



### Statement of Vision

*Lafayette's panoramic view of the Rocky Mountains inspires our view into the future. We value our heritage, our unique neighborhoods, a vibrant economy and active lifestyles. We envision a future that mixes small-town livability with balanced growth and superior city services.*

### Statement of Values

We foresee a ***strong economy*** that is diverse and sustainable, attracts innovators, encourages a balance of big and small businesses, and meets the community's needs.

We intend to ***shape the future*** through strengthening our voice on environmental stewardship and social issues, taking an active role in sustainability and strategically planned development, and facilitating leadership development and fresh thinking.

We strive to be a ***connected community*** that encourages cooperative relationships and inclusivity, expects accessibility and communication, nurtures resiliency, appreciates multiculturalism, and humanizes physical and social interactions within the City.

We support ***placemaking*** endeavors that stimulate historic preservation and the arts, encourage open space stewardship and networking of neighborhoods, and promote comprehensive planning and livability.

**Wednesday, September 25, 2019**

### A G E N D A

**7:00 PM - Planning Commission Workshop**

**Council Chambers**

**1290 S. Public Road**

**Lafayette, Colorado 80026**

- I. 7:00 PM - PLANNING COMMISSION**
  - Call to Order
  - Pledge of Allegiance
  - Roll Call
  
- II. ELECTRONIC SIGN WORKSHOP**
  - PRESENTATION
  - DISCUSSION
  - MOTION
  
- III. ADJOURN**



**STAFF REPORT**  
Planning Commission Meeting  
September 25, 2019

**Subject:** Workshop item on electronic message signs

**Applicant/Owner:** City / Citywide

**Prepared By:** Jana Easley, AICP, Planning Manager

**Recommended Action:** Hold a workshop to discuss electronic message signs and provide direction to staff on possible code amendments

**Summary Statement:** City Council has directed staff to prepare an ordinance that would allow electronic message signs (EMS) in Transitional Business (T1) and Community Service Business (B1) zones with modifications to the size, brightness, frequency of message changes, and increased setbacks from residential areas.

**History:** EMS regulations were added to the Development and Zoning Code in 2012 to allow EMS in C1 zone districts only.

**Policy Issues:** What zoning districts other than C1 should allow EMS?  
What regulations should be in place for those zone districts in order to mitigate potential impacts to nearby residential properties?

**Alternative:** N/A

**Expenditure Required:** The City Attorney's office will have to review any draft ordinance language

**Source of Funds:** General fund

## Background Information:

On January 24, 2019, the owner of Stan's Automotive, met with staff (Jon Hoffman, Planner II; Greg Thompson, Senior Planner; Jana Easley, Planning Manager) to discuss the possibility of constructing an electronic message sign (EMS) on his property. The owner presented a photo to staff and explained that he would primarily like the EMS so that he could wish his customers "happy birthday." Staff explained that Stan's Automotive is located within the Transitional Business (T1) zoning district and EMS are not allowed in the T1 zoning district, only the Regional Business (C1) zoning district.

On March 5, 2019, the owner addressed Council and said he would like to update his marquee sign to a digital sign and asked council to consider code amendments that would facilitate the change.

- [Attachment 1](#) is the minutes of the March 5, 2019, Council meeting

On March 25, 2019, City Council Workshop background information was presented about existing zoning districts and the current regulation concerning placement of EMS. Based on that information, Councilors supported an ordinance that would allow EMS in T1 and Community Service Business (B1) zones with modifications to the size, brightness, frequency of message changes, and increased setbacks from residential areas. Also, they asked to include language prohibiting off-site advertising.

- [Attachment 2](#) is minutes of the March 25, 2019, Council workshop

Over the past several months, Planning staff have researched other nearby municipalities, considered the possible areas that would be impacted by such signs, and analyzed options to mitigate any potential impacts to adjacent and nearby residential properties. Staff has analyzed maps of the commercial zone districts compared with the residential districts, considered the rationale for three different types of commercial districts, and considered the reason why Council decided in 2012 (Ord 11-2012) that the C1 district was the most appropriate and only zoning district in which EMS should be allowed. C1 districts are more regional in nature and generally located along arterial roadways and typically not facing residential areas, whereas T1 and B1 districts can be found on both arterial and collector roadways and frequently face or are adjacent to residential areas.

- [Attachments 3, Attachment 4, Attachment 5, Attachment 6, and Attachment 7](#) are maps of commercial areas compared with residential areas

During this time, staff has not heard back from the Stan's Automotive owner, but they have been contacted by Mr. Bishop, Admiral Signs, about the status of the Code update. Staff explained it was in process.

In May/June 2019, staff received an application for a sign permit for First United Methodist Church (FUMC) for an electronic message sign. FUMC is located within a Residential zoning district. Admiral Signs was the contractor. Staff denied the application and, on June 12, 2019, sent a formal letter to Admiral Signs explaining why the application was denied.

[Attachment 8](#) is the letter to Admiral Signs

On June 18, 2019, Mr. Bishop, Admiral Signs, along with a representative (Matt) of First United Methodist Church came to the front counter to inquire about an electronic sign for their church. The church's board has asked Mr. Armbruster to look into an EMS. Staff explained that the church location was zoned residential and that an electronic sign would not be allowed there, similarly to any other non-C1 zoned property. Staff later received emails from Matt thanking them for explaining it to him.

[Attachments 9](#) and [Attachment 10](#) are emails from Matt/FUMC to staff

In the past, staff has not received many requests for EMS, but they have received several complaints about existing EMS. Staff receives two to three times the amount of complaints in regard to EMS signs than requests to expand the EMS sign areas.

Below is a brief overview of how nearby cities regulate EMS:

**ELECTRONIC SIGN COMPARISONS**

BROOMFIELD	SUPERIOR	BOULDER	ERIE	LOUISVILLE	LONGMONT
- Not allowed except through PUD exception	- Not allowed except through PUD exception	- Allow with no change to message more than 1x/minute	Code offers no specifics but does allow time/temp signs	In process of redoing sign code	Freestanding Monument sign. Electronic no more than 50% of sign
- Time/temp allowed	- Time/temp allowed	- Do not allow in downtown pedestrian area		Not lawful downtown.	Message must stay for 15 seconds
		- Limit hours, off from 11pm-7am		Not a prohibited sign type	100 nits at night
					Only allowed in 6 zones
					Only static messages allowed

Furthermore, Lafayette may be considering a “Dark Sky” ordinance in the near future. Unless turned off, EMS contribute to nighttime glare. Our Code currently has certain regulations for lower nighttime NITS\*, message change timing, etc., but the regulations are generous. For example, our nighttime dimming allows up to 500 NITS, whereas some communities require signs be no more than 100 NITS or shut off at night. This is supported by research, including the Green Building Council’s recommendation (200 NITS) and International Dark-Sky Association’s *Urban Night Sky Places Program Guidelines* recommendation (100 NITS).

*\*A NIT is a measure of luminance or the light density emitted by an area of light source*

Finally, the June 2015 *Reed v. Town of Gilbert* US Supreme Court decision was the first sign related decision to come from the US Supreme Court in 20 years and, according to the American Planning Association, “impacts almost every sign code in the country.” It is likely that the sign code will need to have a complete overhaul in the near future in order to be legally enforceable.

**Summary:**

- Staff has not received any other recent requests for EMS;
- Staff receives approximately two to three times the number of EMS complaints for existing EMS than requests to expand the EMS sign areas;
- Lafayette appears to have fairly liberal EMS regulations, allowing them in all C1 zone districts and with more generous message change times and higher nighttime NITS (500);
- Lafayette is exploring the concept of a “Dark Sky” ordinance; and
- Our current sign code will likely need a complete rewrite in the near future.

## Recommendation:

Staff recommends that, in order to allow EMS in T1 and B1 zoning districts and also ensure nearby residential properties are not adversely affected, the most effective mechanism for allowing them would be through a Planned Unit Development (PUD) process. The notice requirements for a PUD would include a neighborhood meeting and City-mailed notice to property owners within 750 feet. It could be either an administrative (minor PUD) or a public hearing process, depending on the amount of neighborhood feedback staff receives. Depending on the location of the EMS, more strict guidelines could be established through the PUD, such as lower nighttime NITS than we currently allow, smaller sign size, message rotation timing, etc.. The same could be done for C1/M1 and M1 zone districts.

Staff further recommends that our current Code be amended to lower the nighttime luminance for all EMS to not exceed 100 NITS, regardless of location or zone district.

The sign code already prohibits off-site advertising.

## Proposed Motion:

The Planning Commission recommends staff prepare amendments to the sign code to allow electronic message signs in T1 and B1 zoning districts through a PUD process and to lower the nighttime luminance to a maximum of 100 NITS for all electronic message signs.

## Attachments:

- 1 - [March 5, 2019, City Council Minutes](#)
- 2 - [March 25, 2019, City Council Workshop Minutes](#)
- 3 - [Map of C1 and residential areas](#)
- 4 - [Map of B1 and residential areas](#)
- 5 - [Map of T1 and residential areas](#)
- 6 - [Map of C1/M1 and residential areas](#)
- 7 - [Map of M1 and residential areas](#)
- 8 - [June 12, 2019, letter from Jon Hoffman, Planner II, to Admiral Signs](#)
- 9 - [June 18, 2019, email from Matt, First United Methodist Church, to Jon Hoffman, Planner II](#)
- 10 - [June 18, 2019, email from Matt, First United Methodist Church, to Jana Easley, Planning Manager](#)

[Link to Electronic Sign Workshop Presentation](#)

**9-25-19 PC Workshop Meeting**