



Lone Tree City Council Agenda Tuesday, October 4, 2016

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.
Meeting Procedures: The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Study Sessions are informational sessions and no action is taken. Comments from the public are welcome during the Regular Session at these occasions: 1. Public Comment (brief comments on items not on the agenda or scheduled for public hearing or public input) 2. Public Hearings. To arrange accommodations in accordance with the Americans with Disabilities Act at public meetings, please contact the City Clerk at least 48 hours prior to the meeting.

4:30pm Study Session Agenda

1. **Ordinance 16-XX, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS**
 2. Pedestrian Bridge Change Order #1 FGMP (Final Guaranteed Maximum Price) with Hamon Infrastructure
 3. At Your Door Collection Service Update
 4. Acres Green Drive Storm Sewer Update
 5. Overview of Proposed Building Code Amendments
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6:00pm Executive Session Agenda

1. Roll Call
 2. Executive Session
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7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
 4. Amendments to the Agenda and Adoption of the Agenda
 5. Conflict of Interest Inquiry
 6. Public Comment
 7. Announcements
 8. Ceremonial Presentations
 9. Consent Agenda
 - a. Minutes of the September 20, 2016 Regular Meeting
 - b. Claims for the Period of September 12-26, 2016
 10. Community Development
 - a. **PUBLIC HEARING: Ordinance 16-02, AMENDING THE CITY OF LONE TREE ZONING CODE – SIGN STANDARDS (First Reading)**
 11. Public Works
 - a. Approval of Pedestrian Bridge Change Order #1 FGMP (Final Guaranteed Maximum Price) with Hamon Infrastructure
 12. Council Comments
 13. Adjournment
-

City of Lone Tree Upcoming Events

more info available at www.cityoflonetree.com & www.lonetreeartscenter.org

- Schweiger Ranch Fall Festival, Saturday, October 8th, 10:00am – 2:00pm

- Passport to Culture (off-site at Schweiger Ranch), Sunday, October 9th, 1:30pm
- Yosemite Library/Community Center Public Meetings (8827 Lone Tree Parkway), October 11th at 10:00am & 7:00pm
- Coffee with Council District 2 at Safeway, October 12th from 7:30-9:00am
- Arts in the Afternoon, “It’s Time to Swing!” with After Midnight, Wednesday October 12th, 1:30pm LTAC
- Scott O’Neil and the Rosetta Music Society: Bach’s ‘A Musical Offering’, Sunday, October 16th, 7:00pm LTAC
- HOA Summit, Lone Tree Library, 10055 Library Way, October 17th at 7:00pm

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
September 20, 2016**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, September 20, 2016, at 7:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

Jacqueline Millet, Mayor
Susan Squyer, Mayor Pro Tem
Cathie Brunnick, Council Member
Jay Carpenter, Council Member
Wynne Shaw, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Steve Hebert, Deputy City Manager
Tobi Basile, Deputy City Clerk
Jeff Holwell, Economic Development Director
Interim Chief Ron Pinson, Lone Tree Police Department
Kristin Baumgartner, Finance Director
Kelly First, Community Development Director
Lisa Rigsby Peterson, Lone Tree Arts Center Director
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Millet called the meeting to order at 7:01 p.m., and observed that a quorum was present.

Pledge of Allegiance

Mayor Millet led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Public Comment

There was no public comment.

Announcements

Matthew Zimmerman, Youth Commissioner, gave Council an update on the Youth Commission.

Mayor Millet announced upcoming events.

Presentations

Hearts Across The Miles Presentation

Allissa Dailey, Lone Tree Arts Center Events Manager, introduced Al Gonzales from “Hearts Across the Miles.” Ms. Dailey presented Mr. Gonzales and “Hearts Across the Miles” with a check in the amount of \$10,625.00 from the Independence Day wristband sales. Mr. Gonzales thanked the City for the donation and read an email of appreciation he had received.

Consent Agenda

Mayor Millet noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the September 6, 2016 Regular Meeting*
- *Claims for the period of August 29-September 12, 2016*
- *Treasurer’s Report for July 2016*

Council Member Shaw moved, Council Member Carpenter seconded, to approve the Consent Agenda. The motion passed with a 5 to 0 vote.

Public Works

Approval of Park Meadows Drive Asphalt Overlay Contract

Lisa Albers, Capital Improvement Project Manager, introduced the item.

Council Member Brunnick moved, Mayor Pro Tem Squyer seconded, to approve the contract with PLM Asphalt and Concrete Inc. in the amount of \$331,073.35 for the Park Meadows Drive Overlay Project. The motion passed with a 5 to 0 vote.

Lone Tree Pedestrian Bridge

John Cotten, Public Works Director, introduced the item.

Mayor Pro Tem Squyer moved, Council Member Shaw seconded, to approve Hamon Infrastructure to purchase the bridge bearings and ETFE roofing material and move \$125,000.00 from the City Contingency to the construction fund based on the information presented. The motion passed with a 5 to 0 vote.

Administrative Matters

RESOLUTION 16-24, SUPPORTING THE RENEWAL OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT & SUPPORT FOR BALLOT ISSUE 4B

Lisa Rigsby Peterson, Lone Tree Arts Center Director, introduced the item.

Council Member Carpenter moved, Council Member Brunnick seconded, to approve **Resolution 16-24, SUPPORTING THE RENEWAL OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT & SUPPORT FOR BALLOT ISSUE 4B**. The motion passed with a 5 to 0 vote.

Adjournment

There being no further business, Mayor Millet adjourned the meeting at 7:34 p.m.

Respectfully submitted,

Tobi Basile, Deputy City Clerk



CITY OF LONE TREE

STAFF REPORT

Project Summary

Date: October 4, 2016

Project Name: Proposed Amendments to the City of Lone Tree Sign Standards

Project Type / #: Zoning Code Amendment, RG16-53.

Staff Contacts: Hans Friedel, Planner III
Julius Zsako, Zoning Enforcement Coordinator
Kelly First, Community Development Director

Meeting Type: Public Hearing

Summary of Request: Approval to amend the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards to consolidate and simplify categories, update standards, and update definitions to achieve content neutrality in line with the precedent regarding 1st and 14th Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

Planning Commission Recommendation:

Unanimous approval subject to the following changes:

1. Define "site elements"
2. Clarify regulation of flutter flag/ sail banners within the temporary sign category
3. Strike language referring to "commercial and noncommercial messages" from the definitions

Suggested Motion or Recommended Action:

I move to approve Ordinance 16-02, amending the Lone Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53



**CITY OF LONE TREE
STAFF REPORT**

TO: City Council

FROM: Hans Friedel, Planner III
Julius Zsako, Zoning Enforcement Coordinator
Kelly First, Community Development Director

FOR: October 4, 2016 City Council Meeting

DATE: September 23, 2016

SUBJECT: Proposed Amendments to the City of Lone Tree Sign Standards

A. REQUEST

Approval to amend the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards to consolidate and simplify categories, update standards, and update definitions to achieve content neutrality in line with the precedent regarding 1st and 14th Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

B. STAFF RECOMMENDATION

Staff recommends approval of Ordinance 16-02, amending the Lone Zoning Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53.

C. BACKGROUND

Reed v. Town of Gilbert, 576 U.S. (2015) is a United States Supreme Court case that fundamentally changes the way local governments regulate signs. Previously, cities could enforce some regulations based upon the sign's content –provided such standards were not intended to censor or restrict speech. In *Reed v. Gilbert*, the U.S. Supreme Court ruled that if a sign has to be read in order to determine if a certain regulation applied, then that regulation is content-based and presumed to be unconstitutional.

The case involved a sign ordinance from the Town of Gilbert, Arizona. The town's ordinance exempted several categories of signs from permitting requirements,

including political signs, ideological signs, and temporary directional signs. The town did not prohibit any of these signs but it did enforce different regulations for each separate category. A local church in Gilbert did not have a permanent location and held services in various community facilities. To inform people of their services and locations, the church deployed temporary signs advertising religious services throughout the town for a period of approximately 24 hours before each service. The town cited the church for violations of their sign ordinance since the time period the church's signs were posted exceeded that allowed under their sign ordinance for temporary directional signs. The church sued Gilbert claiming violations of the free speech and free exercise clauses of the First Amendment to the U.S. Constitution. The Supreme Court justices unanimously concluded that the town's sign ordinance was unconstitutional; however, they differed in their opinions as to why they arrived at that ruling.

This case was a watershed moment for municipal sign regulations in that it reaffirmed the protections afforded by the First Amendment (freedom of speech clause), as applied to the states and municipalities through the Fourteenth Amendment (equal protection clause), therefore invalidating and rendering unenforceable regulations of signs based on the content or subject of the message, the person and/or group delivering the message, and/or event(s) taking place. Writing for a majority of the Court (the decision was unanimous), Justice Clarence Thomas found that the town's sign ordinance imposed content-based restrictions that did not survive the *strict scrutiny* test because the ordinance was not *narrowly tailored* to further a compelling government interest.

The First Amendment, as applied to the states and municipalities through the Fourteenth Amendment, restricts the government from "abridging the freedom of speech." Because outdoor signs display speech, they carry First Amendment protection. Although courts have long recognized legitimate governmental interests in traffic safety and community aesthetics, laws cannot suppress speech in ways that are too limiting or that do not provide for alternative means of communication. Furthermore, the First Amendment prohibits "viewpoint discrimination," which is characterized by government regulations, laws, rules, or decisions that favor or disfavor one or more opinions on a particular controversy. An example of viewpoint based regulation is a sign regulation that allows governmental flags to be larger than nongovernmental flags. The First Amendment requires that regulations of noncommercial speech be content neutral – this is referred to as the content neutrality doctrine. It requires governmental regulations, including sign regulations, to avoid distinguishing between different categories or subject matters of speech.

D. OVERVIEW OF ISSUES IN LONE TREE'S CURRENT SIGN STANDARDS

Following *Reed v. Gilbert*, Lone Tree staff examined the City sign standards for content-neutrality with the goal of being compliant with the First and Fourteenth Amendments and continues to align with the City's aesthetic values. In addition to research conducted by planning staff, in consultation with the City attorney, the City retained the legal services of Brian Connolly, an attorney with Otten Johnson Robinson Neff + Ragonetti PC, specializing in sign law.

There are certain elements of the current standards - predominantly related to temporary signs that are problematic from the standpoint of content-neutrality. The following is a summary of issues identified.

First, the following temporary sign categories and their associated regulations are content-based on their face:

- Temporary off-premises open house real estate sign
- Directional sign for garage sales
- Election season sign

Second, the Lone Tree Zoning code in Section 16-29-30 currently describes signs that are allowed without a sign permit. Included are the following content-based classifications and descriptions:

- Flags of any nation, government, commercial or noncommercial institution
- Works of art which are integral to the design of a building; applied as an artistic accent; and which in no way identify a business, business activity or product
- Religious symbols and seasonal decorations within the appropriate holiday season

Third, some types of temporary signs are allowed in the public rights-of-way (ROW) and others are not. Under the current code, the following signs are allowed in the ROW:

- Signs erected for an association promotion
- Temporary off-premises open house real estate sign
- Directional sign for garage sales
- Signs associated with a special event

Fourth, there are various examples and provisions from within the code that refer to sign content. For example, in addition to the aforementioned examples regarding flags, art, and seasonal decorations; the definitions refer to nonresidential incidental signs as "signs intended to instruct users as to matters of direction, necessity, hours of operation, credit card information or public safety."

One way to conceptualize content-neutrality as it relates to sign regulations is through the substitution clause. Lone Tree's code states in Section 16-29-20 - Application of Article (b), that "Any sign that can be displayed under the provisions of this Article may contain a noncommercial message." Therefore, if the message on a temporary off-premises open house real estate sign were to be substituted with the message, "Nixon for President," our regulations would treat it as an "election season sign." No longer could the sign be placed in public ROW; it would have to be located on private property and set back five feet from the property line.

Another example of a content-neutrality issue relates to inconsistent time frames within which certain types of temporary signs may be erected. Currently, there is no time limit for temporary signs (residential and nonresidential) *unless* they are election season signs, in which cases no election season sign shall be posted more than 90 days prior to the election to which the sign is related, and must be removed within 2 weeks of the final election. These are examples of purely content-based standards and are unconstitutional under the precedent established by *Reed v. Gilbert*.

E. SUMMARY OF PROPOSED CHANGES

Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, can be largely rendered content neutral by consolidating and simplifying temporary sign categories, eliminating signs in the public ROW, and removing content-referencing language from within standards and definitions. These proposed changes are in line with the intent that high quality design is important to Lone Tree, as is preserving and enhancing an attractive physical appearance of the community and promoting a healthy and vibrant economy. Furthermore, these proposed changes do not affect (with the exception of incidental signs) the permanent wall sign or freestanding sign categories. Therefore, the impact on architecture and the built environment is negligible.

Simplifying and consolidating temporary sign categories

Eliminating the various content-based sign categories and consolidating them into fewer, content neutral, sign categories will protect 1st and 14th Amendment rights afforded sign content. It will also simplify understanding and administration of the sign standards. As the number of temporary sign categories is reduced, the total area of permitted temporary signs is correspondingly reduced. For example, currently, there is no limit to the number of election season signs that can be displayed in residential and nonresidential districts – just duration limits, a setback standard, and limits on individual sign height and area. Furthermore, there is no limit on the number of signs displayed on a single-family detached or attached lot; just limits on individual sign height and area. The proposed changes would reduce the potential for unlimited temporary signs under these categories while promoting quality community aesthetics by diminishing sign clutter, and providing “context-appropriate signage” that relates to the location and character of the area (City of Lone Tree Design Guidelines, p. 55).

Eliminating signs in the public ROW

Eliminating all signs in the public ROW except signs erected by the City, a licensee of the City, a special district serving the City or the State in accordance with the Manual on Uniform Traffic Control Devices, as amended, achieves content neutrality; while also furthering the policy espoused in the City of Lone Tree Comprehensive Plan to “Incorporate aesthetically pleasing site planning treatments along primary transportation and trail corridors through the use of innovative site planning, open spaces, sign control, lighting, and landscaping” (p. 35).

The proposed changes will have the greatest impact on certain categories of temporary signs. Under the current code, real estate open house signs and garage sale can be placed in the ROW (not medians). Under the proposed changes, they will have to be placed on private property. The City currently provides each resident with up to four standard garage sale signs. Operationally, garage sales and real estate open houses will be treated as temporary uses, and the signs can be placed on private property with the property owner's permission (not in the ROW). An informational handout with guidelines on temporary sign placement will be created by Zoning Enforcement that functions as a self-serve permit. In all cases, these temporary signs will be prohibited on the sidewalk. Furthermore, in most cases, the area between the sidewalk and the street is ROW and will be off-limits to temporary signs.

Removing content-referencing language from within standards and definitions

Removing content-specific language wherever possible is critical in achieving content-neutrality and protecting the 1st and 14th Amendment rights afforded signs. The proposed update removes content-specific words and clauses from the code. For example, replacing the word "business" with "establishment" is one such recommendation. In many cases, provisions singling out or exempting specific signs based upon content were struck from the standards. One of the overarching objectives was to change as little as possible and achieve content neutrality.

Performance-based standards for incidental signs

Finally, staff is recommending changes to the incidental sign category – modifying the definition to remove content-based language, and adding a performance-based standard relative to the size of signs. Incidental signs are small signs of a permanent nature that have a purpose secondary to the use on the property and are not intended to attract attention beyond the perimeter of the site. They are typically associated with addresses, directional signs, hours of business operation, building numbers, etc.

Under the current code, incidental signs in residential areas do not require a permit, are not limited in number, and have a maximum allowable size of three square feet. In nonresidential areas, they also do not require a permit and there is no limit on number; however, maximum size is allowed to four square feet per sign face if freestanding, and two square feet if building mounted. Based on experience, staff believes that the current standards are too restrictive for very large developments (greater than 100,000 square feet) including shopping centers, corporate or medical campuses, mixed use buildings, and apartment communities. Therefore, the proposed changes include increasing the allowable incidental sign area in both residential and nonresidential areas from a maximum of four square feet (three square feet in residential) if the gross floor area of building(s) on a site is under 100,000 square feet, and a maximum of 10 square if feet if the gross floor area of building(s) is over 100,000 square feet in residential areas. Making incidental standards the same for residential and nonresidential districts will bring assist in mixed-use situations.

The red-lined, proposed changes to Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards are included as Attachment A.

Adding Multifamily Apartments to Signs in Nonresidential Areas

Currently, when multifamily apartment seek sign permits, the nonresidential sign table is applied. For example, there is no category for freestanding signs in residential areas outside of signs located at entries to subdivisions. However, several apartments in Lone Tree do have freestanding signs at their entranceways. The signage needs of large multifamily apartments are more in line with commercial developments and should be regulated similarly. Adding multifamily apartments to the nonresidential table will codify what is already occurring administratively in practice.

F. EXAMPLES OF THE EFFECT OF PROPOSED CHANGES

The proposed regulations will have the effect of reducing the potential for temporary sign clutter as seen from public streets and will limit the amount of square footage of sign face per lot. The following graphics demonstrate how these proposed changes to sign standards could impact Lone Tree using a residential detached example (Images 1A, B and 2).

Image 1A, B: Temporary Signs Currently Possible During Election Season

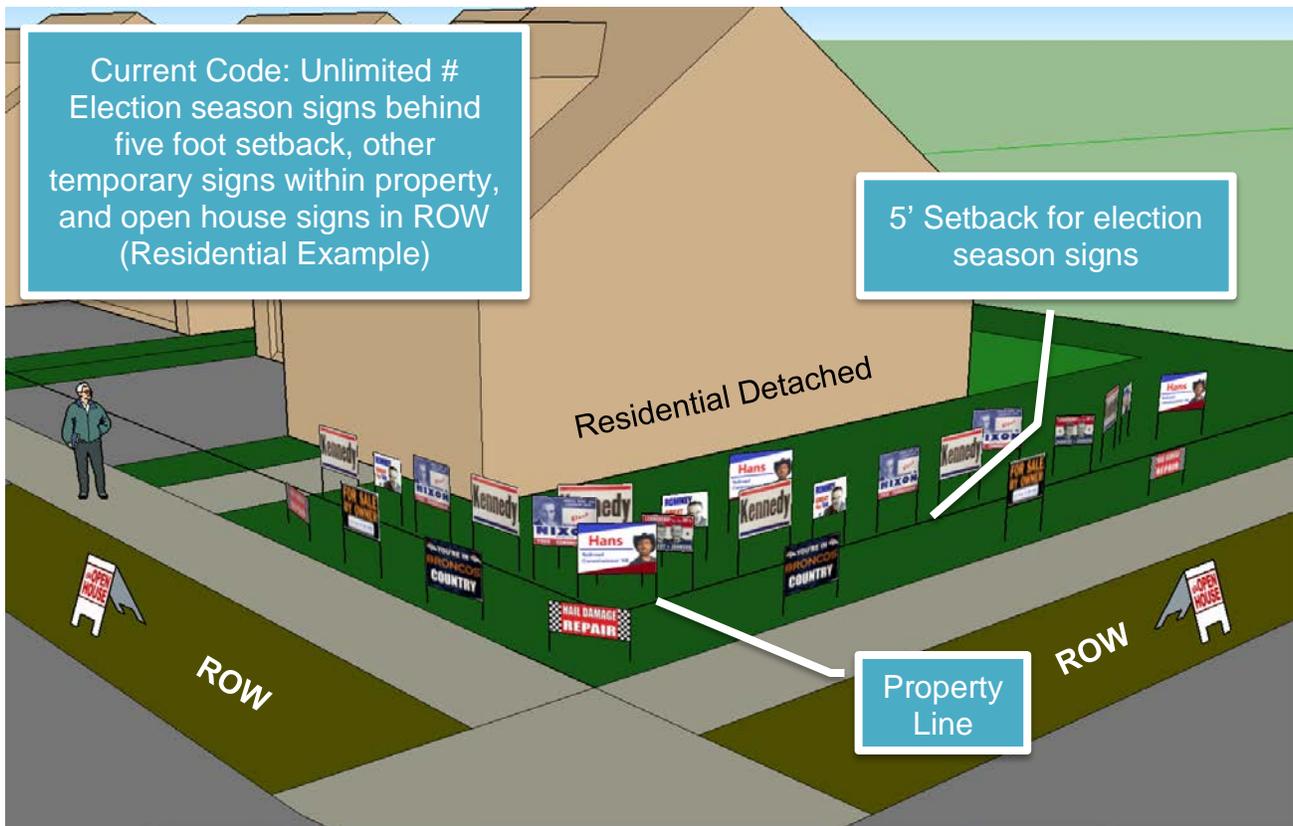
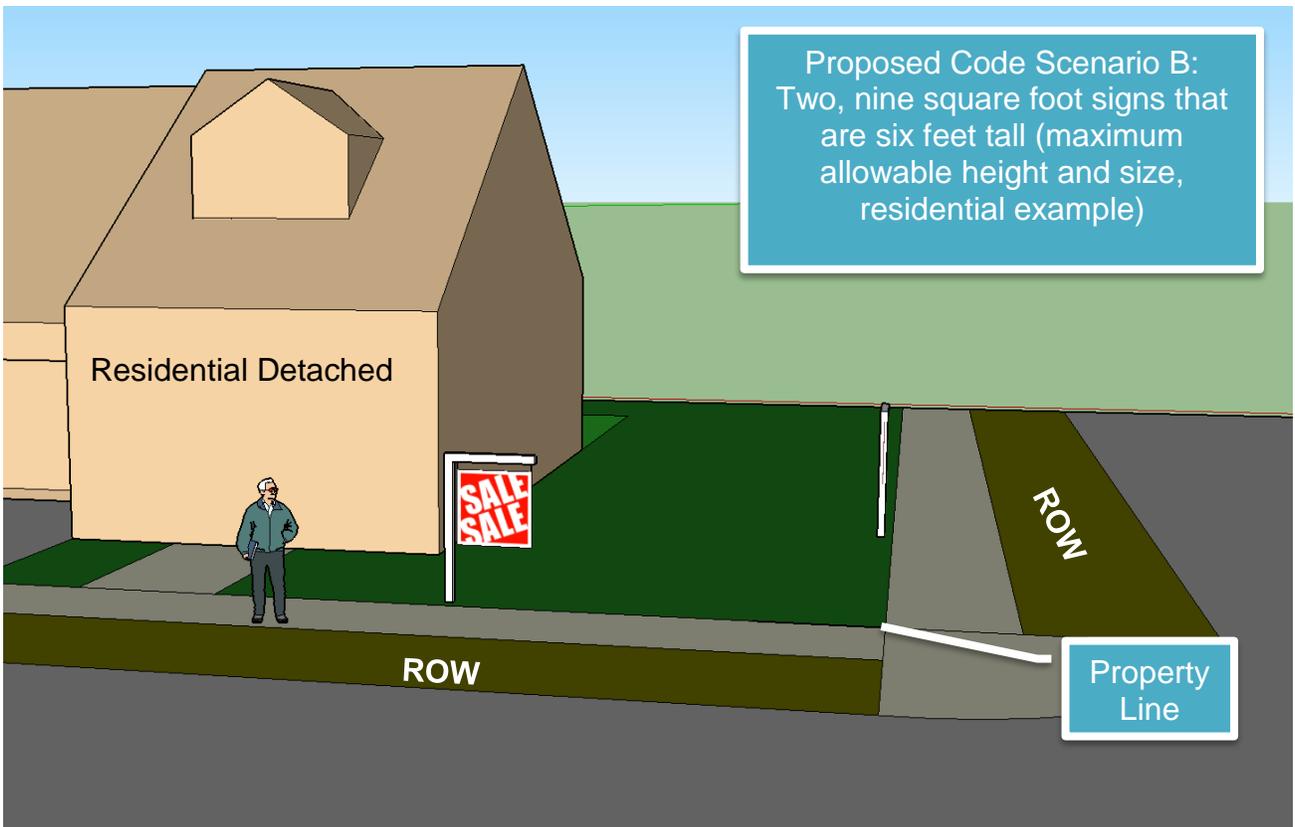


Image 2A, B: Maximum Allowable Temporary Sign Area under Proposed Update



G. REFERRALS AND OUTREACH

The proposed, red-lined changes to the standards were sent on referral to Lone Tree's agency referral list consisting of partner agencies, utility providers, neighboring jurisdictions, and subscribers for their review and comment. Per Council's feedback at the September 16th Study Session, staff sent a description of the current standards and how they are proposed to be changed with regards to real-estate open house signs on a separate referral to an email list of several hundred realtors obtained from the Lone Tree Realtor Summit. The email was also sent to the Douglas-Elbert Realtor Association and South Metro Denver Realtor Association. The referral responses are attached. Prior to the changes taking effect, Community Development staff will create an informational self-serve permit for temporary signs that will address appropriate placement options. This will be available online as well.

H. PLANNING COMMISSION MINUTES ARE ATTACHED

The following has been taken directly from the draft minutes of the Planning Commission meeting held on September 13th, 2016:

Ms. First and Mr. Friedel introduced the proposed changes to the sign standards consisting of consolidating and simplifying categories, updating standards, and updating definitions to achieve content neutrality in line with the precedent regarding 1st and 14th Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

Staff recommended that the Planning Commission recommend approval to City Council of the proposed changes to amend the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards.

Commissioner Spencer thanked staff for the presentation. He inquired about Section 16-29-40, Prohibited signs, and why staff proposed to strike that language: (8) "signs associated with a proposed development or proposed zoning prior to City approval of such development or zoning, except for any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation" Mr. Friedel responded that this was due to it referring to specific content; therefore, it made more sense to strike the provision. Signs on properties under development were covered under the temporary sign categories.

Commissioner Heskin asked about vehicle-mounted signage as it relates to vehicles in residential areas with advertising on them. Ms. First responded that advertising on private vehicles is not regulated; however, on commercial property, vehicles associated with the business are generally required to be parked behind the building or in some other inconspicuous area – they are not allowed to be bona-fide signs. Some signage is allowed on vehicles to provide for car dealership to have "for sale" signs on vehicles. Mr. Friedel added that if a vehicle is parked on a public street for more than 72 hours, and not moved, it can receive a ticket from the Police Department.

Commissioner Heskin thought prohibiting signs in the public right of way (ROW) was good as it reduced visual clutter.

Commissioner Steele thanked staff for the comprehensive analysis. He inquired how prohibiting signs in the ROW achieved content neutrality. Staff responded that the relationship here was that certain types of content-based categories of signs are allowed in the ROW and not others.

Commissioner Steele expressed concern that the code defines “Temporary sign” as a “sign intended to display either commercial or noncommercial messages of a transitory or temporary nature” and that “commercial or noncommercial messages” related to content – there were other definitions with similar wording. Ms. First read it as more of a reinforcement of the substitution clause. Commissioner Rodriguez recommended deleting commercial or noncommercial message from the definitions. There was a discussion regarding how to revise these to be content neutral. Mr. Friedel responded that staff could strike references to commercial and noncommercial speech from the definitions and replace it with “any sign”.

Commissioner Steele inquired about enforcement and penalties for violators. Mr. Friedel responded that Zoning Enforcement’s goal was compliance; therefore, the issuance of court summons and fines was rare. Illegal signs in the ROW were picked up by Zoning Enforcement on a regular bases, the offending party contacted and informed of our standards, and the unclaimed signs disposed of.

Commissioner Steele inquired about regulating signs that people twirl and wave on sidewalks in the public ROW. He stated that it was distracting to motorists. Ms. First and Mr. Friedel responded that people carrying signs on public streets were broadly protected by the First Amendment. Mr. Friedel added that the intent of these post Reed revisions was to change as little as possible in our standards – as they work quite well, while achieving content neutrality and consistency. Regulating signs that people carry would be reaching into an entirely new territory of potential free speech issues. Staff felt that this would open the City to risk of litigation.

Commissioner Steele noted that the proposed revisions substituted “works of art” with “site elements”; however, this was not defined. Ms. First responded that site elements referred to bike racks, benches, etc. Mr. Friedel responded that staff would craft a definition for “site elements” and add it to the definitions section.

Commissioner Steele asked who “Director” referred to. Ms. First responded that this was defined as her earlier in the code.

Commissioner Steele asked about clarifying flag definition to include flags that were displayed hanging from a building, not necessarily from a pole. Commissioner Spencer recommended using the word “suspended.” Mr. Friedel responded that he would add language covering suspended flags to the definition of flags.

Commissioner Steele inquired how the city would educate HOAs as to the changes once they took effect. Ms. First responded that the HOA summit, an article in the

Timberlines newsletter, and the website would provide ample outreach opportunities. Also, information about garage sale signs will be provided when residents pick up their signs.

Commissioner Carlson stated that her questions were covered by others.

Commissioner Rodriguez discussed the issue of regulating sign twirlers, those wearing sandwich board signs, and those holding signs in the ROW and on sidewalks. He believed that this could be done in a content-neutral way, and distinctions made between a sign, and graphics on shirts, etc., preventing the regulation from becoming a government overreach. He believed you could make a content neutral standard for signs in the ROW, and sandwich board signs. He recognized that this may be outside of the scope of this proposed series of revisions.

Commissioner Rodriguez further inquired about where the ROW was throughout Lone Tree. Mr. Friedel responded that it varied and in some places it was back-of-curb, and in others back-of-sidewalk. Outreach and informational materials, including a self-serve permit for temporary signs, would be created post-approval of these revisions to clarify sign placement throughout the city.

Chair Kirchner asked about eliminating all signs in the ROW as it relates to single family detached subdivisions. Chair Kirchner asked about open house signs within the property itself. He wanted clarification on whether flutter flags, sail banners, etc., would be covered under the temporary sign category as defined. He stated that realtors often use these in open house events on the property where the open house is occurring.

Chair Kirchner asked about location of special event signs on city property. Mr. Friedel responded that if the sign was out of the ROW, but on a public property, the City would act as a property owner and it would require permission from the City.

Commissioner Spencer motioned to recommend approval of the sign standards as amended to:

1. Define "site elements"
2. Clarify regulation of flutter flag/ sail banners within the temporary sign category
3. Strike language referring to "commercial and noncommercial messages" from the definitions

Commissioner Steele seconded, and the motion passed 6 to 0.

Staff note: The issues identified by the Planning Commission were addressed and incorporated into the revised draft.

I. ATTACHMENTS

- A. Proposed, red-lined changes to Sign Standards
- B. Referral Responses

End

Attachment A

ARTICLE XXIX Sign Standards

Sec. 16-29-10. Purpose and intent.

The purpose of this Article is to provide regulations that protect the health, safety and welfare of the public and support the economic well-being of the community by creating a favorable physical image. These regulations are intended to further the goals and policies in the City Comprehensive Plan and Design Guidelines. More specifically, the intent of this Article is to:

- (1) Preserve and enhance an attractive physical appearance of the community and promote a healthy and vibrant economy.
- (2) Encourage signs that are well-designed, that attract, rather than demand, the public's attention, and that do not create a nuisance, distraction or impediment to travelers or adjacent landowners by their brightness, size or height.
- (3) Provide businesses, individuals, institutions and organizations within the City a reasonable opportunity to use signs as an effective means of identification and communication, while appropriately regulating the time, place and manner under which signs may be displayed.
- (4) Foster the safety of motorists and pedestrians by assuring that all signs are in safe and appropriate locations.
- (5) Provide content-neutral review and approval procedures that ensure compliance with, and consistent enforcement of, the requirements of this Article.

(Ord. 10-08 Art. 4)

Sec. 16-29-20. Application of Article.

- (a) The regulations contained in this Article shall apply to all outdoor signs in the City, unless otherwise provided for in this Article.
- (b) Any sign that can be displayed under the provisions of this Article may contain a noncommercial message.
- (c) Regulations contained in this Article shall apply to signs in all zoning districts. On parcels where mixed-uses (both residential and nonresidential) exist, residential uses shall comply with residential sign regulations and nonresidential uses shall comply with nonresidential sign regulations provided in this Article.
- (d) Signs within a Planned Development (PD) District shall be governed by this Article, except when the PD, or a Sub-Area Plan of the PD, has been adopted by the City Council, which incorporates additional or alternative standards for signage. In those cases, the sign provisions of the PD or Sub-Area Plan shall govern and supersede provisions of this Article. If a particular element is not addressed in one (1) of the above, the provisions of this Article shall apply.

- (e) Alternative sign standards may be approved by the Planning Commission as part of a wayfinding signage plan developed by the City, or as part of a Site Improvement Plan for commercial centers or districts in excess of one hundred (100) acres, or for freestanding buildings in excess of one hundred thousand (100,000) square feet. In these cases, the Planning Commission may approve signs that vary from standards herein upon demonstration of compliance with the intent of this Article and the Design Guidelines.
- (f) Signs in the C4-Commercial Zone District, as amended, are regulated by additional restrictions of that zone district.
- (g) The regulations shall not apply to temporary signs erected by state or local government agencies or their contractors, or public utility companies to communicate information to the public, facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.

(h) Approved architectural and site features associated with a Site Improvement Plan are exempt from the regulations provided in this Article.

(Ord. 10-08 Art. 4)

Sec. 16-29-30. Signs allowed without a sign permit.

The following signs are allowed without a permit:

- (1) Any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation.
- (2) ~~Flags of any nation, government, commercial or noncommercial institution. All flags shall comply with standards of Subsection 16-29-60 (p).~~ Up to three (3) flags per premises. More than three (3) flags shall require approval through a Site Improvement Plan process. ~~All flags shall comply with standards of Subsection 16-29-60 (p).~~
- (3) Window signs that do not exceed a total of fifty percent (50%) of the total window area per building side or per tenant occupied building frontage in a multi-tenant building. Window signs temporarily covering windows of unoccupied buildings or tenant spaces for sale or lease may exceed the maximum area requirement. "Day-Glo" fluorescent, luminous or reflective color window signs are prohibited. A banner applied to the exterior surface of a window is not considered a window sign and shall require a banner permit (see Section 16-29-130).
- ~~(4) Religious symbols and seasonal decorations within the appropriate holiday season.~~
- ~~(5) Architectural features, building decorations and works of art which are integral to the design of a building and which in no way identify a business, business activity or product are not considered signage and are exempt from these sign regulations. Such features of a building may be subject to approval of a Site Improvement Plan.~~
- ~~(6)~~ (4) Signs on motor vehicles for sale or lease, including trucks, buses and trailers, that do not exceed two (2) total square feet. Federally mandated window stickers shall not be included in the calculation of square footage. "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles are prohibited.

- ~~(7)~~ (5) Signs erected by state or local government agencies or their contractors, or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.
- ~~(8)~~ (6) Incidental signs in residential areas where noted in Figure 16.1 herein, and in nonresidential and multifamily areas where noted in Figure 16.2 herein.
- ~~(9)~~ (7) Temporary signs in residential areas as noted in Figure 16.1.
- ~~(10)~~ (8) Temporary signs in nonresidential areas as noted in Figure 16.2.
- ~~(11)~~ (9) Portable signs, including ~~sidewalk and~~ A-frame signs, that do not exceed one (1) per public entry door to ~~a business—~~an establishment, not to exceed twelve (12) square feet per side per sign, and located within twenty (20) feet of the entry of the business establishment for which the sign is advertising. The sign shall not be placed in a parking lot, right-of-way or in a median; shall not block exits or pose a hazard to vehicular or pedestrian traffic; shall not penetrate the ground; and shall be placed to assure continuous ADA access. Businesses Establishments with drive-through windows may have one portable (1) sign placed on the interior side of the drive-through, not to exceed twelve (12) square feet per side. Signs may be displayed during business hours only and must be stored indoors upon close of business.
- ~~(12) Signs erected for an association promotion, limited to portable signage that is no greater than six (6) square feet in sign areas; however, no lawn signs are allowed. Signage is allowed in the right-of-way (not in medians), and shall not pose a hazard to vehicular or pedestrian traffic. Banners are allowed attached to buildings. All signage must be removed within twenty-four (24) hours after the event.~~
- ~~(13)~~ (10) Signs used for purposes of direction, instruction or safety at construction sites.
- (Ord. 10-08 Art. 4)

Sec. 16-29-40. Prohibited signs.

The following signs are prohibited unless otherwise approved as part of a temporary use permit, banner permit or as otherwise provided in this Article. Signs not specifically addressed below or in this Article, or which are reasonably similar to the following, are considered prohibited as determined by the Director.

- (1) Portable signs, including but not limited to temporary promotional signs, balloons, inflatable devices, advertising flags, flutter flags, pennants or spinners, inflatable signs, lawn signs, ~~and banners,~~ and sail banners.
- (2) Commercial flags and balloons that are mounted or attached on vehicles for sale or lease and "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles for sale or lease.
- (3) Vehicle-mounted signage located for the purpose of advertisement, business identity or directional guidance on private or public property on or near street frontages or access drives. Such vehicles are required to locate to the rear of the building, loading area or other less visible interior space so as not to be used as signage when parked.

- (4) Beacons, flashing signs, search lights and any lights that project towards the sky; and signs with any type of animation or intermittent lighting effects including messages that flash, blink, scroll or move.
- (5) Any sign emitting sound for the purpose of attracting attention.
- (6) Signs in the public right-of-way or on public property, except signs erected by the City, a licensee of the City, a special district serving the City or the State in accordance with the Manual on Uniform Traffic Control Devices, as amended, ~~and except signs permitted as an association promotion or through a temporary use permit as provided herein.~~ Signs in the public right-of-way or on public property that are not approved or otherwise exempted may be removed by the Director or designee and discarded. Those who install such signs may be subject to a penalty in accordance with this Chapter.
- (7) Roof-mounted signs, or signs which project above the highest point of the roofline or fascia of the building.
- ~~(8) Signs associated with a proposed development or proposed zoning prior to City approval of such development or zoning, except for any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation.~~
- ~~(9)~~ (8) Signs on landscaping, lawns, pavement or furniture, such as benches, bike racks, light poles and similar site or streetscape elements, unless otherwise approved by the City.
- ~~(10)~~ (9) Electronic message signs.
- ~~(11)~~ (10) Changeable copy signs (wall-mounted).
- ~~(12)~~(11) Off-premises signs, including billboards, are prohibited except as otherwise provided in this Article. Off-premises signs may be permitted as follows: where two (2) or more businesses within commercial centers (with adjacent uses and common access) or shopping centers consolidate signage that provides enhanced wayfinding and identification in compliance with the applicable regulations of this Article and the Design Guidelines; or where construction has temporarily closed or altered the access into or out of a property.

(Ord. 10-08 Art. 4)

Sec 16-29-50. Sign permit.

- (a) Unless specifically exempted in Section 16-29-30, a permit shall be required from the Community Development Department for erection of all signs, and for any change to an existing approved sign resulting in a modified appearance or increase in total area. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the sign's owner from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Article.
- (b) All requests for signage shall be accompanied by a completed sign permit application, colored illustration, scaled drawings of building or tenant-occupied frontages, sign dimensions and sign specifications. Applications for permanent wall signs shall include an image or images with sign(s) superimposed on the building face and showing all

existing wall signage, if any. Applications for permanent freestanding signs shall include a site plan showing the location, setback, height and sign area of all proposed and existing signage if any, and existing and proposed landscaping and easements, as applicable. Applications for freestanding signs in excess of six (6) feet in height shall be accompanied by an engineered drawing or stamped certificate by a certified engineer attesting to the structural stability of the sign, as requested by the City. All completed applications shall be decided within thirty (30) days of submission.

(c) Appeals.

(1) Any person aggrieved by any decision of an administrative officer of the City pursuant to the provisions of this Section may appeal that decision to the Director. Such appeal shall be filed in writing within ten (10) days of receipt of the decision. The Director may meet informally with the appellant and shall render a decision in writing within twenty (20) days of receipt of the appeal.

(2) Any person aggrieved by the decision of the Director may appeal the decision to the Planning Commission. Such appeal shall be filed in writing within ten (10) days of receipt of the decision. The Planning Commission shall schedule a hearing and render a decision in writing within twenty (20) days of receipt of the appeal. The written decision shall be given to the appellant and the Director.

(3) Any person aggrieved by a final decision of the Planning Commission may appeal the decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than thirty (30) days from the date of the final decision.

(d) A sign permit fee shall be established by the City Council and shall be available through the Community Development Department. Additional building permit, electrical permit and/or use tax fees may apply.

(e) Sign permits are effective for a period of one (1) year from the date of permit approval, during which time the sign installation must be completed, or a request for new permit must be submitted. Requests to extend the approval period shall be submitted in writing and may be granted by the Director for up to an additional six (6) months.

(f) Unless otherwise stated in this Article, all determinations, findings and interpretations shall be made by the Community Development Department.

(Ord.on 10-08 Art. 4)

Sec. 16-29-60. General provisions.

(a) Signs shall be designed to be compatible with a building or project in terms of relative scale, overall size, materials and colors, and shall substantially conform to the Design Guidelines pursuant to Section 16-29-70.

(b) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to: height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads and distance from roads.

- (c) Freestanding signs shall employ forms and materials that duplicate or complement the design of the building or project. The design should support or frame the body of the sign with a proportionate base and a definitive cap that provides a finished appearance. Pylon signs or signs with exposed pole supports are not allowed.
- (d) Wall signs shall be comprised of individual channel letters. Internally illuminated cabinet signs are permitted for wall or freestanding signs, provided that the cabinet incorporates routed, push-through or molded letters, graphics, panels or similar qualities that provide substantial dimension and interest to the face of the sign. Up to one-third (?) of a sign may be a smooth-faced cabinet.
- (e) Wall signs shall be mounted onto the wall in such a way that mitigates the visual impacts of electrical raceways, components and conduits. This may include concealing such elements from public view, finishing them to match the background wall color, or integrating them into the overall design of the sign.
- (f) Cabinet signs shall have a predominantly darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision. The background or field should have a non-gloss, non-reflective finish.
- (g) Changeable copy signs are permitted as part of freestanding signs. Translucent white or light-colored panels are allowed. Additionally, all letters and characters must be securely placed and form complete messages (i.e., no dangling or missing letters) to ensure quality appearance and legibility.
- (h) Signs and sign structures shall be maintained at all times in a state of good repair and free from malfunction, deterioration, insect infestation, rot, rust, loosening or fading.
- (i) Any element of a building, site or landscaping damaged or altered by the removal of a sign must be repaired or replaced. If a wall sign is replacing an existing wall sign, any exposed holes or damage to the building must be repaired and repainted to match the wall surface.
- (j) Signs shall be constructed such that they are able to withstand the maximum wind pressure for the area in which they are located.
- (k) Temporary signs shall not be illuminated.
- (l) The Director or designee shall have the authority to order the repair, alteration or removal of a sign or structure which constitutes a violation of the provisions of this Article or approved permit. In the event that such a sign has not been removed, altered or repaired within a specified time frame after written notification, the Director or designee shall have the authority to remove such sign or structure at the expense of the owner of the premises on which the sign is located.
- (m) No sign shall be located, designed or lighted so as to impair the visibility of traffic movement, or to distract, or contain an element that distracts, the attention of drivers in a manner likely to lead to unsafe driving conditions, as determined by the Director or designee.
- (n) Signs within the sight distance area, as defined in the City's adopted Roadway Design and Construction Standards, at the intersections of roads and driveways are subject to review and approval by the Engineering Division.

- (o) For the purpose of enforcing signs not in conformance with this Article, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of such signs:
 - (1) The record owner of the property on which the sign is located.
 - (2) The entity or person identified in the sign.
 - (3) The person placing or affixing the sign.
- (p) All flags shall conform to the following regulations:
 - (1) No flag shall exceed five (5) feet by eight (8) feet. ~~including government or noncommercial flags.~~
 - (2) The maximum height for freestanding flagpoles shall be thirty (30) feet.
- (q) Banners erected on light poles on public or private property may be allowed upon approval of a sign permit. Banners on public property are permitted only upon execution of a license agreement approved by the City, as well as approval of a sign permit. Banners on public or private property shall conform to the following:
 - (1) Banners shall be associated with multi-tenant shopping centers, residential or mixed-use developments, transit-oriented developments, cultural or recreational entities, and similar applications. The type of banner may change periodically under the scope and terms of the agreement and/or permit.
 - (2) Banners should be sized and mounted to provide adequate visibility and spacing so as not to interfere with pedestrian or vehicular movement.
 - (3) Banners shall be made of quality, durable materials that are resistant to fading or damage by the wind and maintained in good condition.
 - (4) Mounting systems shall complement the design and color of the pole.

(Ord. 10-08 Art. 4)

Sec. 16-29-70. Design guidelines.

The Director shall establish design guidelines to effectuate the intent and purpose of this Article, to assist in its implementation, and to facilitate sign permit applications. A copy of the design guidelines is available from the Community Development Department.

(Ord. 10-08 Art. 4)

Sec. 16-29-80. On-site signs - residential.

Signs on parcels in residentially developed areas shall comply with the standards set forth in Figure 16.1, this Article, and shall substantially conform to the guidelines pursuant to Section 16-29-70.

**Figure 16.1
Signs in Residential Areas**

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Incidental sign (permanent)	3 sq. ft. <u>Max 4 sq. ft. if gross floor area of building(s) on site is <100,000 sq. ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.</u>	—		No	
Sign located at entry to subdivision	48 sq. ft. single-sided; 24 sq. ft. per sign face if double-sided (freestanding) 32 sq. ft. (wall)	8 ft.	2 per entrance to community	Yes	
Signs for uses approved by special use permit in residential areas	32 sq. ft. if single-sided (16 sq. ft. per face if double-sided)	8 ft.		Yes	Shall be approved with new or amended SIP or special use permit.
Temporary sign (single-family detached or attached)	6 sq. ft. if single sided; 16 sq. ft. per face if double sided. <u>9 sq. ft. of cumulative area per side per street frontage</u>	6 ft		No	May be lawn sign. <u>Signs shall be maintained, clean and in good repair.</u>

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Temporary sign (single-family detached or attached)	6 sq. ft. if single sided; 16 sq. ft. per face if double sided. <u>9 sq. ft. of cumulative area per side per street frontage</u>	6 ft		No	May be lawn sign. <u>Signs shall be maintained, clean and in good repair.</u>
Temporary sign (multifamily)	32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided >5 ac. = 48 sq. ft. if single-sided; 24 sq. ft. per face if double-sided	6 ft. 12 ft.	1 per street frontage 2 per street frontage	No	Non real estate signs may be posted up to 2 months prior to reasonable anticipated start of construction. Such signs for multi-family projects shall be removed upon project completion. For single-family projects, signs shall be removed after the last lot is sold, or the last unit is built.
Temporary off-premises open house real-estate sign.	Single or double sided signs not to exceed 2 ½ ft. tall by 2 ft. wide excluding frame.		4 per open house event	No	Display during daylight hours only. No bright or iridescent colors of attachments to signs. May be placed in right of way (not in medians provided they do not interfere or impede traffic of any kind. Not intended for apartment complexes.

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Directional sign for garage sales	2 ½ ft. tall by 2 ft. wide		4 per residence	No	May be placed on sidewalks provided they do not interfere or impede traffic or pedestrian movement. Signs are not permitted in medians. No sign should penetrate the ground. Devices to secure signs must be returned to proper location upon removal of sign.
Election season sign	6 sq. ft. if single sided (3 sq. ft. per side)		There is no limit to the number of signs per candidate or ballot issue.	No.	No sign shall be posted more than 90 days prior to the election to which the sign is related, and must be removed within 2 weeks of the final election. Must be placed on private land and setback 5 feet from property line. No signs are permitted on public land or rights-of-way. Lawn signs meeting these requirements are permitted.
<u>Temporary special event sign</u>	<u>32 sq. ft. if single-sided; 16 sq. ft. per side if double-sided</u>	<u>6 ft.</u>	<u>1 per street frontage</u>	<u>No</u>	

Sec. 16-29-90. On-site signs – nonresidential and multifamily apartments

Signs on parcels in nonresidential and multifamily apartment areas shall comply with standards set forth in Figure 16.2, this Article, and substantially conform to the guidelines pursuant to Section 16-29-70.

**Figure 16.2
Signs in Nonresidential and Multifamily Apartment Areas**

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Freestanding sign	Maximum sign area per sign face: 0.5 sq. ft. per 3 linear ft. of street frontage on which the sign is placed to a maximum total of 100 sq. ft. per face	15 ft.	1 per tenant frontage, per parcel	Yes	Signs shall not be placed in the right-of-way or in any easements that prohibit structures unless otherwise allowed by easement beneficiary.
Wall sign	50 sq. ft. plus 1 sq. ft. per lineal foot of building frontage, or tenant lease line, in excess of 50 ft. to a total of 100 sq. ft. per building face. For floor areas greater than 100,000 sq. ft., a maximum of 200 sq. ft. per building face	—	Office buildings or buildings with similar use where multiple tenants exist or may be planned, and where public entrance is predominantly interior are limited to 1 wall sign per building side. Additional signs may be approved where retail or other uses have separate exterior public entry.	Yes	No sign shall exceed 75% of the linear footage of the wall on which the sign is placed (within the tenant lease line or multi-tenant buildings), unless otherwise approved. See also Section 16-29-60

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Projecting sign (primary)	Shall be counted toward maximum allowable wall sign area	—	<u>1 per tenant frontage</u>	Yes	Projecting signs shall not extend more than 36" from the building to which they are attached and shall have a clearance of 8 feet from grade level to the bottom of the sign.
Projecting sign (secondary)	6 sq. ft. (3 sq. ft. per side)	—	1 per tenant frontage	Yes	Are permitted in addition to wall sign area allowance. The bottom of the sign shall be a minimum 8 feet above the sidewalk. Shall not extend more than 36" from the building to which attached.
Awning	Up to 20% of the area of the shed (slope) portion of awning and 50% of valance	—		Yes	Are permitted in addition to allowance for wall sign.
Canopy sign	25% of the fascia per side	—	Not to exceed 2 per canopy	Yes	Are permitted in addition to allowance for wall sign. Color bands and light bands are prohibited. Signs shall not extend beyond gable or fascia of canopy.

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Incidental sign (permanent)	<u>4 sq. ft./sign face (freestanding); 2 sq. ft. if building mounted. Max 4 sq. ft. if gross floor area of building(s) on site is <100,000 sq.ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.</u>	4 ft.		No	<u>If incidental sign is a projecting sign, the bottom of the sign shall be a minimum 8 feet above the sidewalk and shall not extend more than 36" from the building to which attached.</u>
<u>Temporary sign (multifamily)</u>	<u>32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided</u>	<u>6 ft.</u>	<u>1 per street frontage</u>	<u>No</u>	
Temporary sign (located on developed property)	32 sq. ft. single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	Intended for signs located on land for sale or lease.
Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided >5 ac. = 64 sq. ft. if single-sided; 32 sq. ft. per face if double-sided	6 ft. 12 ft.	1 per street frontage 2 per street frontage	No	Non-real estate signs may be posted no sooner than 2 months prior to reasonably anticipated start of construction and shall be removed upon project completion.

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Election season sign	64 sq. ft. if single sided (32 sq. ft. per side); 15 ft. height	15 ft.	There is no limit to the number of signs per candidate or ballot issue	No	No sign shall be posted more than 90 days prior to the election to which the sign is related, and must be removed within 2 weeks of the final election. Must be placed on private land and setback 5 feet from property line. No signs are permitted on public land or rights-of-way. Lawn signs meeting these requirements are permitted.
<u>Temporary special event sign</u>				<u>Yes</u>	<u>Display time is limited to duration of event. May not be placed in rights-of-way, public property, or on sidewalks.</u>

Sec. 16-29-100. Permanent sign measurement.

The area of a sign shall be measured as follows:

- (1) For a wall sign which includes a backing or background that is part of the overall sign display, the sign area measurement shall include the entire portion within such background and shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display.
- (2) For a wall sign comprised of separate elements that are organized to form a single sign, the sign area measurement shall be determined by the sum of areas in each

square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest perimeter enclosing the extreme limits of each separate element in the sign display, not including the space between each element.

- (3) For a freestanding sign, the sign area measurement shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display. The sign area shall not include the frame or structural support unless such structural support is so designed to constitute a part of the sign display.
- (4) Architectural features and structural decorations which are integral to the design of the building or freestanding structure, and are not integral to the design of the sign display, are not included in determining sign area measurement.
- (5) The maximum height of a freestanding sign is fifteen (15) feet. Sign height is measured from the base to the highest point of the sign including decorative elements and architectural features, as measured from the average finished grade.
- (6) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to: height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads, and distance from road.

(Ord. 10-08 Art. 4)

Sec. 16-29-110. Sign illumination.

The purpose of this Section is to establish standards for illuminated signs that are consistent with the City's economic and aesthetic goals while ensuring that lighting does not create glare or significant off-site impacts. In areas where an illuminated sign may impact a single-family residential area, the Director may impose requirements related to reducing illumination levels or imposing time restrictions on hours of lighting.

- (1) All illumination associated with a proposed sign shall be disclosed as part of the sign permit or temporary use permit application, and is subject to review and approval as part of said permit.
- (2) Illuminated signs shall have light levels appropriate for the ambient light conditions of the context in which it is located, so as to provide consistency and compatibility with light levels in the area.
- (3) The light source, whether internal or external to the sign, shall be shielded from view, with the exception of approved exposed LED tubing, neon, luminous tube signs or similar lighting which may be approved in nonresidential areas where it is not readily visible from residential areas.
- (4) Externally illuminated monument signs may be illuminated from a ground light source and shall utilize shielded and focused light fixtures that do not cause glare and that minimize illumination beyond the sign copy.

- (5) Freestanding permanent signs may be illuminated from solar-powered energy, provided that the location and design of the solar panels and all related exposed equipment are integrated into the design of the sign structure so as to minimize their visibility.
- (6) Illuminated cabinet signs or portions thereof that are not signed or not in use shall have illumination turned off, or otherwise screened or reduced in intensity to minimize impacts.
- (7) Illuminated signs displayed onto any surface by a projection method are subject to a sign permit or temporary use permit and shall not project onto a public sidewalk or right-of-way.
- (8) Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on private premises.
- (9) Signs shall not include animation, flashing, moving or intermittent illumination.
- (10) Illumination levels are subject to a thirty-day review period following the installation of the sign, during which time the City may inspect the sign to ensure that illumination levels are consistent and compatible with ambient light conditions in the area; do not create glare; are positioned at the appropriate angle to light the copy area; and do not have exposed light sources. The Director may require that light be shielded, reduced in intensity or removed, to ensure compliance with the requirements of this Article and the Design Guidelines. Additionally, at any time, the Director may order the modification or removal of any illumination determined to be noncompliant with this Article or the Design Guidelines.

(Ord. 10-08 Art. 4)

Sec. 16-29-120. Nonconforming signs.

- (a) Any permanent nonconforming sign lawfully existing at the time of adoption of the ordinance codified in this Article may be continued in operation and maintained after the effective date of the ordinance codified herein.
- (b) A nonconforming sign or sign structure shall be brought into conformity with this Article if it is altered, reconstructed, replaced or relocated. A change in copy is not considered an alteration or a replacement for purposes of this Section.
- (c) Termination of nonconforming signs shall occur:
 - (1) By abandonment, meaning any sign, together with its supporting structure, which remains on the property ten (10) days or more after the use with which it was approved has been vacated.
 - (2) By destruction, damage or obsolescence, which will terminate the right to maintain any nonconforming sign, including whenever the sign is damaged or destroyed in excess of fifty percent (50%) of the current replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable City ordinances.

- (3) Any sign maintained in violation of the provisions of this Article shall constitute a nuisance to be abated in a manner provided in Chapter 7, Article 1 of this Code, as amended.

(Ord. 10-08 Art. 4)

Sec. 16-29-130. Temporary banners.

- (a) Each business or entity with its own exterior public entrance to the building may display one (1) banner per tenant frontage, not to exceed two (2) banners, on no more than four (4) occasions per calendar year using any combination of days not to exceed a cumulative total of sixty (60) days per calendar year.
- (b) The maximum banner size shall not exceed fifty (50) square feet where the tenant building frontage is less than one hundred fifty (150) linear feet. Banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage.
- (c) Banners must be securely attached to the building or to a fence or wall attached to the building within the boundaries of the tenant's lease line. Banners should be pulled straight and taut wherever possible and properly maintained at all times. Banners must not block access to windows or doors and must be placed so as not to create hazardous or unsafe conditions.
- (d) A banner is allowed in place of a permanent sign as long as a sign permit for the permanent sign has been submitted and a permit is obtained for the banner. The size of the banner may be as large as the size approved for the permanent sign. The banner may be displayed for up to ninety (90) days. The banner does not count towards the regular banner time allotment.
- (e) Banners displayed on buildings that will open in the foreseeable future may be allowed as an alternative to a temporary ground sign once a building permit has been issued. One (1) banner per street frontage not to exceed two (2) banners is allowed. Banners shall not exceed fifty (50) square feet in area. However, banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage. Banners must be removed when the business is open to the public. No permit is required for these banners.
- (f) When circumstances arise that make it impossible to meet the above banner requirements, the Director has the authority to approve variations.
- (g) A banner permit application is available from the Community Development Department.
- (h) Failure to obtain a banner permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

(Ord. 10-08 Art. 4)

Sec. 16-29-140. Temporary use signage.

- (a) Signs associated with a temporary use shall be subject to the terms of the temporary use permit, as provided by Article XXII of this Chapter.
- (b) Failure to obtain a temporary use permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

(Ord. 10-08 Art. 4)

Sec. 16-29-150. Severability.

- (a) It is hereby declared to be the expressed intent that the provisions of this Article shall be severable in accordance with the provisions set forth below.
- (b) If any provision of this Article is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that:
 - (1) The effect of such decision shall be limited to the clause, sentence, paragraph or part of this Article that is expressly stated in the decision to be invalid; and
 - (2) Such decision shall not affect, impair or nullify this Article as a whole or any other part thereof, and the rest of this Article shall continue in full force and effect.
- (c) If the application of any provision of this Article to any sign, use, lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that:
 - (1) The effect of such decision shall be limited to that sign, use, lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
 - (2) Such decision shall not affect, impair or nullify this Article as a whole or the application of any provision thereof, to any other sign, use, lot, building, other structure or tract of land.

(Ord. 10-08 Art. 4)

Sec. 16-29-160. Definitions.

~~Association promotion occurs when an event is conducted on an infrequent or irregular basis by a group that does not have a permanent place of business. The event must take place in Lone Tree and be open to the public.~~

Awning means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Banner sign means a copy or graphics displayed on a flexible form made of fabric, plastic, nylon or other nonrigid material.

Billboard. See *off-premises sign*. Any other outdoor advertising prohibited by the provisions of Section 43-1-401, et seq., C.R.S. shall also be considered *billboards*.

Cabinet sign means a sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

Canopy means a multi-sided overhead structure or architectural projection supported by attachments to a building (attached) or supported by columns but not enclosed by walls (freestanding).

Changeable copy sign means a sign where letters, characters or graphics change manually through placement of letters or symbols on a panel mounted in or on a track system.

Copy means those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Day-Glo means a trade name for certain inks or lacquers that become fluorescent when activated by the ultraviolet rays of sunlight or special illumination.

Double-sided sign means a sign with two (2) parallel faces.

~~Election season means ninety (90) days prior to and fourteen (14) days after any City regular or special election, any county or special district election, or any state or federal primary or general election.~~

Electronic message sign means a sign where letters, characters or graphics are activated and displayed electronically allowing variable message or display and programming capability.

Exterior illuminated sign means a sign that is illuminated by a light source that is directed towards and shines on the face of a sign; also called *direct illumination*.

~~Flag means any fabric or similar material which is attached or otherwise suspended by one edge to a pole or rope.~~

Freestanding sign means a sign principally supported by a structure affixed to the ground or supported by one (1) or more columns, poles or braces placed in or upon the ground and not supported by a building.

~~Garage sale means a sale of used household or personal articles (such as furniture, tools or clothing) held on a resident's own premises.~~

Incidental signs, nonresidential means a sign of a permanent nature that has a purpose secondary to the use on the property and not intended to attract attention beyond the perimeter of the site. ~~, including but not limited to signs intended to instruct users as to matters of direction, necessity, hours of operation, credit card information or public safety, provided the signs do not exceed four (4) square feet in area if freestanding and (2) square feet if building mounted.~~

~~*Incidental signs, residential* means a sign of a permanent nature not exceeding three (3) square feet. Incidental signs are associated with identifying the location or name of a residence, including but not limited to the street number, name of building or occupant, building or unit number or similar purpose.~~

Lawn sign means a temporary sign that is erected by means of inserting one (1) or more stakes into the ground.

Nonconforming sign means a sign, which on the effective date of the ordinance codified in this Article, was lawfully maintained and had been lawfully erected in accordance with the

provisions of any prior applicable sign regulation but which does not conform to the limitations established by this Article, as amended.

Off-premises sign means a sign directing attention to a specific establishment, service, product, activity, or event that that is not business, product, service, entertainment event or activity or other commercial activity that is not sold, produced, manufactured, furnished or conducted at the property upon which the sign is located.

Portable sign means a sign that is designed to be moved easily such as an easel or A-framed sign, and not permanently affixed to the ground, to a structure or to a building, is not permanently affixed to the ground, does not penetrate the ground, and is not permanently affixed to a structure or a building.

Projecting sign (primary) means a building-mounted sign with the faces of the sign projecting from and perpendicular to the building fascia, ~~and which serves as a main identification sign for the use.~~

~~*Projecting sign (secondary)* means a building-mounted sign with the faces of the sign projecting from and perpendicular to the building fascia, and which serves as a purpose secondary to the main identification sign and is predominantly intended to be viewed by pedestrians.~~

Push-through means a letter or logo that is cut out of a backing material as thick as or thicker than the sign face material, and then mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.

Pylon sign means a freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

Raceway means an electrical enclosure that may also serve as a mounting device for a wall sign.

~~*Sidewalk sign* means a freestanding portable sign including an easel or A-framed sign that is typically hinged at the top or attached in a similar manner.~~

Sign means any device visible from a public place that displays ~~either commercial or noncommercial~~ messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign display means the combination of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color intended to differentiate such elements from the background to which they are placed.

Temporary sign means a sign displaying any messages intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs, including banners, are considered temporary signs.

Temporary Special Event Sign means signage that may exceed allowable permanent signage for an entity, provided that the signage is associated with an approved Temporary Use Permit. Display time is limited to the duration of the special event. The language on these signs need not be tied to the event.

Wall sign means a sign that is in any manner affixed to any exterior wall of a building or structure, excluding banners.

Window sign means a sign that is applied or attached to the interior or exterior surface of a window or window frame.

Attachment B
Referral Responses

Subject: Lone Tree referral RG16-53 is ready for review

There is a referral for your review. Please click on the link below to review this referral.

Project Name:	Ordinance Update to Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards
Project File #:	RG16-53
Project Summary:	This is a red-lined, proposed update to the City of Lone Tree's Sign Standards including consolidating and simplifying categories, updating standards, and updating definitions.

Please forward any comments to me by **August 15** via email, fax or postal mail at the addresses below. You may use the Referral Request form attached if you prefer. If you would like a hard copy of the review materials or if you would like to request additional review time, please contact me.

Thank you for your time and please feel free to contact me with any questions.

Hans Friedel

Lone Tree Community Development Department
9220 Kimmer Drive, #100
Lone Tree, CO 80124
Phone: 303.708.1818
Fax: 303.225.4949
Hans.friedel@cityoflonetree.com

From: [PCMS Corporate Office](#)
To: [Hans Friedel](#)
Subject: FW: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016:
Lone Tree Development Referrals
Date: Monday, August 15, 2016 8:25:59 AM

Dear Hans:

Please see comments below from the Terra Ridge at Lone Tree Homeowners Association Board of Directors regarding this referral request.

Thank you
Jessica Moser
PCMS

- *The City would be advised that under the proposed revisions of section 16-29-30 (4) to exempt a sign from a permit because it would be shown & approved under a site plan, that the governing body should utilize the sign code criteria, not site plan criteria for determining compatibility of size, scale and location. Due to the recent City of Gilbert, Az - Supreme court ruling, avoid making any determination to approve or deny based on sign content.*

From: information@cityoflonetree.com [<mailto:information@cityoflonetree.com>]

Sent: Monday, August 01, 2016 9:55 AM

To: corpoffice@pcms.net

Subject: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016: Lone Tree Development Referrals

There is a City of Lone Tree referral request for your review. Referral comments are due back by August 15, 2016.

This is a referral request for proposed updates to the [Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53](#). The proposed changes are red-lined and consist of consolidating and simplifying categories, updating standards, and updating definitions.

Please forward any comments to hans.friedel@cityoflonetree.com by August 15, 2016.

To unsubscribe to this newsletter, please go to:

<http://cityoflonetree.com/newsletter/one.aspx?objectId=2292167&targetId=50415&contextId=1941398&action=unsubscribe>

From: [Linda Langewisch](#)
To: [Hans Friedel](#)
Subject: RE: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016:
Lone Tree Development Referrals
Date: Thursday, August 25, 2016 3:33:03 PM

Good Afternoon:

The RidgeGate West Village HOA has no comments for:

[Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53.](#)

Thank you,

Linda Langewisch, CAM, CMCA

Community Manager

MSI, LLC

6892 So. Yosemite Court Suite 2.101

Centennial, Co 80112

720.974.4273

Fax 303.751.7396

LLangewisch@msiho.com

From: Linda Langewisch
Sent: Monday, August 01, 2016 10:12 AM
To: Dan Clawson- BH (dbclawson1946@gmail.com) <dbclawson1946@gmail.com>; 'Dean Bowman' <dmb7800@yahoo.com>; Eric Hartman <renaissancerwvca@gmail.com>; Jim Olmstead- AL (jimolmstead@hotmail.com) <jimolmsted@hotmail.com>; Jon Gilbertson <jon.gilbertson@gmail.com>; Marilee Wing <parksidesac@centurylink.net>; Steve Crawley <flyerman51@centurylink.net>
Subject: FW: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016: Lone Tree Development Referrals

Good Morning:

Please review the attached referral re: signage in the community. Please have your comments back to me no later than Friday, August 5.

Thank you,

Linda Langewisch, CAM, CMCA

Community Manager

MSI, LLC

6892 So. Yosemite Court Suite 2.101

Centennial, Co 80112

720.974.4273

Fax 303.751.7396

LLangewisch@msiho.com

From: [Jeremy Hirsch](#)
To: [Hans Friedel](#)
Subject: RE: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016: Lone Tree Development Referrals
Date: Monday, August 15, 2016 11:01:07 AM

Hans,

Our office has “no comments” regarding this project.

Thank you,

Jeremy Hirsch
GIS Specialist II | Douglas County Assessor
301 Wilcox Street | Castle Rock, CO 80104
303-660-7450 ext. 4228 | 303-479-9751 Fax

From: Marian Woodward
Sent: Tuesday, August 02, 2016 7:49 AM
To: Jeremy Hirsch; Brooke Decker
Subject: FW: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016: Lone Tree Development Referrals

Marian A. Woodward
Assessment Administrator
Douglas County Assessor
303.663.6201

From: information@cityoflonetree.com [mailto:information@cityoflonetree.com]
Sent: Monday, August 01, 2016 9:55 AM
To: Marian Woodward
Subject: Lone Tree referral request for proposed updates to Sign Standards. Please respond by August 15, 2016: Lone Tree Development Referrals

There is a City of Lone Tree referral request for your review. Referral comments are due back by August 15, 2016.

This is a referral request for proposed updates to the [Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53](#). The proposed changes are red-lined and consist of consolidating and simplifying categories, updating standards, and updating definitions.

Please forward any comments to hans.friedel@cityoflonetree.com by August 15, 2016.

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<http://cityoflonetree.com/newsletter/one.aspx?>



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Paul A. Hindman, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

August 26, 2016

UDFCD Maintenance Eligibility Program Referral Review Comments

To: **Hans Friedel**
Project: **Proposed City Sign Standards**
Stream: **N/A**
UDFCD MEP Phase: **Design**
UD MEP ID: **103144/10000657**

Dear Hans,

This letter is in response to the request for our comments concerning the referenced project. We appreciate the opportunity to review this proposal. We have no objection to the proposed Sign Standards referred by the City.

Please feel free to contact me with any questions or concerns.

Sincerely,
Urban Drainage and Flood Control District

John M. Pflaum, P.E.
Floodplain Management Program

From: [Olson - DNR, Justin](#)
To: [Hans Friedel](#)
Cc: [Eliza Hunholz - DNR](#); [Suzie Cooper - DNR](#); [Matt Martinez - DNR](#)
Subject: Lone Tree Land Use: Municipal Code, Chapter 16 - Zoning, Article XXIX - Sign Standards (Project RG16-53)
Date: Monday, August 01, 2016 1:12:24 PM

Mr. Friedel-

Thank you for the opportunity to comment on the referral request for the proposed updates to the Lone Tree Municipal Code Sign Standards under Project RG16-53. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Upon review of the proposed referral request, Colorado Parks and Wildlife (CPW) has no objections to the updates moving forward as planned for approval.

Please do not hesitate to contact us about ways to continue developing and managing your properties in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact me at [\(303\) 291-7131](tel:3032917131).

Justin Olson
District Wildlife Manager
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114
6060 Broadway, Denver, CO 80216
justin.olson@state.co.us | www.cpw.state.co.us

From: [Jeff Sceili](#)
To: [Hans Friedel](#)
Subject: Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, Project RG16-53
Date: Tuesday, August 02, 2016 1:52:50 PM

Hans,

I do not have any comments for the sign standards document. Do you need a formal letter from me?

Thanks,

Jeff Sceili
Plan Reviewer

jeff.sceili@southmetro.org

Cell: 303-548-0233

Office: 720-989-2244

LSB: 720-989-2230



Life Safety Bureau
South Metro Fire Rescue
9195 East Mineral Avenue
Centennial, CO 80112
www.southmetro.org



Commission on
Fire Accreditation
International



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

August 15, 2016

City of Lone Tree Community Development Department
9220 Kimmer Drive, #100
Lone Tree, CO 80124

Attn: Hans Friedel

Re: Sign Standards Update, Case # RG16-53

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Sign Standards Update** and has **no apparent conflict**.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

Attn: Realtors and Real-Estate Professionals

As one of the groups who may be impacted by these proposed changes in temporary sign regulations, we want to let you know what the city is doing and why. Attached, please find a proposed update to the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, including consolidated and simplified categories, updated standards, revised definitions, and administrative changes. These changes will impact where temporary open house signs can be located.

Current Standards

Currently, realtors in Lone Tree may place 4 temporary off-premises open house real estate signs, not to exceed 2½ feet tall by 2 feet wide excluding frame, per open house event and must be freestanding. These signs can be displayed during daylight hours only and cannot feature bright or iridescent colors or attachments. Currently, they may be placed along streets in public rights-of-way (not in medians) provided they do not interfere or impede traffic.

Proposed Changes

The proposed changes will prohibit the location of all temporary signs along the street in the public rights-of-way (ROW) regardless of content. The current category of “temporary off premises open house real estate sign” will be consolidated into the “temporary special event sign” category and limited to one sign per street frontage, per parcel in residential areas (no number limit in nonresidential and multifamily areas). All signs must be located on private property (with permission of the property owner) and can be left up for the duration of the event. In residential areas, the following size limits shall apply per sign: 32 square feet if single-sided; 16 square feet per side if double-sided, with a maximum height of 6 feet. The proposed regulations, though more restrictive on where temporary signs can be placed, do allow them to be larger.

Municipal sign regulations must treat all temporary signs fairly under the legal precedent established by the landmark U.S. Supreme Court Case, *Reed v. Gilbert* (2015). Gilbert, Arizona had a sign code that treated different categories of temporary signs differently – as did many cities. The Supreme Court found this practice unconstitutional under the free speech protection afforded signs from the 1st Amendment. For these legal reasons, staff supports these proposed changes.

The first public hearing is scheduled for the **October 4th** City Council regular meeting, and the second reading for the **October 18th** City Council regular meeting – both held at the Lone Tree Civic Center at 7:00 p.m. We expect that these changes will become effective **January 1st, 2017**.

The City will reach out with more information once changes are adopted. Please forward any comments to me by September 26th via email, fax, or mail. Please feel free to forward this email and feel free to contact me with any questions.

Regards,

Hans G. Friedel

Planner III

City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124
720.509.1271
hans.friedel@cityoflonetree.com
www.cityoflonetree.com

From: brandon@scghomes.com
To: [Hans Friedel](mailto:Hans.Friedel)
Cc: lane@flyhome303.com
Subject: RE: City of Lone Tree Revised Sign Standards
Date: Tuesday, September 13, 2016 1:57:15 PM
Attachments: [image001.png](#)

Good Afternoon,

Thank you very much for thinking of us and keeping us in the loop of your proposed changes. It genuinely means a lot that you made the effort to get us involved and keep us informed. We will inform our agents as well.

Can you define private property for me as well? A covenant controlled community with common areas, I believe is considered private property and just want to see if you're of the same opinion of interpretation.

I know you always have the residents of the community in mind when it comes to proposing additional regulations. Obviously these strict limitations on the sign visibility of an event like an open house, garage sales or community event constricts exposure and revenue for the community local businesses. Has this been taken into consideration?

Best Regards,

Brandon

Brandon Rossell

Structure CO Group at

Re/Max Structure

**Realtor, Master Certified Negotiation Expert-*

Consecutive Five Star Real Estate Agent & Managing Partner

Direct: (303) 999-9727

Office: (303) 923-8136

Email: Brandon@SCGHomes.com

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Please keep me in mind if you hear of someone thinking about making a move who would appreciate the excellent, committed service we've offered you? I'd be honored to have the opportunity of speaking with them.



Like us to keep up on the latest Market news, trends or if you just want to show your appreciation for our services.

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*Mon.-Fri. 8am-6pm

*Evenings and Weekends by appointment

*Sundays are generally Family Days

From: [Susie Wargin](#)
To: [Hans Friedel](#)
Subject: Re: City of Lone Tree Revised Sign Standards
Date: Sunday, September 18, 2016 9:00:51 PM

Hi Hans - thank you for sending this information along. I am a little concerned about not being able to put one sign on a public street for an open house. I completely understand only one because some agents are getting absolutely ridiculous with their signage and it looks horrible. We have a huge offender right now in Carriage Club (Bud Doyle) who holds his listing open all the time and I think one time I counted 20 open house signs from Lincoln to the house.

I have a booster meeting at HRHS on Oct 4th at 6pm but will come to the meeting afterwards. I would really like to have the council entertain continuing with one sign on a public road and highly enforce that single sign rule.

Susie Wargin

Realtor®, RE/MAX Alliance
Cell/Text: 303-517-7484
Office: 303-796-1267

susie@susiewargin.com
www.SusieWargin.com



6465 Greenwood Plaza Blvd #280
Greenwood Village, CO 80111

"Over the years we have used several agents. Never again. Susie is simply the best" Mark & Judy S. (sellers) ~ July 2016

On Tue, Sep 13, 2016 at 1:25 PM, Hans Friedel <Hans.Friedel@cityoflonetree.com> wrote:

Attn: Realtors and Real-Estate Professionals

As one of the groups who may be impacted by these proposed changes in temporary sign regulations, we want to let you know what the city is doing and why. Attached, please find a proposed update to the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, including consolidated and simplified categories, updated standards, revised definitions, and administrative changes. These changes will impact where temporary open house signs can be located.

Current Standards

Currently, realtors in Lone Tree may place 4 temporary off-premises open house real estate signs, not to exceed 2½ feet tall by 2 feet wide excluding frame, per open house event and must be freestanding. These signs can be displayed during daylight hours only and cannot feature bright or iridescent colors or attachments. Currently, they may be placed along streets in public rights-of-way (not in medians) provided they do not interfere or impede

From: brandon@scghomes.com
To: [Hans Friedel](mailto:Hans.Friedel)
Cc: lane@flyhome303.com; [Alex Gershkovich](mailto:Alex.Gershkovich); maria@scghomes.com
Subject: RE: City of Lone Tree Revised Sign Standards
Date: Wednesday, September 14, 2016 11:43:53 AM
Attachments: [image001.png](#)

Thank you Hans, I appreciate the additional communication and will distribute the content.
Have a good day.

Best Regards,

Brandon

Brandon Rossell

Structure CO Group at

Re/Max Structure

**Realtor, Master Certified Negotiation Expert-
Consecutive Five Star Real Estate Agent & Managing Partner*

Direct: (303) 999-9727

Office: (303) 923-8136

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*Sundays are generally Family Days

----- Original Message -----

Subject: RE: City of Lone Tree Revised Sign Standards
From: "Hans Friedel" <Hans.Friedel@cityoflonetree.com>
Date: 9/13/16 4:31 pm
To: "brandon@scghomes.com" <brandon@scghomes.com>

Brandon,

Thank you for the email and questions. A covenant controlled community common area, HOA tract, etc., would be considered private property. Really anything other than the public rights-of-way (ROW) and/or public parks and facilities, would be considered private property. In terms of your second question, the impacts have been considered. The legal team strongly encouraged us to prohibit temporary signs in the ROW. Currently, businesses are not allowed to post signs in the ROW. It is only the categories of real-estate open house signs, garage sale signs, association promotions, and signs associated with a temporary use/special event that can be placed in the ROW currently. Election season signs, business signs, etc., cannot. The issue is how to regulate signs in a content-neutral and consistent manner following *Reed v. Gilbert*.

One thing we did do, was go out and take pictures of where temporary signs could possibly go using one of our city garage sale signs (See below). In many places with attached sidewalks (most corners and intersections), the new regulations wouldn't have much of an impact. Currently, placing signs in medians is prohibited, as well as impeding ADA access on the sidewalk, so the below example of the sign outside of the sidewalk is really the only legal place to locate the sign currently – and under the proposed changes.

We will be working on outreach materials (likely on a brochure and/or website) with placement criteria, examples, permit requirements, etc., prior to any changes taking effect. Please let me know if you have further questions, concerns, and/or feedback. I will include referral responses including your email in the packet that goes out to City Council.

OK – out of ROW



Prohibited



Prohibited



Good Afternoon,

Thank you very much for thinking of us and keeping us in the loop of your proposed changes. It genuinely means a lot that you made the effort to get us involved and keep us informed. We will inform our agents as well.

Can you define private property for me as well? A covenant controlled community with common areas, I believe is considered private property and just want to see if you're of the same opinion of interpretation.

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Brandon Rossell

Structure CO Group at

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----- Original Message -----

Subject: City of Lone Tree Revised Sign Standards
From: "Hans Friedel" <Hans.Friedel@cityoflonetree.com>
Date: 9/13/16 1:25 pm
To:
Cc: "Hans Friedel" <Hans.Friedel@cityoflonetree.com>

Attn: Realtors and Real-Estate Professionals

As one of the groups who may be impacted by these proposed changes in temporary sign regulations, we want to let you know what the city is doing and why. Attached, please find a proposed update to the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards, including consolidated and simplified categories, updated standards, revised definitions, and administrative changes. These changes will impact where temporary open house signs can be located.

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From: [Denver Vince](#)
To: [Hans Friedel](#)
Cc: [Hans Friedel](#)
Subject: Re: City of Lone Tree Revised Sign Standards
Date: Thursday, September 15, 2016 5:01:13 PM
Attachments: [ATT00001.txt](#)
[ATT00002.htm](#)

GOVERNMENT SUCKS. Quit interfering with our lives!
Regards, Vince

Vincent Miller
Principal
303-358-9998
RealEstateBrokers@juno.com

Please note: message attached

From: Hans Friedel <Hans.Friedel@cityoflonetree.com>
To: Undisclosed-recipients;;
Cc: Hans Friedel <Hans.Friedel@cityoflonetree.com>
Subject: City of Lone Tree Revised Sign Standards
Date: Tue, 13 Sep 2016 19:25:02 +0000

No Time For Gym, I Add This To Water Instead!
Bodybuilding Lifestyle
<http://thirdpartyoffers.juno.com/TGL3141/57db280a24bf028093bf6st02duc>

From: [Cheri Barber-Walker](#)
To: [Hans Friedel](#)
Subject: Re: City of Lone Tree Revised Sign Standards
Date: Tuesday, September 13, 2016 2:44:16 PM

Thank you for the information!!

Cheri Barber-Walker
RE/MAX Alliance-DTC
cbwsells@aol.com
303 773 8097 - office direct
303 880 1993 - cell/text
RE/MAX Hall of Fame
National Realtor Emeritus Award
Thank you for your referrals!

-----Original Message-----

From: Hans Friedel <Hans.Friedel@cityoflonetree.com>
Cc: Hans Friedel <Hans.Friedel@cityoflonetree.com>
Sent: Tue, Sep 13, 2016 1:25 pm
Subject: City of Lone Tree Revised Sign Standards

Attn: Realtors and Real-Estate Professionals

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Currently, realtors in Lone Tree may place 4 temporary off-premises open house real estate signs, not to exceed 2½ feet tall by 2 feet wide excluding frame, per open house event and must be freestanding. These signs can be displayed during daylight hours only and cannot feature bright or iridescent colors or attachments. Currently, they may be placed along streets in public rights-of-way (not in medians) provided they do not interfere or impede traffic.

Proposed Changes

The proposed changes will prohibit the location of all temporary signs along the street in the public rights-of-way (ROW) regardless of content. The current category of “temporary off premises open house real estate sign” will be consolidated into the “temporary special event sign” category and limited to one sign per street frontage, per parcel in residential areas (no number limit in nonresidential and multifamily areas). All signs must be located on private property (with permission of the property owner) and can be left up for the duration of the event. In residential areas, the following size limits shall apply per sign: 32 square feet if single-sided; 16 square feet per side if double-sided, with a maximum height of 6 feet. The proposed regulations, though more restrictive

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2016

Ordinance No. 16-02

**AN ORDINANCE AMENDING THE CITY OF LONE TREE
ZONING CODE - SIGN STANDARDS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

- A. The City of Lone Tree (the "City") is a home rule municipality operating under a Charter adopted on May 5, 1998 and a Municipal Code adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.
- B. The procedures by which the Zoning Code may be amended are set forth in Section 16-1-100 of the Municipal Code.

ARTICLE 2 – FINDINGS OF FACT

- A. Due to a recent United States Supreme Court decision in *Reed v Town of Gilbert*, the Community Development Director has determined that certain amendments (the "Amendments") to the Sign Standards are required. These Amendments are incorporated into the Sign Standards found in Exhibit A, attached hereto and incorporated herein by this reference.
- B. The Community Development Director prepared a preliminary report on the proposed Amendments to the Sign Standards which was delivered to the Planning Commission for consideration at a public hearing.
- C. A public hearing before the Planning Commission was held on September 13, 2016, for which public notice was duly given in compliance with Section 16-1-120 of the Municipal Code. At the hearing, the Planning Commission allowed testimony from the public, reviewed staff reports and the preliminary report, and evaluated the proposed Amendments.
- D. The Planning Commission, through the Community Development Department, prepared a final report containing a recommendation to the

City Council for approval of the proposed Amendments to the Sign Standards.

- E. A public hearing before the City Council was scheduled to hear public testimony and consider the proposed Amendments for which public notice was duly given in compliance with Section 16-1-120 of the Municipal Code.
- F. As a result of careful consideration, the City Council finds that the amended Sign Standards bring the City into compliance with the First Amendment to the United States Constitution, as articulated by the United States Supreme Court in *Reed v Town of Gilbert*.
- G. The City Council has determined that the proposed Amendments are in the best interests of the health, safety and welfare of the public and the residents of the City.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 – REPEAL AND ADOPTION

Article XXIX, Chapter 16 of the Municipal Code, Sign Standards, is hereby repealed in its entirety and re-adopted as attached to this Ordinance as Exhibit A.

ARTICLE 5 – PROVISIONS EFFECTIVE

The provisions of this Ordinance shall go into effect on January 1, 2017.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance or in the Sign Standards hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 8 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 4TH DAY OF OCTOBER, 2016.

CITY OF LONE TREE:

Jacqueline A. Millet, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(S E A L)

EXHIBIT A

ARTICLE XXIX Sign Standards

Sec. 16-29-10. Purpose and intent.

The purpose of this Article is to provide regulations that protect the health, safety and welfare of the public and support the economic well-being of the community by creating a favorable physical image. These regulations are intended to further the goals and policies in the City Comprehensive Plan and Design Guidelines. More specifically, the intent of this Article is to:

- (1) Preserve and enhance an attractive physical appearance of the community and promote a healthy and vibrant economy.
- (2) Encourage signs that are well-designed, that attract, rather than demand, the public's attention, and that do not create a nuisance, distraction or impediment to travelers or adjacent landowners by their brightness, size or height.
- (3) Provide businesses, individuals, institutions and organizations within the City a reasonable opportunity to use signs as an effective means of identification and communication, while appropriately regulating the time, place and manner under which signs may be displayed.
- (4) Foster the safety of motorists and pedestrians by assuring that all signs are in safe and appropriate locations.
- (5) Provide content-neutral review and approval procedures that ensure compliance with, and consistent enforcement of, the requirements of this Article.

Sec. 16-29-20. Application of Article.

- (a) The regulations contained in this Article shall apply to all outdoor signs in the City, unless otherwise provided for in this Article.
- (b) Any sign that can be displayed under the provisions of this Article may contain a noncommercial message.
- (c) Regulations contained in this Article shall apply to signs in all zoning districts. On parcels where mixed-uses (both residential and nonresidential) exist, residential uses shall comply with residential sign regulations and nonresidential uses shall comply with nonresidential sign regulations provided in this Article.
- (d) Signs within a Planned Development (PD) District shall be governed by this Article, except when the PD, or a Sub-Area Plan of the PD, has been adopted by the City Council, which incorporates additional or alternative standards for

signage. In those cases, the sign provisions of the PD or Sub-Area Plan shall govern and supersede provisions of this Article. If a particular element is not addressed in one (1) of the above, the provisions of this Article shall apply.

- (e) Alternative sign standards may be approved by the Planning Commission as part of a wayfinding signage plan developed by the City, or as part of a Site Improvement Plan for commercial centers or districts in excess of one hundred (100) acres, or for freestanding buildings in excess of one hundred thousand (100,000) square feet. In these cases, the Planning Commission may approve signs that vary from standards herein upon demonstration of compliance with the intent of this Article and the Design Guidelines.
- (f) Signs in the C4-Commercial Zone District, as amended, are regulated by additional restrictions of that zone district.
- (g) The regulations shall not apply to temporary signs erected by state or local government agencies or their contractors, or public utility companies to communicate information to the public, facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.
- (h) Approved architectural and site features associated with a Site Improvement Plan are exempt from the regulations provided in this Article.

Sec. 16-29-30. Signs allowed without a sign permit.

The following signs are allowed without a permit:

- (1) Any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation.
- (2) All flags shall comply with standards of Subsection 16-29-60 (p). Up to three (3) flags per premises. More than three (3) flags shall require approval through a Site Improvement Plan process.
- (3) Window signs that do not exceed a total of fifty percent (50%) of the total window area per building side or per tenant occupied building frontage in a multi-tenant building. Window signs temporarily covering windows of unoccupied buildings or tenant spaces for sale or lease may exceed the maximum area requirement. "Day-Glo" fluorescent, luminous or reflective color window signs are prohibited. A banner applied to the exterior surface of a window is not considered a window sign and shall require a banner permit (see Section 16-29-130).
- (4) Signs on motor vehicles for sale or lease, including trucks, buses and trailers, that do not exceed two (2) total square feet. Federally mandated window stickers shall not be included in the calculation of square footage. "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles are prohibited.

- (5) Signs erected by state or local government agencies or their contractors, or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.
- (6) Incidental signs in residential areas where noted in Figure 16.1 herein, and in nonresidential and multifamily areas where noted in Figure 16.2 herein.
- (7) Temporary signs in residential areas as noted in Figure 16.1.
- (8) Temporary signs in nonresidential areas as noted in Figure 16.2.
- (9) Portable signs, including A-frame signs, that do not exceed one (1) per public entry door to an establishment, not to exceed twelve (12) square feet per side per sign, and located within twenty (20) feet of the entry of the establishment. The sign shall not be placed in a parking lot, right-of-way or in a median; shall not block exits or pose a hazard to vehicular or pedestrian traffic; shall not penetrate the ground; and shall be placed to assure continuous ADA access. Establishments with drive-through windows may have one portable (1) sign placed on the interior side of the drive-through, not to exceed twelve (12) square feet per side. Signs may be displayed during business hours only and must be stored indoors upon close of business.
- (10) Signs used for purposes of direction, instruction or safety at construction sites.

Sec. 16-29-40. Prohibited signs.

The following signs are prohibited unless otherwise approved as part of a temporary use permit, banner permit or as otherwise provided in this Article. Signs not specifically addressed below or in this Article, or which are reasonably similar to the following, are considered prohibited as determined by the Director.

- (1) Portable signs, including but not limited to temporary promotional signs, balloons, inflatable devices, advertising flags, flutter flags, pennants or spinners, inflatable signs, lawn signs, banners, and sail banners.
- (2) Commercial flags and balloons that are mounted or attached on vehicles for sale or lease and "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles for sale or lease.
- (3) Vehicle-mounted signage located for the purpose of advertisement, business identity or directional guidance on private or public property on or near street frontages or access drives. Such vehicles are required to locate to the rear of the building, loading area or other less visible interior space so as not to be used as signage when parked.
- (4) Beacons, flashing signs, search lights and any lights that project towards the sky; and signs with any type of animation or intermittent lighting effects including messages that flash, blink, scroll or move.

- (5) Any sign emitting sound for the purpose of attracting attention.
- (6) Signs in the public right-of-way or on public property, except signs erected by the City, a licensee of the City, a special district serving the City or the State in accordance with the Manual on Uniform Traffic Control Devices, as amended. Signs in the public right-of-way or on public property that are not approved or otherwise exempted may be removed by the Director or designee and discarded. Those who install such signs may be subject to a penalty in accordance with this Chapter.
- (7) Roof-mounted signs, or signs which project above the highest point of the roofline or fascia of the building.
- (8) Signs on landscaping, lawns, pavement or furniture, such as benches, bike racks, light poles and similar site or streetscape elements, unless otherwise approved by the City.
- (9) Electronic message signs.
- (10) Changeable copy signs (wall-mounted).
- (11) Off-premises signs, including billboards, are prohibited except as otherwise provided in this Article. Off-premises signs may be permitted as follows: where two (2) or more businesses within commercial centers (with adjacent uses and common access) or shopping centers consolidate signage that provides enhanced wayfinding and identification in compliance with the applicable regulations of this Article and the Design Guidelines; or where construction has temporarily closed or altered the access into or out of a property.

Sec 16-29-50. Sign permit.

- (a) Unless specifically exempted in Section 16-29-30, a permit shall be required from the Community Development Department for erection of all signs, and for any change to an existing approved sign resulting in a modified appearance or increase in total area. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the sign's owner from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Article.
- (b) All requests for signage shall be accompanied by a completed sign permit application, colored illustration, scaled drawings of building or tenant-occupied frontages, sign dimensions and sign specifications. Applications for permanent wall signs shall include an image or images with sign(s) superimposed on the building face and showing all existing wall signage, if any. Applications for permanent freestanding signs shall include a site plan showing the location, setback, height and sign area of all proposed and existing signage if any, and existing and proposed landscaping and easements, as applicable. Applications for freestanding signs in excess of six (6) feet in height shall be accompanied by an engineered drawing or stamped certificate by a certified

engineer attesting to the structural stability of the sign, as requested by the City. All completed applications shall be decided within thirty (30) days of submission.

(c) Appeals.

(1) Any person aggrieved by any decision of an administrative officer of the City pursuant to the provisions of this Section may appeal that decision to the Director. Such appeal shall be filed in writing within ten (10) days of receipt of the decision. The Director may meet informally with the appellant and shall render a decision in writing within twenty (20) days of receipt of the appeal.

(2) Any person aggrieved by the decision of the Director may appeal the decision to the Planning Commission. Such appeal shall be filed in writing within ten (10) days of receipt of the decision. The Planning Commission shall schedule a hearing and render a decision in writing within twenty (20) days of receipt of the appeal. The written decision shall be given to the appellant and the Director.

(3) Any person aggrieved by a final decision of the Planning Commission may appeal the decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than thirty (30) days from the date of the final decision.

(d) A sign permit fee shall be established by the City Council and shall be available through the Community Development Department. Additional building permit, electrical permit and/or use tax fees may apply.

(e) Sign permits are effective for a period of one (1) year from the date of permit approval, during which time the sign installation must be completed, or a request for new permit must be submitted. Requests to extend the approval period shall be submitted in writing and may be granted by the Director for up to an additional six (6) months.

(f) Unless otherwise stated in this Article, all determinations, findings and interpretations shall be made by the Community Development Department.

Sec. 16-29-60. General provisions.

(a) Signs shall be designed to be compatible with a building or project in terms of relative scale, overall size, materials and colors, and shall substantially conform to the Design Guidelines pursuant to Section 16-29-70.

(b) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to: height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads and distance from roads.

- (c) Freestanding signs shall employ forms and materials that duplicate or complement the design of the building or project. The design should support or frame the body of the sign with a proportionate base and a definitive cap that provides a finished appearance. Pylon signs or signs with exposed pole supports are not allowed.
- (d) Wall signs shall be comprised of individual channel letters. Internally illuminated cabinet signs are permitted for wall or freestanding signs, provided that the cabinet incorporates routed, push-through or molded letters, graphics, panels or similar qualities that provide substantial dimension and interest to the face of the sign. Up to one-third (?) of a sign may be a smooth-faced cabinet.
- (e) Wall signs shall be mounted onto the wall in such a way that mitigates the visual impacts of electrical raceways, components and conduits. This may include concealing such elements from public view, finishing them to match the background wall color, or integrating them into the overall design of the sign.
- (f) Cabinet signs shall have a predominantly darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision. The background or field should have a non-gloss, non-reflective finish.
- (g) Changeable copy signs are permitted as part of freestanding signs. Translucent white or light-colored panels are allowed. Additionally, all letters and characters must be securely placed and form complete messages (i.e., no dangling or missing letters) to ensure quality appearance and legibility.
- (h) Signs and sign structures shall be maintained at all times in a state of good repair and free from malfunction, deterioration, insect infestation, rot, rust, loosening or fading.
- (i) Any element of a building, site or landscaping damaged or altered by the removal of a sign must be repaired or replaced. If a wall sign is replacing an existing wall sign, any exposed holes or damage to the building must be repaired and repainted to match the wall surface.
- (j) Signs shall be constructed such that they are able to withstand the maximum wind pressure for the area in which they are located.
- (k) Temporary signs shall not be illuminated.
- (l) The Director or designee shall have the authority to order the repair, alteration or removal of a sign or structure which constitutes a violation of the provisions of this Article or approved permit. In the event that such a sign has not been removed, altered or repaired within a specified time frame after written notification, the Director or designee shall have the authority to remove such sign or structure at the expense of the owner of the premises on which the sign is located.

- (m) No sign shall be located, designed or lighted so as to impair the visibility of traffic movement, or to distract, or contain an element that distracts, the attention of drivers in a manner likely to lead to unsafe driving conditions, as determined by the Director or designee.
- (n) Signs within the sight distance area, as defined in the City's adopted Roadway Design and Construction Standards, at the intersections of roads and driveways are subject to review and approval by the Engineering Division.
- (o) For the purpose of enforcing signs not in conformance with this Article, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of such signs:
 - (1) The record owner of the property on which the sign is located.
 - (2) The entity or person identified in the sign.
 - (3) The person placing or affixing the sign.
- (p) All flags shall conform to the following regulations:
 - (1) No flag shall exceed five (5) feet by eight (8) feet.
 - (2) The maximum height for freestanding flagpoles shall be thirty (30) feet.
- (q) Banners erected on light poles on public or private property may be allowed upon approval of a sign permit. Banners on public property are permitted only upon execution of a license agreement approved by the City, as well as approval of a sign permit. Banners on public or private property shall conform to the following:
 - (1) Banners shall be associated with multi-tenant shopping centers, residential or mixed-use developments, transit-oriented developments, cultural or recreational entities, and similar applications. The type of banner may change periodically under the scope and terms of the agreement and/or permit.
 - (2) Banners should be sized and mounted to provide adequate visibility and spacing so as not to interfere with pedestrian or vehicular movement.
 - (3) Banners shall be made of quality, durable materials that are resistant to fading or damage by the wind and maintained in good condition.
 - (4) Mounting systems shall complement the design and color of the pole.

Sec. 16-29-70. Design guidelines.

The Director shall establish design guidelines to effectuate the intent and purpose of this Article, to assist in its implementation, and to facilitate sign permit applications. A copy of the design guidelines is available from the Community Development Department.

Sec. 16-29-80. On-site signs - residential.

Signs on parcels in residentially developed areas shall comply with the standards set forth in Figure 16.1, this Article, and shall substantially conform to the guidelines pursuant to Section 16-29-70.

**Figure 16.1
Signs in Residential Areas**

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Incidental sign (permanent)	Max 4 sq. ft. if gross floor area of building(s) on site is <100,000 sq. ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.	—		No	
Sign located at entry to subdivision	48 sq. ft. single-sided; 24 sq. ft. per sign face if double-sided (freestanding) 32 sq. ft. (wall)	8 ft.	2 per entrance to community	Yes	
Signs for uses approved by special use permit in residential areas	32 sq. ft. if single-sided (16 sq. ft. per face if double-sided)	8 ft.		Yes	Shall be approved with new or amended SIP or special use permit.
Temporary sign (single-family detached or attached)	9 sq. ft. of cumulative area per side per street frontage	6 ft		No	May be lawn sign. Signs shall be maintained, clean and in good repair.
Temporary sign (single-family detached or attached)	9 sq. ft. of cumulative area per side per street frontage	6 ft		No	May be lawn sign. Signs shall be maintained, clean and in good repair.

Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
	>5 ac. = 48 sq. ft. if single-sided; 24 sq. ft. per face if double-sided	12 ft.	2 per street frontage		
Temporary special event sign	32 sq. ft. if single-sided; 16 sq. ft. per side if double-sided	6 ft.	1 per street frontage	No	

Sec. 16-29-90. On-site signs – nonresidential and multifamily apartments

Signs on parcels in nonresidential and multifamily apartment areas shall comply with standards set forth in Figure 16.2, this Article, and substantially conform to the guidelines pursuant to Section 16-29-70.

**Figure 16.2
Signs in Nonresidential and Multifamily Apartment Areas**

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
Freestanding sign	Maximum sign area per sign face: 0.5 sq. ft. per 3 linear ft. of street frontage on which the sign is placed to a maximum total of 100 sq. ft. per face	15 ft.	1 per tenant frontage, per parcel	Yes	Signs shall not be placed in the right-of-way or in any easements that prohibit structures unless otherwise allowed by easement beneficiary.
Wall sign	50 sq. ft. plus 1 sq. ft. per lineal foot of building	—	Office buildings or buildings with	Yes	No sign shall exceed 75% of the linear

	frontage, or tenant lease line, in excess of 50 ft. to a total of 100 sq. ft. per building face. For floor areas greater than 100,000 sq. ft., a maximum of 200 sq. ft. per building face		similar use where multiple tenants exist or may be planned, and where public entrance is predominantly interior are limited to 1 wall sign per building side. Additional signs may be approved where retail or other uses have separate exterior public entry.		footage of the wall on which the sign is placed (within the tenant lease line or multi-tenant buildings), unless otherwise approved. See also Section 16-29-60
Projecting sign	Shall be counted toward maximum allowable wall sign area	—	1 per tenant frontage	Yes	Projecting signs shall not extend more than 36" from the building to which they are attached and shall have a clearance of 8 feet from grade level to the bottom of the sign.
Awning	Up to 20% of the area of the shed (slope) portion of awning and 50% of valance	—		Yes	Are permitted in addition to allowance for wall sign.
Canopy sign	25% of the fascia per side	—	Not to exceed 2 per canopy	Yes	Are permitted in addition to allowance for wall sign. Color bands and light bands are prohibited. Signs shall not extend

					beyond gable or fascia of canopy.
Incidental sign (permanent)	Max 4 sq. ft. if gross floor area of building(s) on site is <100,000 sq.ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.	4 ft.		No	If incidental sign is a projecting sign, the bottom of the sign shall be a minimum 8 feet above the sidewalk and shall not extend more than 36" from the building to which attached.
Temporary sign (multifamily)	32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
Temporary sign (located on developed property)	32 sq. ft. single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
	>5 ac. = 64 sq. ft. if single-sided; 32 sq. ft. per face if double-sided	12 ft.	2 per street frontage		
Temporary special event sign				Yes	Display time is limited to duration of event. May not be placed in rights-of-way, public property, or on sidewalks.

Sec. 16-29-100. Permanent sign measurement.

The area of a sign shall be measured as follows:

- (1) For a wall sign which includes a backing or background that is part of the overall sign display, the sign area measurement shall include the entire portion within such background and shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display.
- (2) For a wall sign comprised of separate elements that are organized to form a single sign, the sign area measurement shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest perimeter enclosing the extreme limits of each separate element in the sign display, not including the space between each element.
- (3) For a freestanding sign, the sign area measurement shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display. The sign area shall not include the frame or structural support unless such structural support is so designed to constitute a part of the sign display.
- (4) Architectural features and structural decorations which are integral to the design of the building or freestanding structure, and are not integral to the design of the sign display, are not included in determining sign area measurement.
- (5) The maximum height of a freestanding sign is fifteen (15) feet. Sign height is measured from the base to the highest point of the sign including decorative elements and architectural features, as measured from the average finished grade.
- (6) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to: height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads, and distance from road.

Sec. 16-29-110. Sign illumination.

The purpose of this Section is to establish standards for illuminated signs that are consistent with the City's economic and aesthetic goals while ensuring that lighting does not create glare or significant off-site impacts. In areas where an illuminated sign may impact a single-family residential area, the Director may

impose requirements related to reducing illumination levels or imposing time restrictions on hours of lighting.

- (1) All illumination associated with a proposed sign shall be disclosed as part of the sign permit or temporary use permit application, and is subject to review and approval as part of said permit.
- (2) Illuminated signs shall have light levels appropriate for the ambient light conditions of the context in which it is located, so as to provide consistency and compatibility with light levels in the area.
- (3) The light source, whether internal or external to the sign, shall be shielded from view, with the exception of approved exposed LED tubing, neon, luminous tube signs or similar lighting which may be approved in nonresidential areas where it is not readily visible from residential areas.
- (4) Externally illuminated monument signs may be illuminated from a ground light source and shall utilize shielded and focused light fixtures that do not cause glare and that minimize illumination beyond the sign copy.
- (5) Freestanding permanent signs may be illuminated from solar-powered energy, provided that the location and design of the solar panels and all related exposed equipment are integrated into the design of the sign structure so as to minimize their visibility.
- (6) Illuminated cabinet signs or portions thereof that are not signed or not in use shall have illumination turned off, or otherwise screened or reduced in intensity to minimize impacts.
- (7) Illuminated signs displayed onto any surface by a projection method are subject to a sign permit or temporary use permit and shall not project onto a public sidewalk or right-of-way.
- (8) Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on private premises.
- (9) Signs shall not include animation, flashing, moving or intermittent illumination.
- (10) Illumination levels are subject to a thirty-day review period following the installation of the sign, during which time the City may inspect the sign to ensure that illumination levels are consistent and compatible with ambient light conditions in the area; do not create glare; are positioned at the appropriate angle to light the copy area; and do not have exposed light sources. The Director may require that light be shielded, reduced in intensity or removed, to ensure compliance with the requirements of this Article and the Design Guidelines. Additionally, at any time, the Director may order the modification or removal of any illumination determined to be noncompliant with this Article or the Design Guidelines.

Sec. 16-29-120. Nonconforming signs.

- (a) Any permanent nonconforming sign lawfully existing at the time of adoption of the ordinance codified in this Article may be continued in operation and maintained after the effective date of the ordinance codified herein.
- (b) A nonconforming sign or sign structure shall be brought into conformity with this Article if it is altered, reconstructed, replaced or relocated. A change in copy is not considered an alteration or a replacement for purposes of this Section.
- (c) Termination of nonconforming signs shall occur:
 - (1) By abandonment, meaning any sign, together with its supporting structure, which remains on the property ten (10) days or more after the use with which it was approved has been vacated.
 - (2) By destruction, damage or obsolescence, which will terminate the right to maintain any nonconforming sign, including whenever the sign is damaged or destroyed in excess of fifty percent (50%) of the current replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable City ordinances.
 - (3) Any sign maintained in violation of the provisions of this Article shall constitute a nuisance to be abated in a manner provided in Chapter 7, Article 1 of this Code, as amended.

Sec. 16-29-130. Temporary banners.

- (a) Each business or entity with its own exterior public entrance to the building may display one (1) banner per tenant frontage, not to exceed two (2) banners, on no more than four (4) occasions per calendar year using any combination of days not to exceed a cumulative total of sixty (60) days per calendar year.
- (b) The maximum banner size shall not exceed fifty (50) square feet where the tenant building frontage is less than one hundred fifty (150) linear feet. Banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage.
- (c) Banners must be securely attached to the building or to a fence or wall attached to the building within the boundaries of the tenant's lease line. Banners should be pulled straight and taut wherever possible and properly maintained at all times. Banners must not block access to windows or doors and must be placed so as not to create hazardous or unsafe conditions.
- (d) A banner is allowed in place of a permanent sign as long as a sign permit for the permanent sign has been submitted and a permit is obtained for the banner. The size of the banner may be as large as the size approved for the permanent sign. The banner may be displayed for up to ninety (90) days. The banner does not count towards the regular banner time allotment.

- (e) Banners displayed on buildings that will open in the foreseeable future may be allowed as an alternative to a temporary ground sign once a building permit has been issued. One (1) banner per street frontage not to exceed two (2) banners is allowed. Banners shall not exceed fifty (50) square feet in area. However, banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage. Banners must be removed when the business is open to the public. No permit is required for these banners.
- (f) When circumstances arise that make it impossible to meet the above banner requirements, the Director has the authority to approve variations.
- (g) A banner permit application is available from the Community Development Department.
- (h) Failure to obtain a banner permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

Sec. 16-29-140. Temporary use signage.

- (a) Signs associated with a temporary use shall be subject to the terms of the temporary use permit, as provided by Article XXII of this Chapter.
- (b) Failure to obtain a temporary use permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

Sec. 16-29-150. Severability.

- (a) It is hereby declared to be the expressed intent that the provisions of this Article shall be severable in accordance with the provisions set forth below.
- (b) If any provision of this Article is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that:
 - (1) The effect of such decision shall be limited to the clause, sentence, paragraph or part of this Article that is expressly stated in the decision to be invalid; and
 - (2) Such decision shall not affect, impair or nullify this Article as a whole or any other part thereof, and the rest of this Article shall continue in full force and effect.
- (c) If the application of any provision of this Article to any sign, use, lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that:
 - (1) The effect of such decision shall be limited to that sign, use, lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

- (2) Such decision shall not affect, impair or nullify this Article as a whole or the application of any provision thereof, to any other sign, use, lot, building, other structure or tract of land.

Sec. 16-29-160. Definitions.

Awning means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Banner sign means a copy or graphics displayed on a flexible form made of fabric, plastic, nylon or other nonrigid material.

Billboard. See *off-premises sign*. Any other outdoor advertising prohibited by the provisions of Section 43-1-401, et seq., C.R.S. shall also be considered *billboards*.

Cabinet sign means a sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

Canopy means a multi-sided overhead structure or architectural projection supported by attachments to a building (attached) or supported by columns but not enclosed by walls (freestanding).

Changeable copy sign means a sign where letters, characters or graphics change manually through placement of letters or symbols on a panel mounted in or on a track system.

Copy means those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Day-Glo means a trade name for certain inks or lacquers that become fluorescent when activated by the ultraviolet rays of sunlight or special illumination.

Double-sided sign means a sign with two (2) parallel faces.

Electronic message sign means a sign where letters, characters or graphics are activated and displayed electronically allowing variable message or display and programming capability.

Exterior illuminated sign means a sign that is illuminated by a light source that is directed towards and shines on the face of a sign; also called *direct illumination*.

Flag means any fabric or similar material which is attached or otherwise suspended by one edge to a pole or rope.

Freestanding sign means a sign principally supported by a structure affixed to the ground or supported by one (1) or more columns, poles or braces placed in or upon the ground and not supported by a building.

Incidental signs, means a sign of a permanent nature that has a purpose secondary to the use on the property and not intended to attract attention beyond the perimeter of the site.

Lawn sign means a temporary sign that is erected by means of inserting one (1) or more stakes into the ground.

Nonconforming sign means a sign, which on the effective date of the ordinance codified in this Article, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior applicable sign regulation but which does not conform to the limitations established by this Article, as amended.

Off-premises sign means a sign directing attention to a specific establishment, service, product, activity, or event that that is not conducted at the property upon which the sign is located.

Portable sign means a sign that is designed to be moved easily, such as an easel or A-framed sign, is not permanently affixed to the ground, does not penetrate the ground, and is not permanently affixed to a structure or a building.

Projecting sign means a building-mounted sign with the faces of the sign projecting from and perpendicular to the building fascia.

Push-through means a letter or logo that is cut out of a backing material as thick as or thicker than the sign face material, and then mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.

Pylon sign means a freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

Raceway means an electrical enclosure that may also serve as a mounting device for a wall sign.

Sign means any device visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign display means the combination of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color intended to differentiate such elements from the background to which they are placed.

Temporary sign means a sign displaying any messages of a transitory or temporary nature. Portable signs, including banners, are considered temporary signs.

Temporary Special Event Sign means signage that may exceed allowable permanent signage for an entity, provided that the signage is associated with an approved Temporary Use Permit. Display time is limited to the duration of the special event. The language on these signs need not be tied to the event.

Wall sign means a sign that is in any manner affixed to any exterior wall of a building or structure, excluding banners.

Window sign means a sign that is applied or attached to the interior or exterior surface of a window or window frame.



CITY OF LONE TREE STAFF REPORT

TO: Mayor Millet and City Council

FROM: Phil Buckley-Corum

DATE: September 28, 2016

SUBJECT: Approval of Pedestrian Bridge Change Order #1 (FGMP)

Summary

Pursuant to Hamon Infrastructure's recent pricing effort of the Construction Documents dated 7/20/16, we are pleased to report that a Final Guaranteed Maximum Price (FGMP) is herewith submitted for approval.

Cost

We are seeking approval of Change Order #1 incorporating the construction documents into their contract agreement via an additive change of \$138,261.00 to the base \$5,220,000 current contract amount. Notes as follows:

- Hamon Contract with Change Order #1 equals \$5,358,261.00 and includes \$75,000.00 of contingency. City contingency is reduced to \$123,139.00. Overall project contingency totals roughly \$200K or just under 3% overall project value.
- Lighting/Electrical budget of \$200,000 is included within the FGMP; Pricing of all lighting as specified is roughly \$417,000.00 or \$217,000.00 over budget. We are reviewing possible alternative light fixtures and other options for Council review in early October.
- FGMP pricing includes a form-liner stained stone pattern in lieu of actual stone veneer. Presentation from Fentress Architects occurred at the 9/20 City Council meeting and additional pictures of actual installations will be presented for Council review/approval.

Suggested Motion or Recommended Action

I move to approve Contract Change Order #1 with Hamon Infrastructure for the Leaf Pedestrian Bridge Project and authorize the City Manager to sign the necessary documents.

Background

Project background and overall project budget are summarized on the attached memorandum, dated September 28, 2016, from Phil Buckley of Corum Real Estate.

MEMORANDUM

TO: CITY OF LONE TREE
FROM: CORUM REAL ESTATE GROUP
SUBJECT: LONE TREE PEDESTRIAN BRIDGE
DATE: SEPTEMBER 28, 2016

I. PRICING PROCESS

Pursuant to authorization by the City of Lone Tree City Council, in early January 2015, Corum Real Estate has managed the predevelopment process and collaborated with, Fentress Architects, Design Consultant team and Hamon Infrastructure to further develop the design and construction parameters for the Lone Tree Pedestrian Bridge project. The construction documents were completed on July 20, 2015 and subsequently Hamon took them to the subcontract market for pricing. Update is as follows:

- FGMP Pricing Update
 - As reported at the City Council meeting on 9/20/16 pricing increases were evident across the board due to further definition of the project, busy construction market and specialty nature of this project.
 - Largest increases were observed in the sandstone veneer, EFTE roofing and structural bearing plates and custom cable connections. Due to a thorough value analysis process over the past several weeks we have been able to develop alternative solutions for the sandstone veneer and negotiate lower pricing for EFTE roofing. Additionally, Hamon has reduced their contingency to \$75,000.00 and the City's contingency is now reduced to approximately \$123,000.00 with Change Order #1. This results in a remaining overall contingency of \$200,000 or just under 3%.
 - Lighting/electrical service costs of \$200,000.00 are included in the current IGMP contract amount. Actual costs for the full lighting package shown in the Construction Documents are roughly \$417,000.00. Over the next few weeks we plan to present lighting mock ups and options to City Council in greater detail.
- FGMP Pricing
 - Base IGMP Agreement \$5,220,000.00
 - Change Order #1 \$ 138,261.00
 - FGMP Agreement \$5,358,261.00

Schedule updates are forecasted as follows:

- Construction Start – Late October 2016
- Project Completion – June/July 2017

**City of Lone Tree
Pedestrian Bridge
FGMP Budget Summary
September 28, 2016**

Item	Description	Original Budget	IGMP Update	Current Budget
LAND				
100	Land Acquisition	\$625,000	(\$75,000)	\$550,000
TOTAL LAND		\$625,000	(\$75,000)	\$550,000
HARD COSTS				
200	Construction Cost - Hamon (FGMP)	\$4,429,340	\$853,921	\$5,283,261
210	Contractor Contingency (1.4%) with FGMP	\$565,300	(\$490,300)	\$75,000
250	Preconstruction Services	\$85,000	\$0	\$85,000
260	Misc. Hard costs	\$0	\$0	\$0
280	Fixtures and equipment	\$40,000	(\$40,000)	\$0
TOTAL HARD COSTS		\$5,119,640	\$323,621	\$5,443,261
SOFT COSTS				
300	Architecture and Engineering	\$624,600	\$0	\$624,600
320	Architect reimbursables	\$25,000	\$0	\$25,000
340	Civil Design Fees - TTG	\$45,000	\$0	\$45,000
400	Development/PM Fee - Corum Real Estate	\$135,000	\$0	\$135,000
500	Soils Analysis - CTC	\$5,000	\$0	\$5,000
520	Materials testing	\$20,000	\$15,000	\$35,000
600	Wind Testing Services - CPP	\$0	\$14,000	\$14,000
700	Misc. soft costs	\$0	\$0	\$0
800	Building Permits/Fees	\$0	\$0	\$0
TOTAL SOFT COSTS		\$854,600	\$29,000	\$883,600
CONTINGENCY				
900	Hard/Soft Contingency (1.76%)	\$400,760	(\$277,621)	\$123,139
TOTAL CONTINGENCY		\$400,760	(\$277,621)	\$123,139
TOTAL				
		\$7,000,000	\$0	\$7,000,000

Notes:

HAMON INFRASTRUCTURE				
CITY OF LONE TREE				
LEAF PEDESTRIAN BRIDGE				
CONSTRUCTION DOCUMENTS ISSUED JULY 20, 2016				
CHANGE ORDER NO. 1 - BREAKDOWN				
APPENDIX A				
		AMOUNT BY	REVISED	
	SCHEDULED	CHANGE	SCHEDULED	
DESCRIPTION	VALUE	ORDER	VALUE	
REMOVALS				
NORTH APPROACH -	\$0.00	\$10,411.54	\$10,411.54	
SOUTH APPROACH -	\$0.00	\$7,915.91	\$7,915.91	
EARTHWORK				
NORTH APPROACH -	\$82,488.95	(\$39,907.50)	\$42,581.45	
SUPERSTRUCTURE -	\$14,548.20	(\$14,548.20)	\$0.00	
SOUTH APPROACH -	\$115,360.42	(\$47,501.65)	\$67,858.77	
SITEWORK				
WATERLINES -	\$0.00	\$9,908.43	\$9,908.43	
DRAINAGE -	\$0.00	\$14,586.70	\$14,586.70	
EROSION CONTROL -	\$24,075.00	\$32,420.68	\$56,495.68	
SITE RESTORATION -	\$7,200.00	\$0.00	\$7,200.00	
MSE WALLS				
STRUCT BACKFILL CL 1 - MATL -	\$0.00	\$93,964.15	\$93,964.15	
STRUCT BACKFILL CL 1 - INSTLN -	\$0.00	\$39,589.16	\$39,589.16	
MECHANICAL REINFORCEMENT OF SOIL -	\$0.00	\$68,250.60	\$68,250.60	
BLOCK FACING -	\$0.00	\$116,444.16	\$116,444.16	
CAISSONS				
18.00 IN DIAMETER -	\$80,600.00	\$6,318.80	\$86,918.80	
24.00 IN DIAMETER -	\$74,972.70	(\$47,000.70)	\$27,972.00	
30.00 IN DIAMETER -	\$0.00	\$92,573.55	\$92,573.55	
36.00 IN DIAMETER -	\$81,166.48	(\$81,166.48)	\$0.00	
ROCK ANCHORS				
BACK-STAY ANCHORS -	\$0.00	\$73,317.00	\$73,317.00	

HAMON INFRASTRUCTURE				
CITY OF LONE TREE				
LEAF PEDESTRIAN BRIDGE				
CONSTRUCTION DOCUMENTS ISSUED JULY 20, 2016				
CHANGE ORDER NO. 1 - BREAKDOWN				
APPENDIX A				
		AMOUNT BY	REVISED	
	SCHEDULED	CHANGE	SCHEDULED	
DESCRIPTION	VALUE	ORDER	VALUE	
STRUCTURAL STEEL				
<u>SHOP DRAWINGS</u>				
PYLON -	\$41,200.00	\$0.00	\$41,200.00	
DECK -	\$17,745.00	\$0.00	\$17,745.00	
CABLES -	\$12,030.00	\$0.00	\$12,030.00	
PORTAL -	\$12,250.00	\$0.00	\$12,250.00	
<u>MATERIAL DELIVERED</u>				
PYLON -	\$168,295.00	\$0.00	\$168,295.00	
DECK -	\$77,260.00	\$0.00	\$77,260.00	
CABLES -	\$191,265.00	\$30,000.00	\$221,265.00	
PORTAL -	\$60,145.00	\$0.00	\$60,145.00	
<u>FABRICATION</u>				
PYLON -	\$320,075.35	\$47,903.65	\$367,979.00	
DECK -	\$195,428.00	\$0.00	\$195,428.00	
CABLES -	\$2,485.00	\$0.00	\$2,485.00	
PORTAL -	\$127,841.00	\$15,300.00	\$143,141.00	
<u>INSTALLATION</u>				
PYLON -	\$190,200.00	\$0.00	\$190,200.00	
DECK -	\$74,030.00	\$0.00	\$74,030.00	
CABLES -	\$51,630.00	\$0.00	\$51,630.00	
PORTAL -	\$95,385.00	\$532.00	\$95,917.00	
BRIDGE ACCESSORIES				
BEARINGS -	\$55,331.00	\$9,736.12	\$65,067.12	
BRIDGE DRAINS -	\$9,695.64	\$4,847.82	\$14,543.46	
BRIDGE EXPANSION JOINTS (0 - 2 IN) -	\$8,380.50	(\$1,954.50)	\$6,426.00	
ROOFING				
ETFE ROOFING -	\$143,295.00	\$17,496.60	\$160,791.60	
GUTTERS & DOWNSPOUTS -	\$8,000.00	\$0.00	\$8,000.00	

HAMON INFRASTRUCTURE				
CITY OF LONE TREE				
LEAF PEDESTRIAN BRIDGE				
CONSTRUCTION DOCUMENTS ISSUED JULY 20, 2016				
CHANGE ORDER NO. 1 - BREAKDOWN				
APPENDIX A				
		AMOUNT BY	REVISED	
	SCHEDULED	CHANGE	SCHEDULED	
DESCRIPTION	VALUE	ORDER	VALUE	
CONCRETE				
<u>CONCRETE</u>				
NORTH APPROACH -	\$533,276.58	\$378,137.95	\$911,414.53	
SUPERSTRUCTURE -	\$118,111.22	(\$61,025.62)	\$57,085.60	
SOUTH APPROACH -	\$263,805.66	(\$126,921.73)	\$136,883.93	
<u>PRE-STRESSED CONCRETE PANELS</u>				
NORTH APPROACH -	\$45,135.00	(\$45,135.00)	\$0.00	
SUPERSTRUCTURE -	\$38,732.00	(\$13,973.00)	\$24,759.00	
<u>REINFORCING STEEL</u>				
NORTH APPROACH -	\$140,800.00	\$14,604.00	\$155,404.00	
SUPERSTRUCTURE -	\$50,795.00	(\$29,995.00)	\$20,800.00	
SOUTH APPROACH -	\$30,820.00	(\$7,940.00)	\$22,880.00	
COATINGS				
NORTH APPROACH -	\$6,075.00	\$2,925.00	\$9,000.00	
SOUTH APPROACH -	\$7,350.75	(\$7,350.75)		
MESH PANELS, RAILINGS & NOSINGS				
<u>MESH IN-FILL PANELS</u>				
SUPERSTRUCTURE -	\$86,697.00	(\$25,757.00)	\$60,940.00	
SOUTH APPROACH -		\$15,422.00	\$15,422.00	
<u>RAILINGS</u>				
WALL-MOUNTED HANDRAIL -		\$14,712.00	\$14,712.00	
STEEL GUARDRAIL -		\$110,167.60	\$110,167.60	
STEEL GUARDRAIL WITH HANDRAIL -		\$16,589.60	\$16,589.60	
STEEL PIPE RAIL -		\$4,261.50	\$4,261.50	
STEEL GUARDRAIL AT PYLON BASE -		\$16,019.25	\$16,019.25	
<u>STAIR NOSINGS</u>				
NORTH APPROACH -		\$10,428.40	\$10,428.40	
SOUTH APPROACH -		\$5,550.60	\$5,550.60	
<u>MISCELLANEOUS</u>				
NORTH APPROACH -	\$29,716.44	(\$29,716.44)	\$0.00	
SOUTH APPROACH -	\$70,732.84	(\$70,732.84)	\$0.00	

HAMON INFRASTRUCTURE				
CITY OF LONE TREE				
LEAF PEDESTRIAN BRIDGE				
CONSTRUCTION DOCUMENTS ISSUED JULY 20, 2016				
CHANGE ORDER NO. 1 - BREAKDOWN				
APPENDIX A				
		AMOUNT BY	REVISED	
	SCHEDULED	CHANGE	SCHEDULED	
DESCRIPTION	VALUE	ORDER	VALUE	
BUILDING ACCESSORIES				
DOORS & FINISH HARDWARE -		\$2,473.53	\$2,473.53	
LONE TREE LOGO - INSTLN -		\$739.52	\$739.52	
SANDSTONE VENEER				
<u>SANDSTONE VENEER</u>				
NORTH APPROACH -	\$130,500.00	(\$130,500.00)	\$0.00	
SUPERSTRUCTURE -	\$41,760.00	(\$41,760.00)	\$0.00	
SOUTH APPROACH -	\$6,264.00	(\$6,264.00)	\$0.00	
<u>DAMPPROOFING</u>				
NORTH APPROACH -		\$0.00	\$0.00	
SOUTH APPROACH -		\$0.00	\$0.00	
MECHANICAL				
NORTH APPROACH -		\$15,000.00	\$15,000.00	
SUPERSTRUCTURE -				
SOUTH APPROACH -				
LIGHTING & ELECTRICAL				
NORTH APPROACH -	\$80,000.00	\$9,700.00	\$89,700.00	
SUPERSTRUCTURE -	\$90,000.00	\$15,004.00	\$105,004.00	
SOUTH APPROACH -	\$30,000.00	\$4,516.00	\$34,516.00	
SUB-TOTAL -				
	\$4,142,949.73	\$498,617.41	\$4,641,567.14	

HAMON INFRASTRUCTURE				
CITY OF LONE TREE				
LEAF PEDESTRIAN BRIDGE				
CONSTRUCTION DOCUMENTS ISSUED JULY 20, 2016				
CHANGE ORDER NO. 1 - BREAKDOWN				
APPENDIX A				
		AMOUNT BY	REVISED	
	SCHEDULED	CHANGE	SCHEDULED	
DESCRIPTION	VALUE	ORDER	VALUE	
SUB-TOTAL -	\$4,142,949.73	\$498,617.41	\$4,641,567.14	
GENERAL CONDITIONS -	\$439,380.00	\$0.00	\$439,380.00	
CONSTRUCTION CONTINGENCY -	\$453,970.27	(\$378,970.27)	\$75,000.00	
SUB-TOTAL -	\$5,036,300.00	\$119,647.14	\$5,155,947.14	
CONTRACTOR'S FEE -	\$150,000.00	\$11,000.00	\$161,000.00	
SUB-TOTAL -	\$5,186,300.00	\$130,647.14	\$5,316,947.14	
BOND EXPENSE -	\$10,000.00	\$17,613.86	\$27,613.86	
BUILDER'S RISK INSURANCE -	\$23,700.00	\$0.00	\$23,700.00	
TOTAL -	\$5,220,000.00	\$148,261.00	\$5,368,261.00	
OTHER SAVINGS BY LONE TREE -		(\$10,000.00)	(\$10,000.00)	
TOTAL -	\$5,220,000.00	\$138,261.00	\$5,358,261.00	

A full schedule will be presented to Council in November once shop drawings have been approved and delivery dates for long lead items such as bearing plates, custom pin connections and cabling are known.

II. RECOMMENDATION/FUNDING AUTHORIZATION REQUEST

It is our recommendation to move forward approval of the FGMP amendment and allow Hamon to begin the procurement process for steel and other time sensitive components of the bridge structure.

We will be working closely with City staff and Planning Department throughout the construction period and intend to provide regular updates to City Council. As always, we welcome any feedback and dialogue with the City of Lone Tree and look forward to continuing working towards the successful completion of the Lone Tree Pedestrian Bridge.

City of Lone Tree – Pedestrian Bridge
Change Order No. 1
Construction Documents Package – July 20, 2016
Appendix B

- Plans and Specifications for the Pedestrian Bridge prepared by Fentress Architects, Thornton Tomasetti and others dated July 20, 2016 – Construction Documents.
- Geotechnical Investigation prepared by CTC-Geotek, Inc. dated February 23, 2016 and supplemented March 16, 2016.
- Project Specifications for the Pedestrian Bridge prepared by Fentress Architects, Thornton Tomasetti and others dated July 20, 2016 including:
 - Division 01 – General Requirements including:
 - 01 1000 – Summary
 - 01 2500 – Substitution Procedures
 - 01 3100 – Project Management and Coordination
 - 01 3100A – Request for Interpretation (CSI Form 13.2A)
 - 01 3300 – Submittal Procedures
 - 01 4000 – Quality Requirements
 - 01 4200 – Submittal Requirements
 - 01 5000 – Temporary Facilities and Controls
 - 01 6000 – Product Requirements
 - 01 7300 – Execution
 - 01 7700 – Closeout Procedures
 - 01 7700A – Punch List
 - 01 7823 – Operation and Maintenance Data
 - 01 7839 – Project Record Drawings
 - Division 03 – Concrete including:
 - 03 1000 – Concrete Formwork
 - 03 2000 – Concrete Reinforcement and Embedded Assemblies
 - 03 3000 – Cast-in-Place Concrete
 - 03 4100 – Precast Structural Concrete
 - Division 04 – Masonry including:
 - 04 4313.13 – Anchored Stone Masonry Veneer
 - Division 05 – Metals including:
 - 05 1200 – Structural Steel
 - 05 5000 – Metal Fabrications
 - 05 5213 – Pipe and Tube Railings
 - 05 7300 – Decorative Metal Railings

City of Lone Tree – Pedestrian Bridge
Change Order No. 1
Construction Documents Package – July 20, 2016
Appendix B

- Division 07 – Thermal and Moisture Protection including:
 - 07 6200 – Sheet Metal Flashing and Trim
 - 07 9200 – Joint Sealants
 - 07 9513.19 – Bridge Deck Expansion Joint Cover Assemblies

- Division 08 – Openings including:
 - 08 1113 – Hollow Metal Doors and Frames
 - 08 7100 – Door Hardware
 - 08 7100A – Door Hardware Index

- Division 09 – Finishes including:
 - 09 9600 – High-Performance Coatings

- Division 13 – Special Construction including:
 - 13 3126 – Cable-Supported ETFE Fabric Structures

- Division 22 – Plumbing including:
 - 22 0500 – Common Work Results in Plumbing
 - 22 1000 – Plumbing Piping

- Division 23 – Heating, Ventilating, and Air Conditioning (HVAC) including:
 - 23 0501 / 26 0501 – Mechanical and Electrical Coordination
 - 23 0502 – Basic Mechanical Requirements
 - 23 0503 – Basic Mechanical Materials and Methods

- Division 26 – Electrical including:
 - 23 0501 / 26 0501 – Mechanical and Electrical Coordination
 - 26 0502 – Electrical Requirements
 - 26 0505 – Manufacturers
 - 26 0506 – Basic Material and Methods
 - 26 0519 – Electrical Power Conductors and Cables
 - 26 0526 – Grounding and Bonding
 - 26 0529 – Hangers and Supports
 - 26 0533 – Raceways and Boxes
 - 26 0553 – Identification
 - 26 0943 – Architectural Controls – Switching, Dimming and DMX Controlled Lighting
 - 26 2415 – Service Entrance Panelboard
 - 26 2726 – Wiring Devices
 - 26 4113 – Lightning Protection for Structures
 - 26 4314 – Surge Protective Device (SPD)
 - 26 5113 – Lighting Fixtures

City of Lone Tree – Pedestrian Bridge
Change Order No. 1
Construction Documents Package – July 20, 2016
Appendix B

- 26 5113A – Lighting Fixture Cut Sheets
- 26 5613 – Poles and Standards
- Division 31 – Earthwork including:
 - 31 1100 – Site Preparation
 - 31 2300 – Structure Excavation, Fills and Embankments
 - 31 3100 – Erosion Control
 - 31 5100 – Permanent Double Corrosion Protected Rock Anchors
 - 31 6329 – Drilled Piers
- Division 32 – Exterior Improvements including:
 - 32 0117 – Asphalt Paving and Repair
 - 32 0523 – Exterior Concrete
 - 32 0523.16 – Concrete Recreational Trails
 - 32 1313 – Concrete Paving
 - 32 1373 – Concrete Paving Joint Sealants
 - 32 1613 – Concrete Curb and Gutter and Sidewalk
 - 32 3223.13 – Segmental Concrete Unit Masonry Retaining Walls
- Division 33 – Utilities including:
 - Storm Drainage Utilities
- Fentress Architects Drawings dated July 20, 2016 included:
 - GENERAL
 - G0000 – Cover Sheet
 - G0100 – Sheet Index
 - CIVIL
 - C1000 – Overall Site Plan
 - C1001 – Demolition Plan – Area A
 - C1002 – Demolition Plan – Area B
 - C1011 – Site Plan – Area A
 - C1012 – Site Plan – Area B
 - C1101 – GESC Plan – Initial
 - C1102 – GESC Plan – Interim
 - C1103 – GESC Plan – Final
 - C1104 – GESC Plan – Details
 - C1105 – GESC Plan – Details
 - C1106 – GESC Plan – Details
 - C1201 – Grading Plan – Area A
 - C1202 – Grading Plan – Area B
 - C1302 – Trail Plan and Profile
 - C1303 – Trail Plan and Profile

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- C1400 – Site Construction Details
- STRUCTURAL
 - S0001 – General Notes
 - S2001 – Overall plans and Elevations
 - S2101 – Ramp Foundation Plan
 - S2102 – Ramp Plan – Upper Level
 - S2103 – Pylon Foundation Plan
 - S2104 – Bridge Plans
 - S2201 – Partial Plans
 - S2300 – Sections and Elevations
 - S3000 – Typical Slab on Grade Details
 - S3001 – Typical Drilled Pier Details and Schedule
 - S3002 – Typical Grade Beam Details
 - S3003 – Typical Concrete Beam Details
 - S3004 – Typical Concrete One-Way Slab Details and Schedules
 - S3005 – Typical Concrete Column Details
 - S3006 – Typical Concrete Wall Details
 - S3010 – Lap Splice Details
 - S4000 – Concrete Details
 - S4001 – Sections and Details
 - S5000 – Bearing Details
 - S5001 – Cable Forces and Deflection Diagrams
 - S5002 – Pylon Details
 - S5003 – Steel Sections and Details – Rev 5 – August 19, 2016
 - S5004 – Foundation Details
 - S5005 – Steel Sections and Details
- ARCHITECTURAL
 - A1100 – Site Plan
 - A2001 – Overall Floor Plan and Grid Layout Plan
 - A2101 – Pedestrian & Ramp Landing Level Plans
 - A2102 – Abutment Level Floor Plans
 - A2103 – Bridge Roof plan Area B
 - A2301 – Enlarged Stair Plan
 - A3103 – Reflected Ceiling Plan Area B
 - A5101 – Overall Exterior Elevations
 - A5200 – 3D Views
 - A5201 – Bridge Exterior Elevations
 - A5202 – North Ramp Exterior Elevations
 - A5203 – Enlarged Elevation Details
 - A6101 – Building Sections
 - A6201 – Wall Sections

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- A6301 – Stair Sections
- A7101 – Exterior Plan Details
- A7201 – Exterior Details – Rev 5 – September 21, 2016
- A7202 – Exterior Details
- MECHANICAL / PLUMBING
 - MP1000 – Mechanical and Plumbing Notes and Details
 - MP2100 – Mechanical and Plumbing Abutment Level Floor Plans
- ELECTRICAL
 - E1000 – Electrical Legend
 - E1001 – Electrical Plans and Schedules – Rev 5 – August 11, 2016
 - E1100 – Lighting Site Plan
 - E2102 – Lighting Plans
 - E2103 – Lighting Plans
 - E2104 – Lighting Bridge Roof Plan
 - E2105 – Enlarged Lighting Plan