

MEMORANDUM

TO: City Council
FROM: Steve Westbay
DATE: February 21, 2012
RE: Existing Sign Code Enforcement

During the past couple of months there has been a proliferation of message boards (electronic signs) being used by businesses in the City. This has led to difficulty in administration of the sign code because the existing regulations have ambiguous directives. This memorandum provides a summary of existing sign code regulation conflicts and discusses the options being considered by staff to address the situation.

Three definitions in the existing sign code play into the code's interpretation (LDC 15.100.030).

- *Changeable Copy Sign means a sign on which the message changes, either manually or automatically, on a lamp bank or through mechanical or electronic means.*
- *Flashing Sign means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention, excluding changeable copy signs.*
- *Moving or Flashing Signs mean signs which are designed to move, or have parts designated to move, or which have parts that appear to move, or flashing signs. Signs or sign parts which are inadvertently moved by wind or changeable copy signs, including time-and temperature displays, are not prohibited.*

Section 15.100.040.H (Prohibited Signs) of the LDC prohibits "...*Moving or flashing signs (except as noted in the definition of "moving or flashing signs" in the GMC 15.100.030).*"

The conflicting interpretation is rooted in the "prohibited" statement and its exception clause, and the definition of "Moving or Flashing Signs." Historically, staff has interpreted the exception clause to be directed at the signs such as those found on the Bank of the West building and the Gunnison Bank and Trust building, which display time-temperature and community events, but do not advertise the business.

The existing sign code ambiguities and the proliferation of electronic message centers leaves the zoning administrator in a tenuous situation. There are two action options that are being considered by staff in regard to this situation. First, the existing sign code may be enforced using the historic interpretation that such signs are allowed if they display only time and temperature, and do not include business advertisement messages. Second, a Text Amendment to the LDC is initiated to repeal the existing sign code and replace it with the draft sign code that has been developed.

Moving forward with the Text Amendment option is supported by the Planning and Zoning Commission. The Planning and Zoning Commission noted that initiating the text amendment will allow the issue to be discussed in a public forum.