



**PLANNING COMMISSION AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET  
TUESDAY, October 11, 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 September 13, 2016 Meeting.*

**2. Public Irrigation Easement Vacation**

[Attach 2](#)

[File# VAC-2016-475]

Request to vacate a public irrigation easement located within Lot 2, Retherford Subdivision.

*Action: Recommendation to City Council*

Applicant: Terry, Doug and Dennis Retherford, Owners  
Location: 2089 Broadway  
Staff Presentation: Scott Peterson, Sr. Planner

**3. Public Access Easement Vacation**

[Attach 3](#)

[File# VAC-2016-433]

Request to vacate a public access easement located within Lot A, Homestead Subdivision.

*Action: Recommendation to City Council*

Applicant: N3 Real Estate, Debbie Hanley  
Location: 735 and 737 Horizon Drive  
Staff Presentation: Senta Costello, Sr. Planner

**4. Public Right-of-Way Vacation**

[Attach 4](#)  
[File# VAC-2016-407]

Request to vacate public Right-of-Way, known as Balanced Rock Way located within Sundance Village Subdivision.

*Action: Recommendation to City Council*

Applicant: Rimrock Landing Apartment Investors, LLC  
Location: Between Flat Top Lane and F ¼ Road  
Staff Presentation: Lori Bowers, Sr. Planner

**\*\*\*INDIVIDUAL CONSIDERATION\*\*\***

**5. Zoning and Development Code Amendment**

[Attach 5](#)  
[File# ZCA-2016-384]

(Continued from September 13, 2016 Meeting)

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

**6. Other Business**

**7. Adjournment**

**Attach 1**

**GRAND JUNCTION PLANNING COMMISSION  
September 13, 2016 MINUTES  
6:00 p.m. to 7:46 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Bill Wade. 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, Keith Ehlers and Ebe Eslami.

In attendance, representing the City's Administration Department - Community Development, was Kathy Portner, Community Services Manager, Kristen Ashbeck, (Senior Planner), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner) and David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney) and Shelly Dackonish (Staff Attorney).

Lydia Reynolds was present to record the minutes.

There were four citizens in attendance during the hearing.

**Consent Agenda**

**1. Minutes of Previous Meetings**

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

**2. Noland Avenue ROW Vacation**

[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. 7<sup>th</sup> Street in a C-2 (General Commercial) zone district.

*Action: Recommendation to City Council*

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

**3. Sabrosa Conditional Use Permit**

[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

**8. Zoning and Development Code Amendment**

[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

**9. Colorado Mesa University ROW Vacations**

[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

Vice-Chairman Wade briefly explained the Consent Agenda and noted that item number three (3) "Sabrosa Conditional Use Permit File# CUP-2016-421", had been withdrawn and may be considered at a later date. Vice-Chairman Wade then 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, Vice-Chairman Wade asked for a motion.

Noting that there has been no public comment one way or the other regarding the recent Colorado Mesa University's (CMU) Right of Way Vacation requests, Commissioner Ehlers made the following motion:

**MOTION:(Commissioner Ehlers)** "Mister Chairman, I move we move item number 5, the CMU Right of Way Vacation requests, to the Consent Agenda."

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Vice-Chairman Wade asked for a motion to approve the amended Agenda.

**MOTION:(Commissioner Ehlers)** "Mister Chairman, I move we approve the amended Consent Agenda."

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**\*\*\*INDIVIDUAL CONSIDERATION\*\*\***

**10. Zoning and Development Code Amendment**

[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

**Staff Presentation**

David Thornton (Principal Planner) explained that the 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.

Mr. Thornton displayed a slide and noted that The Supreme Court ruled in a case pertaining to sign content known as Reed vs the Town of Gilbert Arizona which has significant impact on the City's current sign code.

For years communities everywhere have regulated signs distinguishing them by what is said on the sign. These include political signs, and other temporary signs placed on property. These regulations have often held common sense safeguards against the unnecessary proliferation of signs in urban areas. An example is where a sign advertising a political message is required to be taken down so many days after an election, but a sign advertising the sale of a property doesn't.

Mr. Thornton explained that the courts' decision is that a City cannot regulate the content on a sign. Sign content that is distinguished among temporary directional signs, political signs and ideological signs cannot be treated differently.

Mr. Thornton stated that the City's Sign Code currently distinguishes between zoning districts (commercial residential, industrial), types of signs (free-standing, wall signs, roof signs) and messages on the signs (commercial, safety, political, and development, etc.). Mr. Thornton displayed a slide with the following information as to what the City can regulate:

**Time:** Regulate the hours of illumination or display; or the number of days a sign can be displayed

**Place:** Regulate the location, setbacks, pedestrian clearance, or distance from residential districts

**Manner:** Prohibit signs that flash, blink, rotate, or scroll

**Size/Height:** Regulate the height and size allowances along corridors, in specific zone districts and/or city-wide

**Number of Signs:** Regulate the number of signs allowed per street frontage or parcel

The Supreme Court decision determined that sign regulations are restrictions on free speech, therefore they must conform to the First Amendment of the United States. There is also no distinction between commercial speech and off premise advertising. Mr. Thornton explained that the city code currently regulates "off-premise signage", however to determine if it is off premise, you must refer to the content on the sign. Enforcement of off premise signage would be impractical.

Mr. Thornton stated that currently, the sign code has a list of sign types that fall under Temporary or Exempt. Examples given included; Private Warning or Instructional, Land Development or Sales, For Sale/Lease, Contractor/Builder, Service Clubs, Model Home Area, Campaign, Real Estate, and "Produce grown on premises" signs.

The next slide Mr. Thornton presented addressed signs not requiring a permit. Signs not requiring a permit was defined as a sign that is not illuminated, not digital or electronic, and not permanent in nature. An example that Mr. Thornton gave was a sign 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.

Mr. Thornton noted that the following signs are allowed on a lot/parcel in all zone districts:

1. 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.
2. Six signs up to (6) square feet in area and with the following limitations and exceptions:
  - On a parcel of less than one acre, up to six such signs are allowed, 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.
  - On a parcel of one acre or larger, up to six such signs per acre are allowed, except that one sign per acre can be up to 32 square feet in area, no restriction to construction or development occurring.

The second category of signs not requiring a permit was Governmental Signs. Mr. Thornton gave the example of the City of Grand Junction and School District 51 that are governmental entities and therefore will be exempt from the sign code.

Mr. Thornton then addressed signs requiring a permit in residential zone districts and displayed a slide with the following proposed regulations:

- Allow one 6 square foot sign per parcel.
- Allow one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way.
- Allow one 24 square foot sign per street frontage for nonresidential land uses in Residential Zone Districts.
- Sign lighting to be externally illuminated only and turned off between 11 pm and 5 am.

A slide showing signs requiring a permit for Non-Residential Zoned Property was displayed. Mr. Thornton explained this includes business, commercial and industrial. In these categories, there are four types of signs permitted: flush wall, freestanding, roof and projecting signs. Mr. Thornton noted that the building sign allowance, freestanding sign allowance and total sign allowance remains the same as current code language.

Mr. Thornton noted that the wind driven and banners part of the sign code will basically stay the same. There are a few minor word adjustments proposed, but the content will stay the same.

The next category of proposed changes relates to the outdoor advertising and billboard signs. Mr. Thornton showed a slide with the following three changes:

1. Eliminate the distinction of the “Off-Premise” section of the Sign Code since it is no longer needed in a content neutral sign code. Any sign can advertise an “on premise” business or “off premise” business or other advertising.
2. Allow for One (1) additional Freestanding Sign in C-2, I-1 and I-2 for parcels with 600 linear feet of frontage or more with some exceptions.\*.
3. 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.

Providing a second freestanding option on large parcels will provide the outdoor advertising industry some opportunity to construct a sign for their business needs while at the same time provide the business located on the site to advertise their business on a separate freestanding sign. It will also allow for large retailers or shopping centers to have two freestanding signs when located on property with frontage that meets the proposed standards.

Mr. Thornton’s next slide showed where the exception to number two (above), applies. The areas are Riverside Parkway and 29 Road, the 24 Road overlay and the Greater Downtown Overlay.

Lori Bowers (Senior Planner) stated that she will address Digital and Electronic Sign Code Considerations and noted that we currently do not have standards to regulate digital and electronic signs.

Ms. Bowers noted that the regulation proposed for consideration are similar regulations found in the Colorado Department of Transportation’s (CDOT) sign code. CDOT’s Sign Code is based on Federal regulations related to outdoor advertising and have their roots in the Highway Beautification Act of 1965. The brightness recommendations are found in the International Sign Association’s compilation summary of Recommended Brightness Levels for On-Premise Electronic Message Centers. That summary was completed in 2010.

Ms. Bowers noted that staff conducted a survey of roughly 23 different communities for their regulations. The following recommendations are proposed to address Digital and Electronic Signs.

1. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
2. Signs shall not change intensity or expose its message for less than four (4) seconds.
3. Transitions between messages shall be less than one second.
4. The maximum brightness levels for signs shall not exceed .3 (three tenths) foot-candles over ambient light levels.
5. 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.



In summary, the following are the changes proposed for 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 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 the “Off-Premise” section of the sign code.
  - Allow for one additional freestanding sign in certain zones under specific circumstances.
  - Further define non-conforming signs on vacant parcels.
7. Eliminate Street banners from the Sign Code since they will fall under the new proposed Governmental Signs and be Exempt.
8. Change content specific categories such as real estate signs, political signs, No Trespassing signs, etc. to categories that don't refer to content.
9. Establish the following types of sign categories:
  - Signs that do not require a permit
  - Wind Driven Signs and Banners
  - Signs that require a permit
  - Governmental (Exempt) Signs

In addition, Ms. Bowers stated there are some changes proposed that will clarify and provide consistency with the language in the Code. They include:

1. Eliminate contradicting definitions of a Monument Sign measurement, excluding the base, consistent in all zone districts.
2. 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.
3. Define double face signs, to include those that are constructed at angles of 60 degrees or less.
4. 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.
5. Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.

As part of these amendments, it was important to hear from the sign industry and other users of signs such as the Real Estate industry. Ms. Bowers stated that staff had met with Realtors on August 10<sup>th</sup>. Staff also met with citizens in the Sign Industry / Outdoor Advertising Industry on August 25<sup>th</sup>. In addition, workshops were held with the Planning Commission/City Council on July 21<sup>st</sup> and again with the Planning Commission on August 18<sup>th</sup>.

**Questions for Staff**

Commissioner Ehlers recommended adding “each” to the wording of “six signs up to (6) square feet in area”. Ms. Dackonish noted that although the word “each” is not on the slide, it is in the actual text being proposed.

Commissioner Ehlers also expressed concern about “allowing one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way” and suggested the words “contiguous open space parcels” or the like so there is not the opportunity to put up two signs just because there are two different types of tracks. Mr. Thornton responded that in most cases, there will be an HOA that would address an entry way sign for the building.

Commissioner Ehlers expressed concern about the spacing of additional free standing signs. Regarding the corridor overlays, Commissioner Ehlers stated that he would not want to limit businesses from advertising, but expressed hope that there will be a way to preserve the open space that exists.

Commissioner Buschhorn asked for clarification of the illumination that would be allowed in residential districts. Mr. Thornton stated that signs in those districts would have to be externally illuminated and comply with CDOT regulations for blinking/flashing as well. Commissioner Buschhorn gave the example of a resident having a projector flashing a changing message onto a sign in an area where there is no HOA.

Discussion continued as to what language may add clarification. Commissioner Buschhorn suggested “a static sign that is illuminated and does not change message”. Mr. Thornton suggested that that language be added to the motion, and it will be sent on to City Council.

With no further questions for staff, Vice-Chairman Wade opened the public hearing portion of the meeting and asked for those in favor or opposition to the proposed changes in the Sign Code.

**Public Comment**

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) in Grand Junction. Mr. Gamble noted that he has worked with Ms. Bowers, Mr. Thornton and Ms. Dackonish on what he felt was a substantial revision of the current sign code.

Mr. Gamble noted that he would like to give a brief synopsis of the Reed vs the Town of Gilbert Arizona. Mr. Gamble explained that a Pastor who did not have a permanent location for gatherings, would put up signs each week announcing the location of the service. The sign code in that town required that he put them up only 12 hours before the service and taken down one hour after. This restriction prompted a Supreme Court lawsuit

to address an issue that had been going on in sign codes all over the country for years. One important point that was made from this Supreme Court decision was that this ruling was based on a non-commercial signage issue.

Mr. Gamble implied that how the ruling applies to commercial signage was left a grey area. Mr. Gamble stated that he does not believe that a “no off-premise” recognition in a sign code will uphold if contested. Mr. Gamble gave more background of what he believes the intentions of the court decisions were and how some of the regulations may be implemented in the future.

Mr. Gamble stated he was not sure how hard he wanted to fight for on-premise / off-premise designations in the sign code as he feels some of the suggested revisions may (or may not) be good for his business. Mr. Gamble stated that he feels he has not had enough time to totally evaluate the complete ramifications of the impact of the changes.

Mr. Gamble stated that staff indicated they had taken into consideration the 1975 Colorado Supreme Court rule that you cannot regulate outdoor advertising companies out of business.

Mr. Gamble noted that the revisions allow for an extra free standing sign to be allowed on commercial parcels that have 600 or more feet of frontage. Mr. Gamble stated that he was told there were 69 of these parcels identified. Of the 69 parcels, Mr. Gamble stated that he has been able to build on all of those parcels for the 40 years that the sign code has existed or since they were zoned, but he does not feel any of them are viable as a location where he would be able to sell advertising. Mr. Gamble stated that he believes the revisions do not help him and basically limits him to what he has now and does not allow his business to grow and continue to exist.

Mr. Gamble explained that a second aspect of his business is digital advertising. He noted that if businesses are now allowed to advertise off-premise businesses on their digital signs then that would cut into his market. Mr. Gamble stated he wanted to go on record as being against not having specific codes and regulations specific to outdoor advertising and off-premise signs.

Mr. Gamble stated that he had met with Ms. Bowers and Mr. Thornton and was given a copy of the proposed changes to the sign code. He then met with Ms. Dackonish to discuss a problem he has with the changes. Mr. Gamble then handed all the Commissioners a hand out he had prepared. His concern was with the following suggested language in the code:

***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.***

Mr. Gamble stated that he emailed Ms. Bowers with his suggestion that “All” signs be included, (not just on vacant parcels). Mr. Gamble added that if an existing business

decides to redo their signage, his pre-existing billboard will now be used in the signage calculation and he will not be able to have it there.

Mr. Gamble explained that he owns many easements around town where he has billboards. He is not under a lease with many of the owners; therefore, if they want new signage, they would not be able to use his easement as street frontage for their sign calculations. Mr. Gamble indicated that although he does have some leases, he currently has 7 easements on vacant properties and about 30 easements on developed properties. Mr. Gamble noted that those easements were purchased and sold under the status of the old sign codes regulations for outdoor advertising.

### **Commissioner Questions**

Commissioner Eslami asked Mr. Gamble how he could “own” an easement. Mr. Gamble stated that he has Billboard easements that protect the view shed to his billboard and allow access to property.

Commissioner Ehlers asked for clarification as to how the signage is calculated for a parcel. Mr. Thornton stated that a property has a calculation for free standing (based on street frontage) and another for flush wall (based on length of building). The higher of those two numbers is used for overall signage allowance on property.

Commissioner Ehlers asked Mr. Gamble if he felt that the new regulations will regulate the Outdoor Advertising Sign Business, out of business by allowing competitors to do what he does. Mr. Gamble noted that he has some legal input coming from Denver that will determine how he wants to proceed. His understanding is that a non-conforming status would allow him to maintain his signs even though they don't comply with code.

Mr. Gamble stated that he has not settled on a position yet because the proposed sign code opens up some doors and closes some doors. Mr. Gamble stated that he anticipates there are going to be some legal actions taken to clear this up. Mr. Gamble stated that this code is the cleanest, safest way to go...for now, and the grey areas are unanswerable...for now. Mr. Gamble went on to say that there is enough significance in the issues that he believes that bigger cities and bigger billboard companies are going to push these questions and set some legal direction that may not come for a year or two.

Commissioner Ehlers thanked Mr. Gamble for bringing a different perspective and information to the discussion. Commissioner Ehlers stated it is not the intent of the sign code update to put Mr. Gambles business and other businesses like his, out of business. Commissioner Ehlers encouraged Mr. Gamble to get some justification and explain how the sign code update would be regulating him out of business, prior to the City Council meeting. Commissioner Ehlers also added that he is less sympathetic to the introduction of competitors as an issue.

Mr. Gamble stated that he was just made aware, and received a copy of proposed changes in late August and has not had the time to fully review everything. He does intend to continue to talk with City staff as there may be some other points he wants to pursue.

Mr. Gamble stated that an easement is a legally recognized real estate instrument that he owns even though it is exclusive in use. Mr. Gamble went on to explain that in the cases where he has leases, and the property owner wants to put up more signage, they can wait until the lease is up and then tell him they need the sign allowance back.

Commissioner Wade asked how many of his properties does he have easements on that he owns. Mr. Gamble stated he owns 37 easements and added that about 30 of those already have development on them.

Commissioner Buschhorn stated that the proposed sign code language would make owning the easements more valuable. He explained that the easement would be the dominant state, which controls the subservient state, which would be the land owner underneath, therefore they could not control his sign square footage. Mr. Gamble explained that he does not want to be put in a situation where a landowner who wants to put a sign up, cannot do that because he has an easement with a Billboard that is now going to count against his sign allowance.

Commissioner Deppe asked Mr. Gamble if that was the reason why he purchased the easement was to control that space. Mr. Gamble agreed that is why he purchased the easement and it was under the assumptions of the old code, which did not impact the property owner. His billboard signage allowance was always independent of the property owners sign allowance.

Ms. Dackonish referred to the non-conforming sign section of the code, which is not changing, and could address situations that Mr. Gamble is talking about. This existing section states "a non-conforming sign, which use is upgraded, or exempted in the writing" shall be considered an allowed sign". Ms. Dackonish explained that would give staff the discretion in those situations, to say both signs could stay or that one is exempt. This is in subsection 3 e and it is not coming out of the code and would be addressed on a case by case basis.

Vice-Chairman Wade asked Mr. Gamble if he was comfortable with how they can address these situations where it is logical to allow both signs. Mr. Gamble stated that he does not want to leave the decision up to the discretion of the staff and would like to see it written in the code that all his existing signs are exempt. He explained that he has invested a lot of money in the signs under the old code and wants to be able to be exempt and not have his signs be calculated in the properties sign allowance. Mr. Gamble noted that under the old code, his billboards had a separate sign allowance.

Commissioner Buschhorn noted that Mr. Gamble would only be hurt by this change on the seven properties where he has leases and stand to lose his sign allowance. The property owners of the 37 properties where Mr. Gamble has easements stand to lose as well. Mr.

Gamble stated that he does not believe that the land owners where he has easements, are aware of the problem that would be created by the new language in the sign code.

Commissioner Ehlers stated that it is his understanding that staff is relying on sub section 3 to review the cases as they come in. Commissioner Ehlers asked if there was a reason why staff would not just remove the reference to “on an otherwise vacant parcel” and just say “all of the existing”? Ms. Dackonish stated it was possible to rewrite that section to accomplish what Mr. Gamble is suggesting. She suggested if that is done, then language be added to say that “all signs that become non-conforming because they were once deemed off premise signs” otherwise there may be more signs allowed than the code intended.

Commissioner Ehlers asked if it was the intention of staff to intentionally write the code in a way that challenged these sites and if there were opportunities to sunset the billboards out of existence, that could be done. Ms. Dackonish explained that staff did intend that over time, it would be appropriate, especially where redevelopment is happening, that some of these signs be phased out over time. Ms. Dackonish stated that most of the places where there is a billboard and an existing use, such as a shopping center, there is enough signage allowance that would be sufficient for tenants that come and go. It most likely would be significant redevelopment occurring where a new sign may be triggered, where staff would review it on a case by case basis and exempt it where appropriate.

Commissioner Ehlers asked Mr. Gamble if he had a time frame that he could propose that would be acceptable to sunset billboards. Mr. Gamble stated that staff thought he had leases on all his billboard properties when he actually has mostly easements. Mr. Gamble stated that staff wrote the sign code purposely in a way that would take away the billboards and as a result, he would be out of business.

Commissioner Eslami inquired if he owns the easement, how could the billboard come down. Mr. Gamble stated that on those easements it would not be a problem. Commissioner Wade asked if the problem was with the seven leases. Mr. Gamble corrected his earlier account and stated that he has 16 leases, 37 easements, seven of which are on vacant parcels.

Commissioner Eslami noted that Mr. Gamble will not be hurt by the changes on his easements. Mr. Gamble agreed but stated that the property owners would be hurt by the changes where he has easements. Commissioner Eslami noted that there were no property owners in attendance although the meeting has been advertised. Mr. Gamble stated that he was only aware of the issue since he was contacted directly by staff, which he appreciated.

### **Commissioner Discussion**

Commissioner Eslami thanked Mr. Gamble for his information and insight from his perspective. The intention of the proposed sign code is to simplify the process in the future. Commissioner Eslami stated that the Planning Commission is the body that will

make the recommendation to City Council, however City Council will be making the decision.

Commissioner Ehlers thanked Mr. Gamble for his thoughts and stated that he is not inclined to advance any code that is intentionally running any industry out of business. Having said that, Commissioner Ehlers noted that he does not see the proposed sign code as doing that. Commissioner Ehlers acknowledged that it may cause some conflict between the property owners and the billboard owners as they may want to regain sign allowance down the road.

Commissioner Ehlers suggested that Mr. Gamble submit in writing to staff and maybe City Council, how he feels that the change in language will forcefully put him out of business. Commissioner Ehlers stated that, in his opinion, it's a market driven factor and changes being proposed in the code will not regulate billboard out of existence, but open up other market options.

Commissioner Deppe stated that agrees with Commissioner Ehlers but she wished she knew more about what Mr. Gamble's concerns were before the meeting as it puts a different spin on what she was thinking. After listening to staff's presentation and hearing Mr. Gambles concerns, Commissioner Deppe felt that he could create work-arounds, and she does not feel it will be a hardship for him in the long run.

Commissioner Buschhorn indicated that he agrees with Commissioner Ehlers. Thinking about the commercial aspect of it, Commissioner Buschhorn believes Mr. Gamble, has most likely negotiated those leases with a satisfactory return on investment by the end of the leases. Commissioner Buschhorn stated that he does not feel the proposed changes to the sign code will significantly negatively impact his business.

Commissioner Buschhorn stressed that it would be better to meet the requirements of the Supreme Court, and the revisions the way they are written, will comply with that.

Commissioner Wade referred to Mr. Gamble's point that we know the Supreme Court decision will inspire considerably larger entities to take action, which will clarify the situation even more. Commissioner Wade felt that this revision is the simplest cleanest way to start to comply with the decision. Recognizing that there may need to be other revisions as time goes by, Commissioner Wade stated that this seems to be the right way to go for now.

Commissioner Wade called for a motion. Commissioner Ehlers asked if the Commission was going to add an amendment to the motion to address changing projections in residential zone districts. Ms. Dackonish added that the motion may affect some Christmas displays and wanted to make sure they took that into consideration and that there is not an unintended effect that they had not considered.

Commissioner Wade asked the Commissioners how they feel about adding the additional language to the motion. Commissioner Ehlers stated that he is not inclined to approve the motion as it is because it does not address the underlying problem. Commissioner Ehlers

questioned the line between commercial advertising and yard art. He feels there could be a loop hole if not address and gave the example of digital signs.

Mr. Thornton read the criteria from the “general requirements” that is currently in the code. One of the points Mr. Thornton emphasized was that there could only be up to a 40-watt bulb used to illuminate a sign. Commissioner Buschhorn asked for clarification as it appears that there are more than 40 watt bulbs illuminating billboards at night. Ms. Dackonish added that the 40-watt bulb limit was to address and limit light exposure when facing high-way or street.

Commissioner Ehlers concern is that in residential districts, the content neutral aspect would theoretically allow residents to have a blank canvas that they can host changing advertisements. Commissioner Ehlers noted that he is not concerned about changing holiday displays etc.

Commissioner Buschhorn stated that he is not comfortable sending the recommendation onto City Council, even with the revisions on record. He would like to first see a clean copy of what the proposed code would look like.

Commissioner Ehlers asked staff if it was possible to approve a motion to send the sign code forward with and approval, and a request to address the items, even though there is currently no specific language developed.

Ms. Beard (Assistant City Attorney) stated that since it is a recommendation going forward, the motion could be approving as is, or approve with specific revised language, or recommend approval with a request that certain factors be considered in making their determination.

Commissioner Eslami suggested tabling the item. Vice-Chairman Wade stated that he feels they should vote on the motion as proposed, and if it passes then send along recommendations along with it. Ms. Beard explained that they can do a motion to continue, or take other steps rather than having to do it on the motion as proposed; it's not required that you do the motion first.

Vice-Chairman Wade asked if any Commissioners wish to continue the discussion and not vote on the proposed code language.

**MOTION:(Commissioner Eslami)** “Mister Chairman, 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 table the discussion to a future meeting.”

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**1. Other Business**



Mr. Moberg reminded the Commissioners that there is a workshop on September 22<sup>nd</sup>.

**2. Adjournment**

The Planning Commission meeting was adjourned at 7:46 pm.



Date: September 6, 2016  
 Author: Scott Peterson  
 Title/ Phone Ext: Senior Planner/x1447  
 Proposed Schedule:  
Planning Commission: October 11, 2016  
City Council: November 2, 2016  
 File #: VAC-2016-475

**Attach 2**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Jesse’s Place Irrigation Easement Vacation, Located at 2089 Broadway
<b>Action Requested/Recommendation:</b> Forward a recommendation to City Council to vacate a public irrigation easement as located within Lot 2, Retherford Subdivision
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

The applicants, Terry, Doug and Dennis Retherford, request approval to vacate a public irrigation easement in anticipation of subdividing the property to create a lot to construct a single-family detached home.

**Background, Analysis and Options:**

The existing property (Lot 2, Retherford Subdivision) currently contains a 31’ wide irrigation easement along the south property line and a 5’ wide irrigation easement along the east property line. These existing irrigation easements were dedicated on the original Retherford Subdivision plat. In July, 2016, this property was annexed into the City and zoned R-4 (Residential – 4 du/ac). The applicants’ also have a simple subdivision under review to create a second lot in anticipation of future single-family detached residence. The property currently contains a single-family detached home and various accessory structures. The Applicant has explained that due to the current width of the irrigation easement, 31’ along the south property line, the easement would interfere with the placement of a new single-family residence. Therefore, the applicants are requesting to vacate the existing irrigation easements located on the property which are no longer utilized nor needed.

The easement was created and used to serve an open irrigation ditch that provided irrigation water for an apple orchard and for Two River’s Winery located to the west. However, the irrigation easement has not been utilized within recent memory and the open irrigation ditch and apple orchard have long since been removed. All irrigation water that serves the applicant’s property and also for the Winery are located within Broadway and do not cross the applicants’ property. Two River’s Winery was made aware of this request and no issues were raised. Furthermore, there are no other public or private utilities located within this easement.

Normally, irrigation easements are not dedicated to the public. However, the dedication language on the original Retherford Subdivision plat dedicated all easements, including the irrigation easement, to the public requiring the vacation to be reviewed and processed by the City of Grand Junction.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan.

**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. The vacation of an existing public irrigation easement in a residential development does not further the goals of the Economic Development Plan, but it does provide a more desirable building envelope for the proposed new single-family residence.

**Other Issues:**

No other issues have been identified.

**Previously presented or discussed:**

This proposal has not been previously discussed.

**Attachments:**

- Staff Report/Background Information
- Site Location Map
- Aerial Photo Map
- Comprehensive Plan Map
- Zoning Map
- Resolution

BACKGROUND INFORMATION			
<b>Location:</b>		2089 Broadway	
<b>Applicant:</b>		Terry, Doug and Dennis Retherford, Owners	
<b>Existing Land Use:</b>		Single-family residence and accessory structures	
<b>Proposed Land Use:</b>		Simple subdivision to create a second lot to develop for a single-family residence	
<b>Surrounding Land Use:</b>	<b>North</b>	Single-family residential	
	<b>South</b>	Single-family residential	
	<b>East</b>	Single-family residential	
	<b>West</b>	Two Rivers Winery	
<b>Existing Zoning:</b>		R-4 (Residential – 4 du/ac)	
<b>Proposed Zoning:</b>		N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-4 (Residential Single Family – 4 du/ac)	
	<b>South</b>	County RSF-4 (Residential Single Family – 4 du/ac)	
	<b>East</b>	County RSF-4 (Residential Single Family – 4 du/ac)	
	<b>West</b>	County PUD (Planned Unit Development)	
<b>Future Land Use Designation:</b>		Residential Medium Low (2 – 4 du/ac)	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

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.

**Sections 21.02.100 (c) of the Grand Junction Zoning and Development Code:**

The vacation of an easement shall conform to the following:

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

The request to vacate an irrigation easement does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or 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.*

Because this is a request to vacate an irrigation easement no parcels will be landlocked as a result of the proposed vacation.

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;*

No adverse comments concerning the proposed vacation was received from the utility review agencies or the adjacent property owner indicating that the requested vacation will restrict access or reduce or devalue any property.

Therefore, this criterion has been met.

- (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 will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed vacation as no public utilities, or facilities are located within the existing irrigation easement.

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*

The provision of adequate public facilities and services will not be inhibited to any property as a result of the proposed vacation request since there are no public utilities located within the easement. No adverse comments concerning the proposed irrigation easement vacation was received from the utility review agencies or adjacent property owners during the staff review process.

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 not change as a result of the proposed irrigation easement vacation since there are no public utilities located within the easement areas requested for vacation.

Therefore, this criterion has been met.

**FINDINGS OF FACT AND CONCLUSIONS:**

After reviewing the Jesse's Place Irrigation Easement Vacation application, VAC-2016-475 to vacate public irrigation easements, the following findings of fact and conclusions have been determined:

- 1.The requested Irrigation Easement vacations do not conflict with the goals and polices of the Comprehensive Plan.
- 2.The review criteria in Section 21.02.100 (c) of the Grand Junction Zoning and Development Code have all been met or addressed.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the requested Irrigation Easement vacations, VAC-2016-475 to the City Council with the findings of fact and conclusions as stated within the staff report.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item VAC-2016-475, I move we forward a recommendation of approval to the City Council on the request to vacate public Irrigation Easements with the findings of fact and conclusions as stated within the staff report.

### Jesse's Place Irrigation Ease Vacation Site Location Map



Data: 9/29/2016

1 inch = 450 feet







**Jesse's Place Irrigation Ease Vacation Comprehensive Plan Map**



Date: 02/20/2016

1 inch = 57 feet



### Jesse's Place Irrigation Ease Vacation Zoning Map



Date: 9/29/2008

1 inch = 51 feet





**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING IRRIGATION EASEMENTS LOCATED WITHIN  
LOT 2 RETHERFORD SUBDIVISION**

**LOCATED AT 2089 BROADWAY**

**RECITALS:**

A vacation of a publicly dedicated irrigation easement has been requested by the property owners, Terry, Doug and Dennis Retherford, in anticipation of subdividing the property to create a building lot for a single-family residence. The proposal is to eliminate the irrigation easements in order to accommodate the building footprint design.

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 Zoning and Development Code.

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

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

The following described publicly dedicated irrigation easement is hereby vacated subject to the listed conditions:

1.Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.

Public Irrigation Easement to be vacated:

An irrigation easement to be vacated situated in the NE1/4 Section 22, Township 11 South, Range 101 West, 6th Principal Meridian, Mesa County, Colorado, being described as follows:

Beginning at the SE corner of Lot 2 of Retherford Subdivision (Reception #2028632);  
thence along the East line of said Lot 2, N00°10'51"W 159.40 feet to the right of way line as described in Book 3823 at Page of the Mesa County Clerk and Recorder's Office;  
thence along said right-of-way, N45°03'28"W 7.08 feet;  
thence S00°10'55"E 131.59 feet;  
thence S89°02'41"W 110.68 feet to the West line of said Lot 2;  
thence along the West line of Lot 2, S00°25'16"W 30.90 feet to the SW corner of said Lot 2;

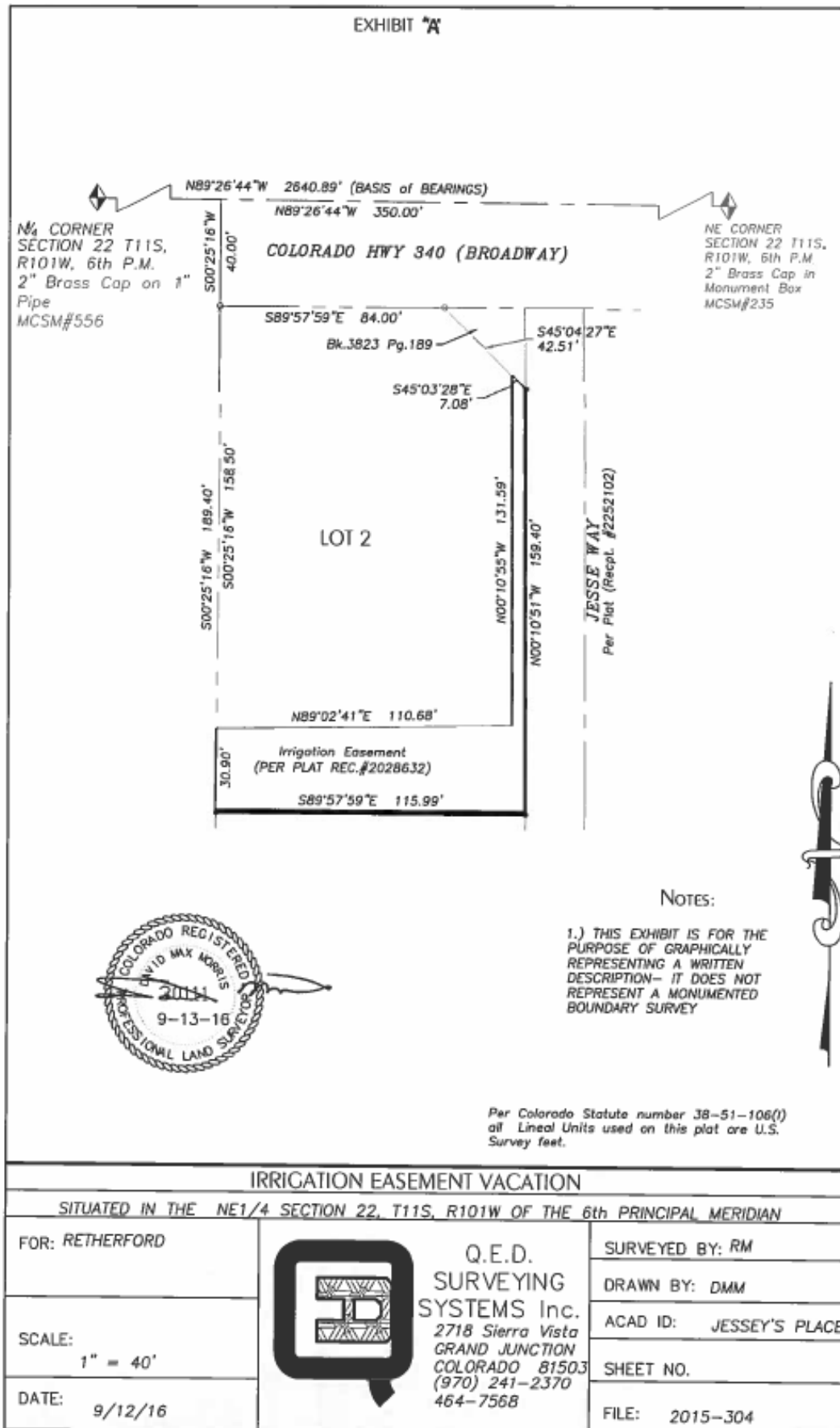
thence along the South line of said Lot 2, S89°57'59"E 115.99 feet to the point of beginning.

PASSED and ADOPTED this    day of                    , 2016

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk





Date: September 6, 2016  
 Author: Senta Costello  
 Title/ Phone Ext: Senior Planner/x1442  
 Proposed Schedule:  
Planning Commission: October 11, 2016  
City Council: October 19, 2016  
 File # (if applicable): VAC-2016-433

**Attach 3**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Public Access Easement Vacation
<b>Action Requested/Recommendation:</b> Request a recommendation of approval to City Council for vacation of a public access easement
<b>Presenter(s) Name &amp; Title:</b> Senta Costello – Senior Planner

**Executive Summary:**

Request to vacate a public access easement. A new access easement has been created and the existing easement is no longer needed.

**Background, Analysis and Options:**

In 1980, the Homestead Subdivision created a common access easement across Lot 2 benefitting Lot 3, as Lot 3 was a landlocked parcel. In 1993, Lots 2 and 3 were reconfigured (creating a larger Lot 2) and a new common access easement created across Lot 2 to the newly created Lot B (what remained of Lot 3).

In August 2016, the City approved Horizon Subdivision which combined Lot 1 of the Homestead Subdivision and Lot B of the 1993 Replat. A new private access easement was conveyed to Lot 1 of the Horizon Subdivision. The new easement is located just west of Lot 1 at the southwest corner of the property and was necessary as Lot 1 no longer has direct Horizon Drive access after the construction of the new round-a-bouts at the I-70 interchange.

With the recordation of the Horizon Subdivision and the new access easement, all existing parcels have legal access and the previous common access easements are no longer necessary.

The location of the common access easements is also encumbered with a utility easement. This easement will remain in place to protect existing utilities.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because a new easement has been granted by separate document.

**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. Vacation and relocation of an existing easement in a commercial area does not specifically further the goals of the Economic Development Plan, but it does eliminate an unnecessary encumbrance on the property that could complicate use of the property in the future.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

The request has not been previously presented or discussed.

**Attachments:**

Staff Report/Background Information  
Site Location Map  
Aerial Photo Map  
Comprehensive Plan Map  
Existing City Zoning Map  
Resolution



<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		735/737 Horizon Drive			
<b>Applicants:</b>		Applicant: N3 Real Estate – Debbie Hanley Representative: River City Consultants – Tracy States			
<b>Existing Land Use:</b>		Vacant office and parking lot for adjacent hotel			
<b>Proposed Land Use:</b>		Freddy’s Steakhburgers; parking will remain			
<b>Surrounding Land Use:</b>	<b>North</b>	Restaurant w/ drive-thru			
	<b>South</b>	Hotel			
	<b>East</b>	Retail; Hotel			
	<b>West</b>	Golf course			
<b>Existing Zoning:</b>		C-1 (Light Commercial)			
<b>Proposed Zoning:</b>		No change proposed			
<b>Surrounding Zoning:</b>	<b>North</b>	C-1 (Light Commercial)			
	<b>South</b>	C-1 (Light Commercial)			
	<b>East</b>	C-1 (Light Commercial)			
	<b>West</b>	CSR (Community Services and Recreation			
<b>Future Land Use Designation:</b>		Commercial			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

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.

**Section 21.02.100 (c) of the Grand Junction Zoning and Development Municipal Code**

The vacation of an easement shall conform to the following:

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

The request to vacate does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or other adopted plans and policies of the City. The existing utility easement will remain to protect existing infrastructure (City storm sewer).

Therefore, this criterion has been met.

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

No parcel will be landlocked as a result of the vacation. A new private access easement has been conveyed to Lot 1 of the Horizon Subdivision, eliminating the need for the existing common access easement.

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.*

Access to all parcels is not affected by the vacation of this common access easement. A new access easement has been conveyed to Lot 1 of the Horizon Subdivision, eliminating the need for the existing common access easement.

Therefore, this criterion has been met.

- (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 will not be any adverse impacts on the health, safety, and/or welfare of the community, nor shall the quality of public facilities and services to any parcel be reduced. The existing public utilities will remain protected in the utility easement that is being retained and access for to Lot 1 has been relocated and improved creating a less circuitous route.

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 Municipal Code.*

Adequate public facilities and services are not inhibited. The existing public utilities will remain protected in the existing utility easement.

Therefore, this criterion has been met.

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

The vacation eliminates an unnecessary easement allowing for better use of the property by the owner and a new private access easement has been created that facilitates access to Lot 1 of Horizon Subdivision, overall improving traffic circulation for both properties.

**FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:**

After reviewing the public access easement vacation application, VAC-2016-433 for the vacation of a public access easement, the following findings of fact, conclusions and condition have been determined:

1. The requested easement 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.
3. The existing utility easement is retained for protection of public utilities.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission forward a recommendation of approval of the requested easement vacation, VAC-2016-433 to the City Council with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item VAC-2016-433, I move we forward a recommendation of approval to the City Council on the request to vacate the public access easement with the findings of fact and conclusions in the staff report.

### Access Easement Vacation Location Map



Printed: 9/25/2016

1 inch = 716 feet



### Access Easement Vacation Aerial Map



Printed: 9/29/2016

1 inch = 358 feet



### Access Easement Vacation Future Land Use Map



Printed: 9/25/2016

1 inch = 358 feet



### Access Easement Vacation Zoning Map



Printed: 9/29/2016

1 inch = 358 feet



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION VACATING A PUBLIC ACCESS EASEMENT**

**LOCATED AT 725 HORIZON DRIVE**

**RECITALS:**

A vacation of a dedicated public access easement has been requested by the owner of the property utilizing the easement to access property otherwise previously landlocked. The proposal is to vacate the encumbered area where the existing access easement is located, retaining the existing utility easement in the same location; a new access easement has been dedicated.

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 Zoning and Development Code.

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

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

The following described dedicated access easement is hereby vacated subject to the listed conditions:

- 1.Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
- 2.The existing utility easement in the same location is retained to cover existing utilities.

Dedicated access easement to be vacated:

**25.0' Common Access Easements Vacation**

That real property for a 25.0' wide Common Access and Utility Easement located in the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 36, Township 1 North, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, as originally shown on the plat of Homestead Subdivision as recorded in Plat Book 12, Page 274 and that plat of the Replat of Lot 2 Except the Northerly 2.56 feet, and Lot 3, as described in Plat Book 14, Page 90, Mesa County records being more particularly described as follows:



COMMENCING at the Southwest corner of said NW¼ SE¼, Section 36 whence the Northwest corner of said NW¼ SE¼, Section 36 bears North 00°03'32" East, a distance of 1316.99 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence North 26°40'32" East, a distance of 312.68 feet, along the rear property line of said Homestead Subdivision, to the POINT OF BEGINNING; thence North 26°40'32" East, a distance of 25.00 feet; thence South 62°22'36" East, a distance of 78.70 feet; thence North 27°37'24" East, a distance of 79.94 feet; thence South 62°22'36" East, a distance of 50.00 feet; thence South 27°37'24" West, a distance of 79.94 feet; thence South 62°22'36" East, a distance of 144.78 feet; thence South 27°37'24" West, a distance of 25.00 feet; thence North 62°22'36" West, a distance of 273.07 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.25 Acres, as herein described.

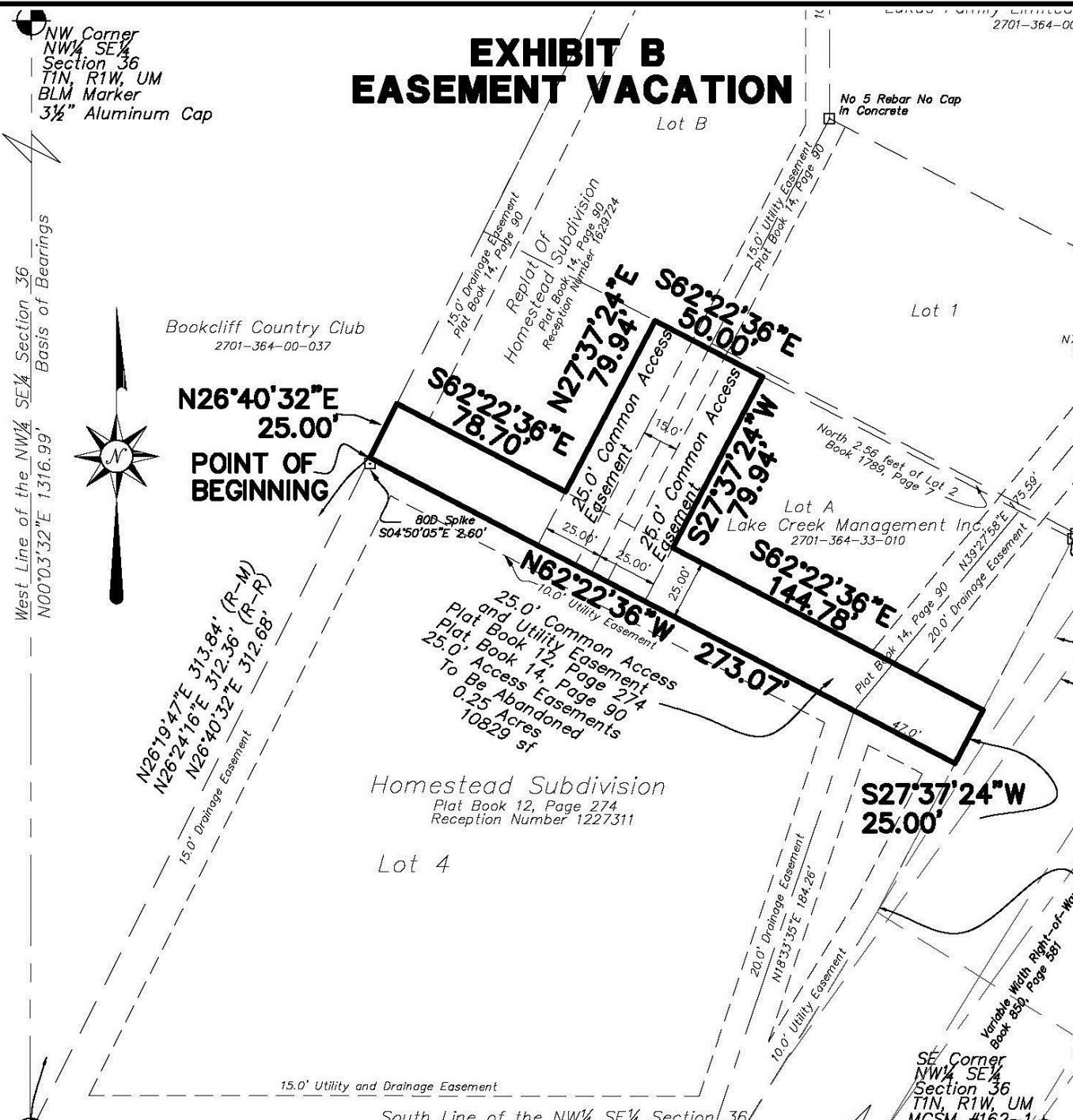
PASSED and ADOPTED this    day of   , 2016

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# EXHIBIT B EASEMENT VACATION

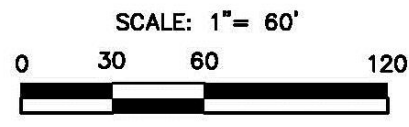


West Line of the NW 1/4 SE 1/4 Section 36  
Basis of Bearings  
N00°03'32"E 1316.99'



SW Corner  
NW 1/4 SE 1/4  
Section 36  
T1N, R1W, UM  
3 1/4" Aluminum Cap  
PLS 24331

**POINT OF COMMENCEMENT**



**High Desert Surveying, LLC**  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503  
Tele: 970-254-8649 Fax: 970-241-0451

PROJ. NO. 16-15	Drawn knr	APP'D jcf	SHEET 1	OF 1
DATE: July, 2016				



Date: September 30, 2016  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner/x4033  
 Proposed Schedule:  
 Planning Commission: October 11, 2016  
 City Council: November 2, 2016  
 File #: VAC-2016-407

**Attach 4**

**PLANNING COMMISSION AGENDA ITEM**

<b>Subject:</b> Vacation of Public Right-of-Way, Balanced Rock Way
<b>Action Requested/Recommendation:</b> Forward a recommendation to City Council for a request to vacate public Right-of-Way, known as Balanced Rock Way located within Sundance Village Subdivision.
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner

**Executive Summary:**

A request to vacate the entire Right-of-Way of Balanced Rock Way, between Flat Top Lane and F ¼ Road. Balanced Rock Way is a north/south street located between two vacant parcels that are currently in the Site Plan Review process for an apartment complex. By vacating this right-of-way, the developer may better utilize this area with angled parking between the two properties that are being developed as one project. The right-of-way to be vacated will remain open for access and will function as a parking lot and drive aisle. A utility easement shall be retained providing for the existing utilities within the street.

**Background, Analysis and Options:**

In 2008 Sundance Village Subdivision was platted. This plat dedicated a public street, Balanced Rock Way. Since 2008 the property on both sides of Balanced Rock Way has remained vacant. Currently, staff is reviewing an apartment complex which will be located on both sides of Balanced Rock Way. Through the review process it has become apparent that the need for dedicated public right-of-way in this area may be better utilized as a drive aisle and an angled parking area rather than constructed as a public street.

By vacating this right-of-way and placing easements over existing utilities the City is relieved of any future maintenance of this street. Along with City sewer, Ute Water and Xcel Energy have reviewed this proposal and are in favor of the vacation as long as utility easements are provided.

**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.

The proposed apartment complex, upon completion will contain approximately 216 apartment units meeting Goal 5 of the Comprehensive Plan by providing a broader mix of housing. The requested vacation furthers Goal 5 because converting the right-of-way into parking provides more parking and efficient access producing a better development.

**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. The proposed vacation of a dedicated street will result in improved parking and site circulation for a new apartment complex. Generally, apartments are a desirable and attainable type of housing for employees.

**Other issues:**

There appears to be no other issues associated with the proposed vacation.

**Previously presented or discussed:**

This item has not been previously presented or discussed.

**Attachments:**

- Background Information
- Site Location with Aerial Photo Map
- Site Map
- Comprehensive Plan Map
- Existing City Zoning Map
- Ordinance with Exhibit

BACKGROUND INFORMATION				
Location:		Between Flat Top Lane and F ¼ Road		
Applicants:		Rimrock Landing Apartment Investors, LLC c/o Lynn Rindlisbacher; Hidden Cove LLC c/o Nathan Coulter		
Existing Land Use:		Dedicated Right-of-Way		
Proposed Land Use:		Drive aisle and parking area		
Surrounding Land Use:	North	Good Will Store		
	South	GVT Transfer Station		
	East	Vacant Land – pending apartment project		
	West	Vacant Land – pending apartment project		
Existing Zoning:		ROW not zoned / C-1 on West side; PD on East		
Proposed Zoning:		No Changes		
Surrounding Zoning:	North	C-1 (Light Commercial) and R-8 (Residential – 8 dwelling units per acre)		
	South	C-1 (Light Commercial)		
	East	PD (Planned Development)		
	West	C-1 (Light Commercial)		
Future Land Use Designation:		Village Center		
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.

**Section 21.02.100 of the Grand Junction Zoning and Development Code**

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

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

The requested vacation does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or other adopted plans and policies of the City. However, proposed multifamily development supports Goal 5 of the Comprehensive Plan by providing a broader mix of housing

Therefore, this criterion has been met.

- (8) *No parcel shall be landlocked as a result of the vacation.*

Several parcels use Balanced Rock Way as access which are all owned by the applicant. To make sure that no parcel shall be landlocked as a result of the vacation, the applicant has agreed to provide easements for public access and utilities.

Therefore, this criterion can be met with the recording of adequate easements.

- (9) *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.*

Both sides of the subject right-of-way are currently vacant and owned by the applicant. The applicant has submitted an application to develop the surrounding lots as an apartment complex. To make sure that no parcel shall be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation, the applicant has agreed to provide easements for public access and utilities.

Therefore, this criterion can be met with the recording of adequate easements.

- (10) *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).*

Public access, access for police/fire protection and access for all utility providers, existing and future, shall be retained.

Therefore, this criterion can be met with the recording of adequate easements.

- (11) *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.*

The area of the vacated Right-of-Way will be retained as an easement for existing and future utilities. These utilities include, but are not limited to, Ute Water, City sewer and Xcel Energy. Safety services and public access shall be retained.

Therefore, this criterion can be met with the recording of adequate easements.

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

The City will be relieved of future maintenance expenses if the vacation of the subject right-of-way is approved.

Therefore, this criterion has been met.

**FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:**

After reviewing the requested vacation of public right-of-way, Balanced Rock Way, file number VAC-2016-407, staff makes 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.
3. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
4. The area of the vacated Right-of-Way shall be retained as an easement for the purpose of public access, public facilities and as a utility easement for existing and future utilities.

**STAFF RECOMMENDATION:**

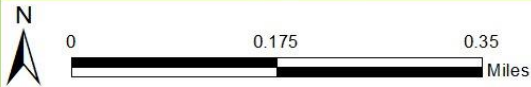
Staff recommends that the Planning Commission forward a recommendation of approval of the requested Right-of-Way vacation, file number VAC-2016-407 to the City Council with the findings and conclusions listed above.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Madam Chairman, on item VAC-2016-407, I move we forward a recommendation of approval to the City Council on the request to vacate the entire Right-of-Way of Balanced Rock Way and replace with a utility easement, with the findings of fact and conclusions listed in the staff report.



### Balanced Rock Way Site Location Map



Date: 9/21/2016

1 inch = 458 feet





### Balanced Rock Way Site Map



Printed: 9/30/2016

1 inch = 179 feet





### Balanced Rock Way Adjacent Zoning



Printed: 9/30/2016

1 inch = 179 feet





### Balanced Rock Way Comprehensive Plan Map



Printed: 9/30/2016

1 inch = 179 feet





**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR  
BALANCED ROCK WAY  
LOCATED BETWEEN FLAT TOP LANE AND F ¼ ROAD**

**RECITALS:**

A vacation of dedicated right-of-way for Balanced Rock Way, has been requested by the adjoining property owners.

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.

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.

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

The following described dedicated right-of-way 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.
2. The area of the vacated Right-of-Way shall be retained as an easement for the purpose of public access, emergency responders and as a utility easement for existing and future utilities.

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

Dedicated right-of-way to be vacated:

Commencing at the South Center 1/16th Corner of Section 4, Township 1 South, Range 1 West, Ute Meridian, as shown on that certain subdivision plat known as Sundance Village Subdivision, recorded as Reception Number 2457553, in Book 4727 at Page 587, in the office of the Mesa County Recorder and running Thence, South 00°01'19" West, along the West line of the Southwest quarter of the Southeast quarter of Section 4, a distance of 26.00 feet; Thence, North 89°50'07" East, a distance of 329.84; Thence, South 00°10'15" East, a distance of 25.00 feet to the Point of Beginning for this description; Thence, North 89°50'07" East, a distance of 34.50 feet; Thence, South 00°10'15" East, a distance of 95.31 feet; Thence, South 45°11'07" East, a distance of 21.21 feet; Thence, South 00°10'15" East, a distance of 40.00 feet; Thence, South 44°50'33" West, a distance of 21.21 feet; Thence, South 00°10'15" East, a distance of 149.24 feet; Thence, South 44°50'13" East, a distance of 21.34 feet; Thence, South 00°10'15" East, a distance of 39.80 feet; Thence, South 44°50'33" West, a distance of 21.21 feet; Thence, South 00°10'15" East, a distance of 163.66

feet; Thence, South 89°50'27" West, a distance of 34.50 feet; Thence, North 00°10'15" West, a distance of 548.17 feet to the Point of Beginning.

Contains 0.472 Acres, or 20,560 Square Feet, more or less

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: Sept 30, 2016 (revised Oct 6<sup>th</sup>)

Author: Lori V. Bowers & Dave Thornton

Title/ Phone Ext: Sr. Planner/4033 & Principal Planner/1450

Proposed Schedule: Planning Commission – Oct. 11, 2016

City Council – October 19, 2016

2nd Reading: November 16, 2016

File #: ZCA-2016-384

**Attach 5**

**PLANNING COMMISSION AGENDA ITEM**

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

**Executive Summary:**

The proposed ordinance amends the existing sign code regulations to be content neutral by clarifying and defining sign types, number of signs, location and height of signs allowed by zone district and establishing four categories of signs: (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 ordinance also establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety.

**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 have been identified as 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.<sup>1</sup> 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*.<sup>2</sup> 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 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.

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<sup>1</sup> 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.

<sup>2</sup> 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*,



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.

In addition, the proposed amendments would allow for one additional freestanding sign on parcels with greater than 600 linear feet of frontage in the C-2, I-1 and I-2 Zone Districts, in keeping with current regulations that allow for billboards at that spacing. The provision would apply to any free standing sign, regardless of content, and maximum sign size would still be calculated as per the sign code. It has been determined that there are 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.

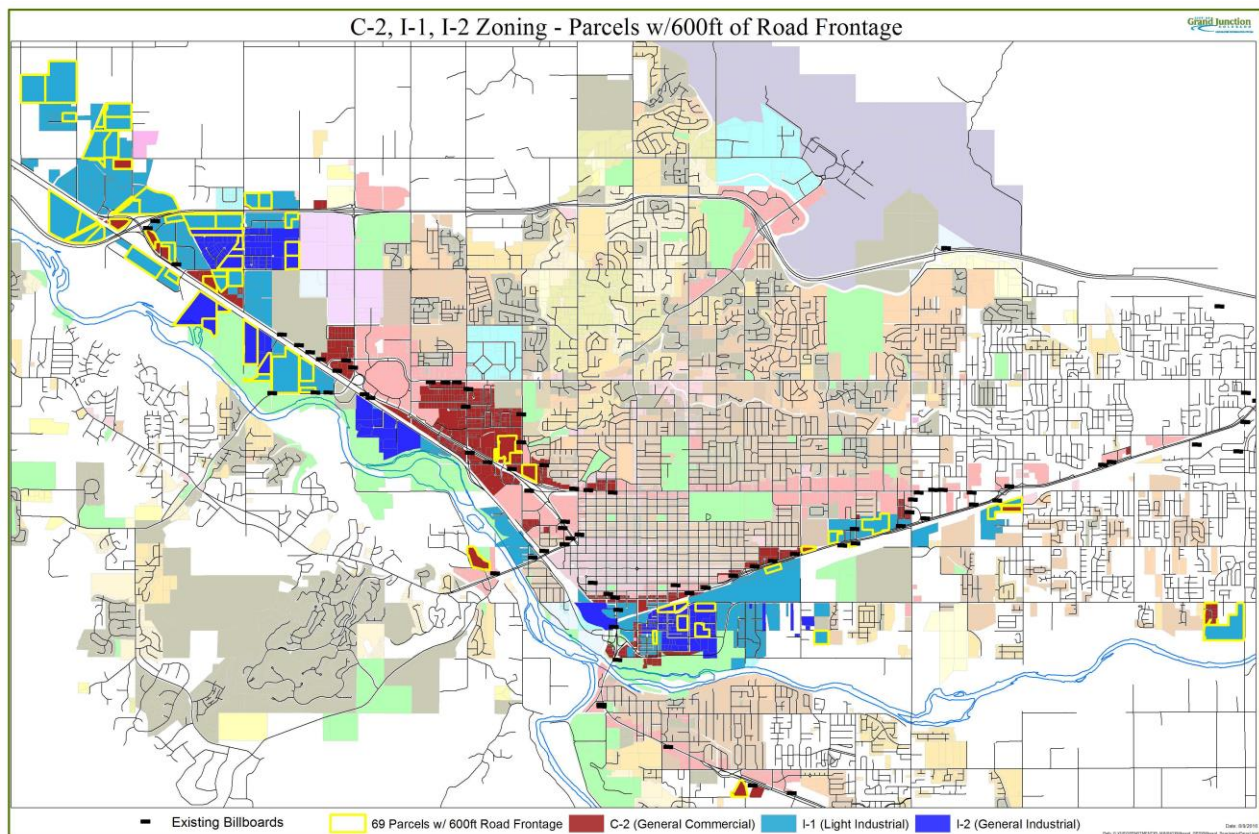
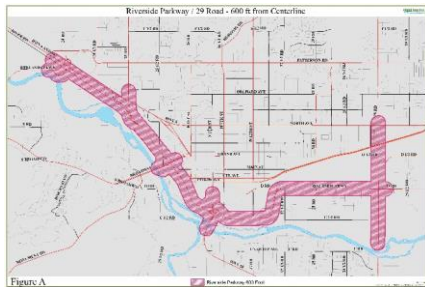


Figure H

The allowance for one additional freestanding sign on parcels with greater than 600 linear feet of frontage would not apply in the following areas: 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).



Riverside Parkway/29 Rd  
Figure A



24 Road  
Figure B



Greater Downtown  
Figure C

These three areas depicted in Figures A, B and C currently have restrictions on Billboard/Outdoor advertising signage. With the proposed amendment for “Content Neutrality”, there will no longer be a distinction between on-premise and off-premise advertising and sign allowance will be dictated by the general code provisions or specific standards in an overlay district. However, in keeping with the intent of the restrictions adopted for Riverside Parkway, 24 Road and Greater Downtown to minimize the size and number of signs allowed, an additional sign for parcels with greater than 600 feet of frontage will not be allowed within these areas.

**First Amendment and “Temporary/Exempt” Signage**

The current Zoning and Development Code lists a number of “Exempt” and Temporary” Signs that are all content based, in that the message determines whether it’s allowed. Examples include signs for charitable or religious institution, nameplates, a drive thru menu, private warning or instructional signage like “beware of dog”, temporary signs describing sale or lease of property or goods, or political signs. These existing provisions in the Code are all regulating verbiage describing specific content and therefore are illegal under “*Reed*”. The proposed amendments delete all reference to sign content and instead specify the number and size of signs allowed on a property.

**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. Many of the complaints and concerns about digital signs have to do with brightness and distraction to motorists. The proposed ordinance establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety.

There are many issues and concerns to consider in regulating electronic and digital signs, including aesthetics, brightness, animation, transition time, and, most importantly, safety. Since the vast majority of electronic and digital signs are along corridors under CDOT's jurisdiction, HWY 6/50, I-70 B, HWY 50 and North Avenue, the proposed amendments are consistent with CDOT's standards.

**Proposed Amendments**

**Illumination:** The recommended luminance level is .3 (three tenths) footcandles over the ambient light. This can be measured with a light meter at the recommended distance, based on the square footage area of a sign.

**Animation:** Signs would not be allowed to contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.

**Intensity/Duration/Transitions:** Signs would not be allowed to change intensity or expose messages for less than four seconds, or have transitions between messages of more than one second. Most Colorado communities researched have similar or more restrictive standards.

**Interactive signs:** An interactive sign is one that suggests a person photograph a sign or an element of the sign to redeem a reward at the business. Due to traffic safety concerns, interactive signs would be prohibited.

**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.

**Overall summary of Proposed Amendments 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. Eliminate Street Banners from the Code since they will fall under the new proposed Governmental Signs and be Exempt.

6. 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.



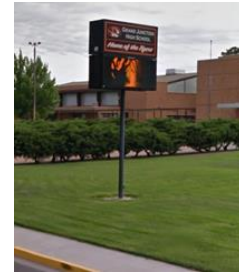
a



b



c



d

7. Prohibit Interactive Signs due to potential safety risks.
8. Eliminate the Off-Premise sign section of the Code.
  - a. Allow for one additional freestanding sign in certain zone districts under specific circumstances;
  - b. Define existing off-premise, non-conforming signs.
9. Allow the following signs in any zone district without a sign permit:
  - 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.

10. 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.

11. Establish the number, type and lighting conditions for signs allowed in Residential Zones (except signs for schools which are governmental exempt signs), including:

- a. one 6 square feet sign per parcel;
- b. 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. one 24 square feet sign per street frontage for nonresidential land uses in Residential Zone Districts.
- d. sign lighting to be external illumination only and turned off between 11 pm and 5 am.

12. 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.

13. 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) regulates digital signs and enforce their requirements along many of the City's right-of-ways and highways. CDOT has requested that the City adopt similar standards for consistency.

**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 10<sup>th</sup> and the Sign/Outdoor Advertising Industry on August 25<sup>th</sup>.

**[Note: All Text Highlighted in yellow is new to this staff report.]**

**Public Hearing before Planning Commission held September 13, 2016 to consider changes to the Sign Code.** The decision was to continue to a later date before taking action. Planning Commission held a workshop on September 22<sup>nd</sup> and further discussed issues and concerns. In addition, staff presented issues regarding wind driven signs and banners with some suggested amendments. **The following includes an additional three proposed changes to the Sign Code Amendments since the September 13<sup>th</sup> Planning Commission hearing:**

Issues identified by Planning Commission:

1. **Signs created by "projector illumination":** The original proposed language allowed for external illumination only of signs in residential zones and had no prohibition of

an illuminated projection of a sign. **Proposal 1:** add: "No projected images, whether moving, changing or static are allowed."

2. **Existing billboards impacting total signage allowed.** The original proposed language in the ordinance provides for a sign that is established on a vacant parcel prior to October 31, 2016 be considered as non-conforming when a new use wants to install an additional sign on the property with the existing sign's size not affecting the sign allowance for the new sign. This provision would only apply when the sign is on a vacant parcel. **Proposal 2:** No modification **OR** include all permitted off-premise signs established before October 31, 2016 to be nonconforming where their square footage is not counted toward the sign allowance for the new use or change of use established after October 31, 2016.

**Staff is asking Planning Commission to decide between the two options.** Staff recommends the second option that includes all permitted off-premise signs established before October 31, 2016. A new section (4) under the nonconforming section in the proposed ordinance has been added that will allow the 31 existing conforming Billboards in the city limits, that will be made nonconforming with this new sign code, to be eligible for future upgrades to the sign structure and face including incorporating new technologies.

#### Wind Driven Signs and Banner Issues:

1. Staff has noted the need to consider minor changes to the Wind Driven and Banners section of the Sign Code. These proposed changes will help clarify and further improve the options for businesses that hold special events where banners and wind driven signs are displayed. Currently, wind driven signs such as pennants are allowed for 14 consecutive days, no more than four times per year whereas banners are allowed 30 consecutive days, up to four times per year. It is proposed that wind driven and banners or both be allowed for 30 consecutive days up to four times per calendar year.
2. Regarding special events extending longer than 30 days, these have also been problematic due to permitting requirements and the definition of "consecutive". The work around has been for a business to display the banner for 29 days, take it down for one day then under a new permit, display it for another 29 days and so forth. The proposed language will clarify and provide flexibility allowing the business owner to obtain up to four months of permits in a calendar year and allow them to run consecutively.

**Proposal 3:** Allow wind driven signs and banners to be treated the same, 30 consecutive days with each permit, and provide the option for the permits to be consecutive.

#### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed 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  
Clean Copy (of proposed Text)



**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:

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

~~(ii) (C) Banners and wind driven signs may be displayed for a up to 30 consecutive days 30-day period, but not more than up to four times in a 12-month calendar year. Permit periods may run consecutively.~~

~~(iii) All banners must be secured directly to the building structure, fence, or post that is permanently affixed to the ground at all contact points.~~

~~(iv) 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) (v) 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) A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.~~

(3) A sign permitted 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.

**OR**

(3) A sign permitted as an off-premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or change of use established after October 31, 2016.

(4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating new technologies. All upgrades to digital, electronic or lighting shall comply with the then applicable standards.



**(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.~~

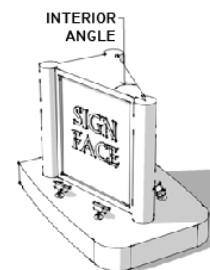
~~(vii) (vi) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as may otherwise expressly be authorized by this Section regulation.~~

(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.



**Blade Sign**

**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.~~

(5) 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. No projected images, whether moving, changing or static, are 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 GSR 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.

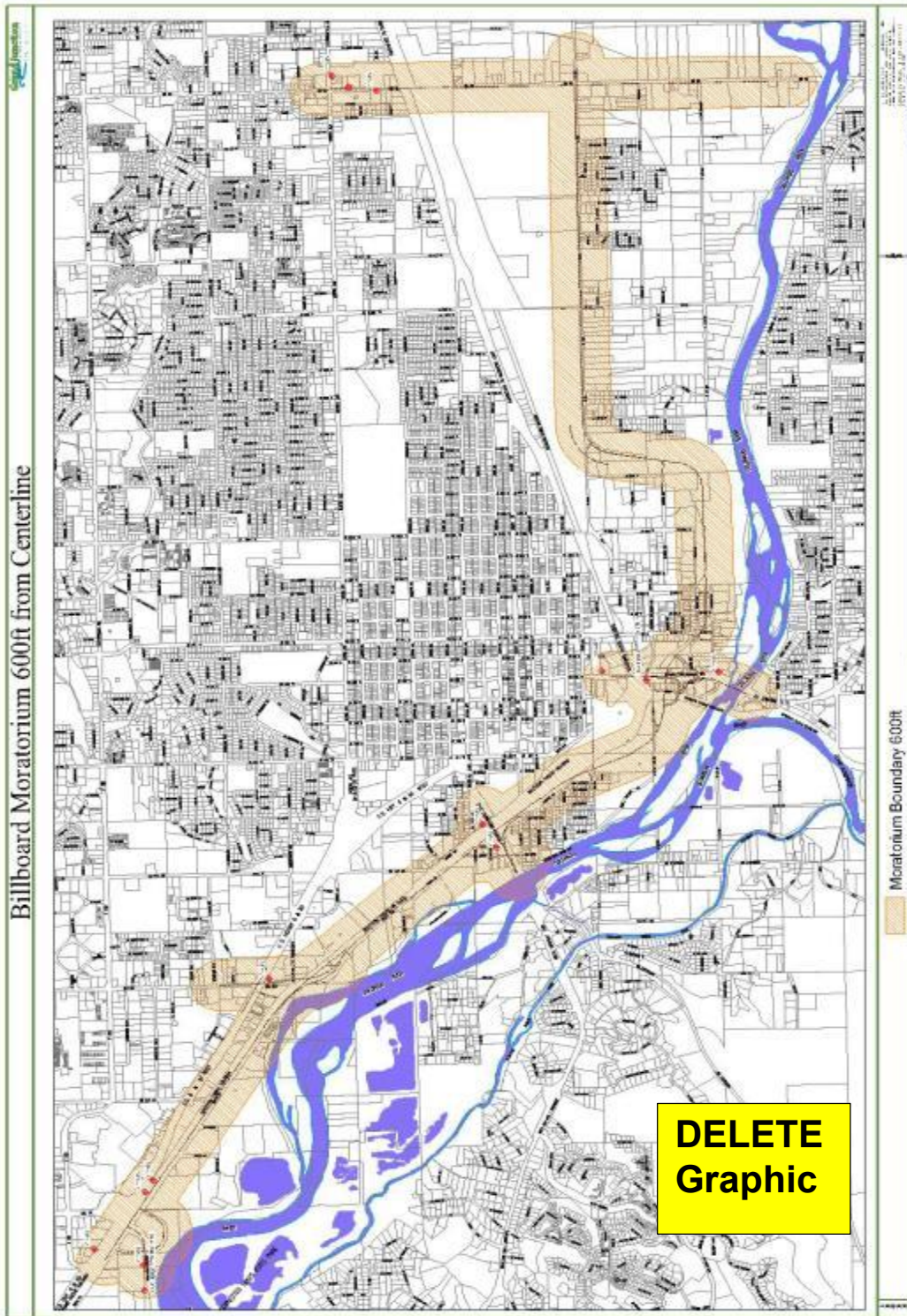
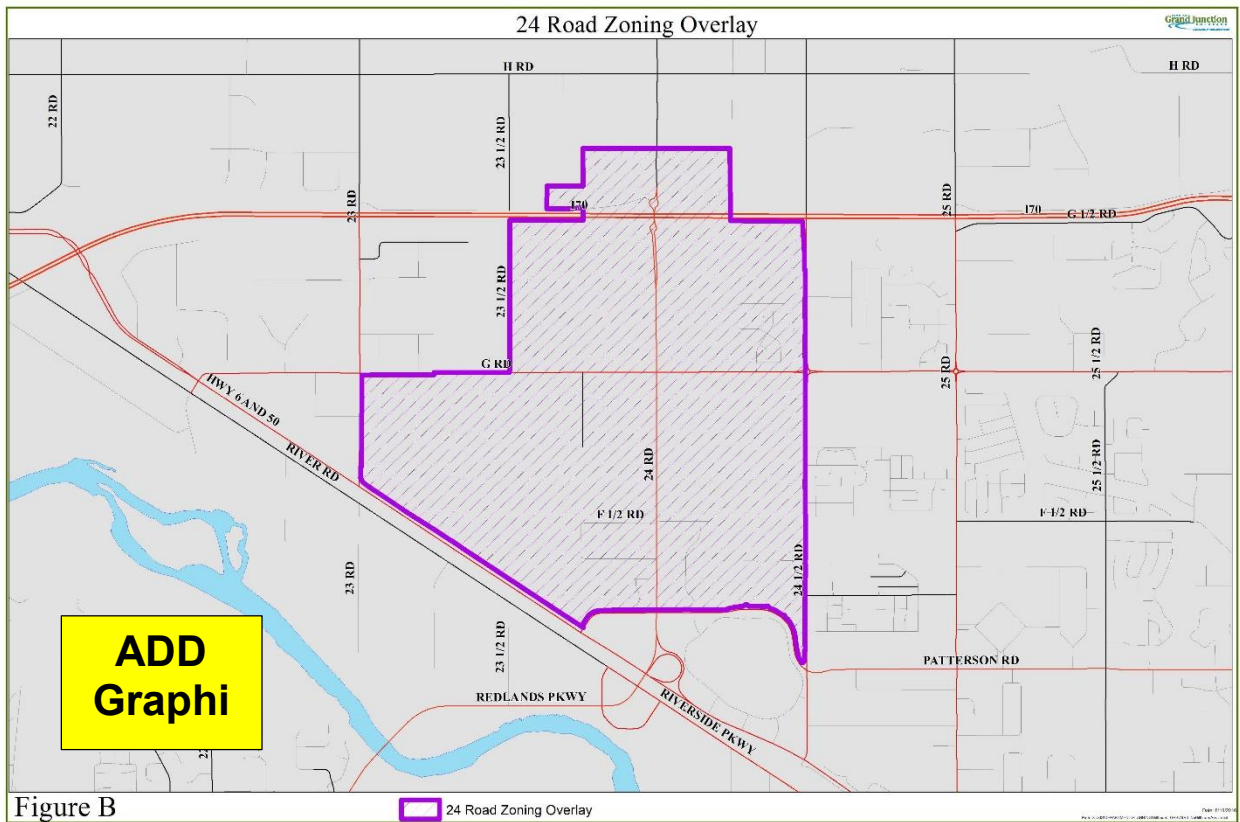
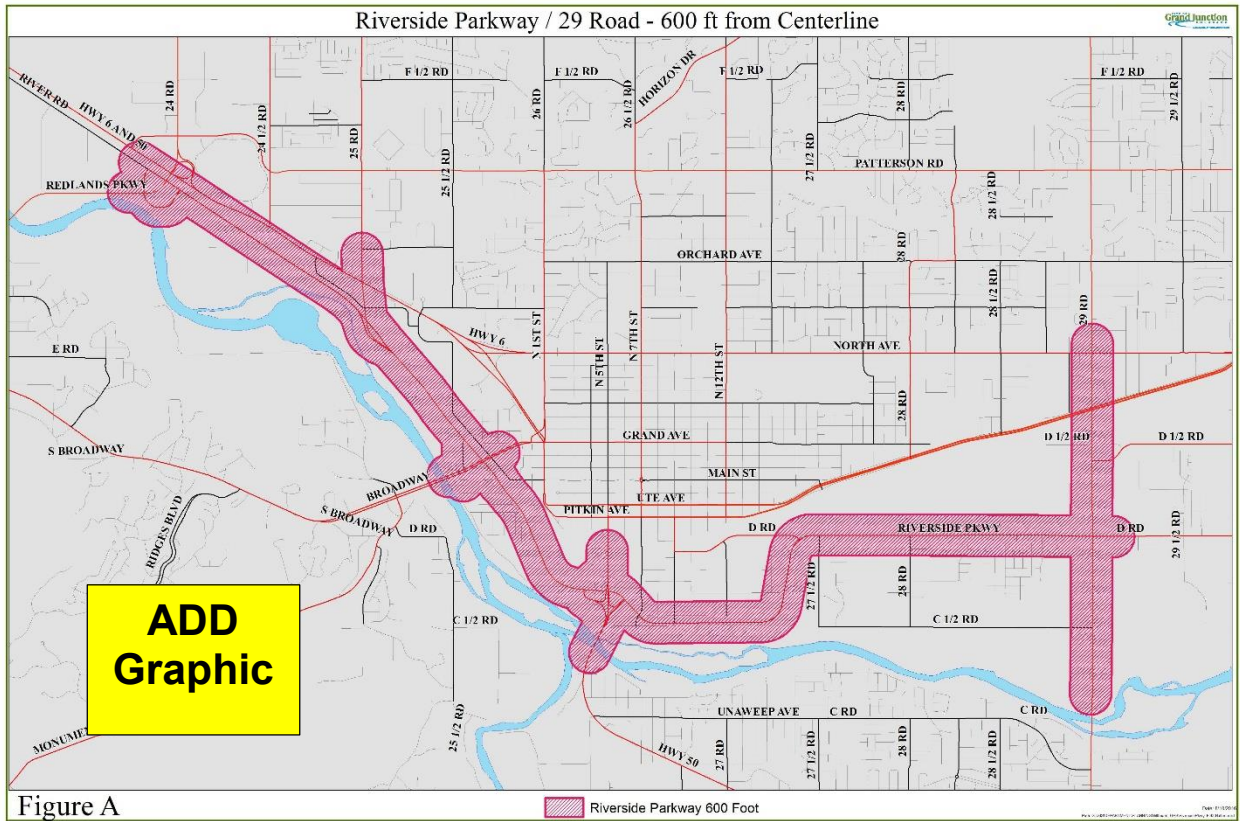
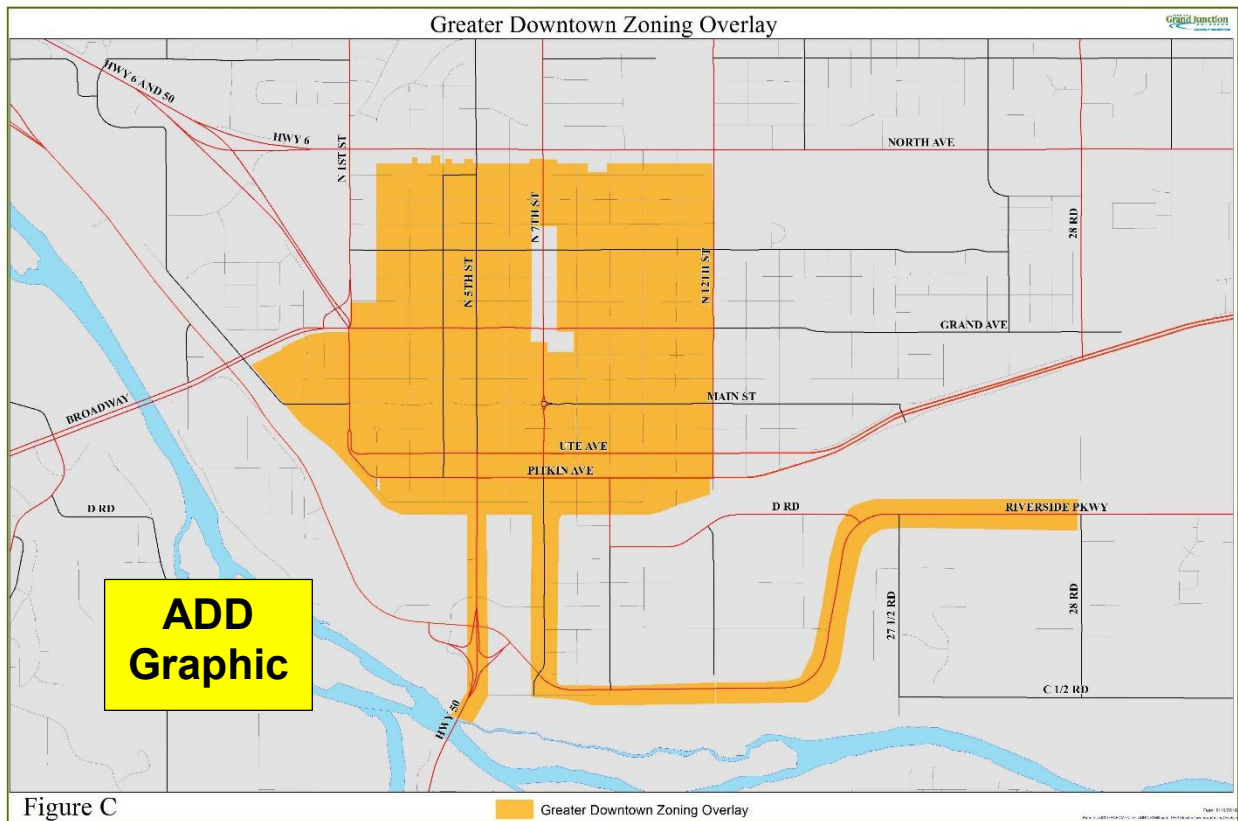


EXHIBIT "A"







~~(vi) Illumination. Off premises (outdoor advertising signs) that are 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.~~  
~~(vii) Prohibited signs are signs that do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted or amended. 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 are that 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

## CLEAN COPY

**21.06.070 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 an obscene statement, word, or picture describing or depicting sexual activities or 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 portable sign is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation, and does not exceed 12 square feet in size and three feet in width;

(5) Are erected after adoption of this code and do not comply with the provisions of this regulation;

(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) **Signs that do not require a permit.** The following signs are 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.

(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.

**(d) Wind driven signs and banners.**

- (1) A banner permit shall be required prior to any use of wind driven signs or banners.
- (2) Banners and wind driven signs may be displayed for a up to 30 consecutive days up to four times in a 12-month calendar year. Permit periods may run consecutively.
- (3) All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
- (4) 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.
- (5) 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.

**(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) A sign permitted 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.

**OR**

- (3) A sign permitted as an off-premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward

the sign allowance for a new use or change of use established after October 31, 2016.

- (4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating new technologies. All upgrades to digital, electronic or lighting shall comply with the then applicable standards.

**(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> (sq. ft.)	<u>MEASUREMENT DISTANCE</u> (ft. from sign)
<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.

**(g) General Requirements.**

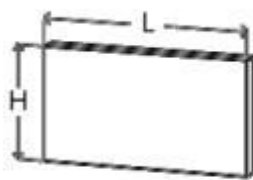
(1) The following requirements shall apply to all signs in all zones unless otherwise indicated:

- (i) A permit is required for placement or display of any new 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, graphics, or other content is considered maintenance and repair and does not require a permit.
- (iii) Only a licensed sign contractor can obtain a sign permit.
- (iv) All signs shall be permanent in nature except for those non-permanent signs allowed 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) 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 expressly authorized by this Section.
- (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 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.

- (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 graphics below.
- (iv) The total surface area of three-dimensional figures shall be counted as
- (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.



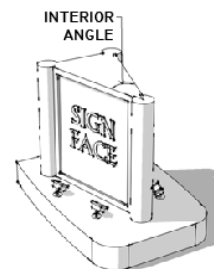
**DOUBLEFACE SIGN**  
H x L

**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.
- (5) 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.

**(h) Sign Standards by 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.

(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.

(v) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. No projected images, whether moving, changing or static, are 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.

(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.

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area 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 with GJMC [21.06.080](#), "Outdoor lighting," and shall be limited to authorized business hours.

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphic shown under subsection (g)(2) of this [Section](#).

(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.

(ii) Types Allowed. 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.

(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 (h)(3)(v)(B) or (h)(3)(vii)(B) of this Section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (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 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. 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.

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

(A) 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.

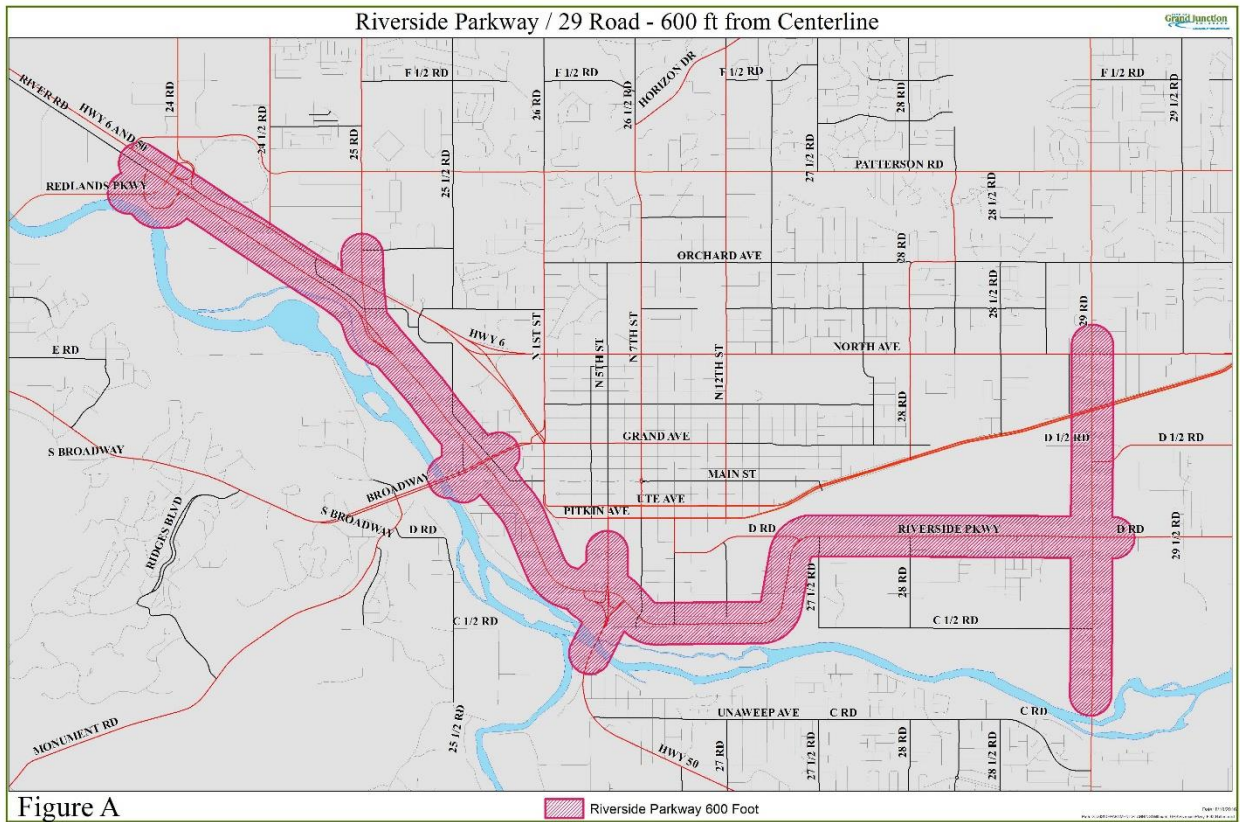
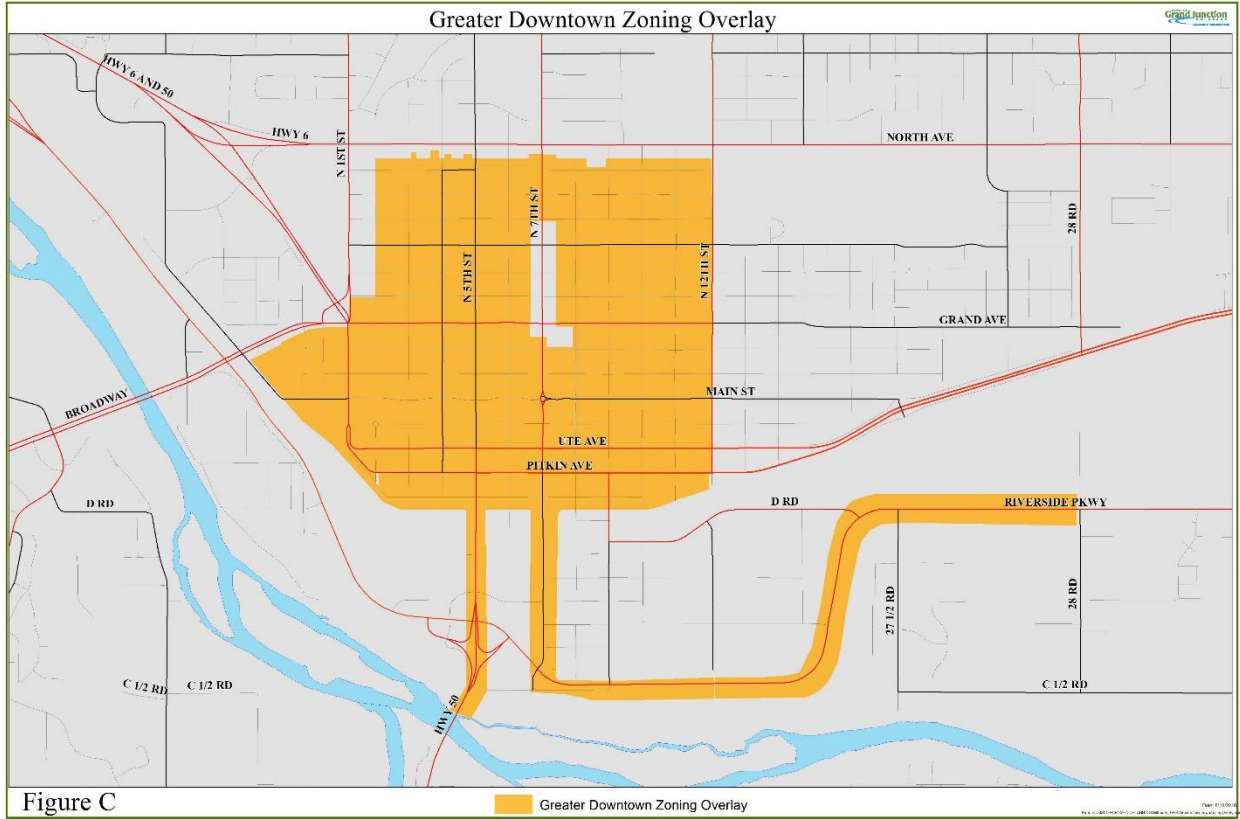
(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than 3 square feet in area and no more than 30 inches in height, are allowed.

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

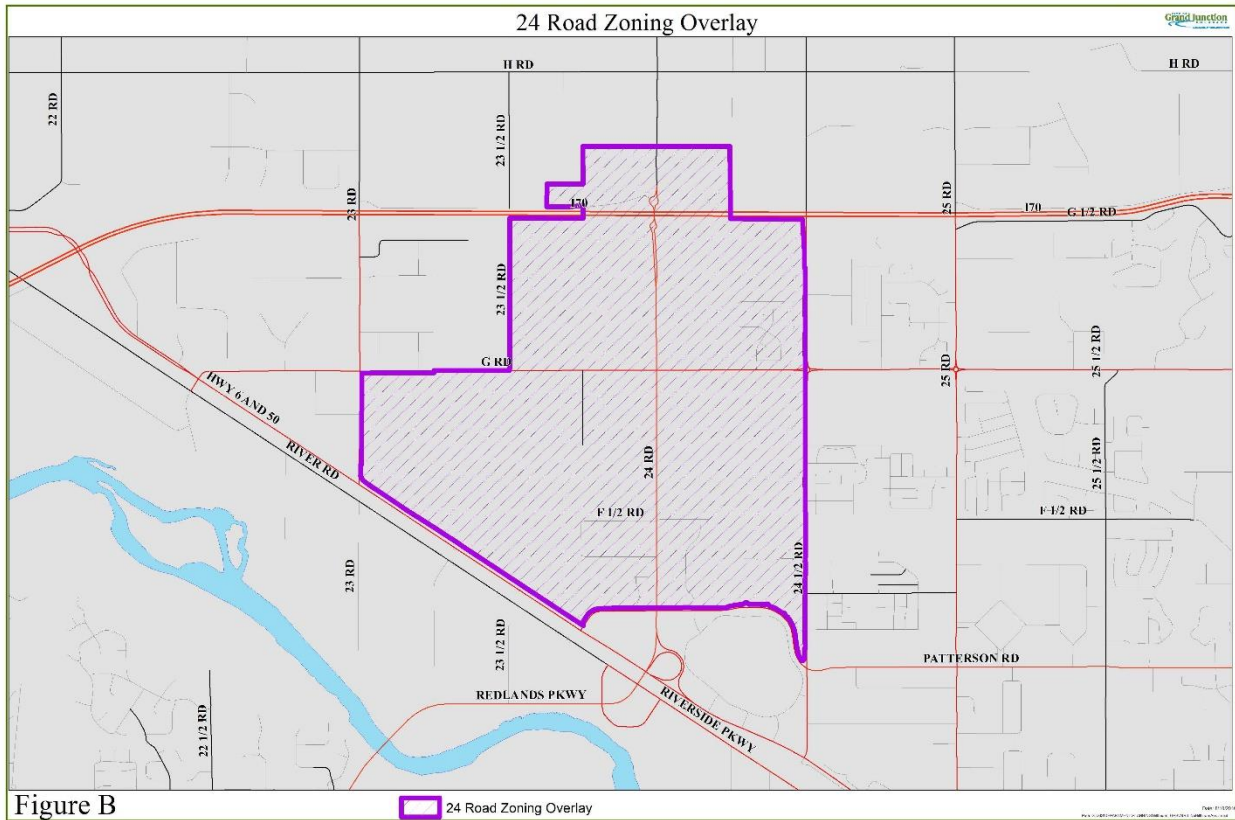
(G) All freestanding signs shall require a building permit in addition to a sign clearance.

(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.

Click the graphic to view a higher-resolution version.







- (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.
- (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.
- (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. 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 twelve consecutive months or more shall be deemed abandoned.

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:

**[definitions of *Sign*, *billboard*, and *Sign, institutional* and *Sign, identification* are eliminated in their entirety.]**

*Sign, integral* means a sign that 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 remain the same]**

**Section 21.03.090(h) (Mixed Use Opportunity Corridors) shall be amended as follows**

**[subsection 21.03.090(h)(3) is eliminated in its entirety; other subsections of (h) remain the same]**

**(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).

**Section 21.02.070(n)(3):**

- (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(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) remain the same]**