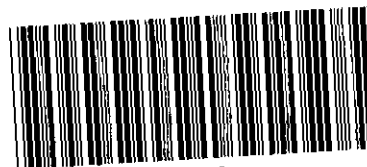


PLAT IDENTIFICATION SHEET

✓ Castleview, LLC

Grantor (owner)



2008067423 4 PGS

Grantor (owner)

OFFICIAL RECORDS
DOUGLAS COUNTY CO
JACK ARROWSMITH
CLERK & RECORDER
RECORDING FEE: \$31.00
4 PGS

✓ Oaks of Castle Rock Preliminary PD Amendment 4

2008067423
10/03/2008 11:44 AM

Grantee (name of plat or condo)

Grantee (name of plat or condo)

Subdivision Info: Oaks of Castle Rock

Condo Info: Phase _____ Bldg _____ Unit _____

✓ 13
✓ 18

8
8

67
66

Section

Township

Range

Cross Reference numbers: (reception #s or book and page)

2004042543

The Oaks Of Castle Rock

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

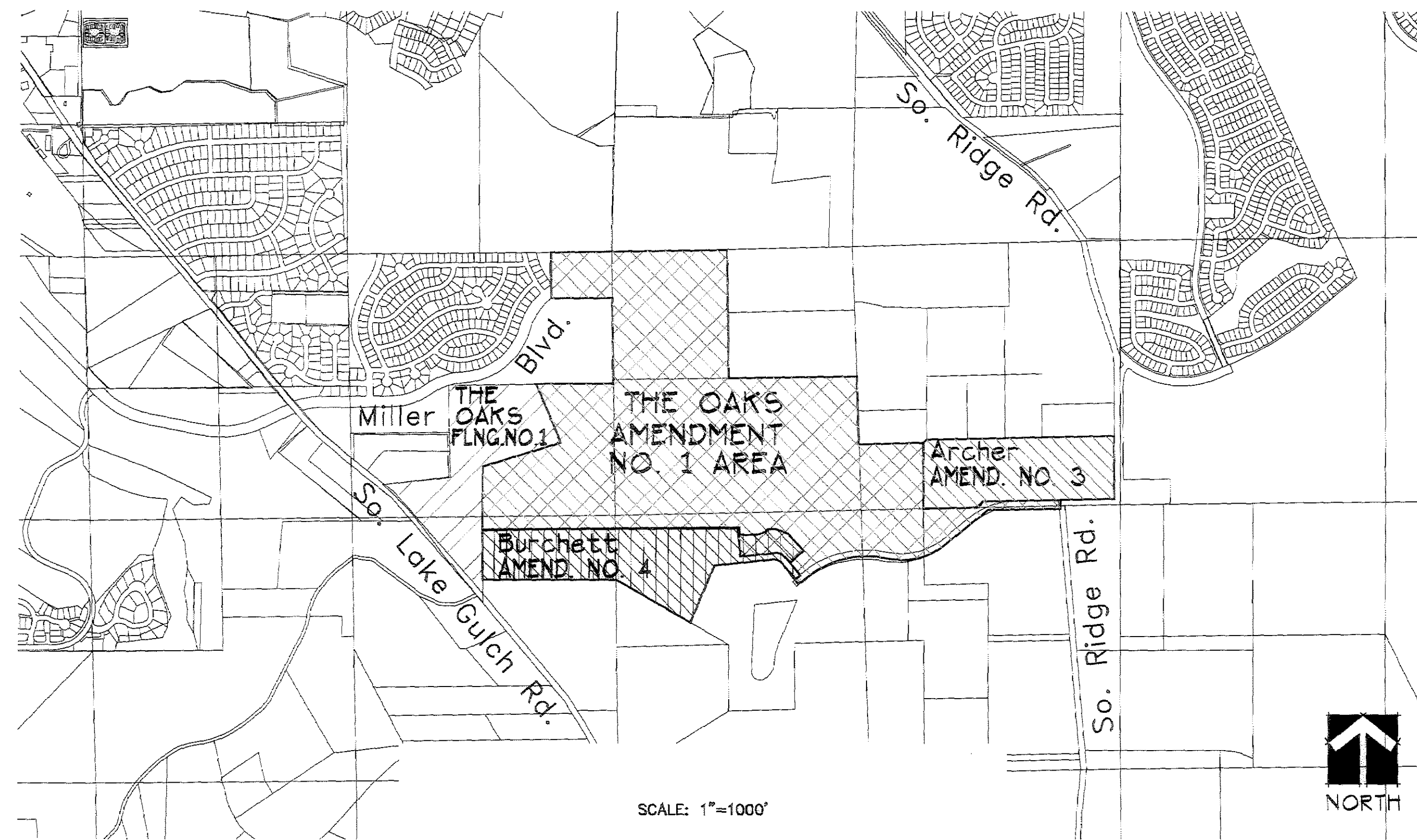
Preliminary PD Amendment No. 4

Sheet 1 of 3

LEGAL DESCRIPTION AMENDMENT NO. 4:

Parcel of land situated in the Southeast 1/4 of Section 13, Township 8 South, Range 67 West and the Southwest 1/4 of Section 18, Township 8 South, Range 66 West of the 6th Principal Meridian, Douglas County, Colorado being more particularly described as follows:
Commencing at the Southwest corner of Section 18 and considering the West line of the Southwest 1/4 to bear N 01°11'22"W with all bearings contained herein and relative thereto;
Thence N 23°17'42"E a distance of 1668.19 feet to the true point of beginning;
Thence N 22°33'44"E a distance of 617.63 feet;
Thence N 84°32'13"E a distance of 597.37 feet to a point of curve;
Thence Southwesterly along the arc of a curve to the right a distance of 115.03 feet, said curve has a radius of 113.17 feet, and a central angle of 58°14'08" to a point of tangent;
Thence S 37°13'39"E along said tangent a distance of 202.21 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, a central angle of 03°27'07", and a chord that bears N 49°46'50"E a distance of 60.08 feet along said tangent;
Thence N 37°13'39"W a distance of 185.29 feet;
Thence N 57°01'15"E a distance of 112.48 feet;
Thence N 21°00'36"W a distance of 193.87 feet;
Thence N 63°03'42"W a distance of 156.44 feet;
Thence S 84°32'13"W a distance of 93.45 feet;
Thence S 53°15'22"W a distance of 77.51 feet;
Thence S 00°40'13"W a distance of 9.52 feet;
Thence S 88°59'10"W a distance of 226.22 feet;
Thence N 00°37'42"W a distance of 97.04 feet;
Thence S 89°55'48"W a distance of 2556.65 feet;
Thence N 00°47'29"E a distance of 521.54 feet;
Thence N 89°55'38"E a distance of 1324.60 feet;
Thence S 59°48'12"E a distance of 848.45 feet to the point of beginning;
Containing 37.69 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.

VICINITY MAP:



CERTIFICATIONS - AMENDMENT NO. 4:

OWNERSHIP CERTIFICATION:
The undersigned are all the owners of certain lands known herein as The Oaks Of Castle Rock Preliminary PD Amendment No. 4 in the Town Of Castle Rock.
Landowner: Castleview LLC - 30 Cherry Hills Farm Drive, Englewood, CO 80113
Signature: Michael Blumenthal
Executed this 22 day of September, A.D., 2008.
State of Colorado } S.S.
County of Arapahoe }
The forgoing instrument was acknowledged before me this 22 day of September, 2008, by Michael Blumenthal as Manager of Castleview LLC an authorized signatory.
By Shelley Hirschman Witness my hand and seal
Notary Public
Address 5400 DC Blvd, Suite 450 My commission expires 8/30/2012
City Greenwood Village, CO State CO Zip Code 80111

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. 4 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:
Signature: J. Paul Glista
Mortgagee/Lienholder: Community Banks Of Colorado
Signed this 22 day of September, 2008.
STATE OF COLORADO } S.S.
COUNTY OF Arapahoe }
The foregoing instrument was acknowledged before me this 22 day of September, A.D., 2008, by J. Paul Glista as Senior Vice President of Community Banks Of Colorado
Witness My Hand and Seal
Notary Public
My commission expires

PD AMENDMENT NO. 3:

NOTE: PD Amendment No. 3 was approved previously by the Town of Castle Rock on August 23, 2005

PD AMENDMENT NO. 2:

NOTE: The original PD Amendment No. 2 was previously denied by the Town of Castle Rock on August 23, 2005

GENERAL NOTES:

- The amendment approved here is for the Burchett (Amendment No. 4) parcel only, and does not affect the Oaks Amend No 1 & 3 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. Benchmark panel point 100 feet SW of NE corner of Lot 17, Castle Ridge East. Benchmark elevation is 6528.57 feet, and is on the NAVD 88 datum.
- The Preliminary PD Site Plan Amendment No. 4 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, and 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, David E. Archer, an authorized representative of North American Title Company of Colorado, 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: David E. Archer, P.L.S. - Title Operations
Title Insurance Company: North American Title Company of Colorado
Executed this 22 day of September, A.D., 2008.
State of Colorado } S.S.
County of Douglas }
The forgoing instrument was acknowledged before me this 23 day of September, 2008, by David Archer as Richard J. Archer of N.A. Title an authorized signatory.
By Shelley Hirschman Witness my hand and seal
Notary Public
Address 990 S. Meridian My commission expires 12/15/09
City Greenwood State CO Zip Code 80111

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. 4 was made under by supervision and the monuments shown thereon actually exist and this Preliminary PD Amendment accurately represents the same.
Registered Land Surveyor: David E. Archer
Registration Number: #6935
TOWN CERTIFICATION:
A. Planning Commission Recommendation: denial
The Preliminary PD Amendment and Amended Zoning Regulations for The Oaks Of Castle Rock Preliminary PD Amendment No. 4 were recommended for approval by the Planning Commission of The Town Of Castle Rock, Colorado, on the 17th day of February, A.D., 2008.
Chairman: Richard J. Archer Date: 2/15/08
Director Of Development Services: Shelley Hirschman Date: 9/23/08
B. Town Council Approval:
The Preliminary PD Amendment and Amended Zoning Regulations for The Oaks Of Castle Rock Preliminary PD Amendment No. 4 were approved by the Town Council of The Town Of Castle Rock, Colorado, on the 24th day of March, A.D., 2008.
Mayor: Shelley Hirschman Date: 10-2-08
Altest: Sally O. Mun Date: 10-2-08

SHEET INDEX:

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

Prepared For: Castle Development Corp.
c/o Michael R. Enterprises, Inc.
9400 E. Maplewood Ave., Suite 17
Englewood, CO 80111
(303) 771-2700 Fax (303) 796-0730

Prepared By: David E. Archer
Kirby Smith & Associates, Inc.
Land Planning/Site Design/Landscape Architecture
6201 So. Hudson Court, Centennial, CO 80121
(303) 694-9484 FAX (303) 694-9272

COUNTY CLERK & RECORDER:
I hereby certify that this plan was filed for recording in my office on this 20th day of October, 2008, A.D., at 1144 a.m./p.m. and was recorded at reception number 2008061423
Clerk & Recorder: Christine Davis

The Oaks Of Castle Rock
Preliminary PD Amendment No. 4
Date Prepared: 11/14/05
Revisions: 7/31/06 3/19/07 3/29/07 4/29/08 7/29/08 8/29/08 9/22/08

The Oaks Of Castle Rock

Part of Section 13, T 8 S, R 67 W, & 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. 4

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.	23.26
Residential -B (Res-B)	2,6,10,11	49.54 Ac.	57 DU	1.15 DU/Ac.	19.74
Residential -C (Res-C)	4	20.80 Ac.	54 DU	2.60 DU/Ac.	8.28
Residential -D (Res-D)	9	24.32 Ac.	61 DU	2.50 DU/Ac.	9.68
Residential Total		153.08 Ac.	248 DU	1.62 DU/Ac.	61.00
Miller Blvd., Ridge Rd. & Appleton ROW		7.38 Ac.			2.94
Public Land Dedication (PLD)		13.65 Ac.			5.44
Open Space Dedication (OSD)		20.65 Ac.			8.22
Private Open Space		56.37 Ac.			22.44
GRAND TOTAL		251.13 Ac.	248 DU	0.99 DU/Ac.	100.00

Note: Private open space requirement is 20% of residential area (20 X 153.20 ac.) = 30.62 acres. Private open space provided is 56.37 acres, or 36.8% of residential area.

Amendment No 4 Land Use Summary

Residential -B (Res-B)	6, 11	17.04 Ac.	22 DU	1.29 DU/Ac.	45.21
Public Land Dedication (PLD)		0.20 Ac.			0.53
Private Open Space		20.45 Ac.			54.26
TOTAL		37.69 Ac.	22 DU	0.58 DU/Ac.	100.00

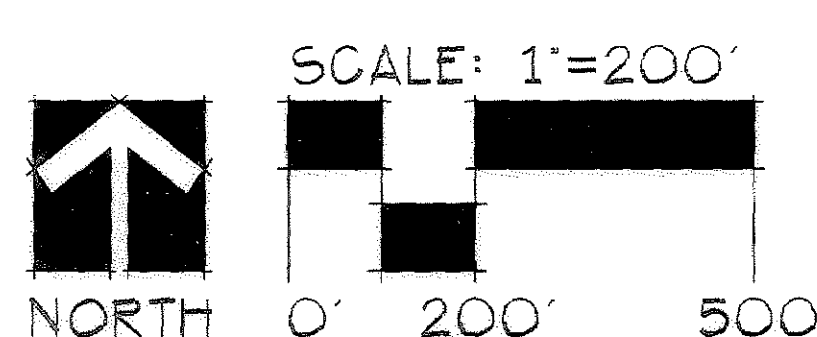
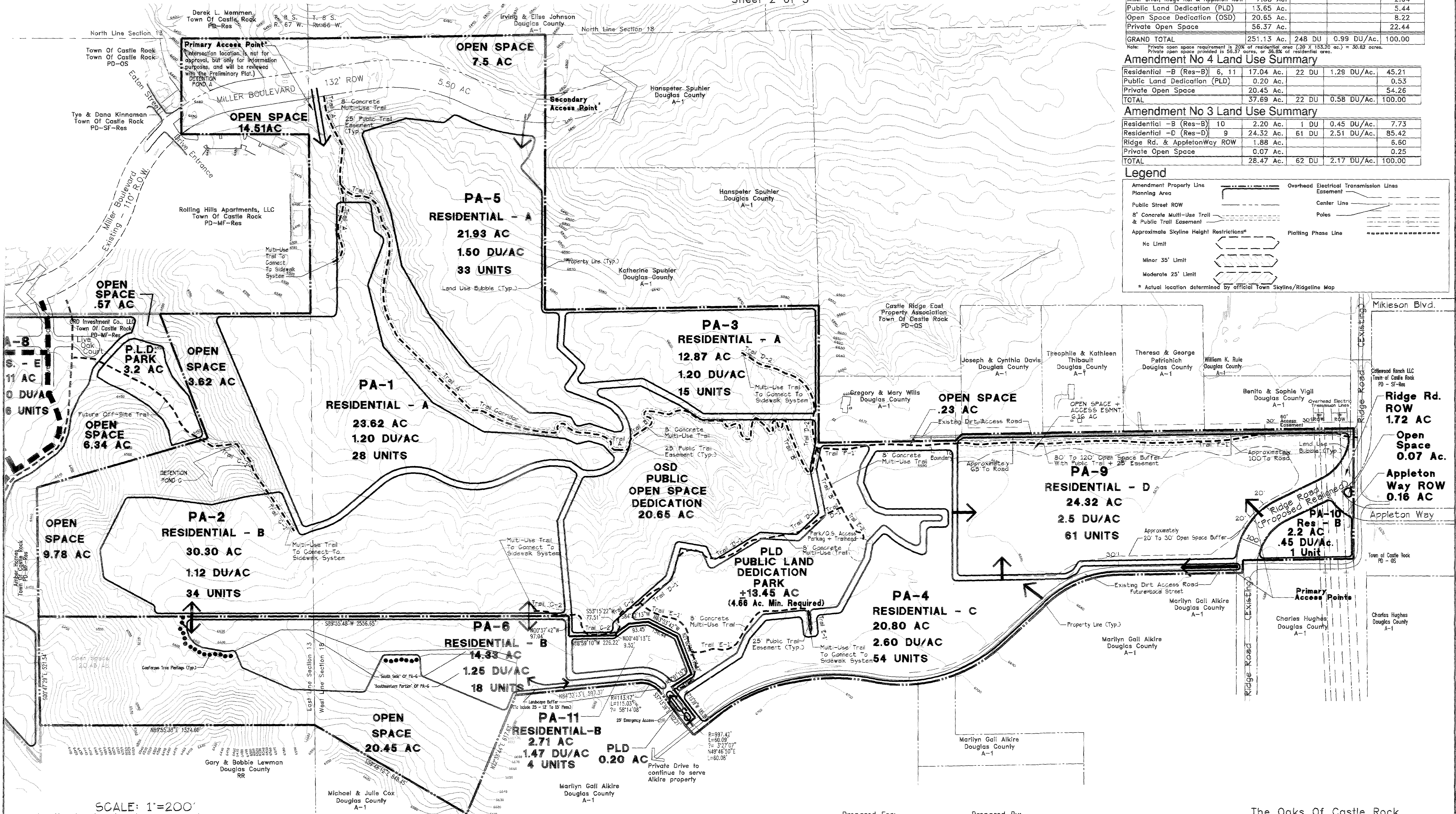
Amendment No 3 Land Use Summary

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
TOTAL		28.47 Ac.	62 DU	2.17 DU/Ac.	100.00

Legend

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

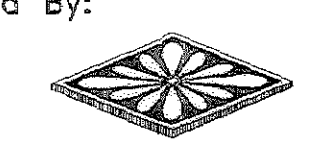
* Actual location determined by official Town Skyline/Ridgeline Map



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/Design/Landscape Architecture
6201 E. Hudson Ct. Denver, CO 80221
(303) 894-2464 FAX (303) 694-9272

David E. Archer
Associates, Inc.
106 Wilcox Street
Castle Rock, CO 80104
(303)888-4642 Fax (303)888-4676

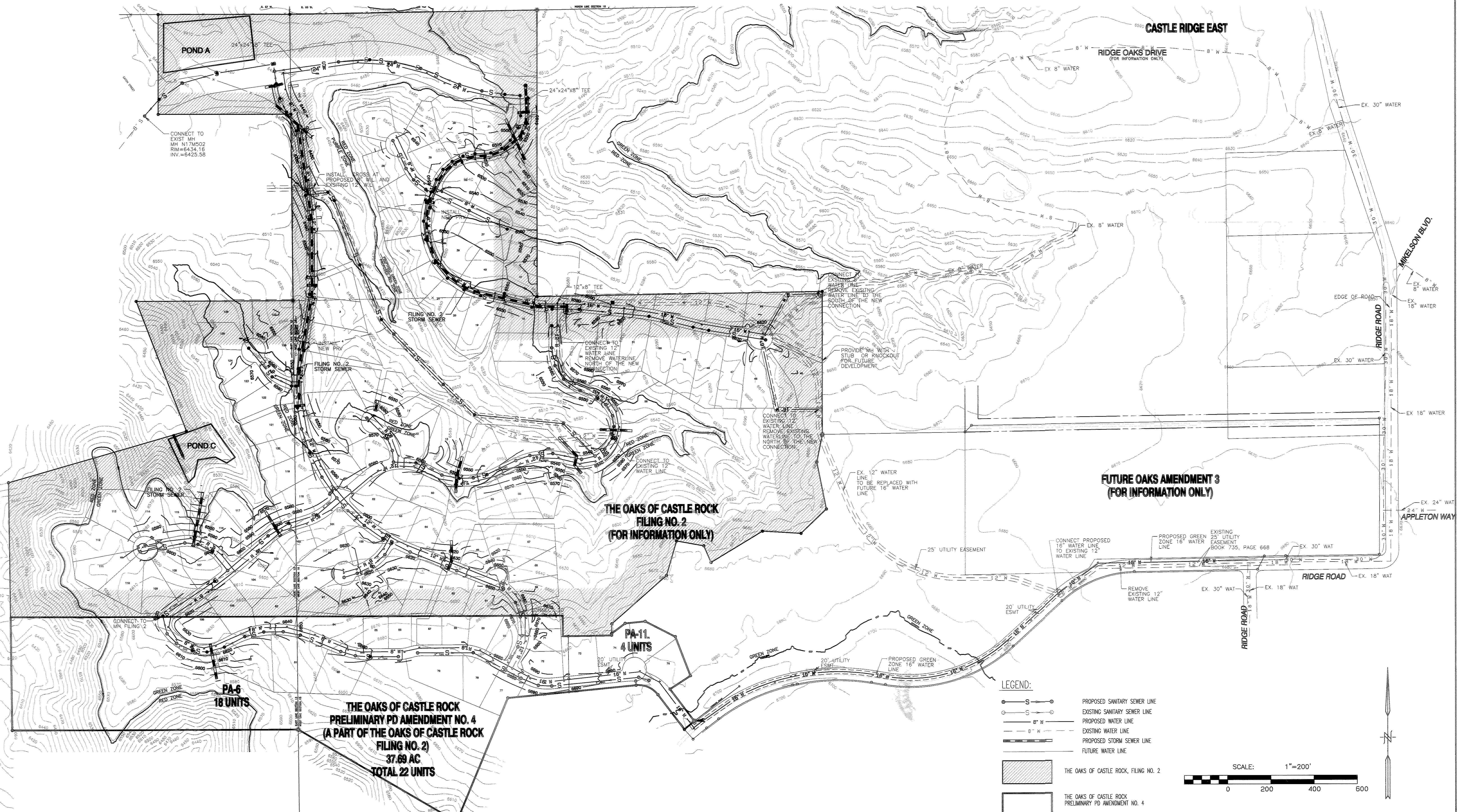
The Oaks Of Castle Rock
Preliminary PD Amendment No. 4
Date Prepared: 11/14/05
Revisions: 7/31/06 10/26/06 3/19/07 3/29/07
4/29/08 7/29/08 8/29/08 Sheet 2 of 3

THE OAKS OF CASTLE ROCK

PRELIMINARY PD AMENDMENT NO. 4

SECTIONS 13 OF T8S, R67W & 18 OF T8S, R66W, 6TH P.M.

TOWN OF CASTLE ROCK, DOUGLAS COUNTY, COLORADO



CONNECT TO EXIST MH
MH N17M502
RIM=6434.16
INV.=6425.58

INSTALL CROSS AT PROPOSED EXHANG 12

INSTALL NEW PXY

INSTALL NEW PXY

CONNECT TO EXIST MH FILING NO. 2

**THE OAKS OF CASTLE ROCK
PRELIMINARY PD AMENDMENT NO. 4
(A PART OF THE OAKS OF CASTLE ROCK
FILING NO. 2)
37.69 AC
TOTAL 22 UNITS**

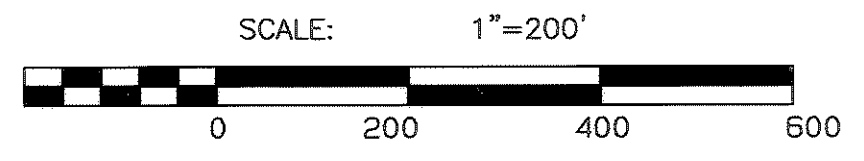
**THE OAKS OF CASTLE ROCK
FILING NO. 2
(FOR INFORMATION ONLY)**

**PA-11
4 UNITS**

**PA-6
18 UNITS**

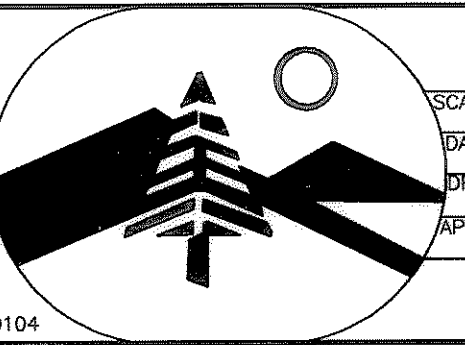
LEGEND:

- PROPOSED SANITARY SEWER LINE
- EXISTING SANITARY SEWER LINE
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED STORM SEWER LINE
- FUTURE WATER LINE
- THE OAKS OF CASTLE ROCK, FILING NO. 2
- THE OAKS OF CASTLE ROCK, PRELIMINARY PD AMENDMENT NO. 4



REVISIONS	DATE	REVISIONS PER TOWN	REVIEW & COMMENTS

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



TITLE	PRELIMINARY GRADING & UTILITY PLAN THE OAKS OF CASTLE ROCK PRELIMINARY PD AMENDMENT NO. 4
SCALE	1"=200'
DATE	9/18/2008
DRN	RES
CHKD	JAT
APVD	KEA
CLIENT	CASTLE VIEW LLC
JOB NUMBER	99-0130
SHEET	3 OF 3

ORDINANCE NO. 2007-09

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE OAKS OF CASTLE ROCK 4th MAJOR AMENDMENT PRELIMINARY PLANNED DEVELOPMENT SITE PLAN AND PD ZONING REGULATIONS

WHEREAS, Eloise Anne Burchett, ("Owner") has made application of Planned Development zoning of the parcel described in **Exhibit A** (the "Property") denominated as "The Oaks at Castle Rock 4th Major Amendment Preliminary PD"; and

WHEREAS, Owner has requested approval of The Oaks of Castle Rock, 4th Amendment Zoning Regulations as described in the attached **Exhibit B** ("Zoning Regulations"); and

WHEREAS, public hearings on the Site Plan and Zoning Regulations 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, subject to the following conditions:

1. Development standards within the zoning be revised to reflect staff recommendations
2. Building heights shall be measured from pre-development elevations
3. Density within the amendment area shall not exceed 22 units.

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.

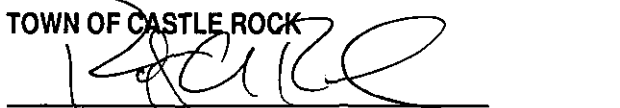
Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

INTRODUCED this 13th day of March, 2007, and approved for publication and further reading by a vote of the Town Council of the Town of Castle Rock of 4 for and 2 against.


PASSED, APPROVED AND ADOPTED this 27th day of March, 2007 by a vote of the Town Council of the Town of Castle Rock, Colorado of 4 for and 3 against.

ATTEST:


Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK

Randy A. Reed, Mayor

Approved as to form:

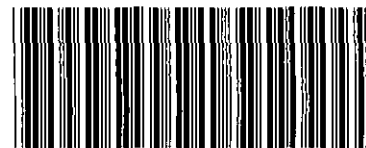

Robert J. Slentz, Town Attorney


Art Corsie, Director of Development Services

C:\Development Review\Oaks\Oaks 4th MA\Preliminary PD Site Plan\Town Council\Burchett Zoning Ordinance 2nd Reading 3.27.07.doc

OFFICIAL RECORDS
DOUGLAS COUNTY CO
JACK ARROWSMITH
CLERK & RECORDER
RECORDING FEE: \$76.00
15 PGS

2008067422
10/03/2008 11:44 AM



2008067422 15 PGS

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in Section 13, Township 8 South, Range 67 West and Section 18, Township 8 South, Range 66 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of Section 18 as monumented by a marked stone and considering the West line of said Section 18 to bear N 01° 11' 22" W to the West 1/4 corner of Section 18 as monumented by an 2 3/8" Aluminum monument marked TST, PLS 12046 with all bearings contained herein relative thereto;

Thence N 23° 17' 42" E, 1668.19 feet to the point of beginning;
Thence N 22° 33' 44" E, 617.63 feet;
Thence N 84° 32' 13" E, 597.37 feet to a point of curvature;
Thence along a curve to the right having a central angle of 58° 14' 08", a radius of 113.17 feet and an arc length of 115.03 feet;
Thence S 37° 13' 39" E, 202.21 feet to a point on a non-tangent curve;
Thence along said curve to the right having a central angle of 03° 27' 07", a radius of 997.42 feet and a chord that bears N 49° 46' 33" E, 60.09 feet;
Thence departing said curve on a non-radial line N 37° 13' 39" W, 199.07 feet to a point of curvature;
Thence along a curve to the left having a central angle of 58° 14' 08", a radius of 173.17 feet, and an arc length of 176.01 feet;
Thence S 84° 32' 13" W, 332.68 feet;
Thence N 00° 37' 42" W, 294.41 feet;
Thence S 89° 55' 48" W, 2556.65 feet;
Thence S 00° 47' 29" E, 521.54 feet;
Thence S 89° 55' 38" E, 1324.60 feet;
Thence S 59° 48' 37" E, 848.39 feet to the point of beginning;

Containing 34.98 acres, more or less.

**The Oaks at Castle Rock,
PD Amendment No. 4 (Burchett)
Zoning Regulations**

4/28/08

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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 34.98 acres of land and modification of land uses on a portion of the original PD and PD Amendment No 3, now totaling 251.13 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. 4, 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.

<u>TYPE USE AREA</u>	<u>ACREAGE</u>
Residential A (RES-A)	58.42
Residential B (RES-B)	49.66
Residential C (RES-C)	20.80
Residential D (RES-D)	24.32
Public Land Dedication (PLD)	13.65
Public Open Space Dedication (OSD)	20.53
Private Open Space	56.37
<u>Miller Boulevard, Ridge Road & Appleton Way R.O.W.</u>	<u>7.38</u>
TOTAL ACREAGE	251.13

SECTION III.

PERMITTED RESIDENTIAL DENSITIES

- 3.1 It is the intent of this Ordinance to permit the development of 248 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. 1.3 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. 1.15 dwelling units per acre (individual use areas vary from 0.45 DU/Ac to 1.41 DU/Ac).

- 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).
 - (a) Building heights for all lots within Planning Area 6 (Burchett) shall be measured from pre-development elevations.

- 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.

5.6 On lots along the south side of Planning Area 6 (Burchett) (as illustrated by the line so noted on the Preliminary PD Site Plan) all primary and accessory structures shall be required to comply with the following measures designated to mitigate the visual impact of the structure:

(a) Vegetation. In addition to trees required by the Town's Skyline/Ridgeline Ordinance, the area around each primary structure and accessory structure shall include at least one (1) coniferous tree (with a minimum mature height of 25 feet) located at an average of one tree per 25 linear feet of rear building wall across the lot at the rear of the structure. These required trees shall be located within 40 feet of the structure, and shall be a minimum of eight (8) feet tall when planted.

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/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.
 - (c) As illustrated in PA-6, Additional coniferous trees shall be planted along the south side of Castle Vista Drive and within the private open space at a density of 1 tree per 25 linear feet.

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.
- d) Lots located along the southeastern portion of the PA-6, in the RES-B zone district, (as illustrated by the line so noted on the Preliminary PD Site Plan) shall require a 10 foot front yard setback and a minimum of 50% of the lot depth for the rear yard.

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 PD Site Plan.

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, No. 2, No. 3 and No. 4; 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 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.