Agenda for the
Regular Meeting of the
Englewood City Council
Tuesday, September 4, 2012
7:30 pm

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

5. Consideration of Minutes of Previous Session.

6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)

7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

   Council Response to Public Comment

8. Communications, Proclamations, and Appointments.
   a. Letter from Kailei Higginson announcing his resignation from the Election Commission:

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
9. Consent Agenda Items.
   a. Approval of Ordinances on First Reading.
   b. Approval of Ordinances on Second Reading.
   c. Resolutions and Motions.

10. Public Hearing Items. (None scheduled.)

11. Ordinances, Resolutions and Motions
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 47 — Recommendation from the Community Development Department to adopt a Bill for an Ordinance rezoning the Oxford Station TOD from Light Industrial (I-1) to Planned Unit Development. Staff further recommends that Council set September 17, 2012 as the date for a Public Hearing to gather public input on the proposed rezoning. **Staff Source: Audra L. Kirk, Planner I.**
      
      ii. Council Bill No. 48 — Recommendation from the Utilities Department to adopt a Bill for an Ordinance approving the acceptance of a planning grant from the Colorado Water Conservation Board for implementation of Englewood’s Water Conservation Plan from 2012-2021. **Staff Source: Stewart H. Fonda, Director of Utilities.**

   b. Approval of Ordinances on Second Reading.
      i. Council Bill No. 39 — Authorizing amendments to the City of Englewood’s Sign Code.

   c. Resolutions and Motions.
      i. Recommendation from the Community Development Department to adopt a resolution authorizing a Park Dedication Fee in Lieu of Land Dedication Policy. **Staff Source: Alan White, Director of Community Development.**
      
      ii. Recommendation from the City Manager’s Office to adopt a resolution authorizing the Economic Development Incentive Policy. **Staff Source: Darren Hollingsworth, Economic Development Manager.**

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
12. General Discussion.
   a. Mayor's Choice.
   b. Council Members' Choice.


15. Adjournment.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
Lou,

My address has indeed changed due to admission to law school. I’m submitting my resignation from the commission. Thank you for time as City Clerk.

Sincerely
Kailei Higginson
COUNCIL COMMUNICATION

DATE: September 4, 2012  AGENDA ITEM:  SUBJECT: Ordinance rezoning Oxford Station TOD from Light Industrial (I-1) to Planned Unit Development (PUD)

INITIATED BY: Community Development  STAFF SOURCE: Audra L. Kirk, Planner I

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

There has been no previous Council action concerning the proposed Oxford Station Transit Oriented Development Planned Unit Development.

PREVIOUS PLANNING COMMISSION ACTION

The Planning and Zoning Commission considered the Oxford Station TOD PUD at a Public Hearing on August 7, 2012. The Commission considered public testimony and voted 8 to 0 to forward the proposed rezoning to PUD to City Council with a recommended action for approval with the following condition:

1. The maximum height limitation be 100’.

This limitation has been included in the Development Standards for the PUD District Plan.

RECOMMENDED ACTION

Staff recommends that Council approve the bill for an ordinance rezoning the Oxford Station TOD from Light Industrial (I-1) to PUD on first reading. Staff further recommends that Council set September 17, 2012 as the date for Public Hearing to consider testimony on the proposed rezoning.

BACKGROUND

The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

This property is a 3.504 acre site occupied by Martin Plastics since 1920. The site was recently purchased by the applicant. The parcel has been zoned I-1 Light Industrial since being annexed into the City of Englewood in 1970.
PUD OVERVIEW

The Oxford Station TOD PUD at Oxford Avenue and South Navajo Street will change the Permitted Principal Uses to allow multiple unit residential uses. Other allowed uses in the PUD are outlined under the Table of Allowed Uses in the Written Statement.

The proposed PUD will contain 252 for-lease apartments. These will be in two buildings that are connected at floors 2 through 5. The Planning and Zoning Commission requested that a height limitation of 100’ be set as a condition of approval. In addition to the one and two unit apartments, the site will also contain parking for the units, a pool and recreation space.

The parking in the proposed PUD will be 1 space for every unit, and visitor parking at 1 space for every 5 units. The amount of required spaces would be 252 resident parking spaces and 51 visitor parking spaces for a total of 303 spaces. The applicant has provided a site plan with a parking chart that indicates that a total of 335 spaces would be provided. The UDC requires 1.5 spaces per unit, or a total of 378. Although the proposed parking is 43 fewer spaces than City requirements, staff is satisfied that there will be sufficient parking for residents. Access to resident parking on the site will be controlled by a gate. Residents of the proposed development will receive one access card to the resident parking areas per bedroom and will be required to pay for additional spaces. This parking strategy will ensure that parking demand will not exceed the available supply. All guest parking will be within the property, but will not require a parking access card.

The original landscaping plan provided to the Planning and Zoning Commission did not show a Landscape Calculation Chart. At that time it was unclear whether the proposed landscaping met City standards. The applicant has provided an updated Landscaping Plan (sheet 5 of 8 in Exhibit A) that shows that the provided landscaping exceeds the required amount, in both area and material.

The proposed signage in the PUD would allow 2 square feet of signage for each linear foot of street frontage. This proposed amount of signage could be up to 1.6 square feet larger than the current sign code would allow. There are not a maximum number of signs that would be allowed.

At the Planning and Zoning Commission public hearing, traffic impacts and pedestrian access were raised as concerns. The traffic impact analysis concluded that the development would have a limited impact on the surrounding street network. According to the traffic impact analysis, the future level of service at the Oxford/Navajo intersection would be improved with the addition of protected/permissive left turn phasing for northbound left turns onto westbound Oxford. Public Works staff recommends monitoring the congestion levels at this intersection in the future in order to address the matter at that time. The applicant’s traffic consultant has responded to staff traffic impact comments (attached) and the traffic impact analysis is being revised based on those comments. The requested changes will not result in significantly different conclusions concerning traffic impacts.

Pedestrian access from the south to the Oxford light rail station is currently a challenge. There is no pedestrian crosswalk on the west leg of the intersection due to the high level of truck traffic turning left from Navajo. The traffic impact analysis recommends establishing this crosswalk if the left turn phasing noted above is implemented. The signal phasing analysis needs to be completed and conclusions agreed to by Public Works staff. Until this occurs, Public Works staff has concerns about establishing this crosswalk. In addition, a proposed “bulb-out” at the southwest corner of the Oxford/Navajo intersection raised a concern about creating a conflict with trucks turning right onto Navajo. This “bulb-out” has been recommended to be deleted.
Pedestrian connections are being studied as part of the station area planning process currently underway and recommendations for improvements will be forthcoming. The applicant is involved in the station area planning process and has indicated a desire to accommodate reasonable requests for improvements affecting the subject property, including improvements along Navajo. Improving pedestrian access to the Oxford light rail station does not and should not rest solely with this applicant. Decisions regarding pedestrian improvements should be deferred until the issuance of a building permit for this project.

Improvements to traffic signals, sidewalks and the right-of-way in general are not part of the PUD since the PUD covers only the private property involved in the rezoning. However, the applicant is requesting financial assistance for improvements being proposed in the right-of-way. Approval of financial assistance is at the conceptual level and details will need to be finalized as the station area plan progresses and before the final site plan is approved as part of the building permit for this development.

FINANCIAL IMPACT

The City of Englewood will collect a one-time Building Use Tax of approximately $472,500, an estimated furniture, fixtures and equipment use tax of $17,500, a one-time building permit fee of approximately $87,500 and the rezoning application fee of $1,500. In addition, the City will collect property tax of approximately $26,000 per year at full buildout. This is an increase of approximately $22,700 per year over current property taxes collected on the property. Actual revenues collected may change if Council approves all or part of the incentive request being proposed by the applicant.

LIST OF ATTACHMENTS

Planning and Zoning Commission Staff Report
Planning and Zoning Commission Minutes
Planning and Zoning Commission Findings of Fact
Traffic Impact Analysis & Response to Staff Comments
Bill for Ordinance
TO: Planning and Zoning Commission
THRU: Alan White, Director, Community Development
FROM: Audra L. Kirk, Planner 1
DATE: August 7, 2012

SUBJECT: Case ZON2012-005 - Public Hearing

Oxford Station

APPLICANT:
LCP Oxford LLC
5711 South Nevada Street
Littleton, CO 80120

PROPERTY OWNERS:
LCP Oxford LLC
5711 South Nevada Street
Littleton, CO 80120

PROPERTY ADDRESS:
1366 West Oxford Avenue

REQUEST:
The applicant has submitted an application to rezone the above parcel from I-1 Light Industrial zoning to a PUD Planned Unit Development. The proposed PUD will have 252 (two hundred and fifty two) dwelling units.

RECOMMENDATION:
The Department of Community Development recommends that the Planning and Zoning Commission approve Oxford Station PUD as with the following conditions:
   1. Remove bulb outs from Navajo.
   2. Provide landscape calculations.
and forward a recommendation of approval to City Council.

LEGAL DESCRIPTION:
THAT PART OF THE SE 1/4 OF SEC 4-5-68 DESC AS BEG 5 FT W & 32.75 FT N OF NE COR OF LOT 1 GOORMAN'S INDUSTRIAL SUB TH W 340.63 FT TO A PT ON ELY ROW LINE OF AT & SF RR TH NELY ALG SD ROW 557 FT M/L TO A PT ON THE S ROW LINE
OF W OXFORD AVE TH NE 165 FT M/L TH SE 52.94 FT TH S 83.88 FT TH E 5.5 FT TH S 130 FT M/L TH E 1.57 FT TH S 314.46 FT TO BEG SEC 4-5-68

ZONE DISTRICT:
I-1 Light Industrial

PROPERTY LOCATION AND SURROUNDING LAND USE:
The subject property of this PUD is located at the southwest corner of Oxford Avenue and South Navajo Street. Surrounding land to the north, south and east is also zoned I-1. Land directly to the west is the RTD Light Rail tracks and the BSNF railroad tracks and not within the City of Englewood limits.

PUD PROCEDURE:
Rezoning to a PUD requires the applicant to have a pre-application meeting with staff, a neighborhood meeting with owners and tenants located 1,000 feet of the proposed PUD. After the neighborhood meeting a formal submittal is made to the City and reviewed by City departments and other affected outside agencies. A public hearing is held before the Planning and Zoning Commission and City Council. If the PUD is approved there is a 30 day referendum time period before permits can be granted.

BACKGROUND:
The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

This property is a 3.504 acre site occupied by a Martin Plastics since 1920. This parcel has been zoned I-1 Light Industrial since being annexed into the City of Englewood in 1970.

NEIGHBORHOOD MEETING SUMMARY:
Pursuant to the Unified Development Code PUD procedure, the applicant conducted a neighborhood meeting on Wednesday, March 1, 2012, prior to submitting the PUD application. Notice of the pre-application meeting was mailed to owners and tenants of property located within 1000 feet of the proposed PUD property. A meeting summary is attached (See Exhibit A).

CITY DEPARTMENT AND DIVISION REVIEW:
The applicants had a pre-application meeting with staff in late 2011. Issues that were identified during the pre-application meeting were addressed by the applicant and the final Oxford Station PUD packet was submitted on July 6, 2012. The final plans were reviewed by City and outside Agencies and the following comments were made:

Tri-County Health Department:
1. Contact TCHD to discuss the plan to abandon the sanitary sewer system.
2. Section 16-6-2 of the Englewood Unified Municipal Code (UDC) requires a flammable gas testing and approval for development located within one thousand feet of a former landfill. TCHD recommends that the applicant work with a qualified
environmental consultant to prepare a flammable gas investigation plan for the site. This will be required prior to the issuing of a building permit.

Xcel Energy:
1. The Public Service Company of Colorado (PSCo) owns and operates existing natural gas and electric distribution facilities within the proposed project area. The developer must contact the Builder’s Call Line at 1-800-628-2121 and complete the application process for any new gas or electric service, or modification to existing facilities.
2. The developer must contact Robyn Larm (Right-of-Way Agent at 303-716-2043 for resolution to easement issues.

BNSF:
1. No comment.

Colorado Department of Transportation:
1. No comment.

RTD MC#24
Comments were not provided from this Agency.

City of Sheridan
Page 2 of 3
1. What process does your conditional use follow? Are they outlined in the UDC? If so, where? You might want to spell the process out on the PUD or refer to the process in the code.
2. The language is good, but use more specifics on design guidelines especially.
3. “The elements in the following standards”…is the following the standards?
Page 2 of 8
4. Won’t this have other uses besides residential? Do you really want a security gate?
5. Is the south building a 5 story building as well?
6. Only one entrance to the building? Where is the emergency entrance/exit to development?
7. Add “current” to Zoning I-1, Current Use: Auto parts warehouse.
8. Fence around pool?
9. Basement parking: in both buildings?
10. Landscaping?
11. Is this a garage entrance? (north end of east building).
12. “New 5’0” wide sidewalk/steps from R.O.W. to fire drive aisle” Where is the fire drive aisle?
13. Stairs – label stairs to the pedestrian bridge.
Sheet 5 of 8
14. Development is misspelled, change to read PUD Site Plan
15. Maintenance Note? Irrigation?
16. Roof line could have more articulation.

City of Englewood Department Reviews:
Utilities:
1. Pursuant to City Ordinance, each separate building in a planned unit development shall have a separate service line.
2. Fire protection requirements may require multiple fire lines for the building.

Fire:
1. Location and width of proposed security gate and fire hydrants meets fire department approval. The security gate will be required to have a Knox Access Key.

Traffic:
1. The ramp on the south building, is this full time access? Is it to a parking garage?

Engineering:
1. Revised drainage report was submitted July 31, 2012 and is currently out for review.
2. Stairs at the Oxford and Navajo will need to be structurally engineering.
3. Take the location of the pedestrian bridge off. Add: Will grant City of Englewood bridge easement when location is determined.
4. Staff requested that the bulb outs be removed from the site plan and the curb and gutter remain as is. The applicant had decided to leave the bulb outs in the plan. The bulb outs will not be approved. Staff will continue to work with the applicant to find a solution that is acceptable by staff and the applicant.

Community Development:
1. See comments below.

PUD OVERVIEW:
The Oxford Station PUD at Oxford Avenue and South Navajo Street will change the Permitted Principal Uses to allow a residential uses. Other allowed uses in the PUD are outlined under the Table of Allowed Uses in the Written Statement.

Site Plan: The applicant is proposing to build 252 unit for-lease apartments. The entire site is 3.504 acres and will consist of two apartment buildings connected at the second floor. The site also includes parking for the units, a pool and recreation area.

Landscaping: The applicant is proposing the following landscaping minimums:
   Trees: 1/450 square feet of Required Landscape Area (RLA)
   Shrubs: 1/50 square feet of RLA
Minimum number of trees between the principal structure and curb: 1/50 linear feet.
Minimum number of shrubs between the principal structure and curb: None

Although the number of trees the applicant is requiring is more than the City requirement, the amount of shrubs and number of trees and shrubs between principal structure and curb is less than City requirements. Table 16-6-7.4 Minimum Landscape Requirements in Commercial and Medical zones has a requirement of a minimum of 50% of trees to be placed between the principal structure and the curb. A minimum 40% of shrubs should be placed between the principal structure and the curb. This is a requirement for sidewalks greater than 3' wide. Sidewalks less than 3' wide may be landscaped with living and non-living plant material. The site plan did not indicate the width of the sidewalk.

The landscape calculations on the site plan have been removed. It is unclear at this time if the proposed PUD will meet the minimum requirements for the City of Englewood.

The City of Englewood requests that landscaping be brought up to City standards.

**Signage:** The proposed PUD will allow 2 square feet of signage for each linear foot of street frontage. The UDC allows the following:

<table>
<thead>
<tr>
<th>Street Frontage in Linear Feet</th>
<th>Sign Area/Foot of Street Frontage (Sign Area Amounts Are Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 foot to 100 feet</td>
<td>1.5 sq. ft/1 foot</td>
</tr>
<tr>
<td>101 feet to 250 feet</td>
<td>1.0 sq. ft/1 foot</td>
</tr>
<tr>
<td>251 feet +</td>
<td>0.4 sq. ft/1 foot</td>
</tr>
</tbody>
</table>

The proposed sign area could be up to 1.6 square feet larger than the UDC would allow. There is no maximum number of signs that would be allowed.

Individual businesses would each be allowed 1 projecting sign, not to exceed 12 square feet in area.

**Parking:** The parking in the proposed PUD will be one (1) space for every unit, and visitor parking at 1 space for every 5 units. The amount of required spaces would be 252 resident parking spaces and 51 visitor parking spaces for a total of 303 spaces. The applicant has provided a site plan with a parking chart. The parking chart indicates that a total of 335 spaces would be provided.

The UDC requires 1.5 spaces per unit and guest parking of 1 space per 5 units. According to the UDC parking requirements, this project would need to have 378 spaces for resident parking and 51 spaces for visitors for a total of 429 spaces.

Staff is requesting a Parking Management Plan or Parking Incentive Plan be provided. The Plan should address the shortage in parking and how parking will be handled on the site.
SUMMARY:
The applicant is proposing re-zoning an existing I-1 (Light Industrial) to a PUD to include residential uses. Staff is requesting at this time that the landscaping be brought up to the standards of the UDC. Staff is also requesting that a Parking Management Plan or Parking Incentive Plan be a condition of approval.

PLANNED UNIT DEVELOPMENT CONSIDERATIONS:
The Commission must determine if the PUD is consistent with the Englewood 2003 Comprehensive Plan. The Planning and Zoning Commission can approve, approve with conditions or deny the proposed PUD.

PUD District Plan
The District Plan sets forth the zoning regulations under which the proposed amendments will occur.

1. The PUD District Plan is, or is not, in conformance with the District Plan requirements and the Comprehensive Plan.

   The proposed PUD is in conformance with the District Plan and the Comprehensive Plan. The Oxford Light Rail Transit Station is specifically addressed in the Roadmap Englewood: 2003 Englewood Comprehensive Plan. It states, “The prospects for development in the areas around the Oxford LRT Station are promising. Land uses and properties that have been stagnant or in decline for a number of years may give way to vibrant new commercial uses attracted to the area due to the proximity of a light rail transit station and the presence of the Englewood Recreation Center and Englewood Golf Course”.

2. All required documents, drawings, referrals, recommendations, and approvals have been received.

   All appropriate documents concerning Oxford Station PUD have been received; however the proposed PUD has not been approved by all departments.

3. The PUD District Plan is consistent with adopted and generally accepted standards of development in the City of Englewood.

   The Oxford Station PUD District Plan, remains consistent with accepted development standards established by the City of Englewood.

4. The PUD District Plan is substantially consistent with the goals, objectives, design guidelines, policies and any other ordinance, law or requirement of the City.

   Oxford Station PUD is in conformance with all other ordinances, laws and requirements of the City.
5. When the PUD District Plan is within the Englewood Downtown Development Authority (EDDA) area, the Plan is consistent with the EDDA approved designs, policies and plans.

Not applicable.

**PUD Site Plan**
The Site Plan sets forth the site planning and design parameters under which the proposed amendments will occur.

1. The PUD Site Plan is, or is not, in conformance with the District Plan requirements.

   Oxford Station PUD site plan establishes the arrangement, orientation, location, and the building envelopes on the site which are in conformance with the District Plan. The proposed improvements on Navajo have not been approved. Staff will continue to work with the applicant to resolve these issues.

2. All required documents, drawings, referrals, recommendations, and approvals have been received.

   All required site plan materials have been received. The proposed PUD has not been approved by all departments.

3. The PUD Site Plan is consistent with adopted and generally accepted standards of development of the City of Englewood.

   The Oxford PUD is consistent with development standards set forth in the District Plan. The Development Review Team reviewed the site plan and determined that the a substantial amount of the proposal meets established City development standards, however there are unresolved issues. Staff will continue to work with the applicant to resolve these issues.

4. The PUD Site Plan is substantially consistent with the goals, objectives and policies and/or any other ordinance, law or requirement of the City.

   The proposed PUD Site Plan presented is in conformance with all other ordinances, laws and requirements of the City.

**ATTACHMENTS:**

Exhibit A: Oxford Station PUD Written Statement
Exhibit B: Oxford Station PUD Site Plan
Exhibit C: Neighborhood Meeting Summary – March 16, 2011
I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:01 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Brick presiding.

Present: Bleile, Roth, King, Knoth, Fish, Brick, Kinton, Townley
Freemire (alternate)

Absent: Welker

Staff: Alan White, Community Development Director
Brook Bell, Planner II
Audra Kirk, Planner I
Nancy Reid, Assistant City Attorney

II. PUBLIC HEARING

CASE #USE2012-009
Conditional Use approval to allow a Nano-Craft Brewery at 3445 S Broadway

Bleile moved:
Knoth seconded: TO OPEN THE PUBLIC HEARING FOR CASE #USE2012-009

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley
NAYS: None
ABSTAIN: None
ABSENT: Welker

Motion carried.

Mr. Bell presented the case. He stated the applicants are seeking approval of a Conditional Use Permit application to allow a nano-craft brewery at 3445 S Broadway. Staff recommends that the Planning and Zoning Commission approve Case #USE2012-009 to allow a nano-craft brewery to be located within the MU-B-1 Mixed-Use Central Business Zone District at 3445 S Broadway with the following conditions:
1. The applicants shall obtain all permits and required licenses prior to commencing operations.

2. The applicants shall comply with all other applicable Federal, State, and local codes.

3. All sales from the operation shall be retail; wholesale distribution shall not be permitted.

4. All outside seating shall comply with Public Works Department requirements for outdoor seating and use of the public right-of-way.

5. Any outside smoking area must meet the minimum requirements for the Colorado Clean Air Act.

6. To the maximum extent, the applicant shall take all possible precautions and measures to control odors produced by the operation.

7. Approval of Conditional Use Permit does not constitute approval of applicant’s conceptual site or floor plan attached to application. Formal approval of site or building improvements shall be based on plans and documents required for Building, Accessory, or other associated Permits.

8. Production of beer shall be limited to 2,400 barrels or 74,400 gallons per year from the date production starts. The applicant shall maintain a log of the beer production and make it available to the City upon request.

9. The City Manager or designee shall review the Conditional Use on an annual basis for compliance with all terms of approval of the Conditional Use Permit.
   a. If the Conditional Use is found to be in compliance with the terms of the Conditional Use Permit, the permit shall be renewed for one (1) year.
   b. If the Conditional Use is no longer operating, the Conditional Use Permit shall be voided and notice shall be recorded with the office of the Arapahoe County Clerk and Recorder.
   c. If the Conditional Use is found not to be in compliance with the terms of the Conditional Use Permit, the Conditional Use shall be subject to enforcement actions pursuant to the Englewood Municipal Code.

Applicant Testimony
Mr. Paul Webster, the applicant, was sworn in. He stated Englewood needs something to bring it to life again. This is a great location, right downtown. Hopefully, we are going to draw other businesses to the City. After talking with a number of residents Englewood needs a nice establishment to go to that they can enjoy. We will remain small; we don’t have the desire to grow too large. We will also be a coffee shop so people who don’t drink beer can come have coffee and tea. Proposed hours are 7 am to 9 pm Sunday through
Thursday and 7 am to 10 or 11 pm on Friday and Saturday. Customers will be able to buy a 64 ounce jug to remove from the premises. That will be the only package that will be allowed to leave the property and that is acceptable in the State license. The plan is to open the south side of the building and put a patio out there if approved by the City. He stated he has been brewing for 24 years. There will be some reinforcement of the building needed and he stated they hope to expand into the whole building in time.

**Public Testimony**

Mr. Paul Houck was sworn in. He stated he is a partner in the business.

Mr. Kinton asked how far into the sidewalk the patio will extend. Mr. Houck said approximately six feet. That leaves approximately six feet for pedestrians.

Chair Brick asked if there was anyone else who wished to speak regarding this case. There was no one.

Fish moved:  
Bleile seconded:  
**TO CLOSE THE PUBLIC HEARING FOR CASE #USE2012-009**

**AYES:**  Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley  
**NAYS:**  None  
**ABSTAIN:**  None  
**ABSENT:**  Welker  

Motion carried.

**Discussion Points:**

1. Liquor license required through State, not City.  
2. Conditional Use regulations for renewal.  
3. What products will be allowed to leave the premises?  
4. Sidewalk patio.  
5. Reinforcement of building to accommodate use.  
6. Will be a coffee shop along with the nano-craft brewery.  
7. Great addition to City; good fit for downtown.  
8. Traffic not an issue.

After discussion the following motion was made:
Knoth moved:  
Bleile seconded:  

THAT CASE #USE2012-009, CONDITIONAL USE BE APPROVED TO ALLOW A NANO-CRAFT BREWERY TO BE LOCATED WITHIN THE MU-B-1 MIXED-USE CENTRAL BUSINESS DISTRICT AT 3445 S BROADWAY AS PRESENTED WITH CONDITIONS.

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley  
NAYS: None  
ABSTAIN: None  
ABSENT: Welker  

Motion carried.

The Commission wished the applicant good luck with the nano-brewery.

CASE#ZON2012-005  
Rezoning of 1366 W Oxford Avenue (Martin Plastics) to a PUD to allow residential uses

Roth moved:  
Knoth seconded:  

TO OPEN THE PUBLIC HEARING FOR CASE #ZON2012-005

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley  
NAYS: None  
ABSTAIN: None  
ABSENT: Welker  

Motion carried.

Ms. Kirk presented the case. The applicant submitted an application to rezone 1366 West Oxford Avenue from I-1 (Light Industrial) to a PUD (Planned Unit Development) to allow residential use. The Recording Secretary distributed a new copy of the landscape plan for the property. The applicant is proposing to build 252 for-lease apartments. The project will consist of one building with a drive thru with apartments above to connect the two sides. The site is 3.504 acres and will include parking, a pool and recreation area. 335 parking spaces will be provided. Access to the site from the light rail station was discussed.
Applicant Testimony

Mr. Jonathan Bush, Principal of Littleton Capital Partners, was sworn in. The property was purchased in February of 2011 and work began on the project. The project as presented is primarily residential; commercial layout did not work.

Mr. Tim Schlighting of Littleton Capital Partners was sworn in. He discussed parking for the project.

Mr. Joseph Poli of Humphries/Poli Architects was sworn in. He presented a slide show of the proposed development and answered questions from the Commission. The project will be named Oxford Station. He stated the intent is to have the project out of the ground next year. Items discussed included a pedestrian bridge across Oxford Avenue, drainage, intersection improvements at Oxford Avenue and Navajo Street, public art, size of units, rental rates, snow storage and bicycle access.

Public Testimony

Chair Brick asked if there was anyone who wished to speak regarding this case. There was no one.

Fish moved: Knoth seconded: TO CLOSE THE PUBLIC HEARING FOR CASE #ZON2012-005

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley
NAYS: None
ABSTAIN: None
ABSENT: Welker

Motion carried.

Discussion Points:

1. Need for a pedestrian bridge over Oxford.
2. Public access in general.
3. Parking will be handled through access cards.
4. Landscaping will be above City requirements.
5. PUD never expires.
6. Possibility of height restriction.
7. City of Sheridan’s comments were taken into account.
8. Time frame; should be out of the ground next year.
9. A Traffic Study was done, but was not presented to the Commission.
10. Project is primarily residential; commercial layout did not work.
11. On-site amenities include pool, common room and public art.
12. Project will include 1 and 2 bedroom for-rent units.
13. Great use for site.
15. Navajo St and Oxford Ave street improvements.
16. Location of entry to project was moved for safety reasons.
17. Possibility of saving old building not feasible.

After discussion and a friendly amendment by Mr. Roth asking for a 100 foot height limit and accepted by Mr. Knoth the following motion was made:

Knoth moved: Roth seconded: THAT CASE #ZON2012-005 REZONING OF 1366 WEST OXFORD AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO A PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW RESIDENTIAL USES BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH THE FOLLOWING CONDITION:

1. Maximum height limit to be 100 feet.

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton, Townley
NAYS: None
ABSTAIN: None
ABSENT: Welker

Motion carried.

The Commission felt that the project is a good fit for the property and supports Roadmap Englewood: 2003 Englewood Comprehensive Plan.

III. PUBLIC FORUM

Angie Hunt and Ryan White discussed allowing micro distilleries in the City of Englewood. They stated their first choice of locations for their business is the City of Englewood, but distilleries are not allowed. They asked if that can be changed. Both Littleton and Lakewood allow distilleries in appropriately zoned areas.

Director White stated the prohibition of distilleries in Englewood was put into the Code in 1963 and maybe it is time to look into addressing the issue. He suggested the subject be discussed at the September 5th study session. Ms. Hunt and Mr. White were invited to attend the September 5th meeting.
IV. ATTORNEY'S CHOICE

Ms. Reid noted when the discussion of traffic issues on Oxford and Navajo is again discussed to please remember in order to change the traffic pattern and/or anything about that intersection we have to deal with two railroads, RTD, CDOT, City of Sheridan and City of Englewood.

V. STAFF'S CHOICE

Director White stated Staff would like to move the August 21st meeting to August 28th. The Craig Hospital vacation of the Clarkson Street right-of-way will be discussed.

Mr. Bleile moved and Mr. Fish seconded to move the meeting to the 28th. Motion passed.

VI. COMMISSIONER'S CHOICE

Mr. Bleile apologized for not being able to attend the annual Board, Commission and Authority Appreciation Night at Pirate's Cove.

Mr. Knoth noted the City's industrial district is where we are going to get our density and developers will be asking for height requests higher than what people to the east want to see. We need to figure out what we are going to do.

Mr. Brick asked Director White when the Planning and Zoning Commission would be discussing the station area plans. He stated there is a public meeting on August 8th at 7:00 in Hampden Hall. The Commission will be asked to adopt this as a small area plan in the future. He noted Mr. Roth and Mr. Knoth have agreed to serve on the steering committee and the Commission can look to them for updates. The consultants are to be finished the first part of 2013.

Mr. Kinton concurred with Mr. Knoth's comments. The Commission needs to address height, pedestrian connectivity and the context of things.

The meeting adjourned at 10:05 p.m.

Barbara Krecklow, Recording Secretary
CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #ZON2012-005 )
FINDINGS OF FACT, CONCLUSIONS )
AND RECOMMENDATIONS FOR THE )
REZONING OF 1366 WEST OXFORD AVE )
FROM I-1 (LIGHT INDUSTRIAL) TO A PUD )
(PLANNED UNIT DEVELOPMENT) TO )
ALLOW RESIDENTIAL USES )
INITIATED BY: )
LCP Oxford LLC )
5711 South Nevada Street )
Littleton, Colorado 80120 )

Commission Members Present: Brick, Fish, Knoth, Roth, King, Bleile, Kinton, Townley Freeman (alternate)

Commission Members Absent: Welker

This matter was heard before the City Planning and Zoning Commission on August 7, 2012, in the City Council Chambers of the Englewood Civic Center.

Testimony was received from Staff, the applicant and the public. The Commission received notice of Public Hearing, Certification of Posting, and Staff Report from Staff, which were incorporated into and made a part of the record of the Public Hearing.

After considering statements of the witnesses, and reviewing the pertinent documents, the members of the City Planning and Zoning Commission made the following Findings and Conclusions.

FINDINGS OF FACT

1. THAT the application was filed by LCP Oxford LLC seeking approval to rezone 1366 West Oxford Avenue from I-1 (Light Industrial) to PUD (Planned Unit Development) to allow residential uses.

2. THAT Public Notice of the Public Hearing was given by publication in the Englewood Herald on July 20, 2012 and was on the City’s website from July 12, 2012 through August 7, 2012.

3. THAT the property was posted as required, said posting setting forth the date, time, and place of the Public Hearing.
4. THAT pursuant to the Planned Unit Development procedure, a pre-application meeting was held with Staff in late 2011 and a formal submittal made to the City. The application was reviewed by City Departments and other affected outside agencies.

5. THAT pursuant to the Planned Unit Development procedure, the applicant conducted a neighborhood meeting on March 1, 2012.

6. THAT notice of the neighborhood meeting was mailed to property owners and occupants of property within 1000 feet of the site.

7. THAT the final Oxford Station PUD packet was submitted on July 6, 2012.

8. THAT the applicant is proposing to build 252 for-lease apartments with parking, a pool and a recreation area.

9. THAT the applicant is proposing 335 parking spaces.

9. THAT Planner Kirk testified the request is for the rezoning of 1366 West Oxford Avenue from I-1 (light industrial) to a PUD (Planned Unit Development) to allow residential uses. Ms. Kirk testified to the criteria the Commission must consider when reviewing a PUD application. Ms. Kirk further testified that Staff recommends approval of the amendment.


CONCLUSIONS

1. THAT the application was filed by LCP Oxford LLC, seeking approval to rezone 1366 West Oxford Avenue from I-1 (light industrial) to a PUD (Planned Unit Development) to allow residential uses.

2. THAT proper notification of the date, time, and place of the Public Hearing was given by publication in the official City newspaper, posting on the City’s website and by posting of the property for the required length of time.

3. THAT all testimony received from staff members, the applicant and the public has been made part of the record of the Public Hearing.

4. THAT the request meets the criteria for a PUD.

5. THAT the PUD is a positive improvement for the property and is the best use for the site.
6. THAT the proposed Planned Unit Development is in conformance with Roadmap Englewood: 2003 Englewood Comprehensive Plan.

DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that the application filed by LCP Oxford LLC for the rezoning of 1366 West Oxford from I-1 (light industrial) to a PUD (Planned Unit Development) to allow residential uses be recommended to City Council for approval.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on August 7, 2012, by Mr. Knoth, seconded by Mr. Roth, which motion states:

CASE #ZON2012-005, REZONING OF 1366 WEST OXFORD AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO A PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW RESIDENTIAL USES BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH THE FOLLOWING CONDITION:

1. Maximum height limit to be 100 feet.

AYES: King, Knoth, Roth, Bleile, Fish, Townley, Kinton, Brick
NAYS: None
ABSTAIN: None
ABSENT: Welker

The motion carried.

These Findings and Conclusions are effective as of the meeting on August 7, 2012.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

John Brick, Chair
The recording secretary conducted a poll of 9 Planning and Zoning Commission members via e-mail for the approval of the August 7, 2012 Minutes and the Findings of Fact in Case #USE2012-009, Conditional Use for a nano-craft brewery located within a MU-B-1 Mixed-Use Central Business District at 3445 S Broadway and Case #ZON2012-005, rezoning of 1366 West Oxford Avenue from I-1 (Light Industrial) to a PUD (Planned Unit Development) to allow residential uses.

The August 7, 2012 Minutes were approved.

AYES: Roth, Brick, Knoth, Fish, King, Kinton, Townley, Bleile
NAYES: None
ABSENT: None
ABSTAIN: Welker

The Findings of Fact in Case #USE2012-009 were approved.

AYES: Roth, Brick, Knoth, Fish, King, Kinton, Townley, Bleile
NAYES: None
ABSENT: None
ABSTAIN: Welker

The Findings of Fact in Case #ZON2012-005 were approved.

AYES: Roth, Brick, Knoth, Fish, King, Kinton, Townley, Bleile
NAYES: None
ABSENT: None
ABSTAIN: Welker
August 20, 2012

Mr. Steve Kurtz
Littleton Capital Partners, LLC
5711 South Nevada Street
Littleton, CO 80120-4615

Re: Oxford Station Traffic Impact Analysis – Response to City of Englewood Comments
FHU Reference No. 12-045-01

Dear Mr. Kurtz:

This letter serves to provide responses and explanations to the City of Englewood General and Specific comments on the Traffic Impact Study that was prepared by Felsburg Holt & Ullevig dated July 5, 2012. City review comments are dated July 25, 2012. This letter includes both the City comment and our response and explanation to that comment, if needed.

City of Englewood General Comments

1. Note that parts of this report require additional information in order for staff to issue complete comments. Therefore, staff could have additional comments as TIA is revised.

Response: Comment understood.

2. Staff would not recommend a Windermere mid-block pedestrian crossing at the Oxford Station. The existing conditions (the roadway curve, the hill and heavy truck traffic) make a mid-block crossing less than desirable. However, if this recommendation stays in the report, a safety assessment of this crossing shall be included.

Response: A mid-block crossing at this location was recommended to address existing crossing maneuvers currently being conducted by pedestrians accessing the Oxford/City of Sheridan light rail station. However, this improvement is not essential to the success of Oxford Station — there are designated crosswalks at the Oxford Avenue/Navajo Street intersection that provide safe crossings for pedestrians. As such, reference to this improvement will be removed from the revised traffic study.

3. Staff noted that one of recommendations is a possible installation of the northbound left turn arrow at the Oxford and Navajo intersection. In that case, a detailed traffic signal operational analysis will be required for both a 75 second cycle and a 150 second cycle (since it is doubtful that a left turn signal can be accommodated with the 75 second cycle). Also, analysis will be required for the 60 second and 120 second cycles for all OFF peak hour periods.
Response: Initial analyses on this issue indicated that the addition of a northbound left turn phase would be of benefit both to intersection operations and towards reducing northbound vehicle queuing on Navajo Street. More detailed analyses of this intersection, and its coordination with the Santa Fe Boulevard/Oxford Avenue intersection, will be undertaken and the results will be incorporated into the revised traffic study (including the redistribution of project traffic as identified in the response to Specific Comment No. 5).

4. The TIA study should include a general statement that if/when congestion at the Navajo/Oxford intersection (caused by an increase in the background traffic together with the proposed development traffic) takes place in the future, the matter would have to be addressed at that time.

Response: A statement will be added to the revised traffic study that Oxford Station commits to work with the City of Englewood to resolve matters at this intersection that are a direct result of traffic impacts caused by Oxford Station.

5. The long-term solution for pedestrian access to the Oxford Station is the pedestrian bridge over Oxford. The development should at least preserve the ROW for the future pedestrian overpass.

Response: Oxford Station commits to reserving ROW for a future pedestrian overpass at a location that is mutually agreeable to Oxford Station and the City.

City of Englewood Specific Comments

1. Page 4 – the center of Oxford east of Navajo is marked as a dual left turn lane or TWLTL (not as a median).

Response: Text on page 4 will be revised to clarify the uses of the center of Oxford Avenue.

2. Page 6 – change illegal crossing statement to crossing without a crosswalk (unmarked crosswalk).

Response: This text will be revised in the traffic study.

3. Page 8/11 – on page 8 is stated that Navajo/Oxford northbound left turn problems during the PM peak hours are often caused by westbound queues from the Santa Fe/Oxford intersection. On page 11 is also noted that the northbound left turn signal at Navajo/Oxford will solve the left turn problem at this intersection. These statements seem to be in conflict.

Response: The detailed traffic signal analysis previously noted in General Comment No. 3 will be used to clarify this issue.

4. Page 13 – assumption of 30% decrease in trip generation due to TOD is probably too high; 20% would seem more reasonable. However, a change from 30% to 20% presents an insignificant change in the trips.

Response: Comment noted; no changes will be undertaken in the revised traffic study, however, given the negligible change in vehicle-trips that would result.
5. Page 14 - Distribution to the north and east seems too small, and towards Santa Fe too high. Staff would suggest to consider the following distribution:
   10% north on Windermere
   10% east on Oxford
   10% south on Navajo
   35% north on Santa Fe
   30% south on Santa Fe
   5% west on Oxford

Response: The revised Traffic Impact Analysis will incorporate these revisions.

If you have any questions regarding the information contained in the letter, please do not hesitate to call.

Respectfully,

FELSBURG HOLT & ULLEVIG

Richard R. Follmer, PE, PTOE
Associate
OXFORD STATION
TRAFFIC IMPACT ANALYSIS

Prepared for:
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5711 South Nevada Street
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Project Manager:
Mr. Steve Kurtz

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Richard R. Follmer, PE, PTOE

July 5, 2012
FHU Reference No. 12-045
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I. INTRODUCTION

1.1 Project Description

A new apartment complex, Oxford Station, is being proposed on a parcel of land in the southwest corner of the Oxford Avenue/Navajo Street/Windermere Street intersection in the City of Englewood. The project site is bounded by Oxford Avenue on the north, by Navajo Street on the east, by Regional Transportation District and Burlington Northern & Santa Fe Railway tracks on the west, and by an industrial parcel to the south. The Oxford Station site was once occupied by the Martin Plastics Converters business, but it is currently vacant. See Figure 1 for a representation of the project location.

Oxford Station is a proposed 250 unit apartment complex that will also include lobby and common areas, while a pool plaza is proposed as an amenity for apartment tenants. Oxford Station plans to utilize its location near the Oxford/City of Sheridan light rail station as a marketing point for the project; one that will attract apartment tenants that desire to use light rail for typical commuter and recreational trips. Proximity to the light rail station will reduce the impact of new vehicle-trips by having rail transit access within walking distance.

A single point of access is proposed on Navajo Street towards the southern boundary of the project frontage. Please see Figure 2 for a representation of the project site plan, building orientations, and the proposed access point.

This analysis provides information related to the traffic impacts for the proposed apartment complex and it provides specific information on:

- Existing functional and operational conditions
- Projected increases in Background traffic volume levels at the Build-Out timeframe for this project
- Trip generation estimates for the proposed apartment complex
- Evaluation of project impacts
- Summary of analyses and recommendations

1.2 Study Area Boundary

The information contained in this report focuses on the transportation impacts and infrastructure requirements on the surrounding roadway system adjacent to the existing project site; specifically along Oxford Avenue, and Navajo and Windermere Streets.
II. SUMMARY OF EXISTING CONDITIONS

II.1 Existing Roadways

The existing roadway network adjacent to the project site consists of a state highway (United States 85) and other public streets typically under the jurisdiction of the City of Englewood (east of US 85) or the City of Sheridan (west of US 85). Figure 3 provides a graphical representation of the main roadways adjacent to the project and it includes roadway laneage, posted speed limits, and traffic control information. Following is a more detailed description of these roadways.

US 85 – This state highway is designated as an Expressway by the Colorado Department of Transportation to the north and south of Oxford Avenue. US 85 intersects Oxford Avenue via an at-grade intersection and this intersection is controlled by a traffic signal. US 85 has six lanes for normal vehicle movements with a concrete barrier separation between the northbound and southbound directions of travel. The lanes adjacent to the median are used as a High Occupancy Vehicle facility that is restricted to vehicles with two or more people and for motorcycles and left turn movements during the AM (northbound) and PM (southbound) peak hours. The posted speed limit is 55 miles per hour (mph) to the north and south of Oxford Avenue.

Oxford Avenue – This avenue provides east/west access continuity from approximately Lowell Boulevard eastward through the Cities of Sheridan and Englewood, and into Cherry Hills Village. This street typically has four travel lanes to the west of US 85, while two travel lanes with a center striped median exist to the east of US 85.

Oxford Avenue is controlled by a traffic signal at the Navajo Street/Windermere Street intersection as well as at the River Point Parkway intersection on the west side of US 85. Other traffic signals along Oxford Avenue are somewhat distant from the project site, being at the Federal Boulevard (to the west) and Broadway (to the east) intersections. The posted speed limit is 30 mph along Oxford Avenue to the east of US 85 and 35 mph to the west of US 85.

Navajo Street/Windermere Street – This street is named differently to the south (Navajo Street) and to the north (Windermere Street) of Oxford Avenue. Navajo Street provides continuous access between Oxford Avenue and Belleview Avenue (and beyond), primarily serving light industrial land uses. Windermere Street proceeds northward from Oxford Avenue, merging with Kenyon Avenue for east/west connectivity. This street also provides access to numerous light industrial land uses. Windermere Street provides the vehicle access route to the existing Oxford Avenue light rail station and it includes on-street parking for transit patrons (in limited areas). The posted speed limit along Navajo and Windermere Streets is 30 mph.

Intersections – Public street intersections surrounding the project site have a variety of lane configurations, from single approach lanes, to ones with three approach lanes and dual left turn lanes. Intersections are controlled by traffic signals at the River Point Parkway, US 85 and Navajo Street/Windermere Street intersections along Oxford Avenue.
Figure 3
Existing Roadway Conditions
II.2 Existing Traffic Volumes

Daily traffic volumes were recorded for 24-hour periods along Oxford Avenue, Navajo Street, and Windermere Street adjacent to the project site and to the Oxford/City of Sheridan light rail station. These data collection efforts included recording traffic volume levels on a typical weekday for a 24-hour period. Daily traffic volume levels on these streets were:

- Oxford Avenue = 17,825 vehicles per day (vpd) (west of Navajo Street/Windermere Street)
- Navajo Street = 7,175 vpd
- Windermere Street = 5,735 vpd

Intersection turning movements were also recorded. Peak hour traffic volumes were recorded on April 17, 2012 during the AM and PM hours of peak commuter times to identify the highest levels of adjacent traffic activity. Intersection turning movements were recorded at the following locations:

- Oxford Avenue/Navajo Street/Windermere Street intersection
- Oxford Avenue/US 85 intersection

Figure 4 is a graphical representation of the recorded traffic volumes; the traffic count data can be found in Appendix A. Traffic volume patterns at the US 85/Oxford Avenue intersection represent what can be expected at a major expressway intersection—heavy northbound/southbound volume along US 85, with turning movements to/from US 85 sometimes approaching 300 vehicles per hour (vph). Movements across US 85 on Oxford Avenue are 450 vph or less during either peak hour.

Eastbound and westbound movements at the Oxford Avenue/Navajo Street/Windermere Street intersection are 500 vph (westbound during the PM peak hour) or less and have patterns on the side streets representing movements to/from the north (light rail station) and south (employment opportunities) and oriented primarily to/from US 85.

II.2.1 Pedestrian Volume - Oxford Avenue/Navajo Street/Windermere Street Intersection

Pedestrian movements were recorded at this intersection to understand the levels and patterns across each approach. As information, pedestrian crosswalks and traffic signal indications are provided for movements across the north, south and east approaches at the intersection.

Pedestrian volume was six or less using any crosswalk during the AM and PM peak hours. Of note, pedestrians are crossing illegally along the west side of the intersection (no crosswalk or pedestrian signal indication). Three pedestrians were recorded making this movement during the AM peak hour, while six were recorded during the PM peak hour.
LEGEND

XXX(XXX) = AM(PM) Peak Hour Traffic Volumes
XXXX = Daily Traffic Volume
X(X) = AM(PM) Peak Hour Pedestrian Volume

Composite Peak Hours: 7:30-8:30am; 4:30-5:30pm

Existing Vehicle & Pedestrian Volumes

LEGEND

= Lane Assignment
= Traffic Signal
X/X = AM/PM Peak Hour Intersection Level of Service

Existing Intersection Geometry & Levels of Service
II.3 Operational Analyses of Existing Conditions

Level of service (LOS) analyses were conducted for each intersection during the AM and PM peak hours of vehicle activity. These analyses were conducted using the Synchro analysis software tool which allows for calculation of control delay using the methodologies of the *Highway Capacity Manual*, Transportation Research Board, 2010. These analyses use the existing traffic volumes, intersection geometry (i.e., the number of through lanes and left or right turn lanes), and intersection traffic control to estimate levels of service. Signal timing data was obtained from the City of Englewood and from CDOT Region 6 to conduct the operational analyses of the evaluated intersections. At the time of traffic data recording, the US 85/Oxford Avenue intersection operated with a 120 second traffic signal cycle length, while the Oxford Avenue/Navajo Street/Windermere Street intersection operated with a 60 second cycle length during both peak hours. It is understood that signal timing has recently been revised; the new signal timing as provided by the Denver Regional Council of Governments (DRCOG) was used in evaluating future Background and Build-Out conditions.

Level of service categorizes the ease of traffic flow through an intersection with operational designations from A through F. Level of service A represents relatively uncongested traffic flow with little or no vehicle delay, while LOS F represents greater delay and more congestion. Level of service analyses for stop-sign controlled or signalized intersections are based on average vehicle delay and they follow the same LOS A to LOS F representations; however, the LOS delay parameters vary between stop-sign controlled and signalized intersections. Level of service delay characteristics for stop-controlled and signalized intersections is included in Appendix B.

The results of these analyses indicate the following:

**US 85/Oxford Avenue Intersection**
- **AM Peak Hour** – LOS E exists for overall intersection operations with several individual movements operating at LOS E and LOS F. Of particular note, the northbound and southbound left turn movements and the southbound through movement operate at LOS F.
- **PM Peak Hour** – Several movements operate with a LOS E or F designation which results in LOS D for the entire intersection. Movements operating at LOS F are the eastbound, westbound and northbound left turns and the westbound through movement.

**Oxford Avenue/Navajo Street/Windermere Street Intersection**
- **AM Peak Hour** – LOS B is currently found at this intersection. All individual movements operate at LOS C or better.
- **PM Peak Hour** – All movements except one operate at LOS B or better for a resultant intersection LOS of C. The northbound left turn movement from Navajo Street onto westbound Oxford Avenue currently operates at LOS F. It appears that LOS F is a result of excessive westbound vehicle queuing at US 85 which fills the available space between US 85 and Navajo Street/Windermere Street such that northbound left turns do not have space to proceed into.

Level of service results for existing conditions is included on Figure 5; this figure also includes the existing intersection geometry for the studied locations. Appendix C contains the traffic analysis worksheets for existing conditions.
III. PROJECTED BACKGROUND CONDITIONS

When evaluating future conditions for a new project, it is necessary to understand how traffic along the existing roadway system is expected to grow and how well the local street network will operate without the proposed project so that the impacts of the new project can be easily identified. As such, this section evaluates the Background traffic levels and operational conditions for Year 2014, an approximate two-year period from the time of preparation of this report. Given project approval timeframes, and construction and tenant occupancy schedules, a Year 2014 evaluation is considered reasonable. This timeframe will be referred to as the Build-Out scenario for the remainder of this report.

The following sections discuss information related to the development of traffic volume estimates, projected LOS, and infrastructure requirements for the Build-Out timeframe.

III.1 Year 2014 Background Traffic Projections

The DRCOG transportation prediction models for the Years 2010 and 2035 were reviewed to understand the projected increases in traffic volume along the local street network in this area of the City of Englewood. To estimate increases in traffic volume levels at the study area intersections for the Build-Out timeframe, a compounded annual growth rate was calculated using the DRCOG Year 2010 and Year 2035 daily traffic volume estimates.

DRCOG predicts a compounded growth rate in daily traffic of approximately 1.59% along Oxford Avenue, with a higher rate of 2.54% along Navajo Street. To predict Background traffic volume levels for the Year 2014, a two-year growth period, traffic along Oxford Avenue was increased by 1.59% per year for a total increase of 3.21%, while traffic along Navajo Street was increased by 5.14% to reflect Background traffic for the Build-Out evaluation year. Traffic volumes at the US 85/Oxford Avenue intersection that are influenced by movements along Oxford Avenue were also increased by 3.21%. Projected Background traffic volumes for Year 2014 are shown on Figure 6.

III.2 Operational Analyses of Year 2014 Background Conditions

As noted in the previous section, traffic volumes along the local street network are projected to increase by the Year 2014. As such, these levels of increase will impact the operations of the surrounding intersections to some extent. Level of service analyses were conducted using the traffic volume estimates of Figure 6 and the Highway Capacity Manual methodologies to ascertain well intersections will operate for this future condition.

Additionally, signal timing data developed by DRCOG was used for the analysis of Background conditions at both the US 85/Oxford Avenue and Oxford Avenue/Navajo Street/ Windermere Street intersections.
**LEGEND**

XXX(XXX) = AM(PM) Peak Hour Traffic Volumes

XXXX = Daily Traffic Volume

---

**Figure 6**

Year 2014 Background Traffic Volumes

---

**Figure 7**

Year 2014 Background Intersection Geometry & Levels of Service
The signal timing revisions increased the traffic signal cycle length at the US 85/Oxford Avenue intersection to 150 seconds, while the cycle length at the Oxford Avenue/Navajo Street/Windermere Street intersection was increased to 75 seconds. These revisions come with changes also to the individual phases at each intersection.

The capacity analyses found that some peak hour intersection levels of service will see improved operations, while others will see increased delay. For example, referring to Figures 5 and 7, the US 85/Oxford Avenue intersection will see improvements during the AM peak hour (LOS E to LOS D), while the PM peak hour will see a reduction in level of service (LOS D to LOS E).

In regards to individual intersection movements, some movements see improvements in operations, while others do not. Of note, the northbound left turn movement from Navajo Street onto westbound Oxford Avenue will continue to operate at LOS F during the PM peak hour (the same as for existing conditions). Operational analyses indicate that marked improvement (LOS D to LOS C in the AM peak hour and LOS F to LOS C during the PM peak hour) would occur for this movement if a protected left turn phase (i.e., green arrow) is provided. Northbound vehicle queue length is also reduced with this operational change.

Figure 7 represents the LOS results and the associated geometric infrastructure for the Year 2014 Background time period. Appendix D includes the operational analysis worksheets for Background conditions.
IV. PROJECTED BUILD-OUT CONDITIONS

IV.1 Oxford Station Development Characteristics

Oxford Station is proposing to construct a new apartment complex with 250 dwelling units in the southwest corner of the Oxford Avenue/Navajo Street/Windermere Street intersection in the City of Englewood, Colorado. Oxford Station proposes a new site access oriented along Navajo Street approximately 450’ from the south flowline of Oxford Avenue. The apartment complex will also include lobby and common areas, while a pool plaza is proposed as an amenity for apartment tenants.

IV.2 Trip Generation Estimates

The close proximity of Oxford Station to the Oxford/City of Sheridan light rail station will provide an opportunity to promote the project as a transit-oriented residential development; one that will attract apartment tenants that desire to use light rail for typical daily commuter trips. Proximity to the light rail station will reduce the impact of new vehicle-trips by having rail transit access within walking distance.

Estimates of new vehicle-trips for the apartment complex were first estimated based on information contained in the Institute of Transportation Engineer’s (ITE) publication *Trip Generation*, 8th edition. Consideration of transit opportunities along with other factors must be weighed, however, to properly evaluate the actual number of new vehicle-trips that Oxford Station will add to the existing street network. The following section summarizes information on trip-making reductions that can be used to adjust the standard ITE trip rates for this project.

IV.2.1 Transit Allowance

Given the close proximity of the Oxford/City of Sheridan light rail station to the proposed Oxford Station development, residents of Oxford Station will have the opportunity to use transit for trips to/from work and for other purposes. Oxford Station provides the opportunity for those people who wish to live near a light rail station to take advantage of its convenience, while also providing a housing option for those people who may be transit dependent. Oxford Station residents will also use light rail to some extent for recreational trips.

To ascertain the level of potential transit trip reductions related to the proximity of the existing light rail station, information contained in *Effects of TOD on Housing, Parking, and Travel* by the Transit Cooperative Research Program (TCRP Report 128) was consulted. Section 2 of this publication includes a specific case study on how projects adjacent to a rail station can affect vehicle-trips. This case study researched 17 housing projects in four cities in the United States and found that upwards of 50% of daily and AM and PM peak hour vehicle-trips are eliminated when residential developments are located near rail stations.
Since this publication conducted their research in cities with a higher density than the Denver metropolitan area, it’s unlikely that Oxford Station will obtain these levels of trip reduction. As a comparison, the Institute of Transportation Engineer’s publication *Trip Generation Handbook* was consulted. This publication includes *Appendix B – Effects of Transportation Demand Management (TDM) and Transit on Trip Generation* information on approximate reductions in vehicle-trips for developments with certain characteristics. The information contained in this publication implies that a 10% reduction in vehicle-trips could occur strictly given the projects’ location.

As noted, the empirical data at the 17 TCRP sites found a much higher trip generation reduction than what ITE would imply. As such, it is estimated that Oxford Station will have a trip reduction capability somewhere between these two estimates.

**Other Considerations**

1. *Bus Transit* – A Regional Transportation District bus route (Route 51) is oriented along Oxford Avenue with connections to Hampden Avenue and other locations in the City of Englewood as well as to other nearby destinations.

2. *Employment* – There is also the potential that some apartment residents could choose to live at Oxford Station because they will be within close proximity of numerous employment opportunities. Living in an apartment at Oxford Station would allow someone to walk or bike to one of the nearby light industrial businesses.

When considering all of these factors, it is estimated that vehicle-trip reductions for a purely residential project such as Oxford Station will be 30% during the AM and PM peak hours and also on a daily basis. The trip generation estimates for the 250 apartments with the allowance for transit trip reductions are contained in Table 1.

**Table 1. Estimates of Oxford Station Trip Generation –**

*From Trip Generation by the Institute of Transportation Engineers*

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit</th>
<th>Size</th>
<th>Daily</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Apartment¹</td>
<td>DU</td>
<td>250</td>
<td>1,639</td>
<td>25</td>
<td>101</td>
</tr>
<tr>
<td>TOD Reductions (-30%)</td>
<td></td>
<td></td>
<td>-492</td>
<td>-8</td>
<td>-30</td>
</tr>
<tr>
<td><strong>TOTAL NEW TRIPS</strong></td>
<td></td>
<td></td>
<td>1,147</td>
<td>17</td>
<td>71</td>
</tr>
</tbody>
</table>

¹ ITE Land Use Category - 220
IV.3 Site-Generated Traffic Volumes and Trip Distribution

Oxford Station is proposing one access point for the project along Navajo Street. As such, all inbound and outbound vehicle movements will use this access and vehicle routes will be oriented along Navajo Street to/from the north or south. Primary access routes have a high orientation towards central Denver, i.e., to/from the north along US 85 (Santa Fe Drive).

The traffic volumes of Table 1 were assigned to the local street network based on the proposed access scenario, on existing travel patterns and on engineering judgment. The estimated distribution of all vehicle-trips can be found on Figure 8 and are:

- 40% to/from the north along US 85
- 35% to/from the south along US 85
- 5% to/from the east along Oxford Avenue
- 10% to/from the west along Oxford Avenue
- 5% to/from the south along Navajo Street
- 5% to/from the north along Windermere Street

IV.4 Total Traffic Volumes

The Background traffic volume estimates for Year 2014 (Figure 6) were combined with the trip generation assignment for Oxford Station to develop projections of traffic volumes when the project is fully constructed and occupied (Year 2014). Figure 9 represents the projected traffic volume levels for the Build-Out time period.

IV.5 Traffic Signalization Warrant Analysis - Navajo Street/Oxford Station Access Intersection

The Manual on Uniform Traffic Control Devices (MUTCD) outlines nine warrants that can be used as guidance in determining when an intersection may benefit from the installation of a new traffic signal. When evaluating future intersection conditions, only one warrant, Warrant 3 - Peak Hour, can be evaluated with any confidence since peak hour traffic volumes are typically projected when analyzing the impacts of a new project.

It must be pointed out, however, that the MUTCD states that this signal warrant should only be used in "unusual cases, such as office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicles over a short time." This is not the case for the Navajo Street/Oxford Station Access intersection. It is the best tool available, however, to provide an indication of whether or not an intersection could benefit from the installation of a traffic signal, and it does serve as a guide on whether or not other signalization warrants may be met. These other warrants cannot be evaluated properly, however, until Oxford Station is fully constructed and occupied. Traffic signal analyses using Warrant 3 are only included in this analysis as a guide for the potential of signalization, not as a recommendation.
LEGEND

XXX(XXX) = AM(PM) Peak Hour Traffic Volumes
XXXX  = Daily Traffic Volume
XX%   = Site Trip Distribution

Figure 8
Site Generated Traffic Volumes
**Figure 9**
Year 2014 Build-Out Traffic Volumes

**Figure 10**
Year 2014 Build-Out Intersection Geometry & Levels of Service
The evaluation of this intersection, using only Warrant 3 criteria, indicates that this intersection is not projected to meet the criteria for installation of a traffic signal for the Year 2014 time period (see Appendix E). Peak hour traffic volumes along Navajo Street and exiting the Oxford Station access are simply not sufficient to meet the criteria of this warrant and, therefore, other signalization warrants are not expected to be met either. As such, the Navajo Street/Oxford Station access intersection will be analyzed for operational characteristics as a stop-controlled intersection in subsequent sections, i.e., with a stop sign on the Oxford Station access approach (i.e., eastbound direction).

IV.6 Deceleration Lane Requirements

As can be seen on Figure 9, a relatively small number of vehicles will proceed from Navajo Street onto the Oxford Station access – maximum number of turning vehicles is approximately one per minute in the PM peak hour. Auxiliary lanes for northbound left turn or southbound right turn movements are not deemed necessary for this project. As such, operational analyses conducted for the Build-Out condition (which are summarized in the next section) were conducted assuming only one lane for shared vehicle movements in both the northbound and southbound directions of Navajo Street.

IV.7 Operational Analyses of Build-Out (Year 2014) Conditions

Capacity analyses of the Build-Out condition, using the DRCOG signal timing parameters as first described in Section III.2, indicate that overall intersection levels of service for signalized intersections will remain constant with the addition of Oxford Station. It is recognized that some movements will see increases in average vehicle delay from the Background analysis scenario due to the addition of the site-generated traffic. However, these additional vehicles will not impact intersection operations sufficiently to cause a change in the level of service designation.

One operational improvement should be considered, however, to improve the level of service for the northbound left turn movements from Navajo Street onto westbound Oxford Avenue. Operational analyses indicate that marked improvement would occur for this movement if a protected left turn phase (i.e., green arrow) is provided (LOS F to LOS C for the northbound left turn movement and LOS D to LOS C for the intersection as a whole). The length of vehicle queuing would also be greatly reduced by the implementation of this operational change such that modifications to the physical left turn lane length is not required.

These analyses also find that the new intersection along Navajo Street for movements to/from the Oxford Station access will operate well during the peak hours of a typical weekday. LOS C or better can be achieved.

See Figure 10 for a representation of the intersection and movement LOS at the project intersections. Appendix F includes the level of service analysis worksheets for Build-Out conditions.
IV.8 Pedestrian Safety Issues – Oxford Light Rail Station Access

The analyses contained in the previous sections of this report have focused on vehicle operations at the existing public street intersections and at the new site access point. There are some pedestrian safety issues that should be addressed since Oxford Station will be promoting additional pedestrian movements between the project site and the Oxford/City of Sheridan light rail station.

The information contained in this section summarize observations of existing conditions and, therefore, the recommendations of this section would provide a safer pedestrian environment for existing City of Englewood residents and patrons of the existing light rail station. Since Oxford Station will increase pedestrian movements between the project site and the light rail station, these recommendations will benefit both existing and future pedestrians.

IV.8.1 Site Observations

The following are observations and points of fact that were found at the Oxford Avenue/Navajo Street/Windermere Street intersection and along Windermere Street:

- Pedestrian crosswalks and pedestrian traffic signal indications exist on three sides of the Oxford Avenue/Navajo Street/Windermere Street intersection – on the north, south and east sides.
- A total of 19 pedestrians used one of the crosswalks at the Oxford Avenue/Navajo Street/Windermere Street intersection during the AM peak hour, while 17 pedestrians used one of these crosswalks during the PM peak hour.
- Three pedestrians during the AM peak hour and six during the PM peak hour crossed Oxford Avenue along the west side of the Oxford Avenue/Navajo Street/Windermere Street intersection – the west side of this intersection does not have a designated crosswalk or pedestrian signal indications.
- Some pedestrians crossed Windermere Street in a diagonally fashion just to the north of Oxford Avenue (i.e., not within the crosswalk).
- There is a “Crosswalk Ahead” sign located on Windermere Street in advance of the Oxford/City of Sheridan light rail station; however, a crosswalk for movements between the east and west sides of Windermere Street does not exist (i.e., no curb ramps, crosswalk pavement markings, or signing).
- A few pedestrians walked southbound along the east side of Navajo Street to reach the on-street parking spaces that exist approximately 350’ to the south of Oxford Avenue; sidewalk does not exist along the east side of Navajo Street in this area.
IV.8.2 Pedestrian Safety Recommendations

Once Oxford Station is constructed, it is recognized that more pedestrians will walk between Oxford Station and the Oxford/City of Sheridan light rail station. As such, providing a safe and convenient access route between the two destinations is important. Two primary pedestrian access improvements are recommended:

1. Pedestrian Crossing of Oxford Avenue (Existing Condition) – As noted in Section IV.8.1, pedestrians cross Oxford Street on the west side of the Oxford Avenue/Navajo Street/Windermere Street intersection without the benefit of a marked crosswalk or a pedestrian traffic signal indication. Given existing conditions, it is recommended that additional signing be provided to direct pedestrians to the existing crosswalks to progress between the north and south sides of Oxford Street. Signing such as shown below (MUTCD signs R9-3 and R9-3bP) should be installed as close to the location where the illegal crossing maneuvers are occurring.

As an alternative, and only if the installation of a northbound left turn phase (i.e., green arrow) is provided for the northbound Navajo Street to westbound Oxford Avenue movement (Section IV.7), a new crosswalk could be installed across the west side of this intersection. Consideration of the addition of this crosswalk should be thoroughly evaluated relative to its impacts to vehicle movements at this intersection and the interaction this change could have with other vehicle movements along Oxford Avenue and/or at the US 85/Oxford Avenue intersection.

As a long-term solution, a grade-separated crossing over Oxford Avenue should be considered. The construction of a grade-separated crossing could benefit existing City of Englewood residents and light rail patrons as well as the new Oxford Station tenants.
2. **New Crosswalk on Windermere Street** – Also as noted in Section IV.8.1, pedestrians cross Windermere Street just to the north of Oxford Avenue instead of using the designated crosswalk at the Oxford Avenue/Navajo Street/Windermere Street intersection. The crossing maneuver is typically in a southeast to northwest direction, i.e., diagonally across Windermere Street. Additionally, it was noted that there is a signed pedestrian crossing near the light rail station; however, curb ramps, crosswalk pavement marking, and signing are not provided.

It is recommended that new curb ramps, crosswalk pavement markings, and crosswalk signing be provided on Windermere Street at the light rail station both as a safety measure and as a means for pedestrians to recognize exactly where they should be crossing Windermere Street.

### IV.9 Infrastructure for Build-Out (Year 2014) Conditions

Table 2 summarizes the operational and physical improvements needed to address the traffic impacts and pedestrian safety improvements associated with the Build-Out of Oxford Station and to address existing pedestrian safety concerns.

<table>
<thead>
<tr>
<th>Improvement Location</th>
<th>Improvement Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxford Avenue/Navajo Street/Windermere Street Intersection</td>
<td>Add protected/permissive left turn phasing for the northbound left turn lane. Coordinate this phasing change with existing signal timing parameters at the US 85/Oxford Avenue intersection. Install signing to restrict pedestrian crossing maneuvers across the west side of this intersection or install a pedestrian crosswalk on the west side of this intersection if the left turn phasing is installed as noted above. If left turn phasing for the northbound Navajo Street left turn movement is not installed, the northbound left turn lane and centerline pavement markings should be modified to extend the existing northbound left turn lane to the extent possible towards the location of the proposed Oxford Station access. This improvement will require a restriction of the northernmost parking spaces on the east side of Navajo Street, however.</td>
</tr>
<tr>
<td>Windermere Street at Oxford/City of Sheridan Light Rail Station</td>
<td>Install curb ramps, crosswalk pavement markings, and appropriate signing to create a new crosswalk between the east and west sides of Windermere Street at the existing light rail station.</td>
</tr>
<tr>
<td>Navajo Street/Oxford Station Access Intersection</td>
<td>Install a stop sign on the Oxford Station access to control eastbound movements.</td>
</tr>
</tbody>
</table>
V. SUMMARY CONCLUSIONS

Oxford Station, a new apartment complex, is being proposed on a parcel of land in the southwest corner of the Oxford Avenue/Navajo Street/Windermere Street intersection in the City of Englewood. The project site is bounded by Oxford Avenue on the north, by Navajo Street on the east, by Regional Transportation District and Burlington Northern & Santa Fe Railway tracks on the west, and by an industrial parcel to the south.

Oxford Station is proposing to construct a 250 unit apartment complex that will also include lobby and common areas, while a pool plaza is proposed as an amenity for apartment tenants. Oxford Station plans to utilize its location near the Oxford/City of Sheridan light rail station as a marketing point for the project; one that will attract apartment tenants that desire to use light rail for typical commuter and recreational trips. Proximity to the light rail station will reduce the impact of new vehicle-trips by having rail transit access within walking distance.

A single point of access is proposed on Navajo Street towards the southern boundary of the project frontage.

Given the proximity of the Oxford/City of Sheridan light rail station, many apartment dwellers will use transit for a portion of their daily trips. An estimate of 30% of all vehicle-trips is projected to use rail transit or the existing bus transit along Oxford Avenue. As such, about 1,150 daily vehicle trips, 88 AM peak hour trips, and 110 PM peak hour trips are projected to be added to the street network as a result of this project.

Operational analyses indicate that only two improvements are needed to enhance vehicle operations:

1. It is recommended that the Oxford Avenue/Navajo Street/Windermere Street intersection include an exclusive left turn phase (i.e., "green arrow") for northbound left turn movements. Not only does this addition improve vehicle operations, it also reduces the amount of northbound vehicle queuing on Navajo Street.

2. If the left turn phasing for the northbound left turn on Navajo Street is not installed, the northbound left turn lane Street should be lengthened to the extent possible, i.e., towards the proposed Oxford Station access. This improvement will require a restriction of the northernmost parking spaces on the east side of Navajo Street.

Recommended pedestrian safety improvements include:

1. Add signing to direct pedestrians to use the existing crosswalks to reduce the number of pedestrians that cross Oxford Avenue along the west side of the Oxford Avenue/Navajo Street/Windermere Street intersection (i.e., a marked crosswalk and/or pedestrian signal indications do not exist). Or, install a pedestrian crosswalk on the west side of this intersection if the left turn phasing is installed as noted above.

2. Add a pedestrian crosswalk on Windermere Street at the location of the Oxford/City of Sheridan light rail station to provide a defined crossing location.
In summary, Oxford Station will have a limited impact on the surrounding street network. It will contribute additional vehicles and pedestrians to the transportation system; however, the improvements identified in the table below are sufficient to address the impacts of the construction of Oxford Station.

Infrastructure Requirements for Build-Out (Year 2014) Conditions

<table>
<thead>
<tr>
<th>Improvement Location</th>
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</tr>
</thead>
<tbody>
<tr>
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</tr>
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<td></td>
<td>Install signing to restrict pedestrian crossing maneuvers across the west side of this intersection or install a pedestrian crosswalk on the west side of this intersection if the left turn phasing is installed as noted above.</td>
</tr>
<tr>
<td></td>
<td>If left turn phasing for the northbound Navajo Street left turn movement is not installed, the northbound left turn lane and centerline pavement markings should be modified to extend the existing northbound left turn lane to the extent possible towards the location of the proposed Oxford Station access. This improvement will require a restriction of the northernmost parking spaces on the east side of Navajo Street, however.</td>
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<td>Install curb ramps, crosswalk pavement markings, and appropriate signing to create a new crosswalk between the east and west sides of Windermere Street at the existing light rail station.</td>
</tr>
<tr>
<td>Navajo Street/Oxford Station Access Intersection</td>
<td>Install a stop sign on the Oxford Station access to control eastbound movements.</td>
</tr>
</tbody>
</table>
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2012
COUNCIL BILL NO. 47
INTRODUCED BY COUNCIL MEMBER ________________

A BILL FOR

AN ORDINANCE APPROVING THE OXFORD STATION TOD PLANNED UNIT DEVELOPMENT (PUD), BY CAPITAL PARTNERS LOCATED AT OXFORD AVENUE AND SOUTH NAVAJO STREET, IN THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, LCP OXFORD LLC owners of the property at Oxford Avenue and South Navajo Street, Englewood, Colorado, submitted an application to rezone the property from I-1 (Light Industrial to Planned Unit Development (PUD)) to allow residential and commercial uses; and

WHEREAS, this property has been occupied by Martin Plastics since 1920 and has been zoned I-1 Light Industrial since being annexed into the City of Englewood in 1970; and

WHEREAS, the Oxford Station TOD is a 3.504 acre site with the proposed mixed-use development of residential and commercial uses; and

WHEREAS, the Oxford Station TOD PUD will change the Permitted Principal Use to allow multiple unit residential, commercial and public uses; and

WHEREAS, the Oxford Station TOD PUD proposes for-lease apartments, associated parking and recreational facilities in a development designed to benefit from the adjacent transit facilities; and

WHEREAS, the Planning and Zoning Commission held Public Hearing on August 7, 2012; and

WHEREAS, the Planning and Zoning Commission found that the proposed rezoning is consistent with the Comprehensive Plan; and

WHEREAS, the Oxford TOD PUD has been modified to include the maximum height limitation of 100 feet as recommended by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Oxford Station TOD Planned Unit Development (PUD), for property located at Oxford Avenue and South Navajo Street, in the City of Englewood, Colorado, attached hereto as Exhibit A and the PUD Site Plan attached hereto as Exhibit B, are hereby approved.
Introduced, read in full, and passed on first reading on the 4th day of September, 2012.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 7th day of September, 2012.

Published as a Bill for an Ordinance on the City’s official website beginning on the 5th day of September, 2012 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 4th day of September, 2012.

Loucrishia A. Ellis
The provisions of this Planned Unit Development (PUD) shall generally comply with all applicable use, development, and design standards set forth in the Unified Development Code of the City of Englewood that are not otherwise modified or superseded by this PUD. The provisions of the Unified Development Code shall be applicable unless modified or superseded by the PUD provisions. The purpose of this PUD is to create a unique zone that the City of Englewood is developing that is not possible within the current zone district of 1-1-1-1. This PUD ensures consistency with surrounding uses and functions that are not described in the existing zone district regulations.

The PUD zone district is intended to provide neighborhoods and for the City of Englewood for how to encourage vital development and design standards set forth in the Unified Development Code of the City of Englewood that are not otherwise modified or superseded by the PUD. The provisions of this PUD shall generally comply with all applicable use, development, and design standards set forth in the Unified Development Code of the City of Englewood that are not otherwise modified or superseded by this PUD. The provisions of the Unified Development Code shall be applicable unless modified or superseded by the PUD provisions.

These standards and guidelines are intended to assure quality new development that will add to the overall appearance of Englewood and enhance the appearance and character of the surrounding residential neighborhoods. Examples of outdoor spaces are plazas, patios, and courtyards. These outdoor spaces should be designed to enhance the appearance and character of the surrounding residential neighborhoods. The following provisions establish standards to regulate the design and location of fences and retaining walls. Elaborate fence designs are prohibited except for that which provide for a safe and convenient system of pedestrian access to on-site pedestrian and vehicular movement within the parking area of the building or structure. The following provisions establish standards to regulate the design and location of fences and retaining walls. Elaborate fence designs are prohibited except for that which provide for a safe and convenient system of pedestrian access to on-site pedestrian and vehicular movement within the parking area of the building or structure.

The provisions of the City of Englewood Unified Development Code and the provisions of this PUD shall be considered one. Any conflict between the Unified Development Code and the provisions of this PUD shall be resolved in favor of the PUD provisions. Any conflict between the Unified Development Code and the provisions of this PUD shall be resolved in favor of the PUD provisions.

**LEGAL DESCRIPTION: **All lands identified as PUD Zone Land. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description shall be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood. The above description should be read and understood in connection with the provisions of the Unified Development Code of the City of Englewood.
OXFORD STATION TOD
LITTLETON CAPITAL PARTNERS
PLANNED UNIT DEVELOPMENT

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF ARAPAHOE, STATE OF COLORADO

TOTAL OPEN SPACE REQUIRED: 25% OF TOTAL SITE AREA (38,156 SF)

EXISTING VIADUCT TO SANTA FE DR
EXISTING SITE WALL @ OXFORD R.O.W.

ZONING: 1-1
CURRENT USE: RTD LIGHT RAIL STATION

PROPOSED BUILDING MAY BE SET BACK 0' FROM THE PROPERTY LINE.

PROPOSED BULB-OUT

ZONING: 1-1
CURRENT USE: AUTO PARTS WAREHOUSE

ZONING: 1-1
CURRENT USE: DAIRY DISTRIBUTION CENTER

HUMPHRIES POLI ARCHITECTS

All reports, plans, specifications, computer files, field data, notes and other documents prepared by the Architect as Instruments of Service shall remain the property of the Architect. The Architect shall retain all common law, statutory and other reserved rights, including copyright thereto.

PUD DIAGRAM
PUD SUBMITTAL
SHEET NO: 3 of 3
CASE NO: 2012-005
NOTES:
1. This survey does not constitute a full search by Harris Kocher Smith to determine competency of record, boundaries forming ownership, form of title and title of record, nor was any title search conducted by the Architect.
2. Notice: According to Colorado Law No. 143 and local action, determination of no easement and deed in hand by or before any survey is not a cure for any other easement or deed in hand in existence prior to the taking of the deed and/or determination of no easement. The Architect and Surveyor must rely on the existing title commitment and/or title records for determination of no easement.
3. Utilities shown herein are from visible field information only.
4. Benchmark: Site Benchmark is a 1" brass marker located at the southwest corner of the site. Elevation = 532219'. Elevation was determined by GPS observation from NGS Football Point "W 409" using GeoID 09 on March 02, 2012.
5. The units for this survey are U.S. Survey Feet.
6. This survey is not a monuments land survey plat. The parcels, dedication, storm sewer, storm drain is based on the ACA Land Survey prepared by Bell Surveying Company on 10/10/11 for Littleton Capital Partners.

SURVEYOR'S CERTIFICATE:
I, MARK T. WILSON, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify and affirm that the attached Topographic Survey Plan is true and correct to the best of my knowledge and belief in the best interest of the parties to this survey.

SURVEYOR:
MARK T. WILSON, PLS, 009013
OXFORD STATION TOD
LITTLETON CAPITAL PARTNERS
PUD SITE PLAN

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO

1. East Elevation
2. West Elevation
3. North Elevation
4. South Elevation

ELEVATIONS

OXFORD STATION
TOD
LITTLETON CAPITAL
PARTNERS
PUD SITE PLAN

HUMPHRIES
POLI
ARCHITECTS

HUMPHRIES
POLI
ARCHITECTS

7 of 8

CASE NO: 2012-005
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 4, 2012</td>
<td>11 a ii</td>
<td>Water Conservation Planning Grant</td>
</tr>
</tbody>
</table>

INITIATED BY
Utilities Department

STAFF SOURCE
Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

RECOMMENDED ACTION

The Water and Sewer Board, at their August 14, 2012 meeting, recommended Council approval of a Bill for an Ordinance approving the acceptance of the planning grant for the Englewood Water Conservation Plan.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

Water conservation plans are required under the Water Conservation Act of 2004 for entities that seek financial assistance from the Colorado Water Conservation Board (CWCB). The water conservation plan provides a profile of the existing water supply system, identifies water sources and limitations, outlines water costs and pricing structures, reviews existing policies and reviews water conservation activities.

The proposed grant funds will be used to profile the existing water system, identify water use and demand, identify conservation goals, measures and programs, develop and integrate plans and modify forecasts. The water conservation plan will then be monitored, evaluated and revised, as necessary.

FINANCIAL IMPACT

The City of Englewood submitted a planning grant application to the CWCB for the amount of $68,000. The City would receive $46,316 from CWCB, with the City matching $20,000 with in-kind services, which is 30% of the total project. This covers implementation of Englewood’s water conservation plan spanning ten years from 2012 to 2021.

LIST OF ATTACHMENTS

Colorado Water Conservation Board Letter
Water and Sewer Board Minutes from August 22, 2012
Water and Sewer Board Minutes from August 14, 2012
Bill for Ordinance
July 21, 2012

Mr. Stewart Fonda
Utilities Director
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

Dear Mr. Fonda:

This letter is to inform you that the Office of Water Conservation Drought and Planning (OWCDP), has reviewed your grant application to develop a Water Conservation Plan.

The OWCDP has determined that the application meets the Colorado Water Conservation Board Guidelines for reviewing grant proposals.

The OWCDP staff is pleased to award the City of Englewood a grant in the amount of $46,316 for a Water Conservation Planning Grant. Please allow for the purchase order (P.O.) to be completed by our Accounting Department, before starting on proposed scope of work.

Should you have any questions or concerns, please feel free to contact Ben Wade at 303-866-3441 ext. 3238 or email at ben.wade@state.co.us. Thank you for your interest in and support of water conservation. I look forward to working with you in the near future.

Sincerely,

Veva Deheza
Office of Water Conservation & Drought Planning

cc: Yasser Abouaish, City of Englewood
    Steve Nguyen, Clear Water Solutions
Phone Vote Roll Call.

Contacted: Clyde Wiggins, Chuck Habenicht, Tom Burns, Kells Waggoner, Jim Woodward, Linda Olson, Joe Lay, Wayne Oakley, John Moore, Randy Penn

1. MINUTES OF THE AUGUST 14, 2012 MEETING.

Motion: Approve minutes of the August 14, 2012 Water and Sewer Board meeting.

Moved: Burns   Seconded: Woodward

Abstain: Habenicht, Moore, Lay

Motion passed unanimously.

The next Water and Sewer Board meeting will be Tuesday, September 11, 2012 at 5:00 p.m. in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage
Recording Secretary
WATER & SEWER BOARD
TUESDAY, AUGUST 14, 2012
5:00 p.m.
COMMUNITY DEVELOPMENT CONFERENCE ROOM

Present: Wiggins, Waggoner, Oakley, Penn, Burns, Woodward, Olson,
Absent: Habenicht, Lay, Moore
Also present: Jason Clark, Tom Brennan, Yasser Abouaish

The meeting was called to order at 5:05 p.m.

1. MINUTES OF THE JULY 17, 2012 WATER BOARD MEETING.

The Minutes of the July 17, 2012 meeting were approved as written.

Motion: Approve the Minutes of the July 17, 2012 Water and Sewer Board meeting.
Moved: Penn Seconded: Burns

Motion passed unanimously.

2. WATER CONSERVATION PLANNING GRANT.

Yasser Abouaish, Utilities Engineer IV, reviewed the Water Conservation Planning Grant that was submitted and approved for implementing the Water Conservation Plan. The City will received $46,316.00 from the State, with the City matching $20,000 with in-kind services, which is 30% of the total project. This would cover implementation of Englewood’s Water Conservation Plan from 2012 to 2021. Staff also requested permission to proceed with hiring the specialized outside expert, Clear Water Solutions, Inc., to provide technical assistance.
Motion:       To recommend Council approval of a Bill for an Ordinance approving the acceptance of the planning grant for the Englewood Water Conservation Plan.

Moved:       Burns        Seconded:      Waggoner

Motion passed unanimously.

3. PUBLIC NOTIFICATION OF POSITIVE TOTAL COLIFORM RESULTS ON W. HILLSIDE AVE.

Jason Clark, Allen Filter Plant Superintendent, appeared to discuss the Public Notice of Positive Total Coliform Results letter that must be mailed to Englewood water customers by August 24, 2012.

Jason noted that the water sampling process was reviewed and new protocols are in place. On August 15, 2012 City Council will receive via e-mail the notice that will be mailed to Englewood water customers.

The Board received the public notification of positive total coliform results notice to be sent to Englewood residents and directed that it be sent.

5. LETTER FROM SOUTH PLATTE RIVER WORKING GROUP.

The Board received a letter from the South Platte II Working Group to the Corps of Engineers. The South Platte II Working Group’s purpose is to maximize recreational opportunities along the South Platte River. Stu explained that their position is that the low potential flows from Chatfield Dam downstream though the Denver metro area are not included in the Corp’s Draft Environmental Impact Statement, and their concerns seem to be underemphasized in the study’s analysis. Their purpose is to maximize the potential of the South Platte River to preserve river habitat and provide recreational opportunities for metro Denver residents. The letter is addressed to the Corps of Engineers.

6. MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT – TARGETED PERMIT QUESTIONNAIRE.

Yasser Abouaish and Stu Fonda explained the ramifications of the Colorado Stormwater Council’s Municipal Separate Storm Sewer Systems (MS4) Permit Questionnaire, which is a state-wide self-audit that every Colorado municipality received. Yasser explained
that the stormwater permit may require an ordinance modification for stormwater runoff from emergency firefighting situations. The grace period for violations was another potential issue. The City Attorney’s office is reviewing. The deadline for submitting the permit questionnaire is October 15, 2012. Englewood has requested an extension.

Motion: To direct Utilities Staff to fill out and submit the Municipal Separate Storm Sewer Systems (MS4) Questionnaire, per City Attorney approval, for the Mayor’s signature.

Moved: Olson   Seconded: Penn

Motion passed unanimously.

7. BUDGET.

Stu reviewed the 2013 Utilities Budget and water and sewer cash flows. Possible sewer rate increase scenarios were discussed. The Board preliminarily indicated that a 4%-4%-4% sewer rate increases starting in 2013, 2014 and 2015 was recommended.

Stu will present more information on the 4% sewer rate increase scenario at a future meeting.

2. GUEST: MIKE DRAW – 6836 S. BROADWAY. REQUESTING LATE FEES WAIVED.

The Board reviewed the request from Mike Draw, owner of 6836 S. Broadway to waive his late fee.

Motion: To deny the request from Mike Draw to waive his sewer late fee for 6836 S. Broadway.

Moved: Burns   Seconded: Waggoner

Motion passed unanimously.

8. OTHER.

None.
Meeting adjourned at 6:57 p.m.

The next Water and Sewer Board meeting will be Tuesday, September 11, 2012 at 5:00 in the Community Development Conference Room.

Respectfully submitted,

Cathy Burrage  
Recording Secretary
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2012
COUNCIL BILL NO. 48
INTRODUCED BY COUNCIL MEMBER __________

A BILL FOR

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE WATER CONSERVATION PLANNING GRANT AWARDED TO THE CITY OF ENGLEWOOD, COLORADO BY THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS.

WHEREAS, water conservation plans are required under the Water Conservation Act of 2004 for entities that seek financial assistance from the Colorado Water Conservation Board (CWCB); and

WHEREAS, the water conservation plan provides a profile of the existing water supply system, identifies water sources and limitations, outlines water costs and pricing structures, reviews existing policies and reviews water conservation activities; and

WHEREAS, the City of Englewood submitted a planning grant application to the Colorado Water Conservation Board (CWCB) for the amount of $68,000; and

WHEREAS, the City of Englewood has been awarded the CWCB Planning Grant in the amount of $46,316, and with the City’s matching $20,000 funds provided with in-kind services will cover implementation of Englewood’s Water Conservation Plan spanning ten (10) years from 2012 to 2021; and

WHEREAS, there are no federal funds being used for Englewood’s Water Conservation Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the acceptance of the Colorado Water Conservation Board Planning Grant, attached hereto as Exhibit A.

Introduced, read in full, and passed on first reading on the 4th day of September, 2012.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 7th day of September, 2012.
Published as a Bill for an Ordinance on the City’s official website beginning on the 5th day of September, 2012 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 4th day of September, 2012.

Loucrishia A. Ellis
May 24, 2012

Mr. Ben Wade  
Water Conservation and Grants Coordinator  
Colorado Water Conservation Board  
Office of Water Conservation and Drought Planning  
1313 Sherman Street, Room 721  
Denver, CO 80203

RE: City of Englewood Water Conservation Planning Grant Application

Dear Mr. Wade:

The City of Englewood is interested in developing a Water Conservation Plan to guide the effective and responsible use of their water resources. The City Council understands that, in accordance with HB04-1365, having a State-approved Water Conservation Plan is prerequisite to obtaining financial assistance from the Colorado Water Conservation Board (CWCB) and the Colorado Water Resources and Power Development Authority.

On behalf of the City, we are submitting the attached planning grant application for a Water Conservation Plan. The total cost to complete the plan is $68,000. The City proposes to match $20,000 with in-kind services, which is 30% of the total project. The City requests a grant for $48,000 from CWCB to complete the plan, which will cover a ten-year planning horizon from 2012 to 2021.

As you will see in the attached revised planning grant application, the City is committed to implementing effective long-term water savings and efficiency measures and programs. The City wishes to do its part in saving water for the region and a Water Conservation Plan will go a long way in helping to meet this commitment.

Please let me know if you have any questions or need additional information.

Respectfully,

Stewart Fonda, Director  
Englewood Utilities
A. The name and contact information of the entity seeking the grant.

CONTACT:
Yasser Abouaish
Utilities Engineer
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110
303-762-2652

B. Individuals from the City of Englewood who will be involved in the project include:

Yasser Abouaish is a professional engineer registered in several states and has twenty-five years of experience in water resources planning and management. His role will include reviewing demand projections, establishing water savings goals, brainstorming water conservation measures and screening through the final list. He will serve as the project manager and primary contact for completion of the Water Conservation Plan.

Tom Brennan is a professional engineer registered in the State of Colorado. He has over twenty years of experience in water rights and water planning arena. Tom will serve as the technical advisor for completion of the Water Conservation Plan. He will assist with the identification and quantification of conservation measures, associated water savings, and overall plan development.

John Bock is the Utilities Department's Manager of Administration. He oversees the operation of the CIS Infinity customer information and billing system and the Department's GIS system and will coordinate technical assistance for this project.

Amy Church is one of the Utilities Department's two system support specialists. She possesses expertise in the operations of the CIS Infinity Billing System. She will support the project in the extraction of necessary information from the billing system.

Paul Rodeck is the Utilities Department's GIS Analyst. He will furnish the project with information it may need from the GIS system. Cathy Burrage is the Department's Executive Assistant. She will support the clerical needs of the project.

Stewart Fonda is a professional engineer registered in the State of Colorado and has over thirty years of experience in water resources planning and management. Stewart is the Utilities Director for the City of Englewood. He will advise and provide general direction on all aspects of the project. He will also be paramount in the development of conservation measures that the City Council will ultimately adopt and implement. His role will include final review of plan, and presentation to the City Council.

The City of Englewood will take the lead in the plan development. Mr. Yasser Abouaish, Utilities Engineer, will be responsible for this project. In addition, the City will utilize the services of specialized outside expert (Clear Water Solutions, Inc.) to provide technical assistance and participate in the various tasks of the plan. Please refer to the attachment.
The CWCB grant will cover Consultant’s fee and to partially offset the City’s staff cost.

Finally, the Water and Sewer Board and Englewood City Council will be involved in the project, by providing discussion forums, policy guidance and public participation platforms throughout the Plan development and approval stages.

C. Englewood retail water delivery for each of the past ten years

Table 1 - Annual Water Delivered (Overall Production) & Associated Rainfall

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Annual Water Delivery (Million Gallons)</th>
<th>Rainfall (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1,893.217</td>
<td>13.40</td>
</tr>
<tr>
<td>2010</td>
<td>2,040.886</td>
<td>9.90</td>
</tr>
<tr>
<td>2009</td>
<td>1,651.714</td>
<td>24.70</td>
</tr>
<tr>
<td>2008</td>
<td>2,224.461</td>
<td>11.15</td>
</tr>
<tr>
<td>2007</td>
<td>2,070.913</td>
<td>16.33</td>
</tr>
<tr>
<td>2006</td>
<td>2,589.758</td>
<td>11.03</td>
</tr>
<tr>
<td>2005</td>
<td>2,559.701</td>
<td>13.54</td>
</tr>
<tr>
<td>2004</td>
<td>2,273.170</td>
<td>18.47</td>
</tr>
<tr>
<td>2003</td>
<td>2,847.287</td>
<td>12.14</td>
</tr>
<tr>
<td>2002</td>
<td>2,920.646</td>
<td>5.96</td>
</tr>
</tbody>
</table>

Table 1 shows steady decline in overall water consumptions (see notes below)

- Annual average of approx. 2,000 MG for the past 5 years
- Annual average of approx. 2,600 MG for the previous 5 years
NOTES:

- In 1987 the Englewood City Council passed an ordinance requiring the installation of water meters (and switching to consumption-based rate) at properties receiving flat rate upon transfer of ownership.
- An average of 220 meters has been installed annually for the past 25 years, and
- An associated 30% reduction in water use has taken place.

### Annual Water Delivered

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Water Delivery (Millions of Gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>2,920.646</td>
</tr>
<tr>
<td>2003</td>
<td>2,647.287</td>
</tr>
<tr>
<td>2004</td>
<td>2,273.170</td>
</tr>
<tr>
<td>2005</td>
<td>2,559.701</td>
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<tr>
<td>2006</td>
<td>2,589.758</td>
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<tr>
<td>2007</td>
<td>2,070.913</td>
</tr>
<tr>
<td>2008</td>
<td>2,224.461</td>
</tr>
<tr>
<td>2009</td>
<td>1,851.714</td>
</tr>
<tr>
<td>2010</td>
<td>2,040.886</td>
</tr>
<tr>
<td>2011</td>
<td>1,863.217</td>
</tr>
</tbody>
</table>
D. Englewood population has been stable (approx. 31,000**) for the past 10 years

- 1990 Population 29,918
- 2000 Population 31,727
- 2010 Population 30,525
- 2011 Population (estimate will be available in June 2012)


E. Englewood water system characteristics and pertinent growth issues are as follows:

- Colorado Department of Public Health and Environment's Water Quality Control Division conducted its Source Water Assessment of Englewood Water System in 2004, which rendered the following results; the water supply consists of:
  - 3 active surface water sources
  - 0 active ground water sources under the influence of surface water
  - 0 active, purchased surface water sources and/or purchased ground water sources under the influence of surface water

- Based on the City's billing system, average water use for the last 5 years is:
  - TOTAL: 174 Gallons Per Capita Per Day (GCPDP) system-wide
  - RESIDENTIAL: 104 GCPDP for single family homes (Only)

- The system-wide (total) per capita water use for the past five years is listed below:

<table>
<thead>
<tr>
<th>Year</th>
<th>GCPDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>186</td>
</tr>
<tr>
<td>2008</td>
<td>199</td>
</tr>
<tr>
<td>2009</td>
<td>186</td>
</tr>
<tr>
<td>2010</td>
<td>183</td>
</tr>
<tr>
<td>2011</td>
<td>167</td>
</tr>
</tbody>
</table>

- Estimated annual water saving to be achieved through implementation of the plan is 12.5%, which equals approximately 250 MG (767 acre-feet)

- The US Census Bureau predicts Englewood's population to remain the same for the next five (5) years.

- Englewood water system stability and reliability are adequate based on its location and availability of multiple sources (compared to areas of current and future water needs as identified by the Statewide Water Supply Initiative (SWSI).
The City of Englewood Water Conservation Plan Scope of Work:

This scope of work describes the work to be performed by the City of Englewood. The scope outlines the tasks required to successfully complete a water conservation plan in accordance with CWCB's Water Conservation Plan guidelines and policies.

Water conservation plans are required under the Water Conservation Act of 2004 for covered entities that seek financial assistance from the CWCB or the Colorado Water Resources and Power Development Authority. The objective of this task is to develop a plan that meets the CWCB requirements, makes beneficial and responsible use of the City's water supplies, and ultimately enables the City to apply for state financial assistance for subsequent projects.

The Water Conservation Plan will be developed following CWCB's Water Conservation Plan Development Guidance Document. Public-review comments will be incorporated prior to submitting the plan to the City Council for final approval and adoption.

The information characterizing past water use by sector (residential, commercial, industrial, etc.) and per capita use (residential and total) is not readily available due to the current water billing system's reporting limitations (since 2004). Englewood Utilities has recently contracted with the billing system software developer in order to be able to generate the needed reports during the course of developing its conservation plan (June 2012 to January 2013).

The development of the plan is divided into the following tasks (similar to what is indicated in the CWCB Model Plan Template):

**Task 1. Profile the Existing Water System**
The activities described under this task will provide information on the City's existing water supply system.

1.1 Profile physical characteristics of the existing water supply system:
Will describe the physical characteristics of the water system. Included in the summary will be key system characteristics, geographic area served, population and connections served, types of key water users, existing facilities and demand.

1.2 Identify all water sources:
Identify and describe all of the system's water supply sources including attributes, age, seniority and conditions of its use. Estimates will be made for any missing information.

1.3 Identify system limitations:
Describe the City's water system limitations.

1.4 Characterize water costs and pricing structures:
Document past and current history of water sales.

1.5 Review current policies and planning initiatives:
Discuss major policies the City has in place that affect water use under normal and drought conditions, and summarize major planning efforts to date.

1.6 Summarize current water conservation activities:
Estimate water savings from previously implemented conservation measures.
Task 2. Characterize Water Use and Demand Forecast
The activities described under this task will provide information on the City's existing and projected water use.

2.1 Characterize current water use:
Review billing records to summarize current water use. Included will be detailed customer sector data, quantifications of indoor vs. outdoor use and potable vs. non-potable use, and examination of historical water use by tap size.

2.2 Select forecasting method:
A demand forecasting method will be selected and described.

2.3 Prepare demand forecast:
Estimate future water demand by tap size or customer category according to the selected forecasting method.

Task 3. Profile Proposed Facilities
The activities described under this task will identify and describe planned improvements based on the results from step two and estimate the associated costs.

3.1 Estimate supply costs based on the demand forecast:
Prepare incremental and total costs for water supplies that are appropriate.

3.2 Identify and describe anticipated capital facility improvements and additions:
Summarize facility needs over a similar time horizon used for demand forecasting.

3.3 Estimate total, annual and unit cost of the improvements:
Develop cost estimates of improvements. Worksheet will be used as a guide.

3.4 Develop a water supply capacity forecast:
Provide a summarized supply capacity forecast.

Task 4. Identify Conservation Goals
The activities described under this task will identify conservation goals for the City.

4.1 Develop water conservation goals:
Develop water conservation goals in collaboration with the City Council. Areas for water conservation will be identified based on results from Tasks 2 and 3. A specific water-savings target, as well as how the savings will be measured, will be identified.

4.2 Document the goals development process:
Document the process used to develop the water conservation goals.

Task 5. Identify Water Conservation Measures and Programs
The activities described under this task will identify conservation measures and programs the City may implement to reach the conservation goals identified in Task 4.
5.1 Identify conservation measures and programs:
Develop water conservation measures.

5.2 Develop and define screening criteria:
Describe the screening criteria used to evaluate and eliminate some of the water conservation measures and programs.

5.3 Screen conservation measures and programs:
The screening criteria will be applied to the “universal” list of conservation measures and programs to determine which ones will be further evaluated in the planning process.

**Task 6  Evaluate and Select Conservation Measures and Programs**
The activities described under this task are intended to evaluate and select the optimal conservation measures and programs the City may implement.

6.1 Create combinations of measures and programs:
Review all conservation measures and programs that passed the screening criteria and group them, so similar measures and associated water-savings are not double counted.

6.2 Estimate costs and water savings of conservation options:
Estimate the cost of each conservation measure/program and the associated water savings using Worksheet 6-1 as a guide. A cost/benefit analysis will also be included.

6.3 Compare benefits and costs:
Summarize conservation measure costs and water savings, including a net benefit from all suggested measures.

6.4 Define evaluation criteria:
Develop criteria used to select the conservation measures/programs for implementation. Key criteria will be cost for implementation and potential water savings.

6.5 Select conservation measures and programs:
Summarize the evaluation of each measure/program based on the evaluation criteria and indicate, with Council input, which measures/programs will be implemented. The water savings from the implementation will be estimated.

**Task 7  Integrate Resources and Modify Forecasts**
The activities described under this task will modify the supply and demand forecasts to account for water savings from the selected conservation measure and program. The benefits of conservation as well as revenue effects will also be addressed.

7.1 Revise demand forecast:
Revise the demand forecast prepared in Task 2 to account for the water savings of the measures/programs from Task 6.
7.2 Identify project-specific savings:
Determine the effect of water savings from conservation on the timing and capacity of facility improvement projects and quantify savings.

7.3 Revise supply-specific savings:
Determine the effect of water savings from conservation on the timing and capacity of facility improvement project and quantify savings.

7.4 Revise supply-capacity forecast:
Revise the supply capacity forecast based on findings from Task 7.2

7.5 Summarize forecast modifications and benefits of conservation:
Develop a graph showing demand and supply with and without conservation.

7.6 Consider revenue effects:
Quantify impacts to revenues from implementation of water conservation. Savings in capital improvement projects or delayed water acquisition will be presented against loss in sales revenue. Strategies to address this issue will be discussed.

**Task 8. Develop Implementation Plan**
The activities described under this task will present a strategy for implementing the selected conservation measures and describe methods for monitoring the plan's success.

8.1 Develop implementation schedule:
Discuss significant implementation actions and obstacles for implementing the selected conservation measures. Will develop a reasonable implementation schedule and timetable to follow.

8.2 Develop plan for public participation in implementation:
Describe how to involve the public in the implementation process.

8.3 Develop plan for monitoring and evaluation progress:
Determine and describe how the Water Conservation Plan will be measured for effectiveness.

8.4 Develop plan for updating and revising the plan:
Describe when it intends to update the Water Conservation Plan.

8.5 Define plan adoption date/plan completed date/plan approved date:
A copy of the approval resolution adopting the final Water Conservation Plan will be included. Will also develop a schedule for City Council adoption & adoption.

**Task 9 – Monitor, Evaluate and Revise Conservation Activities and the Plan.**
The plan will be implemented and monitored based on the schedule developed from Task 8. Will also commit to monitor the performance of the plan including updating the plan as required.
Task 10. Public Outreach and Participation
The draft conservation plan will be available for review and public comment for 60 days. During the public comment period two informational presentations will be made; at the Water & Sewer Board meeting and at the City Council meeting. The public is welcome to attend these meetings and comment on the plan; in addition, written input and suggestions will be encouraged.
# Project Schedule

## Table 2 – Proposed Schedule

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant application submitted to CWCB</td>
<td>07/9/2012</td>
</tr>
<tr>
<td>CWCB approves grant and P.O. issued</td>
<td>8/03/2012</td>
</tr>
<tr>
<td>Meeting with Consultant to coordinate task delivery</td>
<td>08/06/2012</td>
</tr>
<tr>
<td>Submit 50% progress report to CWCB</td>
<td>09/30/2012</td>
</tr>
<tr>
<td>Submit 75% progress report to CWCB</td>
<td>10/30/2012</td>
</tr>
<tr>
<td>Submit final draft to Water &amp; Sewer Board and City Council for review</td>
<td>11/30/2012</td>
</tr>
<tr>
<td>Collect Water &amp; Sewer Board and City Council Comments</td>
<td>12/15/2012</td>
</tr>
<tr>
<td>Notify public of draft plan in official newspaper</td>
<td>12/20/2012</td>
</tr>
<tr>
<td>Public review period (60 days)</td>
<td>02/30/2013</td>
</tr>
<tr>
<td>Council formally adopts final draft</td>
<td>03/15/2013</td>
</tr>
<tr>
<td>Submit final plan to CWCB</td>
<td>03/20/2013</td>
</tr>
<tr>
<td>CWCB approves plan (60 days)</td>
<td>05/30/2013</td>
</tr>
</tbody>
</table>
## PROJECT COST

### Table 3 – Budget

<table>
<thead>
<tr>
<th>ITEMIZED WORK SCOPE</th>
<th>CONSULTANT ***</th>
<th>Additional CITY STAFF</th>
<th>GRANT REQUEST</th>
<th>CITY STAFF (in-kind)</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hrs.</td>
<td>Cost</td>
<td>Hrs.</td>
<td>Cost</td>
<td>Hrs.</td>
</tr>
<tr>
<td>Task 1. Profile Existing Water System</td>
<td>18</td>
<td>$2,340</td>
<td>10</td>
<td>$1,000</td>
<td>10</td>
</tr>
<tr>
<td>Task 2. Characterize Use and Demand Forecast</td>
<td>8</td>
<td>$1,050</td>
<td>15</td>
<td>$1,500</td>
<td>15</td>
</tr>
<tr>
<td>Task 3. Profile Proposed Facilities</td>
<td>12</td>
<td>$1,620</td>
<td>15</td>
<td>$1,500</td>
<td>20</td>
</tr>
<tr>
<td>Task 4. Identify Conservation Goals</td>
<td>15</td>
<td>$1,250</td>
<td>15</td>
<td>$1,500</td>
<td>20</td>
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<tr>
<td>Task 5. Identify Conservation Programs</td>
<td>19</td>
<td>$2,480</td>
<td>10</td>
<td>$1,000</td>
<td>20</td>
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<tr>
<td>Task 6. Evalu. &amp; Select Conservation Measures</td>
<td>58</td>
<td>$7,110</td>
<td>30</td>
<td>$3,000</td>
<td>30</td>
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<tr>
<td>Task 7. Integrate Resources</td>
<td>9</td>
<td>$1,200</td>
<td>20</td>
<td>$2,000</td>
<td>15</td>
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<tr>
<td>Task 8. Develop Implementation Plans</td>
<td>9</td>
<td>$1,140</td>
<td>65</td>
<td>$5,500</td>
<td>15</td>
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<tr>
<td>Task 9. Monitor, Evaluate and Revise the Plan</td>
<td>2</td>
<td>$270</td>
<td>10</td>
<td>$1,000</td>
<td>15</td>
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<tr>
<td>Task 10. Public Outreach****</td>
<td>36</td>
<td>$4,860</td>
<td>20</td>
<td>$2,000</td>
<td>40</td>
</tr>
<tr>
<td>Travel Expenses – 7 meetings x $0.55/mi x 130mi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone Conference with CWCB after final review &amp; incorporate comments</td>
<td>6</td>
<td>$810</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL COST</td>
<td>192</td>
<td>$25,316</td>
<td>210</td>
<td>$21,000</td>
<td>200</td>
</tr>
</tbody>
</table>

*** Consultant Fee is calculated as an average of $150 hourly rate (See Attachment)
NOTES:

- The above Project Budget is based on a joint-effort approach, with City of Englewood staff leading and fully participating in all tasks in order to build in-house expertise that will regularly review and update it.

- City Staff Cost is calculated as an average of $100 per hour (including salary, all benefits overhead and indirect cost, etc.) based on:

<table>
<thead>
<tr>
<th>Position</th>
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<tbody>
<tr>
<td>Utilities Director</td>
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**** Includes report preparation, general project cost, meetings, etc.
### ATTACHMENT C
Project Fee Estimate
City of Englewood Water Conservation Plan

<table>
<thead>
<tr>
<th>ITEMS OF WORK</th>
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<tr>
<td></td>
<td>CWS Michael Hatfield</td>
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<td>TASK A - Develop Water Conservation Plan</td>
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<td>Step 1 - Profile of Existing Water System</td>
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<td>1.6 Summarize Current Water Conservation Activities</td>
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<td>Step 2 - Characterize Water Use and Forecast Demand</td>
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<td>Step 6 - Evaluate and Select Conservation Measures and Programs</td>
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<td>6.1 Create Combinations of Measures and Programs</td>
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<td>6.2 Estimate Costs and Water Savings of Conservation Options</td>
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<td>8.3 Develop Plan for Monitoring and Evaluation Processes</td>
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<td>8.5 Define Plan Adoption Date/Plan Completed Date/Plan Approved Date</td>
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**TASK B - Public Outreach**
Meeting with WSS Board and City Council to discuss potential measures/programs
Public meeting to solicit feedback

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<thead>
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<th>Meetings</th>
<th>Task</th>
<th>Subtotal</th>
</tr>
</thead>
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<tr>
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<td>TASK B TOTAL</td>
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**General Project Expenses**
Travel - 7 meetings x $0.56/mi x 130 mi
Phone conference with WSSCD after final review and incorporate comments

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<tr>
<th>Meetings</th>
<th>Task</th>
<th>Subtotal</th>
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</thead>
<tbody>
<tr>
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<td>3</td>
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<tr>
<td>TOTAL FEE</td>
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</table>

**Notes:**
- Assumes Englewood staff will prepare report and CWSS will complete a final review.
-Fee estimate is primarily for technical assistance and to attend WSS Board and Council meetings to answer questions.
-Water savings calculations of selected measures and programs is the largest portion of Consultant’s fee.
ORDINANCE NO. ______
SERIES OF 2012
BY AUTHORITY

COUNCIL BILL NO. 39
INTRODUCED BY COUNCIL MEMBER WOODWARD

AN ORDINANCE AMENDING TITLE 16, CHAPTER 6, SECTION 13 ENTITLED "SIGNS" OF THE ENGLEWOOD MUNICIPAL CODE 2000.

WHEREAS, the First Amendment is the foundation of individual liberty and self-government. It embodies the Nation's profound commitment to "uninhibited, robust, and wide-open" debate on public issues to promote the will of the people, prevent majority tyranny, and maximize individual self-development. This protection has historically been limited to personal speech as opposed to "commercial speech" such as signs advertising a business or product. New York Times Co. v. Sullivan, 376 U.S. 254, 269-71 (1964); and

WHEREAS, the law began to change in 1976, when the Supreme Court handed down Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976) where Court held that commercial speech was entitled to some degree of protection under the First Amendment. The Court firmly established that commercial speech restrictions are valid only when the restrictions are justified without reference to the content of the regulated speech; serve a significant governmental interest, and leave open ample alternative channels for communication of the information. Restriction of truthful commercial speech concerning a lawful activity is permissible only if (1) the government interest served by the regulation is substantial, (2) the regulation directly advances the government's interest, and (3) the regulation is no more extensive than necessary to serve that interest. This is known as time, place and manner regulation; and

WHEREAS, in 1976, when the Supreme Court handed down Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976) where Court held that commercial speech was entitled to some degree of protection under the First Amendment. The Court firmly established that commercial speech restrictions are valid only when the restrictions are justified without reference to the content of the regulated speech; serve a significant governmental interest, and leave open ample alternative channels for communication of the information. Restriction of truthful commercial speech concerning a lawful activity is permissible only if (1) the government interest served by the regulation is substantial, (2) the regulation directly advances the government's interest, and (3) the regulation is no more extensive than necessary to serve that interest. This is known as time, place and manner regulation; and

WHEREAS, in 2000, the City had created a specialized sign code, known as the Creative Sign Code (CSC) designed for the South Broadway commercial area to address historical or creative exceptions to the Sign Code and to enhance redevelopment in that area because of the complexity of some of the special types of signs and the short time frame normally allowed for review of signs, the CSC provided for a special process for City review of those sign permits which process included a review by a committee familiar with those types of signs, making a recommendation to the City Manager for a final decision; and

WHEREAS, in 2000, the City had created a specialized sign code, known as the Creative Sign Code (CSC) designed for the South Broadway commercial area to address historical or creative exceptions to the Sign Code and to enhance redevelopment in that area because of the complexity of some of the special types of signs and the short time frame normally allowed for review of signs, the CSC provided for a special process for City review of those sign permits which process included a review by a committee familiar with those types of signs, making a recommendation to the City Manager for a final decision; and

WHEREAS, in a case involving a mural painted without a permit, the Colorado Court of Appeals has ruled that the City's procedure for this special review does not provide the adequate procedural safeguards of a specific time limit within which the City Manager must decide whether to issue a permit under the time, place and manner test; and

WHEREAS, in February 2010, Council enacted an additional moratorium on enforcement relating to murals as a result of this Colorado Court of Appeals decision; and

WHEREAS, input gathered at a 2009 Englewood Public Forum focused on the Sign Code being out of date, too complex, and most importantly not reflective of business needs or current economic conditions; and

WHEREAS, City Council directed staff to address temporary signage such as banners and sandwich boards enacted a moratorium on the enforcement of provisions of the Code relating to banners and portable signs; and

WHEREAS, due to the aforementioned issues and because Sign Code regulations have remained unexamined, except for the CSC, for nearly thirty years; and
WHEREAS, the City recognizes that its sign regulations are out of date and have not kept pace with industry changes; and

WHEREAS, signage is becoming more technologically sophisticated with the use of electronic signs; and

WHEREAS, the City wishes to encourage sign designs for Englewood businesses which are innovative, creative, interesting, and exciting, so that Englewood businesses can market their business and Englewood more effectively; and

WHEREAS, the proposed amendments are intended to meet the business community's needs; to meet the City's administrative needs; to maintain community character and to meet legal standards for an effective and defensible sign code; and.

WHEREAS, The Planning and Zoning Commission discussed and reviewed current regulations and proposed amendments at eighteen study sessions. The Commission conducted a Public Hearing to consider public comment on the proposed amendments to 16-6-13: Signs on June 5, 2012. The Commission found that certain commercial signs such as billboards are considered so intrusive into the public view as to be subject to location and size restrictions and even prohibition, also as a result of this review this proposed Sign Code exempts most murals, as art, from the requirement of obtaining a permit; and

WHEREAS, the Commission recommended that the City adopt a Bill for an Ordinance authorizing amendments to 16-6-13: Signs and associated amendments regarding signs to Title 16: Unified Development Code and Title 11: Public Ways and Property of the Englewood Municipal Code; and

WHEREAS, the Sign Code changes will conform to “Roadmap Englewood: 2003 Englewood Comprehensive Plan” relating to Goal 3: Promote economic growth by building on Englewood’s strong sense of community image, identity, and quality of life; Objective 3-2: Provide a safe, healthy, and attractive business environment and Objective 3-3: Recognize the complementary effects between the physical appearance of both commercial districts and the surrounding residential areas; and

WHEREAS, the Sign Code as amended will provide the business community increased flexibility and latitude in creatively addressing their advertising needs while protecting the community’s image and visual environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, Subsections A through D, of the Englewood Municipal Code 2000, regarding administration and applicability of the Sign Code to read as follows:

16-6-13: Signs.

A. Title. Administration. This Section of the Englewood UDC shall be known and hereafter referred to as the "Englewood Sign Code" or "Sign Code."

B. General Statement. The City of Englewood recognizes that signs are a necessary useful means of visual communication for the convenience of the public, and that it is the right of those concerned to identify their businesses, services or other activities by the use of signs. However, for the efficient communication of commercial and noncommercial speech, the City is also aware that citizens of Englewood are of public concern for about adopting and enforcing sound environmental practices, including the strict control of signs, to protect public safety and welfare, as well as the appearance and economic value of the City's visual environment, and limiting signs to those that are necessary and incidental to the use on the premises where such signs are located. The City also understands that the economic health of specialized areas of the City, such as the South Broadway commercial corridor, may be enhanced by permitting different sizes and types of
signage than those permitted elsewhere in the City. It is to this end that the following goals are set forth and the regulations in this Section are deemed necessary:

1. To protect the public from hazardous conditions that result from signs that are structurally unsafe, obscure the vision of motorists, and/or compete or conflict with necessary traffic signals or other traffic regulatory devices. Purpose. It is the purpose of this Section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements on the premises where such signs are located. These sign regulations are intended to:
   a. Provide a reasonable balance between the right of individuals and businesses to identify and support themselves and the right of the public to be protected against the visual discord resulting from unrestricted proliferation of signs and similar devices.
   b. To encourage signs that are well-designed, legible, constructed of high quality, durable materials appropriate to an urban setting and appropriate to the uses permitted as well as compatible with their surroundings and with the buildings to which they pertain.
   c. Protect the public from hazardous conditions that result from signs that obscure the vision of motorists, and/or compete or conflict with necessary traffic regulatory devices.
   d. Provide a reasonable balance between the right of the individual to identify his business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
   e. To permit and encourage distinctive signage along the South Broadway corridor.
   f. To require that signs which advertise or identify a use or a business no longer in operation be terminated, removed within a reasonable time.
   g. To ensure that the constitutionally guaranteed right of free speech is protected.
   h. To require that signs which do not comply with the requirements of this Sign Code be terminated within a reasonable period of time.

G. Scope and Application of this Section.

2. Applicability.

1. These regulations shall apply to all new signs erected or installed after the effective date of this Section and shall govern and control the display, construction, erection, alteration, remodeling, enlarging, moving or maintenance of all signs permitted within the City, all zone districts established by this Title and any amendments thereto.

2. This Sign Code shall be administered by the City, which shall have the powers and duties set forth and those necessarily implied to administer and enforce this Sign Code; the City may issue appropriate procedures and forms.

3. Upon application to and issuance by the City of a permit therefor, a sign may be erected, altered and maintained only for a permitted use in the district in which the signs are located; signs shall be located on the same lot as the permitted use unless otherwise provided; however, a sign of any type shall be erected or maintained for or by a one unit, or multi-unit residential use, containing two (2) or three (3) units, except approved home occupation signs and certain signs for which no permit is required.
c. Signs shall be located on the same parcel as the permitted use.

4. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations.

d. If there is a conflict between the regulations in this Sign Code Section and any other ordinance or regulation, the more stringent regulations shall apply.


4. a. Sign Permit Required. It shall be unlawful to display, erect, construct, relocate or move or alter (except for copy changes) any sign in the City except: without first filing with the City an application in writing, paying applicable fees, and obtaining a sign permit, except as provided in Section 16-6-13.E EMC, "Signs Not Subject to Permits," of this Sign Code. If a sign has been displayed, erected, constructed, relocated, or altered without such permit or not in accordance with the terms of such permit, the sign must be removed within five (5) calendar days of official notice.

   (1) Signs exempt from Sign Permits in compliance with Section 16-6-13(B) EMC – (Incidental Signs Allowed Without Sign Permit).

   (2) On-site accessory signs and advertising devices pursuant to 16-6-13(G)(1) EMC – (On-Site Accessory Signs and Advertising Devices).

   (3) Changing or replacing the copy on an existing sign, provided the copy change does not change the shape, size, location or nature of the sign or sign support, or render the sign in violation of this Section.

   (4) Maintenance on an existing sign provided no structural changes are made to the sign.

b. Sign Permit Alterations. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the City. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City.

   (1) If a sign is found not to be in accordance with the terms or conditions of an approved Sign Permit, the City shall issue a Correction Notice. The applicant shall have five (5) days to bring the sign into compliance.

2. c. Application for Sign Permit. Application for a sign permit shall be made by the owner or tenants of the property on which the sign is to be located, his authorized agent, or a sign contractor licensed by the City of Englewood. Such applications shall be made in writing on forms furnished by the City, and shall be signed by the applicant. In the case of any sign for which special review by the City Manager or designee is not requested, the application shall be accompanied by a site plan and detailed drawings indicating the dimensions, location, engineering standards and other information as specified in the Englewood Illustrated Sign Manual.

d. Sign Permit Review. The City shall, within five (5) working days of the date of the Sign Permit application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.
(1) Appeals. Appeals relating to Sign Permits shall be made to the Board of Adjustment and Appeals pursuant to 16-2-18 EMC—(Appeals), except under those Subsections whereby the Planning and Zoning Commission is authorized to hear an appeal.

4. c. Sign Permit Fees. A permit fee shall be paid to the City for each sign permit issued under this Section. The permit fee shall be in accordance with the fee schedule established by Council, shall be paid to the City for each Sign Permit issued under this Section.

4. Enforcement. It shall be unlawful to display, construct, erect, alter, remodel, enlarge, move, or maintain a sign in violation of the provisions of this Section. If any sign is found to be in violation of the prohibitions of this Section, such violation shall constitute a nuisance to be abated in the manner provided in 16-10 EMC—(Enforcement and Penalties).

5. Sign Maintenance. Sign maintenance is the repair or replacement in-kind of individual sign components including copy panels and bulbs, paint or other finishes. This definition shall not include the replacement of metal or wood cabinets, structural faces, supporting structural members, primary uprights, posts and poles, electrical wiring, or the sign in its entirety.

a. Every sign, including signs not requiring a Sign Permit and nonconforming signs, shall be maintained in good-neat and orderly condition, and in a good working order at all times. M. Maintenance. Every sign, including those specifically exempt from this Section in respect to permits and permit fees, shall be maintained in good condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant metals. The City shall have inspected and shall have the authority to order the painting, repair, alteration or removal of a sign which is not in conformance with this Sign Code by reason of safety, health, or public welfare, or by reason of inadequate maintenance, dilapidation, or obsolescence.

b. Responsible Party. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign.

6. Inactive Signs. Any sign identifying or advertising a business, owner, tenant, product, service or activity that has not been located on the premises for period of thirty (30) days or more shall be declared an inactive sign.

a. Inactive signs shall be removed, covered or have their copy obscured.

b. Inactive signs shall be subject to enforcement provisions of Section 16-10 EMC—(Enforcement and Penalties).

c. Responsible party. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally responsible for the removal, covering or obscuring of an inactive sign.


9. Substitution Clause. To ensure commercial and non-commercial signage is afforded equal protection under the Englewood Municipal Code, any sign authorized in this Section may contain either commercial or non-commercial copy.

10. Sign Definitions: See Section 16-11-2 EMC—(Definition of Words, Terms and Phrases).

Note: Many terms are listed under the word “Sign”, i.e., Sign, Awning or Sign, Ground.
b. If the City finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinance; or should it be found that there has been any misrepresentation in connection with the application for the permit, the sign owner or lessee or erector shall be notified of such findings and that the violation must be corrected within five (5) working days of notice. If such correction is not made, the permit shall be revoked and written notice thereof shall be served upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received. The owner or lessee of the sign or the owner of the property on which the sign is located shall have the right to appeal the decision of the City in the manner provided for in Section 16-2-18 EMC.

e. If actual work either on or off site is not commenced under any sign permit issued within one hundred eighty (180) days from the date of such permit, the permit shall automatically become null and void. Delays that are not a result of willful acts or neglect of the contractor, owner, or person obtaining the permit may be excused and the City may grant an extension of time in which to start or resume operations. All requests for extensions and approval thereof shall be in writing.

d. When any permit has been revoked under the terms of this Section, permit fees shall not be refunded.

3. Plans, Specifications, and Other Data Requested. The application for a sign permit issued by the City shall be accompanied by the following plans and other information: The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector; the location by street address of the proposed sign structure; complete information as required on application forms provided by the City, including a Zoning Site Plan and elevation drawings of the proposed sign drawn to scale, caption of the proposed sign and such other data as is pertinent to the application; plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used; application for an electrical permit for all electrical signs, and the required information for such application; and a statement of value or cost of the sign. In addition, where special review by the City Manager or designee has been requested, applications shall include scale drawings of building elevations with proposed signage, color and material samples of materials to be used in the proposed signage, and any other materials that the City Manager or designee may require, in writing, which are necessary to evaluate the quality and character of the proposed signage as it relates to the design review criteria for such signs.

5. Identification and Marking of Electrical Signs. Each electrical sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area, stating the name of the person, firm or corporation responsible for its construction and erection, with installation date and permit number, and shall be marked with input amperes at full load input.


a. Any person, firm, or corporation engaged in the business of installing, erecting, moving or maintaining signs in the City of Englewood shall be duly licensed by the City. A person who has applied for a sign permit and is not engaged in the sign erecting business may be allowed to install, erect, move, or maintain his own sign upon demonstration to the City that he possesses sufficient knowledge and skill and is appropriately insured for public protection. Upon such demonstration, the City may issue a nonrenewable sign contractor's license. Such license will be valid only for the installation, erection or moving of signs as specified on the permit. Within a residential zone district, the homeowner may apply for a nonrenewable sign contractor's license for use on his own property. For such a license, the license fee will be waived.

b. Before any permit is issued for a sign which may require any work over public property, the erector shall furnish to the City a certificate of insurance from a firm with corporate surety, and authorized to do business in the State of Colorado, for public liability and property damage in amounts established by the City of not less than the following and covering the liability of the sign erector with respect to all work performed by him or his agents or employees:
(1) For death or injury to any one person....$100,000.00

(2) Total liability in any one accident.....300,000.00

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, Subsections E through F, of the Englewood Municipal Code 2000, regarding incidental signs allowed without a permit of the Sign Code to read as follows:

E. Signs Not Subject to Permits. The following signs, displayed for non-commercial purposes, may be erected and maintained in all zone districts without a sign permit as otherwise required by Section 16-6-13.D EMC, "Permits," above. Such signs shall be in addition to all other signs permitted in any zone district, providing such signs do not require direct electrical wiring, and conform to setbacks and other physical characteristic requirements of the designated zone districts. Even though permits are not required for the following signs, wall signs shall be located only in the signable area, and window signs shall be counted toward the twenty-five percent (25%) maximum coverage. This restriction shall not apply to holiday decorations, or to short-term advertising as provided in subsection 16-6-13.J.5.f EMC.

No permit shall be required to carry out maintenance to a conforming sign if no structural changes are made.

1. Bulletin Boards. Bulletin boards for public, charitable, or religious institutions, which are not over twelve (12) square feet in area, and which are located on the premises of said institutions.

B. Incidental Signs Allowed Without Sign Permit. The following signs are allowed in all zone districts and are exempt from the Sign Permit requirements of Subsection 16-6-13(A)(3) EMC (Sign Permits). Such signs shall be in addition to all other signs permitted in any zone district in which they are located, provided such signs meet the conditions of this Subsection. Any sign not meeting the conditions of this Subsection shall require a Sign Permit and shall be included in the calculations for total allowable sign area and maximum sign number.

Incidental signs allowed without a Sign Permit shall not conflict with traffic regulatory devices; be located within a sight distance triangle; or extend or project over any property line or into the public Right-of-Way. In addition such signs, except holiday decorations and scoreboards, shall not flash, blink, or fluctuate and shall not be animated.

1. Address. Signs identifying the address of a dwelling unit or of an establishment:
   a. All Residential Districts. Maximum two (2) square feet in area.
   b. Medical, Business, and Industrial Districts. Maximum thirty-two (32) square feet in area.

2. Bulletin Boards and Kiosks. Bulletin boards and kiosks for public, charitable, or religious institutions, which are not over twelve (12) square feet in area, and which are located on the premises of said institutions.

3. Cafe Table Umbrellas.

4. Cornerstones and Plaques. Cornerstones cut into any masonry surface or inlaid so as to be part of the building. Commemorative plaques or tablets memorializing a person, event, structure, or site.

5. Drive-Thru Menu Boards. A use with a drive-thru facility may have two (2) menu board signs along the drive-through lane, provided that each menu board sign is limited to one face and shall not:
   a. Exceed eight feet (8') in height, and
26. Election Signs. Election signs shall not be posted more than forty-five (45) calendar days prior to the election to which the sign relates, and shall be removed within fifteen (15) calendar days following the election to which the sign relates. Such signs are limited to wall, window, and ground signs; and shall not be a banner of paper or cloth. Each election sign shall not exceed twelve (12) square feet of total sign area.

37. Flags. a. Flags of nations or an organization of nations, states, and cities, provided such flags:
   
   a. Shall not exceed thirty-five (35) square feet in area.
   
   b. Total number of exempt flags shall not exceed five (5) flags.
   
   b. Flags of City-approved business improvement districts, provided the flags display only the name, emblem and/or logo of the organization and the term “sale today”, but no individual business names. Such flags are limited to three feet (3’) by four feet (4’) but the emblem and/or logo and “sale today” term are permitted on both sides of the flag. Such flags may only be flown on the last Saturday of the month or on such other days as authorized by the City Manager or designee.

8. Garage Sale Signs. Signs pursuant to Section 15-16-3 EMC – (Signs).

4.9. Holiday Decorations. Signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than sixty (60) consecutive calendar days. Such signs may be of any type, number, area, height, location, illumination, or animation, and shall be located so as not to conflict with traffic regulatory devices and are not subject to the maximum window coverage of twenty-five percent (25%).

510. Ideological Signs. Ideological signs not more than twelve (12) square feet in total sign area. Such signs are limited to not more than two (2) per lot.

611. Illuminated Buildings in Non-Residential Districts. Providing no signs, symbols, letters, figures, etc., identifying a name, service, or product, occur on the building or the part of the building that is illuminated are included in the illumination.

12. Job Site Signs: Signs not more than six (6) square feet in area, per face, in Residential zones and not more than thirty-two (32) square feet in area in Medical, Business and Industrial zones for the duration of work on site. One such sign shall be allowed per street frontage.

7. Memorial Signs. Memorial signs or tablets, giving the name of building and date of erection, when cut into any masonry surface or inlaid so as to be part of the building.

13. Miscellaneous non-illuminated signs on windows and doors one (1) square foot or less in area. Examples of such signs include open, credit cards accepted, business hours, business associations, and similar customer courtesy information.

14. On-Site Informational and Regulatory Signs: Signs that provide instructions as required by law, by necessity or for the convenience of visitors shall be interpreted to include such signs as “no smoking,” “restrooms,” “no solicitors,” “self-service,” “no trespassing” and similar informational signs provided such signs do not exceed six (6) square feet in area.

815. Private Parking or Traffic Direction Signs. Signs giving parking or traffic directions or restrictions which do not require direct electrical wiring, provided that such signs:

a. Are limited to: wall and ground signs, not more than two (2) signs per curb cut on the lot and
b. Are not more than six (6) square feet in area per face,

c. Are not more than six feet (6') in height above grade. Not more than one (1) directional sign may be displayed at each curb cut. Such signs may be illuminated from a concealed light source which does not flash, blink or fluctuate, and shall not be animated.

16. Safety/Warning Signs. Signs warning of danger or hazardous conditions or to indicate the presence of underground cables, gas lines, and similar devices, provided such sign does not exceed six (6) square feet in area.

17. Sale, Lease, or Rent Signs. Signs that advertise the sale, lease, or rental of the premises upon which said signs are located shall comply with the following standards of Table 16-6-13.1 below:

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Use</th>
<th>Maximum Number</th>
<th>Maximum Size (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, MU-R-3-B, MU-R-3-C</td>
<td>Residential</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>MU-B-1, MU-B-2, M-1, M-2, TSA, I-1, I-2</td>
<td>Business and Industrial</td>
<td>2</td>
<td>Street frontage &lt; 100 ft: 24</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Street frontage &gt; 100 ft: 32</td>
</tr>
<tr>
<td>PUD</td>
<td></td>
<td></td>
<td>Per individual PUD standards</td>
</tr>
</tbody>
</table>

9. Public Signs. Signs required or specifically authorized for a public purpose.


11.9. Signs Within Buildings. Signs within buildings that are not visible from the public Right of Way or are more than twelve inches (12") from the interior side of a window do not meet window sign specifications of Table 16-6-13.3A EMC – (Permitted Principal Building Signs).

12. Symbols. Symbols or crests of national, state, religious, fraternal, professional, and civic organizations.

13. Vehicle Consumer Information. Signs on cars, trucks, or other vehicles displayed in commercial sales lots which give information as to price, mileage, or similar information, provided such sign does not exceed six (6) square feet in area, emissions or mileage as required by State or Federal law of such vehicles. These signs are limited to twenty-five percent (25%) coverage of window area.

21. Vending machines, including fuel dispensers, and collection boxes.

14.22. Works of Art. Works of art pursuant to 16-11-2(B) EMC – (Definition of Words, Terms and Phrases.) including integral, decorative or architectural features of buildings that in no way identify a product do not contain the name or logo of any business shall be allowed, provided:

a. No language, symbols, or depictions that are known by or could reasonably be suspected by law enforcement to be associated with or representative of documented criminal street gangs, suspected or alleged criminal organizations, or suspected criminal activity is included or contained within the work of art.

b. Murals shall be located on building walls only and shall not contain an electronic display. Mural images may extend across doorways of buildings.
23. Pennants, streamers, fringe, balloons and similar devices.

24. Other Incidental Signs. Signs other than those listed above may be declared incidental by the City Manager or designee upon review and a determination that the proposed sign has similar characteristics and impacts as those listed herein.

15. Contractor Signs. A sign not more than twelve (12) square feet per face in area and not more than twenty-four (24) square feet in total sign area, which names the contractors or sponsors engaged in construction on the property where the sign is located.

16. Real Estate Signs. Signs that advertise the sale, rental, or lease of the premises upon which said signs are located shall comply with the following standards:

a. Residential uses and any use in the R-1 A, R-1 B, R-1 C, R-2 A, R-2 B, MU-R-3 A, and MU-R-3 B districts shall be permitted one sign of not more than six (6) square feet per face in area. Such signs shall not extend or project over any property line.

b. Commercial and industrial uses in the MU-B 1, MU-B 2, TSA, I-1, and I-2 districts shall be permitted two (2) signs of not more than thirty-two (32) square feet per face in area if the street frontage is more than one hundred feet (100'), or twenty-four (24) square feet if the street frontage is one hundred feet (100') or less. Such signs shall not extend or project over any property line.

17. South Broadway District Identification Banners. City-owned banners or banners authorized by City License which are affixed to streetlights in the South Broadway Right-of-Way for the purpose of identifying the various South Broadway Districts.

F. Signs Subject to Temporary Permit. The following signs may be displayed in the designated zone district under the conditions described, upon the City's grant of a temporary sign permit.

1. Special Event Signs.

a. In residential zone districts, special event signs are permitted in addition to all other signs allowed for a permitted use. Such signs shall be limited to one (1) wall or one (1) ground sign, subject to limitations described in this Section and in subsection 16-6-13.I. EMC, no more than twelve (12) feet in height, and shall not exceed twelve (12) square feet in area, and shall not be displayed for more than thirty (30) calendar days.

b. In commercial and industrial zone districts, one (1) special event sign may be permitted in addition to all other signs. Such sign shall be limited to wall, window or ground signs, subject to limitations described in subsections 16-6-13.J.3.(A), (E), and (F) EMC. Such sign shall not be more than twenty-four (24) square feet in area and shall not be displayed for more than thirty (30) calendar days.

2. Street Banners. Banners across public thoroughfares announcing events sponsored by the City, Englewood School District, Arapahoe County, or charitable organizations may be authorized by temporary permit by the City. Such street banners shall be installed, removed, and maintained pursuant to City policy.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, Subsections G and N, of the Englewood Municipal Code 2000, regarding prohibited signs and other prohibitions of the Sign Code to read as follows:
Prohibited Signs and Other Prohibitions.

1. The following signs are prohibited in all zone districts and are declared a nuisance by the City; inconsistent with the purposes and standards of this Chapter; are prohibited in all zone district and shall not be the subject of a variance application.

   a. Any ground sign within a triangular area of thirty feet (30') along two (2) sides of an intersection of curbs of two (2) streets, a railroad Right of Way and a street, a driveway and a street, or an alley and a street, which does not have a clear area of seven feet (7') between the grade level and the bottom of the sign unless approved by the City Traffic Engineer.


   c. Billboards, including, without limitation, any billboards on land transferred to the City by the State of Colorado or any of its agencies.

   d. Portable signs.

   e. Signs referring to outdoor display of merchandise on public Right of Way except for signs for sidewalk sales pursuant to a public sidewalk sale as defined in this Title.

   f. Search lights.

2. Off-premise signs (also known as third-party signs).

3. Vehicular signs, except signs permanently affixed, painted, or magnetically applied. No sign shall be placed or erected in the bed of a truck or on the deck of a trailer or a truck. No vehicle upon which a vehicular sign is affixed shall be parked on private property or in the public right-of-way for the primary purpose of directing or attracting the attention of the public to any person, institution, organization, business, product, service, event or location.

   a. This Subsection shall not apply to:

      (1) Vehicles operated in the normal course of business or parked or stored in the normal course of business in an area appropriate to the use of the vehicle for delivery or another commercial purpose.

      (2) Mobile advertising vehicles legally in transport on a public road-way.

   b. Wheeled advertising devices, except for permanent signs on licensed vehicles.

   c. Balloons; and other inflatable devices.

4. Roof Signs, and integral roof signs Existing roof signs permitted and approved under a previous Code or approved under South Broadway Sign Area standards effective from July 10, 2000 to the effective date of this Title shall be grandfathered and considered legal conforming signs.

5. Flags exceeding thirty-five (35) square feet maximum in area.

2. The following signs are prohibited in all areas except in the South Broadway sign area:

   a. Animated signs, except barber poles.
d. Wall-murals.

5. Additionally, the following signs and devices are prohibited:

   a. Any sign not in compliance with sight distance standards of 16-6-13(F)(1) EMC - (Visibility).

   b. Signs on fences or walls, unless an integral part of the fence or wall, and meet all requirements of this Chapter.

   c. Strobe lights.

   d. Flashing, blinking signs.

   e. Any principal sign that does not meet material standards of Section 16-6-13(F)(5) EMC - (Prohibited Principal Sign Materials).

   f. Any sign that imitates or resembles an official traffic control device or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or signal.

   g. Any sign that constitutes a hazard to public safety.

   h. Snipe Signs. Any sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, traffic devices, or similar objects. It shall be prima facie evidence that the business or service identified on the sign has erected or caused the sign to be erected.

   i. Any sign that interferes with a fire escape, window, door, or opening used or required as a means of egress or ingress.

N. Prohibited, Hazardous, and Abandoned Signs; Enforcement Procedures. It shall be unlawful to display, construct, erect, alter, remodel, enlarge, move, or maintain a prohibited sign within the City. It shall furthermore be unlawful to display, construct, erect, enlarge, move, or maintain a hazardous or abandoned sign within the City. See also Section 16-9-5 EMC, "Noneforming Signs."


   a. Notice Required. Notice shall be given by certified mail or personal service to the owner or lessee of such unlawful signs and to the owner of the property on which such unlawful signs are located.

   b. Prohibited Signs.

      (1) Prohibited signs in existence before the effective date of this Sign Code, as described in Section 16-6-13.G EMC, shall be declared a nuisance by the City. The notice shall require that prohibited signs shall be brought into conformance with this Sign Code or be removed within one hundred eighty (180) days after the notice has been received. Signs existing before the effective date of this Sign Code, and that are prohibited in subsections 16-6-13.G.1.(D), (J), and (L) EMC, shall be removed within three (3) years from the date the notice is received.

      (2) Prohibited signs erected after the effective date of this Sign Code shall be removed within five (5) calendar days of receipt of official notification from the City.

      (3) This subsection shall not be applied to require the removal of any sign for which it is unlawfully required, by Federal or State Constitution or statute, that compensation be paid by the City for sign removal, unless the City elects to pay any compensation lawfully required.
e. Hazardous Signs. Hazardous signs are those which, by reason of inadequate maintenance, dilapidation or obsolescence, create an imminent hazard to public health, safety or welfare, as declared by the City; those signs are further declared a nuisance and shall not be displayed or erected within the City. The notice shall require hazardous sign removal within five (5) calendar days.

d. Abandoned Signs:

(1) Signs abandoned for a period of thirty (30) days or more shall be declared abandoned signs and a nuisance by the City. Signs for which thirty (30) days or more have passed since the expiration date of the sign's permit shall be deemed abandoned signs by the City, and subject to this subsection.

(2) Abandoned signs shall not be displayed or maintained within the City.

(3) The notice shall require abandoned sign removal within thirty (30) days.

2. Appeals:

a. The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by the City that such sign is prohibited, abandoned or hazardous may appeal that decision to the City Manager or designee within twenty (20) days of the receipt of such notice, except for hazardous sign appeal which must be within five (5) days. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the document appealed. The City Manager or designee may meet informally with the appellant to exchange necessary information and shall issue a decision in writing to the appellant at his address stated in the appeal.

b. If the decision of the City Manager or designee is not satisfactory to said owner or lessee, within fifteen (15) days, he/she may apply for a variance from the Board as provided in Section 16-2-16 EMC, except for hazardous signs in which case the City Manager's decision is final.

3. Failure to Comply with Notice. If the owner or lessee of a prohibited, abandoned or hazardous sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this Section within the time specified, the City Manager or designee is authorized to cause the action required by this Sign Code, which may include removal of a sign by the City. All costs incurred by the City, plus an administrative cost of fifteen percent (15%) of the direct costs shall be charged against the real property and its owners.

4. Notice of Costs. If the City incurs costs taking action required by this Section, a statement shall be prepared for the entire cost plus fifteen percent (15%) administrative costs, and be mailed by certified mail, return receipt requested, to the owner of the property on which the sign is located with instructions that said statement will be paid in full plus costs within thirty (30) days of said mailing date. The notice shall also inform the property owner that the failure to pay the statement for costs for sign removal within sixty (60) days shall result in an assessment being made against the property that shall constitute a lien pursuant to subsection B. above.

5. Assessments:

a. If the full amount of the statement relating to sign removal for realty is not paid within sixty (60) days, the City Manager shall direct that an assessment be made of the entire amount of the statement plus an additional twenty-five percent (25%) penalty against the specified realty. After assessment, a copy shall be sent to each owner of record of the assessed realty. The assessment shall contain a legal description of the premises, expenses and costs incurred, the date of sign removal, and a notice that the City claims a lien for this amount. The City shall certify such assessment to the County Treasurer who shall collect such assessment in the same manner as ad valorem taxes are collected.
b. From the date of the assessing statement, all assessments shall constitute a perpetual lien against the specified realty and shall have priority over all liens excepting general tax liens and prior special assessments. No delays, mistakes, errors or irregularities in any act or proceeding authorized herein shall prejudice or invalidate any final assessment; but the same may be remedied by the City Manager or designee, as the case may require, upon application made by the property owner or other interested person. When so remedied, the same shall take effect as of the date of the original assessment by the City.

6. Other Remedies. Any unpaid charge plus all costs and penalties shall constitute a debt due the City. The City Attorney shall, at the direction of the City Manager, institute civil suit in the name of the City to recover such charges, cost, and penalties. The City may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all other remedies, including those permitted by Chapter 16-10 EMC, "Enforcement and Penalties," and including prosecution in Municipal Court for each violation of this Chapter pursuant to the provisions and penalties established by Title 1, Chapter 4 EMC.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, by the addition of a new Subsection D, of the Englewood Municipal Code 2000, regarding signs in the Right-of-Way of the Sign Code to read as follows:

D. Signs in the Public Right-of-Way.

1. Signs Not Requiring a Sign Permit. The following signs are allowed without a Sign Permit provided they meet all requirements of the Englewood Municipal Code (EMC).

a. Signs required or specifically authorized for a public purpose, including traffic control signs and street signs.

b. Signs for sidewalk sales pursuant to a public sidewalk sale as defined in this Title.

c. Signs for garage sales pursuant to Section 15-16-13 EMC – (Signs).

d. Human Signs pursuant to 16-6-13(G)(2) EMC – (Human Signs).

2. Signs Requiring a City License or Agreement.

a. District Identification Banners. City owned banners or banners authorized by City License affixed to streetlights in the right-of-way for the purpose of identifying a District, and/or its various events. This shall apply only to City authorized Districts.

b. Street Banners. Banners across public thoroughfares as allowed by City agreement.

c. Business Improvement Districts Advertising Devices. Advertising devices of City-approved business improvement districts authorized by City License.

d. Bus Bench and Bus Shelter Signs. Signs as authorized by City License.

e. Signs extending into or over the public right-of-way authorized by an Encroachment Permit and Indemnity Agreement approved by the City.
Portable Signs on the Public Sidewalk:

(1) Purpose. The purpose of allowing certain portable signs on a public sidewalk in M-1, M-2, M-O-2, MU-B-1, MU-B-2, I-1, and I-2 zones, includes:

(a) Recognizing and accommodating the physical constraints related to signage that exist for businesses occupying buildings that are build immediately abutting or within two and one-half feet (2.5') of the public sidewalk; and

(b) Promoting a pedestrian-friendly environment on public sidewalks.

(2) Allowed Portable Signs. The following types of portable signs may be allowed on the public sidewalks provided they meet all requirements of this Subsection:

(a) A-frame or “sandwich board”,

(b) Pedestal or “stanchion”, and

(c) Three-dimensional (3-D) objects.

(3) Materials and Maintenance. Portable signs on a public sidewalk shall be constructed and maintained in accordance with 16-6-13CA)(5) EMC – (Sign Maintenance). Such signs shall be maintained as to avoid faded or discolored backgrounds or copy; broken, loose, or ill-fitting pieces; and jagged edges or other conditions that may pose a hazard to pedestrians.

(4) Display. Portable signs on a public sidewalk shall meet the following display standards:

(a) The sign shall only be displayed during hours when the establishment to which the specific sign pertains is open for business.

(b) The sign shall only be located on the public sidewalk.

(c) The sign shall not move or include moving parts, attached balloons, pinwheels, flags, banners, streamers, pennants, or similar devices.

(d) The sign may contain a commercial or noncommercial message.

(e) Illumination. Only self-contained illumination approved by the City Manager of designee shall be permitted.

(5) Portable Sign Standards. The City Manager or designee may grant permission for the placement of a portable sign on a public sidewalk to an establishment occupying a building that is located immediately abutting or within two and one-half feet (2.5’) of the public sidewalk, provided the following standards are met:

(a) Maximum Number. A portable sign on a public sidewalk shall count toward a use’s maximum allowed number of accessory signs.

(i) Single tenant on site: Limited to one (1) such sign.

(ii) Multi-tenant building: Limited to one (1) such sign for each use located on the first floor of the building.

(b) Placement. Portable signs on a public sidewalk shall be placed so that:
i. The sign is between a building front and the curb line in front of the establishment to which the sign pertains.

ii. The sign is on the sidewalk surface and not on any structure, vehicle, or area containing landscaping.

iii. The sign is at least two feet (2') behind the curb line.

iv. The sign is anchored or secured in a manner approved by the City Manager or designee.

v. A minimum of five feet (5') of unobstructed walkway for pedestrian passage is maintained at all times and any applicable provisions of the Americans with Disabilities Act are met. City Manager or designee shall take into account other obstacles including but not limited to street lamps, fire hydrants, street furniture, planters, or similar appurtenances in determining the unobstructed walkway.

vi. The sign does not obstruct traffic visibility or any official traffic control device, or block any public entrance to or required emergency exit from a building, and

vii. The sign is not made to look like, and does not contain any representation of a traffic control device or traffic sign.

(c) Maximum Height. The sign shall not be more than four feet (4’) above grade at its tallest point as installed.

(d) Maximum Width. The sign shall not be wider than three feet (3’) at its widest point.

(6) Sign Permit Required. The City Manager or designee may issue a Sign Permit for placement of a portable sign on a public sidewalk provided:

(a) An application for such sign is submitted on forms provided by the City accompanied by a site plan showing the exact location of the sign.

(b) Evidence of general liability insurance in a form satisfactory to the City is provided. Such policy shall thereafter be maintained in full force and effect during any period in which the sign is located on the public sidewalk. In addition, anyone placing a portable sign on the public sidewalk shall be deemed to have agreed to indemnify, hold harmless, and defend the City from and against all claims arising from the placement and continued presence of the sign on the public sidewalk.

(c) No portable sign shall be approved if the property is not in compliance with Section 16-6-13 EMC – (Signs). If after receiving a Sign Permit, the property fails to remain in compliance with this Section, the Permit shall be revoked and shall not be reissued for one (1) year.

i. The City Manager or designee shall issue portable Sign Permits for one (1) year; however, the Sign Permit may be revoked earlier at the City’s discretion.

(d) In addition to a Sign Permit, a revocable “Temporary Occupancy of the Public Right-of-Way Permit and Indemnity Agreement”, or other document approved by the City, shall be required.

(7) Business Improvement Districts. Business Improvement Districts (BIDs) may notify the City Manager or designee that the BID does not want to have such signs permitted anywhere in their District. Such notice shall be an official notice from the BID, in writing, showing the decision
and date it was adopted. If such notification is made, the City shall not permit portable signs on the public sidewalk within that BID.

3. Signs Prohibited in the Public Right-of-Way. Signs Requiring a City License or Agreement under 16-6-13(D)(2) EMC when there is no existing permit, license and agreement and all signs not allowed by Subsections 16-6-13(D)(1) EMC - (Signs Not Requiring a Sign Permit) shall be prohibited in the public right-of-way.

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, by the addition of a new Subsection E – “Sign Specifications”, and amending Subsection L, of the Englewood Municipal Code 2000, of the Sign Code to read as follows:

F. Sign Specifications.

1. Visibility. Signs and advertising devices shall not obstruct the visibility of pedestrians and vehicular traffic within sight triangles established by this Subsection. Monument signs over three feet (3’) in height above the grade, and pole signs with a clearance of less than eight feet (8’) between grade and the bottom of the sign shall be prohibited within the following sight triangles:

a. Street/Street Intersection. Said triangle shall be measured from a point where two street curb lines intersect. The distance from this point shall be thirty feet (30’) along each street curb lines (“A” and “B”). The third side of the triangle (“C”) shall connect these two sides, creating the triangle. Figure 16-6(16) shall be used to determine said triangle.

b. Street/Alley Intersection. Said triangle shall be measured from a point where the street curb line and the centerline of the alley intersect. The distance from this point shall be twenty-five feet (25’) along the curbline (“B”) and twenty-five feet (25’) along the alley center line (“A”). The third side of the triangle (“C”) shall connect these two sides, creating the triangle. Figure 16-6(17) shall be used to determine said triangle.
The City Traffic Engineer shall review and establish sight distance standards related to Sign Permit applications for all other situations (i.e. driveways and ingress/egress points) not described herein.

d. The City Traffic Engineer shall determine compliance with sight distance standards in connection with all Sign Permit applications and shall be authorized to vary there standards depending on site conditions.

4. 2. Permitted Sign Illumination.

[Editors Note: Illumination was listed in 16-6-13(H) separately under each zone district]

a. Purpose. Signs in commercial and industrial zones may be illuminated, but all direct illumination shall not exceed forty (40) watts per bulb. The purpose of this Subsection is to provide objective and practical sign lighting levels for principal signs that promote sign legibility and which mitigate potential impacts on traffic safety and the community at large.

b. Methods of Illumination. The following methods of illumination may be allowed provided zone district illuminations standard are met:

(1) Internal Illumination. The light source is contained within the sign, not visible to the eye, and shines through a translucent surface; examples include, but are not limited to, box signs and channel letters. Internally lighting of signs shall not include exposed incandescent or fluorescent bulbs.

(2) External Illumination. The light source is outside of and directed toward the sign face; examples include, but are not limited to, flood or spotlights and gooseneck lights. External illumination shall comply with the following: Goose neck lamps and other similar lighting fixtures that provide a directed illumination of the sign area, without significant spillover of light onto public sidewalks or rights of way, are permitted and encouraged.

(a) External lighting of signs may be achieved by down lighting or by ground-mounted light fixtures as follows:

i. External lighting of signs ten feet (10') or more in height shall only be illuminated from the top of the sign and directed downward.

ii. External lighting of signs less than ten feet (10') in height may be illuminated from the top of the sign or from the ground.
(b) The fixtures shall be shielded and directed in such a manner as to illuminate only the face of the sign, the light source is concealed from pedestrians' and motorists' "lines of sight", and any illumination beyond the sign face is minimized.

(3) Integral Illumination. The light source itself is a fundamental element of the sign; examples include, but are not limited to, neon or bulbs that spell out the sign message. Exposed bulbs may be up to fifteen (15) watts in power.

(4) Electronic Message Display (EMD) Illumination. The light source is programmed and supplied by use of incandescent lamps, light emitting diodes (LED), liquid crystal displays (LCD), a flipper matrix, or similar electronic means.

c. Sign Illumination Standards.

(1) All lighted signs shall meet applicable electrical codes adopted by the City and a separate Electrical Permit shall be required.

(2) Non-electronic message display (EMD) signs illuminated at night shall not exceed a maximum luminance level of seven hundred fifty (750) candelas per meter squared (cd/m²), regardless of the method of illumination. Measurement shall be in candelas per meters squared (the luminous intensity of a sign is a specific direction divided by the area of the sign).

(3) Electronic message display (EMD) signs. The difference between the off and solid-message measurements shall not exceed 0.3 footcandles at night. See Subsection 16-6-13(F)(6)(b)(5)(f)(iii) EMC.

(4) Accessory signs shall not be illuminated.

(5) No sign in any R-1, R-2, or R-3 District shall be illuminated between 11:00 PM and 7:00 AM, except signs permitted for 24-hour medical services, and public services such as police and fire.

d. Prohibitions and Restrictions. Neon illuminated signs are permitted, subject to all other applicable standards in this Section.

(1) Sign illumination is prohibited for the following: home occupation signs, on-site accessory signs and advertising devices, Signs illuminated with florescent lighting.

(2) Any sign displaying flashing or intermittent lights, or lights of varying intensity, except those portions of a sign indicating time and temperature or electronic changeable copy signs with intermittent lights due to the change of copy.

(2) Signs shall be illuminated in a way that does not cause glare onto the adjacent pedestrian ways, streets, or adjacent properties.

(3) Only self-contained illumination approved by the City Manager or designee shall be permitted for portable signs on the public sidewalk.

(4) Signs shall not include animated, flashing, moving or intermittent illumination except that electronic message display signs may change no more frequently than the rate specified in Subsection 16-6-13(F)(6)(b)(5) EMC—(Electronic Message Display (EMD) Signs).

(4) Signs shall not include animated, flashing, moving or intermittent illumination except that electronic message display signs may change no more frequently than the rate specified in Subsection 16-6-13(F)(6)(b)(5) EMC—(Electronic Message Display (EMD) Signs).

(4) Signs illuminated with florescent lighting.

e. Searchlights. Searchlights are permitted in MU-B-1, MU-B-2, I-1 and I-2 Districts only. Searchlights directing attention to, or advertising a business shall be considered accessory signs.
(3) Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.

d. Canopy signs may be back-lit; awning signs shall not be back-lit except for individual letters and business logos. Applications for Sign Permits for any illuminated sign shall include the manufacturer’s Cd/m² (candela per square meter) rating.

3. Rules of Sign Area Measurement and Computation. The following regulations shall control the measurement and computation of sign area, sign height, sign clearance, street frontage and building frontage.

a. Area to be Measured: Sign Area. The area of a sign shall be measured in conformance with the regulations as herein set forth, provided that The entire sign face within a continuous perimeter enclosing the extreme limits of the display surface, including any framing, trim, or molding shall be included in the computation of sign area. The supporting structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.

1. Sign Area Computation. The area of all signs shall be computed by use of standard mathematical methods. An unlimited number of lines maybe used to enclose the extreme limits of the sign, including all frames, backing, face plates, non-structural trim or other component parts not otherwise used for support.

2. Sign with Backing/Background. The area measurement of a signs that is enclosed by a box, framed, or outlined, painted or otherwise prepared and intended to provide a background for the sign display shall be measured by determining determined by the area of the entire sign including the background material. Each rectangle which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, non-structural trim or other component parts not otherwise used for support.

b. Signs without Backing. The area of signs consisting comprised of individual letters, figures, or symbols elements shall be measured determined by determining the sum of the area of the smallest single continuous rectangle enclosing the extreme limits of each message, including all frames, face plates, non-structural trim or other component parts not otherwise used for support. Each separate element and shall include all the display areas, including the open space between the elements.

e. Signable Area. Signable wall area is a continuous portion of a building facade unbroken by doors or windows or major architectural features. It is calculated by selecting a continuous surface, then drawing an imaginary rectangle within specified height limitations and computing the square foot area of this rectangle. Persons displaying signs attached to a building may determine the “signable area” to be used by choosing any such area on the building facade for the display of signs, if, because of the design of the building, a signable area cannot be identified, the City and the applicant will determine a suitable area for signage.

d. Irregular Outline. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character.

e. Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when
such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.

(4) Three-Dimensional (3-D) Signs and Advertising Devices. The area of three-dimensional, spherical, free form, sculptural and/or other nonplanar signs or advertising devices, shall be determined by multiplying the length times width of the object’s largest profile. The measurements shall be taken with the object at full extension.

(5) Sign Faces. A sign face is the display surface available for displaying a message. The number of sign faces used to calculate the area of a sign shall be determined by Table 16-6-13.2 EMC—(Sign Face Computations to Determine Sign Area).

<table>
<thead>
<tr>
<th>Sign Category</th>
<th>Sign Type</th>
<th>Computation</th>
<th>Additional Regulations (See Table Notes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>Awning</td>
<td>Sum of all sign faces</td>
<td></td>
</tr>
<tr>
<td>Building Signs</td>
<td>Canopy</td>
<td>Sum of all sign faces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marquee</td>
<td>Sum of all sign faces when face separation is &gt; 45°; otherwise only the largest face</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Projecting</td>
<td>One (1) face</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Roof</td>
<td>Sum of all sign faces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mansard</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suspended</td>
<td>One (1) face</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>Sum of all sign faces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Window</td>
<td>Sum of all sign faces to calculate the maximum area coverage</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>Monument</td>
<td>1 or 2 faces: One (1) face; 3 or more faces: Sum of the two (2) largest faces</td>
<td>2</td>
</tr>
<tr>
<td>Ground Signs</td>
<td>Pole</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes to Table:
1. Provided the separation between faces is no greater than eighteen inches (18") and no sign is displayed on the separation surface.
2. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed eighteen inches (18") and no sign is displayed on the separation surface.

2. Computation of Volume for Projecting Signs. Volume is calculated by multiplying width by height by depth. The volume of a projecting sign will be calculated as the volume within the smallest rectangular form that could be constructed to enclose the primary shape of the sign. Where signs are reviewed by the City Manager or designee, that committee may allow minor elements to extend beyond such rectangular form without including them in the sign area calculation, provided that the committee determines that such minor elements add to the design quality without contributing to the perceived mass or size of the sign.

23a. Computation of Sign Height.
(1) **Ground Signs.** The height of a ground sign shall be computed as the vertical distance from the base of the sign at normal grade at the base of the sign or its support structure, whichever is lower, and the topmost portion of the sign or the structure supporting the sign, whichever is higher, to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. existing grade prior to construction; or
2. the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(2) **Projecting and Marquee Signs.** The height of projecting and marquee signs shall be computed as the vertical distance from the lowest grade below the sign or its support structure, whichever is lower, and the topmost portion of the sign or the structure supporting the sign.

c. **Sign Clearance.** Clearance for all signs shall be measured as the vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

d. **Projections.** Wall and projecting signs shall be measured from the building facade to the farthest aspect of the sign, including any framework or other embellishments.

e. **Measurement of Street Frontage.** For the purpose of this Section street frontage is the length of the public street abutting the parcel on which the sign is located. For the purposes of determining allowable sign area the following shall apply:

1. An alley shall not be used to calculate street frontage.
2. A City-approved private street may be used to calculate street frontage.
3. For corner lots, the frontage of all streets shall be cumulative.

f. **Measurement of Building Frontage.** For the purposes of determining allowable sign area the following shall apply:

1. The frontage of a building shall include only the elevation(s) facing a public street.
   
   (a) If a building has more than one (1) elevation facing a public street, the cumulative building frontages shall be used to determine the maximum sign area.
   
   (b) An alley shall not be used to calculate building frontage.
   
   (c) A City-approved private street may be used to calculate building frontage.

2. Building frontage is determined by measuring a straight line, paralleling the street-facing elevation, between the two (2) most distant ends of the building.

3. In the case of an irregular elevation surface, a single straight line approximating such elevation shall be used to measure the elevation’s length.

4. Building frontage used as the basis of determining allowed sign area for one use may not be used again as the basis for determining the permitted sign area for another use.
(5) Multi-Tenant Buildings. The portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

g. Final Determination and Appeals. Final determination of measurements and computations for signs and advertising devices shall be made by the City Manager or designee. Appeals shall be made to the Planning and Zoning Commission.
Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, by deleting Subsections H through K, and the addition of a new Subsection F, of the Englewood Municipal Code 2000, regarding principal signs of the Sign Code to read as follows:

Editor's Note: This entire deleted section is included in new chart, 16-6-13.4 Illumination & Principal signs, Sign types, Sign Area.

H. Signs Permitted in R-1 A, R-1 B, R-1 C, R-2 A and R-2 B Zone Districts. Signs that meet the following criteria may be constructed, displayed, and maintained in the residential districts R-1 A, R-1 B, R-1 C, R-2 A and R-2 B in addition to those permitted in Section 16-6-13.E EMC and for home occupations.

1. Permitted Maximum Number.
   a. One Unit and Multi Unit Residential Uses. For the permitted uses, no signs except as specified in Section 16-6-13.E EMC and Subsection 16-6-13.H.5 EMC.
   b. Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics and Professional Offices. For the permitted uses, three (3) signs.
   c. Other Lawful Nonresidential Uses. For the permitted uses, two (2) signs.

2. Permitted Maximum Sign Area.
   a. One Unit and Multi Unit Residential Uses. For the permitted uses, one (1) square foot, as provided in Subsection 16-6-13.H.5 EMC.
   b. Religious Institutions, Educational Institutions, and Public Facilities:
      (1) For the permitted uses, eighty (80) square feet or as calculated in the table herein (whichever is greater):

      | Street Frontage | Sign Area/Foot of Street (Sign Area Amounts Are Cumulative) |
      |-----------------|-------------------------------------------------------------|
      | 1-foot-to-100 feet | 1.5 sq. ft./1-foot                                          |
      | 101-feet-+        | 1.0 sq. ft./1-foot                                          |

   (2) No single sign face shall exceed one hundred (100) square feet.
   c. Other Lawful Nonresidential Uses. For the permitted uses, twenty (20) square feet total with no single sign face to exceed ten (10) square feet.

3. Permitted Sign Types.
   a. Ground Signs. Ground signs are permitted only for religious and educational institutions and public buildings. Such signs shall be no more than fifteen feet (15') in height and shall be set back ten feet (10') from the property line and are subject to the limitations described in subsection 16-6-13.G EMC.
   b. Marquees, Canopy or Awning Signs. All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.
e. Wall Signs. Wall signs shall not project more than twelve inches (12") from the face of the building to which it is attached and shall not extend above the roofline of the parapet wall.

d. Window Signs. Window signs shall not occupy more than twenty-five percent (25%) of the window in which they are displayed and shall not be displayed in windows above the first floor level.

4. Permitted Illumination. All signs described above except home occupation signs may be illuminated, but only from a concealed light source. Signs shall not remain illuminated between the hours of eleven o’clock (11:00) P.M. and seven o’clock (7:00) A.M., except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis.

5. Signs Additionally Allowed.

a. Home Occupation Sign. Home occupation sign not more than one (1) square foot in area, which is affixed to the building, and which is unlighted and unanimated.

I. Signs Permitted in MUR 3 A, MUR 3 B, and TSA Zone Districts. Signs that meet the following criteria may be constructed, displayed and maintained in the MUR 3 A, MUR 3 B, and TSA districts in addition to those permitted in Section 16-6-13.E and Subsection 16-6-13.H.5 EMC.

1. Permitted Maximum Number.

a. One Unit and Multi Unit Residential Uses Containing Up to Four (4) Units. For the permitted uses, no signs except as specified in Section 16-6-13.E EMC and Subsection 16-6-13.H.5 EMC.

b. Multi Unit Residential Uses of Five (5) or More Units. For the permitted uses, one (1) sign per street front.

c. Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics, and Professional Offices. For the permitted uses, three (3) signs.

e. Other Lawful Nonresidential Uses.

(1) MUR 3 A and MUR 3 B Districts: For the permitted uses, two (2) signs.

(2) TSA Districts: Signs as permitted in the MU BI District.

2. Permitted Maximum Sign Area.

a. One Unit and Multi Unit Residential Uses Containing Up to Four (4) Units. For the permitted uses, one (1) square foot, as provided in Subsection 16-6-13.H.5.

b. Multi Unit Residential Uses of Five (5) or More Units. For the permitted uses, no single sign face to exceed thirty-two (32) square feet.

e. Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics, and Professional Offices:

(1) For the permitted uses, eighty (80) square feet or as calculated in the table herein:

<table>
<thead>
<tr>
<th>TABLE 16-6-13.2: PERMITTED MAXIMUM SIGN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Frontage</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
</tbody>
</table>

25
(Sign Area Amounts Are Cumulative)

<table>
<thead>
<tr>
<th>Height Range</th>
<th>Area per Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-foot to 100 feet</td>
<td>1.5 sq. ft./1 foot</td>
</tr>
<tr>
<td>101 feet+</td>
<td>1.0 sq. ft./1 foot</td>
</tr>
</tbody>
</table>

(2) No single sign face shall exceed one hundred (100) square feet except as provided in Subsection 16-6-13.I.5.b EMC.

d. Other Lawful Nonresidential Uses. For the permitted uses, twenty (20) square feet total with no single sign face to exceed ten (10) square feet. Signs for nonresidential uses in the TSA district shall comply with the standards applicable to the MU-B-1 district.

3. Permitted Sign Types.

a. Ground Signs. Ground signs are permitted only for religious and educational institutions, public buildings, hospitals, clinics, professional offices, or forty (40) or more residential units. Such signs shall be no more than fifteen feet (15') in height and shall be set back ten feet (10') from the property line and are subject to the limitations described in Subsection 16-6-13.G EMC.

b. Marquees, Canopy, or Awning Signs. All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.

c. Wall Signs. Wall signs shall be no greater than twenty feet (20') in height, and shall not project more than twelve inches (12") from the face of the building to which it is attached and shall not extend above the roofline of the parapet wall.

d. Window Signs. Window signs shall not occupy more than twenty-five percent (25%) of the window in which they are displayed and shall not be displayed in windows above the first floor level.

4. Permitted Illumination. All signs described above except home occupation signs may be illuminated, but only from a concealed light source. Signs shall not remain illuminated between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis.

5. Signs Additionally Allowed.

a. Home Occupation Sign. Home occupation sign not more than one (1) square foot in area, which is affixed to the building, and which is unlighted and unanimated.

b. High Rise Building Identification Wall Signs. For multi-storied buildings in excess of the maximum height permitted in the MU-R-3-B district, additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below. Sign area shall be based upon a square footage factor multiplied by horizontal linear footage of the building facade at the elevation of the facade where the sign is placed.

(1) For signs located from sixty feet (60') to one hundred feet (100') in height, the factor shall be five (5) square feet.

(2) For signs located from one hundred one feet (101') to one hundred fifty feet (150') in height, the factor shall be six (6) square feet.

(3) For signs located one hundred fifty-one feet (151') to two hundred feet (200') in height, the factor shall be seven (7) square feet.
Multi-storied buildings may be permitted identification wall signs of the size provided by subsections (B)(1) through (B)(3) for each building facade visible from a public Right of Way. Wall sign areas permitted by this subsection for one facade may not be used for any facade other than the face for which such allowance is granted. Such signs shall not count against maximum sign area, or maximum number of signs.

c. Joint Identification Signs. Joint identification signs are permitted when two (2) or more permitted uses occupy the same parcel or parcels, or building or group of buildings. If joint identification ground signs are used, no other ground signs may be used. Joint identification signs must contain the name and/or address of the uses to which the sign pertains. The following joint identification signs are in addition to all other signs in terms of maximum sign area and number.

(1) Permitted Sign Face Area. One (1) square foot of sign area for each two (2) linear feet of street frontage; provided, however, that no single sign shall exceed one hundred (100) square feet per face, and that the total area of joint identification sign shall not exceed two hundred (200) square feet.

(2) Permitted Maximum Number. One (1) sign for each street frontage.

(3) Permitted Maximum Height. Fifteen feet (15').

i. Signs Permitted in Commercial and Industrial Districts. Signs that meet the following criteria may be constructed, displayed, and maintained in the MU-B 1, MU-B 2, TSA, I 1, and I 2 districts as follows:

1. Permitted Maximum Number.
   a. For a Lot Having One Permitted Use.

<table>
<thead>
<tr>
<th>Street Frontage in Linear Feet</th>
<th>Number of Signs Permitted (Number of Signs is Not Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 feet or less</td>
<td>3</td>
</tr>
<tr>
<td>151 feet to 300 feet</td>
<td>4</td>
</tr>
<tr>
<td>301 feet or greater</td>
<td>5</td>
</tr>
</tbody>
</table>

   b. For a Lot Having Two or More Permitted Uses.

<table>
<thead>
<tr>
<th>Building Frontage of Individual Allowed Use in Linear Feet</th>
<th>Number of Signs Permitted (Number of Signs is Not Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 feet or less</td>
<td>3</td>
</tr>
<tr>
<td>151 feet to 300 feet</td>
<td>4</td>
</tr>
<tr>
<td>301 feet or greater</td>
<td>5</td>
</tr>
</tbody>
</table>

2. Permitted Maximum Sign Area.
   a. For a Lot Having One Permitted Use.
For the permitted use, the sign area shall be eighty (80) square feet or as calculated from the table herein, whichever is greater:

### TABLE 16-6-13.5: PERMITTED MAXIMUM SIGN AREA

<table>
<thead>
<tr>
<th>Street Frontage in Linear Feet</th>
<th>Sign Area/Foot of Building Front (Sign Area Amounts Are Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-foot to 100 feet</td>
<td>1.5 sq. ft./1 foot</td>
</tr>
<tr>
<td>101 feet to 250 feet</td>
<td>1.0 sq. ft./1 foot</td>
</tr>
<tr>
<td>251 feet</td>
<td>0.4 sq. ft./1 foot</td>
</tr>
</tbody>
</table>

(2) No single sign face shall exceed one hundred (100) square feet in area, except as provided in subsection 16-6-13.5, nor shall the total sign area of any use exceed six hundred (600) square feet.

b. For a Lot Having Two or More Permitted Uses:

(1) For each permitted use the maximum sign area shall be eighty (80) square feet or as calculated from the table herein whichever is greater:

### TABLE 16-6-13.6: PERMITTED MAXIMUM SIGN AREA

<table>
<thead>
<tr>
<th>Building Frontage of Individual Allowed Use in Linear Feet</th>
<th>Sign Area/Foot of Building Front (Sign Area Amounts Are Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-foot to 100 feet</td>
<td>1.5 sq. ft./1 foot</td>
</tr>
<tr>
<td>101 feet to 250 feet</td>
<td>1.0 sq. ft./1 foot</td>
</tr>
</tbody>
</table>

(2) No single sign face shall exceed one hundred (100) square feet in area, except as provided in subsection 16-6-13.5, nor shall the total sign area of any use exceed six hundred (600) square feet.

3. Permitted Sign Types. Editor's Note: See Table 16-6-13.4 for Sign Types.

a. Ground Signs:

(1) A maximum of one (1) ground sign is permitted per business, regardless of the number of lots a single business occupies.

(2) The maximum height of a ground sign shall be twenty feet (20'). The distance between signs on abutting lots shall be not less than the height of the taller sign.

(3) If there is more than one (1) business in a building or if a group of buildings are associated by ownership, no ground signs are permitted except joint identification signs.

(4) Where a ground sign has two (2) or more display faces, only one shall be included in determining the area of the sign.

(5) Ground signs shall not encroach into any public Right-of-Way.
b. Marquee, Canopy or Awning Signs:

(1) All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.

(2) An encroachment agreement from the City is required for all signs that project over a public Right-of-Way.

c. Projecting Signs:

(1) Maximum area of the sign shall be twenty-five (25) square feet per face and the maximum height shall be twenty feet (20').

(2) Such signs shall be located in the "signable area" of the facade of the building, as described in subsection 16-6-13.1.c EMC, "Signable Area," and must not obscure major architectural details or extend above the roofline. Such signs shall have a clearance of ten feet (10') from grade level to the bottom of the sign. Maximum projection shall be thirty inches (30") from the building to which it is attached. Where a projecting sign has two (2) or more display faces, all faces shall be included in determining the area of the sign.

(3) An encroachment agreement from the City is required for all signs that project over a public Right-of-Way.

d. Suspended Signs. Shall not exceed four (4) square feet per face in area; shall be separated by a distance of fifteen feet (15'), and shall have a minimum clearance of seven feet (7') above grade level to the bottom of the sign. Such signs shall be limited in content to identification or address of the business. Suspended signs shall not suspend over or project into a public Right-of-Way.

e. Wall Signs. Wall signs shall be placed only in "signable areas" of a building facade, except as specified in subsection 16-6-13.1.c EMC, "Signable Area," of the building means any area of the facade of the building up to the roofline that is free of windows and doors or major architectural detail. Wall signs may not project more than eighteen inches (18") from the supporting wall. Wall signs may not extend above the roofline or parapet wall. Wall signs shall not suspend over or project into a public Right-of-Way. An encroachment agreement from the City shall be required for all signs that project over a public Right-of-Way.

f. Window Signs:

(1) Window signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed. This twenty-five percent (25%) maximum coverage shall include all signs except short term advertising signs regardless of whether it is counted for sign area allowed or not. Signs displayed twelve inches (12") or less from the interior of windows shall be debited against the square foot area and number of signs allowed a permitted use.

(2) Window signs are not permitted in windows above the first floor.

(3) All neon signs connected to an electrical outlet located inside a building are considered "window signs" for the purposes of this Sign Code.

4. Permitted Illumination:

a. Signs in commercial and industrial-zones may be illuminated, but all direct illumination shall not exceed forty (40) watts per bulb.
b. Goose neck lamps and other similar lighting fixtures that provide a directed illumination of the sign area, without significant spill over of light onto public sidewalks or rights of way, are permitted and encouraged.

e. Neon illuminated signs are permitted, subject to all other applicable standards in this Section.

d. Canopy signs may be back lit; awning signs shall not be back lit except for individual letters and business logos.

e. The following types of illuminated signs are prohibited:

(1) Signs illuminated with florescent lighting.

(2) Any sign displaying flashing or intermittent lights, or lights of varying intensity, except those portions of a sign indicating time and temperature or electronic changeable copy signs with intermittent lights due to the change of copy.

(3) Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.

5. Signs Additionally Allowed. The following signs are also allowed in commercial and industrial zones subject to the conditions stated.

a. Drive Through Identification Signs. Each permitted use with a sheltered drive through facility may have one identification sign attached to the shelter structure. Maximum sign area shall be ten (10) square feet for each land of the drive through facility. Such signs shall not count against maximum sign area or number.


(1) For multi-storied buildings in excess of the maximum height permitted in the MU-B-1, MU-B-2, I-1, or I-2 districts, additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below.

(2) Sign area shall be based upon a square footage factor multiplied by horizontal linear footage of the building facade at the elevation of the facade where the sign is placed:

(a) For signs located from sixty feet (60') to one hundred feet (100') in height, the factor shall be five (5) square feet;

(b) For signs located from one hundred one feet (101') to one hundred fifty feet (150') in height, the factor shall be six (6) square feet;

(c) For signs located one hundred fifty one feet (151') to two hundred feet (200') in height, the factor shall be seven (7) square feet.

(3) Multi-storied buildings may be permitted identification wall signs for each building facade, visible from a public Right of Way.

(4) Sign texts shall be limited to the name of the business only.

e. Identification Signs. Signs limited to name of occupant, address of premises, and no more than four (4) square feet per sign in area. Such signs are limited to no more than one (1) per street front, and may be illuminated only from a concealed light source. Such signs do not count against maximum sign area or number.
d. **Joint Identification Signs.** Joint identification signs are permitted when two (2) or more permitted uses occupy the same parcel or parcels or building or group of buildings or within the same block. If joint identification ground signs are used, no other ground signs may be used. Joint identification signs must contain the name and/or address of the uses to which the sign pertains. The following joint identification signs are in addition to all other signs in terms of maximum sign area and number:

1. **Permitted Sign Face Area.** One (1) square foot of sign area for each two (2) linear feet of street frontage provided, however, that no single sign shall exceed one hundred (100) square feet per face, and that the total area of the joint identification sign shall not exceed two hundred (200) square feet.

2. **Permitted Maximum Number.** One (1) sign for each street frontage.

e. **Secondary Signs.** On the rear of the building, each business or use may have one (1) sign identifying the name of the business, the products sold, manufactured or services offered, which shall not be counted toward the maximum sign area or number. Such secondary sign shall not exceed one-half (½) square foot of sign area for each linear foot of the front lot line, or one square foot of sign area for each linear foot of building front for a lot having two (2) or more permitted uses.

f. **Short Term Advertising Signs.** In addition to other signs allowed in a permitted use, each business or designated use may be permitted short term advertising signs, provided such signs are limited to window or wall signs. Window signs shall not cover more than twenty percent (20%) of the window area above that specified in subsection 3(F). Wall signs shall not be greater than fifty (50) square feet in area and subject to the limitations of subsection 3(E). All such signs shall require a permit and shall be limited to a two (2) week period. A maximum of six (6) short term advertising signs shall be permitted per use per calendar year. Such signs shall show the date of installation or display.

g. **Signs Set Back From Public Right of Way.** For buildings with building frontage of fifty feet (50') or less: The permitted area of only one (1) sign face may be increased at the rate of one third of one percent (.0033) for each additional foot of distance beyond the first one hundred feet (100') of building setback and based on the greater of eighty (80) square feet or as calculated in subsection 12, but no case greater than one hundred (100) square feet. In no case may the increase be more than one hundred percent (100%) of the maximum permitted sign face area and the additional sign area calculated herein shall not count against the maximum sign area and may exceed forty percent (40%) of the signable area. The increase in sign face area will be granted for a sign face that shall be placed at the setback distance as used in the calculation herein.

For buildings with building frontage of fifty-one feet (51') or more: The permitted area of only one (1) sign face may be increased at the rate of one third of one percent (.0033) for each foot of distance beyond the first one hundred feet (100') of building setback and based on the greater of eighty (80) square feet or as calculated in subsection 12, but no case greater than one hundred (100) square feet. In no case may the increase be more than one hundred percent (100%) of the maximum permitted sign face area and the additional sign area calculated herein shall not count against the maximum sign area. This increase in sign face area shall be granted for a sign that shall be placed at the setback distance as used in the calculation herein.

Editor's Note: Requirements for the South Broadway Sign Area have been merged into the overall Sign Code.

**K. Signs Allowed in South Broadway Sign Area** In addition to those signs permitted pursuant to subsection 16-6-13.J EMC, "Signs Permitted in Commercial and Industrial Districts," the following types and sizes of signs are permitted in the South Broadway sign area, subject to the conditions specified below. In the event of any conflicts between the provisions of subsection 16-6-13.J EMC and this subsection 16-6-13.K EMC, the provisions of this subsection shall govern:

1. **Permitted Maximum Number.** Same as 16-6-13.J.1. EMC (MU B-1, MU B-2 Districts).
2. Permitted Maximum Sign Area.

a. Without City Manager or designee approval. Same as 16-6-13.1.2 EMC (MU B-1, MU B-2 Districts).

b. If signage plan is approved by City Manager or designee:

(1) For a Lot Having One Permitted Use:

(a) For the permitted use, the sign area shall be one hundred (100) square feet, or as calculated from the table herein, whichever is greater:

<table>
<thead>
<tr>
<th>Street Frontage in Linear Feet</th>
<th>Sign Area or Volume/ Foot of Street Frontage (Sign Area Amounts Are Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 foot to 100 feet</td>
<td>2.0 sq. ft./1 foot</td>
</tr>
<tr>
<td>101 feet to 250 feet</td>
<td>4.25 sq. ft./1 foot</td>
</tr>
<tr>
<td>251 feet+</td>
<td>0.6 sq. ft./1 foot</td>
</tr>
</tbody>
</table>

(b) No single sign face shall exceed one hundred twenty-five (125) square feet in area, except as provided in subsection 16-6-13.1.5 EMC, nor shall the total sign area of any use exceed six hundred (600) square feet.

(2) For a Lot Having Two or More Permitted Uses:

(a) For each permitted use, the maximum sign area shall be one hundred (100) square feet or as calculated from the table herein:

<table>
<thead>
<tr>
<th>Permitted Use Frontage in Linear Feet</th>
<th>Sign Area or Volume/ Foot of Building Frontage (Sign Area Amounts Are Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 foot to 100 feet</td>
<td>2.0 sq. ft./1 foot</td>
</tr>
<tr>
<td>101 feet to 250 feet</td>
<td>4.25 sq. ft./1 foot</td>
</tr>
</tbody>
</table>

(b) No single sign face shall exceed one hundred twenty-five (125) square feet in area, except as provided in 16-6-13.1.5, nor shall the total sign area of any use exceed six hundred twenty-five (625) square feet.

3. Permitted Sign Types.

a. Without Review by the City Manager or Designee.

(1) Ground Signs. Same as 16-6-13.1.3.a (MU B-1, MU B-2 Districts), and explicitly including both pole signs and monument signs, except that the maximum height of a ground, pole, or monument sign shall be twenty-five feet (25') if reviewed and approved by the City Manager or designee.

(2) Marquees, Canopy or Awning Signs. Same as 16-6-13.1.3.b (MU B-1, MU B-2 Districts), except that the sign may contain any information regarding events scheduled to occur in the principal building if the sign design is reviewed and approved by the City Manager or designee.

(3) Projecting Signs. Same as 16-6-13.1.3.c (MU B-1, MU B-2 Districts), except that:

(1) maximum sign area shall be thirty-five (35) square feet per face if the sign design is reviewed and approved
by the City Manager or designee; and (2) maximum sign projection shall be forty-two inches (42"") from the building to which it is attached if the sign design is reviewed and approved by the City Manager or designee; and (3) no more than one (1) projecting sign may be installed on each facade of a principal structure street frontage; and (4) the lower edge of each projecting sign that extends over a public Right of Way shall have a clearance of ten feet (10') from grade level to the bottom of the sign.

(5) Wall Signs. Same as 16-6-13.J.3.e (MU B-1, MU B-2 Districts) except that uses which occupy more than twenty thousand (20,000) square feet of gross floor area of a structure per lot and which have more than one hundred feet (100') of South Broadway frontage may be allowed to mount wall signs extending up to five feet (5') above the parapet of the building if the sign design is reviewed and approved by the City Manager or designee.

(6) Window Signs. Same as 16-6-13.J.3.f (MU B-1, MU B-2 Districts) except that window signs may include transom signs and window signs may be installed in windows on the second floor of a building if the business on the second floor is a separate permitted use from the business occupying the property on the first floor of the principal building.

b. If Signage Plan is Approved by the City Manager or Designee:

(1) Animated Signs. Provided that the animation does not result in a change in appearance of the sign more often than once every two (2) seconds, and that the animation involves a sequence of no more than four (4) distinct images.

(2) Exposed Neon Signs. Provided that the neon tubing is at least thirteen (13) millimeters in diameter.

(3) Flashing or Blinking Lights or Signs. Provided that the lights do not flash or blink more often than once every two (2) seconds. No sign shall be placed, displayed or maintained that imitates or resembles an official traffic control device or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or signal. (1995 MTC Section 606, as amended).

(4) Halo-Illuminated Signs. Provided that the light source is completely hidden and is of a contrasting color to the letters, numbers, or images that they illuminate.

(5) Roof Signs and Integral Roof Signs. Provided that no portion of any roof sign extends more than five feet (5') above the roof line or parapet line of the principal building.

(6) Wall Murals. Provided that only one (1) wall mural shall be approved per principal structure, and that no such mural shall be illuminated.

4. Permitted Illumination:

a. Without City Manager or designee approval. Same as 16-6-13.J.4 (MU B-1, MU B-2 Districts).

b. Alternative illumination may be requested if signage plan is approved by the City Manager or designee.

F. Principal Signs. A principal sign is defined as a sign attached to a building, structure, or the ground in some manner that requires a Sign Permit from the City and is made of durable materials approved by the City.
1. **Permit Required.** A Sign Permit shall be required for all principal signs identified in Table 16-6-13.3(A) EMC – (Permitted Principal Building Signs) and Table 16-6-13.3(B) EMC – (Permitted Principal Ground Signs).

2. **Number.** The number of allowed signs per use shall be determined by the zone district in which the sign is located based on Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards).

3. **Maximum Sign Area.** The maximum allowed sign area for any use shall be determined by Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards).
   a. Sign area may be distributed among the allowed number of signs in any manner provided that no single sign face exceeds one hundred twenty-five (125) square feet in area.

4. **Location Standards.** All portions of a principal sign shall be located completely on the parcel for which the Sign Permit is issued, unless allowed to encroach into or over the public right-of-way by an Encroachment Permit and Indemnity Agreement approved by the City.
   a. A minimum setback from a property line shall not be required unless specified in Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards).

5. **Prohibited Principal Sign Materials.** The following materials shall be prohibited for principal signs, Corrugated plastic (i.e. Coroplast), fabric, cloth, canvas, foam board, paper, cardboard, poster board, thin-gauge aluminum less than 1/8" thick, vinyl banner material (Polyvinyl Chloride [PVC]), engineered wood products including plywood, chipboard, particle board, medium density fibreboard (MDF), oriented strand board (OSB), or similar products, or other materials not reviewed and approved by the City Manager or designee.
   a. Exception: Medium density overlay (MDO), Duraply, or similar paintable surface made of plywood with a weather-resistant resin overlay bonded to the wood by heat and pressure may be used for principal signs constructed with sealed edges.

6. **Permitted Principal Signs.** It shall be unlawful for any person to erect a principal sign that does not conform to the standards enumerated in Table 16-6-13.3(A) EMC – (Permitted Principal Building Signs), Table 16-6-13.3(B) EMC – (Permitted Principal Ground Signs), and Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards).
   a. **Principal Signs by Type.** The type of signage allowed in each zone district shall be determined by Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards).
<table>
<thead>
<tr>
<th>Sign type</th>
<th>Structure/Construction</th>
<th>Signage</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AWNING</td>
<td>Applied to an awning supported only by the building on which it is located.</td>
<td>Number: Each awning with sign copy counts as 1 sign. Area: All copy faces count in area calculation. Face: May be on any face (front, side, valance) of the awning. Sign Copy: Shall be affixed to awning and shall not project above or below the awning.</td>
<td>Encroachment Agreement required for any projection over public right-of-way. Separate Building Permit required for new awning structure. No accessory signs shall be attached to an awning.</td>
</tr>
<tr>
<td>CANOPY</td>
<td>Applied to a canopy supported by the building on which it is located and a minimum of 1 stanchion.</td>
<td>Number: Each canopy with sign copy counts as 1 sign. Area: All copy faces count in area calculation. Faces: May be on any face (front, side, valance) of the canopy. Sign Copy: Shall be affixed to canopy face and shall not project above or below the face of the canopy.</td>
<td>Encroachment Agreement required for any projection over public right-of-way. Separate Building Permit required for new canopy structure. No accessory signs shall be attached to a canopy.</td>
</tr>
<tr>
<td>MARQUEE</td>
<td>Applied to a marquee (permanent roof-like structure supported by the building on which it is located).</td>
<td>Number: Marquee structure counts as 1 sign. Area: If face separation is &gt; 45°, all faces count; otherwise only largest counts. Faces: May be on any face of the marquee. Sign Copy: Shall not project above the top of the marquee façade.</td>
<td>Encroachment Agreement required for any projection over public right-of-way. No accessory signs shall be attached to a marquee. Marquee signs may include structural elements that extend above the marquee. Signs above a marquee structure are counted separately from the marquee sign.</td>
</tr>
<tr>
<td>Sign type</td>
<td>Structure/Construction</td>
<td>Signage</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| PROJECTING (Blade, Armature) | Generally affixed with display face at right angles to the building facade.  
- Clearance: Min. 8’ above grade  
- Projection: Shall not project within 5’ of back of curb  
- Location: Signable area of facade  
- Height: Max. 25’ with no more than 10’ above roofline | Sign Copy: May be on any face  
Sign Count: 1 face counts toward sign area | Encroachment Agreement required for any projection over public right-of-way  
May require separate Building Permit  
No accessory signs shall be attached to a projecting sign |
| ROOF: Mansard | Attached to or affixed to the side of a mansard roof.  
- Projection: Shall not project beyond building facade  
- Height: Shall not extend above roofline or parapet wall | Faces: All faces count toward sign area | May require separate Building Permit  
No accessory signs shall be attached to a mansard roof sign |
| SUSPENDED | Suspended from a horizontal plane of a building or structure.  
- Clearance: Min. 8’ above grade | Maximum sign area: 4 sf/face  
Faces: 1 face counts toward sign area | Shall not encroach into public right-of-way  
No accessory signs shall be attached to a suspended sign |
| WALL | Attached to, painted on, or erected against a wall of a building, with display face generally parallel to the building façade.  
- Location: Signable area  
- Projection: A side wall sign may project beyond the front façade but not within 5’ of back of curb  
- Clearance: Any sign projecting more than 4’ from the wall shall be at least 8’ above grade  
- Height: A maximum of 25% of a wall sign’s total area may extend above the roofline or parapet wall, provided the extension does not exceed 3’ | Number: Limited to use’s maximum allowed number of signs  
Area: Limited to use’s maximum allowed sign area  
Faces: All faces count toward sign area | Encroachment Agreement required for any projection over public right-of-way  
No accessory signs shall be attached to a wall sign  
Signable area shall mean the building façade up to the roofline that is free of windows and doors or major architectural detail. If, because of the design of the building, a signable area cannot be identified, the City Manager or designee shall determine a suitable area for signage. |
<table>
<thead>
<tr>
<th>Sign type</th>
<th>Structure/Construction</th>
<th>Signage</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| WINDOW    | Posted, applied or affixed to the interior or exterior of a window, and seen through the window from the exterior of the structure,  
- Location: Ground floor glazed areas only | Window Coverage: Maximum 25% of total glazed area on a façade, not to exceed 80 square feet on any one façade (See Additional Regulations)  
- Number: No limit, provided 25% window coverage maximum is not exceeded | For the purpose of this Section total glazed area on a façade shall include all glazed windows and doors, and their framework  
Window merchandise displays and signs allowed pursuant to 16-6-13(B) EMC- (Incidental Signs Allowed Without Sign Permit) and are exempt from this Section.  
Sign coverage of less than 25% of the total glazed area on a façade shall not require a Sign Permit  
Sign coverage exceeding 25% of the total glazed area on a façade shall count toward maximum allowed sign area and shall require a Sign Permit  
Window signs shall not be permitted in windows above the ground floor |
<table>
<thead>
<tr>
<th>Sign type</th>
<th>Structure/Construction</th>
<th>Signage</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| MONUMENT  | Supported by and integrated with a solid base, as opposed to mounted on poles, posts or other structure. | Faces counting toward total sign area:  
1 or 2 faces: 1  
3 or more faces: 2 largest faces  
Number: 1 ground sign per site (See Additional Regulations) | Subject to sight distance requirements of 16-6-13(E)(1) EMC—(Visibility).  
Encroachment Agreement required for any projection into public right-of-way  
Minimum distance between signs may be reduced by the City Manager or designee on a case by case basis when lot width or other site conditions preclude meeting the required separation distance.  
If there is more than 1 business in a building or more than 1 business on a site no ground signs are permitted except Multi-Tenant signs. See Section 16-6-13(H)(1) EMC—(Multi-Tenant Signs). |
| POLE      | Supported on poles, posts, or similar upright structure.  
Shall not be attached to any part of a building  
Height:  
Residential Zones: Maximum 15'  
All Other Zones: Maximum 25'  
Minimum Setback:  
Residential Zones: 10'  
Separation: Minimum separation between ground signs on abutting properties shall be not less than the height of the taller sign | Faces counting toward total sign area:  
1 or 2 faces: 1  
3 or more faces: 2 largest faces  
Number: 1 ground sign per site (See Additional Regulations) | Subject to sight distance requirements of 16-6-13(E)(1) EMC—(Visibility).  
Pole signs over 8' in height shall require submittal of an engineered, wet-stamp drawing  
Encroachment Agreement required for any projection over public right-of-way  
Minimum distance between signs may be reduced by the City Manager or designee on a case by case basis when lot width or other site conditions preclude meeting the required distance.  
If there is more than 1 business in a building or more than 1 business on a site no ground signs are permitted except Multi-Tenant signs. See Section 16-6-13(H)(1) EMC—(Multi-Tenant Signs). |
b. Dynamic Displays. Dynamic displays may be incorporated into any of the permitted sign types and shall include signage encompassing moving parts or images, LEDs and LCDs, and similar electronic messages.

<table>
<thead>
<tr>
<th>Table 16-6-13.4: Dynamic Display Signs by Type and Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sign Type District/Use</strong></td>
</tr>
<tr>
<td>All R1, R2, R3 residential uses up to 4 units</td>
</tr>
<tr>
<td>All R1, R2 Non-residential uses</td>
</tr>
<tr>
<td>All R3 residential uses of 5 or more units</td>
</tr>
<tr>
<td>R3 Non-residential uses</td>
</tr>
<tr>
<td>M-1, M-2</td>
</tr>
<tr>
<td>MU-B-1</td>
</tr>
<tr>
<td>MU-B-2</td>
</tr>
<tr>
<td>I-1</td>
</tr>
<tr>
<td>I-2</td>
</tr>
<tr>
<td>TSA</td>
</tr>
<tr>
<td>PUD</td>
</tr>
</tbody>
</table>

Notes to Table:
- P^1 Maximum Area: 10 square feet.
- P^2 Maximum Area: 20 square feet.
- P^3 Maximum Area: Subject to the use's maximum allowed sign area.
- P^4 Minimum separation between an electronic message display and any R Residential District shall be one hundred feet (100'). Separation shall not apply within Mixed-Use Business District allowing residential uses.
- P^5 Minimum separation between an electronic message display and boundary line of any residential use: one hundred feet (100').

(1) General Standards.

(a) Messages displayed on dynamic display signs shall not direct attention to a business, product, service or entertainment conducted, sold or offered off the premise that is not also conducted, sold or offered on the premise on which the sign is located.

(b) Any sign using electronic or electro-mechanical technology for changeable copy, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or reprogrammed within twenty-four (24) hours to stop the motion, movement, or flashing so to maintain a static display until properly functioning.

(c) Illumination. The intensity of the light source of a dynamic display sign shall not produce glare, the effect of which may constitute a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
(d) Electronic Billboards. Conversion of an existing billboard to an electronic message display billboard shall be prohibited.

(e) Existing Dynamic Displays. All signs now considered as dynamic display signs existing on the effective date of this Title that contain an electronic changeable copy module which does not comply with the provisions of this Section shall be made to conform to the brightness, frame hold time, transition duration, and transition method provisions by December 28, 2012.

(2) Animated Signs. Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement. Wind-driven, changeable copy, electronic message displays, and flashing signs shall not be considered animated signs.

(3) Changeable Copy Signs. A sign designed to accommodate frequent message changes by either mechanical or electronic means. Manual copy change is not included in this sign type. Changeable copy signs include reader boards and time and temperature units.

(a) Time and Temperature Sign. Time and temperature signs shall meet the following standards:

i. Minimum Frame Hold Time. The displayed message shall not change more frequently than once per five (5) seconds.

ii. Transition Method: No portion of the message may flash, twirl, change color, fade in or out or in any manner imitate movement.

(b) Reader Boards. Reader board signs shall meet the following standards:

i. Maximum Area. Reader boards shall be limited to twenty (20) square feet.

ii. Transition Method: No portion of the message may flash, twirl, change color, fade in or out or in any manner imitate movement, however it may scroll across the frame.

(4) Flashing Signs. Any sign having lights or illumination that blinks, flickers, or varies in intensity at any time when in use is prohibited. The following signs are excluded from this prohibition: holiday decorations and scoreboards pursuant to 16-6-13(B) EMC – (Incidental Signs Allowed Without a Sign Permit) and changeable copy and electronic message display signs pursuant to this Subsection.

(5) Electronic Message Display (EMD) Signs. Any sign that utilizes computer-generated messages or some other electronic means of changing copy by remote or automatic means shall be subject to the following standards:

(a) Maximum Number. One (1) EMD sign shall be permitted for each street frontage on a zone lot, parcel or group of parcels.

(b) Frames. The sign shall contain static frames only. There shall be no effects of movement, flashing, scintillation, or similar effects within the individual frames.

(c) Minimum Frame Hold Time. The displayed message shall not change more frequently than once per ten (10) seconds.

(d) Transition Duration. The change of frames shall not exceed three-tenths (0.3) of a second of time between each frame displayed on the sign.

(e) Transition Method. Frames shall change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and,
once changed, shall remain static until the next change. The change of frames by the use of
scrolling, flashing, rolling, window shading, or other similar effects is prohibited.

(f) Illumination.

(i) Dimmer Software Required. All permitted EMDs shall be equipped with a sensor or other
device that automatically determines the ambient illumination and programmed to
automatically dim according to ambient light conditions, or that can be adjusted to comply
with the 0.3 foot-candle measurements of this Subsection.

(ii) EMD Illumination Limits: The difference between the off and solid-message measurements
using the EMD measurement criteria shall not exceed 0.3 foot-candles at night. All
measurements shall be taken perpendicular to the face of the EMD at the distance determined
by the total square footage of the EMD as set forth in the accompanying Table 16-6-13.5
EMC – (EMD Sign Area Versus Measurement Distance). See Englewood Illustrated Sign
Manual for details on how to perform EMD illumination measurements.

<table>
<thead>
<tr>
<th>Table 16-6-13.5: EMD Sign Area Versus Measurement Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area (sq. ft)</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>30</td>
</tr>
<tr>
<td>35</td>
</tr>
<tr>
<td>40</td>
</tr>
<tr>
<td>45</td>
</tr>
<tr>
<td>50</td>
</tr>
</tbody>
</table>

*For signs with an area other than those specified above, the measurement
distance shall be determined as the square
root of (100 x the sign area).

(iii) Nighttime Maximum. Lighting from the message module shall not exceed 0.3 foot-candles
between dusk to dawn as measured from the sign's face.

(iv) Specifications Required. Applications for Sign Permits containing an electronic display
shall include the manufacturer’s specifications and cd/m² rating.

(v) Inspections. The City shall have the right to enter the property and view the programmed
specifications of the sign to determine compliance with these provisions in accordance with
the Sign Permit issued for the sign.
c. Principal Signs Allowed by Zone District. The type of signage allowed in each zone district shall be determined by Tables 16-6-13.6 through 16-6-13.9 EMC – *(Zone District Principal Sign Standards).*

*The remainder of this page intentionally left blank*
### Table 16-6-13.6: R-1 and R-2 Zone District Principal Sign Standards

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Use</th>
<th>Permitted Principal Sign</th>
<th>Allowed Number</th>
<th>Allowed Area</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-A</td>
<td>One-unit residential&lt;br&gt;Multi-unit residential</td>
<td>Wall</td>
<td>1</td>
<td>1</td>
<td>• Only those signs allowed under 16-6-13(B) EMC — (Incidental Signs Allowed Without Sign Permit)&lt;br&gt;• Non-illuminated, no animation&lt;br&gt;• Non-illuminated, no animation</td>
</tr>
<tr>
<td></td>
<td>Home Occupations</td>
<td>Awning, Canopy, Marquee, Projecting, Suspended Wall, Window, Pole, Monument</td>
<td>3</td>
<td>80 square feet or amount calculated on street frontage&lt;br&gt;&lt;100': 1.5sf/foot&lt;br&gt;&gt; 100': 1.0sf/foot</td>
<td>• See Tables 16-6-13.3A and 3B EMC (Permitted Principal Signs)&lt;br&gt;• See 16-6-13(E)(2)(c) EMC (Sign Illumination Standards) and 16-6-13(F)(6) EMC (EMD Signs)&lt;br&gt;• Monument and Pole: School, religious, and gov't buildings only&lt;br&gt;• Maximum height: 15'&lt;br&gt;• Minimum Setback: 10'</td>
</tr>
<tr>
<td>R-1-B</td>
<td>Public/Institutional</td>
<td>Awning, Canopy, Marquee, Projecting, Suspended Wall, Window, Pole, Monument</td>
<td>3</td>
<td>80 square feet or amount calculated on street frontage&lt;br&gt;&lt;100': 1.5sf/foot&lt;br&gt;&gt; 100': 1.0sf/foot</td>
<td>• See Tables 16-6-13.3A and 3B EMC (Permitted Principal Signs)&lt;br&gt;• See 16-6-13(E)(2)(c) EMC (Sign Illumination Standards) and 16-6-13(F)(6) EMC (EMD Signs)&lt;br&gt;• Monument and Pole: School, religious, and gov't buildings only&lt;br&gt;• Maximum height: 15'&lt;br&gt;• Minimum Setback: 10'</td>
</tr>
<tr>
<td>R-1-C</td>
<td>All other uses ³</td>
<td>Awning, Canopy, Marquee, Projecting, Suspended Wall, Window, Monument</td>
<td>2</td>
<td>20</td>
<td>• Illumination prohibited between 11:00 PM and 7:00 AM ⁴&lt;br&gt;• No single sign face shall exceed 125 square feet.</td>
</tr>
<tr>
<td>R-2-A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-2-B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes to Table:

1. Electronic message display signs are prohibited except for time and temperature signs.
2. See *Englewood Illustrated Sign Manual* for how to determine street or building frontage.
3. Signs for nonconforming uses shall be subject to the standards of the district in which the use is located.
4. Signs provided on a 24-hour basis for medical services and public services such as police and fire are exempt from this requirement.
<table>
<thead>
<tr>
<th>Zone District</th>
<th>Use</th>
<th>Permitted Principal Signs</th>
<th>Allowed Number&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Allowed Area (in square feet)</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MU-R-3-A</strong></td>
<td>Single-unit residential, Multi-unit residential (2-4 units)</td>
<td>Awning Canopy Marquee Projecting Suspended Wall Window Pole Monument</td>
<td>≤150' street frontage: 2 &gt; 150' to &lt; 300' street frontage: 3 &gt; 300' street frontage: 4 Uses with more than 2 street frontages: 1 additional sign for each frontage</td>
<td>100 square feet or total of street frontage factors below: ≤100' x (1.5 sf); plus &gt; 100' to ≤250' x (1.0 sf); plus &gt; 250' x (0.4 sf)</td>
<td>- Only those signs allowed under 16-6-13(B) EMC – (Incidental Signs Allowed Without Sign Permit) - Non-Illuminated, no animation</td>
</tr>
<tr>
<td><strong>MU-R-3-B</strong></td>
<td>Home Occupations</td>
<td>Wall</td>
<td>1</td>
<td></td>
<td>- No illumination, no animation</td>
</tr>
<tr>
<td><strong>MU-R-3-C</strong></td>
<td>Public/Institutional Hospitals Clinics Offices</td>
<td>Awning Canopy Marquee Projecting Suspended Wall Window Pole Monument</td>
<td>3</td>
<td>Minimum 80 square feet or total of street frontage factors below: ≤100': 1.5 sf/foot plus &gt; 100': 1.0 sf/foot</td>
<td>- See Tables 16-6-13.3A and 3B EMC (Permitted Principal Signs) - No single sign face shall exceed 125 square feet - Illumination prohibited between 11:00 PM and 7:00 AM&lt;sup&gt;3&lt;/sup&gt; - See 16-6-13(E)(2)(c) EMC (Sign Illumination Standards) and 16-6-13(F)(6) EMC (EMD Signs) - Monument and Pole: Only for religious, schools, gov't buildings, hospitals, clinics, and offices: Maximum height: 15'. Minimum setback: 10'</td>
</tr>
<tr>
<td><strong>All other uses&lt;sup&gt;2&lt;/sup&gt;</strong></td>
<td></td>
<td></td>
<td>2</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

**Notes to Table:**
1. See Englewood Illustrated Sign Manual for how to determine street or building frontage.
2. Signs for nonconforming uses shall be subject to the standards of the district in which the use is located.
3. Signs provided on a 24-hour basis for medical services and public services such as police and fire are exempt from this requirement.
<table>
<thead>
<tr>
<th>Zone District</th>
<th>Use</th>
<th>Permitted Principal Sign</th>
<th>Allowed Number</th>
<th>Allowed Area (in square feet)</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-1</td>
<td>Single-unit residential, Multi-unit residential (2-4 units)</td>
<td>Awning, Canopy, Marquee, Projecting Suspended Wall, Window, Monument</td>
<td>≤150' street frontage: 2 ≥150’ to &lt;300’ street frontage: 3 &gt;300’ street frontage: 4</td>
<td>100 square feet or total of street frontage factors below: ≤100': 1.5 sf/ft plus &gt;100’ to &lt;250': 1.0 sf/ft plus &gt;250': 0.4 sf/ft</td>
<td>Only those signs allowed under 16-6-13(6) EMC – (Incidental Signs Allowed Without Sign Permit)</td>
</tr>
<tr>
<td>M-2</td>
<td>Multi-unit residential (5 or more units)</td>
<td>Awning, Canopy, Marquee, Projecting Suspended Wall, Window, Monument</td>
<td>Uses with more than 2 street frontages: 1 additional sign for each frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MO-2</td>
<td>Home Occupations</td>
<td>Wall</td>
<td>1</td>
<td>1</td>
<td>No illumination, no animation</td>
</tr>
<tr>
<td></td>
<td>Public/Institutional</td>
<td>Awning, Canopy, Marquee, Suspended Wall, Window, Pole, Monument</td>
<td>≤150’ street frontage: 3 ≥150’ to &lt;300’ street frontage: 4 &gt;300’ street frontage: 5</td>
<td>100 square feet or total of street frontage factors below: ≤100': 1.5 sf/ft plus &gt;100’ to &lt;250': 1.0 sf/ft plus &gt;250': 0.4 sf/ft</td>
<td></td>
</tr>
<tr>
<td>TSA</td>
<td>Residential</td>
<td>Shall comply with standards applicable to MU-R-3-A district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Non-residential</td>
<td>Shall comply with standards applicable to MU-B-1 district</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes to Table:
1. See Englewood Illustrated Sign Manual for how to determine street or building frontage.
2. Signs for nonconforming uses shall be subject to the standards of the District in which the use is located.
<table>
<thead>
<tr>
<th>Zone District</th>
<th>Use</th>
<th>Permitted Principal Sign Types</th>
<th>Allowed Number</th>
<th>Allowed Area (in square feet)</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| **MU-B-1**    | Single use on site | Awning  
Canopy  
Marquee  
Projecting  
Roof Mansard  
Suspended Wall  
Window  
Pole  
Monument | ≤150' street frontage: 3  
> 150' to ≤300' street frontage: 4  
> 300' street frontage: 5  
- Uses with more than 2 street frontages: 1 additional sign for each frontage | 100 square feet or total of street frontage factors below:  
1' to 100': 2.0 sf/ft  
>100' to <250': 1.25 sf/ft, plus  
>250': 0.6 sf/ft | - See Tables 16-6-13.3(A) and (B) EMC – (Permitted Principal Signs)  
- Prohibited illumination: Flashing, intermittent lights  
- Direct glare onto a residential use adjacent to the location of the sign  
- For electronic signs See 16-6-13(E)(7) EMC – (Electronic Message Display Signs)  
- No single sign face shall exceed 125 square feet. |
| **MU-B-2**    | Single use on site | Awning  
Canopy  
Marquee  
Projecting  
Roof Mansard  
Suspended Wall  
Window  
Pole  
Monument | ≤150' building frontage: 3  
> 150' to ≤300' building frontage: 4  
> 300' building frontage: 5 | 100 square feet or total of building frontage factors below using the individual use's building frontage:  
≤100': 2.0 sf/ft  
>100': 1.0 sf/ft | See 16-6-13(H) EMC - (Sign Bonuses) for:  
- Multi-tenant properties  
- Multi-storied buildings  
- Buildings set back more than 100 feet from front property line |
| **I-1**       | Multiple uses on site (Each allowed use) | Awning  
Canopy  
Marquee  
Projecting  
Roof Mansard  
Suspended Wall  
Window  
Pole  
Monument | ≤150' building frontage: 3  
> 150' to ≤300' building frontage: 4  
> 300' building frontage: 5 | | |
| **I-2**       | Multiple uses on site (Each allowed use) | | | | |
| **PUD**       | Per individual PUD regulations | | | | |

Notes to Table:  
See Englewood Illustrated Sign Manual for how to determine street or building frontage.
Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, with the addition of a new Subsection G, of the Englewood Municipal Code 2000, regarding accessory signs of the Sign Code to read as follows:

G. Accessory Signs.

1. On-Site Accessory Signs and Advertising Devices.
   a. Purpose. The purpose of allowing certain on-site accessory signs and advertising devices includes:
      (1) Recognizing and accommodating the business community’s desire for economical short-term signage that can be easily installed, changed, or moved to meet limit advertising needs; and
      (2) Maintaining an aesthetically pleasing environment by minimizing sign clutter.
   b. Maintenance. On-site accessory signs and advertising devices shall be constructed and maintained in accordance with 16-6-13(A)(5) EMC – (Sign Maintenance). Any on-site accessory sign or advertising device that is in disrepair or unsafe shall be repaired, removed, or replaced upon written notice of the City Manager or designee.
   c. Materials and Anchoring. All accessory signs or advertising devices shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
   d. Standards. No on-site accessory signs or advertising devices shall:
      (1) Be located on or over the public right-of-way,
      (2) Be located on the roof of any building or structure,
      (3) Be located on a principal sign or sign structure, fence, utility pole or other structure not intended as a sign support,
      (4) Be located so that it can come in contact with power lines,
      (5) Encroach or extend over any property line,
      (6) Be illuminated, contain flashing or blinking lights, or electronic changeable copy,
      (7) Obstruct traffic visibility or any official traffic control device,
      (8) Be made to look like, or contain any representation of a traffic control device or traffic sign, or
      (9) Block any public entrance to or required emergency exit from a building.
   e. Permit. No Sign Permit shall be required for the placement of an allowed on-site accessory sign or advertising device. However, any on-site accessory sign or advertising device found to be in violation of this Title shall be declared a nuisance by the City and shall be subject to enforcement pursuant to Chapter 16-10 EMC – (Enforcement and Penalties).
   f. Variances. Due to the intended short-term nature of on-site accessory signs and advertising devices, such signs and devices shall not be subject to variances.
   g. On-Site Accessory Signs and Advertising Devices Measurement and Calculations. The maximum size of an on-site accessory sign or advertising device shall be based on its area, linear length, or profile depending on the type of sign or device. Calculations shall be based on Table 16-6-13.10 below:
### Table 16-6-13.10: Accessory Sign Measurement

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Calculation Method</th>
<th>Measurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banners, Wind-Driven, Portable</td>
<td>Area</td>
<td>4-line enclosure</td>
</tr>
<tr>
<td>Inflatables, 3-D objects</td>
<td>Profile</td>
<td>L x W measured at the object’s largest extended profile</td>
</tr>
</tbody>
</table>

h. Signs associated with special events or temporary uses allowed by this Title shall be considered accessory signs and subject to the provisions of this Subsection. Such signs shall be allowed for the duration of the special event or allowed temporary use.

i. Sign Specific Standards for Allowed On-Site Accessory Signs or Advertising Devices. On-site accessory signs or advertising devices shall be allowed pursuant to Table 16-6-13.11 EMC—(Table of Allowed On-Site Accessory Signs and Advertising Devices) below:

The remainder of this page intentionally left blank
### Table 16-6-13.11: Table of Allowed On-Site Accessory Signs and Advertising Devices

<table>
<thead>
<tr>
<th>On-Site Accessory Signs and Advertising Devices</th>
<th>Types ¹</th>
<th>Zone Districts in which Allowed</th>
<th>Allowed Uses</th>
<th>Maximum Number</th>
<th>Maximum Total Area ² (in sq ft)</th>
<th>Maximum Height (in feet)</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Banners</strong> (with or without message)</td>
<td>Wall</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>15</td>
<td>Accessory wall banners prohibited for single and multi-unit residential uses up to 5 units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>30</td>
<td>Wall banner shall be affixed to building facade only and shall not extend beyond facade</td>
</tr>
<tr>
<td></td>
<td>Pole (ground mounted including non-exempt flags, sail, tear drop or feather banners, wigglers, and similar devices)</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>15</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>25</td>
<td>Does not apply to flags of nations or an organization of nations, states, or cities. See 16-6-13(B) EMC: (Incidental Signs Allowed Without Sign Permit)</td>
</tr>
<tr>
<td></td>
<td>Staff (mounted on building)</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>15</td>
<td>Residential zone minimum setback: 10'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>25</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
<tr>
<td><strong>Portable</strong></td>
<td>A-frame, sandwich board, pedestal</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>6</td>
<td>Residential zone minimum setback: 10'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>25</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
<tr>
<td><strong>Inflatables</strong></td>
<td>Cold air or gas-filled objects, tubes, tubes, and similar devices</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>15</td>
<td>Residential zone minimum setback: 10'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>25</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
<tr>
<td><strong>3-D Objects</strong></td>
<td>All objects not classed as inflatables</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>Non-residential uses only</td>
<td>1</td>
<td>15</td>
<td>6</td>
<td>Residential zone minimum setback: 10'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All single uses</td>
<td>2</td>
<td>30</td>
<td>25</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
<tr>
<td><strong>Human</strong></td>
<td>Hand-held, mounted, costume</td>
<td>R-1-A, R-1-B, R-1-C, R-2-A, R-2-B</td>
<td>All uses</td>
<td>1</td>
<td>10</td>
<td>3</td>
<td>See Section 16-6-13(G)(2) EMC – (Human Signs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All other zones</td>
<td>All uses</td>
<td>1</td>
<td>10</td>
<td>3</td>
<td>Multi-tenant properties: See Notes to Table ⁴</td>
</tr>
</tbody>
</table>

Notes to Table:

1. Classification of on-site accessory signs or advertising devices not listed in this Table shall be determined by the City Manager or designee. Interpretations shall be made to the Planning and Zoning Commission.
2. Combined total area of all allowed on-site accessory signs and advertising devices.
3. Only 1 on-site sign/device is permitted if an on public sidewalk accessory sign is utilized.
4. Multi-Tenant Properties. Each allowed use on the ground floor of a multi-tenant property shall be allowed 1 on-site accessory sign or advertising device.
5. For regulation of signs in the public right-of-way: See 16-6-13(D)(2)(f)(5)(c).
2. Human Signs. A human sign is defined as an accessory sign which is worn (including costumes), held or attached to a human for promotional purposes or to advertise any business, commodity, service, activity, or product. Human signs do not include T-shirts, hats, or other similar clothing.

a. Maximum Number. Each allowed use is permitted to use one (1) human sign. A Sign Permit shall not be required for a human sign.

b. Maximum Area. The maximum area of a sign held or attached to a human shall be ten (10) square feet.

c. Standards. Human signs may be located on private property or on the public sidewalk provided the following standards are met:

1. No human sign shall be held, displayed, or otherwise located on a public street, roadway, alley, or median of a public street.

2. No human sign shall utilize electronic components.

3. Human signs shall yield to the passage of pedestrians, and

4. Human signs shall not:

   a. Impair lines of sight that are necessary for the safe movement of vehicular or pedestrian traffic.

   b. Block the visibility of any traffic control device or traffic signal for motorists or pedestrians, or

   c. Place any item on any public right-of-way.

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 13, with the addition of a new Subsection H, of the Englewood Municipal Code 2000, regarding sign bonuses of the Sign Code to read as follows:

H. Sign Bonuses.

1. Multi-Tenant Signs. Multi-tenant signs are allowed when two (2) or more permitted uses occupy the same parcel or parcels, or building or group of buildings under the same ownership. Multi-Tenant signs shall be in addition to all other signs in terms of maximum sign area and number, provided:

a. No other ground signs are used on the parcel or parcels.

b. Permitted Sign Type. Multi-Tenant signs shall be limited to ground or wall signs and shall not exceed the maximum sign height allowed in the zone district in which the sign is located.

c. Permitted Sign Face Area. One (1) square foot of sign area for each two (2) linear feet of street frontage; provided, however, no single sign shall exceed one hundred twenty-five (125) square feet per face.

d. Permitted Maximum Number. One (1) sign for the primary street frontage. An additional sign is permitted for each additional street frontage greater than one hundred fifty feet (150').

e. Signs may be located anywhere on site provided sight distance and minimum separation requirements are met.
f. Where, on the effective date of this Section, two (2) or more multi-tenant signs exist on a property with multiple frontages, such signs shall not be considered nonconforming solely due to not meeting the minimum lot frontage requirement of this Subsection.

2. Buildings Set Back One Hundred Feet or More from the Public Right-of-Way. The area of one (1) principal sign face may be increased at the rate of one-third of one percent (0.033%) for each foot of distance beyond the first one hundred feet (100') of building setback. The increase shall be based on the use’s allowed sign area, as determined by Tables 16-6-13.6 through 16-6-13.9 EMC – (Zone District Principal Sign Standards), provided the increase in sign face area:

a. Shall not exceed one hundred twenty-five (125) square feet.

b. Shall not exceed the maximum sign height allowed in the zone district in which the sign is located.

c. Shall be granted only for a sign placed at the setback distance used in the calculation.

d. Shall not apply in residential (R) zone districts.

e. Shall not apply to accessory signs.

f. Shall not be used in combination with 16-6-13(H)(3) EMC – (Multi-Story Building Identification Wall Signs).

g. The additional sign area calculated herein shall not count against the maximum sign area. See Englewood Illustrated Sign Manual for a detailed description of how to calculate increased sign area.

3. Multi-Story Building Identification Wall Signs. For multi-story buildings in excess of seventy-five feet (75’), additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below.

a. Sign area shall be based upon a square footage factor multiplied by the horizontal linear footage of the building’s facade at the elevation where the sign is placed as shown in Table 16-6-13.12 below:

<table>
<thead>
<tr>
<th>Sign Elevation (Bottom of sign to grade)</th>
<th>Square Footage Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 feet – 100 feet</td>
<td>5 square feet</td>
</tr>
<tr>
<td>&gt; 100 feet – 150 feet</td>
<td>6 square feet</td>
</tr>
<tr>
<td>&gt; 150 feet</td>
<td>7 square feet</td>
</tr>
</tbody>
</table>

b. Multi-story buildings may be permitted identification wall signs for each building facade.

c. Wall sign areas permitted by this Subsection for one facade may not be used for any facade other than the one for which the allowance is granted.

d. Such signs shall not count against maximum sign area or number.

e. Electronic message display signs shall not be permitted under this Subsection.

f. The multi-story bonus shall not be used in combination with 16-6-13(H)(2) EMC – (Buildings Set Back One Hundred Feet or More from the Public Right-of-Way).
The additional sign area calculated herein shall not count against the maximum sign area. See *Englewood Illustrated Sign Manual* for a detailed description of how to calculate increased sign area.

Section 9. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 3, Section 3(B), of the Englewood Municipal Code 2000, regarding accessory signs of the Sign Code to read as follows:

11-3-3: Obstructions and Harmful Substances.

A. Materials. Except as otherwise provided in this Code, it shall be unlawful for any person to obstruct a street, sidewalk or gutter with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles or other material of substance, without first obtaining written permission from the City. Such permit may be granted only where the obstruction is necessary for the construction, alteration or repair of the adjoining property, and such permitted obstruction shall be limited to as short a time as is reasonably possible. Each day that such an unlawful obstruction is permitted to exist shall constitute a separate and distinct offense.

B. Merchandise. It shall be unlawful for any person to erect any booth or stand for the display of any merchandise for advertising on any sidewalk of the streets of the City or to place or allow to be placed any signs or display boards, except those permitted by 16-6-13(D)(2)(f) EMC, or any other obstructions on any of the sidewalks or streets of the City; provided, however, that nothing in this subsection shall prevent the receiving or delivering of goods, wares or merchandise, provided that no obstructions of sidewalks or streets for this purpose shall be of longer duration than is absolutely necessary for such receiving or delivery; sales pursuant to a public sidewalk sale or farmer's market as those terms are defined in E.M.C. Title 16 or a permitted newsrack placed in compliance with this Title.

Section 10. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2 Section 2, of the Englewood Municipal Code 2000, pertaining to Table 16-2-2.1: Summary Table of Administrative and Review Roles of the Sign Code to read as follows

16-2-2: Summary Table of Administrative and Review Roles.

The following table summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in this Chapter. For purposes of this table, an "(Approval) Lapsing Period" refers to the total time from the application's approval that an applicant has to proceed with, and often complete, the approved action. Failure to take the required action within the specified "lapse period" will automatically void the approval. See Section 16-2-3.1 EMC, "Lapse of Approval," below.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section Ref.</th>
<th>Pre-App Mgt Req'd</th>
<th>Review (R)/Decision-Making (D) or Appeal (A) Bodies</th>
<th>Notice Required</th>
<th>Lapsing Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adaptive Reuse of Designated Historical Buildings</td>
<td>16-5-3</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Administrative Adjustments</td>
<td>16-2-17</td>
<td>✓</td>
<td>D R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Land Review Permit</td>
<td>16-2-11</td>
<td>✓</td>
<td>D A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendments to the Text of this Title</td>
<td>16-2-6</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexation Petitions</td>
<td>16-2-5</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Appeals to Board</td>
<td>16-2-18</td>
<td>✓</td>
<td>D</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan Amendments</td>
<td>16-2-4</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>16-2-12</td>
<td>✓</td>
<td>R D A</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Conditional Use - Telecommunication</td>
<td>16-7</td>
<td>✓</td>
<td>R</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Development Agreements</td>
<td>16-2-15</td>
<td>R</td>
<td>D</td>
<td>As stated in Agreement</td>
<td></td>
</tr>
<tr>
<td>Flood Plain Dev't. Permit and Flood Plain Variances</td>
<td></td>
<td></td>
<td>See Chapter 16-4 for applicable procedures and standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>16-6-11</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Limited Review Use Permits</td>
<td>16-2-13</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td>1 year</td>
</tr>
<tr>
<td>Landmark Sign</td>
<td>16-6-13</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td>✓</td>
</tr>
<tr>
<td>Major Subdivisions</td>
<td>16-2-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Final Plat</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Simultaneous Review Preliminary Plat/Final Plat</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Recorded Final Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Subdivision</td>
<td>16-2-11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td>6 months to submit Final Plat</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>D</td>
<td>A</td>
<td>60 days to record</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recorded Final Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official Zoning Map Amendments (Rezonings)</td>
<td>16-2-7</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>PUD and TSA Rezonings</td>
<td>16-2-7</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Temporary Use Permits</td>
<td>16-2-14</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td>As stated in Permit</td>
</tr>
<tr>
<td>Unlisted Use Classifications</td>
<td>16-5-1.B</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td>None</td>
</tr>
<tr>
<td>Zoning Site Plan</td>
<td>16-2-9</td>
<td>D</td>
<td>A</td>
<td>3 years</td>
<td></td>
</tr>
<tr>
<td>Zoning Variances</td>
<td>16-2-16</td>
<td>✓</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
</tbody>
</table>

CM/D = City Manager or Designee (Including the Development Review Team)  
PC = Planning and Zoning Commission  
CC = City Council  
BAA = Board of Adjustment and Appeals  

1 Notice Required: See Table 16-2-3.1 Summary of Mailed Notice Requirements
Section 11. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 2, Subsection 2(7)(h) to reflect changes in the Sign Code, of the Englewood Municipal Code 2000, to read as follows:

16-5-2: Use Specific Standards.

A. Residential Uses.

7. Boarding or Rooming House. Boarding or rooming houses are subject to the following standards:

   a. The use shall apply for and receive a Conditional Use Permit.

   b. The use shall be limited to an owner occupied, one-unit dwelling.

   c. The use shall submit a Zoning Site Plan for review by the City for compliance with all zoning and housing regulations.

   d. The use shall be non-transferable.

   e. The use shall have a City Sales Tax License if required.

   f. The use shall comply with all applicable City codes.

   g. The use shall have no more than four (4) boarders per dwelling.

   h. No signs shall be permitted except as specified in Section 16-6-13(B) EMC – (Incidental Signs Allowed Without Sign Permit).

Section 12. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 9, Section 5(A) and (B), of the Englewood Municipal Code 2000, to reflect changes in the Sign Code to read as follows:

16-9-5: Nonconforming Signs.

The intent of this Section is to protect the aesthetic landscape of the City by reducing negative impacts of nonconforming signs. At the same time, the regulations assure that the signs may continue and that the sign regulations will not cause unnecessary burdens. The intent of these regulations is not to force all signs to be immediately brought into conformance with current regulations; instead, the intent is to gradually bring existing signs into conformance.

A. Nonconforming Signs. Any sign which was lawfully erected and maintained in accordance with the provisions of any prior applicable to the effective date of the Sign Code, but which does not conform to the limitations regulations established by the Sign Code this Title, except those signs prohibited, hazardous, or abandoned, shall be considered a nonconforming signs. Nonconforming signs shall not be altered in any way that would increase the degree of nonconformity or extend the productive life of the sign and shall be subject to the following conditions:

1. Registration of Nonconforming Signs. All nonconforming signs shall be required to be registered with the City. If a valid permit exists for the nonconforming sign, the City will complete the registration and notify the owner or lessee of the sign or the owner of the property on which the sign is located requesting verification of the registration information. If no valid permit exists for the nonconforming sign or if insufficient information is available, the owner or lessee of the sign or the owner of the property on which the sign is located will be notified and must register the nonconforming sign or provide the necessary information within thirty (30) calendar days of receipt of the notification.
2. Maintenance and Copy Change. Maintenance and copy change are allowed provided no structural alterations are made.

3. Ownership. The status of a nonconforming sign is not affected by changes in sign, business, or property ownership.

4. Alteration. A nonconforming sign or sign structure shall not be moved, replaced, or structurally altered unless brought into conformance with the sign regulations of this Title.

5. Termination of Nonconforming Signs. Any nonconforming sign shall be brought into conformance or shall terminate and cease to exist within ten (10) years from the date a permit was issued. If seven (7) years or more have passed from the date a permit was issued to the effective date of the Sign Code, then the sign must be brought into conformance or terminate and cease to exist within three (3) years from the effective date of the Sign Code. Any nonconforming sign without a valid permit must be brought into conformance or terminate and cease to exist within three (3) years from the effective date of the Sign Code. In addition, a nonconforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occurs:
   a. Whenever the sign is damaged more than fifty percent (50%) of its total replacement value, or destroyed from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the City, to the extent that the sign becomes a hazard or a danger.
   b. Whenever the ownership of the property changes on which the nonconforming sign is located.
   c. Whenever there is a change in the lessee, ownership of the business, or use to which the sign pertains.
   d. Whenever there is a request made for a permit to change the sign.
   e. Whenever there is a request for a permit to make improvements to the facade of the building on which the nonconforming sign is located.

6. Appeals. The owner or lessee of a sign, or the owner of the property on which a sign is located, who has been notified by the City that such sign is nonconforming, may appeal that decision to the City Manager or designee within twenty (20) days of the receipt of such notice. The appeal shall contain the appellant’s name and address, the decision being appealed, and a brief explanation of why the appellant should not be required to comply with the document appealed. The City Manager or designee may meet informally with the appellant to exchange necessary information and shall issue a decision in writing to the appellant at his address stated in the appeal.

If the decision of the City Manager or designee is not satisfactory to said owner or lessee, within thirty (30) days of the City Manager’s or designee’s decision, he may apply for a variance from the Board of Adjustment and Appeals as provided for in Section 16-2-16 EMC.

6. Re-establishment. A nonconforming sign or sign structure that is brought into conformance with the regulations of this Title shall not be re-established as a nonconforming sign.

7. Termination. The right to continue a nonconforming sign shall end whenever:
   a. The total replacement cost of the sign exceeds fifty percent (50%) of the sign’s value at the time of damage. Replacement cost and value shall be determined by the average of appraisals and estimates by three (3) sign contractors licensed by the City and approved by the City Manager or designee.
   b. A request is made for a Permit to change the sign, or
A request is made for a Permit to make improvements to the facade of the building to which the nonconforming sign is attached.

4.8. Nonconforming Signs in Newly Annexed Areas. Any owner or operator of a nonconforming sign in a newly annexed area shall terminate such nonconforming sign in accordance with the requirements of this Section, with the effective date of the annexation ordinance being the start of the time limitation.

B. Landmark Nonconforming Signs. The City recognizes that some nonconforming signs may hold cultural, historic or architectural significance to the citizens of the City. Nonconforming signs that have been damaged more than fifty percent (50%), as determined above, may be permitted to be reconstructed in a like manner.

   a. The nonconforming sign being reconstructed shall have been:
      (1) Damaged more than fifty percent (50%) as determined in Subsection A7. above.
      (2) In continuous use since prior to the enactment of Ordinance No. 29, Series of 1982, on July 6, 1982, and
      (3) Damaged not more than one hundred eighty (180) days prior to submittal for an Application for Landmark Nonconforming Sign Reconstruction.
   b. The reconstructed sign shall:
      (1) Not increase the nature or degree of nonconformity,
      (2) Be placed on the same property, and
      (3) Meet all other applicable standards and regulations of the City.

2. Procedure.
   a. Application. Application for the reconstruction of a landmark nonconforming sign shall be made by the sign owner on forms provided by the City.
   b. Notice. The City shall require that published notice of required public hearings be given in accordance with Section 16-2-3(G) EMC (Notice Requirements).
   c. Planning and Zoning Commission Review.
      (1) The Commission shall schedule a public hearing on the application no more than thirty (30) days after the submission of the application.
      (2) The Commission shall review the application for conformance with the criteria established in this Subsection.
      (3) The Commission shall recommend approval, modification and approval, or denial of the application.
   d. Appeal. Appeals from the Commission decision shall be made to City Council.

3. Criteria for Review. In approving the replacement of a damaged nonconforming sign the Commission shall find that the sign meets the conditions of application stated above, and:
a. Embodies distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction, or craftsmanship; or

b. Exemplifies or reflects the broad cultural, economic or social history of the City.

Section 13. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2(B), of the Englewood Municipal Code 2000, to reflect changes in the Sign Code to read as follows:

[These definitions relate only to the "Signs" under the U.D.C. (Title 16 EMC). They are to be inserted in Title 16-11-2(B) “Definitions” in alphabetical order.]

16-11-2: Definition of Words, Terms, and Phrases.

A. Undefined Terms. For words, terms, and phrases used in this Title that are not defined below, or elsewhere in this Title, the City Manager or designee shall interpret or define such words, terms, and phrases. In making such interpretations or definitions, the City Manager or designee may consult secondary sources related to the planning profession for technical words, terms and phrases, including but not limited to: A Glossary of Zoning, Development, and Planning Terms - Planning Advisory Service Report 491/492, edited by Michael Davidson and Fay Dolnick (American Planning Association, Chicago, Ill. 1999); A Survey of Zoning Definitions - Planning Advisory Service Report Number 421, edited by Tracy Burrows (American Planning Association, Chicago, Ill. 1989); Zoning and Development Definitions for the Next Century, edited by Michael Davidson, in Zoning News (American Planning Association, August 1999); and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. Third Edition. 1987). The City Manager or designee may consult Webster's Unabridged Dictionary (Random House Reference and Information Publishing, New York, 1997), as supplemented, or other available reference source for other words, terms, and phrases.

B. Definition of Words, Terms, and Phrases.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. An accessory sign made of cloth, canvas, plastic, fabric, or flexible material of any kind with only such material for backing. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: See definition of “Sign Billboard”.

Brightness: For the purpose of sign illumination, brightness is the visual sensation related to the intensity of light emanating from the face of a sign.

Building Frontage: The horizontal linear dimension of a building façade, or portion occupied by a use, that faces a public street. A corner use shall be permitted to use the secondary façade to determine total “building frontage.”

Canopy: A roof-like structure that is attached to a wall or walls of a supported by the building and which may be provided with ground supports. Usually of a lighter material than a marquee, on which it is located and a minimum of one (1) stanchion.

Commercial Sign: A sign that conveys information predominantly related to the economic interests of its proprietor and its audience, or a sign that purports a commercial transaction, or a sign that conveys information for the purpose of inducing or permitting its audience to enter into a commercial transaction.

Concealed Light Source: An artificial light intended to illuminate the face of a sign, which light is shielded from public view and from adjoining properties.
Display Surface or Face: The area made available by the sign structure for the purpose of displaying a message.

Drive Through Identification Sign: A sign that identifies a drive through facility and the business to which it belongs.

Dynamic Displays: A generic term for non-traditional signage encompassing signs with moving parts, LED displays, moving images, and electronic messages.

Election Sign: A sign providing information regarding elections, candidates, or issues concerning such elections.

Flag: Any fabric or similar material banner or bunting containing distinctive colors, patterns, or symbols, designs, attachable at one edge to a staff or cord, and used as a symbol of a government or political subdivision thereof. All other such devices shall be considered banners.

Frame: A complete, static display message on an electronic message display.

Frame Hold Time: The time interval a static frame must remain on the display before transitioning to another frame.

Individual Letter Sign: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface, but not including a sign painted on a wall or other surface.

Kiosk: A free standing structure upon which temporary information and/or posters, notices and announcements are posted.

Marquee: A permanent roofed -like structure attached to and supported by the building on which it is located, and projecting over public property.

Marquee Sign: A sign attached to, painted on, or erected against the face of the marquee.

Name Plate Sign: A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Nonconforming Sign: Any sign lawful when erected but which, on the effective date of this Title, does not conform to the limitations established by this Title.

Roof Line Roofline: A horizontal line intersecting the highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment of a roof. In the case of a flat roof, the uppermost line of the roof of the building; in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Sign: Any object or graphic representation used to advertise, identify, inform, provide direction or attract attention to any person, institution, organization, business, product, service, event or location, by any means including words, letters, graphics, motion, illumination or projected image.

Sign, 3-D Object: For the purpose of Section 16-6-13: Signs, 3-D (three-dimensional) objects and advertising devices shall include any sign with length, width, and height dimensions other than principal building and ground signs as defined by this Title.

Sign, Accessory and Advertising Devices: Any sign permitted without need for a Sign Permit constructed of cloth, canvas, fabric, vinyl banner material, plywood, or other light-weight material and generally intended for display for a short period of time. Accessory signs include but are not limited to banners, 3-D objects, inflatables, wind-driven, sandwich board, human, and similar signs. Wind-driven pennants, streamers, fringes, and balloons allowed as incidental signs under Section 16-6-13(B)(23) shall not be considered accessory signs.
Sign Advertising—A sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon a same zone lot. This sign is also referred to as a third-party sign.

Sign, Animated: Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement, illusion of such change or position, or any sign that uses movement or change of lighting to depict action or create a special effect. Wind-driven, changeable copy, electronic message displays, and flashing signs shall not be considered animated signs.

Sign, Awning: Letters, number, A sign attached or images applied along the valance of applied to an outdoor awning.

Sign, Billboard: An off-premise, outdoor advertising display, usually a rigidly assembled board or panel sign, permanently affixed or attached to the ground or a building and used as a commercial sign not pertaining to a use on the premises.

Sign, Building: Buildings painted in readily identified, “signature” color schemes so that they look like an advertisement for the building’s tenant.

Sign, Bulletin Board: A sign which identifies identifying an on-premise institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general providing announcements of events or activities occurring at the institution or similar messages on the premises.

Sign, Bus Bench or Shelter: A sign located on benches or shelters placed in the public right-of-way or on private property adjacent to the public right-of-way at a bus stop pursuant to a written agreement with the City which sets forth the regulations for size, content, placement, design, and materials used in the construction of said signs, benches, and shelters.

Sign, Business: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign, Canopy: A sign that is mounted or painted on, or attached to, canopy, that is otherwise permitted by this Title or applied to a canopy.

Sign, Directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit”.

Sign, Election: An incidental sign providing information regarding elections, candidates, or issues concerning such elections.

Sign, Electronic Message Display (EMD): A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign, Exposed Neon: Letters, numbers, or images formed from exposed luminous tubing letters at least thirteen (13) millimeters in diameter.

Sign, Façade: See definition of “Sign Wall”.

Sign, Flashing: Any sign having lights or directly or indirectly illuminated sign that exhibits changing natural or artificial-light or color effects by any means whatsoever or illumination that blinks, flickers, or varies in intensity at any time when in use.

Sign, Free-standing: Any nonmovable sign not affixed to a building.
Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulations.

Sign, Ground: Any sign supported by poles, uprights, or braces, footers, or foundation extending from the ground or an object on the ground, but not attached to any part of a building.

Sign, Halo-Illuminated: Fabricated metal letters, numbers or images with polished brushed, or baked enamel-painted finish, backlit with a contrasting color of neon tubing so as to create a halo effect around the letters, numbers, or images while keeping the neon light source hidden from view.

Sign, Holiday Decoration: Signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

Sign, Home Occupation: A sign containing only the name and occupation of identifying a permitted home occupation.

Sign, Human: An accessory sign which is worn (including costumes), held or attached to a human for promotional purposes or to advertise any business, commodity, service, activity, or product. Human signs do not include T-shirts, hats, or other similar clothing.

Sign, Identification: A sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development, or establishment on the premises where it is located.

Sign, Ideological: A sign which has as its dominant theme or purpose the expression of a religious, political, social, philosophical or other ideological message, ideal or belief.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on the sign or, within the sign, or directed toward the sign.

Sign, Inactive: Any sign identifying or advertising a business, owner, tenant, product, service or activity that has not been located on the premises for a period of thirty (30) days or more.

Sign, Integral Roof: Any sign erected or constructed as an integral part of a normal roof structure, such that no part of the sign extends vertically above the highest portion of the roof and no part of the sign is separated horizontally from the rest of the wall or roof structure by a space of more than six inches (6").

Sign, Job Site: An accessory sign providing information about future development or current construction on a site or the parties involved in the project.

Sign, Joint Identification: A sign that serves as a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like.

Sign, Mansard Roof: A sign attached to the side of a mansard roof.

Sign, Marquee: Any sign attached to or made a part of a permanent roof-like structure supported by a building and projecting over public property marquee.

Sign, Memorial: A sign, tablet, or plaque memorializing a person, event, structure, or site.

Sign, Menu Board: A principal wall or ground sign listing products or services available at drive-through facilities.

Sign, Monument: A ground sign supported by and integrated with a solid base of footers, or foundation, as opposed to being mounted to poles, posts or other supports, that is not mounted on a pole or bracket, but in which (1) the sign
body is directly connected to the sign foundation, and (2) the horizontal cross section of the sign body is at least fifty percent (50%) as large as the horizontal cross section of the sign foundation.

**Sign, Multi-Tenant:** A sign that serves as a common or collective identification for two (2) or more uses on the same premises.

**Sign, Name Plate:** A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

**Sign, Nonconforming:** Any sign lawful when erected but which, on the effective date of this Title or amendment to, does not conform to the limitations established by this Title.

**Sign, Off-Premises:** See definition of "Sign, Billboard." A sign that directs attention to a person, institution, organization, business, product, service, event or location not related to the same premises on which the sign is located.

**Sign, On-Site Informational:** A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

**Sign, Pedestal:** A portable accessory sign supported by a stand or base.

**Sign, Pole:** A ground sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet (6') or more above grade, affixed, attached, or erected on a freestanding pole, posts, or other support that is not itself an integral part of or attached to a building or structure.

**Sign, Political:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**Sign, Portable:** Any accessory sign designed to be easily moved that is not permanently affixed to a building, structure, or embedded in the ground, except signs painted on or magnetically attached to any licensed vehicle.

**Sign, Principal:** A sign attached to a building, structure, or the ground in some manner that requires a Sign Permit from the City and is made of durable materials approved by the City.

**Sign, Private Sale or Event:** A temporary sign advertising private sales of personal property such as "house sales," "garage sales," "rummage sales" and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.

**Sign, Projecting:** Any sign, other than a wall sign or marquee sign, generally affixed at right angles that is affixed to a building or wall in such a manner that its leading edge extends more than eighteen inches (18") beyond the surface of such building or wall.

**Sign, Real Estate:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

**Sign, Roof:** A sign erected upon and extending above the roof line or parapet of the building or structure, except that signs located on a mansard roof shall be considered a wall sign.

**Sign, Sandwich Board:** A movable accessory sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

**Sign, Short-Term Advertising:** Signs that advertise the sale of products or services on a short-term basis.
**Sign, Snipe:** An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects.

**Sign, Special Event:** A sign advertising events such as picnics, carnivals, bazaars, game nights, art fairs, and craft shows, or similar activities, that announces an event sponsored by a public, civic, or charitable group.

**Sign, Suspended:** A sign suspended from the ceiling of an arcade or marquee, underside of a horizontal plane of a structure.

**Sign, Temporary:** A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and which is designed or intended to be displayed for a short period of time.

**Sign, Third Party:** A sign relating to products or services not on the same lot.

**Sign, Transom:** Fitting within a transom area above shop windows, but below second floor windows and visually contained within the building framework of columns and other architectural trim.

**Sign, Wall:** A sign attached to, painted on, or erected against a wall of a building, the face (display surface) of which is parallel to the facade of the building to which the sign is attached. A mansard roof may be considered a wall if the top edge of a sign attached to it extends no more than twenty-four eighteen inches (24 18") from the mansard roof surface wall.

**Sign, Wind:** Any sign set in motion by wind or breeze, such as banners, flags, pennants or other objects or material. Flags of nations, states, or municipalities shall not be classified as wind signs.

**Sign, Window:** A sign which posted, applied or attached to affixed in or on a window; which sign can be seen through the window from the exterior of the structure but excludes merchandise in a display window.

**Sign Area:** The entire face of a sign within a continuous perimeter enclosing the extreme limits of the display surface including the advertising surface and any framing, trim or molding, but not including the supporting structure.

**Sign Face:** The area of display surface made available by the sign structure for the purpose of displaying a message.

**Sign With Backing:** Any sign that is displayed upon, against, or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

**Sign Without Backing:** Any word, letter, emblem, insignia, figure or similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any other display.

**Signable Area:** That area of a building facade up to the roofline or top of the wall that is free of windows and doors or major architectural detail, and may be enclosed by an imaginary rectangle. If, because of the design of the building, a signable area cannot be identified, the department and the applicant will determine a suitable area for signage.

**South Broadway Sign Area:** A specialized sign area whose boundaries are within the City of Englewood and have property fronting South Broadway.

**Street Frontage:** The linear distance along a property line adjacent to a public or private street.

**Transition Duration:** The time interval it takes a display to change from one static frame to another.

**Transition Method:** A visual effect used to transition from one frame to another. Transition methods include, but are not limited to dissolve, fade, scroll and travel.
Wall Mural: A picture painted on any exterior wall of a principal building other than the front wall of the building, which (1) does not directly or indirectly advertise or call attention to any product, contain the name or logo of any business, or (2) restores a previously existing wall painting at least forty (40) years old (regardless of whether such wall painting advertised or called attention to a product). A wall mural may include a sign of no more than two (2) square feet identifying the artist and/or the sponsor of the wall mural.

Work of Art: All forms of original creations of visual art, including but not limited to: (1) sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic; or (2) painting, whether portable or permanently fixed, as in the case of murals; or (3) mosaics; or (4) photographs; or (5) crafts made from clay, fiber and textiles, wood, glass, metal, plastics, or any other material, or any combination thereof; or (6) calligraphy; or (7) mixed media composed of any combination of forms or media; or (8) unique architectural stylings or embellishments, including architectural crafts; or (9) environmental landscaping; or (10) restoration or renovation of existing works of art of historical significance.

Section 14. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 15. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 16. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 17. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 18. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, on the 2nd day of July, 2012 and continued to August 6, 2012.

Introduced, read in full, amended and passed on first reading on the 6th day of August, 2012.

Published by Title as a Bill for an Ordinance as amended in the City's official newspaper on the 10th day of August, 2012.
Published as a Bill for an Ordinance as amended on the City’s official website beginning on the 8th day of August, 2012 for thirty (30) days.

A Public Hearing was held on August 21, 2012.

Read by title and passed on final reading on the 4th day of September, 2012.

Published by title in the City’s official newspaper as Ordinance No. __, Series of 2012, on the 7th day of September, 2012.

Published by title on the City’s official website beginning on the 5th day of September, 2012 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. __, Series of 2012.

Loucrishia A. Ellis
COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council previously discussed this issue at study sessions on February 21, July 2, and August 20, 2012.

RECOMMENDED ACTION

Staff recommends Council adopt the attached Resolution adopting a Park Dedication Fee in Lieu of Land Dedication policy.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The subdivision regulations of the Unified Development Code require the dedication of park land or payment of a fee in lieu of dedication for all residential developments. The code provides a method for determining the amount of land to be dedicated, but provides no guidance on converting that acreage to a fee in lieu.

The Planning and Zoning Commission reviewed the dedication requirement and recommended charging a fee of $0.25 per square foot of building area for each new residential and non-residential development. The Parks and Recreation Commission recommended using a value of $60,000 per acre to calculate the fee in lieu amount and to amend the UDC to reduce the dedication standard to 5.0 acres/1,000 population.

Both Commissions felt it was important for projects to address their impacts to parks. Some level of fee was determined to be appropriate because the impacts of new residents on parks and recreation facilities are real and can be substantial. Neither Commission considered deleting the requirement altogether nor a temporary suspension on the enforcement of the requirement as viable options.

Other options explored were:

1. Amend the UDC to reduce the acreage dedication requirement. This option would require an ordinance to amend the UDC.
2. Amend the Community Development fee schedule to establish a land value (per acre) to be used in the calculation of the fee in lieu.
3. Amend the UDC to create an Impact Fee to establish a per unit or per square foot park impact fee.
4. Allow applicants to request waivers to the dedication requirement on a case by case basis.
5. Require appraisals or use assessor data to establish the land value and subsequent fee in lieu.
FINANCIAL IMPACT

The regulations this policy addresses apply to residential developments. As residential projects are approved, park fees in lieu of dedication can be expected to be collected. It is difficult to predict how much revenue may be generated as each project will vary in the number of units, credits, and value of land used in calculating the fee.

LIST OF ATTACHMENTS

Resolution
RESOLUTION NO. _____
SERIES OF 2012

A RESOLUTION ADOPTING PARK TRAILS AND OPEN SPACE LAND DEDICATION FEE IN LIEU POLICY FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the subdivision regulations of the Unified Development Code require dedication of land or payment of the fair market value of such land as a fee in lieu of the dedication for all developments subject to the subdivision regulations; and

WHEREAS, some level of fee has been determined to be appropriate because the impacts of new residents on parks and recreation facilities are real and can be substantial; and

WHEREAS, the Englewood Municipal Code provides a method for determining the amount of land to be dedicated; and

WHEREAS, the fee in lieu must be based on the fair market value of the land otherwise required; and

WHEREAS, both the Planning and Zoning and Parks and Recreation Commissions reviewed the requirements and felt it was important for projects to address their impacts to parks trails and open space, but felt the current requirements were prohibitive to new developments and did not accurately reflect the actual cost of providing those services; and

WHEREAS, the Parks and Recreation Commission recommended using a value of $60,000 per acre to calculate the fee in lieu amount and to amend the Unified Development Code (UDC) to reduce the dedication standard to 5.0 acres/1,000 population; and

WHEREAS, the Planning and Zoning Commission recommended charging a fee of $0.25 per square foot of building area for each new residential and non-residential development subject to the subdivision regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood hereby authorizes adoption of a "Fee In Lieu of Parks, Trails and Open Space Land Dedication Policy" pursuant to 16-8-5 EMC, attached hereto as Exhibit A.

ADOPTED AND APPROVED this 4th day of September, 2012.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk
I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2012.

________________________
Loucrishia A. Ellis, City Clerk
Park and Open Space Land Dedication
Fee in Lieu of Dedication Policy

The subdivision regulations of the City of Englewood Unified Development Code require the dedication of park land or payment of a fee in lieu of dedication for all residential developments. The code provides a method for determining the amount of land to be dedicated and, pursuant to 16-8-5 EMC, provides guidance on converting that acreage to a fee in lieu.

In addressing the Park and Open Space fee in lieu of land dedication, Council’s policy is as follows:

1. The fee to be paid in lieu of dedication will be based on a fair market land value of $20,000 per acre using the current formula for determining the acreage required to be dedicated.

2. Credit toward meeting the park and open space dedication requirement will be considered for recreational amenities, both active and passive, or open space provided on-site by the development. The amount of credit shall be determined by negotiations between City staff and the applicant, subject to the following guidelines:
   
a. On-site recreational amenities may include indoor and outdoor facilities that are designed for active or passive recreational pursuits, such as swimming pools, tennis or volleyball courts, exercise rooms, picnic areas and similar facilities.
   
b. On-site recreational amenities may include areas and facilities such as trails and shelters that are used to meet landscape requirements that also provide opportunities for passive or active recreation.
   
c. In order to be considered for credit, the applicant must demonstrate that the on-site facilities will remain in place for a period of time equal to the payback period. For the purposes of this policy only, the payback period is the period of time it takes for the City’s annual property tax revenue generated by the project to equal the amount of fee credited.

3. Any developer or applicant may request a waiver of all or part of the remaining fee-in-lieu after a credit is agreed upon. Waiver requests shall be considered on a case-by-case basis and shall be approved at the discretion of City Council with consideration given to the following criteria:
   
a. The project implements the housing goals and objectives of the Comprehensive Plan.
   
b. The applicant demonstrates to the satisfaction of City Council that payment of the fee makes the project economically infeasible.
   
c. The development is located within the prescribed service area for an existing
pocket, neighborhood, or community park as indicated in the Parks and Recreation Master Plan.

d. Existing City or School District recreational facilities in the vicinity of the project that are likely to be used by the residents of the project will not be overburdened.

e. The project provides public spaces, landscaped areas, or streetscape elements beyond that required by ordinances of the City.
COUNCIL COMMUNICATION

DATE: September 4, 2012
AGENDA ITEM: 11 c ii
SUBJECT: Economic Development Incentive Policy

INITIATED BY: City Manager’s Office
STAFF SOURCE: Darren Hollingsworth, Economic Development Manager

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council discussed the Economic Development Incentive Policy at the July 2, August 6, and August 20 study sessions.

RECOMMENDED ACTION

Council’s approval of the attached Resolution adopting the Economic Development Incentive Policy establishes goals and objectives or parameters for application related to financial assistance. Instituting the Policy provides the parameters for staff to employ when responding to current and future private requests related to development projects that might go forward only with some form of City assistance.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City of Englewood is supportive of business attraction and development-related projects and is committed to supporting new opportunities to diversify the local economy.

The Policy provides a broad Goal Statement that states in part, “...to assist targeted businesses, priority development sites, and projects that enhance the quality of life and fiscal condition of the community.”

The Government Finance Officers Association (GFOA) recommends that jurisdictions using or considering the use of economic development incentives create a policy that at minimum defines goals and objectives, the types of incentives and extent of their use, an evaluation process, i.e., cost/benefit analysis, and performance standards. The Policy is consistent with the recommendations in the GFOA document.

FINANCIAL IMPACT

The Policy states that incentives may be considered on a case-by-case basis. There is no direct financial impact without the consent of Council. All incentive requests will be presented with a cost-benefit analysis so that Council can consider the financial impact of any proposed incentive.

LIST OF ATTACHMENTS

Resolution Adopting Economic Development Incentive Policy
RESOLUTION NO. SERIES OF 2012

A RESOLUTION ADOPTING “CITY OF ENGLEWOOD ECONOMIC DEVELOPMENT INCENTIVE POLICY” FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, THE City of Englewood is supportive of business attraction and development-related projects and is committed to supporting new opportunities to diversify the local economy; and

WHEREAS, the Englewood Economic Development Incentive Policy provides a broad Goal Statement that states in part, “... to assist targeted businesses, priority development sites, and projects that enhance the quality of life and fiscal condition of the community”; and

WHEREAS, the Government Finance Officers Association (GFOA) recommends that jurisdictions using or considering the use of economic development incentives create a policy that, at a minimum, defines goals and objectives; the types of incentives and extent of their use; an evaluation process, i.e., cost/benefit analysis, and performance standards; and

WHEREAS, this Policy is consistent with the recommendation in the GFOA document; and

WHEREAS, adopting the City of Englewood Economic Development Incentive Policy establishes goals and objectives or parameters which may be applied to applications for financial assistance; and

WHEREAS, instituting the Policy also provides the parameters for staff to employ when responding to current and future private requests related to development projects that might go forward only with some form of City assistance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood hereby authorizes adoption of “City of Englewood Economic Development Incentive Policy,” attached hereto as Exhibit A.

ADOPTED AND APPROVED this 4th day of September, 2012.

ATTEST: 

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk
I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. ___, Series of 2012.

Loucrishia A. Ellis, City Clerk
City of Englewood

Economic Development Incentive Policy

Goal Statement

The City of Englewood is supportive of business attraction and development-related projects and is committed to supporting new opportunities to diversify the local economy. Englewood strives to provide for the fiscal health of the community by creating mechanisms to assist targeted businesses, priority development sites, and projects that enhance the quality of life and fiscal condition of the community.

Intent/Purpose

- Create a tool to assist economic development efforts
- Foster diversification of economic base, including expansion of retail sales tax base
- Assist in attracting desired businesses and development to City
- Assist in redevelopment or reuse of priority redevelopment sites

Eligible Uses of Incentive Funding

- Improvements to public infrastructure that benefit a larger area or the public at large, including but not limited to: street improvements, traffic signalization, sidewalks or trails, water and sanitary sewer lines, storm sewer lines, drainage improvements, water quality improvements, or electrical or natural gas lines.
- Costs incurred in eliminating features that detract from the surrounding neighborhood or render a site difficult to redevelop, such as undergrounding electrical lines, removal of environmental contamination, removal or relocation of utility substations or other facilities, or demolition or renovation of structures that are obsolete or in poor condition.
- Costs incurred in providing public spaces, landscaping, or elements of streetscape beyond that required by ordinances of the City.

Economic Development Criteria - Eligible Projects

- Retail developments or expansion of existing retail uses that will generate additional sales tax shall be a priority of the City.
- Office or manufacturing uses creating or adding jobs.
- Underrepresented or desirable retail establishments. (e.g. table-service restaurants, electronics and clothing stores)
- Residential projects that demonstrate benefit to the community, development on underutilized sites, or within proximity of light rail station or other transit amenity.
- Any project deemed by City Council to be unique, advantageous, or desirable additions to the community
- A determination of whether the project would proceed if the incentive is not provided.
Incentives are not intended to unduly enrich an individual developer or business or to create an unfair advantage.

A statement from the business or developer to verify the need for the incentive in terms of 'why this investment is necessary to foster the development or business activity.'

Cost Benefit Analysis

Staff will provide a cost benefit analysis for any incentive agreement. The three components of a cost benefit analysis are:

- Identify direct benefits: The true measure of project value includes all property taxes, sales and use taxes, impact fees, licenses and permit fees.
- Calculate impact of the project. Direct costs are matched against direct revenues. If costs exceed revenues, the desirability of the project needs further analysis. If the direct revenue exceeds costs the analysis can help identify the break-even point by determining the number of years it will take for the project to payback the incentives and other public costs.
- Identify direct public costs: In addition to the costs of incentives, all other direct costs associated with the project are totaled to include infrastructure costs, utility, increased fire, police and any other public expenses associated with the project.

The break-even point or payback period of the proposed incentive will be estimated.

Impact of the project on existing Englewood businesses will be analyzed.

INCENTIVE TYPES

Coordinated Development Approach
The City of Englewood is committed to providing exceptional customer service and ensuring that its applicants experience a quality development process. All projects are eligible for a formal in-person Development Review Team (DRT) meeting, in which the responsible City departments provide comments, suggestions, and recommendations prior to formal permit submittal to ensure an efficient and effective process.

Sales Tax Reimbursements
The City may consider a share-back or partial reimbursement of the incremental City collected portion of retail sales tax generated from the project. All proceeds of a sales tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Sales tax rebates shall not exceed 50% over the term of the agreement (with a maximum rebate to be determined by cost/benefit analysis) of the actual incremental increase in sales tax revenue generated by the use or site.
Building Use Tax Reimbursements
The City may consider a reimbursement of construction and equipment use tax generated by the development of a project. All proceeds of the use tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Building use tax rebates shall not exceed 50% (with a maximum rebate to be determined by cost/benefit analysis) of the actual use tax collected.

Furniture, Fixtures, and Equipment Use Tax Reimbursements
The City may consider partial or full reimbursement of the use taxes paid for furniture fixtures and equipment generated by a project. All proceeds of the use tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Rebates of up to 100% (with a maximum rebate to be determined by cost/benefit analysis) may be given for furniture, fixtures and equipment use tax.

Tax Increment Financing
The City may consider utilizing Tax Increment Financing (TIF) through the Englewood Urban Renewal Authority (EURA) only after an urban renewal area has been established. The City will only consider utilizing TIF for projects that are unique, significant in magnitude, and have considerable regional benefit.

Reduction in Fees
The City may consider offsetting all or a portion of the development fees for commercial or residential projects that meet the goals and objectives of the Comprehensive Plan and Sub-Area Plans (if applicable), and provide a unique and quality project in terms of product type, tenant mix, and overall physical environment.

Rebates of up to 100% (with a maximum rebate to be determined by cost/benefit analysis) may be given for building permit fees and development application fees, not to include plan review fees or other contractual fees.

The City of Englewood is supportive of economic development and redevelopment related projects. City Council will consider financial incentives to support economic development and redevelopment activities on a case-by-case basis. The incentives outlined in this policy are provided at the sole discretion of City Council and are not to be considered an entitlement for any eligible or otherwise qualified project.