

# **STUDY SESSION AGENDA**

## **CITY COUNCIL CITY OF WHEAT RIDGE, COLORADO**

7500 W. 29th Ave.  
Wheat Ridge CO

October 16, 2017

6:30 p.m.

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Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

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### Citizen Comment on Agenda Items

1. Staff Report(s)
2. Anderson Park Preferred Concept Plan
3. Construction Hours
4. Sign Code Update
5. Elected Officials' Report(s)

ADJOURNMENT

# Memorandum

**TO:** Mayor and City Council

**THROUGH:** Patrick Goff, City Manager

**FROM:** Joyce Manwaring, Parks and Recreation Director

**DATE:** October 16, 2017

**SUBJECT:** Anderson Park Preferred Concept Plan

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The attached PowerPoint presentation reflects a documented, comprehensive and detailed approach to the public input process used to develop the Preferred Concept Plan for Anderson Park. Due diligence has also been completed to ensure that the plan is buildable and meets the scope of the project as described to the voters in the ballot language. The PowerPoint includes the following:

- 1) Goals of the project as presented to the public describing the scope of the bond issue for Anderson Park Renovation
- 2) The public input process and tools used to develop the Preferred Master Plan Concept for the renovation of the park
- 3) Documentation and description of the input received from the public regarding the design options for the park and buildings, (including the different concept plans presented to the public)
- 4) Methods and locations used to advertise the dates, times and locations for the public input meetings
- 5) Proposed building floor plans and elevations for the bathhouse and Anderson Building
- 6) The Final Preferred Concept Plan for the park
- 7) Probable costs for both the park and building renovations

The probable costs represented exceed the funds allotted for this project in the 2E fund. In order to meet the scope of work as described in the bond issue, additional funds have been designated from both the Conservation Trust and Open Space Funds to complete the project as designed.

The Park and Recreation Commission approved a motion at their September 20 meeting recommending approval by City Council of the Anderson Park Preferred Concept Plan.



# anderson park renovation

## city council study session

October 16, 2017



In association with: Barker Rinker Seacat Architecture | Kiowa Engineering Corporation | AE Design

# Today's Purpose

- Review public outreach process and findings
- Review the Preferred Concept Plans and Opinions of Probable Cost for:
  - Anderson Park
  - Anderson Building / Bathhouse
- Implementation Schedule





## Anderson Park / Anderson Building Public Outreach

# Bond Issue Goals

The voter approved 1/2 cent sales tax increase will fund the Anderson Park Renovation. The allotted budget for construction is approximately 3.5 million, and will provide for the renovation of Anderson Park with the addition of festival-friendly enhancements. Improvements being considered include:

- Anderson Pool locker room renovations
- Anderson Building renovations - replacing the leaky roof, reconfiguring the space for more fitness and wellness classes
- Sports fields - replacing baseball fields with multi-purpose sports field, reconstructing existing soccer for a higher quality field
- Pavilion area - upgrading park pavilion and small shelter
- Additional needs – improving parking, replacing waterline

# Public Outreach Process

- Four Focus Groups/Open House
  - Four focus groups over a two day period (June 7<sup>th</sup> and 8<sup>th</sup>)
  - Organized by interest
    - Building, Pool and Park Users
    - Residents, Business Owners, and Other Stakeholders
    - City Staff
    - Special Events Organizers
  - Public open house evening of day two
- Master Plan Advisory Group
  - Comprised of City Staff and citizens
  - Reviews at two key points in the design process
- Popup Community Workshop
  - Night of Hot Tomatoes concert (August 2<sup>nd</sup>)
  - Two stations in Anderson Park
    - Tent at concert site
    - Anderson Building entry
  - Stations for Anderson Building, Performance Stage, Park Amenity Preferences & Park Concept Options
- Summary of Community Workshop on City Website
- Emails advocating bike skills area



# Public Outreach Notifications



- City Website
  - Homepage News Flash,
  - Parks & Recreation main page,
  - 2E Anderson page, and
  - Calendar listings
- Facebook
  - Wheat Ridge Parks & Recreation page  
[www.facebook.com/WheatRidgeParks](http://www.facebook.com/WheatRidgeParks)
  - Wheat Ridge Recreation Center page  
[www.facebook.com/WheatRidgeRec](http://www.facebook.com/WheatRidgeRec)
  - Anderson Park page  
[www.facebook.com/WRAndersonPark](http://www.facebook.com/WRAndersonPark)

City of Wheat Ridge  
**INVESTING 4 THE FUTURE**  
ANDERSON PARK

**You're Invited!**  
**COMMUNITY OPEN HOUSE**

**THURSDAY, JUNE 8**  
**6:30–8 PM**  
**ANDERSON BUILDING**

Wheat Ridge residents are invited to provide input and ideas for the renovation of Anderson Park! Parks and Recreation staff along with contracted architects will be on site to lead the process.

**MORE INFO:** [facebook.com/WRAndersonPark](http://facebook.com/WRAndersonPark)

City of Wheat Ridge  
**INVESTING 4 THE FUTURE**  
ANDERSON PARK

**You're Invited!**  
**Popup Community Workshop**

**WEDNESDAY, AUGUST 2**  
**5:30–7:30 PM**  
**ANDERSON PARK**  
**4355 FIELD ST**

We want your feedback! Come check out the design concepts MIG consultants have developed to showcase what the renovation of Anderson Park might look like! A tent will be set up before and during the Hot Tomatoes performance.

**MORE INFO:** [facebook.com/WRAndersonPark](http://facebook.com/WRAndersonPark)

# Public Outreach Notifications

- Anderson Building
  - Posters hung on lobby doors
- Wheat Ridge Recreation Center
  - Posted on digital display screens
- Wheat Ridge Parks & Recreation email
  - Sent to our distribution lists (approximately 4,500 contacts)

## Anderson Park Renovation COMMUNITY MEETING

Final  
concept  
plan  
presented!

Tuesday **OCTOBER 10 • 7 PM**

*Wheat Ridge Recreation Center*







## Focus Groups and Open House

# Focus Groups

- Informal discussions with a cross-section of residents and stakeholders

# Open House Format

- Project History
- Park Stations
  - Existing Conditions
  - Park Program Preference Exercise
- Building Stations
  - Existing Conditions
  - Program
- Comments Sheet

PROGRAMMATIC USE:  
Large Group Picnic Shelter



Comments:

Anderson Park Renovation Plan

PROGRAMMATIC USE:  
Basketball



Comments:

Anderson Park Renovation Plan

PROGRAMMATIC USE:  
Exercise Equipment

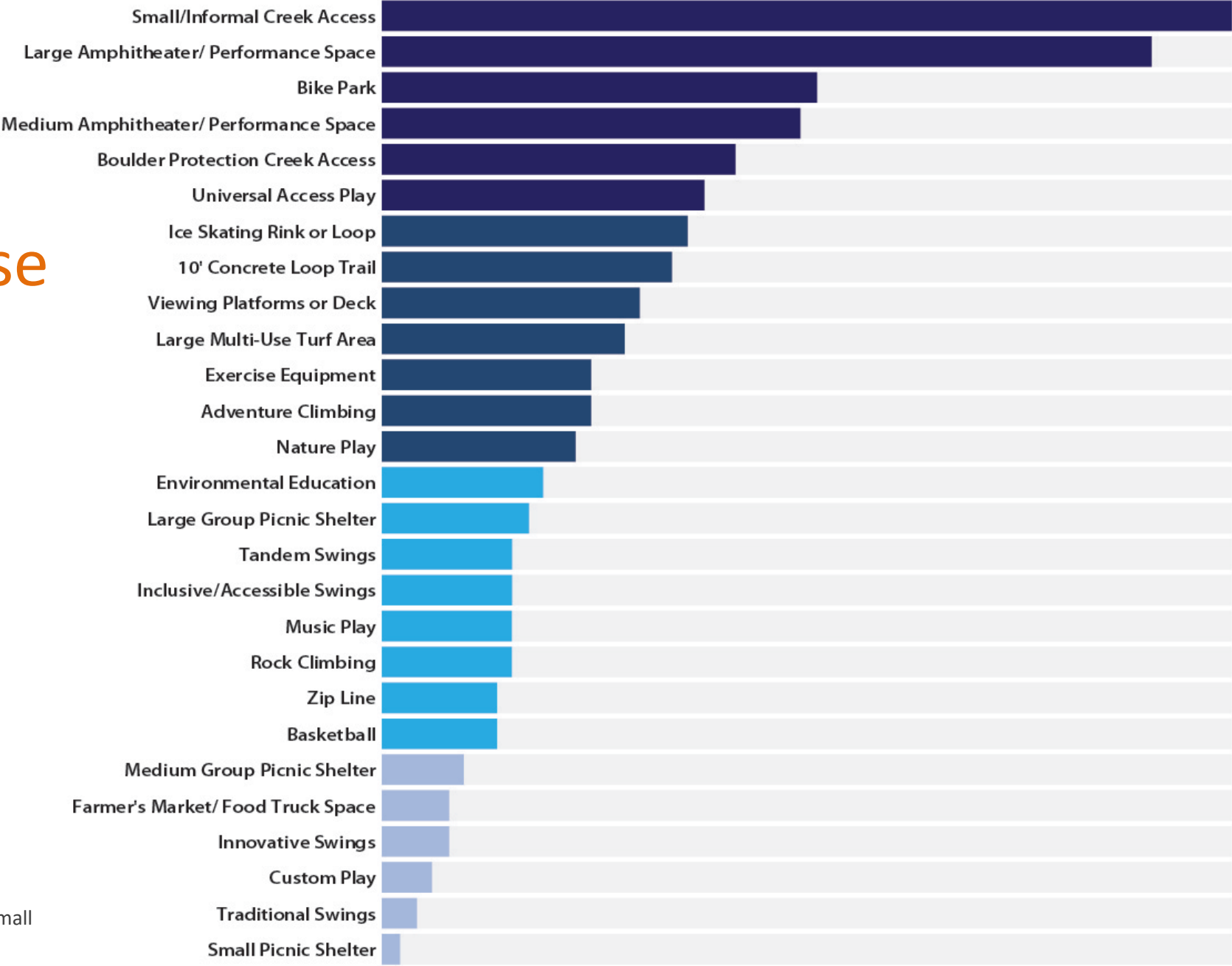


Comments:

Anderson Park Renovation Plan



# Park Program Preference Exercise



Programmatic Uses with No Rating: Sand Volleyball, Small Amphitheater, Multi-Use Court (Futsal), Slack Line





Large  
Performance  
Space





Small  
Creek  
Access





Large  
Creek  
Access





Bike Skills  
Area





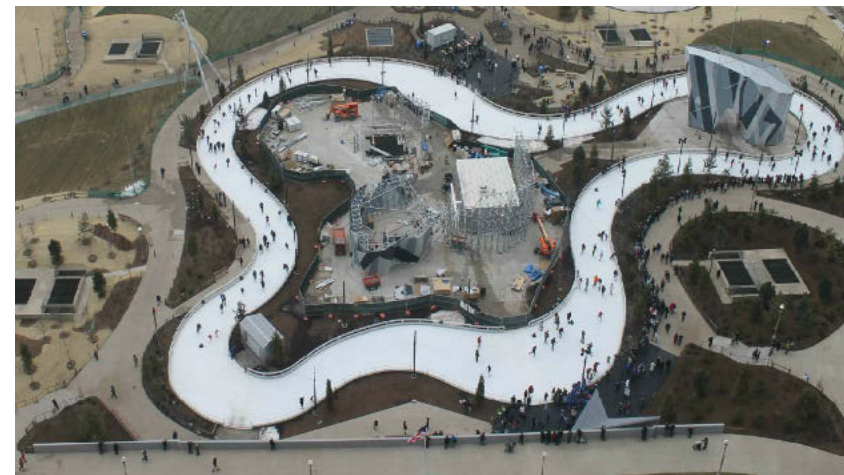


Medium  
Performance  
Space





Ice Skating  
Rink or  
Loop







Zip Line



Universal Access Play



Environmental Education



Nature / Adventure Play





Large  
Group  
Picnic  
Shelter





10'  
Concrete  
Loop Trail





Large  
Multi-Use  
Turf Area

# Written Comments (Highlights)

- Bathrooms feel too far away for most park users, especially during events
- Parking and general car circulation is an issue
- Picnic Shelters are dated, too small, and poorly located
- Pool and Soccer Fields are well loved and used
- North Field is underused, unnoticed, and too far away
- People love the open and natural feel of the park and would like to see it open up even more (many comments on removing buildings and fences that block views)
- Public art





## August 2<sup>nd</sup> Popup Workshop





# August 2<sup>nd</sup> Popup Workshop

## Boards at the Anderson Building Entry & the Concert Venue

- Station 1: Concepts for the Anderson Building and Bathhouse
- Station 2: Anderson Park Concepts
- Station 3: Prioritization of additional park amenities
- Station 4: Comments





# Concept #1



## Park Renovation Concept #1

### Concert Tent



## Park Renovation Concept #1

### Anderson Building Entry





# Concept #2

## Park Renovation Concept #2

### Concert Tent



Anderson Park Renovation Plan  
August 2, 2017

## Park Renovation Concept #2

### Anderson Building Entry



Anderson Park Renovation Plan  
August 2, 2017



# Concept #3



## Park Renovation Concept #3

### Concert Tent



raised crosswalk



new small shelter



small creek access



new park paths

Anderson Park Renovation Plan  
August 2, 2017



## Park Renovation Concept #3

### Anderson Building Entry



small creek access



new park paths

Anderson Park Renovation Plan  
August 2, 2017





## Anderson Park Renovation Concept Tally

Renovation Concept	"Anderson Building Entry" Station (Green Dots)	Concert Tent Station (Green Dots)	Total Votes
Concept #1	3	8	11
Concept #2	6	0	6
Concept #3	1	2	3

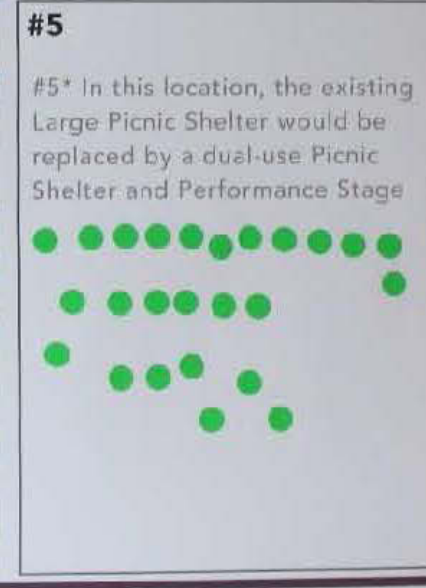
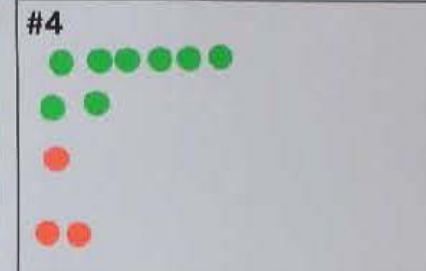
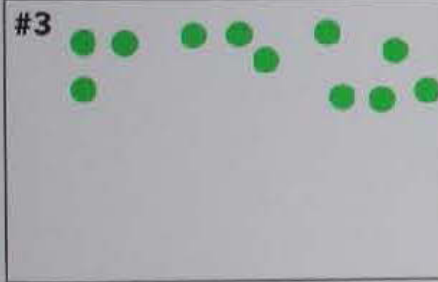
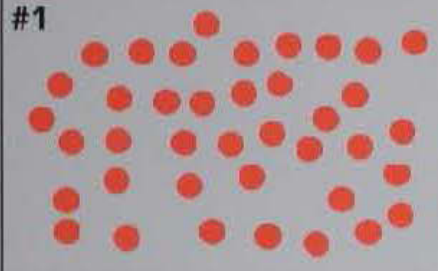
**Concept 1 preferred with support for Concept 2. We heard:**

- Concept 1 preference based on support of expanded play and shelter
- Concept 2 support based on support for Bike Park

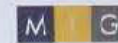
## Performance Stage Location Options

### Concert Tent

Which of the five options shown below do you think would be the best location for the proposed Performance Stage?  
Place a green dot (●) in the box that corresponds to your favorite location and place a red dot (●) in the box that corresponds to your least favorite.

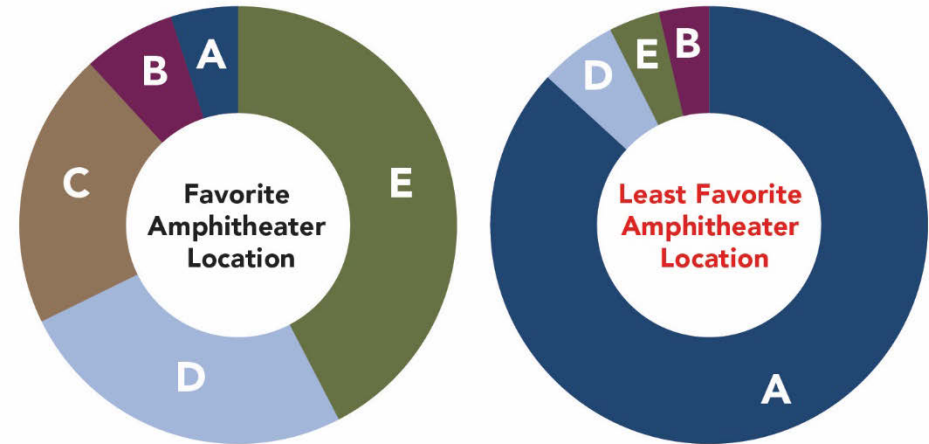


Anderson Park Renovation Plan  
August 2, 2017





## Performance Stage Tally



### At the Concert Tent

- Performance Stage **Option #5** the **overwhelming favorite**
- We heard **Option #5** preferred due to shade trees

### At the Anderson Building Entry:

- Performance Stage **Option #4** the favorite
- **Option #4** would allow for sloped viewing area

No support for Option #1



## Additional Park Elements Prioritization

Outside

If budget allows, which park amenity would you add to your favorite concept? (List is alphabetical)  
Place a #1 dot next to your favorite amenity and a #2 dot next to second favorite amenity.



accessible swings



additional creek access



another basketball court



bike skills area



vendor tents / food trucks



environmental education



exercise equipment



landem swings

- Accessible swings
- Additional creek access points
- Another basketball court
- Bike skills area
- Enhanced power for vendor tents / food trucks
- Environmental education area
- Exercise equipment
- Expanded play area with innovative play elements (landem swings, music play, sculptural play, etc.)
- Farmer's market / food truck space
- More sidewalks and walking paths
- More picnic shelters
- Nature play
- Universal access play
- Zipline



expanded play area with innovative play



sidewalks and walking paths



more picnic shelters



zipline

Anderson Park Renovation Plan  
August 2, 2017

M I G

AE DESIGN

DRINKS  
KIDNEY  
RESCUE

Kiowa

City of  
Wheat Ridge



# Park Elements Prioritization Tally



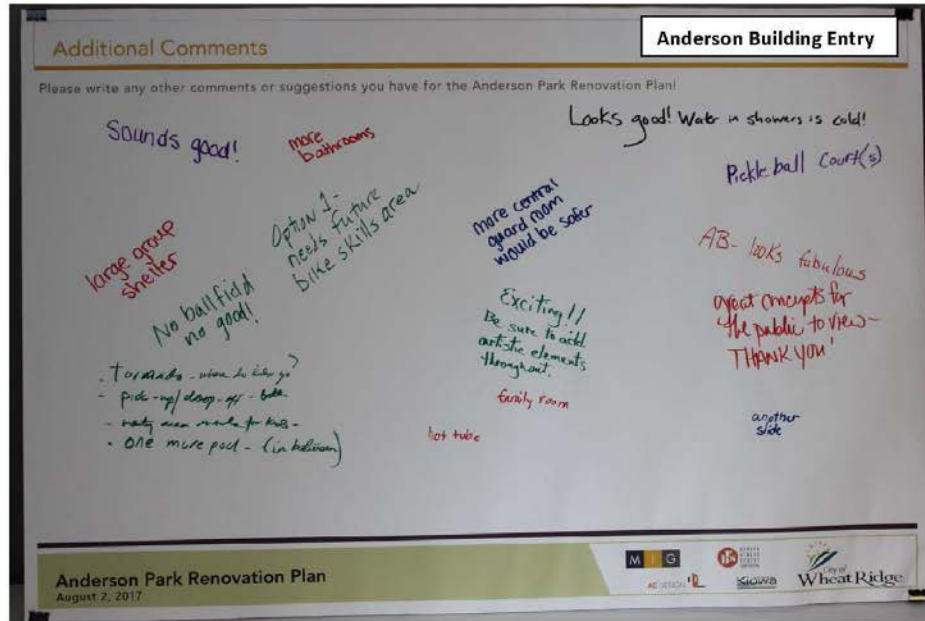
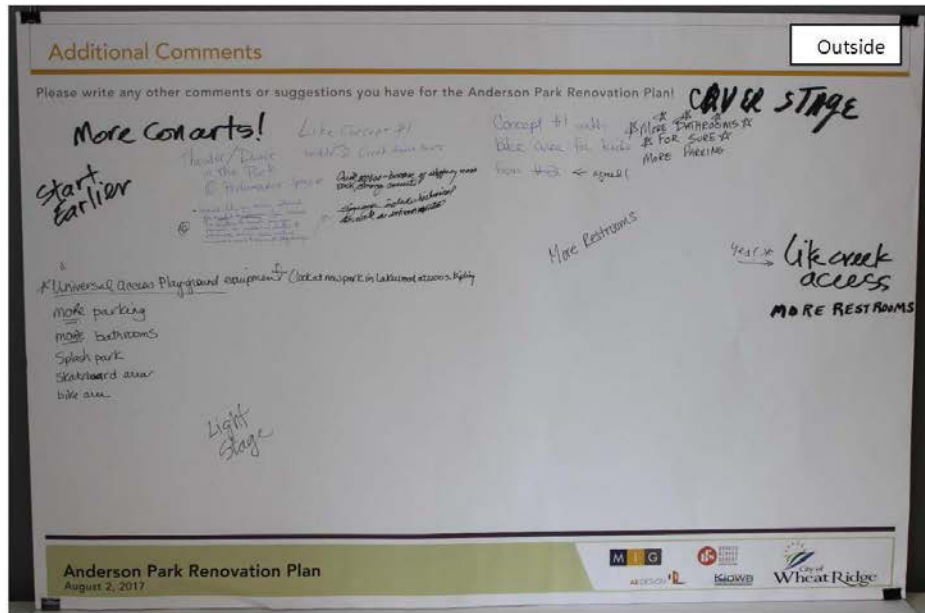
### Top three:

- Additional creek access
- More sidewalks and walking paths
- Expanded play with innovative play events

### Also receiving support:

- Zipline
- More picnic shelters
- Environmental education
- Bike skills
- Enhanced power for vendors and food trucks
- Exercise equipment and accessible swings





# Comments

## The Concert Tent Station:

- More concerts, start earlier!
- Universal access playground equipment (look at new park in Lakewood at 22005 Kipling). Also, MORE parking, MORE bathrooms, a splash park, a skateboard area, and bike area)
- Light the stage
- Like Concept #1 with the additional creek access points. Would like theater/dance in the park at the performance space.
- Would like an area allowed for model airplanes. Not necessarily motorized.
- For creek access: beware of the slippery moss on the rocks and strong currents! Signage could include historical as well as natural information.
- Like concept #1 with bike area for kids from #2. (Agreed)
- More bathrooms for sure and more parking.
- Cover the stage.
- Like the creek access! Needs more restrooms.
- More restrooms.

## Anderson Building Entry Station:

- Sounds good!
- More bathrooms.
- Looks good, the water in the showers is cold.
- Large group shelter.
- No ballfield is no good!
- Option 1- needs future bike skills area.
- More central guard room would be safer.
- Pickleball courts.
- AB- Looks fabulous,
- Another slide.
- Exciting! Be sure to add artistic elements throughout.
- Family room and hot tub.
- In case of a tornado where do the kids go? Pick up/drop off both, water area made for kids. On more pool (in between)

## The Anderson Building and Bathhouse Comments

There was excitement and strong support for upgrading the Anderson Building and Bathhouse at both stations. A cross-section of comments heard include:

- Provide benches / waiting area at front entry that is visible from inside the building and from the parking lot.
- Excited by the addition of family changing rooms.
- Like having access to the pool without going through the locker room.
- Support for a range of enhancements to the pool area.





## Anderson Park Preferred Concept Plan



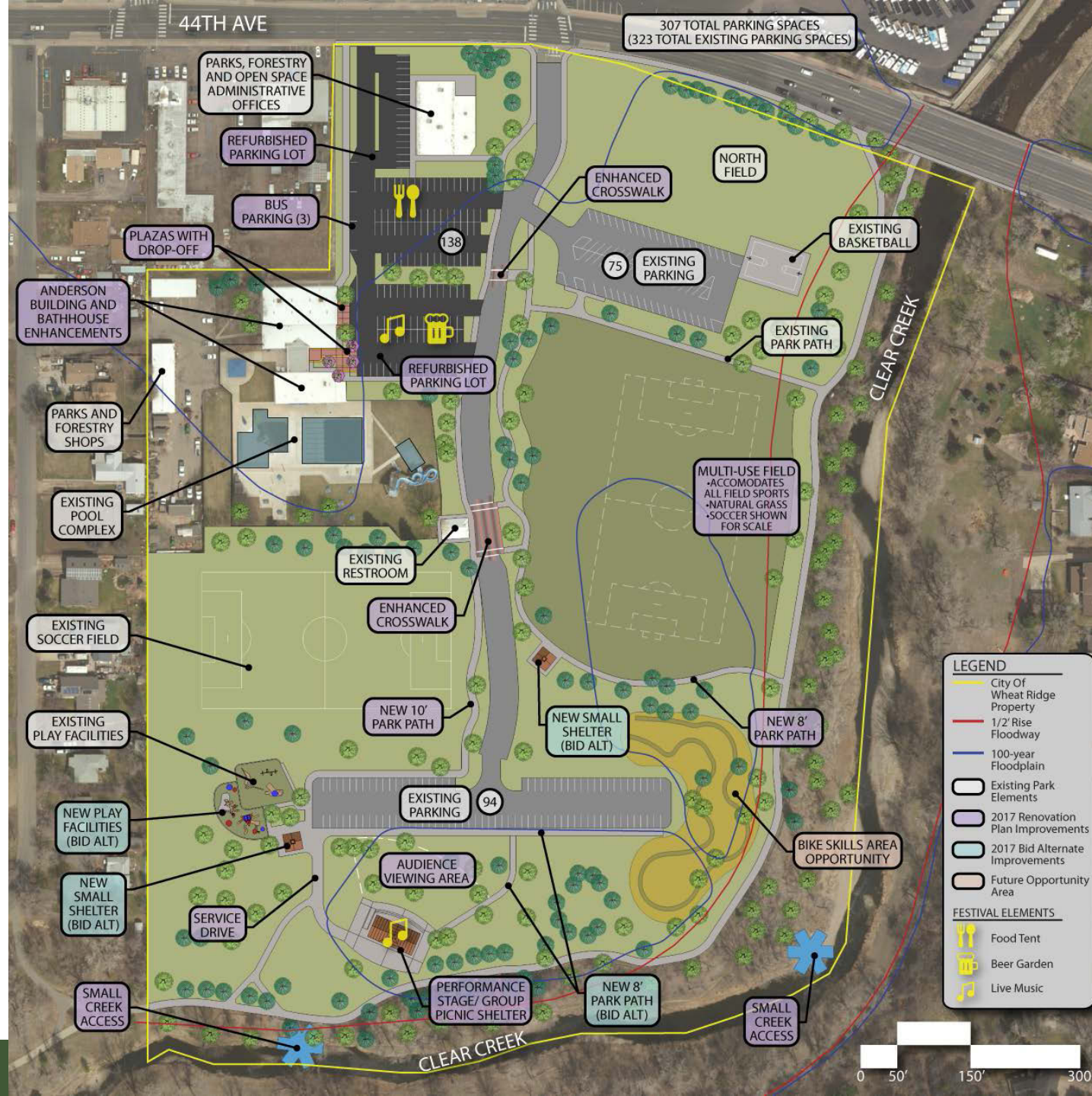
# Design Objectives

- Bond Promises
  - Festival-Friendly
  - Anderson Building Renovation
  - Multi-Use Sports Field in Place of Baseball
  - Parking Lot Improvements/Resurfacing and Replace Water Line
  - Upgrade Small and Large Pavilions
- Existing Site Features to Keep
  - Anderson Building and Bathhouse
  - Outdoor Pool Complex
  - Parks, Forestry and Open Space Administrative Offices
  - Parks and Forestry Shops
  - Restroom Building (New Roof)
  - Basketball
  - East/West Soccer Field
  - Playground
  - Large Shelter (Refurbished or New)
  - “Midway” on Entry Drive
  - Clear Creek Greenway Trail
  - Maintain or Improve Parking Capacity
- Focus Groups/Open House
  - Amphitheater
  - Creek Access
  - Bike Skills Area
  - Ice Rink
  - Supplementing Play
  - Loop Trail
- Popup Community Workshop
  - Performance Stage in South End of Park
  - Additional Creek Access Points
  - More Sidewalks and Walking Paths
  - Expanded Play with Innovative Play Events
  - Zipline
  - More Picnic Shelters
  - Environmental Education
  - Bike Skills Area
- Infrastructure and Floodplain



## Preferred Concept Plan

- Guided by Bond Promises and Public Outreach
- Collaborative Design Process with Staff and MPAG (Digital Design Charrette and Three Reviews)
- Critical Infrastructure Addressed
- Maintenance and Operational Capabilities Considered





## Anderson / Admin. Buildings Enhancements

- Refurbished /  
Reconfigured  
Parking







## Anderson / Admin. Buildings Enhancements

- Refurbished / Reconfigured Parking
- Improved Parking Access

## Anderson / Admin. Buildings Enhancements

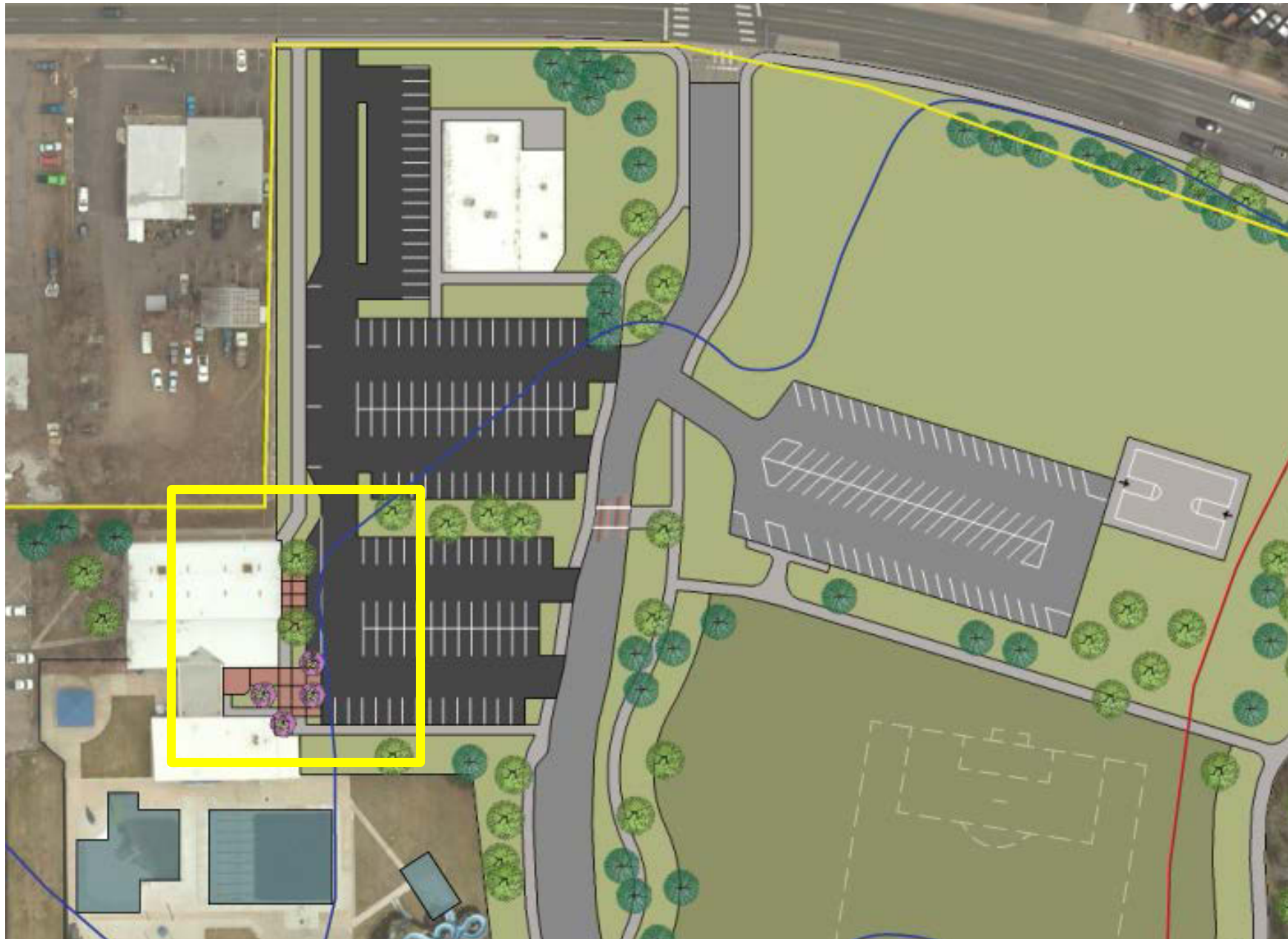
- Refurbished / Reconfigured Parking
- Improved Parking Access
- Bus Parking





## Anderson / Admin. Buildings Enhancements

- Refurbished / Reconfigured Parking
- Improved Parking Access
- Bus Parking
- Anderson Building Drop-off and Entry Plaza





## Multi-Use Field

- “Table-top” Design
- Accommodates Wide Range of Field Sports
- Natural Grass





## Performance Stage/Group Picnic Concept

- Dual Use:  
Performance  
Stage and Group  
Picnic Shelter
- Raised 2' to 3'
- Lawn Seating Area  
with Shade Trees





## Anderson Park Renovation Opinion of Cost



# Preferred Concept Plan Cost Summary

- Remove ballfield and support facilities
- Remove failed asphalt (Anderson Building and Parks & Forestry Admin.)
- Remove storage building and small picnic shelter
- Prepare site for new improvements (demo, grading, etc.)
- Upgrade parking lots at Anderson Building and Parks & Forestry Admin.
  - Add curb and gutter, handicap parking to code, bus parking and drop-off
- Performance Stage/Group Picnic structure and support facilities. (Replaces existing large shelter.)
- Improve pedestrian connectivity and circulation
- Add Multi-Use Field
- Upgrade infrastructure (Water main/services, storm drainage/water quality, electrical systems, irrigation system)
- Targeted upgrades for landscaping, irrigation and site amenities
- Contingencies / fees and permits / design fees / soft costs
- Bid Alternates for other desired improvements

# Park Renovation Cost Summary

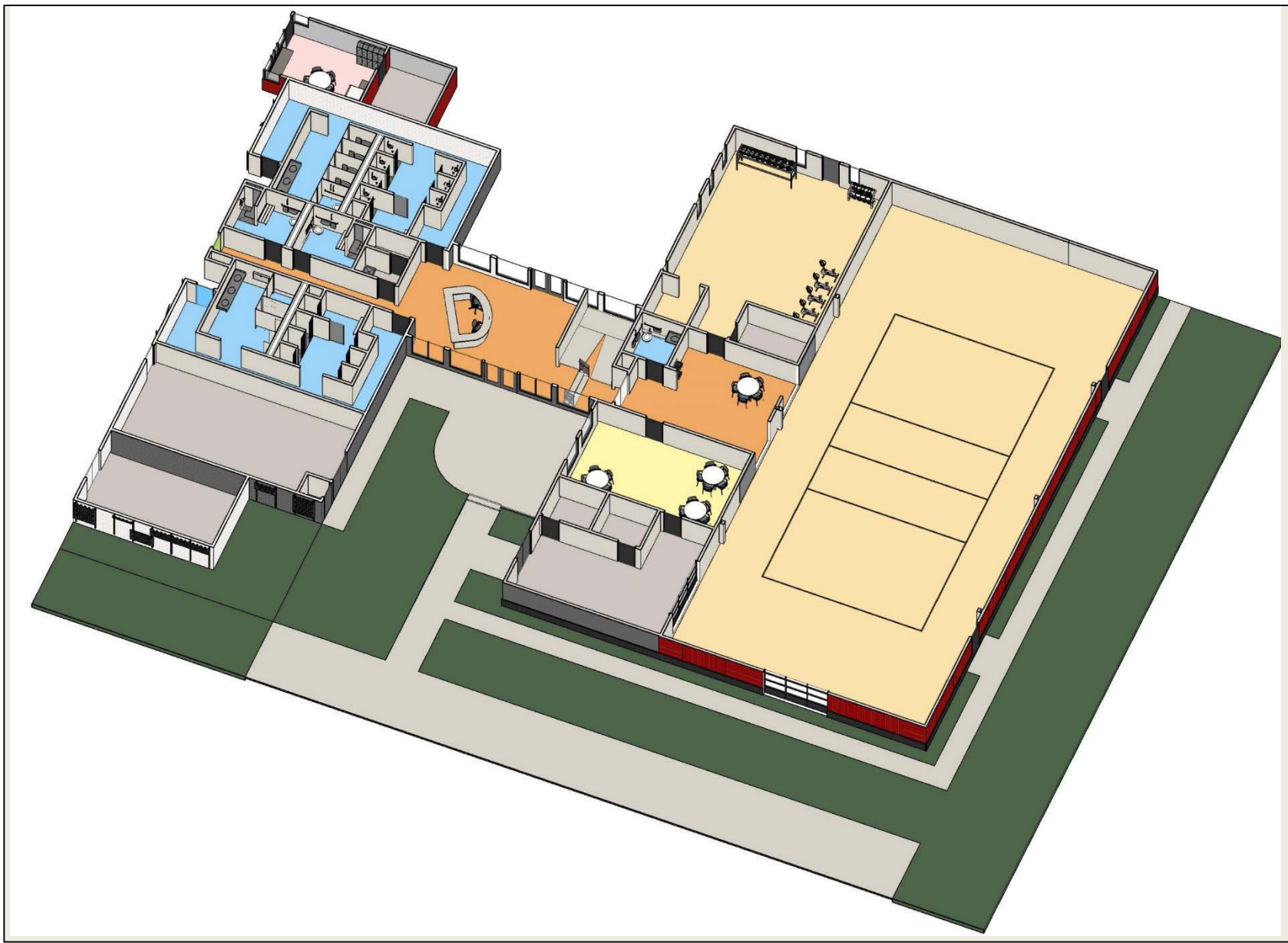
	QUANTITY	UNIT	COST PER UNIT	COST PER ITEM	TOTAL COSTS	BID ALTS
<b>PREFERRED CONCEPT PARK CONSTRUCTION GRAND TOTAL</b>					<b>\$1,711,671</b>	<b>\$248,496</b>
ESTIMATING CONTINGENCY: 7.5%					\$128,375	\$18,637
CONSTRUCTION CONTINGENCY: 10%					\$171,167	\$24,850
DESIGN FEES						
Renovation Plan					\$125,000	
Constr. DWGs and Bidding (10% of Constr. Cost)					\$171,167	\$24,850
PLANNING AND DEVELOPMENT FEES / PERMITS	1	LS	\$10,000	\$0	\$0	\$500
MATERIALS TESTING DURING CONSTRUCTION	1	LS	\$15,000	\$25,000	\$25,000	\$500
MISC. BIDDING COSTS	1	LS	\$1,000	\$1,000	\$1,000	
<b>PREFERRED CONCEPT PARK RENOVATION GRAND TOTAL</b>					<b>\$2,333,381</b>	<b>\$317,832</b>

## — Bid Alternates

- Expanded Play Area and 24 x 24 Picnic Shelter: \$204,000
- 8" Concrete sidewalk at South Parking lot and east of Audience Viewing area = \$47,000
- 24 x 24 Picnic Shelter at southwest corner of Multi-Use Field = \$68,000

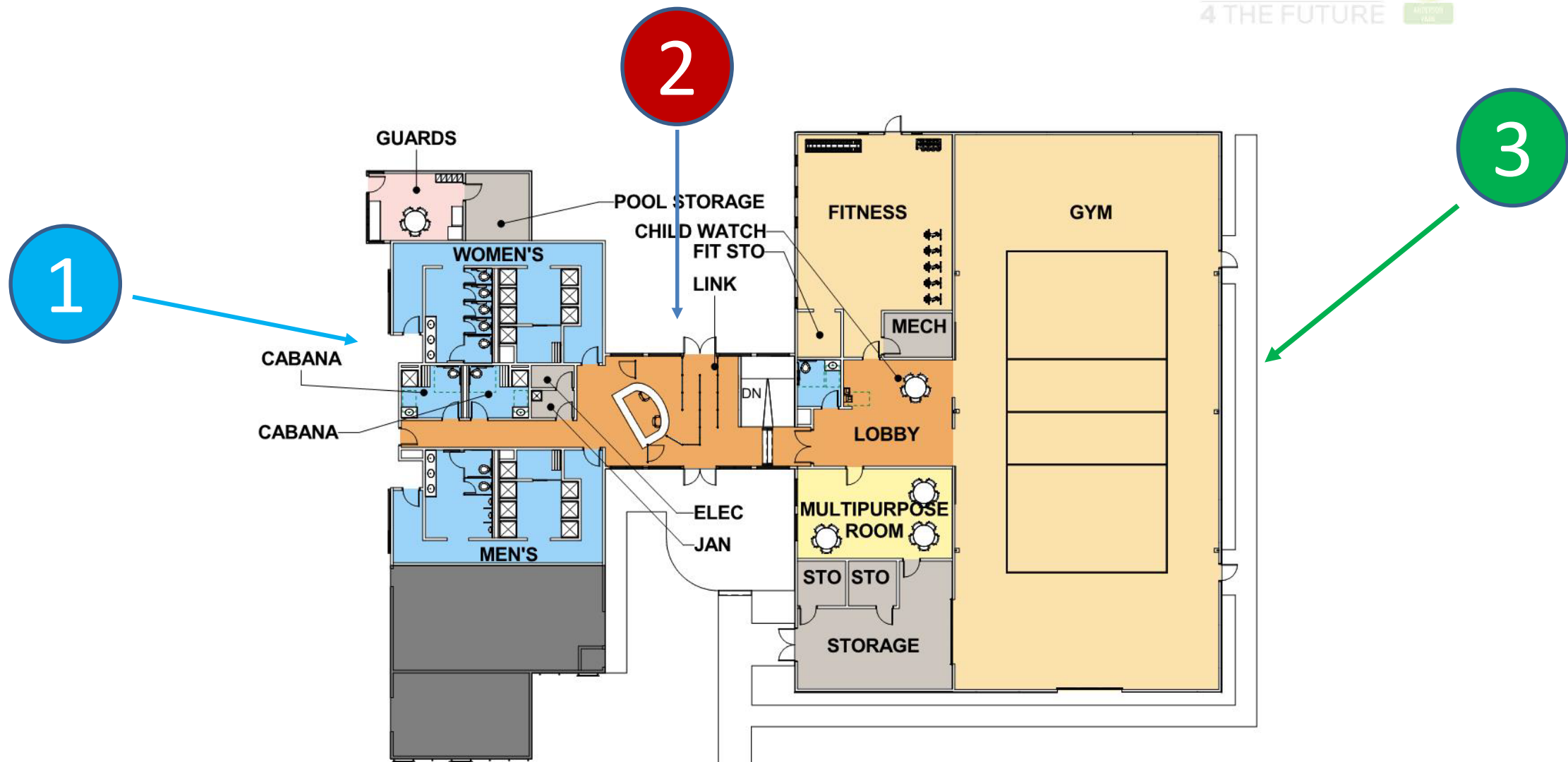






ANDERSON BUILDING – INTERIOR DETAIL





ANDERSON BUILDING – INTERIOR DETAIL

# DETAILED IMPROVEMENTS

## Pool/Bath House

- Removal and replacement of existing partitions, interior walls, fixtures, and accessories
- New paint throughout interior and exterior
- Two added cabana restrooms
- Remodeled electrical room and janitor room
- Enhanced locker room layout
- New flooring throughout- either poured epoxy or ceramic tile
- Addition of guardroom on the southwest corner

## Link

- New paint and refinished flooring (Existing surfaces)
- New centralized check in desk
- Extension of air conditioning from Anderson Building into Link area.

FLOOR PLAN & INTERIOR IMPROVEMENTS - POOL/BATH HOUSE AND LINK



# DETAILED IMPROVEMENTS

## Anderson Building

- New exterior architectural metal siding
- New translucent natural lighting on North Facade
- New overhead door on East façade
- New roof & removal of skylights
- New flooring throughout:
  - Synthetic sports flooring in the fitness room (rolled sheets)
  - Carpet in the multi-purpose room (carpet tiles)
  - Carpet in the lobby and flex area (carpet tiles)
  - Synthetic gymnasium flooring in the gym (poured)
- New lighting throughout
- High volume, low velocity fan added to gym
- New multipurpose room
- Enhanced storage area layout
- Removal of ceiling in fitness room
- Ceiling fans added to fitness room
- New exposed ductwork, conduit, and lighting in fitness room
- New storage area in fitness room
- Relocation of one bathroom in Anderson Building

## FLOOR PLAN & INTERIOR IMPROVEMENTS - ANDERSON BUILDING



ANDERSON BUILDING – EAST ELEVATION



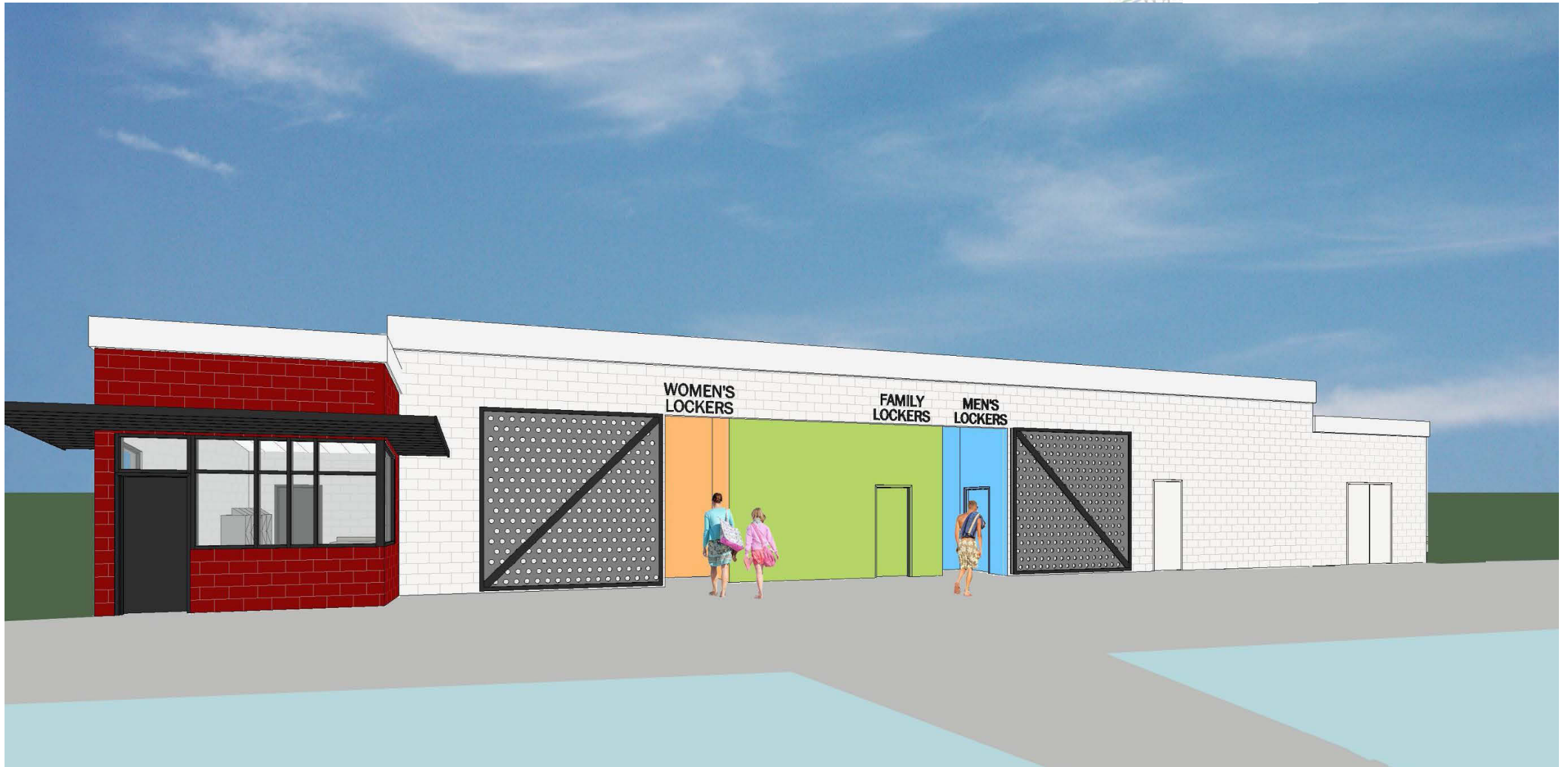


ANDERSON BUILDING – EAST ELEVATION



ANDERSON BUILDING – SOUTH ELEVATION





ANDERSON BUILDING – SOUTH ELEVATION

**Project cost assume 9% inflation from Jan 2018 to mid-point of construction – 01/01/19**

										Costs	
										Average Cost/ SF	\$ 194
										Gross SF	11,714
										Total Budget	\$ 2,276,000
	Program Space	Net Total	Net Detail	New \$ / NSF	Major Renov.	Minor Upgrade	New Space	Major Renov.	Minor Upgrade	Gross Area	Budget
1					70%	40%					
X	Lobby and Support Spaces (Link)	739		\$ 418	\$ 293	\$ 167			X	761	\$ 128,000
	x Pre-Control Lobby		451	\$ 429							
	x Control Desk		288	\$ 402							
X	Locker Spaces (Bathhouse)	1,990		\$ 469	\$ 328	\$ 188		X		2,249	\$ 739,000
	x Men's Locker		723	\$ 505						-	\$ -
	x Women's Locker		761	\$ 505						-	\$ -
	x 2 Cabana FamilyLocker Room		208	\$ 505							
	x Janitorial & Electrical		74	\$ 266							
	x Circulation		224	\$ 266							
X	Lobby/Child Watch (Former AB Rest Rooms)	526		\$ 398	\$ 278	\$ 159		X		558	\$ 156,000
	x Area		456	\$ 391							
	x Toilet		70	\$ 440							
X	Multipurpose (Office Area)	735		\$ 266	\$ 186	\$ 106			X	779	\$ 83,000
	x Area		481	\$ 266							
	x Storage (Current Storage Closets Size Total)		150	\$ 266							
	x Mechanical		104	\$ 266							
X	MAC 1 - Multi Use Activity (Existing Gym)	5,588		\$ 379	\$ 266	\$ 152			X	5,756	\$ 874,000
	x Gymnasium (Existing Size)		5,069	\$ 391							
	x Storage (Existing Size)		519	\$ 266							
X	15-20 Person Aerobics/Dance Studio (Existing Fitness)	1,154		\$ 356	\$ 250	\$ 143			X	1,223	\$ 175,000
	x Aerobics/Dance Studio		1,004	\$ 370							
	x Storage		150	\$ 266							
X	Aquatics Support	367		\$ 310	\$ 217	\$ 124	X			389	\$ 121,000
	x Guard Room (Existing Size)		169	\$ 320							
	x First Aid		50	\$ 320							
	x Storage (Existing Size)		148	\$ 294							

**ANDERSON BUILDING – RENOVATION COSTS ONLY**



<b>ANDERSON BUILDING/BATHHOUSE RENOVATION COST</b>					<b>\$2,276,000</b>
<b>ESTIMATING and OwnerCONTINGENCY: 10%</b>		10%			\$227,600
<b>CONSTRUCTION CONTINGENCY: 12%</b>		12%			\$273,120
<b>DESIGN FEES:10%</b>		10%			\$227,600
<b>PLANNING AND DEVELOPMENT FEES / PERMITS (Need to Validate)</b>		N/A			\$0
<b>MATERIALS TESTING DURING CONSTRUCTION</b>	1	ALLOW	\$25,000.00		\$25,000
<b>FIXTURES-FURNITURE-EQUIPMENT</b>	1	ALLOW	\$25,000.00		\$25,000
<b>SIGNAGE ALLOWANCE (Exterior &amp; Interior)</b>	1				\$14,000
<b>ANDERSON BUILDING/BATH HOUSE RENOVATION SOFT COSTS</b>					<b>\$792,320</b>
<b>ANDERSON BUILDING/BATH HOUSE RENOVATION TOTAL COSTS</b>					<b>\$3,068,320</b>

## ANDERSON BUILDING – RENOVATION AND SOFT COSTS

# BUDGET EXCLUSIONS

- Site lighting or furnishings
- Site drainage improvements
- Site survey work
- Site exterior improvements
- Changes to incoming sewer line(s)
- New utility access or upgrades
- Tap fees
- Hazmat detection or removal
- Security, sound or AV systems



## ANDERSON BUILDING – OPINION OF COSTS EXCLUSIONS



# ANDERSON BUILDING IMPROVEMENT PRIORITIES

## The top priorities for improvements:

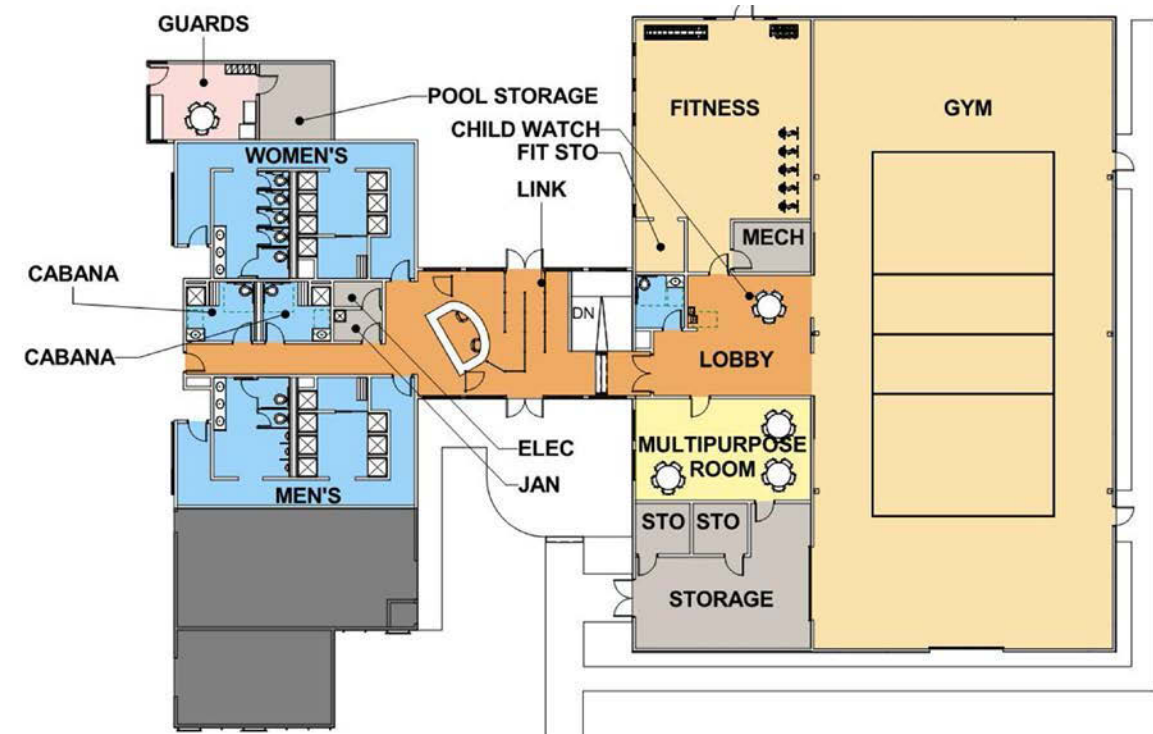
- ✓ Bathhouse
- ✓ Link
- ✓ Gym improvements (i.e., gym floor, ceiling fans)
- ✓ New lighting throughout
- ✓ Exterior improvements (siding, roof, replace existing windows in fitness room)

## Should costs exceed projections we would reduce the Master Plan scope of improvements in the following order:

1. Windows in gymnasium
2. Remove and rearrange bathrooms in the Anderson Building
3. Remodel fitness room
4. Remodel lobby
5. Remodel admin/multi-purpose room

## Should costs be less than projections we would add to the scope in the following order:

1. Remodel outdoor entrance plaza
2. Add outdoor screening to exterior walls of bath house
3. Extend Pool Fencing to Create Exterior Storage for Pool Equipment



## ANDERSON BUILDING

# Project Schedule

- Renovation Plan Complete (12/31/17)
- Design Start (02/01/18)
- Documents Complete (07/01/18)
- Construction Starts (09/01/18)
- Construction Complete (Anderson Bldg.) (05/01/19)
- Construction Complete (Park) (07/01/19)



# Questions?

# Memorandum

**TO:** Mayor and City Council

**THROUGH:** Carmen Beery, City Attorney's Office  
Patrick Goff, City Manager

**FROM:** Kenneth Johnstone, Director of Community Development

**DATE:** October 16, 2017

**SUBJECT:** Temporary Waivers from Limitation on Hours of Construction Activity

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**ISSUE:**

The Wheat Ridge Municipal Code of Laws places certain limits on the hours of construction activity as it pertains to private property. Generally, said hours are limited in Section 16-115 of the Code to the hours of 7:00 am to 7:00 pm. The Code allows an exemption only for construction activity where there is an immediate threat to the public health, safety or welfare. Recent project examples that are described further below have raised the question whether the Code should allow for additional waivers from or exceptions to these general limitations.

**PRIOR ACTIONS:**

The City Council adopted Ordinance 1585 in October 2015 limiting construction activity generally from 7:00 a.m. to 7:00 p.m. on private property. For construction activity in public rights of way, the City has a codified regulation prohibiting construction activities from 7:00 p.m. to 7:00 a.m. and on weekends and holidays, with a very general note allowing the Public Works Director the ability to grant written exceptions. For some major right of way construction projects, it can be more convenient to the traveling public for all or a portion of the work to be completed outside of these established hours, as authorized by the Director of Public Works.

**FINANCIAL IMPACT:**

No direct financial impact is anticipated.

**BACKGROUND:**

As noted above, two recent examples have drawn this topic to staff's attention. When the Ashland Reservoir was recently reconstructed, the amount of concrete that needed to be poured in a continuous fashion for large concrete vaults necessitated an exception to the hours of construction. The Ashland Reservoir project required review and approval through a special use permit process and an exception to the rule was authorized through that process to allow construction to occur late into the night for a very limited number of days. More recently, a contractor working on a major commercial new construction project has made staff aware of a likely need to have a lengthy concrete pour, which would extend beyond our standard hours of 7:00 a.m. to 7:00 p.m.



These large concrete pours often need to be accomplished after hours for various reasons, including by way of example: 1) the concrete pour needs to be continuous in order to be structurally sound; 2) an entire concrete batch plant and typically their entire fleet of trucks have to be devoted specifically to the project and these plants are sometimes not willing to do that at a time that impacts their other smaller project customers; 3) the duration of the amount of concrete being poured can exceed the established 12-hour work day, and 4) depending on the distance from the concrete plant, the variability of travel times and potential delays during daytime rush hour traffic periods can create the potential for concrete to improperly cure during transit. Based on these examples, staff felt it appropriate to bring this topic to City Council's attention for consideration of a possible code amendment.

To assist City Council in considering this topic, we have worked with the City Attorney's office to draft an ordinance amending the code to allow the consideration of limited waivers to the general limitations on hours of construction activity. The ordinance would propose to amend Chapter 5 (Buildings and Building Regulations) and Chapter 16 (Offenses – Miscellaneous), which governs offenses against the public peace. Current Code only regulates hours of construction activities through Chapter 16. As a matter of convenience, we believe it would be helpful also to include reference in Chapter 5, the chapter pertaining to building permits, contractor licensing, etc.

As drafted, the Director of Community Development could only grant waivers after written request at least 14 days prior to said construction activity beginning. The person requesting the waiver would need to establish that said request is "necessary based on construction related best practice or convenience and provided that every effort has been made to minimize detrimental impacts to the general health, welfare, safety and convenience of persons residing or working in the neighborhood..."

**REQUEST FOR COUNCIL DIRECTION:**

Staff is requesting direction whether City Council would like to consider an ordinance allowing certain limited waivers to the general limitation on hours of construction activity.

**ATTACHMENTS:**

1. Draft Ordinance

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_**  
**Council Bill No. \_\_\_\_\_**  
**Ordinance No. \_\_\_\_\_**  
Series of 2017

**TITLE: AN ORDINANCE AMENDING CHAPTER 5 AND SECTION 16-115 OF THE WHEAT RIDGE CODE OF LAWS TO AUTHORIZE TEMPORARY WAIVERS FROM THE LIMITATION ON HOURS OF CONSTRUCTION ACTIVITY**

**WHEREAS**, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

**WHEREAS**, pursuant to this authority, the Council previously established limitations on the permissible hours of construction activity within the City and provided remedies for violations of those limitations; and

**WHEREAS**, the Council finds that, in certain limited circumstances, permissible hours of construction activity might appropriately be broader than the general presumptive range to accommodate best construction practice if the City's authorization of such broader hours balances construction needs with potential impacts on the public welfare and the general desire to preserve residents' right to the quiet enjoyment of surrounding properties; and

**WHEREAS**, the Council therefore desires to establish a process by which waivers from the permissible hours of construction activity may be granted, but only after a case-specific review determines that the requested waiver has been justified as a necessary best construction practice or for other similar reason and balances builder/contractor needs with potential impacts to the general public health, safety or welfare or convenience of those residing and working in the relevant neighborhood.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 5-38 of the Wheat Ridge Code of Laws, concerning building permit suspension and revocation, is hereby amended as follows:

**Sec. 5-38. Revocation and suspension – Generally.**

The building inspection division may revoke or suspend any permit or may stop the work for any of the following reasons:

(1) Whenever there is a violation or suspicion of a violation of any provision of this chapter, ~~OR any city ordinance which the division is empowered to enforce or section 16-115 of this Code, concerning permissible hours of construction activities.~~

(2) Whenever the continuance of any work becomes dangerous to life or property.



**Section 2.** Chapter 5 of the Wheat Ridge Code of Laws, concerning building regulations, is hereby amended by the addition of a new Section 5-46, to read in its entirety as follows:

**SEC. 5-46. PERMISSIBLE HOURS OF CONSTRUCTION ACTIVITIES; TEMPORARY WAIVERS.**

- (a) CONSTRUCTION ACTIVITIES ARE LIMITED TO THE HOURS OF SEVEN (7:00) A.M. TO SEVEN (7:00) P.M. OF THE SAME CALENDAR DAY, WITH THE FOLLOWING EXCEPTIONS:
- (1) CONSTRUCTION ACTIVITIES REQUIRED TO ADDRESS AN IMMEDIATE THREAT TO THE HEALTH, SAFETY OR WELFARE OF ANY PERSON.
  - (2) CONSTRUCTION ACTIVITIES THAT DO NOT OTHERWISE VIOLATE SECTION 16-103 OF THIS CODE, CONCERNING UNREASONABLE NOISE AND DISTURBING THE PEACE.
  - (3) CONSTRUCTION ACTIVITIES AUTHORIZED BY A TEMPORARY WAIVER FROM THE REQUIREMENTS OF THIS SECTION ISSUED BY THE COMMUNITY DEVELOPMENT DIRECTOR. ANY PERSON MAY FILE A WRITTEN REQUEST FOR A TEMPORARY WAIVER FROM THIS SECTION TO THE COMMUNITY DEVELOPMENT DIRECTOR, NO LESS THAN FOURTEEN (14) DAYS BEFORE THE FIRST DAY OF THE PROPOSED CONSTRUCTION ACTIVITY, SPECIFYING THE PROPOSED SCOPE OF WORK, DATES AND HOURS OF CONSTRUCTION ACTIVITY AND HOW THE PROPOSED ACTIVITY MEETS THE REQUIREMENTS OF THIS PARAGRAPH (3). IN AN APPLICATION FOR A WAIVER, THE BURDEN SHALL BE ON THE APPLICANT TO ESTABLISH THAT THE EXPANDED HOURS ARE NECESSARY BASED ON CONSTRUCTION RELATED BEST PRACTICE OR CONVENIENCE AND PROVIDED THAT EVERY EFFORT HAS BEEN MADE TO MINIMIZE DETRIMENTAL IMPACTS TO THE GENERAL HEALTH, WELFARE, SAFETY AND CONVENIENCE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD AND THE EXPANDED HOURS WILL NOT BE INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE COMMUNITY. THE COMMUNITY DEVELOPMENT DIRECTOR IS AUTHORIZED TO IMPOSE CONDITIONS AND LIMITATIONS ON ANY GRANTED WAIVER DESIGNED TO ENSURE THAT THE REQUIREMENTS OF THIS PARAGRAPH ARE MET. THE COMMUNITY DEVELOPMENT DIRECTOR MAY REVOKE, SUSPEND OR MODIFY ANY PREVIOUSLY-GRANTED WAIVER UPON A FINDING THAT ANY ACTIVITY CONDUCTED THEREUNDER HAS FAILED TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH OR HAS VIOLATED ANY TERM OR CONDITION OF THE WAIVER. THE APPLICANT SHALL BE PROMPTLY NOTIFIED OF ANY SUCH REVOCATION, SUSPENSION OR MODIFICATION IN WRITING, WHICH NOTICE SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE MAILING ADDRESS PROVIDED IN THE WAIVER APPLICATION, AND POSTED IN A CONSPICUOUS PLACE AT THE WORK SITE.

- (b) AS USED IN THIS SECTION, "CONSTRUCTION ACTIVITIES" INCLUDES ALL ACTIVITIES RELATED TO THE BUILDING, REPAIR, MAINTENANCE OF ALTERATION OF A BUILDING OR STRUCTURE FOR WHICH A PERMIT IS REQUIRED BY THIS CHAPTER, BY WAY OF ILLUSTRATION ONLY AND NOT BY WAY OF LIMITATION: POURING CONCRETE AND IDLING OF CONCRETE MIXING TRUCKS; OPERATING CONSTRUCTION-RELATED EQUIPMENT; PERFORMING OUTSIDE CONSTRUCTION WORK FOR THE PURPOSES OF ERECTION, DEMOLITION, EXCAVATION, ALTERATION OR REPAIR OF ANY BUILDING, STRUCTURE OR PROJECT; OPERATING A PILE DRIVER, POWER SHOVEL, PNEUMATIC HAMMER, DERRICK, POWER HOIST OR OTHER CONSTRUCTION-TYPE DEVICE; AND LOADING AND UNLOADING OF CONSTRUCTION MATERIALS OR IDLING OF DELIVERY TRUCKS.

**Section 3.** Section 16-115 of the Wheat Ridge Code of Laws, establishing restricted construction hour activities as a general offense, is hereby amended as follows:

**Sec. 16-115. Construction activities – hours restricted- EXCEPTIONS**

- (a) Except as otherwise provided herein, it is unlawful for any person to engage in, or cause or permit any person to be engaged in, construction activities in any residential or commercial district between the hours of seven (7:00) p.m. of one day and seven (7:00) a.m. of the following day.
- (b) CONSTRUCTION ACTIVITIES EXCEPTED FROM THE SCOPE OF THIS SECTION ARE THOSE ~~Construction activities~~ required to address an immediate threat to the health, safety or welfare of any person; ~~are exempted from the provisions of this section.~~ THOSE THAT DO NOT OTHERWISE VIOLATE SECTION 16-103 OF THIS CODE, CONCERNING UNREASONABLE NOISE AND DISTURBING THE PEACE; AND THOSE AUTHORIZED BY A WAIVER ISSUED UNDER PARAGRAPH 5-46(A)(3) OF THIS CODE.
- (c) As used in this section, "construction activities" includes, by way of illustration only and not by way of limitation: pouring concrete and idling of concrete mixing trucks; operating construction-related equipment; performing outside construction work for the purposes of erection, demolition, excavation, alteration or repair of any building, structure or project; operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device; and loading and unloading of construction materials or idling of delivery trucks, ~~specifically excluding interior construction activities that do not otherwise violate section 16-103 of this Code.~~

**Section 4. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 5. Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.



**Section 6. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of \_\_\_\_\_ to \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for \_\_\_\_\_, 2017, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_\_\_ to \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**SIGNED** by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Joyce Jay, Mayor

ATTEST:

\_\_\_\_\_  
Janelle Shaver, City Clerk

Approved As To Form

\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication:  
Second Publication:  
Wheat Ridge Transcript  
Effective Date:

# Memorandum

**TO:** Mayor and City Council

**THROUGH:** Patrick Goff, City Manager

**FROM:** Zack Wallace Mendez, Planner II  
Kenneth Johnstone, Community Development Director  
Gerald Dahl, City Attorney

**DATE:** October 16, 2017

**SUBJECT:** Sign Code Regulations

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**ISSUE:**

In June of 2015, the United States Supreme Court decided the case of *Reed v. Town of Gilbert, Arizona*. This decision, which held the Town of Gilbert's sign code unconstitutional, has a significant impact on all local government sign codes throughout the nation. Council was briefed on this issue during a study session on May 1, 2017, where there was consensus to move forward with modifications based on the *Reed v. Town of Gilbert, Arizona* decision as well as several other items.

**PROPOSED UPDATES:**

Attached is the first draft of the amended sign code (Article VII in Chapter 26); each section begins with comments (in red) that summarize what has or has not changed. This memo includes an overview of the modifications proposed based on the *Reed v. Gilbert* case law. Also included are several possible amendments that are proposed for which staff is seeking approval or direction from Council.

*Reed v. Town of Gilbert Updates:*

Based on required compliance with the Supreme Court's *Reed v. Gilbert* decision, the following amendments have been proposed:

- Content-based sign categories are no longer permitted and were removed, and new categories were created to reclassify sign types more broadly. More specifically, the political, informational, projecting, semipublic, and community event/sponsorship banner content-based categories were removed. Yard signs (large and small), directional, and blade signs are new classifications that have been added.
- With the reclassification, sign standards were changed from a tabular format (previously Sections Sec. 26-709 and 26-710) to a text format. This formatting change improves usability of the code. The sign standards that comprise these sections (height, size, setback, etc.) are not changed.



- Related regulations that are currently scattered throughout Article VII have been consolidated to improve organization. For example, free standing signs were listed in each of the former sign charts, and additional regulations for freestanding signs were also found in a subsection under miscellaneous provisions. These, and other, related provisions are now in one location.
- For ease of using and enforcing sign code regulations, other sign related provisions that appear elsewhere in Chapter 26 were added to the sign code, including those in Section 26-613 (Home Occupations) and in the Mixed Use Code section (Article XI).
- Projecting signs have been reclassified as blade signs which is a more common term in the industry. The only modification made is the minimum projection for blade signs was reduced from 15 inches to 12 inches to better differentiate wall signs from blade signs. Based on input from the business community, the code amendment also would allow businesses both a wall and blade sign.
- Informational signs have been reclassified as directional signs, with the same standards and definition, with content-related language deleted.

*Follow-up from May 1, 2017, Study Session:*

Several items were discussed at the May 1, 2017, study session, which required additional follow-up and policy directions. Those include temporary signs, electronic messaging centers (EMCs), 3D signs, off-premise signs, and district signs each of which is discussed below.

Temporary Signs

Current sign code regulations make temporary sign enforcement difficult, as there are often no time limits or maximums in place. To enable enforcement while still allowing reasonable temporary advertisement, staff proposes the updated temporary sign code allow for only *one* temporary sign at any given time per property or business. This means owners may still choose from a variety of sign types (banners, balloons, yard signs, A-frame signs, etc.), but only one may be displayed at any given time.

Q: Is Council supportive of this approach?

Another item of interest, particularly from business owners and the Community Services Unit is the regulation of persons holding and spinning commercial signs, often referred to as ‘sign spinners.’ Staff would like policy direction regarding this type of signage. Because the City may regulate the “time, place and manner” of such signs, and because they are commercial (rather than political) speech, this kind of activity may be regulated more closely than political speech (such as, for example, protesters with signs on a public sidewalk). Other communities have addressed this unique commercial sign category by defining it as “signs carried by persons,” and have limited the locations they may be displayed (typically in commercial districts). It is also permissible to limit the hours of display and prohibit such display from interfering with the safe movement of pedestrians. Sign spinners could also be disallowed in the public right-of-way if Council desires.

Q: How would Council like Staff to proceed?

Electronic Message Centers (EMCs)

At Council’s direction, Staff reviewed standards for electronic message centers (EMCs) or LED signs, which are currently misaligned with industry standards in two ways. First, changeable copy signage is limited in our Code to copy changes no less than every 15 seconds. The current industry standard is between 4 and 10 seconds. Staff recommends this time be reduced to 8 seconds, which is a common standard among surrounding communities and balances advertising and public safety needs.

Second, the City’s illumination standards are out of date and difficult to enforce. There is currently no quantitative standard for what constitutes a sign that is “too bright.” Staff suggests adding the following language that has already been adopted by numerous jurisdictions nationwide to address nighttime brightness:

The nighttime illumination of changeable copy signs shall conform with the following criteria:

- a. Illumination measurement criteria: The illuminance of a changeable copy sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color capable changeable copy sign, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in the table.
- b. Illumination Limits: The difference between the off and solid-message measurements using the measurement criteria shall not exceed 0.3 foot-candles at night.
- c. Dimming Capabilities: All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to the ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

These regulations allow for LED signage that is illuminated enough for businesses to display their messages, but not so bright the glare is distracting and dangerous for drivers, bicyclists, and pedestrians. Attached is a helpful “how to” guide that could be adopted as an internal policy to assist the Community Services Unit to measure sign illumination. The method requires use of an illuminance meter, which can cost between \$100 and \$1,000 depending on functionality and quality, and would need to be purchased to allow enforcement.

Q: Is Council supportive of reducing the amount of time required between copy messages?

Q: Is Council supportive of incorporating brightness standards into the Code?



### 3D Signs

At Council’s direction, staff researched “iconic” signage or signs that are sculptural and three-dimensional in nature. 3D signage has been rolled into existing sign types to accommodate more creative signs. Different measurement techniques apply and will be measured in cubic feet. 3D signage will be allowed for blade and freestanding sign types.

Q: Is Council supportive of this approach?

### Off-Premise Signage

The code currently prohibits off-premise signage. As discussed at the May 1, 2017, study session, the *Reed v. Gilbert* decision states that sign codes must now be content neutral. However, in order to know that a sign is off premise, its content must be read, which is no longer permissible. Staff has proposed the following requirement in lieu of the off-premise signage restriction: the owner of the sign and owner/lessee of the property must be the same person. In practice, this means that proof of ownership or lease would be provided with the building permit application, which is already common practice for land use applications.

Q: Is Council supportive of this approach?

### Business District Signs

Signs for specific business districts can be classified as “public” signs and located in the right-of-way. These signs might be located on a major arterial and direct travelers to a business district located some distance off the arterial roadway. Staff has determined that it is more appropriate to provide administrative policy in coordination with the Public Works Department to establish what constitutes a qualified business district and standards for the size, color, and location(s) of district signs. Wayfinding signs to districts would be produced by the Public Works Department at some cost to the districts. The details of this program will be presented to Council in the future.

### Other Items:

In drafting this code amendment and reclassifying sign types, several other minor policy questions arose for which staff is seeking direction. These are related to seasonal allowances for small yard signs, the style of freestanding signs, the non-conforming sign provisions, and LED signs in mixed use zone districts.

### Yard Signs

A new content-neutral category called “yard signs (small)” is proposed for the sign code and is intended to capture the various small signs that are currently allowed on residential property, such as political signs and signs for community events. Staff has recommended a limitation of one small yard sign, however, staff also feels that during certain times of year residents may wish to have multiple signs on their properties, such as during election season. To that end staff recommends three (3) small yard signs be permitted from October 1 to November 30. This type of regulation would be permitted because it is content-neutral and regulates time, place and manner.

- Q: Is Council supportive of allowing more than one (1) sign during certain times of the year?
- Q: If so, Staff recommends 3 signs between October 1 and November 30. Is Council supportive of this approach?

A separate content-neutral category of “yard sign (large)” accommodates real estate, leasing, and construction signs for residential properties.

### Freestanding Signs

The Code allows for freestanding signs to be supported by either a monument-style base or a pole. All new freestanding signs are allowed to be either monument or pole mounted. The only exception is in mixed use zone districts where regulations are more restrictive requiring all new freestanding signs to be monument signs. In an effort to improve visual impacts associated with signs and to enhance the character of the community, Council is asked to consider whether the regulations for new signs should be augmented. New freestanding signs are permitted to be up to 15 feet in height. Highway-oriented signs, up to 50 feet, are excluded from this discussion and by nature will continue to be pole signs.

- Q: For new development or total redevelopment, should new freestanding signs be required to be monument signs?
- Q: Should all new freestanding signs (including those not associated with new development or total redevelopment) be required to be monument signs?

### Non-Conforming Signs

Current code encourages the existence of legally non-conforming signs by allowing sign cabinets to be completely replaced, so long as the support structure remains. This means that non-conforming signs are rarely removed. This allows for a significant investment in signage without coming into compliance with current regulations.

- Q: Is Council interested in continuing this practice or in amortizing non-conforming signs?

### Changeable Copy (EMC, LED) Signage

Staff has noted an increased interest in changeable copy LED signage from businesses across the City, including many along 38<sup>th</sup> Avenue. The current sign code prohibits LED signs in the Mixed-Use Neighborhood (MU-N) zone district, which comprises the majority of 38<sup>th</sup> Avenue between Sheridan and Wadsworth, in addition to the Mixed-Use Commercial TOD (MU-C TOD) zone district. The intent of this restriction was to encourage sign designs that are more pedestrian-oriented in nature, despite the current (non-conforming) development patterns being more vehicular in nature. Council is asked to reaffirm that this restriction is still appropriate based on the purpose and vision for those zone districts and subareas.



Q: Does Council have any desire to reconsider the prohibition on LED signs in MU-N and MU-C TOD?

### **NEXT STEPS**

The purpose of this code amendment has been primarily to comply with the Supreme Court *Reed v. Town of Gilbert* decision, and to a lesser degree to modernize several outdated provisions. To that end, Staff recognizes the importance of completing this project as efficiently as possible.

Next steps include the following:

- Incorporate input from October 16, City Council Study Session
- Add images to code where necessary to help clarify definitions and standards in the code
- Planning Commission Study Session – *early November*
- Council Study Session (if necessary based on CC and PC feedback) – *late November*
- Planning Commission Public Hearing – *December*
- City Council Public Hearing – *January*

### **ATTACHMENTS:**

1. Proposed Brightness Measurement Guidelines
2. Draft Sign Code

# HOW TO MEASURE THE NIGHT-TIME BRIGHTNESS OF AN EMC—WITHOUT CONTROL OF THE SIGN

(Note: This method requires two individuals, but does not require operational control of the EMC.)

There will be instances where the EMC illumination needs to be evaluated to ensure that it does not exceed the brightness levels established in the municipal sign ordinance. If the municipality is unable to obtain access to the sign controls or attempting to take the measurement after business hours, this method should be followed.

Unlike the six-step process described previously, this process measures the difference in brightness between the sign in operation and when the sign is completely blocked from the illuminance meter. This procedure is extremely simple and requires only an illuminance meter and a piece of painted cardboard cut to the proper size.

## STEP 1

### OBTAIN AN ILLUMINANCE METER.

(See previous Step 1)

## STEP 2

### DETERMINE SQUARE FOOTAGE.

(See previous Step 2)

## STEP 3

### DETERMINE THE MEASUREMENT DISTANCE.

(See previous Step 3 or use  $\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$ )

## STEP 4

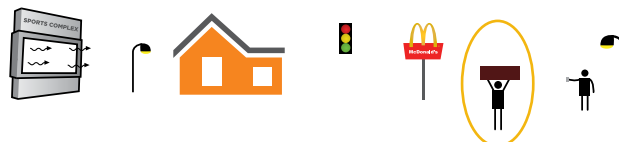
### POSITION THE TESTERS.

Based on the size of the digital display, the person conducting the test should position themselves as close to directly in front of the digital display as practical, at the appropriate distance (calculated in Step 3).

A helper should position themselves about 7 ft. to 10 ft. in front of the light meter and hold up an opaque, black sheet of material that is roughly 12 in. high by 40 in. wide. (Regular cardboard painted matte black works well for this.) The sheet should be positioned so it blocks all light from the EMC, but still allows the remaining ambient light to register on the illuminance meter.

EMC Area	Measurement Distance
24 ft <sup>2</sup>	49 ft
32 ft <sup>2</sup>	57 ft
50 ft <sup>2</sup>	71 ft
100 ft <sup>2</sup>	100 ft

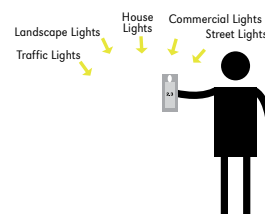
This helper should use a cardboard sheet to block the EMC light from the footcandle meter. This will establish the baseline footcandle reading.



After the cardboard block is held in place, a reading should be taken for the ambient light.

In this example, various light sources are impacting the photocell measuring 2.3 footcandles of ambient light.

This is the baseline for the measurement. Write it down.



## ATTACHMENT 1



## STEP 5

### USE AN ILLUMINANCE METER.

The illuminance meter should be held at a height of about 5 ft. (which is approximately eye level) and aimed directly at the EMC. The illuminance meter will account for surrounding sources of light or the absence thereof.

In this case our ambient light reading was 2.3 fc. The new light reading with the LED displaying a full white frame cannot read above 2.6 fc or 2.3 (ambient) + 0.3 (threshold). If a full white frame cannot be arranged, watch the meter to see if any ad exceeds 2.6 fc.



At this point, readings should be taken from the illuminance meter to establish a baseline illumination level. (ISA recommends that the illuminance meter is capable of levels to 2 decimal places 0.00).

Once the baseline level is established, add 0.3 footcandles to the baseline level to calculate the max brightness limit. (For example: Baseline reading is 3.15 footcandles. The max brightness level is 3.45 footcandles.)

## STEP 6

### DETERMINE THE BRIGHTNESS LEVEL.

Remove the opaque sheet from blocking the EMC. Watch the foot-candle meter for 3 to 5 minutes to see if the max brightness level is exceeded by any of the images on the sign. If the readings do not exceed the max brightness levels, then the EMC illumination is in compliance.

If any of readings consistently exceed the max brightness level, the lighting level is not in compliance. In this scenario, the municipality will need to inform the sign owner of noncompliance and take appropriate steps to ensure that the EMC be adjusted to a lower brightness level using the manufacturer's recommended procedures.



*If any of readings consistently exceed the max brightness level, the lighting level is not in compliance.*

ARTICLE VII. - SIGN CODE

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### **Sec. 26-701. - Intent and purpose.**

Subsection F modified to be in compliance with Reed v Gilbert.

The intent and purpose of this article is:

- A. To protect the public from signs which are structurally unsafe;
- B. To promote traffic safety and the free movement of traffic, and protect the public from the hazardous conditions which result from signs that obscure or distract the vision of motorists, bicyclists and pedestrians;
- C. To facilitate easy, safe and pleasant communication between people and their surroundings;
- D. To conserve the character and economic value of buildings and neighborhoods;
- E. To provide a balance between legitimate identification and advertising needs and the visual discord which signs sometimes cause, and to provide a sense of balance or proportion between a sign and the building or property which it serves;
- F. To encourage the erection of signs which are legible in their surroundings and compatible with the visual character of the surrounding area; and
- G. To ensure that adequate and effective advertising signage opportunities exist within a regulatory framework which protects the constitutionally guaranteed right of free speech.
- H. It is not the intent of these regulations to prohibit or unreasonably regulate or to require permits for the legitimate display of traditional holiday season decorations; provided, however, that such decorations or displays are installed and maintained in a safe manner.



## Sec. 26-702. - Definitions.

This section includes definitions that are specific to the sign code. Several definitions have been added, and for the ease of review they are denoted below with a single asterisk (\*) and **bold** text. Modified definitions are identified with a double asterisk (\*\*) and new language is highlighted with **bold** text. Definitions of signs that have been removed from the code in compliance with Reed v Gilbert have been deleted.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Animated sign.* A sign or parts thereof, which revolve, whirl, twirl or utilize motion, implied or actual, in a horizontal or vertical plane or both. The only animated type of signs that are permitted are "barber pole" signs.

*Arcade sign.* Any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.

*Artistic mural or sculpture.* A freestanding statue or sculpture or a graphic illustration or design, or an architectural design or relief applied directly to or incorporated within a wall of a building, which does not advertise or promote a particular business, service or "branded" product.

*Awning.* A movable shelter supported entirely from the exterior wall of a building and/or a type which can be retracted against the face of the supporting building.

**\*Balloon or inflatable sign.** Any sign consisting of material intended to be filled with air or helium, or have air blown through in order to create a visual attraction; this is inclusive of air dancers, inflatable caricatures, all types and sizes of balloons, and similar devices.

*Banner.* A sign or advertising display constructed of cloth, canvas, fabric or other light material that is mounted with no enclosing framework intended to be displayed for a short period of time.

**\*Barber shop poles.** A sign with a striped interior which may or may not rotate, which is traditionally utilized to signify the presence of an establishment within which the practice of barbering is engaged or carried out.

*Billboard.* Any sign in excess of fifty (50) square feet in size oriented to the interstate highway utilized to advertise a product or service that is not produced or conducted on the same property as the sign.

**\*Blade sign.** A sign which is affixed to any building, wall or structure and which extends beyond the building wall more than twelve (12) inches.

*Building front.* The exterior wall(s) of a building facing a public street or streets or other public right-of-way other than alleys, or one (1) exterior wall containing the primary entrance to the building if not directly facing upon a public street.

*Canopy.* A roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.

*Changeable copy sign.* A sign, either illuminated or nonilluminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically, however, where a change in message occurs no sooner than every eight (8) seconds. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

*Development.* A single lot, parcel or tract of land or portions or combinations of lots, parcels or tracts of land which are held in single or common ownership and which exist as a distinct functional entity. Multi-use and multi-tenant buildings and multiple building complexes which are held in singular or common ownership, either by individual, corporation, partnership or other legally recognized entity, shall be considered a "development" for the purpose of signage.

**\*Directional sign.** A freestanding or wall-type sign, not located within public street right-of-way, providing necessary directional information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Directional signs shall be clearly incidental to the primary signage on a property, in both height and sign area.

*Erect.* To build, construct, attach, hang, place, suspend, affix, relocate or reconstruct any sign or sign-supporting structure.

*Flashing sign.* A sign that is illuminated with intermittent lighting, animated lighting or with varying intensities of light at intervals of fifteen (15) seconds or less, including a moving light or lights.

**\*Flag.** Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**\*\*Freestanding sign.** A sign that is permanent and self-supporting, being nondependent on support from a building or other structure, including signs placed upon fences or nonsupporting walls. **This includes pole-mounted or monument signs.**

*Illuminated sign.* A sign that is illuminated with constant intensities of light of a non-varying nature. There are three (3) types of illuminated lights as follows:

- (a) *Direct.* Lighting by means of an unshielded light source which is effectively visible as a part of the sign. Neon lighting is considered direct lighting.
- (b) *Indirect.* Lighting which illuminates the front of a sign or the entire building facade upon which the sign is displayed, the source of the light being shielded from public view and from surrounding properties. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, such as parking lot lighting.
- (c) *Internal.* Lighting by means of a light source which is within a sign having a translucent background and which silhouettes opaque letters or designs, or lighting within or behind letters or designs which are themselves made of translucent or opaque material.

*Lot.* A tract, building site, parcel or portion of land separated from other parcels or portions by description, as on a subdivision plat of record or survey map or by metes and bounds, for the purpose of sale, lease or use.

*Major interior drive.* A drive aisle located on private property which connects two (2) public streets or provides access to two (2) or more parcels of land or developments.

*Nonconforming sign.* A sign which does not conform with the regulations set forth in this article, but which did meet the requirements of the regulations existing at the date of its erection.

*Painted sign.* A sign that is painted directly onto the exterior surface of a building, wall or structure.

**\*Pennant, streamer, and other similar device signage.** A sign made of flexible materials intended to create a visual attraction through movement or combining similar sign types to create the impression of a line. This is inclusive of flutter flags.

**\*\*Portable sign.** Any sign which is supported by one (1) or more uprights or braces upon the ground and which is of portable design, **such as A-frame or pedestal style signs.**

*Public sign.* A sign that is required by federal, state or local law or ordinance necessary for public information.

*Revolving sign.* A sign utilizing an axis point to pivot the sign surface.

*Roof sign.* A sign erected, constructed and maintained above the eaves and attached to the roof of a building.

*Sign.* Any object or device or part thereof situated outdoors or indoors, viewed from outdoors by the general public, and which object or device or the effect produced thereby is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by means including, but not limited to, words, letters, figures, designs, fixtures, colors, motion, illumination, sound or projecting images.



*Sign permit.* A building permit issued for the erection, construction, enlargement, alteration, repair, relocation, improvement, removal, conversion or demolition of any sign issued pursuant to the building code of the city or this sign code.

*Sign structure.* Any supports, uprights, braces or framework of a sign which does not include any portion of the sign message.

*Street frontage.* For the purpose of signage, frontage upon a street is obtained by ownership, easement or leasehold only if used for vehicular access to the property, or if not used for vehicular access, only if such street frontage is at least fifty (50) feet in width. Where the regulations allow "one sign per street frontage," the intent is that the sign allowed is placed upon or facing the street, unless specifically otherwise permitted.

**\*\*Surface area of sign.** The total area enclosed by the shortest line that can be drawn around the entire sign, including any architectural embellishment or background material or color forming an integral part of the display and used to differentiate the sign from its surroundings. Sign support structures which do not bear advertising material shall be excluded in computation of sign area. Signs without backing (i.e., freestanding, **blade**, A-frame or pedestal signs) are allowed the maximum square footage for each side for double-faced signs; however, signs having more than two (2) sides or faces shall not exceed the total face area allowed for a double-faced sign.

**\*\*Temporary sign.** Any sign, banner, pennant, **balloon, inflatable, portable sign, yard sign** or other outdoor advertising sign constructed of light fabric, cardboard, wallboard, plywood, sheet metal, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

**\*Three-dimensional (3D) signs.** Any sign, which by virtue of its shape, design, and location of copy provides advertisement in a three dimensional manner and is distinctly different from an artistic sculpture.

*Traffic and regulatory signs.* Signs, signals or markings placed or erected by federal, state or local authority for the purpose of regulating, warning or guiding traffic.

*Unlawful sign.* Any sign or outdoor advertising device erected in the absence of a permit required by this article, or in violation of any of the limitations, prohibitions or requirements of this article.

*Unsafe sign.* Any sign or advertising structure found unsafe or insecure or creating a hazard or menace to the public safety, health and welfare.

*Wall sign.* A sign constructed of durable materials or painted and which is permanently affixed to an exterior surface of any building, wall or structure and which does not extend more than fifteen (15) inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered as wall signs.

**\*Window or door sign.** Any sign or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.

**\*Yard sign.** Temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time.

## **Sec. 26-703. - Enforcement and penalties.**

There have been no changes to this section.

Enforcement and penalties shall be in accordance with those provisions set forth in article X. In addition to any remedies set forth in section 26-1004 et seq., specific authority is granted to the enforcement officer to remove, or have removed, the following signs after posting of a notice at least twenty-four (24) hours prior to removal upon the premises where such sign(s) is located:

## **ATTACHMENT 2**

- A. Signs which are prohibited pursuant to the residential/agriculture/public facilities and commercial/industrial/mixed use sign standard charts.
- B. Unsafe signs.

**Sec. 26-704. - Contractor's license required.**

There have been no changes to this section.

- A. No person shall engage in the business of installing, altering or repairing any sign within the corporate limits of the city unless he is the holder of a currently valid, city sign contractor's license, except for those signs exempt from permit.
- B. The city shall have the power to suspend or revoke the license of any holder of a sign license issued pursuant to this article, in accordance with the provisions as set forth in the building code. (See chapter 5 of this Code of Laws for related provisions.)

**Sec. 26-705. - Permit required.**

There have been no changes to this section.

- A. No sign or modification to an existing sign shall be erected, placed or displayed outdoors within the city limits until a permit for such sign has been issued by the city, unless such sign is exempt from a permit in accordance with this sign code.
- B. An application, accompanied by a "to scale" drawing, for each separate sign permit shall be made to the department of community development on a form supplied by the department. Such applications shall set forth the name and address of the applicant; the location where such sign is to be erected or located; the name, phone number and address of the owner of the property; the size, height, type and general description of such proposed sign, including the materials of which it is constructed, the sign contractor's name, phone number and address and such other pertinent information required or deemed necessary by the department to determine the sign's safety and conformance to this article. A "to scale" plot plan of the lot or parcel shall accompany the application and shall show the location of the proposed sign and the location, type and size of other signs which exist upon the lot. The mere application for a sign permit does not assure that a permit will be issued; therefore, it is advised that signs not be fabricated, constructed or purchased prior to issuance of a sign permit.
- C. Fees for the erection of signs are assessed as part of building permit review and issuance. Permit fees and city use tax will be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations.

**Sec. 26-706. - Non-conforming signs.**

Subsection A.1 has been flagged as an item for Council input, please refer to the memo for more information. Subsection A.2. has been modified for compliance with Reed v Gilbert. A small addition has been made to subsection A.3. for legibility, and is noted by **bold text**.

- A. *Nonconforming signs.* A lawful sign existing on the effective date of the ordinance from which this article is derived may be continued, although such sign does not conform to the provisions of this article, subject to the following provisions:
  - 1. Relocation, or replacement of a nonconforming sign is not permitted unless such sign is brought into conformance with this article. Enlargement or extension of a nonconforming sign is permitted so long as the nonconformity is not increased. Rebuilding or reconstructing a nonconforming sign is permitted only if the rebuilding or reconstruction is limited to installing a new sign cabinet on an existing support structure. Installing a new sign cabinet together with a new support structure shall constitute replacement of the nonconforming sign and shall require conformance with this article.
  - 2. In the event the use of a nonconforming sign is discontinued for a period of sixty (60) consecutive days, the nonconforming sign shall thereafter conform to the provisions of the zoning district in



which it is located or be removed. For the purpose of this section, the term "discontinued" shall apply to uses which customarily operate on a continuous basis versus a seasonal basis.

3. A nonconforming sign that is destroyed or damaged more than fifty (50) percent of its **replacement cost voluntarily** or due to natural causes may not be reconstructed except in accordance with the provisions of this article; however, any sign destroyed or damaged to any extent by vandalism may be rebuilt to its original state within six (6) months or otherwise it must be reconstructed in conformance with this article.
  4. Normal maintenance which does not require modification of the sign structure, supports or members shall be permitted. A face change is considered normal maintenance.
  5. In order to provide an incentive for removal of nonconforming signs, permit fees and city use tax will be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations.
- B. *Discontinued business, etc.* Whenever a use of land and/or building using an identification sign is discontinued, except for seasonal uses pursuant to subsection A.2., above, the sign shall be removed or obscured by the person owning the property within thirty (30) days after the discontinuance of such use. Any such sign which is nonconforming to these regulations and which is not used to advertise an active business within sixty (60) days of discontinuance shall be removed or otherwise brought into compliance.

#### **Sec. 26-707. - General provisions/performance standards.**

Some text has been added, and for the ease of review they are denoted below with a single asterisk (\*) and **bold text**.

- A. *Sight distance triangle.*
1. No sign is allowed which would violate the sight distance triangle requirements of section 26-603B.
  2. At signalized intersections, where both streets are collectors and/or arterial, the required sight distance shall be governed by the standards set forth in the most current edition of the policy on geometric design of highways and streets, published by the American Association State Highway and Transportation Officials (AASHTO).
- B. *Location of signs.*
- \*1. All signs allowed by this article, except billboards, public signs, and signs permitted under the criteria in section 26-708.F **must be owned by the same person or entity owning or leasing the property on which the sign is placed.**
- C. *Streets and rights-of-way.*
1. No sign shall be erected in such a location as to interfere with motor vehicle or pedestrian traffic.
  2. No sign is allowed in the public right-of-way, with the exception of:
    - a. Signs on bus benches and shelters pursuant to Article IV of Chapter 21;
    - \*b. Public, traffic, regulatory, and **blade** signs; and
    - c. Signs permitted under the criteria in section 26-708.F.
  3. No sign is allowed which may be construed as a traffic sign or signal or which may be confusing to motorists or mistaken as a traffic signal.
  - \*4. **For temporary signs**, where it is difficult to determine the public right-of-way boundary due to lack of curb, gutter and/or sidewalk, or survey markers, such boundaries shall be presumed to be ten (10) feet from the edge of pavement or back of curb. Where a sidewalk exists, such boundaries shall be presumed to be two (2) feet from outside edge of sidewalk.

5. Attachment of any sign to utility poles or other poles or structures within public right-of-way is prohibited, except as approved by city council pursuant to this article.
6. Temporary signs found by an enforcement officer to be located within city right-of-way or in violation of sight triangle requirements shall be removed by such enforcement officer with no requirement of notice.

D. *Interference.*

1. No sign is allowed which employs a lighting or control mechanism which causes radio, radar, cellular telephone or television interference.
2. No sign is allowed which, even though in general conformance with the standards and requirements of this sign code, is judged by the chief of police and public works director as a dangerous sign due to interference with a traffic control device by being in direct line between the control device and oncoming traffic or otherwise in visual competition with a traffic control device.

E. *Compliance with building codes.*

1. No sign shall be erected, constructed or maintained which obstructs or is attached to any fire escape, window, door or opening used as a means of egress or ingress or for firefighting purposes, or is placed which interferes with any opening required for light or ventilation.
2. No sign is permitted which is structurally unsafe as determined by the chief building official, based upon criteria established in the adopted building codes.
3. The design of all sign structure members and foundation shall conform to the requirements of the building code relative to allowable stresses, materials and engineering standards. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the building code, and material construction shall be of the quality and grade required by the building code. All signs and structures shall be designed and constructed to meet the adopted building and electrical codes.

F. *Outside display.*

1. Notwithstanding the provisions of section 26-631, any merchandise displayed outside of a building in such a way as to attract attention when viewed by the general public by placement upon a pole, a fence, a platform, roof or other similar device or structure shall be considered a sign and is prohibited. This shall not, however, be construed to prohibit merchandise customarily stored outside of buildings and placed upon shelves or tables, such as automobiles, campers, boats, plant materials, produce or lumber.

G. *Illumination.*

1. All illuminated signage shall comply with section 26-503 of the zoning and development code.
2. Signs within one hundred (100) feet of a residential structure, may be lighted indirectly or internally.
3. Signs over one hundred (100) feet from a residential structure, may use any type of lighting source, except search or flashing lights, provided that they are shaded, shielded or directed so that the light shall not adversely affect surrounding premises or interfere with safe vision on public or private roadways, including highways.
4. All direct and indirect lighting sources shall be downcast to reduce glare, sky glow and light pollution.
- \*5. In the MU-N district, illuminated signs are encouraged to be turned off when businesses are not in operation.**
- \*6. Internally illuminated, translucent signs should have the typography lighter than the sign background. Opaque sign faces with internally-illuminated translucent typography or internally-illuminated individual channel letter with translucent faces are acceptable.**



- \*7. Sign lighting should be consistent with the lighting of building elements and storefront lighting.
- \*8. It is encouraged that sign faces be of darker hue with light colored text to prevent light glare emitted at night.
- \*9. Signs adjacent to residential neighborhoods should be turned off after business hours.
- \*10. The nighttime illumination of changeable copy signs shall conform with the following criteria:
  - a. Illumination measurement criteria: The illuminance of a changeable copy sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two (2) decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color capable changeable copy sign, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in the table.
  - b. Illumination Limits: The difference between the off and solid-message measurements using the measurement criteria shall not exceed 0.3 footcandles at night.
  - c. Dimming Capabilities: All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically determines the ambient illumination and programmed to automatically dim according to the ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

H. *Maintenance.*

- 1. Any sign, including temporary signs that becomes discolored, ragged, shredded, detached, etc., shall be removed or repaired.

I. *Removal or reconstruction of dangerous signs.*

- 1. All signs which are prohibited shall conform to the provisions of this article either by removal or reconstruction, whichever applies, within sixty (60) days after the owner of such sign is notified of the violation.

**Sec. 26-708. - Miscellaneous provisions.**

Former subsection C (Freestanding signs. Commercial, industrial, and mixed use zone districts) and D (Freestanding signs. Residential, agriculture and public facilities zone districts) have been removed from this section and placed within their respective sign standards sections that follow in Section 26-709.

A. *Building addresses.*

- 1. House or building address number signs shall be consistent with section 26-639 of the zoning and development code and **established city policy**.

B. *Signs located on bus benches and bus stop shelters.*

- 1. Signs located on bus benches shall be in conformance with Code of Laws, article IV, section 21-124.
- 2. Signs located on a bus stop shelter shall be in conformance with Code of Laws, article IV, section 21-151. Such signs shall be limited to two (2) faces per shelter with a maximum of twenty-four (24) square feet per face.

C. *Home Occupations*

- 1. Home occupations must comply with Section 26-613 of the Municipal Code.

**ATTACHMENT 2**

**2. Residential units with an approved home occupation business license through the City, are allowed one freestanding or wall-mounted non-illuminated sign.**

**D. Master sign plan.**

1. The planning commission may approve a master sign plan for any existing or proposed commercial, mixed use, or industrial development of at least two (2) acres or more in size which is under unified control either by ownership, legal association or leasehold.
2. The intent and purpose is to encourage well-planned and designed signage within a large multiple building or multiple use complex which expresses unification and integration by elements of architectural style, size, color, placement and lighting. An additional purpose is to encourage the elimination of existing nonconforming signs. The planning commission may grant as a bonus for well-designed plans additional signs and/or up to a fifty (50) percent increase in maximum square footage for each sign, and/or may permit signs in locations other than normally permitted, based upon a finding that the proposed master sign plan substantially meets the intent and purpose of this subsection relating to unification and integration of signage.
3. Once approved at a public hearing by planning commission, all master sign plans shall be recorded with the Jefferson County Recorder's Office and shall constitute a covenant and must be complied with by all owners, proprietors, lessees or assigns, whether current or future. No substantial variation from the plan shall be permitted without planning commission approval. Noticing requirements for a master sign plan process shall follow the procedures outlined in section 26-109.

**E. Signs in the right-of-way.**

1. The community development director and public works director may jointly approve freestanding signs which are otherwise permitted to advertise a property, to be located in the public right-of-way immediately adjacent to that property, subject to all of the following criteria:
  - a. There are no viable alternative locations on the subject property;
  - b. The sign is for a property with commercial or mixed use zoning;
  - c. The sign will be within right-of-way that is immediately adjacent to the subject property;
  - d. The sign is not in the right-of-way of a state highway;
  - e. There are no immediate plans for widening the street as identified in the five-year capital investment program (CIP) or planning documents;
  - f. The sign is not for a site being completely redeveloped with new construction, in which case the proposed design should incorporate the sign on site;
  - g. No underground utilities, except for electricity, exist in the proposed location for the sign;
  - h. The sign does not obstruct the sidewalk or vehicular traffic;
  - i. The sign complies with sight distance triangle requirements per section 26-603.B;
  - j. The sign is not located in the landscape buffer or amenity zone located between the back of curb and the sidewalk;
  - k. The sign is not a pole sign; and
  - l. The sign must **be in lieu of a freestanding sign otherwise** located only on the immediately adjacent property for which sign is permitted.
2. Signs that meet the above criteria shall obtain a sign permit through the community development department and a right-of-way use permit through the department of public works.
3. Notwithstanding section 26-115, the decision of the community development director and public works director to grant or deny a permit under this subsection F. shall be the final decision of the city, appealable only to the district court.



- F. *Signs in mixed use zone districts.* Signs in any mixed use zone district must also comply with requirements in section 26-1113.
- G. *Signs for marijuana-related businesses.* No permanent or temporary sign associated with a marijuana-related business licensed pursuant to Articles XII and/or XIII of Chapter 11 may be installed or located until reviewed and approved by the city. See sections 11-296, 11-306, 11-406 and 11-417.

The former sections 26-709 (Residential, agriculture and public facilities zone districts signs standards chart), 26-710 (commercial, industrial and mixed use zone districts sign standards chart) have been entirely removed. The new sections are as follows: Section 709: Permitted sign types, Section 710: Permanent Sign Standards, Section 711: Temporary Sign Standards. The quantitative standards within each of these sections has not changed. The information has been reformatted, and specific sign types in violation of Reed v Gilbert have been removed. New sign types that do not address content have been added to address the gaps created by the deletion of several sign types. New sign types will be noted with **bold** text and an asterisk (\*). The reformatting of these sections, was to make it easier to navigate for the reader, and for City Staff to enforce. We have utilized a similar premise to the zoning standards section of the Municipal Code, in which you check the permitted sign types, then move forward to either section 710 (permanent) or section 711 (temporary) to find the specific regulations for that sign type, if allowed.

### Sec. 26-709. – Permitted Sign Types.

- A. A summary of sign types addressed in this article are listed in the following tables. The tables identify if signs are permitted (P), not permitted (NP), or permitted in limited (L) circumstances, based on the land use of the property upon which a sign is located.
- B. For purposes of this section only, the following definitions shall apply:
1. Low Density Residential. Land use category for determining allowable signage, both permanent and temporary, for single-family and duplex units.
  2. Multifamily Residential. Land use category for determining allowable permanent signage for residential uses with three (3) or more attached dwelling units.
  3. Multifamily (3-9 units). Land use category for determining allowable temporary signage for moderate intensity multifamily residential uses with three (3) to nine (9) dwelling units.
  4. Multifamily (10+ units). Land use category for determining allowable temporary signage for higher intensity multifamily residential uses with ten (10) or more attached dwelling units.
  5. Nonresidential. Land use category for determining allowable signage, both permanent and temporary, for all commercial, industrial, and other nonresidential uses.
- C. Permanent Signs. For signs that are permitted (P or L), additional standards are found in Section 26-710.

Table 1. Permanent Signs by Land Use			
Type of Sign	Low Density Residential Use	Multifamily Residential Use	Nonresidential Use
Address numbers	P	P	P
Animated	NP	NP	NP
Arcade	NP	NP	P
Barber shop poles	NP	NP	P
<b>*Blade</b>	NP	NP	P
Canopy	NP	NP	P
Changeable copy	NP	NP	P
<b>*Directional</b>	NP	P	P

## ATTACHMENT 2

Flag	P	P	P
Freestanding	L	P	P
Roof	NP	NP	NP
Traffic control or regulatory	P	P	P
Vehicle	P	P	P
Wall or painted	L	P	P
Window or door	P	P	P

D. Temporary Signs. For signs that are permitted (P or L), additional standards are found in Section 26-711.

Table 2. Temporary Signs by Land Use				
Type of Sign	Low Density Residential Use	Multifamily Use (3-9 units)	Multifamily Use (10+ units)	Nonresidential Use
Balloon or inflatable	NP	P	P	P
Banner	NP	P	P	P
Pennant, streamer, and similar devices	NP	P	P	P
Portable	NP	P	P	P
<b>*Yard – Small</b>	P	P	P	P
<b>*Yard – Large</b>	L	L	L	L

## **Sec. 26-710. – Permanent Sign Standards.**

### **A. General.**

1. Where a property is eligible for a permanent sign based on Section 26-709, the standards of this section shall apply.
2. Building permits are required for all permanent signs.
3. Residential zone districts include the entire Residential series (R-1, R-1A, R-1B, R-1C, R-2, R-2A, R-3, R-3A), Agricultural series (A-1, A-2), and Public Facilities (PF)
4. Nonresidential zone districts include the entire Commercial series (NC, RC, C-1, C-2), Mixed Use series (MU-C, MU-C TOD, MU-C Interstate, MU-N), and Industrial Employment (I-E).
5. All permanent signs required building permits.

### **B. Address Numbers.**

1. Must be compliant with Section 26-639 of the Code.
2. Must be compliant with established city policies regarding addressing.

### **C. Arcade Signs.**

1. Definition: Any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.
2. Maximum number: 1 per business
3. Maximum size: 4 square feet
4. Height: Minimum height above street frontage or sidewalk level is 7 feet. See figure #.
5. Location: May not extend above the bottom of eave, balcony, canopy, awning or other structural overhang or passageway to which it is affixed. Can extend into right-of-way with an approved right-of-way permit.

### **D. Barber Shop Poles.**

1. Definition: A sign with a striped interior which may or may not rotate, which is traditionally utilized to signify the presence an establishment within which the practice of barbering is engaged or carried out.
2. Maximum number: 1 per street frontage
3. Height: Pole height cannot exceed 5 feet in total, may not exceed height of building to which it is attached.
4. Location: Must be wall mounted. May extend into the right-of-way with an approved right-of-way permit.

**E. Blade.**

1. Definition: A sign which is affixed to any building, wall or structure and which extends beyond the building wall more than twelve (12) inches. Projection shall extend no more than 48 inches away from the structure to which the sign is attached.
2. Maximum number: 1 per street frontage or business
3. Maximum size:
  - a. For two-dimensional (2D) signs: 1 square foot for each 1 foot of height of the building wall to which the sign is to be attached.
  - b. For three-dimensional (3D) signs, as defined in subsection 26-702, 1.75 cubic feet for each 1 foot of height of the building wall to which the sign is to be attached.
4. Height: May not extend above the top of the wall or parapet; not to be roof mounted. Minimum height clearance 7 feet above street frontage or sidewalk.
5. Location: May extend into the right-of-way with an approved right-of-way permit.
6. Additional standards:
  - a. Blade signs are encouraged in the Traditional Overlay areas, as defined by the Architectural and Site Design Manual.
  - b. Wall signs and projecting signs are allowed on the same wall within the Traditional Overlay.
  - c. Blade signs should not be located closer than twenty-five (25) feet apart unless the signs works together to make a unified and compatible design or the sign group is integral to the building architecture, reinforcing a significant building feature such as a primary entry.
  - d. The structural support of projecting signs should be integrated into the design of the sign, either by being simple and inconspicuous, or by being creative in the use of structural elements, lighting, color and materials.

**F. Canopy Signs.**

1. Definition: A sign mounted to a roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.
2. Maximum number: 1 per street frontage or major interior drive
3. Maximum size: Canopy signs may use up to 50% of the allowed wall sign allowance. The size of the canopy sign is to be subtracted from the allowable wall signage.

**G. Changeable Copy**

2. Definition: A sign, either illuminated or nonilluminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically, however, where a change in message occurs no sooner than every eight (8) seconds. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, electronic message centers (EMCs), LEDs, LCDs or a flipper matrix.
3. Prohibition: Changeable copy signs are not be permitted in the MU-N district or the MU-C TOD sub-district.
4. Maximum number: 1 per street frontage, but no more than 2 per development
5. Maximum size:
  - a. In residential zone districts, a maximum of 32 square feet per sign



- b. In nonresidential zone districts, the freestanding and wall signage size regulations (Sec. 26-710.G. and 26-710.K.) apply.
6. Height:
  - a. In residential zone districts , a maximum of 7 feet
  - b. In nonresidential zone districts, freestanding and wall signage height regulations (Sec. 26-710.G. and 26-710.K.) apply
7. Location: For freestanding changeable copy signs, the minimum setback is 5 feet from any property line
8. The time lapse between the change in information shall not be less than eight (8) seconds.

*H. Directional.*

1. Definition: A freestanding or wall-type sign, not located within the public street right-of-way, providing necessary directional information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Directional signs shall be clearly incidental to the primary signage on a property, in both height and sign area.
2. Maximum number: No limit
3. Maximum size: 4 square feet per side
4. Height: If freestanding, shall not exceed 36 inches in height if within a required sight distance triangle, or 48 inches where outside of a sight distance triangle.

*I. Flag.*

1. Definition: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.
2. Must conform to the setbacks requirements the underlying zone district.
3. Maximum flagpole height of 35 feet.

*J. Freestanding.*

1. Definition: A sign that is permanent and self-supporting, being nondependent on support from a building or other structure, including signs placed upon fences or nonsupporting walls. This includes pole-mounted or monument signs.
2. Owner permission required: Single tenant signs on multitenant properties must provide property owner permission with the building permit application.
3. Design:
  - a. Except within the MU-C Interstate sub-district, new pole signs shall not be allowed *OR* New pole signs shall not be allowed in any MU zone district, except the MU-C Interstate sub-district.
  - b. The base of a freestanding monument sign shall be consistent with the materials of the building with which it is associated.
  - c. The materials of new freestanding signs shall be similar or closely related to the materials of the primary structure(s).
  - d. For new development or total redevelopment, all freestanding signs shall be placed within landscaped areas.
  - e. Monument signs, rather than pole signs, are strongly encouraged for all new development.
  - f. Pole signs are strongly discouraged with new development, unless the development is located within ¼ mile of the interstate and a highway-oriented sign is proposed.
  - g. Consolidated monument signage is encouraged in multiple use developments.
4. Multiple signs: Where multiple freestanding signs are permitted pursuant to this section, the following standards shall apply:
  - a. Where two (2) freestanding signs are permitted by virtue of multiple street frontage, each permitted sign shall be allowed to have the maximum square footage allowed as noted in this subsection. In addition, the sign area allowed may be transferred from one (1) sign to another; provided, that no freestanding sign shall exceed four hundred (400) square feet in area.

- b. Where multiple signs are permitted because of multiple street frontage, the signs may be erected on the same street frontage.
  - c. For double-faced signs, each sign face can have the maximum square footage allowed.
- 5. For single family uses
  - a. Not permitted, except for as allowed by the home occupation regulations.
- 6. For multifamily uses:
  - a. Maximum number: 1 per street frontage
  - b. Maximum size: 32 square feet
  - c. Minimum setback: 5 feet from any property line
  - d. Maximum height: 7 feet
- 7. For nonresidential uses in residential zone districts:
  - a. Maximum number: 1 per street frontage
  - b. Maximum size: 32 square feet
  - c. Minimum setback: 5 feet from any property line
  - d. Maximum height: 7 feet
- 8. For nonresidential uses in nonresidential zone districts:
  - a. Maximum size: Based upon Table 3 below.
  - b. Minimum setback: Based upon height and adjacent zoning:
    - i. 10 feet if adjacent to residentially zoned properties
    - ii. 5 feet from ROW if under 7 feet tall
    - iii. 10 feet from ROW if 7-15 feet in height
    - iv. 30 feet for signs over 15 feet in height
  - c. Maximum height: Based upon zoning and location:
    - i. 7 feet in all mixed use zone districts
    - ii. 50 feet for retail and service businesses within ¼ mile of an interstate highway measured from the property line
    - iii. 15 feet for all other freestanding signs

Table 3. Maximum sign area for freestanding signs for nonresidential uses in nonresidential zone districts		
Floor Area of Building*	Single Tenant Sign	Multiple Tenant Sign
0—1,500 s.f.	35 s.f.	60 s.f.
1,501—5,000 s.f.	35 s.f. plus 1 s.f. per each additional 50 s.f. of floor area over 1,501.	60 s.f. plus 1 s.f. per each additional 40 s.f. of floor area over 1,501.
5,001—50,000 s.f.	100 s.f. plus 1 s.f. per each additional 500 s.f. of floor area over 5,001.	150 s.f. plus 1 s.f. per each 300 s.f. of floor area over 5,001.
Over 50,001 s.f.	190 s.f. plus 1 s.f. per each additional 1,000 s.f. of floor area over 50,001 up to a maximum size of 300 s.f.	300 s.f. plus 1 s.f. per each additional 1,000 s.f. of floor area over 50,001 up to a maximum size of 400 s.f.
*In computing allowable sign size, only the footprint of the structure can be used. The floor area of gas station canopies and drive-thru canopies cannot be applied toward the freestanding sign allowance.		

- 9. Home Occupations
  - a. Must be in compliance with Section 26-613 of the Municipal Code.
  - b. Must have an approved business license through the City.
  - c. Permitted to have one non-illuminated sign up to 2 square feet in size.
- 10. 3D signs: Three-dimensional (3D) signs, as defined in subsection 26-702, are permitted the sign allowances listed in this subsection multiplied by 1.75, as measured in cubic feet.

**K. Traffic control or regulatory.**

1. Definition: Signs, signals or markings placed or erected by federal, state or local authority of the purpose of regulating, warning or guiding traffic
2. Location: May be placed by the federal, state or local authority within the public right-of-way.

**L. Wall or painted.**

1. Definition: A sign constructed of durable materials which is permanently affixed to an exterior surface of any building, wall or structure or painted directly on the exterior surface of a building, wall or structure which does not extend more than 15 inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered wall signs.
2. Maximum number:
  - a. 1 per street frontage or major interior drive per activity
  - b. For uses which have a rear entry or delivery door, 1 nonilluminated wall sign per use is also permitted.
3. Maximum size: No larger than 1 square foot for every linear foot of the side of the building to which it is affixed.
4. Location:
  - a. Signs may only be affixed to walls which are parallel with public streets or major interior drives, as determined by the community development director
  - b. For buildings with flat roofs, wall signs shall not extend above the top of the parapet or mansard, and if placed upon a parapet or mansard shall not extend more than 3 feet above the deck line.
5. Other: Signs affixed to canopies shall be considered wall signs and shall be calculated based upon the length of the wall to which they are attached or adjacent.
6. Home Occupations
  - a. Must be in compliance with Section 26-613 of the Municipal Code.
  - b. Must have an approved business license through the City.
  - c. Permitted to have one non-illuminated sign up to 2 square feet in size.
7. Additional standards
  - a. Signs attached to a structure should be human-scaled and well-designed to contribute to the character of a street.
  - b. Building wall signs shall complement the building's architecture and fit within the architectural features of the façade so they do not overlap windows or columns.
  - c. Innovative and unique sign graphics are encouraged.

**M. Window or door.**

1. Definition: Any signs or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.
2. Maximum size: Sign shall not obstruct more than 25 percent of the door or window area
3. Other: The material, installation and/or size of window or door signs shall not negatively affect compliance with the transparency standards established in Article XI. Mixed Use Zone Districts and in the Architectural and Site Design Manual.

**Sec. 26-711. – Temporary Sign Standards.**

**A. General.**

1. Where a property is eligible for a temporary sign based on Section 26-709, the standards of this section shall apply.
2. Maximum number: Where a property is eligible for a temporary sign based on Section 26-7##, only one (1) temporary sign per business or dwelling unit may be placed on eligible property at any given time, with the exception of seasonal signs as described in subsection F below.
3. Illumination of temporary signs is prohibited.
4. Temporary signs do not require building permits.



**B. Balloon or inflatable.**

1. Definition: Any sign consisting of material intended to be filled with air or helium, or have air blown through in order to create a visual attraction; this is inclusive of air dancers, inflatables caricatures, all types and sizes of balloons, and similar devices.
2. Height: Cannot exceed the maximum permitted building height for the zone district in which they are located measured from existing grade.
3. Location: May not be located within the public right-of-way.
4. Other: Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians. Roof mounting is permitted.

**C. Banner.**

1. Definition: A sign or advertising display constructed of cloth, canvas, fabric or other light material that is mounted with no enclosing framework intended to be displayed for a short period of time.
2. Maximum size: Total size for any single or combined banners affixed to a wall based on one half (1/2) the allowance for wall signs.
3. Location: May be placed upon a building wall but shall not be attached to fencing, landscaping, freestanding posts or utility poles. Banners may be placed only on walls facing a public street or major interior drive.
4. Other: Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

**E. Pennant, streamer, and other similar device.**

1. Definition: A sign made of flexible materials intended to create a visual attraction through movement or combining similar sign types to create the impression of a line. This is inclusive of flutter flags.
2. Location: Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

**F. Portable.**

1. Definition: Any sign which is supported by one (1) or more uprights or braces upon the ground and which is of portable design, such as A-frame or pedestal style signs.
2. Maximum size: 6 square feet per side per sign
3. Setback:
  - a. 5 feet from any street right-of-way line if taller than 36 inches
  - b. 2 feet from any street right-of-way line if 36 inches or less in height
4. Location:
  - a. May be located on a sidewalk within private property, provided that adequate clearance exists to meet ADA requirements.
  - b. Must be anchored to the ground or weighted sufficiently to prevent movement by wind
  - c. May not be located outside when business is closed.

**G. Yard – small.**

1. Definition: A temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time
2. Seasonal allowance:
3. Maximum size: Shall not exceed four (4) square feet in size per sign
4. Location: Shall not be placed within city right-of-way or municipally owned property.

**H. Yard – large.**

1. Definition: A temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time
2. Maximum size:
  - a. For low density residential uses and multifamily (3-9 units), 9 square feet
  - b. For multifamily (10+ units), 32 square feet
  - c. For nonresidential uses, 32 square feet
3. Minimum setback: 5 feet
4. Maximum height: Shall not exceed 7 feet in height
5. Location: Allowed only on properties with active listings for sale or for rent, or on properties with active building permits

**Sec. 26-712. - Billboards; specifications and regulations.**

There have been no changes to this section, other than the section number has changed from 711 to 712.