

Legislation Text

File #: Ordinance 35-2018, **Version:** 2

Agenda Date: 10/16/2018

Subject:

An ordinance on second reading to amend Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to add definitions for Human Signs and Rotating Signs

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| Presented By: Steve Kemp, City Attorney and Jocelyn Mills, Community Development Director |
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REQUEST OF CITY COUNCIL:

The proposed amendment is to consider adding definitions for human signs and rotating signs into section 10-17-4 and section 10-17-6-2 of the city's sign code.

BACKGROUND:

During the city council hearing on amending the overall sign code in April, staff was asked to further clarify the definition of human signs and to add an option to allow for permanent signage the option to be able to be a rotating sign.

PRIOR ACTIONS OR DISCUSSIONS:

Revisions to the sign code were adopted by city council April 17, 2018. As part of that discussion, council directed that the provisions of the proposed code pertaining to rotating signs, commercial mascots, and sign twirlers be removed and brought back to council separately.

The proposed ordinance regarding rotating and human signs was discussed with city council at its July 24, 2018 study session, and with the planning commission in a study session August 27.

Planning commission recommended approval of these amendments at its September 10, 2018 meeting, with an amendment to clarify that temporary rotating signs are not permitted.

City Council approved this ordinance on first reading on October 2, 2018.

STAFF ANALYSIS:

Staff reviewed a number of approaches in preparing this draft. Most cities regulate rotating signs, particularly when they have electronic text. Cities generally regulate the sign size as well. The proposed ordinance creates a definition for rotating signs and provides for regulation based on size.

The prior city code creating distinctions between sign twirlers and commercial mascots is unique. Evaluating options in this area, most jurisdictions regulate all human signs the same whether they are sign twirlers, mascots, or individuals holding a sign. This approach minimizes content analysis which is a requirement of the U.S. Supreme Court decision in *Reed v. Town of Gilbert*. The proposed amendment creates a new definition and regulations for human signs, requires a permit if on private property, and provides that human signs may

not block facilities such as sidewalks that must be available to persons with disabilities.

OPTIONS/ALTERNATIVES:

The city council may take the following actions on the application: approve, approve with conditions, continue to date certain, or deny. A sample motion is provided for each option.

FISCAL IMPACTS:

N/A

STAFF RECOMMENDATION:

Staff recommends that council reconsider its position on external rotating signs for the following reasons. First, these signs can become a nuisance when they are not maintained. Second, with the advent of electronic readerboard signs and electronic displays, external rotating signs are becoming antiquated. Finally, adjacent cities such as Centennial do not permit rotating signs. As a result these signs are being phased out. Prior to the April approval, external rotating signs were not permitted in the City of Littleton. For these reasons, staff recommends council reconsider the issue of external rotating signs.

PROPOSED MOTION:

I move to approve the ordinance on second reading amending Title 10 of the Zoning Code, Section 10-17-4, regarding Sign Code Definitions, and Section 10-17-6-2, to add definitions for Human Signs and Rotating Signs.