

**ORDINANCE NO. 2019-028**

**AN ORDINANCE AMENDING TITLE 17 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING ZONING BY REPEALING AND REENACTING CHAPTERS 17.01 THROUGH 17.10, CHAPTERS 17.14 THROUGH 17.30, CHAPTERS 17.36, 17.38; REPEALING CHAPTER 17.20; AMENDING SECTIONS 17.50.040, 17.52.050, 17.52.060 AND 17.52.240; AND ADDING A NEW CHAPTER 17.39 ENTITLED USE BY SPECIAL REVIEW**

**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**, the Castle Rock Municipal Code imposes a comprehensive regulatory framework that governs zoning and the submission, processing, review and consideration of land use applications and permits, and prescribes criteria and standards for land use approvals and permits; and

**WHEREAS**, the Planning Commission, at its May 23, 2019 meeting, recommended approval of the proposed ordinance; and

**WHEREAS**, public hearings have been held on this ordinance before the Planning Commission and Town Council as required by Town regulations.

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

**Section 1. Repeal and Reenactment.** Chapters 17.01 through 17.10 of the Castle Rock Municipal Code are repealed and reenacted in their entirety to read as follows:

**Chapter 17.01 - General Provisions**

**17.01.010 Compliance with regulations.**

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in the Castle Rock Municipal Code, including this Title.

B. No person and no officer or employee (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation that such land or structure may be used or occupied in a manner or for a use prohibited by this Title.

C. No permit, certificate, license or other document or oral approval shall be issued by any department, agency or officer of the Town in violation of this Title. Any such approval issued

in contravention of the express provisions or requirements of this Title shall be void and unenforceable against the Town.

**17.01.020 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. 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.

C. To the extent any provision of this Title or any provision of a planned development is inconsistent with any federal or state legal requirement (a "Controlling Legal Requirement"), then this Title, and any provision of any planned development, are intended to be and shall be interpreted to be consistent with such Controlling Legal Requirement. To the extent any Controlling Legal Requirement, when properly interpreted, would create additional requirements (e.g. reasonable accommodations or waiver of otherwise valid provisions), then this Title, and any provision of any planned development, are intended to be and shall be interpreted to be consistent with such Controlling Legal Requirement. Such Controlling Legal Requirements may include, but are not limited to, the Fair Housing Act, the Americans with Disabilities Act, Religious Land Use and Institutionalized Persons Act, Telecommunications Act, and any amendments or regulations related thereto. The Director has the authority to interpret provisions of this Title and planned developments to be consistent with all Controlling Legal Requirements by administrative decision. The Director also has the authority to determine and grant reasonable accommodation requests, pursuant to the Americans with Disabilities Act.

**17.01.030 - Enforcement authority.**

This Title shall be enforced by the Town and its authorized officers, agents and representatives. Town officials may seek enforcement of this Title by injunctive or other equitable relief as necessary to protect the public health, safety and welfare.

**17.01.040 Reserved.**

**17.01.050 Reserved.**

**17.01.060 - 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.

*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.

#### **17.01.080      Marijuana activities prohibited.**

The following activities or land uses are prohibited in all Zoning Districts:

- A.    Marijuana establishments as defined and proscribed under Chapter 5.06 of this Code.
- B.    Medical marijuana businesses, including medical marijuana centers, optional premises cultivation and medical marijuana-infused manufacturer operations, as proscribed under Chapter 5.07 of this Code.
- C.    Cultivation of marijuana for medicinal or personal use which is not in strict compliance with the requirements and regulations set forth in Chapter 5.18 of this Code.

### **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>
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<b>Residential</b>		
R-1	Single-Family Residence District	17.18
R-2	Single-Family and Duplex Residence District	17.22
R-3	Multifamily Residence District	17.24
MH	Manufactured Home District	17.26
<b>Business/Commercial/Industrial</b>		
B	Business Commercial District	17.28
I-1	Light Industrial District	17.28
I-2	General Industrial District	17.28
<b>Overlay</b>		
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
<b>Open Space</b>		
PL	Public Land District	17.30
<b>Planned Development</b>		
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 Planned Development.

#### **17.02.030 - Overlay districts.**

In addition to classification within a primary Zoning District, property may be included in one or more of the Overlay Zoning Districts.

#### **17.02.040 - Zoning District map.**

A. A record of the boundaries of all Zoning Districts established pursuant to this Chapter ("Zoning District Map") shall be maintained, which record is by reference made a part of this Title 17.

B. In the event uncertainty shall be deemed to exist concerning the boundary of any District shown on the Zoning District Map and the uncertainty cannot be resolved by reference to the applicable zoning ordinance, District boundaries shall be on section lines, lot lines, the

centerlines of highways, streets, alleys, railroad rights-of-way, channelized waterways such as streams, or other lines to be determined by the Manager.

**17.02.050 - Annexations.**

All lands annexed to the Town shall be zoned in compliance with the Municipal Annexation Act of 1965 and Title 20, CRMC, unless modified by mutual agreement of the annexor and Town.

**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. Compatible with any applicable land use intergovernmental agreements.
2. Conforms with the most recently adopted versions of the Town's Vision, Comprehensive Master Plan, applicable sub-area plans, adopted criteria manuals and guidelines and other master plans.
3. Compatible with existing and planned development on adjacent properties and in the surrounding area or neighborhood, and proposed mitigation measures.
4. Impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, and proposed mitigation measures.
5. Whether the property will have access to current or planned services and infrastructure adequate to support the orderly development of the property.
6. Positive economic impact potential from development of the property.

**17.02.070 - Town initiated rezoning.**

Any Rezoning initiated by the Town shall require compliance with Sections 17.02.060.B. and 17.02.060.C. and the Manager shall be considered the applicant.

**Chapter 17.04**  
**Application Process, Review and Decision**

**17.04.010 - Applicability.**

This Chapter shall apply to any application or request for land use approval actions under this Title.

**17.04.020 – Pre-application conferences.**

A. For each step of the development process, the applicant 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.

**17.04.030 - Application fees.**

A. Application fees are established at levels generally designed to cover anticipated costs incurred by the Town in the review and processing of land use applications. Land use application fees shall be set in the Development Services Fee Schedule (see Section 15.01.020, CRMC), as amended from time to time.

B. All fees paid are nonrefundable, with the exception of those requests which are withdrawn or terminated by the applicant prior to the initial administrative review of such application. The fees indicated in this fee structure shall be paid by all applicants. The Manager shall determine other exceptions on a case-by-case basis, upon written request of the applicant and submitted through the Director. Under no circumstances, except as noted in this Section, will any land use application be accepted for processing without the appropriate fee(s) being paid when fees are required.

C. The Manager is authorized to waive, reduce or defer payment of any fee or charge imposed by this Title if it is determined that there are unique and compelling circumstances that

render the imposition of such fees in strict accordance with this Title inequitable with respect to a particular application, site or building.

#### **17.04.040 - Neighborhood meetings.**

Applicants are required to hold neighborhood meetings on development applications in accord with the provisions below. The Development Procedures Manual establishes guidelines for neighborhood meetings. The pre-application neighborhood meeting must be held within one (1) year prior to an application submittal.

A. Applicants who submit a Rezoning application in conjunction with an application for annexation are required to conduct neighborhood meetings (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission. In addition, Town staff may request that an Applicant conduct additional neighborhood meetings.

B. Applicants who submit an application for Rezoning or major PD amendment are required to conduct neighborhood meetings (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission. In addition, Town staff may request that an Applicant conduct additional neighborhood meetings.

C. Town staff may request applicants who submit an application for a site development plan or Use by Special Review to conduct neighborhood meetings: (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission.

D. The Manager may waive one or more of the neighborhood ~~hearing~~-meeting requirements for good cause (i.e., materiality lack of controversy, attendance, etc.).

#### **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>
<b>Sketch Plan</b>	If requested by Town	None	Yes	Yes	Yes
<b>Annexation <sup>1</sup></b>	Yes	None	Yes	Yes	Yes
<b>Zoning/Rezoning</b>	Yes	Yes	Yes	Yes	Yes

<b>Planned Development Plan</b> <i>(including Interchange Overlay)</i>	Yes	Yes	Yes	Yes	Yes
<b>Planned Development Plan Major Amendment</b> or Amending PD Zoning Regulations	Yes	Yes	Yes	Yes	Yes
<b>Planned Development Minor Amendment</b> (Non-Interface)	If requested by Town	None	Yes	None	None
<b>Site Development Plan or Major Amendment</b> <i>(Residential, Interface or Commercial over 10 acres/100,000 sq. ft.)</i>	If requested by Town	Yes	Yes	Yes	Yes
<b>Site Development Plan - Administrative</b> <i>(Non-Interface Commercial under 10 acres and 100,000 sq. ft.)</i> or <b>Minor Amendment</b>	If requested by Town	Yes	Yes	None	None
<b>Downtown:</b> Site Development Plan and Major Amendment	If requested by Town	None	Yes	Yes	Yes
<b>Use by Special Review</b> - Site Development Plan and Amendment	If requested by Town	Yes	Yes	Yes	Yes
<b>Skyline/Ridgeline Variance</b>	If requested by Town	None	Yes	Yes	Yes
<b>Board of Adjustment Variance</b>	If requested by Town	None	Yes	Yes	Yes
<b>Wireless Facility - New</b>	If requested by Town	None	Yes	Yes	Yes
<b>Wireless Facility - Co-location</b>	None	None	None	None	None
<b>Infrastructure Construction Plans</b>	None	None	None	None	None
<b>Technical Criteria Variance</b>	None	None	None	None	None
<b>Plat/Amended Plat</b>	None	Yes	Yes	Adjacent owners with application submittal	None

<sup>1</sup> 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 five hundred (500) 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](http://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, the application shall be noticed in 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 subject of the application, the location and legal description of the property that is the subject of the 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 – 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. Subject to E, below, upon conclusion of the public hearing, the body shall approve, approve with conditions, or deny the development application based on the criteria specified for the applicable application. Alternatively, the presiding officer of the meeting may direct staff to prepare written findings 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.

**17.04.100 - Administrative approval.**

A. Purpose and Intent. The purpose of this Section is to prescribe the process for the administrative approvals authorized in the CRMC.

B. Authority. The Manager shall have the authority to act upon applications for administrative review in accordance with the provisions of this section.

C. Application, Notice and Referral Requirements. Applications, notices and referrals for administrative approval of a development plan shall be completed in accordance with the Development Procedures Manual.

D. Decision. Upon review and consideration of a completed application based upon the applicable review criteria, the Manager shall make a decision to approve, conditionally approve, or deny the request. For matters that are considered to have special significance or impact, the Manager may defer action on such application and refer the application to the Planning Commission for public hearing and recommendation and then to the Town Council for public hearing and decision in accordance with the same protocol as prescribed in Section 17.04.110.

**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.

**17.04.110 - Appeal of administrative action.**

A. Filing Procedure. Any applicant aggrieved by or dissatisfied with the final administrative decision on a development project application or technical criteria variance of the

Manager pursuant to Section 17.04.100 within 15 days following the date of such decision, may appeal such action by filing a written notice of appeal with the Town Clerk.

B. Notice of Appeal Time Limit. A notice of an appeal by any applicant who is aggrieved by or dissatisfied with an administrative decision on an application shall not be acted upon unless filed within 15 days following the date of action.

C. Notice of Appeal Contents. The notice of appeal shall set forth:

1. The specific decision appealed from;
2. The specific grounds of the appeal; and
3. The relief or action sought from the Town Council.

D. Process. An appeal triggers the processing requirements for a non-administrative application. The application shall be reviewed by the Planning Commission and Town Council in the same manner prescribed elsewhere in this Chapter.

#### **17.04.120 - Technical criteria variance process.**

A technical variance is a variance from any one of the provisions of the Technical Manuals (see Chapters 15.32 through 15.48, CRMC). A variance to any provision in the Technical Manuals can be approved either administratively, by Town Council following applicant appeal of an administrative decision, or processed concurrently with a PD Plan or Site Development Plan.

#### **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.

### **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 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. 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 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.

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.

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.

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.

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.

**BC.** 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.

**ED.** Reasonable Accommodation Variance. A reasonable accommodation variance shall be an administrative determination by the Director in accordance with 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. A PD Plan, if authorized pursuant to contract in accordance with Section 17.08.070.

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.

**17.08.030 - Vesting of property rights.**

A site-specific development plan approved in accordance with the provisions of this Chapter shall vest in the landowner for the period authorized under Section 17.08.060, the right to undertake and complete the development and use of property subject to such plan in accordance with its terms and conditions. Irrespective of the form of approval of the site specific development, the affirmative ordinance, resolution, motion or administrative action shall constitute a legislative action subject to referendum in accordance with Section 24-68-103(c) of the Vesting Statute.

**17.08.040 - Effect of conditional approval.**

The conditional approval of a site-specific development plan shall result in the establishment of vested property rights under such plan, but failure to fulfill or abide by the terms and conditions of the approval shall result in the lapse of the vested property rights. Such lapse shall occur by operation of law, without notice of hearing.

**17.08.050 - Effective date.**

Subject to Section 17.08.040, the effective date of approval of a site-specific development plan and the vesting of property rights is effective upon:

A. The date of the Town Council Resolution approving the Site Development Plan or major amendment to the Site Development Plan;

B. The date the Manager gives written approval of a Site Development Plan; or

C. The effective date of the ordinance approving or conditionally approving the development agreement vesting a PD Plan pursuant to the provisions of Section 17.08.070.

**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.

**17.08.070 - Vesting pursuant to development agreement.**

In conjunction with approval of a PD Plan and as provided in a development agreement with the landowner, the vesting period for a PD Plan may be extended beyond three years where the Town Council finds that such extended vesting period is justified due to the size and scale of the development, the length of the usual development and market cycle, the manner of the recovery of the landowner's capital investment over the development cycle, and other relevant circumstances. The Town Council may further authorize the lapse of the vesting period otherwise granted under such development agreement upon the occurrence of prescribed conditions or events set forth in the agreement.

**17.08.080 - Written designation.**

Every site specific development plan shall contain the following language:

This \_\_\_\_\_ constitutes a site specific development plan pursuant to Chapter 17.08 of the Castle Rock Municipal Code and Section 24-68-101, et seq., C.R.S., and establishes vested property rights for \_\_\_\_\_ years from its effective date to undertake and complete the development and use of the property in accordance with this plan.

**17.08.090 - Notice.**

Notice of the vesting of property rights under this Chapter shall be given by inclusion of the following language in a notice of the site specific development plan (either as part of land use notice or as a separate notification) in a newspaper of general circulation in the Town:

A site specific development plan denominated as \_\_\_\_\_ and approved on \_\_\_\_\_ will vest property rights in the real property described in this notice

pursuant to the terms of such approval and the provisions of Chapter 17.08 of the Castle Rock Municipal Code and Article 68 of Title 24, Colorado Revised Statutes.

The required notice shall be published within 14 days after the approval of a site specific development plan. The period of time permitted under law for referendum and judicial review shall not commence to run until such publication; however, the failure to timely publish such notice shall not otherwise void the approval or the validity of the underlying approval.

**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, 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. Identify, preserve and provide for open spaces through the most efficient design and layout of the land;
- D. Minimize the conflicts among the uses of land and buildings placed on the land;
- E. Preserve and enhance the natural beauty and topography of the Town and ensure appropriate development with regard to such natural features;
- 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;
- G. Ensure that public facilities and services are available and will have sufficient capacity to serve the development;
- H. Protect the character and the social and economic stability of the Town;
- 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
- ~~K~~J. 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. 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.

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).

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

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

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.

#### **17.10.040 - Parks and open space.**

Land development and general design principal criteria for parks and open space shall comply with the criteria set forth in Chapter 16.08, CRMC.

**17.10.050 - Streets.**

A. Local circulation system. This shall be employed in new development and redevelopment as a traffic management method, which is implemented to convey vehicular, pedestrian and bicycle traffic through developed areas. Basic considerations in the design of local circulation systems must recognize the following factors:

1. Safety for vehicular, pedestrian and bicycle traffic;
2. Efficiency of service for all users including pedestrians and bicyclists;
3. Livability as it is affected and shaped by traffic and transportation elements;  
and
4. Economy, by balancing the cost of providing the necessary infrastructure with the need to provide safe and efficient roadways and other transportation elements.

B. Street design and location. The Town's functional street classification and design criteria, including design speeds and traffic volumes, right-of-way requirements, access conditions, site triangles, planning characteristics, curb and gutter design, sidewalk width, street widths, travel lanes, parking lanes, street grades and other geometric parameters, are provided in the Transportation Design Criteria Manual. The location and alignment of collector and arterial streets and interchanges shall generally conform to the Castle Rock Transportation Master Plan and any amendments thereto. The street layout shall generally conform to the approved PD Plan and any Site Development Plan.

C. Universal design. The primary function of a local street is to serve the abutting properties and all street users including pedestrians and bicyclists, waste removal vehicles, delivery trucks and emergency vehicles. Street widths, placement of sidewalks, patterns of streets and number of intersections are related to the safe and efficient access to abutting lands. The typical section options provided by the Town are intended to accommodate and balance the needs of all users.

D. Minimize through trips. Through traffic on local and collector streets increases the average speed and volume and thus the accident potential. Unless part of a grid street pattern, local streets shall be designed to discourage use by through traffic, to permit efficient drainage and stormwater conveyance and utility systems, and to minimize the number of streets necessary to provide convenient and safe access to property. Through traffic can be discouraged by creating a circuitous route between neighborhoods and higher volume streets and by channeling or controlling median crossings along peripheral routes.

E. Control access to arterials: Local circulation systems and land development patterns should not detract from the efficiency of peripheral arterial facilities or State Highways. Ideally, land development should occur so that no local streets require direct access to arterial routes or State Highways. Collector streets shall be designed to connect adjacent subdivisions whenever possible. The number of access points between the local circulation system and arterial or highway

system should be minimized. Intersections along arterial routes should be properly spaced for efficient signalization and traffic flow. The streets that do intersect the arterial system will tend to have higher volumes since they are the only exit points.

F. Vehicle speeds are controlled. All streets should be designed to eliminate excessive speed. On residential streets, both the design and posted speed should be no more than 25 mph. This can be accomplished through the use of curvilinear alignments and circuitous routes in the street system. Streets should be designed to naturally slow traffic or traffic calming devices should be integrated to break up straight stretches greater than 600 feet in length.

G. Minimize pedestrian and vehicular conflicts. Pedestrian routes from within a residential neighborhood to destinations outside the neighborhood should have minimal street crossings. This can often be achieved through street patterns, land use arrangements and pedestrian routes. Typical methods include use of cul-de-sacs, loop streets and special pedestrian routes or walkways.

H. Street character. The local street width should be minimized to reduce land cost, construction and maintenance costs. Streets should be in keeping with the residential character, as exemplified by the Town's typical sections. Where curbs with separated sidewalk are to be provided, the planting area or that unpaved portion of the right-of-way between the curb and the abutting property shall be landscaped and maintained by the abutting property owners (refer to Landscaping and Irrigation Performance Standards and Criteria Manual for more detail).

I. Topography. Local streets will be more attractive and economical if they are constructed to follow existing topography. Using the existing topography of the area can limit extensive stormwater piping and retaining walls. A combination of steep grades and curves with intersections of streets or intersections of streets and driveways should be avoided. Streets shall be located to avoid horizontal or vertical alignment problems, such as blind spots, traffic signals and intersections at or near the crest of hills, poor sight distances at intersections, including line-of-sight restrictions due to vegetation, topography or other natural features, or any other identifiable safety hazard.

J. Optimize land and provide connections. The arrangement and number of streets should provide for economical and practical patterns, shapes and sizes of development parcels. The arrangement of streets shall provide for the properly aligned continuation of arterial and collector streets between adjacent properties and/or subdivisions when the continuation is necessary for the safe and convenient movement of traffic, and the efficient provision of services and utilities.

K. Ensure vehicular, pedestrian and bicycle access. Create bicycle and pedestrian routes. Accommodate direct bicycle and pedestrian access through stormwater channels, dead ends, walls, cul-de-sacs, open space, and other barriers to reach neighborhood destinations such as homes, schools, parks, libraries, retail centers, and civic spaces. Unless otherwise defined on a Planned Development, all streets shall have appropriate accessible ramps and sidewalks.

L. Emergency vehicle access. Street widths shall provide adequate access for emergency vehicles. Residential developments must have two points of access when the number of single-family dwelling units exceeds 100. Commercial developments must have two points of access; the exception is where access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions and an approved alternative means of fire protection is provided (per IFC Section 503).

M. Mailboxes. Clustered mailboxes are permitted on local residential streets only.

N. Railroad crossings. Where railroad crossings are proposed or are affected, provisions for grade separations, buffer strips and safety protection devices shall be provided by the applicant or railroad as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission where applicable shall be the applicant's responsibility.

O. Buffers. When a residential development borders a railroad, State or Interstate Highway or arterial street, the subdivision design shall include adequate provisions for noise reduction, safety and visual screening. Parallel streets, fences, landscaped buffer areas, berms, and sound walls among other measures may be required.

P. Public, private land access. When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the Town may require the subdivider to provide street access thereto.

Q. Right-of-way dedication. A minimum right-of-way to accommodate two paved travel lanes plus any required turning lanes must be dedicated for all streets. Dedication of half-streets is not allowed except where essential to the reasonable development of the subdivision and provided that the Town finds it will be practical to obtain the dedication of the other half of the street right-of-way. Wherever a half-street dedication is adjacent to a tract to be subdivided in the future, the other half of the street shall be platted when such tract is presented to the Town for subdivision.

#### **17.10.060 - Sidewalks.**

Sidewalk development thresholds.

A. Development, redevelopment, or subdivision requires sidewalk installation along all newly constructed urban streets, unless a different pedestrian accommodation is called for in a Planned Development Plan or Site Development Plan. Phasing plans can allow flexibility in the timing of sidewalk installation.

B. For sites where retaining walls are being installed along public or private streets, grading for future sidewalks is required.

#### **17.10.070 - Lot and block arrangement.**



A. Lot access standards.

1. All lots shall front on a public street or highway or private street with easements guaranteeing public access. Single-family residential lots shall not front on or obtain direct access from a collector or arterial street or a State Highway.

2. The provision of combined access points, to serve two or more lots/business uses, is encouraged in commercial areas in order to minimize disruptions to traffic flow along the adjacent collector or arterial roadway.

3. Commercial developments should place new access drives on joint property lines and within an access easement to minimize the number of accesses to roadways by individual properties.

4. New approaches to street intersections should line up directly across existing intersection approaches. The same applies for commercial access drives in that they should line up directly opposite other existing drive cuts.

B. Subdivision block arrangement. The lengths, widths, and shapes of blocks shall be determined with due regard to:

1. Topography and natural features.

2. Convenient and safe access and circulation for vehicles, including emergency and service vehicles.

3. Applicable zoning regulations regarding lot sizes and dimensions.

4. Provision of adequate building sites suitable to the type of use contemplated.

5. Availability, location, and capacity of utility service and utility system design and capacity.

6. Locating structures and landscaping to promote energy efficiency.

C. Subdivision lot arrangement. The width, depth, shape, and orientation of lots shall be designed for the type of use contemplated. As a minimum, all lots shall conform to the following standards:

1. Depth and width of lots shall be adequate to provide the necessary private service and parking facilities required by the type of use and development contemplated.

2. Minimum 20-foot driveway length should be provided between the back of the sidewalk to the garage face to prevent obstruction of the walk.

3. Lots shall be designed to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general stormwater drainage pattern for the area.

4. Corner lots shall generally be adequate in size to compensate for two street frontages and to satisfy vehicular sight triangle standards.

5. Wherever possible, side lot lines shall be at right angles to the street line or at right angles to the tangent to the curve of the street line.

6. Lots should front only on local streets; however, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

7. Side lot lines should be approximately at right angles or radial to street lines.

8. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages or topography or orientation. An appropriate landscaped or fenced buffer shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Town may require a permanent ornamental fence of a height and architectural design that will appropriately screen and be harmonious with the neighborhood and residential character.

9. The developed portion of a lot should not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

10. When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

11. Reserve strips preventing access to public streets shall be prohibited.

D. Addressing and street naming. Street names cannot duplicate or be easily confused with the names of existing streets. All street naming shall be subject to approval by the Town with input from Douglas County, and in accordance with all policies of the Town and Douglas County regarding such addressing and street naming.

E. Lot buildable area standards:

1. No portion of the buildable area of a lot or tract shall be located in a 100-year floodplain, except in compliance with the Storm Drainage Design and Technical Criteria Manual.

2. No portion of the buildable area of a lot or tract shall be located within an easement, unless the easement beneficiary approves the location of a buildable area within the easement. Additional restrictions as to the types of structures that are permitted to encroach onto the easement may be established as a condition of approval.

3. No portion of the buildable area of a lot or tract shall be located within a hazardous area unless the hazards are abated to the satisfaction of the Town.

4. Building design should provide for variety and interest by avoiding the placement of identical or similar building elevations on any two adjoining lots along a street.

**17.10.080 - Stormwater.**

A. Stormwater, erosion control. Stormwater improvements shall be provided which protect public and private property and allow public and private improvements to function as intended. Stormwater improvements shall be designed so that developed flows shall not exceed historic flows for the one-hundred-year storm event.

B. Standards and criteria. The Drainage Criteria Manual, available through the Urban Drainage and Flood Control District or the Denver Regional Council of Governments, should be used as an authoritative reference supplementing the requirements contained in adopted Town standards and requirements contained in the these regulations. Drainage studies, plans and improvements shall be consistent with the approved Master Drainage Plan for the property/Planned Development. Basin transfers will only be allowed with prior approval from the Town.

C. Land within an adopted one-hundred-year floodplain zone or land which is subject to inundation by a one-hundred-year flood shall not be platted for occupancy unless the flooding condition is alleviated in conformance with the Town's zoning and floodplain regulations. In addition to the 100-year floodplain, other lands subject to flooding or land which if developed or improved would cause improved areas within the Town to be subject to flooding shall not be platted for residential occupancy or for any other use that may increase danger to health, life or property, or aggravate the flood hazard to surrounding properties.

D. Historical flow patterns and runoff amounts shall be maintained in such a manner that would preserve the natural character of the area and prevent property damage of the type generally attributed to runoff rate and velocity increases, diversion concentrations and/or unplanned ponding of storm runoff.

E. Surface drainage shall utilize, wherever possible and practical, natural swales and retention/detention ponds.

F. Where possible, the bottoms of swales shall be lined with natural materials, such as grass, rock, stones, sand or coarse gravel.

G. Perimeter boundaries of retention/detention areas shall follow a configuration of natural land contours wherever possible to create a natural look to such areas.

H. All storm sewers and stormwater facilities, such as gutters, catch basins, bridges and culverts shall be installed and the land graded for adequate drainage as shown on plans submitted and approved and shall be inspected and checked for adequacy by the Town.

I. All subdivisions shall be designed to avoid and/or minimize soil erosion, both during construction and at final stabilization, in accordance with the technical manuals. In addition to permanent provisions, temporary erosion and sediment control measures are also required during construction operations in accordance with the requirements of the technical manuals. The developer shall be immediately responsible for the protection and maintenance of all existing stormwater facilities, including streets, until the improvements are completed and accepted by the Town. Construction schedules are to be programmed to permit installation of required permanent sediment and erosion control structures as soon as possible. Finished slopes are to be protected with a vegetative cover, riprap or other suitable means. The performance guarantee shall include provisions for enforcement of both the permanent and temporary erosion and sediment control facilities.

J. All developments shall include a stormwater management system designed in accordance with the Technical Manuals. The stormwater management system shall provide adequate stormwater and flood control as well as provide structural and/or nonstructural Best Management Practices for the control of stormwater quality, as required by the Technical Manuals.

K. Site drainage shall be designed in accordance with the Technical Manuals.

L. Building sites shall be graded so that there is drainage away from all buildings.

M. For residential subdivisions, individual lot and block stormwater management shall conform to the general guidelines of the Technical Manuals.

#### **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, 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 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.

#### **17.10.110 - Water supply and conveyance requirements.**

Water rights conveyance requirements are addressed in Chapter 4.04, CRMC. If water rights were not conveyed to the Town at the time of annexation and zoning, such rights shall be conveyed as a condition to any subsequent land use approval under Title 16, CRMC or this Title. The provision of water to the development shall be subject to the terms and conditions of the relevant annexation and/or development agreement for the property.

**Section 2. Repeal and Reenactment.** Chapters 17.10 through 17.30 of the Castle Rock Municipal Code are repealed and reenacted to read as follows:

### **Chapter 17.14 Definitions**

#### **17.14.010 Definitions**

For the purpose of this Title, certain words or phrases are defined below. 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. Certain other terms are defined in the Chapter for which they apply. In the event of a conflict between a definition in this Chapter 17.14 and a definition within a specific chapter, the definition within the specific Chapter shall apply.

*Accessory building* means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

*Accessory use* means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

*Airport* means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft for the private use of an individual. The term airport also includes the term general helicopter aviation, which is any area used for the take-off and landing of general helicopters that also includes passenger and cargo facility, fueling and emergency service facility. This use does not include the term Helistop/Heliports for private helicopter use.

*Alcoholic beverage sales* means the retail sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption, including but not limited to liquor store, microbrewery, distillery and/or winery.

*Asphalt/concrete plant* means a plant used for the manufacture of asphalt, concrete, macadam and other forms of coated road stone.

*Assisted living/memory care* means facilities designed to provide residents with assistance for activities of daily living and medication assistance for individuals with a level of cognitive impairment. This use does not include alcohol and drug rehabilitation facilities.

*ATM/kiosk* means as small stand-alone device or structure, permanent or temporary, providing information, products, and/or services.

*Auto body and vehicle/RV/boat equipment and repair* means collision repair, paint, or upholstery services for vehicles. Repair of automobile, trucks, motorcycles, mobile homes, recreational vehicles, and other vehicles except general automobile repair, including the sale, installation, and servicing of related equipment and parts.

*Automobile/vehicle/RV/boat/motorcycle/all-terrain vehicles/equipment sales and leasing* means the sale and/or leasing of automobiles, vehicles, RV's, boats, motorcycles, all-terrain vehicles and equipment, including storage of inventory and incidental maintenance and repair.

*Automobile service/fuel station/wash/rental* shall mean, though not limited to, the following:

- a. Fuel service station (including a fuel service station that is associated with a grocery store and/or warehouse club);
- b. Fuel convenience mart (a gasoline service station with a convenience store);

- c. Auto repair, quick service oil, tune-up, brake, and muffler shops not including auto body (e.g., collision repair), paint or upholstery services;
- d. An establishment engaged in the retail sale of vehicle fuel, tires, lubricants, parts and accessories;
- e. Businesses that exclusively rent vehicles;
- f. Self-service, in bay automatic, or conveyor equipment for cleaning and washing motor vehicles.

*Bed and breakfast* means a place of lodging that provides rooms for short-term rental, is the owner's personal residence; and is occupied by the owner at the time of room rental.

*Boarding and rooming house* means a building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation includes compensation in money, services or other things of value.

*Building* means any structure built for the shelter or enclosure of persons, animals and property of any kind, and not including advertising signboards or fences.

*Building height* means the vertical distance from the grate to the uppermost point of the roof structure. The height limitations set forth in 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.

*Building coverage* means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot.

*Cemetery* means any place, including a mausoleum, niche or crypt, in which there is provided space either below or above the surface of the ground for the internment of the remains of human bodies.

*Clinic* means facilities operated by doctors, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis and typically by appointment. This use does not include alcohol or drug rehabilitation facilities.

*College/university/vo-tech* means, but is not limited to, colleges, universities, vocational/technical schools, trade schools, business schools, training centers, beauty schools, culinary schools.

*Commercial amusement, indoor* means uses that provide commercial amusement indoors and includes, but is not limited to, bowling alleys, pool rooms, indoor sports arenas, movie theaters, live theaters, indoor skating rinks and arcades. This use does not include indoor shooting ranges.

*Commercial amusement, outdoor* means uses that provide commercial amusement outdoors, including but not limited to, outdoor arenas or stadiums, amusement or theme parks, fairgrounds, miniature golf establishments, golf driving ranges, water slides and batting cages.

*Day care center facilities* means facilities that are maintained for any portion of a day for the care of children and adults or are not related to the owner, operator or manager thereof, whether the facility is operated with compensation for such care and with or without stated educational purposes. This use includes, but is not limited to, school-aged day care center, nursery and pre-school, adult day care, center for developmentally disabled persons and facilities for children operated in conjunction with a kindergarten. This does not include overnight care.

*Day care, in-home - large* means the care and/or education for periods of less than 24-hours of between seven and twelve children, plus two additional school age children, unrelated to the residents by blood or adoption, subject to the licensing requirements of the State.

*Day care, in-home - small* means the care and/or education for periods of less than 24-hours of not more than six children, plus two additional school age children, unrelated to the residents by blood or adoption, subject to the licensing requirements of the State. A child care provider who holds an Experienced Child Care Provider License may care for a maximum of nine children in accordance with the Colorado Department of Human Services regulations for child care facilities.

*Density, gross* means the resultant figure in a residential development area when the total number of dwelling units is divided by the total acres of the development area; in a commercial or industrial development area, it is the resultant figure when the total square footage of buildings is divided by the total acres of the development area.

*Density, net* is a similar calculation as gross density, except that all public and private streets and all public land dedications are excluded from the total acres of the development area.

*Developer* means the party or parties securing all required approvals and permits from the Town and assuming full and complete responsibility for the project, including construction of any public and private improvements required in connection with the project.

*Disability* is defined as one or more of the following:

- a. The term "handicap" as set forth in 42 U.S.C. § 3602(h) or, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- b. Intellectual and developmental disabilities as such term is used in C.R.S. § 31-23-303(2)(a).
- c. Age of sixty (60) years or older, or as otherwise described in C.R.S. § 31-23-303(2)(b)(II).



d. Behavioral or mental health disorders, including one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior, or as otherwise described in C.R.S. § 31-23-303(2)(b.5).

*Disposal services* means commercial waste disposal sites and/or a landfill site (also known as tip, dump or rubbish dump) for the disposal of waste materials by burial. This includes waste transfer stations.

*Drive-through facility* means an establishment that by design, service or by packaging procedures encourages or permits customers to receive services and obtain goods while remaining in their motor vehicles.

*Dwelling* means any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, clubs, hospitals or similar uses.

- a. *Multifamily dwelling* means a building, or portion thereof, designed for or occupied by three or more families living independently of each other, which may include condominium or townhouse units.
- b. *One-family dwelling* means a building designed exclusively for occupancy by one family, including attached residences.
- c. *Two-family dwelling* means a detached building designed exclusively for occupancy by two families living independently of each other.

*Dwelling unit* means one or more rooms in a dwelling, apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

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

*Fence* means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of material erected to enclosed, screen or separate areas.

*Family is defined as one of the following:*

- a. One or more persons who are related by blood, marriage or adoption, including any foster children; or
- b. A group of not more than five unrelated persons living together as a single housekeeping unit by joint agreement on a nonprofit cost-sharing basis; or
- c. A combination of persons related by blood, marriage or adoption, including any foster children and unrelated adults, not to exceed five persons living together and occupying a single dwelling unit.

*Garage/yard sale* means a retail sale conducted by the occupant of a single-family residence or the owner/manager of a multifamily residence.

*Grade (ground level)* means the average of the finished ground level at the center of all walls of a building. If the building walls are parallel to and within 5-feet of a sidewalk, the ground level shall be measured at the sidewalk.

*Gross floor area* means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor, including the walls of roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot, measured the same way. In computing gross floor area there shall be excluded the following:

- a. Any floor area devoted to mechanical equipment serving the building;
- b. Any floor area used exclusively as parking space for motor vehicles; and
- c. Any floor area which serves as a pedestrian mall or public access way to shops and stores.

*Group home* means a residence operated as a single dwelling, licensed or approved by a governmental agency for the purpose of providing special care or rehabilitation due to homelessness, social, behavioral or disciplinary problems; provided that authorized supervisory personnel are present on the premises. This category would include, but not be limited to, the following types of facilities: juvenile group homes and halfway houses and alcohol and drug dependency residential facilities.

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

*Heavy industry* means industry which is capital- and/or labor-intensive, such as the manufacture of industrial machinery, steel, rubber, rendering or petroleum processing. This use includes automobile manufacturing and crematoriums.

*Helistop/heliport* means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (e.g., tenants of a corporate park, a hospital trauma center, etc.) and the term does not include facility for general helicopter aviation use.

*Home occupation* means any use conducted principally within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

*Hospital* means a facility licensed by the state to provide primary health care services and medical or surgical care to persons, primarily in-patient, suffering from disease, injury or other abnormal physical conditions.

*Hotel/motel* means a place that offers overnight accommodations for short-term rental, including hotels and motels. The term hotel/motel shall also include convention facilities and/or meeting rooms.

*Household pets* means animals that are customarily kept for personal use or enjoyment within the home, not to include livestock or other hoofed animals, or the keeping of more than four animals of over four months of age, and subject to the restrictions in Chapter 6.02, CRMC, further prohibiting the keeping of dangerous and other nondomestic species. Horses are allowed within Planned Developments that specifically allow them, subject to certain conditions and criteria as also established in Chapter 6.02.

*Institutional care* means housing where residents are assigned to the facility and are under protective care. This use includes jails or prisons; work release; psychiatric hospitals; and alcohol and drug rehabilitation clinic/facilities.

*Kennel/doggy daycare* means premises where any combination of dogs, cats or other household pets are kept, cared for, boarded, or bred for the intention of profit, subject to Title 6 of the Castle Rock Municipal Code. A dog grooming facility without an overnight boarding facility is classified as retail.

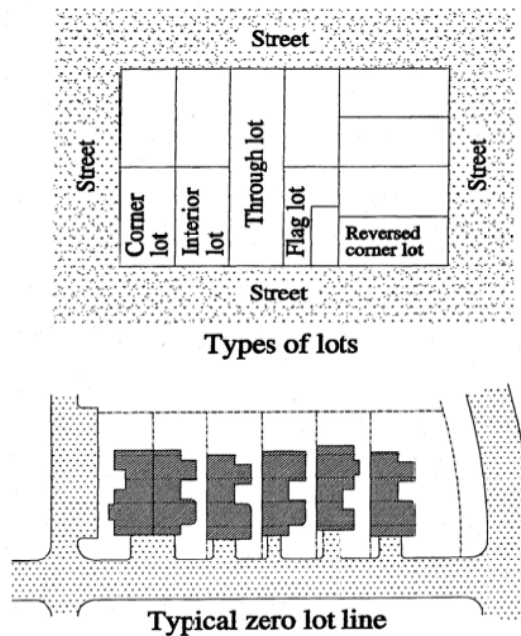
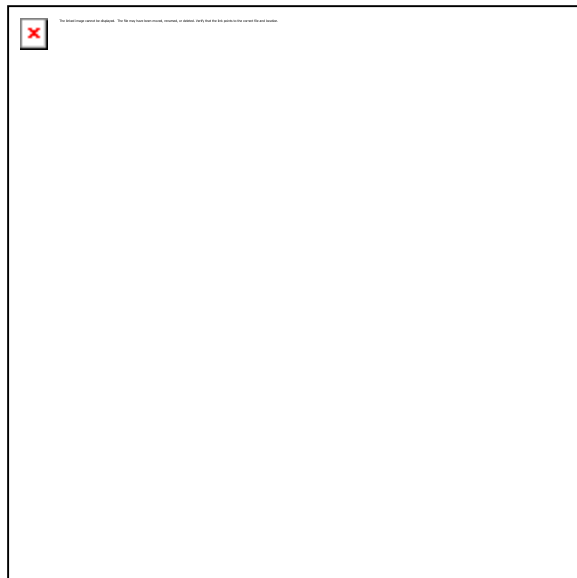
*Light industry*, means industrial operations that have less impact and are less offensive to neighboring properties than those classified as heavy industry. Light industry is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacture of clothes, shoes, furniture, consumer electronics and home appliances. This use includes wholesale sales.

*Live-work unit* means a dwelling unit that provides space designed for one or more commercial use that is permitted in the Zoning District. Access between the dwelling unit and the commercial space is provided within the unit.

*Lot* means a parcel of real property as shown and described upon a plat duly accepted by the Town and recorded with the County Clerk and Recorder.

- a. *Lot area* means the area of land enclosed within the boundaries of a lot.
- b. *Flag lot* means a lot without a front lot line adjacent to a street or public right-of-way, but with a dedicated access to a public right-of-way. For the purposes of setbacks on flag lots, the Director of Development Services shall establish lot line setbacks.
- c. *Front lot line* means the property line dividing a lot from a street. On a corner lot the Director of Development Services may declare one front lot line to be a side lot line.
- d. *Rear lot line* means the line opposite the front lot line.
- e. *Reversed corner lot* means a corner lot of which the side street line is substantially a continuation of the front lot line of the first lot to its rear.
- f. *Side lot line* means any lot lines other than front lot lines or rear lot lines.

Diagram "A"



*Lot coverage* means a measure of intensity of land use that represents the portion a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete or asphalt.

*Medical labs* means a facility for scientific analysis of medical resources.

*Mineral extraction* means uses that involve extraction of minerals from the ground, including surface and subsurface mining and quarrying.

*Multifamily* means buildings that contain three or more dwelling units, which are accessed from interior elevators or hallways, or from individual exterior entrances, and are separated by interior walls and/or floors. Multifamily does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached dwellings, or hotels and motels.

*Multi-modal transit facility* means terminals used for the ticketing, loading and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

*Nursery or greenhouse (wholesale or retail)* means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The term also includes an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc.) that are directly related to the care and maintenance of landscape.

*Nursing Home* means a public or private residential facility providing a high level of long-term personal physical rehabilitation or nursing care for persons (such as the aged or chronically

ill) who are unable to care for themselves properly. This use excludes care for alcohol and drug rehabilitation, mental illness or communicable disease.

*Occupied* includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

*Office* means a designated area in which commercial or professional activities take place, including but not limited to, accounting, advertising, bank, counseling services, medical and dental facilities, studios for television and radio broadcasting, and research and development that does not include manufacturing.

*Oil and gas production* means the process of exploration, extraction, transporting petroleum products.

*Open space/unobstructed* means an area intended to provide light and air and is any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use. Open space may include active recreation with limited pervious surfaces, such as swimming pools, play equipment, ball fields, court games and picnic tables. Passive open space may include areas not occupied by any structures and limited pervious surfaces, such as parks, and landscape tracts (except parking lot islands). Credit will be considered for courtyards and plazas based on the Director's review. Open space shall not include driveways, parking lots, parking islands, drive aisles, or other surfaces designed or intended for vehicular travel.

*Parking* means the standing or placement of a vehicle, whether occupied or not, for any purpose other than briefly loading or unloading passengers or property.

*Parking Facility (stand-alone lot/structure)* means parking that is the primary use (public or private). A facility that provides both accessory parking for a specific use and parking for people not connected to the use is also classified as a parking facility. This includes small structures intended to shield attendants from the weather.

*Place of worship* includes, but is not limited to a church, synagogue, temple or mosque.

*Private club* means organizations or associations of persons for some common purpose, such as fraternal, social, educational, or recreational purpose, but does not include clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

*Public facilities* means civic, public and public assembly uses which include, but are not limited to community centers, courthouses, museums, libraries, public safety facilities, police, fire and EMS stations, cultural arts centers and parks.

*Recreation, indoor* means uses that provide recreation opportunities indoors for the public. The term *recreation, indoor* includes, but is not limited to recreation centers, gymnasiums, indoor swimming and pools, tennis, racquetball or handball courts, rock climbing, indoor hockey rink.

*Recreation, outdoor* means uses that provide recreation opportunities outdoors for the public (open to the community ) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The term *recreation, outdoors* includes public areas for active or passive recreational activities, including, but not limited to jogging, cycling, playing fields, outdoor swimming pools, tennis courts, golf courses, arboretums, community gardens, wildlife sanctuaries, and other natural areas used for walking or hiking and other passive recreation oriented parks.

*Recreational vehicle* means a vehicle used for recreational purposes including such vehicles as travel trailer, tent trailer, detached pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer, horse trailer or similar vehicular equipment.

*Recycling center and salvage* means any land or structure used for collection, sorting, aggregation and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable equipment, machinery, scrap or other used or discarded materials. This use includes facilities where the materials are actually recycled into raw materials, but does not include recycling center, composting facility, collection, dismantlement, storage and salvage of inoperable vehicles and boats, and scrap metal processing. *Recycle center and salvage* does not include waste transfer stations (even if they include a separate space for collection of recyclable materials).

*Recycling drop-off* means a facility at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste, are collected.

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

*Retail* means commercial and retail uses and ancillary outdoor storage uses subject to requirements of Section 17.52.150 of the CRMC, including but not limited to art galleries and studios, bakeries, pharmacies and dog grooming facilities (without an overnight boarding facility of animals).

*Retaining wall* means a man-made barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

*Restaurant* means an establishment that served prepared meals to customers for consumption on-site or off-site, and may include designated parking spaces for “curbside pickup” of food ordered in advance. This includes, but is not limited to:

- a. Full services restaurant;
- b. Food service and drinking place where meals, snacks, and beverages are prepared to customer order for immediate on-premises and off-premises consumption;
- c. Special food service; or
- d. Catering facility.

*Room* means an unsubdivided portion of the interior of a dwelling unit or building, excluding bathrooms, kitchens, closets, hallways and service porches.

*Self Storage* means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property.

*Services, commercial* means non-medical service that is typically provided to the general public without the requirement of an appointment or membership, including but not limited to copy center and parcel service drop-off locations with mailbox services.

*Services, personal* means non-medical personal service including, but not limited to beauty and barber shop, nail and skin care, tanning and day salon, drycleaner and tailoring, tattoo and body piercing salon, massage, music instruction and tutoring service.

*Services, repair* means repair service and shop, except automobile, truck, large appliance, and heavy equipment repair, this use involved scheduled maintenance and preventative maintenance on any sort of mechanical, plumbing or electrical device.

*Setback* means the minimum required distance between a building or other structure and a property line. Retaining walls will not be considered a structure for the purposes of enforcing setback requirements.

*Sexually oriented business* means and adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, adult motel, adult motion picture theater, or sexual encounter center subject to Chapter 17.56 of the CRMC.

*Shooting range, indoor* means specialized facilities designated for firearms practice.

*Storage yard* means outdoor storage or operable equipment and/or vehicles and building or infrastructure construction materials for off-site projects. *Storage yard* does not include outdoor storage areas that are associated with an on-site heavy industrial use.

*Street* means a public thoroughfare which affords the principal means of access to abutting property.

*Structure* means anything constructed or erected which requires a location on the ground or is attached to something having a location on the ground, but not including fences (or walls used as fences) less than 6-feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities. All signs shall be considered structures. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

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

*Towing and inoperable vehicle storage* means an area used to store junked, abandoned or inoperable vehicles.

*Urgent care* means a walk-in clinic focusing on the delivery of care in a medical facility and outside of a traditional emergency room.

*Use* means the purpose for which land or a building is designed, arranged or intended, or for which it either is or may be occupied or maintained.

*Utilities, public* means buildings, structures or other facilities used or intended to be used by any private or governmental utility. *Utilities, public* includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas, or electrical services. This use also includes water storage tanks, electric or gas substations, water or wastewater pumping stations or similar structures used as an intermediary switching, boosting, distribution or transfer station of electricity, natural gas, water or wastewater. *Utilities, public* also includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water sewage or other similar services on a local level.

*Vehicle, RV and boat storage* means the storage of operable vehicles.

*Veterinary clinic* means a clinic and/or hospital that provides medical care for small animals, including but not limited to dogs, cats, rabbits, domestic fowl, birds, snakes and rodents. This used does not include kennel/doggy day care or care for agricultural animals..

*Wall* means a constructed solid barrier of concrete, stone, brick, tile, wood or similar type of materials that closes, marks, or borders a field, yard, or lot, and that limits the visibility and restricts the flow of air and light.

*Warehousing and distribution* means indoor warehousing, distribution or logistics facilities, retail distribution centers, order fulfillment centers, and moving and storage services (including full-service moving and storage and indoor storage of shipping containers).

*Wind generator* means any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

*Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

- a. *Front yard* means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- b. *Rear yard* means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- c. *Side yard* means a yard extending across the full width of the lot between the side lot line and the nearest line or point of the building.



## **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 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 allowed under this Chapter.

**17.16.050 - Continuance of nonconforming use.**

A nonconforming use may continue on the same land area and in the same location in the structure when the use first became nonconforming subject to the following:

A. The nonconforming use shall not be reestablished if the use is abandoned, discontinued or ceases operation for more than one-hundred-eighty (180) days;

B. A nonconforming use shall not be enlarged upon, increased, or extended to occupy a land area or floor area larger than existed at the time the use became nonconforming. No change whatsoever in any aspect of feature, intensity, or character of the nonconforming use shall occur unless such change is in conformance with this Title.

**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 allowed under this Chapter.

**17.16.070 - Continuation of nonconforming structure.**

A nonconforming structure may continue to exist, subject to the following;

A. A nonconforming structure shall not be enlarged, expanded or replaced.

B. If a nonconforming structure is damaged by fire, explosion or other natural calamity, the structure may be restored to its original condition, provided that such work is commenced within 180-days of such event, and provided that the cost of restoration does not exceed 50% of the fair market value of the structure. If the cost of restoration does exceed 50% of the fair market value of the structure, the nonconforming structure shall not be restored.

**17.16.080 - Repairs and maintenance.**

Ordinary repairs and maintenance of a nonconforming structure or a building where a nonconforming use exists shall not be deemed an extension of such nonconforming use or structure and shall be permitted.

**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. Single-family dwellings, detached.
- B. Small in-home day care subject to the licensing requirements of the State.
- C. Underground public utilities.

D. Group home.

~~D~~E. 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. Public facilities.

2. College/university/vo-tech or parochial or non-public school.
  3. Indoor and Outdoor Recreation.
  4. Places of worship.
  5. Large in-home day care subject to the licensing requirements of the State.
  6. Day care center, subject to the licensing requirements of the State.
  7. ~~Assisted living/memory care subject to the licensing requirements of the State.~~ Group Residential Facility.
  8. Group homes subject to the licensing requirements of the State and not located within 1,500-feet of another group home use.
  9. Commercial amusement, outdoor.
  10. Solar collectors which are not part of the primary structure.
  11. Wind generators.
  12. Aboveground public utilities.
  13. 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.

**17.18.040 - Development standards.**

Development standards for the R-1 District are:

- A. Minimum area of lot shall be 9,000-square feet.
- B. Minimum width of lot shall be 75-feet.
- C. Minimum side yard for residential:
  1. Principal buildings, 7-feet.
  2. Accessory buildings, 2-feet, where located in the rear one-third of the lot.
  3. Accessory buildings, 7-feet, where not located in the rear one-third of the lot.

4. All buildings, 25-feet, where abutting a street.
  5. For all other uses, 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.

**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.**

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.

**17.22.040 - Development standards.**

Development standards for the R-2 District shall be as follows:

A. Minimum area of lot:

1. Per single family dwelling, 6,000 square feet.
2. Per two-family dwelling, 7,000-square feet.

B. Minimum width of lot:

1. Per dwelling, 50 feet.
2. Per two-family dwelling, 75-feet.

C. Minimum side yard:

1. Per dwelling, 5-feet.
2. All attached dwelling units are allowed zero side yard setbacks where attached. No more than two dwelling units may be located in a single structure.
3. Accessory buildings, 2-feet, located in the rear one-third of the lot.
4. Accessory buildings, 5-feet, not located in the rear one-third of the lot.
5. All buildings, 20-feet, where abutting a street.
6. 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.

**Chapter 17.24**  
**R-3 Multifamily Residence District**

**17.24.010 - Description and purpose.**

The primary use within the R-3 District is one-, two- and multifamily residential dwellings of moderate scale.

**17.24.020 - Permitted uses.**

Uses permitted by right in the R-3 district shall be as follows:

- A. Any use permitted in the R-1 and R-2 Districts, subject to all requirements specified for such districts unless otherwise stated in this Chapter.
- B. Multifamily dwellings.
- C. Boarding and rooming houses.
- D. Bed and breakfast.

**17.24.030 - 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, is permitted by special review in the R-3 District.

**17.24.040 - Development standards.**

Development standards for the R-3 District shall be as follows:

- A. Minimum area of lot for residential dwellings:
  1. Single dwelling, 5,000 square feet.
  2. Per additional dwelling unit, 1,000 square feet.
- B. Minimum width of lots, 50-feet.
- C. Minimum side yard:
  1. Principal building, 5-feet (one- and two-family residential dwellings).
  2. Principal building for multifamily residential dwellings and uses other than one- and two-family residential dwellings, the minimum side yard width shall be 7 feet



or the equivalent of 1-foot for each 3 feet or fraction thereof of building height, whichever is greater, provided that for school or church uses no side yard shall be less than 25-feet wide.

3. All attached dwelling units are allowed zero side yard setbacks where attached.

4. Accessory buildings, 2-feet, located in the rear one-third of the lot.

5. Accessory buildings, 5-feet, not located in the rear one-third of the lot.

6. All buildings, 15-feet, where abutting a street.

D. Minimum front yard for all buildings shall be 15-feet.

E. Minimum rear yard:

1. Principal building, 20-feet.

2. Accessory building, 5-feet.

F. Maximum building coverage, 40% of lot area.

G. Maximum height of buildings:

1. Principal building, 40-feet, not to exceed three stories of occupied floor area.

2. Accessory building, 20-feet.

H. Open Space. Within single-family attached and multifamily use areas, a minimum of 20% of the gross site area shall be set aside as common open space which may include, but not be limited to, landscaped areas, swimming pools, tennis courts, play areas, walkways and bikeways, but excluding driving and parking areas.

#### **17.24.050 - Binding arbitration.**

At the request of the applicant, the following condition shall be placed on the face of an approved Site Development Plan:

"THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK HEREBY ESTABLISHES THE FOLLOWING LEGISLATIVE CONDITION TO THE APPROVAL OF THIS SITE DEVELOPMENT PLAN TO PROMOTE THE PROMPT, EFFICIENT AND COST EFFECTIVE RESOLUTION OF DISPUTES PERTAINING TO THE DEVELOPMENT OF THE PROPERTY AS A MULTI-FAMILY PROJECT, EXCLUDING ANY PROPERTY OWNED BY THE TOWN

(THE "PROPERTY") FOR THE PURPOSE OF ENCOURAGING AND FOSTERING THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE TOWN AND THE CONSTRUCTION OF OWNER-OCCUPIED MULTI-FAMILY DEVELOPMENTS IN THE TOWN.

AS A LEGISLATIVE CONDITION TO THE TOWN COUNCIL'S APPROVAL OF THIS SITE DEVELOPMENT PLAN, THE FOLLOWING CLAIMS INVOLVING THE PROPERTY SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW:

ANY AND ALL CONSTRUCTION DEFECT CLAIMS:

1. THAT ARE BETWEEN ANY TWO OR MORE OF THE FOLLOWING PERSONS OR ENTITIES:
  - (A) ANY OWNER OF ANY PORTION OF THE PROPERTY;
  - (B) ANY COMMON INTEREST COMMUNITY ASSOCIATION CREATED WITH RESPECT TO THE PROPERTY;
  - (C) THE SUBDIVIDER, DEVELOPER OR ANYONE CLAIMING UNDER OR THROUGH ANY SUCH PERSONS;
  - (D) ANY PARTY THAT CONSTRUCTS OR DESIGNS ANY PORTION OF ANY RESIDENTIAL DWELLING UNITS UPON THE PROPERTY; AND
  - (E) ANY CONSTRUCTION PROFESSIONAL AS DEFINED IN THE CONSTRUCTION DEFECT ACTION REFORM ACT, C.R.S. §13-20-802.5, ET SEQ., AS AMENDED ("CDARA"), AND
2. THAT PERTAINS TO ANY OF:
  - (A) THE PROPERTY;
  - (B) ANY DWELLING UNIT OR OTHER IMPROVEMENTS CONSTRUCTED ON THE PROPERTY OR COMMON AREA DEVELOPMENT STRUCTURE;
  - (C) THE COMMON INTEREST COMMUNITY TO BE CREATED FOR THE PROPERTY OR ANY PORTION THEREOF, OR
  - (D) THE DECLARATION OR OTHER DOCUMENTS GOVERNING SUCH COMMUNITY.
3. FOR THE PURPOSES OF THE FOREGOING:

- (A) A "CONSTRUCTION DEFECT CLAIM" MEANS A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY CLAIM FOR DAMAGES, INDEMNITY OR CONTRIBUTION BROUGHT AGAINST A DEVELOPMENT PARTY FOR DAMAGE OR LOSS TO, OR THE LOSS OF USE OF, REAL OR PERSONAL PROPERTY OR PERSONAL INJURY CAUSED BY A DEFECT IN THE DESIGN OR CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY THAT IS PART OF THE COMMON INTEREST COMMUNITY,
- (B) A "DEVELOPMENT PARTY" MEANS ANY PARTY REFERRED TO IN SECTION 1(C), (D), OR (E),
- (C) A "COMMON INTEREST COMMUNITY" MEANS REAL ESTATE AS DEFINED IN THE COMMON INTEREST OWNERSHIP ACT, C.R.S., §38-33.3-103(8).

THE LEGISLATIVE CONDITION SHALL NOT PRECLUDE ANY OF THE PERSONS OR ENTITIES DESCRIBED ABOVE FROM ENDEAVORING TO RESOLVE ANY SUCH CONSTRUCTION DEFECT CLAIM(S) THROUGH EITHER NEGOTIATIONS OR MEDIATION BEFORE SUBMITTING SUCH CONSTRUCTION DEFECT CLAIM TO BINDING ARBITRATION. ADDITIONALLY, THE PROPERTY MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS NOTATION ON THE SITE DEVELOPMENT PLAN AND THAT MAY REQUIRE THAT CERTAIN OTHER TYPES OF CLAIMS BE SUBMITTED TO BINDING ARBITRATION; PROVIDED, HOWEVER, THAT ANY SUBSEQUENT AMENDMENT OR CHANGE TO SUCH DECLARATION OF COVENANTS, CONDITIONS OR RESTRICTIONS SHALL NOT ELIMINATE THE REQUIREMENT THAT THE CONSTRUCTION DEFECT CLAIMS DESCRIBED IN THIS PLAT NOTE SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A JUDICIAL PROCEEDING.

FOR PURPOSES OF THIS SITE DEVELOPMENT PLAN, BINDING ARBITRATION SHALL MEAN SUBMISSION OF ANY CONSTRUCTION DEFECT CLAIM DESCRIBED ABOVE TO A SINGLE ARBITRATOR WHO MUST BE, AT A MINIMUM, A RETIRED COLORADO STATE DISTRICT COURT JUDGE OR FEDERAL DISTRICT COURT JUDGE OR THROUGH THE USE OF SUCH ORGANIZATION THAT SUCH RETIRED JUDGE MAY BE A MEMBER OF, INCLUDING SUCH ORGANIZATIONS AS THE JUDICIAL ARBITER GROUP OR ITS SUCCESSORS. IN SUCH ARBITRATION, THE COSTS AND EXPENSES OF ARBITRATION SHALL BE BORNE EQUALLY BY THE PARTIES AND SHALL BE CONDUCTED UTILIZING SUCH RULES OF PROCEDURE AS THE ARBITRATOR MAY REASONABLY ADOPT TO PROMOTE THE EFFICIENT AND

ECONOMICAL RESOLUTION OF ANY SUCH CONSTRUCTION DEFECT CLAIM.

ALL FUTURE PURCHASERS OF ANY INTEREST IN THE PROPERTY ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF THIS SITE DEVELOPMENT PLAN, WHICH IS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDERS OFFICE AND IS DEEMED TO BE A COVENANT RUNNING WITH THE PROPERTY."

## **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* 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 m<sup>2</sup>) 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.

#### **17.26.030 - Continuance of existing uses.**

Subdivisions, lots, uses, private streets and structures in a manufactured home park which were existing, in use, erected, or created prior to 1974 shall be considered a legal, nonconforming subdivision, lot, use, private street, and structure and shall not be required to comply with any provisions of this Chapter 17.26 when in conflict with an existing condition. By way of example, but not limitation, because manufactured homes are not permanent structures and may be removed from lots, a manufactured home and its accessory structures which are of the same dimensions as a manufactured home and accessory structure that has been removed from a lot in a manufactured home park shall be entitled, regardless of the length of time the lot was vacant, to continue any non-conformity of the prior manufactured home and its accessory structures. This Section 17.26.030 shall be the sole provision governing the continuance of existing uses, subdivisions, lots, private streets and structures in a manufactured home park.

**17.26.040 - Permitted uses.**

The following uses are permitted upon approval of, and in accordance with an approved Site Development Plan (see Chapter 17.38 of this Code):

- A. One single-family manufactured home per lots.
- B. Manufactured home park.
- C. Public facilities.
- D. Home occupation.
- E. Accessory structures and uses.

**17.26.050 - Uses by special review.**

Uses permitted by special review in the MH Manufactured Home District are:

- A. Private campgrounds.
- B. Day care centers.
- C. Public facilities.
- D. Place of worship.

**17.26.060 - Manufactured home park development standards.**

Manufactured home park requirements shall be as follows:

- A. Maximum density shall not exceed seven mobile homes per gross acre.

B. No manufactured home shall be occupied unless situated on a manufactured home space, within a manufactured home park.

C. Minimum area of lot shall be 5,000 square feet.

D. Minimum width of lot shall be fifty feet.

E. Minimum front yard setback:

1. Principal and accessory structures: Five feet.

F. Minimum side yard setback:

1. Principal and accessory structures: Five feet.

2. Principal and accessory structures: Fifteen feet where lot line is abutting a public right of way or where lot line is adjacent to exterior boundary of the manufactured home park.

G. Minimum rear yard setback:

1. Principal and accessory structures: Five feet.

2. Principal and accessory structures: Fifteen feet where lot line is abutting a public right-of-way or where lot line is adjacent to exterior boundary of the manufactured home park.

H. The minimum required setback shall be measured from the lot line to the foundation of the structure horizontally and perpendicular to the lot line; and the minimum required setback shall be measured from the lot line to the exterior wall of the structure horizontally and perpendicular to the lot line, if there is no foundation.

I. Steps (without decking) and awnings may encroach into the minimum required setbacks.

J. All manufactured homes and accessory structures or uses shall face upon and take access from an interior roadway.

K. A manufactured home park shall have two separate entrance and exit roadways; each of which shall be not less than forty feet wide from flow line to flow line, and shall connect to a dedicated public right-of-way and shall be hard surfaced with asphalt or concrete.

L. Maximum height:

1. Principal structure: Thirty-five feet.

2. Accessory structure: Twenty feet.

M. All trash, refuse and storage shall be kept in closed containers or within a building or area enclosed by a solid fence at least six feet in height.

N. Wheels may be removed from manufactured homes, but running gear may be removed only for reasonable period of time for repair purposes.

O. No permanent addition of any kind shall be built onto, nor become part of, any manufactured home. Skirting of a manufactured home is permissible, but such skirting shall not attached the manufactured home permanently to the ground, provide harborage for rodents, or create a fire hazard. All manufactured homes must have secure tie-downs or be installed on a permanent foundation for wind and storm protection.

P. Exposed ground surfaces in all areas of a manufactured home park shall be hard surfaced with asphalt or concrete or other solid material, or shall be protected with vegetative growth which will prevent soil erosion and eliminate dust.

## **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 retails 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.

#### **17.28.020 - Reserved.**

#### **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:



<b>USE</b>	<b>B Business/Commercial</b>	<b>I-1 Light Industrial</b>	<b>I-2 General Industrial</b>	<b>WNZOD Wolfensberger Overlay</b>	<b>DOD Downtown Overlay</b>	<b>FSOD Front Street Overlay</b>
Airport	N	N	N	N	N	N
Alcoholic beverage sales	P	P	P	P	P	N
Asphalt/concrete plant	N	N	P	N	N	N
Assisted living/memory care	UBSR	UBSR	UBSR	UBSR	P	UBSR
ATM/kiosk (stand –alone)	P	P	P	P	P	P
Auto body and vehicle/RV/boat equipment and repair	UBSR	P	P	P	N	N
Automobile/vehicle/RV/boat/ motorcycle/all-terrain vehicles/equipment sales and leasing	UBSR	P	P	UBSR	N	N
Automobile service/fuel station/wash/rental	P	P	P	P	P	N
Bed and breakfast	P	N	N	P	P	P
Cemetery	UBSR	UBSR	UBSR	N	N	N
Clinic	P	P	P	P	P	P
College/university/vo-tech	P	P	N	P	P	N
Commercial amusement, indoor	P	P	UBSR	P	P	N
Commercial amusement, outdoor	UBSR	UBSR	UBSR	N	N	N
Day care center	UBSR	UBSR	UBSR	P	P	UBSR
Disposal service	N	N	N	N	N	N
Educational facility	UBSR	N	N	UBSR	UBSR	UBSR
Gym/health club	P	P	UBSR	P	P	P
Heavy industry	N	N	UBSR	N	N	N

<b>USE</b>	<b>B Business/Commercial</b>	<b>I-1 Light Industrial</b>	<b>I-2 General Industrial</b>	<b>WNZOD Wolfensberger Overlay</b>	<b>DOD Downtown Overlay</b>	<b>FSOD Front Street Overlay</b>
Helistop/heliport	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR
Hospital	P	P	P	P	P	N
Hotel/motel	P	N	N	P	P	P
Institutional care	N	UBSR	P	N	N	N
Kennel/doggy daycare	UBSR	UBSR	UBSR	P	UBSR	UBSR
Light industry	N	P	P	P	N	N
Live-work unit	P	N	N	N	P	P
Medical lab	P	P	P	P	P	N
Mineral extraction	N	N	N	N	N	N
Multi-family	UBSR	N	N	P	P	P
Multi-modal transit facility	UBSR	UBSR	UBSR	UBSR	P	UBSR
Nursery/greenhouse	UBSR	P	P	P	P	UBSR
Nursing home	UBSR	N	N	UBSR	UBSR	UBSR
Office	P	P	P	P	P	P
Oil and gas production	UBSR	UBSR	UBSR	N	N	N
Parking facility (stand alone lot/structure)	P	P	P	P	P	P
Place of worship	P	UBSR	UBSR	P	P	UBSR
Private club	P	P	UBSR	P	P	P
Public facilities	P	P	P	P	P	UBSR
Recreation, indoor	P	P	UBSR	P	P	P
Recreation, outdoor	P	P	P	P	P	P
Recycling center and salvage	N	N	P	N	N	N
Recycling drop-off	P	P	P	P	P	N
Rehabilitation clinic/facility	N	UBSR	P	N	N	N
Restaurant	P	P	P	P	P	P
Retail	P	P	P	P	P	P
Self storage facility	N	P	P	UBSR	N	N

<b>USE</b>	<b>B Business/Commercial</b>	<b>I-1 Light Industrial</b>	<b>I-2 General Industrial</b>	<b>WNZOD Wolfensberger Overlay</b>	<b>DOD Downtown Overlay</b>	<b>FSOD Front Street Overlay</b>
Service, commercial	P	P	P	P	P	P
Service, personal	P	N	N	P	P	P
Service, repair	P	P	P	P	N	UBSR
Sexually oriented business	N	P	P	N	N	N
Shooting range, indoor	UBSR	P	P	P	P	P
Storage yard	N	P	P	N	N	N
Studio classes	P	N	N	P	P	P
Towing and storage of inoperable vehicles	N	UBSR	P	N	N	N
Urgent care	P	N	N	P	P	N
Utilities, public	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR
Vehicle/RV/boat storage	N	UBSR	P	P	N	N
Veterinary clinic	P	P	P	P	P	P
Warehousing and distribution	N	P	P	P	N	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. Minimum front yard: a minimum front yard of 15 feet from the property line shall be required; twenty-five (25) feet if abutting an arterial street;

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 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.

**17.28.060 - Development Standards - General Industrial I-2.**

The following development standards for the I-2 District shall apply:

A. Maximum lot coverage: As limited by applicable standards for development, parking, landscaping and other requirements;

- B. Minimum side yard: Zero feet except where the side yard abuts an adjoining zoning of a lesser intensity, then the side yard setback of the lesser Zoning District shall apply for that side;
- C. Minimum front yard: Fifteen (15) feet from the front property line;
- D. Minimum rear yard: Zero (0) feet except where rear yard abuts an adjoining zoning of a lesser intensity, then the rear yard setback of the lesser Zoning District shall apply;
- E. Maximum height of buildings: Fifty (50) feet.

### **Chapter 17.30 Public Land District**

#### **17.30.010 - Description and purpose.**

The PL-1, PL-2, and PL-3 Districts are intended primarily for municipally owned property and public uses.

#### **17.30.020 - PL-1 District.**

- A. Permitted Uses. Uses permitted by right in the PL-1 District are:
  - 1. Active and developed parks, recreation center and facilities and related uses including, but not limited to, rest rooms, parking and drives, information kiosks and maintenance and storage buildings;
  - 2. Facilities for cultural/art uses, community events and other civic uses;
  - 3. All municipal and/or quasi-municipal facilities or utilities; and
  - 4. Educational facilities.
- B. Development Standards. Development standards for the PL-1 District are as follows:
  - 1. Maximum Height: Fifty (50) feet;
  - 2. Minimum Front Yard Setback: A minimum of fifteen (15) feet from the property line; twenty-five (25) feet if abutting an arterial street. However, for property within the Downtown Overlay District (see Chapter 17.42), setbacks shall be governed exclusively by the standards set forth in 17.42.060.

C. Use by Special Review. Applications for use by special review shall be evaluated under 17.38.050 of the Code, provided 17.38.040 shall have no application. Uses permitted by special review in the PL-1 District are as follows:

1. Buildings, structures or other permanent improvements privately owned and operated, which must be open for public use;
2. Special district buildings and structures (C.R.S. Title 32); and
3. Any building or structure more than fifty (50) feet in height, but not to exceed seventy-five (75) feet in height.

**17.30.030 - PL-2 District.**

A. Permitted Uses. Uses permitted by right in the PL-2 District are:

1. Open space, wildlife sanctuary, trails and associated service facilities.
2. Off-street parking and drives.

B. Development Standards.

1. Maximum Height: Twenty-five (25) feet;
2. Minimum Front Yard Setback: Twenty-five (25) feet.

C. Use by Special Review. Applications for use by special review shall be evaluated under 17.38.050 of the Code, provided 17.38.040 shall have no application. Uses permitted by special review in the PL-2 District are as follows:

1. Any use allowed in the PL-1 District.

**17.30.035 - PL-3 District.**

A. Permitted Uses. Uses permitted by right in the PL-3 District are:

1. Open space, wildlife sanctuary, trails and associated service facilities, including restrooms, picnic pavilions and information kiosks.
2. The star and flagpole located at Rock Park.
3. Off-street parking and driveways.
4. Temporary community events sponsored by the Town of Castle Rock.

5. Such uses which are compatible and reasonably necessary for the uses set forth in this Subsection A.

B. Accessory Uses.

1. All public utilities, including, but not limited to, water, sanitary sewer, storm water, electric and similar uses, but excluding commercial communication towers and facilities.

2. Rock stabilization.

3. Rock fall mitigation.

C. Prohibited Uses. All uses other than Permitted Uses and Accessory Uses.

D. Development Standards.

1. Maximum Height: Habitable structures - Twenty-five (25) feet, non-habitable structures - Forty (40) feet.

2. Minimum Front Yard Setback: A minimum of fifteen (15) feet from the property line; twenty-five (25) feet if abutting an arterial street.

3. Lighting shall be limited to illumination of the star and flagpole, off-street parking and driveways, picnic facilities, restroom, and associated service facilities.

**17.30.040 - Existing uses and improvements.**

Lawful, preexisting uses, building or lots which do not conform to the requirements of this Chapter may continue as provided in Chapter 17.16.

**Section 3. Repeal and Reenactment.** Chapters 17.36 and 17.38 are repealed and reenacted in their entirety to read as follows:

**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 100% of the property owners of the area subject to the 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. 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.

**17.36.020 - Major amendment process.**

Major amendments shall be processed and acted upon in the same manner as an initial PD Plan under this Title. Town Council action shall be taken following a recommendation by the Planning Commission and shall be based on the same criteria as a new PD Plan (see Section 17.34.030).

**17.36.030 - Minor amendment process.**

A. An application for a minor amendment to an approved PD Plan and/or PD Zoning Regulations shall be approved, approved with conditions, or denied by the Manager. The criteria governing administrative action on a minor amendment shall be based on the same criteria as a new PD Plan (see Section 17.34.030).

B. A copy of the minor amendment approval letter shall be provided to each member of the Planning Commission and Town Council.

C. If denied, or if the applicant does not accept the conditional approval, the applicant may appeal such determination in the same manner as set forth in Section 17.04.110.

**17.36.040 - Recording, approval period and lapses.**

A. Upon approval by the Town Council, the applicant shall have 180-days to submit to the Town the approved PD Plan amendment in a format appropriate for recording, including all required signatures and recordation fees. Any other documents approved in conjunction with the PD Plan amendment that must be recorded, shall be recorded simultaneously.

B. The applicant may apply to the Manager for a single 180-day extension of the recordation period any time prior to the end of the 180-day time period. The extension application shall be on a form approved by the Manager and shall be accompanied by the renewal fee. The



extension shall be granted automatically to any applicant who submits a timely and complete application along with the full renewal fee.

C. After the 180-day or extended time period, the approval of the PD Plan amendment shall lapse and be of no further force or effect.

## **Chapter 17.38 Site Development Plan**

### **17.38.010 - Purpose and intent.**

The purpose and intent of the Site Development Plan (SDP) is to depict the general layout of a residential subdivision or the site layout, site improvements and building configuration of a multifamily residential, commercial, industrial, or mixed-use development. The SDP ensures that the proposed development is consistent and compatible with:

- A. All applicable Town-adopted plans and the general health, safety, and welfare;
- B. Any pre-existing land use approvals for the subject property; and
- C. Surrounding neighborhoods and with the residential-nonresidential interface regulations.

The SDP may constitute a site-specific development plan for purposes of establishing vested property rights (see Chapter 17.08).

### **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. An improvement agreement guaranteeing the installation of such improvements 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 Chapter 17.39. 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 17.39.

<i><b>Site Development Plan</b></i>	<i><b>Administrative</b></i>	<i><b>Planning Commission</b></i>	<i><b>Design Review Board</b></i>	<i><b>Town Council</b></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. Generally conforms to the Town's guiding documents that include, but are not limited to, Town Vision, Comprehensive Master Plans, Sub Area Plans, Design Guidelines, Corridor Plans and any other guiding document so long 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 any applicable Zoning Overlay Regulations and, if applicable, Skyline/Ridgeline Regulations.

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

5. Conforms to the Town's architectural goals by proposing architectural details that incorporate the use 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.

6. Complies with all other relevant requirements of the CRMC.

B. Site layout.

1. Conforms to Chapter 17.50 Residential/Non-Residential Interface of the CRMC .

2. Site design shall be designed to maintain pedestrian and vehicle safety, provide for adequate fire safety, and mitigate impacts upon adjacent properties by ensuring all vehicular, fire and mitigation regulations contained within the CRMC, including technical criteria, have been met.

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

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

5. Provides adequate site design to protect major environmental characteristics that would include unique topographic features and significant vegetation where possible.

C. Circulation and connectivity.

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.

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 any phasing requirements associated with the approved zoning for the property. Provides phased improvements in a logical and 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 comply with applicable regulations.

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

5. Identifies and appropriately 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 trail systems in terms of internal circulation and appropriate external connections deemed necessary by the Town to achieve connectivity goals.

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.
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.

#### **17.38.070 - Site Development Plan amendment review and approval process.**

An application for an amendment to an approved Site Development Plan shall be processed as follows:

A. Major amendment. A major amendment shall be processed, reviewed and acted upon in the same manner as an initial Site Development Plan - General.

B. Minor amendment. A minor amendment shall be processed, reviewed and acted upon in the same manner as an initial Site Development Plan - Administrative.

**17.38.080 - Recording, approval period and lapses.**

A. Upon approval by the Town Council or the Manager, the applicant shall have 180-days to submit to the Town the approved Site Development Plan (or amendment) in a format appropriate for recording, including all required signatures and recordation fees. Any other documents approved in conjunction with the Site Development Plan that must be recorded, shall be recorded simultaneously.

B. The applicant may apply to the Manager for a single 180-day extension of the recordation period any time prior to the end of the 180-day time period. The extension application shall be on a form approved by the Manager and shall be accompanied by the renewal fee. The extension shall be granted automatically to any applicant who submits a timely and complete application along with the full renewal fee.

C. After the 180-day or extended time period, the approval of the Site Development Plan shall lapse and be of no further force or effect.

**Section 4. Repeal.** Chapter 17.20 of the Castle Rock Municipal Code is hereby repealed in its entirety.

**Section 5. Amendment.** Section 17.50.040 of the Castle Rock Municipal code is amended in its entirety to read as follows:

**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.

**Table 1**

<i>Nonresidential Use</i>	<i>Property Abuts:</i>			
	<i>Residential</i>	<i>Street</i>	<i>Open Space 0—250 feet</i>	<i>Open Space 250 feet or greater</i>
More intense uses	50'	30'	40'	Existing setback
Large building > 75,000 sf.	50'	30'	40'	Existing setback
Small building <75,000 sf.	30'	15'	20'	Existing setback
Small building <75,000 sf (more intense uses)	50'	30'	40'	Existing setback
Lots 1 acre or less and building < 15,000 sf.	Existing setback or 20'	Existing setback	Existing setback	Existing setback

G. The transitional screening shall:

1. Considering the topography and scale of the adjacent neighborhood and mitigate adverse visual impacts at the time of installation.



2. Create a visually attractive transitional screening area with strategic placement of walls, fences, berms and/or landscaping. Not all of these elements are required in every buffer or transition zone. The use of the site features and the design of the transitional screening is intended to mitigate the visibility of undesirable activities, land uses and structures from residential neighborhoods; soften long, inactive building facades; reduce the visual impact of buildings adjacent to residential property; and provide an interesting, visually pleasing landscaped transition adjacent to residential property.

3. Balance the need for visibility of retail businesses from the street view with the need to mitigate the adverse visual impacts to the adjacent neighborhood.

4. Include a landscape design that promotes the long-term health and maintenance of the plant materials.

5. Provide varied plant spacing, clustering and height.

6. Provide visual interest by incorporating shrubs, berms, ornamental grasses, other plant materials and/or decorative walls.

7. Provide comprehensive water-efficient design standards, installation procedures and maintenance standards.

**Section 6. Amendment.** Section 17.52.050 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

**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.

**Section 7. Amendment.** Section 17.52.060 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

**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.

**Section 8. Amendment.** Section 17.52.240 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

**17.52.240 Reserved**

**Section 9. Amendment.** Title 17 of the Castle Rock Municipal Code is amended to add a new Chapter 17.39, entitled Use by Special Review, to read as follows:

**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.

**Section 10. 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 11. 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 \_\_ for and \_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_ day of \_\_\_\_\_, 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