



Meeting Date: July 16, 2019

AGENDA MEMORANDUM

To: Town Council

From: Bill Detweiler, Director of Development Services

Title: Discussion/Direction on Title 15, 16, 17 and 18 Code Amendments

Executive Summary

At the July 2, 2019 Town Council meeting, staff presented a variety of proposed code changes in Titles 15, 16, 17 and 18 to Town Council. The majority of the proposed changes are cleanup and clarification language, however, some of the proposed changes warrant further discussion as they impact the land development process or introduce new defined uses into the code. Town Council directed staff to bring back a plan for further review of these items.

Staff is recommending splitting the code update into two pieces, one for items that need further discussion and possibly a study session, and then one for the cleanup items that could possibly be scheduled for first reading at an upcoming Council meeting. Staff is proposing that the Title 17 general definitions, additions to the use table, neighborhood meeting requirements and public notice distance requirements be further reviewed in a study session. All remaining proposed changes in Titles 15, 16, 17 and 18 are recommended to move forward for first reading consideration at an upcoming Council meeting. The proposed cleanup of Title 15, 16, 17, and 18, are intended to ensure the code provides clear direction, removes conflicting language, and aligns with current practices identified from everyday use by staff. The updates are also intended to make these sections of the CRMC easily interpreted by residents, developers, and Town staff while ensuring the code maintains all legal requirements.

Staff is seeking Town Council direction on this approach and discussion on dates that would work for a possible study session and/or a first reading date.

Discussion

Background

Castle Rock Municipal Code Title 17 is the Zoning code for the Town. It governs the allowable land uses within the Town, as well as the land development process and requirements, application types, public hearing process, and many additional areas that govern the development and use of land within the Town. It was first established years ago and over time the Town Council has adopted revisions or updates to it. For reference, Title 17 was last updated in September of 2012, with a major overhaul of the land development process and organization of this Title.

Title 15 establishes the building, construction and public improvements codes for the Town. The sections on site construction and public improvements were greatly modified in the 2012 code updates as well, when the previous standalone 1999 Public Works Regulations were updated and the regulations brought into the CRMC in Title 15. Title 15 was also recently

revised in 2019 by adopting the current residential and commercial building codes and amendments.

Minor changes are also recommended in Title 16 Subdivision Regulations and Title 18 Floodplain Regulations, as outlined below, to provide consistency in terminology throughout the code.

Summary of Title 17 Proposed Changes for Further Discussion/Study Session:

With the current review of updating these Titles, some proposed changes to the way the Town requires neighborhood meetings, notices public hearings, defines uses, and where these uses are allowed have been considered by staff. These 4 sections of the proposed changes are listed below as recommended for further discussion, and the redlines of the changes are included as Attachment A.

Section 17.04.040 Neighborhood Meetings – For Neighborhood Meetings, staff is proposing to increase the opportunity for community feedback prior to public hearings by increasing the number of required neighborhood meetings from one to three for zoning applications. These would be required prior to application to the Town, after application to the Town, and then after completing staff review but prior to their first public hearing. This allows the developer to obtain community feedback as their plan changes throughout the process. The Director of Development Services would be able to waive one or more of these meetings based on good cause, such as lack of attendance and/or no plan changes throughout the process.

Section 17.04.060 Notice for Public Hearings – Staff is proposing to increase the required distance of mailed public hearing notice from 300 feet to 500 feet from the subject property. Research of surrounding communities showed most only require mailed notices to the adjacent landowners. Castle Rock currently requires notices be mailed to all properties within 300 feet. Below is a table showing surrounding jurisdiction-noticing requirements:

Jurisdiction	Public Notice Distance Requirement (Mailing)	Additional Public Notice Requirement (Mailing) if applicable
Castle Rock	300 Feet	N/A
Lone Tree	Adjacent Property Owners	HOA Boards within 200 feet
Parker	Adjacent Property Owners	N/A
Douglas County	Adjacent Property Owners	N/A
Arapahoe County	Adjacent Property Owners	N/A

Staff is recommending increasing the notice distance to 500 feet to increase the number of surrounding residents who get mailed notices and increase awareness of land development public hearings. In addition to the mailed notices, all properties are posted with yellow public hearing signs and any member of the public is welcome to provide feedback or attend the public hearing. Public hearing notices are also available online and residents can subscribe to be notified of all new hearing items.

Section 17.14.010 Definitions – Title 17 currently has several chapters that contain definitions of terms making it difficult to locate certain definitions for those unfamiliar with the

code. In this update, Staff is proposing to consolidate definitions that are generally applicable to all sections of the code, into a single definitions section. Staff has recommended updating definitions that are no longer applicable or clearly outdated by comparing and amending the definitions as needed based upon the American Planning Association list of recommended definitions.

One example of updated terminology is changing the words “mini-storage” to the more modern term of “self-storage”.

Some new definitions are proposed, for terms such as Educational facility, Gym/Health club, and Studio Classes. These are uses that were implied in other categories currently but would now have their own definitions within Title 17 for clarity, as described below:

Educational facility means a public, private, charter, or parochial school offering instruction for children ages kindergarten through high school with a level of learning and studies.

Gym/Health club means a facility where members use equipment or space for the purpose of physical exercise, including sports instruction, but not limited to weight training or athletic sports training.

Studio Classes means a retail space where training is provided for activities, including, but not limited to taekwondo, yoga, ballet, dance, karate, or gymnastics.

An additional proposed defined use is “Rehabilitation clinic/facilities”. This use is defined as:

Rehabilitation clinic/facilities (Substance abuse treatment facility) means a structure and land used for the treatment of alcohol and other drug abuses as a walk-in clinic, or where care, meals and/or lodging are provided.

This type of use is not clearly defined in the Town’s current code. By adding in a clear definition, it removes the need to interpret other uses. It also allows this use to be added to the use chart, explained in a further section, so it is clear what zones it is allowed or not allowed in.

Section 17.28.030 Uses - Staff is proposing to update the straight zone use chart by reordering it to be alphabetical, adding in the new defined uses, removing temporary uses as these are addressed in other sections of the code, correcting previous errors and removing blanks from the chart.

A new use that was added is “Rehabilitation clinic/facilities”, as mentioned under the Definitions section. This is a new defined use and is proposed to be a permitted (P) use in the I-2 General Industrial zone, a Use by Special Review (UBSR) in the I-1 Light Industrial zone, and not allowed (N) in the Business/Commercial, Wolfensberger Overlay, Downtown Overlay or Front Street Overlay zones.

USE	B Business/ Commercial	I-1 Light Industrial	I-2 General Industrial	WNZOD Wolfensberger Overlay	DOD Downtown Overlay	FSOD Front Street Overlay
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Rehabilitation clinic/facility	N	UBSR	P	N	N	N
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In addition, “*Recreation, outdoor*”, which is defined in the code as “uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The term recreation, outdoors includes public areas for active or passive recreational activities, including, but not limited to jogging, cycling, playing fields, outdoor swimming pools, tennis courts, golf courses, arboretums, community gardens, wildlife sanctuaries, and other natural areas used for walking or hiking and other passive recreation oriented parks.”, is currently allowed as a Use by Special Review in the I-2 zone, and permitted in the other business, industrial and overlay zones. Staff is proposing to change it to Permitted in I-2, to allow trails and other walking, hiking, biking, and outdoor public recreation facilities to be allowed by right.

Summary of Title 15, 16, 17 and 18 Proposed Changes recommended for First Reading:

The proposed cleanup of Title 15, 16, 17, and 18, are intended to ensure the code provides clear direction, removes conflicting language, and aligns with current practices identified from everyday use by staff. The updates are also intended to make these sections of the CRMC easily interpreted by residents, developers, and Town staff while ensuring the code maintains all legal requirements. The following sections of Titles 15, 16, 17 and 18 are recommended to move forward for consideration under first reading, as they are not materially related to the items that are recommended to be pulled out for further discussion above. Staff is seeking confirmation and direction to move ahead with these changes, or direction to move any of these sections into the previous grouping for further discussion. The redlines of these proposed changes are Attachment B to this report.

Title 15 General Update (Multiple Sections) – The Town recently adopted ordinance 2019-013 which updated the previous “Grading, Erosion and Sediment Control Manual (GESG/DESC)” to the “Temporary Erosion and Sediment Control Manual (TESC)”. That ordinance cleaned up references to “GESG” in several places, however there are still some sections of Title 15 that are referencing the old nomenclature. This proposed update will replace all references to “grading” erosion and sediment control, “GESG” and “DESC” in Title 15 to the newly named “temporary” erosion and sediment control, or “TESC” terminology.

Section 15.54.020.F - Staff is proposing to clarify that grading is allowed on a site, ahead of an approved Site Development Plan. This has been allowed in town for some time, and was indicated as “at developer’s risk” under the 1999 Public Works Regulations. In order to qualify for grading ahead of the SDP approval, the developer must submit a reason for their request, and comply with all stormwater requirements. In some cases, property owners know they need to do a large amount of grading ahead of a project, so they may ask for grading permits to get this construction activity moving while they are under review on a Site Development Plan. In other cases, the owner may not have an end user established, but knows they need to do grading and have access to fill dirt ahead of a development. In all of these cases, the owner must comply with all stormwater and revegetation requirements of the code. The previous language also stated that by allowing grading at the developer’s risk, the Town was not required to approve any future land use approvals. During the 2012 update, the clarity in

this language was not included in Title 15 or 17, however the allowance for grading was added to the newly adopted Development Procedures Manual at that time. Staff is proposing to put this language into Title 15 to clarify that grading may be authorized and that the Town is not at risk by allowing grading ahead of an approved Site Development Plan.

Section 15.64.060 Town of Castle Rock Historic Landmarks – This list of locally landmarked properties was adopted into Town Code in 2009. Because this list has been updated over the years, staff is recommending removal of the reference to the list being current as of Jan 1, 2009.

Section 15.65.070 National Register of Historic Places – The Dyer House was added to the National Register of Historic Places in 2016, however this section of Code was not updated at that time. This update would add the Dyer House on this list so it is accurately described in Town Code.

Section 15.66 Public Works Regulations – This existing chapter of Title 15 was adopted in 2012 to allow transitional provisions to be in place for projects that had begun construction under the 1999 Public Works Regulations. All new site construction documents and permits have since been governed under the other sections of Title 15, and currently in 2019, there are no longer active construction projects that are governed by this transitional chapter 15.66. Staff is proposing to repeal this entire chapter.

Title 16 General Update – In 2012, the Town revised the subdivision process and replaced the two step “preliminary plat” and “final plat” process with a single “plat” step. Staff is recommending updating a few definitions that still use the “final plat” verbiage to remove this outdated reference.

Section 16.06.010 Plat review and approval criteria – Staff is proposing to correct the numbering/formatting in this section.

Section 16.08.020 Purpose and Applicability – Staff is proposing to clarify that Public Land Dedication requirements apply to all new plat, replat, plat modifications or lot line vacations that lead to an increase in density and are based on the incremental increase in density over an existing use. This is the intent and application of the current code, however staff is recommending some clarifying language in this section to ensure it is applied uniformly.

Title 17 General Update (Multiple Sections) – Staff is proposing general formatting and updating of sections for ease of readability, clarity and corrections of minor errors.

Section 17.01.020 General Provisions – Staff is proposing an update to more clearly describe the applicability of Town Regulations as they relate to existing straight zoned properties and Planned Developments.

Section 17.02.060 Zoning Process – Staff is proposing to delete references to Intergovernmental Agreements that are no longer valid, amend wording to be consistent with the 2030 Vision and Comprehensive Master Plan, Town Guidelines and Manuals, and remove criteria that is not applicable to the Zoning Process.

Section 17.04.090 Public Hearings – Staff is proposing to provide Town Council the option, in lieu of making a final determination, the ability to continue a public hearing to a date certain and direct the Planning Commission to address specific questions or issues on the application or review material modifications to the application made after the initial Planning Commission recommendation. If Town Council chooses to remand an application back to Planning Commission, then they should identify clearly the scope of what they would like Planning Commission to reconsider.

For example if an item was at Town Council and new information was presented or changes made to the plan that Planning Commission had not seen, then Town Council could ask that Planning Commission to take another look at the application, for whatever these specific items in question might be, before proceeding with the final Town Council determination.

Section 17.04.105 Administrative Variance – Staff is proposing to update the Administrative Approval section to provide the Director of Development Services the ability to grant, on a single lot, a variance for height or setback as long as the change is no more than a 10% variance from the established criteria and will not substantially alter the character of the neighborhood. All setback and height variances that exceed the 10% threshold will be required to seek relief from the Board of Adjustment.

For example, if a rear yard setback is 20 feet, and a resident proposed a deck that encroached into this area by 2 feet or less, they could be granted this variance administratively and not go through the expense and legal process of going to the Board of Adjustment for review. A similar provision existed in the code prior to the 2012 update, however those changes were extensive, redefining parts of our process and re-organized the majority of Title 17. It appears this administrative variance was inadvertently left out at that time.

Section 17.20.010 R1A Single Family Zone District – Staff is proposing to delete references to the R1A zone district based upon the fact that there are no longer any properties with the Town of Castle Rock that have R1A zoning and that the current R1, R2 and R3 zoning classifications meet the needs of traditional straight zone residential districts within the Town of Castle Rock.

Section 17.38.020 Site Development Plan/Public and Private Improvements required - Staff is proposing to clarify that grading is allowed on a site, ahead of an approved Site Development Plan, however buildings and other site improvements are still not allowed until the SDP is approved. This is related to the Title 15.54.020.F changed mentioned earlier in this report. Grading was clearly called out as being allowed “at developer’s risk” under the 1999 Public Works Regulations, and that the Town was not required to make any future site approvals because grading was allowed. During the 2012 update, the clarity in this language was not included in Titles 15 or 17, however it was added to the newly adopted Development Procedures Manual at that time. Staff is proposing to put this language into the code to clarify that the Town is not at risk to allow any early grading ahead of an approved Site Development Plan.

Section 17.38.030 Approval and Appeals – Staff is proposing language to clarify when an administrative approval process would be applicable based upon non-material changes being requested for Site Development Plans downtown. Staff is proposing to add language, as originally intended with the Interchange/Overlay Zone District (I/O Zone), for administrative

review of commercial and mixed use projects within I/O Zone districts that are larger than 100,000 square feet. This change was based upon the original intent to streamline Town processes when applicants elected to select the Town approved I/O Zoning for the land projects.

Section 17.38.040 Site Development Plan Review and Approval Criteria – Staff is proposing to clarify criteria and ensure the correct criteria associated with each phase of the zoning and site plan process is contained in the appropriate section. References to Intergovernmental Agreements that are no longer in affect were also deleted.

Section 17.39.010 Use by Special Review – Staff is proposing a new Title 17 section of the code to establish a clearly defined section for the Use by Special Review process and provide a dedicated section, for future Use by Special Review process amendments, to address the uniqueness of projects requiring Use by Special Review applications. Review criteria that would need to be addressed by an applicant include demonstrating compatibility with surrounding neighborhood, mitigating any potential increase in traffic, providing adequate parking, as well as addressing adequate landscaping and buffering from surrounding uses.

Section 18.08.040 Floodplain development permit – The reference to GESC/DESC are proposed to change to TESC to keep the wording consistent with the newly adopted TESC manual.

Recommendation

Staff is recommending splitting the code update into two pieces: one for items that need further discussion and possibly a study session; and then one for the cleanup items that could possibly be schedule for first reading at an upcoming Council meeting. Staff is proposing that the Title 17 general definitions, additions to the use table, neighborhood meeting requirements and public notice distance requirements be further reviewed in a study session. Possible study session dates to consider are August 20th or September 3rd. All remaining proposed changes in Titles 15, 16, 17 and 18 are recommended to move forward for first reading consideration at an upcoming Council meeting. Possible first reading date to consider is August 20th.

Attachments

Attachment A: DRAFT REDLINES FOR TITLE 17 ITEMS NEEDING FURTHER DISCUSSION
Attachment B: DRAFT REDLINES FOR OTHER CHANGES IN TITLE 15, 16, 17 AND 18