

ORDINANCE NO. 2010-

AN ORDINANCE AMENDING SECTION 17.12.010 OF THE CASTLE ROCK MUNICIPAL CODE TO INCLUDE THE WOLFENSBERGER NORTH ZONING OVERLAY DISTRICT AND ADOPTING A NEW CHAPTER 17.50 GOVERNING THE WOLFENSBERGER NORTH ZONING 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 – 5.3: Encourage the location of commercial and industrial uses where adequate transportation facilities exist, or are planned, to accommodate the activities expected on the site. The lowest intensity uses may be considered along collector streets, moderate intensity uses along collectors and arterials, and the highest intensity uses along arterials and areas easily accessible by the I-25 corridor.

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.

LU-8.12 Residences should be integrated into or be located adjacent to Interchange District developments in a manner that promotes pedestrian interconnectivity and promotes alternative means of commuting. In particular, residences to accommodate populations dependent on transit, including affordable housing and housing for seniors, are encouraged.

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. Amendment. Section 17.12.010 of the Castle Rock Municipal Code is amended to add a new subparagraph M, Wolfensberger North Zoning 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;
- B. R-1A Single-family residence district attached;
- C. R-2 Single-family and duplex residence district;
- D. R-3 Multifamily residence district;
- E. POS Parks, recreation and open space district;
- F. MH Mobile home district;
- G. B-1 Highway oriented commercial district;
- H. B-2 Downtown business district;
- I. I-1 Light industrial district;
- J. I-2 General industrial district;
- K. PD Planned development district;
- L. Skyline/Ridgeline protection district, as provided in Chapter 17.14;
- M. WNZOD Wolfensberger North Zoning Overlay district.

Section 2. Amendment. Title 17 of the Castle Rock Municipal Code is amended to include a new Chapter 17.50 Wolfensberger North Zoning Overlay District, to read as follows

Chapter 17.50 Wolfensberger North Zoning Overlay District

- 17.50.010 Purpose and intent**
- 17.50.020 Interface regulations inapplicable**
- 17.50.030 Relationship to underlying zoning district/sign code**
- 17.50.040 Permitted uses**
- 17.50.050 Uses by special review**
- 17.50.060 Development standards**
- 17.50.070 Design standards**
- 17.50.080 Fence, opaque**

17.50.010 Purpose and intent

The purpose of the Wolfensberger North Zoning Overlay District (WNZOD), is to establish architectural, landscaping, design, building, uses and site development regulations that encourage compatible land uses, ensure higher quality development and function in order to protect property

values, provide safe and efficient access for the pedestrian and automobile, and protect real estate from impairment or destruction of value. These architectural, landscaping, design, building, uses 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. This Chapter 17.50 applies to all new development and/or improvements in the WNZOD, and that have not been submitted for review before the effective date of the adoption of this Chapter.

17.50.020 Interface regulations inapplicable.

The WNZOD is intended to encourage mixed residential and commercial development and pursuant to 17.59.070.C of this Title 17, the Residential/Non-residential Interface Regulations do not apply with the WNZOD.

17.50.030 Relationship to underlying zoning district/sign code.

A. In the event of a conflict between the entitlements, regulations or standard established in this Chapter 17.50 and the equivalent provisions in the underlying zoning districts, the provisions of this Chapter 17.50 shall govern. Except in the event such preemption by this Chapter 17.50, the underlying zoning district provisions and all other provision of the Castle Rock Municipal Code shall be applicable and enforced within the WNZOD.

B. For the purpose of applying the Sign Code regulations under Title 19 of the Castle Rock Municipal Code in the WNZOD, the underlying zoning district designation shall be utilized when the WNZOD to differentiate between residential and business area regulations.

17.50.040 Permitted uses.

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

A. Light manufacturing, light industrial/flex space, wholesale sales, indoor/outdoor storage, and similar uses, provided that such uses shall comply with the I-1 Light Industrial regulations.

B. Offices, office/warehouse, medical offices/facilities, laboratories (except those which involve any hazardous process or emit noxious noise or dust), and similar uses.

C. Retail businesses and service commercial, including personal service businesses, contractor offices, office/showrooms and similar uses.

D. Banks and financial institutions.

E. Public facilities.

G. Repair, rental and servicing. The repair, rental and servicing of any commodity, including vehicles, provided that wrecked, junked or abandoned motor vehicles shall not be stored on the property. All of these operations must be fully screened from view from adjacent properties by an approved treatment, which may include landscaping, decorative walls and/or fencing.

H. Kennels and animal hospitals.

I. Schools, including trade schools or occupational training.

J. Child care centers.

K. Churches, synagogues and other religious institutions.

L. Restaurants and other places serving food and beverages.

M. Bakery.

N. Personal services shops.

O. Hotels, bed and breakfasts.

P. Catering facilities.

Q. Fine arts gallery and/or fine arts studios.

R. Pharmacy.

S. Micro-brewery, distillery, winery.

T. Amusement enterprises, including dance halls, night clubs, bowling alleys, skating rinks, indoor shooting ranges and other similar indoor facilities.

U. Indoor/outdoor recreational facility.

V. Multi-family residential – The development must encompass a minimum of five (5) contiguous acres with a maximum mix of multi-family residential equaling thirty-five (35) percent of the gross square footage of the development.

1. Dwelling unit – All residential units are for living/sleeping purposes to be occupied by a single family containing an individual kitchen, bathroom with a minimum size of seven hundred (700) square feet.

17.50.050 Uses by special review.

A. The following uses are permitted by special review in the WNZOD in addition to the uses permitted by special review in the underlying zoning districts. Uses permitted by special review in the WNZOD are as follows:

1. Mini storage garages, including dwelling unit for a resident manager/caretaker.

B. The provisions of Chapter 17.72 shall govern uses by special review in the WNZOD.

17.50.060 Development standards.

The following development standards shall apply:

A. Maximum lot coverage: one hundred percent (100%) of lot area;

B. Minimum side yard: zero (0) feet;

C. Minimum front yard: fifteen (15) feet;

D. Minimum rear yard: ten (10) feet;

E. Maximum height of buildings: determined by the properties underlining zoning;

F. Maximum height of buildings by use permitted by special review: seventy (70) feet for residential, office or hotel development(s);

G. Maximum fence height: ten (10) feet provided that the fence is outside the front yard setback.

17.50.070 Design standards.

A. Architectural Threshold Requirements: All primary structures must have its total exterior façade covered with at least one of the materials listed in this section 17.50.070:

1. Building Materials: Exterior facades shall be built with one or more of the following materials: brick, wood, stone, tile, stucco, decorative block (with common gray block not acceptable), galvanized or metal sheeting (not to exceed twenty (25) percent of a structures elevation facing a public roadway), tilt-up concrete panels (prefab concrete panels), and/or transparent materials such as glass or plexiglass. (This will not apply to awnings or overhangs.) Smooth faced concrete block will only be permitted on the service side of a building that does not face a public roadway and must be painted to match the

prominent color of the total building.

2. Window or Transparency: The main front elevation shall provide at least twenty-five (25) percent window or transparency at the pedestrian level. Side elevations that face a public roadway shall provide at least twenty (20) percent 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 twenty-five (25) percent transparency in length.) The height of the glass or plexiglass must be a minimum height of five (5) feet.

3. Exterior Wall Elevations: There shall be no uninterrupted lengths of blank wall longer than sixty (60) feet. Walls shall be differentiated with recesses, off sets, building height, variations in rooflines, windows, awnings, and materials or other architectural elements. This does not apply to the service side of the building.

4. 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.

5. Service Station Canopies and Columns: Canopies, such as those associated with convenience stores with gasoline sales, must have the same predominate color as the main building. Columns must be clad in the primary building material of the main building or from another material listed in Section 17.50.050.

6. 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 fence or berm;

c. Screened from the front lot line by coniferous trees, with a minimum of one tree per 20 feet of lot frontage (This screens may only be calculated for up to 20% of the overall landscaping requirement for the development.)

7. Landscaping: All development(s) shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. For every two thousand (2,000) square feet of property one (1) tree will be required.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required. All bush plants must be a minimum of five (5) gallon at planting and all flowering perennial plants and other plantings 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. Bushes: 3 per required tree
- b. Flowering Plants: 6 per required tree
- c. Trees: 1 per required tree

8. Buffers: A five (5) foot landscaping buffer with a fifty (50) percent opacity at planting will be required for all properties adjacent to Interstate 25. (This buffer requirement may only be calculated for up to 20% of the overall landscaping requirement for the development.)

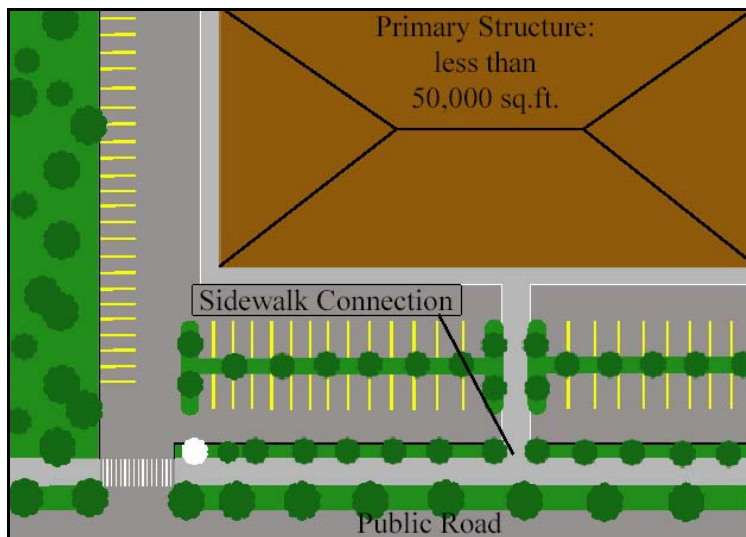
9. Parking Requirements:

- a. One (1) parking space will be required per residential unit.
- b. All projects may reduce their standard parking requirement under the Town of Castle Rock's parking calculations by twenty (20) percent.
- c. If a structure or development can demonstrate and receive a U.S. Green Build Council LEED (Leadership in Energy and Environmental Design) Certification or greater designation, the project can reduce its parking requirements by another fifty (50) percent.

10. 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 five (5) feet.

- a. Total Building Square Footage for a development less than fifty thousand (50,000) square feet: All non-residential construction that totals less than fifty thousand (50,000) square feet per development 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. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. There shall be a minimum five (5) foot landscaping strip between the sidewalk and roadway. – See Figure 1

Figure 1 Graphic for Section 17.50.070



b. Total Building Square Footage for a development greater than fifty thousand (50,000) square feet: All non-residential construction that totals more than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from all sidewalk(s) located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If only one public roadway is located adjacent to the development a minimum of two (2) sidewalk connections shall be required to the entrance of the primary structure. If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. There shall be a minimum five (5) foot landscaping strip between the sidewalk and roadway. – See Figure 2a and 2b.

Figure 2a Graphic for Section 17.50.070

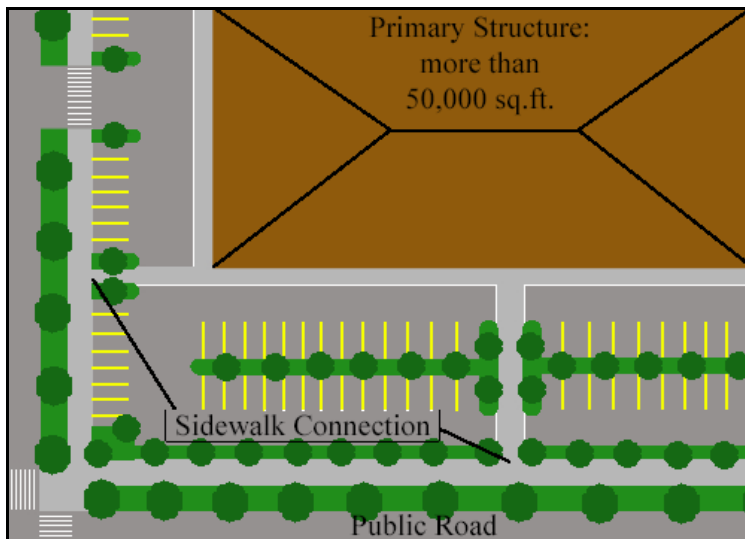
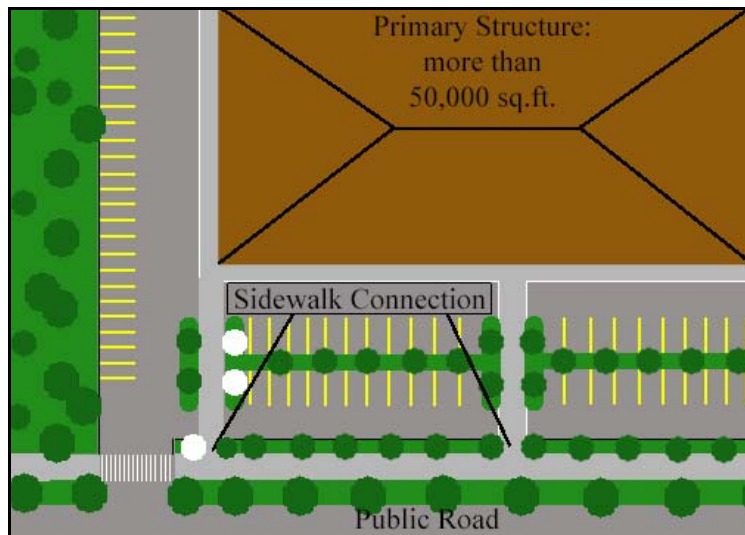


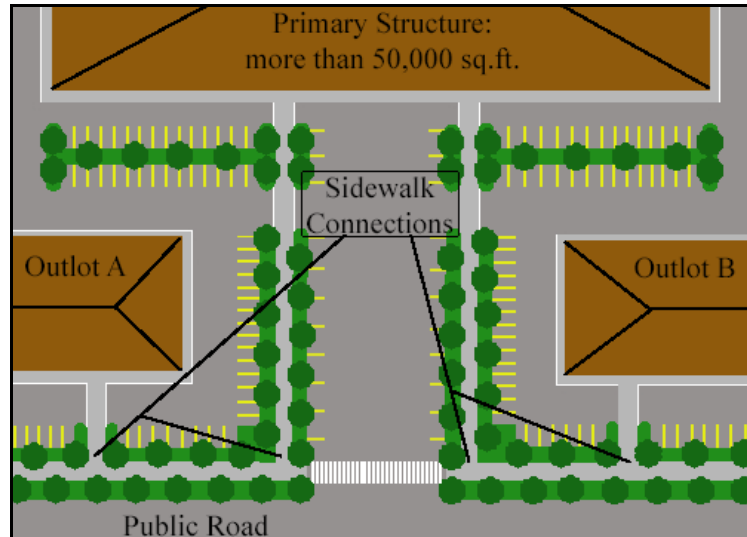
Figure 2b Graphic for Section 17.50.070



c. Out Parcels and Separate Buildings for Developments: All out parcels and separate primary buildings will be required to have a least one (1) sidewalk connection from its primary entrance to a sidewalk located along a public roadway. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public

roadways within the existing or proposed public right-of-way. There shall be a minimum five (5) foot landscaping strip between the sidewalk and roadway. – See Figure 3

Figure 3 Graphic for Section 17.50.070



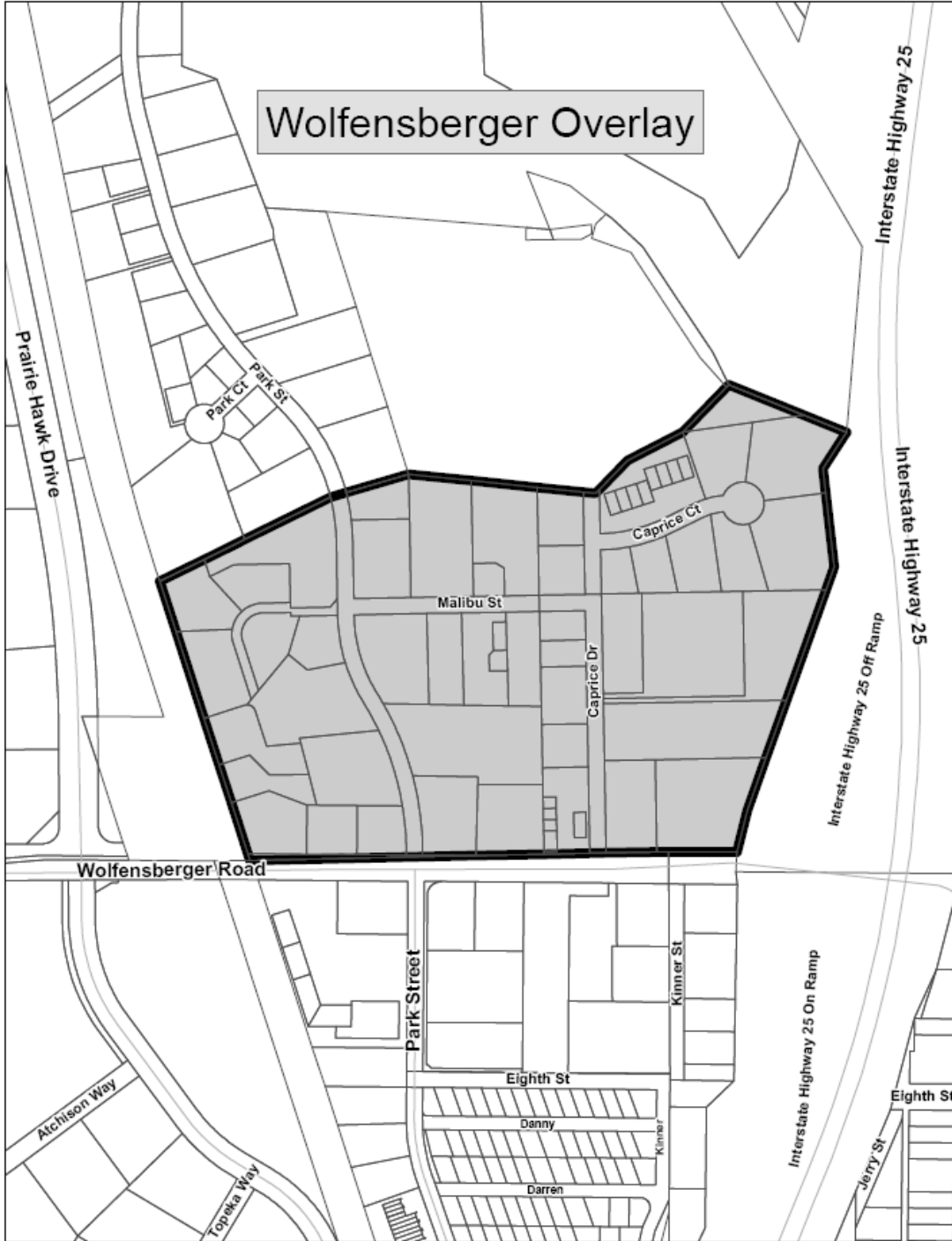
17.50.080 Fence, Opaque

An *opaque fence* completely screens the property beyond the fence and can include stockade fences, or walls. Chain link fences with slats are not considered to be opaque fences. An opaque berm and/or landscaping that provide the equivalent screening as a required opaque fence may also be used.

17.50.090 Wolfensberger North Zoning Overlay District Boundary

A. The Wolfensberger North Zoning Overlay District is defined as that area depicted on the map as shown in Figure 4.

Figure 4 Graphic for Section 17.50.090



Section 2. **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 3. 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 ____ day of _____, 2010 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 _____, 2010, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Randy A. Reed, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services