

**PLANNING AND ZONING COMMISSION DISCUSSION ITEM
STAFF SUMMARY
AUGUST 3, 2022 PLANNING AND ZONING COMMISSION MEETING**

DATE: July 29, 2022

AGENDA ITEM NUMBER: 6

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.

As staff continues to work toward preparing an amendment to the Dillon Municipal Code Sign Regulations, another important subject matter needs to be studied with the Commission so that a wholistic Code amendment can be accomplished.

Existing Content-based Sign Regulations:

The Town’s Sign Regulations (see Exhibit ‘A’ – DMC, Chapter 16 “Zoning”, Article XI “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 are currently working through the Dillon Municipal Code Sign Regulations to determine constitutionally required updates and will 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

This information will be included again in future Planning Commission packets under agenda items concerning the Town's Sign Regulations.

A Review of the Sign Zones Discussion:

The Town is considering amending the Sign Zone Map as presented in Chapter 16 – "Zoning" Article XI – "Sign Regulations" provided below as **Figure 1.** This is a review of the previous discussions with the Commission on this subject on March 2nd and June 1st, as well as with the Town Council on April 5th, during which both bodies were interesting in pursuing two new sign zones.

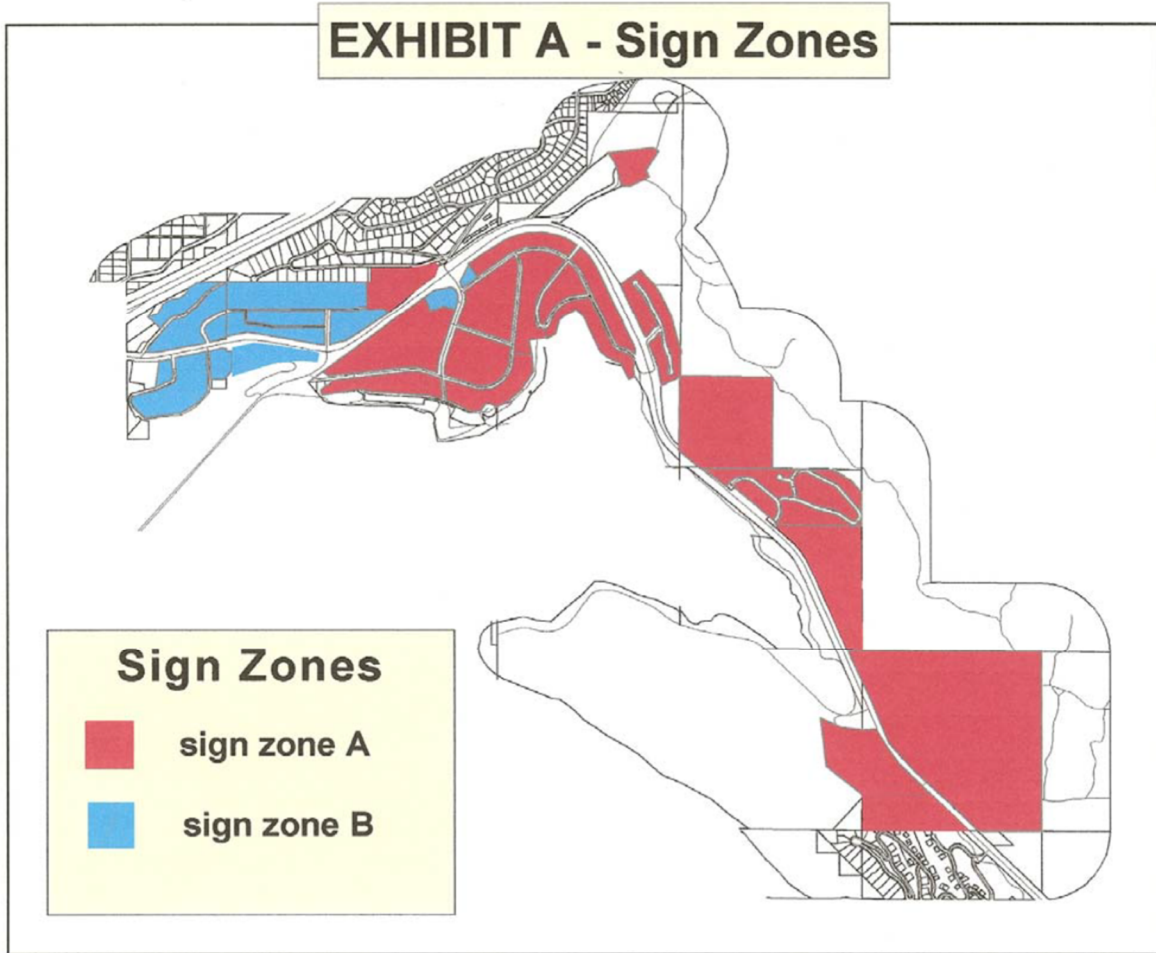


Figure 1. Sign Zone Map Currently in the Dillon Municipal Code

Specifically, the Town is considering creating new Sign Zones for the Town Center to include the Core Area (CA) zone district and some peripheral properties in the near vicinity to that zone district and a Park & Waterfront Sign Zone. Refer to the potential Town Center Sign Zone and Park & Waterfront Sign Zone map in *Figure 2*.



Figure 2. Potential Town Center Sign Zone and Park & Waterfront Sign Zone

Other Park & Waterfront Sign Zone areas to consider would be the Recreation Path Segments, Dillon Cemetery, Dillon Disc Golf Course, and the Dillon Nature Preserve.

By creating new Sign Zones for these areas, consistency across sign requirements and design guidelines can be better achieved. For example, in the Core Area zone district, within the proposed Town Center Sign Zone, development regulations provide for zero lot line development (structures built to the lot line) thus there is no location for freestanding signage. So, regulations for signs, such as blade signs, attached to building walls, might be considered to protrude beyond the property line into rights-of-way with regulations to protect the public and Public Works operations. A Park & Waterfront Sign Plan can be developed to create consistent design themes to further Town of Dillon branding through consistent sign structures, features, or design elements.

The Planning Commission and members of the Town’s Parks Recreation Arts and Cemetery Committee (PRACC) have expressed an interest in developing design standards for this sign zone with natural elements such as stone and timber. Some proposed the stone light bollards (See **Figure 3.**) on the lower reaches of Lake Dillon Drive as an example of how the base of such Park & Waterfront Sign Zone signs and kiosks might be designed.



Figure 3. Stone Light Bollards on Lake Dillon Drive

Staff requests studying what regulations and design elements might best suit these proposed Sign Zones. Concepts for the Town Center Sign Zone might include blade signs that project perpendicular from a building out above the public realm, awning signs, integrated signage with store front architecture, new considerations for sandwich-board signs (A-signs), doorway signs or artwork, and perhaps murals and other artwork. Public information signs should have a consistent appearance and architectural character, Town branding, and provide clear messaging. The Town might consider bilingual informational signage, or QR Code sourced such information, as well.

In considering a Parks & Waterfront Sign Zone constancy, clear messaging, and Town branding are clear elements to consider, but also unifying elements that say you have arrived in a special place. Informational kiosks can help to inform the public. The stone bollards on Lake Dillon Drive, stone signs and Dillon’s gateways are examples of unifying elements already found in Dillon’s public realm.

BUDGET IMPACT: To Be Determined

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

Exhibit 'A'
Dillon Municipal Code
Sign Regulations