



Legislation Text

File #: 20-021, **Version:** 1

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

From: Kat Hammer, Planner II, Public Works and Development

Subject:

LDC19-002 Billboard and Off-Premise Signs and Conversions to Electronic Message Signs/Electronic Message Boards - Draft Language

Purpose and Recommendation:

Consideration of a request to adopt amendments to sign regulations to address off-premise signs, new billboards and the conversion of existing billboards to electronic message boards (EMB). Staff is proposing amended regulations, which would prohibit any new billboards and conversion of any existing static billboard to an EMB 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. By eliminating the allowance for billboards and off-premise signs under the current Code, the draft regulations will also eliminate the Use by Special Review approval process currently required for those types of signs.

Background:

Staff conducted research on 20 neighboring jurisdictions' regulations, completed outreach with stakeholders via formal referral processes, developed draft regulations and engaged the Board of County Commissioners and Planning Commission. On December 1, 2020, the Planning Commission voted 7-0 to recommend approval of the draft regulations. No members of the public spoke regarding the proposed amendments.

Staff has received inquiries for new billboards and for conversion of existing billboards to electronic message boards. 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. The billboard proposed at Belleview and I-25 is being processed as a Specific Development Plan with Zoning (SDPZ) and the billboard proposed at Hampden Avenue and Highway 285 is being processed as an Use by Special Review (USR). Staff continues processing those applications, and the County is awaiting responses to the most recent review comments. The proposed regulations would not affect those applications, which were submitted before the moratorium. Pursuant to Resolution No. 190527, this temporary moratorium was extended to February 7, 2020. Resolution No. 200109, Resolution No. 200232 and Resolution No. 200578 further extended the temporary moratorium to May 7, 2020, September 7, 2020, and January 7, 2021,

respectively.

Discussion:

Links to Align Arapahoe

This request contributes to the “Quality of Life” for Arapahoe County Citizens. Prohibiting billboards, a sign form larger and often out of character with surrounding areas’ sign requirements, will help promote public health, safety and improve the general welfare of the unincorporated community and people driving on County roads.

Arapahoe County Comprehensive Plan

The proposed amendment is consistent with the Arapahoe County Comprehensive Plan policies and goals:

Policy NL 2.1 - Require New Development to be Compatible with Existing Residential Neighborhoods

Prohibiting new billboards and the conversion of existing billboards to EMC will likely increase the compatibility with existing residential neighborhoods by reducing obstructions to scenic views.

Strategy NL 2.1(a) - Review and Amend Zoning Regulations to Include Compatibility Criteria

The County will review and amend, as necessary, zoning regulations to include elements of compatibility as approval criteria for any rezoning, use by special review or special exception use.

The proposed amendment will eliminate the USR process required for new billboards in unincorporated Arapahoe County. Staff recommends eliminating the USR process due to constitutional issues. Prohibiting new billboards would reduce the likelihood of large signs, which can be incompatible with residential areas and other, smaller signs in commercial areas.

Policy EH 3.1 - Promote a High-Quality Urban Environment in all New and Redeveloped Employment Centers and Commercial and Industrial Development. Arapahoe County will promote design and site planning of the physical environment of employment centers and commercial development that conveys a positive image for the community.

The proposed amendment will eliminate new billboards in new and redeveloped employment centers and commercial and industrial development, which will likely convey a positive image for the community.

Since the temporary moratorium was approved, 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. Since July 2019, staff presented billboard information at seven Board of County Commissioners study sessions and one Planning Commission study session. The attached Planning Commission staff report summarizes the topics discussed at each of those study sessions.

On December 1, 2020, Planning Commission held a public hearing on the proposed billboard regulations. Staff provided the Planning Commission with the draft regulations and the comments received from referral agencies. The Planning Commissioners did not have any comments or questions for staff and voted 7-0 recommending approval. No members of the public commented on the proposed regulations.

Recommended Regulations

Staff is recommending adopting regulations, which will prohibit any new billboards in unincorporated Arapahoe County and will prohibit the conversion of existing billboards to electronic message board billboards. The proposed regulations will also prohibit billboards proposed on land zoned or to be zoned for Planned Unit Developments. Existing billboards would be treated as legal non-conforming uses under the Land Development Code.

The proposed regulations will also amend the definition of a billboard and define a billboard by its size 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 off-premise/on-premise distinction upon which the existing definitions in the Land Development Code are based. The proposed 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. The draft regulations would not allow billboards, EMB billboards or the conversion of old existing billboards to EMB billboards.

The draft regulations are attached to this report.

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
- Limits fascia sign/wall sign EMC size 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. A summary of the referral comments received by the County as of December 22, 2020, are attached to this report. Based on the comments received, staff is not proposing any changes to the regulations.

Alternatives:

The Board of County Commissioner has three alternatives:

1. Approve the proposed Land Development Code amendment as presented or with changes; or
2. Continue to a date certain for more information; or
3. Deny the proposed amendment

Fiscal Impact:

While some properties may have lower property values than would otherwise occur if those properties were to be approved for a billboard, other properties may retain their value or see increased value as a result of not being impacted by new or converted billboards.

Reviewed By:

Jason Reynolds, Current Planning Program Manager
Jan Yeckes, Planning Division Manager
Bryan Weimer, Director of Public Works and Development
Todd Weaver, Finance Department
Bob Hill, Senior Assistant County Attorney
John Christofferson, Deputy County Attorney

Attachments:

LDC19-002 - PC Report for 12-01-2020 Public Hearing
LDC19-002 - Motions
LDC19-002 - Draft Resolution
LDC19-002 - Proposed Sign Code Billboard Regulations Final wWeldCorrections
LDC19-002 Summary of External Referral Responses
LDC19-002 Referral Responses Combined
LDC19-002 BoCC PowerPoint 01-05-2021