

**ATTACHMENT B:
DRAFT REDLINES FOR CLEANUP CHANGES IN TITLE 15, 16, 17 AND 18**

15.32.010 Defined terms.

Technical Manuals means the Town of Castle Rock Transportation Design Criteria Manual; Water System Design Criteria Manual; Wastewater Collection System Design Criteria Manual; Storm Drainage Design and Technical Criteria Manual; ~~—Grading, Temporary~~ Erosion and Sediment Control (~~GES~~~~C—& DES~~~~ETES~~~~C~~) Manual; Landscaping and Irrigation Performance Standards and Criteria Manual; Construction Methodology and Materials Manual.

Section 2. Amendment. Section 15.51.010.B of the Castle Rock Municipal Code is amended to read as follows:

15.52.010 Purpose and applicability.

B. Construction Documents shall be submitted with a Plat application, if the creation of the new lots require the installation or modification of public infrastructure. Construction Document may also be submitted if the Developer is proposing development which requires the installation or modification of public infrastructure or grading work authorized under 15.54.020.F. A developer of a site is eligible to apply for a Construction Document review if the site has an approved Site Development Plan; an active Site Development Plan under review; is submitting a Site Development Plan concurrently with their Construction Document Review; the work is authorized under 15.54.020.F; or the project only contains public infrastructure within the Town right of way or easements. The Construction Documents shall conform with the general elements and intent of the approved zoning, approved Site Development Plan or previous plan approval equivalent to a Site Development Plan.

15.54.020 Permits, general.

F. The Director, at his discretion, may issue a grading permit prior to final approval of a Site Development Plan and construction documents. Developer shall submit a written request justifying the need for the early issuance of the grading permit. Any grading permit issued prior to final approval of a Site Development Plan and construction documents will be at the Developer's risk. Early issuance of a grading permit does not obligate the Town to approve a Site Development Plan or construction documents.

15.54.070 Stop work order.

A. A Stop Work Order (SWO) may be issued by an Inspector or other designated Town Official to the Developer or Contractor for any of the following circumstances:

1. Failure to obtain a Construction Permit for Work.
2. Failure to obtain a ~~TESC~~~~GESC~~ Permit for Work that causes disturbance and is regulated by the Town's ~~TESC~~~~GESC~~ Manual.
3. Failure to remedy an approved Project which has settled, failed or which has not been repaired or constructed in conformance with these Regulations or approved Construction Documents.
4. The Project has been deemed to be an obvious public health or safety problem (i.e., but not limited to deficient traffic control, unsafe trenching operations, dangerous obstructions in the Public Right-of-Way, improper use of equipment, use of alcohol or drugs).

15.54.090 Construction permit approval, expiration and extension approval.

B. Not more than two one-year permit extensions may be granted administratively, subject to the following criteria:

1. The project site is in conformance with all ~~grading and erosion control (GESC)~~~~temporary erosion and sediment control (TESC)~~ requirements, traffic control requirements and plan requirements and construction notes;
2. The project site is in conformance with the Town Construction Methodology and Materials Manual;
3. The project site is in conformance with all improvement agreement provisions and no default thereunder has been declared by the Town; and
4. There are no health, safety or welfare issues related to the site impacting the general population or the immediate neighborhood.

15.64.060 Town of Castle Rock Historic Landmarks

~~As of January 1, 2009, t~~The following Historic Landmarks have been officially approved by the Historic Preservation Board and Town Council by ordinance:

- A. Christensen House and Carriage House - 420 Jerry Street.
- B. The Rock (Castle Rock Geologic Feature and including the Rock Park).
- C. Hammar House - 203 Cantril Street.

- D. Dyer House and Stone House and Barn - 208 Cantril Street.
- E. D&RG Depot - 420 Elbert Street.
- F. First National Bank of Douglas County - 300 Wilcox Street.
- G. Richardson House - 310 Front Street.
- H. Doepke House - 20 Cantril Street.
- I. Upton Treat Smith House and Garage - 403 Cantril Street.
- J. Christ's Episcopal Church - 615 Fourth Street.
- K. Residence at 15 Lewis Street - 15 Lewis Street.
- L. Keystone Hotel (and Tivoli Saloon) - 219/223 Fourth Street.
- M. Residence at 111 Cantril Street - 111 Cantril Street.
- N. Owens House - 213-215 Perry Street.
- O. City Hotel - 415-419 Perry Street.
- P. Kirk House - 620 Second Street.
- Q. Breuss House - 312 Lewis Street.
- R. Jacob Kroll House - 110 Lewis Street.
- S. Hunter House - 418 Lewis Street.
- T. Sellars House - 22 Lewis Street.
- U. Saunders House - 203 Perry Street.
- V. House - 207 Perry Street.
- W. Breselow House - 213 Cantril Street.
- X. Eichling Dry Goods - 307 Third Street.

The Department shall maintain a current record of all Landmarks and pending designations.

15.65.070 National Register of Historic Places.

F. Dyer House – 208 Cantril Street

Repeal. Chapter 15.66 (1999 Public Works Regulations) of the Castle Rock Municipal Code is hereby repealed. (Redlines not included due to length)

16.02.080 Defined terms.

Dedicated land means land transferred via the ~~final~~-plat or by separate instrument to the Town or other public/quasi-public entity for ownership and maintenance.

Subdivision improvements agreement (SIA) is a contractual agreement between the Town and subdivider entered into in conjunction with approval of a ~~final~~-plat.

16.06.010 Plat review and approval criteria.

A plat must conform to the following:

A. The plat is consistent with the relevant development policies set forth in the Town's Comprehensive Master Plan, zoning and building ordinances, and other master plans, development policies and ordinances, as such may be amended from time to time.

B. The plat is consistent with all approved plans for the site, including, without limitation, any approvals granted under Title 17, CRMC.

C. The plat complies with the standards of this Title, including the technical requirements, design criteria and standards set forth in the Development Procedures Manual and the Technical Manuals.

D. The plat complies with the applicable zone district classification and zoning regulations. Lots and tracts shall be entirely within one zone or use area.

E. The plat will not result in new burdens on the Town's existing public facilities and services. If new burdens would occur, the development shall be responsible for mitigating such impacts through compliance with standards adopted by the Town Council. The standards will include fees calculated and imposed to provide adequate public facilities and services based upon objective criteria.

F. Adequate water supply has or will be conveyed with the plat to accommodate the level of development proposed as required in Chapter 4.04, CRMC.

~~GH.~~ Open space reservations and public land dedications are of an appropriate configuration and location within the plat and comply with any applicable requirements of the PD ordinance and/or Chapter 16.08 of this Title.

~~HI.~~ The subdivision design, street layout and grading plan minimizes disturbance to significant natural land forms, vegetation and other areas of environmental and visual sensitivity. Where such features and areas are present, the detailed design criteria set forth in Chapter 17.10, CRMC, shall apply.

~~IJ.~~ Subdivision design, including the placement of lots, streets and open areas, is compatible with surrounding development patterns, existing and planned.

~~JK.~~ Any phasing plan that provides for the logical extension of roadways, utilities and other urban services.

~~KL.~~ Land within an adopted 100-year floodplain zone or land which is subject to inundation by a 100-year flood shall not be platted for occupancy unless the flooding condition is alleviated in conformance with the Town's zoning and floodplain regulations.

~~LM.~~ Where applicable, adequate consideration has been given to the future extension of streets and utilities to adjacent properties.

Section 11. Amendment. Section 16.08.020 of the Castle Rock Municipal Code is amended to read as follows:

16.08.020 Purpose and applicability.

The purpose of the Town's land dedication requirements is to ensure that adequate sites are provided to the Town to enable the development of a variety of public facilities necessary to accommodate new growth. This Chapter contains the standards adopted by the Town for determining the land dedication needs for schools, parks, water facilities, fire stations, police stations and Town administrative office facilities. Where an "Open Space and Public Land Dedication Plan," including land dedication conveyance schedule, has been adopted for a Planned Development (PD) Plan in accordance with Subsection 17.34.040.E, CRMC, or a previously approved Preliminary PD Site Plan, the provisions of that document shall replace and supersede the requirements herein for individual subdivision requests. For all other subdivision proposals, the requirements spelled out in the following sections regarding public land dedication and/or cash-in-lieu of land dedication shall apply. These dedication requirements shall apply to all new plat, ~~or replat,~~ plat modifications or lot line vacation applications that lead to new density and are based on the incremental increase in density.

17.01.020—~~Interpretation~~ Application; conflict with other laws.

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, the more restrictive or that imposing the higher standards shall govern.

~~B.—Certain capitalized terms used throughout this Title shall have the meaning defined in Section 17.01.060—~~

~~B. All Town ordinances and regulations of general applicability, as the same are amended from time to time, shall apply to and be enforceable in all Zoning Districts, including the Planned Development Zoning District (PD). Accordingly, the Town ordinances and regulations shall govern and control over any conflicting provisions in the PD Zoning Regulations or other development standards unless such conflicting provision is vested as an express development right under Chapter 17. 08.~~

17.01.040 - Reserved

~~Transitional provisions:~~

~~The reenactment of Title 17 under Ordinance No. 2012-18 shall take effect on December 1, 2012. Any land use application filed after December 1, 2012 shall conform with and be processed under the provisions of this Title even if the property was previously entitled under the provisions of Title in effect prior to December 1, 2012. To illustrate, a Site Development Plan (see Chapter 17.38) shall be the exclusive method by which a property with an approved Preliminary PD Site Plan may be further entitled. At the option of the applicant, any active land use application pending~~

~~on December 1, 2012 may be processed under the equivalent entitlement process under this Title (e.g., Preliminary PD Site Plan converted to PD Plan application (see Chapter 17.34), or the application may be processed under the version of Title 17 in effect prior to December 1, 2012.~~

17.01.050 ~~Reservation of prior Title 17.~~ Reserved

~~Irrespective of the adoption of the comprehensive repeal and reenactment of Title 17, CRMC, on December 1, 2012, the version of the prior Title 17 shall remain in force or effect for the limited purpose authorized by Section 17.01.040.~~

17.01.060 - ~~Defined terms~~ Definitions.

For the purpose of this Title, certain words or phrases are defined as set forth below. Certain other terms are defined within the other Chapters of this Title. When not inconsistent with the content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes the feminine.

CRMC means the Castle Rock Municipal Code, as amended from time to time.

Development Procedures Manual means the document referenced in Chapter 15.46, CRMC.

Development Services Department means the Town's department of Development Services that has the responsibilities for the Town planning and zoning function.

Director/Director of Developments Services means the Town's Director of Development Services or duly authorized representative.

~~*Intergovernmental Development Plan* means the Comprehensive Development Plan jointly adopted by Douglas County and the Town dated August 10, 2011, as that plan is amended and/or extended from time to time. A copy of the Comprehensive Development Plan shall be on file with the Development Services Department for public inspection and copying.~~

Manager means the Town Manager or duly authorized representative.

Person includes association, firm, partnership or corporation.

Planning Commission means the Town Planning Commission.

Town Council means the Town of Castle Rock Town Council.

**Chapter 17.02
Zoning Districts**

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-1A	Single-Family Residence District, Detached	17.20
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
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

17.02.020 - Primary zoning districts.

All property within the Town shall be included within one of the primary Zoning Districts Residential, Business/Commercial/Industrial, Open Space or ~~PD-Planned Development~~.

17.02.060 - Zoning process.

The purpose of this Section is to establish the procedure and requirements for initial zoning at the time of annexation or requested changes to the Zoning District classification of property. Any such amendments to the Zoning District Map (Rezoning) shall be processed according to the following procedures and requirements:

A. Application. The applicant for the Rezoning shall comply with the Development Procedures Manual.

B. Public Hearings. The Planning Commission shall conduct a public hearing for the purpose of providing a recommendation to the Town Council on the Rezoning request. Thereafter the Town Council shall conduct a separate public hearing and shall take final action on the application. The procedure for such public hearings and action by the Planning Commission and Town Council is prescribed in Chapter 17.04.

C. Approval criteria. The Planning Commission and Town Council shall consider the following criteria in evaluating a request for Rezoning as well as any additional criteria germane to the specific Rezoning request as prescribed in this Title:

1. _____

2. _____ Compatibility with any applicable ~~Intergovernmental Development Plan, such as but not limited to the Douglas County/Castle Rock Land Use Intergovernmental Agreement~~ and use intergovernmental agreements.

~~2. _____ Conformity~~

2. _____ ~~Conforms~~ with the most recently adopted versions of the Town's Vision, Comprehensive Master Plan, applicable sub-area plans, adopted criteria manuals and ~~long-range or guidelines and other~~ master plans.

~~3. _____ Compatibility~~

3. _____ ~~Compatible~~ with existing and planned development on adjacent properties and in the surrounding area or neighborhood, ~~or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility~~ and proposed mitigation measures.

4. _____ ~~4Adverse impacts~~Impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, ~~or such impacts will be substantially mitigated~~ and proposed mitigation measures.

~~55~~

5. _____ Whether the property will have access to current or planned services and infrastructure adequate to support the orderly development of the property.

~~66~~

6. _____ Positive economic impact potential from development of the property.

17.04.020 - Preapplication conferences.

A. For each step of the development process, the applicant ~~is encouraged~~may be required to hold a preapplication conference with appropriate representatives of the Town. The Development Procedures Manual establishes guidelines for a preapplication conference.

B. The purpose of the preapplication conference is to inform the applicant of applicable procedures, submittal requirements, development standards, infrastructure needs, comprehensive master plan alternatives, and other pertinent factors affecting the property before the applicant finalizes a development proposal.

C. Staff opinions presented during preapplication conferences are informational only and do not represent a commitment on behalf of the Town regarding support for a final decision on the development proposal. Materials submitted for review at a preapplication conference do not constitute an "application" for development for purposes of C.R.S. §24-68-101, et seq.

17.04.050 - Notice requirements.

A. The notice requirements for public hearing on the designated applications shall be as follows:

<i>Application Type</i>	<i>Neighborhood Meeting</i>	<i>Mineral Rights Notice (17.04.080)</i>	<i>Website Notice (17.04.060)</i>	<i>Written Notice (17.04.060)</i>	<i>Posted Notice (17.04.060)</i>
Sketch Plan	Optional <u>If requested by Town</u>	None	Yes	Yes	Yes
Annexation ¹	Optional <u>Yes</u>	None	Yes	Yes	Yes
Zoning/Rezoning	Optional <u>Yes</u>	Yes	Yes	Yes	Yes
Planned Development Plan <i>(including Interchange Overlay)</i>	Optional <u>Yes</u>	Yes	Yes	Yes	Yes
Planned Development Plan Major Amendment or Amending PD Zoning Regulations	Optional <u>Yes</u>	Yes	Yes	Yes	Yes

Planned Development Minor Amendment (Non-Interface)	Optional-If requested by Town	None	Yes	None	None
Site Development Plan or Major Amendment (Residential, Interface or Commercial over 10 acres/100,000 sq. ft.)	Optional-If requested by Town	Yes	Yes	Yes	Yes
Site Development Plan - Administrative (Non-Interface Commercial under 10 acres and 100,000 sq. ft.) or Minor Amendment	Optional-If requested by Town	Yes	Yes	None	None
Downtown: Site Development Plan and Major Amendment	Optional-If requested by Town	None	Yes	Yes	Yes
Use by Special Review - Site Development Plan and Amendment	Optional-If requested by Town	Yes	Yes	Yes	Yes
Skyline/Ridgeline Variance	Optional-If requested by Town	None	Yes	Yes	Yes
Board of Adjustment Variance	Optional-If requested by Town	None	Yes	Yes	Yes
Wireless Facility - New	Optional-If requested by Town	None	Yes	Yes	Yes
Wireless Facility - Co-location	Not necessary None	None	None	None	None
Infrastructure Construction Plans	Not necessary None	None	None	None	None
Technical Criteria Variance	Not necessary None	None	None	None	None
Final-Plat/Amended Plat	Not necessary None	Yes	Yes	Adjacent owners with application submittal	None

¹ Annexations require additional notice pursuant to Chapter 20.02, CRMC.

17.04.060 - Notice for public hearing.

A. All land use applications for which this Title mandates public hearings shall be subject to the requirements set forth in this Chapter. Noticing of public hearings is intended to provide for the opportunity for public participation or public information on land use and development applications within the Town.

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 three hundred (300) feet of the subject property; provided however, that the Director, at his or her 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 within thirty (30) days of the hearing.

2. Posted notice. The real property proposed to be developed shall be posted with signage 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. 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, in a manner and at the 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.

C. The Town shall post a notice of the hearing on the Town's website seven (7) days prior to such public hearing, in the usual and customary location within the website for such notices. For the purpose of this section, website shall mean the Town's website www.CRgov.com.

D. At its expense, the Town may initiate community outreach and expand notification concerning an application or public hearing beyond the minimum requirements set forth in this Chapter.

E. Prior to the first noticed public hearing, the applicant or applicant's representative shall provide the Development Services Department affidavits demonstrating good faith and

substantial compliance with Subsection B above. The form and content of the notice and affidavit shall comply with the standards set forth in the Development Procedures Manual.

F. The standard for compliance with the notice provisions of this Section shall be substantial compliance. The Director shall determine if substantial compliance with these provisions has been demonstrated and that administrative decision shall be final and binding. In the event the Director determines that the notice does not meet the substantial compliance standard, such noticed hearing shall be vacated and the matter re-noticed. ▯

G. Notice of an application that has been remanded to Planning Commission in accordance with 17.04.090.E shall be by website notice 5 days prior to the public hearing of the Planning Commission.

17.04.070 - Notice for administrative submittals.

Prior to any administrative approval under this Title, ~~public notice of~~ the application shall be ~~made in~~noticed accordance with the Development Procedures Manual.

17.04.080 - Mineral rights notice.

Notice requirements to mineral estate owner.

A. As used in this Section, the following terms shall have the following meanings:

Mineral estate means an interest in real property that is shown by the real estate records of the county in which the real property is situated and is not owned as part of the full fee title for the real property.

Mineral estate owner means the owner or lessee of a mineral estate for which notice is required pursuant to this Section, and for which the records of the County Clerk and Recorder allow the applicant to reasonably, and in good faith identify the mineral estate owner.

B. The following applications for development shall be subject to the notice procedures to mineral estate owners outlined herein:

1. PD Plan;
2. Site Development Plan;
3. Use by Special Review; or
4. Plat (see Title 16, CRMC).

C. Notice requirements. Where the mineral estate is severed from the surface estate, the applicant shall within 30 days of the submittal of an application for development:

1. Send notice by first-class mail to the mineral estate owner, which notice includes the time and place ~~subject~~ of the ~~first public hearing, the nature of the hearing~~ application, the location and legal description of the property that is the subject of the ~~hearing and application~~, the name of the applicant, and if applicable, the time and place of the first public hearing and the nature of the hearing;

2. Send notice to the Town containing the name and address of the mineral estate owner; and

3. Certify to the Town, prior to or at the first scheduled public hearing on the application, that proper notice has been provided to the mineral estate owner. Such certification shall consist of a statement indicating compliance with this Section, as well as a certificate of mailing, attached to the notice sent to the mineral estate owner.

D. An application will not be eligible for public hearing or further action without compliance with this Section.

E. If an applicant files more than one application for development for the same new surface development, the applicant shall only be required to send notice of the initial public hearing scheduled for the first application for development to be considered by the Town.

F. The mineral estate owner may waive the right to notice under this Section in writing to the applicant and receipt of this waiver by the Town shall satisfy the notice requirements contained herein. ~~17.04.090 - Public hearings.~~

17.04.090 - Public hearings – Planning Commission and Town Council.

Unless modified by the presiding officer of the hearing body, public hearings under this Title shall be conducted in substantial compliance with the following provisions:

A. Rights of all persons. Any person may appear at a public hearing and submit evidence whether individually or as a representative of a person or an organization. Electronic mail received by the Town prior to the hearing shall be considered part of the public hearing record, if so accepted into the record by the presiding officer.

B. Exclusion of testimony. The presiding officer of the hearing body may exclude testimony or evidence that the officer finds to be irrelevant, immaterial, or unduly repetitious.

C. Continuance of a public hearing. A public hearing may be continued for any good cause to a fixed date, time and place. All continuances shall be granted at the discretion of the body conducting the hearing. Continuance shall not be considered action on the application or prejudicial to such application.

D. Decision and findings. ~~Upon~~ Subject to E, below, upon conclusion of the public hearing, the body shall approve, approve with conditions, or deny the development application based on ~~its compliance with~~ the criteria specified for the applicable application. Alternatively, the

presiding officer of the meeting may direct staff to prepare written findings ~~and discussion items~~ for ratification at a later meeting. The failure of the body to pass either a motion to approve or a motion to approve with conditions shall constitute a denial of the application.

E. In lieu of making a final determination on an application, the Town Council may continue the public hearing to a date certain and direct the Planning Commission to (i) address specific questions or issues on the application, or (ii) review material modifications to the application made after the initial Planning Commission recommendation. The Planning Commission shall make findings specific to the remanded item(s). Notice of the Planning Commission hearing on the remand shall be in accordance with 17.04.060.G.

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 is no more than a ten percent change to the originally approved setback or height restriction. Variance requests for a setback or height adjustment exceeding ten percent affecting one 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 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 within 15 days of the Director's action. Development Services 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.

17.04.130 - Inactive applications.

If an applicant fails to submit additional information requested by the Town, fails to respond to Town review comments, or otherwise take an affirmative action to advance an application under this Title for a period of one year or more, the application shall be considered an "inactive application." Unless extended by the Manager as further provided in this Section, an inactive application shall be void and the resubmittal of a new application and fees shall be required to renew the land use approval requested in the application. The Manager may grant an extension of time, for no more than one year, upon a written request by the applicant received by the Town within 30 days of the date the Town notifies the applicant of the inactive status of the applicant. If

no extension is granted, the Manager shall notify the applicant in writing that the application is void. ~~This provision shall apply to all applications on file with the Town on December 1, 2012 of this Title (see 17.01.040) as well as applications made after December 1, 2012, provided however, that as to such pre-existing application, such one-year period shall commence to run on December 1, 2012.~~

Chapter 17.06 Board of Adjustment

17.06.010 - Organization.

A. The Board of Adjustment ("Board") shall consist of five (5) members appointed by the Town Council. All members shall be residents of the Town. If at any time a Board member is no longer a resident, such seat shall be considered vacant and subject to ~~reappointment~~appointment by the Town Council.

B. The terms of the members of the Board shall be in accordance with Chapter 2.14 of this CRMC.

C. Members of the Board shall serve at the pleasure of the Town Council, and may be removed by a majority vote of the Town Council for any good cause, as determined in its absolute discretion.

~~D. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no Board member shall miss more than two (2) meetings in any twelve-month period. Upon any third absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chair, the Board member shall be deemed to have resigned from the Board, and the Town Council shall appoint a replacement. Nothing herein prohibits the Town Council from reappointing the resigning member under this Subsection. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.~~

~~E~~

D. The members of the Board shall select their own Chair. The services of any Town employee shall be available to the Board. The Board shall adopt such rules and regulations necessary to carry into effect the provisions of this Title, specifically including attendance requirements and a method of terminating a member for nonattendance. Meetings shall be held at such times as may be necessary and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question.

17.06.020 - Powers and duties.

The Board shall have the following powers and duties, all of which shall be exercised, subject to the laws of the State and subject to the appropriate conditions and safeguards, in harmony with the purpose and intent of this Title, the policies of the Town Council, and in accordance with the public interest and the most appropriate development of the neighborhood.

A. The Board shall hear and decide appeals ~~from, initiated by an applicant~~ and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by this Title. ~~unrelated to a land development application, technical criteria variance or where the appeal process is set forth elsewhere in this Title.~~

~~1. This Section allows a person to appeal an administrative determination, unrelated to a development project application or technical criteria variance to the Board.~~

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B. Appeal procedures shall be as follows:

1. The submittal requirements and process to file for an appeal are set forth in the Development Procedures Manual.

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2. The Board shall determine whether the Manager's decision was consistent with application of this Title and then either affirm or reverse the Manager's decision.

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3. A written notice of appeal of any administrative decision shall be filed within fifteen (15) days of the decision being appealed. The notice of the appeal shall be filed with the Manager and shall state with specificity the reasons for appeal. The Board shall hear such appeal within sixty (60) days of the filing of the notice of appeal. At such hearing, both the applicant and the Manager shall have the opportunity to be heard and present evidence.

5

4. A simple majority vote, but not less than three, is required to either affirm or reverse the Manager's decision. The Board may affirm the decision, reverse the decision, or affirm the decision with conditions. The ruling of the Board shall be final, subject to judicial review.

5. The Board shall not consider an appeal which is the same or substantially the same as an appeal previously considered and ruled upon by the Board.

B. Variances.

1. Following proper notice as prescribed in Chapter 17.04, the Board shall hear and decide an appeal on specific cases for a variance to the following:

- a. Minimum area of lot;
- b. Minimum width of lot;
- c. Maximum height of buildings;
- d. Minimum front yard;

- e. Minimum side yard;
- f. Minimum rear yard;
- g. Minimum off-street parking requirements;
- h. Title 19, Sign Code Regulations, except as limited under Subsection 19.04.080.H, CRMC;
- i. Minimum landscape requirements;
- j. Maximum fence height; and
- k. Chapter 17.58 (Illumination) of this Title.

2. In making its decision on a variance application, the Board shall consider the following and find:

- a. The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardship to the applicant, inconsistent with the intent and purpose of this Code;
- b. The practical difficulties or unnecessary hardship were not created by the applicant;
- c. Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties;
- d. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography;
- e. The variance, if granted, 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
- f. The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties.

3. The Board may impose reasonable conditions on the grant of a variance. In addition, upon approval of a variance, the Board shall determine whether the variance is limited to the condition existing on the property at the time of approval, or whether the variance runs with the land regardless of whether the conditions on the property change.

4. The decision of the Board shall be final, subject to judicial review.

5. Time limits.

a. Construction pursuant to a variance shall be completed within one (1) year from the date on which the variance was granted, unless otherwise specified by the Board in its decision. If construction is not completed within such time, the variance shall automatically terminate. However, upon application made during such time, the Board may, for good cause, issue not more than one (1) extension of the completion deadline.

b. No application for a variance which is the same or substantially the same as an application previously considered and ruled upon by the Board shall be accepted by the Town until at least one (1) year has elapsed from the date of the last ruling by the Board.

C. Reasonable Accommodation Variance. ~~To hear and decide appeals for~~A reasonable accommodation,~~including, but not limited to:~~

~~1. Reasonable accommodation for persons variance shall be an administrative determination by the Director in accordance with a disability.~~17.01.020.C.

Chapter 17.08 Vested Property Rights.

17.08.010 - Purpose.

Article 68 of Title 24, C.R.S., authorizes the creation and protection of vested property rights in certain "site specific development plans" as the same are designated by the local government (the "Vesting Statute"). This Chapter is intended to define the terms and conditions by which vested property rights are created, consistent with such statutory authorization and this Code. Unless the context clearly indicates to the contrary, the use in this Chapter of any term defined in the Vesting Statute shall have the meaning given in the Vesting Statute.

17.08.020 - Site specific development plan.

A. The following constitutes a site-specific development plan within the meaning of Section 24-68-102(4), C.R.S.:

1. A Site Development Plan approved in accordance with Chapter 17.38;
2. A major amendment to a Site Development Plan; or
3. ~~—If A PD Plan, if~~ authorized pursuant to contract in accordance with Section 17.08.070a ~~PD Plan approved in accordance with the applicable zoning provisions of this Code, or equivalent Code provision then in effect. 070.~~

B. Approval of a Site Development Plan within an area subject to an underlying vested PD Plan shall not impair the validity and enforceability of the PD Plan vesting within the Site Development Plan. In the event that such Site Development Plan is also vested as a site-specific development plan, the underlying PD Plan vesting shall be modified only as expressly provided in the Site Development Plan vesting.

17.08.060 - Duration.

A Site Development Plan vested pursuant to this Chapter shall remain vested for a period of three (3) years. A major amendment to a Site Development Plan shall extend the vesting of the amended Site Development Plan for three (3) years. Minor amendments to a Site Development Plan shall not extend the vesting period. The vesting period for a PD Plan vested by development agreement pursuant to Section 17.08.070 shall be as prescribed in the approval which the vesting period may exceed three (3) years. The vesting period for Preliminary PD Site Plans approved prior to December 1, 2012, shall continue to apply as originally prescribed on the Preliminary PD Site Plan and/or Development Agreement.

17.08.100 - Limitation on remedy.

The establishment of vested property rights shall not preclude the application of Town ordinances or regulations as enacted or amended from time to time, which are:

A. General in nature and are applicable to all property subject to land use regulation, including, but not limited to, public works, building, fire, plumbing, electrical and mechanical codes.

B. Other Town ordinances, provided that such ordinances are not in conflict with express vested property rights as further provided in the applicable development agreement.

Chapter 17.10
Land Development - General Design Principles

17.10.010 - Applicability.

A. The general design principles set forth in this Chapter apply to the design and layout of PD Plans, Site Development Plans, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

B. These general design principles are intended to provide a broad level of direction to design professionals, consultants and property owners. Specific detailed requirements are contained in the CRMC and the Technical Manuals adopted in Title 15 (Transportation Design Criteria Manual, Water System Design Criteria Manual, Wastewater Collection System Design Criteria Manual, Landscaping and Irrigation Performance Standards and Criteria Manual, Storm Drainage Design and Technical Criteria Manual, ~~Grading, Temporary~~ Erosion and Sediment Control Manual, Construction Methodology and Materials Manual, and Construction Details).

17.10.020 - Purpose and intent.

This Chapter is intended to ensure that the development of land is done in such a manner as to:

A. Protect and provide for the public health, safety and general welfare of the Town;

B. Promote orderly growth and provide for the harmonious development of the Town in accordance with the Comprehensive Plan;

~~_____C. Provide for adequate space and privacy and ensure safety from fire, flood and other danger;~~

~~D. _____~~

_____C. Identify, preserve and provide for open spaces through the most efficient design and layout of the land;

- ~~E~~
D. Minimize the conflicts among the uses of land and buildings placed on the land;
~~F~~
E. Preserve and enhance the natural beauty and topography of the Town and ensure appropriate development with regard to such natural features;
~~G~~
F. Mitigate the pollution of air, streams and ponds, ensure the adequacy of stormwater facilities, safeguard the water supply, and encourage the wise use and management of the natural environment;
~~H~~
G. Ensure that public facilities and services are available and will have sufficient capacity to serve the development;
~~I~~
H. Protect the character and the social and economic stability of the Town;
~~J. Conserve and enhance the value of land throughout the Town and the value of buildings and improvements upon the land;~~
~~K~~
I. Provide for the safe and efficient circulation of traffic throughout the Town, the mitigation of congestion in the streets and highways and along pedestrian ways; and
~~L~~
K. Provide for the proper location and size of streets in relationship to the adjacent development.

17.10.030 - Land suitability.

A. Terrain, vegetation, unique site feature preservation.

1. In the site planning and layout of any development, consideration shall be given to the relationship of roads, lots and buildings to existing slopes, grades, natural vegetation and drainage ways. All structures and roadways shall achieve a fit with the landscape that is not unduly intrusive.

2. Visual impacts upon off-site areas shall be reasonably mitigated. For hillside development (in areas of steep slope), visual impacts should be mitigated through the appropriate siting of lots and structures, for example providing a mountain or hillside backdrop where the lot/structure is visible. For ridgeline development (on top of or adjacent to a significant ridge or bluff), the plan should be laid out in such a manner as to ensure that the ridgeline remains the visually dominant landscape feature. As part of the site development plan, plat, and/or building permit review process, building envelopes should be defined to restrict the siting of improvements relative to major public views of hillside and ridgeline areas. (See Chapter 17.48 Skyline/Ridgeline Protection Regulations).

3. Unique site features, which would add value to a subdivision or site development or to the Town, such as topographic or rock formations, trees or brush stands, historic sites or areas and similar irreplaceable features, shall receive special consideration

in any project design, site planning or development proposal. Such features shall be left undisturbed and preserved in the subdivision or site design to the greatest extent practicable.

4. Significant natural drainage ways shall not be disturbed or re-routed except where of general benefit to the overall development.

5. Tracts of land or portions thereof lying within the one-hundred-year floodplain shall not be developed and can instead be used as undeveloped open space if and until the developer has complied with requirements of the floodplain ordinance of the Town.

6. Consideration shall be given to wildlife impacts in the layout of open space areas within the development. All development proposals involving sensitive lands should be referred to the State Division of Wildlife for information and comment on animal habitat preservation. Where designated threatened or endangered species are present, the developer must conform to all applicable state and federal restrictions and permitting requirements.

~~_____ B. Grading should be shaped to complement the natural land forms rather than shaping the slope to accommodate structures, roads, and lots. Lots and structures in sloping areas should be designed to conform to the slope by means of stepped foundations or similar methods that will keep grading and site preparation to a minimum.~~

~~C. _____~~

~~B. Roads in steeply sloping or heavily vegetated areas shall be designed to minimize the area of disturbance. Clearing of vegetation within the right-of-way shall be feathered to create more natural appearing edges and to accommodate snow storage.~~

~~D. _____~~

~~C. Maximum engineered grades are 3:1; steeper grades are allowed in undisturbed areas. Irrigation restrictions apply to slopes; special consideration should be given to these areas during the initial design (refer to the Landscaping and Irrigation Performance Standards and Criteria Manual for more detail).~~

~~E. _____~~

~~D. Streets should be located with appropriate regard for topography, creeks, wooded areas and other natural features, which would enhance attractive development.~~

~~F. Professional consultants or Geotechnical Engineers shall evaluate and recommend mitigation of all geotechnical hazards during initial site planning.~~

~~E. The Developer shall evaluate and mitigate geotechnical hazards during grading, infrastructure construction and building.~~

~~G. _____~~

~~F. Site design and subdivision layout should mitigate the potential dangers of wild land fires through appropriate mitigation measures- that balance natural landscape preservation with wild land fire protection. Protection measures shall be reviewed and approved by the Castle Rock Fire department.~~

17.10.090 - Utilities.

A. Dry utilities. Dry utility lines and boxes must be located along the rear property lines unless topography and vegetation dictate that the utility lines and boxes be placed in the front yards.

B. Wet utilities. Water, sewer and reuse improvements shall be designed and constructed in accordance with the PD plan and accompanying utilities plan, the Town's overall utility plans ~~adopted as part of its Comprehensive Master Plan~~, master plans, and the Technical Manuals adopted by Title 15 of this CRMC also contains requirements relative to the extension of the public utility system.

C. Utilities such as telephone, television cable, electric and gas services shall be installed in accordance with the standards of the servicing company. All installations within public rights-of-way shall be approved by the Manager. These utilities shall be installed underground and shall be in place prior to street surfacing. Electric transmission lines of 16KV or greater capacity are exempt from this requirement due to the prohibitive cost of undergrounding such facilities.

D. Water and sewer lines shall be designed to permit the extension to all adjacent properties which may develop at a later time.

E. Unless waived as part of a large lot residential proposal, wastewater service shall be provided through connection to the Town's central sewer system.

F. Water service shall be provided through connection to the Town's existing water supply system. All new water systems shall be looped in accordance with Town regulations.

G. Easements for major public facilities and rights-of-way may be required to be conveyed to the Town at the time of PD zoning or major amendment, or as otherwise provided in the development agreement.

17.10.100 - Easements.

A. All subdivisions shall include adequate easements to accommodate the construction, maintenance, and repair of all public ~~streets~~access, sidewalks, trails, water supply systems, wastewater systems, stormwater management systems, and erosion control facilities, as well as for all gas, electric, telecommunications and other utilities required to provide each utility to each permanent, occupied structure in the subdivision.

B. No structure shall be constructed over any portion of a recorded Town easement unless a revocable license is approved by the Town and the structure will not interfere with the intended use of the easement.

Chapter 17.16

Temporary and Nonconforming Uses/Structures

17.16.010 - General.

Temporary uses are any lawfully permitted activity or structure operated ~~or~~ used for a limited time, including, but not limited to, a commercial event and temporary building/storage. A temporary use which is not addressed ~~in~~ Section 17.16.020 shall be limited to the term in the Temporary Use Permit, but in no event longer than twenty-four months.

A. Temporary uses shall not create life safety hazards. Any use of hazardous material or disposal of hazardous material shall comply with all Federal, State and local regulations. Any use that creates visible or audible interference in radio or television receivers of fluctuations in line voltage at or beyond the property line is prohibited. Specific mitigation may be required by the responsible Town official. A Temporary Use Permit shall be revoked should the use fail to comply with the general provisions and development standards.

B. Upon expiration of the Temporary Use Permit, the applicant shall immediately discontinue the temporary use. All temporary structures associated with the temporary use shall be removed within three days of the expiration of the Temporary Use Permit. Temporary uses shall not generate live safety hazards. Specific mitigating conditions may be required.

C. A Temporary Use Permit renewal may be requested by making subsequent Temporary Use Permit application. Decision for renewal will be based on necessity for use and impact to surrounding properties.

17.16.020 - Temporary uses.

The following uses may be operated for a limited time period and need not to be enclosed. A temporary use permit must be obtained in accordance with ~~Section~~ 17.16.030. All building permits must be obtained for any structural improvements in accordance with Title 15, CRMC and the Development Procedures Manual.

A. Commercial event. A Temporary ~~use~~Use Permit for a Commercial Event can be issued for up to ninety days. A commercial event is defined as periodic outdoor sales of goods by occupants of a commercial parcel and includes, but is not limited to, the following:

1. Farmers' market/seasonal sales. *Farmers' market or seasonal sales* means a temporary or permanent structure or vehicle used for the sale of agricultural produce and seasonal items.

2. Sidewalk sale. *Sidewalk sale* means sales that are conducted by either the store owner or occupant, outside of their store, or by one or more commercial farms, on a public or private sidewalk and/or adjacent pedestrian area.

3. Truckload sale. *Truckload sale* means the outdoor sale of various goods by persons who are not employed by the owners or managers of the parcel on which the sale occurs, or tenants of buildings on the parcel on which the sale occurs.

4. Mobile vendor. *Mobile vendor* means a commercial establishment that sells goods and freshly made and/or packaged food items from motorized vehicles instead of a storefront location.

5. Public interest or special event. *Public interest or special event* means outdoor gatherings, auctions, art sales, block parties, and bake sales for the benefit of the community at-large, or community service or non-profit organizations (either faith-based and secular). These events may also include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor meetings, and special entertainment at commercial properties. Such uses are often characterized by frequent travel to various communities and high noise levels, regardless of their purpose.

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

1. Manufactured building. *Manufactured building* means a structure that is used temporarily as a classroom, dwelling unit, construction office, or storage unit. Also includes shipping containers that are twenty feet or more in length, when used to store construction materials. Manufactured building does not include 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.

17.16.030 - Temporary use permit.

A temporary use permit, as outlined in the Development Procedures Manual, is required for all temporary uses in Section 17.16.020-, provided such use is not prohibited in the underlying zoning district.

17.16.040 - Nonconforming use.

A nonconforming use is a use that once met applicable land use regulation, but no longer does, due to a later change of the land use regulations. A use which was nonconforming at its inception is unlawful and is not ~~subject to~~allowed under this Chapter.

17.16.060 - Nonconforming structure.

A nonconforming structure is a structure that once met applicable land use regulations, but no longer does due to a later change of the land use regulations. A structure that was nonconforming at the time of construction is unlawful and is not ~~subject to~~allowed under this Chapter.

Chapter 17.18
R-1 Single-Family Residence District

17.18.010 - Description and purpose.

The primary use within the R-1 District is detached single-family residential dwellings on minimum 9,000-square foot lots.

17.18.020 - Permitted uses.

Uses permitted in the R-1 District are:

- A. ~~One~~Single-family dwellings, detached.
- B. Small in-home day care subject to the licensing requirements of the State.
~~C. Indoor and Outdoor Recreation. D.~~
- C. Underground public utilities.
- ~~E.~~
- D. Accessory uses, including but not limited to:
 - 1. Satellite dish antenna and solar energy collection devices as restricted (see Section 17.52.220 of this Title).
 - 2. Home occupations as restricted (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 (Section 17.54.070 of this Title).

5. Keeping of household pets as restricted (Chapter 17.14 and Chapter 6.02, CRMC).

17.18.030 - Uses by special review.

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

1. ~~1.~~ 1. Public facilities.

2. ~~2.~~ 2. College/university/vo-tech ~~and private~~ or parochial or non-public school.

3. ~~3.~~ 3. Indoor and Outdoor Recreation.

~~4.~~ 4. Places of worship.

~~4.~~

~~5.~~ 5. Large in-home day care subject to the licensing requirements of the State.

~~5.~~

~~6.~~ 6. Day care center, subject to the licensing requirements of the State.

~~6.~~

~~7.~~ 7. Assisted living/memory care subject to the licensing requirements of the State.

~~8.~~ 8.

~~7.~~ 7. Group homes subject to the licensing requirements of the State and not located within 1,500-feet of another group home use.

~~9.~~ 9. ~~8.~~ Commercial amusement, outdoor.

~~10.~~ 10. ~~9.~~ Solar collectors which are not part of the primary structure.

~~10.~~

~~11.~~ 11. Wind generators.

~~12.~~ 12. ~~11.~~ Aboveground public utilities.

~~13.~~ 13. ~~12.~~ 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 Chapter 17.38.

Chapter 17.20
~~R-1A Single-Family Residence District, Detached~~

~~17.20.010—Description and purpose.~~

~~The primary use within the R-1A District is detached single family residential dwellings on minimum 6,000 square foot lots.~~

~~(Ord. 2012-18 §1)~~

~~17.20.020—Permitted uses.~~

~~Uses permitted in the R-1A District shall be limited to those permitted in the R-1 District, subject to all requirements specified for the R-1 District unless otherwise stated in this Chapter.~~

~~(Ord. 2012-18 §1)~~

~~17.20.030—Uses by special review.~~

~~Any use permitted by special review in the R-1 District is subject to all requirements specified in Chapter 17.38.~~

~~(Ord. 2012-18 §1)~~

~~17.20.040—Development standards.~~

~~Development standards for the R-1A District are:~~

~~A.—Minimum area of lot shall be 6,000 square feet.~~

~~B.—Minimum width of lot shall be 50 feet.~~

~~C.—Minimum side yard:~~

~~1.—Principal buildings, 5 feet,~~

~~2.—Accessory buildings, 2 feet, where located in the rear one third of the lot.~~

~~3.—Accessory buildings, 5 feet, where not located in the rear one third of the lot.~~

~~4.—All buildings, 20 feet where abutting a street.~~

~~5.—For any use other than residential, the minimum side yard width shall be the equivalent of 1 foot for each 3 feet or fraction thereof of building height provided that, for school or church uses, no side yard shall be less than 25 feet wide.~~

~~D.—Minimum front yard for all buildings shall be 25 feet.~~

~~E.—Minimum rear yard:~~

~~1.—Principal buildings, 25 feet.~~

~~2.—Accessory buildings, 10 feet.~~

~~F.—Maximum height of buildings:~~

~~1.—Principal buildings, 35 feet.~~

~~2.—Accessory buildings, 20 feet.~~

~~(Ord. 2012-18 §1)~~

Chapter 17.22

R-2 Single-Family and Duplex Residence District

17.22.010 - Description and purpose.

The primary use within the R-2 District is detached single-family and two-family residential dwellings.

17.22.020 - Permitted uses.

Uses permitted in the R-2 District are:

- A. Any use permitted by right in the R-1 District, subject to all requirements specified for such district unless otherwise stated in this Chapter.
- B. Two-family dwellings.

17.22.030 - Uses by special review.

~~Uses permitted~~Use by special review required in the R-2 District are_:

- A. Any use permitted by special review in the R-1 District subject to all requirements specified for such district and the regulations set forth in Chapter 17.38.
- B. Bed and breakfast.

Chapter 17.26

MH Manufactured Home District

17.26.010 - Purpose and intent.

The MH Manufactured Home District is established for the purpose of ensuring and promoting the living environment for occupants of manufactured homes. The MH Manufactured Home District is characterized by single-family, manufactured home parks in a landscaped setting with landscaped off- street parking areas. Site improvements, including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site development plan is required prior to development. Typical structures include single-family manufactured homes and other accessory uses. Development or use of land in the MH Manufactured Home District is permitted only in accordance with the provisions herein.

17.26.020 - Defined terms.

As used in this Chapter, certain words or phrases are defined as set forth below:

~~*Manufactured home* is a single-family residence, built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to the site and installed.~~

~~*Manufactured home* means a structure, transportable in one or more sections, that in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, where erected on site, is 320 square feet (30 m2) or more, and that is built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered to be a *manufactured home*.~~

Manufactured home park shall mean a semi-permanent or permanent location within a MH Manufactured Home District for manufactured homes.

Chapter 17.28

Business/Commercial/Industrial Districts

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.

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.

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 as follows:

<i>Zone District</i>	<i>B Business/ Commercial</i>	<i>I-1 Light Industrial</i>	<i>I-2 General Industrial</i>	<i>WNZOD Wolfensberger Overlay</i>	<i>DOD Downtown Overlay</i>	<i>FSOD Front Street Overlay</i>
						underlying zoning allows)
Industrial						
Auto body/vehicle, RV, boat and equipment services	UBSR	P	P		P N	

- B. Uses that are not permitted by right (P) or allowed by Use by Special Review (UBSR) or authorized under Subsection C below are prohibited.

- C. Uses determined by the Town Manager that are functionally equivalent to the enumerated uses in Subsection A above shall be treated in a like manner.

17.28.040 - Development standards - Business/Commercial B.

The following development standards for the B District shall apply:

- A. ~~A.~~ Minimum front yard: a minimum front yard of ~~fifteen (15)~~ feet from the property line shall be required; twenty-five (25) feet if abutting an arterial street; ~~B.~~
~~C.~~

~~B.~~

~~B.~~ Minimum side yard: Zero (0) feet

~~C.~~ Minimum rear yard: Zero (0) feet

~~D.~~ Maximum height: Thirty-five (35) feet (fifty (50) feet by special review);

~~E.~~ Maximum building coverage: Thirty-five (35) percent of lot area;

~~F.~~ In no event shall wrecked, junked or abandoned motor vehicles be stored on any property in the B District unless within a fully enclosed building.

17.28.050 - Development Standards - Light Industrial I-1.

The following development standards for the I-1 District shall apply:

- A. Maximum ~~lot~~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.

Chapter 17.30 Public Land District

17.30.010 - Description and purpose.

The PL-1-, PL-2, and PL-~~23~~ Districts are intended primarily for municipally owned property and public uses.

Chapter 17.36 Amendment to PD Plan and PD Zoning Regulations

17.36.010 - Major/minor amendments.

A. Amendment to PD Plan and/or Zoning Regulations. Applications for Amendments to a PD Plan and/or PD Zoning Regulations must be initiated by ~~the developer, as defined in Section 15.32.010, CRMC. If the Planned Development is built out and the developer is no longer an interested party, then 51~~100% of the property owners ~~within~~of the area subject to the ~~Amendment may initiate the PD~~Amendment.

B. Minor vs. Major PD or Zoning Regulation Amendment. If one or more of the following criteria apply to the proposed amendment, it shall be processed as a major amendment:

1. Introduces new land uses;
2. Changes area devoted to any use by more than 10%;
3. Changes density or intensity of uses by more than 10%;
4. Constitutes a significant change in the design;

5. Creates new or additional impacts on adjacent properties; or

C. Applying the provisions of this Chapter, the Manager shall determine whether an application for an amendment to an approved PD Plan and/or PD Zoning Regulations is considered a major or minor administrative amendment.

~~A. If one or more of the following criteria apply to the application, it shall be processed as a major amendment:~~

- ~~1. Introduces new land uses;~~
- ~~2. Changes area devoted to any use by more than 10%;~~
- ~~3. Changes density or intensity of uses by more than 10%;~~
- ~~4. Constitutes a significant change in the design;~~
- ~~5. Creates new or additional impacts on adjacent properties; or~~
- ~~6. Substantively changes the PD Zoning Regulations.~~

~~B.~~ Such amendments which are not classified as major shall be processed as a minor administrative amendment pursuant to Section 17.36.030-, and shall not require Town Council approval.

17.38.020 - Site Development Plan/Public and Private Improvements required. ???

A. An approved SDP is required prior to construction of a structure or addition, or installation or modification of site improvements, except as authorized under 15.54.020.F of the Code in any zoning district unless:

1. The property use is single-family or duplex, has R-1, R-2, R-3 or residential PD zoning and has an existing Plat; or
2. The property is Town-owned.

B. As set forth in Section 15.50.010, CRMC, the Developer is required to construct Public and Private Improvements necessary to serve the development. ~~The Manager shall not approve a Site Development Plan until an~~ An improvement agreement guaranteeing the installation of such improvements ~~is~~ shall be executed by the Developer- at the time of platting or construction document approval pursuant to Section 15.50.030 of the Code.

17.38.030 - Approval and appeals.

All Site Development Plans must be submitted in accordance with the Development Procedures Manual and be reviewed and approved by the appropriate decision-making body as outlined in the following table. When public hearings are required, the hearing on the SDP shall be noticed and conducted in accordance with the provisions of Sections 17.04.060 and 17.04.090, respectively. All review, action and appeals of applications shall be based on the review and

approval criteria set forth in Section 17.38.040. In addition, Use by Special Review (UBSR) applications shall also be subject to the criteria in ~~Section~~Chapter 17.~~38.05039~~. SDPs within the Wolfensberger North Zoning Overlay District shall also comply with the standards in Chapter 17.46. The review, approval and appeal process for an Administrative Site Development Plan is prescribed in Sections 17.04.100 and 17.04.110 respectively. The applicant for a UBSR-Tenant Finish that is denied by the Planning Commission may appeal to the Town Council within 30 days of the Planning Commission's action. The Town Council shall review and consider the Site Development Plan-UBSR following the notice and public hearing procedures in Chapter 17.04 and the review and approval criteria set forth in Sections 17.38.040 and Chapter 17.~~38.05039~~.

<i>Site Development Plan</i>	<i>Administrative</i>	<i>Planning Commission</i>	<i>Design Review Board</i>	<i>Town Council</i>
General	Recommendation	Recommendation		Decision
Administrative	Decision			Appeal
Downtown	Recommendation		Decision	Appeal
UBSR	Recommendation	Recommendation		Decision
UBSR - Tenant Finish	Recommendation	Decision		Appeal
Major Amendment	Recommendation	Recommendation		Decision
Minor Amendment	Decision			Appeal

A. Site Development Plan - General shall apply to the following applications:

1. Residential;
2. Commercial subject to the Residential/Nonresidential Interface Regulations (see Chapter 17.50); and
3. Commercial greater than 10-acres or 100,000 total square feet.

B. Site Development Plan - Administrative shall apply to the following applications:

1. Commercial not subject to the Residential/Nonresidential Interface Regulations (see Chapter 17.50); and
2. Commercial less than 10-acres or 100,000 total square feet; and
3. Commercial and mixed-use properties that exceed 10-acres and 100,000 square feet of proposed gross floor area if zoned Interchange Overlay Planned Development.

C. Site Development Plan - Downtown shall apply to all Site Development Plans within the Downtown Overlay and are subject to all provisions of Chapter 17.42. An application

for an amendment to a Site Development Plan – Downtown submitted for minor or non-material amendments that have no significant impacts, as determined by the Director, shall be processed administratively.

D. Site Development Plan - Use by Special Review shall apply to all Site Development Plans that require approval of the Use by Special Review for proposed land uses except for commercial retail where only interior tenant finish improvements are proposed.

E. Site Development Plan - Use by Special Review - Tenant Finish shall apply to all Site Development Plans that require approval of the Use by Special Review for proposed land uses for commercial retail where only interior tenant finish improvements are proposed.

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. Complies with the most recent version of the Douglas County/Castle Rock Land Use Intergovernmental Agreement.~~

~~2. Conforms. Generally conforms to the most recent version of the Town's Town's guiding documents that include, but are not limited to, Town Vision, Comprehensive Master Plan Plans, Sub Area Plans, Design Guidelines, Corridor Plans and any other guiding document so long-range or master plans- as the application of such document does not restrict the project's entitle use(s) and density.~~

~~2. Complies with existing Intergovernmental Agreements applicable to the development proposed.~~

~~3. Complies with the any applicable Zoning District Overlay provisions, including Regulations and, if applicable, the Skyline/Ridgeline Regulations.~~

~~4. Complies with the approved Planned Development Plan and Zoning Regulations.~~

~~5. Conforms to all prior land the Town's architectural goals by proposing architectural details that incorporate the use approvals or entitlements granted the subject property of high quality materials in a unique and varied design, while eliminating monolithic expanses of walls and rooflines through the use of varying planes and architectural projections to ensure a complete 360 degree architectural design.~~

5.

6. _____ Complies with all other relevant requirements of the CRMC, ~~including but not limited to all other applicable design criteria and standards established in Chapter 17.~~

B. Site layout.

1. ~~Provides appropriate relationships between use areas, both internal and surrounding, with adequate buffer areas provided, if warranted.~~

2. ~~Provides innovative and creative plan design and layout.~~ _____

3. ~~For projects with residential uses, provides a variety of housing types, densities and open space.~~

4. ~~Conforms to Chapter 17.50 (Residential/NonresidentialNon-Residential Interface), where a proposed Site Development plan is adjacent to residential property, as that term is defined in Chapter 17.50, or, for residential developments, where the proposed Site Development Plan is adjacent to nonresidential property, as that term is defined in Chapter 17.50, except for mixed use development, as that term is defined in Chapter 17.50.~~ _____

5. ~~Provides an appropriate relationship to of the surrounding area; mitigates visual, noise, lighting and odors, fumes and particulates; protectsCRMC.~~

2. Site design shall be designed to maintain pedestrian and vehicularvehicle safety and welfare; provides, provide for adequate fire protection;safety, and mitigates any potentialmitigate impacts to surrounding upon adjacent properties.

6. ~~Site design, including building facades, building bulk, building setbacks, and signage exhibit an appropriate relationship to by ensuring all vehicular, fire and mitigation regulations contained within the surrounding area. CRMC, including technical criteria, have been met.~~

7.

3. ~~Provides adequate parking, on-site circulation and loading.~~ in accordance with Town regulations.

8.

4. ~~Provides appropriate screening and/or enclosure and/or screening of outdoor storage of merchandise and materials, loading areas, trash receptacles, mechanical units, and utilities. site utility equipment and building mounted utility hardware.~~

9. ~~Demonstrates sensitivity in terms of plan5. Provides adequate site design and density to the site'sprotect major environmental characteristics, including topography, view sheds and that would include unique topographic features and significant vegetation where possible.~~

____ C. Circulation and connectivity.

1. ~~Accommodates an adequate, functional and safe street system for traffic generated by the development and passing through the development.~~

2. ~~Provides for emergency vehicle access.~~

1. Complies with all CRMC and technical criteria associated with circulation and connectivity.

2. Complies with all Fire regulations associated with land development.

3. Provides for pedestrian and bicycle traffic in a safe and convenient manner, ~~separation from vehicular traffic, access to points of destination and recreation and connections to adjacent~~.

4. Provides for a high level of pedestrian connectivity between neighborhoods, ~~, schools, trails/open space and commercial areas.~~

D. Services, phasing and off-site impacts.

1. ~~Complies with the Planned Development any~~ phasing plan, ~~minimizes unnecessary utility extensions~~ requirements associated with the approved zoning for the property. Provides phased improvements in a logical and ~~adequately addresses other fiscal concerns of the Town.~~ efficient manner.

2. Adequate water resources have been conveyed or purchased. Existing or proposed water and wastewater systems can support the proposed development pattern, uses and density.

3. Existing or proposed stormwater systems can support the development and ~~will~~ comply with applicable regulations. ~~Provides phased improvements in a logical and efficient manner.~~

4. Provides adequate consideration for the future extension of streets and utilities to adjacent properties.

5. Identifies and appropriately ~~mitigates all traffic impacts,~~ provides on-site and off-site, ~~public improvements to mitigate traffic impacts as required by the CRCMC and technical criteria.~~

E. Open space, public lands and recreation amenities.

~~1. Provides adequate trails, parks, recreation and open space.~~

~~2. 1. Provides adequate trail systems in terms of internal circulation and appropriate external connections, ~~deemed necessary by the Town to achieve connectivity goals.~~~~

~~3. Provides functional open space for recreation, views, density relief, convenience, function and preservation of natural features, including significant tree stands, ridges and drainage areas. Open space reservations and public land dedications are of an appropriate configuration and location within the site and comply with any applicable requirements of this Title and Title 16, CRMC.~~

~~F. — Preservation of natural features. The site design and grading plan minimize disturbance to significant natural land forms, vegetation and other areas of environmental and visual sensitivity.~~

2. Ensures functional and accessible open space, consistent with the overall open space plan for development and preserves significant natural features.

3. Ensures appropriate buffering, utilizing open space and/or setbacks to lessen any identified negative impacts.

17.38.060 - Site Development Plan major/minor amendments.

Any change to an approved Site Development Plan triggers either a major or minor amendment. Criteria distinguishing a major amendment from a minor amendment are as follows:

A. Major Amendment. Subject to Paragraph 17.38.060.B.2 below, a major amendment is required if one or more of the following changes are made to an approved Site Development Plan:

1. New building construction or building additions greater than 5% of the existing building gross floor area or 2,000-square feet, whichever is less;
2. Changes in the area devoted to any use by more than 10%;
3. Increases the density or square footage of uses by more than 10% or decreases the density or square footage of uses by more than 20%;
4. Reduces open space by more than 5%;
5. Constitutes a significant change in any portion of, or all of the design elements of the SDP;
6. Creates new or additional impacts on adjacent properties; or
7. Meets any of the criteria set forth in Chapter 17.50 (Residential/Nonresidential Interface).

B. Minor amendment. A Site Development Plan shall be processed as a minor amendment if it:

1. Does not qualify as a major amendment; or
2. Qualifies as a major amendment, but meets the following criteria:
 - a. The property is less than 10-acres in size.

b. Non-residential development is proposed adjacent to non-residential development, as defined in Chapter 17.50.

c. Less than 100,000-square feet of gross floor area is proposed.

d. The property is not subject to the Residential/Non-Residential Interface; or if the property is subject to the Residential/Non-Residential Interface, the Site Development Plan proposes minor revisions that do not affect adjacent residential properties such as, but not limited to:

- 1) Signs facing commercial properties or streets.
- 2) Minor site or parking modifications.
- 3) Building remodel/painting or building additions under ten percent of the existing floor area.
- 4) Outdoor dining areas/patio covers.
- 5) Additional landscaping or new planters, walls and fences.
- 6) Screening of mechanical units, trash enclosures, or loading docks.

~~—Nshall be,~~

3. Is located within the Downtown Overlay District and complies with Section 17.38.030.C.1.

C. Non-material Amendment. A Site Development Plan shall proceed as a “Non-material Amendment” if determined by the Director to have no material impact upon the initial approved Site Development Plan. Non-material amendments are intended to address the most basic minor changes to a Site Development Plan that do not meet the need or requirements to process a complete Site Development Plan amendment described in Section 17.38.060(A) and (B) (Major and Minor). Non-material amendments shall be processed administratively and recorded in the public records. Submittal requirements for the Non-material amendment shall be based on the application, which will typically address minor changes to a single item on an existing Site Development Plan.

17.50.040 - Buffers and transitional screening.

A. When development is proposed on nonresidential property adjacent to undeveloped residential property, 50% of the buffer and transitional screening shall be provided on the nonresidential property and 50% shall be provided as an open space tract on the undeveloped residential property at the time of development.

B. When development is proposed on nonresidential development adjacent to developed residential property, 100% of the buffer and transitional

screening shall be provided on the nonresidential property at the time of development.

C. When development is proposed on residential property adjacent to developed nonresidential property, 100% of the buffer and transitional screening shall be provided as an open space tract on the residential property at the time of development.

D. Buffers shall be kept free of buildings, structures and parking lots~~;~~
provided, for the purpose of this Chapter, retaining walls are not considered a structure.

E. Improvements in buffers. The following elements are allowed within buffer areas so long as effective screening is not compromised:

1. Utility easements and related facilities therein.
2. Drainage facilities.
3. Retaining walls.
4. Required setbacks.

F. Required buffers shall be provided based on the intensity of the use and/or the building size and as shown on Table 1 below. For the purpose of this Chapter, more intense uses include, but are not limited to, towing services, manufacturing, processing and fabrication, outdoor storage, terminal for public transit vehicles or motor freight terminal and contractor yard for vehicles, equipment, materials and/or supplies.

17.52.050 Maximum building height.

The height limitations of 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~~, or to public buildings or structures located more than one foot horizontally from the property line for each foot of building height.~~

17.52.060 - Minimum yards.

A. Reduction. No part of a yard required for any building for the purpose of complying with the provisions of this Title shall be included as a yard

for another building, and all yards shall be open and unobstructed, except as otherwise provided in this Title.

B. Architectural Features. Cornices, canopies, eaves, fireplaces, bay windows or similar architectural features may extend into a required yard not more than two feet.

C. Porches. Open, unenclosed, uncovered porches up to thirty inches above ground level may extend into a required yard not more than six feet. All other porches or decks shall not extend into any required yard.

D. Fire Escapes. Fire escapes may extend into a required yard not more than six feet.

E. Handicap ramps and lifts that provide accessibility to a structure may extend into a require yard setback.

17.52.240 ~~Accessory uses; domestic noncommercial beekeeping.~~ Reserved

~~A. Domestic noncommercial beekeeping is a permitted accessory use in all single family residential districts (R-1, R-1A, R-2) and any PD use area that permits single family residential development, as long as the conditions set forth in this Section are met.~~

~~B. For the purpose of this Section, the following words, terms and phrases, when used in this Section, shall have the meanings described below:~~

~~Apiary shall mean a place where bee colonies are kept.~~

~~Bee shall mean any stage of the common domestic honey bee, *Apis mellifera* species.~~

~~Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.~~

~~Hive shall mean a structure intended for the housing of a bee colony.~~

~~Lot shall mean a contiguous parcel of land under common ownership.~~

~~C. Number of colonies/hives. Two colonies/hives are allowed per platted lot.~~

~~D. Barrier of flyways. In each instance in which any colony is situated within 25 feet of a developed public or private property line of the lot upon which the colony/hive is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence or plant vegetation parallel to the property line and extending 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level or over the property lines in the vicinity of the apiary.~~

~~E. Setback. All hives shall be located at least 5 feet from any adjoining property adjoining with the back of the hive facing the nearest adjoining property.~~

~~F. Prohibited. The keeping by any person of bee colonies in the Town not in strict compliance with this Section is prohibited. Any bee colony not residing in a hive structure intended for~~

~~beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the Town by the Town Manager.~~

Chapter 17.39
Use by Special Review

17.39.010 - Review and approval criteria.

~~—In addition to the criteria set forth in Section 17.38.040, Use by Special Review applications shall also be evaluated under the following criteria:~~

~~A. Demonstrates design compatibility with the scale, architectural character and other prominent design themes found within the surrounding neighborhood.~~

~~B. Demonstrates compatibility of the proposed use with existing and planned uses on adjacent properties.~~

~~C. Mitigates adverse impacts or nuisance effects such as, but not limited to, visual impacts, noise, vibrations, light intensity, odors, loitering or level of outdoor activity, hours of operation or deliveries.~~

~~D. Will not result in undue traffic congestion or traffic hazards. Adequate off-street parking must be provided. Pedestrian access must be adequately addressed when this type of access is identified as a significant component or need of the proposed use.~~

~~E. Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact.~~

18.08.040 Floodplain development permit.

B. A floodplain development permit is required prior to issuance of a building permit, construction permit and any other development, use or change of the use of land located in the floodplain. The floodplain development permit is required in addition to other permits, including but not limited to building permits, construction permits, grading, temporary erosion and sediment control ~~/residential drainage, erosion and sediment control (GESC/DESC(TESC)~~ permits and other local, state and federal permits. Conditions and restrictions may apply to other permits and approval processes as necessary to ensure compliance with this Title.