



Town of Eagle

Land Use & Development Code Update

Chapter 4.08: Sign Code

Public Discussion Draft

March 2022

Chapter 4.08: Sign Code

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4.08.01. General Provisions

Drafting Comment: Current Section 4.08.010, General Provisions, has been updated to: (1) link the sign code to the comprehensive plan; (2) reflect the Town's broad range of purposes in regulating signs; (3) incorporate the Town's specific findings (regulatory reasons) for the sign regulations included in this chapter; (4) specify that non-commercial messages can be substituted for commercial messages, as required by law; and (5) clarify how time requirements, such as 30 days, are measured.

A. Purposes and Interests

This section establishes the standards for the design, location, installation, and maintenance of signs on private property. Signs are an important means of visual communication for both location identification and wayfinding. The intent of this section is to provide standards that result in a reasonable balance between private signage and the visual discord that can result from the proliferation of signs. Regulations contained in this section are a result of the consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area within the entire community. The purposes of this chapter are to:

1. Promote and accomplish the vision and policies of the Comprehensive Plan and other relevant community plans;
2. Provide the public, property owners, and businesses with an opportunity for safe and effective means of communication;
3. Preserve resident and visitor's ability to enjoy the Town's scenic beauty;
4. Coordinate the location and type of signage with the existing and proposed scale and type of development in a manner that contributes to the character, environmental quality, and economic health of the Town and reduces visual degradation of the attractiveness of the Town;
5. Recognize free speech rights by regulating signs in a content-neutral manner;
6. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
7. Eliminate fire hazards caused by the size and placement of signs;
8. Reduce needless and destructive competition among signs as well as control and reduce insistent and distracting demand for attention from signs that can be injurious to the mental and physical well-being of the public and destructive to adjacent property values and the natural beauty of the Town;
9. Promote the health, safety, and public welfare of the Town, and its residents and visitors; and
10. Adopt clear and understandable regulations that enable the fair and consistent enforcement of this section.

B. Findings

The Town of Eagle finds that:

4.08.02. Applicability

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section, and the constitutionally protected right to free expression.
2. The regulations set out in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this section is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this section.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing visual clutter.
5. 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 public on the Town's streets or sidewalks if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

C. Savings and Severability

If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the Town that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

D. Noncommercial Message Substitution

Noncommercial copy may be substituted for commercial copy or other noncommercial copy on any legal sign, notwithstanding any other provision of this chapter.

E. Calculation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

4.08.02. Applicability

Drafting Comment: The applicability section carries forward and reorganizes current Sections 4.08.020, Applicability and 4.08.040.B, Administrative Review to separate and clarify: (1) when a sign permit is required, (2) when a sign permit is not required but other parts of the sign regulations still apply (such as where the sign can be installed or whether it can be illuminated), (3) which signs are completely exempt from the sign regulations, and (4) which types of signs and installation locations are prohibited.

A. Applicability

1. The regulations of this chapter shall apply to all signs in all zone districts, including signs that do not require a sign permit, but not including signs or notices that are exempt from regulation per 4.08.02.D, Exempt From Sign Regulations.
2. Any lawfully existing sign that predates the adoption of this section and that does not comply with this section shall be considered a legal nonconforming sign and shall be subject to 4.08.08, Nonconforming Signs.

B. Sign Permit Required

1. A sign permit is required for any sign to be erected, re-erected, constructed, altered, or maintained, except as provided in Sections 4.08.02.C, Sign Permit Not Required, and 4.08.02.D, Exempt From Sign Regulations.
 - a. A sign permit is required to convert a temporary sign to a permanent sign.
 - b. A sign permit is required to convert a non-Electronic Message Display (EMD) sign to an EMD sign, including where the EMD is replacing part of an existing or proposed non-EMD sign.
2. The following actions are exempt from this requirement:
 - a. Changing or replacing sign copy without changes to the sign structure,
 - b. Changes to copy on changeable copy signs and EMD signs, and
 - c. Change or replacement of window signs.
 - d. Changes in temporary signs that are allowed without a permit.
3. Changes to nonconforming signs require a sign permit and are subject to Section 4.08.08, Nonconformities.
4. When a sign permit is requested for a sign on a parcel where an illegal or prohibited sign(s) exists, the permit shall not be issued until all such signs are removed or brought into conformance with this Code. This provision does not apply when the applicant can demonstrate that an existing sign is nonconforming.
5. Sites or structures that will have more than one sign shall have a coordinated plan for all signs on the building and property

C. Sign Permit Not Required

Due to their small size, limited time duration, and limited aesthetic impact, the following signs may be erected without a sign permit, but shall otherwise comply with the provisions of this section and any other applicable Town, State of Colorado, or Federal requirements.:

1. Temporary signs, unless otherwise specified in 4.08.06, Standards for Temporary Signs.
2. Flags that are affixed to a permanent flagpole or structure. The total number of flags permitted on a lot is identified in Section 4.08.03, Permanent Sign Regulations by Zone District.
3. Internally oriented signs that are not readily legible beyond the boundaries of the lot or parcel on which they are located nor visible from any public right-of-way, including signs or banners on fences and structures within an arena, park, recreational complex,

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or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.

4. Access point, under canopy, and window signs that comply with the applicable standards for the zone district in Section 4.08.03, Permanent Sign Regulations by Zone District.
5. Signs that are carved into stone, concrete, or similar permanent materials and which are constructed as integral part of a structure.
6. Incidental signs that are less than one square foot in area and that are affixed to doors or entryways, machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
7. Signs that are no more than 2 square feet in area and are located along the perimeter of a property that are spaced as follows:
 - a. One sign per property frontage, regardless of the length of the frontage.
 - b. For property frontages that are longer than 100 linear feet, one sign per 50 linear feet.

D. Exempt From Sign Regulations

The following sign types are not subject to any standards in this chapter and may be installed or displayed without a sign permit.

1. Regulatory signs, including official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
2. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

E. Prohibited Signs, Sign Locations, and Content¹

The following signs and sign elements are prohibited within the Town:

1. Signs that Create Safety Hazards

- a. Signs that create a danger to motorists, pedestrians, or other members of the public because they can be distracting, interfering, or confusing due to the signs' size, construction, location, movement, coloring, or manner of illumination.
- b. This prohibition includes signs that may be confused with or construed as official traffic control devices.

2. Signs Installed in Improper Locations or Manners

- a. Signs shall not be located within a required clear vision area per Section 4.04.100.H. Outside of the clear vision area, signs shall not be installed in a manner that:
 - i. Obstructs the view in any direction at an intersection, or
 - ii. Hides any official traffic control device from view.

¹ Current 4.08.050, Prohibited signs.

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- b. Signs shall not be placed on or over public roads, public alleys, public rights-of-way, or utility easements. On private property, signs can be placed in private utility easements subject to removal by the easement holder.
- c. Signs shall not be mounted on or to natural features such as landscaping, trees, or rocks; or public/utility features such as traffic signage; utility and light poles; or other similar structures.
- d. Signs shall not be installed in a manner that causes glare or that may impair the vision of any motorist.
- e. Signs that are structurally unsound.

3. Prohibited Signs

- a. The following sign types and categories are prohibited in Eagle:
 - i. Signs that move, either mechanically or wind-driven, or that have any animated or moving parts, including, but not limited to, wind signs and other similar devices;
 - ii. Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices used for the purposes of advertising or attracting attention, but not including ordinary balloons with a diameter of two feet or less that are used for temporary displays;
 - iii. Off-premises signs;
 - iv. Roof signs;
 - v. Billboards; and
 - vi. Carried signs.
- b. No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs: signs containing statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency in accordance with constitutional standards.

4.08.03. Permanent Sign Regulations by Zone District

Drafting Comment: This section carries forward, reorganizes, and clarifies current Section 4.08.070, Signs in residential zone districts, and Section 4.08.080, Signs in nonresidential zone districts. Relevant sign measurement standards have been organized in tables to make it easier for LUC users to find the types of signage and dimensions allowed in the Town's zone districts. New standards have been added for subdivision access signs in residential districts. A minimum permitted sign entitlement has been added for nonresidential district to ensure that commercial uses on smaller lots are allowed sufficient signage. Cross-references to changes allowed in specific districts, such as the CBD, have been included.

A. Residential Zone Districts

1. The following signage is permitted by use or structure in residential zone districts:

TABLE 4.08-1: PERMANENT SIGNS IN RESIDENTIAL DISTRICTS

Use or Structure	Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Additional Standards
Residential					
Any Residential	Wall	1 per dwelling	Top of wall	8	Wall signs: 4.08.04.B.2
	Flag	n/a	Max. height for zone district	24	No permit required.
Subdivision Access	Wall or Monument	1 per vehicular entrance	Wall: Top of wall Monument: 5 feet	32	Wall signs: 4.08.04.B.2; Monument signs: 4.08.04.C.2
Nonresidential					
Nonresidential Use or Structure	Access Point	1 per vehicle entrance	3	3	No permit required. Access point signs: 4.08.04.C.1
	Flag	3 per lot	Max. height for zone district	24	No permit required.
	Wall	1 per lot [1]	Top of wall	12	Wall signs: 4.08.04.B.2
	Window	n/a	n/a	35% of window	No permit required. Window signs: 4.08.04.B.3

Notes:

[1] Or series of contiguous lots in common ownership in nonresidential use

2. Sign illumination and EMD signs are prohibited in residential zone districts.

B. Nonresidential Zone Districts

1. Applicability

- a. The standards in this section shall apply to mixed-use, commercial, and industrial zone districts.
- b. Uses and structures identified in the Use or Structure Column include nonconforming uses and uses approved by special use review.

2. Maximum Total Allowed Sign Area

- a. The total sign area for all signs for which permits are required shall not exceed one square foot per lineal foot of property frontage along a public street. The maximum size for any individual sign may not exceed the size referenced in Table 4.08-2.
- b. Structures with more than one frontage on a public street (e.g., corner lot) are allowed to have the maximum total sign area on each frontage per 4.08.10, Definitions and Measurements, but only one frontage per lot may include a freestanding sign.
- c. The total sign area shall include all sign faces and shall be calculated according to the standards of 4.08.10, Definitions and Measurements.

3. Minimum Sign Area Entitlement

Where the maximum sign calculation only permits less than the following amount of signage, all non-residential properties are entitled to the following minimum signage:

- a. Each property shall be entitled to one freestanding sign per street frontage of 50 square feet per face and one wall sign per business of 32 square feet in size so long as all other requirements of this **Error! Reference source not found.** are met.
- b. For properties where the minimum sign area entitlement is applicable, maximum individual sign size shall be limited to the sizes permitted in 4.08.03.B.3.a, not the sign sizes based on lineal footage calculation above.

4. Allowed Signs

Table 4.08-2 identifies the types of signs allowed in Mixed-Use, Commercial, and Industrial districts, and the regulations associated with each sign type. If a sign type is not included in Table 4.08-2 or 4.08.02.D, Exempt From Sign Regulations, it is not allowed.

TABLE 4.08-2: PERMANENT SIGNS IN MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Illumination	Additional Standards
Residential					
See Table 4.08-1					
Nonresidential					
Attached					

4.08.04. Sign Type, Materials, and Location Standards

TABLE 4.08-2: PERMANENT SIGNS IN MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS					
Sign Category	Max. Number	Height (max., ft.)	Area per Sign (max., s.f.)	Illumination	Additional Standards
Wall or projecting	1 per tenant per frontage	20 [1]	Gen: 30 CBD: 20	External [2]	Location adjustments: 4.08.04.E
Under canopy	1 per public entrance	n/a	2	Not allowed	No permit required. Awning and Canopy signs: 4.08.04.A.1
Window	n/a	n/a	35% of window	Not allowed	No permit required. Window signs: 4.08.04.B.3
Freestanding					
Access Point	1 per vehicle entrance	6	4	External [2]	No permit required. Access point signs: 4.08.04.C.1
Flag	4 per lot	Max. height for zone district	24	External	No permit required.
Monument	1 per lot	Single tenant: 5 2 or more tenants: 10	Single tenant: 30 2 or more tenants: 50 CBD: 20	External [2]	Location adjustments: 4.08.04.E

Notes:

[1] Or the height of the tallest building on the same lot, whichever is lower

[2] Internal lighting may be allowed pursuant to Section 4.08.04

4.08.04. Sign Type, Materials, and Location Standards

Drafting Comment: This new section has been created to help code users: (1) identify the different sign types referenced in the LUC; (2) find generally applicable standards, such as clearance requirements; and (3) understand what measurement approach the Town will use for the sign area. Window signs and structural canopy signs have been defined and described. New standards are recommended for determining appropriate sign materials, which will allow an applicant to show that the proposed materials will be durable for a sign located in Eagle.

A. Attached Signs

4.08.04. Sign Type, Materials, and Location Standards

An attached sign is a sign that is mounted on, or attached to a structure, including a wall sign, awning sign, roof sign, or projecting sign.

1. Awning and Canopy Sign

- a. An awning sign is a sign that is mounted on a temporary shelter supported entirely from the exterior wall of the building and covered in a flexible material.
- b. A canopy sign is a sign affixed to an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather but not covered with fabric or flexible material. Signs on detached canopies, such as service station canopies, are treated as freestanding signs.
- c. Under canopy signs (also referred to as arcade signs) require a minimum clearance of eight feet.
- d. Awning and canopy sign dimensions are typically measured in the locations shown in Figure 4.08-A:



Fig. 4.08-A: Awning and canopy sign measurement locations and examples

B. Projecting Signs

1. A projecting sign is a sign that is wall-mounted perpendicular to the building that may extend upwards along the façade and/or outwards and over a walkway or parking area.
2. All projecting signs require a minimum clearance of eight feet.
3. Projecting signs dimensions are typically measurement at the locations shown in Figure 4.08-B:



Fig. 4.08-B: Projecting sign measurement locations and examples

4.08.04. Sign Type, Materials, and Location Standards

2. Wall Signs

- a. A wall sign is a sign attached to or erected against a wall of a building, with the face parallel to the building wall.
- b. Wall sign dimensions are typically measured at the locations shown in Figure 4.08-C:



Fig. 4.08-C: Wall sign measurement locations and sample

3. Window Signs

- a. Window signs may be affixed directly to the inside or outside window or hung/mounted inside the window from the top, side, or bottom of the window frame or similar architectural element.
- b. Window signs covering up to 35% of an individual window do not require a permit. Window signs covering more than 35% of an individual window are not allowed.

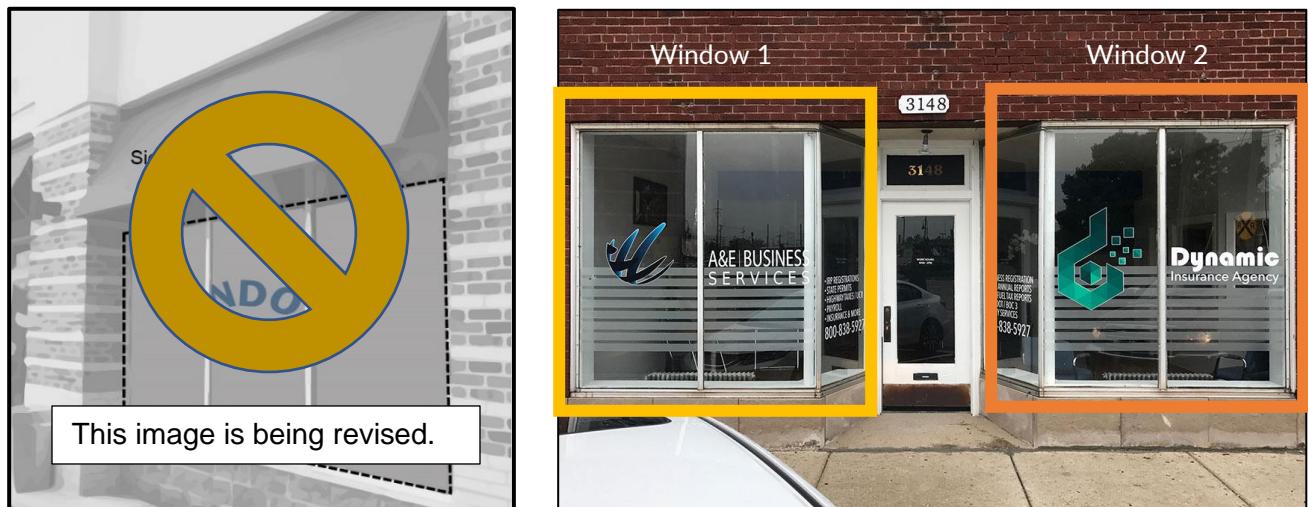


Fig. 4.08-D: Window sign measurement locations and samples

C. Freestanding Signs

A freestanding sign is a ground-mounted sign erected on a permanently set pole or poles, mast, or framework that is not mounted on or attached to a structure; includes an access point sign, monument sign, or pole sign.

1. Access Point Signs

- An access point sign is a sign located at a vehicular access point to a property. An access point sign located at a vehicular entrance to a subdivision or neighborhood is called a subdivision entry sign.
- Access point signs are typically measured as shown in Figure 4.08-E:



Fig. 4.08-E: Access point sign

2. Monument Signs

- A monument sign is a freestanding sign where the base of the sign structure is on the ground.
- Monument signs are typically measured as shown in Figure 4.08-F:

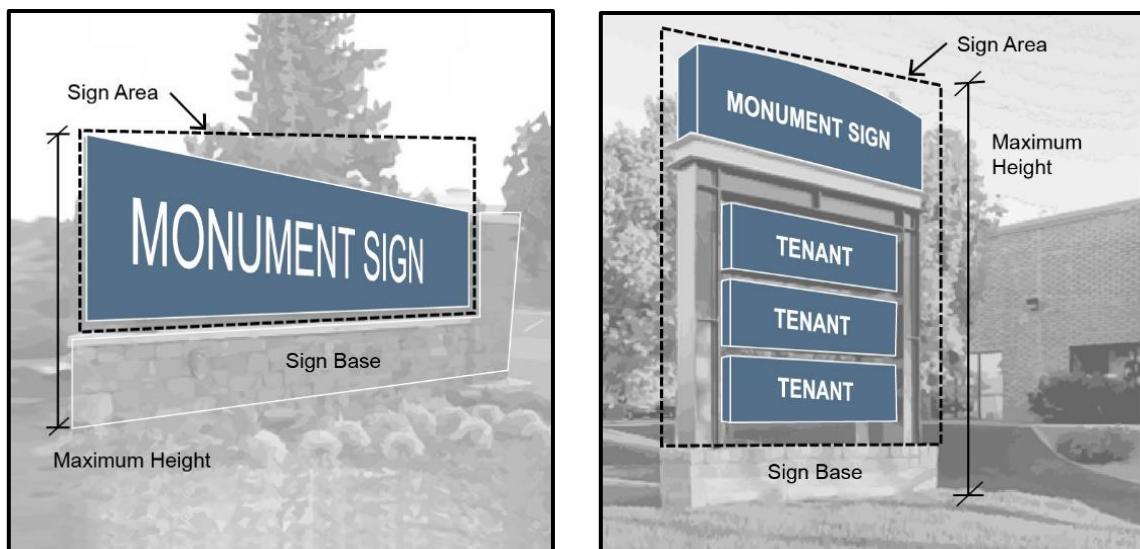


Fig. 4.08-F: Monument sign measurement locations and sample signs

4.08.04. Sign Type, Materials, and Location Standards

3. Pole Signs

- a. A pole sign is a self-supported sign permanently attached directly to the ground supported by upright poles or posts or braces placed on or in the ground.
- b. Pole signs are typically measured as shown in Figure 4.08-G:



Fig. 4.08-G: Pole sign measurement locations and sample sign

4. Structural Canopy Signs (Detached Canopy)

- a. A structural canopy sign is a sign attached to a permanent, freestanding canopy, such as a service station or ATM canopy.
- b. Structural canopy signs are typically measured as shown in Figure 4.08-H:



Fig. 4.08-H: Structural canopy sign measurement locations and sample signs

4.08.04. Sign Type, Materials, and Location Standards**D. Materials**

Unless otherwise specified in this section, sign materials shall be:

- a. Compatible with building facade materials and must be sufficiently durable to withstand climatic effects of the area, including extended periods of heat, cold, and drought along with intense solar exposure.
- b. Painted wood or metal is preferred. Other materials may be allowed where the Director determines that the proposed material is compatible with the architectural character of the associated structure and where the applicant provides evidence that:
 - i. The proposed material will provide at least 15 years of outdoor durability in Eagle's climate, taking into account temperature extremes, wind, weather, and solar exposure; and
 - ii. The resulting sign can be maintained for the life of the materials at a relatively reasonable cost.
- c. Highly reflective materials are prohibited.

E. Site Plan and Landscaping

All freestanding signs shall be integrated with the overall site plan and any required landscaping, buffering, or screening.

F. Standards Applicable by Location or Zone District

The following standards are applicable in addition to or as a substitute for Table 4.08-2 based on the location of the structure for which the sign is allowed.

1. Properties that Adjoin the I-70 Right-of-Way

Drafting comment: we are creating a map for this section.

- a. No sign shall be located in a rear yard except on properties that adjoin the I-70 right-of-way, these properties shall be allowed one flat wall sign in the rear yard of up to 30 square feet per tenant in addition to other allowed signs.
- b. For properties fronting Eby Creek Road, each wall sign, projecting sign, or freestanding sign shall have a maximum sign area of 80 square feet and a maximum height of 15 feet.

4.08.05. Sign Illumination

Drafting Comment: This section carries forward current Section 4.08.060 and eliminates some redundancy with Section 4.07.010, Lighting Standards while allowing the Town to approve signs with halo lighting. Location-specific illumination standards have also been carried forward. New standards have been added to allow Electronic Message Display (EMD) (digital sign) lighting for specific signs. A full set of EMD standards have been proposed for Town review.

A. Applicability

Every sign that is illuminated shall comply with the requirements of this section and Section 4.07.010, Lighting Standards except that halo lighting is permitted wherever internal sign lighting is allowed provided the applicant can show that the halo lighting is compliant with equivalent internal lighting standards.

B. Where Allowed

1. Each tenant is limited to one static illuminated sign.
2. Internally illuminated signs are only permitted on properties adjacent to Eby Creek Road, Market Drive, Chambers Avenue area, and East Eagle.
3. EMD signs are allowed as follows:
 - a. EMD signs are allowed as part of the signage for the following uses:
 - i. Service stations
 - ii. Convenience stores with fuel pumps and EV charging stations
 - b. EMD signs shall be incorporated into a permanent attached or freestanding sign as follows:
 - i. EMDs incorporated into attached signs shall not be larger than 10 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.
 - ii. In a freestanding sign, the EMD component shall be enclosed on all sides with a finish of approved materials, or the surface of the sign face. The enclosure shall extend not less than six inches from the electronic message display in any direction. EMDs shall make up not more than 10 percent of any freestanding sign, and the balance of the sign area shall utilize permanent copy.
4. In the Chambers Avenue Commercial Zone, Chambers Avenue Industrial Zone Area, North Interchange Area, and Highway 6 Corridor, lighting of signs shall be permitted during the period the commercial enterprise is open for business and for up to one hour following the close of business.

C. Electronic Message Display (EMD) Signs

1. EMD Signs Prohibited

EMD signs are prohibited in all residential zone districts.

2. EMD Display

- a. Signs shall contain static messages only and shall not have movement or the appearance or optical illusion of movement, including flashing, pulsating, scrolling, or similar actions, during the static display period of any part of the sign.
- b. Each static message shall not include flashing or the varying of light intensity and shall not scroll.
- c. The sign shall be programmed to display a blank screen if a malfunction occurs.
- d. The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

3. Display Time

- a. Each static message on the sign shall be displayed for a minimum of 12 hours in duration.
- b. Message change shall be completed instantaneously.
- c. There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

4. Display Brightness

- a. No EMD may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 5,000 nits or equivalent candelas during daylight hours or 250 nits or equivalent candelas between dusk and dawn.
- b. EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions.
- c. The light from any sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not be projected over the property lines into a residential district.

5. Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates under the brightness limits above shall not require an ordinance change for approval.

6. Installation

EMD sign faces shall be installed so the illuminated side of the sign does not face any adjacent residential use or residential zone district.

7. Sign Permit Conditions

The following conditions apply to all EMD sign permits. Failure to comply shall result in the Town requiring the sign cease operation until compliance occurs.

- a. The sign shall at all times be operated in accordance with Town codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the Town;
- b. A Town inspector may access the property upon 24 hours' notice to the owner, operator, or permittee so that the Town may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator, or permittee may be required by the Town inspector to manually reduce the brightness to 4500 nits during daylight hours or 200 nits between dusk and dawn;
- c. Whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to Town staff upon 24 hours' notice to the owner, operator, or permittee.
- d. Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in this Code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the Town.

4.08.06. Standards for Temporary Signs

Drafting Comment: The temporary sign regulations have been updated to make them compliant with the U.S. Supreme Court's content-neutral regulation requirement from *Reed v. Town of Gilbert*. Standards for the amount and location of temporary signs have been clarified, as well as the maximum time that temporary signs are allowed to be displayed. New standards have been proposed that allow the display of temporary signs off-premises in specific circumstances.

A. Purpose and Intent

The purposes of these temporary sign regulations are as follows:

1. Enhance opportunities for visual communication, including promoting the legibility of such communications;
2. Support an attractive economic and business climate within the Town;
3. Enhance and protect the physical appearance of all areas of the Town;
4. Identify permissible signage for temporary uses and temporary events, and
5. Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, size, or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

B. Permit

A temporary sign permit is not required unless otherwise specified in this section.

C. Display

1. Maximum Time and Number of Temporary Signs

- a. No temporary sign shall be erected, re-erected, or maintained for more than a cumulative 30 days per year, unless otherwise permitted in this chapter. For the purpose of this regulation, any sign of similar size and associated with the same temporary use or event erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein
- b. Maximum number of temporary signs shall not exceed one sign per property frontage.

2. Off-Premises Display of Temporary Signs

Temporary event signs, including, but not limited to, those specified within this section, may be allowed off-premises on private property provided they meet the following requirements:

- a. The sign conforms to all requirements of this chapter;
- b. The sign does not interfere with automobile traffic or pedestrians;
- c. The sign is not placed in the public right-of-way or on public property;
- d. When a sign placed on private property, is done with the express permission of the property owner; and
- e. The sign is not a public danger or nuisance during high winds or inclement weather.

3. Location

- a. Temporary signs are subject to the prohibited sign locations identified in Section 4.08.02.E, Prohibited Signs, Sign Locations, and Content.
- b. No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

D. Size and Placement Limitations:

The following size and placement limitations are generally applicable to temporary signs unless otherwise specified in this chapter.

1. Maximum height: unless otherwise specified, eight feet in commercial and industrial zone districts; six feet in residential zone districts.
2. Maximum sign area 32 square feet on each side of the display in commercial and industrial districts; one square feet on each side of the display in residential districts. Signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are not permitted.
3. Measuring one side of the display shall determine the square footage for purposes of computation.
4. Signs, except for sandwich board, shall be located at least 150 feet apart and a minimum of five feet behind all property lines on the parcel.

4.08.07. Temporary Signs Allowed by Temporary Use or Activity

- a. Sandwich board signs shall be located within ten feet of a pedestrian entrance and shall be removed when the business is closed and during severe weather events.
- b. Sandwich board signs may be placed on the sidewalk or public right-of-way when this can be done safely without causing pedestrian or vehicular hazards.
- 5. Temporary signs shall not be illuminated.
- 6. Temporary signs shall not contain any electronic components or display any digital or electronically copy projected on the sign face.

E. Materials

All temporary signs shall be made of durable materials.

4.08.07. Temporary Signs Allowed by Temporary Use or Activity

Drafting Comment: Building on the changes made in the previous section, this section has been cleaned-up in compliance with the *Reed* decision. The Town can still regulate a variety of temporary sign types but this is done by reference to the permit or activity that the sign is associated with, not the content of the sign. A new category of “general” temporary signs has been created to further ensure opportunities for protected free speech.

A. Temporary Signs Allowed without a Permit

The temporary sign types listed in this section are named for the activity or use that the sign permit is associated with. This is done for ease of understanding by Code users. Pursuant to Section 4.08.01, General Provisions, the Town of Eagle does not regulate the content of allowed signage.

TABLE 4.08-3: TEMPORARY SIGNS ALLOWED WITHOUT A PERMIT

Activity, Use, or Event	Number of Signs Allowed	Sign Area (max., sf)	Duration
Active Real Estate Listing, Lot < 2ac			The sign may be placed when the real estate listing becomes active and shall be removed within 7 days of the closing of the sale of the property or when the listing is deactivated.
Residential	1	6	
Nonresidential	1	24	
Active Real Estate Listing, Lot > 2 ac [1]	1	32	
Active Construction Permit	3	24 per sign	The sign may be placed when the construction permit is issued and must be removed within 14 days of the issuance of the certificate of occupancy.
Election Event	n/a	24 [2]	The sign may be placed for a period of 60 days prior to a state, local, or national election. Total signage in excess of the maximum amount allowed on the property during non-election periods must be removed

TABLE 4.08-3: TEMPORARY SIGNS ALLOWED WITHOUT A PERMIT

Activity, Use, or Event	Number of Signs Allowed	Sign Area (max., sf)	Duration
			within five days after the applicable election event.
General Temporary Sign	1-	3-	30 days.
Sandwich Board, Nonresidential Use Only	1 sign per primary public entrance, max six sf in area per side		Sandwich board signs are allowed to be used 365 days a year, are not subject to the 30-day duration limitation for temporary signs and shall be taken in daily at the close of business.
Small Sales Events (Estate/Garage/Yard Sale)	-	-	May be installed not more than seven days prior to the sale and shall be removed not more than two days after the sale

Notes:

[1] Owner of a lot or contiguous lots under the same ownership that together exceed two acres
 [2] Signs shall be located a minimum of eight feet from the nearest public street or alley.

B. Temporary Signs that Require a Permit

Drafting Comment: The street banner and temporary public event regulations have been carried forward from the current sign code. Staff and the consultant team are gathering internal input about how these provisions have been applied in the past in order to add more specificity and objectivity to these standards.

1. Street Banners

Street banners or pennants associated with a public event or a specific short term commercial event or occurrence may be displayed if specifically approved in writing by the Town Manager (or designee). The Town Manager (or designee) may impose requirements concerning the installation, location, height, weight, design, structure, support and allowable time for the display of banners.

2. Temporary Public Events

Temporary signs associated with a temporary public event may be installed for a period of not more than 21 days prior to the event and shall be removed within seven days after the event. Temporary event signs shall have a maximum sign area of 24 square feet.

C. Temporary Sign Substitution for Damaged Permanent Signs

In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign of the same

size may be allowed for display for a period of time not exceeding 60 days or until the completion of the construction project.

4.08.08. Nonconforming Signs

Drafting Comment: The Town's regulations for nonconformities have been revised in this section to be sign-specific. To encourage sign maintenance and reinvestment, nonconformities have been grouped into two categories: major and minor. Minor nonconformities, which should be most signs that fall into the nonconforming category, are treated in much the same manner as conforming signs, while signs with major nonconformities are "frozen in place" pending greater compliance with this code. A new category of historic signs has been created; these signs will be considered conforming from a regulatory perspective.

A. Nonconforming Signs

1. Where a lawful sign exists at the effective date or amendment of this chapter that would be illegal under the terms of this chapter, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.
2. Signs that are individually or as part of a building designated by the Town as a historic landmark or a historically important sign are considered conforming to this chapter provided that:
 - a. The sign is kept in good repair;
 - b. The sign does not constitute a hazard to public safety; and
 - c. The original design of the sign does not change

B. Classification of Nonconformities

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

1. Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates Town sign policy, or is incompatible with adjacent signs and/or applicable Town plans such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- a. Dangerous signs;
- b. Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- c. Nonconforming location that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- d. Signs with nonconforming illumination;
- e. Nonconforming sign types; and

- f. Signs approved with a variance that permits any issue included in this major nonconformity list,

2. Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:

- a. Signs that exceed the maximum height or size permitted in the zone district by 20% or less;
- b. Nonconforming location that does not encroach on or over a right-of-way, and
- c. Off-premises signs.

C. Major Nonconformities

1. Alterations

- a. A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign shall require the entire sign to be brought into conformance with this chapter.
- b. General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

- a. A major nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- b. A major nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

D. Minor Nonconformities

1. Alterations

- a. A minor nonconforming sign may be altered in a manner that conforms to this LUDC while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.
- b. General repairs, maintenance, and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

- a. A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.
- b. A minor nonconforming sign that loses its nonconforming status shall be replaced with a conforming sign.

E. Sign Removal for Public Purposes

Any nonconforming sign temporarily removed by a public utility company, the Town, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any

sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the Town engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

F. Loss of Nonconforming Status

A nonconforming sign shall lose its nonconforming designation and be required to come into compliance with this chapter if any of the following apply:

1. Any portion of the primary sign structure is replaced.
2. The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50%, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.
3. A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this chapter.
4. If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this article.
5. The sign is voluntarily replaced in compliance with this chapter.
6. The sign is abandoned.

G. Maintenance and Repair

1. A nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair.
2. Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.
3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this LUDC.

H. Records

In addition to initial and construction inspections, signs may be inspected periodically by the Community Development Department to ensure continued compliance with this chapter. Sign owners shall maintain all records related to sign installation and maintenance and make them available for Town review as requested.

4.08.09. Maintenance and Abandonment

Drafting Comment: This section carries forward limited existing maintenance and abandonment standards and updates them by more clearly explaining the Town's regulatory requirements.

A. Maintenance

1. Good Condition

All signs shall be maintained in a state of security, safety, and good repair. It shall be the responsibility of every owner of real property and their tenant or other person in possession of such property with the consent of the owner to maintain every sign on such property in strict compliance with this Code.

2. Continuous Maintenance Required

- a. Any sign that has been approved or for which a permit that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- b. Any damaged sign base shall be repaired within 60 days.
- c. It is a violation of this Code to fail to repair any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed.
- d. No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- e. Any sign that has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.

B. Abandonment²

1. An abandoned sign is any sign, including support frames, where either:
 - a. The sign is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by expiration or revocation of a business license for the business located on the property, or cessation of use of the property where the sign is located for the use or purpose associated with the sign; or
 - b. The sign has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
2. Temporary signs shall be considered abandoned if the associated permit has expired or if the sign fails to meet the maintenance requirements of this article.
3. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

² Current 4.08.100, Abandoned signs

4.08.10. Definitions and Measurements

- a. Abandoned permanent signs shall be removed or the advertising copy shall be painted or coated out. If the property owner or tenant fails to do so within 60 days after written notice from the Code Enforcement Officer of a determination of abandonment, the Code Enforcement Officer shall cause the sign to be removed or painted out and any expense incident thereto shall be paid by the owner or tenant.
4. All abandoned signs must be completely removed (including face, frame, structure, and any related components) within 180 days of the date of abandonment or business closure.
5. When a sign becomes an abandoned sign due to demolition or destruction of the structure in which the business was located, the sign structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment by the Code Enforcement Specialist.
6. Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with this chapter and to maintain the sign as provided in this chapter, the removal requirement shall not apply. The sign structure shall be brought into compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business

C. Enforcement

This chapter is subject to the provisions of Section 4.03.100, Enforcement.

4.08.10. Definitions and Measurements

Drafting Comments: The current definitions have been carried forward and updated as needed. New definitions have been added as needed. The Town's methods of sign measurement have been more clearly described to help both applicants and reviewing bodies understand how the sign code is applied to sign applications or violations.

A. Applicability

This section applies to all sign types and classifications

B. Measurement Instructions for All Sign Types**1. Building and Property Frontage**

- a. Sign allowance shall be calculated on the basis of the length of the lot frontage which is most nearly parallel to the street it faces.
- b. If a lot fronts on two or more streets, the sign area for each street shall be computed separately. The area of signage allowed for each lot frontage shall be displayed on the frontage for which it was calculated and shall not be combined and placed on a single frontage unless otherwise provided in this section or when the structure has multiple tenants.
- c. Signage in multi-tenant structures shall first be calculated across all public street frontages to establish the overall permitted signage, and then allocated to each

4.08.10. Definitions and Measurements

tenant unit based on a sign plan created for the site and submitted with each sign permit application.

- d. If a building does not have frontage on a dedicated public street, the owner of the building may designate the one building frontage that shall be used for the purpose of calculating the sign allowance.

2. Clearance

- a. Clearance is the area under the sign that shall be free of obstructions to allow passage of pedestrians and vehicles.
- b. Clearance for pole and projecting signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.

3. Height

- a. Height is the vertical distance measured from ground level to the top of the sign measured at its highest point above existing or finished ground level, whichever is more restrictive.
- b. When the finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

4. Sign Area

- a. Sign area shall be measured by determining the total area of the face of a sign within the outermost edge or border of the face. The computation of freestanding letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias, or symbols.
 - i. Individual letter signs using a wall as the background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.
 - ii. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background
 - iii. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.
 - iv. Window signs printed on a transparent film and affixed to a window pane shall be measured as freestanding letters or logos, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window.

4.08.10. Definitions and Measurements

- v. If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
- b. Sign area includes only one side of a double-faced sign, so the area of a two-sided sign equals the area of one side.
 - i. The second face may not exceed the area of the first face.
 - ii. If an angle of 30° for a "V" sign is exceeded, the area of both sign faces shall be included in the measurement of total sign area, except that the sign area for a sandwich board sign is measured on one face of the sign regardless of the distance between the sign faces.
- c. Window sign area percentage is measured for each architecturally distinct window by dividing the sign area by the window area.
- d. The area of a three-dimensional spherical, cubical, or polyhedral sign equals ½ the total surface area.

5. Separation and Spacing

Any required linear distance between signs shall be measured along the property lines from the center of the sign.

6. Setback

Setback is measured at that portion of any sign or sign structure that is closest to the property line.

C. Definitions

Banner sign means a sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

Billboard means any sign with at least one sign face that is greater than the largest maximum sign size for any type of sign allowed by permit in the district in which the sign is located.

Business means an activity concerned with the supplying and distribution of goods and services. For purposes of this section, the term "business" shall not include an activity which is accessory to a residential use, such as a home occupation.

Cabinet sign means a sign that contains all the text, artwork, logos and/or other information displayed within an enclosed cabinet.

Change of copy means the change of a logo, and/or message upon the face or faces of a legal sign.

Carried sign means a sign held or carried by a person.

Commercial speech means expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business, business activity,

4.08.10. Definitions and Measurements

or proposed commercial transaction and may be further defined by a court of appropriate jurisdiction.

Copy means the wording on a sign surface, either in permanent, changeable, or removable form. Copy may include commercial speech or noncommercial speech.

Dangerous sign means a sign constituting a hazard to public safety because it no longer complies with some or all requirements of the building code or electrical code.

Direct Illumination means that the lighting element is exposed to the sign viewer without cover or reflection, such as exposed light bulbs, neon tubing, and LED lighting on EMD signs.

Electrical sign means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

Electronic Message Display (EMD) means a sign that displays messages that can be controlled and changed remotely and that uses a direct illumination source.

Erects means to build, construct, attach, place, suspend, or affix, including the painting of a wall sign.

External Illumination means that a lighting element or lighting source is installed outside of the sign and directed toward the sign face.

Face of sign means the entire area or combination of areas of a sign on which a message is placed.

Flag means a sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Flashing means a change of light intensity in a sudden transitory burst or that switches on and off in a constant pattern that is not constant being off at any one time.

Frontage means the measurement of the length of the property line or building front.

Halo Lighting is a method of internal sign illumination that consists of opaque sign elements with light projected behind them illuminating the mounting surface. The placement of halo lighting creates a “halo” or reflective rim effect around the mounted element.

Incidental sign means a small sign that is primarily oriented to pedestrians and intended for up-close viewing. Examples of incidental signs include: address sign, entrance/exit sign, open/closed sign, days/hours of operation sign, or restroom sign.

Internal Illumination means that a lighting element or lighting source is contained inside a sign cabinet, letter module, or sign body. Examples include cabinet signs and halo lit signs.

Nits means a unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

Nonconforming sign means any sign lawfully constructed prior to the enactment of the ordinance codified in this Code, which fails to conform to the provisions of this chapter.

4.08.10. Definitions and Measurements

Off-premises sign means a sign that carries a message of any kind or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

On-premises sign means a sign advertising any product, service, use, or enterprise sold or offered at the location where the sign is physically located.

Pennant means a piece of fabric, plastic, or other flexible medium that may be in the shape of a triangle, rectangle, or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity, and spaced along the cord or rope.

Perimeter means a shape required to enclose the sign area.

Public event means an event or activity held on private property that is open to the public or offered for general public enjoyment with or without an entrance fee,

Roof sign means a business sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall be considered wall signs.

Sandwich Board Sign means a temporary, portable sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top that is readily movable and has no permanent attachment to a building, structure, or the ground.

Sign means a visually communicative image displayed in a place open to view by the public, including any device that streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors, that by reason of its form, location, manner of display, color, working, design, or otherwise attracts or is designed to attract attention to the subject or to the property upon which it is situated. "Sign" shall not include:

Works of art that do not include commercial speech.

Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

Sign structure means any structure supporting or capable of supporting any sign defined in this chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

Static Sign means a sign with a message that cannot or is not intended to be changed frequently or remotely like an EMD sign.

Temporary sign means a sign corresponding to a permitted temporary use or event and displayed for a limited period of time.

Tenant means a single incorporated use of a premises, which may include multiple units within a structure, for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Wind sign means a display of pennants, streamers, balloons, whirligigs, wind blades, or similar devices, activated by wind.

4.08.10. Definitions and Measurements

Window: An opening in a wall, door, or roof of a building that allows the passage of light, sound, and sometimes air. An individual window is defined by an architecturally distinct opening. Individual windows may be further divided by muntins, mullions, or decorative elements such as grilles.