

ARTICLE V. SIGNS*

DIVISION 1. GENERALLY

Sec. 59-536. Scope.

This article shall govern and control the erection, remodeling, enlarging, moving, operation and maintenance of all signs by permitted uses within all zoning districts established by this chapter. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations.

(Code 1950, § 613.1)

Sec. 59-537. Signs permitted in all districts.

(a) *Signs not subject to a permit.* The following signs may be erected in all districts without a permit:

- (1) Signs required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the signs are required or authorized;
- (2) Signs limited in content to name of occupant and address of premises; signs of danger or a cautionary nature which § 59-537 are limited to: wall and ground signs; not more than two (2) per street front for each use by right, or two (2) for each dwelling unit; not more than four (4) square feet per sign in area; not more than ten (10) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- (3) Signs in the nature of cornerstones, commemorative tables and historical signs which are limited to: and ground signs; not more than two (2) per zone lot; not more than six (6) square feet per sign in area; more than six (6) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- (4) Signs which identify by name or number individual buildings within institutional or residential building group complexes and which are limited to: wall and ground signs; not more than four (4) signs per building; not more than twenty (20) square feet per sign in area; not more than twelve (12) feet in height above grade; any location on the

***Editor's note**—Ord. No. 361-03, § 4, adopted May 23, 2003, renumbered article IV as article V.

Cross references—Advertising, Ch. 3; signs generally, Ch. 46; regulations for signs permanently occupying public right-of-way, § 49-436 et seq.

State law reference—Outdoor advertising, C.R.S. 1973, 43-1-401 et seq.

zone lot; may be illuminated from a light source which does not flash, blink or fluctuate and if directly illuminated does not exceed twenty-five (25) watts per bulb, shall not be animated;

- (5) Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year; and may be of any type; number; area; height; location; illumination or animation;
- (6) Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot.
 - a. Shall be limited to:
 - i. Window signs;
 - ii. Banners with commercial advertising copy;
 - iii. Wall signs or posters which have been treated so as to be shielded from the elements (water, wind, sun, etc.);
 - iv. Streamers which are attached to vehicles located in the front row only of retail car lots when said vehicular sales lot is located on an arterial street and is not across from a residential zone district; and
 - v. Window graphics consisting of paint or decals applied directly to glazing; and
 - b. Shall meet the following conditions:
 - i. Shall be maintained in a clean, orderly and sightly condition;
 - ii. Shall be placed in/on ground level windows/walls only (except for streamers);
 - iii. Shall be limited in placement to forty-five (45) days for sign or copy;
 - iv. May be illuminated only from a concealed light source;
 - v. Illumination shall not flash, blink or fluctuate;
 - vi. Shall not be animated;
 - vii. Shall be placed only on the business structure (except for streamers);
 - viii. Shall not exceed fifty (50) percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus either sixty-five (65) percent of the unused permitted permanent sign area or sixty (60) percent of the ground level window area, whichever is greater, neither of which is to exceed seventy-five (75) square feet.
 - c. The zoning administrator may allow additional temporary signage area up to one hundred (100) square feet upon application in specific cases providing that the procedure outlined in section 59-41(b) is satisfied.
 - d. All portable signs regardless of location are specifically not allowed.

- e. Parked motor vehicles and/or trailers are not allowed to be intentionally located so as to serve as an advertising device for a use by right, product or service.
(Ord. No. 852-92, eff. 11-27-92; Ord. No. 468-05, § 18, eff. 7-15-05)
- (7) Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to: wall, window and ground signs; one (1) sign per zone lot; not more than five (5) square feet in area per face; not more than six (6) feet above grade; no illumination; and no animation;
- (8) Signs commonly associated with and limited to information and directions relating to the permitted use on the zone lot on which the sign is located, provided that each such sign is limited to wall, window and ground signs; not more than one hundred (100) square inches per sign in area, except that notwithstanding other limitations of article V, golf course tee box signs may contain up to eight (8) square feet of sign area of which one (1) square foot may be devoted to advertising; not more than eight (8) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement;
- (9) *Political and noncommercial signs on residential property.*
- a. Political and noncommercial signs may be erected on any zone lot.
- b. Political and noncommercial signs shall be limited to the following types:
- i. Wall signs;
 - ii. Window signs; and
 - iii. Ground signs not more than six (6) feet above grade.
- c. The size of each political or noncommercial sign erected on any zone lot shall not exceed the area of eight (8) square feet.
- d. Political and noncommercial signs shall meet the following conditions:
- i. Shall be maintained in a clean, orderly, and sightly condition;
 - ii. Shall not be illuminated;
 - iii. Shall not be animated;
 - iv. Shall not flash, blink, or fluctuate.
- (Ord. No. 417-08, § 3, eff. 8-15-08)
- (10) Political or noncommercial signs erected on commercial property shall be subject to the regulations, limitations, and restrictions, applicable to temporary commercial signs as set forth in subsection 59-537(a)(6), except that subsection 59-537(a)(6)b.iii. shall not apply.
(Ord. No. 537-96, eff. 7-5-96; Ord. No. 417-08, § 3, eff. 8-15-08)

- (11) Signs that identify a business which was a permitted use on a zone lot but that, under threat of a government entity exercising its powers of eminent domain, has relocated. The sign shall be limited:
 - a. To thirty-two (32) square feet and shall not be more than six (6) feet above grade.
 - b. In content to the name of the business, the business logo, the new location of the business and when the business will reopen, or that it has reopened, at the new location.
 - c. To wall or ground signs set back a minimum of five (5) feet from the front line of the zone lot, provided, however, that a wall sign attached to structural wall of a building need not meet the setback requirement.
 - d. To being posted for one hundred eighty (180) days or sixty (60) days after the business has reopened at its new location, whichever is shorter.

(Ord. No. 627-09, § 1, eff. 11-6-09)

(b) *Signs subject to a permit.* Upon application to and issuance by the department of zoning administration of a permit therefor, the following signs may be erected and maintained in all zoning districts:

- (1) Signs which are not visible from any public right-of-way or from any level whatsoever of any other zone lot; may be illuminated but such illumination shall not be visible beyond the boundaries of the zone lot on which the sign is located; shall not be animated;

(Ord. No. 439-92, eff. 7-10-92)

- (2) Signs identifying home occupations where such home occupations are permitted in section 59-89(3);

(Ord. No. 254-94, eff. 4-8-94)

- (3) Signs displaying only the name and address of a subdivision or of a planned building group of at least eight (8) buildings each containing a use or uses by right and limited to: wall and ground signs; one (1) per street front; not more than twenty (20) square feet per face in area; not more than six (6) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- (4) Signs consisting of illuminated buildings or parts of buildings which do not display letters, numbers, symbols or designs and limited to: illumination from a concealed light source which may not flash or blink, but may fluctuate by a change of color or intensity of light, provided that each change of color or dark to light to dark cycle shall have a duration of one and one-half minutes or longer; shall not be animated;
- (5) Signs giving parking or traffic directions and other directional information commonly associated with and related to the permitted use on the zone lot on which the sign is located; provided that such signs are limited to: wall and ground signs; one (1) sign for every one thousand (1,000) square feet of land area up to ten thousand (10,000) square feet, thereafter only one (1) additional sign for every five thousand (5,000) square feet;

not more than four (4) square feet per face in area, not more than six (6) feet in height above grade; may be illuminated from a concealed light source which does not flash, blink or fluctuate: shall not be animated;

- (6) Signs on canopies or awnings located over public rights-of-way or into any required front setback space; limited in content to name of building, business and/or address of premises; no sign shall exceed ten (10) square feet per face in area. All such canopies and awnings over public rights-of-way are subject to approval by the department of public works.
- (7) Off-premises signs identifying new residential developments within the city as regulated by the following provisions. Notwithstanding the provisions of division 3 (outdoor general advertising devices), off-premises signs identifying new residential developments in the city shall:
 - a. Be limited in area to thirty-two (32) square feet per face and shall not be more than six (6) feet in height above grade,
 - b. Be limited in content to the name of the project, the name of the developer or construction company and/or directional information or symbols,
 - c. Be limited to wall signs or ground signs which set back a minimum of five (5) feet from every street right-of-way line,
 - d. Be limited to two (2) signs on each side of a public street for each six hundred-foot length of right-of-way with a minimum spacing of one hundred (100) feet between signs,
 - e. Be limited to no more than six (6) signs per project, and
 - f. Utilize a concealed light source if illuminated and shall not flash, blink, fluctuate or involve animation.

Permits for such signs shall be valid for a period not to exceed one (1) year during the construction, development, original rent-up or sales period, and shall not be renewed for more than three (3) successive periods for the same project.

(Ord. No. 478-82, eff. 9-3-82)

- (8) Signs which identify a structure containing any use by right other than a single unit dwelling. Such signs shall be:
 - a. Limited in content to the identification by letter, numeral, symbol or design of the use by right and/or its address;
 - b. Attached to a fence or wall located on the front line of the zone lot or within the front setback area;
 - c. Limited in number to one (1) sign per street front for each structure;
 - d. Regulated by the sign provisions for the zone district in which the zone lot is located except that the requirements of this section will take priority in case of a conflict;

- e. Counted as a part of the total sign area permitted on the zone lot;
- f. Limited in height to six (6) feet above grade; and
- g. Attached to a fence or wall so that the display surface is parallel to and extends frontward no further than six (6) inches beyond the front plane of the wall or fence.

The term "wall" in this provision refers to a screening or protective wall and does not mean a building or structural wall. Such signs may be illuminated only from a concealed light source which does not flash, blink or fluctuate and shall not be animated.

(Ord. No. 677-82, eff. 12-10-82)

- (9) Inflatables and balloons and/or streamers/pennants shall be allowed as a promotion of a special event only (advertising of a product or service by this manner shall not be allowed except as a part of the promotion of the special event). Inflatables and balloons may be shaped/formed as a product and may have commercial copy; streamers/pennants shall not have any commercial logos or copy; and shall meet the following conditions:

- a. Shall be limited in placement to five (5) days;
- b. Shall be placed on the zone lot as determined by the zoning administrator;
- c. The zone lot shall be allowed no more than one (1) permit per quarter; and
- d. Streamers and/or pennants shall not exceed in measurement two (2) times the zone lot front line measured in linear feet (the property address front line shall be used for this calculation); and shall be counted as part of the maximum allowed temporary sign area at a ratio of one (1) linear foot to one (1) square foot of temporary signage allowed.

The zoning administrator shall issue a summons and complaint for inflatables, balloons, streamers and/or pennants emplaced without a permit and shall not issue a permit for said location for the next event application.

(Ord. No. 852-92, eff. 11-27-92)

- (10) Signs which are works of art as defined by section 20-86 of the Denver Revised Municipal Code. Such signs shall be primarily artistic in nature, but up to five (5) percent of the sign may be the name or logo of a sponsoring organization. The percentage of the sign devoted to the sponsoring organization may be increased up to ten (10) percent of the sign if the zoning administrator, with input from the director of the mayor's office of art, culture and film, determines the portion of the sign devoted to the sponsor does not detract from the artistic quality of the sign.

(Ord. No. 460-93, eff. 6-25-93)

- (11) Off-premises identification sign. A sign identifying a public facility which is located on a different zone lot than that containing the sign. The number, location, height, size and illumination of such signs shall be approved by the director of planning and the zoning administrator or their designated representatives; however, in no case shall

such sign exceed ten (10) feet in height or forty (40) square feet in area. A decision to approve such signs must be based on a favorable evaluation of their compatibility with nearby structures and signs. The installation of such identification signs shall not reduce the size or number of other signs permitted on a specific site by other provisions of article V.

(Ord. No. 714-94, eff. 9-16-94)

(c) *Signs subject to a comprehensive sign plan.* Notwithstanding more restrictive provisions of article V, signs, certain large facilities may have signs according to an approved comprehensive sign plan for the facility.

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(1) *Intent.* The intent of these provisions is to allow flexibility in the size, type and location of signs identifying the use and location of large facilities. Flexibility is generally offered because these facilities often have a need for additional or different types of signage due to the complexity of uses and varied physical layout of the facility. This flexibility is offered in exchange for a coordinated program of signage ensuring a higher standard of design quality for such signs. This process should mitigate any possible adverse impacts of large facility signs on surrounding uses. The flexibility in the size, type and location of signs identifying the use and location of certain large facilities is not a matter of right, and a proposed comprehensive sign plan for a large facility must be reviewed pursuant to the provisions of this subsection 59-537(c).

(Ord. No. 44-10, § 1, eff. 1-25-10)

(2) *Description of qualifying uses.* These provisions shall apply to large facilities located on a zone lot in nonresidential zone districts. Such facilities must have a minimum ground floor area of fifty thousand (50,000) square feet, or a minimum zone lot area of one hundred thousand (100,000) square feet. They may consist of one (1) or more buildings but the site must consist of contiguous zone lots. Streets or alleys do not destroy the contiguity of adjacent zone lots for the purpose of this subsection 59-537(c).

(Ord. No. 598-99, eff. 8-13-99; Ord. No. 44-10, § 1, eff. 1-25-10)

(3) *Process to establish a comprehensive sign plan.*

a. *Plan submittal.* The following items and evidence shall be submitted to the zoning administrator to explain a proposed comprehensive sign plan for a facility:

1. A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, parking areas, landscaped areas, adjoining streets and alleys. A comprehensive sign plan may be a component of a general development plan;
2. Scaled drawings showing the elevations of all existing and all proposed buildings and structures that may support proposed signage;

3. Design descriptions of all signs, including allowable sign shapes, sizes, typography, lighting, exposed structure, colors, and materials, and any information on the frequency of changeable graphics;
 4. All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting, and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;
 5. Calculations of sign area and number.
- b. *Notice to others.* The administrator shall see that notices are placed on the property by the applicant no later than fifteen (15) days after receipt of the application for the proposed plan. The zoning administrator shall also send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of article III, chapter 12 of the Revised Municipal Code and whose boundaries are within three thousand (3,000) feet of the boundary line of the zone lot of the large facility. The zoning administrator shall also send notices to the city councilmember in whose district the large facility is located, and to the at large councilmembers. Such notice shall require that written comments be submitted to the zoning administrator by those persons having a concern with respect to the proposal within thirty (30) days of the date of the notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of chapter 30 of the Revised Municipal Code, the zoning administrator shall notify the landmark preservation commission regarding the proposal.
- c. *Forwarding of a proposed comprehensive sign plan.* The zoning administrator shall consider the concerns expressed by members of the public, neighborhood organizations and councilmembers, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.
- d. *Criteria for review.* The criteria for reviewing proposed comprehensive sign plans are as follows:
1. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.
 2. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate an area.
 3. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend above any building height limit or zoning bulk plane. No flashing, blinking, fluctuating, animated or portable roof sign is allowed.

4. The comprehensive sign plan shall include design guidelines to ensure that all features of the proposed signage, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive and complementary feature of the building which it serves.
 5. Sign design should reflect the existing or desired character of the area. As an example, in a district in which night-time entertainment is concentrated, the intent of this subsection 59-537(c) is to encourage exciting, iconographic, and inventively illuminated signage.
 6. Signs shall be professionally designed and fabricated from quality, durable materials.
 7. The name of a sign sponsor or activity sponsor may be shown on a sign providing it does not occupy more than one (1) percent of the sign area; provided, however, outdoor general advertising devices shall not be allowed.
 8. Signs for accessory uses, which are prohibited by other provisions of article V, are allowed as a part of an approved sign plan.
- e. *Review by the planning board.*
1. The planning board shall hold a meeting and shall require that notices be placed on the property by the applicant at least fifteen (15) days prior to the meeting. The planning board shall also send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of article III, chapter 12 of the Revised Municipal Code and whose boundaries are within three thousand (3,000) feet of the boundary line of the zone lot of the large facility. The planning board shall also send notices to the councilmember in whose district the large facility is located, and to the at large councilmembers. Such notices shall be sent at least thirty (30) days prior to the hearing.
 2. The planning board shall review the zoning administrator's recommendation, the concerns of the public and the criteria for review, and shall adopt a recommendation for denial, approval or approval with conditions. The planning board recommendation shall be forwarded to the zoning administrator no later than fifteen (15) days following the adoption of the recommendation.
- f. *Action.* The zoning administrator shall take action on the proposed comprehensive sign plan within fifteen (15) days after the receipt by the zoning administrator of the planning board's recommendation. The zoning administrator's action, which shall be approval, approval with conditions or denial of the proposed plan, shall take into consideration the criteria for review, the recommendation of the planning board as well as public input. Upon taking action, the zoning administrator shall notify the applicant, appropriate councilmembers and

any registered neighborhood organization which expressed concerns over the plan, either in writing or at the planning board public hearing, of the action taken.

- g. *Changes to the plan.* Any sign changes or additions requested for the facility after the approval of the comprehensive sign plan must be reviewed according to the provisions of this section 59-537(c).
- h. *Effect of the comprehensive sign plan approval.* Once a comprehensive sign plan is approved for a large facility, all signs for that facility shall be reviewed to ensure compliance with the sign plan before a permit is issued.

(Ord. No. 44-10, § 1, eff. 1-25-100)

(4) *Permitted signs.*

- a. Signs described and regulated by subsection 59-537(b)(5), signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by subsection 59-537(b)(9), need not be included in the comprehensive plan. However, other signs permitted by subsection 59-537(b), signs subject to a permit, must be included in the comprehensive sign plan.
- b. Projecting signs may be allowed as part of the sign plan if they conform to the purpose of the vital signs provisions, section 59-554, special provisions for the B-5 and B-7 districts. Except in districts for preservation or on structures for preservation, determination of compliance with section 59-554 shall be made by the zoning administrator. In districts for preservation or on structures for preservation determination of compliance with section 59-554 shall be made by the landmark preservation commission or the lower downtown design review board as appropriate.
- c. Flashing, blinking, moving or fluctuating signs shall not be allowed except when the sign is a projecting sign which is readable only from the 16th Street Mall, in which case the provisions of subsection 59-554(d)(3) shall apply.

(Ord. No. 44-10, § 1, eff. 1-25-10)

- (5) *Rules and regulations.* The planning board has the authority to adopt rules and regulations concerning its review of comprehensive sign plans.

(Ord. No. 44-10, § 1, eff. 1-25-10)

- (6) *Fee.* The fee for review of a comprehensive sign plan for large facilities is five hundred dollars (\$500.00) per facility.

(Ord. No. 44-10, § 1, eff. 1-25-10)

(Ord. No. 765-95, eff. 9-29-95)

(Code 1950, § 613.2; Ord. No. 895-03, §§ 50—54, eff. 12-2-03)

Sec. 59-538. Sign area measurement.

The area of a sign shall be measured in conformance with the regulations set forth in this section, provided that the structure or bracing of a sign shall be omitted from measurement,

unless such structure or bracing is made part of the message or face of the sign. Where a sign has two (2) or more display faces, the area of all faces shall be included in determining the area of the sign unless the display faces join back to back, are parallel to each other and not more than forty-eight (48) inches apart, or form a V type angle of less than ninety (90) degrees.

- (1) *Sign with backing.* The area of all signs with backing or a background material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.
- (2) *Signs without backing.* The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
- (3) *All other signs or combinations thereof.* The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations: the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written represen-

tation (including any series of letters), emblems or figures of a similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing.

(Code 1950, § 613.4)

Sec. 59-539. Nonconforming signs.

(a) *Declaration of public policy.* It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when the owner is allowed to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

(b) *Definition of nonconforming signs.* A nonconforming sign shall be any sign which:

- (1) On March 19, 1971, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this chapter on March 19, 1971, in the district in which the sign is located; or
- (2) On or after March 19, 1971, was lawfully maintained and erected in accordance with the provisions of this chapter effective March 19, 1971, but which sign, by reason of amendment to this chapter effective March 19, 1971, after the effective date, does not conform to the limitations established by the amendment to this chapter effective March 19, 1971, in the district in which the sign is located.

(c) *Continuance of nonconforming signs.* Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after March 19, 1971; provided, however, that no such nonconforming sign shall be changed in any manner that increases the noncompliance of such nonconforming sign with the limitations established by the zoning ordinance effective March 19, 1971, or any amendment to the ordinance in the district in which the sign is located; and provided further, that the right to continue in operation and maintain any nonconforming sign shall be conditioned on the use by right not having more signs than allowed for the particular district in which the use by right is located and that no such nonconforming sign shall flash, blink, fluctuate, be animated or portable.

(d) *Termination of nonconforming signs:*

- (1) *By abandonment.* Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.
- (2) *By violation of chapter.* Any violation of this chapter shall terminate immediately the right to maintain a nonconforming sign.
- (3) *By destruction, damage or obsolescence.* The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or a danger.

(Code 1950, § 613.5)

Secs. 59-540—59-545. Reserved.

DIVISION 2. SIGNS PERMITTED IN ENUMERATED DISTRICTS

Sec. 59-546. Generally.

Upon application to and issuance by the department of zoning administration of a permit therefor, the following signs may be erected and maintained in the enumerated zoning districts in this division.

(Code 1950, § 613.3; Ord. No. 781-93, eff. 10-22-93)

Sec. 59-547. RS-4, R-0, R-1, R-X and P-1 districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign or any type shall be erected or maintained for or by a single unit dwelling except: political and noncommercial signs; signs permitted under sections 59-537(a)(1), 59-537(a)(2), 59-537(a)(5), and 59-537(a)(7) and signs identifying home occupations as regulated by section 59-89(2)c.

(Ord. No. 895-03, § 55, eff. 12-2-03; Ord. No. 417-08, § 4, eff. 8-15-08)

(b) *Permitted contents:* Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.

(c) *Permitted sign types:* Wall, window and ground.

(d) *Permitted maximum number:* Two (2) signs for each front line of the zone lot on which the use by right is located.

(e) *Permitted maximum sign area:*

- (1) Church or school. Twenty (20) square feet or two (2) square feet of sign area for each one thousand (1,000) square feet of zone lot area not, however, to exceed eighty (80) square feet of total sign area for each zone lot.
- (2) Each use by right other than church or school. Twenty (20) square feet or two (2) square feet of sign area for each one thousand (1,000) square feet of zone lot area not, however, to exceed sixty (60) square feet of total sign area for each zone lot and provided that no one (1) sign shall exceed twenty (20) square feet.

(Ord. No. 781-93, eff. 10-22-93)

(f) *Permitted maximum height above grade:*

- (1) Wall and window signs: Twenty (20) feet;
- (2) Ground signs: Six (6) feet.

(g) *Permitted location:*

- (1) *Wall and window signs.* Shall be set back from the boundary lines of the zone lot on which they are located the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign.
- (2) *Ground signs:* Shall be set in at least ten (10) feet from every boundary line of the zone lot.

(h) *Permitted illumination:* May be illuminated but only from a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink or fluctuate.

(i) *Animation:* Shall not be animated.

(j) *Temporary signs:* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

- (1) *Permitted sign types:* Wall and ground.
- (2) *Permitted maximum number:* One (1) sign for each zone lot or designated land area on which the sign is located.
- (3) *Permitted sign area:* Twelve (12) square feet plus one (1) square foot per acre not to exceed fifty (50) square feet for each zone lot or designated land area.
- (4) *Permitted maximum height above grade:* Twelve (12) feet.
- (5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area.
- (6) *Permitted illumination:* May be illuminated but only from a concealed light source, shall not flash, blink or fluctuate and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- (7) *Animation:* Shall not be animated.

(Code 1950, § 613.3-1)

Sec. 59-548. R-2, R-2-A, R-2-B, R-3-X, R-3 and H-1-A districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained

for or by a single unit dwelling except: political and noncommercial signs; signs permitted under sections 59-537(a)(1), 59-537(a)(2), 59-537 (a)(5) and 59-537(a)(7) and signs identifying home occupations as regulated by section 59-89(2)c.

(Ord. No. 895-03, § 56, eff. 12-2-03; Ord. No. 417-08, § 5, eff. 8-15-08)

(b) *Permitted contents*: Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services offered and events.

(c) *Permitted sign types*: Wall, window and ground.

(d) *Permitted maximum number*: Two (2) signs for each front line of the zone lot on which the use by right is located.

(e) *Permitted maximum sign area*:

(1) *Hospitals*. Two (2) square feet of sign area for each five (5) linear feet of street frontage of the zone lot not, however, to exceed ninety-six (96) square feet of sign area to be applied to any one (1) street front and not more than two (2) street fronts, one (1) contiguous with the other, shall be used.

(2) *University or college*. The following regulations shall apply to the campus only and isolated or detached zone lots shall be regulated by the provisions of section 59-548(e)(3): two (2) square feet of sign area for each five (5) linear feet of street frontage of the zone lot; provided, however, that:

a. The total area of all signs along any one (1) street front shall not exceed one hundred fifty (150) square feet of sign area; and

b. No sign over fifty (50) square feet shall be located within one hundred (100) feet of the zone lot line or campus boundary.

(Ord. No. 646-84, eff. 12-17-84; Ord. No. 497-94, eff. 7-8-94)

(3) *Each use by right other than a hospital, university or college*. Twenty (20) square feet or two (2) square feet of sign area for each one thousand (1000) square feet of zone lot area; however, not to exceed ninety-six (96) square feet of total sign area for each zone lot and provided that no one (1) sign shall exceed thirty-two (32) square feet.

(Ord. No. 646-84, eff. 12-17-84)

(f) *Permitted maximum height above grade*:

(1) *Wall and window signs*: Twenty-five (25) feet;

(2) *Ground signs*: Twelve (12) feet.

(g) *Permitted location*:

(1) *Wall and window signs*: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign.

(2) *Ground signs*: Shall be set in at least five (5) feet from every boundary line of the zone lot.

(h) *Permitted illumination*: May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.

(i) *Animation*: Shall not be animated.

(j) *Temporary signs*. Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

(1) *Permitted sign types*: Wall and ground.

(2) *Permitted maximum number*: One (1) sign for each zone lot or designated land area on which the sign is located.

(3) *Permitted sign area*: Fifteen (15) square feet plus one (1) square foot per acre not to exceed one hundred (100) square feet for each zone lot or designated land area.

(4) *Permitted maximum height above grade*: Twelve (12) feet.

(5) *Permitted location of temporary signs*: Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area.

(6) *Permitted illumination of temporary signs*: May be illuminated but only from a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m. and shall not flash, blink or fluctuate.

(7) *Animation of temporary signs*: Shall not be animated.

(Code 1950, § 613.3-2; Ord. No. 796-91, eff. 11-8-91; Ord. No. 1024-02, § 22, eff. 12-20-02)

Sec. 59-549. R-4, R-4-X, R-5, B-1, B-A-1, H-1-B and H-2 districts.

(a) *General*. Signs may be erected, altered and maintained only for and by a use by right or conditional use in the district in which the signs are located; shall be located on the same zone lot as the use by right or conditional use and shall be clearly incidental, customary and commonly associated with the operation of the use by right or conditional use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except: political and noncommercial signs; signs permitted under sections 59-537(a)(1), 59-537(a)(2), 59-537(a)(5), and 59-537(a)(7) and signs identifying home occupations as regulated by section 59-89(2)c.

(Ord. No. 895-03, § 57, eff. 12-2-03; Ord. No. 417-08, § 6, eff. 8-15-08)

(b) *Permitted contents*: Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.

(c) *Permitted sign types*: Wall, window, ground and arcade.

(d) *Permitted maximum number:* Each use by right or conditional use may have the greater number of the following:

- (1) Five (5) signs; or
- (2) Two (2) signs for each front line of the zone lot on which the use by right or conditional use is located.

(e) *Permitted maximum sign area:*

- (1) *Dwelling, multiple unit.* Twenty (20) square feet or one (1) square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed ninety-six (96) square feet of total sign area for any use and not more than thirty-two (32) square feet of sign area to be applied to any one (1) street front.
- (2) *Hotel and motel.* On zone lots having a linear street frontage of one hundred (100) feet or less, one hundred (100) square feet; on zone lots having a linear street frontage of more than one hundred (100) feet, one (1) square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than three hundred (300) square feet of sign area be applied to any one (1) street front. No sign shall exceed three hundred (300) square feet in size.
- (3) *Each use by right or conditional use other than dwelling, multiple unit, hotels and motels.* Twenty (20) square feet or the total permitted sign area for each use by right or conditional use shall be determined by one (1) of the following provisions; not, however, to exceed one hundred ninety-two (192) square feet of total sign area for any one (1) use and not more than ninety-six (96) square feet of sign area to be applied to any one (1) street front:
 - a. For a zone lot having but one (1) use by right or conditional use. Two (2) square feet of sign area for each five (5) linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than two (2) street fronts, one (1) contiguous with the other shall be used.
 - b. For a zone lot having two (2) or more uses by right or conditional uses. Twenty (20) square feet plus one (1) square foot of sign area for each two (2) horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.

(Ord. No. 466-82, eff. 8-27-82)

(f) *Permitted maximum height above grade.*

- (1) *Wall, window and arcade signs:*
 - a. Dwellings, multiple unit and all uses by right other than motel, hotel, office and bank: Twenty-five (25) feet.

(Ord. No. 291-83, eff. 5-31-83)

b. Motel, hotel, office and bank: The roof line of the building to which the sign is attached.

(Ord. No. 291-83, eff. 5-31-83)

(2) *Ground signs*: Twenty-five (25) feet.

(g) *Permitted location*:

(1) *Wall, window and arcade signs*: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.

(2) *Ground signs*: Shall be set in at least five (5) feet from every boundary line of the zone lot. In no case shall there be more than one (1) ground sign applied to any street front.

(h) *Permitted illumination*: May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.

(i) *Animation*: Shall not be animated.

(j) *Temporary signs*. Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

- (1) *Permitted sign types*: Wall and ground.
- (2) *Permitted maximum number*: One (1) sign for each zone lot or designated land area on which the sign is located.
- (3) *Permitted sign area*: Twenty (20) square feet or two (2) square feet of sign area for each acre of zone lot or designated land area not to exceed one hundred fifty (150) square feet.
- (4) *Permitted maximum height above grade*: Twelve (12) feet.
- (5) *Permitted location*: Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area.
- (6) *Permitted illumination*: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink or fluctuate.
- (7) *Animation*: Shall not be animated.

(k) *Joint identification signs*. Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, joint identification signs are permitted for three (3) or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- (1) *Permitted sign types*: Wall and ground.
- (2) *Permitted maximum number*: One (1) wall sign or one (1) ground sign for each front line of the zone lot.
- (3) *Permitted sign area*: One (1) square foot of sign area for each two (2) linear feet of street frontage; provided, however, that the total sign area shall not exceed two hundred (200) square feet.
- (4) *Permitted maximum height above grade*: Twenty (20) feet.
- (5) *Permitted location*: Shall be set back at least five (5) feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a

front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with section 49-436.

(6) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.

(7) *Animation:* Shall not be animated.

(Code 1950, § 613.3-3; Ord. No. 796-91, eff. 1-8-91; Ord. No. 248-97, eff. 5-2-97)

Sec. 59-550. B-2, B-3, and I-0 districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

(Ord. No. 779-96, eff. 9-13-96)

(b) *Permitted contents:* Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.

(c) *Permitted sign types:* Wall, window, ground and arcade.

(d) *Permitted maximum number:* Each use by right may have the greater number of the following:

- (1) Five (5) signs; or
- (2) Two (2) signs for each front line of the zone lot on which the use by right is located.

(e) *Permitted maximum sign area:*

(1) *Hotels and motels.* On zone lots having a linear street frontage of one hundred (100) feet or less, one hundred (100) square feet; on zone lots having a linear street frontage of more than one hundred (100) feet, one (1) square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than three hundred (300) square feet of sign area be applied to any one (1) street front and no sign shall exceed three hundred (300) square feet in size.

(2) *Each use by right other than a motel or hotel.* Fifty (50) square feet, or, the total permitted sign area of each use by right shall be determined by one (1) of the following provisions; provided, however, that no sign shall exceed two hundred (200) square feet in area nor shall the total sign area of any use exceed six hundred (600) square feet:

- a. *For a zone lot having but one (1) use by right.* One (1) square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than two (2) front lines, one (1) contiguous with the other shall be used.

- b. *For a zone lot having two or more uses by right.* For each use by right, one and one-half (1½) square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first two hundred (200) feet of building frontage, then one (1) square foot of sign area for each linear foot of building frontage thereafter.
- (f) *Permitted maximum height above grade:*
- (1) *Arcade signs:* Twenty (20) feet.
(Ord. No. 291-83, eff. 5-31-83)
 - (2) *Ground signs:* Thirty-two (32) feet.
 - (3) *Wall or window signs:* The roof line of the building to which the sign is attached.
(Ord. No. 291-83, eff. 5-31-83)
- (g) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot in zone districts requiring structural setbacks; provided, however, wall signs may project into the required setback space the permitted depth of the sign. In no case shall there be more than five (5) signs applied to any street front.
(Ord. No. 779-96, eff. 9-13-96)
- (h) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.
- (i) *Animation:* Shall not be animated.
- (j) *Temporary signs:* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.
(Ord. No. 779-96, eff. 9-13-96)
- (1) *Permitted sign types:* Wall, window and ground.
 - (2) *Permitted maximum number:* One (1) sign for each front line of the zone lot or designated land area on which the sign is located.
 - (3) *Permitted sign area:* Thirty-two (32) square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
 - (4) *Permitted maximum height above grade:* Twenty (20) feet.
 - (5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area in zone districts requiring structural setbacks.
(Ord. No. 779-96, eff. 9-13-96)

(6) *Permitted illumination:* May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.

(7) *Animation:* Shall not be animated.

(k) *Joint identification signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, joint identification signs are permitted for three (3) or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

(Ord. No. 779-96, eff. 9-13-96)

(1) *Permitted sign types:* Wall and ground.

(2) *Permitted maximum number:* One (1) sign for each front line of the zone lot.

(3) *Permitted area:* The greater number of the following:

a. One hundred (100) square feet; or

b. One (1) square foot of sign area for each two (2) linear feet of street frontage of the zone lot;

provided, however, that the total area of all signs on each front line of the zone lot shall not exceed two hundred (200) square feet.

(4) *Permitted maximum height above grade:* Twenty-five (25) feet.

(5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot in zone districts requiring structural setbacks.

(Ord. No. 779-96, eff. 9-13-96)

(6) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.

(7) *Animation:* Shall not be animated.

(Code 1950, § 613.3-4; Ord. No. 254-94, eff. 4-8-94; Ord. No. 342-99, eff. 5-7-99)

Sec. 59-550.1. Cherry Creek North (CCN) district.

(a) *Purpose.* The purpose of this section is to create a comprehensive and balanced system of signs and street graphics, to facilitate the enhancement and improvement of the Cherry Creek North district through the encouragement of innovative signs and graphics which will aid in the creation of a unique mixed-use neighborhood, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance.

(b) *General.* Signs may be erected, altered and maintained only for and by a use by right in the CCN district; shall be located on the same zone lot as the use by right; and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

(c) *Comprehensive sign plan.* Projecting signs shall be permitted only after a comprehensive sign plan for the entire building containing a use or uses by right has been approved. Such plan shall indicate how signs are allocated among all the individual uses, approximate designated sign locations, and allowable types of sign construction and illumination.

(d) *Design review.* In adopting the rules and regulations governing signage, the following criteria shall be utilized. These criteria shall also be the basis of all findings and recommendations regarding signage that the design advisory board shall forward to the zoning administrator. Signage shall be:

- (1) Compatible with the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
- (2) Compatible with the architectural characteristics of the buildings on which the signs are placed when considered in terms of scale, proportion, color, materials and lighting levels;
- (3) Expressive of the business or activity for which they are displayed;
- (4) Creative in the use of two- and three-dimensional forms, iconographic representations, lighting and graphic design, including the use of color, pattern, typography and materials; and
- (5) Constructed utilizing high quality, durable materials that meet the physical demands of an urban setting.

(e) *Signs subject to a permit.* Section 59-537(b) (signs subject to a permit) shall be in full force and effect in the CCN district. All signs shall be subject to any additional requirements or standards contained within this section and shall be subject to review by the Cherry Creek North (CCN) Design Advisory Board.

(f) *Permitted contents.* Identification by letter, numeral, symbol or design of the use or uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.

(g) *Permitted sign types.* Wall, window, ground, projecting and arcade.

(h) *Permitted maximum number.* Each use by right may have the greater number of the following:

- (1) Five (5) signs; or
- (2) Two (2) signs for each front line of the zone lot on which the use by right is located.

(i) *Permitted maximum sign area.* The permitted maximum sign area for each individual use by right is fifty (50) square feet or the total permitted sign area determined by one (1) of the following provisions, whichever is the greater; provided, however, that no sign shall exceed two hundred (200) square feet in area nor shall the total permitted sign area of any single use by right exceed six hundred (600) square feet:

- (1) *For a zone lot containing only one (1) use by right.* One (1) square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than two (2) front lines, one (1) contiguous with the other, shall be used (refer to illustrative Figure 1. below).

2 Contiguous Frontages (Single-Tenant)

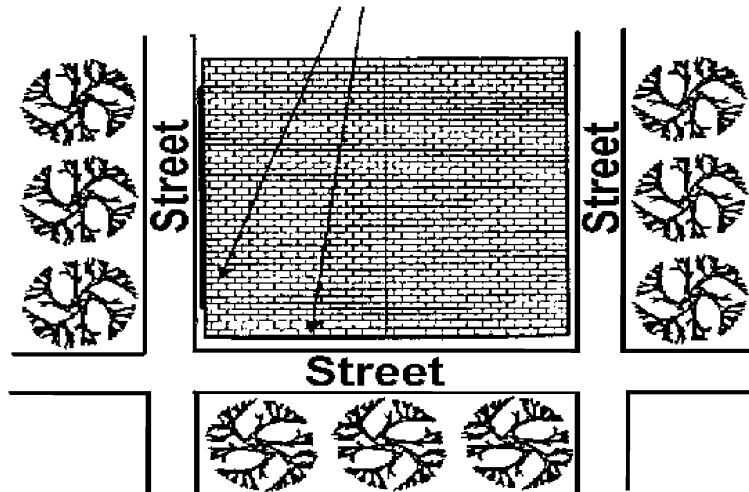


Figure 1

- (2) *For a zone lot having two (2) or more uses by right.* For each use by right, one and one-half (1½) square feet of sign area for each linear foot of that portion of building

frontage occupied by the use by right, for the first two hundred (200) feet of building frontage, then one (1) square foot of sign area for each linear foot of building frontage thereafter (refer to illustrative Figure 2. below).

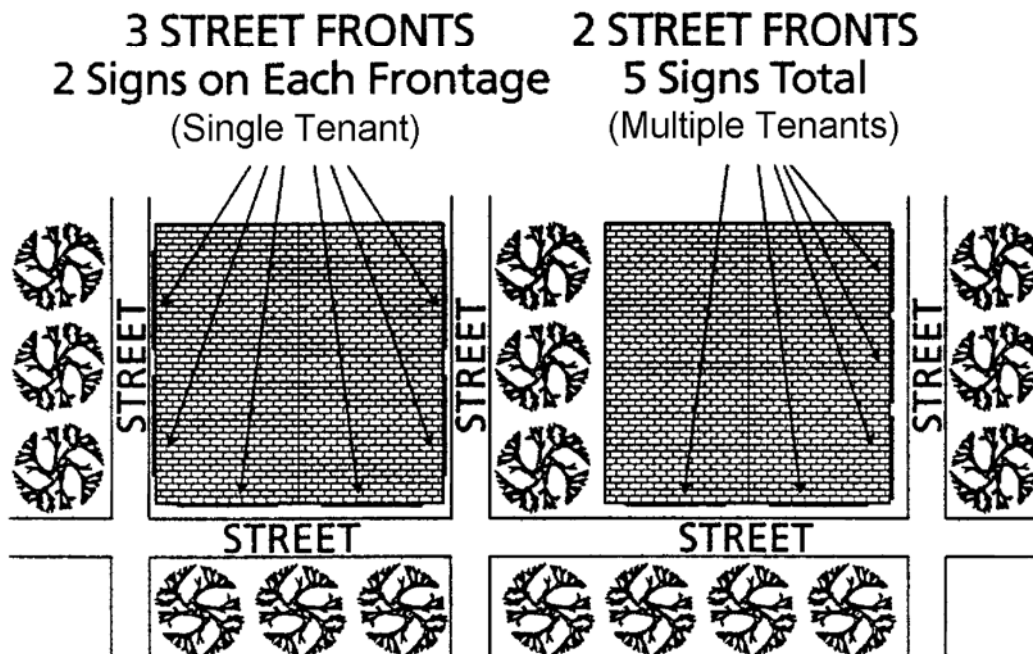


Figure 2.

(j) *Permitted maximum height above grade* (refer to illustrative Figure 3. below):

(1) *Arcade signs*: Ten (10) feet.

(2) *Ground signs*: Five (5) feet.

- (3) *Wall and window signs:* The roof line of the building to which the sign is attached.

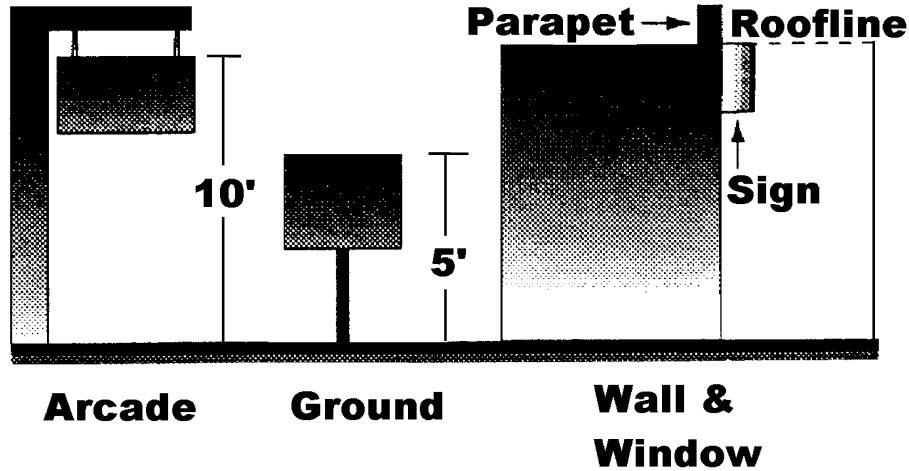


Figure 3.

(k) *Permitted location.* Shall be set in at least five (5) feet from every boundary line of the zone lot; provided, however, wall or projecting signs may project into the required setback space the permitted depth of the sign.

(l) *Permitted illumination.* May be illuminated but shall not flash, blink or fluctuate. Neon lighting is permitted, subject to design review as specified in subsection (d) (design review) above.

(m) *Animation.* Shall not be animated.

(n) *Projecting signs and graphics.*

(1) *Projecting sign volume.* This volume is determined by a calculation using the smallest regular rectilinear geometrical shape encompassing the entire perimeters of the projecting sign. Minor sign elements may project beyond the primary boundaries of this volume subject to design review approval. Minor sign elements are those parts of the projecting sign that add to the design quality without adding significantly to the perceived volume and mass of the projecting sign.

- a. The minimum dimension used in calculating projecting sign volume is one (1) foot.
- b. The maximum sign dimension shall be four (4) feet.

(2) *Permitted maximum projecting sign area.* The permitted projecting sign area under this section shall be deducted from the total permitted maximum sign area for each use as calculated in subsection (i) (permitted maximum sign area) above. For the purposes of this section, one (1) cubic foot of projecting sign or graphic volume shall be considered equivalent to one (1) square foot of sign area.

- (3) *Calculation of permitted maximum projecting sign volume.* The maximum allowable size of individual projecting signs shall be based upon the horizontal linear feet of exterior building frontage facing directly upon the public right-of-way by the use by right. Buildings containing more than one (1) use by right may be limited by the total allowable projecting sign volume for the building as allocated in a required comprehensive sign plan.
- a. *Single uses located at street level having entries and/or windows facing onto a public sidewalk, court or plaza.* The total permitted projecting sign volume shall be determined by one (1) of the following provisions:
1. Uses by right occupying less than fifty (50) linear feet of building frontage may be permitted up to thirty (30) cubic feet of projecting sign volume, however not to exceed four (4) feet in projecting sign height (refer to illustrative Figure 4. below).

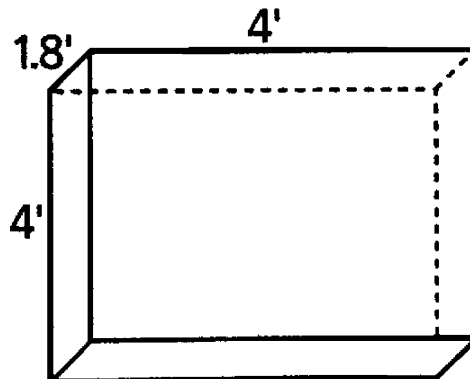


Figure 4.

2. Uses by right occupying more than fifty (50) linear feet or more building frontage may utilize up to sixty-four (64) cubic feet of projecting sign volume, however not to exceed five (5) feet in projecting sign height (refer to illustrative Figure 5. below).

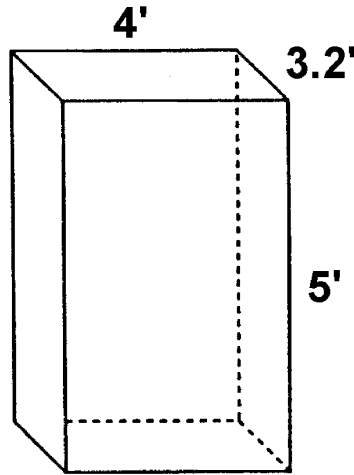


Figure 5.

3. For corner locations the maximum permitted volume of the projecting sign shall be calculated using only the length of the building front on which the projecting sign is attached.
 4. For projecting signs attached directly on the corner of the building the maximum permitted volume of the projecting sign shall be calculated using the length of the longest building front of the two (2) building fronts of the building to which the projecting sign is attached.
- b. *Total maximum permitted projecting sign volume for multiple use buildings.* The sum total permitted projecting sign volume of all the uses in a building shall be limited by the following provisions:
1. *Uses by right with building frontage.* The maximum total volume of projecting signs allowed on the exterior of any building frontage facing onto a public street, court or plaza shall not exceed the sum total volume permitted for all the individual uses occupying that frontage and having direct exposure to the street, court or plaza.
 2. *Uses by right without building frontage.* In order to accommodate projecting signs for all tenants including those located without direct street level exposure, the sum total volume of permitted projecting sign volume as

determined in subparagraph (3)a. of this subsection (n) may be increased by the following amounts, and apportioned among the building tenants through a comprehensive sign plan:

- i. Twelve (12) cubic feet for building frontages less than seventy-five (75) linear feet.
- ii. Twenty (20) cubic feet for building frontages seventy-five (75) linear feet or greater.

(4) *Permitted numbers of projecting signs.*

- a. *Permitted numbers of projecting signs for buildings containing a single use by right.* Limited to one (1) projecting sign for every twenty-five (25) linear feet of exterior building frontage.
- b. *Permitted numbers of projecting signs for buildings containing multiple uses by right.* Uses occupying less than thirty (30) linear feet of exterior building frontage are limited to either one (1) projecting sign as permitted under these regulations or other nonprojecting signs as allowed under this section. For uses occupying thirty (30) or more linear feet of exterior building frontage, the permitted number of projecting signs or graphics in subparagraph (4)a. of this subsection (n) shall apply.

(5) *Projecting sign location and building attachment.* The following limitations shall apply to the location and attachment of projecting signs and graphics to the building wall:

- a. Each use by right may display one (1) projecting sign or graphic on each building front occupied by the use, provided all other criteria for approval are satisfied as required by code;
- b. All projecting signs or supporting structures shall be located at least eight (8) feet above the sidewalk below;
- c. Each projecting sign shall extend not more than one (1) foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) adjacent to such projecting sign on the building facade; and

- d. The maximum projection of signs from the building wall to which it is attached, including all mounting accessories, shall not exceed four (4) feet six (6) inches as measured perpendicularly from the building wall (refer to illustrative Figure 6. below).

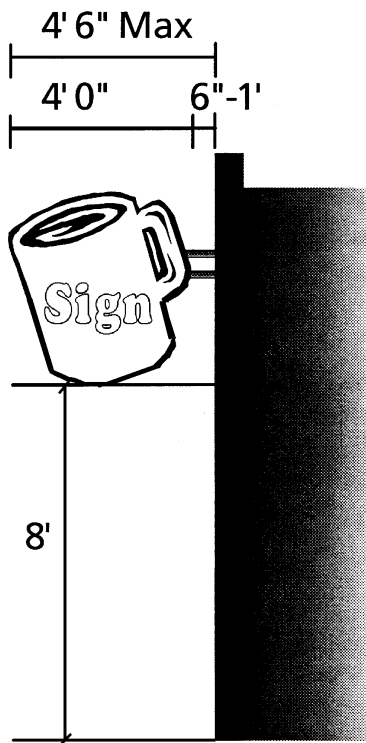


Figure 6.

- (6) *Maximum height of projecting signs.* Maximum height of projecting signs dimensions, volumes and locations are restricted by the dimensions of the building facade on which projecting signs are located and the separations from other tenant projecting signs on

the same building front. Projecting signs shall conform to the criteria in subparagraphs a. and b. below unless modified by design review in accordance with the criteria described in subparagraph c. below:

- a. Projecting signs shall not exceed the height of the parapet of single story buildings (refer to illustrative Figure 7. below);

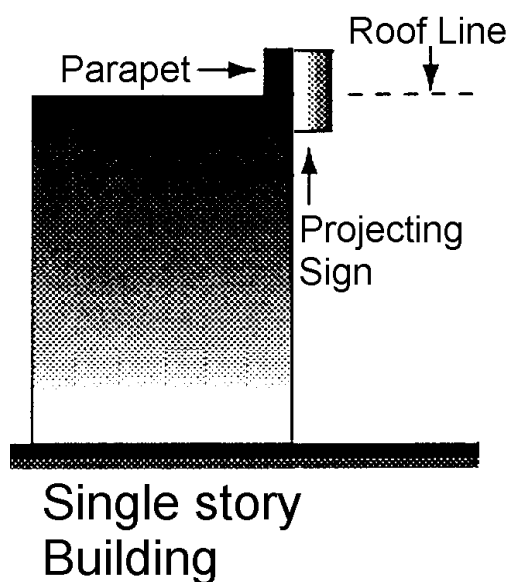


Figure 7.

- b. Projecting signs shall not extend above the sill line of the story above the building floor on which the use is located. Projecting signs for uses located below street level shall not be located or extend above the sill line of the second story (refer to illustrative Figure 8. below); and

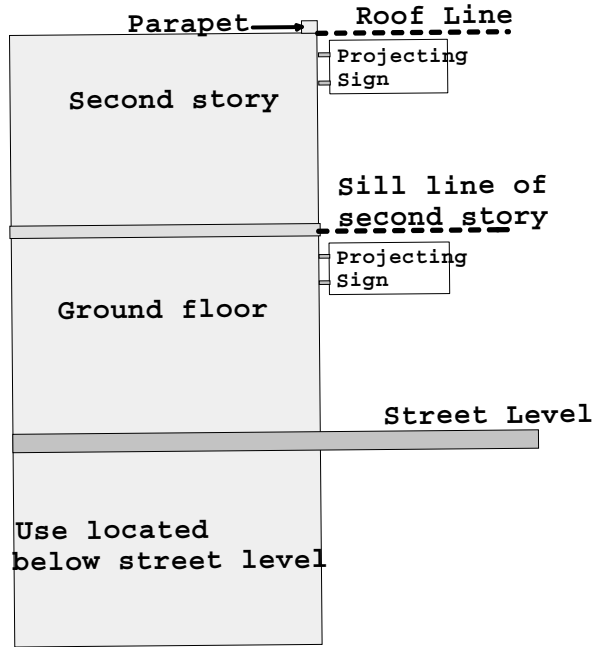


Figure 8.

- c. The following criteria will be considered by the design advisory board in making its recommendation to the zoning administrator who shall determine whether to grant an exception to subparagraphs a. and b. above:
 1. The additional height is integral to the projecting sign's design;
 2. The additional height is compatible with the overall design of the building facade; and
 3. The additional height does not cast shadows or glare on adjoining properties.
- (7) *Separations between projecting signs.* Projecting signs shall be placed not less than twenty-five (25) feet apart without design review approval. In making its findings and recommendations for approval the design advisory board shall consider the following criteria for determining the location of multiple projecting sign groups:
 - a. The projecting signs form a unified and compatible design that is stronger as a group than as a single projecting sign or multiple projecting signs widely separated; and
 - b. The projecting sign group is compatible with the building architecture and/or reinforces a significant building feature such as a primary entry.

(8) *Permitted illumination.* Illumination of projecting signs and graphics is restricted as follows:

- a. Shall be illuminated by indirect sources, including, but not limited to, incandescent fixtures on the projecting sign mounting bracket, on the building face and shall not flash, blink, or fluctuate;
- b. Shall be subject to review and recommendation of the design advisory board to the zoning administrator as to compatibility with the building, surrounding district and adjoining uses;
- c. Shall not be animated.

(o) *Banners.* In addition to all other permitted signs, temporary commercial banners and flags, projecting perpendicularly from a building wall, and providing information related to a specific, temporary event are permitted subject to the following limitations:

- (1) Subject to review and permit;
- (2) Displayed for a specifically designated period not exceeding sixty (60) days in aggregate within a specifically designated three hundred and sixty-five (365) day period;
- (3) Shall not exceed twelve (12) square feet in area per face;
- (4) Shall not exceed one (1) such banner and/or flag for each twenty-five (25) linear feet of building frontage.

(p) *Awnings and entry canopies.* Signs on the ends of awnings and entry canopies, that are perpendicular to the wall to which such awnings and entry canopies are attached, are projecting signs and graphics if they include text and/or graphics intended to promote an onsite use. Such signs and graphics may be permitted subject to the following limitations:

- (1) Signs on fabric or vinyl type nonilluminated awnings located on a surface perpendicular to the face of the building (side panels) not exceeding two (2) square feet, subject to staff review (refer to illustrative Figure 9. below).

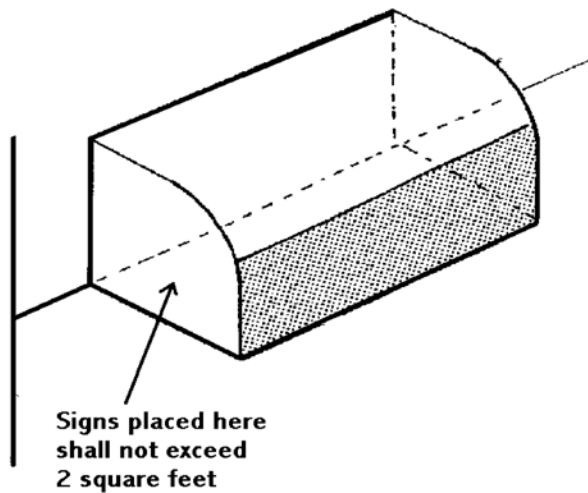


Figure 9.

- (2) Architectural entry canopies, which are permanent structures that are fully supported by the building facade and constructed of materials other than fabric or vinyl type materials, may incorporate signs for one (1) or more tenants as part of their design. The calculation of the volume of signs on canopies uses the following areas:
 - a. The face area of typography and graphics.
 - b. The volume of iconographic three-dimensional sign figures.
- (3) Awnings shall be opaque and shall not be backlit.

(q) *Joint identification signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the zoning administrator of a permit therefor, joint identification signs are permitted for three (3) or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs permitted by subsections (i) through (n) above:

- (1) *Permitted sign types:* Wall and ground.
- (2) *Permitted maximum number:* One (1) sign for each front line of the zone lot.

- (3) *Permitted area:* The greater number of the following:
 - a. One hundred (100) square feet; or
 - b. One (1) square foot of sign area for each two (2) linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on each front line of the zone lot shall not exceed two hundred (200) square feet.
- (4) *Permitted maximum height above grade:* Twenty-five (25) feet.
- (5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot.
- (6) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate.
- (7) *Animation:* Shall not be animated.

(r) *Temporary signs.* Signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area not exempted from permitting under subsection (s) (signs not subject to a permit) below, shall be subject to the conditions hereinafter set forth and upon application to and issuance by the zoning administrator of a permit therefor. Each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

- (1) *Permitted sign types:* Wall, window and ground.
 - (2) *Permitted maximum number:* One (1) sign for each front line of the zone lot or designated land area on which the sign is located.
 - (3) *Permitted sign area:* Thirty-two (32) square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
 - (4) *Permitted maximum height above grade:* Twenty (20) feet.
 - (5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area.
 - (6) *Permitted illumination:* May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.
 - (7) *Animation:* Shall not be animated.
- (s) *Signs not subject to a permit.*
- (1) Section 59-537(a) (signs not subject to a permit), items (1) through (5) and (7) through (10) shall be in full force and effect in the CCN district.
 - (2) Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot shall be limited as follows:
 - a. Limited to placement for forty-five (45) days;

- b. Placed behind or are attached to the inside face of a window;
- c. One (1) per building frontage for each use facing a public street, walk, plaza or court;
- d. Not more than five (5) square feet in sign area;
- e. Not more than six (6) feet in height above grade;
- f. Not animated; and
- g. Illuminated only from a concealed light source.

Nothing in this paragraph (2) shall allow the use of portable signs or the use of parked motor vehicles and/or trailers as advertising devices.

- (3) Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to:
 - a. Wall, window, and ground signs;
 - b. No more than one (1) sign per zone lot;
 - c. No more than five (5) square feet in area per face;
 - d. No more than six (6) feet above grade;
 - e. Not illuminated or animated; and
 - f. Placed within the zone lot and not in the public right-of-way.

(Ord. No. 342-99, eff. 5-7-99)

Sec. 59-551. B-A-2, B-A-3, B-A-4, B-4, B-7, B-8, B-8-G, MS-1, MS-2, MS-3, I-I and I-2 districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

(b) *Permitted contents:* Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.

(Ord. No. 713-85, eff. 12-16-85; Ord. No. 625-05, § 23, eff. 9-2-05)

(c) *Permitted sign types:* Wall, window, ground and arcade.

(d) *Permitted maximum number:* Each use by right may have the greater number of the following:

- (1) Five (5) signs; or
- (2) Three (3) signs for each front line of the zone lot on which the use by right is located.

(e) *Permitted maximum sign area:*

- (1) *Dwelling, multiple unit.* One (1) square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed one hundred ninety-two (192) square feet of total sign area for any use and not more than sixty-four (64) square feet of sign area to be applied to any one (1) street frontage.
- (2) *Each use by right other than multiple unit dwellings.* Eighty (80) square feet, or the total permitted sign area for each use by right shall be determined by one (1) of the following provisions; provided, however, that no sign shall exceed two hundred (200) square feet in area nor shall the total sign area of any use exceed six hundred (600) square feet:
 - a. *For a zone lot having but one use by right.* One and one-half (1½) square feet of sign area for each linear foot of front line of the zone lot for the first one hundred (100) feet of the front line and one (1) square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than two (2) front lines, one (1) contiguous with the other, shall be used.
 - b. *For a zone lot having two or more uses by right.* For each use by right two and one-half (2½) square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first one hundred (100) feet of building frontage, then one-half (½) square foot of sign area for each horizontal linear foot of building frontage thereafter.

(f) *Permitted maximum height above grade:*

- (1) *Wall and window signs:* The roof line of the building to which the sign is attached.
- (2) *Ground and arcade signs:* Thirty-two (32) feet.

(g) *Permitted location:* Shall be set back at least five (5) feet from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with section 49-436. In no case shall there be more than five (5) signs applied to any street front.

(h) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.

(Ord. No. 143-81, eff. 3-31-81)

(i) *Animation:* Shall not be animated.

(j) *Temporary signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease

or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

- (1) *Permitted sign types:* Wall, window and ground.
- (2) *Permitted maximum number:* Two (2) signs for each front line of the zone lot or designated land area on which the signs are located.
- (3) *Permitted sign area:* Sixty-four (64) square feet for each front line of the zone lot or designated land area on which located, but not more than thirty-two (32) square feet per sign.
- (4) *Permitted maximum height above grade:* Twenty-five (25) feet.
- (5) *Permitted location:* No limitations.
- (6) *Permitted illumination:* May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.; shall not flash, blink or fluctuate.
- (7) *Animation:* Shall not be animated.

(k) *Joint identification signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, joint identification signs are permitted for three (3) or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- (1) *Permitted sign types:* Wall and ground.
- (2) *Permitted maximum number:* One (1) sign for each front line of the zone lot.
- (3) *Permitted area:* The greater number of the following:
 - a. One hundred (100) square feet; or
 - b. One (1) square foot of sign area for each two (2) linear feet of street frontage of the zone lot;provided, however, that the total area of all signs on the zone lot shall not exceed two hundred (200) square feet.
- (4) *Permitted maximum height above grade:* Twenty-five (25) feet.
- (5) *Permitted location:* Shall be set in at least five (5) feet from every boundary line of the zone lot.
- (6) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.
- (7) *Animation:* Shall not be animated.

(1) *Signs on buildings designated for preservation pursuant to and as set forth in chapter 30, landmark preservation.* Notwithstanding other provisions of chapter 59, certain existing signs may be retained on buildings designated for preservation subject to the following requirements:

- (1) The sign appears to have been installed at about the same time the building was constructed and reflects the visual characteristics of the era. This evaluation shall be made by the director of planning or by his/her designated representative and shall include consultation with the chairperson of the landmark preservation commission. The director shall also determine whether or not the sign illumination creates any problems of glare or distraction.
- (2) The sign is structurally sound and the owner has or will obtain a revocable permit if the sign projects over the public right-of-way.
- (3) The sign and its message surfaces have not been enlarged from that which has historically existed.

(Ord. No. 856-94, eff. 11-4-94)

(Code 1950, § 613.3-5; Ord. No. 625-05, § 23, 9-2-05; Ord. No. 660-05, § 10, eff. 9-16-05)

Sec. 59-552. B-5 and B-5-T districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right, provided, however, that off-site advertising devices may be allowed in the B-5-T district pursuant to a district sign plan under the provisions of section 59-556.

(Ord. No. 439-07, § 15, eff. 8-20-07)

(b) *Permitted contents:* Identification by letter, numeral, symbol or design of the use by right by name and use, hours of operation, services and products offered, events and prices of products and services.

(c) *Permitted sign types:* Wall, window, ground and arcade.

(d) *Permitted maximum number:*

- (1) *Ground level uses by right with street frontage for each separate building:* Each use by right may have three (3) for each street front of the use by right plus one (1) additional sign for each one hundred (100) feet of street frontage in excess of two hundred (200) feet.
- (2) *All other uses by right combined for each separate building:* One (1) sign plus one (1) sign for each front line of the zone lot on which the building is located.

(e) *Permitted maximum sign area:*

- (1) *Ground level uses by right with street frontage:* Sign area shall be based on one (1) or the other of the following provisions provided, however, that the total sign area of any

use by right shall not exceed six hundred (600) square feet and the sign area permitted by this section shall not be combined with the sign area permitted by any other section of this chapter:

- a. *Zone lot with one use by right:* Two (2) square feet of sign area for each linear foot of the front line of the zone lot. All measurements shall be applied to each street front separately.
- b. *Zone lot with more than one use by right:* Four (4) square feet of sign area for each linear foot of that portion of the building frontage occupied by a ground level use by right. The resulting sign area is to be applied only to that portion of the building occupied by the use by right and all measurements shall be applied to each street front separately.

- (2) *Uses by right other than ground level uses by right with street frontage:* One (1) square foot of sign area for each foot of the front line of the zone lot on which the building is located or three (3) percent of the exterior wall surface of the building which is co-directional to the center line of the abutting street whichever is greater. All measurements shall be applied to each building front separately.

(f) *Permitted maximum height above grade:*

- (1) *Wall or window signs:* The roof line of the building to which the sign is attached.
- (2) *Ground and arcade signs:* Thirty-two (32) feet.

(g) *Permitted location:* No setback is required from any boundary line of the zone lot. Wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with section 49-436.

(Ord. No. 143-81, eff. 3-31-81)

(h) *Permitted illumination:* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.

(i) *Animation:* Shall not be animated.

(j) *Temporary signs:* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

- (1) *Permitted sign types:* Wall, window or ground.
- (2) *Permitted maximum number:* Two (2) signs for each front line of the zone lot or designated land area on which the signs are located.
- (3) *Permitted sign area:* Sixty-four (64) square feet for each front line of the zone lot or designated land area on which the signs are located. Computations shall be made and sign area shall be applied to each front line separately.

- (4) *Permitted maximum height above grade:* Twenty (20) feet.
 - (5) *Permitted location:* No limitation.
 - (6) *Permitted illumination:* May be illuminated but only from a concealed light source; and shall not flash, blink or fluctuate.
 - (7) *Animation:* Shall not be animated.
- (Code 1950, § 613.3-6; Ord. No. 439-07, § 15, eff. 8-20-07)

Sec. 59-553. O-1 and O-2 districts.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

(b) *Permitted contents:* Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and price of products and services.

(c) *Permitted sign types:* Wall, window and ground signs.

(d) *Permitted maximum number:* One (1) sign for each front line of the zone lot on which the use by right is located.

(e) *Permitted maximum sign area:* Each use by right shall be permitted a sign area of twenty (20) square feet or the total permitted sign area for any use by right may be determined by one (1) or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed six hundred (600) square feet, and no single sign area shall exceed three hundred (300) square feet in area:

- (1) One (1) square foot of sign area for each foot of street frontage of the zone lot on which the use by right is located.
- (2) One (1) square foot of sign area for each acre of the zone lot on which the use by right is located.

(f) *Permitted maximum height above grade:*

- (1) *Wall and window signs:* The roof line of the building to which the sign is attached.
- (2) *Ground signs:* Twenty-five (25) feet.

(g) *Permitted location:*

- (1) *Wall and window signs:* Shall be set back from the boundary lines of the zone lot on which it is located the same distance as a structure containing a use by right provided, however, wall signs may project into the required setback space the permitted depth of the sign.
- (2) *Ground signs.* Any location provided that the sign is at least ten (10) feet from any boundary line of the zone lot on which the use by right is located.

(h) *Permitted illumination*: May be illuminated but only from a concealed light source, and shall not flash, blink or fluctuate.

(i) *Animation*: Shall not be animated.

(j) *Temporary signs*. Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.

(1) *Permitted sign types*: Wall and ground.

(2) *Permitted maximum number*: One (1) sign for each front line of the zone lot or designated land area on which the signs are located.

(3) *Permitted sign area*: Thirty-two (32) square feet of sign area for a land area up to five (5) acres and sixty-four (64) square feet of sign area for a land area of five (5) acres or more, provided that no sign shall exceed one hundred (100) square feet.

(4) *Permitted maximum height above grade*: Twenty-five (25) feet.

(5) *Permitted location*: Shall be set back at least twenty-five (25) feet from all boundary lines of the zone lot or designated land area on which the signs are located.

(6) *Permitted illumination*: May be illuminated but only from a concealed light source, and shall not flash, blink or fluctuate.

(7) *Animation*: Shall not be animated.

(Code 1950, § 613.3-7)

Sec. 59-554. Special provisions for the B-5, B-5-T, B-7 and B-8-A districts.

(a) *General*. The provisions of this section 59-554 shall apply to the B-5, B-5-T, B-7 and B-8-A districts. The other sections of this article V (Signs) of chapter 59 (Zoning) of the Revised Municipal Code, as amended, shall remain in full force and effect in the B-5, B-5-T, B-7 and B-8-A districts, and there is no requirement that proposed signs be submitted for approval pursuant to this section. However, an application for a sign may be submitted pursuant to the provisions of this section in which case this section will be applicable with respect to the issuance of sign permit.

(Ord. No. 17-95, eff. 1-13-95; Ord. No. 779-96, eff. 9-13-96; Ord. No. 439-07, § 16, eff. 8-20-07)

(b) *Purpose*. The purpose of this section is to create the policy for a comprehensive and balanced system of signs and street graphics to facilitate the enhancement and improvement of the B-5, B-5-T, B-7 and B-8-A districts through the encouragement of urban, innovative signs and street graphics which will aid in the creation of a unique downtown shopping and commercial area, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian

safety, property values, business opportunities, and community appearance. To accomplish these purposes, it is the intent of this ordinance to encourage and to authorize the use of signs and street graphics which are:

(Ord. No. 779-96, eff. 9-13-96; Ord. No. 439-07, § 16, eff. 8-20-07)

- (1) Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- (2) Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.
- (3) Appropriate to and expressive of the business or activity for which they are displayed.
- (4) Creative in the use of unique two (2) and three (3) dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials. Signage which simply maximizes allowable volume in rectangular form is strongly discouraged.
- (5) Of high quality, durable materials appropriate to an urban setting.

(Ord. No. 17-95, eff. 1-13-95)

(c) *Permitted maximum sign area.* The other sections of this article V (Signs) of chapter 59 (Zoning) of the Revised Municipal Code, as amended, pertaining to B-5, B-5-T, B-7 and B-8-A districts are applicable, and the sign area allowable under this section shall be deducted from the permitted maximum sign area. A cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

(Ord. No. 17-95, eff. 1-13-95; Ord. No. 779-96, eff. 9-13-96; Ord. No. 439-07, § 16, eff. 8-20-07)

(d) *Projecting graphics permitted.* A projecting graphic is a sign or street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

(1) *The following limitations apply to projecting graphics:*

- a. Each use may display one (1) projecting graphic adjacent to every street upon which the use has frontage, provided that the approval of the manager of public works has been given pursuant to the provisions of section 49-436 of the Revised Municipal Code.
- b. Projecting graphics must clear sidewalks by at least eight (8) feet in height and may project no more than seven (7) feet out from a building.
- c. Projecting graphics shall be mounted no less than six (6) inches and no more than one (1) foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.

- d. Allocation of allowable sign volume. For uses that are located at the street level and have entries with direct access to a public sidewalk, court or plaza the allowable projecting sign volume will be allocated on the following basis:
 - 1. Uses that occupy up to forty-nine (49) linear feet of building frontage may have up to thirty (30) cubic feet of projecting sign volume. However, to avoid crowding of signage types, uses that occupy less than thirty (30) linear feet of exterior building frontage will be limited to utilizing either a projecting sign as allowed under these regulations, or any other nonprojecting sign types as currently allowed.
 - 2. Uses that occupy between fifty (50) and seventy-four (74) linear feet of building frontage may have up to sixty-four (64) cubic feet of projecting sign volume.
 - 3. Uses that occupy seventy-five (75) linear feet or more of building frontage may have up to ninety-six (96) cubic feet of projecting sign volume.
 - 4. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the one (1) actual building frontage on which it is placed.
- e. The calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form that could be constructed to enclose the primary form of the sign. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the review committee. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign. No dimension (height, width or depth) shall be considered to be less than 1'-0" for the purposes of calculating sign volume.
- f. Multiple projecting signs. The total sign volume allowed for a single use may be broken into multiple projecting signs, not to exceed one (1) per twenty-five (25) linear feet of the actual building frontage adjacent to a public walk, court or plaza only at the discretion of the review committee based on the following criteria:
 - 1. Multiple signs significantly enhance the creative impact of the signage concept.
 - 2. Multiple signs are not detrimental to the building, the surrounding context or the signage opportunities of adjoining uses.
- g. Allocation of sign volume for buildings with multiple uses having direct street access. Total combined allowable sign volume for buildings with multiple uses with direct street access may be allocated among the uses based on the following:
 - 1. Comprehensive sign plan required. No projecting signage for an individual use in a multi-use building will be reviewed or approved without review and approval of a comprehensive sign plan for the entire building. This plan must indicate how tenant sign allowances are to be allocated among all

eligible building uses, approximate designated sign locations and allowable types of sign construction and illumination. This sign plan must indicate sizes and locations for all sign types, not just projecting graphics.

2. Total sign volume for uses with direct street access shall not exceed the total of individual sign allowances based on the criteria of (d)(1)a., b., c. and d.
 3. To accommodate uses without direct street access in addition to those with access (2. above), the total allowable sign volume determined by b. may be increased by the following amounts and apportioned among the uses by a comprehensive building sign plan (1. above): twelve (12) cubic feet for building frontage up to forty-nine (49) lineal feet; twenty (20) cubic feet for building frontage from fifty (50) to seventy-four (74) lineal feet; and thirty (30) cubic feet for building frontage seventy-five (75) lineal feet and over.
 4. Power of attorney required. In situations where maximum sign volumes must be allocated among several tenants, applicants other than the property owner will be required to provide evidence of power of attorney from the property owner authorizing the tenant to provide the comprehensive sign plan and to make application for the requested sign volume.
- h. Buildings containing multiple uses without direct street access. In the case where a building contains multiple uses that do not have direct street access, a projecting sign for each individual use without direct access is prohibited. Entry features may contain multiple use identifications, however they must be designed with a unified program of graphics, materials, illumination, etc. For example, the entrance to a multi-use space may utilize a unique entry canopy as a single design feature into which multi-use identification can be incorporated. A single projecting graphic identifying a common identity, such as the name of the building or a retail arcade is also permissible.
1. Architectural entry canopies, defined as permanent structures that are fully supported by the building facade and are constructed of materials other than fabric or vinyl type materials, may incorporate signage for one (1) or more tenants as part of their design, subject to these regulations and committee review. Signage may occur on canopy surfaces which are parallel, perpendicular or at other angles to the building facade to which the canopy is attached. Because canopies are architectural features that may only incidentally incorporate signage, not all the area of the canopy will be counted as signage. The volume of the canopy to be calculated as signage will be confirmed by the review committee per the following criteria:
 - i. The face area of typography and graphics.
 - ii. The two (2) maximum dimensions of iconographic three-dimensional sign figures.

- i. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may be additionally restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade.
 1. Signs shall not exceed the height of the parapet of single story buildings unless it is found by the review committee to meet the criteria in item 3., below.
 2. Signs shall not extend more than one (1) story above the building floor on which the use is located unless they are found by the review committee to meet the criteria in item 3., below.
 - i. Signs for uses located below street level shall not be located or extend beyond the uppermost part of the second story without the approval of the review committee.
 3. The following conditions will be taken into account when considering exceptions to items a. and b. above:
 - i. The additional height is found to be a factor in the success of the sign's design.
 - ii. The additional height is not a detriment to overall design of the building facade or its immediate context.
 - iii. The additional height will not overshadow or create glare in adjoining properties.
 4. Signs shall not be placed less than twenty-five (25) feet apart unless they are determined to meet the following criteria:
 - i. The signs work together to make a unified and compatible design that is stronger as a group than it would be as a single sign or multiple signs widely separated.
 - ii. The sign group is compatible with the building architecture, reinforcing the design intent of a significant building feature such as a primary entry.
- (2) *Auxiliary graphics.* Auxiliary graphics are elements which are complementary but subsidiary to principal graphics. The following auxiliary graphics are permitted, subject to the limitations set forth herein:
- a. *Awnings.* Signage on fabric or vinyl type nonilluminated awnings that is located on a surface of that awning which is perpendicular to the face of the building will not be considered a projecting sign under this ordinance, but will be allowed, subject to staff review, provided that the total area of typography and graphics does not exceed two (2) square feet.
 - b. *Banners.*
 1. Short term banners and flags, which provide information related to a specific, temporary event (not more than sixty (60) days in any three-hundred-sixty-five-day period) are permitted provided that they are no more than sixty-four (64) square feet. Projection shall not exceed 7'-0".

2. Permanent banners and flags which are graphic in nature, providing color and design interest only and do not directly represent actual goods, services, brands or business names are permitted provided that they are no more than thirty-two (32) square feet. These banners are not subtracted from the allowable sign area. Projection shall not exceed 7'-0".
- (3) *Illumination.* Illumination of graphics as defined herein shall be permitted by direct, indirect, and neon tube illumination. The following additional provisions also apply to the illumination of street graphics:
- a. Color of light. Graphics as defined herein may use a variety of illuminated colors, provided they do not conflict with traffic signals.
 - b. Flashing illumination and animated graphics are expressly limited to those properties which are contiguous to the 16th Street pedestrian and transit mall. Bare bulb illumination is expressly discouraged.
 - c. The appropriateness of flashing illumination will be based on the character and uses of the face block, existing uses within the building and the surrounding vicinity, and the protection of public safety.
 - d. Use of flashing illumination is limited to entertainment uses such as, by way of example and not by way of limitation, theaters, movie houses, restaurants, and cabarets, and is limited to the times the business is open.
 - e. Fully illuminated plastic sign boxes with internal light sources will not be allowed.

(Ord. No. 17-95, eff. 1-13-95)

(e) *Design review committee.* There is hereby created a separate design review committee (DRC) for each of the B-5, B-5-T, B-7 and B-8-A districts, which shall be composed and comprised as hereinafter set forth, and which shall have the powers and authorities described herein.

(Ord. No. 779-96, eff. 9-13-96; Ord. No. 439-07, § 17, eff. 8-20-07)

- (1) Within the B-5 and B-5-T districts, the DRC shall be comprised of seven (7) members as follows:
 - a. One (1) property owner, who owns property in the B-5 or B-5-T district;
 - b. Reserved. [Repealed by Ord. No. 450-04, § 1, eff. 7-16-04]
 - c. Two (2) business operators, who operate businesses in the B-5 or B-5-T district; (Ord. No. 450-04, § 2, eff. 7-16-04)
 - d. One (1) member of Downtown Denver, Inc., nominated by Downtown Denver, Inc.;
 - e. Two (2) design professionals;
 - f. One (1) resident of Denver, with preference given to a resident of the B-5 or B-5-T district; and

- g. The director of the planning and community development office of the City of Denver, or his designee, who shall serve as an ex-officio member.

Members of the B-5 and B-5-T DRC shall be nominated by downtown businesses, residents and property owners in the B-5 and B-5-T districts and shall be appointed by the mayor. The term of membership on the DRC is three (3) years with initial appointments being of three (3) appointees for one (1) year terms, two (2) appointees for two (2) year terms and two (2) appointees for three (3) year terms.

(Ord. No. 439-07, § 17, eff. 8-20-07)

- (2) Within the B-7 district, the lower downtown design consultation board shall comprise the DRC.

- (3) Within the B-8-A district, the planning office staff shall act as the DRC.

(Ord. No. 779-96, eff. 9-13-96)

- (4) Each DRC shall meet monthly or within fourteen (14) calendar days of a special request.

(Ord. No. 779-96, eff. 9-13-96)

- (5) Authority is hereby expressly granted to the applicable DRC to review and recommend approval to the zoning administrator of applications for signs and street graphics in the applicable district pursuant to the provisions of this section.

(Ord. No. 779-96, eff. 9-13-96)

(f) *Design review.* Applications for sign permits submitted for approval pursuant to the provisions of this section shall be forwarded to the applicable DRC by the department of zoning administration. The applicable DRC shall prepare a recommendation and submit it to the zoning administrator. After taking into consideration the recommendation of the applicable DRC, the zoning administrator shall approve or deny the permit.

- (g) *Review provisions.*

- (1) The applicable DRC may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the area, and the committee shall base its compatibility determination on the following criteria:

- a. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
- b. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
- c. The similarity or dissimilarity of the sign's size and shape to the size and shape of other street graphics in the area.
- d. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
- e. The compatibility of the type of illumination, if any, with the type of illumination in the area.

- f. The compatibility of the materials used in the construction of the sign with the material used in the construction of other street graphics in the area.
 - g. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is suspended and the surrounding buildings.
 - h. The proposed signs shall be of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.
- (2) Submission of a single sign or multiple sign application:
- a. The application for sign permit shall be forwarded to the applicable DRC by the department of zoning administration at least two (2) weeks prior to the regularly scheduled DRC meeting.
 - b. Recommendations to the zoning administrator will be made in writing with reasons for acceptance, rejection, or acceptance with changes within fifteen (15) days of each committee meeting; in the event a written recommendation is not made within said fifteen (15) days, the application shall be deemed to have a recommendation for rejection.
 - c. A graphics plan shall be submitted which shall contain visual representations of the lettering, illumination, color, area and height of graphics and may also indicate the areas and building where they may be placed and located.
 - d. Submitted photographic or drawn elevations of a minimum of two hundred sixty-six (266) feet of frontage (context of individual sign) photographic or drawn perspective with the individual sign superimposed and a drawing of the sign at one-half-inch to one-inch scale shall be submitted.
 - e. Additionally, proof of consent or attempt to get consent, with reasons for failure, of the managers of all properties within the face block must be provided.
 - f. The application may also contain such special requirements as approved by the applicable DRC.
- (3) Adoption of rules and regulations. Each DRC shall have the authority to adopt rules and regulations concerning its administrative procedures provided that the provisions of subsections (g)(1) and (g)(2) shall be adhered to.

(h) *Review of permit for flashing sign.* Every permit for a flashing sign issued pursuant to the provisions of this section 59-554 shall be reviewed ten (10) years from the date the permit is issued by the department of zoning administration to determine if the flashing sign must be removed or not. In making such review, the review provision set forth in section 59-554(g)(1) shall be followed, and the applicable design review committee (DRC) shall prepare a recommendation and submit it to the zoning administration. After taking into consideration the recommendation of the applicable DRC, the zoning administrator shall determine if the flashing sign must be removed or not.

(Ord. No. 311-91, eff. 5-10-91; Ord. No. 895-03, §§ 58, 59, eff. 12-2-03)

Sec. 59-555. Special provisions for signs in Civic Center area.

(a) *Civic Center area.* Notwithstanding the other provisions of division 2 of this article IV, the provisions of this section 59-555 shall apply to the Civic Center area which is described as follows:

- Lots 20—32, Block 206, East Denver, including Out Lot 5;
- All of Block 233, East Denver, including Out Lot 4;
- All of Block 232, East Denver, including Out Lot 3;
- All of vacated Cleveland Place abutting Block 232, a.k.a. "Kenneth M. MacIntosh Park";
- Lots 17—23, Block 231, East Denver;
- Lots 7—26, Block 244, East Denver, and Side Lot 2 except the N 125 feet of Side Lot 2;
- All of Block 267, East Denver, including Out Lot 1;
- Lots 9—32, Block 5, Cheesman & Kasslers Addition, together with vacated alley abutting such lots;
- Lots 6—40, Block 28, H.C. Browns Addition;
- Lots 10—31, Block 37, H.C. Browns Addition;
- Lots 10—21, Block 68, H.C. Browns Addition;
- Lots 1—20, Block 67, H.C. Browns Addition;
- Lots 1—11, Block 66, H.C. Browns Addition;
- Lots 1—20 and Lots 31—40, Block 39, H.C. Browns Second Addition;
- All of Block 25; Lots 1—8 and 30—40, Block 26, all in H.C. Browns Second Addition;
- Lots 1—4 and 37—40, Block 42, H.C. Browns Second Addition;
- All of Blocks 21, 22, 23 and 24, Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60 Evans Addition;
- Lots 1—4 and 37—40, Block 43, Lots 1—4 and 37—40, Block 44, Lots 1—4 and 37—40, Block 45, Lots 1—4, Block 46, all in Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60, Evans Addition;
- Lots 1—4, Block 22, Lots 37—40, Block 23, Lots 1—20, Block 21, all in Witters First Addition;
- Lots 21—32, Block 20, Evans Subdivision of part of Block 20, Witters First Addition;
- The E 125 feet of N 200 feet of Block 20, E 125 feet of Block 11, all in Witters First Addition;
- Block 10, Evans and Eberts Subdivision of Block 10, Evans Addition and Block 10 in Witters First Addition; all of Block 9, Evans Subdivision;
- Civic Center Park, bounded on the north by West Colfax Avenue, on the east by Broadway Street, on the south by West 14th Avenue and on the west by Bannock Street;

The State Capitol and grounds bounded by East Colfax Avenue on the north, Grant Street on the east, East 14th Avenue on the south and Broadway Street on the west.

(b) *General.* Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

(c) *Purpose.* The purpose of this section is to provide for a required design review of all signs in the Civic Center area, excluding window signs and temporary signs, and to provide design guidelines and recommended sign limitations. The intent of this design review for signs in the Civic Center area is to prevent major visual intrusions into the Civic Center area, to keep signage subordinate to the architecture and to provide information which will assist visitors.

(d) *Permitted sign types and recommended limitations on each.*

- (1) *Ground sign.* Thirty (30) square feet per face, double face is permitted; fifteen (15) feet maximum height; if the zone lot has one hundred twenty-five (125) feet or more, excluding parking lots, of street frontage, one (1) ground sign is recommended and two (2) are permitted; if there are two (2) or more uses on the zone lot, no ground sign is permitted; and a ground sign must be set in a distance of not less than five (5) feet from each front line. The proliferation of ground signs is intended to be avoided in the Civic Center area.
- (2) *Wall sign.* If noninternally illuminated, one hundred (100) square feet of sign area is permitted for each sign with two (2) signs per building frontage permitted; and if internally illuminated, fifty (50) square feet of sign area is permitted for each sign with one (1) sign per building frontage permitted. A wall sign may be larger if integrated into the architecture.
- (3) *Projecting graphics.* Projecting graphics are permitted on land in the Civic Center area which is located within the B-5 district, and the provisions of section 59-554(d)(1) of this chapter shall be in full force and effect with respect to these projecting graphics.
- (4) *Window sign.* One (1) sign per use by right and no more than five (5) square feet of sign area.
- (5) *Temporary signs.* The provisions of section 59-537(a)(6) of the Revised Municipal Code shall be in full force and effect except that streamers are allowed for special events only, and the sign area must be less than twenty-five (25) percent of maximum allowed sign area plus thirty (30) percent of unused sign area allowed or thirty (30) percent of the ground level window area with neither to exceed fifty (50) square feet.

(e) *Additional limitations on signs.* Backlit awnings are not permitted on the Civic Center area. The total sign area of all ground signs, wall signs and projecting graphics should not exceed four hundred (400) square feet.

(f) *Design review committee.* The design review committee (DRC) shall be the DRC for the B-5 district as provided in section 59-554(e)(1) of the Revised Municipal Code. The DRC shall have the powers and authorities described in this section 59-555, and shall have the authority to adopt rules and regulations concerning its administrative procedures.

(g) *Submission of a single sign or multiple sign application.*

- (1) The application for a sign permit shall be forwarded to the DRC by the department of zoning administration. The DRC meeting to consider the application must be held within twenty (20) days of receiving the application.
- (2) Sign design plans shall be submitted which shall contain accurate representations of the sign form and style including lettering, illumination, color and dimensions of each sign on the building or on the zone lot.
- (3) The application shall include photographic or drawn elevations of each building facade showing the proposed sign location and size, and a site plan, if needed, showing location and size of other signs to be placed on the zone lot.
- (4) The application may also contain such special requirements as required by the DRC.

(h) *Design review.* The DRC shall prepare a recommendation and submit it to the zoning administrator. Recommendations to the zoning administrator shall be returned from the DRC to the zoning administrator with reasons for approval, denial, or approval with revisions within fifteen (15) days of the DRC meeting at which the application is discussed unless resubmission or additional information is required. After taking into consideration the recommendation of the DRC, the zoning administrator shall approve or deny the permit.

(i) *Review provisions.* The DRC may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the Civic Center area, and the DRC shall base its compatibility determination on the following criteria:

- (1) The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is placed.
- (2) The compatibility of the type of illumination, if any, with the type of illumination in the area.
- (3) The relationship of the scale, shape, placement and colors of the sign to the building or premises upon which it is to be displayed.
- (4) The similarity or dissimilarity of the signage to other signage within the Civic Center area and the compatibility of the materials used in the construction of the signs with other signage in the Civic Center area.
- (5) The quality and durability of the materials used in the signs such as steel, aluminum, bronze, and wood.
- (6) The impacts of the proposed signs upon adjacent districts or properties.

(Ord. No. 424-93, eff. 6-11-93)

Sec. 59-556. B-5-T district Sign Plan.

(a) *Signs subject to a district sign plan.* Notwithstanding more restrictive provisions of article V, signs, the B-5-T district may have signs in accordance with a single approved district sign plan.

(b) *General purpose:*

- (1) Facilitate the creation and recognition of a unique downtown theater district and build on the character of the Denver Performing Arts Complex.
- (2) Provide flexibility in the size, type and location of signs in exchange for a higher standard of design quality for signs within the district sign plan.
- (3) Mitigate any possible adverse impacts of large format sign installations on surrounding uses.

(c) *Description of qualifying uses.* These provisions shall apply to the B-5-T district and signs may be erected, altered and maintained for a use by right in the district and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

(d) *Permitted sign types:* Wall, window, ground, arcade, and projecting.

(e) *Permitted maximum number:* There is no maximum number of signs within the district sign plan.

(f) *Permitted maximum sign area:* No maximum signage area within the district sign plan.

(g) *Permitted maximum height above grade:*

- (1) Wall, window, projecting and arcade signs may extend above the roof line of the building to which the sign is attached and must be in conformance with the approved district sign plan.
- (2) Ground signs: Maximum of fifty (50) feet.

(h) *Permitted location:* No setback for signage is required from any boundary line of the zone lot. Signs attached to walls that are adjacent to a street right-of-way line may project into the right-of-way in accordance with section 49-436.

(i) *Permitted illumination:* May be illuminated; and may flash, blink or fluctuate.

(j) *Animation:* Signs may be animated.

(k) *Permitted sign contents:* As a matter of public necessity, the city must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon unwilling audiences of adults and children,

such displays constitute assaults upon individual privacy. Therefore, signs subject to the district sign plan shall not be displayed or exhibited in a manner that exposes to public view from the street or sidewalk any of the following:

- (1) Any material that exposes to public view any pictorial material that is obscene;
- (2) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;
- (3) Any pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or
- (4) Any pictorial material depicting explicit sexual acts.

(1) *Process to establish a district sign plan.*

(1) *Plan submittal.* The applicant will submit the following items to community planning and development to establish a district sign plan for the B-5-T district:

- a. A site plan or improvement survey of the district drawn to scale showing existing and proposed buildings within the B-5-T district, residential uses within existing and proposed buildings, parking areas, landscaped areas, streets and alleys, and residential uses adjacent to the B-5-T district boundary;
- b. The district sign plan will include all properties within the B-5-T district and clearly identify all buildings which are and are not participating within the district sign plan.
- c. The district sign plan will address design review for signage subject to the plan.
- d. A map of the B-5-T district clearly identifying all landmark buildings, landmark districts, and designated parkways.
- e. Scaled drawings or other images showing the elevations of existing and proposed buildings within the B-5-T district.
- f. Design descriptions of all allowable sign types, including sign shape, size typography, lighting, exposed structure, colors, and materials, and any information on the frequency of changeable graphics.
- g. All information on allowable sign locations shall be provided: wall elevations or other images drawn to scale showing locations of wall, window, arcade, and projecting signs, and site plans drawn to scale showing locations and heights of ground signs.
- h. Calculations of total sign area per building face.
- i. Other items identified by community planning and development as necessary to establish the district sign plan consistent with the stated purposes of this section.

- (2) *[Information review.]* Community planning and development will review information received in the applicant's submittal and forward a recommendation to planning board within twenty-one (21) days from submittal of a complete application for a district sign plan.
- (3) *Notice to others.* The planning board shall send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of section 12-94 of the Revised Municipal Code and whose boundaries are within two hundred (200) feet of the boundary line of the B-5-T district. The planning board shall also send notices to councilmembers whose boundaries are within two hundred (200) feet of the boundary of the B-5-T district. Notices to registered neighborhood organizations and councilmembers shall be sent at least thirty (30) days prior to the hearing.
- (4) *Adoption or amendment of a district sign plan.* The planning board shall review the community planning and development recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions or deny the submittal for a district sign plan.
- (m) *Criteria for review.* The criteria for reviewing the district sign plan are as follows:
 - (1) Signs shall be oriented or illuminated so that they do not adversely affect existing nearby residential uses or structures. Examples of adverse effects may include but are not limited to glare from intense illumination, and large signs or support structures that visually dominate an area to the detriment of existing or proposed land uses.
 - (2) Heights, scales and locations of all sign types for buildings within the district will be evaluated taking consideration of possible impacts on adjacent buildings and uses.
 - (4) Signage, as part of the district sign plan, shall not encroach closer than two hundred forty (240) feet of the centerline of 17th Street.
 - (5) Roof mounted signs are not allowed within the district sign plan.
 - (6) Freestanding outdoor general advertising devices may be limited in close proximity to landmark structures, landmark districts, and designated parkways.
 - (7) Internally illuminated, translucent face box signs are not allowed within the district sign plan.
 - (8) All signage, subject to the district sign plan, shall be located above first floor commercial storefronts.
 - (9) All features of the sign, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to the architecture and architectural features of the building on which it is located, as applicable.
 - (10) Sign design should reflect the existing or desired character of the area. The intent of this subsection is to encourage exciting, iconographic, and inventively illuminated signage to enhance the theater district.
 - (11) Signs shall be designed and fabricated from quality, durable materials.

- (12) Projecting signs must clear sidewalks by at least eight (8) feet in height and may project no more than seven (7) feet out from a building. There is no limit as to the number of projecting signs within the district sign plan.
- (13) Signs for accessory uses, which are prohibited by other provisions of article V, are allowed as a part of an approved district sign plan.
- (14) A maximum of one district sign plan may be adopted for the B-5-T district.

(n) *Minor deviations to the district sign plan.* Sign proposals shall conform to an approved district sign plan, provided however, that community planning and development may authorize minor deviations from the district sign plan for individual signs when such deviations appear necessary in light of technical or engineering considerations, and provided that the councilmembers and registered neighborhood organizations whose boundaries are within two hundred (200) feet of the boundary of the B-5-T district are first notified. Minor deviations for individual signs shall not be permitted if any of the following circumstances result:

- (1) Signs are oriented or illuminated so that they adversely affect existing nearby residential uses or structures.
- (2) A change in allowable heights of signs greater than two (2) feet above the maximum height above grade or zero (0) feet below the minimum height above grade.
- (3) A projection greater than six (6) inches of the maximum allowance.
- (4) A change in signage type, illumination or animation allowed within the district sign plan.

Signs exceeding the specifications of the district sign plan and not allowed under section 59-556(o), require an amendment to the district sign plan.

(o) *Other permitted signs.* Signs described and regulated by subsection 59-537(b)(5), signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by subsection 59-537(b)(9), need not be included in the district sign plan. However, other signs permitted by subsection 59-537(b), signs subject to a permit, must be included in the district sign plan.

(p) *Rules and regulations.* The planning board has the authority to adopt rules and regulations concerning the review of the district sign plan.

(q) *Fee.* The fee for review for the initial district sign plan is five hundred dollars (\$500.00) per acre or five thousand dollars (\$5,000.00), whichever is less. The fee for review for an amendment of the district sign plan is two hundred fifty dollars (\$250.00) per acre or two thousand five hundred dollars (\$2,500.00), whichever is less.
(Ord. No. 439-07, § 18, eff. 8-20-07)

Sec. 59-557. Special provisions for the B-8-G district.

(a) *General.* The provisions of this section 59-557 shall apply to the B-8-G district, except that portion of the district north of 13th Avenue on Broadway and Lincoln Street. The other sections of this article V (Signs) of chapter 59 (Zoning) of the Revised Municipal Code, as amended, shall remain in full force and effect in the B-8-G district, and there is no requirement that proposed signs be submitted for approval pursuant to this section. However, an application for a projecting sign may be submitted pursuant to the provisions of this section, in which case this section will be applicable with respect to the issuance of sign permits.

(b) *Purpose.* The purpose of this section is to create the policy for a system of signs that project perpendicular to the face of the wall or building to which they are attached, or at a 45-degree angle to the corner of a building where the user occupies at least part of two (2) building frontages.

(c) *[Intent.]* To accomplish this purpose, it is the intent of this ordinance to encourage and to authorize the use of signs and street graphics which are:

- (1) Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- (2) Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.
- (3) Appropriate to and expressive of the business or activity for which they are displayed.
- (4) Creative in the use of unique two (2) and three (3) dimensional form, profile, and iconographic representation.
- (5) Employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography, and materials.
- (6) Of high quality, durable materials appropriate to an urban setting.

(d) *Permitted maximum sign area.* The other sections of this article V (Signs) of chapter 59 (Zoning) of the Revised Municipal Code, as amended, pertaining to the B-8-G district are applicable, and the sign area allowable under this section shall be deducted from the permitted maximum sign area. For these purposes, a cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

(e) *Projecting graphics permitted.* For the purposes of this section, a projecting graphic is a sign or street graphic attached to and projecting from the wall of a building at ninety (90) degrees, or the corner of a building at forty five (45) degrees. The projecting graphic may be two- or three-dimensional, and regular or irregular in form.

- (1) The following limitations apply to projecting graphics:
 - a. Each user may display one (1) projecting graphic adjacent to every street upon which the user has frontage and an entry or one (1) projecting sign at the corner

of a building where the user has two (2) frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of section 49-436 of the Revised Municipal Code.

- b. Projecting graphics may project no more than five (5) feet out from a building.
- c. The bottom of any projecting graphic must be at eight (8) feet above the sidewalk or ground floor finished floor level, whichever is higher while the top of any projecting graphics may be no higher than fifteen (15) feet above the sidewalk or ground level finished floor level, whichever is higher.
- d. Projecting graphics shall be mounted no less than six (6) inches away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.
- e. Allocation of allowable sign volume. For users that are located at the street level and have entries with direct access to a public sidewalk, court or plaza, or users located in the basement or on the second floor, that have entries at the street level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:
 - 1. Users that occupy at least eight (8) feet but no more than twenty (20) feet of linear building frontage may have up to twelve (12) cubic feet of projecting sign volume.
 - 2. Users that occupy more than twenty (20) but no more than fifty (50) linear feet of building frontage may have up to thirty (30) cubic feet of projecting sign volume.
 - 3. Users that occupy over fifty (50) linear feet of building frontage may have up to fifty (50) cubic feet of projecting sign volume.
 - 4. Users that occupy over fifty (50) linear feet of building frontage, that are located in the B.8.G zone district on either Broadway or Lincoln Streets and are south of 13th Avenue, may have up to seventy (70) cubic feet of projecting sign volume.
 - 5. Users occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.
- f. The calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.
- g. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the zoning administrator. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign.

- h. No dimension (height, width, or depth) shall be considered to be less than one (1) foot and zero (0) inches for the purposes of calculating sign volume.
- i. Projecting signs are prohibited for users without direct street access on the street level.
- j. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may additionally be restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade:
 - 1. Signs shall not exceed the height of the parapet of the building on which mounted.
 - 2. Signs shall not be placed less than eight (8) feet apart
- k. Illumination. Illumination of graphics as defined herein shall be permitted by direct, indirect, neon tube, light-emitting diode (LED), and fluorescent illumination for users with over twenty (20) linear feet of frontage. Users with fewer than twenty (20) linear feet of frontage may have direct external illumination only. The following additional provisions also apply to the illumination of street graphics:
 - 1. Color of light. Graphics as defined herein may use a variety of illuminated colors.
 - 2. Fully internally-illuminated plastic sign boxes with internal light sources will not be allowed.
 - 3. Flashing illumination, animated graphics, and signs that blink, fluctuate or change graphics or messages more than once an hour are prohibited.

(Ord. No. 583-07, § 1, eff. 10-26-07)

Secs. 59-558—59-560. Reserved.

DIVISION 3. OUTDOOR GENERAL ADVERTISING DEVICES

Sec. 59-561. Purpose and scope.

(a) Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

- (1) That the regulation of outdoor general advertising devices within the city is required in the interests of the economic prosperity, civic pride, quality of life and general welfare of the people;
- (2) That it is desirable to preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
- (3) That the regulation of outdoor general advertising devices will foster civic pride in the beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will protect property values, will protect and enhance the city's attraction to tourists and visitors and promote good urban design;
- (4) That the regulation of outdoor general advertising devices will strengthen and preserve the municipality's unique environmental heritage and enhance the quality of life of its citizens; and
- (5) That the regulation of outdoor general advertising devices within the city is necessary for the promotion of safety upon the streets and highways in the City and County of Denver.

(b) This division shall govern and control the erection, remodeling, enlargement, moving, operation and maintenance of all outdoor general advertising devices, except those permitted in the B-5-T zone district pursuant to a district sign plan as authorized under section 59-556. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to such devices, except that the provisions of divisions 1 and 2 of this article and the provisions of article IX, nonconforming uses and structures, of this chapter shall not apply to such devices.

(Ord. No. 439-07, § 19, eff. 8-20-07; Ord. No. 130-10, § 1, eff. 3-12-10)

(Code 1950, § 613.6-1; Ord. No. 332-88, eff. 6-14-88)

Sec. 59-562. Permits.

(a) *Devices subject to a permit.* Except as provided in section 59-562(b), every outdoor general advertising device in existence in the city and county shall have a zoning permit on file with the zoning administrator and no outdoor general advertising device shall be erected without a zoning permit issued by the zoning administrator. Failure to obtain a permit when required shall be deemed a violation of this chapter.

- (1) *Permit required for new device.* Prior to the erection of a new general outdoor advertising device a permit shall be required.

(Ord. No. 705-87, eff. 12-11-87)

- (2) *Annual permit required.* All permits for outdoor general advertising devices shall be renewed annually prior to March 31 of each successive year. Permits shall be issued without proration for periods of less than one (1) year.
- (3) *City registration number.* Each permitted device shall be issued a city registration number which shall be displayed on the device in a size, location and manner as prescribed by the zoning administrator; provided, however, that outdoor general advertising devices existing prior to March 12, 2010, shall have one hundred eighty (180) days to comply with this requirement. The permittee shall be responsible to ensure that such number is maintained in a readily visible manner.
- (4) *Fees.* Outdoor general advertising devices shall be charged the fee of two hundred twenty five dollars (\$225.00) at the time of application for a permit for:
 - a. A new device;
 - b. Each annual renewal of a permit that has been previously issued; or
 - c. A permit to modify a device.

(Ord. No. 267-87, eff. 6-1-87; Ord. No. 705-87, eff. 12-11-87; Ord. No. 332-88, eff. 6-14-88)

- (5) *Permit to modify an existing device.* Permits shall be required for any modification of an existing outdoor general advertising device; provided, however, that a permit for modification shall not be issued to or obtained by any party other than the current permit holder. "Modification" shall mean any change to the structure or message surface of the device other than as excepted below in sections 59-562(a)(5)a., b. and c. No permit shall be required for the following actions by the permit holder for an existing general outdoor advertising device:
 - a. Replacing or changing advertising copy including, without limitation, the addition of an extension as allowed in section 59-566; and wrapping the message surface(s) of a device, including the perimeter edge of the message surface(s)' frame, with advertising copy, provided that the advertising copy faces the same direction as the existing message surface(s) and the total area of advertising copy does not exceed the total message surface allowed by the current permit for the device plus the addition of an extension as allowed in section 59-566;
 - b. Replacing or relocating a message surface on an existing device within one (1) foot of the previous message surface; and
 - c. Customary maintenance and repair including, without limitation: replacing a part with a like part; any repairs necessary to meet current safety standards; replacing electrical wiring and bulbs; painting and routine replacement of bolts, framing, border and trim.
- (6) *Creation of a new device.* The following shall be treated as creating a new outdoor general advertising device:
 - a. Replacing or relocating an existing message surface to a location that is greater than one (1) foot from the location of the previous message surface;

- b. Adding an additional message surface to an existing device (except, however, for adding extensions allowed pursuant to section 59-566); and
 - c. The placement of an outdoor general advertising device at a location where a device was previously removed or the permit holder relinquished the permit.
- (7) *Additional requirements.* No permit for a new outdoor general advertising device shall be issued until an existing device or a combination of devices with at least equal square footage of message surface are removed by the applicant from the following areas in the following order:

(Ord. No. 805-01, § 1, 9-28-01)

- a. Those areas described in sections 59-568(k), 59-568(l), 59-568(m), 59-568(n), 59-568(o), 59-568(p) and 59-568(p.5) and any area restricted by the provisions of section 3-23 of the Revised Municipal Code;

(Ord. No. 427-88, eff. 7-19-88)

- b. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in section 59-562(a)(7), above, then the exchange area shall be any area within four hundred (400) feet of a park or a structure or district designated for preservation pursuant to the provisions of article I of chapter 30 of the Revised Municipal Code; and
- c. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in sections 59-562(a)(7) and 59-562(a)(8), above, then the exchange area shall be any area subject to the compensatory provisions of the Federal Highway Beautification Act.

(Ord. No. 332-88, eff. 6-14-88)

- (8) *[Grandfather provisions.]* Any general outdoor advertising device in existence as of March 12, 2010, and as it existed as of March 12, 2010, shall be deemed to have satisfied section 59-562(a)(7).

(Ord. No. 130-10, § 1, eff. 3-12-10)

(b) *Devices not subject to a permit.* The following outdoor general advertising devices may be erected in all districts without a permit:

- (1) Outdoor general advertising devices required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the devices are required or authorized.
- (2) Outdoor general advertising devices in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday or public health, safety or welfare campaign; provided that such devices shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year; and may be of any type, number, area, height, location or illumination.

(Ord. No. 332-88, eff. 6-14-88)

(Code 1950, § 613.6-2)

Sec. 59-563. Permitted zones.

Outdoor general advertising devices may be erected or maintained only in zoning districts B-4, B-8, I-1 and I-2, and, notwithstanding section 59-186(a), may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within six hundred sixty (660) feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway. Outdoor advertising devices may be erected and maintained in the B-5-T zone district but only as permitted by a district sign plan authorized pursuant to section 59-556. For such outdoor advertising devices in the B-5-T zone district the provisions of this division shall not apply.

(Code 1950, § 613.6-3; Ord. No. 713-85, eff. 12-16-85; Ord. No. 895-03, § 60, eff. 12-2-03; Ord. No. 439-07, § 20, eff. 8-20-07; Ord. No. 130-10, § 1, eff. 3-12-10)

Sec. 59-564. Permitted types.

Ground signs or wall signs are permitted types.

(Code 1950, § 613.6-4)

Sec. 59-565. Permitted maximum number.

Only one (1) outdoor general advertising device will be permitted in one (1) location; provided, however, that:

- (1) Two (2) outdoor general advertising message surfaces may be placed in one (1) location if they are placed on only one (1) structure, have their message surfaces facing opposite directions and the message surfaces are not separated by more than four (4) feet.
- (2) Three (3) outdoor general advertising message surfaces may be placed in one (1) location if one (1) of the message surfaces is at least six hundred (600) square feet in size and neither of the other two (2) message surfaces are more than three hundred (300) square feet in size, if all three (3) such surfaces are placed on only one (1) structure, the two (2) smaller surfaces face in the opposite direction from the larger surface, the two (2) smaller surfaces are not separated from the larger surface by more than four (4) feet and no part of either of the smaller surfaces extends beyond the outer edge of the larger surface by more than three (3) feet.
- (3) Four (4) outdoor general advertising message surfaces may be placed in one (1) location in an I-1 or I-2 zone district if they are placed on one (1) structure, consist of two (2) three hundred (300) square foot message surfaces placed side-by-side with two (2) other three hundred (300) square foot message surfaces placed immediately to the back of the first surfaces, facing the opposite direction, and none of the message surfaces are separated by more than four (4) feet.

(Ord. No. 332-88, eff. 6-14-88)

(Code 1950, § 613.6-5)

Sec. 59-566. Permitted maximum area per message surface.

No outdoor general advertising device shall have any single message surface more than six hundred seventy-two (672) square feet in area plus up to an additional eighty (80) square feet for extensions.

(Ord. No. 130-10, § 1, eff. 3-12-10)

Sec. 59-567. Permitted maximum height.

(a) Except as permitted in section 59-567(b), no outdoor general advertising device shall exceed a height of forty-five (45) feet above grade.

(Ord. No. 130-10, § 1, eff. 3-12-10)

(b) Outdoor general advertising devices which are located within two hundred (200) feet of an elevated street or viaduct and whose messages are oriented to that elevated street or viaduct may have a maximum height not to exceed twenty-five (25) feet above the roadway of such elevated street or viaduct. This measurement shall be made at the point nearest on the elevated street or viaduct from the outdoor general advertising device. Any outdoor general advertising device having a height in excess of forty-five (45) feet above grade which device is located within two hundred (200) feet of an elevated street or viaduct and whose message is oriented to that elevated street or viaduct shall be lowered or reconstructed to comply with the forty-five (45) feet height limitation as set forth in section 59-567(a) above or shall be lowered or reconstructed to a height not to exceed twenty-five (25) feet above the roadway of the elevated street or viaduct if the street or viaduct is still elevated within one (1) year after such elevated street or viaduct is lowered or removed.

(Ord. No. 567-85, eff. 11-7-85; Ord. No. 332-88, eff. 6-14-88)

(Code 1950, § 613.6-7)

Sec. 59-568. Permitted location.

(a) No outdoor general advertising device with a message surface in excess of seventy-nine (79) square feet shall be located less than five hundred (500) feet from any other outdoor general advertising device which has a message surface in excess of seventy-nine (79) square feet on the same or opposite side of the street to which the message is oriented.

(Ord. No. 332-88, eff. 6-14-88)

(b) No outdoor general advertising device with a message surface less than eighty (80) square feet shall be located less than three hundred (300) feet from any other outdoor general advertising device which has a message surface less than eighty (80) square feet on the same or opposite side of the street to which the message is oriented nor less than two hundred (200) feet from any other outdoor general advertising device which has a message surface in excess of seventy-nine (79) square feet on the same or opposite side of the street to which the message is oriented.

(Ord. No. 332-88, eff. 6-14-88)

(c) In addition to the provisions of sections 59-568(a) and (b), no outdoor general advertising device whose message is oriented to an elevated street or viaduct shall be located less than five hundred (500) feet from any other outdoor general advertising device on the same or opposite side of the elevated street or viaduct to which the message is oriented.

(Ord. No. 130-10, § 1, eff. 3-12-10)

(d) No outdoor general advertising device shall be erected within a distance of four hundred (400) feet of any public park measured from the inner curb line of the street which bounds the park or from the property line of the park, whichever is closer to the outdoor general advertising device.

(e) No outdoor general advertising device shall be erected within four hundred (400) feet of any structure or district designated for preservation pursuant to the landmark preservation ordinance in chapter 30.

(Ord. No. 130-10, § 1, eff. 3-12-10)

(f) No outdoor general advertising device shall be located less than one hundred and twenty-five (125) feet from a residential district or a single or multiple unit dwelling.

(Ord. No. 332-88, eff. 6-14-88)

(g) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Speer Boulevard from Grove Street to I-25.

(Ord. No. 332-88, eff. 6-14-88)

(h) No outdoor general advertising device shall be located within six hundred sixty (660) feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from I-25 to Wazee Street.

(Ord. No. 332-88, eff. 6-14-88)

(i) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to Colorado Boulevard.

(Ord. No. 332-88, eff. 6-14-88)

(j) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Park Avenue/23rd Street from Colfax Avenue to Welton Street.

(Ord. No. 332-88, eff. 6-14-88)

(k) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Park Avenue/23rd Street from Welton Street to Blake Street.

(Ord. No. 332-88, eff. 6-14-88)

(l) No outdoor general advertising device shall be located within six hundred sixty (660) feet of the edge of the right-of-way of 23rd Street/Fox Street from Blake Street to I-25.

(Ord. No. 332-88, eff. 6-14-88)

(1.1) No outdoor general advertising device shall be located within six hundred sixty (660) feet of the edge of the right-of-way of 22nd Street from its intersection with Delgany Street to Blake Street.

(Ord. No. 156-95, eff. 3-17-95)

(1.2) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of 22nd Street from Blake Street to Glenarm Place.

(Ord. No. 156-95, eff. 3-17-95)

(1.3) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of 20th Street from Broadway Street to the center line of vacated Wewatta Street.

(Ord. No. 156-95, eff. 3-17-95)

(1.4) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of 21st Street from Broadway Street to Blake Street.

(Ord. No. 318-95, eff. 5-5-95)

(m) No outdoor general advertising device shall be located within six hundred sixty (660) feet of the edge of the right-of-way of West Colfax Avenue from Federal Boulevard to Osage Street.

(Ord. No. 332-88, eff. 6-14-88)

(n) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of West and East Colfax Avenue from Osage Street to Park Avenue.

(Ord. No. 332-88, eff. 6-14-88)

(o) No outdoor general advertising device shall be located within six hundred sixty (660) feet of the edge of the right-of-way of Walnut Street viaduct and Auraria Parkway from Colfax Avenue to Speer Boulevard.

(Ord. No. 332-88, eff. 6-14-88)

(p) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Lincoln Street from Speer Boulevard to Colfax Avenue.

(Ord. No. 332-88, eff. 6-14-88)

(p.5) No outdoor general advertising device shall be located within one hundred (100) feet of the edge of the right-of-way of Alameda Parkway from Knox Court to Sheridan Boulevard.

(Ord. No. 427-88, eff. 7-19-88)

(q) Outdoor general advertising devices shall be oriented to only one (1) specific street or highway through the construction of one (1) or more message surfaces which shall be aligned at a perpendicular angle to the specific street or highway. Outdoor general advertising devices shall not be oriented to local streets with an average daily traffic volume of less than three thousand (3,000) vehicles, parking lots, frontage roadways or access ramps to limited access highways.

(Ord. No. 332-88, eff. 6-14-88)

(Code 1950, § 613.6-8)

Sec. 59-569. Permitted structures.

The structural members, bracing and frame shall be constructed of noncombustible materials, and no ground outdoor general advertising device shall have more than two (2) vertical structural members or poles.

(Code 1950, § 613.6-9)

Sec. 59-570. Permitted illumination.

No outdoor general advertising device shall flash, blink or fluctuate; outdoor general advertising devices may be illuminated, but only from a concealed light source and shall not be illuminated between the hours of 1:00 a.m. and 6:00 a.m. Outdoor general advertising devices may not have message surfaces made entirely or partly of light emitting diodes (LEDs). Any general outdoor advertising device with one (1) or more LED message surfaces that was permitted prior to March 1, 2010, shall be considered a nonconforming general outdoor advertising device and shall be allowed to continue in operation and be maintained in accordance with the provisions of section 59-572. The LEDs on such device may not flash, blink or fluctuate, or change in any manner more frequently than once per hour, must be dimmed at dusk and may not be lit between the hours of 1:00 a.m. and 6 a.m.

(Code 1950, § 613.6-10; Ord. No. 130-10, § 1, eff. 3-12-10)

Sec. 59-571. Animation.

No outdoor general advertising device shall be animated.

(Code 1950, § 613.6-11)

Sec. 59-572. Nonconforming devices.

(a) *Definition.* A nonconforming outdoor general advertising device shall be any such device which:

- (1) On the effective date of this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this chapter; or
- (2) On or after the effective date of this chapter was lawfully maintained and erected in accordance with the provisions of this chapter, but which device by reason of amendment to this chapter after the effective date thereof, does not conform to the limitations resulting from such amendment.

(a) *Definition.* A nonconforming outdoor general advertising device shall be any such device which:

- (1) On the effective date of this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this chapter; or

- (2) On or after the effective date of this chapter was lawfully maintained and erected in accordance with the provisions of this chapter, but which device by reason of amendment to this chapter after the effective date thereof, does not conform to the limitations resulting from such amendment.

(b) *Continuance.* Subject to the termination hereinafter provided, any nonconforming outdoor general advertising device in existence as of January 1, 2010, may be continued in operation and maintained after January 1, 2010; provided, however, that after January 1, 2010, no such device shall be modified, as "modification" is defined in section 59-562(a)(5). The burden of establishing such a device to be nonconforming under this section rests entirely upon the person claiming a nonconforming status for an outdoor general advertising device.

(Ord. No. 130-10, § 1, eff. 3-12-10)

(c) *Termination.*

- (1) *By abandonment.* Abandonment of a nonconforming outdoor general advertising device shall terminate immediately the right to maintain such device. If a message surface is vacant or contains obsolete advertising copy for any six-consecutive-month period, it shall be deemed to be abandoned. A "vacant" message surface shall mean a message surface that is void of any message content and shall not include a message surface displaying the name of the permit holder's business, a public service announcement or "for rent", "available for lease" or any similar message. "Obsolete advertising copy" shall mean advertising copy which pertains to an event or activity which has already occurred.

(Ord. No. 130-10, § 1, eff. 3-12-10)

- (2) *By violation of chapter.* Any violation of this chapter, except for the failure to continuously display a city registration number on a device as required by section 59-562(a)(1), shall terminate immediately the right to maintain a nonconforming outdoor general advertising device. In the event a city registration number which was displayed on a nonconforming general advertising device in conformance with section 59-562(a)(1) becomes detached or unreadable, the permit holder shall have ninety (90) days from receipt of notice of such violation to cure the violation.

(Ord. No. 130-10, § 1, eff. 3-12-10)

- (3) *By destruction, damage or obsolescence.* The right to maintain any nonconforming outdoor general advertising device shall terminate and shall cease to exist whenever the device is damaged or destroyed, from any cause whatsoever and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such device on the date of such damage or destruction; or whenever the device becomes obsolete or substandard under any applicable ordinance of the city to the extent that the device becomes a hazard or a danger.

(Ord. No. 130-10, § 1, eff. 3-12-10)

(d) *Removal.* Termination of a nonconforming outdoor general advertising device as set forth in section 59-572(c) shall require its immediate removal. Furthermore, no device that is terminated pursuant to section 59-572(c) and removed pursuant to this section 59-572(d) shall receive credit under 59-562(a)(7) to be used for a new device.

(Ord. No. 130-10, § 1, eff. 3-12-10)

Secs. 59-573—59-580. Reserved.