

ORDINANCE NO. 2019-027

AN ORDINANCE AMENDING SECTION 15.54.020 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING ISSUANCE OF GRADING PERMITS; REPEALING CHAPTER 15.66; AND MAKING MINOR AMENDMENTS TO TITLES 15, 16 AND 18 OF THE CASTLE ROCK MUNICIPAL CODE

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community, and

WHEREAS, Town staff has identified the need for certain minor amendments to Titles 15, 16 and 18 of the Castle Rock Municipal Code, and

WHEREAS, public hearings have been held on this ordinance as required by Town Regulations.

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

Section 1. Amendment. The definition of “*Technical Criteria Manuals*” as set forth in Section 15.32.010 of the Castle Rock Municipal Code is amended to read as follows:

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; Temporary Erosion and Sediment Control (TESC) 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.

Section 3. Amendment. Section 15.54.020 of the Castle Rock Municipal Code, entitled Permits, general, is amended to add the following subparagraph F. to read as follows:

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. Furthermore, issuing of such a permit prior to final approval of the site and construction plans shall not operate as a vesting of any rights the Developer may have in the project.

Section 4. Amendment. Section 15.54.070.A of the Castle Rock Municipal Code is amended to read as follows:

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 Permit for Work that causes disturbance and is regulated by the Town's TESC 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).

Section 5. Amendment. Section 15.54.090.B of the Castle Rock Municipal Code is amended to read as follows:

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 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.

Section 6. Amendment. Section 15.64.060 of the Castle Rock Municipal Code is amended to read as follows:

15.64.060 Town of Castle Rock Historic Landmarks

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.

Section 7. Amendment. Section 15.65.070 is amended to add a new subparagraph F. Dyer House – 208 Cantril Street, to the list of National Register Historic Places to read follows:

15.65.070 National Register of Historic Places.

- F. Dyer House – 208 Cantril Street

Section 8. Repeal. Chapter 15.66 of the Castle Rock Municipal Code is hereby repealed.

Section 9. Amendment. The definitions of “*Dedicated land*” and “*Subdivision improvements agreement (SIA)*” as set forth in Section 16.02.080 of the Castle Rock Municipal Code are amended to read as follows:

16.02.080 Defined terms.

Dedicated land means land transferred via the 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 plat.

Section 10. Amendment. Section 16.06.010 of the Castle Rock Municipal Code is amended to read as follows:

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.

G. 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.

H. 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.

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

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

K. 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.

L. 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, replat, plat modifications or lot line vacation applications that lead to new density and are based on the incremental increase in density.

Section 12. Amendment. Section 18.08.040.B of the Castle Rock Municipal Code is amended to read as follows:

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 (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.

Section 13. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 14. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 3rd day of September, 2019 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019, by the Town Council of the Town of Castle Rock by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services