

ORDINANCE NO. 20187-

AN ORDINANCE AMENDING CHAPTER 20.02 OF THE CASTLE ROCK MUNICIPAL CODE BY ADDING A NEW SECTION 20.02.015, REQUIRED TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS

WHEREAS,

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

**Section 1. Amendment.** Chapter 20.02 of the Castle Rock Municipal Code amended to add a new Section 20.02.015, to read as follows:

**20.02.015 Required transfer of residential development rights.**

A. This Section shall apply to any application for a Zoning District classification or re-classification of R-1, R-1A, R-2, R-3, MH or PD (where residential uses are allowed by right or special review) for any property annexed to the Town on or after July 1, 2018, ~~but excluding (i) any property for which an application for annexation was filed with the Town on or before December 31, 2017, or (ii) is designated as “Infill” on the Town’s Zoning District Map. Property that is subject to the requirements of this Section 20.02.015 is referred to as “EntitledNew Residential Property”.~~

B. Unless exempted under F, below, no ~~EntitledNew Residential~~ Property shall be granted a zoning classification or re-classification under Title 17 of the Castle Rock Municipal Code unless the owner of the ~~EntitledNew Residential~~ Property obtains development rights from other properties within the Town in accordance with the provisions of this Section,

C. The maximum permitted residential units (whether by right or by special review) under the zoning classification for the ~~EntitledNew Residential~~ Property is referred to as the “Maximum Residential Units” or “MRU.” The MRU is the total number of units that may be developed on the ~~EntitledNew Residential~~ Property under the proposed zoning and development plan, irrespective of the type or classification of the residential unit. To illustrate, a detached single-family unit and a multi-family unit each constitute one MRU. The MRU for the ~~EntitledNew Residential~~ Property shall be calculated by the Department of Development Services under its established methodology and its determination shall be conclusive.

D. An “Eligible Property” is any property zoned in the Town as of January 1, 2018 which has “Qualified Residential Units” or “QRU” as defined in this subsection. Qualified Residential Units are the maximum number of residential units (excluding units requiring special use approval) that the owner of ~~unplatted property—property which has not been subdivided into lots~~ has the legal right to develop under the applicable zoning for such property. A property is not an Eligible Property if the ~~availability of QRU or the determination or~~ transfer of ~~the QRU for the property~~ requires the consent

of any ~~other party other than the Eligible P~~property owner. The determination of whether a property is an Eligible Property and the calculation of the QRU for an Eligible Property shall be made by the Department of Development Services and its determination shall be conclusive.

E. The MRU for ~~Entitled~~New Residential Property shall be limited to 50% of the Qualified Residential Units transferred from an Eligible Property to the ~~Entitled~~New Residential Property. The instrument transferring the Qualified Residential Units (“Transfer Document”) shall be executed by the owner and all lienholders in a form approved by the Department of Development Services and recorded in the public records. In addition to the Transfer Document, the Town and the owner of the Eligible Property shall execute a document that specifies the reduction in the QRU for the Eligible Property (“TDR Zoning Reduction”) as a result of the transfer to the ~~Entitled~~New Residential Property. In addition, if the Eligible Property is subject to vested development rights under a Development Agreement, an amendment reducing maximum density shall be executed. The execution and recordation of the TDR Zoning Reduction and as applicable, Development Agreement amendment shall not require any approval under Title 17 of the CRMC. However the reduction of the QRU shall apply irrespective of any other zoning approval or entitlement granted the Eligible Property under Title 17. The TDR Zoning Reduction shall be irrevocable and shall be binding on any subsequent owner of the Eligible Property.

F. In lieu of compliance with the requirements of this Section, an annexor may satisfy the requirements of 4.04.045~~provide Town, at the sole expense of the annexor: (i) new renewable water resources and/or (ii) additional or enhancement of existing Castle Rock Water renewable water resources sufficient to meet the total projected water demand from full development of the annexed property. The determination as to whether the annexor is able to meet the requirement of this section is at the sole discretion of the Town Council.~~

G. Nothing in this Section 20.02.015 shall create an entitlement to annexation of New Residential Property, which shall remain at the discretion of the Town Council.

**Section 2. 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 3. 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 \_\_\_ day of \_\_\_\_\_, 2018 by a vote of \_\_\_ for and \_\_\_ 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 \_\_\_\_\_, 2018, 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

\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

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

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