



**Town of New Castle**  
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**Agenda**

**New Castle Planning and Zoning Commission (Regular Meeting)**

**Wednesday, June 28, 2023, 7:00 PM**

Full packets of HPC meetings are available online by visiting <https://www.newcastlecolorado.org/meetings> or by scanning the **QR code** below.

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet click [HERE](#)

<https://us02web.zoom.us/j/7096588400>

Meeting ID: 709 658 8400



If you prefer to telephone in, please call: 1-346-248-7799  
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**Call to Order, Roll Call, Meeting Notice**

**Conflicts of Interest**

**Citizen Comments on Items NOT on Agenda**

**Public Hearing**

- A. Consider Resolution PZ2023-2, A Resolution of the New Castle Planning and Zoning Commission Recommending the Amendment of Chapter 17.18 of the New Castle Municipal Code, Also Known as the New Castle Sign Code**

**Items For Consideration**

- B. Consider Resolution PZ2023-3, A Resolution of the New Castle Planning and Zoning Commission Recommending Approval of the Updated Zoning District Map of the Town of New Castle and the Repeal of Section 17.84.060 of the New Castle Municipal Code**

**Comments/Reports**

- Items for Next Planning and Zoning Agenda
- Commission Comments/Reports
- Staff Reports

**Review Minutes of Previous Meetings**

- C. Draft Minutes of April 12, 2023**

**Adjournment**

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2023-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION  
RECOMMENDING THE AMENDMENT OF CHAPTER 17.18 OF THE NEW CASTLE  
MUNICIPAL CODE, ALSO KNOWN AS THE NEW CASTLE SIGN CODE.**

WHEREAS, pursuant to Chapter 17.08 of the New Castle Municipal Code (“Code”), the Town of New Castle (“Town”) has established a Planning & Zoning Commission (“Commission”); and

WHEREAS, pursuant to Section 17.92.030(B) of the Code, the Commission must consider and provide a recommendation regarding amendments to Title 17 of the Code; and

WHEREAS, Chapter 17.18 of the Code provides regulations for signs within the Town; and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in the case of *Reed, et al. v. Town of Gilbert*, which imposed new standards under the First Amendment to the United States Constitution regarding municipal regulation of signs across the nation; and

WHEREAS, in light of the *Town of Gilbert* decision, Town Council directed the Town Attorney and Planning Staff to recommend any revisions to Chapter 17.18 of the Code in order to ensure compliance with the First Amendment as well as taking the opportunity to update and improve sign regulation and enforcement generally for the Town; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Commission held a public hearing on June 28, 2023, to consider revisions to Chapter 17.18; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that the Town Council approve the Code amendments set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.
2. Recommendation. The Commission recommends the amendment of Chapter 17.18 of the Code as set forth in Exhibit A, attached hereto.

TOWN OF NEW CASTLE, COLORADO,  
PLANNING & ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chair

ATTEST:

\_\_\_\_\_  
Remi Bordelon, Deputy Town Clerk

Exhibit A

## Chapter 17.18 SIGN CODE

### Sections:

#### 17.18.010 Title.

This chapter shall be known and cited as the New Castle Sign Code.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

#### 17.18.020 Purposes.

- A. The regulations in this chapter are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town of New Castle while preserving the right to free speech and expression. The purpose for these regulations include providing a balanced and fair legal framework for design, construction, and placement of signs that:
1. Recognizes that signs are a necessary means of visual communication for the convenience of the public and provides fair and consistent permitting and enforcement;
  2. Recognizes and ensures the right of those concerned to identify businesses, services, and other activities by the use of signs;
  3. Provides a reasonable balance between the right of an individual to identify their business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices;
  4. Protects the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs;
  5. Conserves energy by supporting use of lighting elements that utilize light emitting diodes (LED), florescent bulbs, and other low energy consuming lighting devices, thereby reducing energy demands;
  6. Minimizes light pollution by reducing or eliminating the over-lighting of signs and use of inefficient lighting systems;
  7. Supports use of materials in structures that include recycled products and other materials that are designed for longevity and that minimize environmental impacts;
  8. Ensures signs are well designed and contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image for the Town;
  9. Encourages signs which are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood;
  10. Ensures signs are compatible and integrated with a building's architectural design and with other signs on and near the property, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
  11. Prevents unnecessary or excessive competition between signs in the Town;
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12. Provides mechanisms for bringing nonconforming signs into compliance with these regulations as a result of changing use, abandonment, or other legal mechanisms;
  13. Establishes sign districts that differentiate the types of signs allowed in specific areas based upon characteristics particular to that district.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.030 Definitions.**

As used in this chapter, the following words have the following meanings:

"Above-roof sign" means a sign displayed above the peak or parapet of a building.

"Administrator" or "code administrator" means the town administrator or his or her designee.

"Animation" or "animated" (*See also "changeable copy" and "movement"*) means the movement or the illusion of movement of any part of a sign's structure, design, or pictorial or text segment(s), including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

"Architectural detail" (*See also "sign area," "wall sign" and "roof sign"*) means any projection, relief, cornice, column, change of building material, window, or door opening on any building.

"Architectural, historic, or scenic area" means an area that contains unique architectural, historic, or scenic characteristics that require additional regulations to ensure that signs enhance the visual character and are compatible with the area.

"Auxiliary sign" means a sign in addition to other signs associated with a business or use. The sign area of any auxiliary sign is calculated in the sum of total square footage for all signs. For example, an awning sign may be considered an auxiliary sign when used in conjunction with a wall sign for a business.

"Awning" means a cloth, plastic, or other nonstructural covering that either is not moveable and permanently attached to a building or can be raised or retracted to a position against the building when not in use.

"Banner" means a sign on a lightweight material that may be temporarily but not permanently affixed to a building or other structure and that may be affected by the movement of air.

"Bare-bulb illumination" means a light source that consists of light bulbs with a twenty-watt maximum wattage for each bulb.

"Building" means a structure having a roof supported by columns or walls.

"Bulletin board" means a type of changeable copy sign located on a premises used for temporary posting of bulletins or notices. Bulletin boards may be open or enclosed, and/or protected by glass, Plexiglas or a similar clear protective cover.

"Canopy" means a structure other than an awning which is made of cloth, wood, metal, or other material with frames affixed to a building and carried by a frame.

"Changeable copy" means copy that changes automatically at intervals of more than once every one hundred eighty (180) seconds.

"Changeable copy—manual" means copy that is changed manually in the field.

"Clearance" means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

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"Copy" means text, wording or numbers in either permanent or removable form.

"Double-faced" means a sign with two faces.

"External illumination" means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

"Facade" means the entire building front including the parapet and any other architectural details which faces and is parallel to or nearly parallel to a public or private street. There can be only one building facade for each street upon which a building faces.

"Face" means the area of a sign on which copy or graphics are placed.

"Flashing illumination" means illumination in which the artificial source of light is not maintained stationary or constant in intensity, color, or focus when a sign is illuminated.

"Frontage" means the length of the property line of any premises along a public right-of-way.

"Graphics" means the presentation of information, logos, or symbols in the form of diagrams and illustrations instead of as words or numbers.

"Ground sign" means a sign supported by one (1) or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

"Height" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is lowest in elevation.

"Illumination" or "illuminated" means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination is visible elsewhere than on and in the immediate vicinity of the sign.

"Indirect illumination" means a source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

"Internal illumination" means a light source that is concealed or contained within the sign and becomes visible through a translucent surface.

"Item of information" means a word, logo, abbreviation, symbol, or geometric shape.

"Legal nonconforming sign" means a sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of the sign code then in effect, but which does not presently comply with this chapter. If a premises lawfully has more signs than this chapter would otherwise allow, any sign in excess of that number is nonconforming.

"Lot" means a parcel of land legally defined on a subdivision map recorded with the clerk and recorder or a parcel of land defined by a legal record or survey map.

"Marquee" means a permanent structure other than a roof, awning, or canopy which is attached to, supported by, and projecting from a building. Marquees are often, but not always, designed to accept the placement of changeable copy, typically for the purpose of announcing current or upcoming events at the premises.

"Monument sign" means a ground sign permanently affixed to the ground at its base, supported entirely by a continuous base structure, and not mounted on a pole or system of poles.

"Movement" (*See also "animation"*) means physical redirection or revolution up or down, around, or sideways that completes a cycle of change at set intervals.

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"Multi-tenant building" or "multi-building complex" means a grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

"Multi-use building" means a building consisting of more than one separate commercial use.

"Neon tube illumination" means a source of light for externally lit signs supplied by a tube filled with neon or other inert gas and which is bent to form letters, symbols, or other shapes.

"Occupancy" means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

"Occupant" means a use or tenant located in a building and includes multi-use/multi-tenant buildings, or shopping centers.

"Off-premises sign" means a sign which is not related in manner to the property upon which it is located or which directs attention to a person, business, profession, or activity not conducted on the property in which it is located (see "Premises" below). "Open space" means any interest in real property purchased or leased by the Town, or any interest in real property dedicated to the Town, for open space purposes, including but not limited to lawns, landscaped areas, natural areas, parks and public or private trails and recreation areas.

"Owner" means the person with legal title to all or a portion of a piece of property as evidenced by official records such as a deed or assessor's record. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

"Painted wall sign" means any sign that is applied with paint or similar substance on the face of a wall.

"Parapet" means the extension of a false front or wall above a roofline.

"Pole cover" means the cover enclosing or decorating a pole or other structural support of a sign.

"Peak" means the highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.

"Pole sign" means a freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a continuous base structure.

"Portable sign" means a sign designed to be transported and not permanently attached to the ground or a building nor designed to be permanently attached to the ground or a building including, but not limited to, menu and sandwich board signs.

"Premises" means the lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased.

"Projecting sign" means a sign attached to and projecting from the wall of a building not in the same plane as the wall.

"Public right-of-way" means all streets, roadways, sidewalks and alleys, and all other areas reserved for present or future use by the public as a matter of right for the purpose of vehicular or pedestrian travel.

"Roof sign" (*See also "above-roof sign"*) means a sign painted, erected, constructed, or maintained on the roof of a building; a sign that is displayed above the eaves and under the peak of a building.

"Shopping center" means a commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

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"Sign" means a lettered, numbered, symbolic, pictorial, or illuminated visual display of copy and/or graphics designed to identify, announce, direct, or inform and that is visible from a public right-of-way. The term "sign" includes banners, pennants, streamers, moving mechanisms, and lights, whether or not the device contains copy or graphics.

"Sign area" means the surface area that describes the largest square, rectangle, triangle, parallelogram, polygon or sphere as further defined under sign area calculations.

"Sign area calculations."

1. Awning, banner, bulletin board, canopy, changeable copy, marquee, off-premises, portable, suspended, or similar two-dimensional signs: The area of the sign face within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
2. Pole and monument signs:
  - a. Signs composed of one (1) or two (2) individual sign faces: The area of the single largest sign face (if the sign faces are different sizes) shall be counted in calculating sign area by using the following formula. The area enclosing the perimeter shall be summed to determine total sign area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - b. Signs composed of more than two (2) sign faces: The area enclosing the entire perimeter of each sign face shall be calculated and shall be summed with all other sign faces and divided by one-half to determine total sign area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
3. Projecting signs: The area of the single largest sign face (if the sign faces are different sizes) within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
4. Wall signs: The area of the sign face free of architectural details on the facade of a building or part of a building within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
5. Other signs: Other signs that do not fall into any single sign area calculation category due to geometry, design or other characteristics shall be calculated using one (1) or more of the most applicable aforementioned methodologies and based upon the more restrictive area calculation method as determined by Town staff.

"Sign district map" means the map accompanying and to be used with these regulations that identifies the boundaries of each sign district enumerated in these regulations. The official sign district map shall be kept on file in the Town Clerk's office.

"Size" means the total area of the face used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel, not more than two feet apart and supported by the same poles or structures, the size of the sign is one-half the area of the two faces. Spherical sign area shall be the entire surface of the sphere. The total area of multi-faced signs (more than two faces) shall be one-half the area of the two smallest faces plus the total area of all faces greater than the two smallest.

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"Structure" means anything which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner. This term includes a building.

"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface of a building or structure such as a canopy, porch ceiling or portico and is typically used as a pedestrian scale sign.

"Temporary sign" means a non-permanent sign subject to the requirements of section 17.18.040(B).

"Temporary window sign" means a temporary sign displayed in a window.

"Town" means the Town of New Castle, Colorado.

"Unified sign band" means a coordinated arrangement of signs on a structure with the same design style, font type, sign face, height and similar characteristics that create a unified appearance.

"Use" means the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

"Wall sign" means a sign painted on or attached directly to an exterior wall of a building or that which is dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which the sign is attached or which supports the sign.

"Window sign" means a sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.040 Sign permits and administration.**

- A. Sign Permit Required. To ensure compliance with the regulations of this chapter, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt as set forth in section 17.18.050 (Exempt Signs). In multitenant buildings, a separate permit shall be required for each business entity's sign(s). Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Changing or replacing the copy or graphics on an existing lawful sign shall not require a permit, provided the change does not result in a violation of this chapter.
- B. Temporary Banners. The Town may approve temporary sign permits subject to the following:
1. Temporary banners displaying a one-time event may only be displayed for a period not to exceed two (2), fourteen (14) day periods within any consecutive three hundred sixty-five (365) days. Such banners shall only be permitted as fourteen (14) day timeframes and may not be further subdivided or prorated.
  2. A temporary banner shall be securely attached to the wall of the establishment, other freestanding signs or properly designed and structurally sound poles or posts on private property.
  3. One (1) temporary banner per street frontage per establishment shall be permitted unless more than one (1) business occupies the same building. In that case, each business may be allowed to display a temporary banner. However, the other limitations of this section shall not be increased by the number of businesses at a location.
  4. A temporary banner shall not be placed within the public right of way nor off the premises granted the permit.
  5. A temporary banner shall be limited to the height and size provisions of this chapter.

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C. Application for a Sign Permit.

1. Sign Permit Application Requirements. Applications for sign permits shall be made in writing on forms furnished by Town staff. The application shall contain:
  - a. The location by street number and the legal description of the property upon which the proposed sign structure is to be located;
  - b. Names and addresses of the property owner, applicant (if different from the property owner), sign contractor and erectors;
  - c. Evidence of a current New Castle contractor's license may be required at the sole discretion of the Town Administrator depending on the nature of the sign;
  - d. Legible accurately scaled plan which includes the specific location of the sign and setbacks to adjacent property lines and buildings;
  - e. A detailed accurately scaled drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a structural engineer may be required by staff for a freestanding or projecting sign;
  - f. A graphic drawing or photograph of the sign;
  - g. A description of the lighting to be used including a listing of the energy conservation measures incorporated in sign (light fixture type(s), materials used etc.), fixture specifications, bulb type, wattage and placement, and an estimate of energy consumption by the sign;
  - h. Proof of premises liability insurance covering freestanding, projecting and wall signs;
  - i. If the sign is to be located off the premises listed in the application, a written lease or permission from the property owner of the site on which the sign will be located; and
  - j. Payment of a nonrefundable sign permit fee as established by the current fee schedule. The applicant shall pay all costs billed by the Town of New Castle relative to the review of the application including review fees by any outside consultants. Approved sign permit applications shall expire six (6) months from the date of issuance if installation of the sign has not been completed. A single six (6) month extension may be granted administratively upon completion of an extension application including a written narrative by the applicant explaining the basis for the extension request and payment of an extension application fee.
2. Sign Permit Application Review of Completion. Within fifteen (15) business days of the date of submission of an application, the Town Administrator or their designee shall determine whether the application is complete. If the application is deemed incomplete, the Town Administrator shall give written notice of the deficiency to the applicant. The applicant shall have fifteen (15) business days, or such other additional time as the Town Administrator may grant in their sole discretion, to correct the deficiency or the Town Administrator may deny the application.
3. Review and Approval. When the application has been determined to be complete, the Town Administrator or their designee shall review the sign permit in accordance with the established review criteria. Within fifteen (15) business days of the determination of completeness, the Town Administrator must issue a written decision on the application. The Town Administrator may approve, approve with conditions or deny the sign permit. Upon approval of the sign permit, the sign permit and any building permits required for the sign must be obtained by the applicant prior to construction. Electrical permits, if required, shall be obtained from the state electrical inspector and evidence of an approved permit shall be provided to the Town prior to construction.

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- D. Sign Permit Review Criteria. The following review criteria will be used by Town staff to evaluate all sign permit applications:
1. Sign meets the requirements of this chapter;
  2. Sign conforms to the requirements of all applicable codes, including, but not limited to, building and electrical codes;
  3. Sign conforms to the applicable zoning requirements, including but not limited to, size, height, material and location for the zoning and sign district in which it is located;
  4. Sign would not create visual obstructions which adversely impact public safety and/or that otherwise interfere with pedestrian or vehicular safety;
  5. Sign would not detract from the character of an architectural, historic, or scenic area;
  6. Sign would not be located so as to have a negative impact on adjacent residential property including, but not limited to, impacts from excessive lighting, shading of or impairment of solar access, visibility of or from public rights-of-way and similar adverse impacts;
  7. Sign would not impair pedestrian access of a street or area; and
  8. Sign would not add to an over-proliferation of signs on a particular property or area.
- E. Appeals.
1. An applicant may file an appeal of the Town Administrator's decision on a sign permit application to the Town Council for any of the reasons set forth below. Sign application appeals to the Town Council shall be filed with the Town Clerk no later than ten (10) calendar days after the date of action by the Town Administrator. The following items constitute a basis upon which an applicant may file an appeal. Notice of appeal shall be in writing and shall state specifically any action appealed from and the grounds for such appeal.
    - a. Failure of the Town Administrator to provide a written response concerning completion of an application within fifteen (15) calendar days of the Town's receipt of the sign permit application.
    - b. Any written decision rendered by the Town Administrator concerning a permit or an interpretation of this chapter.
  2. The action being appealed shall be held in abeyance pending the decision of the Town Council. The appeal shall be heard by the Town Council at the next available meeting, as determined by the Town Clerk. The Town Council shall review the decision of the Town Administrator under the same criteria applied by the Town Administrator. The Town Council is not bound by the findings and determinations of the Town Administrator, but may give such findings deference as determined by Town Council.
- F. Variances. Any variance requested in association with a sign shall be processed pursuant to the provisions of Chapter 17.12 of the New Castle Municipal Code.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.050 Exemptions and exceptions.**

- A. Sign Permit Exemptions. This chapter does not apply to the following types of signs:
1. Signs of any type that are installed or posted, or required to be installed or posted, by the Town of New Castle, Garfield County, State of Colorado, Federal Government, or a School District, including but not limited to signs posted in Town open space.

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- 3.. Required signs, posted in accordance with applicable law and regulations.
  - B. Sign Permit Exceptions. The following types of signs may be displayed, constructed, installed, erected, or altered in any zoning/sign district without a sign permit. Such signs shall otherwise be in conformance with all applicable requirements contained in this chapter. All such signs (except government signs) shall be located outside of the public right of way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of owner's permission to install sign may be required. All other signs shall be allowed only with permit and upon proof of compliance with this chapter.
    1. Address. Non-illuminated signs not to exceed two (2) square feet in area that identify the address and/or occupants of a building.
    2. Building Identification, Historical Markers. Non-illuminated signs not exceeding four (4) square feet, constructed of metal, wood or masonry that are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by Town staff.
    3. Bumper Stickers. Bumper stickers on vehicles not exceeding four (4) inches by eighteen (18) inches.
    4. Carried Signs. Signs that are being carried by people or by service animals recognized under the Americans with Disabilities Act, provided that such signs are not set down or propped on objects.
    5. Temporary Site Signs. Temporary site signs installed in association with an active building permit that are removed upon issuance of a certificate of occupancy or expiration of the building permit, provided that:
      - a. Such signs shall have a maximum sign area of thirty-two (32) square feet.
      - b. Such signs shall be oriented to public or private streets.
      - c. Such signs shall not be illuminated.
      - d. Such signs shall only be installed on the private property on which the construction activity is located.
      - e. Such signs shall be removed within seven (7) days after issuance of a certificate of occupancy or expiration of the building permit.
    6. Directional. On-premises directional and instructional signs not exceeding four (4) square feet in area apiece.
    7. Flags. Flags that do not exceed thirty (30) square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
    8. Holiday or Seasonal Decorations. Holiday or seasonal decorations that are displayed for no more than thirty (30) days.
    9. Private Property Signs. Signs erected on private property that do not exceed two (2) square feet per face, or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.
    10. "Sandwich Board" Signs. A single, temporary, portable sign not exceeding four (4) square feet per face and no more than eighteen (18) inches wide placed in front of the business and only during business hours on sidewalk in a manner that does not present a risk to public safety, accessibility (including handicap) or visibility.
    11. Scoreboards. Scoreboards for athletic fields.
    12. Signs with De Minimus Area. Signs that are affixed to a building or structure (even if wall signs are not permitted) that do not exceed one (1) square foot in sign area, provided that only one (1) such sign is present on each elevation that is visible from public rights-of-way or neighboring properties, and signs

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that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones or utility cabinets.

13. Strings of Light Bulbs. Displays of string lights, provided that:
  - a. They are steady burning, clear, non-colored bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.
  - b. They are no greater in intensity than five (5) watts.
  - c. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.
  - d. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.
  - e. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.
  - f. They shall be placed only on private property.
  - g. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this chapter.
14. Temporary Yard Signs. Temporary yard signs are allowed without a sign permit pursuant to the following:
  - a. In Residential Zoning Districts.
    - i. Shall not exceed more than four (4) signs per property at any one (1) time;
    - ii. Shall not exceed twenty-four (24) square feet total yard signage on any property;
    - iii. Shall not exceed a height of forty-two (42) inches;
    - iv. Shall not be located in the public right-of-way;
    - v. Shall be located at least five (5) feet from any property line; and
    - vi. Shall not be displayed for a period of more than ninety (90) days per calendar year.
  - b. In Non-Residential Zoning Districts.
    - i. Shall not exceed more than four (4) signs per property at any one (1) time;
    - ii. Shall not exceed twenty-four (24) square feet total yard signage on any property;
    - iii. Shall not exceed a height of six (6) feet, or forty-two (42) inches if placed within a sight distance triangle;
    - iv. Shall not be located in the public right-of-way; and
    - v. Shall not be displayed for a period of more than ninety (90) days per calendar year.
15. Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy, provided that there are no structural changes, changes to sign area, change in illumination or other modifications.
16. Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles that are regularly being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business that are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this chapter, provided that the primary purpose of such vehicles is

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not for the display of signs and that the vehicles are parked or stored in areas appropriate to their use as vehicles for periods that do not exceed thirty (30) days.

17. Window Sign. Signs affixed, painted on, or otherwise attached to door glass.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.060 Prohibited signs.**

- A. Prohibited Signs. The following signs are inconsistent with the purposes and standards in this chapter and are prohibited in all zoning districts within the Town:
1. Signs located in the public right-of-way subject to the exemptions in section 17.18.050.
  2. Animated signs or signs that flash, rotate, blink or moving signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
  3. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
  4. Mechanical or electrical appurtenances, such as "revolving beacons," that are designed to attract attention.
  5. Off-premises signs.
  6. Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
  7. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
  8. Vehicle-mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only and not exceeding seventy-two (72) hours. Upon the conclusion of the special event, such signs must be dismantled.
  9. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except as permitted by this chapter.
  10. Searchlights.
  11. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
  12. Inflatable freestanding signs or tethered balloons or other inflatable figures or devices installed with the primary purpose of attracting attention.
  13. Stationery or portable electronic message boards, except governmental signs.
  14. Wind signs designed or installed to be activated by movement of the atmosphere.
  15. Any sign or sign structure that:
    - a. Is structurally unsafe;
    - b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

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- c. Is not kept in good repair; or
  - d. Is capable of causing electrical shocks.
16. Any sign or sign structure that:
- a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
  - b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;
  - c. Creates in any other way an unsafe distraction for motor vehicle operators or obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

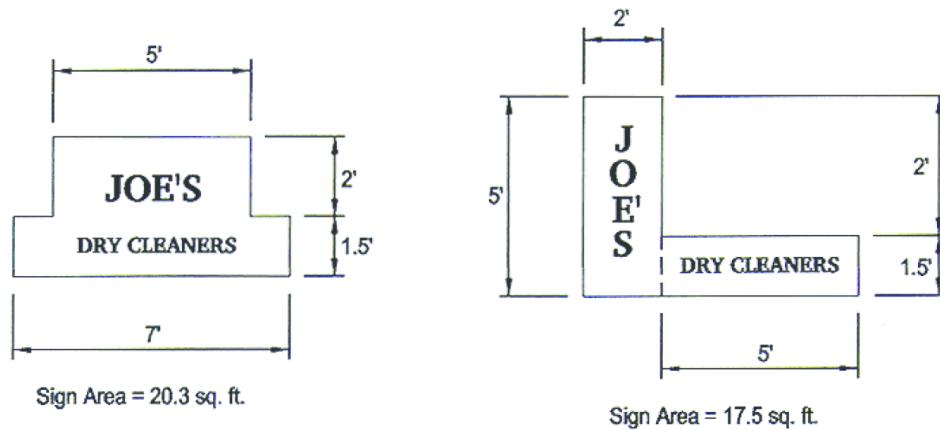
(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.070 Removal, enforcement, and penalties.**

- A. Removal of Signs.
  - 1. Discontinued Establishments. Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed by the person or entity owning or having possession over the property within ninety (90) days after the discontinuance of such use.
  - 2. Removal of Illegal Signs in the Public Right-of-Way. The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.
  - 3. Storage of Removed Signs. Signs removed by the Town or its designee in compliance with this chapter shall be stored by the Town for thirty (30) days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the thirty (30) day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage, up to thirty (30) days, may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.
- B. Enforcement. The provisions of this chapter shall be enforced by the Town Administrator.
- C. Penalties. Violations of this chapter shall be subject to the penalties of the Town of New Castle Municipal Code Chapter 17.96.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

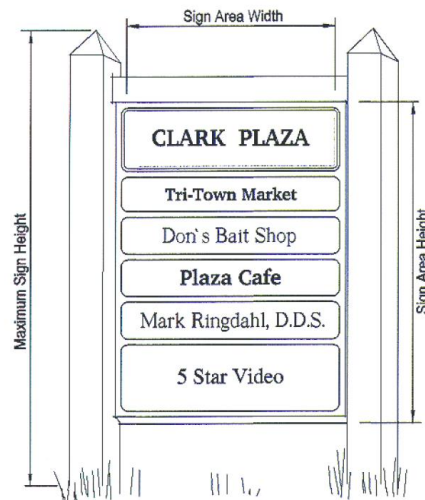
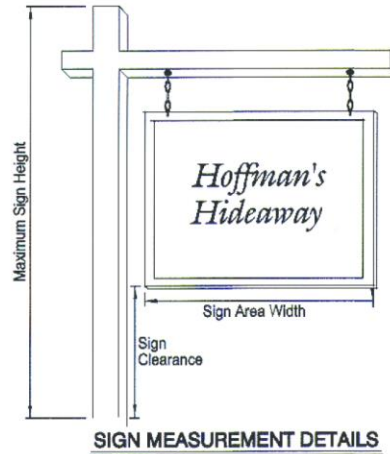
**17.18.080 Measurement of sign area and height.**



**SIGN AREA MEASUREMENT**

**Figure 7-1**

- A. Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.
- B. Sign Support. Supporting framework or bracing that is clearly incidental to the display itself and does not include logos, advertising text or similar commercial messages shall not be computed as sign area.
- C. Back-to-Back (Double-Faced) Signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point.
- D. Three-Dimensional Signs. Where a sign consists of one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with section 7.18.120 (Creative Signs).
- E. Wall Signs. The area of a rectangle or geometric shape that most closely outlines the sign face or letters of the sign shall be the calculated sign area.
- F. Sign Height. The height of a sign shall be measured from the highest point of a sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is lower in elevation. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.



**Figure 7-2**

(Ord. No. 2011-4, § 2(D)(ex. A), 4-19-2011)

**17.18.090 Sign design.**

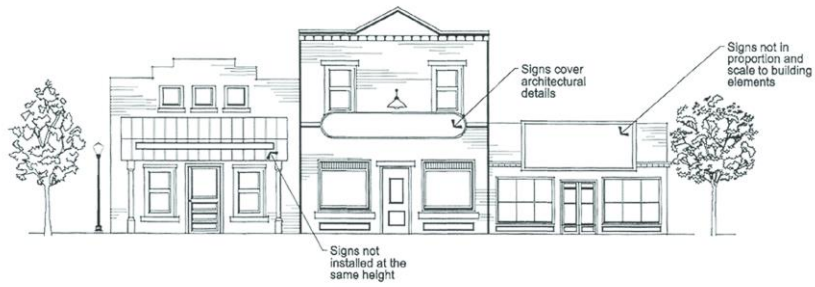
**A. Design Compatibility.**

1. Creative Design Encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town of New Castle encourages imaginative and innovative sign design. The creative sign application procedure (section 7.18.120) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

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2. Proportionate Size and Scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be compatible in scale and proportion to the building facade upon which they are mounted.
  3. Sign Location and Placement.
    - a. Visibility. Signs shall not visually overpower nor obscure architectural features.
    - b. Integration With the Building and Landscaping. Signs shall be carefully coordinated with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
    - c. Unified Sign Band. Whenever possible, signs located on buildings with the same block-face shall be placed at the same height, in order to create a unified sign band. Wall signs for retail uses may only be located at the first floor level.
    - d. Monument Signs. Monument signs should be located in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity.
    - e. Pedestrian-Oriented Signs. Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand on a sidewalk or location adjacent to the business.
    - f. Signs near or within the public right-of-way. The provisions of sections 17.18.050-17.18.060 notwithstanding, no sign shall be erected near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.



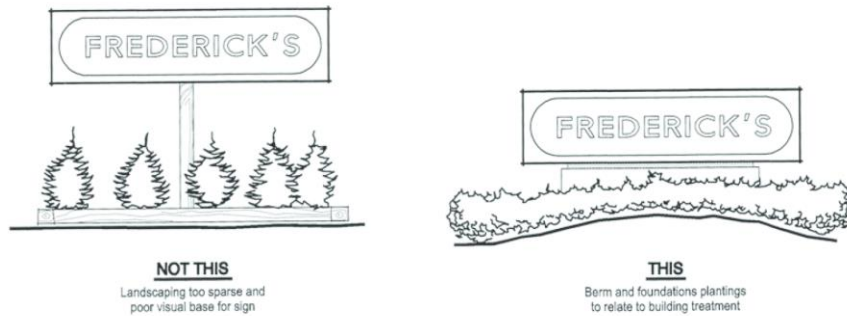
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**NOT THIS**

**Figure 7-3**

4. Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.



**Figure 7-4**

5. Low Impact Signs. Signs adjacent residential neighborhoods shall be designed and located so that they have little or no impact on residential areas. Small-scale signs are encouraged.



## REDUCE SIGN IMPACT

Figure 7-5

B. Color.

1. Color Selection. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.
2. Contrasting Colors. Substantial contrast between the color and the material of the background and the letters or symbols will make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.
3. Excessive Colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

C. Materials.

1. Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, manufactured composite products with ingredients that use recycled materials, painted/treated/patina metal, stone, brick and stucco are the preferred materials for signs.

D. Legibility.

1. Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:
  - a. The speed at which they are viewed;
  - b. Distance from the edge of the right-of-way;
  - c. The context and surroundings in which they are seen; and
  - d. The design, colors and contrast of the sign copy and sign face.

- e. The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

E. Sign Illumination.

- 1. Unnecessary lighting is to be avoided.

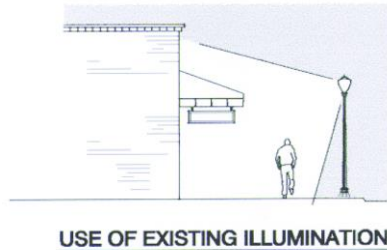
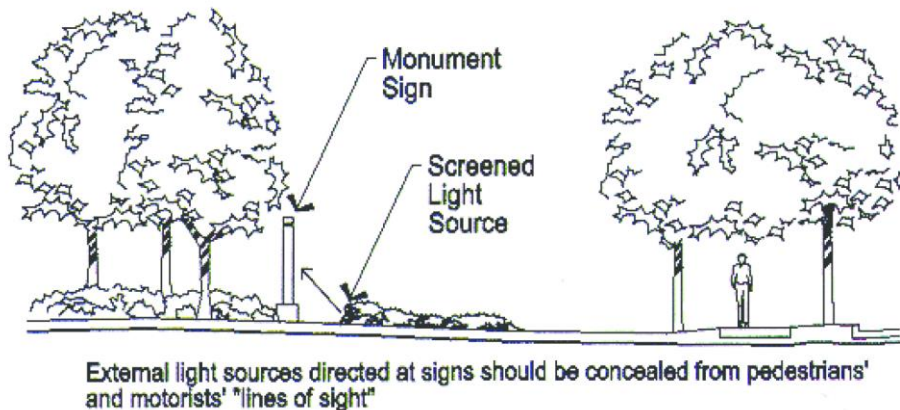


Figure 7-6

- 2. Sign illumination shall complement, not overpower, the overall composition of the site.
- 3. All lighted signs incorporating a direct light source shall be designed to direct lighting to illuminate only the face of the sign. External light sources aimed at a sign shall be concealed from pedestrians' and motorists' lines of sight.
- 4. Signs must be illuminated in a way that does not cause lighting trespass, illumination of adjacent properties, over-lighting or glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability.



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**Figure 7-7**

5. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
6. Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.
7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
8. The use of individually cut, back-lit letter signs is encouraged.
9. The use of solar electric lighting devices to illuminate signs is encouraged.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

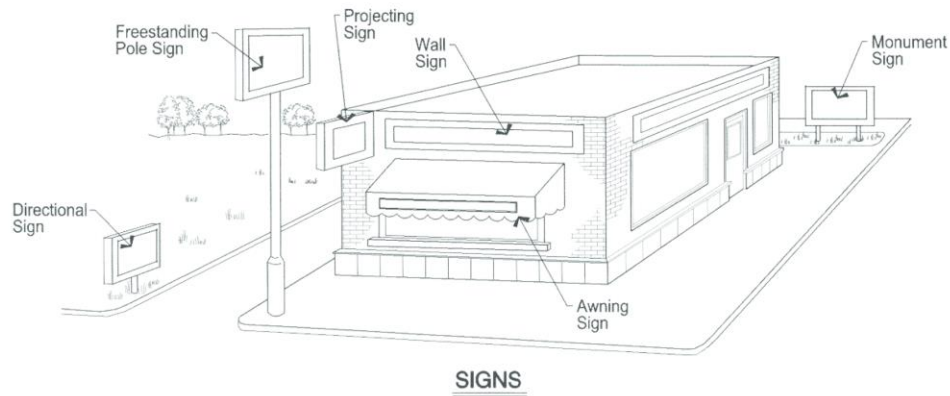
**17.18.100 Sign installation and maintenance.**

- A. Projecting signs shall be mounted so they generally align with others in the block.
- B. Owners of signs extending over public right-of-way shall be required to maintain public liability insurance in an amount to be determined appropriate by the Town, in which the Town is named as an "other or named insured."
- C. All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes so they do not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
- D. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.
- E. The owner of any sign regulated by this chapter shall be required to keep signs and supporting hardware structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- F. The Town may inspect any sign governed by this chapter and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

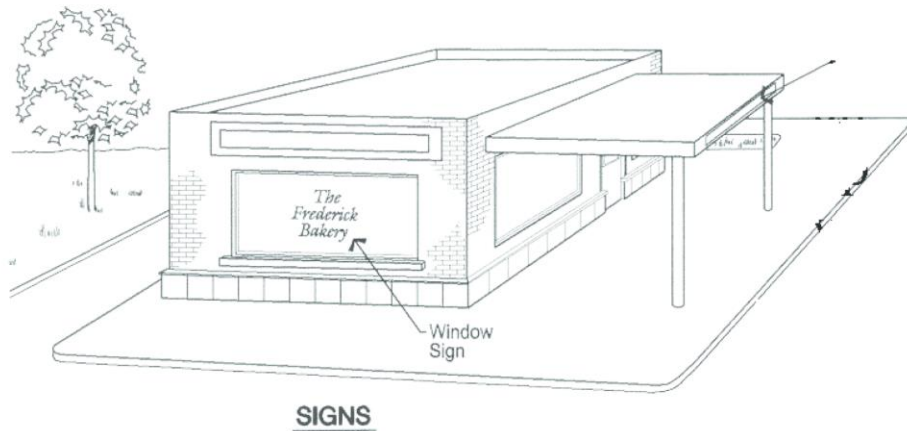
**17.18.110 Standards for specific types of signs.**

- A. **Awning Signs.** An awning sign is a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning. An awning is a movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.



**Figure 7-8**

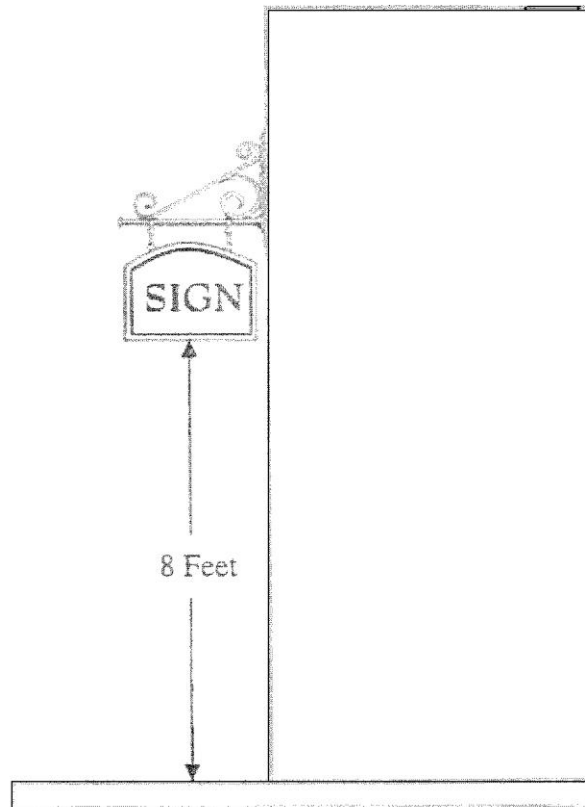
1. Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.
  2. Maximum Area and Height. Sign area shall comply with the requirements established by section 17.18.130, Sign Matrices. No structural element of an awning shall be located less than eight feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building but in no case shall extend over a roadway or parking area. No awning, with or without signage, shall extend above the roof line of any building.
  3. Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.
  4. Required Maintenance. Awnings shall be regularly cleaned and kept free of dust and visible defects.
- B. Canopy Signs. A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.



**Figure 7-9**

1. **Maximum Area and Height.** Sign area shall comply with the requirements established by section 17.18.130, Sign Matrices. No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches (measured from the bottom of the sign). Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet above grade and shall be deemed to be flush wall signs.
  2. **Required Maintenance.** Canopies shall be regularly cleaned and kept free of dust and visible defects.
- C. **Freestanding Signs.** A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
1. **Location.** The sign may be located only on a site frontage adjoining a public street. No freestanding sign in any zoning/sign district can be erected closer than eight feet from any curblin, nor closer than four feet to any building. No freestanding signs in business and industrial districts may be located less than twenty-five (25) feet from any property line adjacent to a residential zoning district line.
  2. **Maximum Area and Height.** The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.
  3. **Sign Mounting.** The sign shall be mounted on one (1) or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve (12) inches. Pole bases shall be protected by concrete or a similar sturdy structure to prevent damage. Pole base structures may be used as landscaping planters.
  4. **Pole Signs.** Pole signs should not be so large as to obscure the patterns of front facades and yards.

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- D. Monument Signs. A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.
1. Location. The sign may be located only along a site frontage adjoining a public street.
  2. Maximum Area and Height. The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.
  3. Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. Project monument signs shall contain only the name and address of the project which it identifies.
  4. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The planning commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
- E. Projecting Signs. A projecting sign is any sign supported by a building wall and projecting therefrom at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached, but shall not extend more than four feet from the building face.
1. Location. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access. Projecting signs shall generally align with other projecting signs in the block to create a "canopy line" that gives scale to the sidewalk.
  2. Maximum Area and Height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs must have eight feet clearance, and may not extend more than four feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to three feet wide and six square feet.
  3. Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
  4. Quantity. The number of projecting signs is limited to one per business.



**Figure 7-10**

- F. Standard Brand-Name Signs. A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity or service which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved.
1. Maximum Area. Not more than twenty (20) percent of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.
- H. Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
1. Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level nor shall it extend above the building eave.
  2. Maximum Area and Height. Wall signs shall not be higher than the eave line of the principal building. The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.

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3. Projection from Wall. No sign part, including cut-out letters may project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve (12) inches.
  4. Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.
- I. Window Signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way and may be placed at or below the second story above grade .
1. Maximum Area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed twenty-five (25) percent of the window or door area at the ground floor level; and twenty-five (25) percent of the total allowable sign area for the premises.
  2. Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises.
  3. Temporary Window Signs. Temporary signs or posters displayed for periods not exceeding fourteen (14) days shall be exempt from limitations for window signs.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

### **17.18.120 Creative signs.**

- A. Purpose. This section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:
1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Town of New Castle, while mitigating the impacts of large or unusually designed signs.
- B. Applicability. An applicant may request approval of a sign permit under the creative sign program to authorize on-site signs that employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.
- C. Approval Authority. A sign permit application for a creative sign shall be subject to approval by the planning commission.
- D. Application Requirements. A sign permit application for a creative sign shall include all information and materials required by the Town of New Castle, and the filing fee based on the same fee schedule as a building permit.
- E. Design Criteria. In approving an application for a creative sign, the planning commission shall ensure that a proposed sign meets the following design criteria:
1. Design Quality. The sign shall:
    - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
    - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;

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- c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
- 2. Style Criteria. The sign shall contain at least one of the following elements:
  - a. Classic historic design style;
  - b. Creative image reflecting current or historic character of the Town of New Castle;
  - c. Creative symbols or imagery compatible with the classic historic design style; or
  - d. Inventive representation of the use, name or logo of the structure or business.
- 3. Architectural Criteria. The sign shall:
  - a. Utilize and/or enhance the architectural elements of the building;
  - b. Be placed in a logical location in relation to the overall composition of the building's facade;
  - c. Not cover any key architectural features/details of the facade.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

**17.18.130 Sign matrices.**

The following section of these regulations corresponds to the following sign districts identified on the sign district map.

- 1. Residential district;
- 2. Gateway district;
- 3. Downtown and mixed-use district; and
- 4. Industrial district.

This section includes a series of sign matrices that address permitted, exempt or prohibited signs, sign area, sign illumination and sign height. These tables are intended to assist the user in understanding the type, size, illumination and height of various signs in each sign district. This information is intended to be used in conjunction with the sign district map and other sections of these regulations.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

**17.18.131 Sign standards matrix—Permitted, exempt or prohibited.**

Sign Type	Residential District	Gateway District	Downtown & Mixed-Use District	Industrial District
Awning Sign	Prohibited	Permitted	Permitted	Permitted
Banner	Prohibited	Permitted	Permitted	Permitted
Bulletin Board	Exempt	Exempt	Exempt	Exempt
Canopy Sign	Prohibited	Permitted	Permitted	Prohibited
Changeable Copy Sign	Prohibited	Permitted	Prohibited	Permitted

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Creative Sign	Prohibited	Permitted	Permitted	Permitted
Marquee Sign	Prohibited	Permitted	Permitted	Permitted
Monument Sign	Permitted	Permitted	Prohibited	Permitted
Off-Premises Sign	Prohibited	Prohibited	Prohibited	Prohibited
Painted Wall Sign	Prohibited	Permitted	Permitted	Permitted
Pole Sign	Prohibited	Permitted	Prohibited	Permitted
Portable Sign	Prohibited <sup>a</sup>	Permitted	Permitted	Prohibited
Projecting Sign	Permitted	Permitted	Permitted	Permitted
Roof Sign	Prohibited	Prohibited	Prohibited	Prohibited
Suspended Sign	Permitted	Permitted	Permitted	Permitted
Temporary Sign	Permitted	Permitted	Permitted	Permitted
Wall Sign	Permitted	Permitted	Permitted	Permitted
Window Sign	Prohibited	Permitted	Permitted	Permitted

(a) Portable signs shall be permitted within the residential zone provided all the following conditions are met:

- The portable sign shall be an on-premises sign.
- The portable sign shall be stored inside the establishment after hours of operation.
- The portable sign shall not cause visual interference with motor vehicle traffic, pedestrian traffic, or traffic control devices.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

**17.18.132 Sign area matrix.**

Sign Type	Residential District Sq. Ft.	Gateway District Sq. Ft.	Downtown & Mixed-Use District Sq. Ft.	Industrial District Sq. Ft.
Awning Sign	0	Sum of all signs on a given wall	10 if main business sign; 4	Sum of all signs on a given wall

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		shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>	if it is an auxiliary business sign	shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>
Banner	0	24	24	60
Bulletin Board	15	15	15	15
Canopy Sign	0	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>	10 if main business sign; 4 if it is an auxiliary business sign	0
Changeable Copy Sign	0	15	15	15
Creative Sign	0	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>	10 if main business sign; 4 if it is an auxiliary business sign	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>
Directional Sign	4	4	4	4
Marquee Sign	0	See "Wall Sign"	See "Wall Sign"	See "Wall Sign"
Monument Sign	64 <sup>(b)</sup>	120 <sup>(c)</sup>	0	120 <sup>(c)</sup>
Painted Wall Sign	0	See "Wall Sign"	See "Wall Sign"	See "Wall Sign"
Pole Sign	0	128 <sup>(e)</sup>	0	128 <sup>(e)</sup>
Portable Sign	0	4	4	0
Projecting Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>

Suspended Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>
Temporary Sign	See Sign Code Text	See Sign Code Text	See Sign Code Text	See Sign Code Text
Wall Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>
Window Sign	0	25% window area <sup>(i), (j)</sup>	25% window area <sup>(i), (j)</sup>	25% window area <sup>(i), (j)</sup>

<sup>(a)</sup> Allowed in place of a wall sign and one per individual building tenant.

<sup>(b)</sup> Downward and direct illumination only; when placed on subdivision entry features, only the sign face shall be used to calculate the sign area.

<sup>(c)</sup> Minimum horizontal distance between signs on the same property is seventy-five (75) feet.

<sup>(d)</sup> In place of project monument sign; not allowed on local or collector streets. Minimum horizontal distance between signs on the same property is seventy-five (75) feet.

<sup>(f)</sup> One per individual tenant building frontage. The sum of all wall signs on a given wall shall not exceed five percent of the wall area, but shall not exceed one hundred fifty (150) square feet; cannot be more than twenty-five (25) feet above grade level or higher than the eave line of the principal building; first floor level only for retail uses.

<sup>(g)</sup> One per street frontage, all signs may be no higher than the eave line of the principal building; may be lighted (shielded light source) and include name and address of facility only. Child care center and bed and breakfast only.

<sup>(h)</sup> Cannot exceed twenty-five (25) percent of the total allowable sign area for the premises.

<sup>(i)</sup> Illuminated window signs shall be included in the total allowable sign area for the premises.

<sup>(j)</sup> Temporary signs or posters displayed for periods not exceeding fourteen (14) days announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs.

(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

**17.18.133 Sign illumination matrix.**

Sign Type	Residential District-Illumination Allowed Y/N	Gateway District-Illumination Allowed Y/N	Downtown & Mixed-Use District-Illumination Allowed Y/N	Industrial District-Illumination Allowed Y/N
Awning Sign	N	N	N	N
Banner	N	N	N	N
Bulletin Board	N	Y	Y	Y
Canopy Sign	N	N	N	N
Changeable Copy Sign	N	Y	N	Y
Creative Sign	N	N	N	N

Marquee Sign	N	Y	Y	Y
Monument Sign	Y <sup>(a)</sup>	Y	N	Y
Painted Wall Sign	N	Y	Y	Y
Pole Sign	N	Y	N	Y
Political Sign	N	N	N	N
Portable Sign	N	N	N	N
Projecting Sign	N	Y	Y	Y
Roof Sign	N	N	N	N
Suspended Sign	Y <sup>(a)</sup>	Y	Y	Y
Temporary Sign	N	N	N	N
Wall Sign	Y <sup>(a)</sup>	Y	Y	Y
Window Sign	N	(b)	(b)	(b)

<sup>(a)</sup> Downward aimed direct light source only; may not be illuminated between 10:00 p.m. and 7:00 a.m. if within five hundred (500) feet of existing residential uses.

<sup>(b)</sup> Illuminated window signs shall be included in the total allowable sign area for the premises.

(Ord. No. 2011-4, § 2(D)(ex. A), 4-19-2011)

**17.18.134 Sign height matrix.**

Sign Type	Residential District-Max Height-Feet	Gateway District-Max Height-Feet	Downtown & Mixed-Use District-Max Height-Feet	Industrial District-Max Height-Feet
Awning Sign	0	(a)	(a)	(a)
Banner	0	(a)	(a)	(a)
Bulletin Board	6	6	6	6
Canopy Sign	0	(a)	(a)	0
Changeable Copy Sign	0	(a)	0	(a)
Creative Sign	0	4	4	4

Created: 2021-04-19 11:06:08 [EST]

(Supp. No. 21)

Marquee Sign	0	(a)	(a)	(a)
Monument Sign	5	6	0	6
Nameplate	Exempt	6 <sup>(a)</sup>	6 <sup>(a)</sup>	6 <sup>(a)</sup>
Painted Wall Sign	0	(a)	(a)	(a)
Pole Sign	0	25	0	25
Political Sign	Exempt	Exempt	Exempt	Exempt
Portable Sign	0	4	4	0
Projecting Sign	6	(b)	(b)	(b)
Roof Sign	0	0	0	0
Suspended Sign	6	(b)	(b)	(b)
Temporary Sign	6	6	6	6
Wall Sign	6 <sup>(a)</sup>	(c)	(c)	(c)
Window Sign	0	(d)	(d)	(d)

<sup>(a)</sup> May be no higher than the eave line of the principal building.

<sup>(b)</sup> Minimum height above sidewalk or grade eight feet. Shall not be higher than the eave from which the sign projects if attached to a single story building or fifteen (15) feet above grade, whichever is less, or the height of the bottom of any second story window if attached to a multi-story building.

<sup>(c)</sup> Cannot be twenty-five (25) feet above grade level or higher than the eave line of the principal building; first floor level only for retail uses.

<sup>(d)</sup> Window signs visible beyond the boundaries of the lot upon which the sign is displayed shall not exceed twenty-five (25) percent of the window or door area at the ground floor level; and twenty-five (25) percent of the total allowable sign area for the premises.

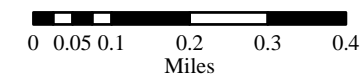
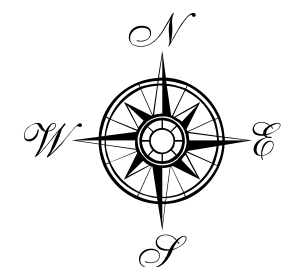
(Ord. No. 2011-4, § 2(D)(exh. A), 4-19-2011)

# New Castle Sign District Map

## Legend

- Residential Sign District
- Gateway Sign District
- Downtown Mixed-use Sign Dist
- Industrial Sign District
- Open Space
- City
- Streams/Ditches
- flood
- Railroads
- Highways

This map is to be used in conjunction with the New Castle Sign Code. The outlines of each district shown on the map follow property lines, zone district boundaries and rights-of way. The level of map accuracy is intended to be sufficient for sign code administration purposes only. Interpretation of sign district boundaries shall be made by the New Castle Planner based upon the purpose and intent of the sign regulations as well as application of a sign district to the underlying uses defined by zoning. Appeals of interpretations made by the Planner shall be in conformance with the relevant section(s) of the New Castle Municipal Code. Areas that do not have a sign district designation do not allow signs.



**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2023-3**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION  
RECOMMENDING APPROVAL OF THE UPDATED ZONE DISTRICT MAP OF THE  
TOWN OF NEW CASTLE AND THE REPEAL SECTION 17.84.060 OF THE NEW CASTLE  
MUNICIPAL CODE.**

WHEREAS, pursuant to Chapter 17.08 of the New Castle Municipal Code (“Code”), the Town of New Castle (“Town”) has established a Planning & Zoning Commission (“Commission”); and

WHEREAS, pursuant to Section 17.92.030(B) of the Code, the Commission must consider and provide a recommendation regarding amendments to Title 17 of the Code; and

WHEREAS, Town staff have updated the Zoning District Map of the Town (“Zoning Map”) pursuant to Section 17.16.010 of the Code; and

WHEREAS, Town staff find that including all approved site plans for conditional uses on the Zoning Map as required by Section 17.84.060 of the Code would create an undue burden on Town resources and make the map unnecessarily complicated and unreadable to citizens; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Commission held a public hearing on June 28, 2023, to consider approval of the updated Zoning Map and the repeal of Section 17.84.060; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that the Town Council approve the Zoning Map and the Code amendment set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.
  
2. Recommendation. The Commission recommends approval of the Zoning Map attached hereto as Exhibit A and incorporated herein by reference, and the repeal of Code Section 17.84.060.

TOWN OF NEW CASTLE, COLORADO,  
PLANNING & ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chair

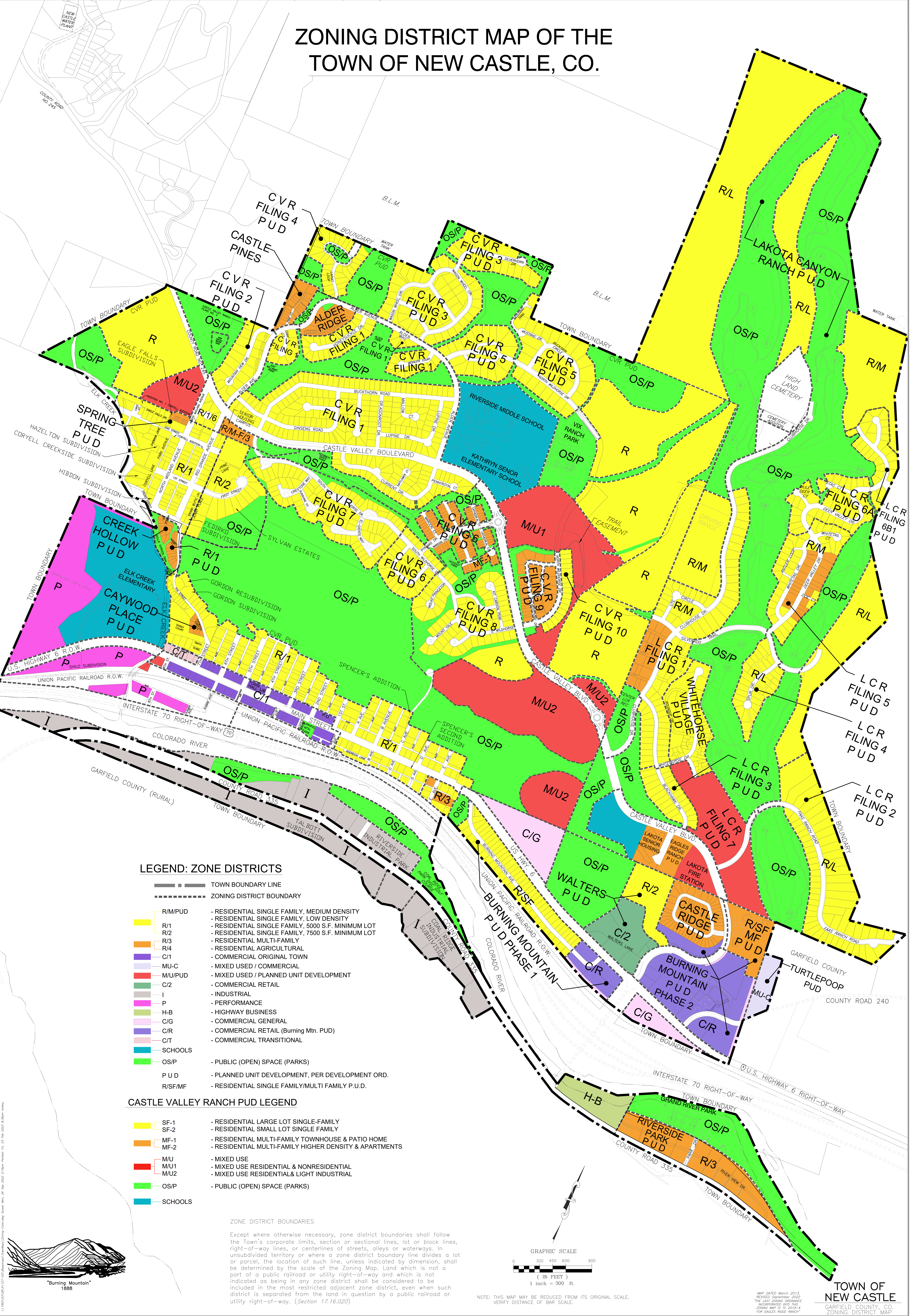
ATTEST:

\_\_\_\_\_  
Remi Bordelon, Deputy Town Clerk

Exhibit A

[ZONING MAP]

# ZONING DISTRICT MAP OF THE TOWN OF NEW CASTLE, CO.



## LEGEND: ZONE DISTRICTS

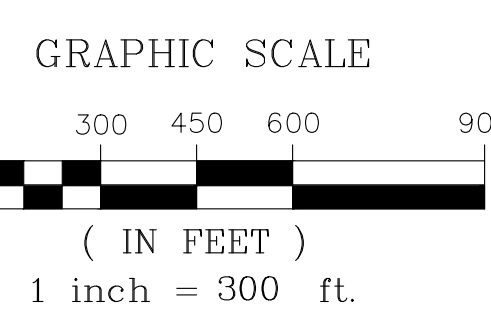
- TOWN BOUNDARY LINE
- ZONING DISTRICT BOUNDARY
- R/M/PUD - RESIDENTIAL SINGLE FAMILY, MEDIUM DENSITY
- R/1 - RESIDENTIAL SINGLE FAMILY, LOW DENSITY
- R/2 - RESIDENTIAL SINGLE FAMILY, 5000 S.F. MINIMUM LOT
- R/3 - RESIDENTIAL SINGLE FAMILY, 7500 S.F. MINIMUM LOT
- R/4 - RESIDENTIAL AGRICULTURAL
- C/1 - COMMERCIAL ORIGINAL TOWN
- MU-C - MIXED USED / COMMERCIAL
- MU/PUD - MIXED USED / PLANNED UNIT DEVELOPMENT
- C/2 - COMMERCIAL RETAIL
- I - INDUSTRIAL
- P - PERFORMANCE
- H-B - HIGHWAY BUSINESS
- C/G - COMMERCIAL GENERAL
- C/R - COMMERCIAL RETAIL (Burning Mtn. PUD)
- C/T - COMMERCIAL TRANSITIONAL
- SCHOOLS - SCHOOLS
- OS/P - PUBLIC (OPEN) SPACE (PARKS)
- PUD - PLANNED UNIT DEVELOPMENT, PER DEVELOPMENT ORD.
- R/SF/MF - RESIDENTIAL SINGLE FAMILY/MULTI FAMILY P.U.D.

## CASTLE VALLEY RANCH PUD LEGEND

- SF-1 - RESIDENTIAL LARGE LOT SINGLE-FAMILY
- SF-2 - RESIDENTIAL SMALL LOT SINGLE FAMILY
- MF-1 - RESIDENTIAL MULTI-FAMILY TOWNHOUSE & PATIO HOME
- MF-2 - RESIDENTIAL MULTI-FAMILY HIGHER DENSITY & APARTMENTS
- M/U - MIXED USE
- M/U1 - MIXED USE RESIDENTIAL & NONRESIDENTIAL
- M/U2 - MIXED USE RESIDENTIAL & LIGHT INDUSTRIAL
- OS/P - PUBLIC (OPEN) SPACE (PARKS)
- SCHOOLS - SCHOOLS

### ZONE DISTRICT BOUNDARIES

Except where otherwise necessary, zone district boundaries shall follow the Town's corporate limits, section or sectional lines, lot or block lines, right-of-way lines, or centerlines of streets, alleys or waterways. In unsubdivided territory or where a zone district boundary line divides a lot or parcel, the location of such line, unless indicated by dimension, shall be determined by the scale of the Zoning Map. Land which is not a part of a public railroad or utility right-of-way and which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district, even when such district is separated from the land in question by a public railroad or utility right-of-way. (Section 17.16.020)



NOTE: THIS MAP MAY BE REDUCED FROM ITS ORIGINAL SCALE. VERIFY DISTANCE OF BAR SCALE.

MAP DATED March 2013, REVISED September 2022. THE LAST ZONING ORDINANCE INCORPORATED INTO THIS ZONING MAP IS 10 2019-4 FOR EAGLES RIDGE RANCH.

TOWN OF NEW CASTLE  
GARFIELD COUNTY, CO.  
ZONING DISTRICT MAP

1 **New Castle Planning and Zoning Commission Special Virtual Meeting**  
2 **Wednesday, April 12, 2023, 7:00 p.m.,**

3  
4 **Virtual Meetings are subject to internet and technical capabilities.**

5  
6 To join by computer, smart phone or tablet:  
7 <https://us02web.zoom.us/j/7096588400>

8  
9 If you prefer to telephone in:  
10 **Please call: 1-346-248-7799**  
11 **Meeting ID: 709 658 8400**

12  
13 **Call to Order**

14 Commission Chair Apostolik called the meeting to order at 7:00 p.m.

15  
16 **Roll Call**

17 Present Chair Apostolik  
18 Commissioner Bourquin  
19 Commissioner Martinez  
20 Commission Alternate Rittner  
21 Commissioner Sass  
22 Commissioner Westerlind

23  
24 Absent Commissioner Westerlind  
25 Commissioner McDonald (recused)

26  
27 Also present at the meeting were Town Administrator Dave Reynolds, Town  
28 Planner Paul Smith, Assistant Planner Lauren Prentice, Public Works Director John  
29 Wenzel, Town Engineer Jeff Simonson, Assistant Town Attorney Haley Carmer,  
30 Deputy Town Clerk Mindy Andis, Deputy Town Clerk Remi Bordelon and members  
31 of the public.

32 **Meeting Notice**

33 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting  
34 in accordance with Resolution TC 2023-1.

35  
36 **Conflicts of Interest**

37 There were no conflicts of interest.

38  
39 **Citizen Comments on Items NOT on the Agenda**

40 There were no citizen comments.

41  
42 **Public Hearing**

43 Resolution PZ2023-01 A Resolution of the New Castle Planning and Zoning  
44 Commission Approving a Preliminary PUD Development Plan and Preliminary  
45 Subdivision Plat for Lakota Canyon Ranch PUD Filing 8 (Longview).

1 Town Planner Paul Smith had applicant Dwayne Romero, RG Lakota Holding, LLC,  
2 introduce his staff and the concept of the project.

3  
4 Mr. Romero introduced: Romero Business Partner CFO Shawn Gleason, Romero  
5 Planning Director Heather Henry and Katie Tabor, Engineer Chris Manera, Architect  
6 Scott McHale, Attorney Jody Edwards and Transportation Engineer Cassi Slade.  
7

8 Planner Smith reported on the story pole event using a balloon to represent the  
9 heights of the building on lot CR-5 that that took place on April 6, 2023. Pictures of  
10 the event are attached to these minutes (exhibit A).

11  
12 Planner Smith reviewed the staff report regarding the changes that were made  
13 between preliminary and final plan.  
14  
15

<b>Preliminary Plan</b>	<b>Final Plan</b>
• 185 residential units: 111 apartments, 20 townhomes, 25 flats, 29 single-family	• 185 residential units: <b>108 apartments, 21 townhomes, 28 flats, 28 single-family;</b>
• 11.8 units/acre	• <b>10.6 units/acre;</b>
• 40% gross area as open space	• No change;
• 51,407 square ft interior commercial space	• No change;
• Apartment Buildings 37ft maximum building height	• Apartment Buildings <b>35ft - height decrease 2ft;</b>
• Building CR-5 max height 44ft - 9ft increase	• No change;
• 450 off-street residential spaces incl. driveways	• No change;
• 163 commercial parking spaces (40% reduction)	• <b>171</b> commercial parking spaces (40% reduction);
• Shared Parking: 272 apartment; 163 commercial	• Shared Parking: 272 apartment; <b>171 commercial;</b>
• Drive G: open to two-way traffic	• No change;
• Drive A: open to two-way traffic	• Drive A: open to <b>one-way traffic;</b>
• Drive B (residential): open to two-way traffic	• Drive B (residential): open to <b>one-way traffic;</b>
• Drive B (commercial): open to two-way traffic	• No change;
• Drive C: public road	• Drive C: <b>private</b> road;
• 6 Townhomes on Drive C	• <b>3 Townhomes</b> on Drive C;
• Snow Storage: 0.85acres	• Snow Storage: <b>0.82acres</b>
• Mixed-use CR-3: commercial & res. on both floors	• No change;
• Faas Ranch Rd and Lakota Dr intersection	• <b>Enhanced visibility of pedestrian crosswalk</b>
• Pedestrian pathways on either side of Faas Ranch Rd. crosswalk	• <b>Additional lights and pathways/connectivity across crosswalk at Faas Ranch Rd.</b>
• Affordable housing: broad concept	• Affordable housing: <b>plan defined in Exhibit A, pg. i-8</b>

16  
17 Romero Planning Director Heather Henry explained the enhanced visibility of  
18 pedestrian crosswalk at Faas Ranch Road and Lakota Drive. Included in the  
19 crosswalk are bump outs which narrow the crosswalk distance. There would also  
20 be sidewalks in all intersections and crosswalks in all four directions. With  
21 sidewalks and crosswalks in the intersection of Faas Ranch Road and Lakota Drive  
22 was one way to direct the flow of foot traffic. There would also be low vegetation  
23 which would make it easier to see the pedestrians and the pedestrians to see

1 vehicle traffic.  
2  
3 Commissioner Bourquin asked if the one-way street doesn't work, could it be  
4 changed in the future to a two-way street with no on street parking.  
5  
6 Planner Smith said yes.  
7  
8 Planner Smith reviewed the resolution and the conditions and explained what some  
9 of the requests from the applicant are.  
10  
11 Planner Smith reviewed "Zoning" item 5.a.i *The maximum height of Building CR-*  
12 *5 shall be 44 feet consistent with the building elevations materials presented*  
13 *in the Application. The A-1 Building types shown on the most recent site plan*  
14 *shall be designed and constructed as partially sunken structures with a*  
15 *maximum height of 35 feet per building. The maximum height of all other*  
16 *structures within Filing 8 shall be 35 feet as provided in Section 17.128.010.*  
17  
18 The height of 44 feet would only be for building CR-5.  
19  
20 Planner Smith said there were questions about the heights of surrounding  
21 buildings. Shibui Apartments height is 38 feet for those buildings. The firehouse  
22 (tower) is about 36 feet. The Lakota Senior House (middle building) is 43 feet.  
23  
24 Commissioner Parks asked what the reasoning for the height request was because  
25 architectural trying to match the roof tops in Lakota Canyon Ranch instead of a  
26 flatter roof.  
27  
28 Ms. Henry said yes because of the continuity in Lakota Canyon Ranch. No matter  
29 what the buildings in Longview will focus on the continuity. The roof pitches in  
30 Lakota Canyon Ranch are 8 and 12 minimum of 6 foot. Looking at the roof pitches  
31 of Shibui Apartments or the Castle Ridge townhomes which have very low pitches.  
32 Lakota Canyon Ranch didn't anticipate 3 story buildings which are allowed in the  
33 Mixed-Use Zone. By having the roof pitches and the livability which would come  
34 with the higher building height. To get to the three story and the continuity with  
35 the architecture and the pitches on the other buildings, but the other buildings are  
36 not three story.  
37  
38 Commissioner Martinez asked the building which faces Castle Valley Boulevard is  
39 not 44 feet.  
40  
41 Ms. Henry said that was correct. The 44 feet is behind the entire building which  
42 faces Castle Valley Boulevard. The part of the building along Castle Valley  
43 Boulevard drops down to a two-story building.  
44

1 Commissioner Martinez asked if the two-story part of CR-5 is two-story of  
2 commercial and no residential.

3  
4 Ms. Henry said correct. The residential will be on the third floor.

5  
6 Commissioner Riddle asked if the empty space or white space is meant for the  
7 branding of the businesses in the building.

8  
9 Ms. Henry said yes. The business logo.

10  
11 Planner Smith asked what the roof pitch is for building CR-5.

12  
13 Architect Scott McHale said it's 5 or 6 foot.

14  
15 Planner Smith said he believes Lakota Canyon Ranch design is a little steeper  
16 around 7 or 8 foot.

17  
18 Planner Smith reviewed resolution item 5.a.ii. *The five apartment buildings (Building*  
19 *types A-1 and A-2 as described and depicted in the Application) shall be allowed to*  
20 *exceed the maximum number of units per building (10 per Section 17.128.070(I))*  
21 *as follows:*

- 22 a. *A-1 buildings: up to 24 units per building; and*
- 23 b. *A-2 buildings: up to 20 units per building.*

24  
25 Planner Smith said Building A-1 is along the golf course. Buildings A-2 are along  
26 Blackhawk Drive and 1 building closest to Shibui Apartments. The buildings exceed  
27 the maximum number of units. Per New Castle Municipal Code allows for maximum  
28 of 10 units per building. The request for exceeding the number of units has not  
29 changed since preliminary. Building A-2 has tuck under covered parking.

30  
31 Planner Smith reviewed resolution item 5.a.iii. *The total number of commercial*  
32 *parking spaces required for Filing 8 shall be reduced by 40% from what is*  
33 *otherwise required under the Lakota Canyon Ranch PUD standards, subject to the*  
34 *implementation of a shared parking arrangement among the commercial, mixed-*  
35 *use, and multi-family uses within Filing 8.*

36  
37 Planner Smith said the single family and the townhomes will not have shared  
38 parking and will have the required amount of parking. The shared parking concept  
39 only applies to the commercial, the flats and the apartments.

40  
41 Planner Smith reviewed resolution item 5.a.iv. *A "floating zone" is established for*  
42 *the Phase 3 area shown on the PUD Plan allowing for up to an additional 10,000*  
43 *square feet of commercial floor area within the "floating zone". The addition of*  
44 *commercial space may be approved as an administrative amendment to the PUD.*  
45 *The 40% "shared parking" reductions shall apply to any additional commercial*  
46 *floor area and no additional parking spaces will be required if the additional*

1 *commercial space is utilized; provided, however, that the floating zone will be*  
2 *subject to the annual shared parking audit, including the satisfaction of any*  
3 *mitigation measures required as part of the audit process. The overall cap on*  
4 *commercial square footage within the Lakota Canyon Ranch will continue to apply,*  
5 *and the additional commercial square footage provided for in the floating zone is*  
6 *subject to said cap.*  
7

8 Planner Smith said there was discussion at the preliminary regarding the "floating  
9 zone" for building CR-3 which would be some kind of adaptive use. This would be  
10 based on the market and the demand. The "floating zone" would be open for a  
11 later discussion. The condition in the resolution is written as a townhome use only.  
12 Then, with applicants' discretion could change it to commercial if the market is  
13 there for the commercial.

14  
15 Planner Smith said the commission would need to decide if having a "floating zone"  
16 be more adaptive and come back later or prefer to make a decision now.

17  
18 Commissioner Bourquin asked if the "floating zone" would be levels 2 and 3 and  
19 the first floor as ground floor as retail.

20  
21 Ms. Henry said as the resolution is written it could be any part of phase 3. The  
22 "floating zone" would not just be building CR-3 but any building in phase 3.

23  
24 Planner Smith said the master plan for Lakota Canyon Ranch "there shall be no  
25 ground floor residential units on the same side of the building as ground floor  
26 commercial space in the Mixed-Use zone."  
27

28 Planner Smith said building CR-3 ground floor is on the same level as the  
29 commercial building.

30  
31 Commissioner Riddle asked the applicant says it would not apply CR-3 commercial  
32 space because it opens up to Lakota Drive.

33  
34 Planner Smith said yes, believes so. Building CR-3 could have ground floor  
35 residential because it opens up to Lakota Drive.

36  
37 Commissioner Parks said likes the idea to make the decision in the future as the  
38 market would dictate because wouldn't want commercial space to sit empty. Would  
39 the decision come back to the commission to review and to decide.

40  
41 Town Attorney Haley Carmer said the way it is written to keep the flexibility there  
42 and would be done administratively. Therefore, it would not come back to the  
43 commission or to council as long as it is generally consistent with the PUD. It  
44 would be converting the space within the building from residential to commercial,  
45 which staff could approve.  
46

1 Planner Smith reviewed resolution item 6.a. "Vested Rights" *The vested rights period*  
2 *for Filing 8 will be ten (10) years from the effective date of the ordinance approving*  
3 *the Final Plan.*

4  
5 Commissioner Riddile asked to explain why the "Vested Rights" is getting specific  
6 and what is the concern.

7  
8 Attorney Jody Edwards explained the vested rights do is it protects an approved  
9 development from changes in the code. For an example if there was a code change  
10 to change the height not more than 25 feet, then the developer wants a period of  
11 time to develop the project and be subject to the code change. Gives the developer  
12 some level of assurance since he will be put in infrastructure and create some public  
13 benefits. The developer needs a period of time to know to be able to complete the  
14 project.

15  
16 Planner Smith reviewed resolution "Conditions" 7.a. *Applicant shall implement*  
17 *reserved or assigned parking for the shared parking areas of Filing 8 as follows:*

- 18 i. *All A-1 type apartment units shall have one assigned parking space in*  
19 *the parking area closest to the units;*
- 20 ii. *The east furthestmost A-2 apartment units shall have one assigned*  
21 *parking space in the parking area closest to the units; and*
- 22 iii. *All "tuck-in" parking beneath A-2 type apartments and CR-1 mixed-use*  
23 *building shall be reserved for tenants of those respective buildings.*

24  
25 Planner Smith said before the projects starts the applicant will need to measure the  
26 parking situation on the peripheral streets such as Blackhawk Drive, Faas Ranch  
27 Road, Whitehorse Drive and do a benchmark study on how many of those on street  
28 parking spaces are being utilized. Then, as the project is phased in the applicant will  
29 need to come back with a reassessment on all of the parking in the development.  
30 Which would show the potential overflow parking on the side streets. The second  
31 part deals with the onsite parking.

32  
33 The onsite parking would measure at a couple of the peak times. Conditions 7.b.  
34 *The shared parking arrangement in Phases 2 and 3 of Filing 8 shall be subject to the*  
35 *following parking audit process: On the first anniversary of initial implementation of*  
36 *shared parking in Phase 2 and Phase 3 of Filing 8 and annually thereafter for four*  
37 *additional years, Town Council shall review and take comment regarding the shared*  
38 *parking arrangement for Phase 2 and/or Phase 3, as applicable, to determine*  
39 *whether the arrangement adequately meets the needs of the owners and residents*  
40 *affected. The Fox Tuttle Parking Strategies Memorandum dated January 24, 2023*  
41 *(the "Parking Memorandum") included in the Application establishes the process for*  
42 *evaluating the shared parking arrangement and sets the performance measures for*  
43 *the arrangement. If a "significant impact" is identified as provided in the Parking*  
44 *Memorandum, Town Council, in its discretion, may require Applicant to implement*  
45 *one or more of the Parking Demand Management Strategies listed in the Parking*  
46 *Memorandum or pay a parking mitigation fee if one has adopted for application on*

1 *a Town-wide basis.*

2

3 Planner Smith said there are two conditions that would need to be met before  
4 mitigation is required. The first one: complete another parking study within all of  
5 the current development (phase 2). If the study exceeds 90 percent and if the  
6 parking on the peripheral streets and exceeds a certain parameter. If, both of the  
7 conditions are met (exceeding onsite parking by 90 percent and certain benchmarks  
8 are exceeded on the peripheral), then the town would go into some type of  
9 mitigation.

10

11 Planner Smith said staff has reviewed the shared parking and did a count of the  
12 parking and how it would function and there were concerns. The concerns were with  
13 the A-1 & A-2 type apartment buildings because of the number of units in each of  
14 the buildings. There is likely won't be enough parking for each of the units. There is  
15 limited parking spaces in the parking lots south and west of building A-2. There  
16 would be some tuck in parking strictly for building A-2. Staff's recommendation is  
17 the east furthestmost A-2 apartment units shall have one assigned parking space in  
18 the parking area closest to the units. All A-1 type apartment units shall have one  
19 assigned parking space in the parking area closest to the units.

20

21 Ms. Henry said the shared parking strategy and the management plan would like to  
22 leave it as first presented because the whole point is you are able to pool the spaces.  
23 For example, someone may park in the apartment parking because they are going  
24 into a commercial space. However, the commercial space will have specific hours of  
25 operation and after hours that apartment parking will become available again for the  
26 apartment units. Parking management plan (exhibit B).

27

28 Commissioner Riddile asked what the reduced residential parking in the daytime  
29 was.

30

31 Traffic Engineer Cassi Slade said overall would be 39 percent on the commercial  
32 and multifamily. The townhomes would not be reduced at all.

33

34 Commissioner Riddile asked there are a certain number of dedicated commercial  
35 parking spaces and the 40 percent is being taken out of the residential, what is the  
36 percentage of the residential parking requirement.

37

38 Ms. Slade said she looked at the national data of what would be the demand if  
39 nothing was shared. She also looked at if there was shared parking with  
40 commercial and what that demand would look like. Both numbers are significantly  
41 under what would be provided for the project. From the town code there is a 39  
42 percent reduction in the commercial and multifamily parking spaces.

43

44 Commissioner Bourquin said after doing a quick calculation based on building A-1,  
45 A-1 and A-2 and assuming everyone has 2 cars that would be 136 units that would  
46 need to park on the parcel which would be designated all the way to Shibui

1 Apartments there is a total of 114 parking spaces which would be a shortage of  
2 30ish parking spaces.  
3  
4 Commissioner Sass asked how many of the tuck under parking spaces are there.  
5  
6 Ms. Henry said there will be 12 tuck under parking spaces for a 20 unit building.  
7  
8 Attorney Carmer said each phase is looked at separately and will have separate  
9 parking audits done and looked at as a whole.  
10  
11 Commissioner Riddle said would be fine with resolution condition 7.a.ii. being  
12 eliminated from the resolution since there will be 12 tuck under parking spaces.  
13  
14 Ms. Slade said having a parking management plan is a benefit because there will  
15 be tracking done and seeing people sharing parking spaces and having to walk  
16 from building CR-3 to building A-1. As each phase comes in the parking can be  
17 adjusted as needed and work with the town if there are any issues that have  
18 arisen.  
19  
20 Commissioner Bourquin asked what some of the adjustments might be if the  
21 shared parking doesn't work.  
22  
23 Ms. Slade said the applicant agreed to check in 1 year after phase 2 will do  
24 analysis because before phase 3 and 4 the parking can be adjusted before any  
25 concrete is poured and any buildings are built. In case the developer is not  
26 meeting what has been agreed to and the performance measures are met, there  
27 are different shared views such as enforcement or designation of parking spaces  
28 and partnerships with underutilized parking lots.  
29  
30 Planner Smith continued to review the resolution conditions.  
31  
32 Planner Smith asked about the landscaping in the development.  
33  
34 Ms. Henry said the town has code regarding landscaping against turf. Zero Scaping  
35 would be first most important, right sizing. Meaning any space that would be  
36 utilized for pocket park spaces which might have small lawns associated with the  
37 park. Then, the majority of the right-of-way, space adjacent to the trails and single  
38 family will have restrictions on native grass, shrubs that are native and adaptive in  
39 low water use. The tree cover would be more of a natural approach with mixture of  
40 trees but recognizing low to medium water use. As the irrigation is put in, the  
41 system would be line with the landscaping as a drip system irrigation.  
42  
43 Planner Smith asked in the resolution condition g. *All outside parking areas facing*  
44 *a residential-only use shall have a landscape buffer to obscure vehicles from view*  
45 *per Code Section 17.128.070.* What the buffer would be and where.  
46

1 Connect One Design Katie Tabor said along Faas Ranch Road (CR-1 & CR-2). There  
2 would be a 2-3 foot berm consisting of dense shrub trees and shrub planting. The  
3 next area would be the large park in front of the apartment buildings would a 4  
4 foot wall which would screen the lower level of headlights. The driveways along  
5 Castle Valley Boulevard have screening of parking and structures.  
6

7 Planner Smith said at preliminary there was discussion about a traffic light or  
8 roundabout. The traffic study concluded the intersection at Faas Ranch Road and  
9 Castle Valley Boulevard would need to have traffic signaling at some point possible  
10 phase 3. The applicant was asked about the possibility of a roundabout. The  
11 applicant did look at the roundabout option but felt the grade and topography and  
12 line up with Faas Ranch Road is not conclusive. Therefore, the conclusion was to  
13 do a traffic signal. The roundabout at the intersection would need to be reduce the  
14 grade before and after the roundabout. The question is the roundabout would  
15 encroach Romero property to the north and to the south (exhibit C). There was  
16 concern that the buildings would not be affected. There was also a question about  
17 the fire department to make sure the entry would work. The fire department would  
18 prefer a roundabout vs. a traffic signal.  
19

20 Town Engineer Jeff Simonson said he first looked at a single lane roundabout and  
21 the focus was the grade and how much construction would be needed. To have the  
22 roundabout match the existing grade at the intersection of both Castle Valley  
23 Boulevard and Faas Ranch Road. To soften the slopes through the roundabout (ie.,  
24 2% grade), an 18" uphill cut and an 18" downhill fill on Castle Valley Boulevard is  
25 necessary. From the uphill and downhill edges of the roundabout, there will be the  
26 need to reconstruct 200 ft +/- of the boulevard to transition back to existing grade.  
27 This would allow the roadway to get back to the existing 4.3% slope. Faas Ranch  
28 Road has approximately 133 feet of transition length.  
29

30 The importance of the study is to determine how much room (if any) is necessary  
31 to secure additional future right of way from the adjacent properties to construct a  
32 roundabout. You will see on the exhibit, that approximately no more than 14 feet  
33 of additional encroachment would be necessary at the northwest corner of the  
34 Castle Valley Boulevard and Faas Ranch Road intersection and an additional  
35 encroachment of 37 feet would be necessary at the southeast corner of the  
36 intersection. There would need to be some utility work done such as the water  
37 main going up Castle Valley Boulevard as well as the water main going up Faas  
38 Ranch Road and relocation of the fire hydrant.  
39

40 Planner Smith said there has been discussion about widening the boulevard to 4  
41 lanes. How would widening the road affect the roundabout.  
42

43 Engineer Simonson said would need at least another 15 feet of encroachment into  
44 the northwest corner. There would be more construction up Faas Ranch Road to  
45 connect with Castle Valley Boulevard correctly.  
46

1 Ms. Henry said they would need to redesign the entrance into buildings CR-3 and  
2 CR-4.

3  
4 Engineer Simonson said the single lane roundabout would affect the entrance into  
5 building CR-4. The entrance would need to be right in, right out only. The grading  
6 would need to be adjusted in order to get into the parking lot because the grading  
7 on Faas Ranch Road would be adjusted therefore the entrance would need to be  
8 adjust as well.

9  
10 Commissioner Bourquin asked what the current traffic is on Castle Valley  
11 Boulevard and what would trigger a 2 lane road.

12  
13 Ms. Slade said in the future if the predictions of traffic have grown on Castle Valley  
14 Boulevard two lanes would not need to be widened until 2040 or beyond. Current  
15 traffic flow on Castle Valley Boulevard just south of Faas Ranch Road is 6,100  
16 vehicles per day and north of Faas Ranch Road is 5,150 vehicles per day. In 2030  
17 would add about 1,000 additional vehicles per day on Castle Valley Boulevard with  
18 other developments. With the build out of Lakota Canyon Ranch would be just  
19 under 9,000 vehicles per day. The other trigger would be if Fass Ranch Road gets  
20 extended out which could be over 10,000 vehicles per day beyond 2040.

21  
22 Ms. Henry said their average between am peak and pm peak is 25 percent.

23  
24 Fire Marshall Orin Moon said when looking at the roundabout as a 2 lane would not  
25 be a problem. Right now, the fire apparatus enters and exits the fire state on the  
26 south side because it's all concrete and can handle the wight of the apparatus.  
27 With the road moving up there would need to be a new entrance into the fire  
28 house which would need to be similar to what is currently there. There is a culvert  
29 that would need to be moved or changed. The trade out of moving the entrance  
30 and having a roundabout is better than a traffic signal.

31  
32 Commissioner Riddile said idea is not that we need the roundabout but to preserve  
33 the option.

34  
35 Attorney Carmer said the traffic study suggests a need for mitigation at the  
36 intersection of Castle Valley Boulevard and Faas Ranch Road. Talking about how the  
37 applicant contributes to the traffic at the intersection at full build out of filing 8 is 25  
38 percent. She explained resolution conditions i. and j. *(i) Applicant shall install a  
39 traffic light at the intersection of Faas Ranch Road and Castle Valley Boulevard and  
40 dedicate the traffic light and any necessary easements to the Town. The light will be  
41 installed as part of the development of Phase 2 of Filing 8. (j) The Applicant shall  
42 consult with Town Staff regarding the feasibility of a future traffic circle at Faas  
43 Ranch Rd. and Castle Valley Blvd. per the recommendations of the Town Engineer  
44 and include an access, utility, and drainage easement for the roundabout on the  
45 Phase 1 and/or Phase 2 plat in the location and with the dimensions approved by  
46 the Town Engineer. Non-permanent encroachments into the easement area will be*

1 *permitted subject to a revocable license approved by Town Council.*

2  
3 Attorney Jody Edwards said would be happy to pay 25 percent of the traffic signal.  
4 The applicant understand the community wants a roundabout at the intersection of  
5 Castle Valley Boulevard and Faas Ranch Road, but the impacts on the development  
6 that there are significant material impacts that would occur to buildings CR-4 and  
7 CR-3. With 15 or 20 feet elevation change would be harder to get up and down the  
8 sidewalks. Then, you don't want the commercial buildings to be 10, 15, 20 feet  
9 way from the traffic. The applicant believes giving the land to the town would be  
10 the contribution as long as that is as far as it goes.

11  
12 Mr. Edwards handed out a proposed change to the resolution regarding the traffic  
13 signal and the roundabout (Exhibit D).

14  
15 Commissioner Parks asked at what point of phase 2 would the traffic signal be  
16 installed because the construction traffic could impact the intersection.

17  
18 Attorney Carmer said resolution conditions i and j are not being recommended by  
19 staff but would be eliminated and replaced with the proposed language for Mr.  
20 Edwards. Staff recommend the roundabout and would not be installing the traffic  
21 signal.

22  
23 Planner Smith asked at what point would the roundabout be put in.

24  
25 Ms. Henry said in terms of the new proposed language, the dedication with the  
26 recording of the plat. All of phase 2 and most of the commercial building would  
27 need to be built before the roundabout would be required.

28  
29 Commissioner Riddile said there should not be a traffic signal or roundabout be put  
30 in until needed.

31  
32 Attorney Carmer said the dedication of the land would be free land not an  
33 easement. With the land dedication for the roundabout would be the end of the  
34 developer's obligation at the intersection of Castle Valley Boulevard and Faas  
35 Ranch Road. If the town wanted to put in a traffic signal in the interim that would  
36 be at the towns expense.

37  
38 Planner Smith explained the affordable housing program, Longview at Lakota  
39 Canyon Ranch. (exhibit E).

40  
41 Mr. Romero said the affordable housing portion of the application is geared for the  
42 offering and off set to the variations of the application requesting the height,  
43 density within buildings and parking. Clearly the applicant is doing it to the point of  
44 trying to provide a community asset that otherwise would not exist in the land use  
45 code. Have a program which is designed for public entities, public service  
46 employment. The rent reduction is 25 percent down from the average market rent.

1 The 20 residences will be in the form of condos and apartments will be front end  
2 loaded in phase 2 and phase 3, and in phase 4 is a final batch of 8 units. There  
3 would be 6 deeded properties to Habitat for Humanity, and they would hold the  
4 deed for those properties. The other 20 units would be in the rent reduction  
5 program. The Town of New Castle has what is called a "wild card". Meaning if the  
6 town doesn't fulfill their 5 units but would like to designate 1 of the 5 units to  
7 another public entity that servicing the town's benefit for an example the library  
8 district the town could then let the library employee be in the unit. The other  
9 benefit to the town is if the town has less than 2 units of the 5 occupied, then the  
10 town could go to the applicant and ask for another 5 percent reduction.

11  
12 Ms. Henry said this affordable house program is unique because of the  
13 qualifications. There are not income qualifications, the qualifications are up to the  
14 entities to determine what the qualifications would be.

15  
16 Attorney Carmer asked if the Habitat for Humanity properties be part of a sub  
17 association or be incorporated in Lakota Canyon Ranch Master Association.

18  
19 Mr. Romero said those properties would be single family homes therefore would be  
20 part of the master association.

21  
22 Chair Apostolik opened the public hearing at 9:08pm

23  
24  
25 Chair Apostolik closed the public hearing at 9:20pm

26  
27 **MOTION: Chair Apostolik made a motion to approve Resolution PZ 2023-**  
28 **01, A Resolution of the New Castle Planning and Zoning Commission**  
29 **Recommending Conditional Approval of a Final PUD Development Plan for**  
30 **Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat**  
31 **of Filing 8, Phase 1 with the two additional conditions. Commissioner Sass**  
32 **seconded the motion, and it passed on a roll call vote: Commissioner**  
33 **Parks: Yes; Commissioner Riddile: Yes; Commissioner Rittner: Yes;**  
34 **Commissioner Martinez: Yes; Commissioner Sass: Yes; Chair Apotolik: Yes;**  
35 **Commissioner Bourquin: Yes.**

### 36 37 **Staff Reports**

38 There were no staff reports.

### 39 40 **Commission Comments and Reports**

41 There were no commission comments or reports.

### 42 43 **Review Minutes from Previous Meeting**

44 **MOTION: Commissioner Riddile made a motion to approve the August 24,**  
45 **2022, meeting minutes as submitted. Commissioner Sass seconded the**  
46 **motion and it passed unanimously.**

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19

**MOTION: Chair Apostolik made a motion to approve the September 14, 2022, meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.**

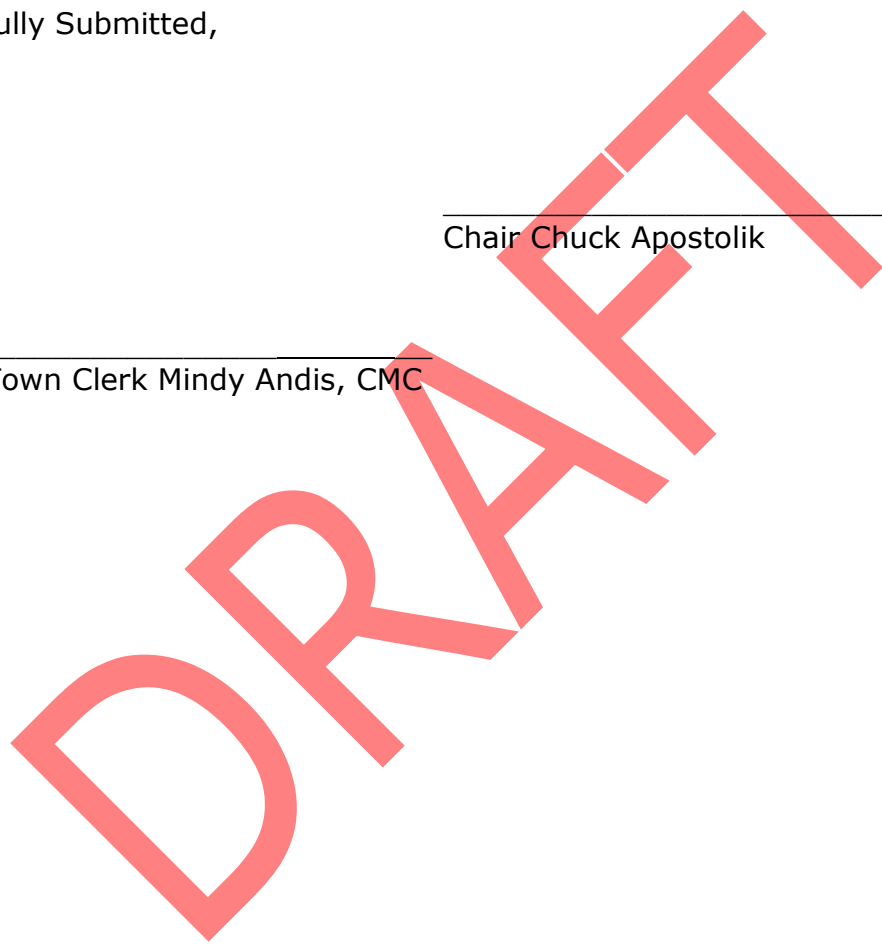
**MOTION: Chair Apostolik made a motion to adjourn the meeting. Commissioner Riddile seconded the motion and it passed unanimously.**

The meeting adjourned at 10:02 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Chair Chuck Apostolik

\_\_\_\_\_  
Deputy Town Clerk Mindy Andis, CMC







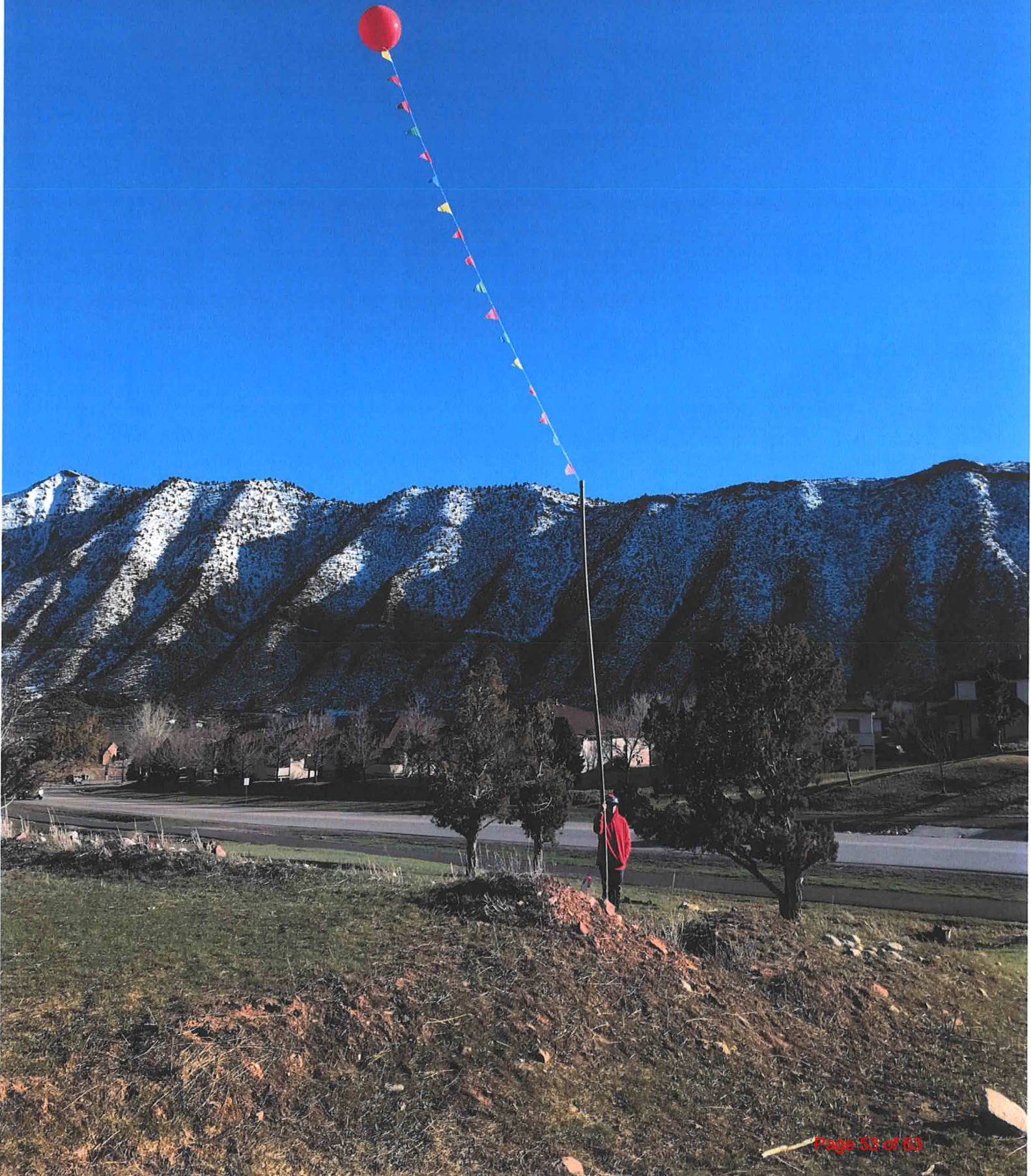


Exhibit B1  
to  
4.12.23 Planning & Zoning Minutes

## MEMORANDUM

**To:** The Romero Group, LLC  
**From:** Cassie Slade, PE, PTOE  
**Date:** January 24, 2023  
**Project:** The Longview at Lakota Canyon Ranch  
**Subject:** Parking Strategies

---

The Fox Tuttle Transportation Group in partnership with the design team has developed the following strategies to ensure the parking needs of The Longview at Lakota Canyon Ranch (Longview) are met in each phase. It is understood that Town Council has concerns that there will not be enough parking in the future and requested steps to ensure Longview monitors the parking situation as development occurs.

### Summary of Parking Study

The Longview included a parking study as part of the PUD process and it is summarized here. New Castle's Municipal Code requires 647 parking spaces for this project. Based on national parking data, the parking demand was calculated to be up to 389 spaces without shared parking and up to 351 with shared parking. The project proposes to provide 443 parking spaces on-site (0% reduction on townhomes and 32% reduction on commercial/multi-family). Based on the analysis, the provided parking supply of 443 spaces will adequately accommodate the estimated peak parking demand (between 351 and 389 spaces) and have excess parking spaces during several periods of the weekday or weekend.

---

## Parking Monitoring

The following steps are recommended to monitor the parking needs of the Longview:

**Before Study - prior to Construction.** It is important to perform a parking study on the existing neighborhood roadways prior to construction to understand if there is an impact to adjacent roadways once the project is built.

1. **Measure** the total on-street parking on each side of the roadways with the attached methodology.
2. **Document** the existing number of parked vehicles on Lakota Drive, White Horse Drive, Blackhawk Drive and Faas Ranch Road, adjacent to the project property, on one weekday and one weekend day: 4:00-5:00am, 12:00-1:00pm, and 6:00-7:00pm (at a minimum).
3. **Calculate** the occupancy rate of the existing on-street parking by dividing the number of occupied spaces by the total number of on-street parking spaces.

### **After Study - One year after Phase 2 of Filing 8 is completed and generating traffic/parking.**

1. **Document** number of parking spaces that are utilized and the number of parking spaces that are vacant during the one weekday and one weekend day during 4:00-5:00am, 12:00-1:00pm, and 6:00-7:00pm (at a minimum). This includes all parking lots and internal on-street parking. These times are to capture the anticipated peak periods for the different land uses, but can be adjusted as appropriate.
2. **Identify** if there are specific parking areas of concern (waiting vehicles, illegally parked, truck loading in spaces, etc.). Take photos as appropriate.
3. **Document** the number of parked cars on the same segments of Lakota Drive, White Horse Drive, Blackhawk Drive and Faas Ranch Road from the Before Study. It is advised that video data collection be utilized to help determine if parked vehicles are patrons of Lakota Canyon Ranch.
4. **Observe** if parking is impacting adjacent neighborhoods or roadways. This is a subjective measurement since it may be difficult to determine which parked cars are supposed to be parking within Longview.

- 
5. **Calculate** the occupancy rate of the on-site parking by dividing the number of occupied spaces by the total number of on-site parking spaces.
  6. **Compare** the parking demand on the adjacent neighborhood roadways to the before study results.
  7. **Review** the number of complaints and incidents from residents, employees, and visitors.

### Performance Measures

The following performance measures have been defined for this development to determine when implementation of parking strategies may be needed:

- **Longview Occupancy Rate** above 90% during two peak periods  
AND
- **Neighborhood On-Street Occupancy Rate** significantly impacted.
  - If the before study occupancy rate is below 30%, then a significant impact would be 150% increase over existing.
  - If the before study occupancy rate is between 30-50%, then a significant impact would be 80% increase over existing.
  - If the before study occupancy rate is between 50-70%, then a significant impact would be 40% increase over existing.
  - If the before study occupancy rate is above 70%, then a significant impact would be 20% increase over existing.

It is understood that the findings will be reviewed and commented on by Town Council. It was agreed that this will occur for five (5) years by the development.

---

## Parking Strategies

The specific parking strategy(s) to address the identified problem(s) will need to be determined at the time of review and will be based on the data collection and observations. It is not anticipated that all the listed strategies need to be implemented and there is not a specific order of implementation. If one strategy does not improve the parking situation, then it may need to be paired with another strategy for better results. It is recommended that the chosen mitigation strategy(s) be operational for a minimum of three (3) months before additional data is collected and analyzed.

The following list provides options to be considered to improve the parking arrangement if it is found be underperforming in the future:

### Parking Demand Management Strategies:

1. Increased enforcement of on-site parking including citations and fines.
2. Partnerships with underutilized private lots nearby.
3. Designating specific parking spaces to specific users or by time of day.
4. Provide monetary incentives for residents to minimize their vehicle ownership and employees who carpool, walk, bike, or use transit.
5. Fund transit passes for residents and/or employees.
6. Charge for parking.
7. Implement neighborhood parking permit program (inside and/or outside Lakota Canyon Ranch)

### Physical Improvements (only if parking occupancy is 100% and neighborhoods are significantly impacted):

8. Add parking spaces by redesigning the subsequent phases. The number of spaces will depend on the field-observed parking demand and available property.
9. Construct a bus stop adjacent to or within the property.
10. Sign, stripe, and encourage parking along Faas Ranch Road.

It is recommended that one or more of the Strategies 1-7 be implemented before considering Strategies 8-10 due to higher cost and impact to the property. Again, it is not anticipated that all

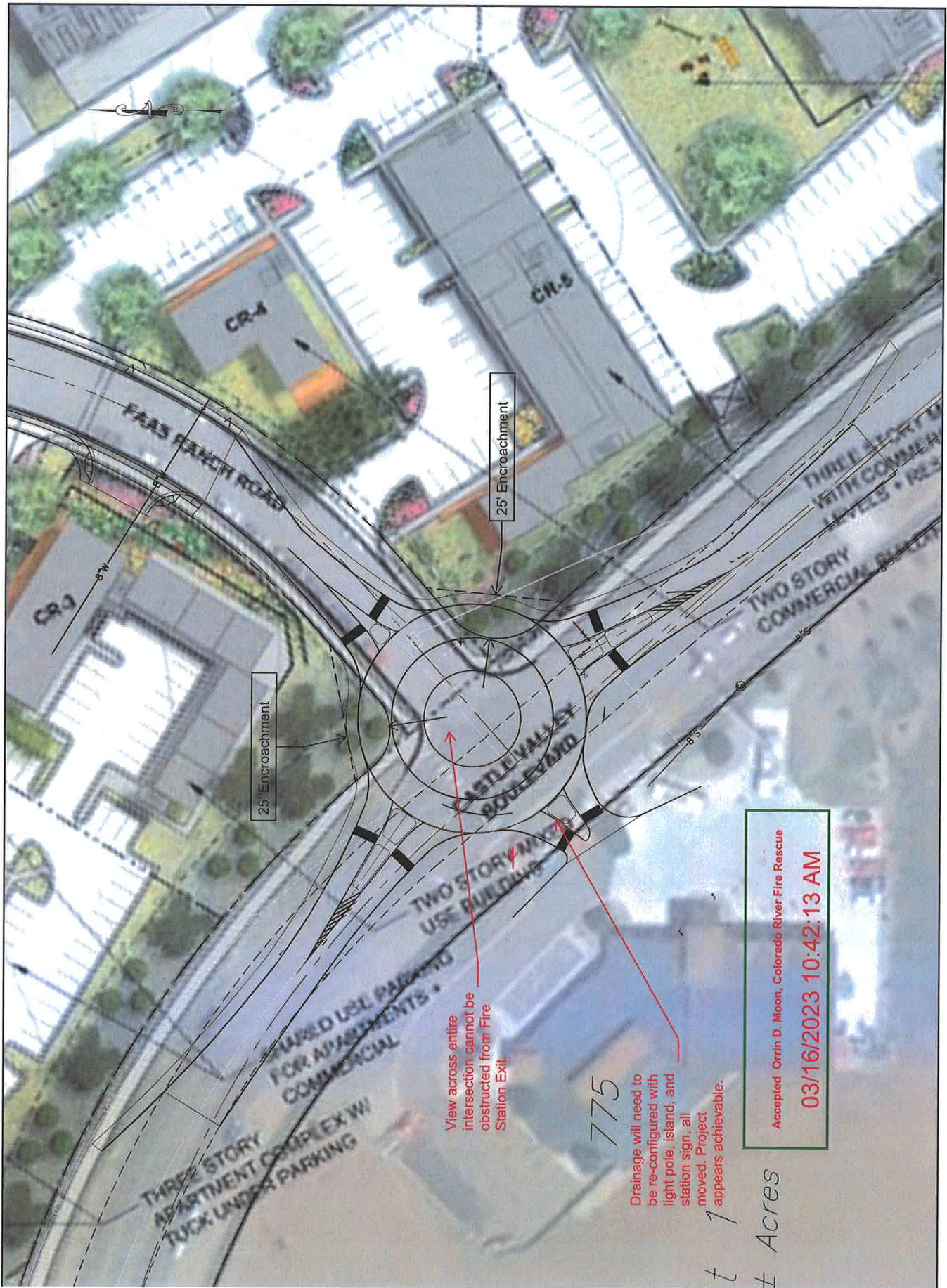
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the parking management strategies will need to be implemented. The most appropriate strategy should be identified once the data collection and analysis is completed to understand the issue(s). It is recommended that carpooling, multi-modal travel, and less vehicle ownership be highly encouraged for a reduced parking demand, which will positively impact traffic, emissions, health, and ability to construct homes and commercial space.

/CRS

**Attachments:**

Methodology to calculate amount of on-street parking



The Applicant's position is that the proposed concept of a roundabout will have material and adverse impacts on the site plan and will affect the value of the Applicant's property overall. Therefore, we recommend the following condition:

Applicant shall contribute 25% of the estimated cost of traffic signal improvements at the Castle Valley Ranch Boulevard/Faas Ranch Road intersection in the form of ~~(i)~~ dedication to the Town of land or an easement for a right-of-way of sufficient size to accommodate a roundabout in generally the location shown on the diagram prepared by the Town Engineer dated April 11, 2023; ~~and (ii) a one-time impact fee payment. The value of Applicant's land or easement dedication will be valued on a square footage basis approved by Town Council and applied toward the required contribution amount.~~ Applicant will dedicate the land indicated on the staff diagram for a roundabout with the Third Amended and Restated Subdivision Exemption Plat pay the balance of its contribution in a lump-sum payment due at the time of recordation of the Phase 2 final plat. ~~The final location and dimensions of the right-of-way will be determined by the Town Engineer prior to recordation of the Phase 2 plat, and the easement or land dedication shall be dedicated on the Phase 2 plat.~~ Nonpermanent encroachments into the roundabout area will be permitted subject to a revocable license approved by Town Council. Minimum setbacks from the roundabout may be adjusted as needed on the Phase 2 and/or Phase 3 final plat so that no change to the approved site plan for Filing 8 will be required to accommodate the roundabout. The land dedication contribution by Applicant as provided in this condition will satisfy all of the Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.

Exhibit D  
to  
4.12.23 Planning & Zoning Minutes

**Draft Affordable Housing Program, Longview @ Lakota**

Of the 183 residential units in our approved Preliminary Plan, twenty-six (26) units shall be deed restricted for “affordable” or “accessible” units. These twenty-six (26) units shall be allocated according to the following plan.

The twenty-six (26) units will be delivered in accordance with the phased development plan for Longview at Lakota:

<b>Maximum Allocation of Affordable Units per Phase by Entity</b>	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
Habitat for Humanity	-	-	-	6	-	-
Valley View Hospital	-	6	-	-	-	-
Town of New Castle	-	3	2	-	-	-
Colorado River Fire District	-	1	1	-	-	-
Garfield County School District RE-2	-	3	2	2	-	-

**Group A**

**Habitat for Humanity:** Two development sites (each with one proposed triplex per development site, for a total of six (6) residential units) shall be deeded to Habitat for Humanity.

Qualifying: TBD by Habitat for Humanity

Pricing: TBD by Habitat for Humanity

**Group B**

**Right of First Offer:** The remaining twenty (20) units shall be allocated by way of a Right of First Offer according to the following ordered waterfall tiers:

As units come online per the phasing plan above, all employing entities in Group B/Waterfall 1 (below) will be given notices of available units for rent. Applications will be “first come, first served”, assuming each employing entity is under its unit threshold and the tenant qualifies (employment, rate restrictions, etc.). Also, units leased in Waterfall 1 may be Master Leased by the employing entity or leased directly to tenants (their employees).

**Waterfall 1:**

- Town of New Castle – up to 5 units (floating units)
- Colorado River Fire District - up to 2 units (floating units)
- Garfield County School District RE-2 - up to 7 units (floating units)
- Valley View Hospital – up to 6 units (specific group of units, located above proposed VVH Clinic)

**Qualifications:**

The public entities & Valley View Hospital may house their employees in their respective units regardless of employee projected income.

Exhibit E 1  
to  
4.12.23 Planning & Zoning Minutes

Pricing:

Public Entities:

- Rents shall be restricted to 75% of the average of the then-current free market rent roll (per unit type)

Valley View Hospital:

- Rents shall be restricted to 75% of the average of the then-current free market rent roll (per unit type) on no less than 3 units
- Rents shall be restricted to 90% of the average of the then-current free market rent roll (per unit type) on their remaining potential units

In the event a Waterfall 1 entity does not utilize their full allocation of units at a given time, all other entities in Waterfall 1 shall have the next Right of First Offer, prior to offering the unit(s) to the next Waterfall. This improves the chances that each entity will be able to respond and satisfy the housing demands of their respective workforces.

Town of New Castle specific provisions:

- If Town of New Castle has unused inventory within its 5 unit allocation, it may elect to extend occupancy to one (1) unused unit to another public entity that operates within the Town’s boundary (example: the Library District). The occupant must be a direct employee of the local public entity and must abide by the same termination provisions for Waterfall 1 (below)
- If Town of New Castle has occupancy of two (2) or less units from its 5 unit allocation, then the restricted rental rate shall be lowered from 75% to 70% of the average of the then-current free market rent roll (per unit type) for the remaining units in occupancy by Town employees

**Waterfall 2:**

All remaining units that have not been committed through Waterfall 1 shall go to the free market pool (Waterfall 2) for leasing.

Qualifying: Typical free market qualifications/screening.

Pricing: Market Rate, with terms no longer than 12 months in any written lease.

**If any free market lease ends without any further extension or renewal by the free market tenant, then the unit must go back up to Waterfall 1 for commencement of the Right of First Offer procedure described above.**

**Employment Termination for Waterfall 1:**

If a tenant’s employment with one of the entities in Waterfall 1 is terminated, they may continue occupancy through the end of their current lease, but then the unit will go back up to Waterfall 1 for commencement of Right of First Offer procedure described above.

Exhibit E2  
to  
4.12.23 Planning & Zoning Minutes

Longview may be developed in up to ten phases. The representations of phases in the application are representative only as possible phases and developer may re-configure the phases in any manner. The subplat for each phase shall be recorded after approval by the Town Administrator and Town Engineer.

- a. The Master Plat, including the Lot Line Adjustments with Parcel A1-1 and Parcel A-2, shall be executed and recorded within 180 days of the final approval of the development plan for Longview.
- b. All subplats shall be filed within ten (10) years of the recording of the Master Plat for Longview.
- c. Subplats shall be filed before commencing construction of any individual building within a phase; provided, however, developer may commence construction of infrastructure or public improvements in areas of the project for which a subplat has not yet been recorded.
- d. Vested rights for each individual phase shall be valid for three (3) years from the recording of the subplat for that phase.
- e. The developer shall prepare and record a Subdivision Improvements Agreement with each subplat, including a cost estimate for the public improvements within the phase as well as any public improvements located outside of such phase that will be constructed in conjunction with the construction of such phase. Prior to commencing construction for any phase, the developer shall be required to post financial security in a form acceptable to the Town Attorney for the public improvements located within the phase and to be constructed in conjunction with such phase.

The developer may, in its discretion, add up to an additional 10,000 square feet of commercial floor area (or approximately 20% of the approved commercial space) to the area designated as "Phase 3" in the application (notwithstanding what "phase it may be in construction"). The 40% "shared parking" reductions shall apply to this additional commercial floor area and developer shall satisfy any then-required mitigation measures resulting from the annual audit of parking. The addition of this commercial space may be approved as an administrative amendment to the PUD.

Exhibit E3  
to  
4.12.23 Planning & Zoning Minutes