



AGENDA MEMORANDUM

Date: January 21, 2020

To: Honorable Mayor Gray and Town Council

From: Bill Detweiler, Director of Development Services
Julie Kirkpatrick, Long Range Project Manager

Subject: Design Review Board Membership and Responsibilities

Executive Summary

Following discussion at the December 3, 2019 Town Council meeting, Council directed staff to prepare an outline of the composition, powers, and duties of the Design Review Board (DRB) to review and discuss in a study session.

This report provides a summary of the history and decisions that led to previous Council's adoption of the Downtown Plan of Development (DPD), Downtown Development Authority (DDA), Downtown Overlay District (DOD), which included formation of the Design Review Board (DRB) and provides questions and recommendations for review and discussion with Council.

Discussion

History:

In 2002, following adoption of the 2020 Vision and Comprehensive Master Plan, Town Council created the theme that Castle Rock is a "world class community with small town character." As Castle Rock continued to grow at a rapid pace, Town Council recognized that downtown represents "small town character" in Castle Rock. To place emphasis on that theme, in the summer of 2006, Town Council appointed the Downtown Advisory Commission (DAC) with the goal to identify and recommend options and opportunities to improve the downtown environment. The Commission consisted of representatives from Town Council, Town staff, downtown property owners, downtown business owners, and representatives from Douglas County, the Douglas County School Board, and Douglas County Library Board. A series of meetings occurred where numerous options and recommendations arose and the group consensus was that a strong effort was needed to encourage investment and reinvestment to improve downtown character. In 2008 the DAC led an effort for downtown property owners to vote and form a downtown district boundary and create the Downtown Development Authority (DDA) including an additional 3 mills of property tax within the boundary. The DDA was identified as the leadership group using Tax Increment Financing (TIF) authority under State Statute to encourage and assist with ongoing investment, reinvestment and improvements in downtown. Significant progress occurred following creation of the DDA with several high profile projects sharing TIF.

In accordance with the efforts to improve downtown, in 2008 Town Council adopted the Downtown Plan of Development to be implemented by the DDA, and in 2010 Council adopted the DOD administered by Town staff. The DOD established architectural, landscaping, building design, and site development guidelines to encourage compatible land uses and ensure higher quality development in downtown to protect property values and to provide safe and efficient pedestrian and automobile access. The DOD encourages mixed-use within the same structure or block and high-intensity commercial development. In 2013 Council adopted an update to downtown signage to outline standards for sandwich board signs on sidewalks, banner signs, LED signs, murals, and roof signs (**Attachment F**). The code encourages signs that maintain the historic character of downtown.

Design Review Board Makeup and Authority:

The Design Review Board was formed in 2010 following Council adoption of the DOD and consists of seven members.

- One member from the Planning Commission with a one-year term;
- Two members from the Downtown Development Authority Board with a one-year term;
- Two members from the Historic Preservation Board with a one-year term, and;
- Two property owners within the Downtown Development Authority boundary. Downtown property owners may not be members of the aforementioned boards and they serve a two-year term.
- If at any time a Design Review Board member loses qualification for appointment, that member shall concurrently lose a seat on the Design Review Board.

The Board and Commission members nominate representatives to the DRB and those nominations are reviewed and appointed by Town Council, and serve at the pleasure of Council. The two downtown property owner positions undergo the same appointment procedures as other Board and Commission members that Council appoints. Each DRB member serves a one-year term with the exception of properties owners who serve a two-year term.

All involved with formation and adoption of the DOD determined that the code should not be “prescriptive,” similar to building codes in Santa Fe, New Mexico, Charleston, South Carolina or Saint Augustine, Florida. Instead, in 2010, Council found the code should provide flexibility through use of building materials, building colors, and building height. Council decided that the DRB was the best group to determine appropriateness of site planning, architecture, and building design and those allowances were included in the DOD code language.

In accordance with the 2010 Council adoption of the DOD, the DRB has authority to review all Site Development Plan applications within the DOD boundary and to conduct those reviews and decisions at a public hearing meeting. Project design review is based on the Council adopted Vision and Comprehensive Master Plan, Castle Rock Design, and the Downtown Master Plan.

A site development plan application requires public hearings with DRB to provide a thorough review of the guiding documents and code standards and allows for community input on applications. The DRB may approve, approve with conditions, or deny an application based on the code standards. If a site development plan is denied by the DRB, the applicant may appeal to the Town Council within 30 days of the DRB action. The Town Council reviews any appeal and considers the DRB action following notice and public hearing procedures in the code.

The DRB has authority to grant variances to lot width, setbacks for front yard, side yard, and rear yard, landscape standards, DOD design standards, and fence height, outdoor display of merchandise, and accessory structures and uses. Section 17.42.100.C (**Attachment A**) outlines the process the DRB must consider when reviewing a variance request. Before any variance is granted or denied, the DRB makes a written finding stating the exceptional conditions, the practical difficulties or unnecessary hardship involved and why there is, or is not any adverse effect on public health, safety and welfare. Unless otherwise stated in the DRB resolution, the applicant has six months to apply for a building permit to match the approved variance and all new construction must be completed within two years from the date the building permit was issued.

The DRB has authority to review building heights in the DOD, as listed in Section 17.42.070.C (**Attachment B**), and the building height depends upon where the building is located within Downtown. There are three districts in the DOD, the Core District and the North and South Districts.

The **Downtown Core District** is bounded by 5th Street on the north, railroad tracks on the east, 2nd Street on the south and I-25 on the west. Building height in the Downtown Core District is limited to four stories, with a maximum height of 60 feet. A landowner may request one additional floor, with the corresponding increase in building height, in the Downtown Core District. The Board, at its discretion, may grant an additional floor request after considering the following criteria:

1. Whether the project will incorporate design elements found in adjacent Landmark structures, and;
2. The impacts of the increased building height on adjacent properties;

Prior to the issuance of a structural building permit within the DOD, all projects must be reviewed by the Board for compliance with the standards set forth in this Section.

The **North District** is bounded by Wolfensberger Road on the north, railroad tracks on the east, 5th Street on the south and I-25 on the west. The **South District** is bounded by 2nd Street on the north, railroad tracks on the east, the Safeway center on the south and I-25 on the west. Building height in the North and South Districts is limited to six stories, with no maximum height limitation. The Board, at its discretion, may grant two additional floors in the North and South Districts.

The DRB conducts hearings open to the public so they adopt bylaws to govern how public hearings are conducted. Staff attached the DRB bylaws for Council review (**Attachment C**).

Questions and Recommendations:

Questions:

Based upon discussion at the December 3, 2019 Council meeting about DOD code standards and DRB authority, staff is seeking input on the following questions:

1. Does Council want to review and discuss changes to the DRB makeup?

Adoption of the DOD in 2010 included a section outlining the DRB makeup. The basis of staff recommendation and Council acceptance at that time, was to appoint a Board focused solely on site and building design for all downtown applications and to act on variance requests, similar to the expertise that various Boards and Commissions offer to Council. Council found that a Board made up of individuals with a background in site and building design, engineering, land development, and real estate or business would be

appropriate to review and act on downtown applications versus Council. In addition, Council found that a Board with the authority to review and act on downtown applications would aid with expediency of review and action to further encourage investment and reinvestment downtown. That was the basis in 2010 for Council's decision to appoint a member from the Planning Commission, the DDA, the HP Board and property owners to place an emphasis on downtown development.

2. Does Council want to review and discuss changes to DRB authority?

In 2010 Council decided to appoint Town residents to the DRB with expertise in land development activity and downtown ownership. Around the same time, Council decided they did not want to continue reviewing all commercial site plan applications at public hearings located outside downtown. Council granted authority to Town staff to administratively review and act on all commercial site plans, not residential, outside downtown less than 10 acres and / or less than 100,000 sq. ft. in size. That decision was made based upon several factors including, but not limited to, feedback from property owners and the development community about the uncertainty of time needed to publicly review smaller land use applications and the technical expertise associated with review of land use applications. Council found that land use applications of a specific size could be handled by staff with expertise in engineering and design related issues to provide certainty and consistency to land use applicants in a high growth community.

3. Does Council want to review and discuss changes to the DOD code standards and design guidelines?

In 2010, Council found that a Board with expertise in land development activities and focused solely on downtown applications would aid with protecting Council adopted policies, plans and codes. The design guidelines adopted by Council have been in place for approximately 12 years and the DOD has been in place for approximately 10 years. Development activity in downtown, following adoption of the policies and codes noted, established a baseline for discussions with Town staff, the DRB, and the DDA. Several major projects received DRB approval under the existing guidelines and code standards. Based upon Council discussion there may be interest to make changes to the DOD standards and design guidelines or the process associated with public review and decision making.

Summary for Council Review:

Staff included a list of DRB actions starting in 2010 through 2019 (**Attachment D**) and a list of downtown projects that received funding from the Town (**Attachment E**). A majority of DRB actions relate to site plan approval, façade improvements, landscape improvements, canopy construction and signage. The Riverwalk and Encore projects also requested additional building height and the DRB approved additional building height for those projects.

Based upon the projects approved by DRB to date, staff suggests that projects exceeding 10,000 sq. ft. could be considered "major projects". Projects reviewed at public hearings and approved by the DRB that exceed 10,000 sq. ft. include:

- 695 Jerry Street mixed use retail and office building at 24,120 sq. ft.
- Acme Water Tower mixed use retail and restaurant buildings at 11,937 sq. ft.
- The Move office building at 72,800 sq. ft.
- Mirage Dental mixed use medical office building at 18,477 sq. ft.
- Riverwalk north and south retail, office and residential buildings at 264,508 sq. ft.
- 505 Jerry Street apartment building at 18,163 sq. ft. *****this project was not constructed*****

- Encore retail, office and residential building at 465,500 sq. ft.

The DOD currently states that Council does not review any downtown development application. However, Town Council reviews and acts on downtown projects if the applicant is requesting funding from the Town or shareback funding through TIF. Projects approved by the DRB that also required Council funding approval include:

- The Move with a \$900,000 loan ***the loan was repaid with interest***
- Mercantile Commons with a TIF shareback agreement
- 221 Wilcox with a TIF shareback agreement ***the project was not constructed***
- 5th Street Apartments with a TIF shareback agreement ***the project was not constructed***
- Riverwalk with a TIF shareback agreement
- Encore with a TIF shareback agreement

Recommendations for Council Review:

Staff reviewed projects approved by DRB and projects that required TIF shareback agreements approved by Council. Staff is seeking feedback from Council on the following recommendations:

- Staff recommends DRB continue to act on all existing plans and variances as identified in the DOD except projects defined as “major projects”.
- Staff recommends that major projects be defined as any downtown project that exceeds 10,000 sq. ft. in building area.
- Staff recommends Council act on all major projects and the DRB act as a recommending body to Town Council on major projects. This matches the Planning Commission’s authority as a recommending body on all site plans outside the DOD boundary.

This recommendation allows smaller downtown development applications such as site plans, façade improvements, landscape improvements, canopy construction and signage improvements to be reviewed and acted upon by the DRB, while providing Council with authority to act on any major project in downtown.

Attachments

Attachment A:	CRMC 17.42.090, 17.42.100, 17.42.110
Attachment B:	CRMC 17.42.070
Attachment C:	Design Review Board Bylaws
Attachment D:	Design Review Board Actions
Attachment E:	Projects with Financial Assistance
Attachment F:	Downtown Sign Code

Attachment A:

Castle Rock Municipal Code Sections 17.42.090, 17.42.100, 17.42.110

Attachment B:

Castle Rock Municipal Code Section 17.42.070

Attachment C:
Design Review Board Bylaws

Attachment D Design Review Board Action Items



DRB Action Items 2010-2019

Year / File ID	Status	Title	Agenda Date	Building SF (if new)	TIF
2010					
		no applications, DRB newly formed			
2011					
	Approved with Conditions	SDP - façade improvements, landscape - 19 N. Wilcox Street	10/12/2011		
2012					
	Approved with Conditions	SDP - building expansion/addition, new patio, landscape - 207 Perry Street	9/12/2012		
	Approved with Conditions	SDP - façade improvements, landscape - 314 N Wilcox	9/12/2012		
	Approved with Conditions	SDP - façade improvements - 390 S Wilcox	9/26/2012		
	Approved with Conditions	SDP - façade improvements for detached garage - 422 Elbert Street	11/1/2012		
	Approved with Conditions	SDP - 404, 414 N Perry and 411 Fourth Streets (Rink at the Rock)	11/1/2012	5,556	
2013					
	Approved with Conditions	SDP - façade improvements - 411 Fourth Street	5/8/2013		
	Approved with Conditions	SDP - façade improvements, landscape - 15 N Wilcox Street (Van Wyk)	9/25/2013		
2014					
	Approved with Conditions	SDP - façade improvements, landscape, sidewalk - 101 Briscoe Street (Blue Spruce Vet Clinic)	2/26/2014		
	Approved with Conditions	SDP - 695 Jerry Street (commercial, 3 stories)	3/26/2014	24,120	
	Approved with Conditions	SDP - 514, 518, 522 N Perry Street (Acme Water Tower Center, 4 buildings total)	4/9/2014	11,937	
2015					
	Approved with Conditions	SDP - 202 Sixth Street (The Move, 4 stories)	1/14/2015	72,800	loan, repaid in full
	Approved	SDP - patio, fence, exterior door - 611 N Wilcox Street (Vista Vino)	6/24/2015		
	Approved	SDP - addition/enclosed porch - 21 N Wilcox (Granelli's)	8/12/2015		
	Approved with Conditions	SDP - 85 Rio Grande Drive (Mirage Dental, 3 stories)	9/23/2015	18,477	
	Approved with Conditions	SDP - 230 Third Street - (Mercantile Commons, 4 stories)	11/18/2015	25,920	yes
	Approved with Conditions	SDP - 301 Jerry Street (Sushi Restaurant)	11/18/2015	3,329	
2016					
	Approved	SDP Amendment - patio canopy - 3 N Wilcox Street (Union)	4/13/2016		
	Approved	SDP Amendment - façade improvements - 312 N. Wilcox Street	6/22/2016		
	Approved	SDP - canopy signage - 80 E. Plum Creek Parkway (Conoco)	6/22/2016		
	Approved with Conditions	SDP - 111-113 N Wilcox and 215 N Wilcox Street (Riverwalk North, 5 stories, 115,332 SF and Riverwalk South, 6 stories, 149,176 SF)	9/14/2016	264,508	yes
	Approved	SDP Amendment - patio, landscaping changes - 514 N Perry Street (Castle Rock Beer Company, now Iron Mule Brewery)	12/14/2016		

2017					
	Approved	SDP Amendment - façade changes - 111-113 N Wilcox Street and 215 N Wilcox Street (Riverwalk)	4/26/2017		
	Approved	SDP - façade improvements - 309 Jerry Street	4/26/2017		
	Approved	SDP Amendment - ATM kiosk - 190 S Wilcox Street (ENT Credit Union)	6/14/2017		
	Approved	SDP Amendment - façade improvements - 390 N Perry Street (Lost Coffee)	9/13/2017		
	Approved with Conditions	SDP - 505 Jerry Street (apartments @ 5th and Jerry, 6 stories)	9/13/2017	18,163	yes, expired
	Approved with Conditions	SDP - 519 N. Wilcox Street (Wild Blue Yonder Brewery)	11/8/2017	3,450	
2018					
DRB 2018-002	Approved	SDP Amendment - façade changes - 519 N. Wilcox Street (Wild Blue Yonder Brewery)	5/9/2018		
DRB 2018-003	Approved	Mural Sign - 411 4th Street (Castle Rock Bike & Ski)	5/9/2018		
DRB 2018-008	Approved	Roof Sign - 400 Third Street (The Barn Antiques and Specialty Shops)	11/28/2018		
DRB 2018-009	Approved	Canopy Sign - 310 S. Wilcox Street (Valero/Circle K Fuel Station)	8/22/2018		
DRB 2018-013	Approved	SDP Amendment - Common Sign Plan - 115 North Wilcox Street (Riverwalk South) and 215 North Wilcox Street (Riverwalk North)	12/12/2018		
2019					
DRB 2019-001	Approved	SDP Amendment - facade changes - 514 N. Perry St. (Iron Mule Brewery)	2/13/2019		
DRB 2019-004	Approved with Conditions	SDP Amendment - façade changes - 115 and 215 N. Wilcox Street (Riverwalk)	3/27/2019		
DRB 2019-006	Approved	SDP - façade improvements, landscaping - 501 N. Wilcox Street (Independent/Guaranty Bank)	5/22/2019		
DRB 2019-007	Approved with Conditions	SDP Amendment - patio changes - 215 N. Wilcox Street (Riverwalk North)	5/22/2019		
DRB 2019-009	Approved	SDP Amendment - façade improvements - 218 N. Wilcox Street	6/12/2019		
DRB 2019-010	Approved	SDP Amendment - canopy entrance - 85 Rio Grande Drive (Mirage Dental)	6/12/2019		
DRB 2019-011	Approved	SDP Amendment - façade improvements - 509 N. Wilcox Street	6/12/2019		
DRB 2019-013	Approved	SDP - façade improvements - 407 N. Wilcox Street (The Fort CPA)	8/28/2019		
DRB 2019-017	Approved with Conditions	SDP - 8, 14, & 20 N. Wilcox Street and Town Hall Parking Lot (Encore Mixed-Use Building, formerly Festival Park Commons, 7 stories)	8/14/2019	465,500	yes
DRB 2019-020	Approved	SDP - facade improvements - 302 N. Wilcox Street (Provision Bar)	9/25/2019		

Attachment E

Projects with Financial Assistance

	Type	Status	Amount Distributed	Amount Estimated To Be Earned By DEVELOPER	Cap That Can Be Earned by DEVELOPER	Amount Estimated To Be Earned By TOWN/DDA	Fees, Use Tax Waiver
The Move Building	Loan	100% Repaid w/ Interest	\$900,000 loaned. Has been repaid.	\$0	\$0	\$0	\$0
Mercantile Commons	Shareback - 50% Prop. & 50% Sales Tax (Cap: 2032)	Ongoing	\$51,932	\$1,008,392	Up to \$1,300,000 incl. fees and shareback	\$2,145,574	\$291,608
221 Wilcox - Niebur	Shareback - 50% Prop. & 50% Sales Tax	Expired - Project couldn't generate sufficient ROI	\$0	\$0	\$0	\$0	\$0
5th Street Apartments	Shareback - 40% Sales Tax	Expired - Project couldn't generate sufficient ROI	\$0	\$0	\$0	\$0	\$0
Riverwalk	Shareback - 75% Prop. & 75% Sales Tax (Cap: 2037 & 2042)	Ongoing	\$0	\$8,262,114	Up to \$3,587,623 in fees and \$11,500,000 in shareback	\$2,754,037	\$3,587,623
Encore	Shareback - 80% Prop. & 50% Sales Tax (Cap: 2032)	Ongoing	\$0	\$4,832,164 + Town Land (Valued at \$2,465,000)	80% Prop. Tax & 50% Sales Tax until 2032.	\$21,926,402	\$2,762,847

Attachment F: Downtown Sign Code

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 Section support the overall objectives of the Downtown Master Plan, acknowledge the historic sign character of the Town, 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 Section and the equivalent provisions in this Chapter, the provisions in this Section shall govern. Except in the event of such preemption by this Section, the provisions of this Chapter 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. below, 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 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 Subsection 19.04.053.B. above, window signs, temporary banners, 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 causing 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 Sections [19.04.012](#), [19.04.044](#) and [19.04.052](#) of this Chapter.
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-premises 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. of this Chapter.
14. Any sign deemed obscene by the Town 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.

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

1. Sandwich board signs.

E. Subject to the limitation on total sign area set forth in [Section 19.04.052](#) of this Chapter, 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 foot of signage for each linear foot of building frontage for building identification wall signs, not to exceed fifty 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 one hundred 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 25% of the wall to which the sign is attached.

15. Window signs. Twenty-five percent of the window area.

F. The following maximum sign heights are permitted:

1. Banner signs. Banner 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 be mounted 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.

G. The following minimum setbacks are required:

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

H. Sign regulations.

1. Murals. Murals shall require design review and approval by the Design Review Board pursuant to Subsection I. below.

2. Roof signs. Roof signs shall require design review and approval by the Design Review Board pursuant to Subsection I. below.

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

I. 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 Design Review Board review and action in accordance with [Section 17.42.110](#) of this Code.

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 Design Review Board shall approve, approve with conditions or deny the application applying the criteria of this Section.

4. An aggrieved applicant may appeal the decision of the Design Review Board to the Town Council. Requests to appeal the decision of the Design Review Board must be filed with the Department of Development Services within thirty days of the date that the Design Review Board adopts written findings, or, if none, the date of final Design Review Board action. The Town Council shall hear the appeal request at a public hearing noticed in accordance with the requirements of [Chapter 17.04](#) of this Code, and shall uphold, reverse or modify the decision of the Design Review 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. below.

J. Design Review Board. The intent of the criteria set forth in this Subsection 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.

K. Variances. Applications for variances from the strict application of the requirements of this Section shall be made pursuant to [Chapter 17.06](#) of this Code.