

PLANNING AND DEVELOPMENT MEMORANDUM
#10-38

October 14, 2010

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: William Simmons, City Manager *WMS*
James Hayes, Director of Planning and Development *JM*

SUBJECT: CB-1729 – Amendment to Section 11-35-5 of the Municipal Code – Off-Premises Advertising Signs

BACKGROUND

Staff has prepared this memorandum to provide background and technical analysis to the City Council regarding an amendment to the City of Northglenn Municipal Code.

On July 20, 2010, the Planning Commission considered a proposal from Mile High Outdoor to modify their existing billboard adjacent to I-25. Staff outlined the LED technology in a presentation to the Commission and the proponents from Mile High Outdoor explained their proposal in detail. After the discussion, the Planning Commission believed the proposal had merit and recommended the City Council consider the proposal at a future meeting. On August 25, 2010, the City Council considered the proposal and the Commission's recommendation. The City Council directed staff to draft the required changes to the zoning ordinance and follow protocols for consideration of the changes.

In 2009 and 2010 staff attended electronic sign seminar (hosted by the American Planning Association in Northglenn) and has educated themselves about the technology, model sign codes, and CDOT rules and regulations. Staff also met with Planning Department staff from Adams County since they recently updated their sign regulations to allow electronic signs (both on-premise and off-premise). CDOT has adopted new rules for digital billboards and the site appears to meet all of their requirements as an existing, conforming billboard that is eligible for conversion. Formal approval from CDOT will be required prior to redevelopment of the sign.

On September 21, 2010, the Planning Commission considered a formal amendment to the Zoning Ordinance and unanimously recommended approval to the City Council. The changes in the ordinance address the emerging technology of digital billboards and how best to deal with their numerous operational variables. The proposed changes do discuss the increase of the allowable size of a billboard and the allowable height in the area where they are allowed. Based on a series of historic policy adoptions by the federal and state governments with jurisdiction over the interstate highways and the unchanged portion of the existing ordinance, the current location of the existing billboard is the only area in the City that would be eligible for conversion to the electronic technology. Additionally, staff has changed the proposed language to allow for an eight (8) second hold time for messages that is different from the ten (10) second proposed hold time that commissioners reviewed at the July 20th meeting. This change was deemed to fit well within any proposed or adopted parameters established by CDOT and worked better for

Mile High's operational plan.

The Planning Commission also discussed the last section of the amendment (11-35-5(h)(10)(c)(ii) regarding the intensity of the light source. Specifically, they believed the language in the last sentence should read "technical" specifications, not "programmed". There was some concern this may be interpreted that the City had the ability to regulate content, which was not the intent of the ordinance amendment. Mr. Steve Richards from Mile High Outdoor was in attendance and answered some minor questions. No other interested parties spoke at the Planning Commission meeting.

APPROVAL CRITERIA

Section 11-37-1 of the Northglenn Zoning Ordinance states that,

"All proposed amendments shall be referred to the Planning Commission for study, consideration, and recommendation prior to final action by Council."

In accordance with the City's ordinance, the Planning Commission is advancing a recommendation of approval of the sign code ordinance amendment, as amended at the meeting on September 21, 2010.

STAFF RECOMMENDATION

Staff recommends CB-1729, be approved based on the findings of fact adopted by the Planning Commission.

FINDINGS OF FACT

- The change to the zoning ordinance will not have an adverse impact on the surrounding neighborhood and may improve the existing condition.
- The change to the zoning ordinance provides a means for regulating emerging technologies.
- The change to the zoning ordinance will not require additional municipal service costs that the City is not prepared to meet.
- The change to the zoning ordinance is consistent with policies adopted by CDOT and other regional municipalities.

STAFF CONTACT

If Council members have any comments or questions they may contact James Hayes at 303-450-8937, jhayes@northglenn.org or Travis Reynolds at 303-450-8836, treynolds@northglenn.org.

ATTACHMENT A

PROPOSED CHANGES TO THE ZONING ORDINANCE

11-35-5 (h) Off-Premises Advertising Signs are signs advertising or directing attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot upon which such sign is located and are subject to the following restrictions:

- (1) They shall be permitted in I-1 and I-2 Industrial Zones located adjacent to Interstate Highway 25;

[Source: Ord. 871, 1987]

- (2) They shall not exceed ~~20~~ 60 feet in height or ~~400~~ 672 square feet in area;
- (3) They shall be placed at least 2,000 feet apart;

[Source: Ord. 871, 1987]

- (4) They shall be set back a minimum of 25 feet from the front property line;
- (5) On corner lots, they shall not be placed within a 300-foot vision triangle;
- (6) They may be indirectly **or internally** illuminated;
- (7) They may be placed at ground level except when the sign would be closer than 1,000 feet to an intersection, in which case the bottom of the sign shall be elevated at least eight feet above the ground;
- (8) No more than two poles or other structural members shall be used to support the sign; and
- (9) They shall have no more than two faces, and no more than one sign or message shall be placed on each side of the structure.

(10) A digital billboard may be incorporated into an Off-Premise Advertising Sign subject to the following restriction:

- a. **Message Hold Time** – Each message displayed shall remain static for a minimum of eight (8) seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
- b. **Transition Method** – Each electronic sign shall be limited to static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or

pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The transition duration shall be instantaneous.

c. Brightness / Luminance –

- i. Each electronic sign shall be equipped with dimming technology that automatically varies the brightness of the electronic sign according to ambient light conditions.
- ii. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 500 NIT (candelas per square meter) between dusk and dawn as measured by the equivalent 'Percentage of Maximum Brightness-Nighttime' setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1729
Series of 2010

Series of 2010

A BILL FOR AN ORDINANCE AMENDING SECTION 11-35-5(h) OF THE NORTHGLENN ZONING ORDINANCE REGARDING OFF-PREMISES ADVERTISING SIGNS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-35-5(h) of the Northglenn Zoning Ordinance is amended to read as follows:

11-35-5 (h) Off-Premises Advertising Signs are signs advertising or directing attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot upon which such sign is located and are subject to the following restrictions:

- (1) They shall be permitted in I-1 and I-2 Industrial Zones located adjacent to Interstate Highway 25;
- (2) They shall not exceed ~~20~~ 60 feet in height or ~~400~~ 672 square feet in area;
- (3) They shall be placed at least 2,000 feet apart;
- (4) They shall be set back a minimum of 25 feet from the front property line;
- (5) On corner lots, they shall not be placed within a 300-foot vision triangle;
- (6) They may be indirectly OR INTERNALLY illuminated;
- (7) They may be placed at ground level except when the sign would be closer than 1,000 feet to an intersection, in which case the bottom of the sign shall be elevated at least eight feet above the ground;
- (8) No more than two poles or other structural members shall be used to support the sign;
- (9) They shall have no more than two faces, and no more than one sign or message shall be placed on each side of the structure; and
- (10) A DIGITAL BILLBOARD MAY BE INCORPORATED INTO AN OFF-PREMISE ADVERTISING SIGN SUBJECT TO THE FOLLOWING RESTRICTION:

(a) MESSAGE HOLD TIME – EACH MESSAGE DISPLAYED SHALL REMAIN STATIC FOR A MINIMUM OF EIGHT (8) SECONDS. ALL SUCH SIGNS SHALL HAVE A DEFAULT MODE TO PREVENT THE DISPLAY FROM MALFUNCTIONING IN A FLASHING OR INTERMITTENT FASHION.

(b) TRANSITION METHOD – EACH ELECTRONIC SIGN SHALL BE LIMITED TO STATIC MESSAGES ONLY, AND SHALL NOT HAVE MOVEMENT, OR THE APPEARANCE OR OPTICAL ILLUSION OF MOVEMENT, OF ANY PART OF THE SIGN STRUCTURE, DESIGN, OR PICTORIAL SEGMENT OF THE SIGN. THIS SHALL INCLUDE THE MOVEMENT OR APPEARANCE OF MOVEMENT OF ANY ILLUMINATION OR THE FLASHING, SCINTILLATING OR VARYING OF LIGHT INTENSITY. THE TRANSITION DURATION SHALL BE INSTANTANEOUS.

(c) BRIGHTNESS / LUMINANCE –

(i) EACH ELECTRONIC SIGN SHALL BE EQUIPPED WITH DIMMING TECHNOLOGY THAT AUTOMATICALLY VARIES THE BRIGHTNESS OF THE ELECTRONIC SIGN ACCORDING TO AMBIENT LIGHT CONDITIONS.

(ii) THE INTENSITY OF THE LIGHT SOURCE SHALL NOT PRODUCE GLARE, THE EFFECT OF WHICH CONSTITUTES A TRAFFIC HAZARD OR IS OTHERWISE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE. LIGHTING FROM THE MESSAGE MODULE SHALL NOT EXCEED 500 NIT (CANDELAS PER SQUARE METER) BETWEEN DUSK AND DAWN AS MEASURED BY THE EQUIVALENT ‘PERCENTAGE OF MAXIMUM BRIGHTNESS-NIGHTTIME SETTING ON THE APPLICANT’S SIGN CONTROLLING SOFTWARE. APPLICATIONS FOR SIGN PERMITS CONTAINING AN ELECTRONIC DISPLAY SHALL INCLUDE THE MANUFACTURER’S SPECIFICATIONS AND NIT RATING. CITY OFFICIALS SHALL HAVE THE RIGHT TO VIEW THE TECHNICAL SPECIFICATIONS OF THE SIGN TO DETERMINE COMPLIANCE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2010.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2010.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney