


# COUNCIL COMMUNICATION

<b>Meeting Date:</b> August 10, 2021	<b>Agenda Item:</b> 11B	<b>Agenda Location:</b> Public Hearings	<b>Goal(s):</b>	<b>Legal Review:</b> 	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> An ordinance amending Section 18-761 of the Thornton City Code to incorporate allowances for temporary signs and banners displayed on vehicles and amending Section 18-901 to clarify the definition of temporary sign.					
<b>Recommended by:</b> Jeff Coder <i>JBC</i>			<b>Approved by:</b> Kevin S. Woods <i>KW</i>		<b>Ordinance previously introduced by:</b>  _____
<b>Presenter(s):</b> Robin Brown, Senior City Development Analyst					

**SYNOPSIS:**

The City Code (Code) currently limits the display of signs on vehicles to those related to the use of the vehicle for a business. The proposed Code amendments would expand allowances for temporary signs and banners by allowing them to be displayed on legally parked vehicles on private property, in accordance with the existing time, size, and other requirements already specified in the Code.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approve the ordinance as drafted to allow the display of banners and temporary signs on legally parked vehicles on private property. The ordinance provides display alternatives for signs on vehicles while preventing sign proliferation and clutter by retaining the existing time, size, and other requirements already specified in the Code.

**BUDGET/STAFF IMPLICATIONS:**

None anticipated.

**ALTERNATIVES:**

1. Approve the ordinance as drafted to allow the display of banners and temporary signs on legally parked vehicles on private property.
2. Amend the proposed ordinance in a manner directed by Council.
3. Do not approve the ordinance, which would continue to prevent the display of temporary signs and banners on vehicles on private property.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The Code regulates the time, place, and manner in which signs can be displayed. The Code includes a specific exemption for vehicle signs to allow the identification of businesses. It also includes specific display requirements for banners and other temporary signs, but currently does not allow display of such signs on vehicles.

The proposed amendments allow banners and temporary signs to be displayed on vehicles under certain circumstances and clarify the definition of "temporary sign." The total allowed area of temporary signs, banners, and feather flags remains the same, as do the time and size requirements already in the Code. When displayed on vehicles, temporary signs and banners must be securely fastened to prevent them from falling or blowing over in the wind. Vehicles used for sign and/or banner display must

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be located on private property and legally parked, and must comply with Section 38-421 of the Code regarding unlawful vehicles.

Council discussed this item at the September 22, 2020 Council Update, reaching consensus and directing staff to prepare an ordinance for its consideration at a future City Council meeting. Council considered the ordinance at a public hearing on March 23, 2021, where it was approved by a vote of five to three. However, the ordinance failed on second reading on April 13, 2021, with a vote of four to four. On July 13, 2021, Council again reached consensus and directed staff to present the ordinance for their consideration at a future City Council meeting.

### **PUBLIC NOTIFICATION:**

A public notice of the hearing was published on the City's official website on July 22, 2021 and at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center on July 21, 2021.

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 18-761 OF THE THORNTON CITY CODE TO INCORPORATE ALLOWANCES FOR TEMPORARY SIGNS AND BANNERS DISPLAYED ON VEHICLES AND AMENDING SECTION 18-901 TO CLARIFY THE DEFINITION OF TEMPORARY SIGN.

WHEREAS, the City has the authority to regulate signs under the United States Constitution, the Constitution and Statutes of the State of Colorado, and the City Charter; and

WHEREAS, signs of reasonable size and dimensions are a useful means of visual display for the convenience of the public and for the efficient communications of commercial and noncommercial speech; and

WHEREAS, signs are vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional forum of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself; and

WHEREAS, the City has an important and substantial interest in preventing sign clutter because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages by creating visual confusion and aesthetic blight; and

WHEREAS, a reasonable balance between the interests of visual signage and the interest of the City to secure for its citizens the opportunity to enjoy pleasant and attractive surroundings protected from visual discord and clutter that may result from unrestricted proliferation and placement of signs contributes to the general welfare; and

WHEREAS, regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole are necessary to preserve and enhance the aesthetic quality of life in the community; and

WHEREAS, reasonable regulations are necessary to conserve the character and economic value of property and neighborhoods; and

WHEREAS, Chapter 18, also known as the Development Code, is a compilation of the requirements, standards, and performance expectations for permitted land uses, including signs, in the City; and

WHEREAS, the ordinance amends the Development Code to incorporate allowances for temporary signs and banners displayed on vehicles and clarify the definition of temporary sign; and

WHEREAS, the ordinance provides the minimum control of private property signs necessary to promote the health, safety, and general welfare of the citizens of the City.

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

1. Section 18-761 of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken below, to read as follows:

**Sec. 18-761. Temporary sign.**

<b>Table 761.1 Temporary Signs — No Permit Required</b>				
	<b>Residential Zones</b>		<b>Nonresidential Zones</b>	
	<b>Less than one acre</b>	<b>One acre or larger</b>	<b>NS, MU, OI, EC, EB, ES, EO, ETD</b>	<b>CR, RC, BP, CC, TOD, I</b>
Number of signs allowed	Any number as long as the total square feet of all signs does not exceed the maximum sign area for that zone district or per building user or tenant, as applicable.			
Maximum sign area per zone lot				
<i>Developed</i>	72 square feet	100 square feet	Less than 25,000 square feet of floor area: 60 square feet per building user or tenant	
			25,000-100,000 square feet of floor area: 105 square feet per building user or tenant	
			100,000 square feet of floor area or larger: 230 square feet per building user or tenant	
<i>Undeveloped</i>	120 square feet	120 square feet	150 square feet	250 square feet
Maximum sign height	6 feet	10 feet	10 feet	20 feet
	Banner height controlled by the structure that the banner is affixed to			
Display duration				
<i>Developed</i>	One sign may be displayed for up to 180 days			

Table 761.1 Temporary Signs — No Permit Required				
	Residential Zones		Nonresidential Zones	
	Less than one acre	One acre or larger	NS, MU, OI, EC, EB, ES, EO, ETD	CR, RC, BP, CC, TOD, I
	Remainder of signs may not exceed 30 days of display			
<i>Undeveloped</i>	No limit			
Minimum setback	5 feet or the height of the sign, whichever is larger, and 25 feet from intersecting rights-of-way			
Illumination	Concealed illumination for swing signs only, and the level of illumination shall not exceed five foot-candles when measured five feet from the sign.			

(a) *Additional requirements.*

- (1) For purposes of this section, Temporary signs may be freestanding signs, banners or feather flags. All other types of temporary signage require a special event sign permit issued in accordance with Section 18-760 of the Code.
- ~~(2)~~ Freestanding signs shall be securely fastened to a vehicle or to the ground in a manner that prevents them from falling over or being blown over in the wind.
- ~~(2)~~ In large developments, the temporary signs authorized by this section may be displayed on any lot within the large development with the written approval of the property owner or owner's representative. In all other cases, the temporary signs shall be located on the lot with which it is associated.
- (3) Banners shall be securely attached to a vehicle, building, or ~~other~~ permanent structure located on private property.
- (4) Banners may be attached to a tent or other temporary structure for which a temporary use permit has been approved.
- (5) ~~All other signs, including f~~Eather flags, shall be securely fastened to the ground to prevent them from falling over or being blown over in the wind.
- ~~(6)~~ Vehicles used to display signs or banners shall be legally parked on private property and shall comply with Section 38-421 of the Code.
- ~~(6)~~(7) Signs, banners or feather flags that fall or blow into the public rights-of-way shall be removed in accordance with the provisions of Chapter 70 of the Code.

2. Section 18-901 of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken below, to read as follows:

**Sec. 18-901. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Temporary sign* means a ~~freestanding~~-sign, not intended for long-term use, that is secured to the ground, fastened to a structure or vehicle, or weighted down in some fashion. Temporary signs are portable or movable. Examples include: freestanding signs, banners, small balloons, large balloons, inflatable devices, pendant strands and air dancers.

3. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.
5. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
6. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2021.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2021.

CITY OF THORNTON, COLORADO

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Jan Kulmann, Mayor

ATTEST:

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Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

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William A. Tuthill III, Interim City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on \_\_\_\_\_, 2021, and after second and final reading on \_\_\_\_\_, 2021.