

Nina Ruiz

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Sent: Saturday, November 16, 2019 6:44 PM
To: Nina Ruiz; Gabe Sevigny
Cc: Tracey Garcia; E Moraes
Subject: Agenda Item LDC-19-001 (Nov 19 19 meeting)
Attachments: LDC-19-001 Land Development Code Amendment (Nov '19).docx

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Nina / Gabe -

I am not 100% sure of the proper format to get comments and questions to the staff prior to the Planning Commission meeting, so if there is a more proper way, please let me know.

At the last entity I was with, I was fairly involved with its development code writing, so I am sorry for the amount of questions I have. It became a passion of mine. I do tend to read everything put in front of me, which is a bad habit of mine.

One of the things I learned while writing development code is to ask the "what-ifs" and "yeah-buts". They may turn out to be nothing, but it will at least get everyone thinking. But in the end I would rather address these prior to the meeting than drag on meetings any longer than they need to be.

Anyway, with that said, I attached a document that contains the questions I came up with after going through this agenda item.

If you'd like to discuss, I am available via this email or phone. My phone number is 703-403-8538.

Thanks for taking a look at this and all of your hard work putting this together.

Respectfully -

Eric Moraes

Questions for agenda item LDC-19-001

1. This may be a stupid question, but was the reason to remove certain definitions was that the Code did not use them? **Yes, these terms are no longer used.**
2. It seems to me that commercial land owners that own slightly more than 4 acres are penalized in the maximum area of their allowable signs. Per 6.2.10.(D)(2)(b)(ii)1.:

a. If one has 3.9 acres, they can have a 40 square foot sign; however,

b. If one has 4 acres, they can only have 20 square feet of signage.

Suggestion: If you make the cutoff at 8 acres and say less than 8 acres, they can have a 40 square foot sign and if 8 or greater they can have 5 square feet per acre, someone with 5 acres can have 40 square feet also.

You bring up a good point and we have revised accordingly

3. There is a typo in paragraph 6.2.10.(A)(5).
 - a. In the 4th line there is an extraneous period.
 - b. In the 5th line the word "The" is incorrectly spelled and there looks to be an extra space between "The" and "County".
4. Per the 6.2.10.(A)(3)(b) "Indoor signs" are exempt from having to obtain a permit. However, per 6.2.10.(B)(1)(b)(ii), window signs that are permanent or greater than equal to 50% of the window surface do need a permit. Window signs being those painted on, applied to, or attached to a window that can be read through the window. But what if a business owner has a suspended sign in the window area that exceeds 50%? See examples below:





Suggestion: In 6.2.10.(A)(3)(b) change the definition to something like "Signs located entirely inside the premises of a building or enclosed space with copy not readily visual from a public right-of-way."

Our revised regulations discuss do not limit it to 50%, but simply require that a permit be obtained when in excess of 50%. Additionally, the definition provides that the sign should be viewed from the ROW. Staff does not feel as though an additional revision is needed. (this also addresses #12 below)

5. Are spotlights/searchlights/skylights/beacons (any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or light with one or more beams that move.) allowed in the county? I would assume not as the code does not specifically address them in the code according to 6.2.10.(A)(4).

This section of the Code pertains to signs only. There is an additional section dedicated to lighting (6.2.2) that would prohibit any upward lighting.

6. Does a hanging sign really need to be AT the entrance of the premises? Would the below sign be allowed as it is centered on the store front and not at the entrance itself?



Staff does not think it to be appropriate to have a hanging sign at the back of the building where persons may believe it to be an entrance. The photo above would meet our definition as the sign is at the entrance.

7. In paragraph 6.2.10.(D)(2)(b)(iii), what if the low-profile sign is a 6' or shorter pole sign? In the below picture on the left, that sign could be supported with a pole like the one on the right. If this happens, would it be legal to place the sign in a setback?



- a. I guess the follow-on question would be, at what point does a "low profile" sign become a "pole sign" if poles support the low-profile sign because there are provisions that low profile signs can exceed 6'?

We have clarified the regulations to eliminate pole sign altogether and to simply have different setbacks for low profile vs freestanding in excess of 6'. (this addresses #8 and #11 below)

8. Should there be a definition of a "monument sign" which is a type of freestanding sign that can be freestanding? The uniqueness is the base is at least as wide as the sign and more importantly, the opening between the base and the sign itself is limited to some distance, for example 2 inches or 1 foot or something. Examples:



9. In 1.15. you define the term Sign, Electronic Message Display (EMD), but I cannot seem to see where it is used in the new 6.2.10.

This is in the off-premise sign regulations.

10. To help adhere to the governing tenant that signs should not limit the safety of drivers (6.2.10.(A)(1) bullet one, I believe 6.2.10.(C)(3)(e) needs to address electronic message displays. Please consider the following:

- a. Signs that are illuminated electrically that may constitute a hazard to the operation of motor vehicles upon any public street or road, substantially interferes with the reasonable enjoyment of residential property, or interferes with the effectiveness of traffic control, are limited to incandescent bulbs not exceeding forty (40) watts (450 lumen) or to such intensity with or without shielding. (Exception: Neon or similar tube type of illumination up to thirty (30) milliamps are permitted.)
- b. For LED signs, during the daytime, based on normal daylight illumination, a maximum limit of 450 lumen is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to 15 lumens.
- c. Outdoor signage must obey light trespass regulations. Into areas zoned for any type of residential zoning district, or public right-of-way, including parks and preserves, a trespass limit of 0.1 foot-candles is enforced at the property line.

We require that all illuminated signs meet our Chapter 6 lighting standards. The lighting standards capture your concerns above.

11. Is there a provision for pylon signs? While like pole signs they are not supported by poles. Masonry can support them. You may want to consider changing "Sign, Pole" to "Sign, Pole/Pylon" and the definition to be something along the lines of "A self-supporting freestanding sign that must adhere to the requirements of construction using durable building materials utilizing, but not limited to, masonry, stucco, painted pipe, aluminum clad piping, or other complimentary materials."



12. How do “auxiliary signs” mix into the sign regulations? In terms of auxiliary signs, I am referring to those signs that provide information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, “no soliciting,” “beware of dog,” etc. These do not include references to a service, business, name, or pricing which would disqualify the sign as an auxiliary sign. For example, would a sign that says the business takes credit cards would they count against the 50% of the window sign limit?



13. Are satellite dishes that are primarily used is for advertising, rather than to serve the customary purpose allow?



Yes, these would be considered freestanding signs.

14. I can totally be missing it, but I do not see rules that state signs cannot
- be placed on property without the consent of the property owner; it is not included, and is not included anywhere in the Code for any application type. This is more of a procedural issue than a Code issue.

- b. be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal; **there is a section that requires approval if the sign is to be in an easement.**
 - c. be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access; **if public, the sign would then encroach into either an easement or the ROW. If ROW, PCD cannot allow the sign to encroach. If an easement, we would need proof the easement holder approves the location.**
 - d. be located within ten feet of an easement with underground utilities; **see b above**
 - e. physically or visually block, any governmental entity signs, fire escapes, doors, or windows (unless allowed by the code as window signs); **this is a Building/Fire Code issue.**
 - f. emit sound, smoke, or steam. **Sound would be covered under the noise ordinance, for smoke or steam it would likely be considered an obstruction of the sight distance.**
 - g. have obscene words, scenes, or graphics. **This is regulating content.**
15. Should the county regulations state something like "In addition to this code, homeowners should be aware of and follow any additional regulations placed on signage by his/her Home Owner Association (HOA)."? **Our policy is to not enforce HOA regulations. We do not include these types of statements in the LDC.**
16. Can you explain 6.2.10.(C)(3)(e)(iii) Portable or movable signs, or inflatable devices including blimps or balloons used as signs, are prohibited, except those which are hand held by a person or persons, or ground-mounted temporary or inflatable signs. Manned balloons or airships are not included in these restrictions and prohibitions. As I read it, inflatable devices are prohibited, but inflatable signs are allowed. What are examples of differences? **We have updated accordingly.**
17. Should there be a time limit on temporary signs? For example, if for an event like a garage sale placed no early than 1 week prior and removed no later than 1 week after? For a grand opening, 30 or 60 days after the official grand opening (however that is measured)? Or for promotional purposes one sign display three times per calendar year, for a maximum period of 14 days per display? Possibly a minimum of 90 days between each promotional period? **Per comments from the County Attorney office we have reworded this to be residential signs without limitation so that persons may have signs all year.**
18. More of a curiosity question: Does The County inventory all permanent signs within the county limits? Do sign owners affix the sign permit number to the permitted sign? **We do not have an inventory other than the permits themselves. We do not require the permits to be affixed to the sign.**

1.15. - DEFINITIONS OF SPECIFIC TERMS AND PHRASES

Master Sign Plan--- A coordinated sign plan that establishes standards for the size, location, and design of signs within a development area being constructed or managed as a single development.

Sign — Any object, device, vehicle, trailer, display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images having the capacity of being visible from any public roadarea, except any display on a vehicle using the highwayroadway. A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County shall be considered an unlawful vehicle sign-sign. Structures or other physical improvement resembling the construction of a sign Signs and/or lighting that are not used to advertise the name of a product, service, or business shall not be considered a sign (e.g. entry sign, exit sign, holiday lighting, landscape features).

Sign, Announcement — A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, or offered upon the premises where the sign is located or to which it is affixed.

Sign, Attached — A sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

Sign, Awning — A wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

Sign, Billboard or Board — An off premise large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays are include but are not limited to posters, copies, junior posters, vinyl-wrapped posters, bulletins, wall murals, and stadium signage, mechanical message displays, or electronic messaging displays.

Sign, Canopy — A wall sign affixed to a permanently roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Sign, Changeable Copy — A sign that is designed so that characters, letters, or illustrations can be replaced or rearranged non-electronically without otherwise altering the face or structure of the sign, and is considered as sign area for a business for which it advertises.

Sign, Changing Illumination — Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times.

Sign, Development — A temporary sign promoting the sale of a development, lots, or new homes within a development or subdivision.

Sign, Directional — Signs which guide, instruct, or direct viewers to a place or event. These signs do not advertise, promote or identify a product, service or commercial development.

Sign, Display Face (panels) — The flat area normally rectangular in shape where the advertisement is displayed.

Sign, Double Face — A billboard structure that has two display panels, which are parallel to each other and facing in opposite directions.

Sign, Electronic Message Display (EMD) — A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by the remote or automatic means.

Sign, Freestanding — A sign constructed and supported by uprights, or braces, placed upon the ground and not attached to any part of any building, wall, or fence.

Sign, Hanging — An attached sign located under a permitted awning or canopy at the entrance to the premises. The sign shall identify only the name of the business or premises and shall be mounted to be perpendicular to the entrance wall of the building.

Sign, Identification — A sign which states the name of such a development as a subdivision, shopping centers, business parks, industrial parks, and similar uses or neighborhood.

Sign, Illumination — Light fixtures attached to or focused on a sign so that the message is visible in hours of darkness.

Sign, Information — A sign which is erected to guide or direct the flow of traffic on the premises on which the device is located or which is non-commercial in nature. The sign may designate addresses, one-way, handicap parking, visitor parking, loading/unloading, and fire lanes.

Sign, Low-Profile — A freestanding sign not exceeding 6 feet in height measured from the finished grade to the top of the sign, however, bonus provisions may allow for heights greater than 6 feet.

Sign, Mechanical Message Display (MMD) — A sign that is capable of displaying words, symbols, figures or images that can be mechanically changed by remote or automatic means (also known as tri-fold, tri-vision).

Sign, Menu Board — A wall or free-standing sign which lists the foods or other products available at drive-through facilities.

Sign, Message — Any static, non-animated, communication, advertisement, or frame displayed within an on or off premise signs (e.g., a complete, static display message on an Electronic Message Display).

Sign, Message Hold Time — The time interval a static message or frame must remain on the display before transitioning to another message or frame.

Sign, Nameplate — A sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

Sign, Nonconforming — A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or as a result of subsequent amendments to this Code.

Sign, Off-Premise — Any sign which is not on the same premises as the business or use with which it is identified, or which cannot be classified as an on-premise sign. Off-premise signs include billboards, bus bench and shelter signs (typically in Right-of-Way owned by a public entity), and directional signs (general signs that can potentially be in any zone district).

Sign, On-Premise — A sign which displays copy specifically related to a principal use of the lot, parcel or tract on which it is located.

Sign, Pennant — Strings of banners or flags or the placement of them in a sequential manner giving the appearance of being strung together.

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Sign, Pole — A freestanding sign whose primary means of support is one or more poles typically set into a concrete footing, located at or below ground level. A pole sign is considered a freestanding sign.

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Sign, Political — A sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

Sign, Portable — A sign which is not permanently affixed to a structure and is designed for or capable of movement, except those signs explicitly designed for people to carry on their persons or permanently affixed to vehicles operating in their normal course of business.

Sign, Poster Display — Message display which is static, non-mechanical, and non-electronic and is changed manually, or requires a manual changing of the message displayed.

Sign, Projecting — A sign projecting in excess of 18 inches from any part of a building.

Sign, Real Estate — A sign displayed for a limited time and offering the immediate premises for sale, rent or lease.

Sign, Special Use or Variance of Use — A sign that advertises a use other than those permitted uses within the forestry, agricultural, or residential zoning districts which has been otherwise approved as a special use or variance of use.

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Sign, Real Estate Directional — An off-premise sign displayed only when the real estate company representative, agent or seller is in attendance at the property for sale, rent or lease. A real estate directional sign is regulated as an on-premise sign.

Sign, Single Face — Billboard structure that has single display panel facing in only one direction.

Sign, Temporary — A sign which is erected for a limited time and may be used to advertise business, community events or civic projects, real estate for sale or lease, or other special events.

Sign, Time-Temperature-Date — A sign that displays the current time, outdoor temperature, date of the month, or any combination of that information.

Sign, Traffic Control Device — A sign used to direct traffic in accordance with the MUTCD.

Sign, Transition Duration — The time interval it takes the display to change from one complete static message or frame to another complete static message or frame.

Sign, Transition Method — A visual effect applied to a message to transition from one message to the next.

Sign, Unlawful Vehicle — A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County.

Sign, Wall — A sign attached to or painted on the wall of a building. Wall signs also include awning, hanging, fascia, and canopy signs.

Sign, Window — A sign that is painted on, applied to, or attached to a window or that can be read through the window from the public right-of-way.

Sign Area — The total area of the face, plate, and frame, as well as the display surfaces but not including the structure or bracing of the sign. When the sign consists only of letters, logos, designs, or figures engraved, painted, or projected or fixed on a wall or freestanding, or when a sign is of an irregular shape, the total area of the sign shall be the smallest area enclosed by a single right angle figure surrounding all of the fixed lettering, designs and irregular shape. On double-faced signs where the sign faces are placed back to back, only one face is counted in computing the sign area; for signs with more than 2 faces, the area of all faces shall be counted.

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6.2.10. Signs, On-Premise

(A) General Provisions.

- (1) **Purpose.** It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic, and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

This section is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation. The regulation of signs within El Paso County is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended more specifically to:

- **Traffic and Pedestrian Safety.** To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of road users on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream.
- **Economic Development.** To promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.
- **Effective Communication.** To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication.
- **Fairness.** To provide for the fair and equal treatment of all sign users.
- **Identification of Goods and Services.** To aid the public and private sectors in identifying the location of goods and services.
- **Compatibility with Surroundings.** To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to visual clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property.
- **Reduction of Visual Clutter.** To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation,

excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

- **Zoning District Considerations.** To encourage and allow signs that are appropriate to the zoning district in which they are located.
- **Scale, Integration and Design.** To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the County's goals of quality development.
- **Maintenance and Safety.** Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs.
- **Property Values.** To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area.
- **Enforcement.** To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.
- **Aesthetics.** To maintain and enhance the beauty, unique character, aesthetic environment, and quality of El Paso County, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the County; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of the County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

- (2) **Applicability.** On premise signs erected, replaced, reconstructed, expanded, or relocated shall conform to the provisions of this Section and with all other pertinent laws or ordinances.

(3) Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this Section to the contrary, any sign erected pursuant to the provisions of this Section may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Section.

- (4) **Exemptions.** The following signs are exempt from the requirement to obtain a sign permit provided the sign complies with the restrictions and performance standards identified. The following signs shall further conform to the site distance requirements in Chapter 2 of the ECM, and the signs shall be located entirely on private property unless otherwise provided.

(a) **Government Signs.** Government signs, including signs erected by the County or other governmental entities for government purposes, or signs that are otherwise required by law.

(b) **Indoor Signs.** Signs located entirely inside the premises of a building or enclosed space.

(c) **Vehicle Signs.** Signs on a vehicle using a roadway.

(e) **Traffic Control Device Signs.** Traffic control signs necessary to help ensure safe vehicular travel.

(f) **Utility Signs.** Signs of utilities indicating danger and service or safety information are exempt from the requirements of this Section

(g) **Bus Bench and Shelter Signs.** Bus bench and shelter signs located within public right-of-way or public improvement easement are exempt from the requirements of this section provided the location of the bus bench or shelter has been approved either by the El Paso County Department of Public Works or via a County contract for transit services.

- (5) **Prohibited Signs.** On-premise signs which fail to meet the requirements of this Section or are not specifically allowed by this Section are prohibited unless otherwise approved by either the Board of County Commissioners as part of a special use or variance of use approval or pursuant to the Provisions for Relief From Density and Dimensional Standards Section of this Code.

- (6) **Liability for Damages.** Nothing in this Section shall relieve any person, corporation, firm, or entity from responsibility for damages to any other person suffering physical injury or damage to property as a result of the installation, display, maintenance or removal of any sign authorized under this Section,. except that the County and its employees and officials shall assume no liability for the

any injury or damage resulting from the authorization of any permit or inspection implementing the provisions of this Section.

(B) Permits Required.

(1) Sign Permit.

- (a) **Sign Permit Required.** No sign, except for those signs which do not require a sign permit, shall be erected, re-erected, relocated, replaced, expanded or altered, without first securing a sign permit from the PCD.
- (b) **Signs and Activities Not Requiring a Sign Permit.** The following signs or activities shall not be required to obtain a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Section or any other law or ordinance regulating the sign.
 - (i) Maintenance. A sign permit shall not be required for painting, repainting, cleaning or other normal maintenance and repair of a sign or a sign structure change, and the changing of the advertising copy or message on an approved painted or printed sign, theater marquee, legal nonconforming sign or similar approved signs which are specifically designed for the use of replaceable copy.
 - (ii) Window Signs. Window signs which are of a temporary nature which occupy less than 50 percent of the window surface are exempt from the requirement to obtain a sign permit.

(2) Building Permit.

- (a) **Building Permit Required.** No sign, except for those signs which do not require a building permit, shall be erected, re-erected, relocated, replaced, expanded or altered, unless a building permit has been issued by the Building Department.
- (b) **PCD Authorization of Building Permit.**
 - (i) Issuance of Building Permit to be Authorized by the PCD. No building permit for a sign shall be issued unless the issuance of the sign building permit is authorized by the PCD.
 - (ii) Permit Authorization Without State Sign Permit. No site plan to authorize a building permit shall be approved until a State Sign Permit has been obtained, where required, and a copy of the permit is provided to the PCD.

(C) General Sign Standards.

- (1) **Setback Requirements.** Signs shall meet the minimum setback requirements as identified within this Section.
- (2) **Height Limitations.**
 - (a) **Signs Not to Exceed Height Limitations.** Signs shall not exceed the maximum height allowed by this Section.
 - (b) **Sign Height to be Measured from Grade.** The height of a sign shall be determined using the average elevation of the finished grade.

- (c) **Berms to be Included in Determining Sign Height.** The height of the berm shall be included as part of the sign height when the base of a sign or supporting structure is located on the berm.

(3) **Restrictions on Sign Placement.**

(a) **Signs Located in County Right-of-Way.**

These regulations do not apply to signs located, or proposed to be located, within County owned or maintained public right-of-way. The permitting and construction of signs within such right-of-way shall be coordinated with El Paso County Department of Public Works.

(b) **Sight Distances Along Roadways.**

- (i) **No Signs Located to Obstruct Vision Near Intersection.** Signs placed within 500 feet of the center point of the intersection of two or more roads or the intersection of a road with a railroad shall not materially obstruct or reduce the existing view of traffic.

- (ii) **No Signs Located to Obstruct Vision Along Road.** Signs shall not be placed along a road at any point where the sign would limit the existing view of traffic in either direction or of a traffic control or directional sign to less than 500 feet.

- (iii) **No Signs Located within Sight-Distance Triangle.** Signs shall not be located within a sight-distance triangle or otherwise obstruct the view of vehicle operators entering or leaving any parking area, service drive, driveway, road, alley, or other thoroughfare. The sight-distance triangle shall be determined in accordance with the ECM.

- (c) **No Sign Located in Utility or Drainage Easement.** No sign may be erected in, placed on, or extend over a utility or drainage easement unless approved in writing by the entity or entities having jurisdiction over the easement.

- (d) **Additional Restrictions Along State Highways.** Signs along highways as defined in C.R.S. §§ 43-1-203, et seq. and 43-2-101 (1) and signs along the Interstate system of Highways as defined in C.R.S. § 43-2-101 (2), are prohibited unless the sign conforms with all of the requirements of the Outdoor Advertising Act, C.R.S. §§ 43-1-401 et seq., and any rules and regulations promulgated by the State of Colorado Department of Transportation and any applicable federal law and rules and regulations. Approval of a permit by the Colorado Department of Transportation may be required prior to sign permit approval by the PCD.

(e) **Design and Construction.**

- (i) **Sign to Conform to Building Code.** Signs and associated structures shall be designed and constructed in accordance with the requirements for structures in the Building Code.

- (ii) **Signs Not to Mimic Official Signs.** Signs shall not be erected which simulate any official traffic, directional, or warning sign, or which involves lights simulating or resembling traffic signals or traffic control signs, or uses the words "stop," or "danger", or any other word, symbol, character or color which might confuse traffic or detract from any legal traffic control device.

- (iii) **Portable Signs.** Portable or movable signs, or inflatable devices including blimps or balloons used as signs, are prohibited, except those which are hand held by a person or persons, or ground-mounted temporary. Manned balloons or airships are not included in these restrictions and prohibitions.
- (iv) **No Sign on Wall, Fence or Roof.** Signs shall not be painted, pasted or similarly posted directly on the surface of any freestanding wall or on a fence or the roof of any building, unless otherwise provided herein.
- (v) **No Vehicle or Trailer to be Used as Sign.** Vehicles or trailers bearing a sign shall not be parked or located on private property for the primary purpose of displaying the sign, unless otherwise provided herein. This does not apply to signs or lettering on buses, taxis, or vehicles parked or used as part of normal business operations.
- (vi) **Signs to be Stationary.** Signs shall be stationary.
- (vii) **Illumination.** No sign shall be illuminated unless the source of light is steady and suitably shielded in accordance with the lighting standards of this Code.
- (viii) **Blinking or Intermittent Electrical Pulsations Prohibited.** No sign is allowed with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations. A change that occurs more rapidly than once every 4 seconds will cause the sign to be considered to be a blinking or animated sign, which is prohibited.
- (ix) **No Signs Attached to Natural Objects.** No sign shall be nailed, tacked, posted, or attached in any manner on trees, rocks or other natural objects.

(4) Master Sign Plans.

(a) Applicability. A Master Sign Plan may be approved by the PCD Director in association with applications that are approved administratively and by the BoCC in association with applications that are approved or otherwise elevated to the BoCC for public hearing as an alternative to the requirements set forth in this Section. A Master Sign Plan must be requested with an associated development application for one of the uses and developments listed below:

- Multiple-tenant commercial, office, or multi-dwelling uses.
- A multiple-building complex for a single commercial use in a project exceeding 35 acres.
- Stand-alone buildings exceeding 100,000 square feet.
- Indoor or outdoor amusement and recreational uses.
- Automobile and trailer sales
- Hospitals.
- Hotels, motels, or similar uses having at least 150 guest rooms and a full service restaurant or conference and meeting rooms.
- Shopping centers.
- Residential subdivisions.
- Agritainment.

- Any other type of development application as authorized at the discretion of the PCD Director.

(b) Review Criteria. In approving a Master Sign Plan the approval authority shall find each of the following:

- **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
- **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
- **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds the maximum height standard permitted by this Section unless otherwise approved by the BoCC as part of a Master Sign Plan. In no event shall a Master Sign Plan contain a wall sign that exceeds by more than twenty-five (25) percent any maximum size (area) standard permitted by this Article.
- **Design Features and Materials.** Sign design themes and materials shall be compatible with the architecture, colors, and materials of the associated development and/or structures as applicable.
- **Development Standards.** The approval authority may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than one hundred (100) percent of the maximum standard. Notwithstanding the foregoing, the approval authority shall not base any decision on the message content of a sign.
- **Amendments.** The PCD Director may administratively approve minor amendments to a Master Sign Plan where such changes are determined by the PCD Director to have little or no visual impact and are consistent with the intent of the original approval.

(5) Sign Maintenance. Every sign and sign structure shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts and wiring, painting, repainting, cleaning, and other acts required

for the general maintenance of the sign. Signs not adequately maintained shall be subject to the enforcement procedures described in Chapter 11 of this Code.

(D) Regulations by Zoning District.

- (1) **Agricultural, Forestry, and Residential Zoning Districts.** The following sign allowances and standards shall apply in agricultural, forestry, and residential zoning districts including recreational vehicle and mobile home zoning districts, residential PUD zoning districts, and within the residential areas of mixed use PUD zoning districts having a residential use allowance.

(a) Identification Signs.

- (i) **Number and Use of Identification Signs.** Two identification signs indicating the name of the subdivision shall be allowed at each road entrance to a subdivision or development.
- (ii) **Low-Profile.** All identification signs shall be low-profile and shall not exceed 40 square feet in area and shall not exceed 6 feet in height. Low-profile identification signs shall be located at least 25 feet from all lot, parcel, or tract lines adjacent to public and private right-of-ways or easements.
- (iii) **Wall Sign Standards.** Wall signs used as identification signs shall be attached to a freestanding wall or fence and shall not exceed 40 square feet in area. The wall sign shall not extend above the height of the freestanding wall or fence.

(b) Name Plate Sign.

- (i) **Number of Name Plate Signs.** One name plate sign per dwelling unit shall be allowed.
- (ii) **Size of Name Plate Sign.** A name plate sign shall not exceed 2 square feet in area.
- (iii) **Sign Copy.** A name plate sign copy shall indicate a name or non-commercial message.
- (iv) **Location of Name Plate Sign.** The name plate sign shall be located not closer than 5 feet from a lot, parcel, or tract line.
- (v) **Maximum Height.** The maximum height of a freestanding name plate sign shall be 4 feet.

(c) Special Use or Variance of Use Signs.

- (i) **Number of Special Use or Variance of Use Signs.** One sign shall be allowed per lot or parcel in association with approval of a special use or variance of use.
- (ii) **Size of Special Use or Variance of Use Sign.** Special Use or Variance of Use Sign shall not exceed 20 square feet in area. Neither the width nor length of the sign shall exceed 10 feet.
- (iii) **Location of Special Use or Variance of Use Sign.** Special Use or Variance of Use signs shall be setback a minimum of 15 feet from all lot, parcel, or tract lines.

(iv) **Maximum Height of Special Use or Variance of Use Sign.** Special Use or Variance of Use signs shall not exceed 12 feet in height.

(d) **Flagpoles and Flags.** Flags are considered signs and shall meet all standards for signs except as otherwise provided for by this Section.

(i) **Area of Flag Limited.** The area of the flag shall not exceed 40 square feet or 2 square feet of sign for each linear foot of building wall area the flag is adjacent or closest to, whichever is less. The allowable area of freestanding signage shall be reduced by the size of the flag.

(ii) **Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building and is not within a utility, drainage, or access easement.

(iii) **Height of Flagpole.** No flagpole shall exceed 20 feet in height if located within a setback area or the maximum height for the zoning district if located outside the setback area.

(iv) **Sign Permits.** A flag or flagpole located on property in a residential, forestry, or agricultural zone district shall not require approval of a sign permit but shall still meet the area, setback, and height limitations listed above.

(e) **Residential Signs.** Two signs not to exceed 6 square feet and 8 feet in height are permitted in all Forestry, Agricultural, and Residential zoning districts.

(f) **Temporary Signs.**

Temporary Signs in Developing Residential Areas. Temporary signs in developing single-family residential are permitted for each builder within the development only in conjunction with a valid building permit. The temporary signs shall be limited to a period of 12 months, or until the development is substantially built out as determined by the PCD Director. The signs shall be removed within 10 days of expiration. The signs shall not be lit or illuminated. The aggregate maximum sign area for all temporary signs in residential developments shall not exceed 256 square feet per builder. Temporary signs in developing single-family residential areas are prohibited if they do not meet the criteria and limitations below:

- **Principal Entry Sign:** Two signs not to exceed 32 square feet in sign area and 12 feet in height are allowed per entry and shall be setback a minimum of 10 feet from all property lines.
- **Model Home:** One sign, not to exceed 16 square feet in sign area and 8 feet in height, is allowed per entry and shall be setback a minimum of 5 feet from all property lines.

(2) **Commercial and Industrial Zoning Districts.** The following sign allowances and standards shall apply in commercial and industrial zoning districts, commercial PUD zoning districts, industrial PUD zoning districts, and in the commercial and

industrial areas of a mixed use PUD zoning district having a commercial and/or industrial use allowance.

(a) **Total Sign Area and Total Number of Signs.** The total sign area and number of signs of each sign type are limited as identified below. The maximum sign area and number of signs is established by the specific standards for each sign type. The combined sign area of attached signs and freestanding signs associated with a building wall is limited by this Section. All other signs are regulated independently from one another.

(b) **Freestanding Signs**

(i) **Number of Freestanding Signs**

- Commercial Lot or Parcel Less than 10 Acres in Area: Where the commercial lot or parcel is less than 10 acres in total area, one sign is allowed per road frontage.
- Commercial Lot or Parcel 10 Acres or Greater in Area: Where the commercial lot or parcel is 10 acres or greater in total area, 2 signs are allowed per road frontage.
- Industrial Lot or Parcel Less than 40 Acres in Area: Where the industrial lot or parcel is less than 40 acres in total area, one sign is allowed.
- Industrial Lot or Parcel 40 or More Acres and Less than 80 Acres in Area: Where the industrial lot or parcel is at least 40 acres in total area and less than 80 acres in total area, two signs are allowed.
- Industrial Lot or Parcel More than 80 Acres: Where the industrial lot or parcel is 80 acres or more in total area, three signs sign are allowed.

(ii) **Area of Freestanding Signs.**

1. General Standards

- Commercial Lot or Parcel Less than 8 Acres in Area: Where the commercial lot or parcel is less than 8 acres in total area, the maximum area of each sign shall be 40 square feet.
- Commercial Lot or Parcel 8 or More Acres and Less than 20 Acres in Area: Where the commercial lot or parcel is 8 or more acres in total area, but less than 20 acres in total area, the maximum area of each sign shall be 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum of 80 square feet of sign area.

- **Commercial Lot or Parcel 20 or More Acres in Area:** Where the commercial lot or parcel is 20 acres or more in total area, the maximum area of each sign shall be 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum 120 square feet of sign area.
- **Industrial Lot or Parcel Less than 40 Acres in Area:** Where the industrial lot or parcel is less than 40 acres in total area, the maximum area of each sign shall be 100 square feet.
- **Industrial Lot or Parcel 40 Acres or More in Area:** Where the industrial lot or parcel is 40 acres or more in total area, the maximum area of each sign shall be 150 square feet.

2. Variation in Size of Sign

- **Allowable Freestanding Sign Area Not Associated with a Building:** The maximum freestanding sign area shall be 40 square feet where no building is present.
- **Reduction in Freestanding Sign Area:** When an attached sign and/or flag and freestanding sign are located along the same building wall, the total allowable area of the freestanding sign shall, when combined with the area of attached signs and/or flag, not exceed the maximum size allowed under the General Freestanding Section above.
- **Increase in Freestanding Sign Area Along Arterial:** When a freestanding sign is located along an arterial or expressway identified in the MTCP, the allowable freestanding sign area shall be 125% of the sign area otherwise allowed by this Code. The 25% increase shall be added after determining the maximum sign area allowed by this Code.
- **Increase in Freestanding Sign Address Provision:** If freestanding sign copy includes an address or address and road name, up to 20 square feet of the area of the sign devoted to the address will not count against the allowable sign area.
- **Increase in Freestanding Sign Area Associated with Drive-Thru.** Two additional signs up to 32 square feet in size each and no

more than 7 feet in height are permitted in association with a commercial drive-thru.

(iii) Location of Freestanding Signs.

1. Low Profile Signs may be located in a setback area, but shall be located no closer than 3 feet from a lot, parcel, or tract line.
2. All other freestanding signs exceeding 6 feet in height shall be setback a minimum of 10 feet from a lot, parcel, or tract line.

(iv) Height of Freestanding Signs. The maximum height of a freestanding sign shall not exceed the height of the building with which the sign is associated. Where no building is present, the height of the freestanding sign shall not exceed 12 feet. If located adjacent to or within 300 feet of a grade-separated intersection or interstate highway, the maximum height of the sign shall not exceed the maximum height allowed in the zoning district.

(v) Minimum Separation of Freestanding Signs. No freestanding sign shall be closer than 500 feet to any other freestanding sign along the same road frontage if the signs are located in the same commercial center or industrial center.

(c) Attached Signs.

- (i) **Maximum Sign Area Per Building Wall.** The total area of attached signs per building wall including wall signs, fascia signs, awning signs, canopy signs, hanging and projecting signs shall conform to the following requirements:

- **Building Walls within 300 Feet of Lot Line in Commercial Zoning Districts or Industrial Zoning Districts.** For building walls located within 300 feet of a lot, parcel, or tract line in commercial or industrial zoning districts, 1½ square feet of attached signage is allowed per linear foot of building wall, or 300 square feet, whichever is less.

- **Building Walls Beyond 300 Feet of Lot Line in Commercial Zoning Districts or in Industrial Zoning Districts:** For building walls located beyond 300 feet of a lot, parcel, or tract line in commercial or industrial zoning districts, 2 square feet of attached signage are allowed per linear foot of building wall, or 300 square feet, whichever is less.

- (ii) **Attaching Signs to a Marquee, Canopy, or Awning.** Signs may be attached to or part of the fascia of a marquee, canopy, or awning, provided they are 8 feet or more above the ground and the sign does not project above or below the fascia.
- (iii) **Projection of Wall Signs.** Wall signs shall not project more than 18 inches from the wall to which they are attached.

- (iv) **Clearance Under Projecting or Hanging Signs.** If a sign extends over a walkway, the bottom of the sign shall be a minimum of 8 feet above the ground.
 - (v) **Minimum Surface Slope of Wall.** The surface to which the sign is attached shall not have a slope of less than 75 percent.
 - (vi) **Projection of Attached Signs Above Building Restricted.** No attached sign shall project above the highest point of the building, excluding rooftop mechanical structures, chimneys, elevator shafts, ventilators, and all other facilities which may project above that area of the building commonly known as the roof.
- (d) **Window Signs.** Window signs are allowed provided window signs do not exceed 50 percent of the window area and are contained within the window. Provided the area of the window sign exceeds 50 percent of a window, they require a sign permit and will count against the attached sign area allowance.
- (f) **Flagpoles and Flags.** Flags are considered signs and shall meet all standards for signs except as otherwise provided for by this Section.
 - (i) **Area of Flag Limited.** The area of the flag shall not exceed 40 square feet or 2 square feet of sign for each linear foot of building wall area the flag is adjacent or closest to, whichever is less. The allowable area of freestanding signage shall be reduced by the size of the flag.
 - (ii) **Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building and is not within a utility, drainage, or access easement.
 - (iii) **Height of Flagpole.** No flagpole shall exceed 20 feet in height if located within a setback area or the maximum height for the zoning district if located outside the setback area.
- (g) **Temporary Signs.**
 - (i) **Temporary Signs.** Two temporary signs not to exceed 32 square feet in sign area and 8 feet in height are permitted in commercial and industrial zoning districts, commercial PUD zoning districts, industrial PUD zoning districts, and in the commercial and industrial areas of a mixed use PUD zoning district having a commercial and/or industrial use allowance.
 - (ii) **Temporary Signs in Developing Areas.** Temporary signs in developing commercial or industrial areas are permitted for each builder within the development only in conjunction with a valid building permit. The temporary signs shall be limited to a period of 12 months, or until the development is substantially built out as determined by the PCD Director. The signs shall be removed within 10 days of expiration. The signs shall not be lit or illuminated. The aggregate maximum sign area for all temporary signs in developing areas

shall not exceed 256 square feet per builder. Temporary signs in developing areas are prohibited if they do not meet the criteria and limitations below:

- Principal Entry Sign: Two signs not to exceed 32 square feet in sign area and 12 feet in height are allowed per entry and shall be setback a minimum of 10 feet from all property lines.
- Model Home: One sign, not to exceed 16 square feet in sign area and 8 feet in height, is allowed per entry and shall be setback a minimum of 5 feet from all property lines.

E. SEVERABILITY PROVISION FOR LDC

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, definition, or word of Sections 1.15 (definitions related to signs) or 6.2.10 of this Code is or becomes legally unenforceable or is declared legally invalid or is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unenforceability or declaration of invalidity or declaration of unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, definition, or word of Sections 1.15 or 6.2.10 of this Code, even if such severability would result in less speech whether by subjecting previously exempt signs to permitting or otherwise.

Such unenforceability or declaration of invalidity or declaration of unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, definition, or word of Sections 1.15 or 6.2.10 of this Code that pertains to prohibited signs, including specifically those signs and sign types generally described in Section 6.2.10(A)(5) to ensure that prohibited sign types that are constitutionally prohibited continue to be prohibited.

Such unenforceability or declaration of invalidity or declaration of unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, definition, or word of this Code that pertains to limitations on off-premises signs set forth in Section 6.2.9 of this Code.