

CHAPTER 20

Signs

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ARTICLE I

In General

Sec. 20-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Advertising structure. A sign and all of its parts.

Aggregate surface area. The total area of all permanent signs on a premises.

Animated sign. Any sign using movement or change of lighting to depict action or create a special effect or scene.

Approved plastics. Those plastics having a self-ignition temperature of six hundred fifty (650) degrees Fahrenheit or greater when tested in accordance with the City's standards and a smoke-density rating not greater than four hundred fifty (450) when tested in accordance with the City's standards, in the way intended for use; or a smoke-density rating not greater than seventy-five (75) when tested in the thickness intended for use by the City's standards. Approved plastics shall be classified in accordance with the City's standards.

Architectural detail. Any portion of the exterior surface or facade of a building which is part of its design and decoration, including but not limited to arches and archways, brickwork, capstones, clerestory windows, columns, cornerstones, cornices, dentils, doors and doorways, "eyebrows," fascia, fluting, iron work, lintels, pediments, scroll work, spandrels, stained glass, steps, rosettes, windows and window openings, which help define the architectural nature or style of the structure.

Attention-getting device. Any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion or advertising.

Authorized agent of the City, authorized agent or agent. The officer or other designated authority, as may be appointed from time to time by the City Council, charged with the administration and enforcement of this Chapter, or his or her designee.

Awning sign. A roof-like cover over a door, entrance, window or service area and that projects from the exterior wall of a building, having on its exterior some type of copy.

Banner sign. Any temporary sign made of fabric or any nonrigid material, excluding pennants, streamers and flags.

Billboard. An off-premises sign designed so that advertising space may be leased for a business, product or service. Directional signs, bulletin boards and kiosks are not billboard signs.

Building code. The code, formulated by the International Code Council, as adopted by the City.

Building frontage. The lineal distance from outside edge to outside edge of an enclosed structure adjacent to a public right-of-way occupied by a business.

Building identification sign. A wall sign consisting of cutout letters or letters painted on the building, which states the name of the building and does not advertise any business within the building or project. Such sign shall not be included in the calculations for number of signs allowed or aggregate surface area of signs allowed.

Bulletin board. A board for posting notices without charge. For purposes of this Chapter, a kiosk is considered a multiple-faced freestanding bulletin board.

Business entity. A single business, regardless of the amount of buildings or square footage of a building or buildings occupied.

Canopy sign. The same as an awning sign.

Change of copy. A modification in the appearance of a sign that is not a change in size, material or method of attachment and does not involve or result from a change in ownership of the business being advertised.

Changeable copy sign. A sign which makes provision for changing letters, numbers and other copy without altering the face or surface of the sign. Signs with messages that change more than eight (8) times a day are considered animated signs. That portion of a sign that shows only "time and temperature" is not considered a changeable copy or animated sign.

Combination sign. Any sign incorporating any combination of any signs.

Commission. The Idaho Springs Planning Commission and/or Historic Preservation Review Commission.

Conforming sign. A sign that meets all the standards and regulations established by this Chapter and the building code, as adopted by the City.

Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device or combination thereof which relates to advertising, identification or notification.

Curblin. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblin shall be established by the City Surveyor.

Days. Calendar days, unless specifically identified as business days.

Directional sign. A sign intended to provide assistance in locating a specific business or civic facility. A directional sign shall contain only the name of the business or civic facility, logo and directional information.

Directory sign. A sign that serves as a common or collective identification of three (3) or more businesses on the same property. A directory sign could be included as a part of a kiosk.

Display surface. The area made available by the sign structure for the purpose of displaying the advertising message.

District. The Historic District of the City, as defined in Chapter 22 of this Code. This also refers to Zone II as defined in this Chapter.

Exterior sign. A sign that is oriented toward and meant to be read from the outside.

Flag. A device, usually made of fabric, of distinctive design that is used as a symbol or signaling device, including any city, state or national flag.

Freestanding sign. A single- or double-faced sign affixed to a self-supporting structure permanently anchored to the ground. The allowable size does not include the supporting structure. Regulations for ground signs concerning design, number allowed and size allowed shall apply to freestanding signs.

Ground sign. A sign that has an architectural base; *e.g.*, a stone base, planter, etc.

Historical site sign or plaque. A sign or plaque designating and describing a historic building or site.

Holiday graphics. Temporary, noncommercial decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration; provided that such decorations are maintained in a safe condition and do not constitute a fire hazard.

Hologram sign. A three-dimensional picture that is made on a photographic film or plate without the use of a camera, that consists of a pattern of interference produced by a split coherent beam of radiation.

Home occupation sign. A sign advertising a home occupation as permitted in Section 21-36 of this Code.

H.P.R.C. The Historic Preservation Review Commission, as established and defined in Chapter 22 of this Code.

Incidental sign. An informational sign with a purpose secondary to the use of the lot on which it is located, such as "No Parking," "Entrance," etc. No sign with a commercial message legible from a position off the lot shall be considered incidental. Incidental signs shall not be counted for the purposes of determining maximum number of signs or aggregate square footage allowed.

Interim business sign. A sign intended for the sole purpose of advertising a new business during the period from opening until a permanent sign is approved and installed.

Interior sign. A sign located on the inside of a building, not affixed to the interior surface of an exterior window and oriented toward the inside of the building. Interior signs are not subject to this Chapter.

Internally illuminated sign. A sign which is illuminated by an internal light source, including neon and other gases.

Kiosk. A multiple-faced freestanding bulletin board.

Landmark sign. Names and dates carved in or affixed to a building or site upon construction (such as cornerstones), or any sign of documented historical value. Landmark signs are designated by the H.P.R.C.

Legal setback line. The line established by the zoning regulations beyond which a building may not be built. In some instances, a legal setback line may be a property line.

Lighting, illumination (direct lighting). A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures, including pan-channeled lighting.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over a public right-of-way. As an example, a marquee sign is often that structure associated with a theater that extends over the sidewalk and typically contains a changeable copy sign.

Menu board. A sign listing the food items offered for sale at drive-through restaurants.

Menu display. The actual menu of a food service establishment, or copy thereof, listing the food items offered for sale in a restaurant.

Merchandise. Items offered for sale from the business location where displayed. Items of merchandise displayed inside the business or outside the business, but not on the public right-of-way, shall not be considered a sign.

Moveable sign. A sign not permanently placed into the ground, onto a building or in a window. Moveable signs include, but may not be limited to, sandwich board signs and menus.

Noncombustible. As applied to building construction material, a material which, in the form in which it is used, is either one (1) of the following:

- (1) Material of which no part will ignite and burn when subjected to fire. Any material conforming to the City's standards shall be considered noncombustible within the meaning of this Section.
- (2) Material having a structural base of noncombustible material as defined in Paragraph (1) above, with a surfacing material not over one-eighth ($\frac{1}{8}$) inch thick which has a flame-spread rating of fifty (50) or less. *Noncombustible* does not apply to surface finish material. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Paragraph (1) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. *Flame-spread rating*, as used herein, refers to rating obtained according to tests conducted as specified in the City's standards.

Nonconforming sign. A sign which does not conform to the requirements of this Chapter.

Nonconforming sign, legal. Any sign, as defined in this Chapter, which was legally permitted, installed and maintained prior to March 2, 2007, in compliance with all regulations in effect at the time of installation, that does not conform to all the applicable regulations and restrictions of this Chapter. Any sign for which a variance was duly granted prior to March 2, 2007, shall also be deemed a *legal nonconforming sign*.

Nonstructural trim. The molding, battens, caps, nailing strips, lattice work, cutouts or letters and walkways which are attached to the sign structure.

Obsolete sign. Any sign that is no longer in use because the business is no longer in operation.

Off-premises sign. A sign that is situated at a location other than the premises that it represents.

Pennant. A series of tapered, usually triangular, flags attached to a single cord or wire, used to attract attention for a special event or promotion. Pennants are temporary signs.

Pictorial design. Any artistic design applied directly on an exterior wall, fence, awning, window (either inside or outside) or other structure, which is visible from any public right-of-way and which has, as its purpose, artistic effect and not the identification of any private or public firm, person or organization.

Pole sign. A sign wholly supported by a sign structure in the ground, with clearance of at least eight (8) feet above the ground.

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

Portable display surface. A display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.

Portable sign. A changeable copy sign attached to a trailer that is not used in daily operations of the business it is advertising.

Premises. A lot, parcel, tract or plot of land, together with the buildings and structures thereon.

Principal sign. A sign on a business that encompasses the most square footage of any of the signs used for that business.

Projecting sign. A sign, other than a wall sign or marquee, which projects from and is supported by a wall of a building or structure.

Projection. The distance by which a sign extends over the public right-of-way or beyond the building line.

Public right-of-way. The entire width of every dedicated public way, including the traveled portion thereof known as the roadway, a street or an alley, the portion used for sidewalks and the portion between the roadway and the property line.

Public service sign. A sign of public, noncommercial nature used to indicate danger or to serve as an aid to public safety. A *public service sign* is also an incidental sign and public information sign.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as Scotchlite, Day-Glo, glass beads and luminous paint, or reflective Mylar.

Residential identification sign. A sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name or the address of the house. The sign may contain no advertising of any kind.

Roof sign. A sign erected upon or above a roof, but not the parapet, of a building or structure.

Sandwich board sign. A freestanding sign supported by itself in a triangulated fashion.

Sign. Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identification purposes, or to communicate information of any kind to the public. Merchandise displayed inside or outside the business but not on the public right-of-way is not considered a sign for purposes of calculating number of signs or total square footage allowed. Merchandise displayed outside the business and on the public right-of-way shall be considered a sign under the provisions of this Chapter.

Sign area. The area of the single smallest plane geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders.

Sign owner. The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required or for which no sign permit has been obtained, *sign owner* means the person entitled to possession of such sign, the owner, occupant and/or agent of the property where the sign is located.

Sign Review Board. The Variance Board.

Sign structure. Any structure which supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole and may or may not be an integral part of the building.

Site development sign. A sign permitted to identify a project name, general contractor, architect and/or prime real estate agent, and may include "model apartment" or similar signs.

Site plan. A site plan to scale of any commercial building and adjacent structures or vacant land, showing the number, size, description and location of all signs therein. Building elevations shall be included in the site plan.

Size, allowable (surface area). The allowable area of a sign which shall be computed by using the outside dimensions of the face, in the same plane, and one (1) face of a multisided sign, providing all sides are identical. Computation of the allowable sign area shall include all existing signs on the premises. Freestanding or wall-mounted individual letters will be measured using the smallest geometric figure which will enclose all letters or symbols.

Statuary sign. Any sign which is the modeled or sculptured likeness of a living or fictional creature or inanimate object.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision entrance sign. Any sign used to identify the entrance to a subdivision.

Surface area. Sign area.

Temporary sign. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only for the purpose of advertising a special or promotional event, as specified in Section 20-51 of this Chapter.

Traffic sign. A sign permitted for the purpose of identifying parking areas and directing the flow of traffic on private or public property.

Unassociated sign. Any sign on a business premises that is commercial in nature but not associated with the business. Examples of unassociated signs include vending machines, publication dispensers, dumpsters and like devices. Unassociated signs are not subject to the regulations contained in this Chapter.

Utility locations. Signs showing the location of public telephones and signs placed by public utilities to show the location of underground or other facilities. These are also incidental signs.

Variance Board. The Idaho Springs Variance Board, as established in Section 21-116 of this Code.

Video sign. An electronic-produced image on a fixed or variable projection video screen. This includes televised images, videotaped images and/or electronic displays.

Walking sign. A sandwich-board-type sign carried on the shoulders of a person or any other type of sign carried, held or moved by a person.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall. This includes signs that are painted on a building or wall.

Zone. A sign zone district within the City, as described by this Chapter. For clarification, the City is divided into Zone I, Zone II, Zone III and Zone IV for sign control purposes.
(Ord. 8 §1, 2006; Ord. 9 §2, 2007)

Sec. 20-2. Purpose.

The purpose of this Chapter is to establish the necessary criteria, standards and limits on all forms of signing to preserve and enhance the historical integrity of the City; maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development; allow for effective advertising; improve traffic and pedestrian safety; minimize the possible adverse effects of signs on nearby public and private property; and provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality

of materials, construction, location, electrification and maintenance of all signs and sign structures within the City, except interior signs.

(Ord. 8 §1, 2006)

Sec. 20-3. Interpretation.

This Chapter does not permit a violation of any other ordinance or provision of this Code.

(Ord. 8 §1, 2006)

Sec. 20-4. Liability.

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person or agents, employees or workers in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Chapter. In addition, the provisions of this Chapter shall not be construed as imposing upon the City or its officers, employees, the Planning Commission or the Variance Board any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Chapter.

(Ord. 8 §1, 2006; Ord. 9 §3, 2007)

Sec. 20-5. Scope and authority.

(A) No sign shall be allowed within the City except as permitted by this Chapter or any variance granted under this Chapter.

(B) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any provisions of this Chapter.

(Ord. 8 §1, 2006)

Sec. 20-6. Obstruction of traffic devices.

The color or format of a sign shall not be erected or maintained in a manner that would confuse or obstruct the view or interpretation of any official traffic sign, signal or device, or cause any distraction or confusion to motorists or pedestrians so as to cause a hazard.

(Ord. 8 §1, 2006)

Sec. 20-7. Establishment of zones.

There are hereby established within the City Signage Zones I, II, III and IV, which are described as follows:

(1) Signage Zone I.

(a) All areas zoned C-1, C-2, C-3 and PUD, according to the zoning map of the City, except areas so zoned that are located in Zone II as provided in Subparagraph (2)(a) below, and except areas zoned PUD which are of residential usage.

(b) Within Signage Zone I, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.

(2) Signage Zone II.

(a) This zone is to be known as "The Historic District," and shall correspond with the boundaries of the National Historic District and any other designated historic sites as established in Chapter 22 of this Code.

(b) It is the intention of the City Council that historical areas and buildings continue in existence and be preserved, and that construction of signs within the designated historical area be harmonious with the general outward appearance of the existing buildings of a historical nature in such area.

(c) Any national, state or local historic site created after this Chapter is in effect will be subject to the Zone II requirements.

- (d) Within Signage Zone II, the authorized agent of the City will review sign applications for conformance with this Chapter. Removal of landmark signs or signs that have been in place for fifty (50) years or longer requires prior approval of the H.P.R.C., unless such removal has been ordered by the City because the sign to be removed is in violation of this Chapter.
 - (e) Within Signage Zone II, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.
- (3) Signage Zone III.
- (a) This zone comprises the entire balance of the City not identified as part of any other zone, including but not limited to all areas zoned residential and all PUD areas of residential usage.
 - (b) Subject to the exemptions contained herein, there shall be no commercial signs of any kind allowed in Zone III, with the exception of subdivision entrance signs, home occupation signs or temporary "For Rent" signs or "For Sale" signs advertising the rental of any apartment or single-family residence or sale of any single-family residence or multiple-family dwelling. Such temporary signs shall not exceed six (6) square feet in area on each face of a freestanding sign. In no event shall temporary signs be self-illuminated, luminescent or fluorescent or have any characteristic which will make them glow or shine. When such sign is no longer applicable to its purpose, it must be removed.
 - (c) Within Signage Zone III, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.
- (4) Signage Zone IV.
- (a) All areas zoned I-1 and L-I, according to the zoning map of the City, except areas so zoned that are located in Zone II as provided in Subparagraph (2)(a) above.
 - (b) Within Signage Zone IV, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.
- (Ord. 8 §1, 2006; Ord. 9 §4, 2007)

Sec. 20-8. Public hazard.

If the City determines that any sign constitutes a hazard to the health, safety and welfare of the inhabitants of the City, the authorized agent of the City may, at his or her discretion, order such sign to be removed, altered or repaired in such manner as to eliminate the hazard.
(Ord. 8 §1, 2006)

Sec. 20-9. Obsolete signs.

The authorized agent of the City shall identify and cause the neutralization of the sign copy or the removal of obsolete signs, as appropriate, within a period of no more than thirty (30) days from the date of notice from the City. Neutralization of sign copy can include removal of or covering the copy. Application for a variance shall not extend in any way the period allowed for neutralization or removal as set forth in said notice.
(Ord. 8 §1, 2006)

Sec. 20-10. Sign plan; multiple-use buildings.

(A) Purpose. The intent of the sign plan is to encourage a comprehensive approach to the design, size, number, shape and placement of all signs pertaining to a particular development or building containing multiple businesses. For the purposes of this Section, a *business* shall be defined as a commercial entity holding a valid City business license. The sign plan shall be worked out so as to conform generally with the sign requirements for the Zone within which the subject property is located. The standards and regulations of the sign plan shall be specified in the approval in order to protect and preserve the purposes and intents of this Chapter and avoid conflict and incompatibility with the other signs in the Zone. It is the intention of the sign plan provisions to allow for the possibility of innovative, unique approaches to signs.

(B) Application. The owner of a building or buildings which constitute one (1) project or development consisting of multiple businesses and which is under single or unified ownership, or an agent of the owner, may apply for the

approval of a sign plan for the property or project with a plan for apportioning permitted signs among the tenants or occupants. The application shall be submitted on a form provided by the City and shall include:

- (1) The lineal frontage of the building or buildings;
- (2) The number of nonresidential tenants or businesses in or proposed for the development;
- (3) All existing, as well as proposed, signs;
- (4) The proposed number, type, size, height, location, design (including by illustration the materials), method of attachment, lighting and landscaping, if applicable;
- (5) Any other proposed special conditions; and
- (6) An application fee as set forth in the City's fee schedule.

(C) Review and approval. Complete applications for sign plans shall be reviewed for approval by the Planning Commission. Such approval shall be granted only where the applicant demonstrates that all of the following conditions will be met:

- (1) The proposed sign plan conforms to all requirements of this Section and all other applicable provisions of this Chapter and other development regulations, standards or requirements adopted by the City, including the Comprehensive Plan.
- (2) The proposed sign plan will not result in impacts to adjacent properties which are significantly different in nature, type or extent than impacts caused by signs that are permitted by right in the zone district where the property is located.
- (3) In Zone II only, the proposed sign plan conforms to the criteria of Section 22-5 of this Code.

(D) General limitations. Approved sign programs shall have the following limitations:

- (1) Buildings with more than one (1) story may have approved aggregate square footage not to exceed three (3) square feet per lineal foot of frontage. This provision shall not apply to buildings with only residential or commercial uses not open to the public above the main floor. Such buildings shall be considered not to exceed one (1) story, as provided in Paragraph (2) below.
- (2) Buildings not exceeding one (1) story in height may have approved aggregate square footage not to exceed two and one-half (2.5) square feet per lineal foot of frontage.

(E) Individual limitations. Unless otherwise specifically approved, a sign plan shall be further limited as follows:

- (1) The number of signs shall not exceed one (1) sign identifying the building or project, one (1) sign per unit or business within the building or project and one (1) directory sign for each public entrance;
- (2) Individual signs shall not exceed the maximum size requirements applicable in the Zone for each category of sign; and
- (3) No sign shall be placed in such a way that obstructs the view of any other sign in the development or on any neighboring building.

(F) Amendment. Application may be made to amend a previously approved sign plan; provided, however, that upon application to amend, all signs in the plan, whether existing or proposed, will be subject to review.

(G) Individual signs. Applications for the erection of individual signs in conformity with the approved sign plan shall be approved by the authorized agent of the City without further review.

(H) Variances. No variance may be granted for signs that do not conform to an approved sign plan. (Ord. 8 §1, 2006; Ord. 9 §5, 2007)

Sec. 20-11—20-20. Reserved.

ARTICLE II

Administration and Enforcement

Division 1 Generally

Sec. 20-21. Authority.

Any authorized agent of the City is hereby authorized and directed to enforce all the provisions of this Chapter. (Ord. 8 §1, 2006)

Sec. 20-22. Right of entry.

(A) Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the City has reasonable cause to believe that there exists in any building or upon any premises any condition or Chapter violation which makes such a building or premises unsafe, dangerous or hazardous, the authorized agent of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the agent by this Chapter. If such building or premises are occupied, he or she shall first present proper credentials and request entry; or if such building or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the authorized agent shall have recourse to every remedy provided by law to secure entry.

(B) When the authorized agent of the City has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the authorized agent for the purpose of inspection and examination pursuant to this Chapter. (Ord. 8 §1, 2006)

Sec. 20-23. Variances.

(A) In order to provide for reasonable interpretation of the provisions of this Chapter, there is hereby established a Sign Review Board as provided herein, to review and decide sign variance requests and appeals from decisions of the authorized agent of the City. The Variance Board shall serve as the Sign Review Board. The Sign Review Board is hereby empowered to consider, determine if good cause or hardship has been shown, and grant or deny any variance requested from conformity with this Chapter.

(B) In the case of a request for variance to the Variance Board, the procedures followed shall be those set forth in Chapter 21, Article X of this Code.

(C) The endorsement of a variance request by adjacent landowners does not relieve the applicant of the burden of meeting all of the requirements set forth in this Subsection. No variances shall be authorized unless the Board finds all of the following:

- (1) The applicant would suffer hardship as a result of the strict application of this Chapter, which hardship is not generally applicable to other lands or structures in the same sign zone because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, unique circumstances related to existing structures or topographic conditions.
- (2) There are no reasonable design alternatives or alternative locations for signs or structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.
- (3) The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City, or a previously granted variance.
- (4) Reasonable protections are afforded adjacent properties.
- (5) The granting of the variance will:

- (a) Observe the spirit of this Chapter;
- (b) Secure the public safety and welfare;
- (c) Ensure that substantial justice is done; and
- (d) Observe common sense.

(D) Under no circumstances shall a variance be granted to allow any sign to exceed the maximum height limitations in the sign zone, to allow more than the aggregate surface area of all signs allowed in the sign zone or to allow any deviation from an approved sign plan. Also, neither a nonconforming sign in the same sign zone nor a permitted or nonconforming sign in other districts shall be considered grounds for the issuance of a variance. (Ord. 8 §1, 2006)

Sec. 20-24. Violation; notice, lien, penalties.

(A) When, in the opinion of the authorized agent of the City, a violation of this Chapter exists that is a cause of imminent danger to the public health, safety or welfare, any such violation may be summarily abated by the City pursuant to Section 16-17 of this Code. Obstruction of traffic devices and public hazards, prohibited by Sections 20-6 and 20-8, respectively, of this Chapter, shall be considered public nuisances that may be so abated.

(B) If a sign is erected or maintained in violation of Section 20-31, requiring permits for signs, 20-32, prohibited signs, 20-51, temporary and seasonal signs or 20-59, off-premises signs, including one (1) located within a public right-of-way, the authorized agent may post notice of such violation upon the premises where such sign is located, requiring removal of the sign within twenty-four (24) hours of such posting, unless it appears from the facts and circumstances and in the judgment of the authorized agent that compliance could not reasonably be reached in such time or that a good faith attempt at compliance is being made; however, in no case shall such time exceed seven (7) days. If the sign owner fails to remove the sign within the specified period, specific authority is granted to the authorized agent to remove the sign or to have it removed, and the City may seek further remedies pursuant to Subsection (C) below.

(C) Except as provided in Subsection (A) above and the notice and removal provisions of Subsection (B) above, if, in the opinion of the authorized agent, a violation of this Chapter exists, the authorized agent shall notify the alleged violator of such violation by first class U.S. mail, postage prepaid, requiring that the violation be corrected, an appeal of the authorized agent's decision filed or a variance for the sign requested within ten (10) days, unless it appears from the facts and circumstances and in the judgment of the authorized agent that compliance could not reasonably be reached in such time or that a good faith attempt at compliance is being made. If such violation is not corrected, an appeal is not filed or a variance for the sign is not requested within the time specified in the notice, the following penalties and remedies shall apply:

- (1) The authorized agent may cause the immediate removal of any sign which is in violation of this Chapter without further notice. All costs incurred by the City shall be charged against the real property upon which the sign is located, and against its owners.
- (2) The authorized agent may serve a written stop work order upon any applicant, or other person who commits or assists in any such violation, requiring the correction of any violation of this Chapter.
- (3) The City Attorney, acting in behalf of the City, may maintain a civil action for such equitable relief as may be necessary to enforce this Chapter. For purposes of such civil actions, any violations of this Chapter are hereby deemed to be public nuisances subject to abatement.

(D) If a sign is removed by the City, the authorized agent shall notify the owner of the fact within seventy-two (72) hours of removal and return the sign to the owner upon request and after payment of all charges or fees related to the removal of said sign.

(E) Penalty. Any person violating any provisions of this Chapter, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

(F) Exclusive remedy. Nothing herein is an exclusive remedy.
(Ord. 8 §1, 2006)

Sec. 20-25. Existing nonconforming signs.

(A) Subject to the termination hereinafter provided, any legal nonconforming sign may be continued in operation and maintained after March 2, 2007; provided, however, that no such sign shall be changed in any manner; and provided further that the burden of establishing such sign to be legally nonconforming under this Section rests entirely upon the person claiming a legal nonconforming status for such sign.

(B) When a nonconforming sign becomes obsolete, the right to maintain such sign shall terminate immediately. The sign shall be removed within thirty (30) days from the date of such notice to the property or business owner from the City, as provided in Section 20-9 of this Chapter.

(C) Any violation of this Chapter, other than as is existing prior to the enactment of this Chapter, shall terminate immediately the right to maintain a nonconforming sign.

(D) The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such sign on the date of such damage or destruction, or whenever the sign becomes obsolete, hazardous or dangerous.

(E) The right to maintain a nonconforming sign which exceeds the maximum square footage restrictions or maximum height limitations contained in this Chapter shall terminate on March 2, 2007, unless it is granted a legal variance prior to that date; provided, however, that any such sign may be reduced in size, lowered or reconstructed to conform to the requirements of this Chapter, even though the sign might still be nonconforming for other reasons.

(F) The requirements of Subsection (E) above shall not apply to any sign, the effectiveness of which as an advertising device shall be destroyed or significantly impaired, as defined by nationally recognized advertising industry standards, by required compliance with the requirements of Subsection (E) above. The burden of establishing that the effectiveness of such sign as an advertising device will be destroyed or significantly impaired by such compliance rests entirely upon the person claiming nonconforming status for such sign.
(Ord. 8 §1, 2006)

Sec. 20-26—20-30. Reserved.

*Division 2
Permits and Inspections*

Sec. 20-31. Required; exemptions.

(A) Required generally. A sign shall not hereafter be erected, re-erected, constructed, altered, remodeled or changed (not including a change in copy), except as provided by this Chapter and after a permit for the same has been issued. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for illuminated signs.

(B) Exemptions. The following signs shall not require a sign permit and shall not be counted when calculating the number of signs or aggregate square footage allowed. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Chapter or any other law or ordinance regulating the same:

- (1) Civic events posters and announcements. Posters, flyers and announcements promoting civic events may be displayed. Displays of civic events announcements shall not exceed twenty-five (25) percent of the window surface they are placed on at any one time, nor shall they be placed on the exterior of a building or structure. Such signs must be removed within forty-eight (48) hours after the event which they advertise.
- (2) Credit card signs. Credit card advertisements or trade association emblems do not require permits, provided that they do not exceed one-half (1/2) square foot per credit card or emblem.

- (3) Flags. In all zones, flags that are not used as an attention-getting device and that meet the requirements listed below do not require permits. The flags of the United States and the State of Colorado are allowed in the proportions set by official declaration.
 - (a) Flag poles shall be a maximum height of sixty (60) feet.
 - (b) Flags shall have a minimum clearance of eight (8) feet when projecting over public walkways, a minimum clearance of fifteen (15) feet when projecting over vehicular streets and, when displayed on flag poles, a minimum of twenty (20) feet from top of the pole to average grade, except for residential areas.
 - (c) In Zone II, there will be only two (2) flags allowed in every twenty-two (22) lineal feet of business frontage, except for the flags of the United States and the State of Colorado.
 - (d) Flags and similar items shall be maintained in a clean and undamaged condition.
 - (e) The display of national flags shall be governed by the standard rules of national protocol.
 - (f) All flag poles must meet the construction requirements of this Chapter.
- (4) For sale, rent or lease. Except as provided in Section 20-61 of this Chapter, temporary signs needed from time to time to indicate that the premises are "for sale" or "for rent" do not require permits. In no event shall such temporary signs be illuminated or luminescent. In addition, temporary signs indicating garage sales, lost pets, etc., shall include the name, address and telephone number of the sign placer and date of posting. Such temporary signs shall not exceed six (6) square feet in area of each face of a freestanding sign and shall be removed within forty-eight (48) hours following the event or within twenty (20) days of posting for lost pets.
- (5) Holiday graphics. Temporary, noncommercial decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, do not require permits; provided that such decorations are maintained in a safe condition and do not constitute a fire hazard. Said graphics shall be removed within fourteen (14) days of the holiday.
- (6) Hours of operation. One (1) sign stating the business's hours of operation may be allowed per entryway to the business, not exceeding one (1) square foot in area.
- (7) Landmark signs, historical site signs. Tablets erected by governmental or historical agencies, names and dates carved in or affixed to buildings upon construction or any sign of documented historical value do not require permits. A permit is, however, required to remove these signs.
- (8) Maintenance. Painting, repainting or cleaning of an advertising structure, the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
- (9) Marquees. A permit is not required for the changing of the advertising copy or message on a theater marquee and similar signs specifically designed for the use of replaceable copy. Internally illuminated signs, other than marquees, shall not be included in this exemption.
- (10) Menu displays. No permit is required for one (1) menu display, provided that it does not exceed three (3) square feet in area. Larger or additional menu displays require a permit and are subject to all regulations in this Chapter.
- (11) Merchandise. No permit is required for merchandise or models of products or services which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease or rental from a licensed real estate broker.
- (12) Official notices. No permit is required for official government notices and notices posted by government officers or employees in the performance of their official duties, and government signs to control traffic, identify streets, warn of danger or perform other regulatory purposes.
- (13) Open/closed. No permit is required for one (1) open/closed sign per business, provided that the sign does not exceed two (2) square foot in surface area.

- (14) Pictorial designs. No permit is required for items displayed for their artistic or decorative effect, including murals, which do not identify any private or public firm, person or organization.
 - (15) Political signs. No permit is required for signs, posters and banners indicating support for or opposition to a political candidate or political question. Such sign, posters or banners shall not be erected or placed prior to forty-five (45) days before an election, and shall be removed within five (5) days following the election. No such signs, posters or banners shall be placed upon or shall extend into any public property or right-of-way.
 - (16) Public service and public information signs. Signs of public, noncommercial nature used to indicate danger or to serve as an aid to public safety do not require permits.
 - (17) Residential identification signs:
 - (a) Residential identification signs do not require permits.
 - (b) An owner wishing to erect a sign for a home occupation shall be required to obtain a permit; however, no home occupation sign shall exceed four (4) square feet in area. Such sign may not be illuminated, except as may be illuminated indirectly by a light used to illuminate the walk, porch, etc.
 - (18) Signs necessitated by considerations of health, welfare or safety. Whenever circumstances arising out of conditions caused by a building site or its occupancy give rise to problems of health, welfare and safety that could be substantially alleviated by the use of a sign, such sign as may be necessary for the purpose involved may be erected and maintained as a temporary sign and in the manner described in Paragraph (4) above.
 - (19) Site development signs. Whenever a building permit has been issued for the construction, alteration or repair of the structure, a temporary sign may be displayed on the site during the time such work is going on; provided, however, that the total area for such sign shall be no larger than six (6) square feet with no more than two (2) signs displayed on any building site at any given time. Such sign shall be removed upon completion of the structure.
 - (20) Traffic signs. Traffic and other governmental signs, signals and notices which relate to public welfare and safety, which are erected by the City, County, state or federal government, do not require permits. Traffic signs and other governmental signs are not subject to or regulated by this Chapter.
 - (21) Unassociated signs. Vending machines, publication dispensers, dumpsters and other installations which are not directly associated with the primary business at the location do not require permits.
 - (22) Utility locations. Signs showing the location of public telephones and signs placed by public utilities to show the location of underground facilities do not require permits.
 - (23) Warning or instructional signs. One (1) such sign is allowed per business, not to exceed one (1) square foot in area. Examples of such signs may be "No Soliciting" or "No food or beverages allowed inside." The allowed sign may contain multiple messages.
- (Ord. 8 §1, 2006; Ord. 9 §6, 7 2007; Ord. 22 §3, 2007)

Sec. 20-32. Prohibited signs.

The following signs shall not be permitted, erected or maintained in any Zone in the City:

- (1) Billboard signs, except within the Colorado Department of Transportation right-of-way, by permit as required by the State.
- (2) Signs constituting a traffic or pedestrian hazard.
- (3) Signs which simulate, imitate or conflict with traffic signals or signs.
- (4) Signs which use luminescent paints, mirrors or other reflective materials, except as permitted in Zone IV.
- (5) Off-premises signs, except as provided in Sections 20-52, 20-59 and 20-60 of this Chapter.

- (6) Motor vehicles or trailers used as signs or sign structures, not including signs permanently attached to motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs on delivery trucks indicating the name of the owner or business; provided that the primary purpose of such vehicles is not for the display of signs, and that such vehicles are parked or stored in areas appropriate to their use as vehicles. Signs painted on trailers used on construction sites are also exempt, provided that a building permit has been issued for that site and the trailer is not stored in such a way as to act as a sign. Parking such vehicles or trailers other than at the location of the business advertised thereon for the sole purpose of advertising is prohibited.
- (7) Signs which advertise an inoperative business.
- (8) All temporary or portable signs except those permitted by this Chapter.
- (9) Walking signs.
- (10) Electronic reader board (changeable copy) signs, except as permitted in Zone IV.
- (11) Any sign not in accordance with the provisions of this Chapter.
(Ord. 8 §1, 2006)

Sec. 20-33. Application.

(A) Application for a sign permit shall be made in writing upon forms furnished by the City. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector.

(B) Each application shall be accompanied by a site plan and detailed drawing or rendering of the proposed sign, delineating the size, shape, style of lettering, lighting and position and scale of the sign in relation to the building from or upon which it will be displayed. A color photograph of the building must accompany each application. Each application must also include details of construction. After approval and installation of the sign, a color photograph shall be submitted to the City for reference purposes. The authorized agent of the City may waive any or all of the above requirements when they are determined to be unnecessary for adequate review of the application.

(C) A sign permit will either be issued or denied within a period of seven (7) days following receipt of the completed application and specified attachments by the City.

(D) If a permit is denied, the applicant may appeal to the Variance Board for a variance in accordance with Section 20-23 above.
(Ord. 8 §1, 2006; Ord. 9 §8, 2007)

Sec. 20-34. Fees.

A sign permit fee and a plan checking fee, in accordance with the City's fee schedule, shall be paid at the time of application.
(Ord. 8 §1, 2006)

Sec. 20-35. Duration.

Sign permits are valid for only ninety (90) days after issuance, and may be once extended for a like period upon request of the permittee prior to expiration. Failure of the permittee to request an extension or to complete the permitted sign prior to expiration of the permit shall require filing for a new permit and payment of an additional fee.
(Ord. 8 §1, 2006)

Sec. 20-36. Inspections.

All signs for which a permit is required shall be subject to inspection by the authorized agent of the City. Footing inspections may be required for all signs with footings. All signs containing electrical wiring shall be inspected and are subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency. The authorized agent may order the removal of any sign that is not maintained in

accordance with the provisions of this Chapter. All signs may be reinspected at the discretion of the authorized agent of the City.

(Ord. 8 §1, 2006)

Sec. 20-37—20-40. Reserved.

ARTICLE III

Design, Construction and Maintenance

Sec. 20-41. Design.

(A) Generally. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof. The overturning moment produced from lateral forces shall in no case exceed two-thirds ($\frac{2}{3}$) of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(B) Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City's building code.

(C) Seismic loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City's building code.

(D) Combined loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(E) Allowable stresses. The design of wood, concrete, steel or aluminum members shall conform to the requirements of relevant chapters of the City's building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the City's building code. The working stresses of wire rope and its fastenings shall not exceed twenty-five (25) percent of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the City's building code.

(F) Lighting. Direct lighting or reflective surfaces shall be arranged so as not to cast glare upon or cause interference with surrounding property or usage of public streets or highways, or to cause a public nuisance.

(Ord. 8 §1, 2006)

Sec. 20-42. Maintenance.

(A) All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs, including signs exempted from these regulations with respect to permits and/or fees, shall be maintained at all times to the satisfaction of the authorized agent of the City. The authorized agent shall have the authority to order the painting, repair or removal of a sign which constitutes a potential danger to the public safety. Such repair or removal shall be completed within thirty (30) days from the date of such notice to the property/business owner from the City.

(B) If the repair or removal order is not complied with in the time allotted in the notice, the authorized agent may cause the sign to be repaired or removed and the cost of said repair or removal shall be charged to the sign owner as provided in Section 20-24 of this Chapter. Application for a variance shall not extend in any way the period allowed for repair or removal.

(Ord. 8 §1, 2006)

Sec. 20-43. Construction.

(A) Generally. The supports for all signs or sign structures shall be placed in or upon private property, and no part of the sign or structure shall extend into the public right-of-way, except as allowed under Section 20-44 below. All supports and sign structures shall be securely built, constructed and erected in conformity with the requirements of this Chapter.

(B) Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the building code. In all signs and sign structures, the materials and details of construction shall be designed and built to professional standards and, in the absence of specified requirements, conform with the following:

- (1) Structural steel shall be of such quality as to conform with standards adopted by the City. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided that such members are designed in accordance with the specifications of the design of light gauge steel as specified in standards adopted by the City and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 20 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth (1/4) inch. Steel pipes shall be of such quality as to conform with standards adopted by the City. Steel members may be connected with one (1) galvanized bolt, provided that the connection is adequate to transfer the stresses in the members.
- (2) Anchors and supports, when of wood and embedded in the soil or within six (6) inches of the soil, shall be of heartwood of a rot-resistant species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(C) Restrictions on combustible materials. Signs may be constructed of any material meeting the requirements of this Chapter. Noncombustible materials must be used when constructing any internally lighted signs.

(D) Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five (25) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line. Signs attached to masonry concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No wooden blocks, plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. No anchor or support of any sign shall be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

(E) Display surfaces. Display surfaces in all types of signs may be made of wood, metal, safety glass or approved plastics. Glass thickness and area limitations shall be as set forth in Section 20-45 below.

(F) Approved plastics. The authorized agent of the City shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, its use may be approved.
(Ord. 8 §1, 2006)

Sec. 20-44. Projection; clearance; maximum height.

(A) Generally. Signs shall conform to the clearance and projection requirements of this Section.

(B) Clearance from high voltage power lines. Such clearance shall be in accordance with the electrical code adopted by the City.

(C) Clearance from fire escapes, exits or standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

(D) Obstruction of openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the building code.

(E) Projection over alleys. No sign or sign structure shall project into any public alley below a height of fourteen (14) feet above grade, nor project more than twelve (12) inches where the sign structure is located fourteen (14) to sixteen (16) feet above grade. The sign or sign structure may project not more than thirty-six (36) inches into the public alley where the sign or sign structure is located more than sixteen (16) feet above grade.

(F) Projection over streets and sidewalks. Projecting signs must have a minimum clearance of eight (8) feet above grade. No projecting sign may extend more than five (5) feet from the wall which supports it. No projecting sign may be thicker than two (2) feet.

(G) Height limitations. No sign or sign structure shall exceed the height of the building to which it is associated in Zone II. In Zones I and IV, a sign or sign structure may not exceed fifty (50) feet. Such maximum height includes all supporting structures, as well as the sign proper. This height limitation applies to pole signs, projecting signs and marquees. Ground signs shall not exceed six (6) feet in height as measured from the ground to the topmost surface of the sign. Roof signs shall not exceed three (3) feet in height and, in no case, shall exceed the highest point of the building structure, except that in Zone IV, roof signs may exceed the highest point of the building structure but may not exceed a maximum of ten (10) feet in height. No sign in any Signage Zone may be higher than the limitations listed above except where strict compliance with these regulations would create unusual hardships or exceptional practical difficulties, in which case the City Council may consider granting an exception from the requirements of this Section. However, no such exception shall be granted unless the City Council finds that such exception will not be injurious to the public health, safety or welfare and that unique conditions are presented that are project-specific. No application for exception hereunder shall be accepted by the City unless accompanied by the payment of an application fee in an amount set forth in the City's fee schedule.

(Ord. 8 §1, 2006)

Sec. 20-45. Glass panels.

An exposed glass panel in any sign shall be of a specified thickness and type, depending on the area of the panel:

- (1) A glass panel up to five hundred (500) square inches in area must be at least one-eighth ($\frac{1}{8}$) inch thick.
- (2) A glass panel more than five hundred (500) and less than seven hundred (700) square inches in area must be at least three-sixteenths ($\frac{3}{16}$) inch thick.
- (3) A glass panel more than seven hundred (700) square inches in area must be at least one-quarter ($\frac{1}{4}$) inch thick.
- (4) Glass panels may be of plain, plate or wired glass, except that those having an area greater than three thousand six hundred (3,600) square inches must be of wired glass.

(Ord. 8 §1, 2006)

Sec. 20-46—20-50. Reserved.

ARTICLE IV

Regulations for Specific Types of Signs

Sec. 20-51. Temporary and seasonal signs.

(A) Generally. No more than one-third ($\frac{1}{3}$) of any window or wall surface may be covered by temporary signs. No business location may have more than fifty (50) square feet of temporary signs displayed at any one (1) time. A temporary sign shall be securely fastened to its supporting structure, window or wall. Temporary signs may remain in place for a period not exceeding sixty (60) days, and may not be replaced by another sign with the same copy for at least thirty (30) days. All temporary signs under twenty-four (24) square feet shall contain, in permanent ink or

otherwise incorporated into the sign, the name, address and telephone number of the responsible party and the date placed. Notwithstanding the regulations in Section 20-31 of this Chapter, individual temporary signs over twenty-four (24) square feet require a sign permit.

(B) Flexible signs.

- (1) Support; exception. Every temporary flexible sign (such as cloth or plastic banners) shall be supported and attached with wire rope of three-eighths ($\frac{3}{8}$) inch minimum diameter. No strings, fiber ropes or wood slats shall be permitted for support or anchorage purposes. Flexible signs and panels shall be perforated over at least ten (10) percent of their areas to reduce wind resistance.
- (2) Projection. Flexible signs may extend over public property. Such signs, when extended over a public street, shall maintain a minimum clearance of twenty (20) feet. Flexible signs may extend across a public street only by permission of the City Council and shall be subject to all related laws and ordinances.

(C) Temporary signs of rigid material shall not exceed twenty-four (24) square feet in area or six (6) feet in height.

(D) Number limit. No more than five (5) temporary signs may be located on the exterior of any business, structure or property at any given time.
(Ord. 8 §1, 2006)

Sec. 20-52. Bulletin boards, kiosks, directional signs and public information signs.

Incidental signs for the benefit of public knowledge shall be placed upon the review and approval of the Planning Commission. Such signs could include a business directory, subdivision sign or directional sign. All conditions of this Chapter shall apply, except placement, which shall be left to the discretion of the appropriate Commission. Bulletin boards, kiosks and directional and public information signs are off-premises signs allowed under this Chapter.

(Ord. 8 §1, 2006; Ord. 9 §9, 2007)

Sec. 20-53. Moveable signs.

(A) Size. Moveable signs shall not exceed ten (10) square feet per face, and shall not contain more than two (2) faces.

(B) Location. All moveable signs must be located in front of the property they are advertising. No moveable sign shall be allowed within the street right-of-way.

(Ord. 8 §1, 2006)

Sec. 20-54. Canopy and awning signs.

(A) Size allowable. Any portion of any awning or canopy containing the name of the business, or is otherwise a sign, shall be treated as a sign.

(B) Restrictions.

- (1) There shall be a minimum clearance of eight (8) feet between the bottom of the awning and the ground at grade.
- (2) All awning or canopy supports must be set back a minimum of one (1) foot from the public right-of-way or back of the curb. No support may be mounted in the public right-of-way.
- (3) No awning or canopy is allowed to have ground supports in Zone II.

(Ord. 8 §1, 2006)

Sec. 20-55. Residential identification signs.

Residential identification signs shall not exceed four (4) square feet of surface area.

(Ord. 8 §1, 2006)

Sec. 20-56. Interim business signs.

Interim business signs may remain in place for a maximum of one hundred eighty (180) days, and shall be subject to the maximum sign area limitations of the zone district. No variance may be granted to allow an interim business sign to remain in place for a longer period of time.

(Ord. 8 §1, 2006)

Sec. 20-57. Wall signs.

Wall signs may not extend upward beyond three (3) feet above the eave line of the supporting building.

(Ord. 8 §1, 2006)

Sec. 20-58. Illuminated signs.

(A) Shielded lighting. Lighting sources used for illuminating a sign shall not be visible from the vehicular travel lanes or adjacent public rights-of way. The use of adequate, top-mounted shielding, sufficient that light from sign-illuminating devices does not shine directly into the eyes of passing motorists or nearby residences without first being reflected off the sign surface, is required whenever exterior sign lighting is used.

(B) Internal illumination. Signs constructed of translucent materials and wholly illuminated from within do not require shielding.

(C) Subdued lighting. The intensity of any sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest municipal street or public right-of-way, and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity.

(Ord. 8 §1, 2006)

Sec. 20-59. Off-premises signs.

Off-premises signs may be of any type, size and material allowed in the zone where located and shall conform to the regulations for the zone where located. Off-premises signs, except real estate directional signs as provided in Section 20-61 below, shall count against the number of signs and aggregate square footage for both the business being advertised and the premises where located.

(Ord. 8 §1, 2006)

Sec. 20-60. Electronic display signs.

(A) Type. Electronic display signs may only be utilized as part of a pole sign, and shall conform to the zone's regulation of pole signs.

(B) Content.

(1) At least ten (10) percent of the sign's content shall be public service in nature between the hours of 6:00 a.m. and midnight. Text for such public service announcements will be provided by the City or, in the case of emergency situations such as "Amber Alert" notices, the text may be provided by the Clear Creek County Sheriff's dispatch center.

(2) Off-premises electronic display advertising will be allowed, but shall not exceed twenty-five (25) percent of the sign's content in any twenty-four-hour period.

(C) Timing. Content of the sign may change no more frequently than every five (5) seconds. The change must be accomplished in such a way that there is no sudden effect which might distract passing motorists and, therefore, create a hindrance to traffic safety. There must be a visual pause of at least one-half (½) second between messages. Messages must remain fixed for a period of at least five (5) seconds and then disappear before the next message appears in view.

(D) Lighting. The intensity of light from an electronic display sign shall, by automatic sensor, dim in contrast to the surrounding ambient light. Between sunset and sunrise, no electronic display shall have an intensity greater than twenty (20) percent of the sign's maximum intensity.

(E) Restrictions. Blinking, flickering, varying intensity, flashing light and continuously scrolling messages are prohibited.

(Ord. 8 §1, 2006)

Sec. 20-61. Real estate signs.

(A) One (1) sign to advertise a specific premises for sale may be placed on the property being offered without obtaining a permit. Such sign may not exceed six (6) square feet in area per face and may have no more than two (2) faces. A permit is required for additional signs on the property and for any sign over six (6) square feet in area. Signs must be removed from the premises within three (3) days after the close of the sale of the property.

(B) One (1) directional sign per property being offered may be placed away from the property without obtaining a permit. The directional sign may not exceed two (2) square feet in area per face and may have no more than two (2) faces. Additional signs will require a permit. Directional signs may not be placed on public property without written permission of the property owner and must be removed within three (3) days after the close of the sale of the property.

(C) Only when access to the property offered for sale is limited due to secured access or seasonal or long-term road conditions, the total size of the directional sign may be not more than three (3) square feet. All other regulations in Subsection (B) above shall apply.

(Ord. 8 §1, 2006)

Sec. 20-62. Merchandise.

Merchandise displayed outside the business and on the public right-of-way shall be limited to one (1) display for every twenty-two (22) feet of business frontage, and a maximum size of sixty (60) cubic feet. Exterior displays of merchandise are allowed as provided elsewhere in this Chapter, provided that there is no unreasonable obstruction of pedestrian traffic, as determined by the City.

(Ord. 8 §1, 2006)

Sec. 20-63—20-70. Reserved.

ARTICLE V

Specific Regulations for Zone I

Sec. 20-71. Additional requirements.

In addition to the requirements and limitations set forth in this Chapter, additional requirements and limitations are hereby established for signs in Zone I.

(Ord. 8 §1, 2006)

Sec. 20-72. Surface area; size allowable.

(A) The aggregate surface area of all permanent signs on a premises, and including off-premises directional signs, shall not exceed a total of two (2) square feet of sign surface area to each lineal foot of building frontage. In the case of a corner lot or a lot bounded on more than two (2) sides by public rights-of-way, the aggregate square footage of signage allowed will be determined based upon the total frontage of all affected sides. However, no one (1) side may have more square footage than its frontage allows.

(B) The maximum allowed surface area of any sign shall be as follows:

- (1) Wall signs. The maximum surface area of any wall sign shall not exceed one hundred twenty (120) square feet of the total square footage of any given exterior flat wall surface.
- (2) Pole signs. Pole signs shall not exceed the maximum surface area of one hundred twenty (120) square feet per face. No more than one (1) pole sign shall be allowed per premises.

- (3) Ground signs. Ground signs shall not exceed the maximum surface area of sixty (60) square feet. Double-faced signs shall not exceed a total maximum surface of one hundred twenty (120) square feet for both sides total.
 - (4) Roof signs. Roof signs shall not exceed the maximum surface area of thirty (30) square feet. Double-faced signs located on a roof peak shall not exceed a total maximum surface of sixty (60) square feet for both sides total. No more than one (1) roof sign shall be allowed per premises.
 - (5) Projecting signs shall not exceed the maximum allowed projection prescribed by Section 20-44 of this Chapter.
 - (6) Marquee signs shall have a maximum allowed surface area of one hundred twenty (120) square feet per side of the marquee; provided, however, that in no event shall any marquee be of such size that it is prohibited by the provisions of this Section and Section 20-44.
 - (7) Directional signs shall not exceed a maximum surface area of six (6) square feet and a maximum height of three (3) feet from the ground to the top of the sign.
 - (8) Menu boards shall not be counted for the purposes of determining the number of signs or the total square footage of signs allowed, provided that they contain no business logo, business name or other named business advertisement. Menu boards containing such logo, name or business advertisement will be considered a sign and will be subject to the other limitations set forth in this Chapter. In no case shall a menu board exceed a surface area of twenty-four (24) square feet.
 - (9) Credit card advertisements or current trade association emblems are exempt and may be displayed on doors or windows, provided that they do not exceed one-half ($\frac{1}{2}$) square foot per credit card or emblem advertised. Emblems and credit card advertisements larger than said size will be considered a sign and will be subject to the other limitations set forth in this Chapter.
- (Ord. 8 §1, 2006)

Sec. 20-73. Pole signs.

- (A) Design. All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with the requirements specified in this Chapter.
 - (B) Projection and height. In no case shall a pole sign exceed fifty (50) feet in height.
 - (C) Number allowed. No more than one (1) pole sign shall be allowed per business. Pole signs shall have a maximum of two (2) faces.
 - (D) Size allowable. The maximum allowed surface area of any pole sign shall conform to the requirements of Paragraph 20-72(B)(2) above.
- (Ord. 8 §1, 2006)

Sec. 20-74. Ground signs.

- (A) Design. Ground signs shall be designed in accordance with the requirements specified in this Chapter. They shall contain an architectural base; *e.g.*, a stone base, planter, etc.
 - (B) Projection. Ground signs shall not project over public property or beyond a legal setback. Ground signs in excess of three (3) feet in height as measured from the ground to the topmost surface shall be set back a minimum of five (5) feet from the property line to ensure adequate sight distance for exiting traffic.
- (Ord. 8 §1, 2006)

Sec. 20-75. Roof signs.

- (A) Design. No internally illuminated roof signs will be allowed.
- (B) Projection. Roof signs shall not project more than three (3) feet up in height from a roof surface.

(C) Number allowed. No more than one (1) roof sign shall be allowed per premises. Roof signs shall have a maximum of two (2) faces if placed at the peak of a roof.
(Ord. 8 §1, 2006)

Sec. 20-76. Wall signs.

(A) Projection. No wall sign shall extend above any adjacent parapet wall of the supporting building.

(B) Thickness. The thickness of that portion of a wall sign which projects over public property or beyond a legal setback line shall not exceed nine (9) inches.
(Ord. 8 §1, 2006)

Sec. 20-77. Projecting signs.

Projecting signs shall not be higher than the eave or parapet wall of the principal building. The outermost end of a projecting sign may not come within two (2) feet of the parking curb on the street.
(Ord. 8 §1, 2006)

Sec. 20-78. Marquees.

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the City's building code.
(Ord. 8 §1, 2006)

Sec. 20-79. Electric and illuminated signs.

The enclosed shell of all electrical signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.
(Ord. 8 §1, 2006)

Sec. 20-80—20-90. Reserved.

ARTICLE VI

Specific Regulations for Zone II

Sec. 20-91. Additional regulations.

In addition to the requirements and limitations set forth in this Chapter, additional requirements and limitations are hereby established for signs in Zone II.
(Ord. 8 §1, 2006)

Sec. 20-92. Surface area; size allowable.

(A) The aggregate surface area of all permanent signs on a premises, and including off-premises directional signs, shall not exceed a total of two (2) square feet of sign surface area to each lineal foot of building frontage, or as may be limited by architectural detail. In the case of a corner lot or a lot bounded on more than two (2) sides by public rights-of-way, the aggregate square footage of signage allowed will be determined based upon the total frontage of all affected sides. However, no one (1) side may have more square footage than its frontage allows. Historic plaques are not included in the calculation of maximum allowed signage, pursuant to this Section.

(B) The maximum allowed surface area of any sign shall be as follows:

- (1) Wall signs. The maximum surface area for single-faced signs attached flat against the wall, including painted wall signs and attached letters thereto, shall not exceed one hundred twenty (120) square feet or as may be limited by architectural detail.
- (2) Double-faced signs. The maximum surface area for double-faced signs, including projecting signs and roof signs, shall not exceed twenty (20) square feet per face.

(3) Credit card advertisements or current trade association emblems are exempt and may be displayed on doors or windows, provided that they do not exceed one-half (½) square foot per credit card or emblem advertised. Emblems and credit card advertisements larger than said size will be considered a sign and will be subject to the other limitations set forth in this Chapter.

(4) Menu displays shall conform to the provisions in Paragraph 20-31(B)(11) of this Chapter.
(Ord. 8 §1, 2006)

Sec. 20-93. Pole signs.

Pole signs are not allowed in Zone II.
(Ord. 8 §1, 2006)

Sec. 20-94. Ground signs.

Ground signs are not allowed in Zone II.
(Ord. 8 §1, 2006)

Sec. 20-95. Roof signs.

(A) Design. No internally illuminated roof signs will be allowed.

(B) Projection and clearance. Roof signs shall not project more than three (3) feet up in height from a roof surface.

(C) Number allowed. No more than one (1) roof sign shall be allowed per premises. Roof signs shall have a maximum of two (2) faces if placed at the peak of a roof.
(Ord. 8 §1, 2006)

Sec. 20-96. Wall signs.

(A) Projection. No wall sign shall extend above any eave line or adjacent parapet wall of the supporting building.

(B) Thickness. The thickness of that portion of a wall sign which projects over public property or beyond a legal setback line shall not exceed nine (9) inches.
(Ord. 8 §1, 2006)

Sec. 20-97. Projecting signs.

Projecting signs shall not be higher than the eave or parapet wall of the principal building. The outermost end of a projecting sign may not come within two (2) feet of the parking curb on the street.
(Ord. 8 §1, 2006)

Sec. 20-98. Marquees.

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the City's building code.
(Ord. 8 §1, 2006)

Sec. 20-99. Electric and illuminated signs.

(A) The enclosed shell of all electrical signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.

(B) Up to three (3) internally illuminated or backlit signs, including neon signs, are allowed per business.
(Ord. 8 §1, 2006)

Sec. 20-100. Statuary signs.

One (1) statuary sign is permitted for every twenty-two (22) feet of business frontage.
(Ord. 8 §1, 2006)

Sec. 20-101. Prohibited signs.

The following signs are prohibited:

- (1) Signs that have moving objects with lights, illumination or reflective material which flash, move, rotate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, including video signs.
- (2) Any sign that covers or obscures architectural details of any building.
(Ord. 8 §1, 2006)

Sec. 20-102—20-110. Reserved.

ARTICLE VII

Specific Regulations for Zone III

Sec. 20-111. Additional regulations.

In addition to the requirements and limitations set forth in this Chapter, additional requirements and limitations are hereby established for signs in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-112. Pole signs.

Pole signs are not allowed in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-113. Ground signs.

(A) Ground signs shall be designed in accordance with the requirements specified in this Chapter. They shall contain an architectural base; *e.g.*, a stone base, planter, etc.

(B) Ground signs shall not project over public property or beyond a legal setback. Ground signs in excess of three (3) feet in height as measured from the ground to the topmost surface shall be set back a minimum of five (5) feet from the property line to ensure adequate sight distance for exiting traffic.

(C) The only ground signs allowed in Zone III are subdivision entrance signs. Such signs shall not be greater than twelve (12) square feet per side and may be double-sided. Only one (1) entrance sign shall be permitted for each primary entrance to a subdivision. No portion of a subdivision entrance sign shall extend more than ten (10) feet above grade.
(Ord. 8 §1, 2006)

Sec. 20-114. Roof signs.

Roof signs are not allowed in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-115. Wall signs.

No wall signs are allowed in Zone III, with the exception of home occupation signs and residential identification signs, as provided in Subsection 20-31(B) and Section 20-55, respectively, of this Chapter.
(Ord. 8 §1, 2006)

Sec. 20-116. Projecting signs.

Projecting signs are not allowed in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-117. Marquees.

Marquee signs are not allowed in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-118. Electric and illuminated signs.

Electric and illuminated signs are not allowed in Zone III.
(Ord. 8 §1, 2006)

Sec. 20-119—20-130. Reserved.

ARTICLE VIII

Specific Regulations for Zone IV

Sec. 20-131. Additional regulations.

In addition to the requirements and limitations set forth in this Chapter, additional requirements and limitations are hereby established for signs in Zone IV.
(Ord. 8 §1, 2006)

Sec. 20-132. Surface area; size allowable.

(A) The aggregate surface area of all permanent signs on a premises, including off-premises directional signs and excluding pole signs and roof signs, shall not exceed a total of two (2) square feet of sign surface area for each lineal foot of building frontage. In the case of a corner lot or lot bounded on more than two (2) sides by public rights-of-way, the aggregate square footage of signage allowed will be determined based upon the total frontage of all affected sides. However, no one (1) side may have more square footage than its frontage allows.

(B) The maximum allowed surface area of any sign shall be as follows:

- (1) Wall signs shall not exceed one hundred twenty (120) square feet of the total square footage of any given exterior flat wall surface.
- (2) Pole signs shall not exceed the maximum surface area of two hundred fifty (250) square feet per face. No more than one (1) pole sign shall be allowed per premises. No pole sign shall have more than two (2) faces.
- (3) Ground signs shall not exceed the maximum surface area of sixty (60) square feet. Double-faced signs shall not exceed a total maximum surface of one hundred twenty (120) square feet for both sides total.
- (4) Roof signs shall not exceed the maximum surface area of two hundred (200) square feet. Double-faced signs located on a roof shall not exceed a total maximum surface of four hundred (400) square feet for both sides total. No more than one (1) roof sign shall be allowed per premises.
- (5) Projecting signs shall not exceed the maximum allowed projection prescribed by Section 20-44 of this Chapter.
- (6) Marquee signs shall have a maximum allowed surface area of one hundred twenty (120) square feet per side of the marquee; provided, however, that in no event shall any marquee be of such size that it is prohibited by the provisions of this Section and Section 20-44.
- (7) Directional signs shall not exceed a maximum surface area of six (6) square feet and a maximum height of three (3) feet from the ground to the top of the sign.
- (8) Menu boards shall not be counted for the purposes of determining the number of signs or the total square footage of signs allowed, provided that they contain no business logo, business name or other named business advertisement. A menu board containing such logo, name or business advertisement will be considered a sign and will be subject to the other limitations set forth in this Chapter. In no case shall a menu board exceed a surface area of twenty-four (24) feet.

- (9) Credit card advertisements or current trade association emblems are exempt and may be displayed on doors or windows, provided that they do not exceed one-half (½) square foot per credit card or emblem advertised. Emblems and credit card advertisements larger than said size will be considered a sign and will be subject to the other limitations set forth in this Chapter.

(Ord. 8 §1, 2006)

Sec. 20-133. Pole signs.

(A) Design. All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform to the requirements specified in this Chapter.

(B) Projection and clearance. In no case shall a pole sign exceed fifty (50) feet in height.

(C) Number allowed. No more than one (1) pole sign shall be allowed per business. Pole signs shall have a maximum of two (2) faces.

(D) Size allowable. The maximum allowed surface area of any pole sign shall conform to the requirements of Paragraph 20-132(B)(2) above.

(Ord. 8 §1, 2006)

Sec. 20-134. Ground signs.

(A) Design. Ground signs shall be designed in accordance with the requirements specified in this Chapter. They shall contain an architectural base; *e.g.*, a stone base, planter, etc.

(B) Projection. Ground signs shall not project over public property or beyond a legal setback. Ground signs in excess of three (3) feet in height as measured from the ground to the topmost surface shall be set back a minimum of five (5) feet from the property line to ensure adequate sight distance for exiting traffic.

(Ord. 8 §1, 2006)

Sec. 20-135. Roof signs.

(A) Design. Internally or indirectly illuminated roof signs are allowed, subject to the requirements in Section 20-58 of this Chapter.

(B) Projection and clearance. Roof signs shall not project more than ten (10) feet up in height from a roof surface.

(C) Number allowed. No more than one (1) roof sign shall be allowed per premises. Roof signs shall have a maximum of two (2) faces if placed at the peak of a roof.

(Ord. 8 §1, 2006)

Sec. 20-136. Wall signs.

(A) Projection. No wall sign shall extend above any adjacent parapet wall of the supporting building.

(B) Thickness. The thickness of that portion of a wall sign which projects over public property or beyond a legal setback line shall not exceed nine (9) inches.

(Ord. 8 §1, 2006)

Sec. 20-137. Projecting signs.

Projecting signs shall not be higher than the eave or parapet wall of the principal building. They must be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. A projecting sign may not extend more than five (5) feet from a building wall. The outermost end of a projecting sign may not come within two (2) feet of the parking curb on the street.

(Ord. 8 §1, 2006)

Sec. 20-138. Marquees.

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the City's building code.

(Ord. 8 §1, 2006)

Sec. 20-139. Electric and illuminated signs.

(A) The enclosed shell of all electrical signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.

(B) Electronic reader board and digital display signs are allowed in Zone IV, subject to the provisions of Section 20-60 of this Chapter.

(Ord. 8 §1, 2006)

Sec. 20-140—20-150. Reserved.