



## Lone Tree City Council Agenda

### Tuesday, October 18, 2016

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**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.

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#### 4:30pm Study Session Agenda

1. **Resolution 16-XX, ENACTING THE MUNICIPAL COURT FINE SCHEDULE**
  2. East Side Subarea Plan/Traffic Study Overview
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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. Consent Agenda
    - a. Minutes of the October 4, 2016 Regular Meeting
    - b. Claims for the Period of September 26 – October 10, 2016
    - c. Treasurer's Report for August 2016
  9. Administrative Matters
    - a. Approval of Park Meadows Business Improvement District Operating Plan and Budget for 2017
    - b. Approval of Lone Tree Business Improvement District Operating Plan and Budget for 2017
    - c. **Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS (First Reading)**
  10. Community Development
    - a. **PUBLIC HEARING: Ordinance 16-02, AMENDING THE CITY OF LONE TREE ZONING CODE SIGN STANDARDS (Second Reading)**
    - b. **Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION (Public Input and First Reading)**
  11. Council Comments
  12. Adjournment
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### **City of Lone Tree Upcoming Events**

more info available at [www.cityoflonetree.com](http://www.cityoflonetree.com) & [www.lonetreeartscenter.org](http://www.lonetreeartscenter.org)

- Igor Butman and the Moscow Jazz Orchestra, Wednesday, October 19<sup>th</sup>, 7:30pm LTAC Main Stage
- Coffee with Council District 1 at Safeway, October 21<sup>st</sup> from 7:30-9:00am
- Lanes for Lulu, October 23<sup>rd</sup> from 3:30 – 5:30 pm, Bowlero, 9255 Kimmer Drive
- National Prescription Take-Back Day, Saturday, October 22<sup>nd</sup>, 10:00am to 2:00pm, Lone Tree Police Department
- Bodyguard! Protector of Anatomy, Tuesday, October 25<sup>th</sup>, 10:00am, school performance, 6:30pm, SF performance, LTAC Main Stage
- Coffee with a Cop, October 26<sup>th</sup> from 9-11am Lone Tree Library, 10055 Library Way
- Wonder Bread Years, Saturday, October 29<sup>th</sup>, 1:30 and 8:00pm, LTAC Main Stage
- Seedlings: Guatemalan Textiles: Put Your Worries to Bed, Tuesday, November 1<sup>st</sup>, 9:30 and 11:00am, LTAC Event Hall

**MINUTES OF A REGULAR MEETING  
OF THE COUNCIL OF THE  
CITY OF LONE TREE  
HELD  
October 4, 2016**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, October 4, 2016, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

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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  
Jennifer Pettinger, City Clerk  
Steve Hebert, Deputy City Manager  
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  
Gary White, City Attorney, White, Bear and Ankele, P.C.  
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.  
John Cotten, Public Works Director, TTG Corp.

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Call to Order

Mayor Millet called the meeting to order at 6:01 p.m., and observed that a quorum was present.

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Executive Session

Mayor Millet announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding statutory interpretation.

Council Member Carpenter moved, Council Member Brunnick seconded, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a 5 to 0 vote.

Council adjourned to an Executive Session at 6:02 p.m.

The Executive Session was adjourned at 6:27 p.m.

Mayor Millet reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

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Pledge of Allegiance

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

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Amendments to the Agenda

There were no amendments to the agenda.

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Conflict of Interest

There was no conflict of interest.

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Public Comment

There was no public comment.

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Announcements

Nikki Trippler, Youth Commissioner, gave Council an update on the Youth Commission.

Mayor Millet announced upcoming events.

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Presentations

There were no presentations.

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Consent Agenda

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

- *Minutes of the September 20, 2016 Regular Meeting*
- *Claims for the period of September 12-26, 2016*

Council Member Shaw moved, Mayor Pro Tem Squyer seconded, to approve the

Consent Agenda. The motion passed with a 5 to 0 vote.

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### Community Development

***Public Hearing: Ordinance 16-02, AMENDING THE CITY OF LONE TREE ZONING CODE – SIGN STANDARDS (First Reading)***

Mayor Millet opened the public hearing at 7:04 p.m.

Hans Friedel, Planner II, introduced the item.

Mayor Millet opened the public hearing for comment at 7:30 p.m.

Susie Wargin, 10227 Hexton Ct., shared her concerns about the number of signs.

The public hearing was closed at 7:39 p.m.

Council Member Carpenter moved, Mayor Pro Tem Squyer seconded, to approve **Ordinance 16-02, AMENDING THE CITY OF LONE TREE MUNICIPAL CODE, CHAPTER 6, ZONING, ARTICLE XXIX – SIGN STANDARDS, Project RG16-53** on First Reading. The motion passed with a 5 to 0 vote.

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### Public Works

***Approval of Pedestrian Bridge Change Order #1 FGMP (Final Guaranteed Maximum Price) with Hamon Infrastructure***

John Cotten, Public Works Director, introduced the item.

Council Member Shaw moved, Council Member Brunnick seconded, to approve the Contract Change Order #1 with Hamon Infrastructure for the Leaf (Pedestrian) Bridge Project and authorize the City Manager to sign the necessary documents. The motion passed with a 5 to 0 vote.

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### Adjournment

There being no further business, Mayor Millet adjourned the meeting at 7:55 p.m.

Respectfully submitted,

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Jennifer Pettinger, CMC, City Clerk



CITY OF LONE TREE  
STAFF REPORT

**TO:** Mayor Millet and City Council

**FROM:** Neil Rutledge

**DATE:** October 11, 2016

**FOR:** October 18, 2016

**SUBJECT:** Park Meadows Business Improvement District Operating Plan and Budget for 2017

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Summary

The Park Meadows Business Improvement District (BID) was formed by the City Council in 2006 to provide financing for public improvements and services for Park Meadows Mall. It is a quasi-municipal corporation and political subdivision of the state. Each year, it is required to submit its Operating Plan and Budget to the City for approval. The Operating Plan and Budget for 2017 was submitted in a timely fashion and has been reviewed by the City's Finance Director, City Attorney and staff. The submission conforms to the Plans and Budgets approved by Council in previous years.

Cost

There is no cost to the City.

Suggested Motion

I move to approve the 2017 Operating Plan and Budget for the Park Meadows Business Improvement District.

Background

The Operating Plan and Budget is consistent with the Annexation and Development Agreement for the General Growth/Park Meadows Mall property. The Plan explains the powers and duties of the BID, its improvements and services, its financing and the City's oversight process. The Budget breaks down its 2017 financial details. The BID, as a quasi-municipal corporation and political subdivision of the state, may not pledge City assets for security for its debt.

**2017 OPERATING PLAN AND BUDGET**

Park Meadows

Business

Improvement District

City of Lone Tree, Douglas County, Colorado

Seter & Vander Wall, P.C.

## EXECUTIVE SUMMARY

The proceedings leading up to the annexation of the Park Meadows Retail Resort into the City of Lone Tree (“City”) included the organization of the Park Meadows Business Improvement District (“BID”). The BID is intended to help with the financing, construction, operation, and maintenance of public improvements and public services that are intended to maintain and improve the economic performance and sustainability of the Park Meadows Retail Resort.

**BID Budget.** Under state law, by September 30 of each year, the BID must submit an operating plan and budget to the City for approval. The BID Board must also hold a hearing prior to adoption of the final budget. As required by state law (the BID Act, §31-25-1201, *et seq.*, C.R.S.) the budgeted funds must be used for public improvements and public services.

**BID Board of Directors.** The BID is governed by an up to five-member board of directors who are appointed by, and may be removed by, City Council. BID directors must be “electors” of the BID.

**Debt Authorization.** The 2007 Operating Plan included \$50 million of debt authorization. In 2007, the BID issued its Shared Sales Tax Revenue Bonds to fund public improvements for The Vistas at Park Meadows including a police substation, and other public capital improvements for the Park Meadows property. The Vistas successfully opened on time.

**Consistency with Annexation Petition.** This Operating Plan and Budget is consistent with the Annexation and Development Agreement for the Park Meadows Mall, LLC property.

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**2017**  
**OPERATING PLAN AND BUDGET FOR THE**  
**PARK MEADOWS BUSINESS IMPROVEMENT DISTRICT**

**I. PURPOSE AND SCOPE OF THE BID**

(a) Purpose. The main purpose of the Park Meadows Business Improvement District (“*BID*”) is to provide financing for public improvements and services needed for the Park Meadows Retail Resort (“*Mall*”).

The service area, consisting of the territory that is within the boundaries of the *BID*, is shown in Exhibit A. The operations area of the *BID*, which is the area in which the *BID* will ordinarily furnish its improvements, services, and programs, is shown in Exhibit B.

(b) Background. The *BID* was organized by an ordinance of the City of Lone Tree (“*City*”). By state statute, specifically Section 31-25-1211, C.R.S., by September 30 of each year, the *BID* is required to submit an operating plan and budget for the next fiscal year to the City for review and approval. This document is the submittal for 2017.

(c) Operating Plan Contents. Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, *et seq.*, Colorado Revised Statutes, as amended, this Operating Plan specifically identifies:

- (i) the composition of the Board of Directors,
- (ii) services and improvements to be provided by the *BID*,
- (iii) the taxes, fees, and assessments to be imposed by the *BID*,
- (iv) the estimated principal amount of the bonds to be issued by the *BID*, and
- (v) such other information as the City may require.

(d) Contact Persons. The *BID* Manager is John M. Mullins, John M. Mullins Associates, Inc., 1988 East Ross Lane, Highlands Ranch, Colorado 80126; phone: 303-683-9382; email: [jmmwurld@aol.com](mailto:jmmwurld@aol.com); and Board Secretary, Pamela J. Schenck-Kelly, Park Meadows Business Improvement District, c/o Park Meadows Management Office, 8401 Park Meadows Center Drive, Lone Tree, Colorado 80124; phone: 303-792-2999.

**II. COMPOSITION OF THE BOARD OF DIRECTORS**

The Board of Directors of the *BID* was appointed by the City Council.

The ordinance organizing the *BID* included provisions for appointing the initial Board of Directors. The appointees, each of whom has a personal leasehold interest in taxable real property located within the service area of the *BID*, all of whom are affiliated with General Growth Properties, Inc. and Park Meadows Mall, LLC, and all of whom constitute all of the electors of the *BID*, are:

- 1) Jeffrey J. Koch  
8401 Park Meadows Center Drive  
Lone Tree, CO 80124
- 2) Pamela J. Schenck-Kelly  
8401 Park Meadows Center Drive  
Lone Tree, CO 80124
- 3) William D. Pollard  
8401 Park Meadows Center Drive  
Lone Tree, CO 80124

There are two vacancies on the Board. No other qualified electors are available for appointment to the Board at this time.

All Board members may be contacted through 303-792-2999.

All Board members must, by law, be electors of the BID. Electors are those persons defined as such by Section 31-25-1203(4)(a), C.R.S.:

"Elector" means a natural person who is a citizen of the United States and a resident of the State of Colorado, who is eighteen years of age or older, and who:

- (I) Makes his primary dwelling place in the BID; or
- (II) Owns taxable real or personal property within the boundaries of the BID; or
- (III) Is the holder of a leasehold interest in taxable real or personal property within the boundaries of the BID; or
- (IV) Is the natural person designated by an owner or lessee of taxable real or personal property in the BID which is not a natural person to vote for such owner or lessee. Such designation must be in writing and filed with the secretary of the BID. Only one such person may be designated by an owner or lessee.

In the event that the statutory definition of "elector" is amended, then the new definition shall apply to the Board.

Board members appointed by the City Council shall serve at the pleasure of the City Council and may be removed by the City Council as provided in the BID Act. To fill a vacancy, City Council shall appoint an elector of the BID who is recommended for the position by the BID Board of Directors. The appointment of electors to the Board, as requested by the BID Board and as provided above, may be made by City Council at any time by Council Resolution, with or without a public hearing.

The Board of Directors may appoint one or more advisory boards to assist the Board of Directors on such matters as the Board of Directors desires assistance. The Board of Directors

shall, upon the appointment of an advisory board, set forth the advisory board's duties, duration, and membership. The Board of Directors may provide reasonable rules of procedure for the advisory board or may delegate to the advisory board the authority to provide such rules. If an advisory board is appointed, the Board of Directors will inform the City of the purpose of the advisory board and its membership. No advisory board has been appointed.

### III. DESCRIPTION OF IMPROVEMENTS AND SERVICES

Under the organizational ordinance, the powers and the services or improvements to be provided by the BID include, but are not limited to:

(a) "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S.:

"public improvements, including but not limited to streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all necessary, incidental, and appurtenant structures and improvements."

"Improvements" also includes the relocation and improvement of existing utility lines.

(b) Landscaping Improvements including, but not limited to, landscaping, decorative structures, statuary, fountains, and all necessary, incidental and appurtenant facilities, land and easements, together with extensions of and improvements to such facilities.

(c) Relocation, Improvement and Extension of Existing and Other Public Utility Lines, including water, sanitary sewer, storm sewer, flood and surface drainage facilities and systems, electric, gas, communications, conduits, and all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said systems.

(d) Traffic Safety Devices and Controls on streets and highways, together with all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(e) Street Improvements, including streets, sidewalks, curbs, gutters, culverts, and other drainage facilities, bridges, parking, overpasses, and pedestrian ways, interchanges, median islands, paving, street lights, grading, landscaping, irrigation, identification, way-finding, and other signs, together with all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(f) Interior Common Area Improvements, Operation, and Maintenance, including floors, walls, lighting, seating, landscaping, planters, recreation facilities, kiosks, public information booths, stairways, escalators, elevators, public meeting areas and other interior public improvements as identified by the Board.

(g) Improvements for Existing Electric and Gas Utility Lines for the purpose of providing improved power and gas distribution and communications for the District.

(h) Park and Recreation Improvements, including the design, acquisition, construction, relocation, completion, installation and/or operation and maintenance of parks and recreational facilities including, but not limited to, parks, bike paths and pedestrian ways, bridges, open space, landscaping, fences, walls, cultural activities, play areas, conservatories, community recreational centers, tennis courts, water bodies, waterfalls, fountains, streams, lakes, ponds, irrigation facilities, and other active and passive recreational facilities and programs, and all necessary, incidental and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(i) Public Transportation, including the design, acquisition, installation, construction, operation, and maintenance of public transportation system improvements, including transportation equipment, park and ride facilities and parking lots, structures, roofs, covers, and facilities, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extension of and improvements to said facilities or systems; provided, however, that the design, acquisition, installation, construction, operation, and maintenance of public transportation system improvements shall, where applicable, be subject to the entry into authorizing contracts pursuant to the provisions of Part 2 of Article 1 of Title 29, C.R.S.

(j) Development Support. Demolition costs of buildings, structures, parking and other facilities in furtherance of public improvements, and specifically including, but not limited to, the former Lord and Taylor building (now operating as The Vistas).

(k) Security. Facilities for security services and to assist the City police department to serve the service area and operational area of the BID.

(l) The Ownership, Operation, and Maintenance of any public improvement.

(m) The Provision of Services as described in Section 31-25-1212(1)(f), C.R.S. Such Section 31-25-1212(1)(f) explains the power to provide services as follows:

- (i) Consulting with respect to planning or managing development activities;
- (ii) Maintenance of improvements, by contract, if it is determined to be the most cost-efficient;
- (iii) Promotion or marketing of BID activity;
- (iv) Organization, promotion, marketing, and management of public events;
- (v) Activities in support of business recruitment, management, and development;
- (vi) Security for businesses and public areas located within the district;
- (vii) Snow removal or refuse collection, by contract, if it is determined to be the most cost-efficient; and
- (viii) Providing design assistance.

(n) The Exercise of Other Powers that are granted to business improvement districts under Section 31-25-1212, C.R.S. and other law.

The BID will be primarily concerned with the provision of improvements and services within its service area, including parking, landscaping, and perimeter streets. There may be instances, such as an extension of a sidewalk or utility line, where it will be advantageous to the BID to provide an improvement or service outside of the then-current service area boundaries or operations area of the BID and the BID shall have the authority to provide the same.

(o) City-BID IGA. The City and BID approved and signed the IGA dated December 15, 2006 and amended on December 19, 2006 (“City-BID IGA”). The BID has been very pleased with the progress in the performance of the City-BID IGA. City staff continues to work well with the BID Board and its consultants on the collection and sharing of the sales tax. Pursuant to the City-BID IGA provisions, the term of the agreement is initially 25 years with an automatic extension of an additional five years if the Sales Tax collected in 2027 is more than the Sales Tax collected in the first full Sales Tax collection year, referred to as the Base Year. The Base Year is established as the first year that the Lifestyle Extension (“The Vistas”) is annexed into the City and leasing of 70% of the gross leasable area of the retail portion of the Lifestyle Extension is achieved. Per BID records, the Lifestyle Extension was annexed to the City and had leased 86.91% of the gross leasable area in 2009, which is established as the Base Year for purposes of the City-BID IGA. In addition, the BID submitted its sales tax collection report as part of the 2009 Operating Plan, which was accepted and approved by the City representing agreement on the amount of sales tax collected in the Base Year. The amount of tax collected in the Base Year is established as \$3,951,215.

(p) Audits. The BID shall complete its own audit and submit the same to the City for incorporation into the City’s audit as a component unit or as otherwise agreed by the City and the BID.

#### IV. TAXES, FEES, and ASSESSMENTS

(a) No taxes, fees, or assessments are expected to be imposed in 2017; however, there may be minor fees charged for permits relating to the use of BID facilities.

(b) The BID will be financed by revenues received pursuant to the City-BID IGA, interest on its investments, miscellaneous income and its bonds.

(c) The proposed BID budget for 2017 is attached.

#### V. BONDS

The BID issued \$16,310,000 in Shared Sales Tax Revenue Bonds in 2007. The Series 2007 Bonds are special limited revenue obligations of the BID secured by and payable from the Shared Sales Tax Revenue. The Series 2007 Bonds are also secured by a Reserve Fund in the amount of \$1,243,095. The Series 2007 Bonds do not constitute an obligation of the City.

The 2017 gross annual principal and interest payments on the Series 2007 Bonds (ignoring Reserve Fund interest earnings) is \$1,239,345. The gross principal and interest

payments continue at approximately that amount through 2031 (the 2031 debt service payment is actually \$2,486,260 but after netting out the Reserve Fund in the amount of \$1,243,095 the net debt service payment is \$1,243,165).

Budgeted Shared Sales Tax Revenue expected to be collected during 2016 is approximately \$5,407,500. Budgeted Shared Sales Tax Revenue expected to be collected during 2017 is estimated to be \$ \$5,300,000 after carefully considering the impacts of the current economic uncertainties. It is interesting to note that the Financial Forecast, as presented in the Series 2007 Bonds Official Statement, was based upon annual Shared Sales Tax Revenue of \$3,852,938 through 2031 which is less than what the BID is forecasting.

Based upon the current year's Shared Sales Tax Revenue budget of approximately \$5,407,500 and the gross Series 2007 Bonds annual debt service payment of approximately \$1,240,095, Shared Sales Tax Revenues are expected to exceed annual debt service requirements by approximately \$4,167,405.

## VI. INTERGOVERNMENTAL AGREEMENTS

In addition to the City-BID IGA for sharing revenue sources for the costs of providing facilities and services, the BID is a party to an IGA with the City pursuant to which the BID entered into a lease with General Growth Properties/Park Meadows Mall, L.L.C. for the police substation at the Mall. The current base rent for the lease is \$9,071.40 per month. The lease payment is subject to an annual escalation and the BID also pays certain utilities and operating expenses associated with the leased space. On April 1, 2011, the BID entered into an IGA with the Park Meadows Metropolitan District for the coordination of landscaping services to be provided by the BID. That IGA was amended on March 31, 2012 and the IGA expired on December 31, 2014. The parties to the IGA entered into a new IGA for the same purposes on April 22, 2015.

## VII. OTHER MATERIAL AGREEMENTS

In order to build public improvements for The Vistas, Mall common areas, and the City police substation, the BID has entered into lease and license agreements with General Growth Properties/Park Meadows Mall, LLC. The monthly payment on these agreements in 2017 will be \$42,369.83 for a total of \$508,438 for the year. This amount, together with the estimated City-BID IGA payment for the police substation lease constitute \$617,295 of the lease expenses described in the 2017 budget document.

For ongoing services, the BID has engaged independent contractor John Mullins to furnish management services; Mulhern MRE, Inc. for administrative and management support services; Seter & Vander Wall, P.C. for legal services; Mulhern MRE, Inc. as BID Accountant; Stan Bernstein and Associates as Financial Consultant; and Baseline Corp. (Noah Nemmers, P.E. and John McClain, P.E.) as Engineers.

## VIII. OPERATION AND MAINTENANCE

The BID provides ongoing services under its various powers, but only to the extent that the City or other service provider does not provide such services. The BID may own, operate, or maintain any public improvement. The BID may furnish street construction and maintenance including street sweeping, snow plowing and minor repairs; landscape and open space installation and maintenance including such park, recreation, conservatory, streetscape, and drainage facilities as the BID may construct, acquire or contract to maintain; and the operation and maintenance of mosquito and weed control services. The BID may also provide continuing operation and maintenance of transportation facilities and parking lots.

## IX. FINANCIAL PLAN

The BID shall have the authority to raise revenue by any means available to a Business Improvement District under Colorado law, including but not limited to, the power to impose rates, tolls, or charges for any services or improvements furnished by the BID; and the power to defray all or a portion of the costs of providing improvements or services through special assessments as provided under Section 31-25-1219, C.R.S. The use of taxes is not currently expected to be a revenue source for the BID and if imposed, would only be collected from property within the territorial boundaries of the BID.

The BID held an election in November, 2006 and may call and hold elections in the future for the purpose of authorizing debt, revenue limits, spending limits, and such other matters as may be necessary or convenient for the implementation of Art. X., Sec. 20 of the Colorado Constitution.

In the event that the Board of Directors determines that there is interest in the use of special assessments to pay for improvements or services, assessment matters will be voted upon by the electors within the proposed assessment district as required by §31-25-1219(1) and §31-25-534(3), C.R.S.

The BID may operate enterprises as defined in Art. X, Sec. 20 of the Colorado Constitution.

**THE BID HAS NOT PLEDGED, AND SHALL NOT PLEDGE, ANY CITY FUNDS OR ASSETS AS SECURITY FOR ANY INDEBTEDNESS OF THE BID.**

## X. CITY OVERSIGHT OF BID ACTIVITIES

(a) Annual Operating Plan and Budget. This 2017 Operating Plan and Budget constitutes the annual operating plan and budget that the BID is required to file with the City describing the BID's proposed activities for the upcoming budget year. This annual operating plan includes the brief report of BID activities for the past year. The City shall approve or disapprove the annual operating plan and budget within thirty days after receipt of such operating plan and budget and all requested documentation relating thereto, but not later than December 5 of the year in which such documents are filed. No public hearing by the City shall be required. This report includes the following materials or may refer to the prior plan if no material revision is needed:

1. BID Name.
2. BID Contact Person, address, telephone number, fax number.
3. Board of Directors names, addresses, and telephone numbers.
4. BID Map (see Exhibits A and B).
5. Current Budget (See Exhibit C).
6. Most Recent Audit or Audit Exemption Application (to be filed with City)
7. Copy of any filing required by or for the State Securities Commissioner.
8. A list of all intergovernmental agreements of the District (to be filed with City)
9. A description of activities performed in the last budget year.
10. An Operating Plan description of activities to be performed in the next budget year and a proposed summary budget for that year. (Adoption of the final detailed BID budget by the Board is subject to the completion of the required notice and hearing process in state law).

(b) Indebtedness.

(i) Operating Plan Authorization. Authorization for the issuance of up to and including \$50,000,000 in aggregate principal amount of general obligation indebtedness, revenue debt, or special improvement district obligations is hereby acknowledged by the City, subject to such electoral and other approvals as may be required by Colorado law. (Note that because the 2007 Bonds used \$16,310,000 of the previously approved \$50,000,000 of Operating Plan authorization, there currently is \$33,690,000 of this authorization available for use.) At no time shall the BID issue debt secured by revenues received by the BID arising from the City-BID IGA that are projected to result in annual debt service payments in excess of 95% of the projected annual revenues to be received by the BID arising from the City-BID IGA.

(ii) Additional Authority. The City's approval for additional debt authority over the amount in Section X(b)(i) hereof must be acquired by the BID, if at all, through an amendment or modification to the operating plan approved by the City Council, and such electoral approval as may be required by law.

(c) Inclusions and Exclusions. The City shall obtain the approval of the Board of Directors of the BID before the City approves any inclusion or exclusion of property for the BID.

(d) Dissolution. Following notice and a public hearing before the City Council, the BID may be dissolved under the conditions, and as allowed, by Section 31-25-1225, C.R.S.

(e) Tax, Revenue and Spending Limitation Elections. The BID may hold such tax, revenue, and spending limitation elections as may be called by the BID Board.

For any special improvement district formed by the BID, except as otherwise provided in this Operating Plan or Colorado law, as determined by the Board, the BID may authorize debt, taxes, spending and other financial matters by a vote of all of the electors of the BID or by vote of the electors of the special improvement district.

**XI. PROCEDURE FOR OBTAINING CITY APPROVAL OF MODIFICATIONS OF THE OPERATING PLAN**

The method for review and approval of modifications of the Operating Plan is as follows:

(a) In such detail as may be reasonably requested by the City, the BID shall set forth a written proposal for the modification of the Operating Plan ("Amendment").

(b) The BID shall file the Amendment with the City Manager and the City Attorney.

(c) The City Clerk shall place the Amendment as an agenda item before the City Council in the manner as is provided by City ordinance or resolution at a regular or special meeting of the City Council, and shall inform the BID at least ten days in advance of the date, time and place of the City Council meeting. No public hearing on the Amendment shall be required.

(d) The City Council shall, within 30 days of the City Council meeting, adopt an ordinance, resolution, or motion approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances.

## XII. PRIOR ACTIONS

Pursuant to 31-25-1211, C.R.S., the BID and the City agree that prior actions of the BID and the City conform so far as practicable to the previously approved BID Operating Plan and Budget.

### 2016 Accomplishments:

Park Meadows celebrates its 20<sup>th</sup> Anniversary in what is today one of the most dynamic cities, Lone Tree, Colorado. The focus this past year has been towards public improvement and public safety. The activities performed were only for public areas and only in the best interests of the public for the business improvement of Park Meadows. Some of those activities and projects completed or in progress include:

- Improvements and replacement of concrete and asphalt throughout the parking structure and lots to enhance safety and traffic flow.
- Replacement and upgrades to The Vistas water feature.
- New landscape material and island designs to promote water conservation and replaced lost plant material from past winters.
- Replacement and resealing of the flooring throughout the center to preserve the hardwood floors.
- Supported the summer National Geographic educational programs and Tunes on the Terrace Summer Concert Series of the Lone Tree Arts Center.
- Marketing, sponsorship and advertising initiatives to promote Park Meadows, our retailers, restaurants and services to a wide range of customers through a wide range of media for the enhancement and improvement of sales and customer visits to the shopping center.
- Expansion of interior and exterior wayfinding and directional signage across property.
- Additional and upgraded CCTV installation throughout the Shopping Center.
- Full replacement of escalator steps on Dillard's Court escalators to improve safety

- Management organization of over 30 contracts for contractors and services provided at the shopping center.
- Support to our operations and maintenance team to help with the upkeep, repair, and efficiency of the shopping center.
- Support to the public safety, law enforcement and janitorial services at Park Meadows to ensure a clean safe and secure environment in the public areas for the immediate and long term business of the shopping center.

Photographs and more detail will be provided at the October City Council meeting.

### XIII. CONCLUSION

It is submitted that this Operating Plan and Budget for the Park Meadows Business Improvement District meets the requirements of the Business Improvement District Act and further meets applicable requirements of the Colorado Constitution. It is further submitted that the types of services and improvements to be provided by the BID are those services and improvements which best satisfy the purposes of Part 12 of Article 25 of Title 31, C.R.S., as required by Section 31-25-1207(5), C.R.S.

The BID respectfully requests that the City approve this 2017 Operating Plan and Budget.

#### List of Exhibits

- A. Map of BID Service Area
- B. Map of BID Operational Area
- C. Budget for 2017

**EXHIBIT A**

**EXHIBIT A  
BOUNDARIES AND SERVICE AREA OF THE  
PARK MEADOWS BUSINESS IMPROVEMENT DISTRICT**

The Service Area of the  
Park Meadows Business Improvement District is described as follows:

**PARCEL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF TRACT D, PARK MEADOWS TOWN CENTER FILING NO. 1-A, 1ST AMENDMENT AS RECORDED AUGUST 04, 1986 AT RECEPTION NO. 9635841 IN THE RECORDS OF DOUGLAS COUNTY, SAID PARCEL SITUATED IN SECTION 3, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO BEING DESCRIBED AS FOLLOWS:

TRACT D, PARK MEADOWS TOWN CENTER FILING NO. 1-A, 1ST AMENDMENT,

EXCEPT THAT PORTION OF SAID TRACT D GRANTED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO IN THAT AMENDED RULE AND ORDER FOR CASE NO. 01-OV-806, DIVISION 2, DISTRICT COURT, DOUGLAS COUNTY, COLORADO, SAID RULE AND ORDER RECORDED SEPTEMBER 02, 2004 UNDER RECEPTION NO. 2004082175 IN THE RECORDS OF DOUGLAS COUNTY.

THE NET AREA OF THE PARCEL BEING DESCRIBED IS 16,369 SQ FT (0.3528 ACRE) MORE OR LESS.

THE ABOVE PARCEL DESCRIPTION WAS PREPARED BY DAVID L. STUFFLEBEAM UNDER THE SUPERVISION OF DAVIS C. DIFULVID, PLS#16401



\\pds\metris | j:\4\_021\3342\mca\cnp\shl\lts\yfs\report\1-3342-TRACT D REMAINDER.dwg | DATE 1/9/2008 | TIME 1:35:03 pm |

**Farnsworth**  
GROUP  
3035 EAST TULSA AVENUE, SUITE 850  
DENVER, COLORADO 80237  
(303) 692-8888 / (303) 692-0470 FAX

ROUSE PARK MEADOWS, I.L.O.

REMAINDER OF TRACT D  
PARK MEADOWS TOWN CENTER  
FILING NO. 1-A, 1ST AMENDMENT

Printed No:	3342.AN
Drawn by:	MOO
Approved:	
Date:	1-9-08
Reviewed:	
1 OF 2	



## EXHIBIT B

### EXHIBIT B OPERATIONS AREA OF THE PARK MEADOWS BUSINESS IMPROVEMENT DISTRICT

The Operations Area of the Park Meadows Business Improvement District, being the area that will benefit from the Improvements and Services to be provided to the District, is generally described as that area now or in the future within the City of Lone Tree in Douglas County, Colorado bounded by:

County Line Road,  
Interstate Highway 25,  
Park Meadows Center Drive,  
The Mall Ring Road and Entrance between Park Meadows  
Center Drive and South Yosemite Street  
South Yosemite Street, and  
South Chester Street.

A map showing these perimeter streets is attached.



**EXHIBIT C**  
**Park Meadows Business Improvement District**  
**General Fund Comparative Summary Budget 2017**

	<u>Actual</u> 2015	<u>Budget</u> 2016	<u>Budget</u> 2017
<b>Revenues</b>			
Retail sales tax	5,462,139	5,407,500	5,300,000
Property tax reimbursement	287,143	287,143	228,700
Use tax - construction	11,900	10,000	10,000
Reimb. expenditures - landscape	16,994	18,538	18,600
Interest & misc. revenues	11,081	10,000	10,000
<b>Total revenues</b>	<u>5,789,257</u>	<u>5,733,181</u>	<u>5,567,300</u>
<b>Operating expenditures</b>			
Operations and maintenance	1,967,980	1,581,000	1,686,000
Lease expenses	541,829	594,000	629,600
Property repairs & replacements	436,224	445,000	390,000
Property tax reimbursement	287,143	287,143	228,700
Marketing	227,148	355,000	367,000
Staffing & accounting	104,675	122,000	125,000
District management fee	42,574	42,000	42,000
Off site storage	30,000	30,000	30,000
Auditing	4,000	6,000	10,000
Legal	17,364	25,000	25,000
Other general & administrative	22,050	32,500	38,000
Operating contingency	26,815	150,000	150,000
<b>Total operating expenditures</b>	<u>3,707,802</u>	<u>3,669,643</u>	<u>3,721,300</u>
<b>Non-operating expenditures</b>			
Capital projects	677,937	3,148,000	1,250,000
Debt service fund transfers	1,239,637	1,244,000	1,244,000
<b>Total non-operating expenditures</b>	<u>1,917,574</u>	<u>4,392,000</u>	<u>2,494,000</u>
<b>Net revenue less expenditures</b>	<u>163,881</u>	<u>(2,328,462)</u>	<u>(648,000)</u>
<b>Beginning of the year fund balance</b>	<u>5,962,129</u>	<u>6,126,010</u>	<u>3,797,548</u>
<b>End of year fund balance</b>	<u>6,126,010</u>	<u>3,797,548</u>	<u>3,136,408</u>

The Park Meadows Business Improvement District prepares its financial statements and budgets using the modified accrual basis of accounting.

## EXHIBIT C

### Park Meadows Business Improvement District Debt Service Fund Comparative Summary Budget

	Actual 2015	Budget 2016	Budget 2017
<b>Cash sources</b>			
General fund transfers	1,239,637	1,244,000	1,244,000
Interest income	2,873	3,000	3,000
<b>Total cash sources</b>	<b>1,242,510</b>	<b>1,247,000</b>	<b>1,247,000</b>
<b>Cash uses</b>			
2007 Bonds interest payments	749,595	725,095	699,345
Bond principal payments	490,000	515,000	540,000
Paying agent fees	3,500	3,500	3,500
<b>Total cash uses</b>	<b>1,243,095</b>	<b>1,243,595</b>	<b>1,242,845</b>
<b>Net cash sources less uses</b>	<b>(585)</b>	<b>3,405</b>	<b>4,155</b>
<b>Beginning of year fund balances</b>	<b>1,338,329</b>	<b>1,337,744</b>	<b>1,341,149</b>
<b>End of year fund balances</b>	<b>1,337,744</b>	<b>1,341,149</b>	<b>1,345,304</b>

<b>2007 Bond Detail Schedule</b>				
	Interest	Principal	Total Debt	End of year
	Payments	Amortization	Service	Debt Balance
2007	335,304		335,304	16,310,000
2008	856,095		856,095	16,310,000
2009	856,095		856,095	16,310,000
2010	856,095	385,000	1,241,095	15,925,000
2011	836,845	405,000	1,241,845	15,520,000
2012	816,595	425,000	1,241,595	15,095,000
2013	795,345	445,000	1,240,345	14,650,000
2014	773,095	470,000	1,243,095	14,180,000
2015	749,595	490,000	1,239,595	13,690,000
2016	725,095	515,000	1,240,095	13,175,000
2017	699,345	540,000	1,239,345	12,635,000
2018	672,345	570,000	1,242,345	12,065,000
2019	642,135	600,000	1,242,135	11,465,000
2020	610,335	630,000	1,240,335	10,835,000
2021	576,945	665,000	1,241,945	10,170,000
2022	541,700	700,000	1,241,700	9,470,000
2023	504,600	735,000	1,239,600	8,735,000
2024	465,645	775,000	1,240,645	7,960,000
2025	424,570	815,000	1,239,570	7,145,000
2026	381,375	860,000	1,241,375	6,285,000
2027	335,795	905,000	1,240,795	5,380,000
2028	287,830	955,000	1,242,830	4,425,000
2029	236,737	1,005,000	1,241,737	3,420,000
2030	182,970	1,060,000	1,242,970	2,360,000
2031	126,260	2,360,000	2,486,260	-
	14,288,746	16,310,000		



CITY OF LONE TREE  
STAFF REPORT

**TO: Mayor Millet and City Council**

**FROM: Jeff Holwell, Economic Development Director**

**DATE: October 12, 2016**

**FOR: October 18, 2016**

**SUBJECT: Lone Tree Business Improvement District Operating Plan and Budget for 2017**

---

Summary

The Lone Tree Business Improvement District (BID) was formed by the City Council in 2015 to provide landscape, snow removal, common area maintenance, marketing, and infrastructure improvements within its boundaries at the Lone Tree Entertainment District. It is a quasi-municipal corporation and political subdivision of the state. Each year, it is required to submit its Operating Plan and Budget to the City for approval. The Operating Plan and Budget for 2017 was submitted in a timely fashion and has been reviewed by the City's Finance Director, City Attorney and staff. The submission conforms to the Plans and Budgets approved by Council in previous years (2015).

Cost

There is no cost to the City.

Suggested Motion

I move to approve the 2017 Operating Plan and Budget for the Lone Tree Business Improvement District.

Background

The Operating Plan and Budget is consistent with the intent and the goals of the Lone Tree BID. The Plan explains the powers and duties of the BID, its planned improvements and services, and the City's oversight process. The Budget highlights its financial details, which plans to raise revenue via a 20 mill property tax and spend revenue in the expected areas of landscape, snow removal, common area maintenance, marketing, and improvements.



**EHLERS**

LEADERS IN PUBLIC FINANCE

September 2016

# Lone Tree Business Improvement District Operating Plan and Budget for 2017



CITY OF LONE TREE

**Ehlers Contacts:**

Matthew Dempsey

Municipal Advisor

303-802-2303

[mdempsey@ehlers-inc.com](mailto:mdempsey@ehlers-inc.com)

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**EXHIBIT A** - Map of Service Area of the BID

**EXHIBIT B** – Budget for 2017

## EXECUTIVE SUMMARY

On July 20, 2015 the City of Lone Tree (the “City”) received a petition signed by commercial business owners seeking the formation of the Lone Tree Business Improvement District (the “BID”). On September 1, 2015 the Lone Tree City Council (the “City Council”) approved the formation of the BID. The BID was created to assist with the financing, construction, operation, marketing and maintenance of public improvements and public services intended to maintain and improve the economic performance of business entities located within the BID.

**BID Budget.** Under state law, by September 30th of each year, the BID must submit an operating plan and budget to the City for approval. The BID Board must also hold a hearing prior to adoption of the final budget. As required by state law (the BID Act, §31-25-1201, et seq., C.R.S.) the budget must be used for public improvements and public services.

**BID Board of Directors.** The BID is governed by a board of directors who are appointed by, and may be removed by, City Council. BID directors must be “electors” of the BID. Current members of the BID board include: Jerry Grewe, Ken Marsh, Pat McGaughran, Shane Purcel, and Brigette Muckerman.

**Revenue.** On September 1, 2015, the BID Board of Directors placed questions on the November ballot seeking voter approval for a property tax within the BID. This authorization allows the appointed BID Board of Directors to tax itself from 0 to 20 mills via an ad valorem tax. Eligible electors were also asked to authorize the BID to levy fees generating up to \$250,000 annually to finance the operation, administration and maintenance expenses of the BID. In 2015, a 15 mill levy certification was made for the 2016 budget year. In 2016, the levy is anticipated to be certified at 20 mills for collection in 2017.

**2017**  
**OPERATING PLAN AND BUDGET FOR THE**  
**LONE TREE BUSINESS IMPROVEMENT DISTRICT**

**I. PURPOSE AND SCOPE OF THE BID**

(a) Purpose. The main purpose of the Lone Tree Business Improvement District is to provide financing, construction, operation, marketing and maintenance of public improvements and public services necessary to improve the overall experience within the BID. The majority of 2016 and 2017 BID funds are used to improve BID infrastructure and maintain landscaping in the summer and snowplowing in the winter. The service area, consisting of the territory that is within the boundaries of the BID, is shown in **Exhibit A** attached hereto and incorporated herein by this reference.

(b) Background. The BID was organized by an ordinance of the City on September 1, 2015. By state statute, specifically § 31-25-1211, C.R.S., by September 30th of each year, the BID is required to submit an operating plan and budget to the City for review and approval. This document is the submittal for 2016.

(c) Operating Plan Contents. Pursuant to the provisions of the Business Improvement District Act, § 31-25-1201, et seq., C.R.S., as amended, this Operating Plan specifically identifies:

- (i) the composition of the Board of Directors,
- (ii) services and improvements to be provided by the BID,
- (iii) the taxes, fees, and assessments to be imposed by the BID,
- (iv) the estimated principal amount of the bonds to be issued by the BID, and
- (v) such other information as the City may require.

(d) Contact Persons. The BID Board has appointed the following contact person:

Matthew Dempsey  
Municipal Advisor  
303-802-2303  
mdempsey@ehlers-inc.com

**II. COMPOSITION OF THE BOARD OF DIRECTORS**

The BID statute provides the City Council may appoint eligible electors to serve on the Board. An eligible elector means a natural person who is a citizen of the United States, a resident of Colorado aged eighteen years or older and who either 1) makes his primary dwelling place in the BID; 2) owns taxable real or personal property within the boundaries of the BID; 3) is the holder of a leasehold interest in taxable real or personal property within the boundaries of the BID; or 4) is the

natural person designated by an owner or lessee of taxable real or personal property in the BID which is not a natural person to vote for such owner or lessee.

Council appointed the following individuals to the BID board in 2016:

Jerry Grewe, Vice President Real Estate, Regal Entertainment Group  
Ken Marsh, Owner, Lone Tree Investment/ Panera Bread  
Pat McGaughran, Owner, Pat and Mike LLC/ Rio Grande  
Shane Purcel, Owner/Operator, Mellow Mushroom  
Brigitte Muckerman, Lone Tree General Manager, TCF Bank

### III. DESCRIPTION OF IMPROVEMENTS AND SERVICES

Under the organizational ordinance, the powers and the services or improvements to be provided by the BID include, but are not limited to:

(a) "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S.:

"public improvements, including but not limited to streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuaries, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all necessary, incidental, and appurtenant structures and improvements."

"Improvements" also includes the relocation and improvement of existing utility lines.

(b) Landscaping Improvements including, but not limited to, landscaping, decorative structures, statuaries, fountains, and all necessary, incidental and appurtenant facilities, land and easements, together with extensions of and improvements to such facilities.

(c) Traffic Safety Devices and Controls on streets and highways, together with all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(d) Street Improvements, including streets, sidewalks, curbs, gutters, culverts, and other drainage facilities, bridges, parking, overpasses, and pedestrian ways, interchanges, median islands, paving, street lights, grading, landscaping, irrigation, identification, way-finding, and other signs, together with all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(e) Interior Common Area Improvements, Operation, and Maintenance, including floors, walls, lighting, seating, landscaping, planters, recreation facilities, kiosks, public information booths, stairways, escalators, elevators, public meeting areas and other interior public improvements as identified by the Board.

(f) Park and Recreation Improvements, including the design, acquisition, construction, relocation, completion, installation and/or operation and maintenance of parks and recreational facilities

including, but not limited to, parks, bike paths and pedestrian ways, bridges, open space, landscaping, fences, walls, cultural activities, play areas, conservatories, community recreational centers, tennis courts, water bodies, waterfalls, fountains, streams, lakes, ponds, irrigation facilities, and other active and passive recreational facilities and programs, and all necessary, incidental and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities.

(g) Public Transportation, including the design, acquisition, installation, construction, operation, and maintenance of public transportation system improvements, including transportation equipment, park and ride facilities and parking lots, structures, roofs, covers, and facilities, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extension of and improvements to said facilities or systems; provided, however, that the design, acquisition, installation, construction, operation, and maintenance of public transportation system improvements shall, where applicable, be subject to the entry into authorizing contracts pursuant to the provisions of Part 2 of Article 1 of Title 29, C.R.S.

(h) The Ownership, Operation, and Maintenance of any public improvement.

(i) The Provision of Services as described in Section 31-25-1212(1)(f), C.R.S. Such Section 31-25-1212(1)(f) explains the power to provide services as follows:

(i) Consulting with respect to planning or managing development activities;

(ii) Maintenance of improvements, by contract, if it is determined to be the most cost-efficient;

(iii) Promotion or marketing of BID activity;

(iv) Organization, promotion, marketing, and management of public events;

(v) Activities in support of business recruitment, management, and development;

(vi) Security for businesses and public areas located within the district;

(vii) Snow removal or refuse collection, by contract, if it is determined to be the most cost-efficient; and

(viii) Providing design assistance.

(j) The Exercise of Other Powers that are granted to business improvement districts under Section 31-25-1212, C.R.S. and other law.

(k) Audits. The BID shall complete its own audit as required by Part 6 of Article 1 of Title 29, C.R.S. and submit the same to the City for incorporation into the City's audit as a component unit or as otherwise agreed by the City and the BID.

Finally, as briefly described below, the BID will be primarily focused on three major activities: marketing, maintenance, and infrastructure improvements. Due to a limited budget, it is anticipated the BID will primarily focus on maintenance activities and landscape and common area improvements.

**Marketing.** The BID will begin to promote business and civic activities, including events such as restaurant tours, block parties, farmers markets, and holiday festivals, as well as broader public relations and marketing campaigns. The BID may begin to implement recommendations contained within The Lone Tree Plaza Vision Book regarding the installation of directional signage to encourage more drivers, pedestrians, and bicyclists to venture in off of Yosemite Street and Park Meadows Drive.

**Maintenance.** Landscaping improvements were a major focus in the first summer of the BID. The BID engaged a landscape contractor to clean up existing landscape improvements and make recommendations on how to improve the existing landscape areas. The BID may assume responsibility for repairing and striping parking lots and traffic lanes, planting and maintaining landscaping, snow removal, and regular cleaning throughout the BID area. The goal would be to create a more attractive, uniform environment that is welcoming to visitors.

**Infrastructure Improvements.** In addition to maintenance and marketing activities, the BID may consider and undertake larger infrastructure improvements to take the BID shopping and entertainment experience to the next level. A prime example would be the Promenade concept that is featured prominently in the Plaza Vision Book, as well as the “Allee Park”, “Front Yard”, and other flexible gathering / event spaces within the District. In 2017, the BID anticipates completing and implementing a strategic design for the plaza area focusing on creating a community meeting environment.

#### IV. TAXES, FEES, and ASSESSMENTS

(a) The BID successfully passed a ballot question in November, 2015 enabling the collection of up to 20 mills annually which will provide the BID with approximately \$220,000 annually as of the 2016 Assessment. In its first year of operation, the BID certified a mill levy of 15 mills.

(b) Although it does not intend to do such at this time, the BID is authorized to impose fees, rates, tolls and other charges.

(c) The proposed BID budget for 2017 is attached hereto as **Exhibit B** and incorporated herein by this reference.

#### V. Debt

The BID has not issued any bonds, notes or other forms of debt nor has it issued any certificates of participation.

#### VI. INTERGOVERNMENTAL AGREEMENTS

The BID has not entered into any Intergovernmental Agreements (“IGAs”). However, it is anticipated the BID Board of Directors may consider entering into an IGA with the City in order to partner in the provision of certain services within the BID or to complete certain public improvements.

#### VII. OTHER MATERIAL AGREEMENTS

The BID entered into a contract for landscaping services and a contract for snowplowing services in 2016. All material agreements are approved by the BID Board of Directors.

#### VIII. OPERATION AND MAINTENANCE

The BID may provide ongoing services under its various powers, but only to the extent that the City or other service provider does not provide such services. The BID may own, operate, or maintain any public improvement. The BID may furnish street construction and maintenance including street sweeping, snow plowing and minor repairs; landscape and open space installation and maintenance including such park, recreation, conservatory, streetscape, and drainage facilities as the BID may construct, acquire or contract to maintain; and the operation and maintenance of mosquito and weed control services. The BID may also provide operation and maintenance of transportation facilities and parking lots.

#### IX. FINANCIAL PLAN

The BID shall have the authority to raise revenue by any means available to a Business Improvement District under Colorado law, including but not limited to taxes, assessments, rates, tolls, or charges for any services or improvements furnished by the BID.

The BID is held a successful election on November 3, 2015 to authorize a property tax for up to 20 mills to finance operations of the District. It may also call and hold elections in the future for the purpose of authorizing debt, revenue limits, spending limits, and such other matters as may be necessary or convenient for the implementation of Art. X., Sec. 20 of the Colorado Constitution.

In the event that the Board of Directors determines that there is interest in the use of special assessments to pay for improvements or services, assessment matters will be voted upon by the electors within the proposed assessment district as required by §31-25-1219(1) and §31-25-534(3), C.R.S.

The BID may operate enterprises as defined in Art. X, Sec. 20 of the Colorado Constitution.

THE BID HAS NOT PLEDGED, AND SHALL NOT PLEDGE, ANY CITY FUNDS OR ASSETS AS SECURITY FOR ANY INDEBTEDNESS OF THE BID.

#### X. CITY OVERSIGHT OF BID ACTIVITIES

(a) Annual Operating Plan and Budget. This 2017 Operating Plan and Budget constitutes the annual operating plan and budget that the BID is required to file with the City describing the BID’s proposed activities for the upcoming budget year. This annual operating plan includes the brief

report of BID activities for the past year. The City shall approve or disapprove the annual operating plan and budget within thirty days after receipt of such operating plan and budget and all requested documentation relating thereto, but not later than December 5th of the year in which such documents are filed. No public hearing by the City shall be required.

This report includes the following materials:

1. BID Name.
2. BID Contact Person, address, telephone number, fax number.
3. Identity of the Board of Directors.
4. Boundary Map (see **Exhibit A**).
5. 2017 Budget (See **Exhibit B**).
6. A description of activities performed in the last budget year.
7. An Operating Plan description of activities to be performed in the next budget year and a proposed summary budget for that year. (Adoption of the final detailed BID budget by the Board is subject to the completion of the required notice and hearing process in state law).

(b) Indebtedness.

(i) The District has not sought authorization from the eligible electors of the BID to incur debt.

(ii) Additional Authority. The City's approval for incurring debt must be acquired by the BID, if at all, through an amendment or modification to the operating plan approved by the City Council, and such electoral approval as may be required by law.

(c) Inclusions and Exclusions. The City shall obtain the approval of the Board of Directors of the BID before the City approves any inclusion or exclusion of property for the BID.

(d) Dissolution. Following notice and a public hearing before the City Council, the BID may be dissolved under the conditions, and as allowed, by Section 31-25-1225, C.R.S.

(e) Tax, Revenue and Spending Limitation Elections. The BID may hold such tax, revenue, and spending limitation elections as may be called by the BID Board.

For any special improvement district formed by the BID, except as otherwise provided in this Operating Plan or Colorado law, as determined by the Board, the BID may authorize debt, taxes, spending and other financial matters by a vote of all of the electors of the BID or by vote of the electors of the special improvement district.

## XI. PROCEDURE FOR OBTAINING CITY APPROVAL OF MODIFICATIONS OF THE OPERATING PLAN

The method for review and approval of modifications of the Operating Plan is as follows:

(a) In such detail as may be reasonably requested by the City, the BID shall set forth a written proposal for the modification of the Operating Plan ("Amendment").

(b) The BID shall file the Amendment with the City Manager and the City Attorney.

(c) The City Clerk shall place the Amendment as an agenda item before the City Council in the manner as is provided by City ordinance or resolution at a regular or special meeting of the City Council, and shall inform the BID at least ten days in advance of the date, time and place of the City Council meeting. No public hearing on the Amendment shall be required.

(d) The City Council shall, within 30 days of the City Council meeting, adopt an ordinance, resolution, or motion approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances.

## XII. PRIOR ACTIONS

The formation of the BID was approved by the City Council on September 1, 2015. Following that action, the Council appointed an initial BID Board. No other action has been taken by the Council.

## XIII. CONCLUSION

It is submitted that this Operating Plan and Budget for the Lone Tree Business Improvement District meets the requirements of the Business Improvement District Act and further meets applicable requirements of the Colorado Constitution. It is further submitted that the types of services and improvements to be provided by the BID are those services and improvements which best satisfy the purposes of Part 12 of Article 25 of Title 31, C.R.S., as required by § 31-25-1207(5), C.R.S.

The BID respectfully requests that the City approve this 2017 Operating Plan and Budget.

### List of Exhibits

A. Boundary Map

B. Budget for 2017

Exhibit A  
Boundary Map

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# Lone Tree Business Improvement District



YOSEMITE ST

PARK MEADOWS DR

-  Business Improvement District
-  City Limits

10/18/16



Exhibit B  
2017 Budget

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**LONE TREE BUSINESS IMPROVEMENT DISTRICT**  
**Assessed Value, Property Tax and Mill Levy Information**

**GENERAL FUND**  
**2017 Proposed Budget**

	<b>2016 Budget</b>	<b>2016 Estimated</b>	<b>2017 Proposed Budget</b>
	<b>At 20 mils</b>		
<b>BEGINNING FUND BALANCE</b>	\$ -	\$ -	\$ 66,938
<b>REVENUE</b>			
Property Tax Revenue	\$ 165,394	\$ 164,903	\$ 218,353
Specific Ownership Taxes	-	8,734	5,000
Developer Advance	-	-	-
Interest Income	-	15	-
Miscellaneous Income	-	-	-
<b>Total Revenue</b>	<b>\$ 165,394</b>	<b>\$ 173,652</b>	<b>\$ 223,353</b>
<b>Total Funds Available</b>	<b>\$ 165,394</b>	<b>\$ 173,652</b>	<b>\$ 290,291</b>
<b>EXPENDITURES</b>			
Accounting	\$ 6,000	\$ -	\$ 5,000
Audit	3,500	-	3,500
Insurance	4,000	4,000	4,000
Legal	20,000	20,000	20,000
Management	20,000	15,000	15,000
Landscape Services	23,354	23,382	31,176
Snow Plow Services	10,000	38,750	116,250
Parking Lot Maintenance	50,000	-	50,000
Website/Marketing	7,500	-	7,500
Plaza & Lighting Upgrades	7,500	-	7,500
Treasurer's Fees	5,000	2,474	3,275
Contingency	2,000.00	-	2,000
<b>Total Expenditures</b>	<b>\$ 158,854</b>	<b>\$ 103,606</b>	<b>\$ 265,201</b>
Total Expenditures Requiring Appropriation	\$ 158,854	\$ 103,606	\$ 265,201
<b>ENDING FUND BALANCE</b>	<b>\$ 6,540</b>	<b>\$ 66,938</b>	<b>\$ 20,242</b>
<b>EMERGENCY RESERVE</b>	<b>\$ 4,766</b>	<b>\$ 3,108</b>	<b>\$ 7,956</b>



## CITY OF LONE TREE

### STAFF REPORT

**TO: Mayor Millet and City Council**

**FROM: Jennifer Pettinger, CMC, City Clerk**

**FOR: October 18, 2016 Agenda**

**DATE: October 12, 2016**

**SUBJECT: Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS**

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#### Summary

Recent legislation requires personal service notification for a hearing on a defendant's ability to pay before a warrant can be issued for failure to appear or failure to request additional time to pay a fine. For that reason, we researched cost effective alternatives to incentivize defendants to pay and would like Council to approve the use of a collections service. A recent court listserve inquiry showed at least 17 area municipalities utilizing a collection service and we expect many more to begin due to the new legislation. If approved, current outstanding citations will be referred to a collections service. We will not refer any citations that were not personally served by an officer (i.e. parking or red-light camera violations).

#### Cost

If approved as proposed, there will be no direct cost to the City. If the collection service is successful, defendants will be charged an 18-25% collection fee and the City will recoup 100 percent of the fine.

#### Suggested Motion

I move to approve Ordinance 16-03, PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT FINES, COSTS AND OTHER ASSESSMENTS on First Reading.

#### Background

During the study session, Council asked what percentage of tickets remain unpaid. We are limited, with our current software (Eforce), to pull a report with the exact number or percentage of unpaid violations because of the way partial payments are reported but we believe over the course of 10 years it is approximately 4% that are fully uncollected. For parking tickets, we had 77 issued from May to August of this year. In that 4 month period, 64

tickets have been paid and 13 remain unpaid which equates to 16% unpaid. In regard to red-light camera violations we have 15.9% unpaid from the program's inception.

The attached ordinance allows for court fines and assessments to be recovered by a collection agency. Staff will prepare a resolution adding the fee to the court fine schedule. We anticipate that resolution will be on the agenda following second reading of this ordinance.

**ORDINANCE OF THE  
CITY OF LONE TREE**

**Series of 2016**

**Ordinance No. 16-03**

**AN ORDINANCE PROVIDING FOR THE COLLECTION OF MUNICIPAL COURT  
FINES, COSTS AND OTHER ASSESSMENTS**

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

**ARTICLE 1 – AUTHORITY**

The City of Lone Tree (the “City”) is a home rule municipality operating under the Lone Tree Home Rule Charter (the “Charter”) adopted on May 5, 1998 and a Municipal Code (the “Code”), codified and adopted on December 7, 2004. Pursuant to the Charter, the Code and the authority given home rule cities, the City may adopt and amend Ordinances.

**ARTICLE 2 – DECLARATION OF POLICY**

- A. The City Council recognizes the need to revise from time to time the legal underpinnings of the Code in order to promote and protect the public health, safety and welfare.
- B. The City Council wishes to allow for the lawful collection of delinquent municipal court fines and other assessments, and to charge a reasonable rate to facilitate such collection.
- C. The City Council hereby finds and declares that collection of fines is an administrative burden that would be more efficiently handled by a professional collection agency or other collection methods.

**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 – ADOPTION**

Chapter 10, Article XVII of the Municipal Code is amended to add the following section:

##### **Sec. 10-17-20. Collection of unpaid Municipal Court assessments.**

The Municipal Judge is authorized to direct the Municipal Court Clerk to pursue payment of fines, fees, default judgments, personal recognizance bond forfeitures, civil penalties or any other unpaid amounts due from any person assessed such sums by the Municipal Court, including the reasonable costs of collection, by any lawful method. Reasonable costs of collection shall include, without limitation, the fees and costs of the City Attorney, private counsel, or a collection agency, but such fees and costs shall not exceed twenty-five percent (25%) of the unpaid amount.

#### **ARTICLE 5 – 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, provision or applications of this Ordinance which can be given the 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 6 – CAUSES OF ACTION RETAINED**

Nothing in this Ordinance 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 – EFFECTIVE DATE**

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

**INTRODUCED READ AND ORDERED PUBLISHED ON \_\_\_\_\_, 2016.**

**CITY OF LONE TREE:**

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Jacqueline A. Millet, Mayor

**ATTEST:**

(SEAL)

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Jennifer Pettinger, CMC, City Clerk



## CITY OF LONE TREE

### STAFF REPORT

#### Project Summary

**Date:** October 18, 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 1<sup>st</sup> and 14<sup>th</sup> Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

**City Council Action First Reading (10/4/2016):** Unanimous approval

**Planning Commission Recommendation (9/13/2016):**

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, AN ORDINANCE AMENDING THE CITY OF LONE TREE ZONING CODE - SIGN STANDARDS on second reading.



**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 18, 2016 City Council Meeting

**DATE:** October 5, 2016

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

---

**A. SUMMARY**

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 1<sup>st</sup> and 14<sup>th</sup> Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

**B. SUGGESTED MOTION OR RECOMMENDED ACTION**

I move to approve Ordinance 16-02, AN ORDINANCE AMENDING THE CITY OF LONE TREE ZONING CODE - SIGN STANDARDS on second reading.

**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 1<sup>st</sup> and 14<sup>th</sup> 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.

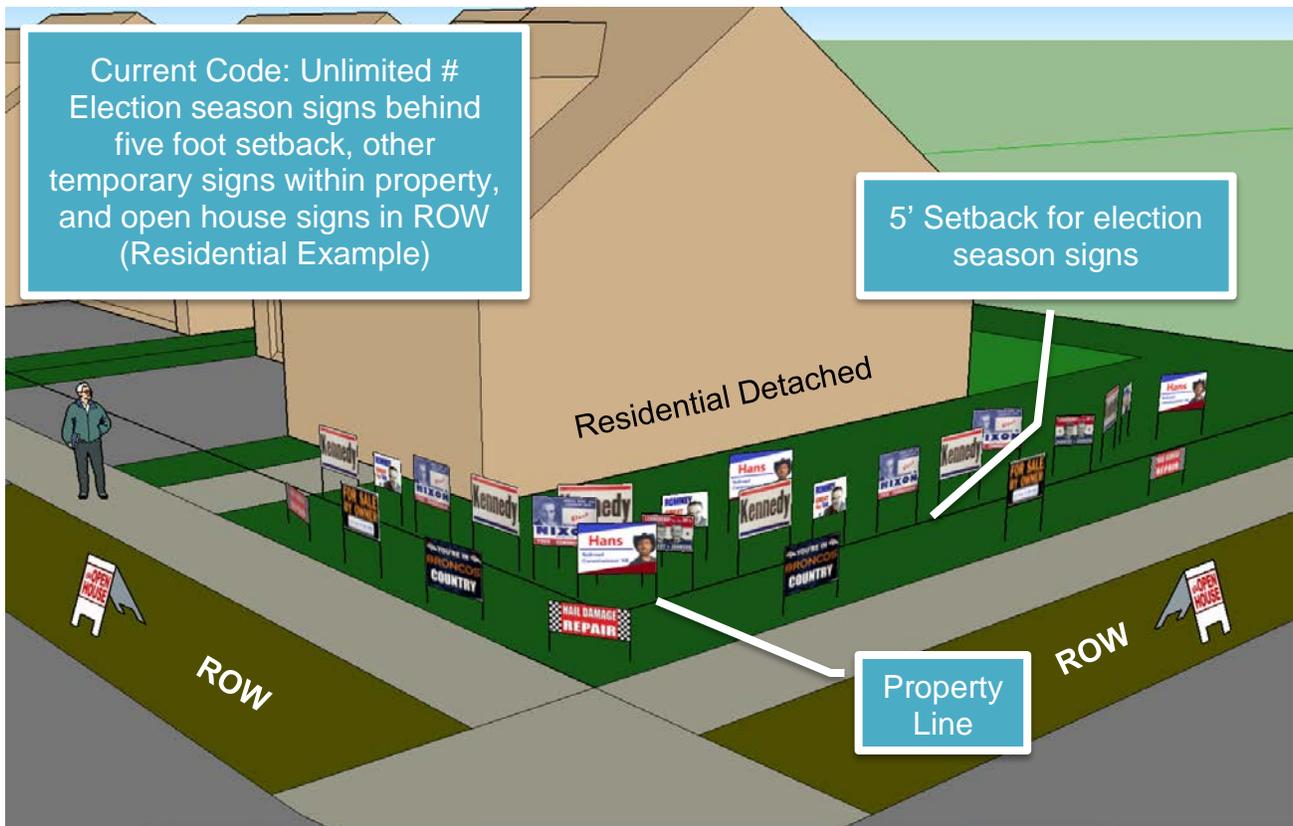
### Adding Multifamily Apartments to Signs in Nonresidential Areas

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.

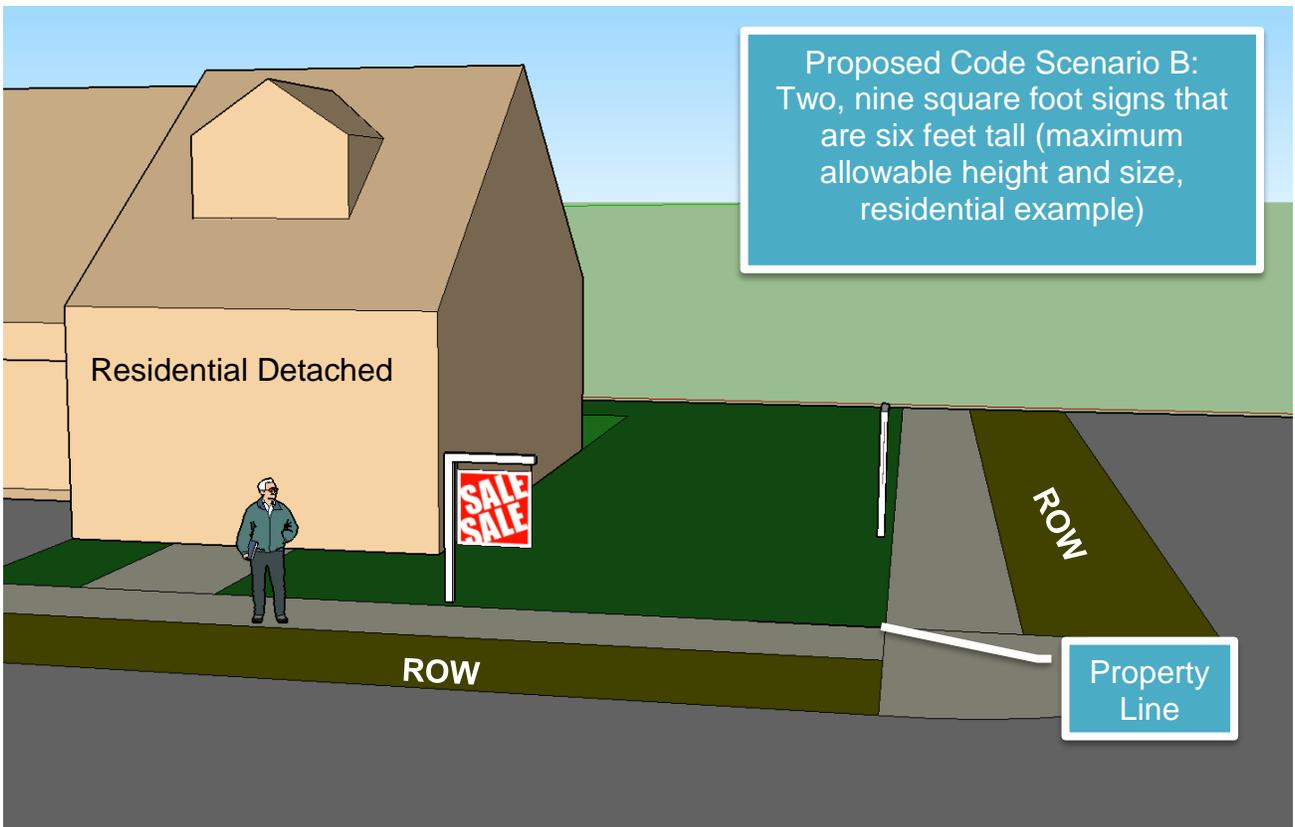
### F. EXAMPLES OF THE EFFECT OF PROPOSED CHANGES

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 16<sup>th</sup> 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 Community Development Department will present the applicable proposed changes at the Lone Tree HOA Summit on 10/17/2016. 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. The referral responses are attached.

## **H. PLANNING COMMISSION MINUTES ARE ATTACHED**

The following has been taken directly from the draft minutes of the Planning Commission meeting held on September 13<sup>th</sup>, 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. Ordinance 16-02
- B. Proposed, red-lined changes to Sign Standards
- C. Referral Responses

End

**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.**

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON OCTOBER 13, 2016, LEGAL NOTICE NO. 929901.**

**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON OCTOBER 18, 2016 TO BECOME EFFECTIVE ON NOVEMBER 17, 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**

<b>Type of Sign</b>	<b>Max. Sign Area</b>	<b>Max. Height</b>	<b>Max. Number</b>	<b>Sign Permit Required</b>	<b>Additional Requirements</b>
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.

## 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)	<del>3 sq. ft.</del> <u>Max 4 sq. ft. if gross floor area of building(s) on site is &lt;100,000 sq. ft., and Max 10 sq. ft. if gross floor area of building(s) on site is &gt; 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)	<del>6 sq. ft. if single sided; 16 sq. ft. per face if double sided.</del> <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)	<del>6 sq. ft. if single sided; 16 sq. ft. per face if double sided.</del> <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>
<del>Temporary sign (multifamily)</del>	<del>32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided</del>	<del>6 ft.</del>	<del>1 per street frontage</del>	<del>No</del>	
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	<del>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.</del>
<del>Temporary off-premises open house real-estate sign.</del>	<del>Single or double sided signs not to exceed 2 ½ ft. tall by 2 ft. wide excluding frame.</del>		<del>4 per open house event</del>	<del>No</del>	<del>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.</del>

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**

<b>Type of Sign</b>	<b>Max. Sign Area</b>	<b>Max. Height</b>	<b>Max. Number</b>	<b>Sign Permit Required</b>	<b>Additional Requirements</b>
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 <del>(primary)</del>	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 <del>(secondary)</del>	<del>6 sq. ft. (3 sq. ft. per side)</del>	—	<del>1 per tenant frontage</del>	Yes	<del>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.</del>
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)	<del>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 &lt;100,000 sq.ft., and Max 10 sq. ft. if gross floor area of building(s) on site is &gt; 100,000 sq. ft.</del>	4 ft.		No	<del>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.</del>
<del>Temporary sign (multifamily)</del>	<del>32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided</del>	<del>6 ft.</del>	<del>1 per street frontage</del>	<del>No</del>	
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	<del>Intended for signs located on land for sale or lease.</del>
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	<del>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.</del>

Type of Sign	Max. Sign Area	Max. Height	Max. Number	Sign Permit Required	Additional Requirements
<del>Election season sign</del>	<del>64 sq. ft. if single sided (32 sq. ft. per side); 15 ft. height</del>	<del>15 ft.</del>	<del>There is no limit to the number of signs per candidate or ballot issue</del>	<del>No</del>	<del>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.</del>
<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.

<b>Project Name:</b>	Ordinance Update to Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards
<b>Project File #:</b>	RG16-53
<b>Project Summary:</b>	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](mailto: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) [<mailto:information@cityoflonetree.com>]

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

**To:** [corpoffice@pcms.net](mailto: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](mailto:hans.friedel@cityoflonetree.com) by August 15, 2016.

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**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](mailto: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](mailto: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) [mailto:[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](mailto:hans.friedel@cityoflonetree.com) by August 15, 2016.

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## URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

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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

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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](mailto:justin.olson@state.co.us) | [www.cpw.state.co.us](http://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](mailto: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](http://www.southmetro.org)



Commission on  
Fire Accreditation  
International



**Right of Way & Permits**  
1123 West 3<sup>rd</sup> 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**

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### **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 4<sup>th</sup>** City Council regular meeting, and the second reading for the **October 18<sup>th</sup>** 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](mailto:hans.friedel@cityoflonetree.com)  
[www.cityoflonetree.com](http://www.cityoflonetree.com)

**From:** [brandon@scghomes.com](mailto:brandon@scghomes.com)  
**To:** [Hans Friedel](mailto:Hans.Friedel)  
**Cc:** [lane@flyhome303.com](mailto: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](mailto:Brandon@SCGHomes.com)

[Get INSTANT access to see all homes listed: \*FreeColoradoHomeSearch.com\*](#)

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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](mailto:susie@susiewargin.com)  
[www.SusieWargin.com](http://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](mailto: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.

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**From:** [brandon@scghomes.com](mailto:brandon@scghomes.com)  
**To:** [Hans Friedel](mailto:Hans.Friedel)  
**Cc:** [lane@flyhome303.com](mailto:lane@flyhome303.com); [Alex Gershkovich](mailto:Alex.Gershkovich); [maria@scghomes.com](mailto: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

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

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

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

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

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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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## CITY OF LONE TREE

### STAFF REPORT

#### Project Summary

**Date:** October 18, 2016

**Project Name:** Proposed Amendments to the Residential Building Code – Mandatory Sprinkler Option

**Project Type:** Code Amendment

**Staff Contacts:** Matt Archer, Chief Building Official  
Kelly First, Community Development Director

**Meeting Type:** Public Meeting

**Summary of Request:** Approval to amend the Lone Tree Municipal Code, Chapter 18, Building Regulations, Article III – Residential Code, to adopt language for a mandatory sprinkler option in single family and townhomes built under the 2012 International Residential Building Code (2012 IRC).

#### **Suggested Motion or Recommended Action:**

I move to approve on first reading Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION.



**CITY OF LONE TREE  
STAFF REPORT**

**TO: City Council**

**FROM: Matt Archer, Chief Building Official  
Kelly First, Community Development Director**

**FOR: October 18, 2016 City Council Meeting – Public Meeting**

**DATE: October 11, 2016**

**SUBJECT: Proposed Amendments to the Residential Building Code – Mandatory Sprinkler Option**

---

**A. SUMMARY**

Staff is proposing to amend Chapter 18 of the Municipal Code to add language for a mandatory sprinkler option in single family and townhomes built under the 2012 International Residential Building Code (2012 IRC).

**B. SUGGESTED MOTION OR RECOMMENDED ACTION**

I move to approve on first reading Ordinance 16-04, AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE TO PROVIDE FOR A MANDATORY SPRINKLER OPTION.

**C. BACKGROUND**

The City Council previously approved the mandatory sprinkler option in 2014 as part of a family of construction code updates. However, staff recently discovered that the approved language had been inadvertently omitted from the adopted ordinance. The current proposal seeks to correct that administrative oversight while also using it as an opportunity to improve upon the language.

The mandatory sprinkler option means that a home builder in Lone Tree must offer sprinklers as an option to their buyers as part of the building permit process. It represents a compromise between positions held by Fire Departments (who would

prefer to see sprinklers mandated) and Home Builders (who are oppose sprinkler mandates, mainly due to concerns about costs associated with installing sprinklers).

The Colorado Home Builders Association (HBA) previously supported the mandatory option approach. However, for a variety of reasons, that organization has changed their position and will not be in support of the adoption of fire sprinklers or any language making them a mandatory option.

The mandatory option approach is being employed by other cities such as Centennial and Castle Pines.

Staff and South Metro Fire Rescue Authority (SMFRA) have worked with other jurisdictions since the last adoption in 2014. Through that process we have drafted new language, which we believe improves upon the previous version. The propose language is clear in outlining scoping located within the sprinkler requirements of the IRC and does not rely on a separate form to be submitted.

#### **D. PROPOSED AMENDMENTS**

The following is a red-lined version of the proposed amendments.

Sec. 18-3-40 (10) R313.1 and R313.2 are amended as follows:

R313.1 Townhouse automatic fire sprinkler system. ~~Although not required, if an automatic residential fire sprinkler system for a townhouse is desired, it shall be designed and installed in accordance with Section P2904.~~ A builder of a townhouse shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a townhouse shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

##### **R313.1.1 Design and installation.**

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- or two-family dwelling automatic fire sprinkler system. ~~Although not required, if an automatic residential fire sprinkler system for a one- or two-~~

~~family dwelling is desired, it shall be designed and installed in accordance with Section P2904 or NFPA 13D. A builder of one- or two- family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a one- or two- family dwelling shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.~~

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1 Design and installation.

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

End

For a better quality of life.



HOME BUILDERS  
ASSOCIATION  
of  
METRO DENVER®

October 7, 2016

Mr. Matt Archer  
Chief Building Official  
City of Lone Tree  
9220 Kimmer Drive, Suite 100  
Lone Tree, CO 80124

Dear Matt,

The Home Builders Association of Metro Denver (“HBA”) and its Members support the staff recommendation of amending out the fire sprinkler requirements and/or options from the 2015 Code, as has been done previously.

Thank you for the consideration of our concerns and recommendations. We look forward to continuing dialogues on this and other matters of concern to our members and, as always, appreciate the opportunity to do so.

Sincerely,

A handwritten signature in black ink that reads "Cherie Talbert". The signature is fluid and cursive.

Chérie Talbert  
Senior Vice President  
HBA of Metro Denver

**ORDINANCE OF THE  
CITY OF LONE TREE**

**Series of 2016**

**Ordinance No. 16-04**

**AN ORDINANCE AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE  
TO PROVIDE FOR A MANDATORY SPRINKLER OPTION**

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

**ARTICLE 1 – AUTHORITY**

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and 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.

**ARTICLE 2 – DECLARATIONS OF POLICY**

- A. The City Council has adopted the 2012 International Residential Code (IRC), addressing the standards for the design and construction of residential buildings that adequately protects the public health, safety and welfare.
- B. The City Council, in adopting the IRC, addressed provisions that allowed optional automatic residential fire sprinkler systems.
- C. The City Council believes there is a need to strengthen those provisions to provide for a mandatory sprinkler option that requires a home builder to offer sprinklers as an option to buyers as part of the building permit process.

**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**

Section 18-3-40 (10) of the Municipal Code, is hereby repealed in its entirety and re-adopted as follows:

(10) Section R313, Automatic Fire Sprinkler System, is deleted in its entirety and replaced by the following:

### **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouse automatic fire sprinkler system. A builder of a townhouse shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a townhouse shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- or two-family dwelling automatic fire sprinkler system. A builder of one- or two- family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a one- or two- family dwelling shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1 Design and installation. If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**ARTICLE 5 – CAUSES OF ACTION RETAINED**

Nothing in this Ordinance or in the Building Regulations 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 6 – 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 7 - 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 ON OCTOBER 18, 2016.**

**CITY OF LONE TREE:**

\_\_\_\_\_  
Jacqueline A. Millet, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer Pettinger, CMC, City Clerk

(SEAL)