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**LDC19-002 Arapahoe County Land Development Code – Billboards and Off-Premise Signs**

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**November 17, 2020**

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This county-initiated application to amend the Land Development Code would include new language and requirements that amend the provision for billboards and other off-premise signs in Unincorporated Arapahoe County, including the conversion of any existing billboard or other off-premise sign to an Electronic Message Center (EMC). Please note the industry uses the term EMC, which equates to Electronic Message Board (EMB) in our regulations.

**Request and Recommendation**

Staff and the Board of County Commissioners (BOCC) recommends developing regulations that will prohibit any new billboards and conversion of any existing static billboard to an EMC in unincorporated Arapahoe County. Staff also recommends removing the existing provision in the Land Development Code that would allow other off-premise signs, not billboards by reason of size. The draft regulations will also eliminate the Use by Special Review (USR) approval requirement for such signs. Staff researched 20 jurisdictions' billboard regulations, received input from industry representatives and Colorado Department of Transportation (CDOT), held nine study sessions with the Board of County Commissioner, held one study session with the Planning Commission and has developed draft regulations (attached to this report). Staff sent the draft regulations out for external referral on November 20, 2020 and expects to receive input from external referrals no later than December 21, 2020. The external referral comments received prior to November 30, 2020 will be summarized and sent to the Planning Commission via email, by November 30, 2020. Staff requests a recommendation of approval from the Planning Commissioners on these draft regulations.

**Background**

A number of developers and industry representatives have contacted the Planning Division over the last few years to express the desire to construct new billboards, to convert existing billboards to electronic message boards (EMBs), and to reduce the dwell time for EMBs. A new billboard has not been constructed in unincorporated Arapahoe County in at least 15 years, and there are no Use by Special Review approvals on file for the existing billboards (current regulations require a USR for placement of a billboard). However, there is an important need to amend the existing Sign Code and the approval process set forth therein for billboards and other off-premise signs. The First Amendment strictly limits the County's ability to regulate signs as a matter of free speech and the County Attorney's office has expressed concern over the constitutionality of the existing USR process.

Pursuant to Resolution No. 190273, the Board of County Commissioners approved a 6-month temporary moratorium on May 7, 2019, on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard

or other off-premise sign to an electronic messaging sign. Prior to the moratorium adoption, Arapahoe County received applications for two billboards: one proposed at Belleview and I-25 and the other proposed at Hampden Avenue/Highway 285 and Knox Court. Staff continues processing those applications and the County is awaiting responses to the most recent review comments. This temporary moratorium was extended to February 7, 2020, and further extended to May 7, 2020, September 7, 2020, and to January 7, 2021. The Board of County Commissioners are scheduled to make decision on the draft regulations on January 5, 2021.

#### Summary of BOCC and Planning Commission Study Sessions and Public Hearings

Since the temporary moratorium was approved and extended multiple times, staff has discussed this with the following Divisions and agencies: Arapahoe County Planning, Arapahoe County Zoning, Colorado Department of Transportation (CDOT) and billboard industry representatives. Staff has compiled and presented research regarding other jurisdictions' regulations and safety of electronic billboards and EMB. The history of the study sessions on the planned billboard and sign code amendments and the moratorium and public hearings, to date, are as follows:

#### *July 29, 2019 BOCC Study Session*

Anthony Lovato, CDOT, Outdoor Advertising Program Manager, presented CDOT's regulations to the BOCC. The BOCC asked staff to provide research regarding billboards and safety impacts.

#### *September 10, 2019 BOCC Study Session*

Staff presented research regarding billboards and safety impacts. The research on this topic is inconclusive due to the complexity of studying driver distraction. No billboard, road or driver is the same as another. The BOCC directed staff to provide draft language that permits new billboards and conversion of billboards with an approved Use by Special Review and a tentative schedule for review and consideration through a public hearing. The BOCC directed staff to draft language to prohibit billboards along certain travel corridors as part of an updated code for consideration through the hearing process.

#### *October 22, 2019 BOCC Study Session*

Staff presented draft USR and Billboard language and a tentative schedule. Commissioners requested staff to compile a list of referrals. The draft referral list was included in the October 29th public hearing packet.

#### *October 29, 2019 BOCC Public Hearing*

Staff requested the BOCC to extend the moratorium for three months to allow for staff to continue work on draft regulations and review legal and constitutional requirements for using codes. The BOCC approved a three-month moratorium, which expired February 7, 2020.

#### *February 4, 2020 BOCC Public Hearing*

The BOCC approved a three-month extension of the temporary moratorium to May 7, 2020.

#### *April 14, 2020 BOCC Study Session*

Staff proposed to the BOCC draft regulations that would establish Billboard Overlay Districts, which would identify potential areas in which billboards would be permitted within Arapahoe County. The BOCC asked staff to remove the Billboard Overlay Districts from the urban areas, which would mean no static to EMC conversions and no new billboards in those areas. Existing billboards would become non-conforming uses that could not be replaced or improved beyond routine maintenance. The BOCC expressed some support for maintaining the proposed Billboard Overlay District in the rural areas of the County and asked staff to look further into that option.

*May 5, 2020 BOCC Public Hearing*

The BOCC approved a four-month extension of the temporary moratorium to September 7, 2020.

*June 2, 2020 BOCC Study Session*

Staff proposed to and discussed with the BOCC three potential Billboard Overlay Districts in the non-urban area of the County. Staff also asked the BOCC to discuss appropriate spacing for billboards in the non-urban area. The BOCC directed staff to develop rules that could allow billboards in commercial, industrial, and agricultural zone districts in the rural Billboard Overlay Districts. Staff was directed to survey property owners along the three proposed Billboard Overlay District corridors in the rural areas, since adding billboards to agricultural zone districts represented an expansion of where billboards could potentially be located.

*August 31, 2020 BOCC Study Session*

Staff presented data from a survey sent to property owners within 600 feet of three proposed billboard overlay corridors, specifically, I-70, east of Watkins Road, East Quincy Avenue, east of Gun Club Road, and along Kiowa Bennett Road. More than two thirds (79%) of the survey respondents opposed allowing new billboards along all three proposed billboard overlay zones in the A-1 and A-E zone districts. Additionally, more than half (64%) of the respondents supported a county-wide prohibition on new billboards. The survey results are attached this report for reference. The BoCC directed staff to draft regulations prohibiting new billboards county-wide and to prohibit conversion of existing billboards to EMCs.

*September 1, 2020 BOCC Public Hearing*

The BOCC approved a four-month extension of the temporary moratorium to January 7, 2021.

*October 6, 2020 Planning Commission Study Session*

Staff presented an overview of the draft regulations to the Planning Commissioners for input. The Planning Commission requested clarification regarding the survey staff sent out to residents along three proposed billboard corridors and whether or not existing billboards will be able to be converted to EMBs under the draft regulations. Staff clarified that the proposed regulations will not allow existing billboards to be converted to EMBs. The Planning Commission requested additional information regarding first amendment restrictions. Staff summarized recent court case rulings and why staff has proposed changes that are intended to further comply with first amendment rights and avoid content regulation of signs. The Planning Commission also discussed the referral process, vehicular signs and business interests with staff.

*October 19, 2020 BOCC Study Session*

Staff provided the Commissioners with an update of the draft regulations and the process. Staff presented the information discussed with the Planning Commission and the proposed schedule moving forward. Commissioners requested clarification of the scope of the changes and previous billboard study sessions with the Board of County Commissioners. The Commissioners also asked for more information regarding CDOT's rules.

## **Discussion and Recommended Regulations**

Staff has prepared draft regulations which will prohibit any new billboards in unincorporated Arapahoe County. The draft regulations will also prohibit billboards proposed on land zoned or to be zoned for Planned Unit Developments. The proposed regulations will define what a Billboard is by the size of the sign and its proposed location relative to roads and highways without reference to the content of the sign as required under developing court precedent. This is intended to remove the existing off/on premise based definitions in the Land Development

Code in their entirety. The draft regulations define billboards as any sign exceeding 48 square feet per sign face or a sign exceeding six feet in height and that is oriented towards a public road with an intent to advertise to travelers on such road.

If the draft regulations are approved, the regulations will:

- Prohibit new billboards
- Prohibit establishing billboards through a PUD process
- Prohibit conversion of existing billboards to EMCs
- Continue to recognize existing billboards as nonconforming, subject to nonconforming provisions of the code (maintenance)
- Clarify that freestanding signs under 48 square feet are not billboards
- Provide limitations of some freestanding signs to 48 square feet
- Prohibit freestanding signs are the primary use of any property
- Reduce the dwell time for EMCs from five minutes to one minute
- Add definitions for interior sign, electronic message board, permanent freestanding sign, and structure, sign
- Revise definitions for sign, billboards, flashing signs and temporary signs

The draft regulations are attached to this report. Staff sent the draft regulations out for external referral on November 20, 2020 and will provide the Planning Commissioners with a summary of the comments received by November 30, 2020.

### **Fiscal Impact**

The proposed draft regulations should not result in any fiscal impact on the County.

### **Attachments**

- Draft Regulations Clean Version
- Draft Regulations with Tracked Changes

## **4-1.5. Signs**

### **A. INTENT**

This Section 4-1.5 is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following:

1. To promote the safety of persons and property by providing that signs not create a hazard due to collapse, fire, collision, decay or abandonment, and do not create traffic hazards by confusing or distracting motorists, by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. To promote the efficient communication of sign messages that provide information most needed and sought by the public, and to ensure that persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore those messages according to the observer's purpose.
3. To protect the public welfare and to enhance the appearance and economic value of the landscape by protecting scenic views. In addition, signage shall not create a nuisance to persons using the public right-of-way, and shall not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height.
4. To preserve and promote the visual and aesthetic quality of the county in order to enhance citizen's quality of life, provide a favorable investment climate, and implement the goals of the County's adopted comprehensive plan.
5. To serve as general guidelines for the administration of signs through the Planned Unit Development process on rezoning and/or Detailed Development Plan applications, such as a Specific Development Plan.
6. To comply with all federal and state laws promoting freedom of speech and expression and content-neutral regulation of signs, as interpreted by relevant court decisions.

### **B. GENERAL PROVISIONS**

1. A sign permit shall be required from the PWD Building Division for all signs exceeding six square feet in area, unless otherwise exempted by regulations within this Section Chapter 1:. In addition, a sign permit shall be required at any time the sign area is increased, and any time a static message sign is converted to an electronic message sign, or vice versa. Applications for sign permits shall be made to the Arapahoe County Department of Public Works and Development. Upon receipt of such application the Department shall act on the application within 60 days of the date of receipt of the application. Permit applications for any proposed sign shall be issued if the proposed sign meets the requirements of this Sign Code.
2. Freestanding signs permitted by these regulations shall be no taller than six feet to the top of the sign structure, unless otherwise permitted and the sign face shall be no larger than 48 square feet per face.
3. All requests for a sign permit shall be accompanied by a drawing that is fully dimensioned, showing the sign structure and message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.
4. Sign permit fees shall be established by the Board of County Commissioners and paid to the PWD Building Division.

- 5.** Signs within PUDs shall comply with the provisions set forth within the General and/or Specific Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners or otherwise as provided under the Land Development Code, except that no PUD may be approved to allow for the installation of a new billboard sign or to convert an existing billboard sign to an electronic message board billboard sign. These Sign Regulations shall govern if the General and/or Specific Development Plans do not otherwise address provisions required by these regulations (i.e., permits, prohibited signs, definitions, etc.).
- 6.** These regulations recognize other regulations pertaining to signage, such as the State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended. Where any provision of these regulations cover the same subject matter as other regulations, the more restrictive regulation shall apply.
- 7.** Sign Area Measurement

  - a.** Area to be Measured

The structure or bracing of a sign shall be omitted from the measurement unless the structure or bracing is made part of the message or face of the sign. Where a sign (including but not limited to an awning sign) has two display faces placed back to back, the area of only one face shall be included in determining the area of the sign.
  - b.** Sign With Backing

The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the display surface or face of the sign including the frame, backing, face plates, nonstructural trim or other component parts if not used for support.
  - c.** Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the limits of each letter, word, written representation (including any series of letters), emblems, logos or figures of similar character including the frame, face plates, nonstructural trim or other component parts if not used for support.
  - d.** All Other Signs or Combinations of Signs

The area of any sign having parts both with and without backing shall be measured by determining the total area constituting the smallest single perimeter enclosing the limits of either of the following combinations:

    - i. The display surface or face of the sign including all frames, backing, face plates, nonstructural trim: or
    - ii. Other component parts not otherwise used.
- 8.** Illumination and Color

Illuminated signs shall be by illuminated by lighting internal to the sign. If this is not possible, the source of illumination shall be shielded and shall not cause glare on adjacent properties. Top of Building Signs located on office and industrial buildings shall not be illuminated after 10 p.m. or before 6 a.m.
- 9.** Public Right-of-Way

All signs erected in public rights-of-way by the federal, state, or local government or by a public agency authorized by the federal, state, or local government for the purpose of controlling or directing the traveling public shall be exempt from the provision of these Regulations.

**10. Maintenance**

Signs and sign structures shall be maintained by their owners at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Inspector shall have the authority to order the repair, alteration, or removal of a sign or sign structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within 30 days after written notification from the Director of PWD or a designated representative, or the County Zoning Administrator or a designated representative, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located, without liability to the County.

**C. SIGNS NOT REQUIRED TO OBTAIN PERMITS**

The following types of signs are allowed without need to first obtain a sign permit from the County:

1. Any official and legal notice issued by, or any sign or notice required to be installed by, any government, public body, person, officer, or court in performance of a public duty or in giving any legal notice.
2. Any interior sign located within an activity and/or structure and not visible from a public right-of-way or adjacent property.
3. Any tablet, plaque, or cornerstone etched or carved into or onto buildings.
4. One sign per building surface that does not exceed two square feet in size and does not project more than six inches from the building surface.
5. Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed six square feet in size and does not exceed four feet in height on any lot or property where the primary use is for a single-, two-, or multi-family residential structure. These temporary signs shall not be required to meet the minimum yard setback requirements of the districts in which they are located, but shall not impair visibility for traffic movement.
6. Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed 32 square feet in size, and that does not exceed four feet in height on any property where the primary use is agricultural, commercial or industrial. These temporary signs shall not be required to meet the minimum yard setback requirements of the zoning districts in which they are located, but shall not impair visibility for traffic movement.
7. Temporary site or building decorations that are displayed for a period of not more than 60 consecutive days and not more than 60 days in any one year.
8. Any sign that is located on a lot where the primary use is commercial or industrial, that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed 10 square feet in size and does not exceed four feet in height. The signs allowed under this paragraph shall not be required

to meet the minimum yard setback requirements of the zoning district in which they are located, but shall not impair visibility for traffic movement.

9. Flags that are located on a lot where the primary use is single-, two-, or multifamily residential structure(s) and that do not exceed 20 square feet in size and are mounted on a pole that does not exceed 35 feet in height or the maximum height permitted in the zoning district in which the lot is located, whichever is less.
10. Flags that are located on a lot or parcel where the primary use is agricultural, commercial, or industrial and that do not exceed 50 square feet in size and are mounted on a pole that does not exceed 50 feet in height or the maximum height permitted in the zoning district in which the lot or property is located, whichever is less.

**D. SIGNS PROHIBITED IN ALL DISTRICTS**

The following types of signs are not permitted in any zoning district in unincorporated Arapahoe County:

1. Signs on which a message appears on more than 2 faces.
2. Signs constituting a traffic hazard.  
No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering, or design any traffic sign or signal, or that includes any other words, phrases, symbols and/or characters that may interfere with, mislead or confuse traffic or otherwise create a traffic hazard.
3. Signs on public property.  
Signs are prohibited on any street, median, island, parkway, sidewalk utility pole, tree, traffic control sign post, traffic signal, any other official traffic control device, within or projecting over any public road right-of-way, or on or projecting over any other public property without the approval of the government or public entity that owns or regulates traffic or activities on that public property, except that signs on bus benches and transit shelters that conform with this Section Chapter 1: shall be permitted.
4. Obscene or unlawful materials.  
It shall be unlawful for any person to exhibit, post or display, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene nature, or unlawful activity (as defined by the Colorado Revised Statutes, as amended, or as interpreted by the courts of the State of Colorado or the United States).
5. Signs on doors, windows, or fire escapes.  
No sign shall be installed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs required by other codes or ordinances.
6. Animated or moving signs.
7. Interior and/or exterior signs visible from a public right-of way consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light are prohibited, however this does not include electronic message boards that comply with this Chapter Chapter 1:.
8. Billboards.
9. Vehicle signs.

Any automobile truck, or other vehicle that is wrapped or coated with materials or is decorated to be used and placed on a property as a sign or any trailer whose primary use is to convey a visual message rather than to transport persons, animals, or goods and is placed on a property to be used as a sign.

- 10.** Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind that do not comply with Sections 4-1.5.C.8, 4-1.5.C.9, 4-1.5.F.5, 4-1.5.F.6, and/or 4-1.5.F.7.
- 11.** Signs in proximity to utility lines.  
No sign shall be constructed or maintained that has less horizontal or vertical clearance, or that is located within any required easement width, from authorized communication or energized electrical power lines, than that required by the laws of the State of Colorado and regulations duly promulgated by agencies of the state or electric utilities authorized to serve Arapahoe County.
- 12.** Portable signs that are not permanently affixed to any structure on the site or permanently mounted to the ground.
- 13.** Any signs emitting sound.
- 14.** Roof-mounted signs or signs which project above the highest point of the building.
- 15.** Signs attached to a building which project perpendicularly from the building a distance of more than 18 inches.
- 16.** Signs attached parallel to the wall of a building, but mounted more than 18 inches from the wall.

**E. ON-PREMISE SIGNS**

- 1.** For lots and parcels on which the primary use is agricultural or residential, the following signs shall be allowed on agriculturally or residentially zoned properties:
  - a.** One sign per dwelling that does not exceed two square feet in area. No permit is necessary for this type of sign.
  - b.** One temporary sign per primary structure containing a residential dwelling that is not a multifamily dwelling, that: 1) does not exceed six square feet in area, 2) does not exceed four feet in height (including posts), and 3) is not illuminated. These signs shall not be required to meet minimum yard setback requirements of the zone district in which they are located, but shall not impair visibility for traffic movement. No permit is necessary for this type of sign.
  - c.** Temporary signs on vacant lots or parcels of land, provided that the total surface area of all such signs (does not exceed 100 square feet per lot or parcel, provided that the total surface area of any one sign does not exceed 50 square feet, and provided that the signs are set back at least 10 feet from the property boundaries and the public rights of way.
  - d.** One temporary sign per street frontage on each lot containing a primary structure with a multifamily or non-residential use, provided that the total surface area of each sign does not exceed 32 square feet per face (a maximum of two faces are permitted for each sign) and does not impair traffic visibility.
- 2.** In Agricultural zoning districts A-E and A-1, one additional sign per permitted use, accessory use, special exception use or use by special review shall be permitted per

street frontage, provided the total surface area of such signs does not exceed 50 square feet per lot or parcel.

3. One sign located at each entrance to a residential from an adjacent public street, provided that the surface area of each sign does not exceed 40 square feet, the maximum height of such signs shall not exceed six feet, and the signs are located so as not to impair vehicular visibility.
4. Temporary signs located at the entrance to an approved subdivision where dwelling units are under construction or approved to be constructed; provided that no more than one sign is located adjacent to each street abutting the subdivision and that the total surface area of each sign face do not exceed 32 square feet. This type of sign shall be located at least 10 feet from the public right of way, but otherwise shall not be required to meet minimum yard setback requirements of the zoning district in which it is located and shall not remain erected after the last dwelling unit is sold, rented or leased.
5. One temporary sign per model home within an approved residential subdivision, provided that the surface area of each sign does not exceed 16 square feet. Such signage shall be located at least 10 feet from the public right of way, and shall not remain erected after the last model home is sold, rented or leased.

**F. GENERAL PROVISIONS FOR ALL USES**

**1. Fascia Signage Message Heights**

The maximum allowable height of fascia messages shall be determined by measuring the distance between the nearest adjacent public right-of-way and the location of the fascia upon which the fascia sign is to be placed, at the rates shown in the table below. Up to 10 percent of the width of the fascia may be occupied by message content up to one and one-half (1 ½) times the maximum height of the message height shown in the table below.

<b>TABLE 4-1.5.1 LETTER HEIGHT FOR SIGNS</b>		
<b>Distance from R-O-W (feet)</b>	<b>Signs Between Top of Storefronts and Second Level Finish Floor (inches)</b>	<b>Top of Building Signs (inches)</b>
0 - 50	12	18
51 - 100	18	24
101 - 150	24	30
151 - 200	30	36
201 - 250	36	42
251 - 300	42	48
301+	48	48

**2. Fascia Signage Maximum Sign Area and Location**

The maximum allowable sign area for any fascia sign shall be measured by multiplying the permitted letter height by two-thirds the length of the fascia or building elevation upon which such sign is placed, provided, however, that no fascia sign shall exceed 200 square feet, unless otherwise stated in this Section Chapter 1: (see Sections 4-1.5.G, 4-1.5.H, and 4-1.5.I for additional limitations). In cases where a property user has two structures, one of which is accessory, whether attached or not, and more than one structure faces the same adjacent public right-of-way, only one of the structures will be permitted fascia signage. Fascia signage shall not be permitted to be placed above the first floor elevation for the structure upon which it is placed, unless otherwise

specifically permitted in this Section Chapter 1: Fascia signs may be placed on commercial buildings in only two locations: (1) the space between the top of storefronts and the second finish floor and, (2) Top of Building Signs (See Chapter 7, Sign, Top of Building). Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.

**3. Top of Building Sign Locations**

Top of Building Signs may not be located on building elevations adjacent to residential zoned property. Top of Building Signs shall not be visible from residences located within one-half mile of the building.

**4. Additional Freestanding Signs**

Up to two freestanding signs per access to a public right-of-way shall be permitted for each lot or parcel, or for contiguous lots or parcels under common ownership or control, provided that the included property contains at least 10 acres in land, the primary use of the property is institutional, commercial, or industrial, or a combination of such uses, each allowed additional sign does not extend more than six feet above ground level, and the total surface area of each sign does not exceed 48 square feet per sign face.

**5. Banners**

Banners shall be allowed and shall be limited to a total of one banner sign not exceeding 50 square feet in area per business, organization, or tenant. Banners for properties where the primary use is a multi-family structure(s) shall not exceed one 50 square foot banner per street frontage. Banners shall be securely mounted to wall or structure on the premises. Banners may be allowed on fencing for projects currently under construction. Banners are never allowed to be freestanding. Banners must be maintained in good repair at all times. These Banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**6. Flag Banners/Feather Flags**

Flag banners/feather flags shall be allowed at a rate of two per business, organization, or tenant, provided that each banner and feather flag does not exceed 20 square feet in area, does not exceed 10 in height, is placed in a landscaped area, is set back at least 10 feet from each public right-of-way, and does not impede sidewalk pedestrian traffic. Flag banners/feather flags shall not be placed in any public right-of-way. These Flag banners/feather flags may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**7. Flags or Banners on Light Poles**

Flags may be installed interior to a development, or banners may be attached to existing light poles interior to a development, provided that the flag or banner is not on or overhanging a public right-of-way and provided that the flag or banner does not exceed 15 square feet in size. These flags or banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**8. Electronic Message Boards**

For any sign type that is proposed to have or be an electronic message board, the Electronic Message Board must meet the following performance and location standards:

- a. The information displayed on the sign face of an electronic message board during any one dwell time must be a complete message, symbol, picture or other communication and shall be shown in its entirety at one time. No message, symbol,

picture or other communication visible on the sign face shall require a change in words, devices, symbols, etc., or additional words, devices, or symbols, etc., to complete the message, symbol, picture or other communication during a subsequent dwell time. At no time may the sign face flash, blink, rotate, or feature animated/moving images or text. The minimum dwell time for a message, symbol, picture or other communication on a sign face is one (1) minute and no electronic message board sign face may be changed more than once every one minute. The message, symbol, picture or other communication on the sign face may include multiple colors. The message, symbol, picture or other communication display shall be static or any transition must occur instantaneously or over a period of no more than one (1) second while the sign face is being changed.

- b. Electronic message boards must be equipped with a sensor or other device that is programmed to determine the ambient illumination and automatically dim the display according to ambient light conditions.
- c. No electronic message board may exceed a brightness level of 0.3 foot-candles above ambient light. Electronic message boards shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
- d. Electronic Message Boards are not permitted for Billboards.
- e. Electronic Message Boards are allowable only for signs that are otherwise permitted in in B-3, B-4, B-5, I-1 and I-2 zoning districts, as well as in commercial or industrial areas of a Planned Unit Development, provided that the PUD does not otherwise prohibit Electronic Message Boards.
- f. Wall-mounted/fascia signs of 48 square feet or smaller may have or be Electronic Message Boards.
- g. Nonconforming signs shall not be converted to Electronic Message Boards.

#### **G. SPECIFIC PROVISIONS - OFFICE AND INDUSTRIAL USES**

##### **1. Single Tenant Office Building**

The tenant shall be allowed to place more than one fascia sign on a building elevation (up to the maximum of three fascia signs), but in no event shall the total square footage of fascia signage placed on any one building elevation exceed 64 square feet. Only one Top of Building Sign per elevation is permitted. One freestanding sign per street frontage is permitted.

##### **2. Multi-Tenant Office Building**

An office building containing more than one tenant shall be allowed fascia signage and Top of Building signage at the same rate as permitted for the single tenant office building. Two freestanding signs per street frontage are permitted.

#### **H. SPECIFIC PROVISIONS FOR HOTEL AND HOSPITAL USES**

##### **1. Fascia Signage**

Hotels and hospitals shall be permitted a maximum of three fascia signs. The total square footage of fascia signage per building elevation shall not exceed 120 square feet or the square footage of the allowable letter height times one-half (1/2) the length of the building elevation containing the fascia sign, whichever is less.

**2. Freestanding Project Identification Sign**

One freestanding sign per street frontage shall be permitted provided that the sign does not exceed six feet in height, or 48 square feet per face.

**I. SPECIFIC PROVISIONS FOR RETAIL USES**

**1. Single Tenant Retail Buildings**

A building containing one retail tenant shall be permitted a maximum of three fascia signs and one freestanding sign. The freestanding sign shall not exceed six feet in height, or 48 square feet per face.

**2. Multi-Tenant Retail Buildings**

A building containing more than one retail tenant shall be permitted one fascia sign per entrance. Each tenant is allowed one fascia sign per storefront facing a public and/or private right-of-way. If the primary entrance to a multi-tenant retail building does not face a public right-of-way and if the rear of said building does not have an entrance but does face a public right -of-way, the rear fascia of the tenant's lease space may contain a fascia sign. Such fascia sign square footage shall not exceed one-half (1/2) of the size of the fascia sign located above the primary entrance to the lease space.

**J. SPECIFIC PROVISIONS FOR CMRS FACILITIES**

Commercial Mobile Radio Service Facilities (CMRS) shall be permitted only the signs allowed under Section 4-1.5.C, except as otherwise regulated by the use specific standards for CMRS facilities in Sections **Error! Reference source not found.** Owners/Operators are encouraged to provide emergency maintenance response information.

**K. OTHER FREESTANDING AND BUS STOP SIGNS**

**1. Bus Stop or Transit Shelter**

Bus stop or transit shelter signs shall be permitted in all zoning districts, and shall not be larger than the bench on which they are placed. At any officially recognized public bus or transit shelter, no more than one bench or transit shelter may be placed within the public right-of-way following issuance of applicable County permit; except that a maximum of two bus benches shall be permitted at any officially recognized public bus stop located along a designated arterial roadway. Bus bench and transit shelter signs shall be maintained in good condition. This paragraph does not authorize advertising on buildings or light rail stations.

**2. Freestanding Signs**

Permanent Freestanding Signs are permitted in the B-3, B-4, B-5, I-1 and I-2 zoning districts, and within a Planned Unit Development, subject to an approved sign permit, provided that the signs meet the following criteria:

- a.** Except as otherwise provided in these sign regulations, one permanent freestanding sign is permitted per lot or parcel of property. Permanent freestanding signs shall not extend more than six (6) feet above ground level and shall not exceed forty-eight (48) square feet in sign area per face.
- b.** Permanent freestanding signs must be set back a minimum distance of five (5) feet from all adjacent public road rights-of-ways and five (5) feet from side and rear property lines property lines.

- c. All freestanding signs shall be accessory to an allowed non-residential use on a lot or parcel within the zone district and no freestanding sign may be the principal use on any lot or parcel of property.
- d. Permanent freestanding signs proposed as electronic message boards must comply with the provisions of Section 4-1.5(f)(8).
- e. Applicants for any permanent freestanding sign permit must obtain all applicable State of Colorado or CDOT approvals and all building permits required under the Arapahoe County building Code prior to erecting the sign.

**L. BILLBOARDS**

- 1. Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety are not permitted within unincorporated Arapahoe County, Colorado.
- 2. Any Billboard existing prior to May 19, 2019 shall be a non-conforming use as provided in Section 6-4.6 of this Land Development Code and shall be subject to such provision of the Land Development Code.

**M. NONCONFORMING SIGNS**

Nonconforming sign provisions are found in Section 6-4.6.

**N. PLANNED SIGN PROGRAM**

**1. Intent**

**Chapter 5:** A Planned Sign Program is intended to allow some flexibility and deviation from this Section Chapter 1: (Signs) in the location, design, number, size, and materials of signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the permitted sign area for any residential or nonresidential use or for any Billboard sign. Under this Section 4-1.5.N, an alternative sign package may be allowed as part of a comprehensive Planned Sign Program, notwithstanding the fact that such signs may not conform to all the specific sign regulations found elsewhere in this Land Development Code.

**1. Purpose**

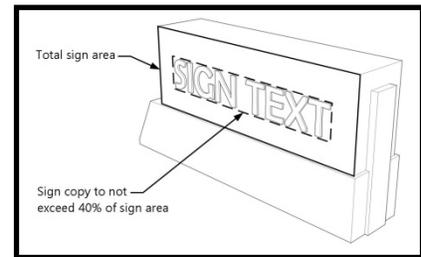
- a. To allow one or more contiguous lots or parcels under single or multiple ownership that contains at least 25 acres in land to create a branding or community identity program;
- b. To reallocate sign area allowed for freestanding signs;

**Chapter 9:** To allow for deviations from sign height, size, and setback requirements in this Section Chapter 1: (Signs).

**2. Criteria**

In addition to any other criteria applicable to the approval of an application for a Planned Sign Program, the following criteria shall be considered:

- a. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.
- b. The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.
- c. All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;
- d. The proposed Planned Sign Program assures that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the Planned Sign Program area;
- e. The proposed signage shall present a cohesive and unified identity for the Planned Sign Program area;
- f. The proposed sign program does not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;
- g. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;
- h. The total signage as presented shall be architecturally integrated;
- i. The height of individual freestanding signs within a Planned Sign Program for areas greater than 250 acres shall not exceed 55 feet for non-residential uses or 25 feet for residential uses;
- j. The height of individual freestanding signs within a Planned Sign Program for areas between 25 and 250 acres shall not exceed 35 feet for non-residential uses or 12 feet for residential uses;
- k. The sign copy for each sign shall not exceed 40 percent of each individual sign area shown on the plan set;
- l. Monument-style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;
- m. No pole-mounted signs are permitted;
- n. An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.
- o. Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;
- p. Signs, including associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;
- q. Signage may be allowed in the public right-of-way, on a case-by-case basis, subject to review and approval of the County Engineering Services Division;
- r. Signage contained within the Planned Sign Program shall not include signs with changeable messaging;
- s. Sign materials may be flexible, such as canvas or fabric, if approved as part of a Planned Sign Program;



- t. If an alternative setback is requested, such request shall be proposed as part of the Planned Sign Program;
  - u. Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and
  - v. The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application's conformance with the criteria outlined in this Section 12-1.4.2.
- 3. Application and Submittal Requirements**  
Application and Submittal Requirements for a Planned Sign Program are found in the Development Application Manual, Section 2-10.
- 4. Approval Required**
- a. Applicants for a Planned Sign Program shall obtain approval of a Planned Sign Program from the Board of County Commissioners prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the approved Planned Sign Program.
  - b. The Planning Commission shall consider applications for a Planned Sign Program based on criteria stated in this Section 4-1.5.N.1 to 12-1.4.6 and after review and recommendation by the Public Works and Development Department.
  - c. After Planning Commission review and recommendation of the Planned Sign Program, the item shall be placed on the consent agenda of the Board of County Commissioners for review and approval.
  - d. Any deviations from an approved Planned Sign Program shall be unlawful unless and until an amendment to the Planned Sign Program is approved by the Planning Division Manager and/or Board of County Commissioners to allow for the deviation.
- 5. Individual Sign Permits**  
Individual sign permits, along with all applicable fees, are required for signs contained within an approved Planned Sign Program. The sign permit is separate and distinct from any additional permit required by the Building Division, Planning Division or other agency within the County.
- 6. Amendment to an Existing Planned Sign Program**
- a. **Administrative Amendment**  
The Planning Division Manager may administratively approve revisions to a Planned Sign Program, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.
  - b. **Full Amendment**  
Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a Planned Sign Program.
  - c. **Approval of Amendments to an Existing Sign Program**  
Provided that the proposed amendment complies with the applicable provisions of this Land Development Code, the proposed amendment will be approved.

## B. REVOCATION OF A SIGN PERMIT

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**Chapter 13:** Any signs found not to be in conformance with this provision of this Section Chapter 1: (Signs) shall be subject to revocation of the sign permit. No refund of any fees will be made if the permit is revoked under the provisions of this Section 12-1.4.B.

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### 18-4.6. Non-Conforming Signs

#### A. GENERAL PROVISIONS

The Intent Section describes an intended direction for the administration of signs in Arapahoe County. In order to reach those objectives, the eventual termination of signs which do not conform to these Regulations is both reasonable and desirable.

#### B. CONTINUANCE OF NONCONFORMING SIGNS

Except as provided in Section 18-4.6.C below, any nonconforming sign may be continued in operation and maintained after the effective date of this Section; provided, however, that no such sign shall be changed in any manner that increases the nonconformance of such sign with the provisions of this Section; and provided that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person(s), firm, or corporation claiming a nonconforming status for a sign.

#### C. TERMINATION OF NONCONFORMING SIGNS

##### 1. Abandonment (Signs Relating to Inoperative Activities)

Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within 30 days after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal by action of the Arapahoe County Zoning Administrator.

##### 2. Violation

Any violation of this Section and/or any pre-existing Arapahoe County sign provisions shall terminate immediately the right to maintain such sign.

##### 3. Destruction, Damage, or Obsolescence

Destruction, Damage, or Obsolescence: the right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign sustains damage in excess of 50 percent of the replacement cost, or becomes obsolete, or substandard to the extent that the sign becomes a hazard.

#### D. NONCONFORMING DEVELOPMENT STANDARDS

Reserved

## 7-2 Definitions

### Animated Sign

Any sign, or any part thereof which changes physical position by means of movement or rotation.

**Banner**

A temporary sign that is not attached to a permanently mounted backing and/or that is allowed to wave, flap or rotate with the wind.

**Sign, Billboard**

Any permanent freestanding sign that is of a dimension exceeding forty-eight (48) square feet per sign face or exceeding six (6) feet in height above ground level. Billboard signs will often, but are not required to, be oriented towards a public street or highway.

**Electronic Message Board**

An Electronic Message Board (EMB), when allowed, is a component or feature of an otherwise permitted sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

**Display Surface**

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

**Flag Banners/Feather Flags**

Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, or other light material, with or without frames.

**Flashing Signs**

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means.

**Ground Sign**

A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

**Interior Sign**

A sign that is located within the external boundaries of a development but not visible from any, or if visible the message is not discernible, from any public right-of-way adjacent to the lot or multi-lot development.

**Marquee**

A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

**Permanent Freestanding Sign**

Any permanent sign that is erected as an individual or stand-alone structure, not attached to a building, wall, or fence.

**Structure, Sign**

See Sign Structure

### **Temporary Sign**

Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or other display:

- A. Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or
- B. Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a nonmovable, non-portable supporting structure

### **Top of Building Sign**

A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline.

### **Wall Sign**

A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

### **Window Sign**

A sign which is applied or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

## 4-1.5. Signs

### A. INTENT

This Section 4-1.5 is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following:

1. To promote the safety of persons and property by providing that signs not create a hazard due to collapse, fire, collision, decay or abandonment, and do not create traffic hazards by confusing or distracting motorists, by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. To promote the efficient communication of sign messages that provide information most needed and sought by the public, and to ensure that persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore those messages according to the observer's purpose.
3. To protect the public welfare and to enhance the appearance and economic value of the landscape by protecting scenic views. In addition, signage shall not create a nuisance to persons using the public right-of-way, and shall not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height.
4. To preserve and promote the visual and aesthetic quality of the county in order to enhance citizen's quality of life, provide a favorable investment climate, and implement the goals of the County's adopted comprehensive plan.
5. To serve as general guidelines for the administration of signs through the Planned Unit Development process on rezoning and/or Detailed Development Plan applications, such as a Specific Development Plan.
6. To comply with all federal and state laws promoting freedom of speech and expression and content-neutral regulation of signs, as interpreted by relevant court decisions.

### B. GENERAL PROVISIONS

1. A sign permit shall be required from the PWD Building Division for all signs exceeding six square feet in area, unless otherwise exempted by regulations within this Section ~~4-1.5~~ Chapter 1. In addition, a sign permit shall be required at any time the sign area is increased, and any time a static message sign is converted to an electronic message sign, or vice versa. Applications for sign permits shall be made to the Arapahoe County Department of Public Works and Development. Upon receipt of such application the Department shall act on the application within 60 days of the date of receipt of the application. Permit applications for any proposed sign shall be issued if the proposed sign meets the requirements of this Sign Code.
2. Freestanding signs permitted by these regulations shall be no taller than six feet to the top of the sign structure, unless otherwise permitted and the sign face shall be no larger than 48 square feet per face.
3. All requests for a sign permit shall be accompanied by a drawing that is fully dimensioned, showing the sign structure and message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.
4. Sign permit fees shall be established by the Board of County Commissioners and paid to the PWD Building Division.

5. Signs within PUDs shall comply with the provisions set forth within the General and/or Specific Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners or otherwise as provided under the Land Development Code. However, these, except that no PUD may be approved to allow for the installation of a new billboard sign or to convert an existing billboard sign to an electronic message board billboard sign. These Sign Regulations shall govern if the General and/or Specific Development Plans do not otherwise address provisions required by these regulations (i.e., permits, prohibited signs, definitions, etc.).
  6. These regulations recognize other regulations pertaining to signage, such as the State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended. Where any provision of these regulations cover the same subject matter as other regulations, the more restrictive regulation shall apply.
  7. Sign Area Measurement
    - a. Area to be Measured

The structure or bracing of a sign shall be omitted from the measurement unless the structure or bracing is made part of the message or face of the sign. Where a sign (including but not limited to an awning sign) has two display faces placed back to back, the area of only one face shall be included in determining the area of the sign.
    - b. Sign With Backing

The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the display surface or face of the sign including the frame, backing, face plates, nonstructural trim or other component parts if not used for support.
    - c. Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the limits of each letter, word, written representation (including any series of letters), emblems, logos or figures of similar character including the frame, face plates, nonstructural trim or other component parts if not used for support.
    - d. All Other Signs or Combinations of Signs

The area of any sign having parts both with and without backing shall be measured by determining the total area constituting the smallest single perimeter enclosing the limits of either of the following combinations:
      - i. The display surface or face of the sign including all frames, backing, face plates, nonstructural trim: or
      - ii. Other component parts not otherwise used.
8. Illumination and Color

Illuminated signs shall be by illuminated by lighting internal to the sign. If this is not possible, the source of illumination shall be shielded and shall not cause glare on adjacent properties. Top of Building Signs located on office and industrial buildings shall not be illuminated after 10 p.m. or before 6 a.m.
9. Public Right-of-Way

All signs erected in public rights-of-way by the federal, state, or local government or by a public agency authorized by the federal, state, or local government for the purpose of controlling or directing the traveling public shall be exempt from the provision of these Regulations.

**10. Maintenance**

Signs and sign structures shall be maintained by their owners at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Inspector shall have the authority to order the repair, alteration, or removal of a sign or sign structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within 30 days after written notification from the Director of PWD or a designated representative, or the County Zoning Administrator or a designated representative, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located, without liability to the County.

**C. SIGNS NOT REQUIRED TO OBTAIN PERMITS**

The following types of signs are allowed without need to first obtain a sign permit from the County:

1. Any official and legal notice issued by, or any sign or notice required to be installed by, any government, public body, person, officer, or court in performance of a public duty or in giving any legal notice.
2. Any interior sign located within an activity and/or structure and not visible from a public right-of-way or adjacent property.
3. Any tablet, plaque, or cornerstone etched or carved into or onto buildings.
4. One sign per building surface that does not exceed two square feet in size and does not project more than six inches from the building surface.
5. Any temporary sign erected for a period not to exceed ~~90~~90 consecutive days in a calendar year, that does not exceed six square feet in size and does not exceed four feet in height on any lot or property where the primary use is **for** a single-, two-, or multi-family residential structure. These temporary signs shall not be required to meet the minimum yard setback requirements of the districts in which they are located, but shall not impair visibility for traffic movement.
6. Any temporary sign erected for a period not to exceed ~~90~~90 consecutive days in a calendar year, that does not exceed 32 square feet in size, and that does not exceed four feet in height on any property where the primary use is agricultural, commercial or industrial. These temporary signs shall not be required to meet the minimum yard setback requirements of the zoning districts in which they are located, but shall not impair visibility for traffic movement.
7. Temporary site or building decorations that are displayed for a period of not more than 60 consecutive days and not more than 60 days in any one year.
8. Any sign that is located on a lot where the primary use is commercial or industrial, that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed 10 square feet in size and does not exceed four feet in height. The signs allowed under this paragraph shall not be required

to meet the minimum yard setback requirements of the zoning district in which they are located, but shall not impair visibility for traffic movement.

9. Flags that are located on a lot where the primary use is single-, two-, or multifamily residential structure(s) and that do not exceed 20 square feet in size and are mounted on a pole that does not exceed 35 feet in height or the maximum height permitted in the zoning district in which the lot is located, whichever is less.
10. Flags that are located on a lot or parcel where the primary use is agricultural, commercial, or industrial and that do not exceed 50 square feet in size and are mounted on a pole that does not exceed 50 feet in height or the maximum height permitted in the zoning district in which the lot or property is located, whichever is less.

**D. SIGNS PROHIBITED IN ALL DISTRICTS**

The following types of signs are not permitted in any zoning district in unincorporated Arapahoe County:

1. Signs on which a message appears on more than 2 faces.
2. Signs constituting a traffic hazard.  
No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering, or design any traffic sign or signal, or that includes any other words, phrases, symbols and/or characters that may interfere with, mislead or confuse traffic or otherwise create a traffic hazard.
3. Signs on public property.  
Signs are prohibited on any street, median, island, parkway, sidewalk utility pole, tree, traffic control sign post, traffic signal, any other official traffic control device, within or projecting over any public road right-of-way, or on or projecting over any other public property without the approval of the government or public entity that owns or regulates traffic or activities on that public property, except that signs on bus benches and transit shelters that conform with this Section Chapter 1: shall be permitted.
4. Obscene or unlawful materials.  
It shall be unlawful for any person to exhibit, post or display, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene nature, or unlawful activity (as defined by the Colorado Revised Statutes, as amended, or as interpreted by the courts of the State of Colorado or the United States).
5. Signs on doors, windows, or fire escapes.  
No sign shall be installed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs required by other codes or ordinances.
6. Animated or moving signs.
7. Interior and/or exterior signs visible from a public right-of way consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light are prohibited, however this does not include electronic message boards that comply with this Chapter Chapter 1:.

~~8. General outdoor advertising signs.~~

~~9.8. Signs for the purpose of general outdoor advertising of products or services not located on the lot or parcel where the sign is located, unless approved by the Board of County Commissioners pursuant to the Land Development Regulations-Billboards.~~

~~10.9.~~ Vehicle signs.

Any automobile truck, or other vehicle that is wrapped or coated with materials or is decorated to be used and placed on a property as a sign or any trailer whose primary use is to convey a visual message rather than to transport persons, animals, or goods and is placed on a property to be used as a sign.

~~11.10.~~ Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind that do not comply with Sections 4-1.5.C.8, 4-1.5.C.9, 4-1.5.F.5, 4-1.5.F.6, and/or 4-1.5.F.7.

~~12.11.~~ Signs in proximity to utility lines.

No sign shall be constructed or maintained that has less horizontal or vertical clearance, or that is located within any required easement width, from authorized communication or energized electrical power lines, than that required by the laws of the State of Colorado and regulations duly promulgated by agencies of the state or electric utilities authorized to serve Arapahoe County.

~~13.12.~~ Portable signs that are not permanently affixed to any structure on the site or permanently mounted to the ground.

~~14.13.~~ Any signs emitting sound.

~~15.14.~~ Roof-mounted signs or signs which project above the highest point of the building.

~~16.15.~~ Signs attached to a building which project perpendicularly from the building a distance of more than 18 inches.

~~17.16.~~ Signs attached parallel to the wall of a building, but mounted more than 18 inches from the wall.

#### **E. ON-PREMISE SIGNS**

1. For lots and parcels on which the primary use is agricultural or residential, the following ~~on-premise~~ signs shall be allowed on agriculturally or residentially zoned properties:

- a. One sign per dwelling that does not exceed two square feet in area. No permit is necessary for this type of sign.
- b. One temporary sign per primary structure containing a residential dwelling that is not a multifamily dwelling, that: 1) does not exceed six square feet in area, ~~that2)~~ does not exceed four feet in height (including posts), and ~~that3)~~ is not illuminated. These signs shall not be required to meet minimum yard setback requirements of the zone district in which they are located, but shall not impair visibility for traffic movement. No permit is necessary for this type of sign.
- c. Temporary signs on vacant lots or parcels of land, provided that the total surface area of all such signs (does not exceed 100 square feet per lot or parcel, provided that the total surface area of any one sign does not exceed 50 square feet, and provided that the signs are set back at least 10 feet from the property boundaries and the public rights of way.

- d. One temporary sign per street frontage on each lot containing a primary structure with a multifamily or non-residential use, provided that the total surface area of each sign does not exceed 32 square feet per face (a maximum of two faces are permitted for each sign) and does not impair traffic visibility.
- 2. In Agricultural zoning districts A-E and A-1, one additional sign per permitted use, accessory use, special exception use or use by special review shall be permitted per street frontage, provided the total surface area of such signs does not exceed 50 square feet per lot or parcel.
- 3. One sign located at each entrance to a residential from an adjacent public street, provided that the surface area of each sign does not exceed 40 square feet, the maximum height of such signs shall not exceed six feet, and the signs are located so as not to impair vehicular visibility.
- 4. Temporary signs located at the entrance to an approved subdivision where dwelling units are under construction or approved to be constructed; provided that no more than one sign is located adjacent to each street abutting the subdivision and that the total surface area of each sign face do not exceed 32 square feet. This type of sign shall be located at least 10 feet from the public right of way, but otherwise shall not be required to meet minimum yard setback requirements of the zoning district in which it is located and shall not remain erected after the last dwelling unit is sold, rented or leased.
- 5. One temporary sign per model home within an approved residential subdivision, provided that the surface area of each sign does not exceed 16 square feet. Such signage shall be located at least 10 feet from the public right of way, and shall not remain erected after the last model home is sold, rented or leased.

**F. GENERAL PROVISIONS FOR ALL USES**

**1. Fascia Signage Message Heights**

The maximum allowable height of fascia messages shall be determined by measuring the distance between the nearest adjacent public right-of-way and the location of the fascia upon which the fascia sign is to be placed, at the rates shown in the table below. Up to 10 percent of the width of the fascia may be occupied by message content up to one and one-half (1 ½) times the maximum height of the message height shown in the table below.

TABLE 4-1.5.1 LETTER HEIGHT FOR SIGNS		
Distance from R-O-W (feet)	Signs Between Top of Storefronts and Second Level Finish Floor (inches)	Top of Building Signs (inches)
0 - 50	12	18
51 - 100	18	24
101 - 150	24	30
151 - 200	30	36
201 - 250	36	42
251 - 300	42	48
301+	48	48

**2. Fascia Signage Maximum Sign Area and Location**

The maximum allowable sign area for any fascia sign shall be measured by multiplying the permitted letter height by two-thirds the length of the fascia or building elevation upon which such sign is placed, provided, however, that no fascia sign shall exceed 200

square feet, unless otherwise stated in this Section Chapter 1: (see Sections 4-1.5.G, 4-1.5.H, and 4-1.5.I for additional limitations). In cases where a property user has two structures, one of which is accessory, whether attached or not, and more than one structure faces the same adjacent public right-of-way, only one of the structures will be permitted fascia signage. Fascia signage shall not be permitted to be placed above the first floor elevation for the structure upon which it is placed, unless otherwise specifically permitted in this Section Chapter 1: Fascia signs may be placed on commercial buildings in only two locations: (1) the space between the top of storefronts and the second finish floor and, (2) Top of Building Signs (See Chapter 7, Sign, Top of Building). Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.

**3. Top of Building Sign Locations**

Top of Building Signs may not be located on building elevations adjacent to residential zoned property. Top of Building Signs shall not be visible from residences located within one-half mile of the building.

**4. Additional Freestanding Signs**

Up to two freestanding signs per access to a public right-of-way shall be permitted for each lot or parcel, or for contiguous lots or parcels under common ownership or control, provided that the included property contains at least 10 acres in land, the primary use of the property is institutional, commercial, or industrial, or a combination of such uses, each allowed additional sign does not extend more than six feet above ground level, and the total surface area of each sign does not exceed 48 square feet per sign face.

**5. Banners**

Banners shall be allowed and shall be limited to a total of one banner sign not exceeding 50 square feet in area per business, organization, or tenant. Banners for properties where the primary use is a multi-family structure(s) shall not exceed one 50 square foot banner per street frontage. Banners shall be securely mounted to wall or structure on the premises. Banners may be allowed on fencing for projects currently under construction. Banners are never allowed to be freestanding. Banners must be maintained in good repair at all times. These Banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**6. Flag Banners/Feather Flags**

Flag banners/feather flags shall be allowed at a rate of two per business, organization, or tenant, provided that each banner and feather flag does not exceed 20 square feet in area, does not exceed 10 in height, is placed in a landscaped area, is set back at least 10 feet from each public right-of-way, and does not impede sidewalk pedestrian traffic. Flag banners/feather flags shall not be placed in any public right-of-way. These Flag banners/feather flags may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**7. Flags or Banners on Light Poles**

Flags may be installed interior to a development, or banners may be attached to existing light poles interior to a development, provided that the flag or banner is not on or overhanging a public right-of-way and provided that the flag or banner does not exceed 15 square feet in size. These flags or banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**8. Electronic Message Boards**

For any sign type that is proposed to have or be an electronic message board, the Electronic Message Board must meet the following performance and location standards:

- a. The information displayed on the sign face of an electronic message board during any one dwell time must be a complete message, ~~thought and/or advertisement~~ symbol, picture or other communication and shall be shown in its entirety at one time. No message ~~shall, symbol, picture or other communication~~ visible on the sign face shall require a change in words, devices, symbols, etc., or additional words, devices, or symbols, etc., to complete ~~its~~ the message, ~~symbol, picture or meaning~~ other communication during a subsequent dwell time. At no time may the sign face flash, blink, rotate ~~or change,~~ or feature animated/moving images or text. The minimum dwell time for a message, symbol, picture or other communication on a sign face is one (1) minute and no electronic message board sign face may ~~not~~ be changed more than once every ~~five minutes and one minute~~. The message, symbol, picture or other communication on the sign face may include multiple colors. ~~The entire~~ The message, symbol, picture or other communication display ~~must be turned off~~ shall be static or any transition must occur ~~instantaneously or over a period of no more than one (1) second~~ while the sign face is being changed. ~~Lighting shall conform to chart below:~~
- ~~b.~~ Candela per square meter shall mean a unit of measurement referring ~~Electronic message boards must be equipped with a sensor or other device that is programed to determine the ambient illumination of exposed LED (light emitting diode) lighting and also referred to as nits.~~
- ~~c.~~ b. The intensity of automatically dim the LED display shall not exceed the levels specified in the table below according to ambient light conditions.

TABLE 4-1.5.2 LED DISPLAY INTENSITY		
Intensity levels (nits)		
Color	Daytime	Nighttime
Red only	3,150	1,125
Green only	6,300	2,250
Amber only	4,690	1,675
Full color	7,000	2,500

- c. No electronic message board may exceed a brightness level of 0.3 foot-candles above ambient light. Electronic message boards shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
- d. Electronic Message Boards are not permitted for Billboards.
- e. Electronic Message Boards are allowable only for signs that are otherwise permitted in in B-3, B-4, B-5, I-1 and I-2 zoning districts, as well as in commercial or industrial areas of a Planned Unit Development, provided that the PUD does not otherwise prohibit Electronic Message Boards.
- f. Wall-mounted/fascia signs of 48 square feet or smaller may have or be Electronic Message Boards.
- g. Nonconforming signs shall not be converted to Electronic Message Boards.

## **G. SPECIFIC PROVISIONS - OFFICE AND INDUSTRIAL USES**

### **1. Single Tenant Office Building**

~~An office building containing a single tenant shall be allowed a maximum of three signs.~~  
The tenant shall be allowed to place more than one fascia sign on a building elevation (up to the maximum of three fascia signs), but in no event shall the total square footage of fascia signage placed on any one building elevation exceed 64 square feet. Only one Top of Building Sign per elevation is permitted. One freestanding sign per street frontage is permitted.

### **2. Multi-Tenant Office Building**

An office building containing more than one tenant shall be allowed fascia signage and Top of Building signage at the same rate as permitted for the single tenant office building. Two freestanding signs per street frontage are permitted.

## **H. SPECIFIC PROVISIONS FOR HOTEL AND HOSPITAL USES**

### **1. Fascia Signage**

Hotels and hospitals shall be permitted a maximum of three fascia signs. The total square footage of fascia signage per building elevation shall not exceed 120 square feet or the square footage of the allowable letter height times one-half (1/2) the length of the building elevation containing the fascia sign, whichever is less.

### **2. Freestanding Project Identification Sign**

One freestanding sign per street frontage shall be permitted provided that the sign does not exceed six feet in height, ~~or~~ 48 square feet per face.

## **I. SPECIFIC PROVISIONS FOR RETAIL USES**

### **1. Single Tenant Retail Buildings**

A building containing one retail tenant shall be permitted a maximum of three fascia signs and one freestanding sign. The freestanding sign shall not exceed six ~~feet in~~ height, ~~or~~ 48 square feet per face.

### **2. Multi-Tenant Retail Buildings**

A building containing more than one retail tenant shall be permitted one fascia sign per entrance. Each tenant is allowed one fascia sign per storefront facing a public and/or private right-of-way. If the primary entrance to a multi-tenant retail building does not face a public right-of-way and if the rear of said building does not have an entrance but does face a public right -of-way, the rear fascia of the tenant's lease space may contain a fascia sign. Such fascia sign square footage shall not exceed one-half (1/2) of the size of the fascia sign located above the primary entrance to the lease space.

## **J. SPECIFIC PROVISIONS FOR CMRS FACILITIES**

Commercial Mobile Radio Service Facilities (CMRS) shall be permitted only the signs allowed under Section 4-1.5.C, except as otherwise regulated by the use specific standards for CMRS facilities in Sections **Error! Reference source not found.** Owners/Operators are encouraged to provide emergency maintenance response information.

## ~~K. OFF-PREMISE SIGNS~~

### K. OTHER FREESTANDING AND BUS STOP SIGNS

#### 1. **Bus Stop or Transit Shelter**

Bus stop or transit shelter signs shall be permitted in all zoning districts, and shall not be larger than the bench on which they are placed. At any officially recognized public bus or transit shelter, no more than one bench or transit shelter may be placed within the public right-of-way following issuance of applicable County permit. ~~However,; except that~~ a maximum of two bus benches shall be permitted at any officially recognized public bus stop located along a designated arterial roadway. ~~Complaints registered by adjacent property owner and/or a homeowners association regarding the condition or maintenance of the sign (but not its content) may be cause for removal of the bus bench or transit shelter and/or its advertising.~~ Bus bench and transit shelter signs shall be maintained in good condition. This paragraph does not authorize advertising on buildings or light rail stations.

#### 2. **Off-Premise Freestanding Signs**

~~Off-premise signs~~ Permanent Freestanding Signs are permitted in the B-3, B-4, B-5, I-1, and I-2 zoning districts, and within a Planned Unit Development, subject to ~~the Use By Special Review procedure~~ an approved sign permit, provided that ~~these~~ the signs meet the following criteria:

~~a. Any off-premise sign shall meet the required accessory use setbacks for the zoning district in which it is located.~~

~~b.a.~~ Off-premise Except as otherwise provided in these sign regulations, one permanent freestanding sign is permitted per lot or parcel of property. Permanent freestanding signs shall not extend more than six (6) feet above ground level and shall not exceed forty-eight (48) square feet in sign area per face.

~~c. The minimum distance between off-premise signs shall not be less than three hundred (300) feet.~~

~~d. Permits for off-premise signs shall be approved for periods of one (1) year each, which may be renewable.~~

~~e. The State of Colorado Department of Transportation (CDOT) has adopted "Rules and Regulations Pertaining to Outdoor Advertising Effective January 1, 1984," pursuant to the Colorado Revised Statutes (C.R.S., 43-1-401 et seq., as amended). On all properties within the unincorporated portions of Arapahoe County that abut Interstate 25 (I-25) and other state highways (Highway 83, Arapahoe Road, etc.); these State Highway Regulations, to the extent that they are more restrictive and comply with all requirements of state and federal law, are recognized to be in full force and effect and supersede these regulations.~~

## ~~L. BILLBOARDS~~

~~b. Permanent freestanding signs must be set back a minimum distance of five (5) feet from all adjacent public road rights-of-ways and five (5) feet from side and rear property lines property lines.~~

~~c. All freestanding signs shall be accessory to an allowed non-residential use on a lot or parcel within the zone district and no freestanding sign may be the principal use on any lot or parcel of property.~~

- d. Permanent freestanding signs proposed as electronic message boards must comply with the provisions of Section 4-1.5(f)(8).
- e. Applicants for any permanent freestanding sign permit must obtain all applicable State of Colorado or CDOT approvals and all building permits required under the Arapahoe County building Code prior to erecting the sign.

#### **L. BILLBOARDS**

- 1.** Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety, ~~are permitted only in B-3, B-4, B-5, I-1, and I-2 districts, and are subject to the Use By Special Review procedure outlined in these Land Development Regulations, and to the following: are not permitted within unincorporated Arapahoe County, Colorado.~~
- ~~2. Billboards proposed to be erected on property abutting right-of-way for the Interstate or State Highway system require sign permit approval from the CDOT and the Public Works Department Building Division, or as may be required by federal and/or state laws.~~
- ~~3. The maximum sign area permitted for a billboard shall be 300 square feet per sign face, the maximum height of any billboard shall be 35 feet above ground level, and the location of each billboard shall not impair traffic visibility. If there are two sign faces they must be placed back-to-back on the same structure.~~
- ~~4. No billboard shall be located less than 500 feet of any other billboard.~~
- ~~5. No billboard shall be located within 500 feet of any residentially zoned property in any jurisdiction measured in a straight line in any direction from the nearest point on the sign structure to the residential zoning district boundary.~~
- 2.** Any Billboard existing prior to May 19, 2019 shall be a non-conforming use as provided in Section 6-4.6 of this Land Development Code and shall be subject to such provision of the Land Development Code.

#### **M. NONCONFORMING SIGNS**

Nonconforming sign provisions are found in Section 6-4.6.

#### **N. PLANNED SIGN PROGRAM**

##### **1. Intent**

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**Chapter 5:** A Planned Sign Program is intended to allow some flexibility and deviation from this Section Chapter 1: (Signs) in the location, design, number, size, and materials of signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the permitted sign area for any residential or nonresidential use- or for any Billboard sign. Under this Section 4-1.5.N, an alternative sign package may be allowed as part of a comprehensive Planned Sign Program, notwithstanding the fact that such signs may not conform to all the specific sign regulations found elsewhere in this Land Development Code.

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##### **1. Purpose**

- a.** To allow one or more contiguous lots or parcels under single or multiple ownership that contains at least 25 acres in land to create a branding or community identity program;

- b. To reallocate sign area allowed for freestanding signs;

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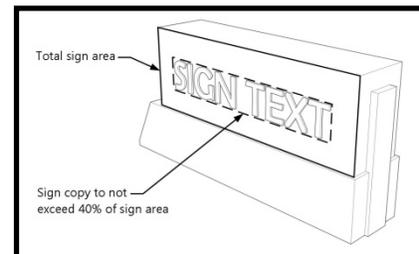
**Chapter 9:** To allow for deviations from sign height, size, and setback requirements in this Section Chapter 1: (Signs).

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**2. Criteria**

In addition to any other criteria ~~to be considered by the Public Works and Development Department and the Planning Commission related~~ applicable to the approval of an application for a Planned Sign Program, the following criteria shall be considered:

- a. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.
- b. The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.
- c. All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;
- d. The proposed Planned Sign Program assures that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the Planned Sign Program area;
- e. The proposed signage shall present a cohesive and unified identity for the Planned Sign Program area;
- f. The proposed sign program does not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;
- g. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;
- h. The total signage as presented shall be architecturally integrated;
- i. The height of individual freestanding signs within a Planned Sign Program for areas greater than 250 acres shall not exceed 55 feet for non-residential uses or 25 feet for residential uses;
- j. The height of individual freestanding signs within a Planned Sign Program for areas between 25 and 250 acres shall not exceed 35 feet for non-residential uses or 12 feet for residential uses;
- k. The sign copy for each sign shall not exceed 40 percent of each individual sign area shown on the plan set;
- l. Monument-style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;
- m. No pole-mounted signs are permitted;
- n. An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.
- o. Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;



- p. Signs, including associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;
- q. Signage may be allowed in the public right-of-way, on a case-by-case basis, subject to review and approval of the County Engineering Services Division;
- r. Signage contained within the Planned Sign Program shall not include signs with changeable messaging;
- s. Sign materials may be flexible, such as canvas or fabric, if approved as part of a Planned Sign Program;
- t. If an alternative setback is requested, such request shall be proposed as part of the Planned Sign Program;
- u. Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and
- v. The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application's conformance with the criteria outlined in this Section 12-1.4.2.

**3. Application and Submittal Requirements**

Application and Submittal Requirements for a Planned Sign Program are found in the Development Application Manual, Section 2-10.

**4. Approval Required**

- a. Applicants for a Planned Sign Program shall obtain approval of a Planned Sign Program from the Board of County Commissioners prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the approved Planned Sign Program.
- b. The Planning Commission shall consider applications for a Planned Sign Program based on criteria stated in this Section 4-1.5.N.1 to 12-1.4.6 and after review and recommendation by the Public Works and Development Department.
- c. After Planning Commission review and recommendation of the Planned Sign Program, the item shall be placed on the consent agenda of the Board of County Commissioners for review and approval.
- d. Any deviations from an approved Planned Sign Program shall be unlawful unless and until ~~a revised~~ an amendment to the Planned Sign Program is approved by the Planning Division Manager and/or Board of County Commissioners to allow for the deviation.

**5. Individual Sign Permits**

Individual sign permits, along with all applicable fees, are required for signs contained within an approved Planned Sign Program. The sign permit is separate and distinct from any additional permit required by the Building Division, Planning Division or other agency within the County.

**6. Amendment to an Existing Planned Sign Program**

**a. Administrative Amendment**

The Planning Division Manager may administratively approve revisions to a Planned Sign Program, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.

**b. Full Amendment**

Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a Planned Sign Program.

**c. Approval of Amendments to an Existing Sign Program**

Provided that the proposed amendment complies with the applicable provisions of this Land Development Code, the proposed amendment will be approved.

**B. REVOCATION OF A SIGN PERMIT**

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**Chapter 13:** Any signs found not to be in conformance with this provision of this Section Chapter 1: (Signs) shall be subject to revocation of the sign permit. No refund of any fees will be made if the permit is revoked under the provisions of this Section 12-1.4.B.

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**18-4.6. Non-Conforming Signs**

**A. GENERAL PROVISIONS**

The Intent Section describes an intended direction for the administration of signs in Arapahoe County. In order to reach those objectives, the eventual termination of signs which do not conform to these Regulations is both reasonable and desirable.

**B. CONTINUANCE OF NONCONFORMING SIGNS**

Except as provided in Section 18-4.6.C below, any nonconforming sign may be continued in operation and maintained after the effective date of this Section; provided, however, that no such sign shall be changed in any manner that increases the nonconformance of such sign with the provisions of this Section; and provided that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person(s), firm, or corporation claiming a nonconforming status for a sign.

**C. TERMINATION OF NONCONFORMING SIGNS**

**1. Abandonment (Signs Relating to Inoperative Activities)**

Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within 30 days after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal by action of the Arapahoe County Zoning Administrator.

**2. Violation**

Any violation of this Section and/or any pre-existing Arapahoe County sign provisions shall terminate immediately the right to maintain such sign.

**3. Destruction, Damage, or Obsolescence**

Destruction, Damage, or Obsolescence: the right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign sustains damage in excess of

50 percent of the replacement cost, or becomes obsolete, or substandard to the extent that the sign becomes a hazard.

~~4. Amortization~~

~~The right to continue the use of a legal nonconforming sign shall terminate in accordance with the following schedule:~~

- ~~a. Animation, fluctuation, rotation, or flashing of any sign shall cease within 90 days of the effective date of this Section.~~
- ~~b. The use or display of banners, pennants, balloons, wind-operated signs, and other portable signs shall cease within 90 days of the effective date of this Section.~~
- ~~c. Other Signs: Arapahoe County recognizes a reasonable and proper amortization period of five years from the date that said sign is made non-conforming by Regulations adopted by the County.~~

**D. NONCONFORMING DEVELOPMENT STANDARDS**  
Reserved

## 7-2 Definitions

### Animated Sign

Any sign, or any part thereof which changes physical position by means of movement or rotation.

### Banner

A temporary sign that is not attached to a permanently mounted backing and/or that is allowed to wave, flap or rotate with the wind.

### Sign, Billboard

Any permanent freestanding sign that is of a dimension exceeding forty-eight (48) square feet per sign face or exceeding six (6) feet in height above ground level. Billboard signs will often, but are not required to, be oriented towards a public street or highway.

### Electronic Message Board

An Electronic Message Board (EMB), when allowed, is a component or feature of an otherwise permitted sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

### Display Surface

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

### Flag Banners/Feather Flags

Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, or other light material, with or without frames.

### **Flashing Signs**

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means.

### **Ground Sign**

A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

### **Interior Sign**

A sign that is located within the external boundaries of a development but not visible from any, or if visible the message is not discernible, from any public right-of-way adjacent to the lot or multi-lot development.

### **Marquee**

A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

### **Permanent Freestanding Sign**

Any permanent sign that is erected as an individual or stand-alone structure, not attached to a building, wall, or fence.

### **Structure, Sign**

See Sign Structure

### **Temporary Sign**

Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or other display:

- A. Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or
- B. Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a nonmovable, non-portable supporting structure

### **Top of Building Sign**

A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline.

### **Wall Sign**

A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

### **Window Sign**

A sign which is applied or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.