

**ORDINANCE NO. 2010-20**

**AN ORDINANCE AMENDING SECTION 17.12.010 OF THE CASTLE ROCK MUNICIPAL CODE AND THE TOWN OF CASTLE ROCK ZONING DISTRICT MAP BY CREATING A NEW DOWNTOWN OVERLAY DISTRICT CLASSIFICATION; DESIGNATING THE DOWNTOWN OVERLAY DISTRICT BOUNDARIES; AND ADOPTING A NEW CHAPTER 17.51 GOVERNING THE DOWNTOWN OVERLAY DISTRICT**

**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,

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

**WHEREAS**, by Resolution 2002-138 the Town Council adopted the 2020 Comprehensive Master Plan (Comprehensive Plan) that contains the following provisions relevant here:

***LU-5.8: Concentrate commercial and office uses that serve the region and the overall Town where there is the greatest level of accessibility and urban services available.***

***Principle ED-1: Attract a variety of businesses, industries and employment opportunities to provide a balance in the community between jobs and workers and to diversify the Town's economic base.***

***LU-6.4: Promote multi-modal access to commercial and retail uses.***

***GM-1.1: Concentrate future capital improvements and service delivery systems to benefit existing and future residents in the most effective manner, and provide the greatest opportunity for immediate and near-term commercial and employment development.***

**WHEREAS**, by Resolution 2008-38 the Town Council adopted the Downtown Master Plan that contains the following provisions relevant here:

***Executive Summary – The Vision: Downtown's future is based upon creating a welcoming, walkable and family-friendly place. Downtown Castle Rock becomes the Main Street of Douglas County, combining a sampling of new urban elements, such as fine dining, unique shops and places to live with our connections to a Western past, including historic buildings, traditional businesses and an overall relaxed pace. Downtown must also be functional with plenty of places to park, bike, stroll and gather.***

**WHEREAS**, by Resolution 2007-72 the Town Council adopted the Historic Preservation Plan that contains the following provisions relevant here:

***Introduction – Economics of Historic Preservation: The revitalization of downtown is an important objective of the community. While much more detail regarding the revitalization***

*strategy is included in the Downtown Plan, historic preservation is a key component of that strategy.*

**WHEREAS**, the Town Council recognizes the importance of a vibrant and thriving commercial and business sector that provides employment, revenue, goods and services, and which is an integral and essential component of the Castle Rock community,

**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 AS FOLLOWS:**

**Section 1. Zoning District Map Amendment**. The official Town of Castle Rock Zoning District Map is amended by the addition of the Downtown Overlay District classification to the properties in the general area from the Wolfensberger Interchange to the north, the Union Pacific Railroad to the east, I-25 to the west and south of the Plum Creek Interchange. The extent and limits of the Downtown Overlay District is depicted in the Downtown Overlay Map appended to this ordinance (*Appendix 1*). In the event of a discrepancy between the Downtown Overlay Map and the official Zoning District Map, the latter shall control. The underlying zoning district classification of properties within the Downtown Overlay District is unchanged by this map amendment.

**Section 2. Amendment**. Section 17.12.010 of the Castle Rock Municipal Code is repealed and reenacted to add a new subparagraph O, Downtown Overlay District, to read as follows:

**17.12.010 Established.**

In order to carry out the provisions of this Title, the Town is divided into the following zoning districts:

A.	R-1	Single-Family Residence District (see Chapter 17.20)
B.	R-1A	Single-Family Residence District, Detached (see Chapter 17.24)
C.	R-2	Single-Family and Duplex Residence District (see Chapter 17.28)
D.	R-3	Multifamily Residence District (see Chapter 17.32)
E.	POS	Parks, Recreation and Open Space District (see Chapter 17.34)
F.	MH	Mobile Home District (see Chapter 17.36)
G.	B-1	Highway Oriented Commercial District (see Chapter 17.40)
H.	B-2	General Business District (see Chapter 17.44)
I.	I-1	Light Industrial District (see Chapter 17.52)
J.	I-2	General Industrial District (see Chapter 17.56)
K.	PD	Planned Development District (see Chapter 17.60)
L.	SR	Skyline/Ridgeline Protection District (see Chapter 17.14)
M.	WNZOD	Wolfensberger North Zoning Overlay District (see Chapter 17.50)
N.	IO	Interchange Overlay District (see Chapter 17.16)
O.	DO	Downtown Overlay District (see Chapter 17.51)

**Section 3. Amendment.** Title 17 of the Castle Rock Municipal Code is amended to include a new Chapter 17.51 Downtown Overlay District, to read as follows:

## **Chapter 17.51 Downtown Overlay District**

<b>17.51.010</b>	<b>Purpose and intent</b>
<b>17.51.020</b>	<b>Certain regulations inapplicable</b>
<b>17.51.030</b>	<b>Relationship to underlying zoning district/sign code/planned development</b>
<b>17.51.040</b>	<b>Permitted uses</b>
<b>17.51.050</b>	<b>Prohibited uses</b>
<b>17.51.060</b>	<b>Development standards</b>
<b>17.51.070</b>	<b>Crown design and building height</b>
<b>17.51.080</b>	<b>Design standards</b>
<b>17.51.090</b>	<b>Design Review Board</b>
<b>17.51.100</b>	<b>Powers and duties of the Design Review Board</b>
<b>17.51.110</b>	<b>Procedure for Board review</b>
<b>17.51.120</b>	<b>Demolition requirements, process and removal of Landmarking status</b>
<b>17.51.130</b>	<b>Violation and penalties</b>

### **17.51.010      Purpose and intent.**

The purpose of the Downtown Overlay District (DOD) is to establish architectural, landscaping, design, building, and use and site development regulations that encourage compatible land uses, ensure higher quality development and function in order to protect property values and provide safe and efficient pedestrian and automobile access. These architectural, landscaping, design, building, use and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development opportunities. The term *Board* as used in this Chapter shall mean Design Review Board, as established under Section 17.51.090.

### **17.51.020      Certain regulations inapplicable.**

The DOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development. Accordingly, a structure or development within the DOD that interfaces with another structure or development within the DOD shall not be required to comply with the provisions of Chapter 17.59 Residential/Non-Residential Interface, however, such regulations shall be applied to structures or development within the DOD which interface with structures or development outside the DOD.

### **17.51.030      Relationship to underlying zoning district/sign code/planned development.**

A. In the event of a conflict between the entitlements, regulations or standards established in this Chapter 17.51 and the equivalent provisions in the underlying zoning districts, the provisions of this Chapter 17.51 shall govern. Except in the event such preemption by this Chapter

17.51, the underlying zoning district provisions and all other provisions of the Castle Rock Municipal Code shall be applicable and enforced within the DOD.

B. For the purpose of applying the Sign Code regulations under Title 19 of the Code in the DOD, the underlying zoning district classification shall be utilized within the DOD to differentiate between residential and business area regulations.

C. The DOD shall have no application to those properties zoned PD until and unless such properties are rezoned.

#### **17.51.040 Permitted uses.**

A. The following permitted uses shall be allowed on all properties within the DOD in addition to the permitted and accessory uses allowed in the underlying zoning district:

1. Public and quasi-public recreation facilities, including parks, playgrounds and their accessory structures.
2. Private recreation facilities.
3. Restaurants and other places serving food and beverages.
4. Underground utilities.
5. Elderly assisted care living, and nursing homes.
6. Day care, child care centers.
7. Hotels, bed and breakfasts.
8. Indoor/outdoor recreational facilities.
9. Medical facilities and offices.
10. Personal service shops.
11. Transit facilities or other facilities designed to enhance the use of public transit.
12. Retail business stores.
13. Amusement enterprises, including dance halls, night clubs, bowling alleys and skating rinks.
14. Banks.

15. Catering facilities.
16. Fine arts gallery and/or fine arts studios.
17. Pharmacy.
18. Micro-brewery, distillery, winery.
19. Bakery.
20. Government facilities.
21. Laboratory, except those which involve any hazardous process or emit noxious noise, dust.
22. Museum
23. Post Office.
24. Professional Offices.
25. Printing/copy shops.
26. Private/public schools.
27. Public utilities.
28. Repair, rental, service of any item retailed in the Town's B-2 district.
29. Studios, including television and radio broadcasting stations, but excluding microwave dishes and free standing antenna towers.
30. Tailoring.
31. Theatres.
32. Clubs, lodging, and service organization
33. Shoe repair.
34. Plant nursery - no outdoor storage.
35. Multi-family residential, provided each multi-family unit has:
  - a. an individual kitchen;
  - b. an individual bathroom; and

- c. a minimum of five hundred (500) square feet.

**17.51.050 Prohibited uses.**

A. The following uses are not permitted in the DOD even if permitted in the underlying zoning district:

1. Free standing radio, television and cell antenna towers. (Such facilities may be incorporated into the design of a building if approved by the Board.)
2. Towing services, trash removal operations, wrecked, junked or abandoned vehicle storage or similar uses.
3. Single-family detached homes.

**17.51.060 Development standards.**

The following development standards shall apply within the DOD:

- A. Maximum lot coverage: one hundred percent (100%) of lot area;
- B. Minimum side yard: zero (0) feet;
- C. Minimum front yard: zero (0) feet;
- D. Minimum rear yard: zero (0) feet;
- E. Maximum building setback: A minimum of twenty-five (25%) percent of a building's linear footage facing a public roadway must have a setback of zero (0) to twenty (20) feet with a direct pedestrian connection.
- F. Maximum fence height: ten (10) feet.

**17.51.070 Crown design and building height.**

A. A building's crown design shall be reviewed by and is subject to approval of the Board based aesthetic design, conformity with the Downtown Master Plan, and the need to maintain appropriate viewsheds. The crown of a building is defined as the area of the structure that is above the top floor and may include angled roofs, decorative elements, towers and other similar construction.

B. Maximum building heights within the DOD are regulated as follows:

1. Downtown Core District: The Downtown Core District is defined as that area depicted on *Figure 1*.

- a. Building height in the Downtown Core District is limited to four (4) stories, with a maximum height of sixty (60) feet. A building's crown cannot exceed the sixty (60) foot building height limitation.
2. North and South Districts: The North District is defined as the area depicted on *Figure 2*. The South District is defined as the area depicted on *Figure 3*.
  - a. Building height in the North or South Districts is limited to six (6) stories, with no maximum height limitation.

C. A landowner may request one (1) additional floor (with the corresponding increase in building height) in the Downtown Core District or two (2) additional floors in the North and South Districts through the Board. The Board, at its discretion, may grant an additional floor request after considering the following criteria:

1. Whether the project developer has committed to restore or fund the restoration of a Landmarked structure (as defined in 15.30.060),
2. The project will incorporate a Landmarked structure into its design.
3. The impacts of the increased building height on adjacent properties are taken into consideration.

#### **17.51.080      Design standards.**

A. Prior to the issuance of a structural building permit within the DOD, all projects must be reviewed by the Board for compliance with the standards set forth in this Section 17.51.080.

B. All project design should be based on the Castle Rock Design (see Resolution No. 2003-64) and the Downtown Master Plan (see Resolution No. 2008-38)

1. Window or Transparency: The main front elevation shall provide at least thirty-five percent (35%) window or transparency at the pedestrian level. Side elevations that face a public roadway shall provide at least thirty percent (30%) window or transparency at the pedestrian level. The window or transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five percent (35%) transparency in length.) The height of the glass or plexiglass must be a minimum height of five (5) feet.

2. Rooftop Equipment: All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.

3. Service Station: All service stations will be required to develop the site following a backwards service station design. This will require the convenience store to be located along the sidewalk/public roadway with pedestrian connectivity. The gas pump

facilities shall be located on the side or rear of the project.

4. Outdoor Storage, Repair, Rental and Servicing Areas Shall Be:

a. Set back fifteen (15) feet from the front lot line;

b. Screened by an opaque wall or fence with a height of ten (10) feet. An opaque wall or fence must completely screen the property beyond the fence and can include stockade fences or walls. Chain link fences with slats, cloth or other similar measures are not considered to be opaque fences. An opaque berm and/or landscaping that provide the equivalent screening as a required opaque fence may be used.

5. Landscaping: All development(s) shall adhere to the following landscaping requirements with a focus on the pedestrian space and sidewalk areas. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. One large canopy tree will be required for every twenty-two (22) linear feet (on center) or one small canopy tree will be required for every fifteen (15) linear feet (on center) of property fronting along a public roadway. Seventy-five (75%) percent of the tree plantings must be large canopy trees. The landscaping plan is subject to approval by the Utilities and Public Works Departments. Routine tree maintenance such as trimming, thinning, watering and, if necessary, tree replacement may be needed to ensure the quality of the streetscape. The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required. All shrubs plants must be a minimum size of five (5) gallon at planting and all flowering perennial plants must be a minimum of one (1) gallon at planting. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

a. Shrubs: 5 per required tree

b. Perennial Plants: 7 per required tree

c. Trees: 1 per required tree

6. Parking Requirements:

a. No parking space requirements.

b. Parking lots located along public roadways will be required to provide a landscaping buffer that is four (4) feet or greater in width, between the parking area and the public sidewalk.

c. No on site parking is allowed in front of any structure. All parking must be on the side or rear of a structure.

7. Sidewalk Requirements: All sidewalks must be designed and built to meet the

Town of Castle Rock's sidewalk construction and design regulations with a minimum width of eight (8) feet.

a. All buildings will be required to have a minimum of one (1) sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure.

**17.51.090 Design Review Board.**

A. The Board shall consist of seven members appointed by the Town Council, one (1) member from the Planning Commission, two (2) members from the Downtown Development Authority Board, two (2) members from the Historic Preservation Board; and two (2) from owners of property within the Downtown Development Authority boundary that are not members of the aforementioned boards and commission. If at any time a Board member loses his or her qualification for appointment, such Board member shall concurrently lose his or her seat on the Board.

B. The members of the Board shall serve without compensation. Board terms of office are three (3) years with staggered terms. Appointments made in 2010 to fill the terms to expire in 2013 shall begin on September 1, 2010, and shall end August 31, 2013. Terms scheduled to expire in 2012 shall end July 31, 2012. Thereafter, all terms shall run from September 1 through August 31 of the third year. Members of the Board shall serve at the pleasure of the Town Council, and may be removed with or without cause by a majority vote of the Town Council.

C. Prior to filling a vacancy for the property owner position(s) on the Board, public notice shall be given regarding the selection process in the same manner as other Town boards and commissions. Representatives from the Planning Commission, Downtown Development Authority and the Historic Preservation Board shall be residents of the Town of Castle Rock. The Planning Commission, Downtown Development Authority and Historic Preservation Board shall recommend to the Town Council their respective candidate(s) for Board appointments, however, appointments to the Board will be at the discretion of Town Council.

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

E. The members of the Board shall select a chairperson. The Board shall adopt such rules and regulations necessary to carry into effect the provisions of this Title. Meetings shall be held at such times as may be necessary and shall be open to the public and held in compliance with the Colorado Open Meetings Act, as amended. The Board shall keep minutes of its proceedings.

Board members shall be subject to the same code of conduct and ethics as other Town boards and commissions.

**17.51.100 Powers and duties of the Design Review Board.**

The Board shall have the following powers and duties, all of which shall be exercised consistent with the purpose and intent of this Chapter:

A. Review all development applications that require a site plan under Chapter 17.61 for compliance with this Chapter 17.51, including but not limited to setbacks (17.51.060), building height and crown (17.51.070), design standards (17.51.080), and variance requests.

B. Upon a written finding that by reason of exceptional shape or topography of a lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Chapter 17.51, or in effort to achieve the overall vision and goals of the Downtown Master Plan and/or the Historic Preservation Plan, the Board may grant a variance for the following:

1. Minimum width of lot;
2. Minimum front yard;
3. Minimum side yard;
4. Minimum rear yard;
5. Minimum landscape requirements;
6. Design standards in Section 17.51.080;
7. Maximum front yard; and
8. Maximum fence height.

C. The process for consideration of a variance is prescribed in Section 17.51.110, subject to the following requirements:

1. Before any variance is granted or denied, the Board shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardship involved and why there is or is not any adverse effect on public health, safety and welfare.

2. Unless otherwise stated in the Board resolution, the applicant shall have six (6) months to apply for a building permit in accordance with the approved variance, and all new construction shall be completed within two (2) year from the date such building permit is issued.

3. If the Board, or the Town Council on appeal, determines that a variance should be approved or approved with conditions, it shall grant only such relief as is necessary to carry out the intent of this Chapter, and may grant a different form of variance than that requested by the applicant.

#### **17.51.110 Procedure for Board review.**

A. Town administrative staff shall develop the appropriate forms, submittal and review fees and other administrative protocols for Board review and action under Section 17.51.100.

B. The Board shall hold a public hearing on all applications submitted under this Chapter. The public notice for such hearing shall be governed by Chapter 17.84 of the Code.

C. The Board shall approve, approve with conditions, or deny an application.

D. Any applicant may appeal the decision of the Board to the Town Council. Requests to appeal the decision of the Board must be filed with the Department of Development Services within thirty (30) days of the date that the Board adopts written findings, or if none, the date of final Board action. The Town Council shall hear the appeal request at a public hearing noticed in accordance with the requirements of Chapter 17.84, and shall uphold, reverse or modify the decision of the Board, after a review of evidence presented by the applicant and any other interested party at a public hearing.

#### **17.51.120 Demolition requirement, process and removal of landmarking status.**

Any application for a demolition permit within the DOD shall comply with the provisions and criteria set forth in Section 15.30.090 of the Code.

#### **17.51.130 Violation and penalties.**

A. No person shall violate any of the provisions of the ordinances of the Town, including the provisions of this Chapter. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town or this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

**Section 4. 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 5. 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 6<sup>th</sup> day of July, 2010 by a vote of 6 for and 1 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 27<sup>th</sup> day of July, 2010, by the Town Council of the Town of Castle Rock by a vote of 5 for and 1 against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Sally A. Misare, Town Clerk

Ryan Reilly, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services

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## Appendix 1

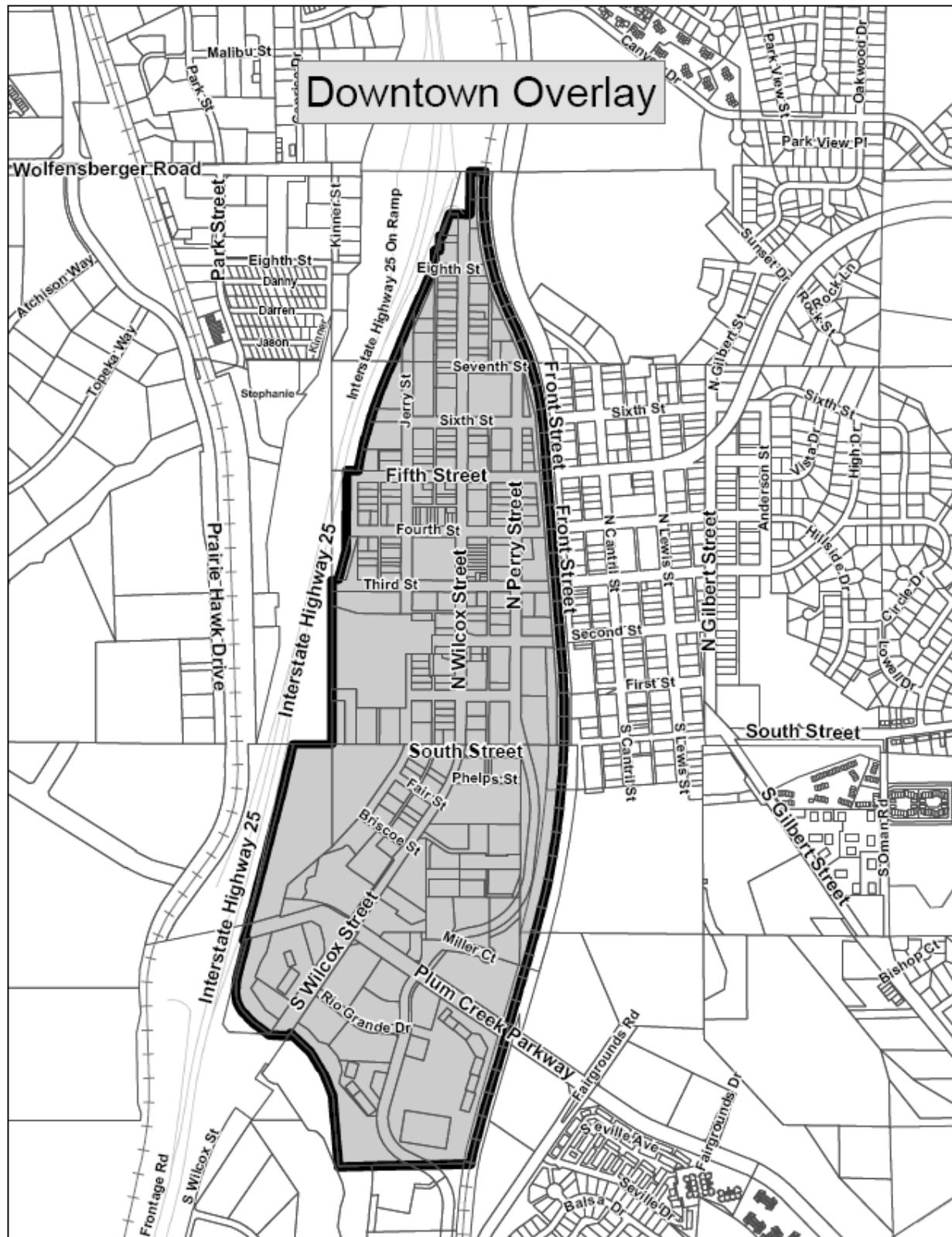


Figure 1

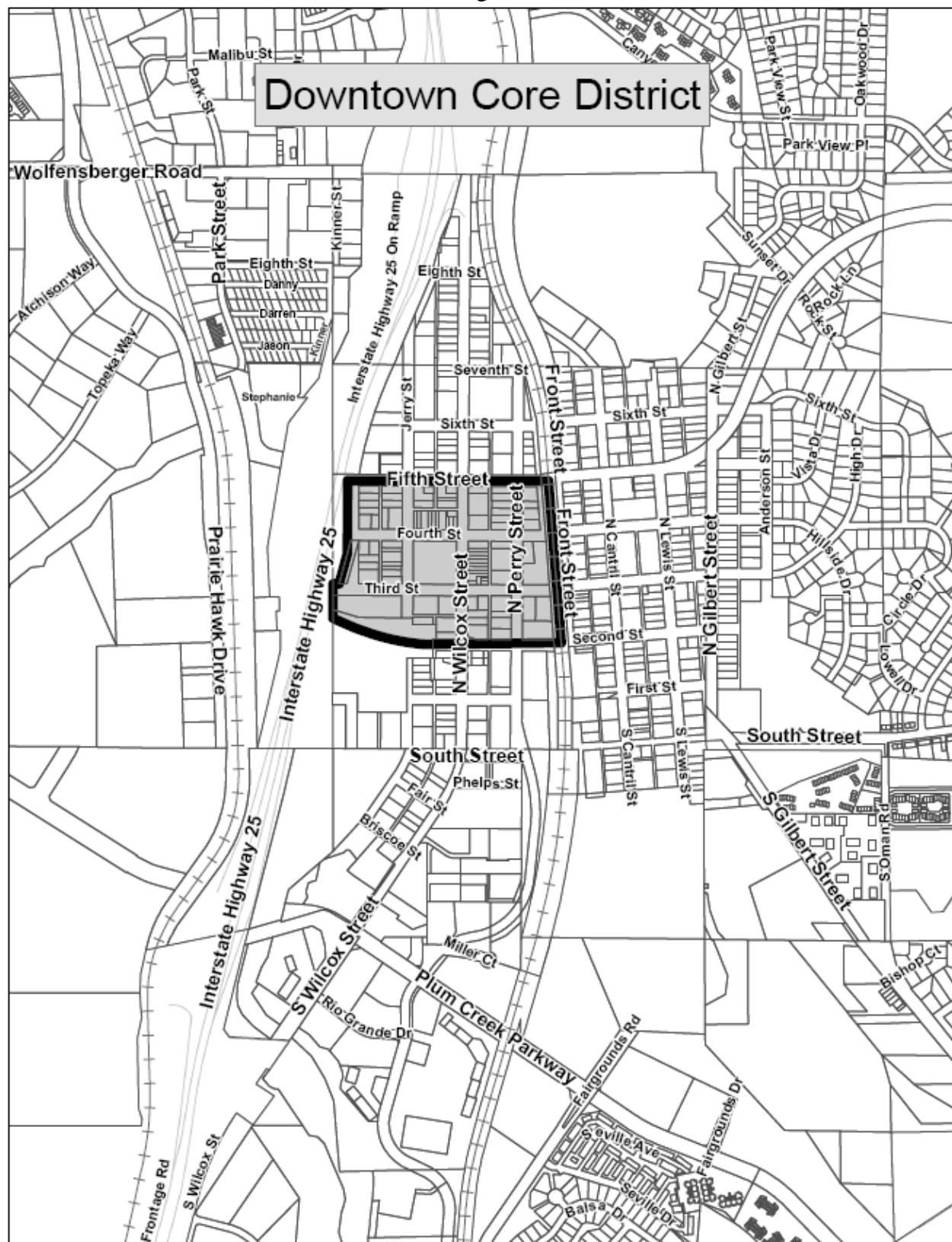


Figure 2

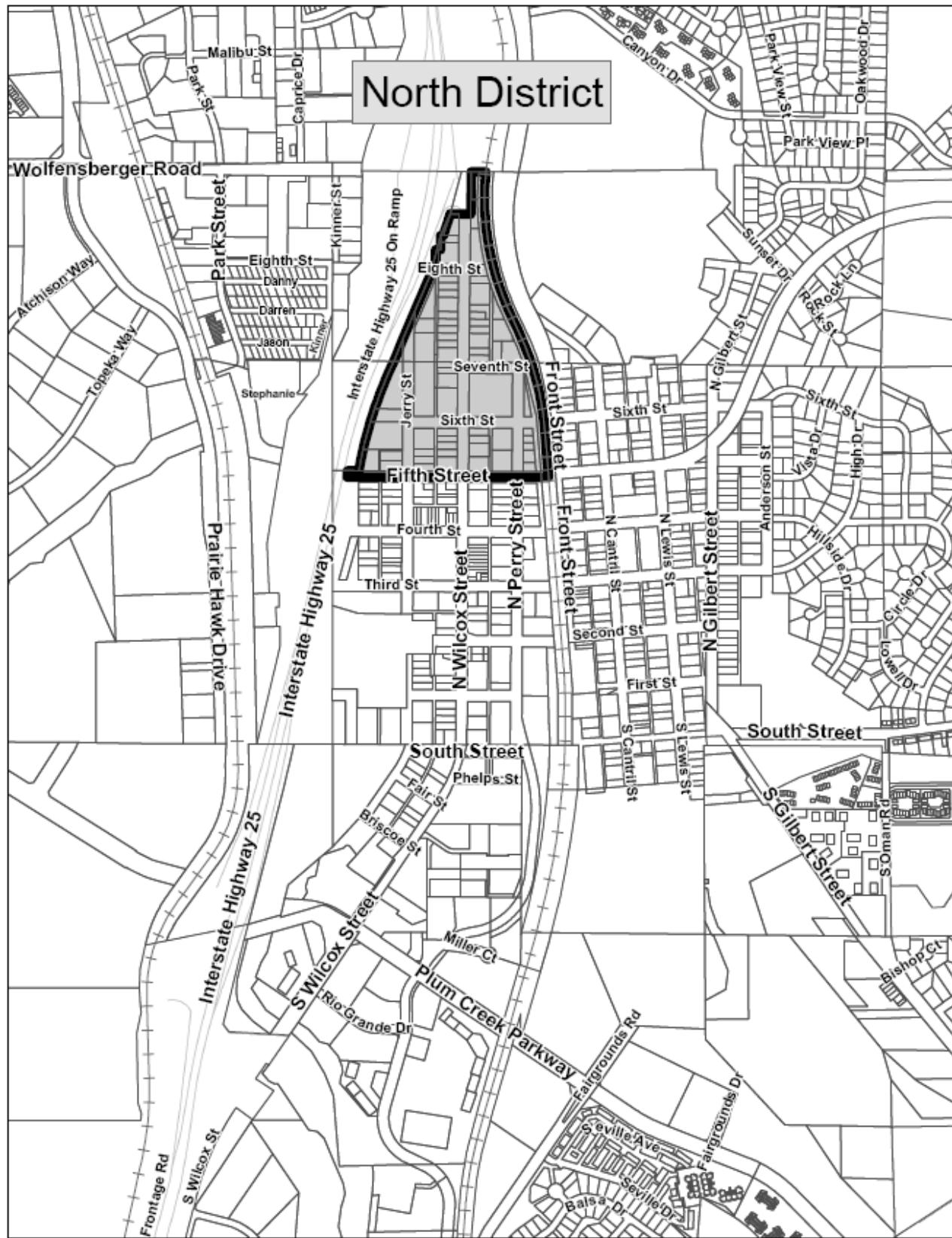


Figure 3

