



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

DATE: February 1, 2023

AGENDA ITEM NUMBER: 5.a.

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 04-23, Series of 2023

(PUBLIC HEARING)

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING PERMANENT AND TEMPORARY SIGNS.

SUMMARY: Over the past year Town staff has been presenting the Planning Commission with several discussion items relating to the Dillon Municipal Code (“**DMC**”) Sign Regulations. As we have worked through various potential amendments to the sign regulations, it has been determined the first course of action needs to be to provide constitutional updates to the sign regulations. While working through the sign regulations in that effort, it was also determined appropriate to reorganize certain portions of the regulations to improve readability and to simplify them with the increased use of tables. In addition to these proposed amendments, the temporary sign regulations have also been modified to reflect the elimination of certain permitting requirements while still maintaining a regulatory frame work for the display of temporary signs without negatively impacting the community. One additional amendment with this amendment is to change the maximum height of a flagpole from twenty (20) feet to be a maximum of 60% of the maximum height of a building in the zone district. This has the effect of allowing for flagpoles more to scale with taller and larger structures, for instance fifty (50) foot tall buildings permitted in the core Area zone district. This resolution recommends the Town Council adopt a Dillon Municipal Code amendment related to these sign regulations amendments. The resolution contains a draft, blacklined ordinance for this purpose.

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*.

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

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Town staff recommends approval of Resolution No. PZ 04-23, Series of 2023

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 04-23, Series of 2023 as presented.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

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