

**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 12-19**

DATE: June 25th, 2012
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: William A. Simmons, City Manager *WAS*
Brook Svoboda, Director of Planning and Development *BS*
SUBJECT: CB-1770 - Sign Ordinance Amendment, Off-Premise Advertising - REVISION

BACKGROUND

Attached to this memo is a revised ordinance from what was presented at the June 11th Council meeting. There are two revisions, highlighted in yellow on the revised draft ordinance. The revisions address the following:

Revision #1; Section 1: Addresses a Staff oversight regarding the zoning classification of the area that has been determined eligible for off-premise advertising. Previous language did not reflect the area eligible for zoning which is C-5. Additional language clarifies that only C-5 zoned properties permitted under federal regulations are eligible for off-premise advertising.

Revision #2; New Section 11: The Planning Commission Memorandum 12-16, identified that an amendment to the permit fee scheduled, by Resolution, would address council approval for proposed digital off premise signs. Upon further consultation with the City Attorney it has been determined that the council approval requirement should be part of the policy amendment rather than as previously proposed.

BUDGET/TIME IMPLICATIONS:

This ordinance amendment request has no budgetary impacts.

RECOMMENDATION

Staff recommends Council approve CB-1770 as revised

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

ATTACHMENTS

A. Revised CB-1770

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1770
Series of 2012

Series of 2012

A BILL FOR AN ORDINANCE AMENDING SECTION 11-35-5, SUBSECTION (h) OF THE CITY OF NORTHGLENN MUNICIPAL CODE 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, subsection (h) is amended to read as follows:

(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~~ THE C-5 COMMERCIAL ZONE located adjacent to Interstate Highway 25 IN THOSE AREAS IN WHICH SUCH SIGNS ARE ALLOWED BY FEDERAL LAW;

(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.

(11) THEY SHALL BE SUBJECT TO AN ANNUAL PERMIT FEE IN ACCORDANCE WITH APPLICABLE LAW.

INTRODUCED, READ AND ORDERED POSTED this 11th day of JUNE, 2012.

/s/

JOYCE DOWNING
Mayor

ATTEST:

/s/

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

/s/

COREY Y. HOFFMANN
City Attorney

**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 12-16**

DATE: June 11th, 2012
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: William A. Simmons, City Manager *WAS*
Brook Svoboda, Director of Planning and Development *BS*
SUBJECT: CB-1770 Sign Ordinance Amendment; Off-Premise Advertising

BACKGROUND

Attached to this memo is an ordinance that, if adopted, would change Article 35 – Signs and Outdoor Commercial Advertising Devices to allow for the expansion of the area where Off-premise (billboard) advertising is allowed in the City. Additionally the ordinance changes certain performance standards (size & height) for allowable Off-premise advertising devices, the incorporation of emerging digital technologies (LED), and establishes operational criteria for digital sign technology used on the devices.

The key amendments to the provision would allow for the following:

- A monopole, two sided, LED billboard
- Limited to an area west of Interstate 25 north and south of 104th Interchange – as depicted in ATTACHMENT A.
- Maximum Height of 60 ft.
- Changeable messages every 8-10 seconds
- Standard billboard, 672 ft.² - 14 feet high by 48 feet wide

On May 1, 2012, in accordance with Article 37-2 Zone Changes of the Northglenn Zoning Ordinance, staff presented the issue to the Planning Commission to solicit a recommendation to the City Council. The staff report is included (ATTACHMENT B) and provides staff's analysis. The Commission approved a recommendation to the City Council of the proposal, as presented by Staff, by a vote of 4-0 in favor of the proposed amendment.

PROCEDURE

Staff and the Planning Commission have reviewed the amended ordinance language and have no objections to the changes. The City Attorney has reviewed the amended ordinance and approved it as to form.

If approved, digital Off-premise advertising would be an allowable sign format within the parameters of the adopted ordinance. Permits for Off-premise advertising devices would occur through administrative procedures including the following steps:

- Staff review of application for sufficiency.
- Evidence of Colorado Department of Transportation review and approval through their adopted Off-premise Advertising guidelines and permit procedures.
- A license /permit agreement to be approved by Council – which would define the terms of use and operations.

As part of the zoning code amendment process, there will be a concurrent resolution to amend the permit fee schedule at second reading of CB-1770. The resolution will prescribe provisions specific to digital billboards, wherein, a separate permit/license agreement will be required, which would detail the specific fee and performance requirements as negotiated by Council on a case by case basis.

POTENTIAL OBJECTIONS:

No objections were raised at the Planning Commission hearing from the public or other entities.

BUDGET/TIME IMPLICATIONS:

This ordinance amendment request has no budgetary impacts.

RECOMMENDATION

Staff recommends Council approve CB-1770 as presented

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

ATTACHMENTS

- A. Eligible Area, per Federal Highway Beautification Act (Circa 1965 as amended)
- B. Planning Commission Staff report w./ attachments

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1770
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- (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.

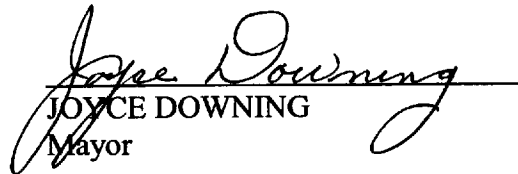
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c. BRIGHTNESS / LUMINANCE –

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 11th day of June, 2012.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

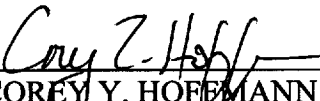
PASSED ON SECOND AND FINAL READING this ____ day of _____,
2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney

ATTACHMENT A

120th Avenue

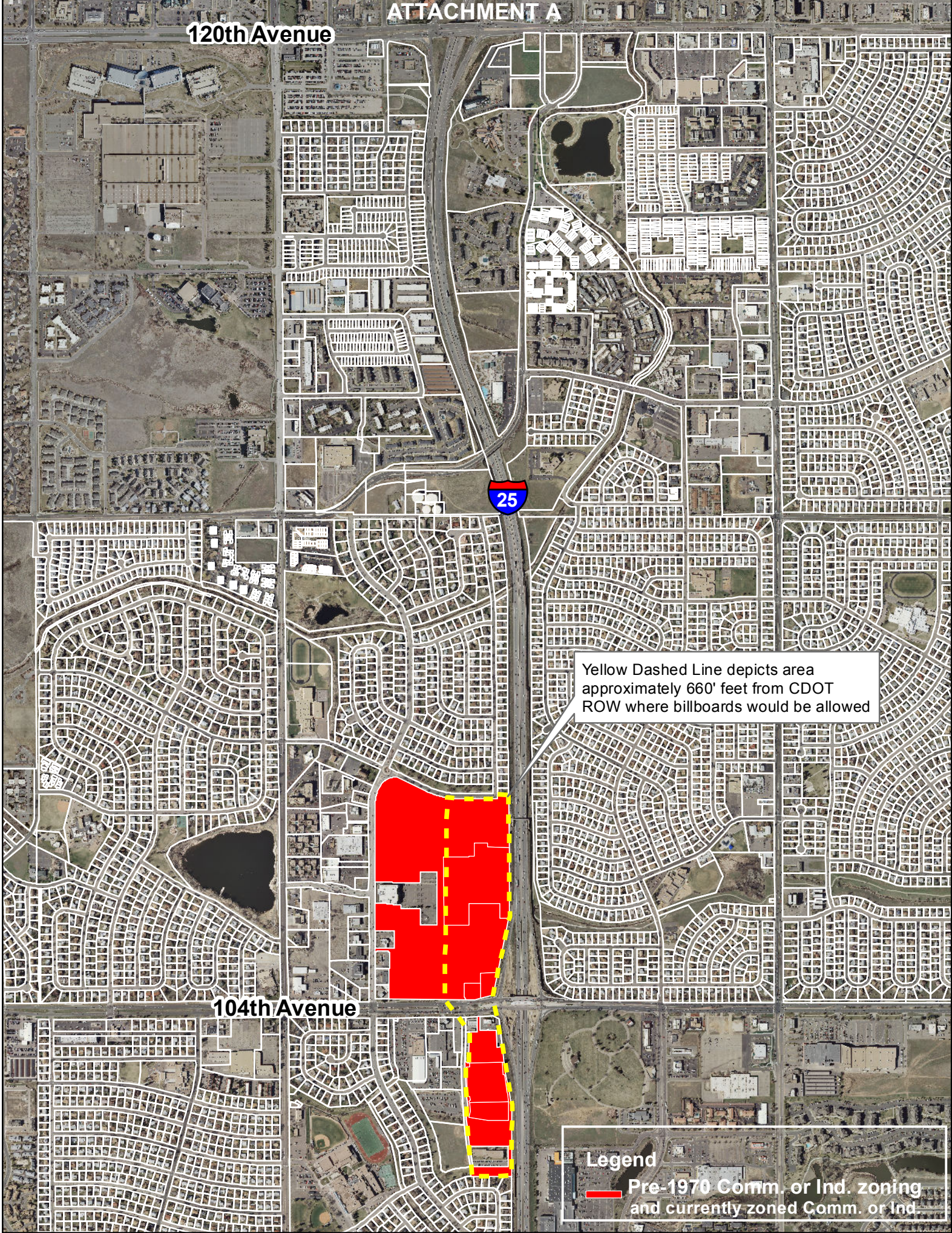
104th Avenue



Yellow Dashed Line depicts area approximately 660' feet from CDOT ROW where billboards would be allowed

Legend

- Pre-1970 Comm. or Ind. zoning and currently zoned Comm. or Ind.



ATTACHMENT B

PLANNING AND DEVELOPMENT MEMORANDUM

May 01, 2012

TO: Planning Commission

FROM: Brook Svoboda, Director of Planning and Development
Travis Reynolds, Senior Planner

SUBJECT: Off-Premise Advertising Signs – proposed Zoning Ordinance Amendment

SUMMARY OF ISSUE:

Staff has prepared this memorandum to discuss a potential amendment to Article 35- Signs and Commercial Outdoor Advertising Devices of the Northglenn Zoning Ordinance. On April 05, 2012, staff presented preliminary information, regarding a recently submitted proposal to the City Council and requested direction on potential changes to the ordinance to allow for the proposal to move forward. Council directed that this request be forwarded to the Planning Commission for review and recommendation

The key points of the proposal are outlined below:

- Provide for a monopole, two sided, LED billboard south of 104th Avenue on the west side of Interstate 25.
- Maximum Height of 60 ft.
- Changeable messages every 8-10 seconds
- Standard billboard, 672 ft.² - 14 feet high by 48 feet wide

In July 2010, a similar proposal was referred to the Planning Commission from the City Council for discussion and a preliminary recommendation. The proposal was deemed to have merit and forwarded to the City Council with some concerns. The City Council considered the proposal and voted 5-4 against the proposal.

The Commission is reviewing the proposed policy amendment to the sign code and not the details of the proposal regarding the particular billboard. Staff is seeking a recommendation from the Commission to City Council regarding the proposed sign code amendment.

ANALYSIS:

Currently, Section 11-35-5 (h) Off-Premises Advertising Signs regulates billboards in the city. An amendment to the existing ordinance is required to allow for LED technology and the dimensional parameters in the above proposal. Also provided are the operational parameters for LED signs, which have been reviewed and made consistent with the current provisions of the Colorado Department of Transportation (“CDOT”).

Establishing Technical Standards and Specifications

Staff has spent many months educating themselves about the technology, model sign codes, and CDOT rules and regulations concerning LED. Staff also met with Planning Department staff from Adams County because the County recently updated its sign regulations to allow electronic signs (both on-premise and off-premise). CDOT has adopted new rules for digital billboards and staff has used the updated rules for guidance regarding proposed operating standards. Additionally, the proposed

amendment appears to have no conflicts with CDOT’s requirements. Formal approval from CDOT will be required prior to approval of any Off-Premise Advertising device. The proposed operational standards (11-35-5(h)(10)) align with those of CDOT regarding Message Hold Times, Transition, and Brightness. The amendment language adding “internally” illuminated incorporates the LED technology.

The allowable dimensions of any sign that meets the locational criteria for placement are increased as well:

	EXISTING	PROPOSED
HEIGHT	20 FT	60 FT
MAX SQ FT	400 SQ FT	672 SQ FT

The proposed height and maximum square footages are consistent with State and Federal Billboard dimensional requirements

Establishing Eligible Properties:

- The 1965 Federal Highway Beautification Act and subsequent amendments, establishes where Billboards may be placed adjacent to federal highways:
 - Property must be zoned commercial and/or industrial prior to January 1, 1970.
 - Sign location shall be within 660 feet of the edge of the Interstate right-of-way.
- Staff reviewed all properties along the I-25 corridor zoned commercial and industrial as depicted in ATTACHMENT B
- ATTACHMENT C represents properties within Northglenn that meet the Pre-1970 commercial/industrial zoning, are currently zoned commercial and industrial, and thus would be eligible

Establishing Eligible Locations:

The existing code requires a 2000’ separation between each Off-Premise Advertising device. Staff is not recommending any change to this provision. Based on the proposed standards for placement, there would appear to be a maximum of two potential sites for Off-Premise Advertising within the City.

CONCLUSIONS:

Once the Planning Commission has reviewed the proposed amendment, a formal recommendation will be forwarded to the City Council. City Council may choose to schedule a formal hearing for consideration of the required ordinance amendments.

ATTACHMENTS:

- ATTACHMENT A: City of Northglenn Off-Premise Advertising Signs (proposed new ordinance text)
- ATTACHMENT B: Depiction of all properties currently zoned Commercial or Industrial
- ATTACHMENT C: Depiction of potentially eligible properties zoned commercial or industrial prior to January 01, 1970 and available for Off-Premise Advertising under the proposed ordinance amendment.

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;
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(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 TEN (10) 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 –

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d. SEQUENTIAL MESSAGING - CONSECUTIVE MESSAGING FROM A SINGLE ADVERTISER, REGARDLESS OF CONTENT, IS STRICTLY PROHIBITED. A MINIMUM OF ONE (UNRELATED ADVERTISER) MESSAGE HOLD TIME PERIOD IS REQUIRED BETWEEN SINGLE ADVERTISER MESSAGING.

ATTACHMENT B

120th Avenue

104th Avenue

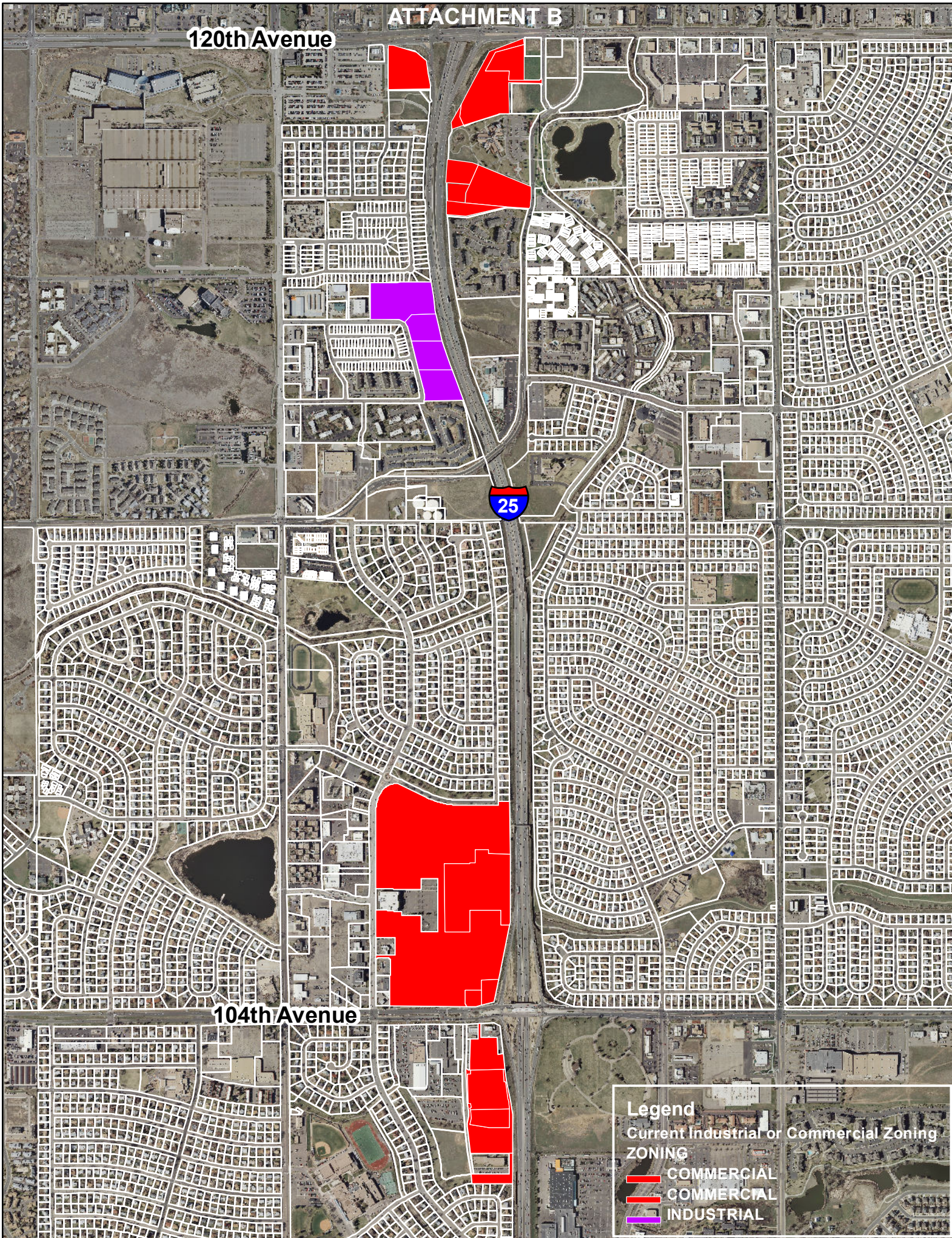


Legend

Current Industrial or Commercial Zoning

ZONING

-  COMMERCIAL
-  COMMERCIAL
-  INDUSTRIAL



ATTACHMENT C

120th Avenue



104th Avenue

Yellow Dashed Line depicts area approximately 660' feet from CDOT ROW where billboards would be allowed

Legend

- Pre-1970 Comm. or Ind. zoning and currently zoned Comm. or Ind.

