

ORDINANCE NO. 2007-24

AN ORDINANCE AMENDING CHAPTER 19.04 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING FREEWAY ORIENTED BUSINESS SIGNS

WHEREAS, the purpose of the Town of Castle Rock sign code regulations is to protect the health, safety and welfare of the residents of the Town by regulating the design, construction, size, location and installation of signs in the Town; and

WHEREAS, the Town of Castle Rock sign code regulations create different rules for different interstate exits within the Town boundary; and

WHEREAS, the sign code regulations treat the Wolfensberger Road exit differently; and

WHEREAS, the Town desires to treat business at all interstate exits equally and fairly; and

WHEREAS, the Town is no longer a purely interstate oriented, service commercial focused community; and

WHEREAS, the Town desires to limit the aesthetic impact of large signs directed at interstate travelers by prohibiting future freeway-oriented signs.

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

Section 1. **Amendment.** Chapter 19.04.011.B is amended in its entirety to read as follows:

B. In adopting this Chapter, the Town Council recognizes that the size of signs that provide adequate identification in pedestrian-oriented areas differs from that necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater and required setbacks are greater.

Section 2. **Repeal.** Chapter 19.04.011.C is repealed in its entirety.:

C. (Repealed).

Section 3. **Amendment.** Chapter 19.04.022 of the Castle Rock Municipal Code is amended in its entirety to 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:

Abandonment means whenever a property's use is discontinued for more than one hundred eighty (180) days.

Accessory means subordinate or incidental to and on the same lot or on a contiguous lot in the same ownership as the building or use being identified or advertised.

Awning means a shelter supported entirely from the exterior wall of a building with no posts or poles for support.

Awning sign means a sign mounted on an awning.

Business area means every zoning district in the Town not included in the residential area.

Canopy means a roof-like projection supported by posts or poles.

Canopy sign means a sign mounted on any part of the canopy's structure.

Chapter means Chapter 19.04 of this Code of the Town.

Common sign plan means a plan approved within a commercial planned development that allocates the available maximum allowable sign square footage for a commercial development among multiple lots, locations and/or tenants.

Construction sign means a temporary sign announcing subdivision, development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a *real estate sign*.

Corporate flag means any flag, pennant or banner which includes the name, logo, insignia or any other identification of any type other than nation, state or town and is displayed along with governmental flags, provided that the corporate flag meets the siting requirements for a governmental flag, and provided that the corporate flag is no larger or taller than the governmental flag.

Current value of a sign means the commercial value of a sign based on the costs of purchasing or manufacturing a sign of similar design and construction plus the cost of installation at the time of the effective date of this Chapter or at the time of annexation to the Town.

Downtown business area means the business area inside the following described boundaries: south of the east-west centerline of 6th Street; west of the Denver, Rio Grande and Western Railroad right-of-way; north of Sellers Gulch; and east of the Interstate 25 right-of-way.

Effective date means the date that this Chapter becomes lawful following adoption by the Town Council and proper publication.

Electric sign means any sign containing an electrical energy source, but not including signs illuminated by an exterior light source, which is not an integral part of the sign.

Erected means attached, altered, built, constructed, reconstructed, enlarged or moved and shall include the painting of wall signs.

Freestanding sign means a sign that is supported by one (1) or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign. This term includes a *pole sign*, *pedestal sign*, *ground sign* and *monument sign*.

Frontage, building. *Building frontage* means the horizontal, linear dimension of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either a main window display of the enterprise or a public entrance to the building; in industrial buildings, a building side with an entrance open to employees is a building frontage; where more than one (1) use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use. When calculating total sign area, noncontiguous street frontages may be utilized.

Frontage, street. *Street frontage* means the linear frontage of a lot or parcel abutting a private or public street (other than an alley) that provides principal access to or visibility of the premises. When calculating total sign area, noncontiguous street frontages may be utilized.

Governmental flag means a flag, pennant of any educational institution, except such flags used in connection with a commercial promotion or as an advertising device and, except for governmental flags projecting from buildings, no portion of the flag or support structure shall extend beyond the property line.

Height, sign. *Sign height* means the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five (25) feet, from the highest point of the pre-existing grade at the location of the sign structure to the uppermost point on the sign or the sign structure.

Identification sign means any of the following: a name plate that establishes the identity of an occupant by listing name and business and/or professional title; a sign that establishes the identity of a building or a building complex by name or symbol only; a sign that combines name plate and street address; a sign that identifies an area in the Town that, by reason of development, natural features, historical occurrences or common reference, has or will become a landmark in the Town; and a commemorative sign, such as a cornerstone, memorial or plaque cut into a masonry surface or constructed of bronze or other incombustible material and made an integral part of the structure.

Illuminated sign means any sign which is directly lighted by an electrical light source, internal or external, not including signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Joint identification sign means a sign that serves as a common or collective identification for two (2) or more businesses or industrial uses on the same lot and that may contain a directory to the uses as an integral part thereof or may serve as a general identification only for such developments as shopping centers, industrial parks and similar uses, provided that no more than one (1) joint identification sign is allowed per lot frontage.

Light source means neon, fluorescent or similar tube lighting, an incandescent bulb, including the light-producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes the light source.

Lot means a portion or parcel of land, including a portion of a platted subdivision, which is an integral unit of land held under unified ownership in fee or cotenancy, or under legal control tantamount to such ownership.

Maintenance means the replacement, repair or repainting of any portion of a sign structure, periodic changing of bulletin board panels or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident, but not including changes in copy due to change of business name or change in the nature of the business.

Mobile sign means any sign structure used, designed and/or constructed to be moved by means of wheels, skids or lifting.

Neighborhood/village directional sign means a sign displaying only the name of a neighborhood/village and the direction and distance to the closest entrance to the neighborhood or village.

Neighborhood/village identification sign means a sign used to identify a specific neighborhood or village within the Town. A neighborhood is the smallest community development increment which includes an elementary school, a neighborhood center and/or other public facilities. A village is an area planned and developed within natural or developed boundaries so as to be large enough to support a residential or commercial community, a village shopping center and other village needs but still remaining small enough to maintain a small community scale and identity. Within the Town, "Castle North" and "Plum Creek" are present examples of neighborhoods; "Founders Village" is a presently planned village.

Neighborhood/village marketing sign means a sign used to identify the location and nature of properties offered for sale in a specific neighborhood and/or village during the time that properties within the neighborhood and/or village are being marketed to the general public by the developer(s).

Nonconforming sign, illegal. *Illegal nonconforming sign* means a sign that was in violation of any of the laws of the Town governing the erection or construction of such sign at the time of its erection and that has never been erected or displayed in conformity with all such laws (including those in this Chapter), including without limitation signs that are pasted, nailed or painted, or are otherwise unlawfully displayed upon structures, utility poles, trees and fences.

Nonconforming sign, legal. *Legal nonconforming sign* means any advertising structure or sign which fails to conform to all applicable regulations and restrictions of this Chapter because it was lawfully erected and maintained prior to such time it came within the purview of this Chapter and any amendments thereto, or it has been granted a variance.

Obscene sign means a sign which an average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex, as more specifically defined in Part 1, Article 7, Title 18, C.R.S.

Off-premises sign means any sign which serves to communicate information about a business, product, service or activity not conducted, sold or offered on the premises on which the sign is located. A sign located in public or private rights-of-way adjacent to the premises where the business, product, service or activity is located is an off-premises sign.

Owner means a person who, alone, jointly or severally with others, or in a representative capacity (including without limitation an authorized agent, executor or trustee) has legal or equitable title to any business, property or building in question.

Parapet/mansard sign means a sign displayed upon or against a parapet wall or mansard; provided that the sign does not extend beyond any edge of the wall or mansard or does not exceed a height of twenty (20) feet. Mansard signs shall be erected in the vertical plane.

Premises means a tract of land, consisting of one (1) or more platted lots or irregular tracts, provided that such lots or tracts are under common ownership and are contiguous. Under appropriate circumstances, contiguous lots not under common ownership, but being developed under a common theme or design and sharing appurtenant needs such as access, parking or pedestrian ways, may be considered a single premises.

Projecting sign means a sign, other than a wall sign, attached to a building or extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached, and projecting at a ninety-degree angle from the building to which the sign is attached. It is to be located no lower than eight (8) feet and no higher than thirteen (13) feet from the ground or adjacent sidewalk and shall not project above the roofline of the building.

Real estate sign means a sign indicating the availability for sale, rent or lease of a specific lot, building or portion of a building or a group of homes (as in models) upon which the sign is erected or displayed.

Residential area means the following residential zoning districts: MH, R1, R-1A, R2, R3 or like uses in PD or open space.

Revocable right-of-way encroachment permit means a permit to erect, install or maintain an awning, canopy, suspended sign or projecting sign over or across a public right-of-way. Signs encroaching a public right-of-way may not project more than four (4) feet from the face of the building and may be located no lower than eight (8) feet and no higher than thirteen (13) feet from the ground or adjacent sidewalk and shall not project above the roofline of the building. In no event may any awning, canopy, suspended or projecting sign encroach over any state highway right-of-way.

Right-of-way means any parcel of land that has been dedicated to the Town or the State, or any other political subdivision as right-of-way.

Roof means that portion of a structure covering internal areas of a building and not specifically including roof overhangs projecting less than ten (10) feet covering walkways or drive-throughs. A building may have several roofs, any number of which may be lower than other walls or roofs which are part of the same structure.

Roofline means the linear point of attachment between the roof and wall of a building adjacent to, closest to or upon which is located the sign under consideration.

Roof sign means a sign displayed upon or against the roof of a building.

Sign means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag or banner, or any other figure of similar character that:

1. Is a structure or any part thereof (including the roof or wall of a building);
2. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed in the building, board, plate, canopy, awning or vehicle or upon any material object or device whatsoever;
3. By reason of its form, color, wording, symbol, design, illumination or motion, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement. For the purpose of determining the number of signs that may be subject to the provisions of this Chapter, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign face means the surface of a sign upon, against or throughout which the message is displayed or illustrated.

Sign owner means the person who owns a business to which a sign relates, whether such sign is actually owned, rented, leased or otherwise placed on the business premises for his or her benefit or that of the business, including the owner of a franchise or other type of business with a similar type pyramid or exclusive structure.

Sign plaza means a sign, sign structure or area owned by the Town or the State of Colorado Highway Department, where off-premises signs are leased or space is made available to users. Use of the sign plaza requires a special permit from the Town Council.

Sign structure means any supports, uprights, braces or framework of a sign.

Special permit means a permit to erect and maintain either a temporary sign, an off-premises sign on the sign plaza, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/village identification sign in excess of sixty-four (64) square feet, subject to such conditions and regulations as imposed thereon by the Town Council.

Subdivision identification sign means a sign used to identify a specific subdivision within the Town. A subdivision is generally several acres and is zoned for similar uses throughout, developed by one (1) person or entity with a common theme or design, which by itself, is insufficient to require separate community facilities. Within the Town, "Citadel Station," "Mountain Shadows" and "Oak Ridge" are representative examples of subdivisions.

Suspended sign means a sign suspended from the ceiling of an arcade, marquee, canopy or awning or anything else other than a sign structure.

Temporary sign means a sign which is not permanently affixed and including all devices such as banners, pennants, flags (excluding governmental flags and corporate flags) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which are not permanently affixed to a building or the ground.

Time-temperature-date sign means a sign that displays the current time, outdoor temperature, date, month or any combination of that information.

Town means the Town of Castle Rock, Colorado, statutory town and municipal corporation.

Town Council means the Town Council of the Town.

Town identification sign means a sign that establishes the identity of the Town of Castle Rock.

Town Manager means the person appointed by the Town Council to hold the position of Town Manager or his or her designated representative.

Vehicle-mounted sign means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

Wall sign means a sign displayed upon or against the wall of an enclosed building; provided that no part of the face of the sign extends more than fifteen (15) inches (measured horizontally) from the face of the wall and the sign does not extend beyond any edge of the wall or the roofline.

Wall signs do not include canopy, awning or freestanding signs.

Wind sign means a sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move or be designed to move upon being subjected to pressure by wind or air movement. These signs are regulated as a banner.

Window sign means a sign that is painted on, applied or attached to, or located within three (3) feet of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise and/or mannequins included in a window display.

Work of art means any construction that has no relationship or identification to the use on the lot. Such relationship or identification shall include trademarks; representation of people or things utilized in advertisements or promotions; or any references to or representations of, by name or image, the name of the business, activity or use on the lot. (Ord. 2004-01 §1, 2004; Ord. 2000-09 §4, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 4. Repeal and Reenactment. Chapter 19.04.032 of the Castle Rock Municipal Code is repealed and reenacted to read as follows:

19.04.032 Special permit.

Persons desiring to construct, erect, display or maintain a sign plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet, or a neighborhood/village identification sign in excess of sixty-four (64) square feet, not meeting the criteria of Section 19.04.055, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056 with a proposed setback less than provided for in Section 19.04.056D or a proposed sign area in excess of fifty (50) square feet, must first apply for and receive from the Town Council a special permit in accordance with the following provisions:

A. The application for a special permit shall be in similar form and content as all other sign permit applications and shall provide the Town Council with all information necessary to render a decision. The applicant is encouraged to supplement his or her application with surveys, market data, renderings, photographs and such other information as may be deemed appropriate.

B. For an application for a special permit, the applicant shall submit with the application a sketch of the sign face, drawn to scale, indicating the exact lettering, colors and method and materials by which the sign will be constructed, and proposed landscaping plan.

C. Upon receipt of an application in proper form, the Town Manager shall cause the matter to be set for review by the Town Council at a regular or special meeting within forty-five (45) days, the applicant to be given timely notice thereof.

D. After receiving any testimony, evidence or other information presented by the applicant, together with any public input, the Town Council shall determine whether or not to issue a special permit to the applicant for a plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/village identification sign in excess of sixty-four (64) square feet per face, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056, a freestanding sign within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than ten (10) feet or a proposed sign area in excess of fifty (50) square feet. The Town Council may take into consideration any or all of the following factors, together with other pertinent facts:

1. Sign height;
2. Sign area;
3. Landscaping;
4. Sign location;
5. (Repealed);
6. Effect of sign upon neighboring businesses, other property owners or other signs; and
7. (Repealed)
8. Lighting.

E. In addition, for freestanding signs within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than provided for in Section 19.04.056D or a proposed sign area in excess of fifty (50) square feet, the Town Council may grant such a special permit upon a finding that the general public will benefit either directly or indirectly from the approval of the special permit. The grant of a special permit shall be wholly at the discretion of the Town Council. In the event the Town Council desires to grant such a special permit, it may do so only upon the following finding: that the applicant's landscape plan for the site where the sign will be located provides landscaping in excess of the requirements of the Town's landscape regulations, and that the landscape plan with additional landscaping mitigates the overall visual impact on the site of the signage proposed.

In addition, the Town Council may require the following as conditions of approval for any special permit under this subsection E:

1. That the applicant has reduced the sign height for the proposed sign at least twenty percent (20%) below that permitted in Section 19.04.056.C.

2. That the applicant has increased the sign setback for the proposed sign at least twenty percent (20%) beyond that permitted in Section 19.04.056D.

In no event shall any freestanding sign be granted a special permit for a sign area in excess of sixty-two and one-half (62½) square feet.

F. The Town Council may place such conditions as it may deem necessary upon the issuance of any special permit which reasonably relate to the sign, the business to which it applies or the premises upon which it is located.

G. All special permits are personal to the applicant and may not be transferred, assigned, modified or altered without review by the Town Council. Modification for change of script or logo shall not be unreasonably withheld, and where such modification is deemed minor, it may be administratively approved by the Town Manager. (Ord. 2004-01 §2, 2004; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 5. Repeal. Chapter 19.04.054 of the Castle Rock Municipal Code is repealed in its entirety.

19.04.054 (Repealed)

Section 6. Repeal. Chapter 19.04.074.C of the Castle Rock Municipal Code is repealed in its entirety. (Repealed).

C. (Repealed)

Section 7. Amendment. Chapter 19.04.076 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

19.04.076 Sign plaza.

To further the purposes of this Code, the Town intends upon owning and maintaining certain signs and sign locations upon which private advertisements may be maintained. These may be in the form of sign plazas whereon businesses may acquire regulated advertising, public gazebos upon which churches, clubs and other civic organizations as well as local businesses, can advertise or any such other type of sign plaza as may be deemed appropriate by the by the Town. Regulations for the use, rental, maintenance and other circumstances concerning each sign plaza shall be adopted by the Town Council and administered by the Town Manager when such sign plazas come into existence. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 8. Enactment. Chapter 19.04.077 of the Castle Rock Municipal Code is enacted to read as follows:

19.04.077 Legal nonconforming freeway-oriented business signs.

A freeway-oriented business sign may be continued and shall be maintained in good condition, provided that a freeway-oriented business sign meets the following criteria:

- A. The sign received a special permit from Town Council, and
- B. The sign exceeds permitted sign height and area requirements, and
- C. The sign is accessory only to the following businesses: lodging, including hotels, motels, and campgrounds; gas stations and convenience stores; and restaurants, and
- D. The sign meets one of the following two criteria:
 1. The sign is in existence on or before September 27, 2007 and the sign is not subject to removal for abandonment as defined in Section 19.04.022, or
 2. The sign received a special permit between June 1, 2006 and May 8, 2007, provided that:
 - a. such special permits shall lapse, and be of no further force and effect on September 27, 2009,
 - b. the sign is not subject to removal for abandonment as defined in Section 19.04.022

A freeway oriented business sign face may be changed, provided that the sign cabinet is not altered or enlarged. The sign may be restored to its original condition after its accidental destruction or damage, provided that it is not subject to removal for abandonment as defined in Section 19.04.022.

Section 9. Amendment. Chapter 19.04.080.H of the Castle Rock Municipal Code is amended in its entirety to read as follows:

H. A variance may be granted subject to such reasonable conditions applicable to the sign, landscaping, property use and development, or other appurtenant matters as may be deemed appropriate by the reviewing board, but in no event may a variance be granted which would increase the maximum height allowed for a freestanding sign which would allow an increase in the maximum permitted sign area without approval of the Town Council.

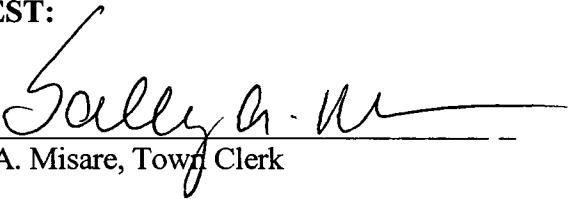
Section 10. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 11. 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.

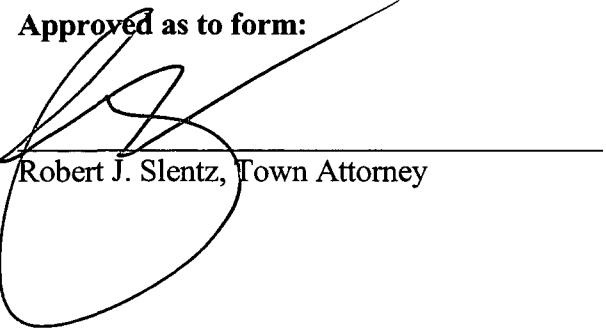
APPROVED ON FIRST READING this 10th day of July, 2007 by a vote of 5 for and 2 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this 28th day of August, 2007, by the Town Council of the Town of Castle Rock by a vote of 6 for and 1 against.

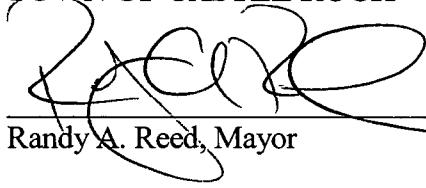
ATTEST:


Sally A. Misare, Town Clerk

Approved as to form:


Robert J. Slentz, Town Attorney

TOWN OF CASTLE ROCK


Randy A. Reed, Mayor

Approved as to content:


Bill Detweiler, Acting Director, Development Services



Meeting Date: August 28, 2007

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: Bill Detweiler, Acting Director, Development Services *BD*

From: Jason Reynolds, Zoning Manager, Development Services *JR*

Title: Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs (Second Reading)

Executive Summary

The purpose and intent of this staff report is to provide Town Council with background information for the second reading of the proposed change to the freeway-oriented business (FOB) sign regulations.

At the Town Council meeting on July 10th, the Council voted 5-2 to approve the proposed ordinance on first reading. Following public input and discussion the Town Council directed staff to revise the proposed amendment to allow the 13 existing FOB signs to remain. The second reading version of the ordinance allows businesses the flexibility to repair or reconstruct damaged signs, sell the sign with the property to another freeway-oriented business, and replace the face of the sign.

After first reading, we sent information about the revisions to the affected businesses and property owners, as well as everybody who spoke at the hearing. We also posted the revised ordinance on the Town website and presented the changes at the August 8 Bagels with Bill meeting, which several interested parties attended. The changes we made for second reading alleviated many of the concerns expressed at first reading, though the 180 day abandonment grace period was criticized. Staff explained that the grace period matches the Town zoning ordinance's grace period for nonconforming uses.

The revised ordinance (see Attachments A and E) does the following:

- Businesses who have FOB signs can keep them (see Attachment B for existing FOB signs).
- If a FOB sign is damaged or destroyed, it can be rebuilt exactly as it was.
- If a business name or logo changes, they can change the sign face, as long as they don't alter or enlarge the sign cabinet.

- If a FOB sells its property to another FOB, they can change the sign face, as long as they don't alter or enlarge the sign cabinet.
- If a business closes for 180 days or more, the FOB sign is considered to be abandoned and must be removed.
- Anybody in the FOB area will be able to put up freestanding signs that are 20 feet tall (or the height of the building to which they pertain, whichever is less). Under the current FOB area rules, most businesses can only build 8 foot signs. The proposed change puts the FOB area on an even footing with the rest of the Town's sign regulations, which already permit 20 foot signs (see Attachment D for a map of the affected area).
- The Starbucks FOB sign can be erected in the location approved by Town Council (west of the Shell station), provided that it is done no later than September 27, 2009 (two years after the effective date of the ordinance).
- The Town will not grant any more special permits to allow FOB signs. This affects the 9 existing FOBs that do not have FOB signs (see Attachment C).
- If approved on August 28, 2007, the ordinance takes effect in September - well before the Town's temporary suspension of special permit applications expires in November.

This proposed ordinance accomplishes Town Council's primary goal of preventing additional FOB signs within the Wolfensberger commercial area. It also responds to the first reading public input by allowing the 13 existing FOB signs to remain, unless they are abandoned. The ordinance preserves the interests of existing businesses. Staff recommends approval on second reading.

Discussion

Principles adopted in the 2020 Comprehensive Master Plan and the Wolfensberger Area Plan indicate that additional freeway-oriented business (FOB) signs in the Wolfensberger Area may not be desirable. The Town Council and Planning Commission discussed FOB signage at a joint study session in September 2006 and directed staff to prepare a code amendment to prevent new FOB signs.

The Freeway-Oriented Business Area includes the commercial area adjacent to Wolfensberger Road, east of the railroad and generally west of I-25 (see Attachment D). A portion of the FOB Area extends along Wilcox Street, north of Eighth Street.

Most of the FOB signs are located within 660 feet of the I-25 right of way, which places them inside a buffer created by the Federal Highway Beautification Act (HBA). The I-25 right of way varies in width, so the buffer can be closer or farther from the physical road depending on that variation. The HBA does allow Federal funding for the acquisition of signs within the 660 foot buffer, but allowing funding and providing funding are two separate matters. The proposed ordinance is not affected by the HBA buffer; it prohibits future signs while providing reasonable protections for existing businesses. Purchasing signs is not part of this ordinance. If Council directs us to do so, staff can pursue the sign acquisition option.

The proposed code change has been through extensive public outreach efforts. Input was sought from the Downtown Advisory Commission, Castle Rock Economic Development Council and Coffee with Corsie attendees. Following the July 10th Town Council public hearing, we sent letters to affected businesses and property owners, as well as to the people who came to the public hearing. The letters invited everybody to the August 9 Bagels with Bill meeting and explained the most recent revisions. The proposed ordinance was also posted on the Town website. Although we had some questions from Bagels with Bill attendees, the second reading changes appeared to alleviate many of the concerns we heard at first reading. The requirement that a sign be removed if the business vacates the site for 180 days or more was criticized. Staff explained that 180 days is the existing standard for nonconforming uses in the Town zoning code.

Currently, all freestanding signs in the FOB Area are limited to 8 feet in height; however, FOBs may apply for a special permit for a freestanding FOB sign, which can be much taller than 8 feet. The code defines FOBs as gas stations and accompanying convenience stores; lodging including hotels, motels and campgrounds; and restaurants.

It is important to note that the Town's sign code permits freestanding signs up to 20 feet high, or the height of the building, whichever is shorter, in all other areas of Town. If approved, this ordinance will allow all freestanding signs in the FOB Area to use the same height requirements as the rest of Town, putting Wolfensberger businesses on an equal footing.

The specific revisions in the proposed ordinance would affect the following code sections:

- 19.04.011 Legislative intent: Repeal freeway-oriented intent.
- 19.04.022 Words and terms defined: Repeal terms and reference to *freeway-oriented business*, *freeway-oriented business area* and *freeway-oriented freestanding sign*, and enact the definition of *abandonment*.
- 19.04.032 Special permit: Repeal reference to *freestanding freeway-oriented sign* and the visibility of such a sign from the freeway.
- 19.04.054 Signs in freeway-oriented business area: Repeal the entire section.
- 19.04.074 Amortization provisions: Repeal reference to freestanding freeway-oriented signs or businesses.
- 19.04.076 Sign plaza: Repeal reference to freeway-oriented businesses.
- 19.04.077 Continuation of freeway-oriented business signs. Enact a new section to allow existing FOB signs to remain unless they are abandoned for 180 days. The section also permits the reconstruction of existing signs if they are destroyed. Finally, it allows the construction of the Starbucks sign in the location approved by Town Council (west of the Shell station), as long as it is done within two years.
- 19.04.080 Appeals and variances: Repeal reference to freestanding freeway-oriented signs.

If this ordinance is adopted, no new special permits for freestanding freeway-oriented business signs will be issued. The 13 existing FOB signs will be allowed to continue unless they are abandoned, which happens when a property's use is discontinued for more than 180 days.

Practically applied, this means:

- If Village Inn, for example, wants to re-face their existing FOB sign, they may do so
- If the Village Inn FOB sign is accidentally destroyed, it can be rebuilt exactly as it was before
- If Village Inn sells to another FOB, then that FOB may re-face the sign and continue to use it, as long as the property's use has not been discontinued for more than 180 days
- If Village Inn goes out of business and the property's use is discontinued for more than 180 days, then the sign structure must be removed.

Financial Impact

This ordinance would not have a financial impact on the Town.

Staff Recommendation

The provisions of this revised code amendment prevent, with the exception of Starbucks, any future FOB signs. The amendment also preserves the interests of existing FOBs; the existing signs can stay. Finally, the amendment levels the playing field for signs by making the regulations in the Wolfensberger area the same as the rest of the Town. Staff recommends approval.

Proposed Motion

I move to approve Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs on Second Reading.

Attachments

- Attachment A: Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs – Redlined Version
- Attachment B: Existing Freeway-Oriented Signs
- Attachment C: Freeway-Oriented Businesses without Freeway-Oriented Business Signs
- Attachment D: Map of Freeway-Oriented Business Area
- Attachment E: Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs – Final Version

Attachment A

Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs – Redlined Version



ORDINANCE NO. 2007-24

AN ORDINANCE AMENDING CHAPTER 19.04 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING FREEWAY ORIENTED BUSINESS SIGNS

WHEREAS, the purpose of the Town of Castle Rock sign code regulations is to protect the health, safety and welfare of the residents of the Town by regulating the design, construction, size, location and installation of signs in the Town; and

WHEREAS, the Town of Castle Rock sign code regulations create different rules for different interstate exits within the Town boundary; and

WHEREAS, the sign code regulations treat the Wolfensberger Road exit differently; and

WHEREAS, the Town desires to treat business at all interstate exits equally and fairly; and

WHEREAS, the Town is no longer a purely interstate oriented, service commercial focused community; and

WHEREAS, the Town desires to limit the aesthetic impact of large signs directed at interstate travelers by prohibiting future freeway-oriented signs.

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

Section 1. Amendment. Chapter 19.04.011.B is amended in its entirety to read as follows:

B. In adopting this Chapter, the Town Council recognizes that the size of signs that provide adequate identification in pedestrian-oriented areas differs from that necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater and required setbacks are greater, and which further differ from that necessary in freeway-oriented areas where the travel speeds and distance require greater sign heights and sizes.

Section 2. Repeal. Chapter 19.04.011.C is repealed in its entirety, and reenacted to read as follows:

C. In adopting this Chapter, the Town Council recognizes that there is an existing business area that by its location and historic use is designed to derive the major portion of its revenue from travelers along Interstate 25 and that special recognition of this existing freeway-oriented business area is appropriate. (Repealed).

Section 3. Amendment. Chapter 19.04.022 of the Castle Rock Municipal Code is amended in its entirety to 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:

Abandonment means whenever a property's use is discontinued for more than one hundred eighty (180) days.

Accessory means subordinate or incidental to and on the same lot or on a contiguous lot in the same ownership as the building or use being identified or advertised.

Awning means a shelter supported entirely from the exterior wall of a building with no posts or poles for support.

Awning sign means a sign mounted on an awning.

Business area means every zoning district in the Town not included in the residential area.

Canopy means a roof-like projection supported by posts or poles.

Canopy sign means a sign mounted on any part of the canopy's structure.

Chapter means Chapter 19.04 of this Code of the Town.

Common sign plan means a plan approved within a commercial planned development that allocates the available maximum allowable sign square footage for a commercial development among multiple lots, locations and/or tenants.

Construction sign means a temporary sign announcing subdivision, development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a *real estate sign*.

Corporate flag means any flag, pennant or banner which includes the name, logo, insignia or any other identification of any type other than nation, state or town and is displayed along with governmental flags, provided that the corporate flag meets the siting requirements for a governmental flag, and provided that the corporate flag is no larger or taller than the governmental flag.

Current value of a sign means the commercial value of a sign based on the costs of purchasing or manufacturing a sign of similar design and construction plus the cost of installation at the time of the effective date of this Chapter or at the time of annexation to the Town.

Downtown business area means the business area inside the following described boundaries: south of the east-west centerline of 6th Street; west of the Denver, Rio Grande and Western Railroad right-of-way; north of Sellers Gulch; and east of the Interstate 25 right-of-way.

Effective date means the date that this Chapter becomes lawful following adoption by the Town Council and proper publication.

Electric sign means any sign containing an electrical energy source, but not including signs illuminated by an exterior light source, which is not an integral part of the sign.

Erected means attached, altered, built, constructed, reconstructed, enlarged or moved and shall include the painting of wall signs.

Freeway-oriented business means only the following types of businesses located in the freeway-oriented business area: automobile and truck refueling station, restaurant and lodging (including campgrounds). The following is a partial list of types of businesses that shall not be considered a freeway-oriented business: vehicle parts, sales or service; grocery store; tavern; and liquor store.

Freeway-oriented business area means the business areas inside the following described boundaries or linear extensions thereof: east of the Interstate 25 right-of-way, south of the north lot line of Lot 26, Block 4, Wilcox Addition, west of the Denver, Rio Grande and Western Railroad right-of-way, and north of the east-west centerline of Rock Street (8th Street), and also west of the Interstate 25 right-of-way, east of the Santa Fe Railroad right-of-way, north of the east-west centerline of 6th Street, and south of the east-west centerline of Sections 2 and 3, T8S, R67W of the 6th P.M.

Freestanding sign means a sign that is supported by one (1) or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign. This term includes a *pole sign*, *pedestal sign*, *ground sign* and *monument sign*.

Freeway-oriented freestanding sign means a freestanding sign located in the freeway-oriented business area which exceeds the sign height allowed in the area and is accessory only to a freeway-oriented business. A freeway-oriented freestanding sign requires a special permit from the Town Council.

Frontage, building. *Building frontage* means the horizontal, linear dimension of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either a main window display of the enterprise or a public entrance to the building; in industrial buildings, a building side with an entrance open to employees is a building frontage; where more than one (1) use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use. When calculating total sign area, noncontiguous street frontages may be utilized.

Frontage, street. *Street frontage* means the linear frontage of a lot or parcel abutting a private or public street (other than an alley) that provides principal access to or visibility of the premises. When calculating total sign area, noncontiguous street frontages may be utilized.

Governmental flag means a flag, pennant of any educational institution, except such flags used in connection with a commercial promotion or as an advertising device and, except for governmental flags projecting from buildings, no portion of the flag or support structure shall extend beyond the property line.

Height, sign. *Sign height* means the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five (25) feet, from the highest point of the pre-existing grade at the location of the sign structure to the uppermost point on the sign or the sign structure.

Identification sign means any of the following: a name plate that establishes the identity of an occupant by listing name and business and/or professional title; a sign that establishes the identity of a building or a building complex by name or symbol only; a sign that combines name plate and street address; a sign that identifies an area in the Town that, by reason of development, natural features, historical occurrences or common reference, has or will become a landmark in the Town; and a commemorative sign, such as a cornerstone, memorial or plaque cut into a masonry surface or constructed of bronze or other incombustible material and made an integral part of the structure.

Illuminated sign means any sign which is directly lighted by an electrical light source, internal or external, not including signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Joint identification sign means a sign that serves as a common or collective identification for two (2) or more businesses or industrial uses on the same lot and that may contain a directory to the uses as an integral part thereof or may serve as a general identification only for such developments as shopping centers, industrial parks and similar uses, provided that no more than one (1) joint identification sign is allowed per lot frontage.

Light source means neon, fluorescent or similar tube lighting, an incandescent bulb, including the light-producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes the light source.

Lot means a portion or parcel of land, including a portion of a platted subdivision, which is an integral unit of land held under unified ownership in fee or cotenancy, or under legal control tantamount to such ownership.

Maintenance means the replacement, repair or repainting of any portion of a sign structure, periodic changing of bulletin board panels or renewing of copy that has been made unusable by

ordinary wear and tear, weather or accident, but not including changes in copy due to change of business name or change in the nature of the business.

Mobile sign means any sign structure used, designed and/or constructed to be moved by means of wheels, skids or lifting.

Neighborhood/village directional sign means a sign displaying only the name of a neighborhood/village and the direction and distance to the closest entrance to the neighborhood or village.

Neighborhood/village identification sign means a sign used to identify a specific neighborhood or village within the Town. A neighborhood is the smallest community development increment which includes an elementary school, a neighborhood center and/or other public facilities. A village is an area planned and developed within natural or developed boundaries so as to be large enough to support a residential or commercial community, a village shopping center and other village needs but still remaining small enough to maintain a small community scale and identity. Within the Town, "Castle North" and "Plum Creek" are present examples of neighborhoods; "Founders Village" is a presently planned village.

Neighborhood/village marketing sign means a sign used to identify the location and nature of properties offered for sale in a specific neighborhood and/or village during the time that properties within the neighborhood and/or village are being marketed to the general public by the developer(s).

Nonconforming sign, illegal. *Illegal nonconforming sign* means a sign that was in violation of any of the laws of the Town governing the erection or construction of such sign at the time of its erection and that has never been erected or displayed in conformity with all such laws (including those in this Chapter), including without limitation signs that are pasted, nailed or painted, or are otherwise unlawfully displayed upon structures, utility poles, trees and fences.

Nonconforming sign, legal. *Legal nonconforming sign* means any advertising structure or sign which fails to conform to all applicable regulations and restrictions of this Chapter because it was lawfully erected and maintained prior to such time it came within the purview of this Chapter and any amendments thereto, or it has been granted a variance.

Obscene sign means a sign which an average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex, as more specifically defined in Part 1, Article 7, Title 18, C.R.S.

Off-premises sign means any sign which serves to communicate information about a business, product, service or activity not conducted, sold or offered on the premises on which the sign is located. A sign located in public or private rights-of-way adjacent to the premises where the business, product, service or activity is located is an off-premises sign.

Owner means a person who, alone, jointly or severally with others, or in a representative capacity (including without limitation an authorized agent, executor or trustee) has legal or equitable title to any business, property or building in question.

Parapet/mansard sign means a sign displayed upon or against a parapet wall or mansard; provided that the sign does not extend beyond any edge of the wall or mansard or does not exceed a height of twenty (20) feet. Mansard signs shall be erected in the vertical plane.

Premises means a tract of land, consisting of one (1) or more platted lots or irregular tracts, provided that such lots or tracts are under common ownership and are contiguous. Under appropriate circumstances, contiguous lots not under common ownership, but being developed under a common theme or design and sharing appurtenant needs such as access, parking or pedestrian ways, may be considered a single premises.

Projecting sign means a sign, other than a wall sign, attached to a building or extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached, and projecting at a ninety-degree angle from the building to which the sign is attached. It is to be located no lower than eight (8) feet and no higher than thirteen (13) feet from the ground or adjacent sidewalk and shall not project above the roofline of the building.

Real estate sign means a sign indicating the availability for sale, rent or lease of a specific lot, building or portion of a building or a group of homes (as in models) upon which the sign is erected or displayed.

Residential area means the following residential zoning districts: MH, R1, R-1A, R2, R3 or like uses in PD or open space.

Revocable right-of-way encroachment permit means a permit to erect, install or maintain an awning, canopy, suspended sign or projecting sign over or across a public right-of-way. Signs encroaching a public right-of-way may not project more than four (4) feet from the face of the building and may be located no lower than eight (8) feet and no higher than thirteen (13) feet from the ground or adjacent sidewalk and shall not project above the roofline of the building. In no event may any awning, canopy, suspended or projecting sign encroach over any state highway right-of-way.

Right-of-way means any parcel of land that has been dedicated to the Town or the State, or any other political subdivision as right-of-way.

Roof means that portion of a structure covering internal areas of a building and not specifically including roof overhangs projecting less than ten (10) feet covering walkways or drive-throughs. A building may have several roofs, any number of which may be lower than other walls or roofs which are part of the same structure.

Roofline means the linear point of attachment between the roof and wall of a building adjacent to, closest to or upon which is located the sign under consideration.

Roof sign means a sign displayed upon or against the roof of a building.

Sign means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag or banner, or any other figure of similar character that:

1. Is a structure or any part thereof (including the roof or wall of a building);
2. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed in the building, board, plate, canopy, awning or vehicle or upon any material object or device whatsoever;
3. By reason of its form, color, wording, symbol, design, illumination or motion, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement. For the purpose of determining the number of signs that may be subject to the provisions of this Chapter, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign face means the surface of a sign upon, against or throughout which the message is displayed or illustrated.

Sign owner means the person who owns a business to which a sign relates, whether such sign is actually owned, rented, leased or otherwise placed on the business premises for his or her benefit or that of the business, including the owner of a franchise or other type of business with a similar type pyramid or exclusive structure.

Sign plaza means a sign, sign structure or area owned by the Town or the State of Colorado Highway Department, where off-premises signs are leased or space is made available to users. Use of the sign plaza requires a special permit from the Town Council.

Sign structure means any supports, uprights, braces or framework of a sign.

Special permit means a permit to erect and maintain either a temporary sign, freestanding freeway-oriented sign, an off-premises sign on the sign plaza, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/village identification sign in excess of sixty-four (64) square feet, subject to such conditions and regulations as imposed thereon by the Town Council.

Subdivision identification sign means a sign used to identify a specific subdivision within the Town. A subdivision is generally several acres and is zoned for similar uses throughout, developed by one (1) person or entity with a common theme or design, which by itself, is insufficient to require separate community facilities. Within the Town, "Citadel Station," "Mountain Shadows" and "Oak Ridge" are representative examples of subdivisions.

Suspended sign means a sign suspended from the ceiling of an arcade, marquee, canopy or awning or anything else other than a sign structure.

Temporary sign means a sign which is not permanently affixed and including all devices such as banners, pennants, flags (excluding governmental flags and corporate flags) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which are not permanently affixed to a building or the ground.

Time-temperature-date sign means a sign that displays the current time, outdoor temperature, date, month or any combination of that information.

Town means the Town of Castle Rock, Colorado, statutory town and municipal corporation.

Town Council means the Town Council of the Town.

Town identification sign means a sign that establishes the identity of the Town of Castle Rock.

Town Manager means the person appointed by the Town Council to hold the position of Town Manager or his or her designated representative.

Vehicle-mounted sign means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

Wall sign means a sign displayed upon or against the wall of an enclosed building; provided that no part of the face of the sign extends more than fifteen (15) inches (measured horizontally) from the face of the wall and the sign does not extend beyond any edge of the wall or the roofline. *Wall signs* do not include canopy, awning or freestanding signs.

Wind sign means a sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move or be designed to move upon being subjected to pressure by wind or air movement. These signs are regulated as a banner.

Window sign means a sign that is painted on, applied or attached to, or located within three (3) feet of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise and/or mannequins included in a window display.

Work of art means any construction that has no relationship or identification to the use on the

lot. Such relationship or identification shall include trademarks; representation of people or things utilized in advertisements or promotions; or any references to or representations of, by name or image, the name of the business, activity or use on the lot. (Ord. 2004-01 §1, 2004; Ord. 2000-09 §4, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 4. Repeal and Reenactment. Chapter 19.04.032 of the Castle Rock Municipal Code is repealed and reenacted to read as follows:

19.04.032 Special permit.

Persons desiring to construct, erect, display or maintain a ~~freestanding freeway-oriented sign, a sign plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet, or a neighborhood/village identification sign in excess of sixty-four (64) square feet, not meeting the criteria of Section 19.04.055, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056 with a proposed setback less than provided for in Section 19.04.056D or a proposed sign area in excess of fifty (50) square feet, must first apply for and receive from the Town Council a special permit in accordance with the following provisions:~~

A. The application for a special permit shall be in similar form and content as all other sign permit applications and shall provide the Town Council with all information necessary to render a decision. The applicant is encouraged to supplement his or her application with surveys, market data, renderings, photographs and such other information as may be deemed appropriate.

B. For an application for a special permit, the applicant shall submit with the application a sketch of the sign face, drawn to scale, indicating the exact lettering, colors and method and materials by which the sign will be constructed, and proposed landscaping plan.

C. Upon receipt of an application in proper form, the Town Manager shall cause the matter to be set for review by the Town Council at a regular or special meeting within forty-five (45) days, the applicant to be given timely notice thereof.

D. After receiving any testimony, evidence or other information presented by the applicant, together with any public input, the Town Council shall determine whether or not to issue a special permit to the applicant for a ~~freestanding freeway-oriented sign, a sign plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/village identification sign in excess of sixty-four (64) square feet per face, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056, a freestanding sign within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than ten (10) feet or a proposed sign area in excess of fifty (50) square feet.~~ The Town Council may take into consideration any or all of the following factors, together with other pertinent facts:

1. Sign height;
2. Sign area;

3. Landscaping;
4. Sign location;
5. Visibility and legibility of sign from freeway(~~Repealed~~);
6. Effect of sign upon neighboring businesses, other property owners or other signs; and
7. Preservation of the mid-range view area at the site of the freeway-oriented business; and
~~(Repealed)~~
8. Lighting.

E. In addition, for freestanding signs within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than provided for in Section 19.04.056D or a proposed sign area in excess of fifty (50) square feet, the Town Council may grant such a special permit upon a finding that the general public will benefit either directly or indirectly from the approval of the special permit. The grant of a special permit shall be wholly at the discretion of the Town Council. In the event the Town Council desires to grant such a special permit, it may do so only upon the following finding: that the applicant's landscape plan for the site where the sign will be located provides landscaping in excess of the requirements of the Town's landscape regulations, and that the landscape plan with additional landscaping mitigates the overall visual impact on the site of the signage proposed.

In addition, the Town Council may require the following as conditions of approval for any special permit under this subsection E:

1. That the applicant has reduced the sign height for the proposed sign at least twenty percent (20%) below that permitted in Section 19.04.056.C.
2. That the applicant has increased the sign setback for the proposed sign at least twenty percent (20%) beyond that permitted in Section 19.04.056D.

In no event shall any freestanding sign be granted a special permit for a sign area in excess of sixty-two and one-half (62½) square feet.

F. The Town Council may place such conditions as it may deem necessary upon the issuance of any special permit which reasonably relate to the sign, the business to which it applies or the premises upon which it is located.

G. All special permits are personal to the applicant and may not be transferred, assigned, modified or altered without review by the Town Council. Modification for change of script or logo shall not be unreasonably withheld, and where such modification is deemed minor, it may be administratively approved by the Town Manager. (Ord. 2004-01 §2, 2004; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 5. ~~Repeal and Reenactment~~. Chapter 19.04.054 of the Castle Rock Municipal Code is repealed in its entirety and reenacted to read as follows

19.04.054 Signs in the freeway-oriented business area. ~~(Repealed)~~

The following limitations shall apply to signs in business areas:

A. The following sign classes are permitted:

1. Freestanding signs;
2. Wall signs;
3. Window signs;
4. Temporary signs for nonresidential uses in accordance with Section 19.04.047D;
5. Real estate signs;
6. Construction signs;
7. Time-temperature-date signs;
8. Identification signs;
9. Flags and flagpoles;
10. Joint identification signs;
11. Projecting signs;
12. Suspended signs;
13. Parapet signs;
14. Temporary signs;
15. Canopy and awning signs (excluding automotive service areas).

B. The maximum area per sign face shall be:

1. For freestanding signs, sixty-two and one-half (62½) square feet;
2. For joint identification signs, one hundred twenty-five (125) square feet;

3. For wall signs, twenty-five percent (25%) of the wall in accordance with Section 19.04.022;
4. For projecting signs, twenty (20) square feet in accordance with Section 19.04.022;
5. For suspended signs, seven and one-half (7½) square feet in accordance with Section 19.04.022, or
6. For window signs, twenty-five percent (25%) of the window area in accordance with Section 19.04.022;
7. For flags, sixty (60) square feet. Corporate flags shall be counted in the calculation for total site signage; government flags shall not be counted in total signage.

C. The following maximum sign areas are permitted per lot:

1. Two and one-half (2½) square feet of sign for each linear foot of building frontage for the first two hundred (200) feet of building frontage of the unit occupied by a street level use, and one-half (½) square foot for each additional linear foot, or
2. One and eight hundred seventy-five one-thousandths (1.875) square feet of sign for each linear foot of lot frontage for the first three hundred (300) feet of lot frontage and one-half (½) square foot for each additional linear foot.

D. The following maximum sign heights are permitted:

1. Freestanding signs shall be no higher than eight (8) feet. Except as permitted in accordance with Section 19.04.032;
2. For wall signs, not to exceed the height of the wall upon which it is mounted;
3. For projecting signs, a minimum of eight (8) feet and a maximum of thirteen (13) feet in accordance with Section 19.04.022;
4. For suspended signs, a minimum of eight (8) feet and a maximum of thirteen (13) feet in accordance with Section 19.04.022;
5. For window signs, twenty (20) feet;
6. For flagpoles, thirty-five (35) feet, or
7. For all other signs, twenty (20) feet.

E. The following minimum setbacks are required:

1. Freestanding signs shall be set back from the property line abutting a street one (1) foot for every foot of sign height, but in no case shall the setback be less than ten (10) feet.
2. Freestanding freeway-oriented signs shall be set back from the property line abutting a street no less than ten (10) feet.
3. Freestanding freeway-oriented signs shall be placed in the rear one-third ($\frac{1}{3}$) of the property.
4. Projecting signs and suspended signs shall be set back from interior lot lines other than a street twelve (12) feet.
5. The minimum setback for flagpoles shall be five (5) feet.
6. All signs must be set back twenty-five (25) feet from any residential area.

F. The minimum horizontal separation between signs on one (1) lot shall be:

1. Between freestanding signs, three hundred (300) feet;
2. Between projecting signs, twenty-five (25) feet;
3. Between suspended signs, twenty-five (25) feet;
4. For all other signs, no separation.

G. Subdivision identification signs up to thirty-two (32) square feet and neighborhood/village identification signs up to sixty-four (64) square feet are allowed at major entrances to subdivision and neighborhood/villages, with a minimum separation of one thousand (1,000) feet between signs along the same side on any street, except as may be modified by the issuance of a special permit. (Ord. 2002-41 §3, 2002; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 6. Repeal and Reenactment. Chapter 19.04.074.C of the Castle Rock Municipal Code is repealed in its entirety, and reenacted to read as follows: (Repealed)

C. Notwithstanding any other provisions of this Chapter, freestanding signs for freeway-oriented businesses that are in excess of twenty (20) feet in height shall, within one (1) year of the effective date of this Chapter, either be removed, brought into conformance or permitted by the Town Council in accordance with Section 19.04.032. (Ord. 86-13 §1(part), 1986)(Repealed)

Section 7. Amendment. Chapter 19.04.076 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

19.04.076 Sign plaza.

To further the purposes of this Code, the Town intends upon owning and maintaining certain signs and sign locations upon which private advertisements may be maintained. These may be in the form of ~~sign plazas freeway billboards~~ whereon freeway-oriented businesses may acquire regulated advertising, public gazebos upon which churches, clubs and other civic organizations as well as local businesses, can advertise or any such other type of sign plaza as may be deemed appropriate by the by the Town. Regulations for the use, rental, maintenance and other circumstances concerning each sign plaza shall be adopted by the Town Council and administered by the Town Manager when such sign plazas come into existence. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

Section 8. Enactment. Chapter 19.04.077 of the Castle Rock Municipal Code ~~in its entirety~~ is enacted to read as follows:

19.04.077 Legal nonconforming freeway-oriented business signs.

A freeway-oriented business sign may be continued and shall be maintained in good condition, provided that a freeway-oriented business sign meets the following criteria:

- A. The sign received a special permit from Town Council, and
- B. The sign exceeds permitted sign height and area requirements, and
- C. The sign is accessory only to the following businesses: lodging, including hotels, motels, and campgrounds; gas stations and convenience stores; and restaurants, and
- D. The sign meets one of the following two criteria:
 - 1. The sign is in existence on or before September 27, 2007 and the sign is not subject to removal for abandonment as defined in Section 19.04.022, or
 - 2. The sign received a special permit between June 1, 2006 and May 8, 2007, provided that:
 - a. such special permits shall lapse, and be of no further force and effect on September 27, 2009,
 - b. the sign is not subject to removal for abandonment as defined in Section 19.04.022

A freeway-oriented business sign face may be changed, provided that the sign cabinet is not altered or enlarged. The sign may be restored to its original condition after its accidental destruction, provided that it is not subject to removal for abandonment as defined in Section 19.04.022.

Section 9. Amendment. Chapter 19.04.080.H of the Castle Rock Municipal Code is amended in its entirety to read as follows:

H. A variance may be granted subject to such reasonable conditions applicable to the sign, landscaping, property use and development, or other appurtenant matters as may be deemed appropriate by the reviewing board, but in no event may a variance be granted which would increase the maximum height allowed for a freestanding sign (not including freestanding freeway-oriented signs) in the freeway-oriented business area, or which would allow an increase in the maximum permitted sign area without approval of the Town Council.

Section 10. 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 11. 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 10th day of July, 2007 by a vote of 5 for and 2 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2007, by the Town Council of the Town of Castle Rock by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Randy A. Reed, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Acting Director, Development Services

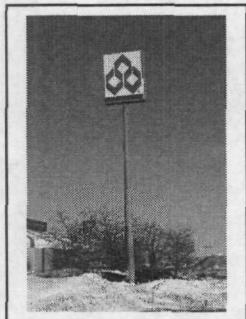
Attachment B

Existing Freeway-Oriented Signs

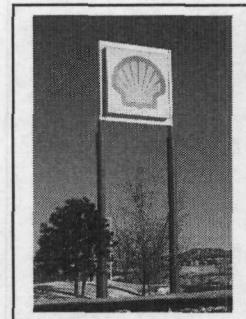


Existing Freestanding Freeway-Oriented Signage
(Photos dated 1-23-07)

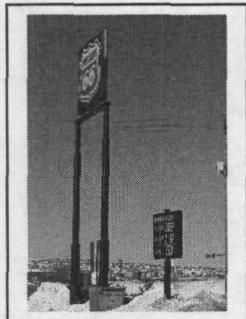
1) Diamond Shamrock: 45'/96 sf



2) Shell: 50'/208 sf



3) Phillips 66: 51'/316 sf



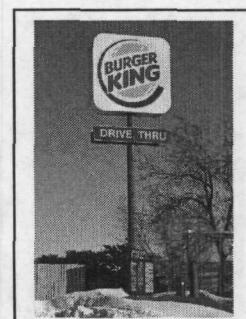
4) Wendy's: 44'/150 sf



5) Santiago's: 53'11"/170 sf



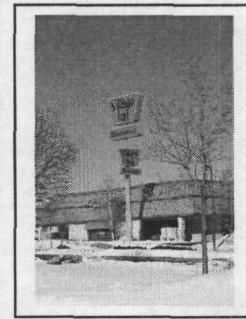
6) Burger King: 45'/256 sf



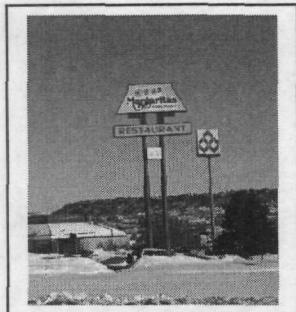
7) Taco Bell: 44'/150 sf



8) Village Inn: 45'/256 sf



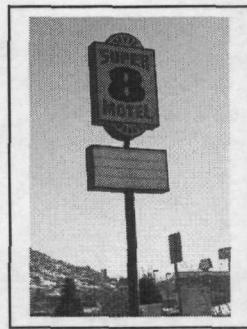
9) 3 Margaritas: 59'/251 sf



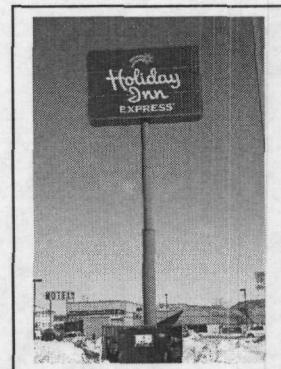
10) McDonald's: 64'/175 sf



11) Super 8 Motel: 78'/188 sf



12) Holiday Inn Exp: 60'/290 sf



13) Quality Inn: 50'/290 sf



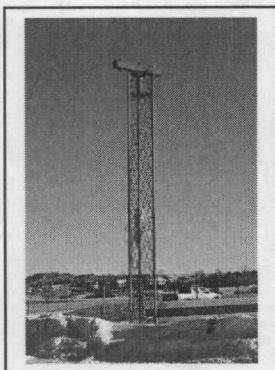
Attachment C

Freeway-Oriented Businesses without Freeway-Oriented Business Signs

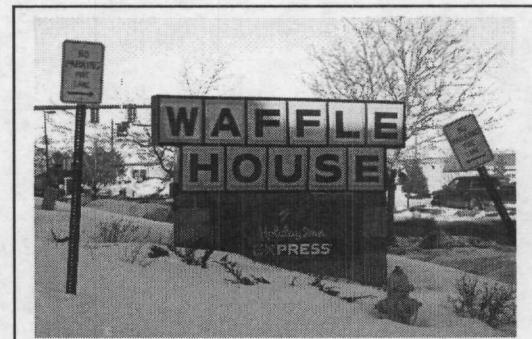


Freeway-Oriented Businesses without Freeway-Oriented Signage
(Photos dated 1-23-07)

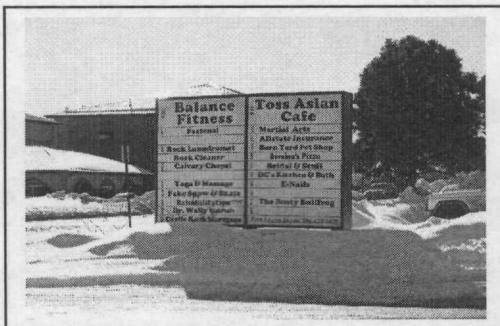
1) Sinclair Gas: Pole/no sign



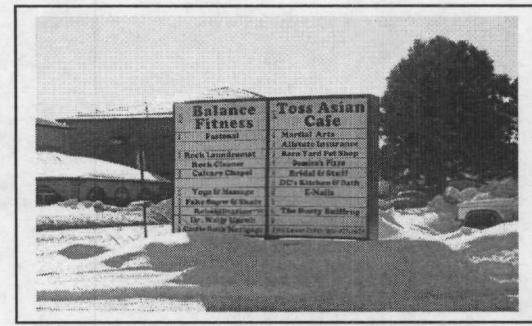
2) Waffle House: Monument Sign



3) Toss Asian: Common Sign Plaza



4) Domino's Pizza: Common Sign Plaza



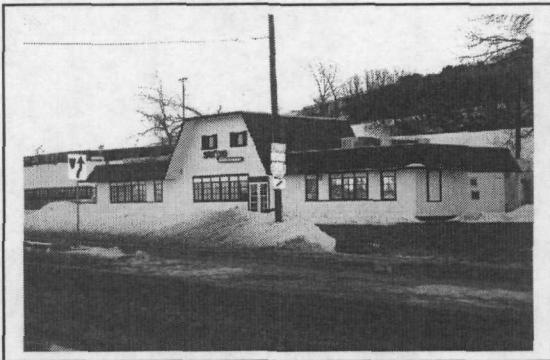
5) Busty Bullfrog: Common Sign Plaza



6) Conoco Gas: Monument Sign



7) Sapparo: No Sign



8) Western Conv.: Monument Sign



9) Castle Pines Motel: Currently 20' sign

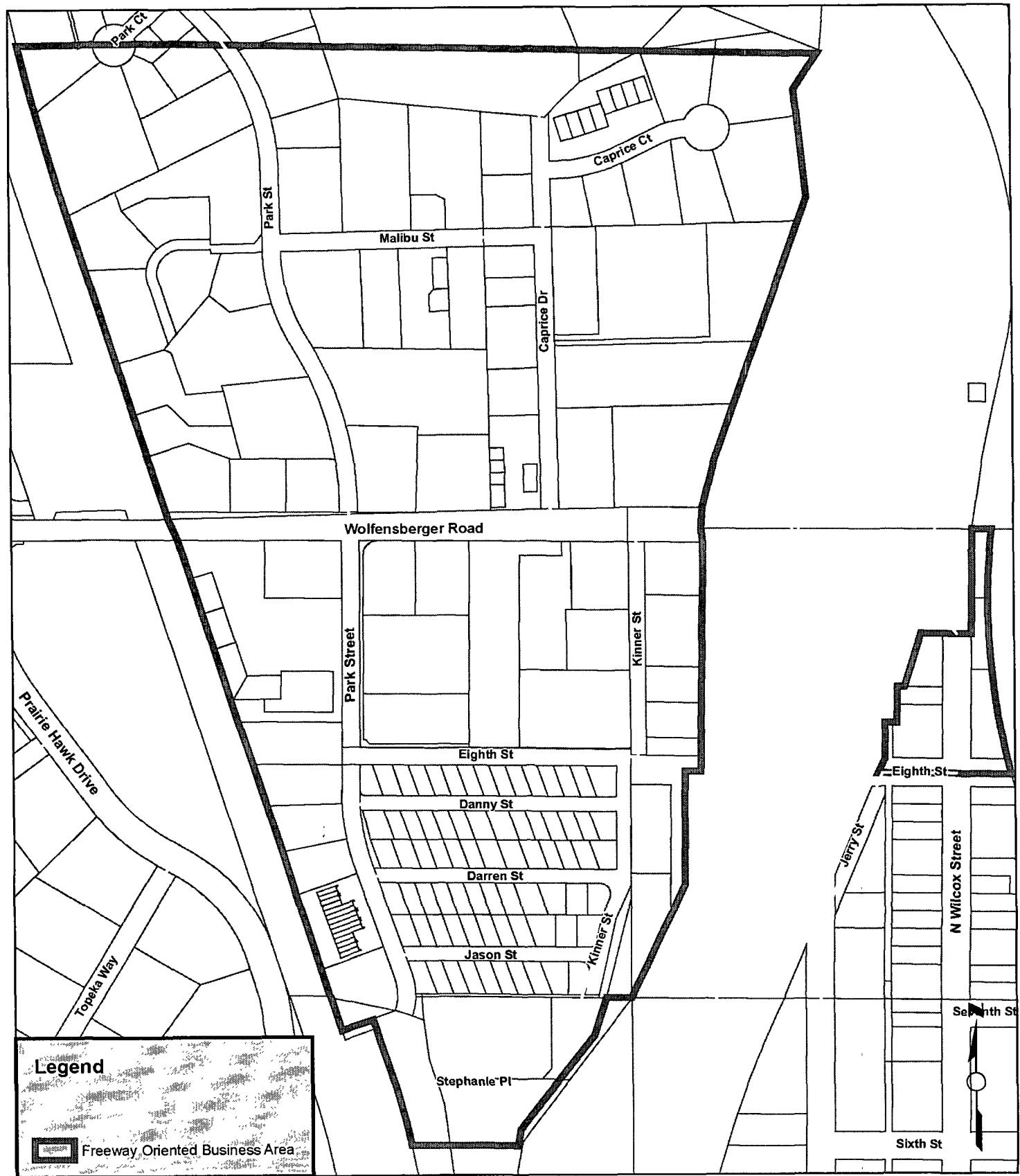


Attachment D

Map of Freeway-Oriented Business Area



Town of Castle Rock
Freeway Oriented Sign District



Attachment E

Ordinance No. 2007-24: An Ordinance Amending Chapter 19.04 of the Castle Rock Municipal Code Regarding Freeway-Oriented Business Signs – Final Version

