
CHAPTER 11-10. SIGNS

Sec. 11-10-1. Purpose and intent.

- (A) It is the purpose of this Chapter to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. The provisions in this Chapter are intended to:
- (1) Enable the identification of places of residence and business.
 - (2) Allow for the communication of information necessary for the conduct of commerce.
 - (3) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
 - (4) Enhance the attractiveness and economic well-being of the City as a place to live, vacation and conduct business.
 - (5) Protect the public from the dangers of unsafe signs, to include those which may confuse or obstruct wayfinding for emergency services.
 - (6) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
 - (7) Encourage signs that are appropriate to the zoning district in which they are located.
 - (8) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
 - (9) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
 - (10) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
 - (11) Ensure the fundamental First Amendment right of free speech is recognized and protected in the City's regulation of signs, within the guidelines provided by controlling court decisions.
- (B) If any part, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other provisions are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the validity or enforceability of any other prohibition herein.

Sec. 11-10-2. General provisions.

- (A) Off premise signs, as defined in Section 11-15-2 of this Title are not permitted, with only the following exceptions:
- (1) Signs within the boundary of a new subdivision unless less than ten percent of the lots remain for initial sale.

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- (2) Signs on City-owned property, unless otherwise provided in this Chapter.
 - (3) Signs within outdoor athletic venues, such as ballparks, golf courses, football fields, and soccer fields which are directed to spectators and participants in a manner to minimize visual impact outside of the athletic venue.
 - (4) Signs included within a coordinated sign plan.
 - (5) Signs approved in accordance with a Special Event sign permit.
 - (B) No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring their vision or obstructing their travel.
 - (C) The color or format shall not resemble or conflict with traffic signs or signals, as shown or described by the Manual of Uniform Traffic Control Devices (MUTCD), as amended from time to time.
 - (D) All signs must be maintained in good repair. Temporary signs not maintained in good condition, including, but not limited to, those that have faded, torn, become tattered, droopy, hazardous, or untethered, shall be removed or repaired. Temporary signs not maintained in good condition shall be considered a nuisance, and may be abated by the City in accordance with the City's nuisance abatement procedures.
 - (E) Illumination of signs shall be arranged to reflect away from residential properties, and shall otherwise comply with Chapter 9 of this Title.

Sec. 11-10-3. Nonconforming signs.

- (A) The following nonconforming signs may continue to be used and maintained only in accordance with and subject to the limitations, criteria and requirements of this Section:
 - (1) Signs which were or are lawfully erected and maintained under applicable existing federal, state and County regulations prior to and at the time of annexation to the City and which have been or are maintained as legally nonconforming signs in accordance with City regulations thereafter.
 - (2) Signs which were or are lawfully erected and maintained in accordance with City sign regulations in effect at the time of their erection, but which became or become nonconforming on account of subsequent amendment to the City sign regulations.
 - (3) Signs which would otherwise not be permitted may be temporarily allowed, for a period of up to 12 months, in the discretion of the City Manager, if an emergency, hardship, or new business in that location requires such temporary forbearance from this Chapter, and the owner submits a cash escrow in the amount of 150 percent of the estimated cost, to the City for installation of signage compatible with current City regulations.
- (B) Signs which are nonconforming in the following respects shall not be permitted and shall be brought into conformity immediately, or upon annexation, notwithstanding any other provision of this Section.
 - (1) Any rotating, flashing or animated sign.

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- (2) Any sign which was erected in violation of the requirements of applicable federal, state, County or City regulations in effect at the time of erection.
 - (3) Any sign which creates a hazard to pedestrians or vehicular traffic by creating sight barriers, by having a color or format which resembles or conflicts with traffic control devices, or otherwise.
 - (4) Any sign which is not maintained in reasonably good repair or which creates a safety hazard to persons or property.
 - (5) Any sign which creates a public or private nuisance.
- (C) Signs which were lawfully nonconforming on February 1, 1984, or upon annexation subsequent thereto may be used and maintained only substantially as such sign existed on February 1, 1984, or the date of annexation. No material change or alteration may be made which increases the nonconformity, or which alters the size of the sign; provided, however, ordinary maintenance of the sign is permitted.
- (D) The right provided herein to maintain a nonconforming sign shall be terminated and the sign removed or brought into compliance with these regulations along with any other signs related to the same business under the following conditions:
- (1) Abandonment of the sign, abandonment or termination of the related business, or an interruption in continuance of the related business for a period of 90 days.
 - (2) A violation of any provision of this Chapter by the owner or party in lawful possession of the sign. The destruction of the sign, or damage to the sign such that the cost of repair is greater than 50 percent of the replacement cost of the sign.
- (E) Existing signs on nonconforming uses may be permitted to continue for as long as the nonconforming use exists, but may not be extended or altered in any way.

Sec. 11-10-4. Sign permits.

- (A) *Sign Permit Required.* Except as provided in this Section, all signs shall require a sign permit, on forms acceptable to the City, issued by the City Manager following the same procedure as a building permit, and with administrative fees as set forth in the City Regulation Manual. The burden shall be upon the applicant for a sign permit to prove compliance with applicable provisions of the City's outdoor lighting regulations per Chapter 9 of this Title.
- (B) *Exempt Signs.* The following signs are exempt from obtaining a sign permit:
- (1) *Temporary Signs.* Each business may have one temporary sign or banner at a time, in addition to their permitted signs. A temporary sign or banner shall comply with applicable area and height limitations, be maintained in good repair, not interfere with the reasonable use of adjoining property, or create a nuisance. The area of such a temporary sign shall not be included in maximum sign area calculations.
 - (2) Official traffic control devices.
 - (3) Signs and notices erected, owned and maintained by the City of Montrose.

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- (4) Signs within outdoor athletic venues, such as ballparks, golf courses, football fields, and soccer fields which are directed to spectators and participants in a manner to minimize visual impact outside of the venue.
 - (5) Window signs.
 - (6) *Portable Signs.*
 - (a) One portable sign per business or use may be erected without a City sign permit in all commercial zones, not to exceed 16 square feet in sign area and four feet in height, in addition to the maximum sign area permitted as indicated in Section 11-10-6. The permittee shall be required to obtain additional permits from other agencies, if required by law. Such signage shall not create a nuisance; nuisances created by such signs may be abated in accordance with the City's nuisance laws.
 - (b) In the "B-1" zone only, a business may place one portable sign directly in front of, or directly beside their business premises, so long as the sign does not create a traffic or other safety hazard, or unreasonably impede pedestrian traffic on the sidewalk, and conforms substantially to the design guidelines developed by the applicable retail merchants' association or downtown merchants' association for such signs, if any; responsibility for enforcement of said retail merchants' design guidelines shall not be upon the City.
 - (7) Dispenser type displays such as soft drink machines, gasoline pumps, tire displays and ice machines, with information printed by the manufacturer on the dispenser, provided the City determines they are not detrimental to the general appearance and character of the area.
 - (C) This Chapter is not intended to control or limit appropriate seasonal decorations which do not constitute a public nuisance or hazard.
 - (D) *Revocable Encroachment Permit Required.* Signs may be placed on City property by other parties only if authorized by the City or specifically allowed by City ordinances or regulations, a revocable encroachment permit, easement, or other specific authorization. The City may issue a revocable encroachment permit to the owner of abutting premises on street rights-of-way with at least a 100-foot right-of-way width, on terms appropriate to protect the City's interests, when the area encroached is not currently needed for vehicular or pedestrian traffic, so long as no nuisance or safety hazard will be created. Signs placed on City property without authorization are subject to removal and disposal by the City.
 - (E) *Special Event Sign Permit Required.* Festivals, fairs, markets, commercial or noncommercial sales, and public events shall obtain a Special Event sign permit for all signage, and shall be exempt from the temporary sign limitations of this Section, provided said festival, fair, market, commercial or noncommercial sale or event is open for public use no more than 96 consecutive hours, or four calendar days, including those times when the festival, fair, market, commercial or noncommercial sale or event is not in actual operation. The sign face area of Special Event signs shall not be included in the maximum sign area subject to a sign permit. All signage related to the festival, fair, market commercial or noncommercial sale or event shall be promptly removed at the conclusion thereof. Festivals, fairs, markets, commercial or noncommercial sales, and public events may obtain Special Event sign permits up to 12 times per calendar year; said permits may run consecutively.
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Balloons, streamers, flags and pennants may be allowed up to the maximum height of a freestanding sign allowed in the zone in which the event is located. All balloons of any shape must fit within a three-foot cube (three feet high by three feet deep by three feet wide). Human-held and human-powered signs, and live, costumed advertisers or performers shall also be allowed; all other animated signs not listed specifically in this Subsection shall be prohibited. All signage subject to a Special Event sign permit shall be on-premises. The permit may contain conditions as appropriate to protect the reasonable use of adjoining property, and the public.

(F) *Variances.*

- (1) In some instances, a sign may not meet all of the standards established in this Chapter, but still accomplishes the purposes of this Chapter.
- (2) In such cases, the City Manager may approve variances to the number of signs, or variances of no more than 25% to height, sign area, and setback.
- (3) The City Manager may impose any conditions deemed reasonably necessary to ensure continued compliance with the approval criteria.
- (4) Variances shall automatically lapse upon redevelopment of the property with no right of assignment unless the scope of redevelopment is limited, and the City Manager agrees that the variance can remain in effect.
- (5) This procedure is the exclusive means for requesting variances to sign standards.

Sec. 11-10-5. Coordinated sign plan.

The coordinated Sign Plan Regulations as enacted by Ordinance No. 2155 shall continue in full force and effect solely as to properties which have recorded a Coordinated Sign Plan Declaration of Covenants. The Declarant, their heirs, successors and assigns may, at any time, elect to record a document revoking said Declaration of Covenants, making the property encumbered thereby subject to the current version of this Chapter.

Sec. 11-10-6. Sign standards by zoning district.

The provisions in Table 10.1 apply with respect to the zones and uses indicated.

Table 10.1
Sign Standards by Zoning District

Zoning District	Maximum Number of Signs	Maximum Square Footage of Signs Per Lot- All Signs Combined	Maximum Height of a Freestanding Sign	Maximum Size of a Freestanding Sign*
B-1	Three	The lesser of 1.5 sq. ft. per linear foot of principal street frontage or 200 sq. ft.	20 feet	Single-tenant: 96 sq. ft. Multi-tenant: 144 sq. ft.
B-2, B-2A, B-3	Three	The lesser of 1.5 sq. ft. per linear foot of principal street frontage or 300 sq. ft.	25 feet	Single-tenant: 96 sq. ft. Multi-tenant: 144 sq. ft.
B-4	Three	The lesser of 1.5 sq. ft. per linear foot of principal street frontage or 200 sq. ft.	10 feet	Single-tenant: 96 sq. ft. Multi-tenant: 144 sq. ft.
Lots with two or more separate businesses in the B-2, B-2A, B-3, I-1, and I-2 zones	One Freestanding, One wall sign for each business frontage on a street or parking lot	1.5 sq. ft. per linear foot of principal street frontage (no maximum sq. ft.). Building wall signs are limited to 1.5 sq. ft. per linear foot of each business frontage.	25 feet	144 sq. ft.

I-1, I-2	One	The lesser of 1.5 sq. ft. per linear foot of principal street frontage or 200 sq. ft.	10 feet	Single-tenant: 96 sq. ft. Multi-tenant: 144 sq. ft.
OR	Two	32 sq. ft.	6 feet	Buildings 2,000 sq. ft. or less: 4 sq. ft. Buildings over 2,000 sq. ft.: 32 sq. ft.
RL, R-1, R- 1A, R-1B, R-2, R-3, R-3A, R- 4, R-5, R-6	Two	Buildings 3,000 sq. ft. or less: 6 sq. ft. Buildings more than 3,000 sq. ft.: 32 sq. ft.	6 feet	Buildings 3,000 sq. ft. or less: 6 sq. ft. Buildings over 3,000 sq. ft.: 32 sq. ft.
MHR	Two	12 sq. ft.	4 feet	6 sq. ft.

Other Signs by Zone District	Number	Sign Size	Maximum Height of a Freestanding Sign	Permit Required
Electronic Reader Boards (B-2, B2-A and B-3 Only)		May be no larger than 48 sq. ft.	25 feet	Yes
Temporary Signs and Banners (Nonresidential zoning only)	One	64 sq. ft.	25 feet	No
Portable Sign (Commercial Zones only)	One sign per business or use	16 sq. ft.		No
Development Entrance Sign (All Zones)	Two	80 sq. ft.	10 feet	Yes

* Freestanding sign square footage shall be included in the maximum square footage of signage per lot.

Sec. 11-10-7. Supplemental sign standards.

- (A) *Maximum Sign Area.* The maximum sign area permitted per business or function present upon a single lot or parcel shall be as specified in the table contained in the tabulated provisions of Section 11-10-6.

Where the maximum sign area is based upon a computation determined by the linear feet of principal street frontage, the allowed maximum shall be applied to the entire lot or parcel, regardless of the number of businesses or functions thereon.

- (B) *Sign Clearance.* A projecting sign shall be a minimum height of nine feet above ground level. A projecting sign shall not extend more than five feet over the public right-of-way, and it shall not be higher than the roofline of the building at the point where it is attached. A revocable encroachment permit, as set forth in Section 11-10-4 (D), shall be required for signs projecting over City-owned rights-of-way. Other agencies may have requirements in addition to those set forth herein.

- (C) *Sight Triangle Provisions.*

- a. For traffic safety reasons, whenever practicable, a 15-foot minimum setback shall apply to all freestanding signs in all zoning districts except "B-1."
- b. The City's sight triangle requirements shall apply to temporary signs, and all signs used pursuant to a Special Event sign permit.

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- (D) *Development Entrance Signs.* Developments, including subdivisions, planned developments, multifamily dwelling complexes, mobile home parks, and industrial parks, may have up to two freestanding monument entrance signs. Such freestanding monument entrance signs are not allowed upon any City property, including public rights-of-way, unless a revocable encroachment permit is approved.
- (E) *Electronic Reader Boards.*
- (1) Electronic reader boards, and any portion of the sign face thereof may be changed no more frequently than once every eight seconds.
 - (2) Use of electronic reader boards shall be limited to the "B2," "B2-A" and "B3" zoning districts, and said signs shall be no larger than 48 square feet.
 - (3) The City may inspect the settings for electronic reader boards at any time during business hours for the business operating the sign, to determine compliance with these provisions.
- (F) *Freestanding Signs.* The permanent sign base of a freestanding sign shall have an aggregate width of at least 40 percent of the width of the sign cabinet or face. All supporting structures of a freestanding sign shall match the primary finish and colors of the associated building.
- (1) One freestanding sign shall be permitted per multitenant lot or parcel.
 - (2) One hundred fifty square feet of landscaping shall be required around the base of any freestanding sign located within 50 feet of a public right-of-way.
 - (3) Permanent freestanding signs 12 feet or lower in total height shall be exempt from the 40 percent base width requirements set forth in this Subsection, provided that the sign shall have a sign face area not to exceed 40 square feet per sign face.
- (G) *Vehicle-Mounted Signs.* All vehicle-mounted signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle and shall not project more than 18 inches above the surface to which they are attached; and any sign which is mounted upon the roof, hood or trunk of a vehicle and which projects above such surface upon which it is mounted shall not exceed two square feet in area per face. Banners displayed on vehicles shall be subject to the provisions contained in Section 11-10-4 (E).
- (H) *Window Signs.* Window signs not exceeding 2 square feet are permitted in residential zones.
- (I) *Prohibited Signs.* No rotating, flashing, roof, or animated signs or signs containing a moving message shall be permitted. This does not prohibit scrolling signs in windows or electronic reader boards.