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MEMORANDUM

To: Planning and Zoning Commission
From: David C. Gertsch, AICP, Planning Director; Matt Ayres, Deputy County Attorney
Date: July 3, 2023
Re: Zoning Resolution – Sign Regulation Amendments

The County Attorney's Office has drafted updates to the sign regulations that remove any content-based standards. This has been done to bring our permitting process into compliance with recent United States Supreme Court decisions. These proposed amendments have been reviewed and are supported by Planning Staff.

Attachments:

1. Sign Amendment with Tracked Changes
2. Sign Amendments Clean

Attachment 1. Sign Amendments with Tracked Changes

Section 8. Outdoor Sign Permit. ~~All signs shall comply with the applicable requirements of this section. If the proposed outdoor sign meets the requirements stated in this section and all requirements of this Zoning Resolution, the Planning Director shall approve an Outdoor Sign Permit.~~ For signs requiring a sign permit, the applicant shall submit a completed application to the Planning Department for the sign proposal and the Planning Director shall approve of and issue a sign permit if the application satisfies all applicable requirements of this section.

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A. Definitions:

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1. **Abandoned Sign:** A sign in which no person has an interest, economic or otherwise, or a sign that, for six (6) consecutive months, has either intentionally or unintentionally been allowed to fall into a state of disrepair or displays obsolete material.
2. **Disrepair:** When a sign has been allowed to deteriorate to the extent that the sign copy is incomplete, the sign structure has been weakened, or parts of the sign face or sign structure has been detached and is free to be moved by the elements. A determination of "disrepair" will be made if the sign copy, face, or structure is visibly altered or deteriorated.
3. **On-Premise Property Sign:** Any permanent sign located at the entrance of a farm, ranch, subdivision, housing complex, or apartment complex.
4. **Permanent Sign:** Any sign that is permanently affixed to the ground, a wall, or any other stationary feature.
5. **Sign:** Any object, device, display, structure, or part thereof that is used to attract attention of the public using words, letters, figures, designs, symbols, fixtures, colors, illumination, projected images, etc., which are capable of being observed by the public from public places, including the sign face and sign structure. Any display, light, device, figure, painting, drawing, message, placard, poster, billboard, or any other thing which is designed, intended, or used to advertise or inform. The term "sign" includes the sign face and the sign structure.
6. **Signs Allowed as of Right:** Signs that do not require approval of a sign permit and comply with all other applicable requirements.
7. **Sign Copy:** The actual text of a sign created by any combination of letters, numerals, words, symbols, pictures, emblems, or other characters that constitute a message in their permanent or removable form.
8. **Sign Face:** That portion of a sign which is used for the purpose of graphic illustration or display.
9. **Sign Height:** The vertical distance measured from, unless otherwise indicated, the lowest adjacent grade to the highest point of the sign face or sign structure, but excluding any portion of a sign structure that is above the sign face and is part of a building or structure that has a primary purpose other than supporting a sign.
10. **Sign Face:** That portion of a sign which is used for the purpose of graphic illustration or display.

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10. **Sign Structure:** That portion of a sign not used for the purpose of graphic illustration or display, and which serves as structural support for the sign face.

~~1. **Permanent Sign:** Any sign that is permanently affixed to the ground, a wall, or any other stationary feature.~~

~~3.11. **Temporary Sign:** Any sign that is not permanently affixed and is not intended to remain fixed to the ground, a wall, or any other stationary feature.~~

~~4. **Abandoned Sign:** A sign that, for six (6) consecutive months, has either intentionally or unintentionally been allowed to fall into a state of disrepair or which is not in a readable state, or any sign which no longer has an economic interest or a sign which has displayed obsolete material or has been totally or partially obliterated for over six (6) continuous months or shows signs of other economic obsolescence. The continued need of substantial repair may also be deemed to constitute abandonment.~~

~~5. **Commercial or Industrial Area:** Those areas which are occupied by three (3) or more commercial or industrial activities where those activities are located within two thousand (2000) feet of each other as measured from the nearest points on the foundations of the most distant principal commercial or industrial structures.~~

~~6. **Exempt Sign:** Any sign which is excluded from regulation under Subsection C below and which complies with the General Requirements as stated in Subsection B below.~~

~~7. **Off-premise Sign:** Any sign that advertises goods, products, services or facilities or directs a person to an activity which is conducted at a property other than where the sign is located.~~

~~8. **On-premise Sign:** Any sign that advertises goods, products, services, facilities, or directs a person to an activity which is conducted on the property on which the sign is located.~~

~~9. **Projecting Sign:** Any sign attached to a structure but which protrudes from that structure greater than one (1) foot but less than five (5) feet.~~

~~10. **Wall Sign:** A sign which is permanently affixed to a wall and which protrudes from a wall one (1) foot or less.~~

B. General Requirements. The following general requirements are applicable to all signs: ~~erected subsequent to the date of adoption of this Zoning Resolution.~~

1. Illumination of a sign is permitted provided that no flashing, ~~lights or~~ rotating, or revolving ~~beams lights~~ are used. All external light fixtures illuminating a sign shall be shielded so that direct light is confined to the ~~surface of the sign~~ sign face and is directed downward and away from public roadways and residential areas.

2. No sign shall revolve or otherwise move in any fashion.

~~2.3. No sign shall be located within a publicly dedicated right-of-way.~~

3. Relocation of a sign shall not be permitted as sign permits are granted on a site

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~~specific basis.~~

4. No motor vehicles or trailers of any kind, except those trailers manufactured with a sign face permanently attached to it specifically for the purpose of being used as a mobile sign, shall be used as a sign.

5. ~~Signs which display an advertising message by means of the systematic blinking of lights or by systematic illumination of characters or symbols are prohibited.~~

C. Exempt Signs: The following shall be deemed to be excluded from regulation under this Resolution.

1. ~~Real estate signs used exclusively to advertise property for sale or lease and where the sign face shall not exceed twenty five (25) square feet in area. Such signs shall be removed within thirty (30) days of the subject property being sold or removed from the market.~~
2. ~~Political campaign signs where the sign face shall not exceed thirty two (32) square feet in area.~~
3. ~~Special event signs shall not exceed thirty two (32) square feet in area that are posted for a period no longer than thirty (30) days. Special events are those events which occur annually or less frequently than annually.~~
4. ~~Signs on the inside of store windows.~~
5. ~~Official federal, state, and county regulatory and informational signs within the right-of-way of a public highway.~~
6. ~~Signs directing traffic on or to private property, but bearing no advertising matter and not to exceed six (6) square feet in area or five (5) feet in height as measured from the centerline of the nearest public roadway.~~
7. ~~Memorial or historical plaques or tablets or other remembrances of persons or events that are non-commercial in nature and less than four (4) square feet in area and are erected by a public authority or by a recognized historical society or organization identifying sites, buildings, or structures of recognized historical significance.~~
8. ~~Temporary decorations or displays clearly incidental and customary and commonly associated with national, local, or religious holiday celebrations.~~
9. ~~Fence signs within ball parks, arenas and other sporting events.~~
10. ~~Signs used to identify a residence, a subdivision, an apartment complex, a farm, a ranch, and/or the agricultural goods or services available on the premises. The sign face shall not exceed one hundred (100) square feet in size.~~

D. Off-Premise Signs: All off-premise signs shall conform to the following requirements.

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1. Location

- a. Off premise signs shall only be permitted within six hundred sixty (660) feet of an active commercial or industrial area as measured from the nearest point on the foundation of the principal commercial or industrial structure.
- b. No off premise sign shall be located closer than five hundred (500) feet to any other off premise sign.
- c. No off premise sign shall be located within a road right of way nor will the sign interfere with or distract a motorist's vision from normal safe driving.
- d. No off premise sign shall be located closer than five hundred (500) feet to a residential area as measured from the nearest point on the foundation of the nearest residence.
- e. No off premise sign shall be located within three hundred (300) feet of an intersection.

2. Size and Specifications

- a. Off premise signs shall have a sign face of no more than three hundred (300) square feet if located adjacent to Interstate 80. Off premise signs not located next to Interstate 80 shall have a face of no more than sixty four (64) square feet in area.
- b. Double faced signs shall be permitted provided such signs are mounted on the same structure at no more than a forty five (45) degree angle so that only one (1) sign face is visible from any given direction.
- c. No off premise sign shall exceed twenty five (25) feet in height, if located adjacent to Interstate 80, or sixteen (16) feet in height if located elsewhere, as measured from the centerline of the nearest roadway to the highest point of the sign.

E. On-Premise Signs: All on-premise signs shall conform to the following regulations.

1. Location. No on-premise sign shall be located within a road right of way nor interfere with or distract a motorist's vision from normal safe driving.

2. Size and Specifications

- a. Total sign face area per site shall not exceed two (2) square feet per lineal foot of building frontage of the principal commercial or industrial structure; all on-premise signs shall be cumulative toward this total figure. Total sign square footage shall not exceed one hundred (100) square feet.

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- b. ~~Two (2) free standing signs shall be permitted per road frontage; no one (1) sign face shall exceed one hundred (100) square feet.~~
- e. ~~Free standing sign structures shall not exceed twenty (20) feet in height as measured from ground level at the sign location.~~
- d. ~~The surface area of wall signs shall not exceed twenty (20) percent of the exposed building face of the wall to which it is attached, each wall to be considered separately.~~
- e. ~~Projecting signs shall not be higher than the eaves or rafter line, or a point even with the lowest point of the roof of the building to which the sign is attached, whichever is higher. Projecting signs shall clear grade at ground level below the sign by a minimum of eight (8) feet.~~
- f. ~~The display surface area of a projecting sign shall not exceed sixteen (16) square feet. Only one (1) projecting sign per business shall be permitted and a projecting sign shall not be permitted on property which has a free-standing sign.~~
- g. ~~Roof signs shall not extend above the highest point of the roof to which they are attached.~~

F. Home Business: ~~A home business shall be limited to one (1) double sided sign face of no more than six (6) square feet in area. The maximum height of the sign shall be six (6) feet.~~

C. Signs Allowed as of Right. The following signs shall be allowed as of right without requiring approval of a sign permit:

1. **Permanent Signs.** Permanent signs of the following quantity and size according to zoning district may be placed upon a property:
 - a. Agricultural Zoning District. A maximum of ten (10) permanent signs with sign faces not exceeding two (2) square feet and sign heights not exceeding six (6) feet.
 - b. Commercial and Industrial Zoning Districts. A maximum of six (6) permanent signs with sign faces not exceeding two (2) square feet and sign heights not exceeding six (6) feet.
2. **Temporary Signs.** Temporary signs of the following size according to zoning district may be placed upon a property for a duration not exceeding ninety (90) days:
 - a. Agricultural, Commercial, and Industrial Zoning Districts. Temporary sign faces shall not exceed thirty-six (36) square feet in area.
 - b. Rural, Small Lot, and Urban Residential Zoning Districts. Temporary

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sign faces shall not exceed nine (9) square feet in area.

3. Federal, state, or local government signs, and special district signs.
4. Signs located within publicly accessible sports, music, or event venues.
5. Signs required by law.

D. Signs Requiring Sign Permit. The following permanent signs shall require approval of a sign permit. Relocation of a permitted sign is prohibited as sign permits are granted on a site-specific basis.

1. **Permanent Signs.** Permanent signs, other than on-premise property signs, shall be set back at least five (5) feet from property boundaries and conform to the following quantity and size requirements according to zoning district:
 - a. Agricultural Zoning District. A maximum of two (2) permanent signs with sign faces larger than two (2) square feet but not exceeding twenty (20) square feet and sign heights not exceeding ten (10) feet.
 - b. Commercial and Industrial Zoning Districts. A maximum of six (6) permanent signs with sign faces larger than two (2) square feet but not exceeding one hundred (100) square feet and sign heights not exceeding twenty-five (25) feet as measured from the centerline of the nearest public roadway. The aggregate size of permitted sign faces on a property shall not exceed two hundred (200) square feet.
 - c. Rural, Small Lot, and Urban Residential Zoning Districts. A maximum of one (1) permanent sign with the sign face not exceeding four (4) square feet and the sign height not exceeding six (6) feet.
2. **On-Premise Property Signs:** One permanent sign located at an entrance of a farm, ranch, subdivision, housing complex, or apartment complex, and set back five (5) feet from property boundaries and publicly dedicated rights-of-way, shall be permitted for each access point from a publicly dedicated roadway. Such on-premise property signs shall conform to the following size requirements according to zoning district:
 - a. Agricultural Zoning District. Sign faces shall not exceed one hundred (100) square feet and sign heights shall not exceed twenty (20) feet.
 - b. Commercial and Industrial Zoning Districts. Sign faces shall not exceed fifty (50) square feet and sign heights shall not exceed twenty (20) feet.
 - c. Rural, Small Lot, and Urban Residential Zoning Districts. Sign faces shall not exceed six (6) square feet and sign heights shall not exceed ten (10) feet.

G.E. Maintenance:

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1. Any sign which is found to be abandoned or in a state of disrepair shall be removed within forty-five (45) days of receipt of written notification by the Albany County Planning Director Department, unless otherwise corrected.
2. The copy area of the sign face shall be painted a solid color when display board contains no copy.

H.F. Renewal of Sign Permit: All Off Premise Sign permits must be renewed every three (3) years by submission of a sign permit renewal application to the Planning Department. All sign permit renewal applications shall follow the same schedule, with applications due on July 1 of every third year from 2012. A prorated fee will be charged for signs erected less than three (3) years prior to the first applicable renewal date.

1. Inspection Required: As part of the renewal application, the County Planning Department will inspect each Off Premise sign to ensure proper maintenance of each sign. If the sign is properly maintained, the sign permit will be renewed. If the sign is not properly maintained, the sign permit shall not be renewed, and the provisions of paragraph 1 of subsection EG-1 of this section will apply. An application fee will be charged for review of the application and the inspection.
- ~~2. Renewal Date: All existing Off Premise signs shall submit an application for a Sign Permit renewal every three (3) years. All Off Premise signs will follow the same schedule. The initial renewal application will be due for all existing signs July 1, 2012 with subsequent renewal applications due on July 1, 2015; July 1, 2018; etc. A prorated fee will be charged for signs erected less than three (3) years from their first renewal date.~~

Attachment 2. Sign Amendments Clean

Section 8. Sign Permit. All signs shall comply with the applicable requirements of this section. For signs requiring a sign permit, the applicant shall submit a completed application to the Planning Department for the sign proposal and the Planning Director shall approve of and issue a sign permit if the application satisfies all applicable requirements of this section.

A. Definitions:

1. **Abandoned Sign:** A sign in which no person has an interest, economic or otherwise, or a sign that, for six (6) consecutive months, has either intentionally or unintentionally been allowed to fall into a state of disrepair or displays obsolete material.
2. **Disrepair:** When a sign has been allowed to deteriorate to the extent that the sign copy is incomplete, the sign structure has been weakened, or parts of the sign face or sign structure has been detached and is free to be moved by the elements. A determination of "disrepair" will be made if the sign copy, face, or structure is visibly altered or deteriorated.
3. **On-Premise Property Sign:** Any permanent sign located at the entrance of a farm, ranch, subdivision, housing complex, or apartment complex.
4. **Permanent Sign:** Any sign that is permanently affixed to the ground, a wall, or any other stationary feature.
5. **Sign:** Any object, device, display, structure, or part thereof that is used to attract attention of the public using words, letters, figures, designs, symbols, fixtures, colors, illumination, projected images, etc., which are capable of being observed by the public from public places, including the sign face and sign structure.
6. **Signs Allowed as of Right:** Signs that do not require approval of a sign permit and comply with all other applicable requirements.
7. **Sign Copy:** The actual text of a sign created by any combination of letters, numerals, words, symbols, pictures, emblems, or other characters that constitute a message in their permanent or removable form.
8. **Sign Face:** That portion of a sign which is used for the purpose of graphic illustration or display.
9. **Sign Height:** The vertical distance measured from, unless otherwise indicated, the lowest adjacent grade to the highest point of the sign face or sign structure but excluding any portion of a sign structure that is above the sign face and is part of a building or structure that has a primary purpose other than supporting a sign.
10. **Sign Structure:** That portion of a sign not used for the purpose of graphic illustration or display, and which serves as structural support for the sign face.
11. **Temporary Sign:** Any sign that is not permanently affixed and is not intended to remain fixed to the ground, a wall, or any other stationary feature.

B. General Requirements. The following general requirements are applicable to all signs:

1. Illumination of a sign is permitted provided that no flashing, rotating, or revolving

lights are used. All external light fixtures illuminating a sign shall be shielded so that direct light is confined to the sign face and is directed downward and away from public roadways and residential areas.

2. No sign shall revolve or otherwise move in any fashion.
3. No sign shall be located within a publicly dedicated right-of-way.
4. No motor vehicles or trailers of any kind, except those trailers manufactured with a sign face permanently attached to it specifically for the purpose of being used as a mobile sign, shall be used as a sign.

C. Signs Allowed as of Right. The following signs shall be allowed as of right without requiring approval of a sign permit:

1. **Permanent Signs.** Permanent signs of the following quantity and size according to zoning district may be placed upon a property:
 - a. Agricultural Zoning District. A maximum of ten (10) permanent signs with sign faces not exceeding two (2) square feet and sign heights not exceeding six (6) feet.
 - b. Commercial and Industrial Zoning Districts. A maximum of six (6) permanent signs with sign faces not exceeding two (2) square feet and sign heights not exceeding six (6) feet.
2. **Temporary Signs.** Temporary signs of the following size according to zoning district may be placed upon a property for a duration not exceeding ninety (90) days:
 - a. Agricultural, Commercial, and Industrial Zoning Districts. Temporary sign faces shall not exceed thirty-six (36) square feet in area.
 - b. Rural, Small Lot, and Urban Residential Zoning Districts. Temporary sign faces shall not exceed nine (9) square feet in area.
3. Federal, state, or local government signs, and special district signs.
4. Signs located within publicly accessible sports, music, or event venues.
5. Signs required by law.

D. Signs Requiring Sign Permit. The following permanent signs shall require approval of a sign permit. Relocation of a permitted sign is prohibited as sign permits are granted on a site-specific basis.

1. **Permanent Signs.** Permanent signs, other than on-premise property signs, shall be set back at least five (5) feet from property boundaries and conform to the following quantity and size requirements according to zoning district:
 - a. Agricultural Zoning District. A maximum of two (2) permanent signs with

sign faces larger than two (2) square feet but not exceeding twenty (20) square feet and sign heights not exceeding ten (10) feet.

- b. Commercial and Industrial Zoning Districts. A maximum of six (6) permanent signs with sign faces larger than two (2) square feet but not exceeding one hundred (100) square feet and sign heights not exceeding twenty-five (25) feet as measured from the centerline of the nearest public roadway. The aggregate size of permitted sign faces on a property shall not exceed two hundred (200) square feet.
 - c. Rural, Small Lot, and Urban Residential Zoning Districts. A maximum of one (1) permanent sign with the sign face not exceeding four (4) square feet and the sign height not exceeding six (6) feet.
2. **On-Premise Property Signs:** One permanent sign located at an entrance of a farm, ranch, subdivision, housing complex, or apartment complex, and set back five (5) feet from property boundaries and publicly dedicated rights-of-way, shall be permitted for each access point from a publicly dedicated roadway. Such on-premise property signs shall conform to the following size requirements according to zoning district:
- a. Agricultural Zoning District. Sign faces shall not exceed one hundred (100) square feet and sign heights shall not exceed twenty (20) feet.
 - b. Commercial and Industrial Zoning Districts. Sign faces shall not exceed fifty (50) square feet and sign heights shall not exceed twenty (20) feet.
 - c. Rural, Small Lot, and Urban Residential Zoning Districts. Sign faces shall not exceed six (6) square feet and sign heights shall not exceed ten (10) feet.

E. Maintenance:

1. Any sign which is found to be abandoned or in a state of disrepair shall be removed within forty-five (45) days of receipt of written notification by the Planning Department, unless otherwise corrected.
2. The copy area of the sign face shall be painted a solid color when display board contains no copy.

F. Renewal of Sign Permit: All sign permits must be renewed every three (3) years by submission of a sign permit renewal application to the Planning Department. All sign permit renewal applications shall follow the same schedule, with applications due on July 1 of every third year from 2012. A prorated fee will be charged for signs erected less than three (3) years prior to the first applicable renewal date.

1. Inspection Required: As part of the renewal application, the Planning Department

will inspect each sign to ensure proper maintenance. If the sign is properly maintained, the sign permit will be renewed. If the sign is not properly maintained, the sign permit shall not be renewed, and the provisions of paragraph 1 of subsection E of this section will apply. An application fee will be charged for review of the application and the inspection.