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Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

## SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Meggan Herington, Director, Planning & Community Development  
DATE: January 25, 2024  
RE: LDC236, Proposed Amendments to the Land Development Code Pertaining to Temporary Signs

### Project Description

A request by the El Paso County Planning and Community Development Department to amend Chapter 6 of the El Paso County Land Development Code. The purpose of the amendment is to update the language pertaining to temporary, on-premise signs.

The amendment will modify multiple sections of the El Paso County Land Development Code (2022) as described below:

- Adding language clarifying that “Temporary Signs” are signs erected for a limited time and that they are exempt from the requirement to obtain a sign permit.
- Deleting the language that considers flags and flagpoles as signage that must meet sign standards.
- Deleting “Residential Sign”
- Deleting “Temporary Sign in Developing Residential Areas”
- Deleting “Temporary Sign in Developing Areas”
- Adding criteria for “Temporary Signs” allowed in all zone districts.

### Notation

Please see the draft Planning Commission minutes for a complete discussion of the topic and the Planning Commission staff report for staff analysis. The notice of hearing was published on January 5, 2024.

### Discussion

There were no recommended changes made by the Planning Commission. Commissioners asked about overall placement of signage and the code enforcement process. There was some discussion and explanation about trailer signs and when a trailer is considered a sign versus being used as a construction trailer.

### Planning Commission Recommendation and Vote

Mr. Moraes moved / Ms. Offner seconded for to recommend approval of the amendments to the El Paso County Land Development Code Chapter 6, General Development Standards, Article 2, Development Standards for Ancillary Facilities and Activities, Section 10, Signs, On-Premise, related to standards for temporary signs in residential, commercial, and industrial zone districts, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (9-0)**. The item was heard as a regular agenda item.

### Attachments

1. Draft Planning Commission minutes from January 4, 2024.
2. Signed Planning Commission Resolution – includes revised redlines.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting

Thursday, January 4, 2024

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITAIN JACK, JIM BYERS, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, KARA OFFNER, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** TIM TROWBRIDGE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JAY CARLSON, BRANDY MERRIAM, BRYCE SCHUETTELPELZ, AND WAYNE SMITH.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, JOE LETKE, LACEY DEAN, ED SCHOENHEIT, CARLOS HERNANDEZ MARTINEZ, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** NONE.

#### **1. REPORT ITEMS**

**Ms. Herington** advised the board that PCD is moving forward with consultant proposals to update the LDC. She should have an update regarding the chosen consultant within the next month. She advised the board that PCD received a \$250,000 grant from the State to put towards that work. PCD is also working on an annual report of the Your El Paso Master Plan, which is not an update, but a review on efficiency. That should be presented in the spring.

**Mr. Kilgore** advised the board that the next PC Hearing is Thursday, January 18th, at 9:00 A.M. He also advised the board that the annual appreciation luncheon may take place following that hearing.

#### **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)**

**3. CONSENT ITEMS**

**A. Adoption of Minutes for meeting held November 16, 2023.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).**

**Adoption of Minutes for meeting held December 7, 2023.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).**

**B. VR2313**

**HOWSER**

**VACATION AND REPLAT  
HILL SUBDIVISION FILING NO. 1**

A request by Douglas and Katherine Hill for approval of a 14.69-acre Vacation and Replat of one (1) residential lot into three (3) residential lots. The property is zoned RR-5 (Residential Rural) and is located at 6910 Alpaca Heights (Parcel No. 5129004018) (Commissioner District No. 1).

**NO PUBLIC COMMENT**

**Mr. Whitney** disclosed that he is a neighbor of the subject property. He had a conversation with Ms. Seago and he does not feel that he has a conflict of interest. He will not be recusing himself.

**PC ACTION: MORAES MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2313, FOR A VACATION AND REPLAT, HILL SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

**C. SF2321**

**HOWSER**

**FINAL PLAT  
FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1**

A request by Foundation Lutheran Church for approval of a 5.968-acre Final Plat creating one (1) commercial lot. The property is zoned CR (Commercial Regional) and is located at the southwest corner of the intersection of Towner Avenue and Londonderry Drive, approximately three-quarters of a mile west of the intersection of Londonderry Drive and Meridian Road (Parcel No. 5225208001) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

Later during the hearing, Mr. Kilgore advised the board that a condition of approval had been updated and differs slightly between how it appears in the staff report and how it is written in the resolution. Ms. Seago recommended a board member make a motion to reconsider the item so the revised condition could be discussed and captured in the PC resolution forwarded to the BoCC.

**PC ACTION: WHITNEY MOVED / FULLER SECONDED TO RECONSIDER CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1. THE MOTION TO RECONSIDER PASSED (9-0).**

**Mr. Howser** explained that the number of conditions did not change, nor did the intent. He reiterated that the revised conditions appear in the staff report (part of the packet) but were not updated on the resolution presented to the board.

**Mr. Bailey** asked for the revised conditions of approval to be presented before the board.

**Mr. Howser** pulled up the staff report packet from EDARP. He first presented the resolution to show the incorrect wording of condition number 12. The fee amount has not been finalized yet. The staff report's updated condition omits that detail and states, *"Drainage fees and bridge fees shall be paid for the Falcon drainage basin (CHWS1400) at the time of plat recordation. Fees shall be assessed, and fee amounts approved prior to plat recordation."* He apologized for the discrepancy.

**PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT BUT MODIFYING THE TWELFTH CONDITION, WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

**D. P238**

**LETKE**

**MAP AMENDMENT (REZONE)  
WESTERN DRIVE TOWNHOMES REZONE**

A request by M.V.E., Inc. for approval of a Map Amendment (Rezone) of the southern 2.99 acres of 721 Western Drive, which is a split-zoned 7.12-acre lot, from M (Industrial) to RM-30 (Residential Multi-Dwelling). The property is located on the south side of Western Drive, north of US Highway 24, and east of Hathaway Drive (Parcel No. 5407401016) (Commissioner District No. 4).

**Mr. Bailey** asked a member of the audience who had indicated they were present for this item if they would like to provide a comment. They declined.

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: BRITAIN JACK MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER P238 FOR A MAP AMENDMENT (REZONE), WESTERN DRIVE TOWNHOMES REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS**

AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEM

A. LDC236

HERINGTON

**LAND DEVELOPMENT CODE  
TEMPORARY SIGN CODE AMENDMENT**

Amendments to the El Paso County Land Development Code Chapter 6, General Development Standards, Article 2, Development Standards for Ancillary Facilities and Activities, Section 10, Signs, On-Premise, related to standards for temporary signs in residential, commercial, and industrial zoning districts (All Commissioner Districts).

**STAFF PRESENTATION**

**Mr. Markewich** asked Ms. Herington to explain the process of considering a Code amendment.

**Ms. Herington** explained that the item is being presented at this hearing as a regular action item. Its presentation on December 7, 2023, was non-action and for discussion only. After receiving a recommendation from this board, it will be presented to the BoCC on January 25, 2024. The presentation began.

**Mr. Markewich** asked if a different part of the Code addresses signs affixed to a structure.

**Ms. Herington** answered that 6.2.10.C.3.e, which currently exists in the Code, specifies that signs are not allowed on walls, fences, or rooftops. No vehicle or trailer can be used as signage, and no sign may be attached to natural objects. PCD is not proposing changes to that part of the Code.

**Ms. Brittain Jack** asked if home-builder semi-trailers with signage affixed to them that are parked on vacant property violates the Code.

**Ms. Herington** confirmed that would violate the Code. Presentation concluded.

**NO PUBLIC COMMENTS**

**Mr. Moraes** stated that all his questions from the last meeting were addressed. He noted that the first bullet point (“Do not require a permit”) on the final slide which shows proposed changes to 6.2.10.D.1.d and 6.2.10.D.2.e, appears to be redundant because it is specified earlier.

**Ms. Herington** stated that the bullet point could be removed.

**Mr. Whitney** asked for the rationale behind making changes to this section of the Code.

**Ms. Herington** explained that the changes are intended to ease enforceability. PCD is not currently receiving calls for signage Code criteria or complaints regarding temporary signage. The

complaints that PCD does receive are related to disrepair. The proposed Code change permits greater allowance for temporary signage on private property as well as establishing enforceability.

**Mr. Markewich** asked if it would be permitted for a builder to have a trailer with their logo on it parked on the street of a development actively being worked on.

**Ms. Herington** explained that there is a difference between a trailer being used as construction storage that happens to have a logo on it and a trailer off-site from active development that's sole purpose is advertising. She then added that if *"-Do not require a permit"* is to be removed, that should be included in the motion.

**Mr. Moraes** responded that it wasn't important, just an observation.

**Ms. Herington** agreed that it is redundant. She explained that PCD wanted to make sure anyone reading this part of the Code picked up that piece of information. She added that the Code will be rewritten within the next couple of years. The overall format of the Code will be changed to address repetition.

**Mr. Bailey** noted that the provided resolution does not include language that allows for administrative corrections as is typical for a Master Plan, for example.

**Ms. Herington** agreed and added that the resolution only references Exhibit A, which is the proposed change as it is currently written.

**Ms. Seago** stated that language is already in the Code itself. As changes are incorporated into the Code, the allowance for administrative edits is already in place.

**Mr. Whitney** proposed a hypothetical scenario. Would it be allowed for a landowner to park a trailer with signage on it that identifies themselves as the owner/builder of that vacant parcel? If that's not allowed on its own, if the landowner were to put a few boxes in the trailer and call it storage, would that then be permitted? He thinks signs that identify what's coming are useful.

**Ms. Herington** replied that if a complaint were received in that scenario, Code Enforcement would need make a judgement call regarding whether it is being used as a sign or construction storage.

**Mr. Whitney** reiterated that Code Enforcement is complaint driven.

**Mr. Bailey** asked if PCD currently receives many complaints of trailers used as signs.

**Ms. Herington** stated it is not common. She added that PCD has received some complaints that Code Enforcement will go out to investigate. She stated it becomes subjective.

**PC ACTION: MORAES MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER LDC236 FOR A LAND DEVELOPMENT CODE UPDATE, TEMPORARY SIGN CODE AMENDMENT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NO CONDITIONS OR NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

## 6. NON-ACTION ITEM

### A. LDC233

**KILGORE**

#### **LAND DEVELOPMENT CODE LANDSCAPE CODE UPDATE**

A request by the El Paso County Planning and Community Development Department to amend Chapter 6 of the El Paso County Land Development Code (as amended) pertaining to Section 6.2 Development Standards for Ancillary Facilities and Activities, specifically, sections 6.2.1 and 6.2.2, to provide clarification of the requirements, increase options for landscaping materials, and provide a Landscaping and Planting Manual for reference. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department. (All Commissioner Districts.)

#### **STAFF PRESENTATION**

**Mr. Whitney** asked for an explanation of “artificial landscaping”.

**Mr. Kilgore** replied that artificial turf, fake trees, rubber mulch, and landscape art (metal sculptures of nature), are all examples. The presentation continued.

**Ms. Herington** added that many of the changes stemmed from the Code being prohibitive of xeriscaping and would penalize property owners when attempting to use artificial materials. The proposed changes would allow more options without requiring an alternative process. The proposal will also codify by reference a Landscape Manual that has been in existence for many years. PCD worked with the HBA and the CSU Extension to update and formalize that manual. The presentation continued.

**NO PC ACTION: THIS ITEM WAS HEARD AS A NON-ACTION ITEM FOR DISCUSSION ONLY.**

**MEETING ADJOURNED** at 10:15 A.M.

**Minutes Prepared By:** Miranda Benson

AMENDMENT TO THE LAND DEVELOPMENT CODE (Recommend Approval)

MOARES moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. LDC236

EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT  
TEMPORARY SIGNS

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) as represented on attached Exhibit "A":

WHEREAS, a public hearing was held by this Commission on Thursday, January 4, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were recieved into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.
5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

LDC236



NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends approval of the proposed amendment(s) as describe above of the El Paso County Land Development Code, including other conforming amendments as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

AND BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendment(s) and any previous Zoning Regulations, these revision(s) shall prevail.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

AND BE IT FURTHER RESOLVED that the Commission recommends that the Board of County Commissioners direct the Executive Director of Planning and Community Development to develop procedures as required by state law for public notice of and the submission of written comments on applications for administrative plat approval and for the appeal of administrative plat approval or denial to the Board of County Commissioners.

OFFNER seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

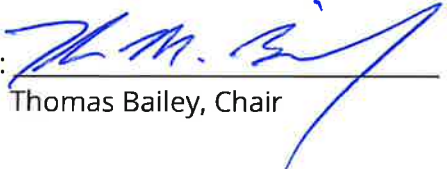
Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 4th day of January 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:

  
Thomas Bailey, Chair

LDC236

**6.2.10. Signs, On-Premise**

**(A) General Provisions.**

- (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.
  - (d) **Traffic Control Device Signs.** Traffic control signs necessary to help ensure safe vehicular travel.
  - (e) **Utility Signs.** Signs of utilities indicating danger and service or safety information are exempt from the requirements of this Section
  - (f) **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.
  - (g) **Temporary Signs.** Signs erected for a limited time.

**(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.
  - ~~(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.** 2 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 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: 2 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: 1 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.~~

**(d) Temporary Signs.**

- Do not require a permit.
- Shall not exceed 7 feet in height.
- Shall be constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, and be of sufficient weight and durability to withstand wind gusts, storms, etc.
- Shall be securely affixed to the ground with posts and not affixed to a building, structure, or vehicle.
- Temporary signs shall be removed or replaced when deteriorated, torn, or weathered to a point that they can no longer be read.
- Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety shall be removed.
- Shall be displayed no more than 12 consecutive months.
- Temporary signs in developing residential communities shall be removed when the residential community is built out.

(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.

~~(c) **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.~~

~~(f) **Temporary Signs.**~~

- ~~(i) **Temporary Signs.** 2 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.~~
- ~~(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: 2 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: 1 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) Temporary Signs.**

- Do not require a permit.
- Shall not exceed 7 feet in height.
- Shall be constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, and be of sufficient weight and durability to withstand wind gusts, storms, etc.
- Shall be securely affixed to the ground with posts and not affixed to a building, structure, or vehicle.
- Temporary signs shall be removed or replaced when deteriorated, torn, or weathered to a point that they can no longer be read.
- Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety shall be removed.
- Shall be displayed no more than 12 consecutive months.
- Temporary signs in developing commercial areas shall be removed when the commercial area is built out.



# EL PASO COUNTY

COLORADO

COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO: El Paso County Planning Commission  
Thomas Bailey, Chair**

**FROM: Meggan Herington, AICP, Executive Director**

**RE: Project File Number: LDC236 - Land Development Code Amendment  
Amendments to the El Paso County Land Development Code Chapter 6, General  
Development Standards, Article 2, Development Standards for Ancillary Facilities  
and Activities, Section 10, Signs, On-Premise, related to standards for temporary  
signs in residential, commercial, and industrial zone districts.**

**Commissioner District: All**

Planning Commission Hearing Date	01/04/2024
Board of County Commissioners Hearing Date	01/25/2024

### EXECUTIVE SUMMARY

A request by the El Paso County Planning and Community Development Department to amend Chapter 6 of the El Paso County Land Development Code. The purpose of the amendment is to update the language pertaining to temporary, on-premise signs.

### A. BACKGROUND

The El Paso County Land Development Code is routinely amended to respond to current land use trends, recurring issues, changes in legislation, and/or errors/oversights. The Planning and Community Development Department maintains a running list of necessary and recommended revisions to the Code as issues arise. El Paso County is a statutory County, which requires the County regulations to align with those rules and regulations included within the Colorado Revised Statutes (C.R.S.). Colorado Revised Statutes, in most instances, is flexible enough to allow each jurisdiction the ability to customize its rules and regulations in ways that best suit the needs of the local community as well as those challenges present in each community.

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The Planning and Community Development Department (PCD) has evaluated the County allowances for temporary signage to ensure opportunities for the placement of temporary signs on properties in all zone districts.

PCD receives few complaints about temporary signage. The complaints received are typically about signs that have blown away or lack of maintenance. A recent complaint was received for off-premise commercial advertising as temporary signage in a residential zone. Off-premise advertising is a separate land use category not permitted on residential properties. This Code change does not impact the definitions of on-premise and off-premise signage.

The updated language focuses on allowing signage temporarily if it is kept in good repair and firmly affixed to the ground. The only size restriction is a maximum sign height of 7 feet. Any structure over 7 feet tall typically requires a building permit through the Pikes Peak Regional Building Department. As this amendment specifies allowances for temporary signs, a building permit would not be part of the process.

## **B. REQUEST**

The amendment will modify multiple sections of the El Paso County Land Development Code (2022) as described below:

- Adding language clarifying that “Temporary Signs” are signs erected for a limited time and that they are exempt from the requirement to obtain a sign permit.
- Deleting the language that considers flags and flagpoles as signage that must meet sign standards.
- Deleting “Residential Sign”
- Deleting “Temporary Sign in Developing Residential Areas”
- Deleting “Temporary Sign in Developing Areas”
- Adding criteria for “Temporary Signs” allowed in all zone districts.

The criteria for placement of a temporary sign are below. These criteria apply to all zone districts. In commercial zone districts, number 8 is worded to focus on developing commercial centers.

1. Do not require a permit.
2. Shall not exceed 7 feet in height.
3. Shall be constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, and be of sufficient weight and durability to withstand wind gusts, storms, etc.

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4. Shall be securely affixed to the ground with posts and not affixed to a building, structure, or vehicle.
5. Temporary signs shall be removed or replaced when deteriorated, torn, or weathered to a point that they can no longer be read.
6. Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety shall be removed.
7. Shall be displayed no more than 12 consecutive months.
8. Temporary signs in developing residential communities shall be removed when the residential community is built out.

### **C. MASTER PLAN ANALYSIS**

The County's Land Development Code governs the use and development of property and provides a legal framework for implementing the Master Plan's recommendations. The purpose of the County's Land Development Code is to preserve and improve the public health, safety, and general welfare of the citizens and businesses of El Paso County, and to:

- o Implement the Master Plan and related elements.
- o Promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
- o Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
- o Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals, and the rights of the community as a whole.
- o Guide the future growth and development of the County in accordance with the Master Plan.

More specifically, the Master Plan identifies the need for periodic amendments to El Paso County's Land Development Code as stated below:

#### *Code Amendments and Updates*

Your El Paso Master Plan establishes the overall vision for the character and intensity of land use and development throughout the County as well as the policies and goals related to infrastructure, transportation, facilities and services, the natural environment, and much more. To ensure the Land Development Code remains an effective tool for Master Plan implementation it should be reviewed and amended as necessary, particularly the zoning and development standards, to ensure consistency and alignment with the principles, goals, and recommendations of the Master Plan.

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**D. APPLICABLE RESOLUTIONS**

See Attached Resolution.

**E. STATUS OF MAJOR ISSUES**

There are no major issues.

**F. RECOMMENDED CONDITIONS AND NOTATIONS**

No conditions or notations.

**G. PUBLIC COMMENT AND NOTICE**

The proposed Code amendments are posted to the Planning and Community Development Department’s website for public comment and were presented informally to the Planning Commission on December 7, 2023 agenda.

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in Gazette News pursuant to Colorado Revised Statute § 30-28-116.

**H. ATTACHMENTS**

Exhibit “A” Sign Code Redline

Sign Code Clean Version

Planning Commission Draft Resolution





## 6.2.10. Signs, On-Premise

### (A) General Provisions.

- (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.
  - (d) **Traffic Control Device Signs.** Traffic control signs necessary to help ensure safe vehicular travel.
  - (e) **Utility Signs.** Signs of utilities indicating danger and service or safety information are exempt from the requirements of this Section
  - (f) **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.

(g) **Temporary Signs.** Signs erected for a limited time.

### (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.

~~(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.** 2 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 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: 2 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: 1 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.~~

**(d) Temporary Signs.**

- Do not require a permit.
- Shall not exceed 7 feet in height.
- Shall be constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, and be of sufficient weight and durability to withstand wind gusts, storms, etc.
- Shall be securely affixed to the ground with posts and not affixed to a building, structure, or vehicle.
- Temporary signs shall be removed or replaced when deteriorated, torn, or weathered to a point that they can no longer be read.
- Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety shall be removed.
- Shall be displayed no more than 12 consecutive months.
- Temporary signs in developing residential communities shall be removed when the residential community is built out.

(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.

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RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF AN AMENDMENT TO THE LAND DEVELOPMENT CODE  
TEMPORARY SIGNS (LDC236)

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendments to the El Paso County Land Development Code Chapter 6, General Development Standards, Article 2, Development Standards for Ancillary Facilities and Activities, Section 10, Signs, On-Premise, related to standards for temporary signs in residential, commercial, and industrial zone districts, and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 4, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the proposed amendments, and

WHEREAS, a public hearing was held by this Board on January 25, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The proposed amendments to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were received into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendment(s) to the El Paso County Land Development Code Chapter 6, General Development Standards, Article 2, Development Standards for Ancillary Facilities and Activities, Section 10, Signs, On-Premise, as represented in the attached Exhibit "A":

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 25th day of January 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

**6.2.10. Signs, On-Premise**

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