

Alexander Way

Castle Rock, CO

PD ZONING REGULATIONS

Approved _____, 20____

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SECTION 1 GENERAL PROVISIONS

1.1 PURPOSE

A. Statement of Purpose

The purpose of this Planned Development Plan (PD Plan) and Planned Development Zoning Regulations (PD Zoning Regulations) is to establish standards for the development and improvement of the property. The standards contained in these Zoning Regulations are intended to carry out the goals of this planned community.

B. Application

These standards shall apply to all property contained within the Alexander Way PD as shown on the PD Plan and these PD Zoning Regulations. These PD Zoning Regulations run with the land and bind owners of record and successors in interest to the property.

1.2 AUTHORITY

A. Authority

The authority of these PD Zoning Regulations is Chapter 17.32 (PD-Planned Development District) of the Castle Rock Municipal Code, as amended.

B. Adoption

The Town Council has adopted the Alexander Way PD Plan and PD Zoning Regulations pursuant to Section 17.34 of Title 17 (Zoning) of the Castle Rock Municipal Code after appropriate public notice and hearing.

C. Relationship of Town of Castle Rock Regulations

All Town ordinances and regulations, as the same are amended from time to time, shall apply to and be enforceable in a Planned Development. Accordingly, such Town ordinances and regulations shall govern and control over any conflicting provisions in the PD Zoning Regulations unless such conflicting provision is vested as an express development right under the applicable development agreement.

D. Maximum Level of Development

The total number of dwelling units approved for development within the established Planning Area is the maximum allowed for platting and development. The actual number of dwellings approved will be determined at the Site Development Plan/Plat stage of review based upon environmental constraints, utility and street capacity, compatibility with surrounding land uses and other relevant factors. The developer has the right to build less units than the permitted maximum in each Planning Area. Dwelling units may not be transferred between Planning Areas unless otherwise permitted within these PD Zoning Regulations.

1.3. CONTROL PROVISIONS

A. Incorporation of the Planned Development Plan

The PD Plan for Alexander Way includes the type, location and boundaries of land use area as shown on the Alexander Way Planned Development Plan (PD Plan), which is attached as Exhibit A and is hereby incorporated by reference into these PD Zoning Regulations.

B. Planning Area Boundaries

The boundaries and acreage of all Planning Areas within Alexander Way are shown on the Alexander Way PD Plan. Where a Planning area abuts an internal local street or drive, the boundary shall be the centerline of the street. Where a Planning Area abuts a collector street the boundary shall be the right-of-way of that street as indicated on the PD Development Plan. Where a Planning Area abuts another Planning Area, the boundary shall be the centerline of the abutting boundaries as shown on the PD Plan. Modifications in Planning Area boundaries and streets may be accomplished by the Developer by final road alignments or engineering refinements shown on a Site Development Plan or Plat, without any amendment to the Alexander Way Planned Development Plan provided the Planning Area does not increase or decrease by more than twenty percent (20%) in size.

C. Administrative Amendments to the PD Plan and PD Zoning Regulations

Amendments to the PD Plan and PD Zoning Regulations shall comply with Chapter 17.36 of the Town of Castle Rock Municipal Code, as amended.

D. Road Alignments

The Planned Development Plan is intended to depict general locations of the primary roadways. Recognizing that the final road alignments are subject to engineering studies, minor road alignments of streets are expected, and can be accomplished by the developer through the platting process without any amendment to these regulations or to the PD Plan itself.

1.4 GENERAL PROVISIONS

A. Purpose

The purpose of this section is to establish general provisions and clarify standards and requirements for development which may occur in the Alexander Way Planned Development.

B. Phasing

The phasing order will be indicated on the Alexander Way Site Development Plan and will be subject to the criteria in the Annexation and Development Agreement.

C. Severability of Provisions

In the event that any provision herein shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

D. Development Agreement

In addition to these regulations, certain provisions of the development of the Alexander Way Planned Development are controlled by an agreement between the Town of Castle Rock and the PD property owners. The Development Agreement is subject to the Planned Development as approved by the Town on the _____ day of _____, 20____ by Resolution No. _____.

E. Site Development Plans and Plats

Following approval of the Planned Development Plan, the property owners shall submit a Site Development Plan (SDP) for all, or any portion or portions of the general use areas as are then ready for development. No building permit will be issued until an SDP has been approved for the property by the Town Council and the Plat approved by Town administrators, and duly recorded, unless the property is a Town-owned property being developed for Town uses.

SECTION 2 DEFINITIONS

In addition to the standard definitions found in the Town of Castle Rock Zoning Ordinance (Title 17), the following definitions of terms shall apply to this PD:

2.1 Detached Dwelling Units

Dwelling units which are not physically connected to other dwelling units. As used herein, the term detached dwelling units shall include, but not be limited to single family detached dwelling units.

2.2 Single Family Attached Dwelling Unit or Attached Live/Work Unit

A dwelling or live/work unit with primary ground floor access to the outside which share a common wall with another unit without openings. Single Family Attached dwellings include paired homes and up to four-units attached in a building. Each Single Family Attached Dwelling Unit or Live/Work unit shall be located on its own fee simple lot.

2.3 Live/Work Units

Live/work units are intended to provide a unit which contains residential use with a compatible work use within the same structure which shares a common wall or floor with direct or indirect access between the residential and the compatible work use. A live/work unit: (a) combines a compatible work use as allowed in Section 4.2 – Permitted Uses with a residential living space for the owner of the compatible work use, or the owner’s employee, and that person’s household; (b) a residence only; and (c) where the activity conducted takes place subject to a valid business license if required. The live/work area shall be further defined and acceptable to the homeowner’s association.

2.4 Developer

Tierra Investors, LLC and Alexander 455, LLC or assigns as Developer.

2.5 Open Space - Private

Space which is suitable for landscaping, passive and/or active recreation, trails, gardens, view protections and enhancement, buffers and/or other appropriate uses, which is to remain in private ownership.

2.6 Open Space/Park - Public

Space which is suitable for landscaping, passive and/or active recreation, trails, gardens, view protections and enhancement, buffers and/or other appropriate uses, which are to be dedicated to the Town of Castle Rock and available for use by the public.

2.7 Solar/Wind Energy/Geothermal

A device that is accessory to, and situated on, a private single family attached or detached lot or home for the purpose of providing an alternative energy source for the home. Not intended as a communal feature.

SECTIONS 3 - 6 DEVELOPMENT STANDARDS

3.0 PLANNING AREA- 1 (PA-1)

3.1. Intent

The single family detached neighborhood will include residential lots and accessory uses, open space, streets, landscape tracts, pocket parks, and trail corridors which will connect the residences to the site's amenities and trail networks. A maximum of 55 lots are permitted in PA-1. This Planning Area may be extended to Include Planning Area-2 should the Live/Work units be converted to Single Family Detached Homes See Section 4 below.

3.2 Uses Permitted by Right

- A. Detached single family dwellings with attached or detached private garages
- B. Accessory Dwelling Units in accordance with Section 17.61 of the Town of Castle Rock Municipal Code, as amended. However, the HOA Design Review Board shall have the authority to allow an Accessory Dwelling Unit to be up to a maximum of 1,200 square feet. All other requirements or Section 17.61 shall apply.
- C. Public buildings, including but not limited to fire and police stations
- D. Public and private open space, parks, and recreational uses, trails, and facilities
- E. Public and Private Utilities and appurtenant facilities
- F. Drainage and detention facilities

3.3 Accessory Uses

- A. Temporary Uses pursuant to Section.3.5
- B. Community information kiosks
- C. Accessory structures such as storage shed (120 square feet) and/or green houses (180 square feet), maximum, pool house/cabana 200 square feet; and subject to architectural and maintenance controls/covenants
- E. Private swimming pools and spas
- F. Private tennis courts

3.4 Temporary Uses

- A. Construction offices and material storage shall be permitted in all use areas during and for a period of thirty (30) days after cessation of actual construction in those areas being served by such construction office or material storage area.
- B. Temporary sales trailers, model homes with parking area, show home complexes, temporary sales signage, and associated uses.

3.5. Development Standards

- A. Minimum standard lot area: 21,780 square feet
- B. Maximum Building height: 35 feet for primary structures
- C. Minimum lot width:
 - 1. At the street: 50 feet and a minimum of 70 feet at the front building setback line
 - 2. At a cul-de-sac, knuckle, or similarly curved frontage at the street: 30 feet
 - 3. Flag lot width at street or private drive: 20 feet at the flag, between lot lines beyond the flag, the lot width shall be 70 feet at the front
 - 4. Primary structure front setback (from local street right-of-way or private access drive):
 - a. 25 feet to face of garage for front loaded attached garage
 - b. 20 feet to face of home
 - c. 7.5 feet to side of a side loaded garage
 - d. 15 feet to unenclosed covered porch without living space above the porch
- D. Primary structure rear setback: 25 feet
- E. Primary structure side setback: 7.5 feet
- F. Corner lot side setback for primary structures adjacent to a local street: 10 feet
- G. Accessory structure maximum building height: 25 feet
- H. Accessory structure setbacks:
 - 1. Front yard setback not permitted in front of the front face of the primary structure.
 - 2. Rear yard setback: 25 feet
 - 3. Side yard setback: 10 feet; The accessory structure may be located within the side yard by may not extend beyond the front face of the primary structure.
 - 4. Corner lot side setback: 15-feet
- J. 30-foot wide "No build" zone on a side lot line and a 50-foot "No build" zone on a rear lot line shall be provided on the lots adjacent to the Silver Heights Subdivision and along the northern property line where

adjacent to Douglas County un-platted land. No primary or accessory structures are permitted in the "No Build" zones.

K. Encroachments

1. Cantilevers, window wells, chimneys, entertainment centers, bay or box windows, counterforts, brick or stone ledges and roof overhangs may encroach into any setback a maximum of 36 inches.
2. Covered or uncovered decks and patios 30 inches or less above grade may encroach the rear or side setback provided they are no closer than five (5) feet to the rear or side property line.
3. Covered or uncovered decks and patios greater than 30 inches in height above grade may encroach the rear or side setback provided they are no closer than 5 feet to a side lot line and 10 feet to the rear lot line.
4. Driveways are permitted within the setbacks.

L. Signage

1. Two project identification signs are permitted. Each sign face shall be a maximum of 32 square feet.
2. The maximum height of the monument shall be eight (8) feet.
3. There is no maximum square footage requirement for the monument.
4. The monument/sign shall not be located within sight visibility triangles
5. Monument/signage shall not be located within public rights-of-way with the exception of within medians in the right-of-way.
6. The monument/sign may be illuminated by either an internal or external light source.

4.0 PLANNING AREA 2 (PA-2)

4.1 Intent

The live/work units will include single or attached lot/unit intended for live/work units or residential unit as defined in Section 2.3 above. This use area may also be converted to single family detached lots in accordance with the detached standards below. A maximum of 24 live/work units or single family detached units are permitted. A single detached dwelling unit is permitted in the live work area provided the architecture is similar in character to the homes in PA-1 and the Development Standards are maintained as listed in Section 4.6 below.

4.2 Uses Permitted by Right

- A. Attached and detached single family dwellings with attached or

- detached private garages.
- B. Attached and detached homes with or without a live/work component (Maximum of 4-units attached are permitted in a building)
- C. Public buildings, including but not limited to fire and police stations
- D. Public and private open space, parks, and recreational uses, trails and facilities
- E. Utilities and appurtenant facilities
- F. Drainage and detention facilities
- G. Wireless cellular facilities as per the Town of Castle Rock Municipal Code.

4.3 Live/ Work Permitted Uses and Regulations

A. Intent for Non-living uses

The intent is to provide for a complementary work use is permitted if conducted entirely within a principal building. Such use shall be conducted only by the occupants thereof plus not more than five non-resident employees.

B. General Use Standards and Regulations

1. In-home Child Day Care and Elder Care as permitted by state and federal regulations.
2. Wholesale or retail business must be conducted entirely by mail (U.S. Postal Service, United Parcel Service, and the like) or such wholesale or retail sales on the premises is not substantial.
3. There shall be no outside storage on the premises of materials or equipment used in connection with the business.
4. There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the lot.
5. Traffic shall not be generated which significantly affects the residential character of an area or in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the Zoning District; and
6. Personal services such as beauty/nail salon and barber shops (2-chairs maximum).
7. Group classes shall have a maximum of five (5) participants at any one time.
8. Professional and service businesses or any similar uses that does not generate more than occasional or minimal vehicular traffic.

4.4 Accessory Uses

- A. Temporary Uses pursuant to Section.4.5
- B. Community information kiosks
- C. Accessory structures not permitted

4.5 Temporary Uses

- A. Construction offices and material storage shall be permitted in all use areas during and for a period of thirty (30) days after cessation of actual construction in those areas being served by such construction office or material storage area.
- B. Temporary sales trailers, model homes with parking area, show home complexes, temporary sales signage and associated uses.

4.6 Development Standards

- A. Minimum standard lot area: Attached unit: 1,800 square feet
Single unit: 5,000 square feet
- B. Maximum Building height: 35 feet for primary structures
- C. Minimum lot width:
 - 1. At the street: 20 feet and a minimum 30 feet at the building setback line
 - 2. At a cul-de-sac, knuckle or similarly curved frontage at the street: 20 feet
 - 3. Flag lot width at street or private drive: 20 feet at the flag, between lot lines beyond the flag, the lot width shall be 35 feet at the front
- D. Primary structure front setback (from local street right-of-way or private access drive:
 - 1. 20 feet to face of front-loaded attached garage
 - 2. 15 feet to face of structure
 - 3. 10 feet to side of a side loaded garage
 - 4. 10 feet to unenclosed porch without living space above the porch
- E. Primary structure rear setback: 15 feet; 6-feet if the garage is alley loaded
- F. Primary structure side setback: 5 feet
- G. Primary structure corner lot side setback adjacent to a local street: 10 feet; 20 feet to face of garage for a side loaded garage
- H. Encroachments:
 - 1. Cantilevers, window wells, chimneys, entertainment centers, bay or box windows, counterforts, brick or stone ledges and roof overhangs may encroach into the setback a maximum of 36 inches.
 - 2. Covered or uncovered decks and patios 30 inches or less above grade may encroach the rear or side setback provided they are no closer than five (5) feet to the side property line and 20 feet to a rear lot line in PA-1 and 10-feet to a rear lot line in PA-2.

3. Covered or uncovered decks greater than 30 inches above grade may encroach the rear or side setback provided they are no closer than five (5) feet to a side lot line and 25 feet to a rear lot line in PA-1 and 10 feet to a rear lot line in PA-2.
- I. Parking: Attached live/work units shall provide a minimum of two (2) parking spaces for the unit in an attached garage and an additional two (2) guest spaces for visitors which may include in the tandem driveway or along the public streets or private drives.
- J. Signage: All signage shall be building mounted and flush with the face of the building and a maximum of six (6) square feet in size. The sign shall not be illuminated.

5.0 OPEN SPACE/PUBLIC LANDS - OPEN SPACE - (PL-2)

PL-2 is intended to provide natural open space and preservation of the hillside. The open space will provide a buffer between the Diamond Ridge neighborhood and Alexander Way. The open space is intended to remain undisturbed to the extent practical with the exception of a natural trail which will provide a connection from Alexander Way to the Town's trail network. This Use Area shall conform with the Town's PL-2 zoning requirements as per Chapter 17-30 of the Town of Castle Rock Municipal Code, as amended.

6.0 PARK AND OPEN SPACE REQUIREMENTS (WITHIN PA-1, 2 AND PL-2)

- A. A minimum of 40% of the overall site shall be provided in parks, trails, and open space. In addition to PL-2 Open Space, a minimum of 1.5 acres of private open space shall be provided in PA 1 and 2 which may include the pocket park/orchard and trail corridor.
- B. Trails shall connect to Town of Castle Rock open space where available.
- C. Trails are not permitted to connect into the Diamond Ridge neighborhood to the east and north
- D. An additional 15-feet shall be provided along the southern boundary adjacent to the 15-feet owned by the Town creating a 30-foot wide east/west trail corridor.
- E. Picnic areas
- F. Seating nodes and lookouts
- G. Grading and drainage improvements
- H. Public utilities and associated structures
- I. Neighborhood parks and playgrounds
- J. Irrigation, water storage, distribution and well facilities

SECTION 7 OVERALL PROJECT STANDARDS

These PD regulations shall not preclude the application of Town ordinances, including revisions to this Title, which are of general application throughout the Town, unless such application would conflict with an express vested property right. The standard zoning requirements of the Town of Castle Rock Zoning Ordinance including off-street parking, development standards, landscaping, site development, accessory and temporary uses, and use by special review and variance processes shall apply to this Planned Development, except as modified herein.

7.1 Architectural Design Standards

A. Colors and Materials

Architectural design of the home shall be in accordance with the design guidelines established by the HOA

1. All occupied structures and accessory structures shall be constructed and maintained so that predominant exterior wall colors (including the colors of basement walls on the downhill side of the structure) and roof surfacing materials are high quality and consistent for the majority of the structure.
2. Colors shall predominately be muted on the primary structure with accent colors limited to architectural features
3. Materials shall include high quality masonry, hardy plank siding or stucco
4. Roof materials shall be tile or standing seam metal
5. Reflective materials and bright colors that contrast dramatically with the colors of the sky, land, and vegetation around them shall not be used as predominant colors.
6. Colors and materials shall be approved by the Alexander Way HOA as required below.

B. Building Siding

All building siding shall cover exposed foundations to grade level, except as required by Applicable Building Code.

C Architectural Design Approval

All architecture of the homes must be submitted to the Alexander Way HOA for approval prior to submittal for a building permit. Plans not approved shall be modified in accordance with the requirements of the HOA and resubmitted for approval. A building permit may not be obtained if the HOA has not approved the architectural plans.

7.2 Lighting

All lighting shall be in accordance with chapter 17.58 of the Castle Rock Municipal Code, as amended.

7.3 Fencing

The following requirements apply to any new fencing.

- A. For Lots adjacent to open space perimeter fences are limited open rail with a maximum height of four (4) feet and shall consist of a minimum level of transparency, such as split rail or open rail. A 2" x 4" wire mesh grid is permitted on the lot side of the open rail fence for pet enclosure
- B. Fences taller than 30 inches in height above the street flowline are prohibited in sight distance easements.
- C. Barbed wire and chain link is not allowed fencing.
- D. Additional fencing guidelines will be provided in future design guidelines/ covenants established by the HOA.
- E. Fencing adjacent to Silver Heights shall be identified at time of Site Development Plan based on coordination with the adjacent residents.

7.4 Landscaping

- A. Landscape design regulations will be provided in in future design guidelines/covenants established by the HOA.
- B. All landscaping shall be conformance with Town of Castle Rock Landscape and Irrigation Performance Standards and Specifications and in accordance with the approved Water Efficiency Plan as approved by the Town on the ____ day of ____ by Resolution No. _____.

7.5 Grading / Drainage

The grading/drainage of an individual lot or open space tract shall not vary from the Final Plat Grading Plan without the written approval of the HOA and its Engineer(s). Any unauthorized work performed will be required to be returned to the specified grade by the individual(s) or organization(s) that authorized the change without proper approval. All retaining walls used in the grading concept and materials shall be approved by the HOA prior to construction.

7.6 Compliance with Skyline/Ridgeline Protection District

All areas within Alexander Way that area identified as within the Skyline/Ridgeline protection area as shown on the District Map shall be in

compliance with Chapter 17.48 of the Castle Rock Municipal Code, as amended.

7.7 Compliance with the Dissimilar Residential Interface Regulations

The southern property line of Alexander Way may be subject to the Dissimilar Residential Interface Regulations as defined in Chapter 17.51.04 of the Castle Rock Municipal Code, as amended, depending on the adjacent land use and when the adjacent uses are developed.

7.8 Wildland Fire Mitigation

The natural topography and existing vegetation of the development site and adjacent open space suggests that the design of the homes and the neighborhood incorporate methods to limit the potential for the spread of wildland fires into the community. National Fire Protection Association measures approved by the Town of Castle Rock Fire Department shall be incorporated into the Site Development Plan.

7.9 Planning and Design

- A. Design and construction of any lot or structure shall consider the relationship of roads and buildings to existing slope grades and drainage-ways and shall achieve a fit with the landscape that is not intrusive.
- B. Structures in sloping areas shall be designed to conform to the slope by means of stepped foundations, retaining walls or similar methods that will seek to minimize grading and site preparation.
- C. Grading shall be shaped to complement the natural landforms.
- D. Roads in steeply sloping or heavily vegetated areas shall be designed to limit, as practical, the area of disturbance.

SECTION 8

SUBMISSION OF SITE DEVELOPMENT PLANS AND/OR PLATS

- 8.1** Following approval of the Alexander Way Planned Development, the Property Owners shall submit a Site Development Plan for all, or any portion or portions of the general Use Areas as are then ready for development.
- 8.2** No structural building permit will be issued until a Site Development Plan and Plat have been presented to and approved by the Town.
- 8.3** In those cases where the Subdivision Regulations of the Town of Castle Rock require approval of a Plat by the Town Council prior to sale or transfer of lands,

a sale or transfer of a portion or portions of the Land is permitted without prior approval of a Site Development Plan, provided a Plat has been approved, which must contain the following language:

“Pursuant to the Town of Castle Rock Municipal Code, no building permit will be issued for the erection of any structural improvement in any area described hereon for which a Site Development Plan and Plat has not been approved by the Town of Castle Rock.”

SECTION 9 TRANSITIONAL USE

- 9.1** After approval of the Alexander Way Planned Development incorporated herein by reference, any portion or portions of the property described as the Alexander Way Planned Development, which has not been subjected to a Site Development Plan, may be used for agricultural purposes until approval of a Site Development Plan for the area or areas in question. Agricultural uses, for the purposes of this section shall mean farming, ranching, pre-existing residential uses, gardening, building and out-buildings pertaining thereto. It shall not be deemed to include commercial feed yards, commercial poultry or pig farms, fur farms or kennels.
- 9.2** Any activity permitted by this section shall be considered to be a valid pre-existing non-conforming use within the area described above until a Site Development Plan for such area or areas has been approved.
- 9.3** Areas or agricultural activities shall be closed to vehicular traffic and off-road recreation motor biking excepting agricultural vehicles and implements, emergency vehicles, vehicles engaged in utility and other maintenance work, and designees of the master developer or the Town.