

**ORDINANCE 2016-01**  
**AN ORDINANCE AMENDING CHAPTER 41, SIGN CODE,**  
**OF THE FRUITA LAND USE CODE**

**WHEREAS**, there is a need to amend Fruita's regulations regarding signs to address a recent United States Supreme Court decision regarding signs, and to address the growing number off-premise signs and signs in the public right-of-ways around the city, and

**WHEREAS**, there is a need to clarify and improve other sections of the Sign Code, and

**WHEREAS**, the Fruita Planning Commission held a public hearing on December 8, 2015, regarding proposed amendments to the Sign Code and recommended approval of the proposed amendments with no specific changes, and

**WHEREAS**, a public hearing was held before the Fruita City Council on January 5, 2016, and February 2, 2016, May 3, 2016, and June 7, 2016, regarding the proposed amendments to the Sign Code.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:**

(Additions are shown in *italics* and deletions in ~~strikethrough~~)

**Section 17.41.020 is amended as follows:**

**17.41.020 SIGN PERMITS AND ADMINISTRATION.** *Any sign authorized by this Chapter may contain non-commercial copy in lieu of any other copy.*

- A. Sign Permit Required. To ensure compliance with the regulations of this Chapter, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 17.41.040 (Exempt Signs). ~~Separate planning clearances for signs requiring a building permit will be required.~~ Changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign or render the sign in violation of this Chapter.

Section 17.41.020.D.5 is removed:

~~5. — Reconsideration of Denial of Sign Variance. Whenever the City Council denies an application for a sign variance, such action may not be reconsidered by the Council for one (1) year unless the applicant clearly demonstrates that circumstances affecting the subject property have substantially changed, or new information is available that could not with reasonable diligence have been presented at the previous hearing.~~

**Section 17.41.040 is amended as follows:**

**17.41.040 EXEMPT SIGNS.** The following types of signs are exempt from the **permit** requirements of this Chapter and may be placed in any zone subject to the provisions of this Chapter. Such signs shall otherwise be in conformance with all applicable requirements contained in this Title. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of the property owner's

permission to install a sign may be required. All other signs shall be allowed only with a permit and upon proof of compliance with this Chapter. These exempt signs are permitted in addition to other signs permitted by this Chapter.

- A. Signs in the public right-of-way unless permitted by this Title and specifically permitted by the governmental entity controlling the right-of-way (City of Fruita, Colorado Department of Transportation, etc.)
- B. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this Chapter, except that such signs shall be subject to the safety regulations of the City's building codes adopted pursuant to Title 15 of the Fruita Municipal Code.
- C. ~~Address. Non illuminated signs not to exceed two (2) square feet in area which identify the address and/or occupants of a dwelling unit or of an establishment.~~
- D. Architectural features. Integral decorative or architectural features of buildings so long as such features do not contain letters, trademarks, moving parts or lights.
- ~~ED.~~ Art. Integral decorative or architectural features of buildings and works of art so long as such features or works do not contain letters, trademarks, moving parts or lights.
- ~~FE.~~ Building Identification, Historical Markers. Non-illuminated signs which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information.
- ~~GF.~~ ~~Civic club and religious off premises signs limited to four (4) square feet and limited to five (5) per organization.~~
- H. Construction. Temporary construction signs advertising the development or improvement of a property by a builder, contractor or other person furnishing service, materials, or labor to the premise during the period of construction, development or lot sales shall be allowed provided that:
  - 1. Signs in conjunction with any single family residential use shall not exceed eight (8) square feet each;
  - 2. Signs in conjunction with all other uses shall have a maximum area of thirty-two (32) square feet each;
  - 3. Only one (1) such sign oriented per street front per premises shall be erected. Any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line;
  - 4. Such signs shall not be illuminated;
  - 5. Such signs shall only appear at the construction site; and
  - 6. Such signs shall be removed within seven (7) days after completion of the project;

7. Such signs shall be erected only after submittal of a land development application for the subject property.
- ~~I~~G. Courtesy. Signs which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or hours of operation; limited to one (1) such sign for each business or use, not to exceed four (4) square feet per face or eight (8) square feet in total area. One flashing or blinking sign of this type may be permitted to be displayed in a window on the ground floor provided the sign is no larger than four square feet in area.
- ~~J~~H. Decorations (Holiday). Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, State, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year.
- ~~K~~I. Directional. On-premises directional and instructional signs not exceeding six (6) square feet in area each.
- ~~L~~J. Doors. Signs affixed to door which identify the name and/or address of an establishment limited to four (4) square feet.
- ~~M~~K. Flags. Flags, crests or banners of nations, or organizations of nations, or states and cities, or professional fraternal, religious, civic organizations, or generally accepted military service related flags (i.e. POWs) except when displayed in connection with commercial promotion.
- ~~N~~. ~~Garage, Estate, Yard Sale or Farm Auction. Such signs shall be displayed no more than three times per year per dwelling unit for a period not to exceed three (3) days.~~
- ~~O~~L. Hazards Signs. Temporary or permanent signs erected by the City of Fruita, public utility companies, oil and gas companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
- ~~M~~. *Identification/Address. Non-illuminated signs not to exceed two (2) square feet in area which identify the address and/or occupants of a dwelling unit or of an establishment. An Identification/Address sign that contains only the address number(s) of the property may be larger than two square feet only if necessary for the numbers to be visible from the public right-of-way.*
- ~~P~~N. Memorial. Memorial signs, plaques or grave markers which are non-commercial in nature.
- ~~Q~~O. Merchandise. Merchandise, pictures or models of products or services which are incorporated as an integral part of a window display. *This is different from a Window Sign which requires a sign permit.*
- ~~R~~P. Political Signs. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office and ballot issues provided:
1. The total area of all such signs on a lot does not exceed ~~sixteen (16)~~ *thirty-two (32)* square feet;

2. All such signs may be erected no sooner than sixty (60) days in advance of the election for which they were made;
3. The signs are removed within seven (7) days after the election for which they were made; and
4. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations.

**SQ.** Public Information Signs. Signs which identify restrooms, public telephones, or provide instructions as required by law or necessity, provided the sign does not exceed two (2) square feet in area and is non-illuminated. (This category shall be interpreted to include such signs as "restrooms," "self-service," and similar informational signs.)

**TR.** Religious Symbols. Religious symbols located on a building or lot used for organized religious purposes.

**US.** Regulatory Signs. Regulatory signs erected on private property identifying regulations specific to that property, such as "no trespassing" or "no smoking" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.

**VT.** Real Estate Sale, Lease, Rent Signs. Temporary signs used to offer for sale, lease or rent land or buildings provided that such signs shall be no taller than six (6) feet, shall not be illuminated and shall be removed within seven (7) days after the real estate closing or lease transaction and:

1. One (1) on-premise sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") not greater than eight (8) square feet in area in a residential zone and thirty-two (32) square feet in area in non-residential zones may be located on the property being advertised. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line;
2. In addition to the on-premise real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc;
3. In addition to the signs identified in subsections a & b above, land containing not less than five (5) lots or one acre shall be allowed one sign per street entrance advertising the subdivision. Such signs may have a maximum sign area of thirty-two (32) square feet.

**WU.** Scoreboards. Scoreboards for athletic fields.

**XV.** Strings of Light Bulbs. Displays of string lights, provided:

1. They are decorative displays which only outline or highlight landscaping or architectural features of a building;

2. They are steady burning, clear, bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted;
3. They are no greater in intensity than five (5) watts;
4. They shall not be placed on or used to outline signs, sign supports;
5. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos;
6. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply;

Y.W. ~~Temporary—Signs, On-Premise.~~ Two temporary signs (either attached or freestanding) are permitted per business (including *institutional businesses and temporary uses such as garage sales and fruit stands*) as long as the signs are brought indoors at the end of each business day. ~~For freestanding signs, the structure to which the temporary sign is attached must also be brought indoors at the end of each business day.~~ There are no size or height limits associated with these types of temporary signs.

X. *Temporary, Off-Premise. In lieu of on-premise temporary signs, one temporary off-premise portable freestanding sign is permitted in the public right-of-way directly abutting the subject property per each businesses or institutional use as long as the signs meet the following requirements:*

1. *The sign can be located only on the public right-of-way directly in front of the subject property.*
2. *The sign height shall not exceed four (4) feet as measured from the ground;*
3. *The sign size shall not exceed six (6) square feet;*
4. *The sign cannot be placed on public art including pedestals, benches, seating walls, trash cans, landscaping (other than grass or gravel ground cover), utility structures, and similar items;*
5. *Signs affixed to a fence or other structure, or are within the area used as part of a permitted sidewalk restaurant (as per Chapter 12.14 of the Municipal Code) are considered on-premise signs;*
6. *The sign shall be brought indoors at the end of each business day;*
7. *The sign shall not obstruct the clear sight for traffic at intersections and driveways;*
8. *No sign shall be placed in a traffic lane for vehicles, including bicycle lanes;*
9. *No sign shall be placed in a public parking space including bicycle parking spaces;*

10. *A sign placed on public sidewalks must leave five (5) feet of minimum width clear for traffic circulation and if the sidewalk is less than five (5) feet in width, a sign cannot be placed on the sidewalk;*

ZY. Time and Temperature. Signs displaying time and temperature devices provided they are not related to a product and do not exceed sixteen (16) square feet in sign area and do not exceed eight (8) feet in height when freestanding.

AAZ. Traffic Control. Signs for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by, or on the authority of, a public officer in the performance of his/her duty.

BBAA. Vacancy and No Vacancy. The sign area of "vacancy" and "no vacancy" signs, cannot exceed three (3) square feet per face. Also, signs designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this subsection if they meet the area requirement.

CCBB. Vehicular For Sale Signs. Motor vehicle for sale signs provided there is only one (1) sign per vehicle, the sign does not exceed two (2) square feet.

DDCC. Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Chapter, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

EEDD. Vending Machine Signs. Vending machine signs provided that the advertisement upon the vending machine sign is limited to the product vended.

**Section 17.41.050 is amended as follows:**

**17.41.050 PROHIBITED SIGNS.** The following signs are inconsistent with the purposes and standards in this Chapter and are prohibited in all zones:

- A. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, ~~except for time and temperature devices and courtesy signs no larger than four (4) square feet when displayed in a window;~~
- B. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway;
- C. Mechanical or electrical appurtenances, such as "revolving beacons", that are designed to compel attention;
- D. Off-premises advertising signs except as specifically permitted by this Chapter ~~such as for temporary real estate directional signs;~~

**Section 17.41.090 is amended as follows:**

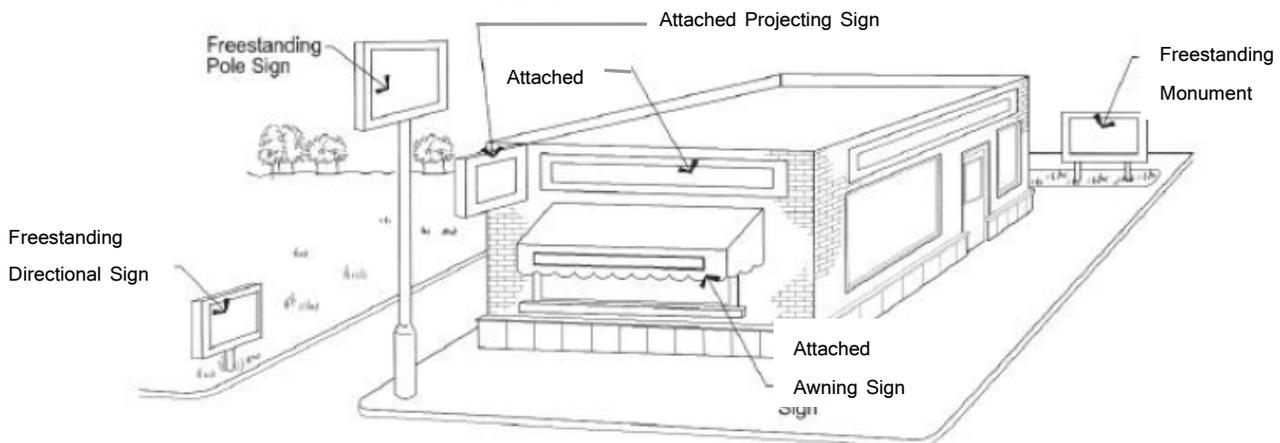
**17.41.090 STANDARDS FOR SPECIFIC TYPES OF SIGNS.** *Any sign authorized by this Chapter may contain non-commercial copy in lieu of any other copy.*

- A. Attached sign types. The sum of all attached signs cannot exceed ten (10) percent of wall area to which the sign(s) is attached. Each building facade shall have its own separate and distinct sign allowance. The sign allowance per facade can only be used on that facade and shall not be transferred to any other facade.
1. Wall Signs. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Wall signs shall not extend more than four (4) feet above the roof line of the portion of the building to which it is attached but in no case is the wall sign permitted to be above thirty-five (35) feet in height regardless of building height.
  2. Awning or Canopy Signs. ~~An awning or canopy sign is an attached sign projecting from and sheltering an area next to a building and supported entirely by the exterior wall of a building and composed of a covering of rigid or non-rigid material and/or fabric on a supporting framework that may be either permanent or retractable.~~
    - a. Location. Signs may be placed only on awnings or canopies that are located on first or second story of a building. No awning or canopy sign shall project beyond, above or below the face of an awning or canopy.
    - b. Maximum area and height. Sign area shall comply with the requirements established by Section 17.41.100, Sign Standards by Zone ~~District~~. No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade. ~~Awnings or canopies on which signs are mounted may extend over a public right of way no more than eight (8) feet from the face of a supporting building. No awning or canopy, with or without signage, shall extend above the roof line of any building.~~
  3. Window Signs. When a sign is painted on, applied or attached to or displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:
    - a. Fifty (50) percent of the window or door area at the ground floor level; and
    - b. Fifty (50) percent of the total allowable sign area for the premises.
  4. Projecting Signs. ~~A projecting sign is any sign supported by a building wall and projecting there from more than twelve (12) inches horizontally beyond the surface of the building to which the sign is attached.~~
    - a. Maximum area and height. Projecting signs shall not be higher than the wall from which the sign projects. Projecting signs must have eight (8) feet clearance from the ground below and may not extend more than six (6) feet from the building wall. The size of projecting signs is limited to sixteen (16) square feet.
    - b. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

c. Quantity. The number of projecting signs is limited to one per business.

B. Freestanding Signs. ~~A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground but does not include a sign attached to a building.~~

1. Location. ~~The sign may be located only on a site frontage adjoining a public street.~~ No freestanding sign in any zone can be erected closer than eight (8) feet to any curblin*e in the public right-of-way*, nor closer than four (4) feet to any building. *With the exception of the DMU zone, No freestanding signs for in non-residential zones land uses must not* ~~may~~ be located less than twenty-five (25) feet from any property line abutting a residential land use.
2. Maximum area and height. The sign shall comply with the height and area requirements established in Section 17.41.100, Sign Standards by Zone.



Different Types of Signs

C. Off-Premises Signs. Other than the off-premise signs permitted as identified in Section 17.41.040 regarding Exempt Signs, the only other off-premise signs permitted are Business District Identification signs. One Business District Identification sign (whether freestanding or attached) is permitted at each major entry point to a Business District for those businesses that do not have frontage on a State Highway. For the purposes of Business District Identification Signs, Business Districts and major entrance points to Business Districts are identified by Resolution of the City Council. This type of sign is permitted in addition to all other signs permitted on the property on which the sign is located.

- 1a. Freestanding: Limited to thirty-five (35) feet in height and three hundred (300) square feet in size.
- 2b. Attached: Limited to three hundred (300) square feet in size.

**Section 17.41.100 is amended as follows:**

**17.41.100 SIGN STANDARDS BY ZONE**

- A. Signs in the Monument Preservation (MP), Rural Residential (RR), Community Residential (CR), Large Lot Residential (LLR), South Fruita Residential (SFR), Community Services and Recreation (CSR), ~~River Conservation (RC)~~ zones and residential *land use* portions of the Community Mixed Use (CMU), and Downtown Mixed Use (DMU) zones shall be limited to:

Type of Sign	Number of Signs	Maximum Area (sq. ft.)	Maximum Height of Freestanding Signs
Identification Sign (Freestanding or Attached Sign)	1 per single family or duplex unit	2 sq. ft.	4'
	1 per multi-family building	16 sq. ft.	6'
	1 per public or quasi-public use	<del>20</del> 32 sq. ft.	8'
	1 per subdivision entrance	32 sq. ft.	6'
Commercial Uses (legal nonconforming only)	1 per tenant space for attached signs 1 per lot or parcel for freestanding signs	1 sq. ft. for each lineal foot of building wall or frontage; 25 sq. ft. maximum	6'

- B. Signs in the ~~Tourist Commercial (TC)~~, General Commercial (GC), ~~Limited Industrial and Research and Development (LIRD)~~ and non-residential *land use* portions of the Downtown Mixed Use (DMU) and Community Mixed Use (CMU) ~~Zone Districts~~ shall be limited to all signs permitted in subsection A above and also the following:

Type of Sign	Number of Signs	Maximum Area (sq. ft.)***	Maximum Height of Freestanding Signs
Freestanding *	1 per parcel per street frontage	0.75 sq. ft. per linear foot of street frontage per 2 traffic lanes; 1.5 sq. ft. per linear foot of street frontage when more than 2 traffic lanes	8' or up to 35'**
Attached (Wall, Window, Awning or Canopy, Projecting)	unlimited but total area of all attached signs cannot exceed the maximum square footage allowed	1.5 sq. ft. per linear foot of building façade	n/a

\* For parcels or lots with buildings that abut the entire street side property line, freestanding signs shall not be permitted along that street side. This currently includes most of the lots fronting Circle Park and Aspen Avenue from Circle Park to Peach Street.

~~When electrical service is provided to freestanding signs, all such electrical service shall be underground.~~

\*\* One Freestanding sign per lot or parcel up to thirty-five (35) feet in height is permitted for: all properties zoned ~~TC or LIRD~~; properties touching the right-of-way for Highway 6 & 50 or Highway 340 which are zoned ~~TC, LIRD~~, GC, DMU or CMU, ~~or~~; properties zoned DMU and touching the right-of-way for Plum Street between Highway 6 & 50 and Aspen Avenue. Maximum size for freestanding signs taller than ten (10) feet is limited to two hundred (200) square feet.

\*\*\* For small buildings and/or lots, a minimum of fifty (50) square feet is permitted for an attached sign and fifty (50) square feet is permitted for a freestanding sign regardless of the width of the street frontage and/or building facade; however, all other requirements must be met.

**Section 17.41.110.C is amended as follows:**

- C. Approval Authority. A sign permit application for a creative sign shall be subject to approval by the City Council after a recommendation from the Planning Commission.

**Section 17.41.120.A.3.j and k is amended as follows:**

- j. Bus shelters with advertising are limited to the ~~Tourist Commercial (TC)~~, the General Commercial (GC), *Downtown Mixed Use (DMU)* and ~~Limited Industrial and Research and Development (LIRD)~~ zones and are allowed only on major collector, minor arterial, and major arterial streets and roads, as designated in the ~~Grand Valley Circulation Plan~~ and the City of Fruita Street Classification and Traffic Control Plan, with the exception that such advertising bus shelters and benches shall not be allowed on the lots fronting on Circle Park and East Aspen Ave. from Circle Park on the west to Elm Street on the east, Mesa County School District No. 51 property, and on property operated by the Museum of Western Colorado; and
- k. Shelters located in the ~~Tourist Commercial (TC)~~, *Downtown Mixed Use (DMU)* and General Commercial (GC) zones are subject to the design standards of such zone. (See Chapter 17.11.)

**Section 17.41.120.B.3.k is amended as follows:**

- k. Bus benches with advertising are limited to ~~Tourist Commercial (TC)~~, General Commercial (GC), *Downtown Mixed Use (DMU)* and ~~Limited Industrial and Research and Development (LIRD)~~ zones and are allowed only on major collector, minor arterial, and major arterial streets and roads, as designated on the City's Street Classification and Traffic Control Plan, with the exception that such advertising benches shall not be allowed in the lots fronting on Circle Park and East Aspen Ave. from Circle Park on the west to Elm Street on the east, Mesa County School District No. 51 property, and on property operated by the Museum of Western Colorado; and

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

City of Fruita

ATTEST:

\_\_\_\_\_  
Lori Buck, Mayor

\_\_\_\_\_  
City Clerk