

**ORDINANCE NO. 2015-39**

**AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE TERRAIN PLANNED DEVELOPMENT PLAN (FORMERLY A PORTION OF THE CASTLE OAKS ESTATES PD), APPROVING THE TERRAIN PLANNED DEVELOPMENT ZONING REGULATIONS; APPROVING THE TERRAIN DEVELOPMENT AGREEMENT; AND VESTING A SITE SPECIFIC DEVELOPMENT PLAN**

**WHEREAS**, SLV Castle Oaks, LLC ("Applicant") has requested an amendment to the PD Planned Development zoning of the property described in the attached *Exhibit 1* ("Property"); and

**WHEREAS**, Applicant has requested approval of the Terrain Planned Development Zoning Regulations ("Zoning Regulations"), as the same affect the Property; and

**WHEREAS**, Applicant has requested approval of the Terrain Planned Development Plan (formerly a portion of the Castle Oaks Estates PD) ("PD Plan"); and

**WHEREAS**, the PD Plan and Zoning Regulations comply with Chapter 17.36 of the Castle Rock Municipal Code, the Town's Vision 2020 and the Comprehensive Master Plan; and

**WHEREAS**, public hearings on the PD Plan and Zoning Regulations have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code; and

**WHEREAS**, Applicant and Town have agreed to certain terms and conditions to the development of the Property contained in the Terrain Development Agreement ("Development Agreement"), and

**WHEREAS**, the Town Council finds that the PD Plan shall be vested as a site specific development for certain prescribed periods of time specified in the Development Agreement, but in any event, not extending beyond December 31, 2028, under authority of the Town by Chapter 17.08 of the Castle Rock Municipal Code and C.R.S. §24-68-101, *et seq.*

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:**

**Section 1. Zoning District Map Amendment.** The Town's Zoning District Map pertaining to the Property is amended to conform to the Terrain Planned Development Plan.

**Section 2. Planned Development Plan Approval.** The Terrain Planned Development Plan dated \_\_\_\_\_, in the form attached as *Exhibit 2* is hereby approved.

**Section 3. Zoning Regulations Approval.** The Terrain Planned Development Zoning Regulations, as amended, in the form attached as *Exhibit 3* are hereby approved.

**Section 4. Development Agreement Approval.** The Terrain Development Agreement in the form attached as *Exhibit 4* is hereby approved. The Mayor and other proper Town officials are authorized to execute the agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 6. Vesting.** The vesting of the PD Plan authorized under Article X of the Development Agreement is approved, which vests the PD Plan as a site specific development plan for a term ending on December 31, 2028. The notice of vesting of the PD Plan required under 17.08.090 of the Castle Rock Municipal Code shall be given within 14 days of approval of this Ordinance.

**Section 7. Effective Date.** With the effective date of this Ordinance, the Property is subject to the Castle Rock Municipal Code and all ordinances, resolutions, rules and regulations of the Town of Castle Rock.

**Section 8. 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 9. 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 to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 1st day of September, 2015, by a vote of 5 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** this 6th day of October, 2015, by the Town Council of the Town of Castle Rock, Colorado, on second and final reading by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally A. Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Bill Detweiler, Director of Development Services