

ORDINANCE NO: 2299

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING SECTION 17-20-100 OF THE BRIGHTON MUNICIPAL CODE RELATED TO
SIGNS

INTRODUCED BY: Edwards

WHEREAS, the Brighton Municipal Code (“Code”) contains certain provisions related to signs, including, but not limited to, a definition thereof and the process for applications; and

WHEREAS, a recent federal court ruling (*Reed v. Town of Gilbert*) has necessitated changes to sign classifications and categories regarding content; and

WHEREAS, City staff has proposed an amendment to the Code that would ensure compliance with federal rulings on sign content; and

WHEREAS, City Council finds that the amendment, in its entirety, is in the best interests of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 17-20-100 of the Brighton Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

[Text of 17-20-100 begins on next page]

Sec. 17-20-100. - Signs.

- (a) Purpose. These sign regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the City. The City recognizes that signs may act as a visual means of communication between the public and businesses and those businesses have an expectation of using signs to identify and advertise themselves. The purpose of this Section is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:
 - (1) Promote the safety of persons and property by ensuring that signs do not create a hazard by:
 - a. Confusing or distracting motorists; or
 - b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
 - (2) Promote the efficient communication of messages, and ensure that persons exposed to signs are not overwhelmed by the number of messages presented;
 - (3) Protect the public welfare and enhance the appearance and economic value of the landscape by reducing and preventing sign clutter;
 - (4) Ensure that signs are compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
 - (5) Enhance property values and business opportunities;
 - (6) Assist in wayfinding; and
 - (7) Provide fair and consistent permitting and enforcement.
- (b) Intent. It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, this Section advances important, substantial, and compelling governmental interests.
 - (1) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this Section.
 - (2) The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among

property owners for the attention of passing motorists and pedestrians), because sign clutter:

- a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
- b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
- c. Degrades the aesthetic and essential historic character of the City, making the City a less attractive place for tourism, commerce, and private investment; and
- d. Dilutes or obscures messages displayed along the City's streets through the proliferation of distracting structures and competing messages.

(3) The City has a substantial and/or compelling interest in preventing traffic accidents.

(4) The City has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.

(c) Definitions. The following words and phrases shall have the following meanings:

Abandoned sign means a sign, including sign face and supporting structure, for which no legal owner can be found; which is unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or obsolescence and/or is not kept in good repair; or which contains no sign copy on all sign faces for a continuous period of six (6) months.

Alteration means change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated means the use of movement or change of lighting to depict action or to create a special effect or scene.

Awning means a framed structure supported from the exterior wall of a building which can be retracted, folded, collapsed or remain stationary as a part of the building. Awnings may be constructed from any material, including but not limited to translucent or opaque material.

Awning sign means a sign permanently affixed to a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

Banner sign means a professionally produced temporary sign having characters, letters, illustrations or ornamentations applied to flexible material (e.g. vinyl, plastic, canvas, cloth, fabric or other lightweight non-rigid material) with only such material for a backing, which

projects from, hangs from or is affixed to a building or structure. Banners include pennants, cable-hung banners and freestanding feather banners.

Building means any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building frontage means the side or sides of the building which contain a primary entrance and/or abut a street, excluding an alleyway. When the entrance is located at an angle on the corner of the building, one (1) side must be designated as the frontage.

Building site means a footprint of a building.

Canopy sign means a sign permanently affixed to a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

City Manager means the City of Brighton City Manager, or their designee.

Clearance means the distance from the bottom of a sign face elevated above grade and the grade below.

Copy means the wording, symbols, figures or images on a sign.

Directional sign means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

Director means the City of Brighton Director of Community Development, or their designee.

Electronic message center sign means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Feather banner sign means a type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical support structure with distinctive color, words, patterns or symbolic logos for display. Also known as a flying banner or a wave banner sign.

Flag. A fabric device similar to and including national and state flags, designed to be attached to a flagpole.

Flashing means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Freestanding sign means any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

Grade (adjacent ground elevation) means the lowest point of elevation of the graded surface of the ground, paving or sidewalk measured within a twenty-foot radius from the base of a freestanding sign.

Handheld sign means a temporary sign held, suspended or supported by an individual. Handheld signs do not include handheld signs utilized for traffic control or safety purposes. Also known as a human directional, sign spinner or sign twirler sign.

Hazard means whenever any portion, support structure or appurtenance of a sign is likely to fail or to become detached or dislodged or collapse.

Height means the vertical distance measured from the grade adjacent to the sign to the highest point of said sign or sign structures.

Illuminated means an artificial source of light is used in order to make readable a sign's message, and is inclusive of signs that are lighted internally or externally, or are reflectorized, glowing or radiating.

Incidental sign means a small sign affixed to a building or structure, machine, equipment, fence, gate, wall, gasoline pump, public telephone, or utility cabinet.

Inflatable sign means a balloon, blimp or other inflated object used for attracting attention.

Logo means an emblem, letter, character, picture, trademark or symbol used to represent any firm, organization, entity or product.

Lot means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the County Clerk and Recorder's office or, when so platted in a recorded subdivision, a parcel of real property abutting upon at least one (1) public street and held under separate ownership, occupied or intended to be occupied, by a building or used together with such other requirements as are mandatory under this Section.

Maintenance means, for the purposes of this Section, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Marquee means a permanently roofed structure attached to and supported by a building, which may extend over a public right-of-way.

Marquee sign means any sign made a part of a marquee and designed to have changeable copy.

Message hold time means the time interval a static message must remain on the display before transitioning to another message.

Monument sign means a permanent freestanding sign supported by, or integrated into, a base or pedestal at least seventy five percent (75%) of the sign width.

Mural means a picture or graphic illustration applied directly to a wall of a building or structure that does not advertise or promote a particular business, service or product.

Nonconforming sign means a sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

Nuisance means a continuous act, condition or use of property which hurts, annoys, inconveniences or damages the public with respect to its health, safety, comfort or welfare or where the effects of which are unreasonably harmful or annoying to persons of normal sensibility.

Off-premise sign means any sign which directs attention to a business, activity, commodity, service, entertainment or communication which is not conducted, sold, or offered

at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

Pennant means a triangular, square or rectangular shaped flag attached in a string-type manner. Pennants do not contain any words, logos or emblems.

Permanent sign means any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.

Pole sign means a permanent freestanding sign supported by one or more poles or pylons.

Portable sign means a sign mounted on a moveable trailer or wheeled carrier.

Projecting sign means a sign which is attached perpendicular to the wall of a building or structure.

Roof sign means any sign erected upon a roof, parapet or roof-mounted equipment structure or extending above a roof, parapet or roof-mounted equipment structure of a building or structure.

Sidewalk sign means a sign with two (2) faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting.

Sign means any written copy, display, illustration, insignia or illumination used to communicate a message or idea which is displayed or placed in view of the general public, and shall include every detached sign and every sign attached to or forming a component part of any marquee, canopy, awning, pole, vehicle or other object, whether stationary or movable.

Sign area means the total area of all sign faces.

Sign face means an exterior display surface of a sign including nonstructural trim, yet exclusive of the supporting sign structure.

Sign structure means any structure designed for the support of a sign.

Site sign means a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a limited period of time on a vacant lot or a lot under construction.

Street frontage means the property line which abuts a public right-of-way.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having a permanent location on the ground.

Swing sign means a temporary freestanding sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

Temporary sign means any sign based upon its materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

Traffic control sign means a sign erected in a public right-of way by an authorized governmental agency for the purposes of traffic regulation and safety.

Transition duration means the time interval it takes the display to change from one complete static message to another complete static message.

Transition method means a visual effect applied to a message to transition from one message to the next. Transition methods include:

- a. Dissolve – a frame effect accomplished by varying the light intensity or pattern, where the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.
- b. Fade – a frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

Vehicle sign means a sign that is printed, painted upon or attached to motor vehicles, including semi-truck trailers, used primarily for the delivery of products, passengers or services or for business purposes other than as a sign.

Vision triangle means as specified in Section 17-20-30, Fence and sight triangles, of the Brighton Municipal Code, as the same may be amended from time to time.

Wall sign means any sign painted on or affixed to the wall of a building or structure, or any sign consisting of cut-out letters or devices affixed to a wall with no background defined on the wall in such a manner that the wall forms the background surface of the sign.

Window means an opening for letting in light or air or for looking through, usually having a pane or panes of glass, etc. Spandrel glass that appears to be a window shall not be considered as such.

Window sign means any sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

Works of art means a sculpture, painting, graphic or other type of art that does not advertise or promote a particular business, service or product.

Yard sign means a temporary freestanding sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one or more existing permanent structures.

- (d) Application. These regulations shall apply to the display, construction, erection, alteration, use, maintenance, and location of all signs within the City.
 - (1) If any provision of this Section conflicts with any other adopted City code that regulates signs, the more restrictive standards shall apply.
 - (2) The City recognizes other regulations pertaining to signage (i.e., State of Colorado, Department of Highways, “Rules and Regulations Pertaining to Outdoor Advertising,” effective January 1, 1984, and as may be amended). Where any provision of this Section addresses the same subject matter as other regulations, the more restrictive regulation shall apply.
 - (3) Nothing in this Section shall be construed as a defense to a violation of applicable State or federal law.

- (4) All signs displayed, constructed, erected or altered after the date of the adoption of these regulations shall be in conformance with the provisions of these regulations. All signs that are existing at the time of the adoption of these regulations shall not be altered or enlarged without being brought into conformance with these regulations.
- (e) Non-conforming Signs. Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. With the exception of signs designated as historic signs by the Historic Preservation Commission using the review criteria set forth in Section 17-52-30, nonconforming signs must be brought into compliance with this Code or must be removed when any of the following conditions exist:
 - (1) Whenever there is a change in the ownership of the real property upon which the sign is located.
 - (2) When the property or premises upon which the sign is located relates is vacant for a period of at least sixty (60) days.
 - (3) When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds fifty percent (50%) of its total replacement cost or becomes a hazard or potential hazard.
 - (4) When there is a zone change initiated by the business or property owner.
 - (5) When a sign and/or sign structure is abandoned, including empty frames.
 - (6) When an existing structure upon which the sign is located is relocated, replaced, or changed in size, location, height or setback.
 - (7) When the sign itself is relocated, replaced, or changed in size, location, height or setback.
 - (8) The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
 - (9) When improvements are being made to twenty-five (25) percent or more of the facade of a building on which a nonconforming sign is located.
- (f) Enforcement. The provisions herein shall be enforced by the City Manager. It shall be unlawful to erect, construct, reconstruct, alter or change any sign without first obtaining a sign permit from the City except as noted in Sub-Section (h)(1), and no permit shall be issued unless plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to the Zoning Ordinance and this Section. Upon presentation of proper credentials, the Director may enter any building, structure, real property or premises to ensure compliance with the provisions of this Code.
- (g) Violations and Penalties. It shall be unlawful to erect, construct, move or change the use of any sign in the City or cause the same to be done contrary to or in violation of the provisions of these regulations or amendments thereto.
 - (1) Any person, firm or corporation, whether as principal, agent, employee or otherwise, either as owner, lessee, occupant or otherwise, who violates any of the provisions set

forth herein or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him or her by the provisions of this Code and conviction thereof, shall be subject to the penalties and remedies set forth in Article 1-24, General Penalty, of the Brighton Municipal Code, as the same may be amended. Each day of the existence of any violation shall be deemed a separate offense, subject to the above-referenced penalty provisions.

- (2) Upon presentation of proper credentials, the Director may enter any building, structure, real property or premises to ensure compliance with the provisions of this Code.
- (h) Sign Permit Required. A sign permit shall be required in order to erect, move, alter, or reconstruct any permanent or temporary sign, except signs that are exempt from permits in compliance with subsection (l) of this Section.
 - (1) Changing or replacing the copy on an existing lawful sign shall not require a permit, provided that the copy change does not change the type of the sign or render the sign in violation of this Section.
 - (2) A sign permit shall be required for each sign.
 - a. Each permit shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance or if the work authorized on the site by such permit is suspended for a continuous period of one hundred eighty (180) days after the time the work is commenced.
 - b. The Director is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.
 - (3) In addition to the required sign permit, a building permit may be required by the City for signs incorporating structural elements or attached to buildings. Electrical permits may be required for signs that are illuminated or other signs with electrical components.
 - (4) All temporary signs not otherwise exempt from a sign permit shall require the submittal of a temporary sign permit application and the issuance of a temporary sign permit by the City.
 - a. Approved temporary signs may be displayed for no more than sixty (60) days in any ninety-day period and for a total of no more than one hundred eighty (180) days per calendar year, unless as otherwise set forth in this Section.
 - b. A maximum of two (2) temporary sign permits may be issued per nonresidential use at any given time, and each temporary sign permit may grant up to two (2) signs for approval. A maximum of four (4) temporary signs may be posted at any given time for a nonresidential use.
 - (5) All applications for permits and/or licenses shall be accompanied by the appropriate fee as adopted and required by the City.
- (i) Permit Procedures.

- (1) An application for a sign permit shall be submitted on a form provided by the City.
 - (2) The applicant may choose to apply for a single permit for multiple signs in a unified or coordinated development by filing a comprehensive sign plan in accordance with subsection (j) below.
 - (3) Upon receipt of a complete application the Director shall review the same for compliance with this Section and all applicable building code requirements, and approve, approve with conditions, or deny the application.
 - (4) The Director shall have the right to inspect the proposed sign location prior to acting on the application, and shall also have the right to inspect the sign after construction to insure compliance with this Section and any conditions of approval.
 - (5) A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within one (1) year after the date of the sign permit approval.
 - (6) A denial of a sign permit by the Director may be appealed to the Board of Adjustment. All appeals to the Board of Adjustment shall be in accordance with the procedures provided in Article 2-37 of this Code.
- (j) Comprehensive Sign Plan. The intent of these provisions is to allow flexibility in the size, type, number, height and location of signs related to commercial, industrial and mixed use developments greater than one (1) acre in size and having at least two (2) building sites. Flexibility is offered for those developments that may not be able to meet the strict application of the Code due to constraints caused by the physical layout of the development. This flexibility is offered in exchange for a coordinated program of signage ensuring a higher standard of design quality for such signs. Flexibility via the use of a comprehensive sign plan is not a matter of right, and a proposed comprehensive sign plan must be reviewed and approved pursuant to the following provisions prior to the release of a permit. A comprehensive sign plan may be a component of a final development plan as provided for in the City's Mixed Use zone districts.
- (1) Application for comprehensive sign plan approval; determination. Application for a comprehensive sign plan shall be made by the property owner or his or her authorized agent. The Director shall review the comprehensive sign plan to determine if the plan complies with the submittal requirements, design standard requirements and review criteria as set forth in Paragraphs (2), (3) and (4) below. The Director may refer the application back to the applicant for revision or additional information, approve, approve with conditions or deny the comprehensive sign plan. The applicant shall have the right to appeal a decision by the Director as set forth in Article 17-8-30, Procedures, (h) Appeals, of the Brighton Municipal Code, as the same may be amended.
 - (2) Submittal requirements. The application for a comprehensive sign plan shall include the following plans and other information as required:

- a. A completed comprehensive sign plan application on a form as provided by the City.
 - b. Application fee in accordance with the fee schedule as established by the City Council.
 - c. A comprehensive sign plan document to scale, in a format acceptable to the Director, which shall include the following information:
 - 1. Site layout showing lot lines, existing and proposed buildings, parking areas, drive aisles, drainage areas, adjoining streets and landscaped areas, including fences and retaining walls.
 - 2. Site dimensions, particularly lineal feet of building frontage and street frontage.
 - 3. For any existing and proposed freestanding or monument signs, the location and dimensions of such signs on the site layout.
 - 4. For any existing and proposed wall signs, building elevations showing sign location and dimensions to scale; roof lines; building heights and lineal footage of the building frontage.
 - 5. For each sign, the sign elevation including the area to be occupied by lettering, symbols or images, with dimensions; sign type; lettering styles, colors, method of illumination; construction materials; projection or depth of sign cabinet.
 - 6. Such other data pertinent to the application as determined by the Director.
- (3) Design standards for comprehensive sign plans. Comprehensive sign plans shall present an overall coordinated appearance which shall contribute to an aesthetically pleasing visual environment. Therefore, a comprehensive sign plan shall include design standards 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 complimentary feature of the building it serves or of the overall development.
- (4) Review criteria. The following criteria shall be used by the Director in making a determination regarding a proposed comprehensive sign plan.
- a. In determining the height, area, number and location of signs, the following items shall be considered:
 - 1. The overall size of the buildings and/or development and the scale of the uses located or anticipated to be located within it (e.g., larger land areas and scales of use tend to favor larger signs and/or additional signage).
 - 2. Relationship between the building setback and sign location or height (e.g., additional signage or larger signs may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the City, or in instances in which there is grade separation from the roadway to the development).
 - 3. Frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter).
 - 4. Access and visibility of the site.

5. Intended traffic circulation pattern and the need for wayfinding.
 6. Relationship between the site and adjacent uses.
 7. The desired function of the site (e.g., a vertically integrated, mixed use development would tend to include signage that is more urban and more dynamic in character than a strip shopping center).
- b. Generally, all signage proposed within a comprehensive sign plan shall meet the following:
1. The plan is consistent with the purposes of this Section and is a creative alternative design to this Section.
 2. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site and shall use similar and coordinated design features, materials and colors. This shall be evidenced within the comprehensive sign plan design standards.
 3. The design, character, location, color and/or materials of all freestanding and attached signs shall be demonstrably more attractive or appropriate than signs otherwise permitted for the development.
 4. Signs shall not be oriented, situated or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures.
- (5) Compliance with comprehensive sign plan. Upon approval of a comprehensive sign plan, no sign permit shall be issued for a sign which is not in compliance with the plan. It shall be unlawful to change, modify, alter or otherwise deviate from the provisions of a comprehensive sign plan except as otherwise provided in this Section.
- (6) Amendments to a comprehensive sign plan. A property owner or his or her authorized agent may propose amendments to a comprehensive sign plan. Such amendments shall be submitted, reviewed and a determination reached in the same manner as for the original plan, except that evidence in the form of signatures on the proposed amended plan document shall be provided indicating that the current property owners have agreed to the proposed amendment prior to a determination being made on the amendment by the Director.
- (k) Criteria for Bonus Sign Area. To encourage excellence in design and to protect and enhance public health, safety and welfare by reducing visually intrusive signs and promoting community aesthetics, the maximum sign area for freestanding signs for all nonresidential uses, as set forth herein, may be increased by the percentages set forth below if the following criteria are met. A separate bonus shall be granted for compliance with each of the categories; the bonus is based upon the original allowed size standard. Any bonus area shall be counted toward the total allowable square footage. If fractions occur when bonuses are calculated, round fractions of five hundredths (.05) or above to the next higher number and round fractions less than five hundredths (.05) to the next lower number. All site plans and sign designs submitted for bonus sign area consideration shall be reviewed and approved by the Director.
- (1) Freestanding sign bonuses. Bonus sign area for freestanding signs may be earned through utilizing any combination of the following two (2) categories. The maximum bonus area

allowed is twenty percent (20%) of the allowed sign area, as outlined in Paragraph (m)(3) [Table 3] below.

- a. Integration with building architecture design: A ten-percent bonus shall be available if all the freestanding signs are designed to be integrated with the building structure and design such that visual clutter is reduced and overall community aesthetics enhanced. The sign will be considered well integrated if the same or similar building materials and colors are used.
 - b. Landscaped signs: A ten-percent bonus shall be available if all the freestanding signs within the development are located within a landscaped area. A minimum of three (3) square feet of landscaping shall be provided for every one (1) square foot of sign face. Only one (1) face of the sign will be counted. The portion of the sign on the ground shall not count toward the landscaping. Seventy-five percent (75%) of the sign area landscaping shall be living plants for a period of three (3) years or a specific landscaping design approved by the Director.
- (l) Exempt signs. The following signs are exempt from the sign permit requirements of subsection (h) above; however, exempt signs remain subject to the remaining provisions of this Section. Exempt signs shall otherwise be in conformance with all applicable requirements of this Section, and the construction and safety standards of the City. All signs not listed in this subsection and that are not prohibited under subsection (m) below require a sign permit pursuant to subsection (h) above. Unless otherwise specifically provided, exempt signs may not be illuminated. Exempt signs include:
- (1) Signs erected by the City or by any federal, State or county government agency, including but not limited to traffic control signs.
 - (2) Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution, provided that the sign does not exceed four (4) square feet in area. These signs shall comply with the lighting requirements of this Section.
 - (3) Signs displayed on motor vehicles which are being operated or stored in the normal course of a business, provided that the primary purpose of such vehicles is not for the display of signs and provided that they are parked or stored in areas appropriate to their use as vehicles.
 - a. Signs on vehicles shall not project beyond the surface of the vehicle on which they are attached a distance in excess of six (6) inches.
 - b. It shall be unlawful to place or store a vehicle with a sign on it in such manner as to increase the permitted sign area or number of signs either on-site or off-site for a non-residential use as provided in this Section.
 - (4) Scoreboards located adjacent to athletic fields are exempt and may be lighted, provided that such scoreboards comply with the lighting requirements of this Section.
 - (5) Temporary decorations or displays, if they are clearly incidental to, customarily, or commonly associated with any national, State, or local holiday or religious celebration.

Such decorations or displays may be of any type, number, area, height, location, illumination or animation, provided that such decorations or displays:

- a. Are maintained and do not constitute a fire hazard; and
 - b. Are located so as not to conflict with, interfere with or visually distract from traffic regulatory devices.
- (6) Signs being carried by a person (handheld sign). Handheld signs shall not exceed twenty (20) square feet in area. No person shall place, maintain or otherwise utilize a handheld sign in a manner which obstructs or makes hazardous the free passage of pedestrians and motor vehicles on any street, sidewalk or public-right-of way.
- (7) Flags and pennants.
- a. Flags or pennants that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
 1. Such flags, when fully extended, shall not encroach on the public right-of-way.
 2. For any single lot, up to three (3) poles for flags or pennants may be erected in any zone district in accordance with the maximum height requirement for such zone district.
 3. Flagpoles must be placed outside of sight triangles and must be setback at a minimum of three (3) feet from any property line.
 - b. Decorative flags or pennants or a combination of the same, constituting an architectural feature which is integral to the design of a project. Each flag or pennant shall be secured to a building, structure, stable object or the ground. Such flags or pennants shall be counted as part of the allowable square footage for signs.
- (8) Yard signs, subject to the standards in subsections (n) and (p) of this Section.
- (9) Swing signs, subject to the standards in subsections (n) and (p) of this Section.
- (10) Site signs, subject to the standards in subsections (n) and (p) of this Section.
- (11) Feather banners, subject to the standards in subsections (n) and (p) of this Section.
- (12) Sidewalk signs, subject to the standards in subsections (n) and (p) of this Section.
- (13) Tethered balloons attached or anchored so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians. All other inflatable signs require a sign permit, and are subject to the standards in subsections (n) and (p) of this Section.
- (14) Directional signs not exceeding two (2) square feet in size.
- (15) Window signs that are painted on, attached to or placed within four (4) feet of the inside of a window, as long as they do not extend beyond the first story of the building on/in which they are located and are not animated, do not block any openings required for entrance or exit from the building, as further set forth in subsection (m) (15) below, and do not cover over twenty-five percent (25%) of the total window area for the entire wall of the business.

- a. In addition, any sign displayed on a window of or inside a residential building, and any sign inside a non-residential building that is not visible through a window.
 - b. Window signs must comply with the lighting requirements of this Section.
- (16) Incidental signs which do not exceed two (2) square feet in sign area.
- (17) Works of art, murals, architectural features or permanent building decorations that are integral to the design of a building or provide an artistic accent, provided that they comply with building height limits and setback requirements applicable to the property on which they are located.
- (m) Prohibited signs. The following types of signs are prohibited except as noted:
 - (1) All signs not expressly permitted under this Section or exempt from a sign permit in accordance with subsection (l) above.
 - (2) Signs on vehicles, when the vehicle is placed in a location for the primary purpose of displaying signage. See subsection (l) (3) above for circumstances where vehicle signs are permitted.
 - (3) Portable signs.
 - (4) Signs attached to fences, retaining walls, trees or shrubs.
 - (5) Signs located on utility or light poles, benches [with the exception of bus bench signs permitted by paragraph (o)(4)], trash receptacles, other street furniture or any other form of public property or within any public right-of-way, unless explicitly permitted by this Section.
 - (6) Signs which produce audible noise or sounds.
 - (7) Signs which emit visible smoke, vapor, or odors.
 - (8) Signs that appear to or are designed to move, rotate, revolve, spin, swing, wave or make any other motion whatsoever; except for:
 - a. Such signs that are less than two (2) square feet per sign face;
 - b. Temporary inflatable signs and tethered balloons in accordance with the requirements of this Section;
 - c. Traditional barber poles; and
 - d. Electronic message center signs for which a permit has been issued in accordance with the requirements of this Section.
 - (9) Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsation, with the exception of electronic message signs meeting the requirements of this Section.
 - (10) Signs that have a fountain, chaser or strobe, including searchlights.
 - (11) Strings of light bulbs with a bulb greater than one-quarter ($\frac{1}{4}$) inch used in connection with commercial premises for commercial purposes (excluding traditional holiday decorations as provided in this Section).

- (12) Any sign painted, erected and/or constructed upon, above or over the roof or parapet of any building, except for temporary inflatable signs and tethered balloons in accordance with the requirements of this Section.
 - (13) Any sign other than traffic control signs, that is erected, constructed or maintained within, over or upon a public right-of-way, except sidewalk signs in conformance with subsection (p) of this Section, or other temporary signs otherwise granted permission for such location by the City or the Colorado Department of Transportation.
 - (14) Any sign that impedes pedestrian or vehicular movement, or is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
 - a. No sign greater than thirty (30) inches in height may be permitted to locate within a vision triangle.
 - b. Signs shall not be erected so as to interfere, visually or otherwise, with the effectiveness of any pedestrian sidewalk or way.
 - (15) Any sign that obstructs access to or impedes operation of any fire escape, downspout, window, door, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure as may be required by law.
 - (16) Any sign or sign structure which is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, abandonment, dilapidation or obsolescence and/or is not kept in good repair.
 - (17) Off-premises signs, except for 1) bus bench and bus shelter signs subject to subsection (o) (4) of this Section, and 2) site signs subject to subsection (p) (4) of this Section. An off-premises sign in existence at the time of the adoption of the initial ordinance codified herein may be maintained in use only so long as it is used in conjunction with the same business or activity with which it was associated and which was in existence on the date of adoption of said ordinance. Any off-premises sign which has been damaged or has not been maintained shall be removed.
- (n) Permitted Signs by District. Signs in all zoning districts shall be subject to the standards set forth in this subsection. The number, types and sizes of signs set forth in Tables 1, 2 and 3 shall also comply with the standards by sign type listed in subsections (o) and (p) of this Section.
- (1) Standards for residential zoning districts. Signs in all residential zoning districts shall be subject to the limitations and standards in Table 1 below.

Table 1
Standards for Residential Zoning Districts

| <i>Sign Type</i> | <i>Maximum Number</i> | <i>Maximum Area</i> | <i>Maximum Height</i> |
|------------------|---|---|-------------------------------------|
| Monument Sign | 1 per non-residential use; 2 per entrance to a single residential subdivision, multi-family housing complex or mobile home park | 32 square feet | No higher than 8 feet |
| Site Sign | 1 per street frontage | 32 square feet | No higher than 8 feet |
| Swing Sign | Multiple, within maximum area requirements | 6 square feet per sign, up to a maximum of 50 square feet for all signs | No higher than 4 feet |
| Wall Sign | 1 per principal single-family or two-family dwelling unit | 2 square feet | No higher than eave or parapet line |
| | 1 per principal multifamily building, per street frontage | 32 square feet | |
| | Multiple for non-residential uses, within maximum area requirements | Not to exceed 10% of the building elevation on which the sign is situated | |
| Yard Sign | Multiple, within maximum area requirements | 6 square feet per sign, up to a maximum of 50 square feet for all signs | No higher than 4 feet |

- (2) Standards for nonresidential zoning districts and uses. Signs in all non-residential and mixed use zoning districts shall be subject to the limitations and standards in Table 2 below. In addition to the limitations and standards of Table 2, freestanding pole and monument signs shall be further subject to the limitations and standards in Table 3 below.

Table 2
Standards for Nonresidential Zoning Districts

| <i>Sign Type</i> | <i>Maximum Number</i> | <i>Maximum Area</i> | <i>Maximum/Minimum Height</i> |
|------------------|--|---|---|
| Awning Sign | Multiple for non-residential uses only, within maximum area requirements | 0.5 square feet of signage for each linear foot of awning, up to a maximum of 32 square feet | No higher than roof or parapet line; 8 feet minimum height pedestrian clearance |
| Banners | Multiple for non-residential uses only, within maximum area requirements | 100 square feet cumulative for banners attached to a wall. 60 square feet for a feather banner. | No higher than roof or parapet line for a banner attached to a wall. No higher than 20 feet for a feather banner. |
| Canopy Sign | Multiple for non-residential uses only, within maximum area requirements | 0.5 square feet of signage for each linear foot of canopy, up to a maximum of 32 square feet | No higher than roof or parapet line; 8 feet minimum height pedestrian clearance; 14 feet minimum height vehicular clearance |
| Inflatable Sign | Multiple for non-residential uses only, within maximum height requirements | None | See subsection (p) (3) b. 1. |
| Marquee Sign | 1 per non-residential building frontage | 40 square feet per sign face, up to a maximum of 3 faces | No higher than roof or parapet line; 8 feet minimum height |
| Monument Sign | 2 per entrance to a single residential subdivision, multi-family housing complex or mobile home park | 32 square feet | No higher than 8 feet |

| | | | |
|-----------------|--|---|---|
| | 1 per street frontage of a principal non-residential building/access point | See Table 3 | See Table 3 |
| Pole Sign | 1 per street frontage of principal non-residential building/access point | See Table 3 | See Table 3 |
| Projecting Sign | 1 per non-residential business frontage | 6 square feet | No higher than wall (single story building)/bottom of second story window (multi-story building); 8 feet minimum height |
| Sidewalk Sign | 1 per business frontage | 6 square feet | No higher than 3 feet |
| Site Sign | 1 per street frontage | 32 square feet | No higher than 8 feet |
| Swing Sign | Multiple, within maximum area requirements | 6 square feet per sign, up to a maximum of 50 square feet for all signs | No higher than 4 feet |
| Wall Sign | 1 per principal single-family or two-family dwelling unit | 2 square feet | No higher than eave or parapet line |
| | 1 per principal multifamily building, per street frontage | 32 square feet | |
| | Multiple for non-residential uses, within maximum area requirements | Not to exceed 10% of the building elevation on which the sign is situated | |

| | | | |
|-----------|--|---|-----------------------|
| Yard Sign | Multiple, within maximum area requirements | 6 square feet per sign, up to a maximum of 50 square feet for all signs | No higher than 4 feet |
|-----------|--|---|-----------------------|

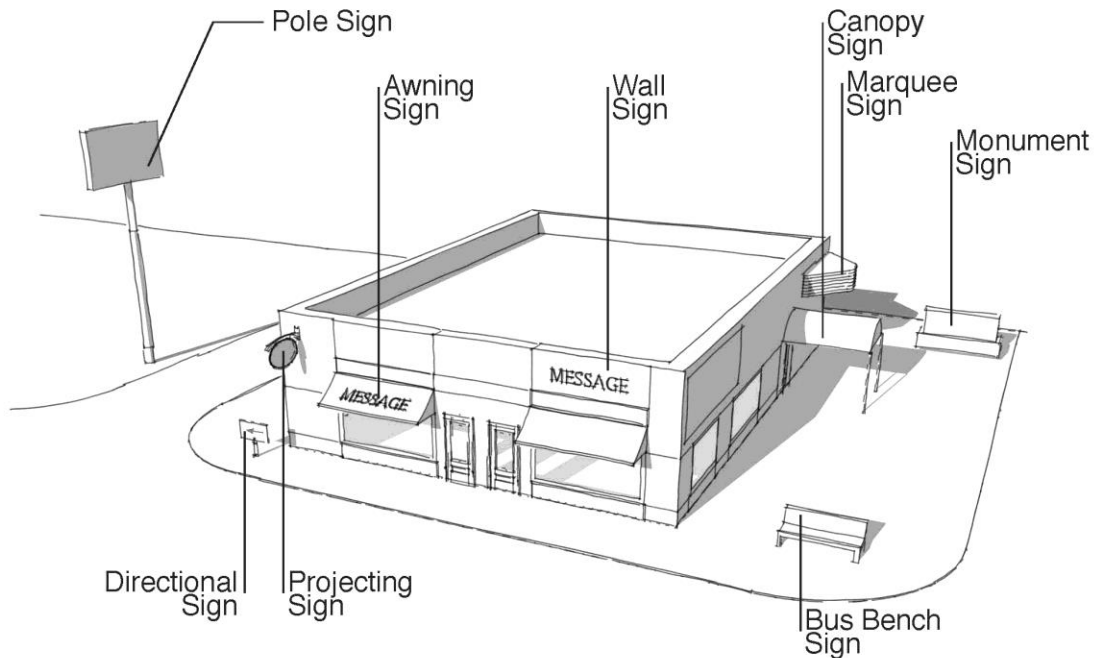
Table 3
Size and Height limits for Freestanding Pole and Monument Signs

| <i>Setback From Property Line</i> | <i>Maximum Height</i> | <i>Maximum Size Allowed per Face</i> |
|-----------------------------------|-----------------------|--------------------------------------|
| < 1 ft. | 30 in. | 2 sq. ft. |
| ≥ 1 ft. < 9 ft. | 6 ft. | 20 sq. ft. |
| ≥ 9 ft. < 15 ft. | 8 ft. | 40 sq. ft. |
| ≥ 15 ft. < 20 ft. | 14 ft. | 60 sq. ft. |
| ≥ 20 ft. ≤ 25 ft. | 20 ft. | 80 sq. ft. |

- (3) Standards for signs in a Planned Unit Development (PUD). Signs in a PUD shall be in accordance with the provisions in this subsection governing the type of residential or non-residential land use most similar to that within the PUD, unless otherwise specifically addressed in the approved PUD plan.

- (o) Permanent signs.

Permanent Sign Types



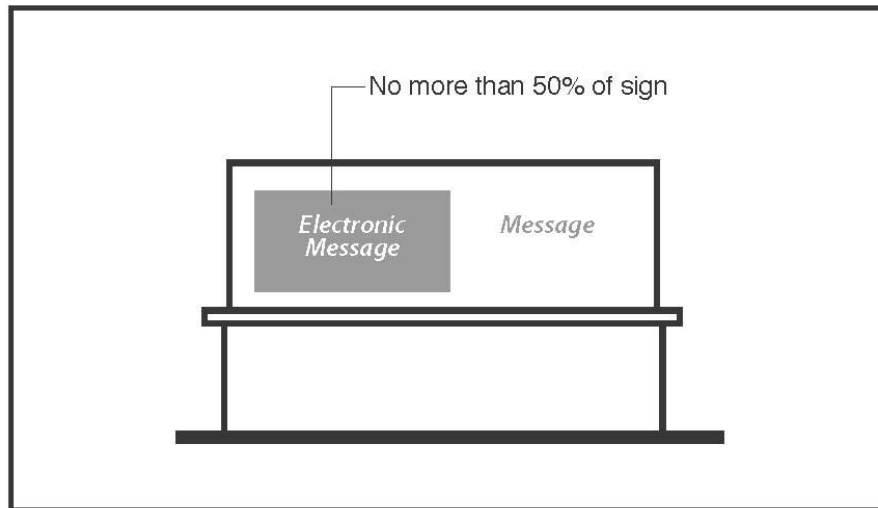
SIGN TYPES: Permanent

- (1) General. The following standards are applicable to all permanent signs:
- a. Owner consent. No sign permit shall be issued for any permanent sign on private property without written consent of the property owner or the owner's authorized agent.
 - b. Separation. No single property shall have any freestanding pole or monument sign located closer than two hundred fifty (250) feet from any other freestanding pole or monument sign on the same property.
 - c. Lighting. Signs may be illuminated by external or internal means, unless as otherwise specifically provided in this Section, subject to the following standards:
 1. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;
 2. Light sources shall be shielded, shaded or hooded to direct the light inward and downward onto the sign and away from all adjacent buildings and streets;

3. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs;
 4. Electrical supply to illuminated freestanding pole or monument signs shall be underground; and
 5. An electrical permit may be required per the electrical code for signs that are illuminated.
 6. When commercial areas are adjacent to residential areas, the use of illuminated signs may be restricted at the discretion of the Director.
- d. Sign allowance in residential zoning districts. Only one sign per building frontage is permitted in a residential zoning district.
 - e. Sign allowance in non-residential zoning districts. The aggregate area of all permanent signs displayed on a site in a non-residential zoning district shall not exceed the total allowed sign area established by this Section.
 1. The maximum aggregate sign area allowed on a property is based on street frontage. The total sign area allowed shall be calculated as one (1) foot of sign per one (1) foot of frontage. Example: A building has one hundred (100) feet of street frontage. The calculation would be as follows: $(100 \times 1) = 100$ square feet of allowed signage.
 2. Property with a building frontage of less than fifty (50) square feet shall be allowed a maximum aggregate sign area of fifty (50) square feet.
 3. Where no street frontage exists, building frontage will be used to calculate the maximum aggregate sign area allowed.
 4. Vacant property without a building frontage may be permitted to display two (2) signs, with the aggregate area of both signs not to exceed sixty-four (64) square feet.

(2) Electronic message centers.

Electronic Message Center Detail



a. General.

1. Electronic message copy shall only be permitted on monument signs. Electronic message copy on wall signs, window signs, pole signs or any other sign is not permitted.
2. Existing monument signage proposed for conversion to the use of an electronic message center shall conform to the sign standards in this subsection prior to issuance of a sign permit.
3. Non-conforming signs shall not be eligible for conversion to an electronic message center.

b. Location.

1. Electronic message signs shall only be permitted on properties or developments with a minimum of two hundred (200) lineal feet of street frontage. In instances where a property has more than one (1) street frontage, only the street frontage that the sign shall be oriented to and set back from shall be utilized to determine the minimum lineal street frontage.

c. Quantity, area and height.

1. A maximum of one (1) monument sign with electronic message copy per property or development shall be permitted.

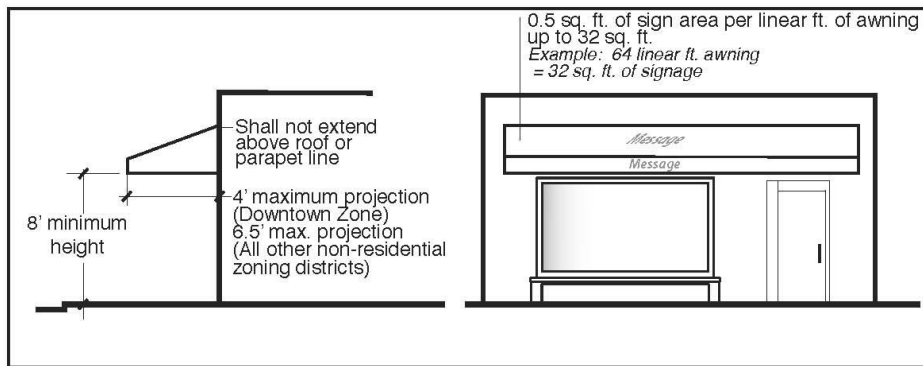
2. The electronic message area portion of the sign shall not make up more than fifty percent (50%) of the sign face. If areas of the support base which are above grade utilize permanent, dimensional letters or symbols, these areas shall be counted as signage.
- d. Lighting.
1. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
 2. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and nit (candela per square meter) rating. The Director may place a maximum nit (candela per square meter) on the sign permit approval.
 - i. In no instance shall a sign be approved with a maximum nit (candela per square meter) of more than six hundred (600) between sunset and sunrise as measured from the sign's face.
 - ii. Between sunrise and sunset, the maximum shall not exceed five thousand (5,000) nits (candelas per square meter) or three-tenths (.3) foot-candles over the ambient light, whichever is lower, as measured from the sign's face.
 - iii. In some instances, especially in sensitive areas (i.e., proximity to residential, parks, open space or other similar uses), the Director may place a maximum nit (candela per square meter) less than the maximums described herein on the sign permit approval.
 3. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
 4. City officials may enter the property and view the programmed specifications of the sign to determine compliance with this provision of this Section in accordance with Article 1-20, Right of Entry for Inspection, of the Brighton Municipal Code, as the same may be amended.
- e. Transition method. The electronic message center shall be limited to static messages, changed only through either dissolve or fade transitions, which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the

sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.

- f. Transition duration. The transition duration between messages shall not exceed one (1) second.
- g. Message hold time. The message hold time shall be a minimum of twenty (20) seconds.

(3) Awning signs.

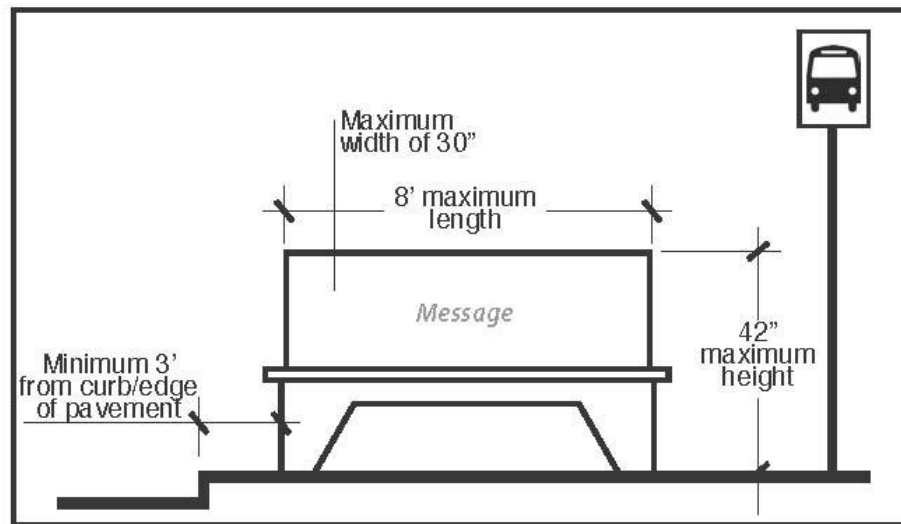
Awning Sign Detail



- a. Location.
 - 1. An awning may include a printed or mounted sign. No sign mounted to an awning shall project beyond, above or below the face of an awning.
 - 2. Awning signs shall be placed on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
 - 3. Awning signs shall be limited in the Downtown Zone District to a projection distance of four (4) feet, but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts, awning signs shall be limited to a projection of six (6) feet six (6) inches from the building wall.
 - 4. All proposed awning signs shall submit a detailed structural analysis to ensure security to the awning, and of the awning to the wall of the structure.
- b. Quantity, area and height. Sign quantity and area shall comply with the requirements established in subsection (n) of this Section.

1. No structural element of an awning shall be located less than eight (8) feet above finished grade.
 2. Awning signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. No point on any awning sign shall project above the roof or parapet line of any building.
 3. . The area of an awning sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.
- c. Lighting. Awnings may be internally illuminated only.
- (4) Bus bench and bus shelter signs.

Bus Bench Sign Detail



- a. Location.
1. No more than two (2) bus benches may be placed at a given bus stop unless otherwise permitted by the City in agreement with RTD.
 2. No permit will be issued for a bus bench at an RTD bus stop adjacent to any residentially zoned property without written consent of the owners of the adjacent property.
 3. Bus benches must be placed at least three (3) feet from the curb or edge of pavement if no curb exists. Benches may not interfere with the safe and efficient

passage of pedestrians and specifically may not impede pedestrian access to or use of traffic control devices.

4. Copy or graphics placed on bus benches shall display no fluorescent or other reflective color or material.
5. The bus bench company name and phone number must be on each bench.
6. The City shall have the right to remove any bus bench within the public right-of-way after giving fifteen (15) days' written notice to the bus bench owner of the removal. In cases where a bus bench creates a public safety hazard, the City may remove the bus bench without any written notice.

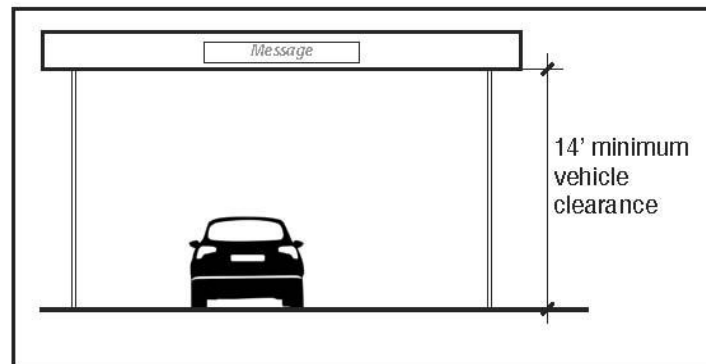
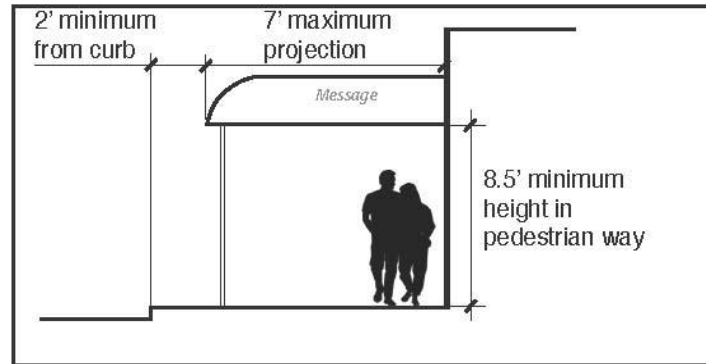
b. Quantity, area and height.

1. Bus benches shall be no longer than eight (8) feet, no higher than forty-two (42) inches and no wider than thirty (30) inches, and must weigh no less than three hundred (300) pounds.
2. The total square footage of signage on a bus shelter shall be limited to forty eight (48) square feet, with no individual sign larger than twenty four (24) square feet.

c. Lighting. Bus bench and bus shelter signs shall not be illuminated.

(5) Canopy signs.

Canopy Sign Details



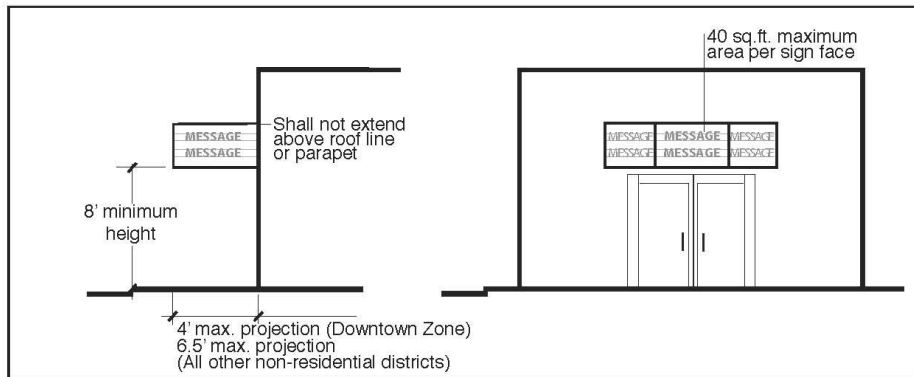
- a. Location.
 1. Signs may be placed on canopies that front a street, parking lot or pedestrian way, or that are located in a driveway.
 2. A canopy may include a printed or mounted sign.
 3. No sign mounted to a canopy shall project beyond, above or below the face of a canopy.
- b. Quantity, area and height. Sign quantity and area shall comply with the requirements established in subsection (n) of this Section.

1. No structural element of a canopy sign shall be located less than eight (8) feet above finished grade in a pedestrian way, or less than fourteen (14) feet above finished grade in a vehicular way.
2. Canopies on which signs are printed or mounted shall not extend over a public right-of-way more than seven (7) feet from the face of a supporting building, and be no closer than two (2) feet to a curb line.
3. No canopy, with or without signage, shall extend above the roof or parapet line of any building.
4. No canopy sign shall project above the top of the canopy upon which it is mounted. However, a sign may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than eighteen (18) inches.
5. The area of a canopy sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.

c. Lighting. Canopies may be internally illuminated only.

(6) Marquee signs.

Marquee Sign Detail



a. Location.

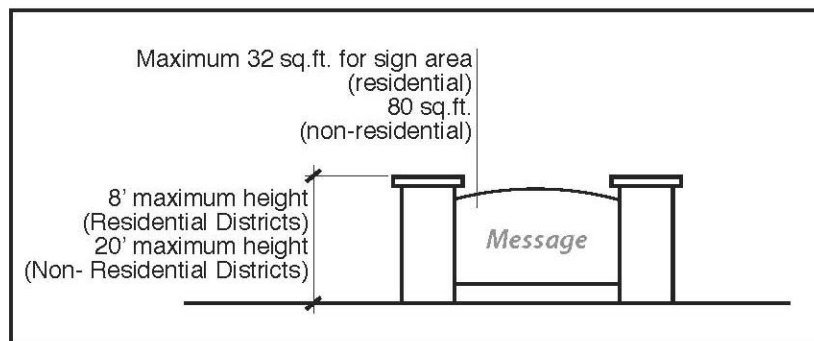
1. A marquee sign shall be placed on a ground floor façade of a building.
2. Marquee signs shall be limited in the Downtown Zone District to a projection distance of four (4) feet, but in no event shall such signs project beyond the curb

line. In all other commercial and industrial zone districts, marquee signs shall be limited to a projection of six (6) feet six (6) inches from the building wall.

3. All proposed marquee signs shall submit a detailed structural analysis to ensure security to the wall of the structure.
- b. Quantity, area and height. A marquee sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
 1. No structural element of a marquee sign shall be located less than eight (8) feet above finished grade.
 2. Marquee signs shall not be higher than the wall from which the sign projects. No point on any marquee sign shall project above the roof or parapet line of any building.
 3. . The area of a marquee sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.
- c. Lighting. Marquee signs may be internally or externally illuminated.

(7) Monument signs.

Monument Sign Detail

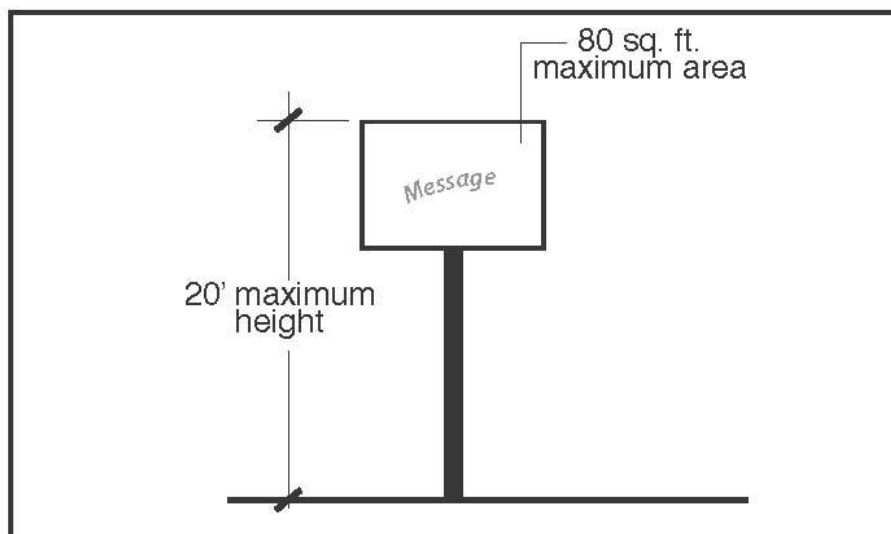


- a. Location.

- i. Monument signs shall be located on a street frontage, unless as otherwise shown on an approved PUD plan. A main entrance on a street frontage shall be defined as the ingress/ egress point off a collector street, a minor arterial or a major arterial as established by the Transportation Master Plan.
 - ii. A monument sign shall not obstruct any vehicle or pedestrian movement, and shall be setback a minimum of ten (10) feet from any property line.
- b. Quantity, area and height. A monument sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
1. Height and sign area exceptions for freeway-oriented monument signs:
 - i. In Commercial and Industrial Zone Districts, all signs located within a three-hundred-fifty-foot radius of the center of an interchange (except for Interstate 76 interchanges which have a five-hundred-foot radius) shall not exceed a maximum area of one hundred (100) square feet and a maximum height of fifty (50) feet, but shall be allowed to locate on or near the property line.
 - ii. All other signs located along the freeway corridors shall not exceed a maximum area of eighty (80) square feet and a maximum height of twenty (20) feet, but shall be allowed to locate on or near the property line.
- c. Lighting. Monument signs may be internally or externally illuminated.

(8) Pole signs.

Pole Sign Detail

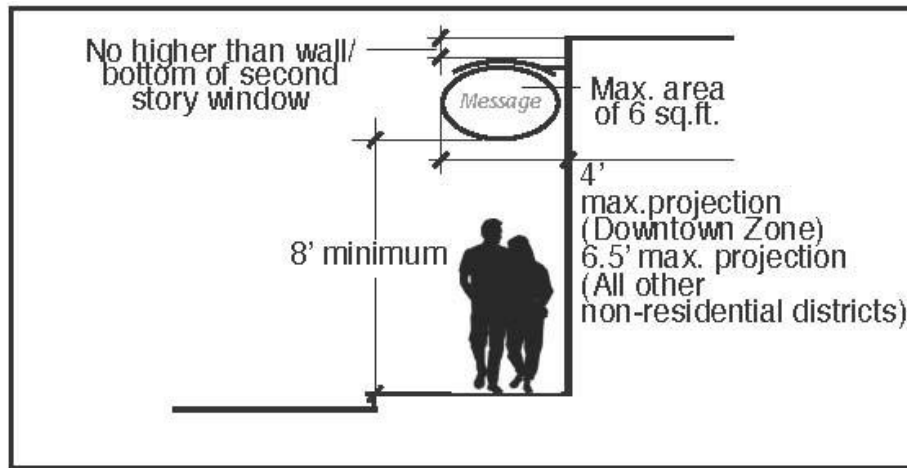


- a. Location.

1. Pole signs shall be located on a street frontage.
 2. No portion of any pole sign shall encroach or project into the public right-of-way.
- b. Quantity, area and height. A pole sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
1. Height and sign area exceptions for freeway-oriented pole/freestanding signs:
 - i. In Commercial and Industrial Zone Districts, all signs located within a three-hundred-fifty-foot radius of the center of an interchange (except for Interstate 76 interchanges which have a five-hundred-foot radius) shall not exceed a maximum area of one hundred (100) square feet and a maximum height of fifty (50) feet, but shall be allowed to locate on or near the property line.
 - ii. All other signs located along the freeway corridors shall not exceed a maximum area of eighty (80) square feet and a maximum height of twenty (20) feet, but shall be allowed to locate on or near the property line.
 - c. Lighting. Pole signs may be internally illuminated only.

(9) Projecting signs.

Projecting Sign Detail



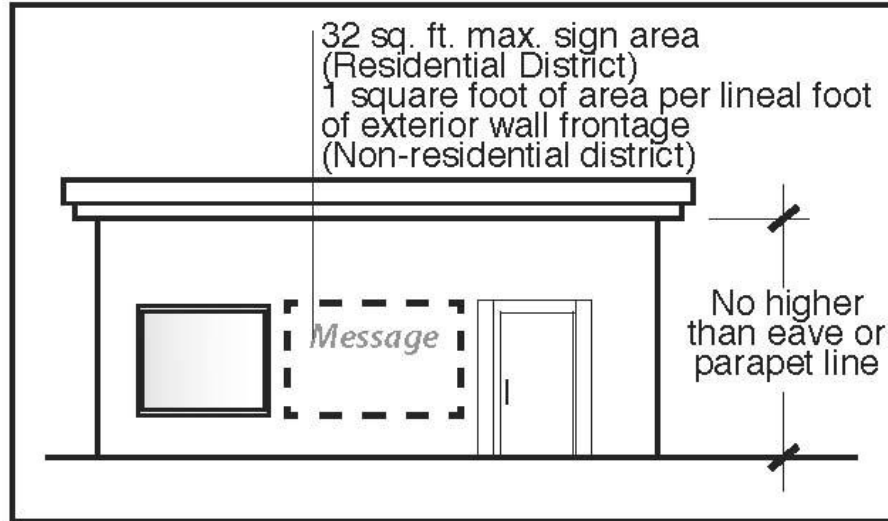
a. Location.

1. Projecting signs shall be placed on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

2. The sign face of a projecting sign shall project at an approximate angle of ninety (90) degrees.
 3. Projecting signs shall be limited in the Downtown Zone District to a projection distance of four (4) feet, but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts, projecting signs shall be limited to a projection of six (6) feet six (6) inches from the building wall.
 4. All proposed projection signs shall submit a detailed structural analysis to ensure security to the wall of the structure.
- b. Quantity, area and height. A projecting sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
1. No structural element of a projecting sign shall be located less than eight (8) feet above finished grade.
 2. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. No point on any projecting sign shall project above the roof or parapet line of any building.
- c. Lighting. Projecting signs shall not be illuminated.

(10) Wall signs.

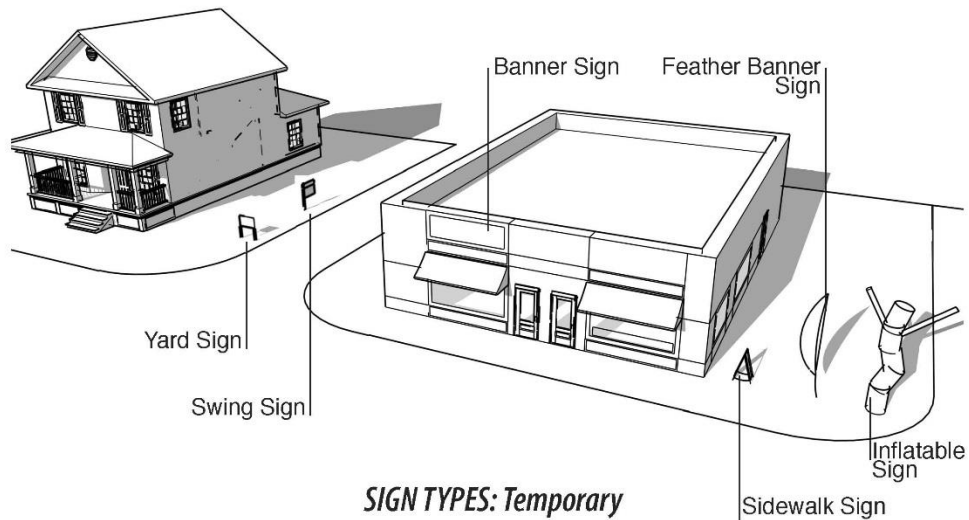
Wall Sign Detail



- a. Location. A wall sign shall not:
 1. Obstruct any portion of a window, doorway or other architectural detail;
 2. Extend above the eave or parapet line of any building; or
 3. Project from the building wall more than required for construction purposes and in no case more than eighteen (18) inches.
- b. Quantity, area and height. A wall sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
 1. Multiple wall signs are permitted as long as the total sign area does not exceed the allowance established in (2) and (3) below.
 2. No wall sign shall exceed ten percent (10%) of the wall face to which it is attached.
 3. A wall sign or signs shall not be greater than eighty percent (80%) of the length of the tenant space or the length of the building frontage for single-tenant buildings. This is to assure that the sign of one (1) tenant is not so close to the sign of an adjacent tenant that the two (2) signs would run into each other.
- c. Lighting. Wall signs may be internally or externally illuminated.

- (p) Temporary signs.

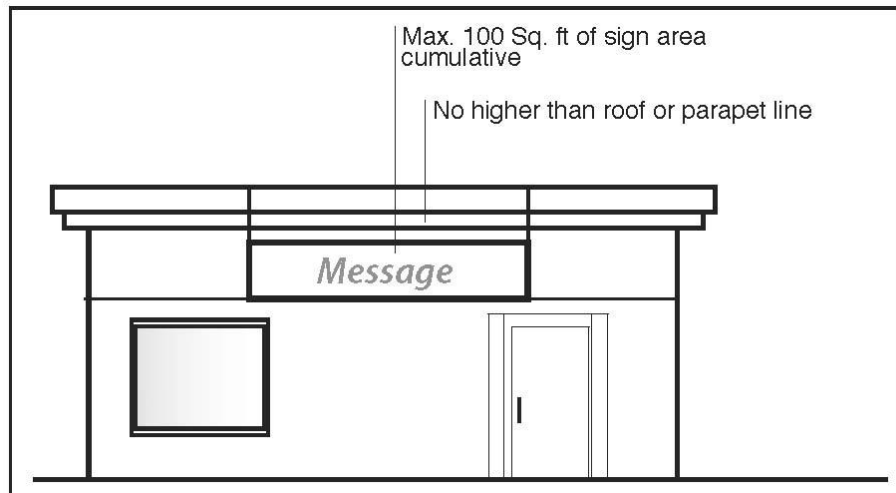
Temporary Sign Types



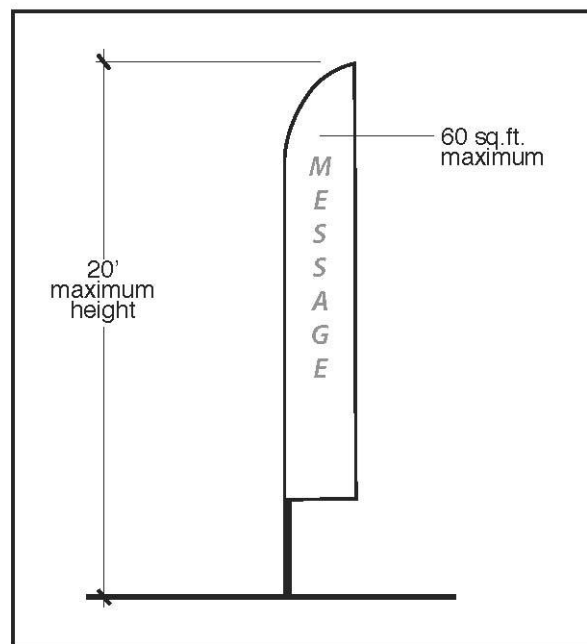
- (1) General. The following standards are applicable to all temporary signs:
- Owner consent. All temporary signs must be located on private property and only with the consent of the property owner.
 - Lighting. No temporary sign shall be illuminated.
 - Duration. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage in addition to that which is permitted by subsections (n) and (o) of this Section. Temporary signs shall be removed on or before ninety (90) days after first being placed, unless otherwise specified in this subsection.

(2) Banners.

Wall Banner Sign Detail



Feather Banner Sign Detail



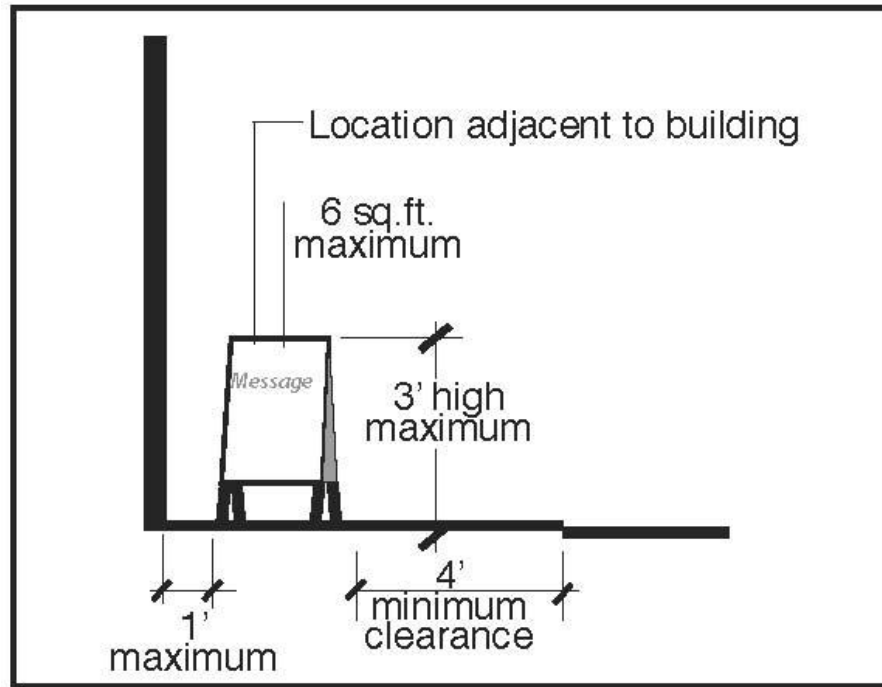
a. Location.

1. Banners shall not be placed to obstruct any portion of a window, doorway or other architectural detail.

2. Feather banners shall not obstruct any vehicle or pedestrian movement, and shall be setback a minimum of five (5) feet from any property line.
 3. Banners may be installed on a utility pole with the consent of the utility provider, provided that the banner is attached at the top and bottom by brackets that project no more than thirty (30) inches from the utility pole.
- b. Quantity, area and height. Banners shall comply with the quantity, area and height requirements established in subsection (n) of this Section.
- (1) Banners installed on utility poles in accordance with subsection a. above shall not exceed twenty four (24) inches in width and forty-eight (48) inches in height.
- (3) Inflatable Signs.
- a. Location.
1. Inflatable signs must be secured to a building, structure, stable object or the ground and shall not extend beyond the boundaries of the lot or premises. Attaching balloons to tethers is permitted. Inflatable signs shall be attached or anchored so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.
- b. Quantity, area and height.
1. Inflatable signs shall not exceed the maximum permitted building height for the zone district in which they are located.
- c. Duration. Inflatable signs are permitted one (1) time per year for up to sixty (60) days, or two (2) times per year for up to thirty (30) days each time, or four (4) times per year for up to fifteen (15) days each time.

(4) Sidewalk Signs.

Sidewalk Sign Detail



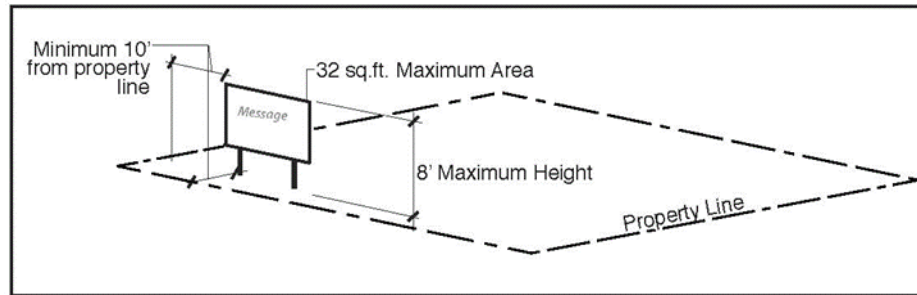
a. Location.

1. Placement of a sidewalk sign must be within one (1) foot of a building wall.
2. A minimum of four (4) feet of sidewalk width clearance shall be available for pedestrian use.
3. Sidewalk signs shall be removed each day at close of business.

b. Quantity, area and height. A Sidewalk sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.

(5) Site Signs.

Site Sign Detail



a. Location.

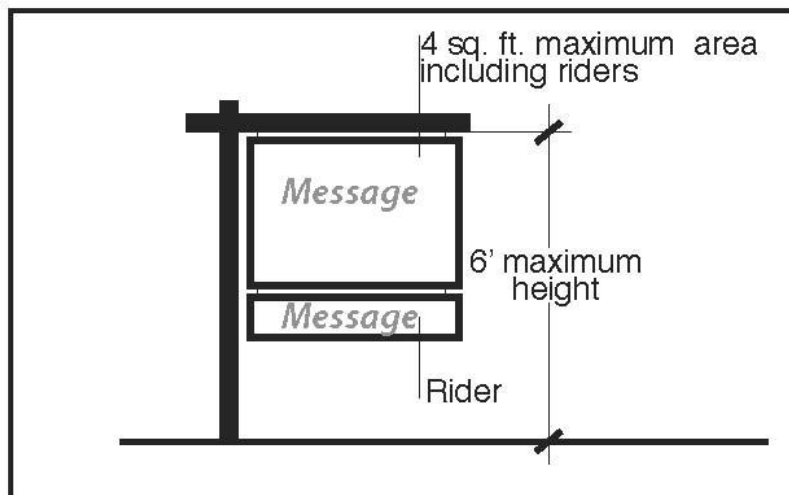
1. Site signs are intended for vacant land parcels or lots under construction, and are not permitted on parcels with existing or built-out residential or non-residential uses.
2. Site signs shall be setback a minimum of ten (10) feet from any property line.

b. Quantity, area and height. A site sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.

c. Duration. Site signs shall be removed within thirty (30) days after issuance of the final certificate of occupancy or final completion of construction, whichever occurs first.

(6) Swing Signs.

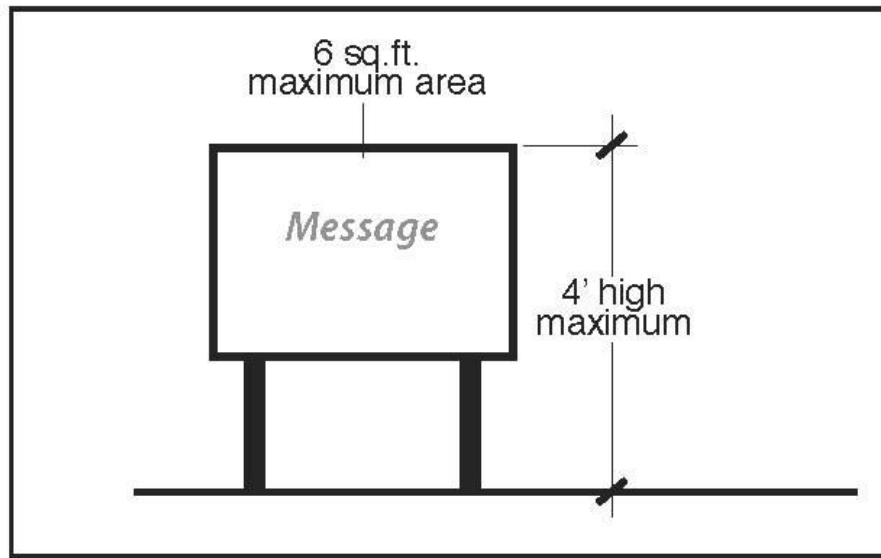
Swing Sign Detail



- a. Quantity, area and height. A swing sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.

(7) Yard Signs.

Yard Sign Detail



- a. Location.
 - 1. No yard signs shall be erected or placed in parks, alleys or in a street or other public right-of way or place.
- b. Quantity, area and height. A yard sign shall comply with the quantity, area and height requirements established in subsection (n) of this Section.

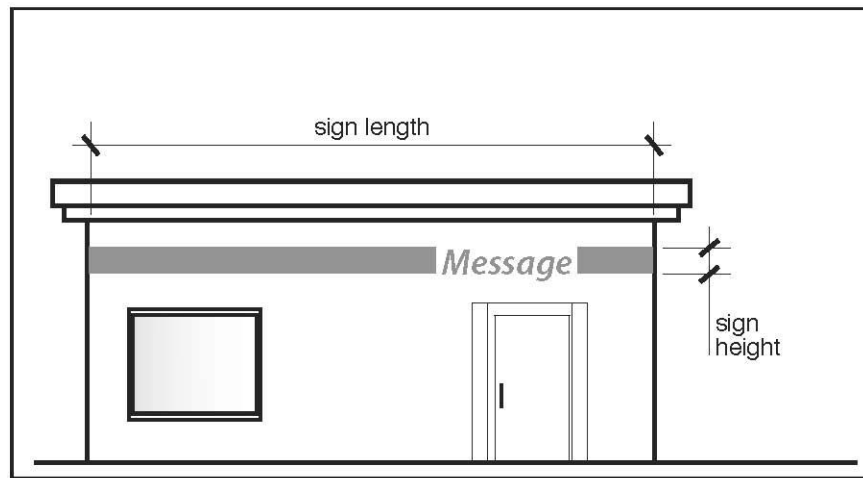
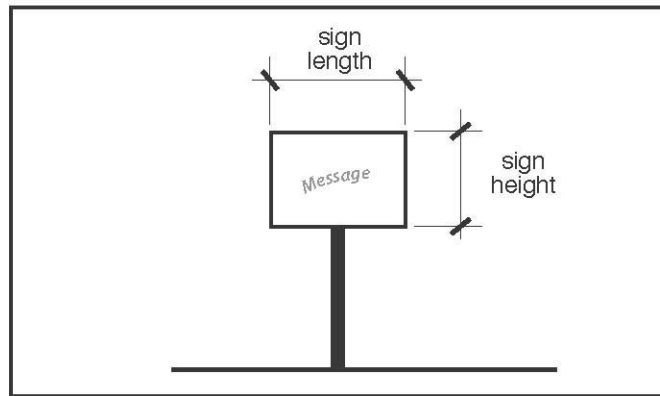
(q) Sign measurement.

- (1) Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape (e.g. length x width). Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
 - a. The area of a freestanding sign (monument, pole, directional, site, swing, yard or other freestanding sign type) shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the outside of the frame.
 - b. Signs mounted directly on a wall or a window shall be measured by the smallest single and continuous perimeter of up to two geometric shape that enclose the outer limits of the sign copy. Gaps in sign copy which are greater than two times the height

of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs.

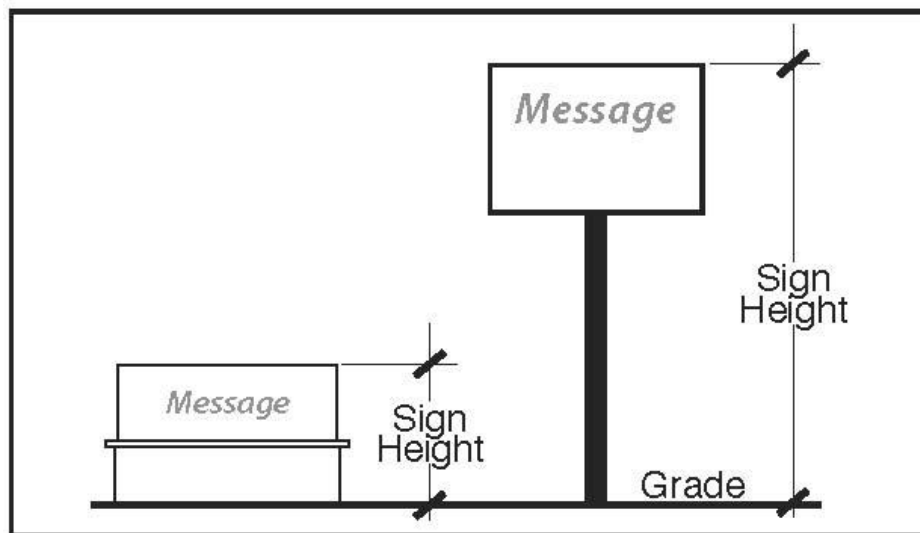
1. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall plane or window visible in an elevation view.
 2. Wall planes with offsets of more than twenty (20) feet in the same elevation may not contribute to the sign allowance of another wall plane.
- c. Signs mounted on building surfaces other than the building wall or window shall be measured by the surface of the object on which they are mounted.
- (2) Where the sign faces of a double-faced sign are no more than three (3) feet apart at any location, only one face shall be measured.
- a. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger sign face.
 - b. In all other cases, the areas of all sign faces of a multi-faced sign or the surface area of objects shall be combined to compute the sign area.

Sign Measurement Details



- (3) For a freestanding pole or monument sign, the sign area shall include the frame, if any, but shall not include:
 - a. The pole(s) or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
- (4) The area of a freestanding pole or monument sign shall be measured as follows if the sign is composed of more than one (1) individual cabinet or includes a rider:
 - a. The area around and enclosing the perimeter of each cabinet or rider shall be summed and then totaled to determine total area.
 - b. If the sign is composed of more than two (2) sign cabinets or riders, the area enclosing the entire perimeter of all cabinets and/or riders within a single, continuous geometric figure shall be the area of the sign.
- (5) Sign height shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign.
 - a. Where a freestanding pole or monument sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding pole or monument sign or sign structure, then the freestanding pole or monument sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding pole or monument sign or sign structure.

Sign Height Detail



- (6) Clearance for awning, canopy, marquee, pole and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework.

- (7) In the Downtown or Mixed Use zone districts, where the building setback is zero (0) feet, sign setbacks for all signs other than projecting, marquee or awning signs shall be measured from the inside of the sidewalk, or four (4) feet from the inside face of the curb where no sidewalk exists, to the front of the sign face.

(r) Sign design.

- (1) In general, signs shall have mutually unifying elements which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.
- (2) Materials and textures of signs shall be compatible with the architectural character of the site and building. Supporting sign structures of freestanding signs shall match the primary finish and colors of the associated building(s).
- (3) Where possible, freestanding pole and monument signs shall integrate tenant signs into a single sign structure.
- (4) The electronic message area portion of a monument sign shall be integrated into the design of the monument sign. Such electronic message portions of a monument sign shall not be an add-on feature but rather must be fully integrated into the sign design. The entire sign must be compatible with the site design and/or building architecture.
- (5) Wayfinding and directional signage systems shall be of a unified graphical system. Such signage shall be placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections.

(s) Sign construction and installation.

- (1) Except for flags, window signs and temporary signs conforming to the requirements of this Section, all signs shall be constructed of high quality durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. No plywood signs shall be permitted.
- (2) All permanent signs and all components thereof, including sign structures and sign faces, shall be installed in compliance with the adopted building and electrical codes of the City.
 - a. All professional installations of signs shall require a contractor's license from the City prior to any installation.
 - b. All electrical work for the construction and/or operation of a sign shall be performed in accordance with the Electrical Code as adopted by the City and shall be subject to inspection by the City for compliance therewith.
 - c. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with adopted electrical code specifications, depending on voltages concerned. However, in no case shall a sign be

installed closer than forty eight inches (48") horizontally or vertically from any conductor or public utility guy wire, or as recommended by the local public utility company.

1. Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, or all wiring of such sign as approved by the State electrical inspector, and all wiring connected to such sign shall comply with all provisions of the applicable regulations of the City relating to electrical installations.
- d. No sign or sign structure shall be installed that impedes pedestrian or vehicular movement, or be erected in such a location as to cause visual obstruction or interference with motor vehicle traffic or traffic-control devices, or obstruct clear vision in any direction from any street intersection or driveway.
- e. No sign or sign structure shall be installed that obstructs access to or impedes operation of any fire escape, downspout, window, door, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure as may be required by law.
 1. If possible, signs should not be placed in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- f. No sign or sign structure shall be installed which is structurally unsafe.
 1. All permanent freestanding pole signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

(t) Sign maintenance.

- (1) All signs, both currently existing and constructed in the future, and all parts and components thereof, shall be maintained in a safe condition in compliance with all building and electrical codes, and in conformance with this Section.
 - a. All signs, including sign structures and sign faces, shall be maintained in good repair at all times and shall not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance or deterioration. For the purposes of this Section, good repair shall mean that there are no loose, broken, torn or severely weathered or faded portions of the sign structure or sign face.
 - b. The owner of any sign regulated by this Section shall be required to keep signs and supporting hardware structurally safe, clean, free of visible defects, including graffiti, and functioning properly at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
 - c. All electronic message centers shall be equipped with a malfunction display and the ability to automatically shut off if a malfunction occurs. An electronic message center under repair shall be shut off.
 - d. Bus bench signs shall be maintained in a safe and clean condition at all times. Damaged or disfigured benches shall be repaired or replaced immediately upon notification by the City of such damage or disfigurement, or the bench will be

removed. The area around and under a bus bench must be kept clear of ice, snow, mud, trash and weeds.

- (2) All signs or any part of a sign which is broken or damaged or which is not reasonably maintained such as to present a nuisance, hazard or potential hazard, including any required landscaping, shall be repaired or removed by the sign owner such that the sign no longer is a nuisance or endangers public health and/or safety. If the sign owner fails or refuses to repair or remove the unsafe sign as herein required, the sign shall be deemed a nuisance and the City may abate the same as provided in Section 8-24, Abatement of Nuisances, of the Brighton Municipal Code, as the same may be amended.

(u) Sign Removal and Alteration.

- (1) Any alteration to an existing sign, other than for a change of copy or for maintenance, shall require a new sign permit pursuant to subsection (h) of this Section.

a. Alterations shall include, without limitation:

1. Changing the size of the sign;
2. Changing the shape of the sign;
3. Changing the material of which the sign is constructed;
4. Changing or adding lighting to the sign;
5. Changing the location of the sign; or
6. Changing the height of the sign.

- (2) The City may cause the removal of any sign within the public right-of-way, on property that is otherwise abandoned, or that has been erected or placed without first complying with the requirements of this Section.

- (3) Signs removed in compliance with this subsection shall be stored by the City for thirty (30) days, during which time they may be recovered by the permit holder and/or owner upon payment to the City for costs of removal and storage.

- a. The costs of removal and storage, up to thirty (30) days, may be billed to the owner.
- b. If not recovered within the thirty-day period, title to the sign and supporting structure shall vest with the City.

(v) Abandoned signs.

- (1) Any sign abandoned for a period of ninety (90) days or longer shall be considered an illegal sign.

- a. If the sign owner fails or refuses to repair or remove an abandoned sign, the sign shall be deemed a nuisance and the City may abate the same as provided in Subsection 8-24, Abatement of Nuisances, of the Brighton Municipal Code, as the same may be amended.
- b. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 13TH DAY OF NOVEMBER, 2018.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 4TH DAY OF DECEMBER, 2018.

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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