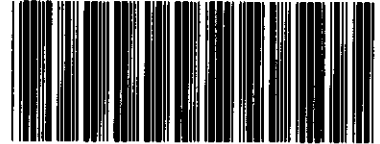


OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$31.00
4 PGS



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07/09/2004 02:33 PM

PLAT IDENTIFICATION SHEET

✓ Castleview, LLC

GRANTOR(owner)

✓ The Oaks of Castle Rock Preliminary PD Amendment No. 1

GRANTEE(name of plat)

Subdivision/Condo Name

Filing

Phase

Lot

Building

Block

Unit

✓ 13

8

67

18

8

66

OLD LEGAL(Section)

(Township)

(Range)

The Oaks Of Castle Rock

Part of Section 13, T 8 S, R 67 W & Section 18, T 8 S, R 66 W of the 6th P.M.
Town Of Castle Rock, Douglas County, Colorado

Preliminary PD Amendment No. 1

Sheet 1 of 3

LEGAL DESCRIPTION:

PROPERTY DESCRIPTION:

A tract of land situated in Section 18, Township 8 South, Range 66 West and Section 13, Township 8 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:
Commencing at the Southeast corner of the Northeast 1/4 of Section 18 and considering the East line of the Northeast 1/4 of Section 18 to bear N 00°01'25"E with all bearings contained herein relative thereto;

Thence N 00°01'25"E along said East line a distance of 60.15 feet;
Thence S 89°08'39"W a distance of 61.15 feet;
Thence S 89°08'39"W along the Right of Way of Ridge Road a distance of 433.86 feet;
Thence N 00°51'21"W a distance of 1.00 feet;
Thence S 89°08'39"W a distance of 98.68 feet;
Thence S 00°51'21"E a distance of 1.00 foot to a point on the Right of Way of Ridge Road and to the true point of beginning;
Thence S 00°08'46"E a distance of 60.18 feet;
Thence S 89°08'39"W a distance of 602.27 feet to a point of curve;
Thence Southwesterly along the arc of a curve to the left a distance of 368.31 feet, said curve has a radius of 507.30 feet and a central angle of 41°35'53" to a point of tangent;
Thence S 47°32'46"W along said tangent a distance of 308.28 feet to a point of curve;
Thence Southwesterly along the arc of a curve to the right a distance of 638.51 feet, said curve has a radius of 707.45 feet and a central angle of 51°42'46" to a point of tangent;
Thence N 80°44'28"W along said tangent a distance of 64.88 feet to a point of curve;
Thence Westerly along the arc of a curve to the left a distance of 345.49 feet, said curve has a radius of 950.61 feet and a central angle of 20°49'26" to a point of tangent;
Thence S 78°26'05"W along said tangent a distance of 21.37 feet to a point of curve;
Thence Southwesterly along the arc of a curve to the left a distance of 379.33 feet, said curve has a radius of 855.02 feet and a central angle of 25°25'09" to a point of tangent;
Thence S 53°00'55"W along said tangent a distance of 69.76 feet to a point of curve;
Thence Southwesterly along the arc of a curve to the left a distance of 81.25 feet, said curve has a radius of 937.42 feet and a central angle of 04°57'58";
Thence N 41°56'32"E a distance of 60.00 feet to a point of curve;
Thence Northeasterly along the arc of a curve to the right a distance of 60.09 feet, said curve has a radius of 997.42 feet and a central angle of 03°27'07";
Thence N 37°13'39"W a distance of 199.07 feet to a point of curve;
Thence Northwesterly along the arc of a curve to the left a distance of 176.01 feet, said curve has a radius of 173.17 feet and a central angle of 58°14'08" to a point of tangent;
Thence S 84°32'13"W along said tangent a distance of 332.68 feet;
Thence N 00°37'42"W a distance of 294.41 feet;
Thence S 89°55'48"W a distance of 2556.65 feet;
Thence N 00°47'29"W a distance of 620.00 feet;
Thence N 73°58'14"E a distance of 857.19 feet;
Thence N 21°01'09"W a distance of 841.91 feet;
Thence N 89°48'09"E a distance of 727.00 feet;
Thence N 00°37'30"W a distance of 859.50 feet;
Thence S 89°58'38"W a distance of 614.83 feet;
Thence N 00°01'22"W a distance of 460.00 feet;
Thence N 89°58'38"E a distance of 610.00 feet to the Northwest corner of Section 18;
Thence N 89°01'23"E along the North line of the Northwest 1/4 of Section 18 a distance of 1145.05 feet;
Thence S 00°02'53"W a distance of 1321.42 feet;
Thence N 89°08'53"E a distance of 1319.95 feet;
Thence S 00°00'53"W a distance of 660.04 feet;
Thence N 89°08'53"E a distance of 660.00 feet;
Thence S 00°00'53"W a distance of 659.11 feet;
Thence N 89°08'44"E a distance of 534.09 feet;
Thence N 62°48'55"E a distance of 45.78 feet;
Thence N 32°17'23"E a distance of 47.51 feet;
Thence N 89°08'39"E a distance of 785.65 feet to the West Right of Way line of Ridge Road and the point of beginning;
Containing 187.68 acres, more or less.

This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock Co 80104.

GENERAL NOTES:

- This Preliminary PD Amendment is intended to supersede and replace portions of The Oaks Of Castle Rock Preliminary PD Site Plan, approved March 14, 1985 and the zoning ordinance No. 85-10 approved on March 21, 1985 (reception number 355330). This amendment applies to only that area described in the legal description hereon.
 - The existing topography shown on this Preliminary PD Amendment was produced from aerial photography with contour intervals of two (2) feet.
 - The Preliminary PD Site Plan Amendment No. 1 and associated zoning regulations are subject to the regulations of the Town of Castle Rock Municipal Code, Section 17.14 Skyline / RidgeLine Protection Regulations, as amended.
 - Pursuant to Section 17.62.080 of the Town of Castle Rock Municipal Code, the owner of the property, subsequent owners, heirs, successors and assigns shall be responsible for the proper maintenance of the area subject to the approved Preliminary PD Site Plan. Landscaping within public rights-of-way is to be maintained by the adjacent private property owner.
- Landscaping shall be continuously maintained including necessary watering, weeding, pruning, pest control, and replacement of dead or diseased plant material. Replacement for dead or diseased plant material shall be of the same type of plant material as set forth in the approved Final PD Site Plan; for example a tree must replace a tree, a shrub must replace a shrub, ground cover must replace groundcover, etc. Upon written notice by the Town, the owner will have six (6) months to cure or replace damaged or dead landscape material. In the case of diseased landscape material, a shorter compliance period may be specified in said notice.
- Pursuant to Section 1.3.7 of Chapter 10 of the Public Works Regulations, the property owner, and subsequent owners, heirs, successors and assigns shall be responsible for the maintenance of all drainage facilities including, but not limited to, inlets, pipes, culverts, channels, ditches, hydraulic structures and detention basins located on property within the Final PD Site Plan. In the event that the owner fails to adequately maintain said facilities, the Town of Castle Rock shall have the right to enter said property and perform necessary work, the cost of which said owner, heirs, successors and assigns shall reimburse to the Town upon billing. Said costs will include all actual costs for labor, equipment, materials and a 15% fee.

PARK, OPEN SPACE & TRAIL PHASING:

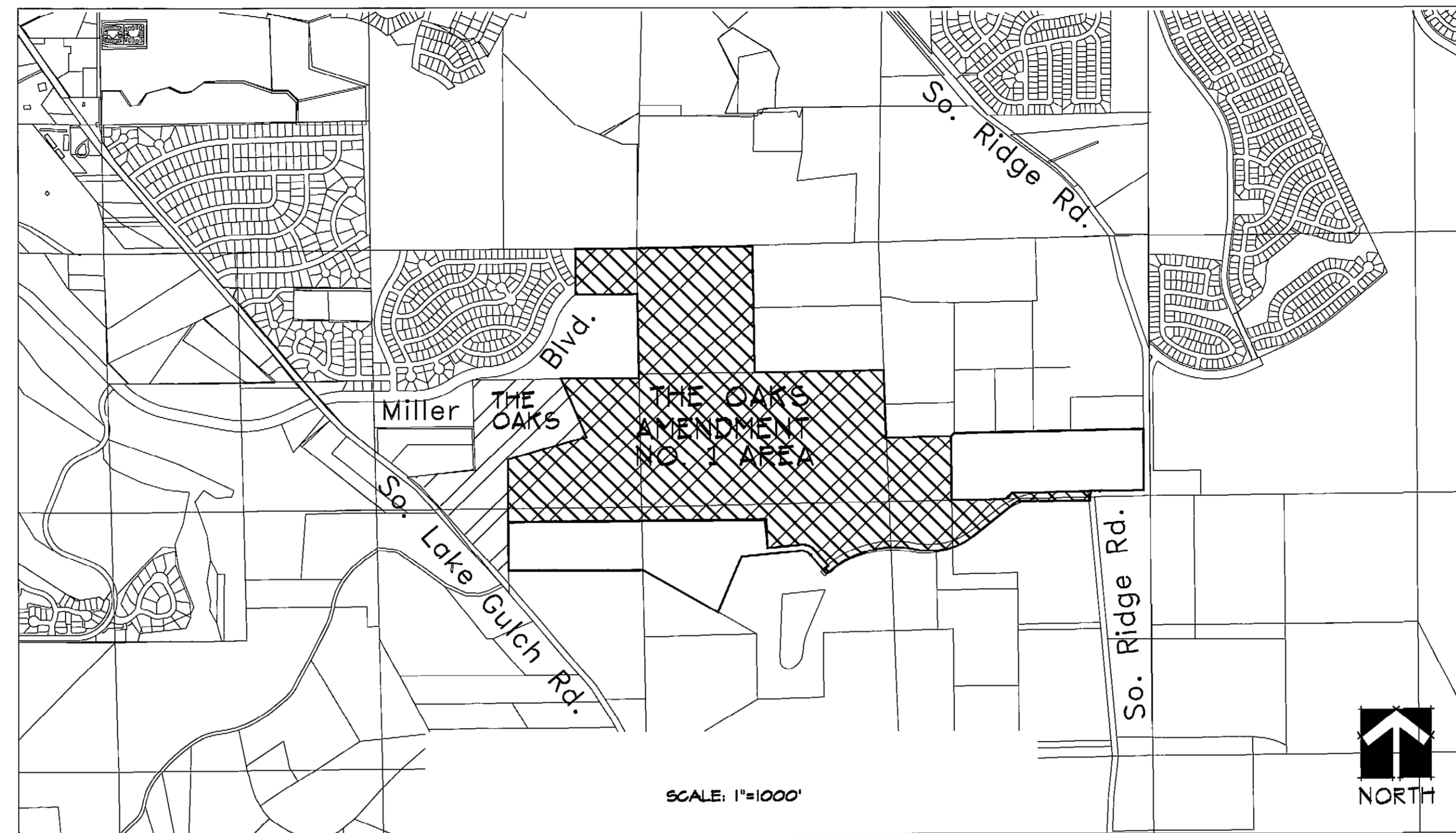
REQUIRED PARK & OPEN SPACE DEDICATIONS:

Open Space "OSD" - To be dedicated with the first subdivision filing within The Oaks.
Park "PLD" - To be dedicated with the first subdivision filing in PA-4.

REQUIRED TRAILS:

- Trail "A" - To be constructed by the developer with the first subdivision filing in PA-1.
- Trail "B" - To be constructed by the developer with the first subdivision filing in PA-5.
- Trail "C-1" - To be constructed by the developer with surrounding subdivision filing in PA-2.
- Trail "C-2" - To be constructed by the developer with surrounding subdivision filing in PA-2.
- Trail "D-1" - To be constructed by the developer with the first subdivision filing in PA-4.
- Trail "D-2" - To be constructed by the developer with surrounding subdivision filing in PA-3.
- Trail "E-1" - To be constructed by the developer with surrounding subdivision filing in PA-4.
- Trail "E-2" - To be constructed by the developer with surrounding subdivision filing in PA-4.

VICINITY MAP:



TITLE CERTIFICATION:

I, **JOHN LEBONVILLE**, an authorized representative of **TITLE AMERICA**, a title insurance company licensed to do business in the State of Colorado, have made an examination of the public records and state that all owners, mortgages and lienholders of the property are listed in the certificate of ownership and lienholder subordination certificate.

Authorized Representative: **John J. Lebonville**
Title Insurance Company: **TITLE AMERICA**

Executed this **19th** day of **MAY**, A.D., 20**04**

State of **COLORADO** }
County of **JEFFERSON** } S.S.

The forgoing instrument was acknowledged before me this **19th** day of **MAY**, 20**04**, by **John J. Lebonville** as Chief Title Officer of **Title America** an authorized signatory.

By **Donald Wilts** Witness my hand and seal
Notary Public

Address _____ My commission expires **4-30-07**
City _____ State _____ Zip _____ Code _____



SURVEYOR'S CERTIFICATE:

I, **David E. Archer**, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey and legal description represented by Oaks Of Castle Rock Preliminary PD Amendment No. 1 was made under my supervision and the monuments shown thereon actually exist and this Preliminary PD Amendment accurately represents that survey.

Registered Land Surveyor: **David E. Archer**

TOWN CERTIFICATION:

A. Planning Commission Recommendation:
The Preliminary PD Amendment and Amended Zoning Regulations for The Oaks Of Castle Rock Preliminary PD Amendment No. 1 were recommended for **denial** by the Planning Commission of The Town Of Castle Rock, Colorado, on the **9th** day of **January**, A.D., 20**03**.

Chairman: **Jim Liza** Date: **15 June 2004**
Director Of Development Services: **[Signature]** Date: **6/15/04**

B. Town Council Approval:

The Preliminary PD Amendment and Amended Zoning Regulations for The Oaks Of Castle Rock Preliminary PD Amendment No. 1 were approved by the Town Council of The Town Of Castle Rock, Colorado, on the **8th** day of **July**, A.D., 20**03**.

Mayer: **Roy Watkinson** Date: **7-8-04**
Attest:
Town Clerk: **Garnet M. Turbett, Deputy** Date: **7-8-04**



SHEET INDEX:

SHEET 1 OF 3 COVER SHEET
SHEET 2 OF 3 PRELIMINARY PD AMENDMENT
SHEET 3 OF 3 PRELIMINARY GRADING & UTILITIES

Prepared For: **Castle Development Corp.**

Prepared By:

o/o Michael B. Enterprises, Inc.
0400 E. Maplewood Ave., Suite 17
Englewood, CO 80111
(303)771-2700 Fax (303)798-0730

Kirby Smith & Associates, Inc.
3615 So. Tamarac Drive Suite 320 Denver, CO 80237
(303) 754-9464 FAX (303) 624-9276

CERTIFICATIONS:

OWNERSHIP CERTIFICATION:

The undersigned are all the owners of certain lands known herein as The Oaks Of Castle Rock Preliminary PD Amendment No. 1 in the Town Of Castle Rock.

Landowner: Castleview, LLC. **Michael Blumenthal**
Executed this **May 19** day of **May**, A.D., 20**04**.

State of **Colorado** }
County of **Douglas** } S.S.

The forgoing instrument was acknowledged before me this **19th** day of **MAY**, 20**04**, by **Michael Blumenthal** as **Manager** of **CASTLEVIEW, LLC** an authorized signatory.

By **Donald Wilts** Witness my hand and seal
Notary Public

Address _____ My commission expires **4-30-07**
City _____ State _____ Zip _____ Code _____



LIENHOLDER SUBORDINATION CERTIFICATE:

THE UNDERSIGNED ARE ALL THE MORTGAGEES AND LIENHOLDERS OF CERTAIN LANDS KNOWN HEREIN AS THE OAKS OF CASTLE ROCK PRELIMINARY PD AMENDMENT NO. 1 IN THE TOWN OF CASTLE ROCK.

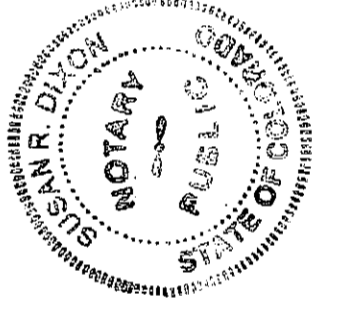
THE UNDERSIGNED BENEFICIARY OF THE LIEN CREATED BY INSTRUMENT RECORDED ON APRIL 28, 2004 AT RECEPTION NO. 2004042543 IN DOUGLAS COUNTY, COLORADO, SUBORDINATE THE SUBJECT LIEN TO THE TERMS, CONDITIONS AND RESTRICTIONS OF THIS DOCUMENT:

David M. [Signature] Branch President
MORTGAGEE LIENHOLDER: **COMMUNITY BANKS OF COLORADO**
SIGNED THIS **24th** DAY OF **May**, 20**04**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **24th** DAY OF **May**, 20**04**, BY **David M. [Signature]** as **Branch President** of **COMMUNITY BANKS OF COLORADO**.

WITNESS MY HAND AND OFFICIAL SEAL.

Susan R. [Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES **9-9-04**



COUNTY CLERK & RECORDER:

I hereby certify that this plan was filed for recording in my office on this **9th** day of **July**, 20**04**, A.D., at **233** a.m./p.m. and was recorded at reception number **2004071578**.

Clerk & Recorder: **Margaret Jenkins Deputy**



The Oaks Of Castle Rock
Preliminary PD Amendment No. 1

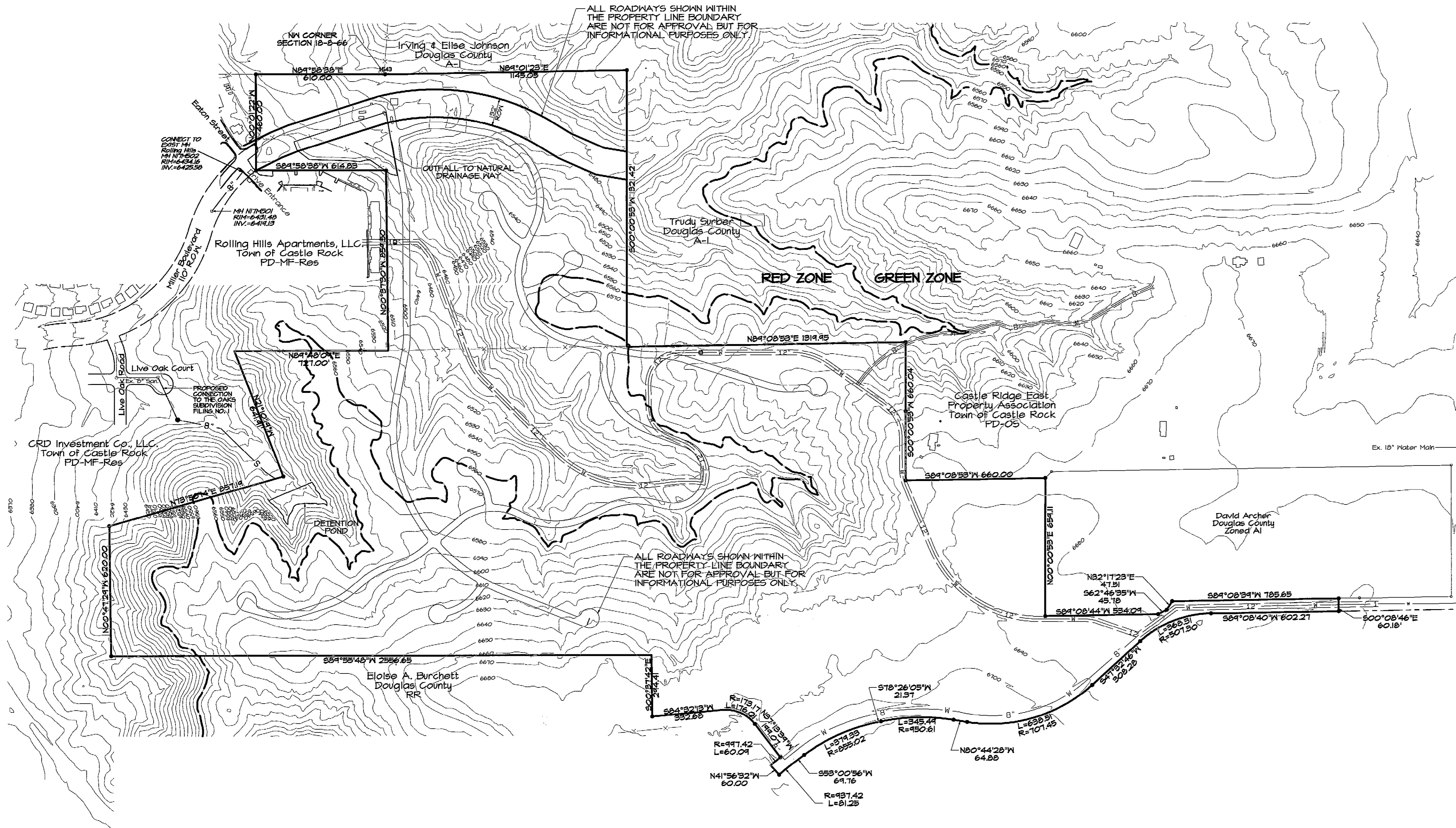
Date Prepared: **6/12/04**
Revisions: **11/28/01 1/26/04**
4/28/03
5/28/03

Sheet 1 of 3

KSA Job Number: 231.0

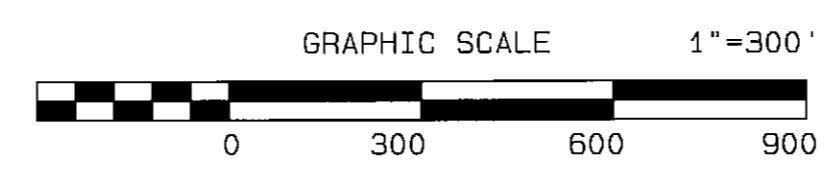
The Oaks of Castle Rock

Part of Section 18 of T8S, R66W, 6th P.M.
Town of Castle Rock, Douglas County, Colorado
Preliminary PD Amendment No. 1



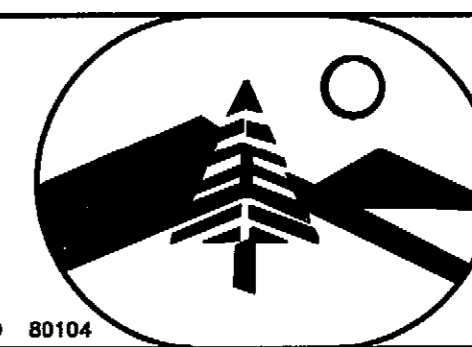
Legend

- 8" S = Existing Sanitary Sewer Line
- 8" W = Existing Water Line



REVISIONS	
Revised Per Town Comments 8-22-01	
Revised Per Town Comments 11-5-01	
Boundary Revised	
Revised Per Town Comments 1-13-04	

DAVID E. ARCHER & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
PHONE (303) 688-4642
105 WILCOX ST. CASTLE ROCK, COLORADO 80104



SCALE: 1"=300'	TITLE: Preliminary Utility Plan The Oaks of Castle Rock Preliminary PD Amendment No.1
DATE: 10-26-00	CLIENT: MICHAEL B. ENTERPRISES INC.
DRAWN BY: JAT	JOB NUMBER: 99-0130
REVISED BY: RPVD	Sheet 3 of 3



Kirby Smith & Associates, Inc.
Land Planning • Site Design • Landscape Architecture
3615 So. Tamarac Drive Suite 300 Denver, CO 80237
(303) 694-9484 FAX (303) 694-9272

ORDINANCE NO. 2003 - 12

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE OAKS OF CASTLE ROCK, 1ST AMENDMENT PRELIMINARY PD SITE PLAN AND THE OAKS OF CASTLE ROCK 1ST AMENDMENT PD ZONING REGULATIONS

WHEREAS, Tora, Inc. ("Owner") has requested PD Planned Development zoning of the parcel described in *Exhibit A* (the "Property"); and

WHEREAS, Owner has requested approval of The Oaks of Castle Rock, 1st Amendment Zoning Regulations as described in the attached *Exhibit B* as the same affect the Property (the "Zoning Regulations"); and

WHEREAS, Owner has requested approval of "The Oaks at Castle Rock 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;

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

Section 1. Conditional Approval. The Zoning Regulations and Site Plan are approved for the Property with the following conditions:

1. All comments regarding the water and sanitary sewer utility reports are addressed to the satisfaction of the Town prior to submittal of any Final PD Site Plan for this development;
2. Approval of a Development Agreement at a later date
3. At time of Final PD Site plan, lot areas within Planning Area 2 with high visibility will be mitigated consistent with the moderate skyline designation of the Town's Skyline/Ridgeline Regulations, recognizing that these lots may not geographically fall within the moderate skyline requirement.

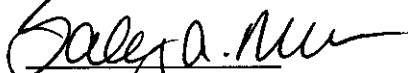
Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

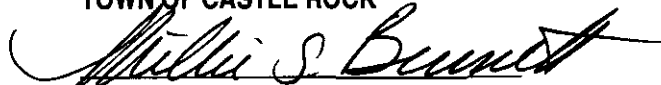
Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

SUBMITTED this 10th day of March, 2003 and approved for publication and further reading by a vote of the Town Council of the Town of Castle Rock of 5 for and 2 against.

PASSED, APPROVED AND ADOPTED this 8th day of July, 2003 by a vote of the Town Council of the Town of Castle Rock, Colorado of 5 for and 2 against.

ATTEST:


Sally A. Misare, Town Clerk

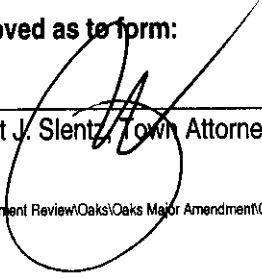
TOWN OF CASTLE ROCK

Millie S. Bennett, Mayor

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$75.00
15 PGS
2004071577
07/09/2004 02:33 PM



2004071577 15 PGS

Approved as to form:



Robert J. Slentz, Town Attorney

Approved as to Content:



Development Services

Exhibit A

LEGAL DESCRIPTION:

PROPERTY DESCRIPTION:

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Thence N 32°17'23"E a distance of 47.51 feet;
Thence N 89°08'39"E a distance of 785.65 feet to the West Right of Way line of Ridge Road and the point of beginning;
Containing 187.68 acres, more or less.

This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock Co 80104.

Exhibit B

APR 29 2003

The Oaks at Castle Rock, 1st Amendment Zoning Regulations

4/25/03

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SECTION I.

DEFINITIONS

- 1.1 **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 surface, underground, or partially underground parking areas, (provided such partially underground parking areas shall not protrude more than six (6) feet from the average surrounding grade), roadways, bike paths or pedestrian ways or such other uses not meeting the above definition.

SECTION II.

GENERAL USE AREA

- 2.1 This amendment consists of the modification of land uses on a portion (187.68 acres) of the original PD. The lands included in this amendment shall be divided into general use areas as the same are generally located on "the Oaks of Castle Rock P.D. Preliminary Site Plan", approved contemporaneously herewith, which is incorporated by reference into this Ordinance. Said general use areas shall be of seven (7) types, as designated below. The aggregate number of acres within each type of use area shall be as indicated opposite each type designation.

<u>TYPE USE AREA</u>	<u>ACREAGE</u>
Residential A (RES-A)	58.42
Residential B (RES-B)	30.30
Residential C (RES-C)	20.50
Public Land Dedication (PLD)	16.65
Public Open Space Dedication (OSD)	20.66
Private Open Space	35.65
Miller Boulevard R.O.W.	5.50
TOTAL ACREAGE	187.68

SECTION III.

PERMITTED RESIDENTIAL DENSITIES

- 3.1 It is the intent of this Ordinance to permit the development of 164 residential dwelling units upon the land described in Exhibit A.

SECTION IV.

RESIDENTIAL A (RES-A) USE AREAS

- 4.1 Permitted Uses.
 - (a) Single family detached residences, garages and accessory structures.
 - (b) Recreation facilities or areas (i.e. swimming pool, hot tub, club house, play equipment, tennis courts, play courts and fields).

- 4.2 Uses by Special Review.
 - (a) Churches.
 - (b) Civic facilities.
 - (c) Home occupations.
 - (d) Group Home
 - (e) Electric substations and gas regulator stations.

- 4.3 Maximum Gross Density. 1.5 dwelling units per acre (individual use areas vary from 1.2 DU/Ac to 1.5 DU/Ac).

- 4.4 Maximum Building Heights. 35 feet (unless further restricted due to Skyline / Ridgeline Overlay Zone District - see PD map for affected areas).

SECTION V.

RESIDENTIAL B (RES-B) USE AREAS

- 5.1 Permitted Uses.
 - (a) Any use permitted in Residential A (RES-A) Use Areas.

- 5.2 Uses By Special Review. Any use permitted by special review in Residential A (RES-A) Use Areas.

- 5.3 Maximum Gross Density. 1.12 dwelling units per acre.

- 5.4 Maximum Building Heights. 35 feet (unless further restricted due to Skyline / Ridgeline Overlay Zone District - see PD map for affected areas).

SECTION VI.

RESIDENTIAL C (RES-C) USE AREA

- 6.1 Permitted Uses.
 - (a) Any use permitted in Residential A (RES-A) use areas.

- 6.2 Uses By Special Review. Any use permitted by special review in Residential A (RES-A) Use Areas.

- 6.3 **Maximum Gross Density.** 2.63 dwelling units per acre.
- 6.4 **Maximum Building Heights.** 35 feet (unless further restricted due to Skyline / Ridgeline Overlay Zone District - see PD map for affected areas).

SECTION VII.

PUBLIC DEDICATION USE AREAS

- 7.1 **Permitted Uses.**
 - (a) Open space.
 - (b) Parks, playgrounds and picnic areas, excluding camping and overnight parking.
 - (c) Community centers.
 - (d) Community recreational facilities.
 - (e) Public buildings, including but not limited to libraries, fire and police stations.
 - (f) Such other public uses, not inconsistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock.
 - (g) Facilities for the acquisition, treatment and storage of water, not inconsistent with the nature of surrounding use areas.
 - (h) Facilities for the collection, treatment and disposal of sewage, not inconsistent with the nature of surrounding use areas.
 - (i) Storm water detention and drainage areas.
 - (j) Such other public uses, not inconsistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock.
- 7.2 **Development Standards.**
 - (a) **Maximum Building Height.** As permitted in most permissive abutting use area within the Planned Development.
 - (b) **Building Setback.** As permitted in most permissive abutting area within the Planned Development.

SECTION VIII.

ACCESSORY USES PERMITTED IN ALL USE AREAS

- 8.1 **Uses Permitted in All Use Areas.**
 - (a) Underground utility and communications distribution lines, to specifically include cable television distribution trunks and lines.
 - (b) Roadways, bike paths, pedestrian and equestrian trails.
 - (c) Parking areas.
 - (d) Open spaces and lakes, to include storm water drainage detention areas.
 - (e) Fences.
 - (f) Wells and well houses, water pumping stations and sewage lift stations.
 - (g) In use areas other than Public Land Dedication Use Areas and Private Open Space Use Areas, models and/or sales and information offices;

provided the unit so utilized is a permitted use in the use area where it is located. Further provided any such use shall be discontinued when all similar dwelling units within the P.D. have been sold.

- (h) In use areas other than Public Land Dedication Use Areas and Private Open Space Use Areas, mobile sales and information units, provided no such mobile sales and information unit shall be erected until the Final Plat is recorded for the area where the unit is being placed and further provided that no such unit shall be maintained in any area described in a final site plan more than 90 days after a certificate of occupancy has been issued for the first structure within such area.
- (i) 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 IX. SETBACKS AND LOT SIZES

- 9.1 All building setbacks and minimum lot sizes shall be determined at the time of Final PD Site Plan with exception of the following:
 - a) Lots located along the northern and southern perimeters of the RES-C zone district shall be a minimum 15,000 square feet in size with a minimum rear setback of 30 feet.
 - b) All other lots located within the RES-C zone district shall be a minimum 7,000 square feet in size with an average lot size of 8,150 square feet.

SECTION X. RESIDENTIAL BUILDING ENVELOPES

- 10.1 Development of lots within Residential A (RES-A) and Residential (RES-B) Use Area within The Oaks shall be restricted to the confines of a described building envelope. Building envelopes shall be described as to size and dimensions on the face of the final plat.
- 10.2 Building envelopes for single-family detached residences (in RES-A & RES-B areas) shall include all clearing, grading, construction, introduced irrigated landscaping and impervious areas, with the exception of connecting driveways or ingress-egress roads and utilities.

SECTION XI.

PLANNING AND DESIGN CONTROLS

- 11.1 The standards and requirements listed in this section shall apply within the Residential A (RES-A) and Residential B (RES-B) Use Areas.

- 11.2 Siting: In the site planning, development and construction of any lot or structure, consideration shall be given to the relationship of roads and buildings to existing slope grades, and drainageways. All structures and roadways shall achieve a "fit" with the landscape that is not intrusive and considers the following:
- (a) Significant natural drainageways shall not be disturbed or re-routed except where of general benefit to the Planned Development and shall be subject to the review and approval of the Town of Castle Rock.
 - (b) Unique site features, whether topographic or of a surficial nature shall receive special consideration in any site planning or development. Such features shall be left undisturbed wherever practical in lot development.
 - (c) Structures in sloping areas shall be designed to conform to the slope by means of "stepped" foundations or similar methods that will keep grading and site preparation to a minimum. In principal, structures shall accommodate slope in design rather than cause slope to accommodate structures.
 - (d) Grading shall be shaped to compliment the natural land forms.
 - (e) Roads in steeply sloping or heavily vegetated areas shall be designed to minimize the area of disturbance. Clearing of vegetation within the right-of-way shall be "feathered" to create more natural appearing edges and to accommodate snow stacking.
 - (f) The Preliminary PD Site Plan Amendment No. 1 and associated zoning regulations are subject to the regulations of the Town of Castle Rock Municipal Code, Section 17.14 Skyline / Ridgeline Protection Regulations, as amended.

SECTION XII.

ENVIRONMENTAL PROTECTION

- 12.1 Intent: It is the intent of this section to provide guidelines and procedures to minimize terrain disturbance and ecological damage during site preparation and construction of roads and structures within the Residential A (RES-A) and Residential B (RES-B) Use Areas and to indicate the methods to be employed in the restoration of disturbed areas, and the prevention of erosion and sedimentation during and after construction.
- 12.2 General Provisions During Construction:
- (a) Care shall be exercised during all operations to minimize damage to fragile areas of the landscape.
 - (b) Construction equipment shall not be permitted to move off roads or established construction routes in order to minimize damage to vegetation or soil.
 - (c) Ropes or cable shall not be fastened to trees except for support and stabilization.

- (d) The burning of trash, brush, trees and other combustible objects is prohibited. Such material shall be removed from the site, except for woody material which may be shredded and used for mulch. Warming or debris fires are prohibited.
- (e) All waste materials shall be promptly removed from the site. Dumping or temporary storage of waste materials in slopes or drainage is prohibited.

12.3 Site Grading: A site grading plan will be provided as part of the Final PD Site Plan to indicate preliminary adjustments of grade. Development will avoid areas of 25% slope or greater when possible as a means of retaining the natural setting of the project. Grading at the rear of units sited against slopes of 20% or greater will be kept within 20' of the rear foundation wall. Whenever practical, existing vegetation will be left undisturbed. When grading in areas of 25% slope cannot be avoided, those building envelopes shall be identified on the Final PD Site plan. Selective grading within these 25% slope areas will be allowed if properly mitigated to minimize the area of grading and disturbance of existing vegetation. Mitigation measures may include, but are not be limited to one or more of the following:

- (a) Use of retaining walls (maximum height 6 feet).
- (b) Use of stepped building foundations.
- (c) Maximum height of un-retained slope 2 feet (must be revegetated immediately).

If grading is proposed within 25% slope areas, a geologic study shall be required as part of the Final PD Site Plan for review and approval by the Town. Said study shall address grading in areas of 25% slope.

SECTION XIII.

ENFORCEMENT

13.1 Responsibility for enforcement of the provisions of SECTION XI, RESIDENTIAL BUILDING ENVELOPES, SECTION XII, PLANNING AND DESIGN CONTROLS and SECTION XIII, ENVIRONMENTAL PROTECTION shall reside exclusively with the TOWN as such provisions relate to public improvements. Where such provisions relate to private improvements, the primary responsibility for enforcement shall reside in The Oaks of Castle Rock Master Homeowners Association, which shall be duly organized as a Colorado non-profit corporation with perpetual existence prior to the time of TOWN approval of the first final plat within the LAND. Provided, however, that the TOWN shall have concurrent jurisdiction to enforce such provisions if the Town Council deem it to be in the best interests of the Town of Castle Rock. DEVELOPER shall cause the provisions of said SECTIONS XI, XII, and XIII, in so far as said provisions relate to private improvements, to be incorporated into the protective covenants to be imposed upon all Residential A (RES-A) and Residential B (RES-B) areas, together with the grant of appropriate enforcement powers to the Master Homeowners Association.

SECTION XIV.

SUBMISSION OF FINAL PLANNED UNIT DEVELOPMENT PLANS AND/OR PLATS

- 14.1 Following the approval of this Ordinance, the owners of land within the area described in Exhibit "A" shall present final site plans for all or any portion of the use areas as are then ready for development.

SECTION XV.

TRANSITIONAL USE FOR AGRICULTURAL PURPOSES

- 15.1 After approval of the Preliminary Site Plan incorporated herein by reference, any portion or portions of the property described above, which has not been subjected to a final site plan, may be used for agricultural purposes until approval of a final site plan for the area or areas in question. Agricultural uses, for purposes of this section, shall mean, farming, ranching, gardening, buildings and out buildings pertaining thereto. It shall not be deemed to include commercial feed yards, commercial poultry or pig farms, fur farms, or kennels.
- 15.2 Any general ordinance of the Town of Castle Rock prohibiting any activity permitted by this Section shall have no application 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 use in areas for which no final site plan has been submitted in the event said Town Council determines that due to the proximity of such uses to developed areas that a danger exists to the health, safety or welfare of the residents of such developed areas.
- 15.3 Such transitional use areas shall be closed to vehicular traffic and off road recreational motor biking excepting agricultural vehicles and implements, emergency vehicles, vehicles engaged in utility and other maintenance work, and designees of the master developer and/or Town.

SECTION XVI.

RELATIONSHIP TO TOWN REGULATIONS

- 16.1 The provisions of this Preliminary PD Site Plan and Zoning Regulations shall prevail and govern the development of the Oaks at Castle Rock, 1st Amendment PD; provided, however, that where the provisions of this Preliminary PD Site Plan and Zoning Regulations do not address a particular subject, the relevant provisions of the Town Zoning Ordinance, as amended, or any other applicable provision of the Town's Municipal Code shall be applicable.

SECTION XVII.

SEVERABILITY OF PROVISIONS

- 17.1 In the event that any provision hereof 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.