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## MEMORANDUM

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**To:** Derby Review Board

**From:** Nathan Chavez, City Planner

**Date:** July 8, 2024

**Subject:** Policy 2024-1 Permanent and Temporary Signage

Members of the Derby Review Board:

At the August 15, 2023 Derby Review Board (Board) study session, City staff (Staff) presented a draft policy amendment to Policy 2013-3: Permanent, Temporary, & Organized Event Signage. Board members provided Staff feedback to streamline the review process for signage. To accomplish this, Staff has prepared Policy 2024-1 for review, discussion, and eventually adoption by the Board.

**The Issue:**

The Permanent Signage policy within 2013-3 requires that all proposed permanent signage is reviewed and approved by the Board. Staff has found this requirement to contradict the intent of the Derby Review Board, and to be onerous to the applicant and the Board. In many instances, simple changes to signage requires an additional application and then a minimum of a one month wait period for review and then approval by the Board. However, often times this can stretch to a 3-12 month long process because of the timing of meetings. The additional cost and time for the applicant sets up a barrier to Derby revitalization that is inconsistent with the City's goals.

The Derby Design Guidelines specifically state that simple matters may be fast tracked for approval and this language is proposed to be added to the policy. Signs that meet the Derby Design guidelines could receive approval through the Sign Permit process, as opposed to requiring a public meeting.

The Temporary Signage policy within 2013-3 allows an extended timeframe for signage if a banner advertises a business name. Restricting signage based on content is not permitted per the 2016 Supreme Court case, Reed v. Town of Gilbert, which prohibits the regulations of signage based on content. Therefore, this content related regulation must be removed. Lastly, the Organized Event Signage section is removed. Any proposed Organized Event signage would simply follow the [Temporary Sign Standards](#) of the Commerce City Land Development Code.

The proposed policy, found in Exhibit A, only requires review of permanent signage if a funding request is made in conjunction with new signage, grants Staff discretion to approve a sign via a Sign Permit if all standards and guidelines are met, removes any time permitted standards, and removes the Organized Event Signage section. All signage items not specifically addressed per this policy defers back to [Article VIII. - Sign Regulations](#) of the Commerce City Land Development Code, Derby PUD, and Derby Design Standards. Exhibit B contains a redline version of Policy 2013-3 for reference.

Thank you for your attention to this matter and we look forward to our discussion on the 16<sup>th</sup>.

Nathan Chavez, AICP

A handwritten signature in cursive script, appearing to read "Nathan Chavez", is shown in a light gray, semi-transparent watermark style.

City Planner

## Exhibit A

### **Policy 2024-1**

#### Permanent and Temporary Signage

#### **Date**

Amended July 16, 2024

#### **Effective Policy:**

**Permanent Signage:** All signs proposed in conjunction with funding requests shall be reviewed and approved by the Derby Review Board. This includes all sign face changes, new cabinet signs, wall signs, monument signs, and all other permanent sign installations identified within the Land Development Code. At the discretion of City staff, a sign may receive approval via a Sign Permit and if it is considered a simple matter, such as a face change, or meets all Land Development Code standards and Derby Design Guidelines.

**Temporary Signage:** Temporary signs shall be allowed and shall be regulated in accordance with the standards of the Land Development Code. No Derby Review Board review or approval is required for temporary signage.

Failure to comply with these policies and standards contained within the LDC and City codes may result in City enforcement action to bring identified properties into compliance.

## Exhibit B

Underlined text are additions and strikethroughs are deletions

### Policy 20~~13~~24-~~31~~

Permanent and, Temporary, ~~& Organized Event~~ Signage

#### Date

Amended July 16, 2024 ~~May 21, 2013~~

#### Effective Policy:

**Permanent Signage:** All signs proposed in conjunction with funding requests for ~~permanent installation~~ shall be reviewed and approved by the Derby Review Board. This includes all sign face changes, new cabinet signs, wall signs, monument signs, and all other permanent sign installations identified within the Land Development Code, ~~regardless if a separate building permit is or is not required.~~ At the discretion of City staff, a sign may receive approval via a Sign Permit and if it is considered a simple matter, such as a face change, or meets all Land Development Code standards and Derby Design Guidelines.

**Temporary Signage:** Temporary signs shall be allowed and shall be regulated in accordance with the standards of the Land Development Code. ~~In addition to these standards, banners advertising the name of a business shall be allowed on a temporary basis for a maximum of six (6) months once the business opens. After six (6) months, the business must submit a proposed permanent sign to the Derby Review Board for review and consideration of approval.~~ No Derby Review Board review or approval is required for temporary signage.

~~**Organized Event Signage:** Organized event signage shall be allowed and shall be regulated in accordance with the standards of the Land Development Code. Signage for an organized event requires an organized event permit and if approved shall have a maximum duration of 14 days.~~

Failure to comply with these policies and standards contained within the LDC and ~~e~~City codes may result in ~~e~~City enforcement action to bring identified properties into compliance.



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## DERBY REVIEW BOARD POLICY 2013-3

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### **Policy 2013-3**

Permanent, Temporary, & Organized Event Signage

#### **Date**

May 21, 2013

#### **Effective Policy:**

**Permanent Signage:** All signs proposed for permanent installation shall be reviewed and approved by the Derby Review Board. This includes all sign face changes, new cabinet signs, wall signs, monument signs, and all other permanent sign installations identified within the Land Development Code, regardless if a separate building permit is or is not required.

**Temporary Signage:** Temporary signs shall be allowed and shall be regulated in accordance with the standards of the Land Development Code. In addition to these standards, banners advertising the name of a business shall be allowed on a temporary basis for a maximum of six (6) months once the business opens. After six (6) months, the business must submit a proposed permanent sign to the Derby Review Board for review and consideration of approval. No Derby Review Board review or approval is required for temporary signage.

**Organized Event Signage:** Organized event signage shall be allowed and shall be regulated in accordance with the standards of the Land Development Code. Signage for an organized event requires an organized event permit and if approved shall have a maximum duration of 14 days.

Failure to comply with these policies and standards contained within the LDC and city codes may result in city enforcement action to bring identified properties into compliance.