

**LDC19-002 Arapahoe County Land Development Code – Temporary Moratorium on Billboards and Off-Premise Signs**

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**PROPOSAL:**

The purpose of this agenda item is to inform the Planning Commission about the temporary moratorium 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. The Board of County Commissioners adopted a temporary moratorium for up-to 6 months, effective April 16, 2019.

**BACKGROUND**

The Land Development Code (LDC) currently provides certain restrictions for billboards and off-premise sign installations in Sections 12-311.02 and 12-312. The Land Development Code defines the zone districts where such signs are permitted; however, these code provisions are outdated and do not address conversions to electronic billboards or other off-premise signs. Planning staff has received inquiries about new billboards and other off-premise sign installations and conversions of existing billboards or off-premise signs to electronic messaging signs.

The Land Development Code defines a billboard and an off-premise sign as:

“BILLBOARD. A sign related to land use, business, product or service, not located or available upon the premise whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with the area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.”

“OFF-PREMISE SIGN. A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.”

This moratorium does not apply to applications for new bus stop or transit shelter signs as considered under Section 12-311.01 of the Land Development Code.

Section 12-311.02 of the LDC allows off-premise signs in the B-3, B-4, B-5, I-1, and I-2 zoning districts pursuant to a Use by Special Review (USR) approval. Off-premise signs are also subject to the following criteria.

- A. Any off-premise sign shall meet the required accessory use setbacks for the zoning district in which it is located.
- B. Off-premise signs shall not extend more than six (6) feet above ground level and shall not exceed forty-eight (48) square feet in sign area per face.

- C. The minimum distance between off-premise signs shall not be less than three hundred (300) feet.
- D. Permits for off-premise signs shall be approved for periods of one (1) year each, which may be renewable.
- E. The State of Colorado Department of Transportation (CDOT) has adopted “Rules and Regulations Pertaining to Outdoor Advertising Effective January 1, 1985,” pursuant to the Colorado Revised Statutes (C.R.S., 43 -1-401 et seq., as amended). On all properties within the unincorporated portions of Arapahoe County that abut Interstate 25 (I-25) and other state highways (Highway 83, Arapahoe Road, etc.), these State Highway Regulations, to the extent that they are more restrictive and comply with all requirements of state and federal law, are recognized to be in full force and effect and supersede these regulations.

Section 12-312 of the Land Development Code allows billboards in the B-3, B-4, B-5, I-1, and I-2 districts pursuant to a Use by Special Review approval. Billboard applications are also subject to the following:

- A. Billboards proposed to be erected on property abutting right-of-way for the Interstate or State Highway system require sign permit approval from the CDOT and the Public Works Department Building Division, or as may be required by federal and/or state laws.
- B. The maximum sign area permitted for a billboard shall be three hundred (300) square feet per sign face, the maximum height of any billboard shall be thirty-five (35) feet above ground level, and the location of each billboard shall not impair traffic visibility. If there are two (2) sign faces they must be placed back-to-back on the same structure.
- C. No billboard shall be located less than five hundred (500) feet of any other billboard.
- D. No billboard shall be located within five hundred (500) feet of any residentially zoned property in any jurisdiction measured in a straight line in any direction from the nearest point on the sign structure to the residential zoning district boundary.

Staff recently received an inquiry for a new billboard within a Planned Unit Development. The specific PUD (PUD) is considered Mixed Use (MU) and includes residential and commercial uses but is silent on billboards. Staff determined a billboard would not be permitted in MU unless the PUD specifically allows for it and otherwise complies with the restrictions for billboards listed in the sign code (distance from residential uses, Section 12-312.D.).

### **DISCUSSION**

A number of existing billboards are nonconforming with the current code. Some of the potential nonconformities include: constructed prior to our USR process, constructed in an area without the correct zoning, constructed on unplatted property, or becoming nonconforming because they no longer meet minimum setbacks from residential zoning. County staff will use the time to inventory the existing billboards located in the county.

Staff will evaluate the potential of the conversion of existing billboards to electronic message boards. Staff believes there should be consideration given to where, and in what zone districts

billboards incorporating electronic message boards should be permitted and under what circumstances and conditions. Potential health and safety concerns, in particular traffic, pedestrian distraction issues and aesthetic and community impacts will be evaluated during this moratorium period.

This moratorium is for a period of up to six months to enable Planning Division staff to evaluate the future demand for, the compatibility of, and the potential impacts of new billboards or other off-premise signs and conversion of any existing billboard or other off-premise sign to an electronic messaging sign, and to draft regulations as appropriate for such signs. In the event that staff is able to complete such evaluations and draft such regulations prior to the expiration of the requested six month moratorium, it could be lifted early. If staff needs additional time, a separate request for an extension of the moratorium would have to be brought to the Board for approval.

**RECOMMENDATION**

No recommendation is requested at this time.