



TOWN OF DILLON
Planning and Zoning Commission
Special Meeting
VIA MICROSOFT TEAMS
Dillon Town Hall | 275 Lake Dillon Drive | Dillon, Colorado
Wednesday, February 1, 2023 | 5:30 p.m.
STAFF SUMMARY

DATE: February 1, 2023

AGENDA ITEM NUMBER: 5.a.

DISCUSSION ITEM: Sign Regulations – Continued Discussion

SUMMARY: Town staff has been presenting the Planning Commission and Town Council with several discussion items relating to the Dillon Municipal Code (“**DMC**”) Sign Regulations including proposed Sign Zone Map Changes and a proposal for two new Sign Zones: Town Center Sign Zone and a Park & Waterfront Sign Zone. These concepts have been well received by the Planning Commission and the Town Council.

At the present time, staff is delaying the adoption of new sign zones to a future date. Important to these new sign zones will be wayfinding sign input from the University of Colorado Denver Technical Assistance Program (UTAP), Comprehensive Plan updates, completion of the 50% design drawings (Mead & Hunt) for Highway 6 traffic improvements at Lake Dillon Drive / Evergreen and County Road 51 (concept of two (2) roundabouts), the walkability work performed by a Town hired consultant (Clark & Enerson), and other long range planning efforts for the Core Area and Dillon Marina.

Staff has been working with the Town attorney to address content-based sign regulations currently found in the Code as previously discussed with the Commission. This agenda item furthers the study of the content-based subject matter.

Existing Content-based Sign Regulations:

The Town’s Sign Regulations are in need of an update following the US Supreme Court’s 2015 decision in *Reed v. Town of Gilbert*. Following Reed, “content-based” sign regulations are no longer permissible under constitutional law.

Regulation of speech (which includes signs) is content based if:

- The regulation applies because of the topic discussed, or the idea or message expressed; or
- The regulation defines regulated speech by its function or purpose.

Many of the provisions of the Town’s Sign Regulations would likely be deemed “content-based” regulations under *Reed*.

The Town Planner and Town Attorney have worked through the Dillon Municipal Code Sign Regulations to determine constitutionally required updates and present a proposed Code amendment to the Planning Commission for study, feedback, and an eventual recommendation to the Town Council.

Below are some key takeaways from the Supreme Court’s decision in *Reed* and ensuing lower court decisions regarding local government sign regulations. The Planning Commission should keep in mind the principles presented in **Table 1.** below when studying the eventual proposed DMC Sign Regulations amendments:

Permitted Regulations ("Time, Place, and Manner")	Prohibited Regulations ("Content-Based")
Size of sign	Regulation based on content or message of a sign Examples: <ul style="list-style-type: none"> • Cannot distinguish between “political and campaign signs,” “political message signs,” “election campaign signs,” “religious symbols” • Cannot distinguish among types of flags (governmental, religious, charitable, fraternal, other organizations) • Cannot distinguish among types of temporary signs (construction, real estate, garage sale, etc.) • Cannot generally prohibit electronic messages (e.g. “prohibited except for those that only display the current time and temperature”)
Materials	
Traffic safety (e.g., line of sight)	
Locations of signs: free-standing vs. attached to buildings; setbacks; orientation/distance from roadway; etc.	
Lighted vs. unlighted	
Fixed messages vs. electronic signs	
Placement of signs on private vs. public property	
On-premises vs. off-premises signs	
Number of signs allowed per mile of roadway	
Placement on commercial vs. residential property (e.g., Town’s Sign Zone A & B)	
Time restrictions on signs advertising one-time event	
Signs erected by government entities to promote safety, directional signs and signs pointing out historic sites and scenic spots	
Temporary vs. permanent	
Type of sign (but not based on sign message)	

Table 1. Constitutional Sign Regulation Principals

The above information was provided in previous Planning Commission packets under agenda items concerning the Town's Sign Regulations and was discussed with the Commission at that time.

At the November 2, 2022 meeting, staff provided a redlined printed version of the Sign Regulations with focused suggested edits related to content-based sign regulations in need of amendments. This was then a study item for the Commission during the January 18, 2023 special meeting and was a component of that meeting's packet. The redline version of the Sign Regulations is again attached hereto as **Exhibit 'A'**.

A new table for the temporary signs section of the Code is provided as **Exhibit 'B'**. Additional refinements of the Sign Regulations are anticipated to simplify the information presented in the sign zones portion of the Code, with an intent to combine those regulations and the matrix associated with them into a more comprehensive table to simplify and abbreviate the text found in the Code (see **Exhibit 'C'** – DMC, Chapter 16 "Zoning", Article XI "Sign Regulations").

The intent is to bring forth a resolution for recommendation to approve a Code amendment at the next Planning Commission meeting.

DEPARTMENT HEAD RESPONSIBLE: Ned West, AICP, Sr. Town Planner

Exhibit 'A'
Redline Proposed Edits
Sign Regulations

Exhibit 'B'
Temporary Sign Table

Exhibit 'C'
Dillon Municipal Code
Sign Regulations