

ORDINANCE NO. 2023 - 007

**AN ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 17 OF
THE CASTLE ROCK MUNICIPAL CODE REGARDING ZONING**

WHEREAS, Town staff recommends that Title 17 of the Castle Rock Municipal Code (the “Code”) be updated to correct errors and reflect current land use practices; and,

WHEREAS, Town staff further recommends that Chapter 17.18 of the Code be amended to conform to the requirements of House Bill 21-1222, which bill declares that local governing authorities shall treat family child care homes as a residential property use in the application of local regulations, except where large family child care homes are immediately adjacent to one another; and

WHEREAS, Town staff further recommends that Chapter 17.28 of the Code be amended to replace the I-1 Light Industrial District and the I-2 General Industrial District with the I-E Industrial Employment District; and

WHEREAS, Town staff further recommends that the Town Council enact certain changes to Chapter 17.61 to further define the criteria that govern the classification of structures as accessory dwelling units; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the residents of the Town to amend various sections in Title 17 of the Code.

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

Section 1. Amendment. Section 17.02.010 of the Castle Rock Municipal Code is amended to read as follows:

17.02.010 - Districts created.

A. The following Zoning Districts ("Zoning Districts") are established within the Town. A description of each Zoning District is provided in the designated chapter of this Title 17.

<i>Name</i>	<i>District</i>	<i>Chapter</i>
Residential		
R-1	Single-Family Residence District	17.18
R-2	Single-Family and Duplex Residence District	17.22
R-3	Multifamily Residence District	17.24
MH	Manufactured Home District	17.26

Business/Commercial/Industrial		
B	Business Commercial District	17.28
I-1*	Light Industrial District	17.28
I-2*	General Industrial District	17.28
I-E	INDUSTRIAL EMPLOYMENT DISTRICT	17.28
Overlay		
DOD	Downtown Overlay District	17.42
FSOD	Front Street Overlay District	17.43
IO	Interchange Overlay District	17.44
WNZOD	Wolfensberger North Zoning Overlay District	17.46
SR	Skyline/Ridgeline Protection District	17.48
Open Space		
PL	Public Land District	17.30
Planned Development		
PD	Planned Development	17.32

* BEGINNING JUNE 1, 2023, NO ADDITIONAL PROPERTIES WILL BE ZONED I-1 OR I-2; PROVIDED, HOWEVER, THAT ALL PROPERTIES WITH EXISTING I-1 OR I-2 ZONING WILL CONTINUE TO BE CLASSIFIED AS I-1 OR I-2, AND WILL CONTINUE TO BE SUBJECT TO THE REQUIREMENTS THAT APPLY TO I-1 AND I-2 ZONING DISTRICTS.

Section 2. Amendment. Subsection 17.04.060.B. of the Castle Rock Municipal Code is amended to read as follows:

17.04.060 - Notice for public hearing.

- B. The applicant shall be responsible for providing written notice and certifying by affidavit that the posting of the property for the public hearing is in accordance with these requirements.
 - 1. Written notice. Written notice of a public hearing shall be sent by first-class mail at least fifteen (15) days prior to the date on which the public hearing is to be held. Notice is considered sent on the date it is postmarked by the U.S. Postal Service. Written notice shall be sent to owners of the property which is subject of the public hearing and to owners of property within five hundred (500) feet of the subject

property; provided, however, that the Director, at ~~his or her~~ THE DIRECTOR'S discretion, may require an expanded notification area. In compiling the names and addresses of the notice recipients, the applicant may rely on the accuracy of the public records of Douglas County, Colorado, AS THOSE RECORDS EXIST ~~within~~ thirty (30) days ~~of~~ PRIOR TO the hearing.

2. Posted notice. The real property proposed to be developed shall be posted with ~~signage~~ A SIGN ~~at least fifteen (15) days prior to the date on which the public hearing is to be held,~~ giving notice to the general public of the proposed development AT LEAST FIFTEEN (15) DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. The size of the sign is established in accordance with the standards set forth in the Development Services Procedure Manual, as amended from time to time. Such signs shall be generated by the Development Services Department and shall be posted on the subject property by the Town; or, ~~applicant~~ if directed by the Director, THE APPLICANT in a manner VISIBLE TO THE PUBLIC and, WHENEVER POSSIBLE, at the NEAREST RIGHT OF WAY ADJACENT TO THE PROPERTY OR, OTHERWISE, AT A location(s) reasonably calculated by the Director to afford the best notice to the public. Once the sign is posted, the applicant is responsible for ensuring the sign is maintained in accordance with the requirements set forth in the Development Services Procedures Manual.

Section 3. Amendment. Section 17.04.105 of the Castle Rock Municipal Code is amended to read as follows:

17.04.105 - Administrative variance.

- A. Based on the following criteria, the Director ~~of Development Services~~ may grant an administrative variance for setback or height for a single lot within any Zoning District when such ~~decrease~~ VARIANCE ~~is~~ RESULTS IN no more than a ten (10) percent change to the originally approved setback or height restriction. ~~Variance requests for a setback or height adjustment exceeding ten (10) percent affecting one (1) or more lots shall be determined by the Board of Adjustment for an individual lot.~~
 1. The variance will not substantially alter the character of the neighborhood in which the property is located, or impair the use or development on adjacent property; and
 2. The variance will not create an adverse effect on public health, safety and welfare.
- B. If the Director ~~of Development Services~~ denies a request for a setback or height variance as set forth in Subsection A, ~~above,~~ the applicant may appeal the decision to the Board of Adjustment. Approval with conditions may be considered a denial for the purpose of appeal. Such appeal shall be made in writing to the ~~Manager~~ DIRECTOR within fifteen (15) days of the Director's action. ~~Development Services~~ THE DIRECTOR shall schedule the appeal for public hearing before the Board of Adjustment. The public hearing before

the Board of Adjustment shall be noticed in accordance with the provisions of Section 17.04.060.C.

- C. VARIANCE REQUESTS FOR A SETBACK OR HEIGHT ADJUSTMENT THAT RESULT IN GREATER THAN A TEN (10) PERCENT CHANGE TO THE ORIGINALLY APPROVED SETBACK OR HEIGHT RESTRICTION OR THAT AFFECT MORE THAN ONE LOT SHALL BE DETERMINED BY THE BOARD OF ADJUSTMENT.

Section 4. Amendment. The following definitions in Section 17.14.010 of the Castle Rock Municipal Code are amended to read as follows:

17.14.010 - Definitions.

Building height means the vertical distance from the ~~grade~~ GRADE to the uppermost point of the roof structure. The height limitations set forth in this Title shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, to chimneys, ventilators, skylights, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances usually carried above the roof level.

Storage yard means outdoor storage ~~or~~ OF operable equipment and/or vehicles and building or infrastructure construction materials for off-site projects. Storage yard does not include outdoor storage areas that are associated with an on-site heavy industrial use.

Section 5. Amendment. The definitions of “day care, in home – large” and “day care, in home – small” in Section 17.14.010 of the Castle Rock Municipal Code are hereby repealed in their entirety. In addition, Section 17.14.010 of the Castle Rock Municipal Code is amended by the addition of the following definition:

Family child care home means a type of facility for child care as defined by C.R.S. § 26.5-5-303(7).

Section 6. Amendment. Subsection 17.16.020.B of the Castle Rock Municipal Code is amended to read as follows:

17.16.020 - Temporary uses.

- B. A Temporary Use Permit for a temporary building or temporary storage can be issued for up to twenty-four months, AT THE DISCRETION OF THE DIRECTOR. Temporary buildings/storage includes, but is not limited to, the following:

1. Manufactured building. Manufactured building means:

- a. ~~a-A structure that is used temporarily as a classroom, dwelling unit, construction office, or storage unit~~ FOR ANY PURPOSE ALLOWED IN THE ZONING DISTRICT; PROVIDED, HOWEVER, THAT SUCH

STRUCTURE SHALL CONFORM TO ALL APPLICABLE TOWN BUILDING AND FIRE CODES.

- b. ~~Also includes~~ A shipping containers ~~that are~~ twenty feet or more in length; ~~when~~ THAT IS used to store construction materials.

FOR PURPOSES OF THIS DEFINITION, ~~M~~-manufactured building does not include A portable on-demand storage units-.

2. Model home. Model home and on-site real estate office means a dwelling unit that is used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development.
3. Sales office. Sales office means a dwelling unit within a subdivision or condominium that is used as a sales office. Also includes a modular unit used as a sales office for a subdivision or condominium.
4. Portable storage unit. Portable storage unit means a large reusable receptacle that can accommodate smaller cartons or cases or other material in a single shipment, designed for efficient handling of cargo.
5. Temporary building/storage yard. Temporary building or storage yard means a location to temporarily store materials and/or equipment.

Section 7. Amendment. Section 17.18.020 of the Castle Rock Municipal Code is amended to read as follows:

17.18.020 - Permitted uses.

Uses permitted in the R-1 District are:

- A. Single-family dwellings, detached.
- B. ~~Small in-home day care~~ FAMILY CHILD CARE HOME, subject to the licensing requirements of the State; PROVIDED THAT SUCH LARGE FAMILY CHILD CARE HOME, AS THAT TERM IS DEFINED BY RULES OF THE STATE DEPARTMENT OF EARLY CHILDHOOD, MAY NOT BE LOCATED IMMEDIATELY ADJACENT TO ANOTHER LARGE FAMILY CHILD CARE HOME.
- C. Underground public utilities.
- D. Group home.
- E. Accessory uses, including but not limited to:

1. Satellite dish antenna and solar energy collection devices as restricted (~~see CRMC Section 17.52.220 of this Title~~).
2. Home occupations as restricted (CRMC Section 17.52.230 ~~below~~).
3. Garage/yard sale subject to the following restrictions:
 - a. Limited to the principal or accessory residential structure and the driveway of the dwelling.
 - b. Limited in duration to 48-hours and to two such sales per residential property per calendar year.
4. Parking of private vehicles as restricted (CRMC Section 17.54.070 ~~of this Title~~).
5. Keeping of household pets as restricted (~~Chapter 17.14 and CRMC Chapter 6.02, CRMC~~).

Section 8. Amendment. Section 17.18.030 of the Castle Rock Municipal Code is amended to read as follows:

17.18.030 - Uses by special review.

A. Uses permitted by special review in the R-1 District are:

1. Public facilities.
2. College/university/vo-tech or parochial or non-public school.
3. Indoor and Outdoor Recreation.
4. Places of worship.
5. Large FAMILY CHILD CARE HOME, subject to the licensing requirements of the State; PROVIDED THAT SUCH LARGE FAMILY CHILD CARE HOME, AS THAT TERM IS DEFINED BY RULES OF THE STATE DEPARTMENT OF EARLY CHILDHOOD, IS LOCATED IMMEDIATELY ADJACENT TO ANOTHER LARGE FAMILY CHILD CARE HOME.
6. Day care center, subject to the licensing requirements of the State.
7. Group Residential Facility.
8. Group homes subject to the licensing requirements of the State and not located within ~~1,500~~ 750-feet of another group home use.

9. Commercial amusement, outdoor.
 10. Solar collectors which are not part of the primary structure.
 11. Wind generators.
 12. Aboveground public utilities.
 13. Temporary uses as subject to the provisions of Chapter 17.16 of this Title.
- B. All uses by special review shall meet the requirements of ChapterS 17.38 AND 17.39.

Section 9. Amendment. Section 17.24.020 of the Castle Rock Municipal Code is amended to read as follows:

17.24.020 – Permitted uses.

Uses permitted by right in the R-3 district shall be as follows:

- A. Any use permitted in the R-1 and R-2 Districts, subject to all requirements specified for such districts ~~unless otherwise stated in this Chapter.~~
- B. Multifamily dwellings.
- C. Boarding and rooming houses.
- D. Bed and breakfast.

Section 10. Amendment. Subsection 17.24.040.A of the Castle Rock Municipal Code is amended to read as follows:

17.24.040 - Development standards.

Development standards for the R-3 District shall be as follows:

- A. Minimum area of lot for MULTIFAMILY residential dwellings:
 1. ~~Single~~FIRST dwelling UNIT, 5,000 square feet.
 2. Per additional dwelling unit, 1,000 square feet.

Section 11. Amendment. Section 17.28.010 of the Castle Rock Municipal Code is amended to read as follows:

17.28.010 - Description and purpose.

- A. Business/Commercial (B). The primary use within the B District is intended to allow for appropriately located groups of retail stores, office buildings, service establishments and civic uses serving the needs of the neighborhood, of such character, scale, appearance, and intensity to be compatible with the surrounding areas.
- B. Light Industrial (I-1). The I-1 District is intended to allow industrial development with minimal impact to residential and commercial areas. Such zones will require setbacks and landscaping to ensure compatibility with any abutting residential areas. The regulations of this District are intended to provide structural standards, standards of intensity of use and standards of external effects compatible with the surrounding or abutting residential districts. To these ends, development is limited to low intensity, external effects are limited and permitted uses are limited to those manufacturing and wholesaling activities which can be operated in a clean and quiet manner. BEGINNING JUNE 1, 2022, NO ADDITIONAL PROPERTIES WILL BE ZONED I-1; PROVIDED, HOWEVER, THAT ALL PROPERTIES WITH EXISTING I-1 ZONING WILL CONTINUE TO BE CLASSIFIED AS I-1, AND WILL CONTINUE TO BE SUBJECT TO THE REQUIREMENTS THAT APPLY TO I-1 ZONING DISTRICTS.
- C. General Industrial (I-2). The I-2 District intended to allow a less restrictive type of industrial development where the necessary characteristics of industrial operation will not adversely affect nearby residential and business uses. The purpose of the District is to permit the normal operation of almost all industries, subject to those regulations necessary for mutual protection of nearby property owners in the lawful use of their respective properties, and the public health, safety and general welfare. BEGINNING JUNE 1, 2022, NO ADDITIONAL PROPERTIES WILL BE ZONED I-2; PROVIDED, HOWEVER, THAT ALL PROPERTIES WITH EXISTING I-2 ZONING WILL CONTINUE TO BE CLASSIFIED AS I-2, AND WILL CONTINUE TO BE SUBJECT TO THE REQUIREMENTS THAT APPLY TO I-2 ZONING DISTRICTS.
- D. INDUSTRIAL/EMPLOYMENT (I-E). THE I-E DISTRICT IS INTENDED TO SUPPORT THE LOCAL ECONOMY THROUGH JOB CREATION AND ECONOMIC DEVELOPMENT AND THE ESTABLISHMENT OF EMPLOYMENT-BASED BUSINESSES IN TOWN-WIDE INDUSTRIAL EMPLOYMENT CENTERS, WITH MINIMAL IMPACT TO RESIDENTIAL AND COMMERCIAL AREAS. THE REGULATIONS OF THIS DISTRICT ARE INTENDED TO PROVIDE STRUCTURAL STANDARDS, INCLUDING STANDARDS GOVERNING INTENSITY OF USE AND EXTERNAL EFFECTS, THAT ARE COMPATIBLE WITH THE SURROUNDING AND/OR ABUTTING RESIDENTIAL DISTRICTS. ACCORDINGLY, DEVELOPMENT IS LIMITED TO THOSE LOW-INTENSITY EMPLOYMENT, MANUFACTURING, AND WHOLESALING USES THAT CAN BE OPERATED IN A CLEAN AND QUIET MANNER.
- E. FOR THOSE PROPERTIES ZONED PD, THE PD PLAN FOR WHICH REFERENCES THE I-1 AND/OR I-2 USE ALLOWANCE, ANY PROPERTY SO DESIGNATED SHALL BE DEVELOPED IN ACCORDANCE WITH THE I-1 AND/OR I-2 DESIGN CRITERIA SET FORTH IN THIS CHAPTER, AS APPLICABLE.

Section 12. Amendment. Section 17.28.030.A. of the Castle Rock Municipal Code is amended to read as follows:

17.28.030 - Uses.

- A. Uses permitted by right (P), allowed by Use by Special Review (UBSR), or disallowed (N) in each of the respective Business/Commercial, Industrial and Overlay Zoning Districts are LISTED IN THE CHART BELOW. FOR OVERLAY DISTRICTS, A (U) INDICATES THAT A USE IS PERMITTED OR DISALLOWED ON THE BASIS OF THE UNDERLYING ZONING DISTRICT as follows:

<i>Use</i>	<i>B Business/ Commercial</i>	<i>I-1 Light Industrial</i>	<i>I-2 General Industrial</i>	<i>I-E INDUSTRIAL EMPLOYMENT DISTRICT</i>	<i>WNZOD Wolfensberger Overlay</i>	<i>DOD Downtown Overlay</i>	<i>FSOD Front Street Overlay</i>
Airport	N	N	N	N	N-U	N-U	N-U
Alcoholic beverage sales	P	P	P	N*	P	P	N-U
Asphalt/ concrete plant	N	N	P	N	N-U	N-U	N-U
Assisted living/ memory care	UBSR	UBSR	UBSR	N	UBSR U	P	UBSR
ATM/ kiosk (stand-alone)	P	P	P	P	P-U	P-U	P-U
Auto body and vehicle/ RV/boat equipment and repair	UBSR	P	P	P	P-U	N	N-U

Automobile/ vehicle/ RV/ boat/ motorcycle/ all-terrain vehicles/ equipment sales and leasing	UBSR	P	P	N	UBSR U	N	N-U
Automobile service/fuel station/ wash/rental	P	P	P	N	P-U	P-U	N-U
Bed and breakfast	P	N	N	N	P	P	P
Cemetery	UBSR	UBSR	UBSR	N	N-U	N-U	N-U
Clinic	P	P	P	N	P-U	P-U	P-U
College/ university/ vo-tech	P	P	N	N	P	P	N-U
Commercial amusement, indoor	P	P	UBSR	N	P	P	N-U
Commercial amusement, outdoor	UBSR	UBSR	UBSR	N	N-U	N-U	N-U

Day care center	UBSR	UBSR	UBSR	N	P	P	UBSR
Disposal service	N	N	N	N	N-U	N-U	N-U
Educational facility	UBSR	N	N	N	UBSR	UBSR	UBSR
Gym/health club	P	P	UBSR	N	P-U	P-U	P-U
Heavy industry	N	N	UBSR	N	N-U	N-U	N-U
Helistop/ heliport	UBSR	UBSR	UBSR	UBSR	UBSR U	UBSR U	UBSR U
Hospital	P	P	P	N	P-U	P-U	N-U
Hotel/motel	P	N	N	N	P	P	P-U
Institutional care	N	UBSR	P	N	N-U	N-U	N-U
Kennel/ doggy daycare	UBSR	UBSR	UBSR	N	P	UBSR U	UBSR U
Light industry	N	P	P	P	P	N-U	N-U
Live-work unit	P	N	N	N	N-U	P	P
Medical lab	P	P	P	P	P	P	N-U
Mineral extraction	N	N	N	N	N-U	N-U	N-U
Multi-family	UBSR	N	N	N	P	P	P
Multi-modal transit facility	UBSR	UBSR	UBSR	UBSR	UBSR U	P	UBSR U

Nursery/ greenhouse	UBSR	P	P	N	P-U	P	UBSR
Nursing home	UBSR	N	N	N	UBSR U	UBSR U	UBSR U
Office	P	P	P	P	P	P	P
Oil and gas production	UBSR	UBSR	UBSR	N	N-U	N-U	N-U
Parking facility (stand-alone lot/ structure)	P	P	P	N	P-U	P-U	P
Place of worship	P	UBSR	UBSR	N	P	P-U	UBSR
Private club	P	P	UBSR	N	P-U	P-U	P
Public facilities	P	P	P	P	P	P	UBSR
Recreation, indoor	P	P	UBSR	N	P	P	P-U
Recreation, outdoor	P	P	P	N	P	P	P-U
Recycling center and salvage	N	N	P	N	N-U	N-U	N-U
Recycling drop-off	P	P	P	N	P-U	P-U	N-U
Rehabilitation clinic/ facility	N	UBSR	P	N	N-U	N-U	N-U

Restaurant	P	P	P	N	P	P	P
Retail	P	P	P	N*	P	P	P
Self-storage facility	N	P	P	N	UBSR	N-U	N-U
Service, commercial	P	P	P	P	P	P	P-U
Service, personal	P	N	N	N	P	P	P
Service, repair	P	P	P	P	P	N-U	UBSR
Sexually oriented business	N	P	P	N	N-U	N-U	N-U
Shooting range, indoor	UBSR	P	P	N	P-U	P-U	P-U
Storage yard	N	P	P	N**	N-U	N-U	N-U
Studio classes	P	N	N	N	P	P	P
Towing and storage of inoperable vehicles	N	UBSR	P	N	N-U	N	N-U
Urgent care	P	N	N	N	P	P	N-U
Utilities, public	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR
Vehicle/RV/boat storage	N	UBSR	P	N	P	N	N-U

Veterinary clinic	P	P	P	N	P	P	P
Warehousing and distribution	N	P	P	P	P	N-U	N-U

* IN THE I-E ZONING DISTRICT, THIS USE IS ALLOWED AS AN ACCESSORY USE TO THE PRIMARY USE, PROVIDED THAT NO MORE THAN 20% OF THE GROSS FLOOR AREA OF THE BUILDING IN WHICH THE ACCESSORY USE OCCURS IS UTILIZED, WHETHER EXCLUSIVELY OR NON-EXCLUSIVELY, FOR THAT ACCESSORY USE.

**IN THE I-E ZONING DISTRICT, ACCESSORY STORAGE YARDS ARE ALLOWED WITH A PRIMARY USE. STAND-ALONE STORAGE YARDS ARE PROHIBITED.

Section 13. Amendment. The Castle Rock Municipal Code is amended by the addition of a new Section 17.28.070, which section reads as follows:

17.28.070 - Development Standards - Industrial-Employment I-E.

The following development standards for the I-E District shall apply:

- A. Maximum building coverage: Forty (40) percent of lot area;
- B. Minimum side yard: Five (5) feet;
- C. Minimum front yard: Fifteen (15) feet from the front property line;
- D. Minimum rear yard: Twenty (20) feet;
- E. Maximum height of buildings: Thirty-five (35) feet.

Section 14. Amendment. Section 17.30.020 of the Castle Rock Municipal Code is amended to read as follows:

17.30.020 - PL-1 District.

- A. Permitted Uses. Uses permitted by right in the PL-1 District are:
 - 1. Active and developed parks, recreation center and facilities and related uses including, but not limited to, rest rooms, parking and drives, information kiosks and maintenance and storage buildings;
 - 2. Facilities for cultural/art uses, community events and other civic uses;
 - 3 All municipal and/or quasi-municipal facilities or utilities; ~~and~~

4. Educational facilities—; AND
 5. PUBLIC IMPROVEMENTS AND PUBLIC RIGHT-OF-WAY.
- B. Development Standards. Development standards for the PL-1 District are as follows:
1. Maximum Height: Fifty (50) feet;
 2. Minimum Front Yard Setback: A minimum of fifteen (15) feet from the property line; twenty-five (25) feet if abutting an arterial street. However, for property within the Downtown Overlay District (see Chapter 17.42), setbacks shall be governed exclusively by the standards set forth in Section 17.42.060.
- C. Use by Special Review. Applications for use by special review shall be evaluated under Section ~~17.38.050~~ 17.39.010 of the Code, provided THAT Section 17.38.040 shall have no application. Uses permitted by special review in the PL-1 District are as follows:
1. Buildings, structures or other permanent improvements privately owned and operated, which must be open for public use;
 2. Special district buildings and structures (C.R.S. Title 32); and
 3. Any building or structure more than fifty (50) feet in height, but not to exceed seventy-five (75) feet in height.

Section 15. Amendment. Subsection 17.30.030.C. of the Castle Rock Municipal Code is amended to read as follows:

17.30.030 - PL-2 District.

- C. Use by Special Review. Applications for use by special review shall be evaluated under Section ~~17.38.050~~ 17.39.010 of the Code, provided THAT Section 17.38.040 shall have no application. Uses permitted by special review in the PL-2 District are as follows:
1. Any use allowed in the PL-1 District.

Section 16. Amendment. Subsection 17.34.030.A. of the Castle Rock Municipal Code is amended to read as follows:

17.34.030 - PD Plan approval criteria.

The PD Plan shall be evaluated under the following criteria:

- A. Community vision/land use entitlements

1. ~~Complies with the most recent version of the Douglas County/Castle Rock Land Use Intergovernmental Agreement.~~
2. ~~Conforms to the most recent versions of the Town's Vision, Comprehensive Master Plan and long range or master plans.~~
- 3-2. Complies with design principles found in Chapter 17.10

Section 17. Amendment. Subsection 17.38.040.A.1 of the Castle Rock Municipal Code is amended to read as follows:

17.38.040 - Site Development Plan review and approval criteria.

Site Development Plans and amendments shall be evaluated on the following criteria (and the criteria set forth in Chapter 17.39 for a Site Development Plan-Use by Special Review) as applicable to the type of development proposed:

- A. Community vision/land use entitlements
 1. Generally conforms to the Town's guiding documents that include, but are not limited to, Town Vision, Comprehensive Master Plans, Sub Area Plans, Design Guidelines, Corridor Plans and any other guiding document so long as the application of such document does not restrict the project's entitled use(s) and density.

Section 18. Amendment. Section 17.43.050 of the Castle Rock Municipal Code is amended to read as follows:

17.43.50 – Development Standards.

The following development standards shall apply within the FSOD:

- A. Maximum ~~lot~~-BUILDING coverage: Forty percent (40%) of lot area.
- B. Setbacks: Underlying zoning setbacks will apply with the exception of front porches (non-enclosed structure with impervious surfaces) which may encroach into the setback by ten (10) additional feet.
- C. Maximum fence height: Ten (10) feet.

Section 19. Amendment. The parking requirements for residential dwellings found in Table 64-1 in Section 17.54.040 of the Castle Rock Municipal Code are amended to read as follows:

17.54.040 Parking Space Requirements by Use.

Table 64-1 Parking Requirements for Specific Uses		
<i>Use categories</i>	<i>Description</i>	<i>Required and permitted parking spaces</i>
Residential dwellings		
Single-family	Single-family residence and attached townhome	2 spaces per dwelling unit
GROUP HOMES (SINGLE-FAMILY STRUCTURE)	SINGLE-FAMILY RESIDENCE AND ATTACHED TOWNHOME	2 SPACES PER DWELLING UNIT
Multifamily	For: Studio unit 1-bedroom unit 2- and 3-bedroom units <i>Any 1-bedroom unit with den, office or loft shall be classified as a 2-bedroom unit.</i>	1.0 space for unit 1.5 spaces per unit 2.0 spaces per unit Plus 1 space per 4 dwelling units for visitor parking
GROUP HOME (MULTIFAMILY STRUCTURE)	FOR: STUDIO UNIT 1-BEDROOM UNIT 2- AND 3-BEDROOM UNITS <i>ANY 1-BEDROOM UNIT WITH DEN, OFFICE OR LOFT SHALL BE CLASSIFIED AS A 2-BEDROOM UNIT.</i>	1.0 SPACE FOR UNIT 1.5 SPACES PER UNIT 2.0 SPACES PER UNIT PLUS 1 SPACE PER 4 DWELLING UNITS FOR VISITOR PARKING
Multifamily - Downtown Overlay District	For: Studio unit 1-bedroom unit 2- and 3-bedroom unit	1 on-site parking space per unit
Housing for senior citizens	Independent living facility for residents owning vehicles Nursing home, convalescent home or similar extended care facility	1 space per unit, plus 1 space per employee on maximum shift 1 space per 5 beds plus 1 space per employee on maximum shift

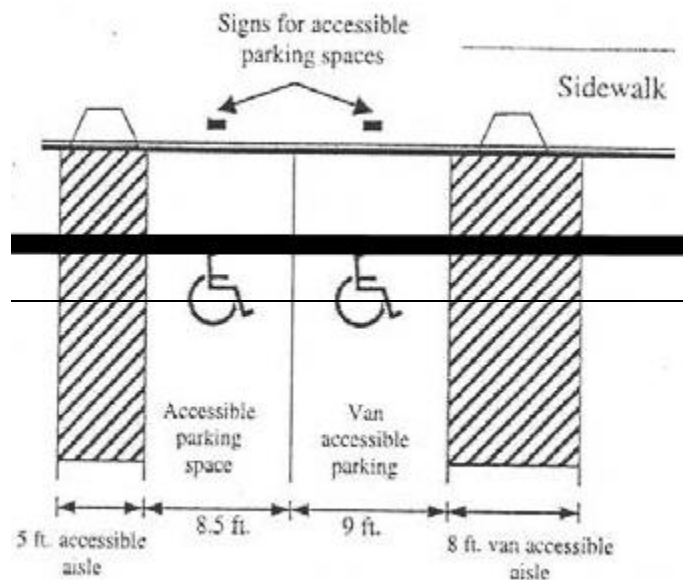
Section 20. Amendment. Section 17.54.050 of the Castle Rock Municipal Code is amended to read as follows:

17.54.050 - Accessible parking space requirements for the disabled.

- A. Dimensions. ~~The minimum width of an accessible parking space shall be eight and one-half (8½) feet with an adjacent demarcated accessible aisle with a minimum width of five (5) feet. Two (2) accessible spaces may share the same accessible aisle except in the case of angle parking, where each space must have an adjacent accessible aisle. An accessible parking space designated as "van accessible" shall be served by an adjacent accessible aisle that has a minimum width of eight (8) feet. The dimensions for accessible parking spaces and adjacent accessible aisles are illustrated in Figure 64.1 below. THE DIMENSIONS OF ALL ACCESSIBLE PARKING SPACES, ACCESSIBLE AISLES, ACCESSIBLE PATHS, AND PASSENGER LOADING ZONES SHALL BE GOVERNED BY AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) STANDARD ICC A117.1, "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES," AS ADOPTED PURSUANT TO SECTION 15.28.010.A.5 OF THIS CODE.~~

~~Figure 64.1~~

~~Accessible Parking Space Dimensions~~



- B. Number Required. The following number of accessible parking spaces as identified in Table 64-2 below shall be provided for all sites in all office, commercial, industrial, multifamily and public land use districts. These spaces shall count in fulfilling the off-street parking requirements and the allocation cannot be reduced.

Table 64.2
Minimum Number of Accessible
Parking Spaces Required

<i>Total Parking Spaces in Lot</i>	<i>Minimum Number of Accessible Spaces</i>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

- C. Vans. Of the total required number of accessible spaces, one (1) out of every six (6) shall be sized to accommodate vans ~~with a nine-foot width and shall have an eight-foot accessible aisle.~~
- ~~D. Passenger Loading Zones. Accessible passenger loading zones shall be nine (9) feet wide and have a minimum length of twenty (20) feet with a five-foot adjacent accessible aisle.~~
- E. D. Location and Accessible Route. Accessible parking spaces shall be located as close to the main building entrance as practically possible. Exterior accessible routes may include parking access aisles, crosswalks at vehicular ways, sidewalks and ramps. Parked vehicle overhangs shall not reduce the clear width of an accessible route to less than five (5) feet. All accessible parking spaces, loading zones and accessible aisles shall not have slopes exceeding two (2) percent and shall be connected to an accessible route. THE MAXIMUM SURFACE SLOPE ALLOWED BY ANSI STANDARD ICC A117.1, "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES," AS ADOPTED PURSUANT TO SECTION 15.28.010.A.5 OF THIS CODE.
- F. E. Signs. Parking spaces for the disabled shall be identified through the use of appropriate signage showing the International Symbol of Accessibility. Van accessible spaces shall have an additional sign indicating "Van Accessible" mounted below the symbol of accessibility. Each sign shall be no smaller than one (1) foot by one (1) foot and shall be located at the end of the parking space at a height between ~~four (4)~~ FIVE (5) feet and seven (7) feet. The sign may either be wall-mounted or freestanding. In addition, the symbol of accessibility shall be painted on the pavement.

Section 21. Amendment. Section 17.61.030 of the Castle Rock Municipal Code is amended to read as follows:

17.61.030 - Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

Accessory Dwelling Unit (ADU) means a dwelling unit that CONTAINS A KITCHEN, BATHROOM, FACILITY FOR SLEEPING, AND PROVISIONS FOR LIVING, AND is:

- (i) ~~1~~—Located within, BUT IS PHYSICALLY SEPARATED FROM, an existing Primary Dwelling Unit, inclusive of an attached garage~~, or~~;
- (ii) ~~a~~—An addition to the Primary Dwelling Unit THAT IS PHYSICALLY SEPARATED FROM SUCH UNIT~~;~~; or
- (iii) ~~a~~—A detached structure on the same lot or tract as the Primary Dwelling Unit.

BATHROOM MEANS A ROOM THAT CONTAINS A SINK, TOILET, AND SHOWER AND/OR TUB.

Code means the Castle Rock Municipal Code.

Director means the Director of Development Services, or his or her designee.

FACILITY FOR SLEEPING MEANS ANY HABITABLE SPACE WITHIN THE ADU AREA THAT IS AT LEAST SEVEN (7) FEET IN DIMENSION IN LENGTH AND WIDTH, AND COMPLIES WITH ALL CEILING HEIGHT AND EGRESS REQUIREMENTS OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, AS ADOPTED PURSUANT TO SECTION 15.06.010 AND AMENDED BY SECTION 15.06.030 OF THIS CODE.

KITCHEN MEANS AN AREA USED FOR THE PREPARATION OF FOOD AND INCLUDES A STOVE, COOKTOP, RANGE, OVEN, OR ANY COMBINATION THEREOF, AND EITHER ONE OR MORE 220 VOLT OR GREATER ELECTRICAL OUTLETS OR A GAS LINE CONNECTION.

Primary Dwelling Unit means a separate dwelling unit that is the larger of the dwelling units on a lot or tract that contains an Accessory Dwelling Unit.

PROVISIONS FOR LIVING MEANS THE EXISTENCE WITHIN AN ADU OF PERMANENT WORKING UTILITIES, SUCH AS DOMESTIC WATER, SANITARY SEWER, ELECTRICITY, AND GAS (AS NECESSARY FOR COOKING AND/OR HEATING).

Section 22. Amendment. Subsection 17.61.040.C. of the Castle Rock Municipal Code is amended to read as follows:

17.61.040 - Applicability and compliance.

- C. Accessory Dwelling Units may be allowed in all residential zone districts upon approval of a Use By Special Review ("UBSR") in accordance with Section ~~17.38.050~~ 17.39.010~~;~~; PROVIDED, ~~H~~—however, THAT no UBSR is required UNDER THE FOLLOWING CIRCUMSTANCES:

1. ~~i~~If the ADU is within an existing structure and no additional square footage is added to the structure to establish the ADU~~;~~; OR
2. IF, AT THE TIME OF INITIAL CONSTRUCTION, THE ADU IS PROPOSED TO BE INCLUDED IN THE BUILDING PERMIT FOR A NEW SINGLE-FAMILY RESIDENCE. (NOTE: THIS SUBSECTION DOES NOT EXCEPT NEW ACCESSORY DWELLING UNITS ON LOTS WITH AN EXISTING SINGLE-FAMILY HOME FROM THE USBR PROCESS.)

Section 23. Amendment. Section 17.61.050 of the Castle Rock Municipal Code is amended to read as follows:

17.61.050 Regulation and restrictions.

- A. CRITERIA. IN ORDER TO BE CLASSIFIED AS AN ADU, A STRUCTURE MUST MEET EACH OF THE FOLLOWING BUILDING CRITERIA:
 1. PROVISIONS OF LIVING;
 2. A KITCHEN;
 3. A BATHROOM;
 4. A FACILITY FOR SLEEPING; AND
 5. PHYSICAL SEPARATION FROM THE PRIMARY DWELLING UNIT, AS FOLLOWS:
 - a. A DETACHED ADU IS PRESUMED TO HAVE PHYSICAL SEPARATION FOR THE PURPOSES OF THIS SECTION.
 - b. WHEN AN ADU IS ATTACHED TO THE PRIMARY DWELLING UNIT, PHYSICAL SEPARATION IS REQUIRED BETWEEN THE PRIMARY DWELLING UNIT AND THE ADU. SUCH PHYSICAL SEPARATION MAY BE ACCOMPLISHED WITH A WALL, A WALL WITH A DOOR, OR OTHER SIMILAR FEATURE. WHERE A WALL EXISTS, THE PRESENCE OF A DOOR FRAME, DOOR HINGES, POCKET, OR AN OPENING EQUAL TO OR LESS THAN 38 INCHES IN WIDTH SHALL CONSTITUTE PHYSICAL SEPARATION.
- ~~A.~~B. A building permit meeting all Town regulations must be obtained for all CONSTRUCTION ACTIVITIES ASSOCIATED WITH DEVELOPING Accessory Dwelling Units.

~~B.~~C. The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply:

1. Number. No more than one (1) ADU may be created or maintained on a single lot or tract.
2. Owner Occupancy.
 - a. The property owner, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit, or both.
 - b. In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Director, may be considered a property owner.
 - c. The Director may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two (2) years and submits proof of temporary absence.
3. Dual Rental Prohibited. At no time may both the Primary Dwelling Unit and Accessory Dwelling Unit be renter occupied. Prior to issuance of a building permit for an ADU, the property owner shall record a deed restriction, in a form acceptable to the Director, prohibiting the concurrent renting of both the Primary Dwelling Unit and the Accessory Dwelling Unit.
4. Subdivision. Accessory Dwelling Units may not be subdivided or otherwise conveyed into separate ownership from the Primary Dwelling Unit on the lot or tract.
5. Utilities.
 - a. No separate water or sewer taps will be allowed for the ADU.
 - b. All billing for water, sewer and storm water services will be billed to the Primary Dwelling Unit account holder. As a condition to issuance of a building permit, the account holder shall certify to the Town that they will be responsible for all utility charges incurred by the ADU.
 - c. Should an ADU require the enlargement of the Primary Dwelling Unit's existing water tap, the applicant shall pay the incremental System Development Fees (as set forth in Chapter 13.12 of the Code) based on the new tap size, together with any connection fees.

6. HOA Compliance. It shall be the obligation of the property owner to obtain compliance with any homeowner association requirements for the ADU. The Town will not independently verify such compliance.
7. Design. An ADU shall be designed to maintain the architectural design, style, appearance and character of the Primary Dwelling Unit, and must be consistent with the existing façade, roof pitch, siding, eaves, window treatment and color of the Primary Dwelling Unit. The ADU shall be permanently affixed to an engineered foundation. All district zoning regulations applicable to the construction and placement of structures shall apply to ADUs.
8. Size. The floor area of an ADU located interior to the Primary Dwelling Unit shall not exceed fifty percent (50%) of Primary Dwelling Unit. The building footprint of a detached ADU or a new ADU addition to the Primary Dwelling Unit shall not exceed eight hundred (800) square feet, unless the PD zoning regulations establish a different limitation, in which event the PD zoning regulations governing size shall apply.
9. Entrance. If an ADU is created by an addition to an existing Primary Dwelling Unit that requires a new separate outside entrance, only one (1) entrance may be located visible from the street upon which the property is addressed. The additional entrance may be located on the side of, or in the rear of the Primary Dwelling Unit.
10. Deviation from stated conditions. A request for deviation from the applicable regulations to install features that facilitate access and mobility for disabled persons shall be considered by the Board of Adjustment pursuant to Chapter 17.06 of the Code.
11. Pets. The restriction on the number of animals allowed under the Code shall be per lot, irrespective of the number of dwelling units located on the lot.
12. Prohibited structures. Mobile homes, recreational vehicles and travel trailers are prohibited as Accessory Dwelling Units.

Section 24. Amendment. Subsection 17.62.030.B.1. of the Castle Rock Municipal Code is amended to read as follows:

17.62.030 - General provisions.

B. Group Residential Facility.

1. A Public Hearing (Use By Special Review) as set forth in Section ~~17.38.050~~ 17.39.010 is required prior to establishing all Group Residential Facilities in this category.

Section 25. 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 26. 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 21st day of March, 2023, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023, 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:

Michael J. Hyman, Town Attorney

Tara Vargish, Director of Development Services