

PLAT IDENTIFICATION SHEET

RECEPTION #: 01036018

DATE: 4-26-01

TIME 14:25

FEE: \$ 20⁰⁰ (2P)

GRANTOR: Main Place Land Co.
(OWNER/SIGNER)

GRANTEE: Main Place
(SUBDIVISION NAME OR NAME OF PLAT)

LEGAL: 26, 7, 67
(SECTION-TOWNSHIP-RANGE)

NEW SUBDIVISION ABBREV: Mainplace

POTABLE WATER

SUPPLY – The water supply for Main Place will originate from the Town of Castle Rock's downtown water treatment plant. An existing 12" water main in Founders Parkway feeds an existing 12" main in Allen way. The proposed 12" water main will tie to the existing 12" water stubout at the intersection of Allen Way and Allen Street.

Main Place is located in two of the Town's pressure zones. The majority of the site is in the yellow zone. A small section in the southeast corner of the site is in the blue zone. The site ranges in elevation from 6198 at the low end to 6260 at the high end.

DISTRIBUTION – Water mains will be sized to convey the design demands to all points in the system without violating to Town's criteria for velocity and pressure at any point in the system. All water lines will be looped and a Cybernet model will be used to determine if the Town's criteria is met.

DEMAND – Main Place is a commercial development and, based on a demand of 1200 gpd/acre with a needed fire flow of 3500 gpm, the total demand will be 3507.10 gpm.

SANITARY SEWER

All sanitary sewer will be designed to conform with the Town of Castle Rock Standards. The demand for this commercial site will be based on 600 gpd/acre for a total demand of 3.55 gpm. Using 8" sanitary sewer should be sufficient to handle this demand.

For Planning Area A and Planning Area B, the proposed 8" sanitary sewers will tie into the proposed 8" sanitary sewer in Allen Street. The proposed 8" sanitary sewer in Allen Street will tie into the existing 8" sanitary sewer stubout at the intersection of Allen Way and Allen Street.

For Planning Area A and Planning Area B, the proposed 8" sanitary sewers will tie into the proposed 8" sanitary sewer in Allen Street. The proposed 8" sanitary sewer in Allen Street will tie into the

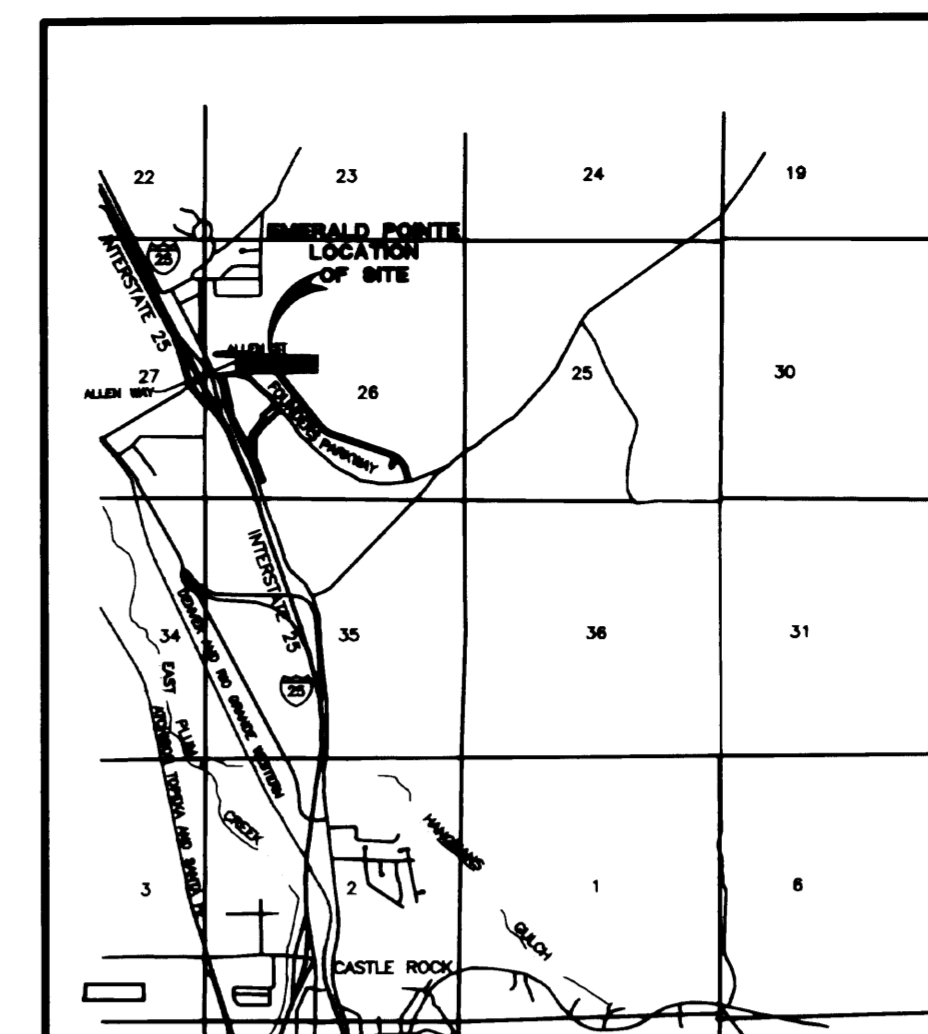
NOTES

All pipe sizes for the water and sanitary sewer are preliminary and actual sizes may change based upon engineering utility reports.

Utility issues will be finalized at the Preliminary Plat stage with the Final Utility Report.

MAIN PLACE

A PART OF THE NORTHWEST ONE-QUARTER OF SECTION 26 TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO PRELIMINARY PD SITE PLAN OVERALL UTILITY PLAN



VICINITY MAP



**UNCC
CALL BEFORE
YOU DIG**

1-800-922-1987

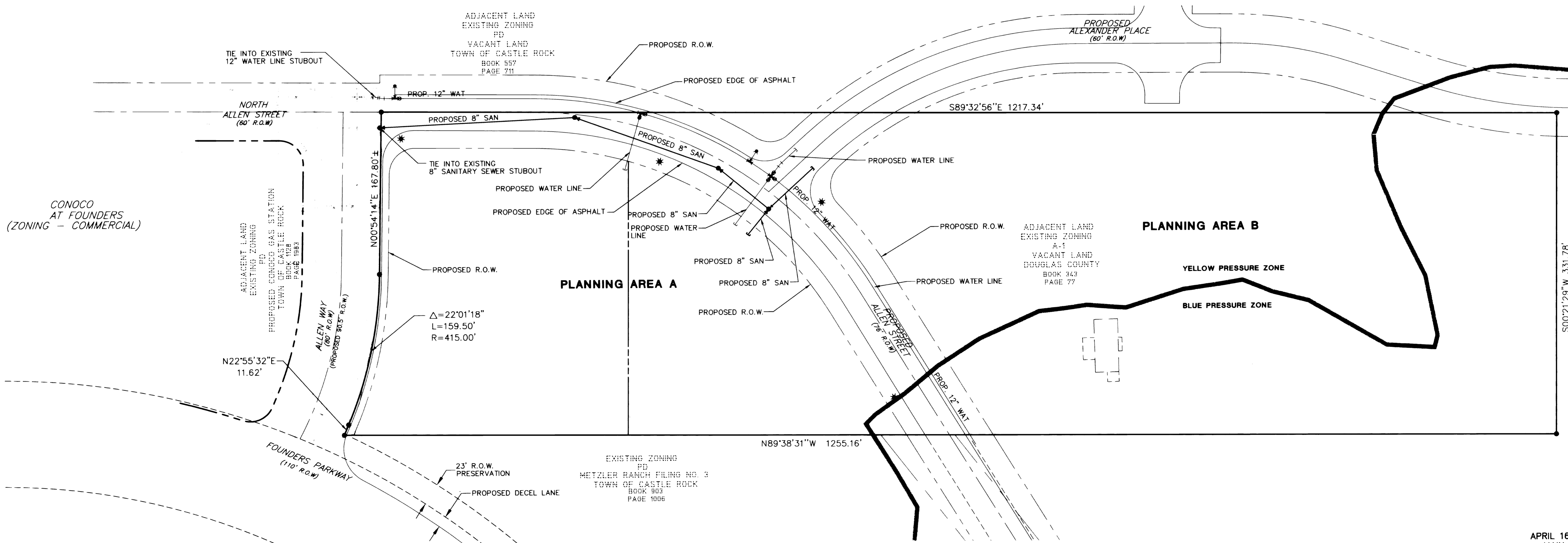
Utility Notification
Center of Colorado
Administrative Office 303-232-1991
12600 W. Colfax Ave., Suite 8-310
Lakewood, Co 80215

CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

ROCKY MOUNTAIN CONSULTANTS ASSUMES NO
RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS
(HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES
SHOWN ON THIS DRAWING HAVE BEEN PLOTTED
FROM THE BEST AVAILABLE INFORMATION. IT
IS, HOWEVER, THE RESPONSIBILITY OF THE
CONTRACTOR TO FIELD VERIFY THE LOCATION
OF ALL UTILITIES PRIOR TO THE COMMENCEMENT
OF ANY CONSTRUCTION ACTIVITIES.

LEGEND

- PROPOSED LIGHT POLE
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PROPOSED SANITARY w/ MANHOLE
- EXISTING SANITARY w/ MANHOLE
- PROPOSED WATER w/ VALVE
- EXISTING WATER w/ VALVE
- PRESSURE ZONE BOUNDARY
- EXISTING RIGHT OF WAY



DATE 04/16/01, TIME 11:08, FILE J:\Nickless\3290_001\CD\s\Prelim_OUP.dwg

ORDINANCE NO. 2001-07

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE MAIN PLACE PRELIMINARY P.D. SITE PLAN; THE MAIN PLACE PD ZONING REGULATIONS; APPROVING THE MAIN PLACE PD DEVELOPMENT AGREEMENT; VESTING A SITE SPECIFIC DEVELOPMENT PLAN AND PROVIDING FOR ITS EMERGENCY ADOPTION

WHEREAS, Main Place Land Company, LLC ("Owner") has requested PD Planned Development zoning of the parcel described in *Exhibit 1* (the "Property"); and

WHEREAS, Owner has requested approval of the Main Place PD Zoning Regulations as described in the attached *Exhibit 2* as the same affect the Property (the "Zoning Regulations"); and

WHEREAS, Owner has requested approval of "The Main Place Preliminary P.D. Site Plan" (the "Site Plan"); and

WHEREAS, public hearings on the Zoning Regulations and Site Plan have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code;

WHEREAS, Owner and Town have agreed to the terms of the Main Place Development Agreement;

WHEREAS, the Town Council finds that the Site Plan shall be vested as a site specific development plan for a period of seven years under Chapter 15.24 of the Castle Rock Municipal Code and 24-68-101, et seq., C.R.S; and

WHEREAS, it has been determined that an emergency ordinance is necessary to ensure efficient processing of proposed developments in the area and future submittals on the Main Place property.

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

Section 1. Approval. The Zoning Regulations and Site Plan are approved for the Property.

Section 2. Development Agreement and Vesting. The Main Place Development Agreement is hereby approved, which vests the Site Plan as a site specific development plan for a period of five (5) years from the effective date of this ordinance. The notice of vesting of the Site Plan required under 15.24.100 of the Castle Rock Municipal Code shall be given within 14 days of the date of approval of this ordinance.

Section 3. 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 4. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public health and safety for this Ordinance to take effect upon its adoption.

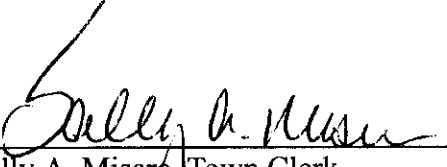
Section 5. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

SUBMITTED this 22nd day of February, 2001 and approved for publication and further reading by a vote of the Town Council of the Town of Castle Rock of 7 for and 0 against.

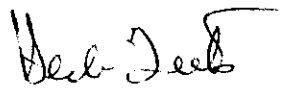
PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of March, 2001, by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 for and 0 against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

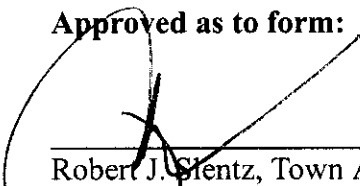


Sally A. Misare, Town Clerk



Herb Teets, Mayor

Approved as to form:



Robert J. Stentz, Town Attorney

(G:/users/agreer/steve/tcmemo2001/t10308mainord)

EXHIBIT 1

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 26, WHENCE THE EAST QUARTER CORNER OF SAID SECTION 26 BEARS SOUTH 89°38'31" EAST, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE SOUTH 89°38'31" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 255.12 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ALLEN STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. NORTH 22°55'32" EAST, A DISTANCE OF 11.52 FEET TO A POINT OF CURVE;
2. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 22°01'18", AN ARC DISTANCE OF 159.50 FEET, HAVING A RADIUS OF 415.00 FEET AND A CHORD BEARING NORTH 11°54'53" EAST, A DISTANCE OF 158.53 FEET TO A POINT OF TANGENT;
3. THENCE ALONG SAID TANGENT, NORTH 00°54'14" EAST, A DISTANCE OF 167.80 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF, OF THE SOUTH HALF, OF THE SOUTH HALF OF SAID SECTION 26;

THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF, OF THE SOUTH HALF, OF THE SOUTH HALF, OF THE NORTH HALF OF SECTION 26, SOUTH 89°32'56" EAST, A DISTANCE OF 1217.34 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 251 AT PAGE 247 OF THE DOUGLAS COUNTY RECORDS; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL SOUTH 00°21'29" WEST, A DISTANCE OF 331.78 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, SAID POINT LYING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 89°38'31" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1255.16 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 407,563 SQUARE FEET, OR 9.356 ACRES, MORE OR LESS.

ORDINANCE NO. _____.

AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF
THE TOWN OF CASTLE ROCK, COLORADO

FOR

MAIN PLACE PLANNED DEVELOPMENT (PD)

**SECTION I
GENERAL PROVISIONS**

- 1.1 These Zoning Regulation constitute an amendment to the Town of Castle Rock Zoning Ordinance, and the Zoning District Map of the Town of Castle Rock, and establish permitted densities, uses and development standards for the Land.
- 1.2 When these regulation do not address a particular subject, the relevant provisions of the Town of Castle Rock Zoning Ordinance, as amended, shall apply. Relevant Section include, but are not limited to, PD Planned Development District, Definitions, Landscaping Requirements, Off-street Parking, and General Site Development and Use Standards.
- 1.3 The land has been divided into Use Areas on the Main Place Preliminary PD Site Plan, approved contemporaneously herewith, incorporated by reference into these Zoning Regulations.

The aggregate number of acres within each Use Area shall be as indicated under each type designation on the Plan.
- 1.4 The Phasing order indicated upon the Preliminary PD Site Plan is advisory in nature and is not to be construed as obligatory upon Developer.

SECTION II DEFINITIONS

2.1 Architectural Review Committee (ARC)

That group of Owners and designated professionals that are designated in accordance with the Conditions Covenants and Restrictions (CC&R's) to review and approve any and all building and/or modifications to same in the Main Place PD, prior to construction.

2.2 Building

Any built structure having a floor, walls and fully enclosed roof.

2.3 Building Envelope

That area(s) delineated on the PD Site Plan and located within the Integrated Business (IB) Use Area that defines the ground area within which a Building must be contained in its entirety.

2.4 Building Ground Coverage

That portion of the ground on any building site which is covered by structures having a floor, walls and fully enclosed roof.

Building ground coverage shall not include unenclosed patios, decks or patio decks, tennis courts, surface parking areas, roadways, bike paths, or pedestrian ways or such other uses not meeting the above definition.

2.5 Building Height

The vertical distance from the average finished grade (not including berming or grading for the purpose of permitting a higher building) surrounding a structure to the uppermost point of the roof structure. Chimneys, ventilators, skylights, solar collectors, air conditioning and heating units, antennas, architectural projections and necessary mechanical appurtenances usually constructed above roof level are not to be considered in determining building height.

2.6 Building Setback

The horizontal distance between a building or structure and a platted lot line. This distance does not include the projections of eaves, overhangs, fireplaces, patios, decks, fire escapes, mechanical units or similar architectural appurtenances except that no projection shall extend beyond the platted lot line.

2.7 Common Area

All land within the Integrated Business use area as designated on the PD site plan, which is not within a Building Envelope, Drive-Through Area, and/or is not within an area exclusively appropriated for the use of any single Occupant or limited number of Occupants (including, building perimeter pedestrian passageways and associated site and landscape improvements or designated employee parking areas).

2.8 Developer

Main Place Land Company, LLC or its successors or assigns as Developer.

2.9 Drive-Through Area

All areas within the Main Place PD designed or used to provide services or merchandise for delivery to consumers or users in vehicles including stacking areas, order areas, pick-up areas, and curb cuts or driveways use only for such uses.

2.10 Floor Area Ratio

Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

2.11 Occupant

Any and each owner, lessee and/or Person that from time to time is entitled to the use and occupy any portion of the Integrated Business area under any lease, sublease, license or concession agreement or other instrument or arrangement.

2.12 Owner

The record holder of fee title to all or any portion of the Main Place PD site, their respective heirs, personal representatives, assigns and successors in interest.

2.13 Permittees

All Occupants and all customers, employees, agents, contractors, vendors, suppliers, visitors, and other business invitees of Owners and Occupants insofar as their activities relate to the intended use or construction of the Main Place PD.

2.14 Site

Shall refer the Main Place PD as described by the PD Site Plan and its associated documents which have been approved by the Town of Castle Rock of the County of

Douglas, Colorado a copy of which is attached as Exhibit B, and incorporated herein by reference.

2.15 Site Plan or PD Site Plan

The plan for development on the Main Place PD and which has been approved by the Town of Castle Rock of the County of Douglas, a copy of which is attached as Exhibit B, and incorporated herein by reference.

**SECTION III
USE AREAS**

3.1 General Use Areas

A. The land shall be divided into general use areas as indicated on the Preliminary PD Site Plan. Said general use areas shall consist of Integrated Business (IB) and public roads (ROW). The aggregate number of acres within each type of use area and the proposed maximum floor area ratio (FAR) to be constructed in the business use area is indicated the Preliminary PD Site Plan. Development Standards for each of the use areas is established by this Ordinance. Allowed uses in each of the areas is set forth in this Section.

3.2 Integrated Business Use Area – IB – Planning Area A and Planning Area B

A. Intent:

The intent of this use area is to provide a conveniently accessible and aesthetically desirable environment in which to establish select businesses that serve the needs of the residents and visitors to the Town of Castle Rock.

B. Permitted Uses:

1. Automobile parking lots;
2. Automobile Service Station with or without convenience store;
3. Bakery; up to twenty percent (20%) wholesale;
4. Banks/financial institutions;
5. Car wash;
6. Catering services;
7. Clinics;
8. Clubs, lodges and service organizations;
9. Confectionery shop;
10. Fine arts gallery;
11. Government and public facilities;
12. Hotel/Motels;
13. Laundry, coin operated;
14. Medical/Health care clinics and offices (including animal hospitals or clinics);
15. Museum;

16. Office;
17. Parking areas;
18. Personal service shops, such as barber, beauty parlor;
19. Pharmacy, Drug Store (with 24 hour operation including drive-thru with 24 hour operation)
20. Post Office;
21. Printing/copy shops;
22. Private, Public schools;
23. Public and quasi-public buildings and structure, including: police stations, fire stations, public schools, libraries, emergency care facilities, public recreation and public utilities;
24. Restaurants, cafes and other places serving food and beverages (Eat in and a maximum of two drive-thru on the entire site. May be located within either Planning Areas; No fast food restaurants shall be open between the hours of mid-night and 5:00 AM)
25. Retail business stores, sales establishments and centers;
26. Studios, including television and radio broadcasting stations, but excluding antenna towers and microwave dishes;
27. Tailoring;
28. Transit facilities or other facilities designed to enhance the use of public transit; and
29. Upholstering;
30. Establishments requiring Retail Liquor Store Licenses are prohibited.

C. Use Restrictions:

1. No more than one (1) Automobile Service Station with or without Convenience Store and with or without a collocated Fast Food Restaurant shall be permitted.
2. Hotel/Motels shall only permitted in Planning Area B.
3. No more than one (1) Fast Food Restaurant shall be permitted in Planning Area A.
4. No more than one (1) Fast Food Restaurant shall be permitted in Planning Area B.

3.3 Accessory Uses shall be per the Town of Castle Rock Zoning Ordinance

3.4 Uses by Special Review:

1. Child Care Centers;
2. Church, synagogues, places of worship; and
3. Small animal clinic.

3.5 Right-of-Way - ROW

A. Permitted Uses:

1. Public roads and associated pedestrian and vehicular circulation improvements as permitted by the governing authorities

2. Above and below ground utilities, water, sewer and stormwater facilities
Landscape improvements

**SECTION IV
DEVELOPMENT STANDARDS**

4.1 Development Standards for designated Use Areas

The development standards for each of the use areas indicated on the Preliminary PD Site Plan are set forth below:

- | | | |
|----|----------------------------------|--------------------------|
| 1. | Maximum Floor Area Ratio: | |
| | Planning Area A: | .25 FAR |
| | Planning Area B: | .25 FAR |
| 2. | Building Setbacks: | |
| | South Property Line: | 15 feet |
| | From Allen Street: | 15 feet |
| | From Allen Way: | 15 feet |
| | Private Streets: | 0 feet |
| | East Property Line: | 20 feet |
| | Between Structures: | Per Building Code |
| 3. | Maximum Building Height: | 50 feet |
| 4. | Private Landscape Area: | 10% of lot per Town Code |
| 5. | Parking: | Per Town Code |
| 6. | Parking and Drive Aisle Setback: | 10 feet |

4.2. Architectural Design

- A. In order to ensure an architecturally compatible and unified development, the type and design of each building, now or in the future, shall be of first quality construction and architecturally designed so that its exterior elevation (including signs) and color will be structurally and aesthetically compatible and harmonious with all other buildings within the Main Place PD.
- B. Prior to construction of any Building, or modification of same, the Architectural Review Committee must first review and approve appearance and character of said building(s).

4.3 Common Area

- A. The Common Area is hereby reserved for the sole and exclusive use of the Owners, Occupants and their Permittees. The Common Area may be used for vehicular driving and parking areas, pedestrian traffic, directional

- signs, walkways, perimeter walls, retaining walls, fences, parking lot lighting, utilities, landscaping and for the other uses specified herein.
- B. Unless otherwise authorized in writing by the ARC, no Building or structures shall be placed or constructed on the Common Area except project entry, marketing and directional signs, paving, bumper guards, parking curbs, landscape planters, lighting fixtures, perimeter walls and fences, utility pads, sidewalks, retaining walls and to the extent that they do not impede access to the rear or sides of buildings, trash enclosures (with all trash being hidden from view from the parking areas).
 - C. The Common Area shall be constructed in accordance with the Development Agreement and the Final PD Site Plan and shall be kept and maintained as provided for in the CAMA (Common Area Maintenance Agreement).
 - D. The sizes and arrangements of the Common Area improvements, including without limitation, access and service drives, striping, traffic directional indicators, signs, concrete bumpers, parking lot lighting, perimeter wall and fences, retaining walls and landscaped areas together with the necessary planning may not be changed without the written approval of the Consenting Owners. No access lane or parking area on the Site shall be altered without the consent of the Owner(s).

4.4 Fencing Standards

- A. Perimeter fencing, constructed of masonry or wood or other acceptable materials, will be permitted and is in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan and must conform with the design guidelines established for Main Place. Said fences may be used for the purposes of providing project identification, earth retaining purposes, property delineation along ROW's and ownership lines, and visual screening of proposed development such as parking areas.
- B. Fences, walls or hedges shall be allowed within the building setbacks, on private land. A building permit is required for any retaining wall greater than four feet in height.
- C. Barbed, or above ground electrically charged wire is prohibited.

4.5 Lighting Standards

- A. Exterior lighting will be permitted within the PD as follows:
 - 1. Lighting will be permitted at each of the two entry roads, namely Allen Way and Allen Street with the purpose of illuminating the entry signage and associated entry features, such as entry walls, entryway landscaping, etc. Lighting is to be in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan.
 - 2. Exterior lighting designs for individual business establishments will be reviewed and approved by the Architectural Review Committee. Such lighting will be in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan.

3. Lighting will be permitted in the parking areas to illuminate vehicular and pedestrian traffic movement.
4. Landscape accent lighting will be permitted in all areas of the PD to the extent that it is in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan and is approved by the ARC.
5. No exterior lights of any sort may be erected, placed, installed or otherwise incorporated into the property, adjacent road Right-of-Way or adjacent property or open space wherein any glare or direct light is visible beyond the perimeter of the property. This applies to all lighting including, but not limited to entry lights, individual business establishment lighting, and interior lights visible from off the property.

4.6 Signage Standards

A. Signage will be permitted within the PD as follows:

1. Entry signage for the overall PD development will be permitted at each of the two entry roads, namely Allen Way and Allen Street. Signage is to be in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan.
2. Signage is allowed for all individual business establishments, except as otherwise specifically provided herein or in subsequent design regulations for this project that may be developed and approved by the Town of Castle Rock. Signage is to be in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan.

4.7 Utility Standards

All public utility distribution lines must be placed underground.

4.8 Water and Sanitation Standards

All uses must be served by a central water facility.

4.9 Landscaping

Landscaping is to be conformance with applicable Town of Castle Rock Zoning Regulations, Chapter 17.62 in effect at the time of approval of the Final PD Site Plan.

SECTION V TEMPORARY USES

5.1 Temporary Uses

Construction offices and material storage shall be permitted in all use areas during, and for a period of 30 days after cessation of, actual construction in those areas being served by such construction office or material storage area.

**SECTION VI
ACCESSORY USES PERMITTED IN ALL USE AREAS**

6.1 Accessory Uses

The following Accessory Uses are permitted in all Use Areas:

1. Underground utility and communications distribution lines, to specifically include cable television distribution lines.
2. Roadways, bike paths, pedestrian and equestrian trails.
3. Storm water drainage detention areas.
4. Fences, walls, retaining walls

**SECTION VII
SUBMISSION OF FINAL PLANNED DEVELOPMENT SITE PLANS
AND/OR PLATS AND ADDITIONAL INFORMATION**

- 7.1 Following the approval of this Ordinance and the Preliminary Plat, the owners of the above-described site shall present a Final PD Site Plan and Final Plat for all or any portion or portions of the general use area as are then ready for development.
- 7.2 No structural building permit will be issued until a Final PD Site Plan and Final Plat for such area has been approved by the Town Council and filed for the public record.
- 7.3 In those cases where the Subdivision Regulations of the Town of Castle Rock require approval of a final plat 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 Final PD Site Plan if the deed or other document evidencing the sale or transfer contains the following language:

No building permit will be issued for the erection of any structural improvement in any area described herein for which a Final PD Site Plan has not been approved by the Town Council of the Town of Castle Rock.

**SECTION VIII
TRANSITIONAL USE**

- 8.1 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 Final PD Site Plan for such area or areas has been approved; provided however, the Town Council reserves the right to prohibit such agricultural uses in areas for which no Final PD Site Plan has been submitted if the Council determines that due to the proximity of such uses to developed areas a danger exists to the health, safety or welfare of the residents of such developed areas.

8.2 Such transitional use areas shall be closed to vehicular traffic and off-road recreational motor vehicles, except agricultural vehicles and implements, emergency vehicles, vehicles engaged in utility and other maintenance work, and designees of the master developer and/or Town.

**SECTION IX
SEVERABILITY OF PROVISIONS**

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

Passed and adopted this _____ day of _____, 2001, by a vote of the Town Council of the Town of Castle Rock, Colorado of _____ for and _____ against.

Approved By: _____
Mayor

Attested By: _____
Town Clerk

Approved as to form: _____
Robert J. Slentz, Town Attorney

Publication Date: _____