

ORDINANCE NO. 2013-23

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 19.04.053 OF THE CASTLE ROCK MUNICIPAL CODE TO ADOPT SIGN REGULATIONS FOR THE DOWNTOWN OVERLAY DISTRICT

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community,

WHEREAS, the Castle Rock Municipal Code imposes a comprehensive regulatory framework that governs the submission, processing, review and consideration of land use applications and prescribes criteria and standards for land use approvals,

WHEREAS, Chapter 19.04 of the Castle Rock Municipal Code contains comprehensive sign regulations applicable throughout the Town,

WHEREAS, by Ordinance No. 2010-20, the Town Council amended Section 17.12.010 of the Castle Rock Municipal Code and the Town of Castle Rock Zoning District Map to create a new Downtown Overlay District (the "DOD") classification, designated the boundaries of the same, and adopted a new Chapter 17.42 to govern the DOD,

WHEREAS, the Town Council finds that establishing specific sign regulations for the DOD as set forth herein will promote the intent and purpose of such District as set forth in Ordinance No. 2010-20,

WHEREAS, certain of the sign regulations for the DOD set forth herein, such as those permitting roof signs and murals subject to review by the Design Review Board, are intended to further the Town's vision for Downtown Castle Rock, as set forth in the Downtown Master Plan area, by connecting to the Town's Western past by facilitating return of these historic signage types within the framework set forth herein,

WHEREAS, the Town Council recognizes the importance of a vibrant and thriving commercial and business sector that provides employment, revenue, goods and services, and which is an integral and essential component of the Castle Rock community,

WHEREAS, public hearings have been held on this Ordinance before the Planning Commission and Town Council as required by Town regulations.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Amendment. Section 17.42.030 of the Castle Rock Municipal Code is hereby amended to read as follows:

17.42.030 Relationship to underlying zoning district/sign code/planned development.

A. In the event of a conflict between the entitlements, regulations or standards established in this Chapter 17.42 and the equivalent provisions in the underlying zoning districts, the provisions of this Chapter 17.42 shall govern. Except in the event such preemption by this Chapter 17.42, the underlying zoning district provisions and all other provisions of the Castle Rock Municipal Code shall be applicable and enforced within the DOD.

B. For the purpose of applying the Sign Code regulations under Title 19 of the code in the DOD, Section 19.04.053, Signs in Downtown Overlay District, shall govern.

C. The DOD shall have no application to those properties zoned PD until and unless such properties are rezoned.

Section 2. Amendment. Section 19.04.022 of the Castle Rock Municipal Code is hereby amended to delete the definition “*Downtown business area*” and add the definition “*Downtown Overlay District*” read as follows:

19.04.022 Words and terms defined.

For the purpose of this Chapter, the following terms, phrases and words shall have the meaning indicated:

Downtown Overlay District means the business area shown on the Town’s official zoning map as “Downtown Overlay,” and which encompasses generally the area from the Wolfensberger Interchange to the north, the Union Pacific Railroad to the east, I-25 to the west, and south of the Plum Creek Interchange.

Section 3. Amendment. Section 19.04.042.P of the Castle Rock Municipal Code is hereby amended to read as follows:

19.04.042 Prohibited signs.

No person shall install, contract for installation, cause to install or maintain the following signs in the Town:

P. Roof signs, except as may be permitted by Section 19.04.053 of this Code.

Section 4. Amendment. Section 19.04.044 of the Castle Rock Municipal Code is hereby repealed and re-enacted to read as follows:

19.04.044 Signs at street and driveway intersections.

Except for official traffic control signs and sandwich board signs, no signs will be permitted within the Intersection Sight Distance Triangles, Intersection Safety Triangles or Stopping Distance Lines per the criteria stated in the Town’s Transportation Design Criteria Manual.

Section 5. Amendment. Section 19.04.053 of the Castle Rock Municipal Code is hereby repealed and re-enacted to read as follows:

19.04.053 Signs in Downtown Overlay District. The following regulations shall apply to all signs located within the Downtown Overlay District. The regulations, standards and provisions in this Chapter support the overall objectives of the Downtown Master Plan, acknowledge the historic sign character of Castle Rock, encourage enhancement of the economic vitality of the downtown business community, and encourage a distinctive pedestrian friendly and walkable community. In the event of a conflict between the entitlements, regulations or standards established in this Chapter and the equivalent provisions in the Town of Castle Rock Municipal Sign Code, the provisions in this Chapter, 19.04.053, shall govern. Except in the event of such preemption by this Chapter, the Town of Castle Rock Municipal Sign Code provisions and all other provisions of this Code shall be applicable and enforced within the Downtown Overlay District.

A. Subject to review and approval that may be required pursuant to subsection I, the following permanent sign classes are permitted:

1. Awning signs. One awning sign per awning.
2. Canopy signs.
3. Flags and flagpoles. One flagpole per building frontage.
4. Freestanding signs. One freestanding sign or one joint identification sign per building frontage.
5. Identification signs. One building identification wall sign per building frontage.
6. Joint Identification sign. One joint identification sign or one freestanding sign per building frontage.
7. Marquee signs. One marquee sign for theater-type uses per frontage.
8. Murals. One mural per wall façade.
9. Parapet and roof signs. One parapet sign or one roof sign per building frontage.
10. Projecting/suspended signs. One projecting/suspended sign per building frontage.
11. Sandwich Board signs. One sandwich board sign per building frontage.
12. Time-temperature-date signs. One time-temperature-date sign per building frontage.

13. Wall signs. One wall sign per building frontage.

14. Window signs. One window sign per window.

15. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, or signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective giving the illusion of motion or changing of copy.

16. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations.

17. Strings of light bulbs.

18. Signs that incorporate projected images.

19. Any electric sign cabinet that does not have affixed to it the label of Underwriters Laboratories.

B. The following Temporary sign classes are permitted:

1. Banner signs. One temporary banner sign per building frontage.

2. Construction/Development signs. One temporary construction/development sign per building frontage.

3. Political signs. One temporary political sign per building frontage.

4. Real estate signs. One temporary real estate sign per building frontage.

C. No person shall erect, install, contract for installation, cause to install or maintain the following signs and the following sign classes are prohibited in the Downtown Overlay District:

1. Inflatable signs.

2. Roof signs that are portable, flash, blink, fluctuate or are animated.

3. Signs that are created with aerosol spray paint (except for murals).

4. Signs that emit sound.

5. Signs not permanently affixed or attached to the ground or to any structure except real estate signs and construction signs meeting the requirements of 19.04.053 B., window signs, temporary barriers, signs carried by persons and sandwich board signs.

6. Any sign that is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, is not kept in good repair or is capable of cause electrical shock to persons likely to come into contact with it.

7. Any sign in a public right-of-way, except for signs exempted pursuant to Subsection 19.04.012 and 19.04.044.

8. Any sign that obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign.

9. Any sign that uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, where the danger or need to stop does not exist.

10. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

11. Any sign on a vehicle, provided that such vehicle is not parked in a location normally associated with the location of that type of vehicle, such as near a loading dock or employee entrance and is not being used as a freestanding sign.

12. Illegal nonconforming signs.

13. Off premise advertising signs or any other sign not appurtenant and clearly incidental to the permitted use on the property where located, except for signs located in a sign plaza or neighborhood/village directional signs; for which a special permit is granted in accordance with the provisions of Section 19.04.032 and Subsection 19.04.055 I.

14. Any sign deemed obscene by the Manager.

15. Wind signs (except for banner signs).

16. Any sign that no longer advertises a bona fide business conducted or a product sold on the premises shall be considered unused and shall be removed by the owner, agent or person having the beneficial use of the building, lot or structure upon which the sign may be found within one hundred eighty (180) days.

C. The following sign classes do not require a sign permit:

1. Sandwich board signs.

D. Subject to the limitation on total sign area set forth in Section 19.04.052 of this Code, the maximum area per sign face for signs shall be:

1. Awning signs. Fifty percent maximum of the total square footage of an individual awning.

2. Banner signs. Thirty two square feet per face.
3. Construction/development signs. Thirty two square feet per face for freestanding, wall or window temporary construction/development signs.
4. Flags. Sixty square feet. Government flags shall not be counted in total site signage.
5. Freestanding signs. Fifty square feet per sign face for freestanding signs, except joint identification signs.
6. Identification signs. One square feet of signage for each linear foot of building frontage for building identification wall signs, not to exceed 50 square feet.
7. Joint identification signs. One and one half square feet of signage for each linear foot of building frontage for joint identification freestanding signs, not to exceed 100 square feet per face.
8. Marquee signs. One and one half square feet of marquee signage for each linear foot of building frontage, not to exceed 100 square feet.
9. Mural signs shall not extend beyond the building façade.
10. Parapet or roof signs. One and one half square feet of parapet or roof signage for each linear foot of building frontage, not to exceed 100 square feet.
11. Projecting/suspended signs. Eight square feet.
12. Real estate signs. Thirty two square feet per face for freestanding, wall or window temporary real Estate signs.
13. Sandwich Board signs. Eight square feet per sandwich board sign face.
14. Wall signs. One and one half square feet for each linear foot of building frontage, not to exceed twenty five percent of the wall to which the sign is attached.
15. Window signs. Twenty five percent of the window area.

E. The following maximum sign heights are permitted:

1. Banner signs. Banners signs may be mounted no taller than the height of the wall to which the banner is attached.
2. Construction/development signs. Temporary construction/development signs may be mounted no taller than the height of the wall to which the temporary sign is

attached. Temporary freestanding construction/development signs may be no taller than eight feet.

3. Flagpoles. Twenty feet.

4. Freestanding signs. Twenty feet for freestanding signs that are not temporary signs.

5. Identification signs. Identification signs may be mounted no taller than the height of the wall to which the identification sign is attached.

6. Joint identification signs. Twenty feet for freestanding joint identification signs.

7. Parapet signs. Parapet signs may mounted be no taller than the height of the parapet wall to which the parapet sign is attached.

8. Projecting/suspended sign. The bottom of the projecting/suspended sign may be no lower than eight feet from the adjacent grade or sidewalk below, and may be mounted no taller than the height of the wall to which it is attached.

9. Roof signs shall not exceed the height of the roofline by more than 25% of the overall height of the sign.

F. The following minimum setbacks are required:

1. All sign classes may be located zero feet from all property lines.

G. Sign regulations.

1. Murals. Murals shall require design review and approval by the Design Review Board pursuant to subsection I. of this section.

2. Roof signs. Roof signs shall require design review and approval by the Design Review Board pursuant to subsection I. of this section.

3. Temporary Banner signs. Temporary banner sign must be mounted to the wall of a building to which the sign is appurtenant and may not be mounted on freestanding poles.

H. Public Hearing Required; Procedure.

Murals, roof signs and canopy signs shall require review and approval by the Design Review Board. Such applications shall be forwarded to the Design Review Board for a public hearing.

1. Town staff shall develop the appropriate forms, submittal and review fees

and other administrative protocols for Board review and action in accordance with Section 17.42.110.

2. The Design Review Board shall hold all public hearings required under this Chapter. The public notice for such hearing shall be provided as set forth in Chapter 17.04 of this Code.

3. At the conclusion of the public hearing, the Board shall approve, approve with conditions or deny the application applying the criteria of 19.04.053.

4. An aggrieved applicant may appeal the decision of the Board to the Town Council. Requests to appeal the decision of the Board must be filed with the Department of Development Services within thirty (30) days of the date that the Board adopts written findings, or, if none, the date of final Board action. The Town Council shall hear the appeal request at a public hearing noticed in accordance with the requirements of Chapter 17.04, and shall uphold, reverse or modify the decision of the Board, after a review of evidence presented by the applicant and any other interested party at the public hearing before Town Council and application of the criteria set forth in subsection J.

I. Design Review Board

The intent of the criteria set forth in this subsection I. is to encourage creative and artistic design for signs of distinctive character, and to facilitate the return of historic sign types, within the Downtown Overlay District (“DOD”). This intent shall guide application of the following criteria by the Design Review Board for signage applications within the DOD:

1. Signs shall be compatible with the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels and adjoining uses;

2. Signs shall be expressive of the business or activity for which they are displayed;

3. Signs shall be oriented or illuminated so as not to adversely affect the surrounding area, or existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate an area.

4. Signs may be creative in the use of two and three dimensional forms, iconographic representations, lighting and graphic design, including the use of color, pattern, typography and materials;

5. Signs shall be constructed utilizing high quality, durable materials that meet the physical demands of an urban setting; and

6. Roof signs shall be designed to be architecturally compatible with the structure and are prohibited on flat roofs. Roof signs must be located parallel to and facing the right of way.

J. Variances.

Applications for variances from the strict application of the requirements of this Section 19.04.053 shall be made pursuant to Chapter 17.06 of this Code.

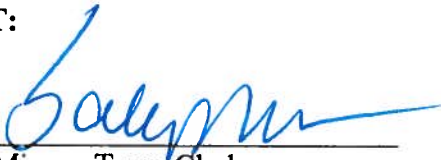
Section 6. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 7. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 6th day of August, 2013 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

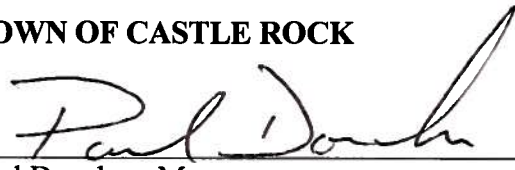
PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 20th day of August, 2013, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:



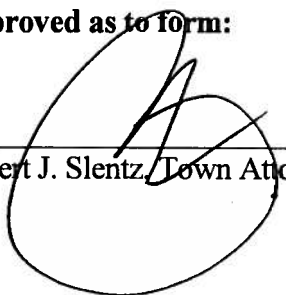
Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK



Paul Donahue, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney

Approved as to content:



Bill Detweiler, Director of Development Services