

1. Construction signs. On building construction sites, one sign shall be permitted for all participating building contractors and subcontractors, one for all participating professional firms, one for all participating lending institutions and one for each property owner on the construction site subject to a maximum of three signs for each construction site, and each such sign shall be 24 square feet in sign area or less. All such signs shall be removed within 14 days after the issuance of the certificate of occupancy for the project.
2. Real estate signs. One real estate sign not exceeding six square feet in sign area shall be permitted on the lot or series of contiguous lots under the same ownership being offered for sale, rent, or lease in residential zone districts, provided that, for a lot or contiguous lots under the same ownership that together exceed two acres, the requirement shall be one sign not to exceed 32 square feet. In nonresidential zone districts, such signs shall not exceed 32 square feet in total sign area. The sign shall be removed not later than seven days after the closing of the real estate conveyance.
3. Street banners. Street banners or pennants advertising a public event or a specific short term commercial event or occurrence may be displayed if specifically approved in writing by the Town Manager. The Town Manager may impose requirements

<sup>19</sup> Current 4.08.090, Temporary signs

concerning the location, height, weight, design, structure, support and allowable time for the display of banners.

4. Political campaign signs. Signs announcing candidates seeking public office with pertinent data and signs relating to ballot issues with pertinent data shall be allowed subject to the following limitations: The maximum sign area shall be 24 square feet, and any such sign shall be located a minimum of eight feet from the nearest public street or alley. Any such sign shall be removed within seven days after the election.
5. Nameplates. One nameplate per public entrance per business may be suspended under a canopy, with a maximum sign area of two square feet per face.
6. Garage sale signs. Garage sale signs shall be installed not more than seven days prior to the sale and shall be removed not more than two days after the sale.
7. Other temporary signs. Temporary signs announcing any public, charitable, educational or religious event may be installed for a period of not more than 21 days prior to the event and not more than seven days after the event. Any such sign shall have a maximum sign area of 24 square feet.

Drafting Note: The information highlighted in blue appears to be content-based regulation and most of the temporary signs have content-based names, even though the Town's permitting actions may not actually take into account the sign content. We will revise this section to meet the requirements of *Reed*.

## B. Temporary Sign Substitution for Damaged Permanent Signs

If the Town would like, this section will specify the regulations for use of temporary sign while awaiting repairs to a damaged permanent sign.

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## Section 4.19.07 Nonconforming Signs

This section should identify the range of activities that are appropriate for nonconforming signs, including changes, expansions, relocation, and maintenance. It should also clearly define what actions will result in the loss of nonconforming status, both through activity by the sign owner and demolition or destruction by external means such as extreme weather.

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## Section 4.19.08 Installation and Maintenance

This section will include all of the Town's regulations related to sign installation and maintenance.

### A. Installation

### B. Maintenance

### C. Abandonment<sup>20</sup>

A sign which depicts or refers to a product, business, service, activity, condition or person which has changed such that the sign no longer correctly identifies or describes him or it, or which no

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<sup>20</sup> Current 4.08.100, Abandoned signs

longer exists in the location referred to in the sign, shall be considered an abandoned sign and shall be removed within 60 days of such abandonment.

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## Section 4.19.09 Measurements and Calculations

We recommend removing the measurement definitions from the definition section, or collecting them from other sections of the code, such as the table notes, and creating a separate measurement section that also includes graphics that illustrate the measurement approach. This makes the measurements easier to find, easier to interpret, and allows us to make sure the Town has a complete set of instructions for measurements.

### A. Applicability

This section will be applicable to all signs.

### B. Sign Area

*Sign area.* Sign area shall be measured by determining the total area of the face of a sign within the outermost edge or border of the face. The computation of freestanding letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias, or symbols.

### C. Height and Clearance

*Height of sign* means the vertical distance measured from ground level to the top of the sign measured at its highest point above undisturbed natural ground level.

### D. Setback, Separation, and Spacing

This section will include any sign-type specific regulations for setback, spacing, or separation.

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## Section 4.19.10 Violation and Enforcement

### A. Violation

### B. Enforcement<sup>21</sup>

~~The Building Official shall~~ Code Enforcement may order the removal of any sign erected in violation of this chapter. Ten days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the chapter. Upon failure to comply, the sign shall be removed by

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<sup>21</sup> Current 4.08.120, Enforcement

the Town and the cost of removal shall be assessed to the owner of the property on which the sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.

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## Section 4.19.11 Definitions<sup>22</sup>

Sign regulations rely on a long list of both industry-specific terms and planning terms that identify where signs can be located. Sign regulation also relies on a shared understanding of that is being regulated, which starts with clear definitions.

This section will include revised and updated current definitions along with any additional definitions that might be currently located in the regulations. The definitions will be revised to remove references to sign content. We will add new definitions as necessary to support the content in the rest of the chapter.

*Face of sign* means the entire area or combination of areas of a sign on which a message is placed.

*Sign.*

- A. "Sign" shall include any writing, letter, word, numeral, pictorial representation, pictorial abstraction, graphic or pictorial form, emblem, symbol, trademark, object or design which conveys a recognizable meaning or identity or distinction; or any of the above which forms a structure or part of a structure or which is affixed in any fashion to any structure and which by reason of the form or color or wording or stereotyped design or other feature **attracts or is designed to attract attention to the subject matter or is used as a means of identification or advertisement or announcement.**
- B. "Sign" shall not include:
  - 1. Flags, not to exceed 24 square feet in size, **of governments or fraternal, religious, civic, or educational organizations and institutions, except when used in connection with a commercial promotion or to advertise a commercial product, services, business, activity, condition, or person.**
  - 2. Placards, banners, pennants, pictures, bottles, or any other devices incorporated in a temporary window display.
  - 3. Works of art which in no way identify a product or business and which are not displayed in conjunction with a commercial, for-profit, enterprise.
  - 4. Temporary decorations or **displays directly incidental to and customary and commonly associated with national, local or religious holiday** celebrations.
  - 5. Official traffic control devices and other official signs and devices of any public or governmental agency.

*Sign, flat wall,* means a sign attached to or erected against a wall of a building, with the face parallel to the building wall.

*Sign, freestanding,* means a sign affixed directly to the ground or erected on a freestanding frame, mast or pole, which is affixed to the ground and not attached to any building.

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<sup>22</sup> Current 4.03.040, Definitions; 4.08.060, Sign Lighting

D. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cutoff angle (of fixture) means the angle measured upward from the vertical at which the bare source is completely blocked from view.

Discomfort glare means glare producing discomfort. It does not necessarily interfere with visual performance or visibility.

Footcandle means the basic unit of illuminance (the amount of light falling on a surface).

Full-cutoff fixture means a fixture that allows no emission of light above horizontal.

Full shielding refers to internal and/or external shields and louvers provided to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Glare means the sensation of annoyance, discomfort, or loss in visual performance and visibility due to bright or uncontrolled light sources.

IESNA means the Illuminating Engineering Society of North America, an organization that establishes standards for the lighting industry.

Illuminance means a measure of the amount of light incident on a surface, expressed in footcandles.

Light trespass means any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates another property.

Luminance means the apparent brightness of a light fixture or lamp as viewed from a specific direction. The luminance of a fixture can vary as the viewing angle varies.

Non-cutoff fixture means a fixture that includes no optics to prevent light emission above horizontal.

Nuisance glare means glare that causes complaints.

Semi-cutoff fixture means a fixture that emits some light above horizontal, but less than a non-cutoff fixture.

Timing device means a switching device, a part of which is a clock, set to the prevailing time, that will control the period of operation for outdoor lighting fixtures and signs.

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## Section 4.19.12 Administration

### A. Sign Permit<sup>23</sup>

#### 1. Application

Application for a sign permit shall include submittal of:

- a. A drawing to scale which depicts the location of the proposed sign in relation to buildings, setbacks and property lines, plus the sign height and clearance above ground;

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<sup>23</sup> Current 4.08.040.C, Administrative review.

- b. Design and construction plans adequate to demonstrate compliance with the Uniform Sign Code;
- c. A drawing to scale depicting each sign face with its message, materials, and colors;
- d. The sign permit fee, which shall be \$10.00 for a sign of up to 25 square feet of sign area, and \$25.00 for a sign of more than 25 square feet of sign area; and
- e. If illuminated, manufacture's cut sheets, specifications of light fixtures, lamp source(s), wattage, mounting heights, and light source shielding shall be submitted.

## 2. Expiration<sup>24</sup>

Every sign permit issued shall expire and become null and void if erection of the sign authorized by the permit is not commenced within 180 days from the date of such permit. Any permittee holding an unexpired permit may apply for an extension of time within which he may commence work. The Town Planner may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

## ~~B. Variance<sup>25</sup>~~

~~A variance from the strict application of the provisions of this chapter may be granted by the Planning Commission, pursuant to the provisions and procedures as set forth for zoning variance in Section 4.05.020.~~

<sup>24</sup> Current 4.08.040, Administrative review.

~~<sup>25</sup> Current 4.08.110, Sign variance.~~