

ORDINANCE NO. 18
Series 2002

October 15, 2002: Introduced as Council Bill 15-02 by Doug Tisdale, seconded by Councilmember Lahana, and considered by the title only on first reading. Passed with a vote of 5 yes and 1 no.

November 19, 2002: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 18, Series 2002.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
REPEALING SECTION 6-15-8 OF THE CITY CODE AND ENACTING A NEW
CHAPTER 20 OF TITLE 6, AND AMENDING SECTION 6-19-3(C)(15), ALL
PERTAINING TO SIGNS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate land uses, including signs, for property within the boundaries of the City; and

WHEREAS, the City has previously regulated signs pursuant to Section 6-15-8 of the City Code; and

WHEREAS, the City Council desires to establish comprehensive and reasonable regulations for the erection of permanent and temporary signs on public and private property within the City; and

WHEREAS, the City Council finds that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance; and

WHEREAS, By enacting this Ordinance, the Council intends to:

- A. balance the rights of individuals to convey their messages through permanent and temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
- B. further the objectives of the Cherry Hills Village Master Plan;
- C. protect the public health, safety, and welfare;
- D. reduce traffic and pedestrian hazards; and
- E. protect property values by minimizing the possible adverse effects and visual blight caused by signs;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

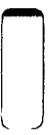
Section 1. Section 6-15-8 of the City Code for the City of Cherry Hills Village, entitled "Signs and Outdoor Advertising Devices" is hereby repealed in its entirety.

Section 2. The City Code for the City of Cherry Hills Village, Colorado, is hereby amended by the addition of a new Chapter 20 of Title 6, to read in full as follows:

CHAPTER 20
SIGNS AND OUTDOOR ADVERTISING DEVICES

SECTION:

6-20-1:	Sign Code Generally
6-20-2:	Definitions

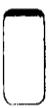
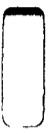


6-20-3:	Prohibited Signs
6-20-4:	Permanent Signs
6-20-5:	Permanent Sign Permit Exemptions
6-20-6:	Temporary Signs
6-20-7:	Variances
6-20-8:	Penalty

6-20-1: SIGN CODE GENERALLY: This Chapter is intended to regulate the erection and maintenance of both permanent and temporary signs within the City of Cherry Hills Village. Subject to certain exemptions provided by this Chapter and for temporary signs, all permanent signs require the issuance of a permit from the City to ensure conformance with the standards of this Chapter. Temporary signs meeting all requirements of this Chapter are allowed without first obtaining a permit. Regardless of the permanent or temporary nature of the sign, certain signs specified by this Chapter are prohibited throughout the City.

6-20-1: DEFINITIONS: For the purposes of this Chapter, the following words have the following meanings, except where the context clearly indicates a different meaning:

BUILDING LOT	Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purposes of transfer of ownership.
CITY MANAGER	The City Manager of the City of Cherry Hills Village or the Manager's designee.
COMMERCIAL SIGN	A sign that identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.
DIRECTIONAL SIGN	A sign that directs the movement or placement of pedestrian or vehicular traffic on a building lot.
ENTRY SIGN	A permanent sign located at a point of entry to a property from a public right-of-way.
GRADE	The elevation of the ground at the common boundary line of the street right of way and the property closest to the location of the sign.
GROUND SIGN	A sign supported by poles, uprights or braces extending from the ground or an object on the ground, but not attached to any part of any building.
ILLUMINATED SIGN	A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
NONCONFORMING SIGN	A sign existing at the effective date of the adoption of this chapter which could not be built under the terms of this chapter.
PERMANENT SIGN	A sign that is neither a temporary sign as defined by this Section nor a sign prohibited within the City by Section 3 of this Chapter.
POST	To erect, attach, or affix in any manner, including without limitation nailing, tacking, tying, taping, gluing, pasting, painting, staking, marking, or writing.
PUBLIC RIGHT-OF-WAY	The entire area between property boundaries: which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes without limitation the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip, and any public way.



ROOF SIGN

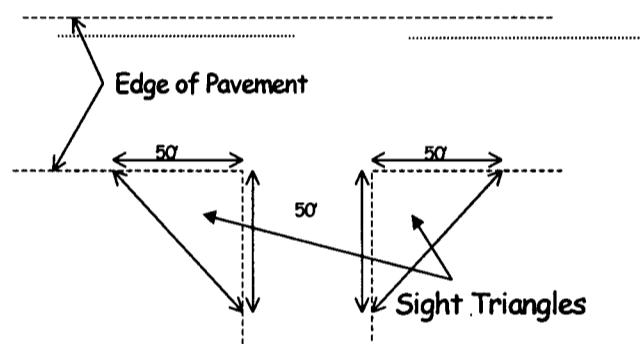
Any sign posted on, attached to, or that extends or protrudes above the lowest elevation point of a roof, typically identified by the existence of a gutter, eave, overhang, soffit, parapet, or other similar structural or building element.

SEARCH LIGHTS

Any artificial light source used in a manner that attracts public attention, or is intended to attract public attention by illuminating a building, use, or activity, whether temporary or permanent. Searchlights do not include lawfully permitted or authorized lighting of parks, school or institutional playing fields, or parking areas provided that such lighting meets any illumination standards or requirements imposed by the City Code.

SIGHT TRIANGLE

On a corner lot in any residential district, the triangular area bounded on two sides by the edge of pavement lines and a line joining points along said lines fifty (50) feet from the point of the edge of pavement line intersection:



Nothing shall be constructed, placed planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the adjacent streets.

SIGN

Any writing, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statute, or any other figure or character that:

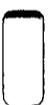
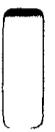
- A. Is a structure or any part thereof (including the roof or wall of a building); or
- B. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into landscaping or a structure or a board, plate, canopy,



	awning, marquee, or vehicle, or upon any material object or device whatsoever; and
C.	By reason of its form, color, wording, symbol, design, illumination, or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement or political or artistic expression or decoration; but
D.	Landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged, or installed in such a manner as to convey an explicit commercial message.
SIGN HEIGHT	The vertical distance from grade to the highest point on the sign structure.
SIGN PERMIT	A building permit issued for the erection, construction, enlargement, alteration or moving of any sign, issued pursuant to the building and zoning code of the city.
SIGN STRUCTURE	Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.
SURFACE AREA	For all signs other than a Wall Sign, the area of a sign measured by determining the sum of the frame, face, nonstructural trim, or other component parts not used for support. For a Wall Sign, the area measured by determining the sum of the area of the smallest single continuous rectangle enclosing the extreme limits of the individual letters, symbols, and/or characters.
TEMPORARY SIGN	A sign that is: <ul style="list-style-type: none"> A. Typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and, or wallboard; B. Does not constitute a structure subject to the City's Building Code and Zoning Code provisions.
WALL SIGN	A sign attached flat or flush against a wall which comprises a structural and supporting exterior component of a lawfully existing structure or building. A wall sign may not extend more than eighteen (18) inches beyond the surface of the wall to which it is attached. A wall sign shall not extend above the height of the wall to which it is attached and no part or portion of a wall sign shall be located on or above the lowest point of any roof, parapet, or gutter. A wall sign may extend into a required setback.

6-20-3:PROHIBITED SIGNS.

- A. The following signs and sign designs are prohibited and within all zone districts of the City of Cherry Hills Village:
 - 1. Any sign not expressly permitted by or conforming with this Chapter.
 - 2. Any permanent sign for which a permit has not been issued.
 - 3. Animated or moving signs including any sign for which all or any part or attachment moves, swings, rotates, flashes, or twirls.
 - 4. Signs covered or painted in whole or in part with light-reflecting paint.
 - 5. Signs attached to trees.
 - 6. Inflated or floating objects, balloons, dirigibles, or any similar type of object or sign designed to utilize air pressure, gas, or wind in its display.
 - 7. Flashing or blinking signs or flashing or blinking illumination sources.
 - 8. Signs whose apparent purpose is the conveyance of information regarding goods, services, opportunities, events, or actions that are unrelated to and not available at the premises on which the sign is located.
 - 9. Portable signs or wheeled signs.
 - 10. Roof signs.
 - 11. Search lights.



- 12. Signs painted on fences or buildings.
- 13. Vehicles Used for Sign Purposes. Signs painted on, or attached to, a motor vehicle parked adjacent to a public right-of-way shall be considered to be functioning as an illegal sign unless such vehicle is used on a daily basis for business trips or commuting to and from work, or both.

B. The following signs are prohibited within all zone districts of the City of Cherry Hills Village. For such signs, the City Manager, or the City Manager's designee, may immediately remove any of the following signs found by the City Manager to be in violation of this subsection (B):

- 1. Signs posted on public property; within public rights-of-way; on street medians, islands, or parkways; attached to traffic-control devices or traffic-control signs and fixtures; or attached to utility equipment, poles, and wires.
- 2. Signs protruding or projecting over, into, through, or within the airspace over any public right-of-way.
- 3. Signs which materially impede vision at street intersections. A sign shall be presumed to materially impede vision if located within the sight triangle.
- 4. Any sign found by the City Manager to be hazardous by reason of inadequate maintenance, dilapidated condition, or obsolescence such that the sign creates an imminent hazard to the public health or safety. Such hazardous signs are declared a nuisance and unlawful.
- 5. Signs designed, shaped, and/or painted to mimic, simulate, or represent official traffic control devices, such as but not limited to stop signs, yield signs, caution signs, or speed limit signs.

6-20-4:PERMANENT SIGNS:

- A. Permit Required: Before any permanent sign governed by this Chapter regulations is erected, displayed, altered, relocated, or reconstructed, an application for approval of such sign shall be submitted to the City of Cherry Hills Village and a sign permit issued by the City Manager in accordance with this section.
 - 1. Application. Any owner may apply for a permit to authorize the erection and maintenance of a sign permitted by this section by submission of a written application for such permit accompanied by a detailed description of the sign to allow the City Manager to determine the location, size, dimensions, form of illumination, and type of construction of the sign.
 - 2. Manager's Decision. Within ten (10) days following the date of the delivery of an application, the City Manager shall review the application and: (a) approve the application and issue the permit; (2) deny the application for specific reasons; or (3) request from the applicant additional information necessary to render a decision to approve or deny. Any decision by the City Manager shall be made in writing. Any denial may be appealed by the applicant in accordance with section 6-3-2(A) of this Title.
 - 3. Standards for Approval. The Manager shall approve any application which meets the following criteria:
 - a. The application is sufficient to reasonably describe the location, size, dimensions, form of illumination, and type of construction of the proposed sign' and
 - b. The proposed sign will conform to all requirements of this Chapter; and
 - c. The proposed sign will conform to all applicable requirements of the zone district in which the sign is located.
- B. Authorized Permanent Signs: The following signs shall be authorized as permanent signs upon issuance of a sign permit in accordance with this section:
 - 1. Within the R-1, R-2, R-3, R-3A, R-4, and R-5 Zone Districts:

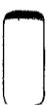
- a. **Residential Lot:**
 - i. One (1) permanent sign not exceeding one (1) square foot in size and attached to the principle residential structure is allowed to announce the existence of a lawful home occupation.
 - ii. Signs not exceeding one (1) square foot in size reasonably and customarily associated with residential use such as the name of the occupant and signs of a cautionary or directional nature.
- b. **Residential Subdivision Entrances:**
 - i. Two (2) permanent signs at each entry into a platted subdivision from a public right-of-way. Such signs shall be located within an easement, outlot, or on a lawfully existing permanent fence or structure owned or controlled jointly by the owners of lots within the subdivision or by a homeowners' association. Such signs shall not exceed a total of twenty-five (25) square feet of surface area per entry and may be no more than eight (8) feet in height.
- c. **Nonprofit Institutions, Private Clubs, Public Recreational Facilities, and Nonprofit Recreational Facilities.**
 - i. One (1) permanent sign not exceeding three (3) square feet of exposed surface area for each face or a total of six (6) square feet of surface area and three (3) feet in height located within ten (10) feet of the main entrance to the property.
 - ii. One (1) permanent sign for each institution, club, or facility. The sign shall not exceed a total of twenty five (25) square feet of surface area and eight (8) feet in height.
 - iii. Not more than ten (10) signs containing information such as the parking locations and signs of danger, caution or directional nature. No sign shall exceed two (2) square feet.
 - iv. Not more than six (6) Special Event Signs each sign not greater than eight (8) square feet of surface area displayed during periods of special or occasional activities conducted on the property. Such signs shall not be displayed for more than fourteen (14) days and shall be removed within five (5) days of the end of the special event. Only four (4) Special Event Sign permits may be issued for any property in any one calendar year.

2. Within the C-1, C-2 and O-1 Zone Districts:

- a. **Within the C-1, Community Zone District:**
 - i. One sign not to exceed six (6) square feet is allowed for each lot.
- b. **Within the C-2, Limited Commercial Zone District:**
 - i. One sign not to exceed six (6) square feet is allowed for each tenant.
 - ii. Two ground signs not to exceed eighteen (18) square feet each are allowed on any parcel zoned C-2.
- c. **Within the O-1, Open Space, Parks and Recreation Zone District:**
 - i. Any sign erected by the City of Cherry Hills Village or its agent including, but not limited to signs identifying public places such as parks, trails, and public buildings or informing the public of rules relating to such public places.

C. **Design Standards for Permanent Signs:** In addition to the prohibitions imposed on sign design, form, style, and character provided by section 6-20-4(B) of this Chapter, all permanent signs shall be designed and maintained in accordance with the following standards:

1. Artificial illumination shall be permitted only for Subdivision Entry Signs and Ground Signs. Illumination shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or



surface area of the sign. If illuminated, the light source shall be turned off between the hours of eleven o'clock (11:00) P.M. and sunrise the following morning.

6-20-5:PERMANENT SIGN EXEMPTIONS: The following signs are exempt from permitting requirements imposed by Section 6-20-4 and shall be authorized in all zone districts. Such signs are declared to have a minimal impact on the public and do not generally create traffic, safety, or other hazards.

- A. Any sign erected by the City of Cherry Hills Village acting in its governmental capacity including, but not limited to, traffic control signs and signs identifying public places such as parks, trails, and public buildings.
- B. Any traffic control sign erected by the State of Colorado Department of Transportation (CDOT) within a public right-of-way owned or controlled by CDOT.
- C. Not more than two (2) flags located on any one platted lot, parcel, or tract of land. A flag shall not exceed 64 square feet in size. Flagpoles shall not exceed thirty-five (35) feet in height.
- D. A sign identifying the address of property.
- E. Signs in the nature of holiday decorations, clearly incidental and commonly associated with any national, local, or religious holiday. Such signs may be of any type, number, area, height, or animation so long as they do not advertise or identify a product or a business and are located so as not to conflict with traffic regulatory devices or traffic safety.
- F. Signs located wholly within a building and are not visible from any point within a public right-of-way.
- G. One (1) sign incorporated into the design or architecture of a building for the purpose of memorializing building's construction, such as but not limited to the building name, owner, and date of erection provided that such sign does not exceed twelve (12) square feet in size.
- H. Signs attached to and associated with scoreboards located or and immediately adjacent to athletic fields owned and controlled by private or public schools provided that no such sign shall be used for the purpose of commercial advertisement.
- I. Signs incorporated into and made part of a bus bench lawfully located within the public right-of-way provided that such sign does not exceed twenty five (25) square feet in size provided that no such sign shall be used for the purpose of commercial advertisement.
- J. Signs incorporated into and made part of a public transit shelter or public bus stop shelter lawfully located within a public right-of-way provided that such signs do not exceed two (2) panels each measuring not more than twenty five (25) square feet in surface area provided that no such sign shall be used for the purpose of commercial advertisement.

6-20-6:TEMPORARY SIGNS:

- A. **Temporary Signs Permitted in All Zone Districts:** Temporary signs may be posted on property in all zones of the City, subject to the following requirements and those applicable provisions stated elsewhere in the City's Sign Ordinance:
 - 1. The total square footage for all temporary signs posted on a lot, property, or parcel shall not exceed twelve (12) square feet, with no individual sign face exceeding six (6) square feet in surface area provided that property within the C-2, Limited Commercial Zone District may erect a sign which sign shall not exceed the dimensions of four (4) feet by eight (8) feet.
 - 2. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.



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- 3. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
- 4. No temporary sign shall be illuminated.
- 5. A temporary sign shall only be posted with the consent of the property owner or occupant.
- 6. A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced with a new sign.
- 7. A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot.

B. Removal Requirements for Temporary Commercial Signs: In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:

- 1. A temporary real estate sign shall be removed within five (5) days after the sale or occupancy of the property.
- 2. All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be removed within five (5) days of the conclusion of the sale or event that the sign is promoting.

Removal or Replacement of Signs: It shall be unlawful for the owner or occupant of any property upon which a temporary sign is posted to permit, condone, maintain, or authorize the posting of such temporary sign where the removal or replacement of such sign is required by this Chapter. Upon the failure of the owner or occupancy to remove or replace the temporary sign in accordance with this Chapter, the City Manager is authorized to enter upon private property and remove any temporary sign posted in violation of this Chapter. In addition, temporary signs posted on private property in violation of this Ordinance shall be deemed a public nuisance, and the City Manager may remedy and abate such nuisance in accordance with the City Code.

6-20-7:VARIANCES: The owner of any property may seek a variance to the strict application of this Chapter in accordance with Chapter 3 of this Title 6.

6-20-8: PENALTIES: It shall be an offense and unlawful for any person being the owner, agent or occupant of, or having under his control any building, lot, or premises to erect, install, construct, maintain, authorize, or otherwise allow any prohibited or unauthorized sign in violation of this Chapter. Each calendar day that such violation exists shall be a separate offense and violation of this Chapter.

6-20-9: NONCONFORMING SIGNS:

- A. Any sign that as of the date of adoption of this ordinance does not comply with the provision of this ordinance shall be deemed legally non-conforming
- B. Any sign that is destroyed by fire or any other inadvertent, accidental or otherwise uncontrollable cause to the extent that more than seventy five percent (75%) of its replacement cost on the date of destruction may not be reconstructed except as a conforming sign.
- C. Any sign that is destroyed by fire or any other inadvertent, accidental or otherwise uncontrollable cause to the extent that less than seventy five percent (75%) of its replacement cost on the date of destruction may be reconstructed, but not so as to expand the area or number of the original sign.
- D. Any sign that has reached the end of its economic and/or useful life which is to be replaced voluntarily by the property or sign owner shall be replaced in a manner consistent with the provisions of this ordinance.

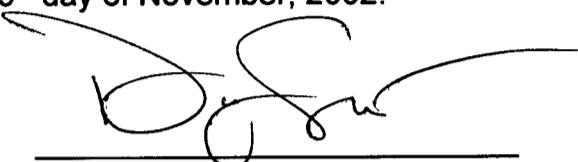
Section 3. Subsection (15) of section 6-19-3(C) of the City Code for the City of Cherry Hills Village, Colorado, is hereby amended to read as follows:

- 15. A signage plan describing and illustrating the size, location, type and material of all signs, in compliance with the provisions of chapter 15 20 of this title.



Section 4. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Adopted as Ordinance No. 18 Series 2002, by the City Council of the City of Cherry Hills Village, Colorado this 19th day of November, 2002.



Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Robert C. Widner, City Attorney

