



36

# 2006015971  
02/27/2006 11:27 AM

### PLAT IDENTIFICATION SHEET

Archer, David E.,  
Archer, Lareen E.

GRANTOR(owner)

Oaks of Castle Rock, The, Preliminary PD Amendment No. 3

GRANTEE(name of plat)

Oaks of Castle Rock, The

Subdivision/Condo Name

_____	_____	_____
Filing	Phase	
_____	_____	_____
Lot	Building	
_____	_____	_____
Block	Unit	
18	8	66
_____	_____	_____
OLD LEGAL(Section)	(Township)	(Range)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Cross reference#s (reception#s Book – Page)

# The Oaks Of Castle Rock

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

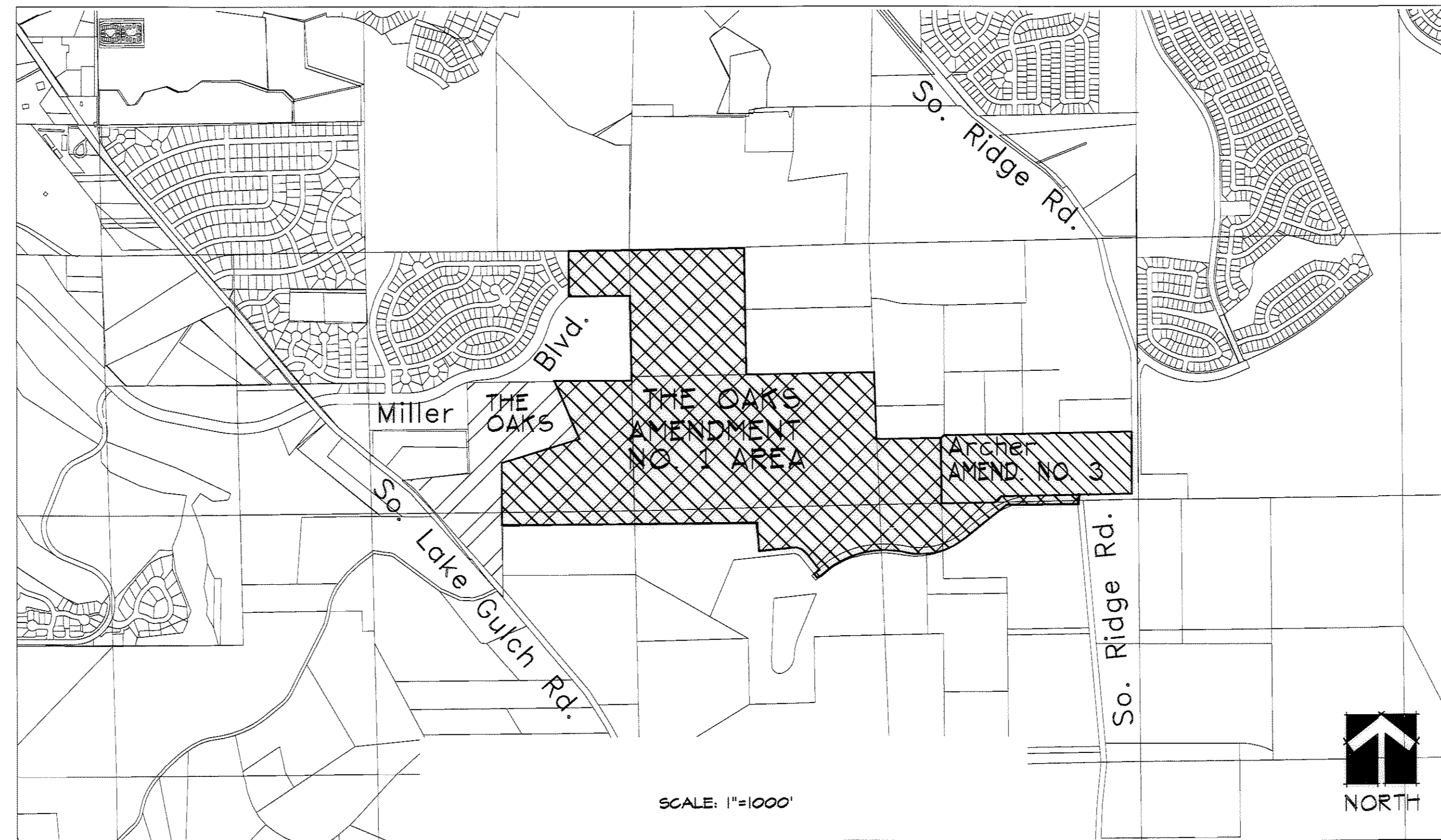
## Preliminary PD Amendments No. 3

Sheet 1 of 3

### PD AMENDMENT NO. 2:

NOTE: The proposed PD Amendment No. 2 was not approved by the Town of Castle Rock

### VICINITY MAP:



### LEGAL DESCRIPTION AMENDMENT NO. 3:

A tract of land situated in Section 18, Township 8 South, Range 66 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 to a point on the Right of Way of Ridge Road and to the true point of beginning;  
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 feet;  
Thence S 89° 08'39"W a distance of 785.65 feet;  
Thence S 32° 17'23"W a distance of 47.51 feet;  
Thence S 62° 46'35"W a distance of 45.78 feet;  
Thence S 89° 08'44"W a distance of 534.09 feet;  
Thence N 00° 00'53"E a distance of 659.11 feet;  
Thence N 44° 35'23"E a distance of 42.75 feet;  
Thence N 89° 09'25"E a distance of 1888.65 feet to the Right of Way of Ridge Road;  
Thence S 00° 02'34"W along the Right of Way of Ridge Road a distance of 628.59 feet to the point of beginning.

Containing 28.47 acres, more or less.

### GENERAL NOTES:

- The amendment approved here is for the Archer (Amendment No. 3) parcel only, and does not affect the existing Oaks zoning. That existing zoning is shown for informational purposes only.
- 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. 3 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.  
Trail "F-1" - To be constructed by the developer with surrounding subdivision filing in PA-9.

### TITLE CERTIFICATION:

I, James L. Koshkone, 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, mortgagees and lienholders of the property are listed in the certificate of ownership and lienholder subordination certificate.

Authorized Representative: James L. Koshkone  
Title Insurance Company: Title America  
(Company Name)

Executed this 8 day of November A.D., 2005.

State of Colorado }  
County of Jefferson } S.S.

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2005, by James L. Koshkone, Title Officer of Title America, an authorized signatory.

By D. David L. Willett, Notary Public, Witness my hand and seal  
Address: 909 Meadows Blvd My commission expires 4-30-07  
City: Lakewood State: CO Zip Code: 80014

### SURVEYOR'S CERTIFICATE:

I, David E. Archer, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the surveys and legal descriptions represented by Oaks Of Castle Rock Preliminary PD Amendment No. 3 was made under by supervision and the monuments shown thereon actually exist and this Preliminary PD Amendment accurately represents those surveys.

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. 3 were recommended for approval by the Planning Commission of the Town Of Castle Rock, Colorado, on the 8 day of Nov A.D., 2005.  
Chairman: Michael Johnson Date: 1-12-06  
Director Of Development Services: Colton Date: 1-12-06

### B. Town Council Approval:

The Preliminary PD Amendment and Amended Zoning Regulations for The Oaks Of Castle Rock Preliminary PD Amendment No. 3 were approved by the Town Council of The Town Of Castle Rock, Colorado, on the 22<sup>nd</sup> day of Aug A.D., 2005.  
Mayor: Roy Matsumura Date: 2-15-06  
Attest: Gally  
Town Clerk: Gally Date: 2-15-06



### CERTIFICATIONS - AMENDMENT NO. 3:

#### OWNERSHIP CERTIFICATION:

The undersigned are all the owners of certain lands known herein as The Oaks Of Castle Rock Preliminary PD Amendment No. 3 in the Town Of Castle Rock.

Landowner: David E. Archer - 105 Wilcox St., Castle Rock, CO 80104

Signature: David E. Archer

Executed this 29<sup>th</sup> day of November A.D., 2005.

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

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of November, 2005.

by David E. Archer of SUSAN I. RASMUSSEN Notary Public, State of Colorado, an authorized signatory. Witness my hand and seal

By Susan I. Rasmussen, Notary Public, My commission expires 9-1-07  
Address: 512 Wilcox St  
City: Castle Rock State: CO Zip Code: 80104

Landowner: Laren E. Archer - 105 Wilcox St., Castle Rock, CO 80104

Signature: Laren E. Archer

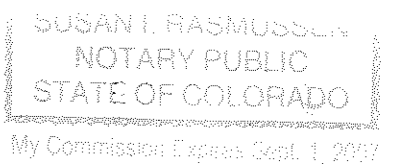
Executed this 29<sup>th</sup> day of November A.D., 2005.

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

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of November, 2005.

by Laren E. Archer as an authorized signatory.

By Susan I. Rasmussen, Notary Public, Witness my hand and seal  
Address: 512 Wilcox St My commission expires 9-1-07  
City: Castle Rock State: CO Zip Code: 80104



### COUNTY CLERK & RECORDER:

I hereby certify that this plan was filed for recording in my office on this 27<sup>th</sup> day of February, 2006 A.D., at 11:57 a.m./p.m. and was recorded at reception number 2006015971.  
Clerk & Recorder: Beth-June DePuy



### 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.

c/o Michael E. Enterprises, Inc.  
9400 E. Maplewood Ave., Suite 17  
Englewood, CO 80111  
(303) 771-2700 Fax (303) 796-0730

Prepared By:



Kirby Smith & Associates, Inc.  
Land Planning • Site Design • Landscape Architecture  
6201 So. Hudson Court • Centennial, CO 80121  
(303) 694-9484 FAX (303) 694-9272

David E. Archer  
Associates, Inc.  
105 Wilcox Street  
Castle Rock, CO 80104  
(303) 688-4642 Fax (303) 688-4675

The Oaks Of Castle Rock  
Preliminary PD Amendment No. 3

Date Prepared: 5/20/04  
Revisions: 8/25/04 9/9/05  
3/14/05

# The Oaks Of Castle Rock

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

## Preliminary PD Amendment No. 3

Sheet 2 of 3

### Overall Land Use Summary

Use	Planning Areas	Acres	Units	Density	% Acres
Residential -A (Res-A)	1,3,5	58.42 Ac.	76 DU	1.30 DU/Ac.	27.00
Residential -B (Res-B)	2,10	32.50 Ac.	35 DU	1.07 DU/Ac.	15.00
Residential -C (Res-C)	4	20.50 Ac.	54 DU	2.63 DU/Ac.	9.50
Residential -D (Res-D)	9	24.32 Ac.	61 DU	2.50 DU/Ac.	11.30
Residential Total		135.74 Ac.	226 DU	1.66 DU/Ac.	62.80
Miller Blvd., Ridge Rd. & Appleton ROW		7.38 Ac.			3.40
Public Land Dedication (PLD)		16.65 Ac.			7.70
Open Space Dedication (OSD)		20.66 Ac.			9.60
Private Open Space		35.72 Ac.			16.50
<b>GRAND TOTAL</b>		<b>216.15 Ac.</b>	<b>226 DU</b>	<b>1.04 DU/Ac.</b>	<b>100.00</b>

Note: Private open space requirement is 20% of residential area (20 X 135.74 ac.) = 27.15 acres.  
Private open space provided is 35.72 acres, or 26.3% of residential area.

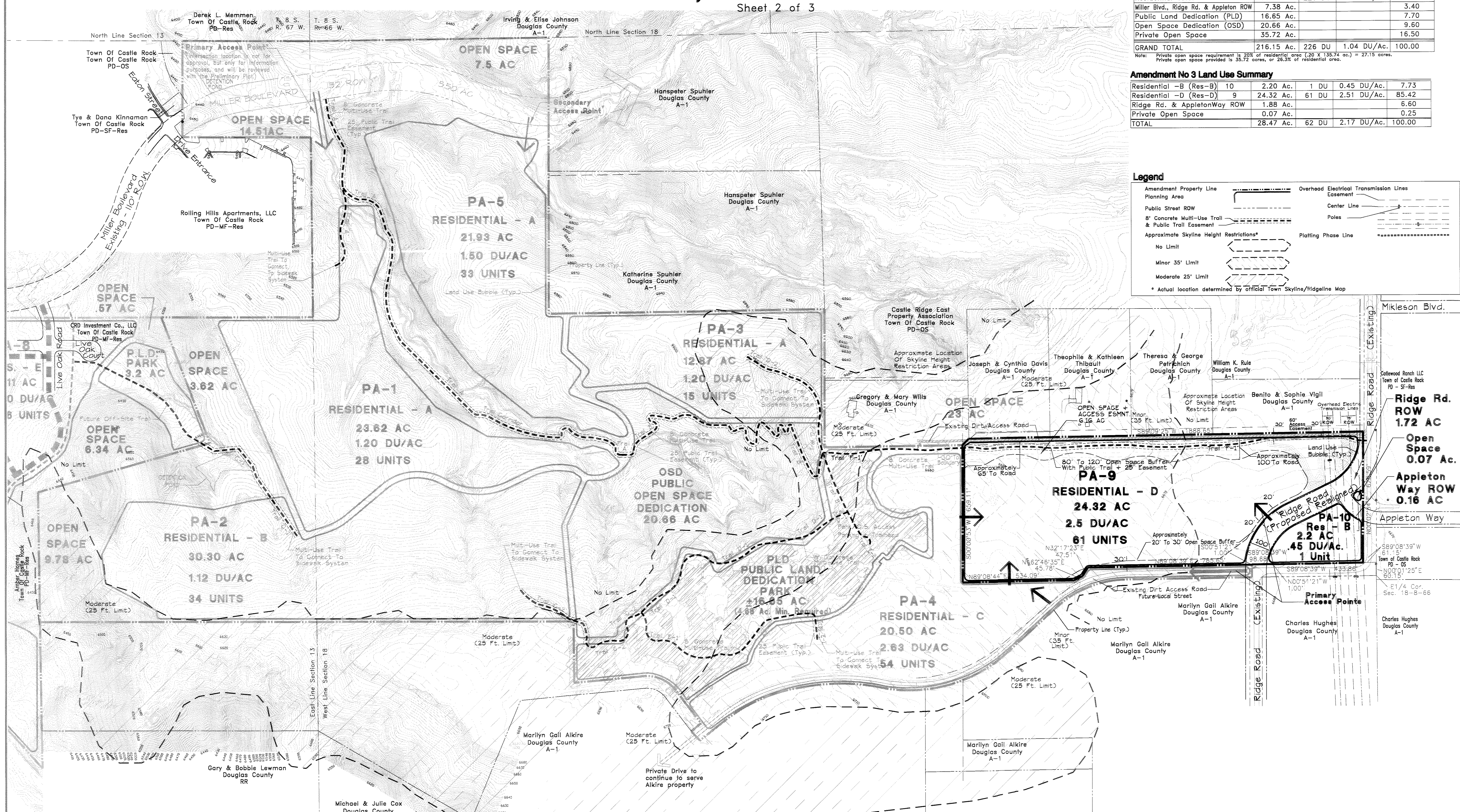
### Amendment No 3 Land Use Summary

Residential -B (Res-B)	10	2.20 Ac.	1 DU	0.45 DU/Ac.	7.73
Residential -D (Res-D)	9	24.32 Ac.	61 DU	2.51 DU/Ac.	85.42
Ridge Rd. & AppletonWay ROW		1.88 Ac.			6.60
Private Open Space		0.07 Ac.			0.25
<b>TOTAL</b>		<b>28.47 Ac.</b>	<b>62 DU</b>	<b>2.17 DU/Ac.</b>	<b>100.00</b>

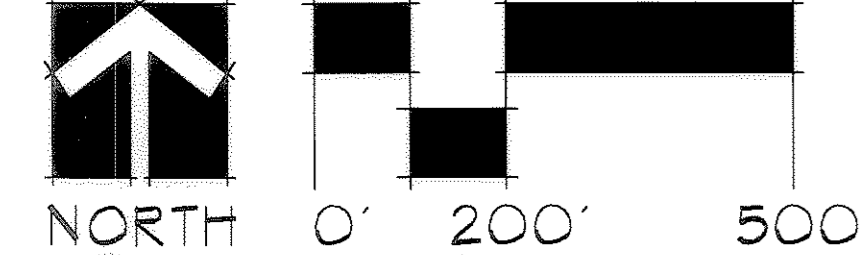
### Legend

Amendment Property Line Planning Area		Overhead Electrical Transmission Lines	
Public Street ROW		Center Line	
8' Concrete Multi-Use Trail & Public Trail Easement		Poles	
Approximate Skyline Height Restrictions*		Platting Phase Line	
No Limit			
Minor 35' Limit			
Moderate 25' Limit			

\* Actual location determined by official Town Skyline/Ridge/line Map



SCALE: 1"=200'



Prepared For:  
**Castle Development Corp.**

c/o Michael B. Enterprises  
9400 E. Maplewood Ave., Suite 17  
Englewood, CO 80111  
(303) 771-2700 Fax (303) 796-0730

Prepared By:

Kirby Smith & Associates, Inc.  
Land Planning • Site Design • Landscape Architecture  
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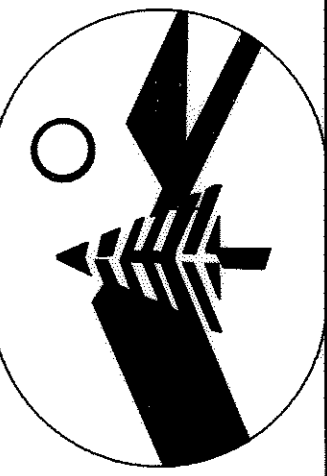
The Oaks Of Castle Rock  
Preliminary PD Amendment No. 3  
Date Prepared: 5/20/04  
Revisions: 8/25/04 9/9/05

# THE OAKS OF CASTLE ROCK

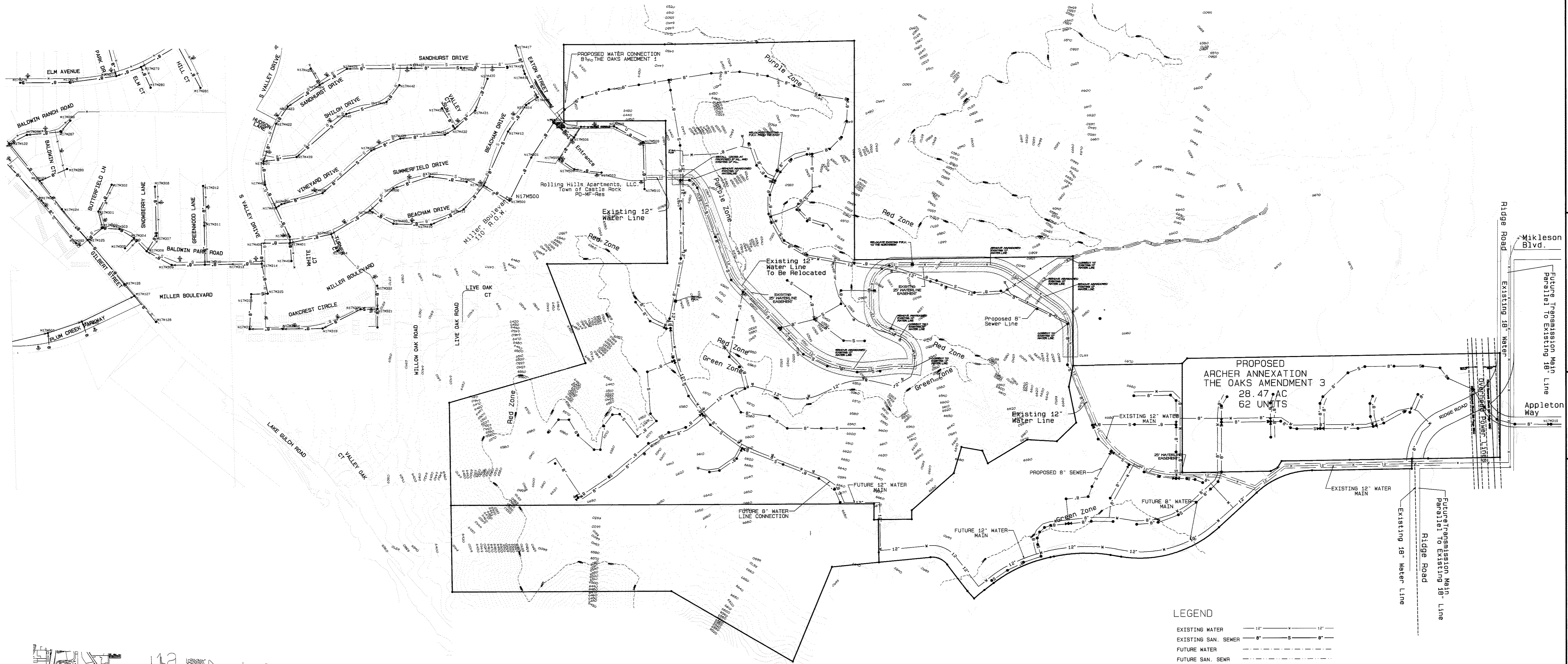
## PART OF SECTION 18, T 8 S, R 66 W OF THE 6TH P.M.

### TOWN OF CASTLE ROCK, DOUGLAS COUNTY, STATE OF COLORADO

## PRELIMINARY PD AMENDMENT NO. 3

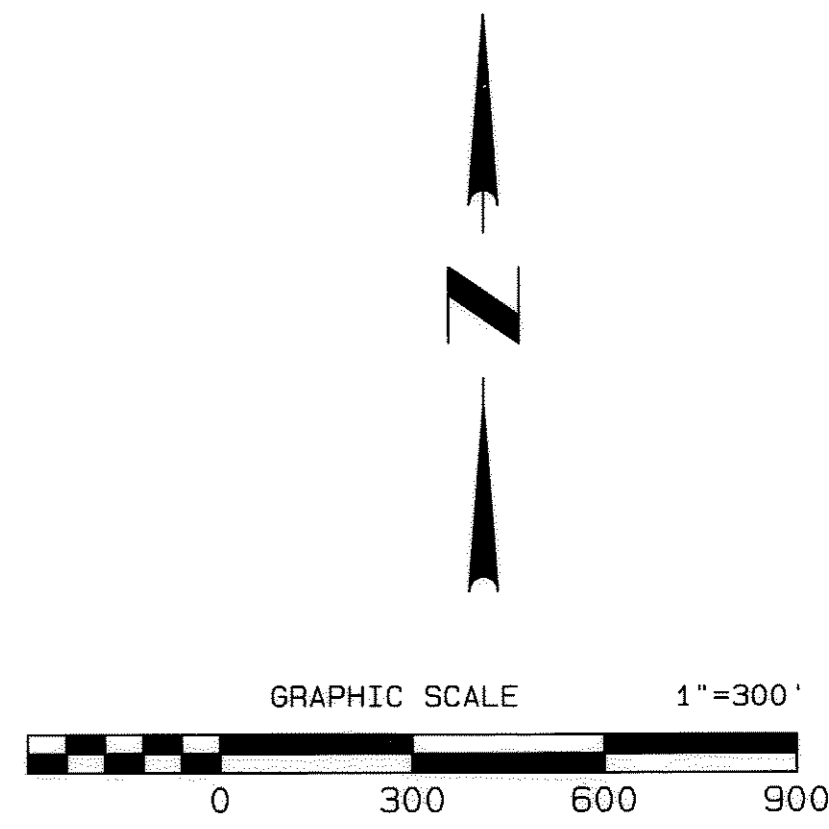
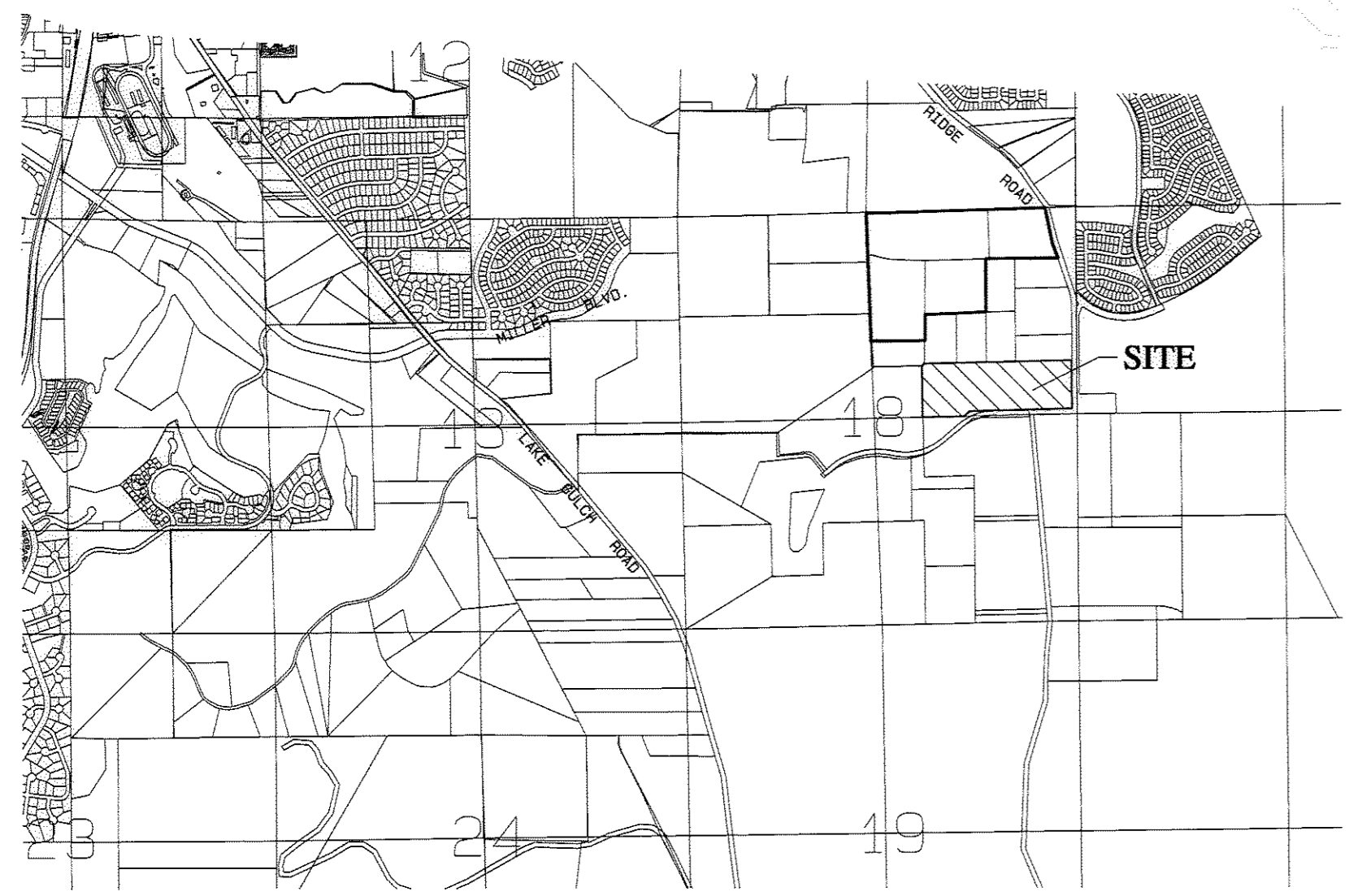


**DAVID E. ARCHER & ASSOCIATES, INC.**  
 LAND DEVELOPMENT CONSULTING  
 109 MILCOX ST., CASTLE ROCK, COLORADO 80104  
 PHONE (303) 688-4842



**LEGEND**

EXISTING WATER	— 12" — 12"
EXISTING SAN. SEWER	— 8" — 8"
FUTURE WATER	— 12" — 12"
FUTURE SAN. SEWER	— 8" — 8"
PROPOSED WATER	— 8" — 8"
PROPOSED SAN. SEWER	— 8" — 8"
EXISTING MAJOR CONTOURS	— — — — —



REVISIONS

08-26-04	Revised Per Town of Castle Rock
04-04-05	Revised Per Town of Castle Rock

THE OAKS OF CASTLE ROCK  
 PRELIMINARY PD AMENDMENT NO. 3  
 PRELIMINARY UTILITY PLAN  
 CONTACT: MICHAEL BLUMENTHAL 1400 E. MAPLEWOOD AVE., SUITE 117 ENGLEWOOD, CO 80111  
 (303) 771-2700 FAX (303) 746-0750

SCALE

DATE	5-25-04
DRN.	MDT
CHKD.	KEA
APP'D.	
JOB NUMBER	99-0130
SHEET	3 of 3

Tue Nov 24 08:21:57 2005  
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142  
71-

ORDINANCE NO. 2004-68

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE OAKS OF CASTLE ROCK, 3<sup>rd</sup> AMENDMENT PRELIMINARY PD SITE PLAN AND THE OAKS OF CASTLE ROCK 3<sup>rd</sup> AMENDMENT PD ZONING REGULATIONS

WHEREAS, David E and Lareen E Archer. ("Owner") has requested PD Planned Development zoning of the parcel described in **Exhibit A** (the "Property") denominated as "The Oaks at Castle Rock Preliminary PD Amendment No. 3"; and

WHEREAS, Owner has requested approval of The Oaks of Castle Rock, 3<sup>rd</sup> Amendment Zoning Regulations as described in the attached **Exhibit B** ("Zoning Regulations"); 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. Approval.** The Zoning Regulations and Site Plan are hereby approved.


**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.

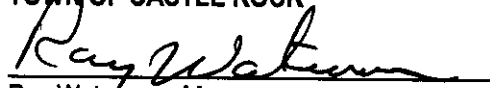
**Section 3. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

SUBMITTED this 14th day of December, 2004 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.

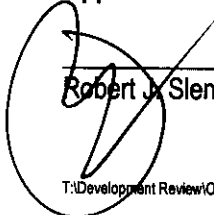
PASSED, APPROVED AND ADOPTED this 23 day of August, 2005 by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 for and 0 against.

ATTEST:

  
Sally A. Misara, Town Clerk

TOWN OF CASTLE ROCK,  
  
Ray Waterman, Mayor

Approved as to form:

  
Robert J. Slentz, Town Attorney

  
Art Corsie, Director of Development Services

T:\Development Review\Oaks\Oaks 3rd MA 04-090\TC\Archer Zoning Ordinar

OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
CAROLE R. MURRAY  
CLERK & RECORDER  
RECORDING FEE: \$71.00  
14 PGS  
# 2006015970  
02/27/2006 11:27 AM

  
2006015970 14 PGS

## EXHIBIT A

January 19, 2000  
Job No. 00-0072

### PROPERTY DESCRIPTION:

A tract of land situated in Section 18, Township 8 South, Range 66 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of the Northeast  $\frac{1}{4}$  of Section 18 and considering the East line of the Northeast  $\frac{1}{4}$  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 to a point on the Right of Way of Ridge Road and to the true point of beginning;

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 feet;

Thence S 89°08'39"W a distance of 785.65 feet;

Thence S 32°17'23"W a distance of 47.51 feet;

Thence S 62°46'35"W a distance of 45.78 feet;

Thence S 89°08'44"W a distance of 534.09 feet;

Thence N 00°00'53"E a distance of 659.11 feet;

Thence N 44°35'23"E a distance of 42.75 feet;

Thence N 89°09'25"E a distance of 1888.65 feet to the Right of Way of Ridge Road;

Thence S 00°02'34"W along the Right of Way of Ridge Road a distance of 628.59 feet to the point of beginning.

Containing 28.47 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**

**The Oaks at Castle Rock,  
PD Amendments No. 3 (Archer)  
Zoning Regulations**

*9/9/05*

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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 addition of 28.47 acres of land and modification of land uses on a portion of the original PD, now totaling 216.15 acres. 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 Preliminary P.D. Amendment No. 3", approved contemporaneously herewith, which is incorporated by reference into this Ordinance. Said general use areas shall be of eight (8) types, as designated below. The aggregate number of acres within each type of use area shall be as indicated opposite each type designation.

<b><u>TYPE USE AREA</u></b>	<b><u>ACREAGE</u></b>
Residential A (RES-A)	58.42
Residential B (RES-B)	32.50
Residential C (RES-C)	20.50
Residential D (RES-D)	24.32
Public Land Dedication (PLD)	16.65
Public Open Space Dedication (OSD)	20.66
Private Open Space	35.72
<u>Miller Boulevard, Ridge Road &amp; Appleton Way R.O.W.</u>	<u>7.38</u>
<b>TOTAL ACREAGE</b>	<b>216.15</b>

**SECTION III.**

**PERMITTED RESIDENTIAL DENSITIES**

- 3.1 It is the intent of this Ordinance to permit the development of 226 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 official Town Skyline/Ridgeline 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. 1.07 dwelling units per acre.
  
- 5.4 Maximum Building Heights. 35 feet (unless further restricted due to Skyline / Ridgeline Overlay Zone District - see official Town Skyline/Ridgeline map for affected areas).
  
- 5.5 At the time of Final PD Site Plan, lot areas within Planning Area 2 with high visibility will provide mitigation of impacts consistent with the moderate skyline designation of the Town's Skyline/Ridgeline Regulations, recognizing that some of these lots may not geographically fall within the moderate skyline requirements.

**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 official Town Skyline/Ridgeline map for affected areas).

**SECTION VII.**

**RESIDENTIAL D (RES-D) USE AREA**

- 7.1 Permitted Uses.
  - (a) Any use permitted in Residential A (RES-A) use areas.
- 7.2 Uses By Special Review. Any use permitted by special review in Residential A (RES-A) Use Areas.
- 7.3 Maximum Gross Density. 2.5 dwelling units per acre.
- 7.4 Maximum Building Heights. 35 feet (unless further restricted due to Skyline / Ridgeline Overlay Zone District - see official Town Skyline/Ridgeline map for affected areas).

**SECTION VIII.**

**PUBLIC DEDICATION (PLD) USE AREAS**

- 8.1 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 for public facilities constructed in the PLD zone areas.

8.2 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 IX.**

**OPEN SPACE DEDICATION (OSD) USE AREAS**

9.1 Uses Permitted.

- (a) Open space.
- (b) Parks, playgrounds and picnic areas, excluding camping and overnight parking.
- (c) Such other public uses, not inconsistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock.
- (d) Facilities for the collection, treatment and disposal of sewage, not inconsistent with the nature of surrounding use areas.
- (e) Facilities for the acquisition, treatment and storage of water, not inconsistent with the nature of surrounding use areas.
- (f) Storm water detention and drainage areas for public facilities constructed in the OSD zone areas.

9.2 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 X.**

**PRIVATE OPEN SPACE USE AREAS**

10.1 Uses Permitted.

- (a) Open space.
- (b) Playgrounds and picnic areas, excluding camping and overnight parking.
- (c) Private recreation center
- (d) Such other public uses, not inconsistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock.
- (e) Facilities for the collection, treatment and disposal of sewage, not inconsistent with the nature of surrounding use areas.

- (f) Facilities for the acquisition, treatment and storage of water, not inconsistent with the nature of surrounding use areas.

10.2 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 XI.**

**ACCESSORY USES PERMITTED IN ALL USE AREAS**

11.1 Uses Permitted in All Use Areas.

- (a) Underground utility and communications distribution lines, to specifically include cable television distribution trunks and lines.
- (b) Storm water detention and drainage areas.
- (c) Roadways, bike paths, pedestrian and equestrian trails.
- (d) Parking areas.
- (e) Open spaces and lakes, to include storm water drainage detention areas.
- (f) Fences.
- (g) Wells and well houses, water pumping stations and sewage lift stations.
- (h) 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.
- (i) 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.
- (j) 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 XII.**

### **SETBACKS AND LOT SIZES**

- 12.1 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.
  - c) Lots located along the southern portion of the RES-D zone district, adjacent to the southerly local street shall be a minimum 15,000 square feet in size.

## **SECTION XIII.**

### **RESIDENTIAL BUILDING ENVELOPES**

- 13.1 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.
- 13.2 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 XIV.**

### **PLANNING AND DESIGN CONTROLS**

- 14.1 The standards and requirements listed in this section shall apply within the Residential A (RES-A) and Residential B (RES-B) Use Areas.
- 14.2 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. 3 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 XV.**

### **ENVIRONMENTAL PROTECTION**

- 15.1 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.
- 15.2 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.

15.3 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' (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 XVI.**

### **ENFORCEMENT**

16.1 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 XVII.**

### **SUBMISSION OF FINAL PLANNED UNIT DEVELOPMENT PLANS AND/OR PLATS**

17.1 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 XVIII.**

**TRANSITIONAL USE FOR AGRICULTURAL PURPOSES**

- 18.1 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.
  
- 18.2 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.
  
- 18.3 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 XIX.**

**RELATIONSHIP TO TOWN REGULATIONS**

- 19.1 The provisions of this Preliminary PD Site Plan and Zoning Regulations shall prevail and govern the development of the Oaks at Castle Rock, Preliminary PD Amendment No. 1, and No. 3; 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 XX.**

**SEVERABILITY OF PROVISIONS**

- 20.1 In the event that nay 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.