



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, September 13, 2016 @ 6:00 PM**

Call to Order – 6:00 P.M.

*****CONSENT CALENDAR*****

1. Minutes of Previous Meetings

[Attach 1](#)

Action: Approve the minutes from the August 9, 2016 Meeting.

2. Noland Avenue ROW Vacation

[Attach 2](#)

[File# VAC-2016-376]

Request to vacate a portion of a public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7th Street in a C-2 (General Commercial) zone district.

Action: Recommendation to City Council

Applicant: Atlasta Solar Store LLC
Location: 1111 S. 7th Street
Staff Presentation: Brian Rusche, Sr. Planner

3. Sabrosa Conditional Use Permit

[Attach 3](#)

[File# CUP-2016-421]

Request for a Conditional Use Permit for a Bar/Nightclub on 0.072 acres at 545 Main Street in a B-2 (Downtown Business) zone district.

Action: Approval or Denial of CUP

Applicant: Vegas Momma, LLC
Location: 545 Main Street
Staff Presentation: Brian Rusche, Sr. Planner

4. Zoning and Development Code Amendment

[Attach 4](#)
[File# ZCA-2016-427]

Request for approval to amend the Grand Junction Municipal Code, deleting Section 24.12.130(b), Residential Areas Standards and Guidelines, Accessory Structures.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Greater Downtown Overlay District
Staff Presentation: Kristen Ashbeck, Community Services Coordinator

*****INDIVIDUAL CONSIDERATION*****

5. Colorado Mesa University ROW Vacations

[Attach 5](#)
[File# VAC-2016-368 & 416]

Request to vacate portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenue's and portion of public street right-of-way for Texas Avenue as part of Colorado Mesa University expansion projects.

Action: Recommendation to City Council

Applicant: Colorado Mesa University
Location: Portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenue's and portion of public street Right-of-Way for Texas Avenue
Staff Presentation: Scott Peterson, Sr. Planner

6. Zoning and Development Code Amendment

[Attach 6](#)
[File# ZCA-2016-384]

Request to Amend the Zoning and Development Code to Establish Content Neutrality Sign Standards and Regulate Digital and/or Electronic Sign Standards.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: David Thornton, Principal Planner
Lori V. Bowers, Sr. Planner

7. Other Business

8. Adjournment

Attach 1

**GRAND JUNCTION PLANNING COMMISSION
August 9, 2016 MINUTES
6:00 p.m. to 6:03 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Steve Tolle and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, was Kathy Portner, Community Services Manager and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There was one citizen in attendance during the hearing.

Consent Agenda

1. Minutes of Previous Meetings

Action: Approve the minutes from the June 28, 2016 and July 12, 2016 Meetings.

2. DPE LLC Telecommunications Tower Conditional Use Permit (CUP)

[File#CUP-2016-186]

Request for a Conditional Use Permit to install a 56' tall roof mounted guyed tower on 0.88 +/- acres in a C-2 (General Commercial) zone district.

Action: Approval or Denial of CUP

Applicant: DPE LLC (Denny Eschliman) - Owner
Location: 575 S. Westgate Drive
Staff Presentation: Scott Peterson, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing. With no requests to pull an item for full hearing, Chairman Reece asked for a motion.

MOTION:(Commissioner Wade) "Madam Chairman, I move to approve the Consent Agenda as presented."

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

*****INDIVIDUAL CONSIDERATION*****

No items on Agenda for Individual Consideration.

3. Other Business

None

4. Adjournment

The Planning Commission meeting was Adjourned at 6:03pm.



Date: August 31, 2016
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner / x4058
 Proposed Schedule: Planning
Commission September 13, 2016; City
Council 1st Reading – September 21, 2016
 2nd Reading (if applicable):
October 5, 2016
 File # (if applicable): VAC-2016-376

Attach 2

PLANNING COMMISSION AGENDA ITEM

Subject: Noland Avenue ROW Vacation
Action Requested/Recommendation: Forward a recommendation to City Council to vacate a portion of public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7th Street in a C-2 (General Commercial) zone district.
Presenter(s) Name & Title: Brian Rusche – Senior Planner

Executive Summary:

Forward a recommendation to City Council to vacate a portion of public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7th Street in a C-2 (General Commercial) zone district.

Background, Analysis and Options:

Atlasta Solar Store LLC, requests approval from the City of Grand Junction to vacate a small portion of Noland Avenue (approximately 2216 sq. ft. or 0.050 acres – see attached vacation exhibit) located west of S. 7th Street. The right-of-way has never been improved with either asphalt paving or concrete. However, there is water, sewer, and storm sewer infrastructure located in the right-of-way and the City owns the parcel on the opposite (south) side of Noland Avenue. Because of the existing utilities and City ownership to the south, the applicant is requesting that only a portion of the right-of-way be vacated.

Neighborhood Meeting:

Because the right-of-way has never been improved, the request does not vacate the entire portion of the right-of-way and the adjacent property is the only beneficiary, no neighborhood meeting was held.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Policy C: The Regional Transportation Plan will be used as a basis for development review and to help prioritize capital improvement programming. The City and County will maintain Capital Improvement Plans (CIPs) which prioritize road and alley improvements based on needs for traffic flow, safety enhancements, maintenance and linkages.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed right-of-way vacation request does not specifically further the goals of the Economic Development Plan, it does allow the land to be used by the adjoining property while eliminating responsibility of the City of Grand Junction for construction and maintenance.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This request has not previously been presented or discussed.

Attachments:

1. Background information
2. Staff report
3. Site Location Map
4. Aerial Photo Map
5. Future Land Use Map
6. Zoning Map
7. Ordinance

BACKGROUND INFORMATION				
Location:		Noland Avenue west of S. 7 th Street		
Applicants:		Atlasta Solar Store LLC – Darin Carei		
Existing Land Use:		Unimproved right-of-way for Noland Avenue		
Proposed Land Use:		Incorporate into the site development at 1111 South 7 th Street		
Surrounding Land Use:	North	Commercial		
	South	Riverside Parkway		
	East	Industrial		
	West	Industrial		
Existing Zoning:		N/A – right-of-way		
Proposed Zoning:		C-2 (General Commercial)		
Surrounding Zoning:	North	C-2 (General Commercial)		
	South	C-2 (General Commercial)		
	East	C-2 (General Commercial)		
	West	C-2 (General Commercial)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the right-of-way shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

The vacation of this portion of Noland Avenue removes an unimproved section of right-of-way that is rendered unnecessary by the Riverside Parkway, yet retains sufficient room for existing public utilities. Vacating the right-of-way will allow the land to be used by the adjoining properties while eliminating responsibility of the City of Grand Junction for construction and maintenance.

The vacation of this right-of-way does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or any other adopted plans of the City.

Therefore, this criterion has been met.

- b. *No parcel shall be landlocked as a result of the vacation.*

No parcels are landlocked if this portion of Noland Avenue is vacated.

Therefore, this criterion has been met.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

The vacation of this section of Noland Avenue does not change the access or restrict access to any properties; access has been dictated by the configuration of the Riverside Parkway. The vacation will increase total square footage of the adjacent parcel, maximizing future (re)development potential.

Therefore, this criterion has been met.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The review of the proposed vacation elicited the following comments:

Development Engineer: All City of GJ utilities are well outside this proposed area of vacation. No concerns or comments.

Xcel Energy: Xcel Energy has no comments.

Grand Junction Fire Department: GJFD has no objections to the proposed project.

As no other adverse impacts on the health, safety, and/or welfare of the general community have been raised and the quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request, therefore this criterion has been met.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.*

All existing public facilities or services are located outside of the portion of right-of-way that is being considered for vacation.

Therefore, this criterion has been met.

- f. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

The proposed vacation provides a public benefit by eliminating future construction and maintenance costs for this section of right-of-way while placing the land into private ownership and therefore taxable.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Noland Avenue Right-Of-Way Vacation, VAC-2016-376 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VAC-2016-376 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on item VAC-2016-376, I move we forward a recommendation of approval to the City Council on the request to vacate a portion of Noland Avenue west of S. 7th Street with the findings of fact and conclusions in the staff report.

Site Location Map

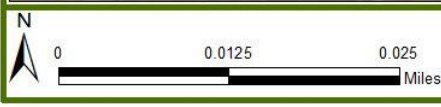
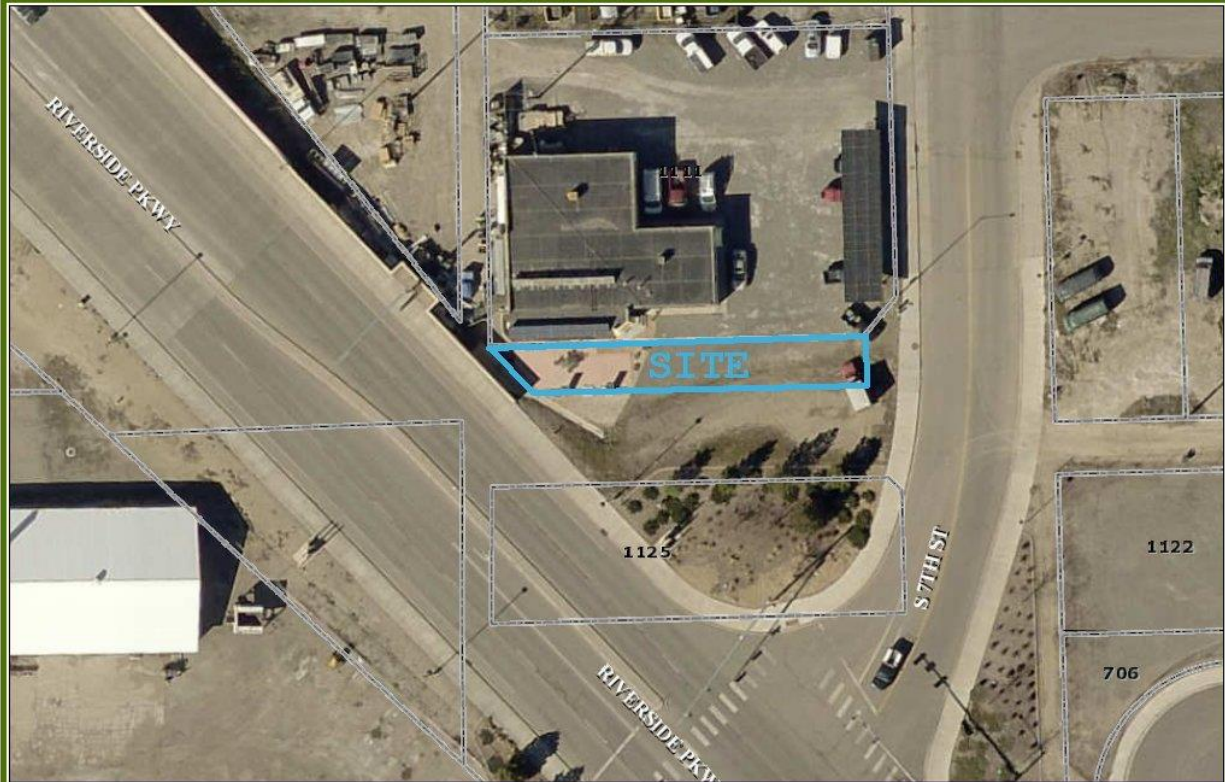


Printed: 8/26/2016

1 inch = 90 feet



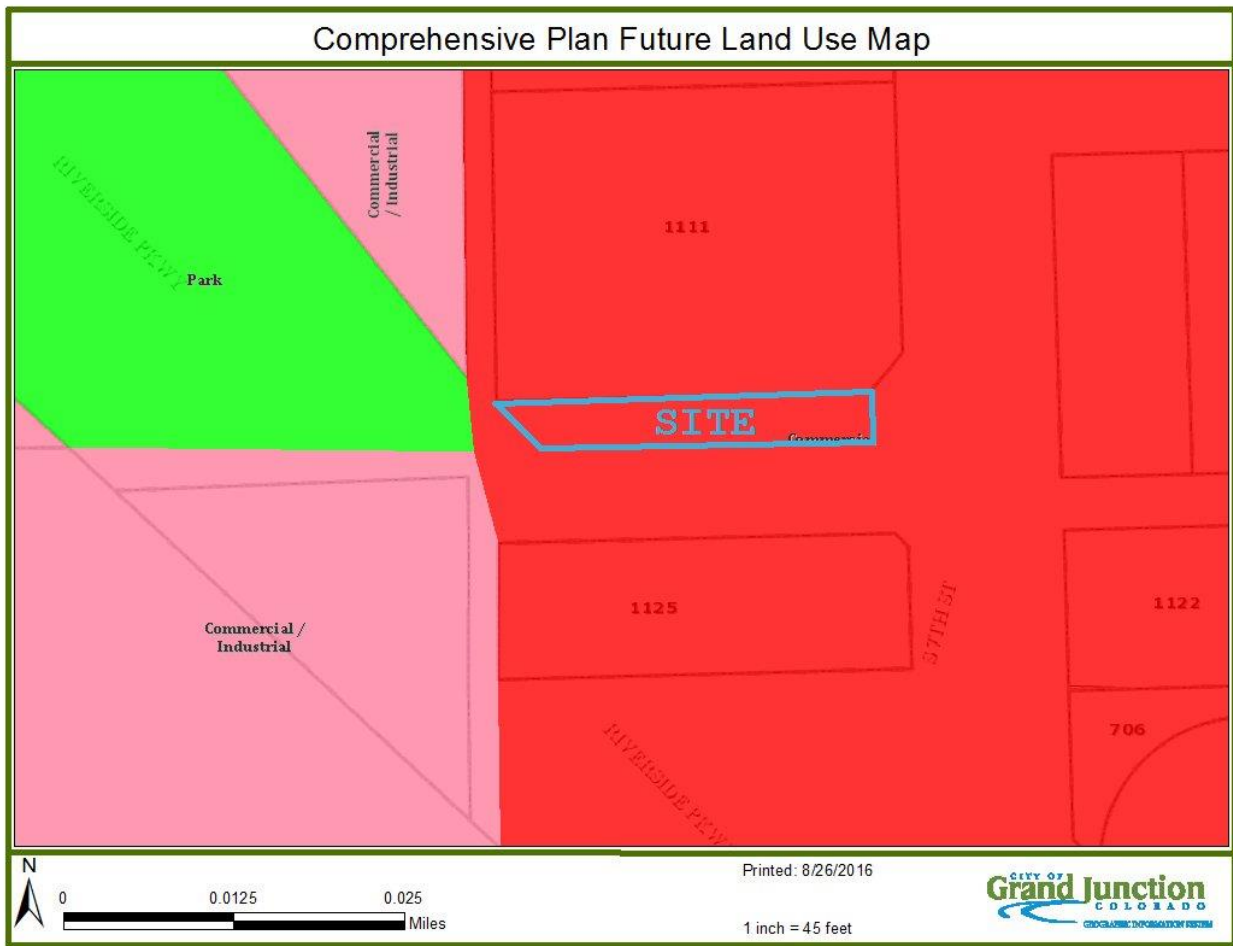
Aerial Photo Map

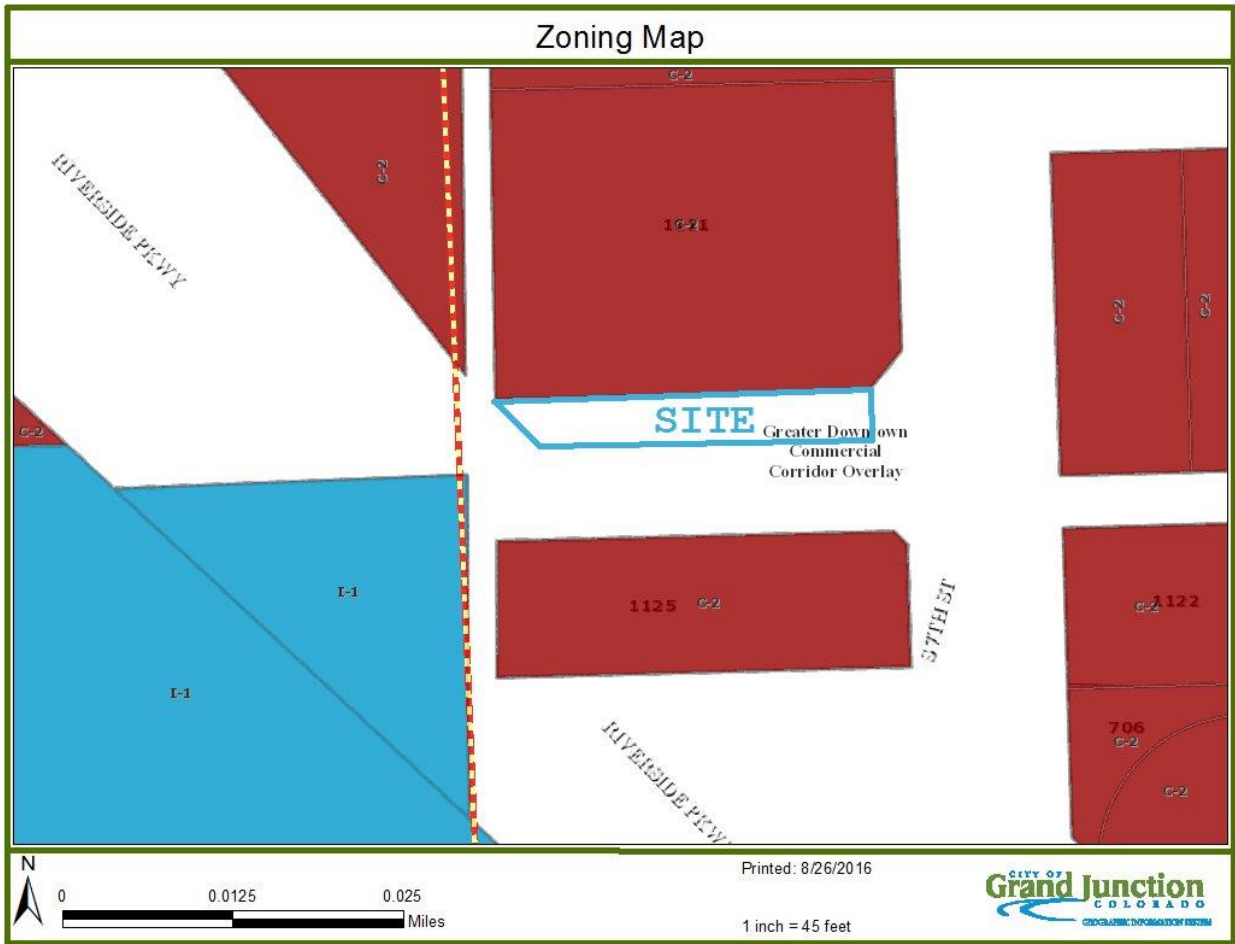


Printed: 8/26/2016

1 inch = 45 feet







CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR
NOLAND AVENUE
LOCATED WEST OF S 7TH STREET**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owner.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

ROW VACATION DESCRIPTION

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 23, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at a point on the West line of Lot 1, Block 9, Amended Plat of Benton Canon's First Subdivision, as same is recorded in Plat Book 4, Page 39, Public Records of Mesa County, Colorado, said point being 89.75 feet South of the Northwest corner of said Lot 1 and assuming the North line of said Lot 1 bears N 89°54'28" W with all other bearings contained herein being relative thereto;

THENCE from said Point of Beginning, S 89°54'27" E along a line parallel with and 89.75 feet South of, the North line of said Lot 1, a distance of 145.77 feet; thence S

00°05'33" W, a distance of 16.00 feet; thence N 89°54'28" W, a distance of 131.21 feet; thence N 42°12'39" W, a distance of 21.63 feet, more or less, to the Point of Beginning.

CONTAINING 2,216 Square Feet or 0.050 Acres, more or less, as described.

Introduced for first reading on this day of , 2016 and ordered published in pamphlet form.

PASSED and ADOPTED this day of , 2016 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk



Date: August 30, 2016
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner / 4058
 Proposed Schedule:
September 13, 2016
 File #: CUP-2016-421

Attach 3

PLANNING COMMISSION AGENDA ITEM

Subject: Sabrosa Conditional Use Permit
Action Requested/Recommendation: Consider a request for a Conditional Use Permit for a Bar/Nightclub on 0.072 acres located at 545 Main Street in a B-2 (Downtown Business) zone district.
Presenter(s) Name & Title: Brian Rusche, Senior Planner

Executive Summary:

Consider a request for a Conditional Use Permit to operate a bar/nightclub on 0.072 acres located at 545 Main Street in a B-2 (Downtown Business) zone district

Background, Analysis and Options:

Sabrosa is requesting a Conditional Use Permit to relocate the business from its existing location at 122 N. 5th Street, between Main and Colorado, to a new location at 545 Main Street. This location was previously the home of Champion Boots and was recently purchased by an investor.

Conditional Use Permit:

A Conditional Use Permit is required from the City of Grand Junction for establishment of a “Bar/Nightclub” if more than 25% of the gross receipts of the business are for alcoholic beverages. As the previous use of the building was retail, a Conditional Use Permit is necessary.

A Conditional Use Permit runs with the land and remains valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

Neighborhood Meeting:

A neighborhood meeting was held on July 25, 2016. Only representatives of Sabrosa and of the building owner were present.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed bar/nightclub supports the following goals of the Comprehensive plan:

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

Goal 6: Land Use decisions will encourage preservation of existing buildings and their appropriate reuse.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

The proposed relocation of Sabrosa will continue a business that has been a going concern for the last five years, providing the business with increased visibility and making use of a vacant space on Main Street.

Board or Committee Recommendation:

The applicant is working with the Liquor Licensing Authority to obtain a Liquor License at the new location.

Previously presented or discussed:

This item has not been previously discussed.

Attachments:

Background Information and Staff Analysis
Location Map
Aerial Photo Map
Comprehensive Plan Future Land Use Map
Existing Zoning Map
General Project Report
Floor Plan

BACKGROUND INFORMATION				
Location:		545 Main Street		
Applicants		Dustin Anzures & Veronica Sanchez – owners Vegas Momma LLC – Kari Boukhalifa – applicant		
Existing Land Use:		Vacant – First Floor Offices – Second Floor		
Proposed Land Use:		Bar/Nightclub – First Floor only		
Surrounding Land Use:	North	Commercial		
	South	Commercial		
	East	Commercial		
	West	Commercial		
Existing Zoning:		B-2 (Downtown Business) Greater Downtown Core Central Business District Overlay		
Proposed Zoning:		B-2 (Downtown Business) Greater Downtown Core Central Business District Overlay		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	B-2 (Downtown Business)		
	East	B-2 (Downtown Business)		
	West	B-2 (Downtown Business)		
Future Land Use Designation:		Downtown Mixed Use		
Zoning within density range?		X	Yes	No

ANALYSIS:

Sabrosa is requesting a Conditional Use Permit to relocate the business from its existing location at 122 N. 5th Street, between Main and Colorado, to a new location at 545 Main Street. This location was previously the home of Champion Boots and was recently purchased by an investor.

A Conditional Use Permit is required from the City of Grand Junction for establishment of a “Bar/Nightclub” if more than 25% of the gross receipts of the business are for alcoholic beverages. As the previous use of the building was retail, a Conditional Use Permit is necessary.

A Conditional Use Permit runs with the land and remains valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

Section 21.02.110 of the Grand Junction Municipal Code

To obtain a Conditional Use Permit, the application must demonstrate that the proposed development will comply with the following:

(1) All applicable site plan review criteria in Section 21.02.070(g) of the Grand Junction Municipal Code (GJMC) and conformance with the SSID, TEDS and SWMM Manuals.

The existing properties are located within the downtown area. In the B-2 zone district, there is no off-street parking or landscaping requirements for the reuse, remodel, or reconstruction of an existing structure. Off-street parking is available on the street and in a public parking lot across the alley to the south. The proposed use also meets the requirements of SSID (Submittal Standards from Improvements and Development), TEDS (Transportation Engineering Design Standards) and the SWMM (Stormwater Management Manual) manuals.

Therefore, this criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 GJMC, except density when the application is pursuant to GJMC 21.08.020(c) [nonconformities];

The proposed bar will remodel the interior of the building at 545 Main Street. The building meets the standards of the B-2 (Downtown Business) zone district. In addition, the property is within the Greater Downtown Core Central Business District Overlay. Pursuant to GJMC Section 24.12.060(b)(3), the interior remodel of an existing building is not subject to the standards and guidelines of this overlay.

Therefore, this criterion has been met.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC;

The proposed land use falls under the Retail Sales and Service use category of the Zoning and Development Code. There are no use-specific standards required for a bar/nightclub. However, a Conditional Use Permit is required for a restaurant, bar or tavern where alcohol sales may exceed 25% of the gross receipts which the applicant is requesting with this application.

Therefore, this criterion has been met.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to:

schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is located downtown on Main Street. Properties on either side of the street and of the building are of a commercial nature, include a restaurant next door (Suehiro) and a concert venue across the street (Mesa Theatre). Off-street parking is available across the alley to the south. Adequate transit (bus and taxi), hospitals, fire and police protection are all available in the area and in close proximity to serve this site. Water, sewer, electricity and gas infrastructure are already serving the property(s).

Therefore, this criterion has been met.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The existing building takes up the entire lot. No outdoor use is contemplated as part of this request. The office space on the second floor is accessible via a separate stairwell, so there will be no conflict with the proposed bar.

Therefore, this criterion has been met.

(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

The existing building takes up the entire lot. No outdoor use is contemplated as part of this request. The office space on the second floor is accessible via a separate stairwell, so there will be no conflict with the proposed bar.

Therefore, this criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The existing building takes up the entire lot. No outdoor use is contemplated as part of this request. The office space on the second floor is accessible via a separate stairwell, so there will be no conflict with the proposed bar.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Sabrosa Conditional Use Permit application, CUP-2016-421, Staff makes the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Comprehensive Plan.
2. Review criteria in Section 21.02.110 of the Grand Junction Municipal Code have all been met.
3. Approval of the of the Conditional Use Permit is conditioned upon the following:
 - a. Applicant will obtain a liquor license from the Liquor License Authority within twelve (12) months of approval of the CUP.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested Conditional Use Permit, CUP-2016-421 with the findings, conclusions and conditions of approval listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the request for a Conditional Use Permit for the Sabrosa application, number CUP-2016-421, to be located at 545 Main Street, I move that the Planning Commission approve the Conditional Use Permit with the facts, conclusions and conditions listed in the staff report.

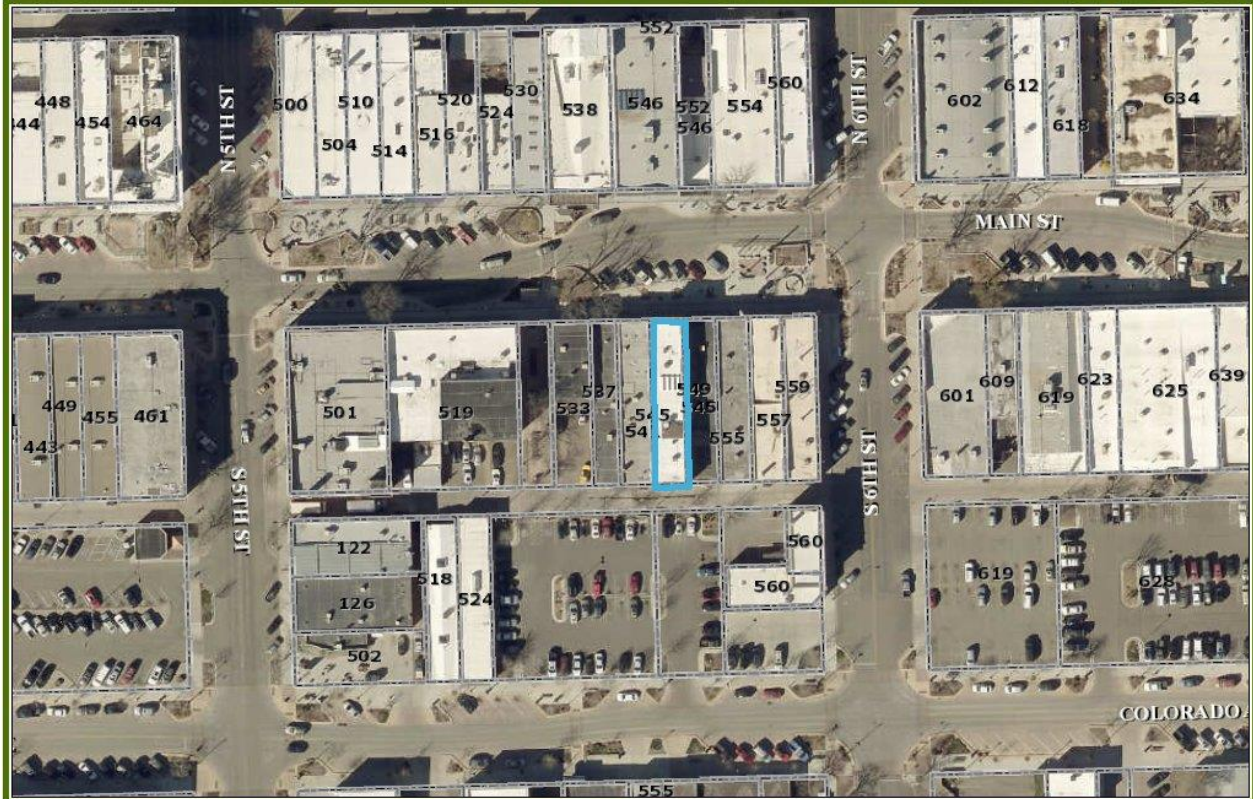
Location Map



Printed: 8/25/2016
1 inch = 358 feet



Aerial Photo Map



0 0.025 0.05
Miles

Printed: 8/25/2016

1 inch = 90 feet



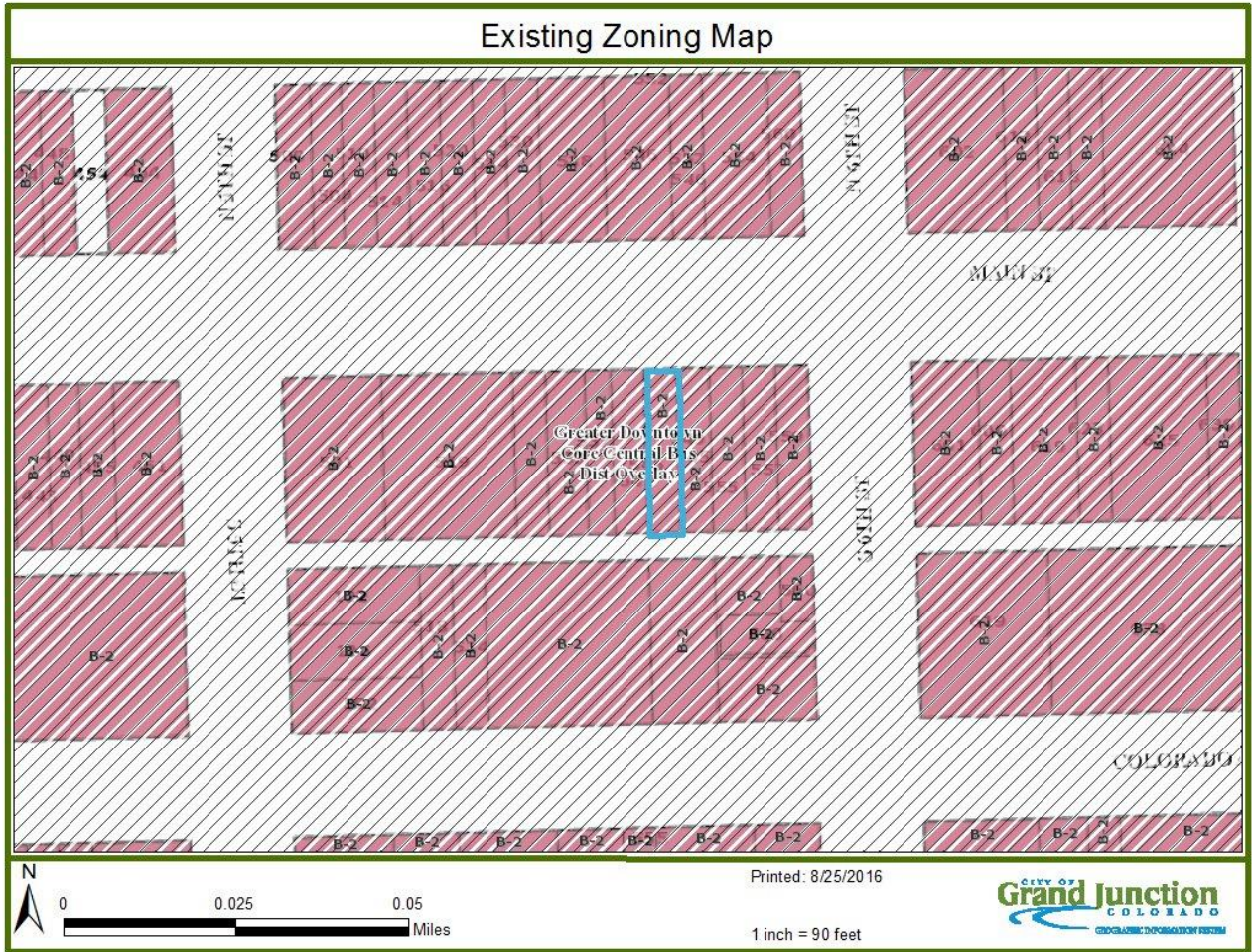
Comprehensive Plan Future Land Use Map

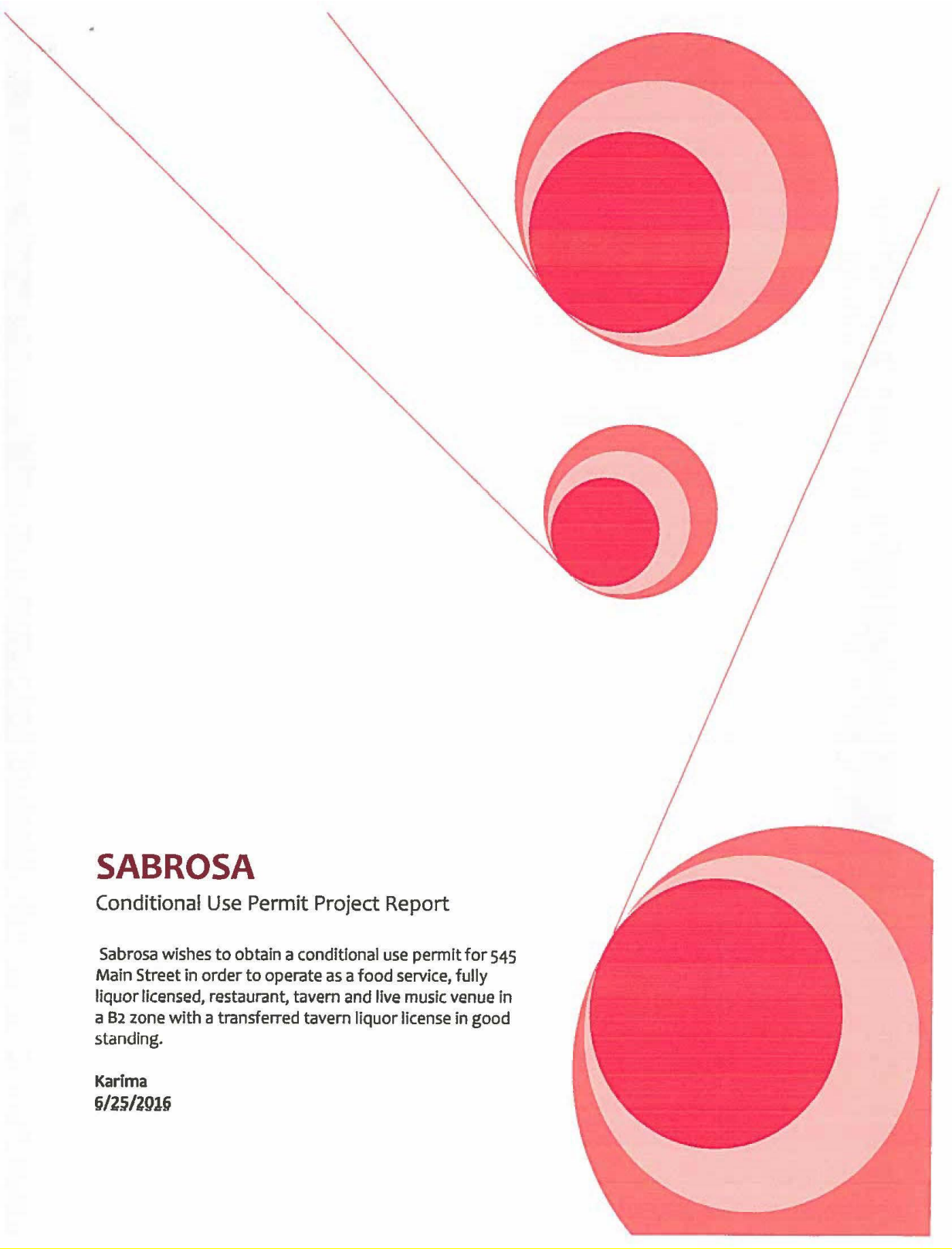


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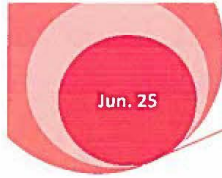


SABROSA

Conditional Use Permit Project Report

Sabrosa wishes to obtain a conditional use permit for 545 Main Street in order to operate as a food service, fully liquor licensed, restaurant, tavern and live music venue in a B2 zone with a transferred tavern liquor license in good standing.

Karima
6/25/2016



SABROSA

This project report is intended for the purpose of obtaining a conditional use permit to move and resume operations for Vegas Momma LLC dba sabrosa restaurante from 122/124 S. 5th Street to 545 Main Street Grand Junction, Co 81501 (site 2945-143-20-006)

For the past five years, Vegas Momma LLC DBA Sabrosa Restaurante has operated under a tavern license at 122/124 South 5th Street. Kari Boukhalfa, owner-operator of Sabrosa, began ownership of the business at 122/124 S. 5th Street on June 1, 2011 with a liquor license holder/ operational opening date of August 25, 2011. (There is and has been a continued property ownership by the Martinez Family Corporation). From 2011 to 2016, net sales have consistently increased at notable levels. As numbers rise, so does our reputation and desire to become more involved in the growth and improvement of Downtown Grand Junction. It is my belief that a move to Main street will allow us to gain more exposure, subsequently increasing sales even more, contributing to economic growth. After five years of establishing operations, Sabrosa is excited and more than ready to have the opportunity to gain the Main Street exposure needed to achieve our next phase in development.

Full project planning includes relocating furniture and some equipment from 122 South 5th Street to 545 Main Street for reinstallation. Behind the bar structure, in the 'front of house' the food line will be located; from which sabrosa food items will be served in a fast service, concession style food bar (in lieu of a four wall enclosed kitchen space). Operations will resume with a continued presence as a stable event venue and a strong emphasis on promoting our fresh ingredient, fast service costa rican tapas bar.





SABROSA

Moving Sabrosa to Main Street will give us more of a community presence, increased sales revenue, and customer foot traffic. These improvements will have a positive effect on both the patrons of Sabrosa and Downtown Grand Junction as a community.

If permit is obtained, Sabrosa will continue to fill community event/ nightlife/ dining needs and wants and we will constantly strive to surpass all guest and community expectations. Thank you for your consideration in this matter/project.



Date: August 19, 2016
 Author: Kristen Ashbeck
 Title/ Phone Ext: Community Services
 Coordinator/X 1491
 Proposed Schedule: Planning
 Commission: September 13, 2016
 1st Reading: October 5, 2016
 2nd Reading: October 19, 2016
 File: ZCA-2016-427

Attach 4

PLANNING COMMISSION AGENDA ITEM

Subject: Amending Section of the Zoning and Development Code Greater Downtown Overlay District to Delete Section 24.12.130(b) Regarding Accessory Structures
Action Requested/Recommendation: Forward a recommendation to City Council to amend the Grand Junction Municipal Code, deleting Section 24.12.130(b), Residential Areas Standards and Guidelines, Accessory Structures
Presenter(s) Name & Title: Kristen Ashbeck, Community Services Coordinator

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by deleting standards for accessory structures in the Greater Downtown Overlay District.

Background, Analysis and Options:

24.12.130 CURRENT STANDARDS FOR ACCESSORY STRUCTURES

(b) Accessory Structures

- (1) Accessory structures shall be no taller than the highest eave line of the principal structure.
- (2) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.

ANALYSIS

Literal interpretation of the current standards has been found to be too restrictive when proposing typical accessory structures, particularly in the downtown residential areas. Many downtown homes are single story; thus, making it difficult for an accessory structure to meet eave line requirements, particularly if the proposed accessory structure is a 2-story such as a garage with an accessory dwelling unit above. In addition, typical homes in the downtown residential area are small in size. Thus, the 35% of home size standard is not realistic for proposing a modern-sized accessory structure.

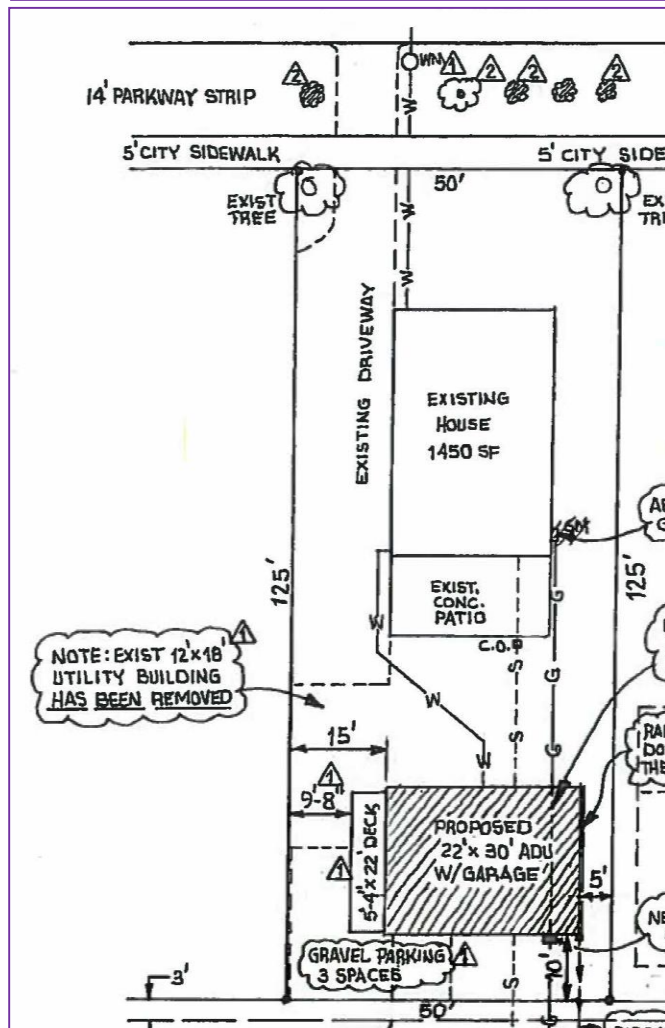
The primary intent of addressing accessory structures in the downtown residential area is to ensure architectural compatibility. This can be accomplished through the other standards already included in the Greater Downtown Overlay District rather than through the additional standards for accessory structures. The other standards address:

- Building Style and Character
- General Setbacks and Accessory Structure Setbacks
- Building Mass/Scale and Proportion
- Roof shape
- Fenestration
- Materials

In addition, the Zoning and Development Code includes some provisions that address the scale and compatibility of accessory structure such as:

- Accessory structures shall not be located in the front yard or the exterior side yard of a corner lot.
- In residential zone districts (R-2 and higher), the size of accessory structures is limited to a maximum of 75 percent of the square footage of the principal structure or 10 percent of the parcel size, whichever is greater.
- An accessory dwelling unit cannot exceed 700 square feet or 50% of the floor area of the primary residence, whichever is less.

EXAMPLE OF TYPICAL PROPOSAL



- 1-1/2 to 2 story structure – many houses downtown are single story. Thus, proposal cannot meet current eave requirement; and/or
- Accommodate garage or shop with accessory dwelling unit above.
- Smaller existing home size limits size of accessory structure under current standards. In this case, approximately 500 square feet would be maximum but proposal is 660 square feet; however
- Overall, the proposed accessory structure does not seem out of character with the neighborhood.
- Compatibility will be achieved through other standards in the Overlay District such as Building Mass/Scale and Proportion, Roof Shape and Materials.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages._

Policy B. Encourage mixed-use development and identification for increased density.

By eliminating specific regulations regarding size and height of accessory structures, downtown homeowners will be given greater flexibility for accessory structure design to include accessory dwelling units which increase housing options within the community.

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

By eliminating specific regulations regarding size and height of accessory structures, downtown homeowners will be given greater flexibility for accessory structure design which, in turn, promotes the preservation of the existing home.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed amendment meets this intent by encouraging downtown homeowners to improve their property, potentially provide additional housing options and continue to improve the community standing as a viable, healthy and safe community.

Board or Committee Recommendation:

The Planning Commission will make a recommendation to City Council on September 13, 2016.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The Planning Commission discussed this at their workshop on August 18, 2016 and a public hearing was held before the Planning Commission on September 13, 2016.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE DELETING SECTION 24.12.130(b) RESIDENTIAL STANDARDS AND GUIDELINES, ACCESSORY STRUCTURES

Recitals:

This ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) to delete standards for accessory structures in Residential areas of the Greater Downtown Overlay District. Literal interpretation of the current standards has been found to be too restrictive when proposing typical accessory structures, particularly in the downtown residential areas. Many downtown homes are single story; thus, making it difficult for an accessory structure to meet eave line requirements, particularly if the proposed accessory structure is a 2-story such as a garage with an accessory dwelling unit above. In addition, typical homes in the downtown residential area are small in size. Thus, the 35% of home size standard is not realistic for proposing a modern-sized accessory structure.

The primary intent of addressing accessory structures in the downtown residential area is to ensure architectural compatibility. This can be accomplished through the other standards already included in the Greater Downtown Overlay District rather than through the additional standards for accessory structures.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 24.12.130 to eliminate Section (b), Accessory Structures.

The Planning Commission and City Council find that the amendment is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Section 24.12.130(b) is deleted in its entirety as follows (deletions struck through):

24.12.130 Standards.

~~(b) Accessory Structures.~~

~~(1) Accessory structures shall be no taller than the highest eave line of the principal structure.~~

~~(2) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.~~

All other parts of Section 24.12.130 shall remain in full force and effect.

Introduced on first reading this . day of , 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: August 30, 2016
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior
Planner/1447
 Proposed Schedule: September
13, 2016
 File #: VAC-2016-368 & VAC-
2016-416

Attach 5

PLANNING COMMISSION AGENDA ITEM

Subject: Alley & Street Right-of-Way Vacations, Located within the CMU area between Elm & Kennedy and Mesa & Texas Avenue's.
Action Requested/Recommendation: Forward a recommendation to City Council to vacate portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenues and portion of public street right-of-way for Texas Avenue as part of Colorado Mesa University expansion projects.
Presenters Name & Title: Scott D. Peterson, Senior Planner

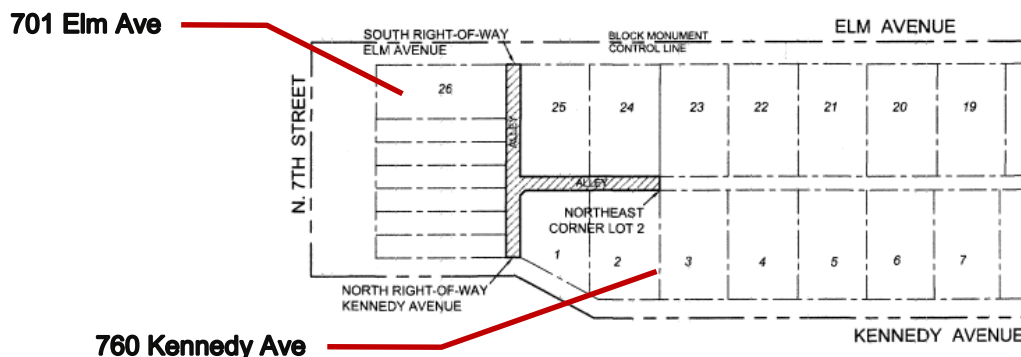
Executive Summary:

The applicant, Colorado Mesa University (CMU), requests the City vacate portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenues along with a portion of public street right-of-way of Texas Avenue. These right-of-ways are adjacent to properties owned by CMU with the exception of one property which CMU is negotiating to purchase. The vacations will facilitate the construction of a new engineering building on campus and add additional parking.

Background, Analysis and Options:

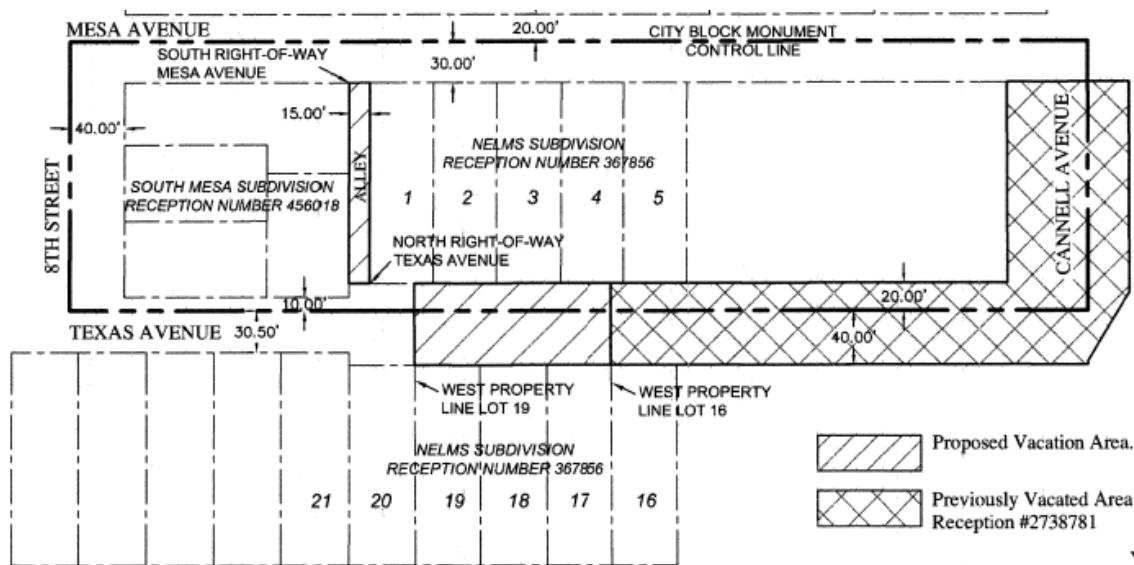
Colorado Mesa University requests the vacation of alley and street right-of-ways (0.37 acres total) in order to aid in the continued westward expansion efforts planned for the campus.

Alley Between Elm & Kennedy:



This area of campus is proposed to be the location of the new CMU Engineering Building, a 65,000 +/- sq. ft. building that will house Mechanical Engineering, Civil Engineering, the John McConnell Math & Science Center and future Computer Science classrooms. The current properties abutting this portion of alley are owned by CMU with the exception of one property (701 Elm Avenue) located at the intersection of N. 7th Street and Elm Avenue. This property contains a five-unit multi-family apartment building, however CMU is in discussions with the owner to potentially purchase the property in the near future. Presently, this alley does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need for the City to retain a utility easement as part of this vacation process. The alley does contain Xcel Energy infrastructure (electric and natural gas), however these existing utilities will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and if necessary, appropriate easements to Xcel Energy will be dedicated at that time. As a condition of approval of the vacations, CMU will also need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access drives around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue. This condition is required as these two remaining properties will have no "legal access" to the rear of their properties once the alley is vacated.

Alley Between Mesa & Texas and Texas Avenue Right-of-Way:



The current properties abutting this portion of alley and street right-of-way vacations between Mesa and Texas Avenues are all owned by Colorado Mesa University. Presently, the alley does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need for the City to retain a utility easement as part of this vacation process. The alley does contain an electrical line for Xcel Energy, however this existing electrical line will be moved and/or relocated by Xcel Energy, if necessary as part of the

construction of a new campus parking lot and if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

Within the portion of Texas Avenue requested for vacation, the City presently has water and sanitary sewer mains. Therefore, a utility easement shall be retained for maintenance, operation and repair of existing utility infrastructure within the Texas Avenue right-of-way. Previously, the City has required that the utility easement be granted as a temporary utility easement, due to the expectation that some utilities will be relocated or removed with the changes and improvements being made to the CMU campus. Under the temporary utility easement, CMU will work with the City and the appropriate public utility agencies to determine the final location of the utilities and the relocation of the utilities. Once the utilities have been relocated or it is determined that the utilities need not be moved, CMU shall grant new permanent utility easements. Upon the City's acceptance of the new utility easements, the City Manager shall release all interests in the temporary utility easements.

Based on the conditions recommended by the Fire Department and CMU's intention to develop and construct fire access lanes, it is Staff's assessment that the proposed vacations would not impede traffic, pedestrian movement or access to private property or obstruct emergency access.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on August 2, 2016. Over 23 area residents attended the meeting with the applicant providing a powerpoint presentation with an update on various activities going on across campus and information regarding the most recent iteration of the ongoing right-of-way vacation process.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed right-of-way vacations support the following goal and policy of the Comprehensive plan:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

In addition to the goal and policy above the Grand Junction Comprehensive Plan states: "Due to the inefficiencies of low density sprawl, a significant amount of projected future growth is focused inward on vacant and underutilized land throughout the community. This takes advantage of land that already has roads, utilities and public services. Infill and redevelopment is especially focused in the City Center (includes Downtown, North Avenue, Colorado Mesa University area, and the area around St. Mary's Hospital). Reinvestment and revitalization of these areas, and maintaining and expanding a 'strong downtown', is a high priority of the Comprehensive Plan and essential for the area's regional economy. (Guiding Principle 1: Centers - Downtown)"

Vacating these portions of alley and street right-of-ways supports the University in their ongoing facilities and building expansion, enhances a healthy, diverse economy and improves the City as a regional center of commerce, culture and tourism.

Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed portions of alley and street right-of-way vacation requests specifically does not further the goals of the Economic Development Plan, it does allow the CMU campus to continue its westward expansion efforts in order to grow the campus for the benefit of students, community, higher educational opportunities and purports a vibrant and growing economy. Higher education is a key economic development component of Grand Junction's status as a regional center.

Board or Committee Recommendation:

N/A.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

- Staff Report/Background Information
- Location Map
- Surrounding Land Use Map
- Future Land Use Map
- Land Use Zone Map
- Proposed Land Use Map
- Ordinance

BACKGROUND INFORMATION					
Location:		Portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenue's and portion of public street right-of-way for Texas Avenue			
Applicant:		Colorado Mesa University			
Existing Land Use:		Alley and street right's-of-way			
Proposed Land Use:		Colorado Mesa University land use development (new engineering building and additional parking lots)			
Surrounding Land Use:	North	Seventh-Day Adventist Church, Colorado Mesa University properties and privately held properties			
	South	New Life Christian Church, Colorado Mesa University properties and privately held properties			
	East	Colorado Mesa University properties and privately held properties			
	West	Colorado Mesa University properties and privately held properties			
Existing Zoning:		R-8 (Residential – 8 du/ac) and R-O (Residential Office)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-8 (Residential – 8 du/ac)			
	South	R-8 (Residential – 8 du/ac)			
	East	R-8 (Residential – 8 du/ac)			
	West	R-8 (Residential – 8 du/ac) and R-O (Residential Office)			
Future Land Use Designation:		Residential Medium High (8 – 16 du/ac)			
Zoning within density range?		X	Yes		No

The proposed request falls under Section 21.02.100 – Vacation of public right-of-way or easement. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. This type of request is available for vacation of any street, alley, easement or other public reservation subject to the criteria contained within the section.

The following is staff's review and comments relating to the criteria under Section 21.02.100:

City Fire Department Review of Rights-of-Way Vacation Request:

The Grand Junction Fire Department does not object to the University's overall desire to vacate certain public right-of-ways in an effort to implement the University's master plan.

The Fire Department has indicated that if fire apparatus roads are required around the proposed engineering building, these roads shall be constructed in accordance with the

2012 International Fire Code and Appendices as well as any local City of Grand Junction ordinances (i.e. Ordinance No. 4500) that pertain specifically to the Grand Junction Fire Department and their operations. The decision to require fire apparatus roads will be determined when the Fire Department reviews the proposed engineering building plans.

Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of portions of the existing alley and street right's-of-way shall conform to the following:

(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City,

Granting the requests to vacate portions of an existing alley and street right-of-ways meets Goal 12, Policy A of the Comprehensive Plan by supporting the University in their facilities and building expansion projects, enhances a healthy, diverse economy and improves the City as a regional center of commerce, culture and tourism. The requested vacation also does not conflict with the Grand Valley Circulation Plan and other adopted plans and policies of the City.

Therefore, this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation.

No parcels shall be landlocked as a result of the proposed vacations as all properties have access to street right-of-ways.

Therefore, this criterion has been met.

(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

All properties abutting the proposed portions of alley and street requested for vacation are under the control of CMU with the exception of one property, 701 Elm Avenue. Access to the rear of this property and the property located at 760 Kennedy will be restricted, as the two properties will not have legal access to the remaining adjacent alley. Therefore, CMU will be required, as a condition of the vacations, to provide and record a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue. This recorded easement will ensure that the remaining residents will continue to be provided access to the rear of their properties from the remaining alley right-of-way.

Therefore, this criterion can be met with the recording of an access easement.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

There are no City utilities currently located within the alleys requested for vacation however, Xcel Energy utilities are located within the alley but will be moved prior to construction of the new engineering building. The Fire Department has not reviewed the plans for the new engineering building but has indicated that the applicant may be required to construct access roads around the new building in accordance with the 2012 International Fire Code. The requested vacation does not adversely impact police/fire protection to the remaining properties.

For the portion of Texas Avenue requested to be vacated, the City will retain a utility easement for maintenance, operation and repair of existing utility infrastructure, such as water and sanitary sewer mains.

As was approved with the 2015 street right-of-way vacation requests for portions of Cannell, Hall, Texas, Elm, Kennedy and Bunting Avenue's, CMU has agreed to construct and pave access roads in accordance with the 2012 International Fire Code, etc., and keep all drive aisles free of obstructions for emergency vehicle access and maneuverability of fire equipment and garbage trucks. CMU also agreed that the fire access lanes be asphalt paved and maintained to help mitigate and control dust for the neighborhood and residents still living in the area. Concerning the maintenance of the recycled asphalt/materials parking lot areas, magnesium chloride (MC) should be applied as needed to keep the dust suppressed (City file # VAC-2015-182).

Therefore, the requested vacations have no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced.

Therefore, this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and

No adverse comments concerning the proposed right-of-way vacations were received from the utility review agencies during the staff review process, including Xcel Energy. Water and sanitary sewer are not located within the alleys, therefore there is no reason for the City to retain a utility easement. Any existing utilities located within the alley's will need to be moved and/or relocated as part of the construction of the new engineering building and, if necessary, appropriate easements to Xcel Energy will be dedicated at that time.

For the portion of Texas Avenue requested to be vacated, the City will retain a utility easement for maintenance, operation and repair of existing utility infrastructure for the existing water and sanitary sewer mains.

Therefore, this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will be reduced as a result of the proposed portions of alley and street right-of-way vacations since the City will not have to maintain the rights-of-way. Water and sewer are not located within the portion of the alley's to be vacated. City water and sanitary sewer is located within Texas Avenue, however a utility easement will be retained to cover this existing infrastructure. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The proposed alley and street right-of-way vacations are needed by CMU as part of their continued campus expansion to the west.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Colorado Mesa University applications, VAC-2016-368 & VAC-2016-416 to vacate portions of public alley and street right-of-ways, the following findings of fact, conclusions and conditions have been determined:

1. The requested alley and street rights-of-way vacation are consistent with the goals and polices of the Comprehensive Plan, specifically, Goal 12.
2. The review criteria, items 1 through 6 in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. With the vacation, the Applicant shall dedicate and record a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue.
4. With the vacation, the Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.
5. The Applicant shall coordinate relocation of utilities upon construction of the new engineering building and dedicate applicable utility easements to Xcel Energy as necessary.
6. As a condition of vacation, the City shall retain a utility easement over the portion of Texas Avenue right-of-way requested for vacation for maintenance, operation and repair of existing utility infrastructure.
7. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

STAFF RECOMMENDATION:

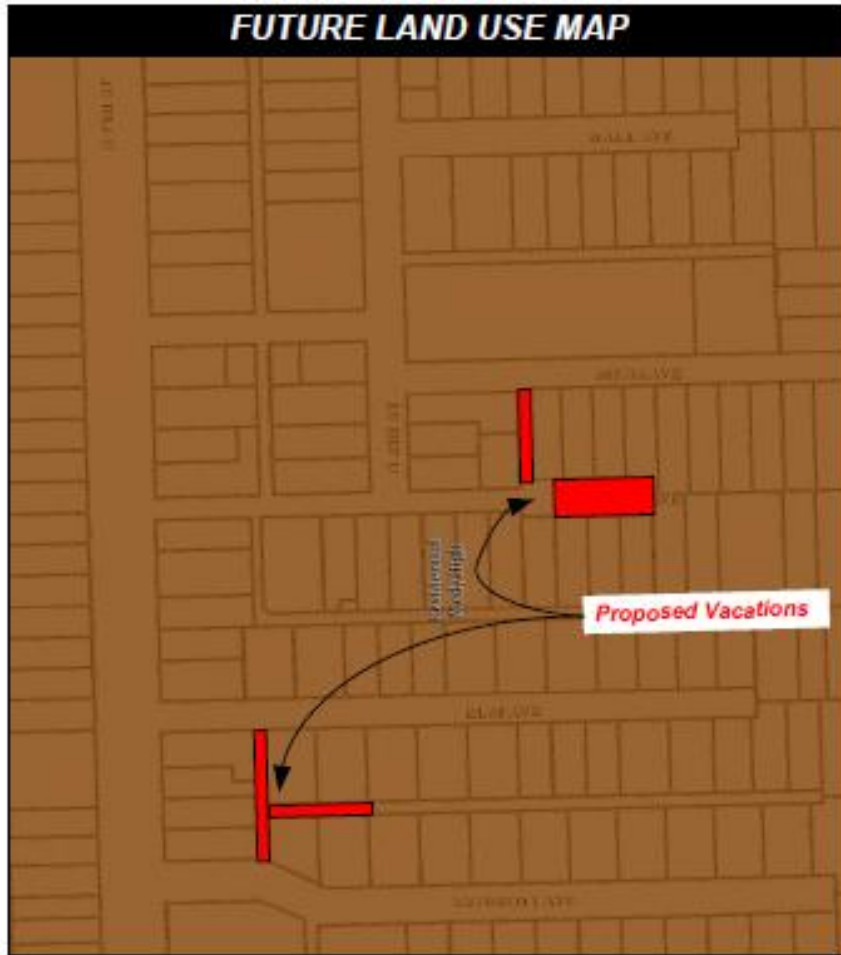
I recommend that the Planning Commission forward a recommendation of conditional approval of the requested alley and street right-of-way vacations, VAC-2016-368 & VAC-2016-416 to the City Council with the findings, conclusions and conditions stated in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

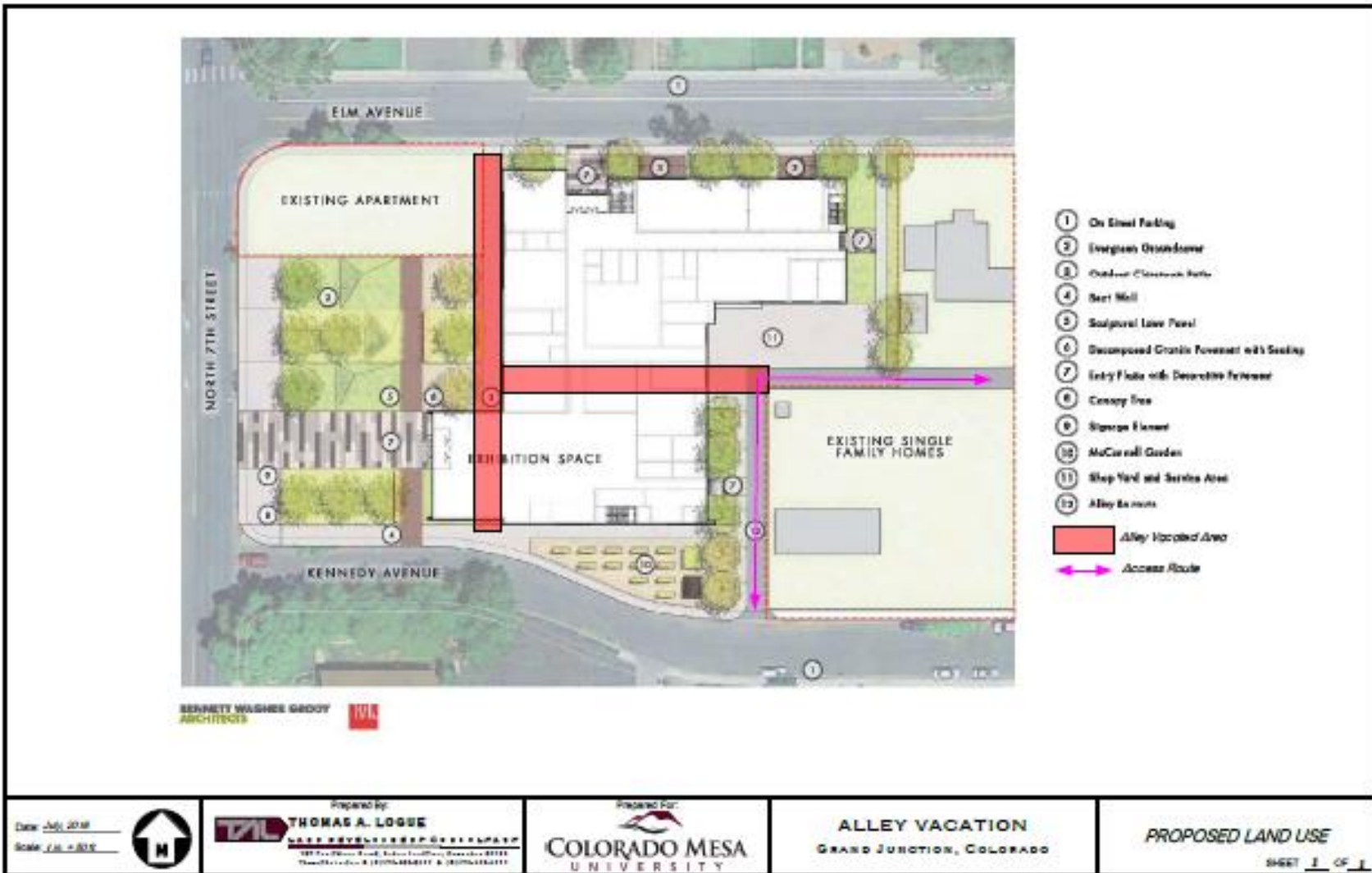
Madam Chairman, on items VAC-2016-368 & VAC-2016-416, I move we forward a recommendation of conditional approval to the City Council to vacate portions of public alley right-of-way between Elm & Kennedy and Mesa & Texas Avenues and portion of public street right-of-way for Texas Avenue as part of Colorado Mesa University expansion projects, with the findings of fact, conclusions and conditions stated in the staff report.











Date: July 2016
Scale: 1/8" = 1'-0"



Prepared by:
THOMAS A. LOGUE
LAND DEVELOPMENT CONSULTANTS

Prepared For:
COLORADO MESA UNIVERSITY

ALLEY VACATION
GRAND JUNCTION, COLORADO

PROPOSED LAND USE
SHEET 1 OF 1

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE VACATING PORTIONS OF ALLEY RIGHTS-OF-WAY LOCATED BETWEEN ELM AND KENNEDY AND MESA AND TEXAS AVENUES AND A PORTION OF TEXAS AVENUE RIGHT-OF-WAY AND RETAINING A UTILITY EASEMENT OVER TEXAS AVENUE

LOCATED IN THE COLORADO MESA UNIVERSITY AREA

RECITALS:

Colorado Mesa University has requested to vacate portions of alley rights-of-way located between Elm and Kennedy and Mesa and Texas Avenue's and a portion of Texas Avenue right-of-way in order to enable the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of alley and street rights-of-way for which vacation are sought are either owned by Colorado Mesa University, with the exception of one property which CMU is in process of negotiations to purchase (701 Elm Avenue). City staff does not expect that the proposed right-of-way vacations would impede traffic, pedestrian movement or access to private property. As a condition of approval, CMU will need to meet all Grand Junction Fire Department requirements for construction of the engineering building and may be required to construct access around the site compliant with the 2012 International Fire Code. CMU will also be required to provide and record a private "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue. This condition is required as the remaining properties will have no "legal access" to the rear of their properties once the alleys are vacated.

Presently, the requested alley between Elm and Kennedy and Mesa and Texas Avenue's does not contain any City public utilities (water, sewer, storm sewer, etc.) therefore, there is no need to retain a Utility Easement as part of the vacation process. Any existing electric utilities located within the alleys will be moved and relocated by Xcel Energy as part of the construction of the new engineering building and parking lot areas and appropriate easements to Xcel Energy will be dedicated at that time, if necessary. The City of Grand Junction ("City") will retain a utility easement for the existing electric, gas, water, and sanitary sewer that are located within the Texas Avenue right-of-way requested for vacation.

The City Council finds that the requests are consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and

Development Code. Applicant is also required to meet all Grand Junction Fire Department requirements.

The Planning Commission, having heard and considered the requests, found the criteria of the Code to have been met, and recommends that portions of alley and street right-of-way vacations be approved and that the applicant meet all Grand Junction Fire Department requirements.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated rights-of-way are hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Applicant shall dedicate and record a "Easement Agreement" across CMU property(s) for the benefit of the remaining property owners located at 701 Elm Avenue and 760 Kennedy Avenue.
3. Applicant shall coordinate relocation of utilities upon construction of the new engineering building and parking lot areas and dedicate applicable utility easements to Xcel Energy as necessary in order to continue to provide utility services to the current residential and CMU owned properties within these blocks.
4. Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.
5. The reservation of a utility easement over the portion of Texas Avenue requested for vacation is granted as a Temporary Utility Easement as it is understood that the easement is needed for the utilities presently in the street right-of-way. It is expected that some utilities will be relocated or removed with the changes and improvements being made to the Colorado Mesa University campus. Colorado Mesa University will work with the City and the appropriate public utility agencies to determine the final location of the utilities and the relocation of the utilities. Once the utilities have been relocated or it is determined that the utility infrastructure need not be moved to the satisfaction of the City Manager or the City Manager's designee, Colorado Mesa University shall grant new permanent utility easements for the new locations as required by the City Manager. Upon the City's acceptance of a utility easement, the City Manager shall release all interests in the Temporary Utility Easements pursuant to Section 21.02.100 (d) (3) of the Grand Junction Zoning and Development Code that is no longer needed due to the grant of the new permanent utility easement.

The following rights-of-way are shown on Exhibits A and B as part of this vacation description.

Dedicated rights-of-way to be vacated:

VACATION AREA 1

A portion of the Alleys shown on the Plat of Amended Kennedy Subdivision at reception #670067 of the Mesa County Records situated in the SE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; being more particularly described as follows:

All of an Alley of said Amended Kennedy Subdivision adjoining the South Right-of-Way line of Elm Avenue and continuing South and adjoining the North Right-of-Way line of Kennedy Avenue also a portion of an Alley of said Amended Kennedy Subdivision beginning at the Northeast corner of Lot 2 of said Amended Kennedy Subdivision and the Southeast corner of the South 121 feet of the North 125 feet of Lot 24 of Elm Avenue Subdivision reception #320445 then continuing West and adjoining the East Right-of-Way line of an Alley.

Said description contains an area of 0.123 acres more or less, as described herein and depicted on "EXHIBIT A" attached hereto.

VACATION AREA 2

A portion of Texas Avenue and Alley as shown on the Plat of Nelms Subdivision at reception #367856 of the Mesa County Records situated in the SE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Principal Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; being more particularly described as follows:

All of a 60.00 foot Right-Of-Way for Texas Avenue as shown on said Plat of Nelms Subdivision beginning at the West property line of Lot 16 of said Nelms Subdivision and adjoining the West Right-Of-Way line of previously vacated Texas Avenue Right-of-Way recorded at reception #2738781 and continuing West to the West property line of Lot 19 of said Nelms Subdivision and also all of a 15 foot Alley Right-Of-Way of said Nelms Subdivision beginning at the South Right-Of-Way line of Mesa Avenue and continuing South to the North Right-Of-Way of Texas Avenue and adjoining South Mesa Subdivision recorded reception #456018 on the West.

Said description contains an area of 0.25 acres more or less, as described herein and depicted on "EXHIBIT B" attached hereto.

Introduced for first reading on this day of , 2016 and ordered published in pamphlet form.

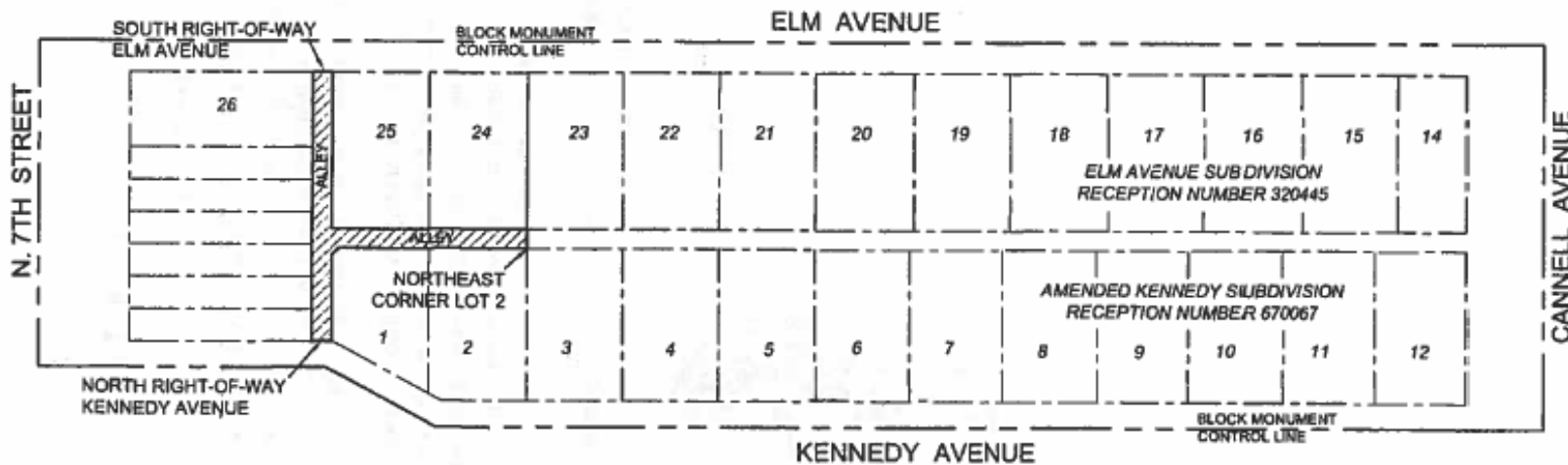
PASSED and ADOPTED this day of , 2016 and ordered published in pamphlet form.


ATTEST:

President of City Council

City Clerk

EXHIBIT "A"
SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO



 Subject area.



*This Exhibit is not intended to be used for establishing or verifying property boundary lines.
 *Title information shown is from Mesa County Clerk and Recorders Office.
 *Linear units are in U.S. Survey Feet.

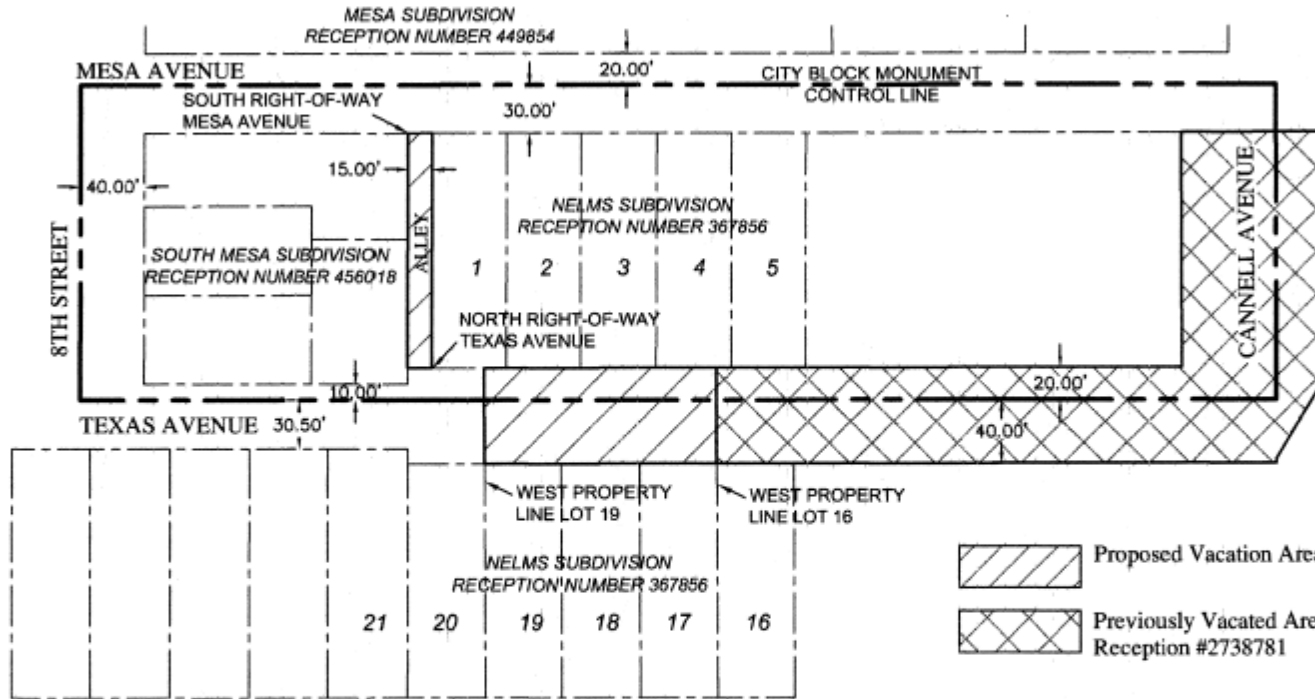




CHRISTOPHER C. RANSIER
 CO PLS 38089

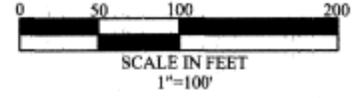


717 Centauri Drive • Grand Jct., CO 81506
 970.201.4081 • crsurveying@brusnan.net

EXHIBIT "B"
SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,
IN THE CITY OF GRAND JUNCTION,
COUNTY OF MESA, STATE OF COLORADO



 Proposed Vacation Area.
 Previously Vacated Area
 Reception #2738781



CHRISTOPHER C. RANSIER
CO PLS 38089

*This Exhibit is not intended to be used for establishing or verifying property boundary lines.
 *Title information shown is from Mesa County Clerk and Recorders Office.
 *Linear units are in U.S. Survey Feet.



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Date: August 31, 2016

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Proposed Schedule: Planning Commission –

Sept. 13, 2016

City Council – September 21, 2016

2nd Reading: October 5, 2016

File #: ZCA-2016-384

Attach 6

PLANNING COMMISSION AGENDA ITEM

<p>Subject: Amending the Zoning and Development Code to Establish Content Neutrality Sign Standards and Regulate Digital and/or Electronic Sign Standards</p>
<p>Action Requested/Recommendation: Forward a Recommendation to City Council</p>
<p>Presenter(s) Name & Title: Lori V. Bowers, Senior Planner David Thornton, Principal Planner</p>

Executive Summary:

The proposed ordinance amends the existing sign code regulations to ensure that they are content neutral. It clarifies and defines sign types, number of signs, location and height of signs. It establishes what signage is allowed with residential and nonresidential land uses creating four categories of signs including (1) signs that do not require a permit, (2) signs that do require a permit, (3) temporary wind driven/banner signs and (4) governmental exempt signs.

The proposed amendment also establishes standards and regulations for changeable copy electronic signs which utilize newer technologies such as LED, LCD and plasma display in order to minimize the secondary effects that often accompany the unregulated display of electronic digital signs. The proposed standards and regulations are to preserve the character of adjacent areas with a focus on residential neighborhoods, protect property values, reduce traffic hazards and protect the night sky caused by overly bright signs.

Background, Analysis and Options:

This staff report is divided into two sections to better describe the proposed sign code amendments. Section A discusses “Content Neutral Signs” and Section B discusses proposed changes to “Digital and Electronic Sign” regulations.

Section A: Content Neutral Sign Regulations

Sign regulations are restrictions on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court expanded what constitutes a content-based regulation while striking down the sign code for the Town of Gilbert, Arizona. Now, if one needs to read the sign to determine whether or how the restrictions apply, the regulation is content-based. Content-based regulations are presumptively unconstitutional. They are subject to “strict scrutiny” by the courts, meaning that they must be the least restrictive means necessary to further a compelling government interest. It is unlikely that a content-based restriction on signage would survive a First Amendment challenge.

Following *Reed*, several sections of the City’s sign code are content-based, including the provisions relating to temporary signs, exempt signs, and off-premise signs. These regulations could be challenged on their face, regardless of how or even whether they are enforced.¹ Therefore they need to be amended to comply with the First Amendment of the U.S. Constitution.

Commercial Speech and Off-Premise Advertising

In order to determine whether a sign is an “off-premise” sign, one must refer to the content of the sign. This means that following *Reed* an “off-premise” regulatory distinction is content based and presumptively unconstitutional. However, an argument could be made that regulation of commercial speech is still subject to intermediate scrutiny following *Reed*.² Based on such an argument, if regulation of “off-premise” signs could be limited to commercial speech, special regulations for such signs could *possibly* survive a First Amendment challenge.

However, enforcement of such regulations would be impractical. Even prior to *Reed*, the City had lost the practical ability to make on- and off-premise advertising distinctions for signs. Once a sign is erected, the message on a sign face can be easily changed. The advent of changeable copy (electronic) signs, in which the messages can change from one minute to the next, has made it practically impossible to strictly enforce the “off-premise” distinction for some time.

Moreover, it makes little sense to force removal of a sign based on a change in the message it carries when the primary goal of sign regulation is to mitigate the visual impact of the signs in the community or in a particular corridor or area. The overall visual impact of a given free-standing sign on property used by “Joe’s Auto Repair” is the same

¹ A facial challenge is easier to establish for restriction of speech than for other constitutionally guaranteed rights. In other contexts, a plaintiff would have to show that there is *no conceivable way* the law could be constitutionally applied. But under the First Amendment, a plaintiff need only show that there are a substantial number of instances in which the law could be unconstitutionally applied in order to prevail.

² A previous United States Supreme Court case known as *Central Hudson* established that commercial speech is subject to intermediate scrutiny, a lower level of judicial scrutiny. (Regulation of commercial speech must be narrowly tailored to achieve a “significant” government interest.). The Supreme Court in *Reed* did not expressly overrule the holding in *Central Hudson*,

whether the sign says “Joe’s Auto,” “Vote for Smith,” “The End is Near,” “Hope Church Service Tonight at 7,” or “\$5 Footlong at Subway,” or whether it alternates among such messages throughout the day.

Therefore, in the proposed amendments, the “off-premise” sign distinction has been eliminated. Free-standing sign allowances are based not on content but on the size of the parcel, the amount of street frontage, the zone district and street corridor. This allows the sign code to comply with *Reed* while accommodating the billboard/outdoor advertising industry and while still mitigating against sign clutter.

To accommodate the Outdoor Advertising Industry, staff is proposing that all existing outdoor advertising signs be allowed to remain as legal nonconforming signs. There are 66 existing billboards inside the City limits that would be “grandfathered” as legal nonconforming signs. Of the 66 signs, 22 are currently nonconforming under the existing code due to being located in a zone district that does not allow billboards.

The proposed amendments would allow for one additional freestanding sign on parcels that have sufficient frontage in the C-2, I-1 and I-2 Zone Districts, except those areas that are within 600 feet of the centerline of the Riverside Parkway/29 Road, within the 24 Road Zoning Overlay boundary, and within the Greater Downtown Overlay boundary (See Figures A, B and C below).



Frontage requirements as proposed would allow a second freestanding sign for parcels with greater than 600 linear feet of frontage in the C-2, I-1 and I-2 zone districts. Staff has determined that there are potentially 69 parcels of land that could be affected by this provision. The map (see Figure H) shows where those parcels (outlined in yellow) are within the C-2, I-1 and I-2 zone districts.



Riverside Parkway/29 Road
Figure A



24 Road
Figure B



Great Downtown
Figure C

These three areas depicted in Figures A, B and C currently have restrictions on Billboard Outdoor signage. With the proposed changes to the sign code there will no longer be new “Outdoor Advertising Billboards” constructed, but signs of up to 300 square feet in area will be allowed in areas not further restricted by overlay standards.

The following is how this provision will affect each of the three areas.

Riverside Parkway/29 Road Figure A: With the content neutral requirement this will allow the outdoor advertising sign industry as well as any property owner to construct a sign along these corridors that in effect will look like a Billboard at 300 square feet in area on parcels with at least 200 feet of frontage on a four lane road and 400 feet of frontage on a 2 lane road, **except** in those areas that are further restricted through the overlay standards of the Greater Downtown Overlay, (see Greater Downtown Figure C).

The introduction of content neutral signage will open up the sign industry’s options to construct more signage within the Riverside Parkway area as well as other areas in town. This is of concern when looking at the City’s original intent to minimize large signs along the Riverside Parkway corridor when the road was built.

24 Road Figure B: The 24 Road Corridor Overlay Design Standards restrict sign size for all signs to 100 square feet in area and for freestanding signs a maximum sign height of 12 feet. These standards will continue to limit the size and height of potential signs that are advertising goods, services and other messages not associated to the business located on site. Under these proposed sign code changes, a second freestanding sign for properties that are zoned C-2 and I-1 in the 24 Road overlay area would be allowed to have a second sign for frontages 600 feet of more in length, but the maximum size and height requirements will apply.

Greater Downtown Figure C: The Greater Downtown Overlay further restricts freestanding signage that will continue even with the adoption of these proposed changes to the general sign code. The restricted areas include all parcels, or aggregation of parcels to be developed that have frontage on: (i) the east side of 2nd street between Pitkin Avenue and South Avenue; (ii) South Avenue between 2nd Street and 12th Street; (iii) South 7th Street between Pitkin Avenue and the south side of the Riverside Parkway; (iv) Struthers Avenue and Riverside Parkway area from just west of South 7th Street to the alignment of 12th Street; and all parcels between South 7th Street and 12th Street within 100 feet immediately north and south of the centerline of the Riverside Parkway as shown on Figure D. An additional restricted area includes along the Riverside Parkway between 12th Street and 28 Road (Figure E).

In these restricted areas, sign regulations include the allowance of only flush wall and monument style signs on parcels that have frontage on 7th Street, Struthers Avenue, and/or Riverside Parkway. Flush wall signs are allowed in accordance with the Zoning and Development Code. Monument signs shall be a maximum of 12 feet in height with a maximum total of 100 square feet per sign face allowed per parcel. In all cases, signage would be content neutral.



Figure D



Figure E

What about the rest of The Riverside Parkway Corridor? Areas west of 7th Street (Figure F) and east of 28 Road, including the 29 Road corridor (Figure G) are not included in the Greater Downtown Overlay area and therefore are not further restricted by size and height for a freestanding sign.

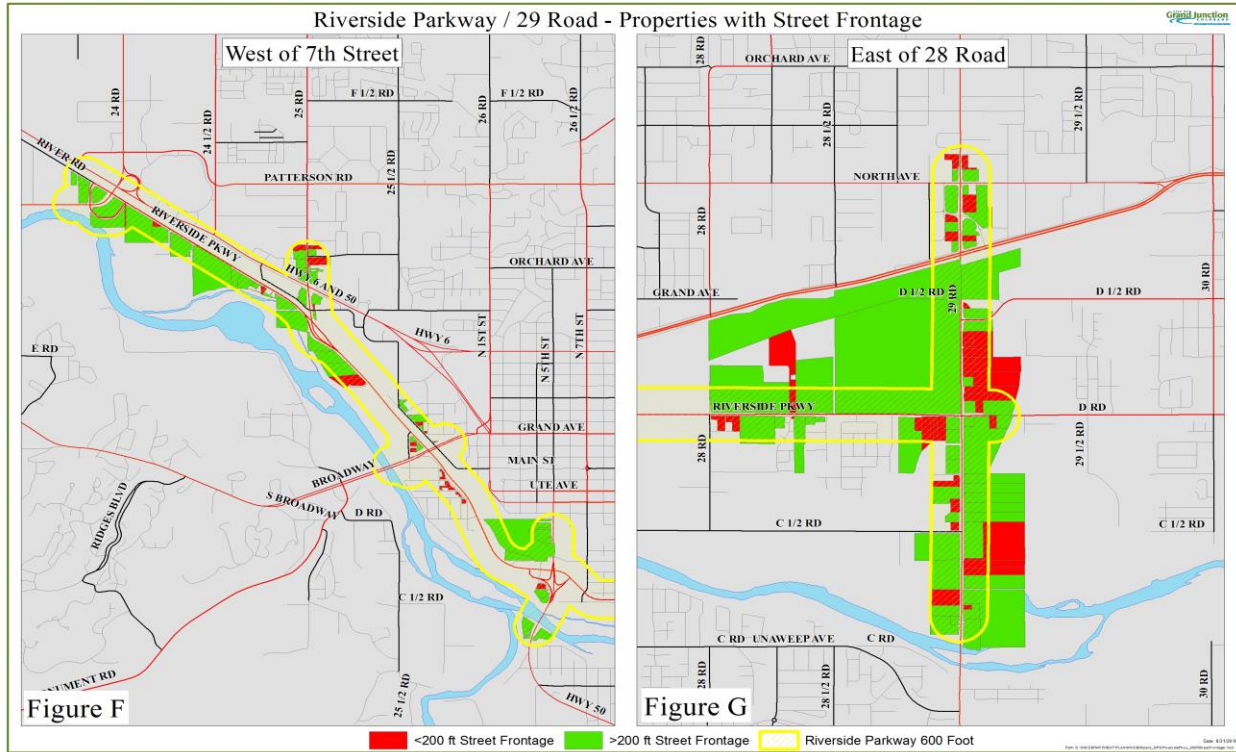
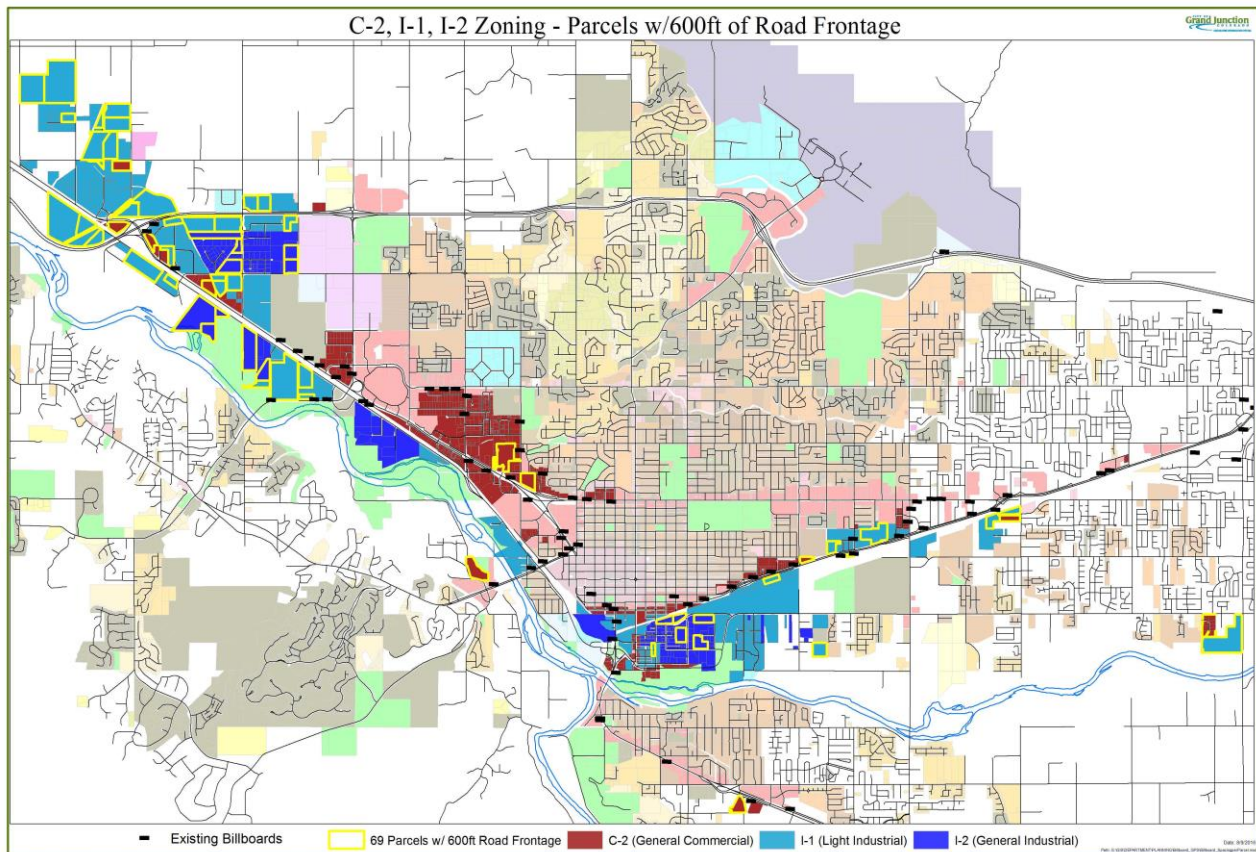


Figure H (below)



First Amendment and “Temporary/Exempt” Signage

The current Zoning and Development Code lists a number of “Exempt” and Temporary” Signs that are all content specific based on allowing them only under specific circumstances such as for a charitable or religious institution, or limiting what can be said on the sign to things such as containing only a nameplate, a drive thru menu, private warning or instructional signage like “beware of dog” or temporary signs describing sale or lease of property or goods, or who to vote for President, etc. These current provisions in the Code are all regulating verbiage describing specific content and therefore are illegal under “Reed”. The proposed amendments delete this language and instead allow for a specific number of signs that can be on a property and do not regulate what the signs says, complying with the First Amendment.

Section B: Digital and Electronic Sign Regulations

At a July 21, 2016 Joint Workshop, staff was directed by Council and Planning Commission to proceed with amendments for digital and electronic signs consistent with CDOT regulations as a baseline.

The City has received complaints about the brightness of some digital electronic signs along Highway 6 & 50 and other locations. The existing sign code has standards for regulating digital and electronic signs. The proposed standards would regulate brightness and animation of the signs.

Common Concerns:

The research shows some common concerns expressed by many communities as they regulate electronic signs fairly and consistently.

- How do you strike a balance between the use of electronic signs and community aesthetics?
- What level of brightness is appropriate? When an electronic sign is overly lit at night, it becomes too bright to read. The industry calls this a “blooming effect”. An overly bright sign can be offensive and ineffective.
- How long should the message hold time be?
- How should the message change from one message to another, called transition time.
- Safety Concerns. The studies as described below have shown that safety has not played out as being a major issue, except in the case for interactive signs.

In trying to determine the answers to these questions, safety is the first and foremost concern for sign regulation. Two recent traffic studies have been done. The first is from Texas A&M, in a report titled, *Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety* by Associate Professor and Research Engineer, Gene Hawkins, Jr., Ph.D., P.E., with Texas A&M Transportation Institute. The study looked at the before and after impacts of 130 different electronic sign locations throughout the country. It looked at the reported traffic accidents two years before and two years after the installation of the electronic signs. The key finding: “We did not find a statistically significant impact.”

In a 2013 study done by the Federal Highway Administration, attempting to determine the possible effects of digital billboards on driver attention, distraction and safety, from a human factor perspective, found that the “glance rate” that a driver had on a digital billboard was less than one second, both day and night. The government declared the “dangerous” glance rate is two seconds. This study looked at the duration time of billboards changing copy every 6 to 8 seconds.

So with both of these studies finding that the signs are really not a hazard, why do we need to regulate them? The number one reason is Illumination. Illumination levels, especially at night is the major component for safety and regulation. The recommended methodology for brightness measurement is footcandles. The footcandle approach was developed by Dr. Ian Lewin, past chair of the Illuminating Engineering Society of North America (IES) and he worked with the International Sign Association (ISA) on the publication titled, *Recommended Brightness Levels for On-Premise Electronic Message Centers*. It should be noted that this measure of luminance is not applicable for traditional signs, only electronic signs, and is for nighttime standards only. The recommended luminance level is .3 (three tenths) footcandles, over the ambient light which has been incorporated into the proposed ordinance. This can be measured with a light meter at the recommended distance, based on the square footage area of a sign.

Photocell Technology:

The Ordinance further requires that any new signs have photocell technology that will dim the displays for appropriate nighttime viewing dusk to dawn or when ambient light conditions warrant such changes. In a discussion with Bud Preuss, owner of Bud’s Signs, he stated that all the new signs now come equipped with this technology. The Ordinance will require a certification upon installation that the sign has been calibrated to meet these brightness levels. Older signs without this technology can be manually dimmed through the computer that sets the display, therefore any type of retrofit with photocell technology of older signs will not be necessary in order to meet the brightness standards.

The sign industry often uses animation, flashing, scrolling or traveling messages, or full-motion video. These tactics are used to attract attention rather than communicate. Therefore, the proposed Ordinance would not allow these types of attention tactics.

Proposed Code Amendments:

1. Signs shall not change intensity or expose its message for less than four (4) seconds.

To allow for less time than four (4) seconds, the message would start to fall into the flashing category, which the sign industry defines flashing as anything less than three (3) seconds. Other communities in Colorado that regulate the time for display are Montrose, which allows a change every eight (8) seconds; Fruita, which allows a change only once every five (5) minutes; in the town of Palisade, the message cannot change less than once every four (4) seconds; city of Thornton, once every five (5) seconds. Currently, Rifle has a prohibition on digital signs except for time and temperature. City of Durango does not allow digital signs except for time, temperature and gas prices.

2. Transitions between messages shall be less than one second.

The more time that is allotted for a sign to transition, places the sign back into a flashing category for attention purposes. Most communities researched prohibit flashing, and transitions must occur in less than one second. Whether the transitions occur through fading, dissolving, or wiping, it is not as much of a concern as long it is under one second.

3. Interactive signs are prohibited.

An interactive sign is one that suggests a person photograph a sign or an element of the sign to redeem a reward for the picture, such as receive a free ice-cream cone when they show their photo. This could be a potential traffic hazard and should not be allowed.

The following is an overall summary of proposed changes to the Sign Code.

1. Eliminate all existing Code language that is content specific.
2. Add definitions for a Digital Sign, Illuminated Sign and Interactive Sign.
3. Delete or modify the following terminology: Billboard Sign, Institutional Sign, Identification Sign, and Integral Sign.
4. Establish that all signs placed by a governmental agency are exempt.
5. Prohibit Interactive Signs due to potential safety risks.
6. Eliminate Street Banners from the Code since they will fall under the new proposed Governmental Signs and be Exempt.
7. Eliminate content specific categories such as real estate signs, political signs, No Trespassing signs, etc. and replace with the following sign categories:
 - a. Signs that do not require a permit;
 - b. Wind Driven Signs and Banners;
 - c. Signs that require a Permit; and
 - d. Governmental (Exempt) Signs.



a.



b.



c.



d.

8. Allow the following without a sign permit. The following signs are allowed on a lot/parcel in any zone.

- a. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
- b. A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately and except for prohibited signs, with the following limitation:
 - (i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - (ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

9. Make the following changes, clarifying or consolidating existing language in the Code:

- a. Eliminate contradicting definitions of a Monument Sign measurement, excluding the base, consistent in all zone districts.
- b. Limit signs in residential zones to external illumination only similar to the RO Zone District, and limit the hours of illumination between 5 am and 11 pm.
- c. Define double face signs, to include and how those that are constructed at angles of 60 degrees or less.
- d. Redefine “Abandoned Sign” and allow more time (12 months instead of 3 months) before the sign is required to be removed after having been determined to be abandoned.
- e. Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.

10. Establish the number, type and lighting conditions for signs allowed in Residential Zones (except signs for schools which are governmental exempt signs). These include:
 - a. Allow one 6 square feet sign per parcel;
 - b. Allow one 32 square feet sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way; and
 - c. Allow one 24 square feet sign per street frontage for nonresidential land uses in Residential Zone Districts.
 - d. Establish sign lighting to be external illumination only and turned off between 11 pm and 5 am.

11. Eliminate the Off-Premise sign section of the Code. Under a content neutral sign code, any sign can advertise an “on premise” business or “off premise” business or other content.

12. Amend the Code as it pertains to Digital/Electronic Signage (proposed amendments follow current CDOT signage regulations):
 - a. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
 - b. Signs shall not change intensity or expose its message for less than four (4) seconds.
 - c. Transitions between messages shall be less than one second.
 - d. The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels.
 - e. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.



Subsequent to adoption of these proposed sign code provisions, amendments to the overlay districts will also be required.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers._

Content neutrality is required by the Supreme Court case *Reed vs Town of Gilbert*. These amendments will ensure that the City of Grand Junction is implementing its sign regulations in compliance with the law.

For digital signage, consistency is key to maintain the performance based objectives of the Sign Code. Colorado Department of Transportation (CDOT) has similar regulations in place. They enforce their digital sign requirements along many of the City’s right-of-ways and highways. CDOT approached the City about our regulations and asked our intentions

of possible changes to the City's sign Code. The City has limited standards for this type of signage.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Previously presented or discussed and Public Outreach:

This item was first presented at the joint Planning Commission and City Council workshop held on July 21, 2016 and at the Planning Commission workshop on August 18, 2016.

Staff met with Real Estate Industry on August 10th and the Sign/Outdoor Advertising Industry on August 25th.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested Amendments to the Sign Code, Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chair, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020, ZCA-2016-384, I move that the Planning Commission approve it as presented in the Staff Report.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION CODE OF ORDINANCES) REGARDING SIGNAGE

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions. The City Council has developed an Economic Development Plan and desires that the zoning and development code be reviewed and amended where necessary and possible to facilitate economic development.

Signage is an important part of the economic engine of the community and an important means of communication of political, religious, educational, ideological, recreational, public service, and other messages. The Council also recognizes that the proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, create safety hazards and contribute to visual pollution to the detriment of the general public.

Regulation of signage is a restriction on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content-neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court changed the applicable definition of content-neutrality while striking down the sign code for the Town of Gilbert, Arizona in a decision known as *Reed v. Town of Gilbert*. Following *Reed*, if we have to read a sign to determine whether or how certain restrictions apply, the regulation is not content-neutral, but content-based.

A content-based regulation is presumptively unconstitutional. It is subject to strict scrutiny, meaning that it must be the least restrictive means necessary to further a compelling government interest. It is unlikely that a content-based restriction on signage would survive a First Amendment challenge.

Cities and towns across the nation have been struggling to bring sign codes into conformance with this expanded definition content-based regulation. Almost all sign codes at the time *Reed* was decided included common-sense accommodations for things like "for rent" and "for sale" signs, temporary directional signs, political signs, nameplates, historical and public interest plaques, and other categories of common signs. Grand Junction's sign code has such regulations, which, following *Reed*, are content-based, including those relating to temporary signs, exempt signs, and off-premise signs.

Because such regulations could be challenged on their face, regardless of how or even whether they are enforced, the City Council finds it necessary and beneficial to amend the

City's sign regulations to comply with *Reed's* expansive interpretation of First Amendment protections for signs.

With these code amendments, content-based distinctions are eliminated in favor of regulations that are based on size, location, number, height, illumination, changeable or digital copy or graphics, and other physical attributes of the signs not related to content. Changeable copy and digital signs have made enforcement of regulations based on content, including "off-premise advertising," impractical. Signs that were previously categorized as "off-premise" are now treated simply signs within the given sign allowance for a particular parcel. To accommodate the outdoor advertising industry, properties in zone districts where "off-premise" advertising was allowed are given additional free-standing sign allowances in accordance with the amount of street frontage of the particular parcel.

Signs made non-conforming by this amendment are not, by this amendment, subject to phasing out or removal. Removal of signage is only required (whether the sign is conforming or non-conforming) where a sign has fallen into disrepair on property where a use has been abandoned.

The City Council finds that digital and electronic signs can visually disturb drivers, pedestrians and the peace and quiet enjoyment of residential properties. To mitigate these potentials, these amendments include limitations on brightness, animation and changeable copy.

The City Council finds that the amendments to the City's sign regulations strike an appropriate and careful balance between protecting First Amendment rights and community aesthetics.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Section 21.06.070 *Sign regulation* is amended as follows (additions underlined, deletions struck through):

21.06.070 Sign regulation.

(a) ~~Sign Regulation.~~ This regulation governs exterior signs on real property. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public. No sign shall be displayed in any zone district without a sign permit, except where the provisions of this Section expressly provide otherwise. Signs placed by a governmental entity are exempt from this Section.

(a) **Definitions.** As used in this Section 21.06.070, the following terms shall have the following meanings:

Digital sign or digital display or electronic sign: A display of a sign message or picture made of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically; including

but not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

Illuminated sign: A sign which is illuminated by a light source. *Internal illumination or internally illuminated* means a sign illuminated by a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. *Indirect illumination or indirectly illuminated* means a sign that is illuminated with an artificial light located away from the sign and directed onto the sign face so that the message is visible in darkness.

Interactive sign: A sign which contains QR codes or invites the viewer to capture an image with a camera or other device or otherwise physically interact with the sign in order to obtain a benefit, prize or discount.

This Section shall mean and refer to Section 21.06.070, Sign regulation.

(b) **Prohibited Signs.** Prohibited signs are signs which:

- (1) Contain ~~a~~ an obscene statement, word, or picture describing or depicting sexual activities or ~~specified~~ sexual anatomical areas;
- (2) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (3) Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;
- (4) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas where pedestrians circulate, so long as such that are designed to invite pedestrian traffic. In no case shall a portable sign be is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation. ~~No sign shall be allowed that creates a hazard for or impedes motorists or pedestrians. Signs may and does not exceed 12 square feet in size and may not exceed three feet in width;~~
- (5) Are erected after adoption of this code and do not comply with the provisions of this regulation; ~~or~~
- (6) Do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted and/or amended. See § [43-1-401](#) C.R.S. et seq.;
- (7) Create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;

(8) Are placed in whole or in part in, on or over any part of a public right-of-way, except where the sign is placed by a governmental entity. The Director has the authority to remove and dispose of any sign placed in or on or protruding into, onto or over any part of a public right-of-way without compensation to any person or entity; or

(9) Are interactive signs that are readable with normal vision from the public right-of-way. Interactive signs readable from the public right-of-way are prohibited because they distract drivers and pedestrians so as to constitute a significant safety risk.

(c) **Exemptions. Signs that do not require a permit.** The following signs are exempt from all the provisions of this code, allowed on a lot/parcel in any zone district:

(1) One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area. —Public Signs. Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty, such as, but not limited to, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.

(2) A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately in subsection (d) below, and except for prohibited signs discussed in subsection (b) above, with the following limitation:

(i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.

(ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

—Institutional. Permanent signs which set forth only the name of a public, charitable, educational or religious institution, located entirely upon the premises of that institution, and which do not exceed an area of 24 square feet per street frontage. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline; if ground mounted, the top shall be no more than six feet above ground level.

- ~~(3) Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.~~
- ~~(4) Private Traffic Direction. Signs directing traffic movement into a premises or within a premises, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the GJMC 21.06.080. Horizontal directional signs on, and flush with, paved areas are exempt from these standards.~~
- ~~(5) Nameplate. A nameplate not exceeding two square feet in area, containing only the name of the resident, title and/or name of home occupation. A nameplate may be located anywhere on the property.~~
- ~~(6) Temporary Decorations or Displays. Temporary decorations or displays clearly incidental and customary and commonly associated with national or local holiday celebrations.~~
- ~~(7) Rear Entrance Signs. Rear entrance signs, when associated with pedestrian walk-through buildings. These signs shall not exceed 16 square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.~~
- ~~(8) Temporary Signs Not Advertising a Product or Service. Signs not in excess of six square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed 10 days.~~
- ~~(9) Menu Signs at Drive-In Restaurants. Signs which are not readable from the nearest public right of way; and signs not readable and/or visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.~~
- ~~(10) Private Warning or Instructional Signs. Signs such as "NO SOLICITING," "NO TRESPASSING," "BEWARE OF DOG," or other similar types of signs not exceeding one and one half square feet per sign.~~
- ~~(11) Nonprofit Organization Fund-Raising Campaign Signs (Temporary). Temporary signs not in excess of 32 square feet advertising nonprofit organization fund-raising campaigns may be erected for campaign purposes in nonresidential zone districts only. The number of campaign signs per parcel is limited to one. Such signs may not be placed in the public right of way and are required to be removed within seven days after the fund drive has ended. A campaign sign may not be in place more than 90 consecutive days in any 12 month period.~~

~~(12) Transit Shelter and Bench Signs. A sign on or incorporated within a City-approved transit shelter or transit bench. The requirements and specifications that apply to each transit shelter and bench are found in GJMC [21.04.030\(r\)](#), Transit Shelters and Benches, for use-specific standards.~~

~~(13) Campaign Signs. Noncommercial speech signs, such as political signs used for campaigning purposes, shall be allowed for a time period not to exceed 60 days prior to the scheduled primary election and shall be removed no later than 10 days after the election date on which the office, issue or ballot question is decided. Signs shall not be placed in any public right-of-way, including medians, except that adjacent property owners may place campaign signs in a landscaped right-of-way area between the sidewalk and curb adjacent to private property. Signs placed on private property shall not obstruct the vision of motorists or pedestrian traffic due to size or location.~~

~~(d) Temporary Signs.~~

~~(1) The following on-premises temporary signs shall be allowed in all zones and shall not require a permit, unless otherwise indicated.~~

~~(i) A non-illuminated sign, advertising the sale or development of land containing not less than five lots, or an area of not less than one acre, shall not exceed, and not more than one sign shall be placed per parcel per street frontage. Signs shall not be erected for more than one year on any parcel unless the Director approves an application for continuance. The Director may issue approval to continue the sign for an additional year. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(ii) A non-illuminated sign, not to exceed six square feet in area (see also subsections (g)(1)(i)(C), (g)(2)(ii) and (g)(3)(ii)(A) of this section), pertaining to the sale or lease of the premises on which it is located. This sign shall not be erected for more than one year for any parcel. The sign shall be removed within 24 hours after the transfer of title or the signing of a lease. During the period of time between the execution of a contract for sale or lease and the finalizing of the same, a "sold," "sold by," or similar sign shall be permitted as long as the maximum size of six square feet is not exceeded. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(iii) An on-site, non-illuminated sign, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises during the period of construction. The size of the sign shall not be in excess of 32 square feet in area. Such sign shall be removed within 24 hours after a certificate of occupancy is issued. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(iv) A sign, not exceeding 16 square feet in area, advertising the sale of produce grown on the premises. Only one sign per street frontage shall be permitted.~~

~~(v) Corporation flags, limited to one flag per parcel, when flown in conjunction with the United States or State of Colorado flags.~~

~~(vi)~~

(d) Wind driven signs and banners. ~~are subject to the following:~~

~~(A) (i) A special events permit shall be required prior to any use of wind driven signs or banners –except for those allowed under subsection (c)(6)– of this section, Temporary Decorations or Displays.~~

~~(B) (ii) Wind driven signs, excluding banners, may be displayed for up to 14 consecutive days, but not more than up to four times in a calendar year. The days shall be consecutive.~~

~~(C) (iii) Banners may be displayed for up to 30–a consecutive days 30–day period, but not more than up to four times in a 12-month calendar year.~~

~~(D) (iv) All banners must be secured directly to the building structure at all contact points.~~

~~(E) (v) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.~~

~~(2) (vi) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit for the following quarter.~~

~~(3) Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.~~

(e) Nonconforming Signs.

(1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.

(2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.

~~(3) Any off-premises sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.~~

(4) (3) A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.

(4) A sign established prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

(f) Digital or Electronic Sign Standards

(1) Purpose and Intent. Advancements in technology permit signs to change copy electronically, utilizing LED, LCD and other technologies. The impacts of these may disrupt the peace and quiet enjoyment of other properties in the area and create traffic hazards. Limitations on brightness, changeable copy, animation and motion are necessary in order to mitigate these impacts, protect public health and safety, and preserve the character of areas, especially residential neighborhoods.

(2)The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a Footcandle meter, brightness shall be in conformance with the following distance table:

<u>AREA OF SIGN</u> <u>(sq. ft.)</u>	<u>MEASUREMENT DISTANCE</u> <u>(ft. from sign)</u>
<u>0 – 10</u>	<u>30</u>
<u>10 – 24</u>	<u>45</u>
<u>25 – 49</u>	<u>55</u>
<u>50 – 99</u>	<u>90</u>
<u>100 – 149</u>	<u>110</u>
<u>150 – 199</u>	<u>135</u>
<u>200 – 300</u>	<u>150</u>

The measurement shall be conducted at least 30 minutes after sunset or 30 minutes before sunrise. Certification must be provided to the City upon installation that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(3) Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.

(4) Signs shall not change intensity or expose its message for less than four (4) seconds.

(5) Transitions between messages shall be less than one second.

(6) Interactive signs are prohibited.

(7) All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

(f) (g) General Requirements.

(1) The following requirements shall apply to all signs in all zones unless otherwise indicated:

(i) ~~A permit is~~ Permits shall be required for all placement or display of any new signs sign, except where otherwise stated or where specifically exempted by the provisions of this Section 21.06.070.

(ii) ~~Touching up, or repainting or changing existing letters, text, symbols, etc. graphics, or other content, shall be~~ is considered maintenance and repair and shall does not require a permit.

(iii) ~~Only a licensed sign contractor shall~~ can obtain a sign permit permits for signs.

(iv) ~~All signs shall be located on the premises to which they refer unless permitted as off-premises signs under this regulation. All signs shall be permanent in nature except for those non-permanent signs allowed herein under subsection (c) of this Section.~~

(v) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.

~~(vi) Signs which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner of the premises within 90 days after the business ceases, or when the goods or services are no longer available.~~

~~(vii) (vi) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as may otherwise expressly be authorized by this Section regulation.~~

(vii) Regardless of sign allowances by zone district, no single sign shall exceed 300 square feet in area.

(2) The following shall apply to the measurement of signs:

(i) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, as part of monument signs other than a single or double pole support, shall not be counted as part of the maximum square footage of the sign, sign's surface area. provided such features do not exceed the size of the sign face.

(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

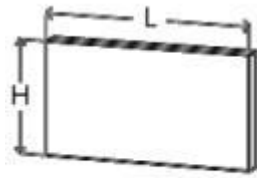
(iii) For measurement of different shapes of signs, see the graphic graphics below.

(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

(v) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

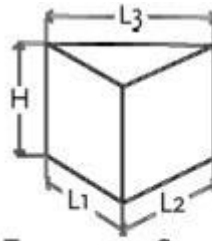
(vi) The area of a facade sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.

(vii) Only one display face is measured if the sign faces are parallel or form an interior angle of less than or equal to 60 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.



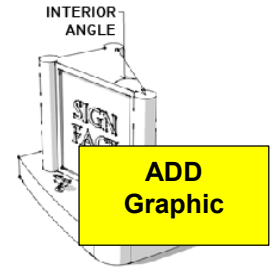
DOUBLEFACE SIGN
H x L

Blade Sign



TRIANGULAR SIGN
 $[(H \times L_1) + (H \times L_2) + (H \times L_3)] / 2$

Double Face Sign



- (3) No illumination of a sign is permitted unless the following criteria are met:
 - (i) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
 - (ii) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
 - (iii) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.
 - (iv) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.
- (4) Identification and Marking. Each sign requiring a permit shall bear an identification plate stating the following information:
 - (i) Date the sign was erected; and
 - (ii) Name of person, firm or entity responsible for its construction and erection.
 - ~~(iii) Corridor Overlays. Signs shall be in conformance with corridor overlays, PD overlays, and RO district requirements.~~

(3) Sign(s) placed in connection with a temporary use that requires a temporary use permit shall conform to the requirements, conditions and terms of the temporary use permit.

~~(g) (h) Sign Standards by Zone. Only signs as described below and within this section shall be permitted in any zone. The following restrictions and requirements apply to permanent signs in the given zone districts:~~

(1) Residential Zones.

(i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multi-family apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

(iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.

~~(i) Types Allowed.~~

~~(A) A bulletin sign, not to exceed 24 square feet per street frontage, may be erected upon the premises of a church or other medical, public or charitable institution for the purpose of displaying the name of the institution and its activities or services.~~

~~(B) One identification sign shall be allowed for each apartment building or complex not to exceed 32 square feet per street frontage and, if lighted, shall utilize indirect illumination only, and contain only the building or complex name and name of the agent.~~

~~(C) Signs advertising any subdivision or other project being developed in the City shall be governed by the following:~~

~~a. Signs in the model home area and on the subdivision site shall not exceed a total aggregate of 200 square feet.~~

~~b. Permanent on-site subdivision signs shall be allowed at the entrances to the subdivision; provided, that each sign does not exceed 32 square feet.~~

~~(ii) (iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.~~

~~(iii) (v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent~~

residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination shall be extinguished between the hours of 11:00 pm and 5:00 am.

~~(iv) Sign Area. Sign enhancement features such as bases, pillars, and other decorative elements shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.~~

(2) Residential Office Zone.

(i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(ii) Types Allowed. Flush wall signs and monument signs shall be the only sign type allowed. ~~One real estate sign advertising the property for sale or lease shall not exceed 10 square feet.~~

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area, ~~excluding real estate signs advertising the property for sale or lease,~~ shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply ~~complying~~ with GJMC [21.06.080](#), “Outdoor lighting,” and shall be limited to authorized business hours ~~(external illumination only).~~

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphic shown under subsection ~~(f)(2)(vi)~~ (g)(2) of this ~~section~~ Section. ~~Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.~~

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, MU, I-1, I-2, and PAD).

(i) General. This subsection shall apply to all zones designated in Chapter [21.03](#) GJMC as business, commercial, industrial or any variety of these types. ~~Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.~~

(ii) Types Allowed.

~~(A) Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones. Real estate signs in these zones may be a maximum of 20 square feet.~~

~~(B) Street banners will only be allowed on 7th Street between Grand Avenue and Colorado Avenue, and on any street where City installed banner poles exist. Pole flags will be allowed on all collectors and arterials where poles are installed by the City for that purpose. One banner will be allowed for each block, as determined by the Director. Street banners shall be installed, removed, and maintained by the City. A street banner authorized by this subsection shall refer only to the event in question and shall not contain advertising for any private product or service offered for sale except a logo or logos of the sponsoring entity if the total area of the logo does not exceed five percent of the banner area.~~

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection ~~(g)(3)(v)(B)~~ (h)(3)(v)(B) or ~~(g)(3)(vii)(B)~~ (h)(3)(vii)(B) of this ~~section~~Section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection ~~(g)(3)(vi)~~ (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (f)(3) of this section and GJMC [21.06.080](#).

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on

the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be 40 feet above grade such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear façade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs.

~~(A)~~—Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

~~(B) On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over~~

~~public property, the projection may be one half foot for each linear foot of building frontage; provided, that it is no closer than four feet to the curb-face (see definition, GJMC [21.10.020](#)).~~

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements.

(A) ~~No more than one~~ One freestanding sign shall be permitted for any parcel for each street frontage, except one additional freestanding sign shall be allowed per parcel/lot zoned C-2, I-1 or I-2 where the street frontage of the lot/parcel exceeds 600 contiguous linear feet. This additional freestanding sign is, however, not allowed for parcels or lots located within 600 feet of the centerline of the Riverside Parkway/29 Road (Figure A below), within the 24 Road Overlay Zone District boundary (Figure B), and within the Greater Downtown Overlay boundary (Figure C). The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

- a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.
- b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS (GJMC Title [29](#)), unless free air space is maintained as provided in TEDS (GJMC Title [29](#)). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.

(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than 3 square feet in area and no more than 30 inches in height, are allowed.

~~(E)~~ (F) When electrical service is provided to freestanding signs, all such electrical service shall be underground.

~~(F)~~ (G) All freestanding signs shall require a building permit in addition to a sign clearance.

(viii) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum free-standing sign allowance.

~~(4) Off-Premises. Off-premises signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (general commercial) and I-1 and I-2 (industrial) zones, subject to the following conditions, limitations and restrictions:~~

~~(i) Height Limitations. No off-premises sign shall be erected higher than 40 feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No off-premises sign shall have a surface or face area exceeding 300 square feet in area or containing less than 15 square feet in area.~~

~~(ii) Distance. For each square foot of surface or facing of the sign, two feet of space from adjacent off-premises signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no No sign can be erected closer than 600 feet to an existing 300 square foot sign. A maximum of one off-premises sign shall be allowed per lot or parcel of land.~~

~~(iii) Location. A sketch, drawn to scale, depicting the size and location of the proposed billboard shall be provided. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.~~

~~(iv) Service clubs may be allowed one common off-premises sign, in any zone, adjacent to each major highway, to a maximum of five signs. These signs do not have to comply with subsections (g)(4)(i) and (ii) of this section but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.~~

~~(v) Off-premises Outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in [Exhibit A](#) attached to Ordinance 4260 and following this subsection. Exhibit A is incorporated by this reference as if fully set forth.~~

Click the graphic to view a higher-resolution version.

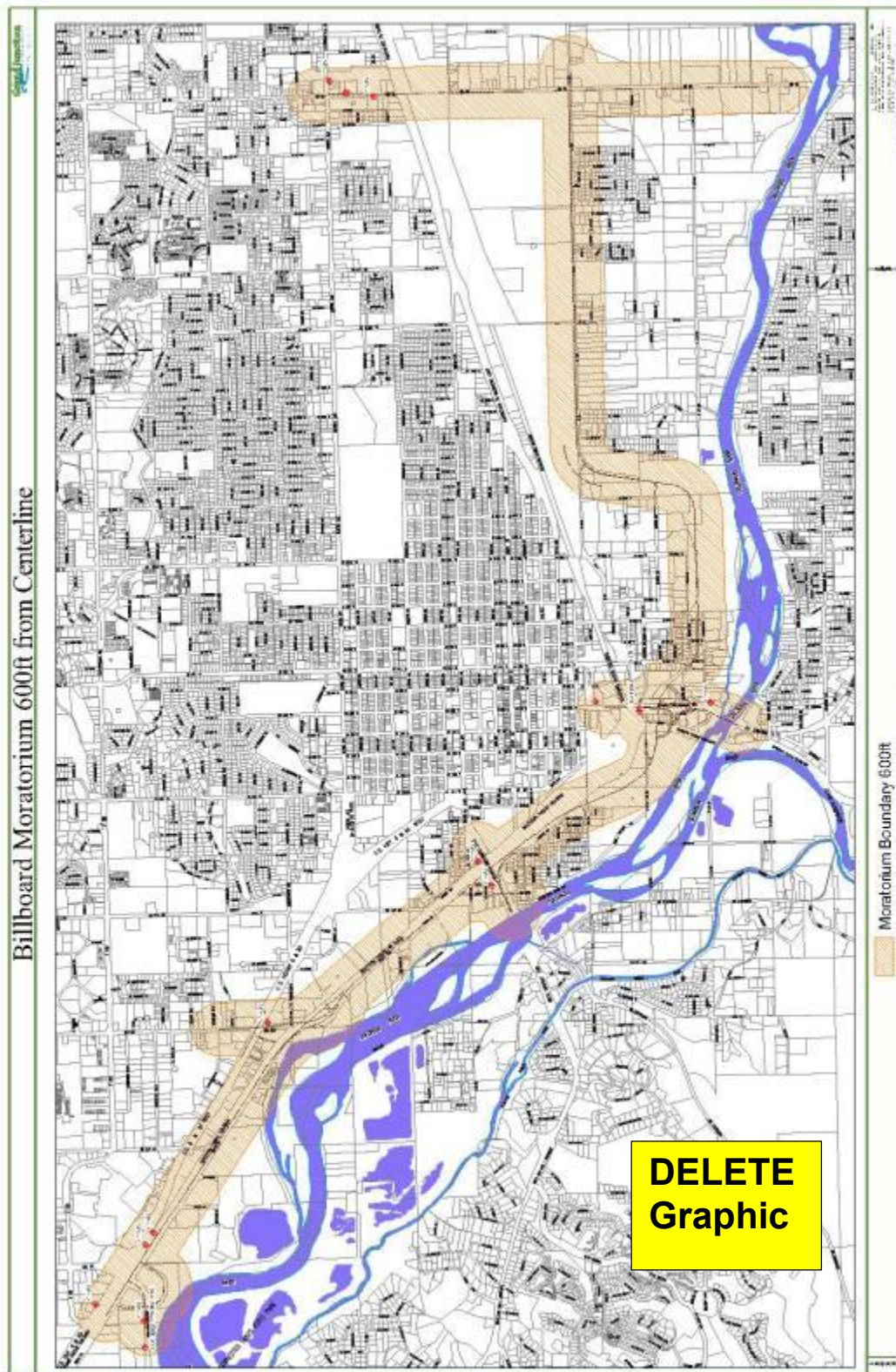


EXHIBIT "A"

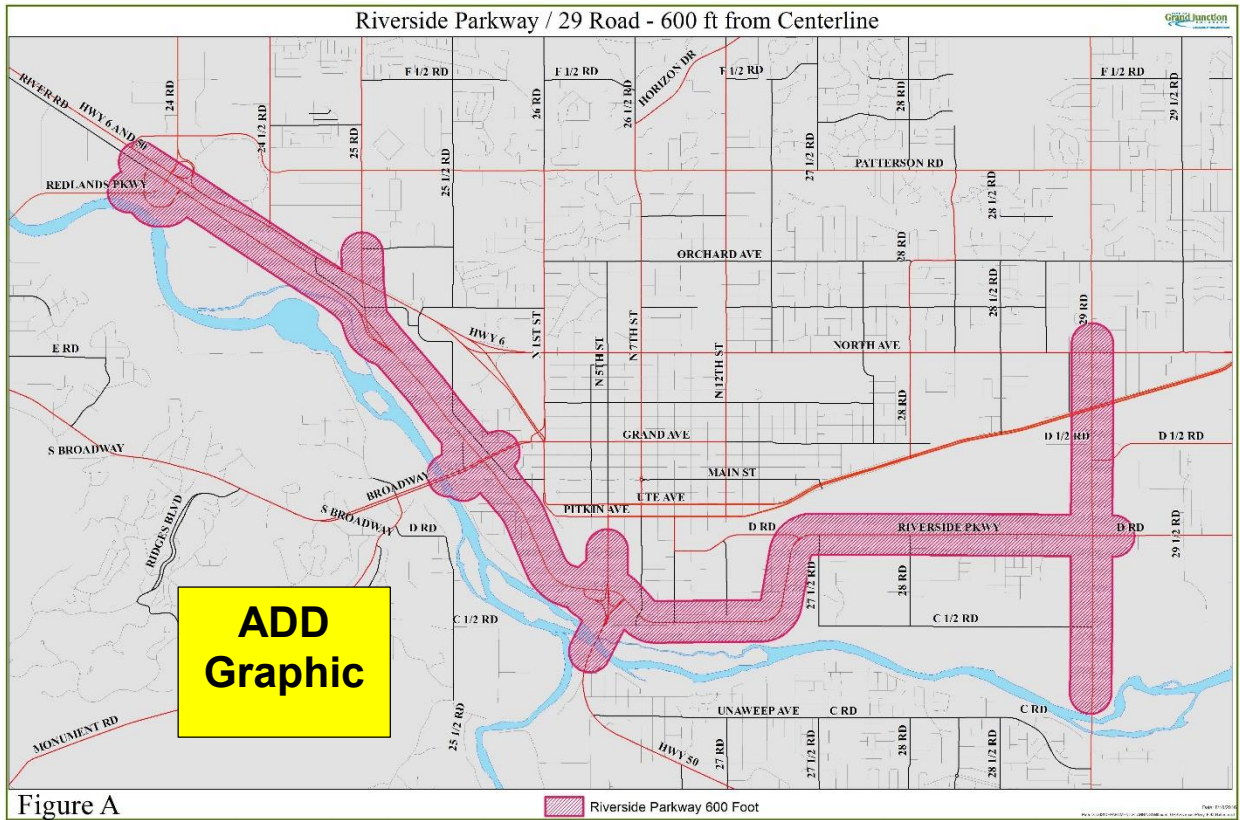


Figure A

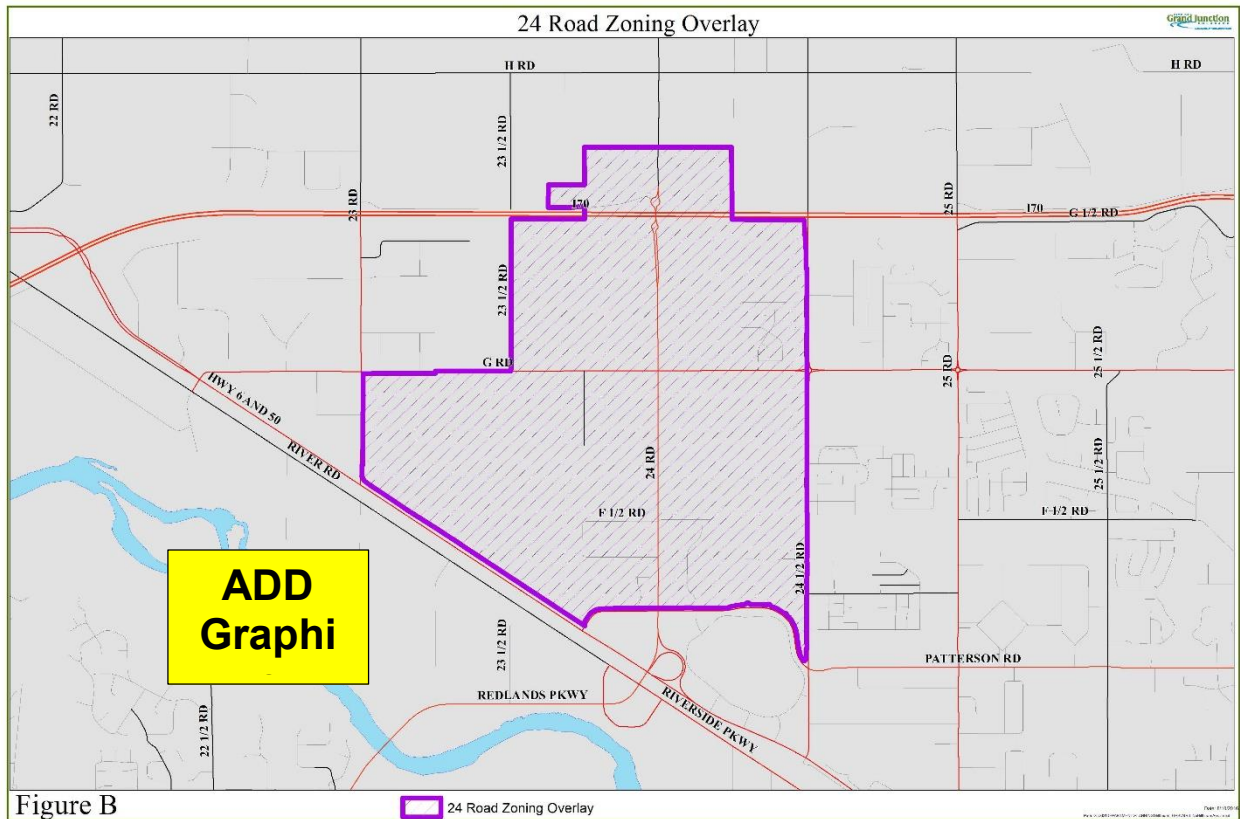
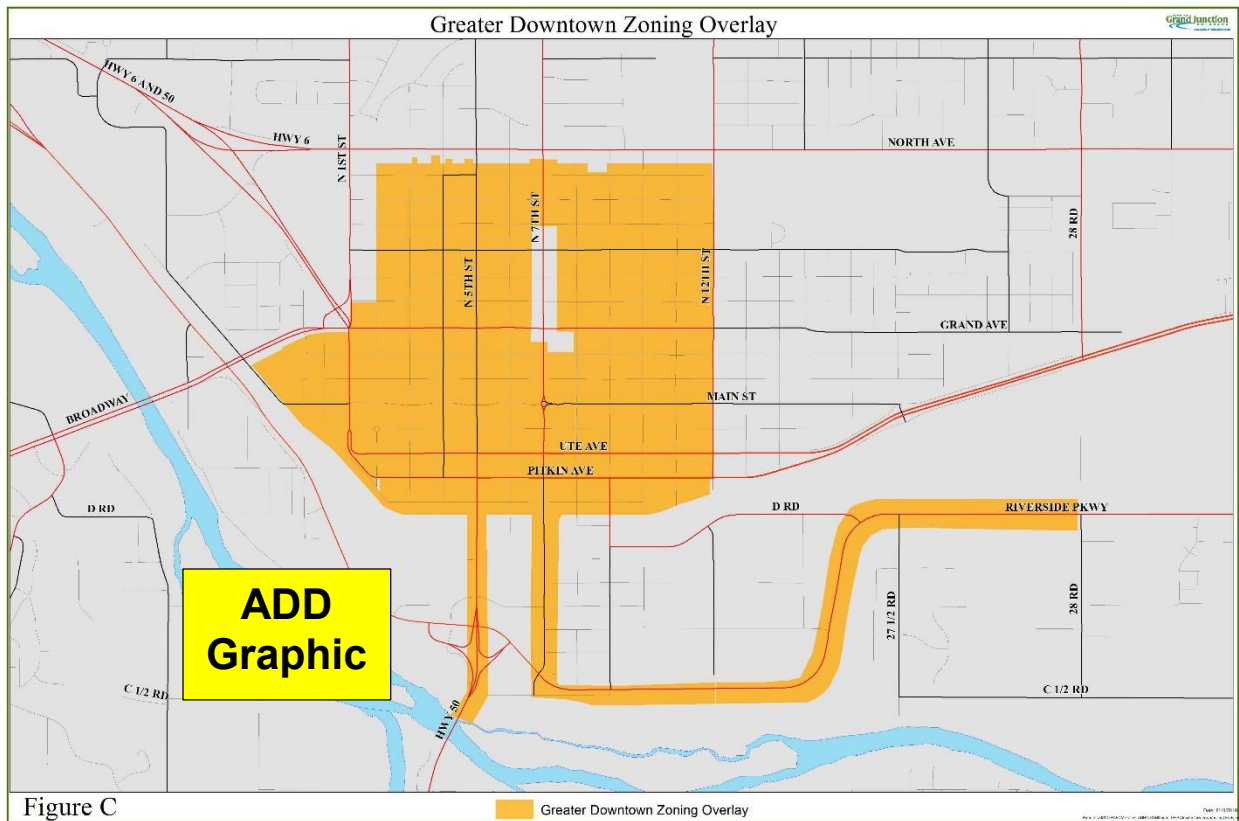


Figure B



- ~~(vi) Illumination. Off premises (outdoor advertising signs) Any Billboard or Outdoor Advertising Sign that are is illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision of passersby.~~
- ~~(vii) Prohibited signs are signs Signs that do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted or amended are prohibited. See § 43-1-401 C.R.S. et seq.~~

(4) CSR. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.

(5) Form Districts. Signage shall conform to subsection (h)(3) of this Section except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.

~~(5)~~ (6) Planned Developments. No sign other than those permitted in any zone district in subsection 21.06.070(d) (“Signs that do not require a permit”) shall be allowed on properties in a planned development zone unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

~~(6)~~ (7) Sign Packages. A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking

(such as a shopping center) may be considered for a sign package through a sign package permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a facade sign. See GJMC [21.02.070\(n\)](#).

(h) **Removal and Disposition of Signs.**

(1) Maintenance and Repair.

(i) No person shall allow, on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.

(ii) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes, and shall be collected in the same manner as the real estate taxes on the property.

(iii) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this code.

(2) Abandoned Signs. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. Except as otherwise provided in this regulation However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of ~~three~~ twelve consecutive months or more, ~~or a sign which pertains to a time, event or purpose which no longer applies,~~ shall be deemed abandoned.

~~(i) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be considered abandoned unless the property remains unoccupied for a period of six months or more.~~

~~(ii) An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign~~

which is not removed in a timely manner may be removed by the Director under the provisions of this section.

21.10.020 Terms defined is amended as follows (deletions struck through; additions underlined):

~~Sign, billboard (or off-premises) means a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, including billboards.~~

~~Sign, institutional means a sign setting forth the name of a public, charitable, educational, or religious institution.~~

Sign, identification means a sign which shall refer only to the principal use of the parcel upon which the sign is located.

Sign, integral means ~~names of buildings, dates of erection, monumental citations, commemorative tablets and the like~~ a sign which is carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

All other definitions in and parts of Section 21.10.020 shall remain in effect and are not modified by this text amendment.

Section 21.03.090(h) (Mixed Use Opportunity Corridors) shall be amended as follows (deletions struck through, additions underlined):

(h) **Mixed Use Opportunity Corridors.** See GJMC 21.02.140(c)(2). In addition to the standards established in subsections (f) and (g) of this section, except as specifically modified therein for the MXOC zone district, standards for the MXOC shall be as follows:

(1) Access. When the site is adjacent to a local or collector street, the primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety, as determined by the City’s Development Engineer. Whenever possible, access between two or more sites shall be combined and access points restricted on arterial streets.

(2) Parking, Delivery/Pick-Up Areas, Trash Service. Parking, delivery and pick-up, and trash service areas are not permitted between the building and the primary street (corridor).

~~(3) Signage. Signage shall conform to GJMC 21.06.070(g)(3) 21.06.070(h)(3) except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.~~

All other portions of Section 21.03.090(h) shall remain in effect and are not modified by this text amendment.

Section 21.02.070(n)(3) Sign Package, Additional Approval Criteria, is amended as follows (additions underlined; deletions struck through):

(3) Additional Approval Criteria.

(i) All signs included on the site shall be in conformance with the criteria set forth in GJMC ~~21.06.070(f)~~ 21.06.070(g), except as allowed to deviate based on the other criteria in this section.

(ii) The application of the sign package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.

(iii) The application of the sign package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

All other portions of Section 21.02.070(n) shall remain in effect and are not modified by this text amendment.

INTRODUCED on first reading the _____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk