

**ORDINANCE NO. 2024-003**

**AN ORDINANCE APPROVING THE INITIAL ZONING FOR 3.76  
ACRES OF LAND OWNED BY THE TOWN AND LOCATED IN  
SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH  
PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO  
(Tower Open Space Initial Zoning)**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) is the sole owner of 3.76 acres of land in unincorporated Douglas County that is located between the existing Metzler Ranch development and the future Canyons Far South development, all as more particularly described on the map attached as *Exhibit A* and legal description attached as *Exhibit B* (the “Property”); and

**WHEREAS**, pursuant to the Town’s request, the annexation of the Property was approved by the Town Council at tonight’s meeting; and

**WHEREAS**, Town staff has recommended that the Property be zoned as Public Land-2 pursuant to Section 17.30.020 of the Castle Rock Municipal Code (the “Code”), which zone district allows passive open space as a permitted use by right; and

**WHEREAS**, according to Section 20.02.030 of the Code, the Town Council may evaluate the Town’s zoning application for the Property concurrently with the annexation request; and

**WHEREAS**, at its January 25, 2024 meeting, the Planning Commission reviewed the Town’s zoning application in a public hearing and voted unanimously to recommend its approval; and

**WHEREAS**, the Town Council has conducted the required public hearing on the initial zoning of the Property in accordance with the applicable provisions of the Code.

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

**Section 1. Findings.** Based upon the testimony and evidence presented at tonight’s hearing, pursuant to the requirements of Section 17.02.060.C. of the Code, the Town Council makes the following findings:

- A. The zoning of the Property is not subject to any existing land use intergovernmental agreements;
- B. The proposed zoning conforms to the most recently adopted versions of the Town’s Vision and Comprehensive Master Plan. The Property is not located within the boundaries of any sub-area or corridor plan;
- C. The proposed zoning and use of the Property are compatible with existing and planned development on adjacent properties and in the surrounding area;

- D. The proposed use of the Property as passive open space will have minimal impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
- E. Because the proposed use of the Property will be passive open space, the criteria set forth in Subsections 17.02.060.C.5 and 6 of the Code regarding the orderly development and positive economic impact of the Property are not applicable.

**Section 2. Zoning Approval.** The Property is hereby zoned to Public Land-2 zoning. The Town’s Zoning District Map will be amended to reflect the zoning classification of Public Land-2 for the Property.

**Section 3. 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 4. 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 relationship to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 6<sup>th</sup> day of February, 2024, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 20th day of February, 2024, by the Town Council of the Town of Castle Rock, Colorado 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, Development Services Director