

**ORDINANCE NO. 2019-042**

**AN ORDINANCE AMENDING TITLE 17 OF THE CASTLE ROCK MUNICIPAL CODE BY ADOPTION OF A NEW CHAPTER 17.51 ENTITLED DISSIMILAR RESIDENTIAL INTERFACE REGULATIONS**

**WHEREAS**, the Town of Castle Rock Town Council identified a concern with development of dissimilar residential properties; and

**WHEREAS**, the Town Council recognizes that multi-family residential development can present massing and intensity impacts that are inconsistent with the massing and intensity of dissimilar single-family development; and

**WHEREAS**, it is the Town Council’s intent to establish buffer requirements between dissimilar residential developments that will maintain an appropriate transition between dissimilar uses; and

**WHEREAS**, the Town Council, in order to protect the public health, safety, and welfare, directed staff to prepare draft regulations that would mitigate the impacts between dissimilar residential properties; and

**WHEREAS**, staff conducted an open house at the Town of Castle Rock Town Hall to share ideas and allow feedback prior to drafting residential interface regulations; and

**WHEREAS**, staff prepared draft code language to mitigate the impacts of dissimilar residential development and distributed the draft regulations to representatives of the Colorado Homebuilders Association and representatives from master planned communities in town; and

**WHEREAS**, the Planning Commission reviewed the draft regulations on December 12, 2019 and recommended approval of the regulations to Council.

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

**Chapter 17.51  
Dissimilar Residential Interface Regulations**

**Section 1. Amendment.** Title 17 of the Castle Rock Municipal Code is hereby amended to add a new Chapter 17.51 entitled Dissimilar Residential Interface Regulations, to read as follows:

**17.51.010 Purpose and intent.**

- A. The purpose of this Chapter is to protect the public health, safety, and welfare by establishing regulations to mitigate the impacts between adjacent dissimilar residential properties. This Chapter is not intended to regulate the impacts of an approved Planned Development (PD) that purposely intermixes adjacent dissimilar residential properties within the PD or properties zoned R-1, R-2 or R-3 or properties located in the Downtown Overlay District.

- B. Residential interface buffers and design standards established in this Chapter are intended to create a visually attractive and interesting buffer between dissimilar residential properties.

**17.51.020 Definitions.**

For the purpose of this Chapter, certain words or phrases are defined as follows:

*Buffer*, means the defined area between dissimilar residential properties intended to mitigate visibility between adjacent properties.

*Dissimilar residential property*, means properties where single family detached is adjacent to either (i) single family attached or multifamily or (ii) where single family attached is adjacent to multifamily.

*Mixed-residential development*, means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible residential properties, typically referred to as a Planned Development.

*Multifamily*, means a residential unit defined in the building code as multiple residential units within one building with one foundation.

*Residential property*, means property within a Zoning District that allows residential uses, or property located in unincorporated Douglas County and identified as a future residential neighborhood in the Town's Comprehensive Master Plan, but excluding property within a mixed-residential development.

*Single family attached*, means a residential unit defined in the building code as a two-family home.

*Single family detached*, means a residential unit defined in the building code as a one-family home.

**17.51.030 Applicability.**

A. These regulations are applicable to development on any residential property adjacent to any dissimilar residential property except mixed-residential development, straight zoned R-1, R-2, R-3 properties, or properties located in the Downtown Overlay District.

B. For the purpose of this Chapter, properties are considered adjacent if they share a property line in whole or in part. Properties are not considered adjacent if they are separated by:

1. An open space parcel greater than 50 feet in width,
2. A railroad right-of-way, or
3. A 50-foot or greater road right-of-way.

C. If a proposed Site Development Plan or Site Development Plan Amendment request is subject to the Dissimilar Residential Interface Regulations in this Chapter it is also subject to Chapter 17.38.

### **17.51.040 Buffers.**

The buffer must be 50 feet in width as measured from the developed residential property line. The buffer may be identified as a separate tract or shown and dimensioned on a site plan.

When a dissimilar residential development is proposed on a property adjacent to developed residential property, 100% of the buffer shall be provided on the proposed residential property.

- A. The following elements are allowed within buffer:
  - 1. Utility easements and related facilities
  - 2. Drainage facilities
  - 3. Retaining walls
  - 4. Required setbacks
  
- B. The buffer shall mitigate the visibility of adjacent dissimilar residential property by:
  - 1. Preserving, to the extent feasible, the natural topography, native vegetation and scale of the adjacent dissimilar residential property;
  - 2. Creating a visually attractive buffer with placement of walls, fences, berms and/or landscaping;
  - 3. Including a landscape design that provides a varied plant spacing, clustering, and height, with berms and decorative walls as needed;
  - 4. Mitigating the view of site elements from dissimilar residential property such as trash enclosures, utility boxes, play fields, play structures, pocket parks, gazebos, playgrounds, trails or gathering areas. Such uses shall be screened so they are not highly visible from adjacent dissimilar residential property, and when possible, located to the interior of a site; and
  - 5. Keeping the buffer free of buildings and parking lots, due to the associated impacts.

### **17.51.050 Building Design Elements.**

In order to mitigate visual impacts of the dissimilar residential development, the following design elements shall be considered:

- A. Building orientation,
  
- B. Architectural detailing and incorporation of materials and colors to avoid blank facades, or
  
- C. Other methods to reduce the visual scale of a building.

### **17.51.060 Town Council Waiver.**

The Town Council may waive one or more of the requirements under these regulations as part of the site development plan approval process. In determining whether or not a waiver shall be granted, the burden shall be upon the applicant to show that strict application of one or more of the regulations of this Chapter would:

- A. Preclude any reasonable use of the property subject to such application,

B. Not advance the underlying purpose of these regulations due to unusual or exceptional configuration, size, topography, native vegetation, or buildings on properties affected by such application,

C. Not advance the underlying purpose of these regulations, or

D. Conflict with other provisions of the municipal code.

**Section 13. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 14. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 17<sup>th</sup> day of December, 2019 by a vote of 5 for and 1 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 7<sup>th</sup> day of January 2020, by the Town Council of the Town of Castle Rock by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
David L. Corliss, Town Manager