

**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 12-13**

DATE: May 14th, 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-1766 - Sign Ordinance Amendment – Church Signs

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 use of Electronic Message Centers (EMC) and Light Emitting Diode (LED) technology for Church Signs (ATTACHMENT A). On April 05, 2012, staff presented preliminary information, regarding a recently submitted proposal, to the City Council and requested direction on pursuit of changes to the ordinance to allow for the proposal to move forward.

The key points of the proposal are outlined below:

- The Gethsemane Lutheran Church requested replacement of their existing church bulletin board sign (damaged in an accident) with an Electronic Message Center (EMC) that uses Light Emitting Diode (LED) technology.
- Staff interpreted that the existing sign ordinance section, regulating Church Signs, allows for static bulletin boards but does not incorporate emerging technologies such as EMC's and LED.
- In lieu of seeking a variance from the existing ordinance, staff prescribed a request to the City Council, from Gethsemane Church, for an amendment to the ordinance regulating Church Signs within the City.
- The Gethsemane Church, along with other interested Church based organizations, submitted a request to the City for a change to the ordinance regulating Church Signs (ATTACHMENT A).
- The City Council referred the issue to the Planning Commission in the context of the required processes established by 11-37-1 Amendments to Zoning Ordinance.

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). A representative of the Gethsemane Lutheran Church spoke in favor of the change to the ordinance that would provide the use of EMC and LED technology on all Church Signs. The Commission motioned for approval of a recommendation to the City Council of the proposal as presented by Staff, discussed the motion, and voted 4-0 in favor of the motion.

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 approves it as to form.

POTENTIAL OBJECTIONS:

No objections are perceived or were raised at the Public Hearing from the public or other entities.

BUDGET/TIME IMPLICATIONS:

This ordinance amendment request has no budgetary impacts.

RECOMMENDATION

Staff recommends Council approve CB-1766 as presented

STAFF REFERENCE

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

ATTACHMENTS

- A. Proposed Ordinance – CB-1766

- B. Staff report to the Planning Commission regarding the issue

ATTACHMENT A

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1766
Series of 2012

Series of 2012

A BILL FOR AN ORDINANCE AMENDING ARTICLE 35 OF CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE REGARDING SIGNS

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

Section 1. Section 11-35-2 of the Northglenn Municipal Code is amended by the addition thereto of a new subsection (i.5) to read as follows:

Section 11-35-2. Definitions.

(i.5) **ELECTRONIC MESSAGE CENTER (EMC).** A SIGN WHICH DISPLAYS ELECTRONIC STATIC MESSAGES, STATIC GRAPHICS, OR STATIC PICTURES, WITH OR WITHOUT TEXTUAL INFORMATION. SUCH A SIGN MAY BE CHANGED OR ALTERED BY ELECTRONIC MEANS ON A FIXED DISPLAY SCREEN COMPOSED OF A SERIES OF LIGHTS INCLUDING LIGHT EMITTING DIODES (LED'S), FIBER OPTICS, LIGHT BULBS, OR OTHER ILLUMINATION DEVICES WITHIN THE DISPLAY AREA WHERE THE MESSAGE IS DISPLAYED.

Section 2. Section 11-35-5(c) of the Northglenn Municipal Code is amended to read as follows:

(c) Church Signs are signs identifying the name and denomination of the church and are subject to the following restrictions:

(1) Churches shall be allowed one wall sign, the letters of which shall not exceed 12 inches in height, and one detached sign, limited to 30 square feet per face and 8 feet in height;

(2) Any detached sign may incorporate a bulletin board, which shall consist of no more than two-thirds of the area of the sign. A DETACHED CHURCH SIGN MAY ALSO INCORPORATE THE USE OF AN EMC NOT LIMITED TO TWO-THIRDS OF THE AREA OF THE SIGN AND SUBJECT TO THE OPERATION STANDARDS OF 11-35-5(C)(5);

(3) They may be indirectly or internally illuminated; and

(4) They may be placed closer than 25 feet to the right-of-way, but they shall not be placed so as to obstruct the vision of motorists, bicyclists, or pedestrians.

(5) OPERATIONAL STANDARDS FOR EMC PURSUANT TO THIS SUBSECTION (c) SHALL BE AS FOLLOWS:

(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 FLASH ON.

(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.

(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.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
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 B

PLANNING AND DEVELOPMENT MEMORANDUM

May 01, 2012

TO: Planning Commission

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

SUBJECT: Church 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 pursuit of changes to the ordinance to allow for the proposal to move forward.

The key points of the proposal are outlined below:

- The Gethsemane Lutheran Church requested replacement of their existing church bulletin board sign (damaged in an accident) with an Electronic Message Center (EMC) that uses Light Emitting Diode (LED) technology.
- Staff interpreted that the existing sign ordinance section, regulating Church Signs, allows for static bulletin boards but does not incorporate emerging technologies such as EMC's and LED.
- In lieu of seeking a variance from the existing ordinance, staff prescribed a request to the City Council, from Gethsemane Church, for an amendment to the ordinance regulating Church Signs within the City.
- The Gethsemane Church, along with other interested Church based organizations, submitted a request to the City for a change to the ordinance regulating Church Signs (ATTACHMENT A).
- The City Council referred the issue to the Planning Commission in the context of the required processes established by 11-37-1 Amendments to Zoning Ordinance.

In this case the Commission is reviewing the proposed changes to the ordinance and not the details of the proposal. Staff is seeking a recommendation for the City Council from the Commission.

ANALYSIS:

The attached amended section of the ordinance depicts the changes required to allow for EMC using LED technology (ATTACHMENT B). Currently, Section 11-35-5 (c) Church Signs regulates signs placed by churches in the city. Staff believes that an amendment to the existing ordinance is necessary to allow for the use of LED technology. Staff has also included a definition for EMC's and operational parameters that are consistent with conventional regulations in other jurisdictions and regulations currently enforced by the Colorado Department of Transportation (CDOT) for signs in proximity to state/federal highways.

Under the current ordinance, churches are allowed one detached sign and may incorporate a "bulletin board, which shall consist of no more than two-thirds of the area of the sign." The bulletin board may be indirectly or internally illuminated. The size of a detached church sign is regulated through Section 11-35-5(c)(1). It is limited to 30 square feet per face and eight feet in height. Staff feels that the

current allowable sign dimensions are adequate.

The amendment to the ordinance aims to establish a definition for EMC's and operational parameters for any EMC signs installed by a church. These parameters will uniformly regulate the operations of the signs for all churches throughout the City. Staff has spent many months educating themselves about the technology, model sign codes, and regulations in other jurisdictions regarding EMC's. 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). The proposed Operational Standards for EMC's represent parameters that are consistent with other jurisdictions throughout the region.

CONCLUSIONS:

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

ATTACHMENTS:

ATTACHMENT A: Gethsemane Lutheran Church request for a change to the existing ordinance

ATTACHMENT B: City of Northglenn Church Signs (proposed new ordinance text)

ATTACHMENT A

February 15, 2012

City of Northglenn
City Council and Mr. William Simmons, City Manager
11701 Community Center Drive
P.O. Box 330061
Northglenn, CO 80233

RE: Request for policy amendment to allow churches to have Electronic Message Center (EMC) signs

Dear Northglenn City Council Members and Mr. Simmons,

This is a request for a policy amendment to the City of Northglenn Zoning Ordinance, Section 11-35-5 (c), Church Signs, to allow churches in the Northglenn city boundaries to have Electronic Message Center (EMC) signs.

This request is officially made by Gethsemane Lutheran Church and School at 10675 Washington St. in Northglenn and endorsed by other local churches of various denominations.

Gethsemane Lutheran Church and School originally had a double faced, internally illuminated change copy sign installed in January 2008. On October 26, 2011, a Comcast workman lost control of his van, slid onto the church's grounds, and completely destroyed the church's sign. This left Gethsemane without any means to communicate to our community about upcoming events such as our "Trunk or Treat" on October 30, 2011, or our Advent and Christmas services in December.

Insurance money was received and additional funds raised by the congregation to upgrade the sign to an EMC sign. Cindy Nieberger from Freeman Signs attempted to acquire the necessary permit to move forward with the EMC, but was informed that churches in Northglenn are not permitted to have them. Ironically, the First Southern Baptist Church of Northglenn located almost directly across Washington Street from Gethsemane has an EMC as well as Calvary Community Baptist Church and School located at 11980 Irma Drive in Northglenn. It was discovered that those churches errantly received permits for their EMC signs. Rather than penalize those churches for having EMCs not allowed by the current city ordinance, Gethsemane is requesting the City of Northglenn give equal consideration in permitting ALL churches in the city boundaries to have EMCs if they so desire.

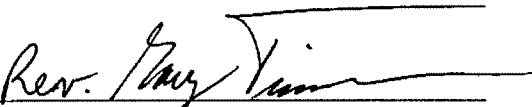
Electronic Message Center (EMC) signs utilize current technology and give a church the ability to have up-to-date communications with their community. It is as important as their website or the published communications they issue. Churches with EMC signs do not have to rely on volunteers or staff members to lay out letters and trek out in bad weather or on uneven ground to change the messages. In short, EMC signs are the bulletin board of the 21st century.

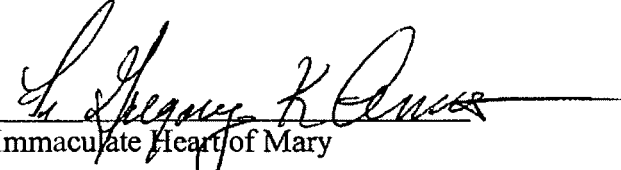
Not allowing churches to utilize this everyday form of communication promotes the idea that the churches in Northglenn are out-dated and irrelevant, thus reflecting poorly on the City of Northglenn itself. For some churches, a change copy sign may be sufficient. However, for churches like Gethsemane Lutheran Church and School the change copy sign is cumbersome and no longer meets the needs of our church and school.

Admittedly, if it were not for the Comcast driver destroying Gethsemane's sign, we would gladly wait for the City of Northglenn to consider an update to the city zoning ordinance in due time. However, it does not make sense for Gethsemane or any church to spend thousands of dollars replacing an old, out-dated and obsolete change copy sign knowing that the City of Northglenn is already desiring an update to the church sign zoning ordinance. Hence our urgency in requesting the update to the church sign zoning ordinance in the City of Northglenn be done now as we need our sign replaced as soon as possible.

We thank you in advance for considering our request and look forward to working with the council members and the City Manager to resolve this matter and permit an amendment to the current policy.

In His Peace,

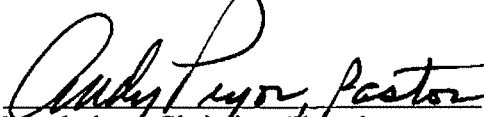

Gethsemane Lutheran Church & School


Immaculate Heart of Mary


First Southern Baptist Church of Northglenn


Calvary Community Baptist Church


St. Stephen's Lutheran Church


Northglenn Christian Church

cc: Brook Svoboda, Director of Planning & Development, City of Northglenn
Travis Reynolds, Senior Planner, City of Northglenn

February 7, 2012

City Council
City of Northglenn
11701 Community Center Drive
P.O. Box 330061
Northglenn, CO 80233

Re: Signage for churches

Greetings!

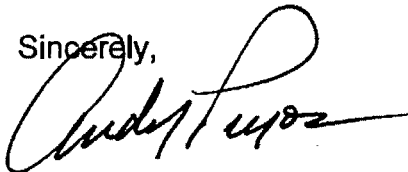
I am asking that this letter be filed with the letter being submitted by Gethsemane Lutheran Church & School concerning their request for an update as soon as possible to the church sign zoning ordinance in the City of Northglenn.

Although our church currently has a change-copy sign, when the day comes that we need to replace that sign, there is no question but that we will want to erect some sort of electronic messaging sign. I could spell out the reasons, but those reasons have been laid out clearly in the letter from Gethsemane Lutheran Church.

Obviously, there is no urgency about such a change as far as our church is concerned. However, I trust that you do care about the contributions that all churches make to our great community.

Gethsemane needs your quick response, and I trust you not only will give them that quick response but also will change the ordinance so that, when our church and other churches are ready to move into the 21st century with our signage, it will merely be a matter of securing the necessary permits before construction and installation.

Sincerely,



Andy Pryor
Senior pastor

Serving Our Neighbors in Truth and Action

PHONE - 303.452.3787 • FAX - 303.452.0281
WEB - WWW.NORTHGLENN.CO • E-MAIL - OFFICE@NORTHGLENN.CO



Northglenn
Christian Church

1800 E. 105th Place
Northglenn • CO • 80233

ATTACHMENT B
Proposed Changes to the Zoning Ordinance

11-35-2 Definitions

ELECTRONIC MESSAGE CENTER (EMC) – A SIGN WHICH DISPLAYS ELECTRONIC STATIC MESSAGES, STATIC GRAPHICS, OR STATIC PICTURES, WITH OR WITHOUT TEXTUAL INFORMATION. SUCH A SIGN MAY BE CHANGED OR ALTERED BY ELECTRONIC MEANS ON A FIXED DISPLAY SCREEN COMPOSED OF A SERIES OF LIGHTS INCLUDING LIGHT EMITTING DIODES (LED'S), FIBER OPTICS, LIGHT BULBS, OR OTHER ILLUMINATION DEVICES WITHIN THE DISPLAY AREA WHERE THE MESSAGE IS DISPLAYED.

11-35-5(c) Church Signs

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 - (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 FLASH ON.
 - (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

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