

ORDINANCE NO. 2017-021

**AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY
DESIGNATING THE CASTLE ROCK INDUSTRIAL PARK ANNEXATION PROPERTY
AS I-2 GENERAL INDUSTRIAL**

WHEREAS, Your Storage Center at Castle Rock, LLC ("Owner") has requested rezoning of the property concurrently annexed as the Castle Rock Industrial Park Annexation, and further described in the attached *Exhibit 1* ("Property") and

WHEREAS, Owner has requested a zoning classification of I-2 General Industrial zoning for the Property ("Zoning Application"),

WHEREAS, the Zoning Application has been found to conform with the Town of Castle Rock Municipal Code review criteria for zoning map amendments found in 17.02.060.C; and

WHEREAS, the proposed zoning map amendment conforms with the most recently adopted versions of the Town's Vision and Comprehensive Master Plan; and

WHEREAS, the Planning Commission and Town Council have conducted the required public hearings in accordance with the applicable provisions of the Town of Castle Rock Municipal Code.

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

Section 1. Zoning Approval. The Property concurrently annexed to the Town as the Castle Rock Industrial Park Annexation is rezoned to I-2 General Industrial zoning. The Town's Zoning District Map pertaining to the Property is amended to reflect the zoning classification I-2 General Industrial, for such Property.

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.

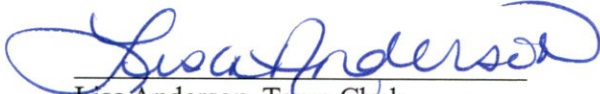
Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 20th day of June, 2017, by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

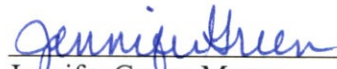
PASSED, APPROVED AND ADOPTED this 6th day of March, 2018, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK



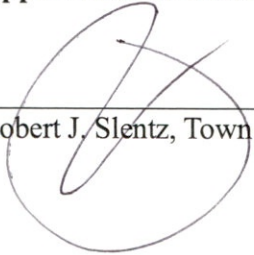
Lisa Anderson, Town Clerk



Jennifer Green, Mayor

Approved as to form:

Approved as to content:



Robert J. Slentz, Town Attorney



Bill Detweiler, Director of Development Services



A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS CONTAINED HEREIN ARE RELATIVE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34 WHICH BEARS SOUTH 89°27'34" EAST A DISTANCE OF 2,670.79 FEET (BEARINGS COLORADO STATE PLANE CENTRAL ZONE). MONUMENTED AT THE NORTH 1/4 CORNER BY A 2.5" ALUMINUM CAP STAMPED LS 6935 AND AT THE NORTHEAST CORNER BY A 3.25" ALUMINUM CAP STAMPED LS 13258.

COMMENCING AT SAID NORTH ONE-QUARTER CORNER; THENCE ON SAID NORTH LINE, SOUTH 89°27'34" EAST A DISTANCE OF 1,386.94 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE FORMER U.S. HIGHWAY 85 AS DESCRIBED IN BOOK 111 AT PAGE 321 OF THE DOUGLAS COUNTY RECORDS; THENCE ON SAID RIGHT-OF-WAY, SOUTH 28°20'34" EAST A DISTANCE OF 1,169.99 FEET TO THE POINT OF BEGINNING;

CONTINUING ON SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

1. THENCE SOUTH 28°20'34" EAST A DISTANCE OF 387.00 FEET;
2. THENCE SOUTH 02°09'26" WEST A DISTANCE OF 148.20 FEET;
3. THENCE SOUTH 28°20'34" EAST A DISTANCE OF 76.00 FEET;

THENCE SOUTH 62°19'26" WEST A DISTANCE OF 295.51 FEET, TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD (FORMERLY THE DENVER & RIO GRANDE WESTERN RAILROAD);

THENCE ON SAID RAILROAD RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

1. THENCE NORTH 25°38'57" WEST A DISTANCE OF 214.49 FEET TO A POINT OF TANGENCY;
2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 80.80 FEET, A RADIUS OF 6,300.11 FEET, A DELTA ANGLE OF 0°44'06", WHOSE CHORD BEARS NORTH 25°16'54" WEST A DISTANCE OF 80.79 FEET, TO A POINT OF COMPOUND CURVATURE;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 297.35 FEET, A RADIUS OF 5,321.60 FEET, A DELTA ANGLE OF 3°12'05", WHOSE CHORD BEARS NORTH 23°18'49" WEST A DISTANCE OF 297.31 FEET;

THENCE NORTH 62°19'26" EAST A DISTANCE OF 330.27 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34 WHICH BEARS SOUTH 89°27'34" EAST A DISTANCE OF 2670.79 FEET (BEARINGS COLORADO STATE PLANE CENTRAL ZONE). MONUMENTED AT THE NORTH 1/4 CORNER BY A 2.5" ALUMINUM CAP STAMPED LS 6935 AND AT THE NORTHEAST CORNER BY A 3.25" ALUMINUM CAP STAMPED LS 13258.



Town of Castle Rock

Agenda Memorandum

Agenda Date: 3/6/2018

Item #: 29. **File #:** ORD 2017-021

To: Honorable Mayor and Members of Town Council

From: Donna Ferguson, Planner II, Development Services

Ordinance Amending the Town's Zone District Map by Designating the Castle Rock Industrial Park Annexation Property as I-2 General Industrial (Second Reading - Approved on First Reading on June 20, 2017 with a vote of 6 to 0)

PUBLIC HEARING - SECOND READING

The Town Council will now consider a request for the approval of an **Ordinance Amending the Town's Zone District Map by Designating the Castle Rock Industrial Park Annexation Property as I-2 General Industrial** on second reading (Approved on First Reading on June 20, 2017 with a vote of 6 to 0). This agenda item was considered at first reading as a quasi-judicial hearing and is presented tonight for second reading.

If any Councilmember needs to address Council tonight regarding any potential conflict of interest or other matter that was not raised at first reading, please address the Council at this time.

Any statement of Council conflict

Does Staff or the Applicant desire to present additional information?

Staff / Applicant presentation

We will now proceed to receive public comment on second reading of this ordinance.

Public Comment

I now close the public hearing and refer this to Council for discussion and action.

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: Bill Detweiler, Director, Development Services

From: Donna Ferguson, Planner II, Development Services

Title: Ordinance Amending the Town's Zone District Map by Designating the Castle Rock Industrial Park Annexation Property as I-2 General Industrial (Second Reading)

Executive Summary

First reading of this application occurred on June 20, 2017; Town Council voted 6-0 to approve the zoning as presented. The second reading was previously scheduled for July 18, 2017 but the applicant chose to table the hearing until today in order to settle a site development matter.

Polo Properties Holdings, LLC is proceeding with an application for Zoning for property known as Castle Rock Industrial Park which was previously owned and brought forward for zoning district classification by Castle Rock Industrial Park, LLC. The property resides within an industrial area of Town and is sandwiched between the Union Pacific Railroad and Highway 85 where Liggett Road spurs off of Highway 85 (Figure 1).

Castle Rock Industrial Park is currently under consideration for annexation into the Town under a separate Annexation application. If the property is approved for annexation it subsequently needs to be zoned; through this Zoning application a straight zone district classification of I-2 General Industrial is being proposed for the Castle Rock Industrial Park property.

A zoning district classification of I-2 would permit the property to be developed as a versatile industrial land use and help the Town fill in an industrial land use area within its boundary and grow its tax base. Applications for Zoning require public hearing before Town Council for review and approval after review and a recommendation by Planning Commission.

Budget Impact

The proposed Zoning application will generate development review and impact fees along with use taxes.

Staff Recommendation

Staff finds that the proposed zoning district classification meets the zoning approval criteria outlined in Section 17.02.060 of the Town's Municipal Code.

Item #: 29. File #: ORD 2017-021

Proposed Motion

I move to approve the Ordinance as introduced by Title on 2nd reading.

Attachments

Attachment A: Ordinance
Exhibit 1: Legal Description
Attachment B: Annexation Plat
Attachment C: Uses by zone district



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: Bill Detweiler, Director, Development Services

From: Donna Ferguson, Planner II, Development Services

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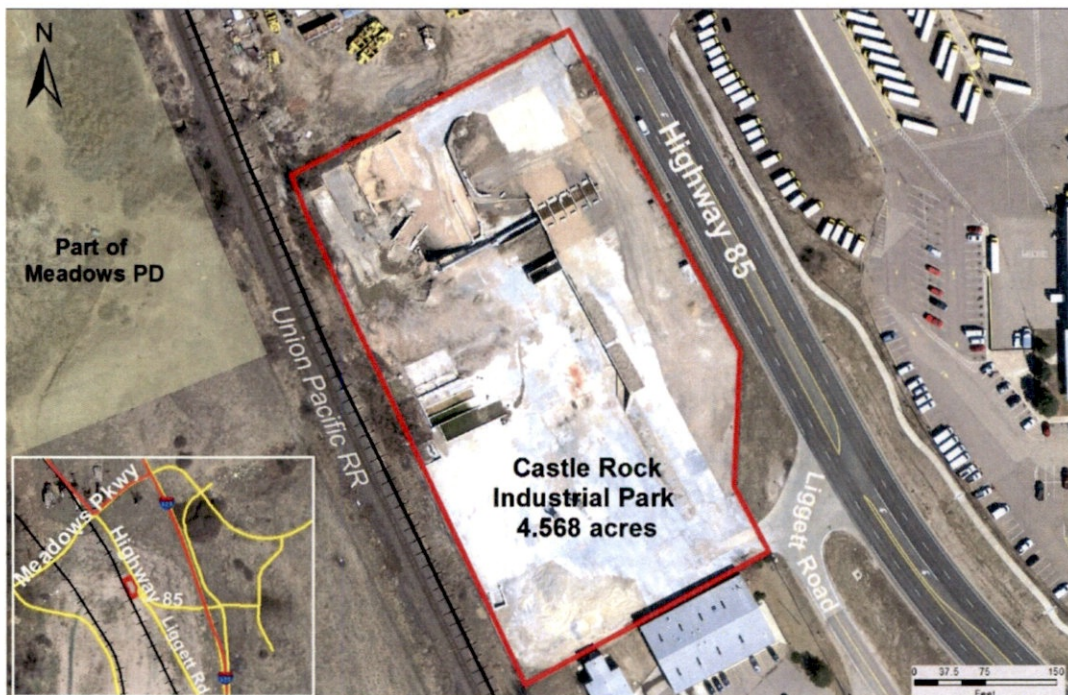


Figure 1: Location Map

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The Proposed Zoning District Classification

The proposed zoning district classification for the property is I-2 General Industrial. The I-2 District is intended to allow a less restrictive type of industrial development where the necessary characteristic of industrial operations will not adversely affect nearby residential and business uses. The purpose of the District is to permit the normal operation of almost all industries, subject to those regulations necessary for mutual protection of nearby property owners in the lawful use of their respective properties, and the public health, safety and general welfare. A full list of permitted uses for the I-2 zone district is attached.

In addition, the I-2 District outlines the following development standards for the property:

General Industrial I-2 Development Standards	
Maximum Lot Coverage	As limited by applicable standards for development, parking, landscaping and other requirements
Minimum Front yard setback	15-feet from the property line
Minimum Side yard setback	Zero feet except where the side yard abuts an adjoining zoning of a lesser intensity, then the side yard setback of the lesser zoning district shall apply for that side
Minimum Rear yard setback	Zero feet except where the rear yard abuts an adjoining zoning of a lesser intensity, then the rear yard setback of the lesser zoning district shall apply
Maximum Height of buildings	50-feet

Discussion

Background

The Castle Rock Industrial Park property is 4.568 acres in size and currently under the jurisdiction of Douglas County. It is addressed as 2801 U.S. Highway 85 and owned by Polo Properties Holdings, LLC who took ownership of the property from Castle Rock Industrial Park, LLC on February 1, 2017.

Proposed Annexation

Town Council will review the proposed annexation under a separate Annexation application.

Existing Conditions



Figure 2: Surrounding Zoning & Uses Map

The subject property lies within an industrial area made up of a patchwork pattern of Town and County properties (Figure 2). It is an industrial site currently being used for large vehicle storage but was formally the site of a concrete mixing business. The property contains large concrete pads and concrete wall dividers but no buildings. There is also a well which has been abandoned and an old septic system. The property has access to both Highway 85 and Liggett Road which are both Town owned streets that have minimal street improvements. However, annexation of the subject property would provide an opportunity for the Town to exact additional street improvements such as street lights, sidewalks and street landscaping.

To the north of the subject property resides vacant industrial land, to the east and across Highway 85 lies property owned by the Douglas County School District which contains bus storage and an ancillary office and service building, to the south is an auto body repair business and to the west and across the railroad is a single family home on property zoned agricultural and under the jurisdiction of Douglas County.

The subject property is well established as an industrial use property and is compatible with the adjacent General Industrial zone districts of the County. Furthermore, the subject property is separated from existing open space and agricultural lands by a railroad which acts as a development limit and buffer between the urban development of the industrial district and the non-urban development of the open space and agricultural district.

Land Suitability

The Land Suitability Analysis Report (LSAR) for the property reviewed slope, soils, vegetation and wildlife habitat. The LSAR indicated that the terrain of the site is relatively flat having only a slight slope from the southeast corner of the property down to the northwest corner of the property. It also noted that the property has little vegetative coverage due to its existing development and is not located within a floodplain or within a Preble's Meadow Jumping Mouse habitat area. The LSAR

concluded that the property has very few natural resource constraints and is overall suitable for the proposed industrial use development.

Service and Infrastructure Capacity

The Concept Utility Letter and Phase I Drainage Report for the site indicate that the proposed use can be accommodated into the Town's water, wastewater and storm drain systems. In addition, the Transportation Impact Analysis (TIA) indicates that the proposed land use of industrial is a low traffic generator, that the surrounding street network and intersections are sufficient in capacity to accommodate the traffic generated by the site and the proposed development will not have an adverse impact on intersection operations in the area. The property also lies within and thus will be able to be served by the Town's Police and Fire Districts.

Review and Approval Criteria

The application for Zoning was reviewed against and found to meet the following zoning approval criteria outlined in Section 17.02060 of the Town's Municipal Code:

1. Compatibility with applicable [Intergovernmental Development Plan](#).
2. Conformity with the most recently adopted version of the [Town's Vision](#), [Comprehensive Master Plan](#) and long-range or master plans.
3. Compatibility with existing and planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility.
4. Adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, or such impacts will be substantially mitigated.
5. Whether the property will have access to current or planned services and infrastructure adequate to support the orderly development of the property.
6. Positive economic impact potential from development of the property.
7. Addition criteria, if any, germane to the rezoning request as prescribed under this Title.

Neighborhood Outreach, External Referrals and Notices

On November 17, 2016 Bob Hier, representing Castle Rock Industrial Park, LLC, held a neighborhood open house at the office of Hier and Company Inc. to share and discuss the proposed applications for annexation and zoning. One neighbor attended the open house. The neighbor asked about the site's ultimate development. Mr. Hier answered candidly that they were in talks with a potential buyer for a flexible industrial use and that they were proposing to zone the property General Industrial (I-2). The neighbor responded by nodding her head and saying that the zone district and the use made sense for the area.

External referrals were sent to Douglas County, other various jurisdictional partners as well as the Town's utility service providers with no objections being reported.

Posted, written and published notices were performed in accordance with the Town of Castle Rock Municipal Code.

Budget Impact

The proposed Zoning application will generate development review and impact fees along with use taxes.

Staff Findings

Staff finds that the proposed zoning district classification meets the zoning approval criteria outlined in Section 17.02.060 of the Town's Municipal Code.

Recommendation

On April 13, 2017 the Planning Commission voted 4-0 to recommend approval of the annexation as presented.

Proposed Motion

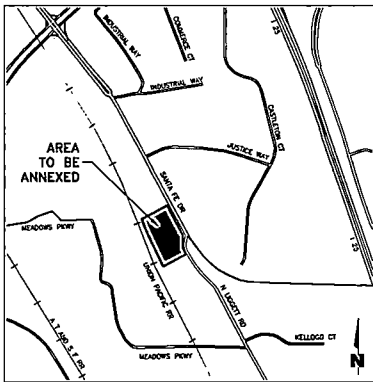
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Attachments

Attachment A: Ordinance
Exhibit 1: Legal Description
Attachment B: Annexation Plat
Attachment C: Uses by zone district

CASTLE ROCK INDUSTRIAL PARK ANNEXATION TO THE TOWN OF CASTLE ROCK

LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34,
TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
COUNTY OF DOUGLAS, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 500'

PARCEL DESCRIPTION

A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT SAID NORTH ONE-QUARTER CORNER, THENCE ON SAID NORTH LINE, SOUTH 89°27'34" EAST A DISTANCE OF 1,308.84 FEET TO THE WESTLY RIGHT-OF-WAY OF THE FORMER U.S. HIGHWAY 85 AS DESCRIBED IN BOOK 111 AT PAGE 221 OF THE DOUGLAS COUNTY RECORDS, THENCE ON SAID RIGHT-OF-WAY, SOUTH 29°27'34" EAST A DISTANCE OF 1,188.89 FEET TO THE POINT OF BEGINNING.

CONTINUING ON SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:
1. THENCE SOUTH 29°27'34" EAST A DISTANCE OF 383.00 FEET;
2. THENCE SOUTH 02°00'25" WEST A DISTANCE OF 148.10 FEET;
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THENCE SOUTH 87°02'28" WEST A DISTANCE OF 293.31 FEET, TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD (FORMERLY THE DENVER & RIO GRANDE WESTERN RAILROAD);

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3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 297.33 FEET, A RADIUS OF 4,321.80 FEET, A DELTA ANGLE OF 31°20'; WHOSE CHORD BEARS NORTH 23°18'49" WEST A DISTANCE OF 297.31 FEET.

THENCE NORTH 62°18'28" EAST A DISTANCE OF 330.27 FEET TO THE POINT OF BEGINNING.

BASES OF BEARINGS

ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34 WHICH BEARS SOUTH 89°27'34" EAST A DISTANCE OF 2,870.79 FEET (BEARINGS COLORADO STATE PLANE CENTRAL ZONE), COMMENCED AT THE NORTH 1/4 CORNER BY A 2.5" ALUMINUM CAP STAMPED LS 8835 AND AT THE NORTHEAST CORNER BY A 3.5" ALUMINUM CAP STAMPED LS 13256.

GENERAL NOTES

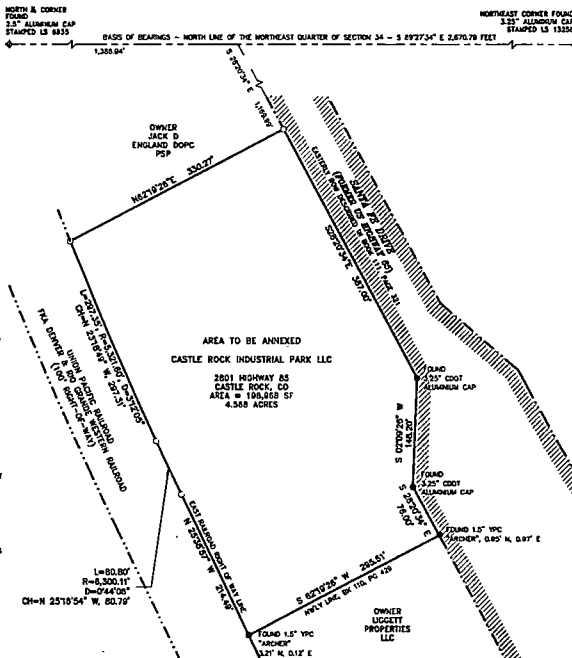
THIS ANNEXATION PLAT DOES NOT REPRESENT A MONUMENTED LAND SURVEY NOR A LAND SURVEY PLAT.
ALL BOUNDARY INFORMATION SHOWN HEREON IS FROM AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY ROCKY MOUNTAIN MERIDIAN INC. LAST REVISED ON JUNE 27, 2014, PLAN JOB #13740.

THIS ANNEXATION PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY ROCKY MOUNTAIN MERIDIAN, INC., TO DETERMINE EXISTENCE OR EXISTENCE OF RECORDS FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND TITLE OR RECORDS. ROCKY MOUNTAIN MERIDIAN, INC. RELIES UPON TITLE COMMITMENT NO. WCS-851027-ATL, EFFECTIVE DATE OF JUNE 16, 2014 AT 8:00 P.M., PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

DATE OF PREPARATION: AUGUST 28, 2014

CONTIGUITY

TOTAL PERIMETER = 1,828.83 FEET
CONTIGUOUS PERIMETER = 811.20 FEET
REQUIRED 1/8" CONTIGUOUS PERIMETER = 304.84 FEET
PERCENT CONTIGUOUS PERIMETER = 35.41%
TOTAL ANNEXATION AREA = 188,863 SF (4.348 ACRES)



LEGEND OF STANDARD SYMBOLS AND LINETYPES

- ◆ FUND SECTION CORNER AS OBSERVED
- FUND SURVEY MONUMENT AS DESCRIBED
- JO BEARS WITH 1.5" ALUMINUM CAP, 7/8" PLS 38073"
- TOWN OF CASTLE ROCK BOUNDARY
- RIGHT-OF-WAY
- PARCEL BOUNDARY

APPROVAL

APPROVED BY THE TOWN OF CASTLE ROCK TOWN COUNCIL THIS _____ DAY OF _____, 20____ A.D.
ATTEST:

TOWN CLERK _____ DEPUTY _____

SUBSCRIBED AND SHOWN TO BEFORE ME THIS _____ DAY OF _____, 20____

BY _____

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CLERK AND RECORDS

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 20____

AT _____ A.M./P.M. AND WAS RECORDED AT RECEPTION NUMBER _____

DEPUTY CLERK AND RECORDS

SURVEYOR'S STATEMENT

I, ROBERT FREE, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ANNEXED TO THE TOWN OF CASTLE ROCK, COLORADO, AND THAT AT LEAST ONE-SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO.

RECORD FILE

COLORADO PLS NO. 30073
FOR AND ON BEHALF OF
ROCKY MOUNTAIN MERIDIAN, INC.

NOTE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

<p>ROCKY MOUNTAIN MERIDIAN 1342 S PARKER RD., SUITE 110 DENVER, COLORADO 80201 303-414-8587 (303-414-8578)</p>		<p>ANNEXATION PLAT</p> <p>CASTLE ROCK INDUSTRIAL PARK ANNEXATION PROJECT NO. ANX14-0002</p>
<p>DATE OF PREP: 8/28/14</p> <p>DATE OF RECORD: 8/28/14</p> <p>DATE OF FILE: 8/28/14</p> <p>DATE OF PRINT: 8/28/14</p> <p>DATE OF SIGN: 8/28/14</p> <p>DATE OF SEAL: 8/28/14</p>	<p>PROJECT NO. 30073</p> <p>PLAT NO. 1</p> <p>DATE OF RECORD: 8/28/14</p> <p>DATE OF FILE: 8/28/14</p> <p>DATE OF PRINT: 8/28/14</p> <p>DATE OF SIGN: 8/28/14</p> <p>DATE OF SEAL: 8/28/14</p>	<p>SCALE: 1" = 80'</p>

17.28.030 - Uses.

A. Uses permitted by right (P), allowed by Use by Special Review (UBSR) or disallowed (N) in each of the respective Business/Commercial, Industrial and Overlay Zoning Districts are as follows:

<i>Zone District</i>	<i>B Business/ Commercial</i>	<i>I-1 Light Industrial</i>	<i>I-2 General Industrial</i>	<i>WNZOD Wolfensberger Overlay</i>	<i>DOD Downtown Overlay</i>	<i>FSOD Front Street Overlay</i>
Agriculture						
Nursery or greenhouse	UBSR	P	P		P	UBSR * * No outdoor storage (unless underlying zoning allows)
Commercial						
Alcoholic beverage sales	P	P	P	P	P	
Automobile, motorcycle and ATV sales and leasing	UBSR	P	P			
Automobile service/fuel station/wash/rental	P	P	P			
ATM/kiosk (stand-alone)	P	P	P	P	P	
Bed and breakfast	P	N	N	P	P	P
Hotel/motel	P	N	N	P	P	
Kennel/doggy daycare	UBSR	UBSR	UBSR	P		

Office	P	P	P	P	P	P
Restaurant	P	P	P	P	P	P
Retail	P	P	P	P	P	P
Services, commercial	P	P	P	P	P	
Services, personal	P	N	N	P	P	P
Services, repair	P	P	P	P		UBSR * *No outdoor storage (unless underlying zoning allows)
Sexually oriented business	N	P	P			
Vehicle, RV, boat and equipment sales and leasing	UBSR	P	P		N	
Veterinary clinic	P	P	P	P		P * *Small animal only (unless underlying zoning allows)
Industrial						
Auto body/vehicle, RV, boat and equipment services	UBSR	P	P		P	

Asphalt/concrete plant	N	N	P			
Commercial warehousing and logistics	N	P	P	P		
Disposal services	N	N	N			
Heavy industry	N	N	UBSR			
Light industry, wholesale, manufacturing, processing and fabrication	N	P	P	P		
Mini-storage facility	N	P	P	UBSR		
Mineral extraction	N	N	N			
Oil and gas production	UBSR	UBSR	UBSR			
Recycling drop-off	P	P	P			
Recycling center and salvage	N	N	P			
Storage yard	N	P	P			
Towing and storage of inoperable vehicles, small scale	N	UBSR	P			
Towing and storage of inoperable vehicles, large scale	N	N	UBSR			
Utilities, public	UBSR	UBSR	UBSR			
Vehicle storage	N	UBSR	P	P		

Institutional/Public						
Assisted living/memory care	UBSR	UBSR	UBSR		P	UBSR
Cemetery	USBR	USBR	USBR			
College/university/voc-tech	P	P	N	P	P	
Day care center	UBSR	UBSR	UBSR	P	P	UBSR
Hospitals/clinic/medical labs	P	P	P	P	P	
Institutional care	N	UBSR	UBSR	N	N	
Places of worship	P	UBSR	UBSR	P		UBSR
Private club	P	P	UBSR			UBSR
Public facilities	P	P	P	P	P	UBSR
Recreation/Amusement						
Commercial amusement, indoor	P	P	UBSR	P	P	
Commercial amusement, outdoor	UBSR	UBSR	UBSR			
Recreation, indoor	P	P	UBSR	P	P	
Recreation, outdoor	P	P	UBSR	P	P	
Shooting range, indoor	UBSR	P	P	P		
Residential						

Live-work unit	P	N	N		P	P
Multi-family	UBSR	N	N	P	P	P
Temporary						
Commercial event/public interest or special event	T	T	T			
Temporary buildings and storage	T	T	T			
Transportation						
Airport	N	N	N			
Helistop/heliport	UBSR	UBSR	UBSR			
Multi-modal transit facilities	UBSR	UBSR	UBSR		P	
Parking (stand-alone lot/structure)	P	P	P			P

- B. Uses that are not permitted by right (P) or allowed by Use by Special Review (UBSR) or authorized under Subsection C below are prohibited.
- C. Uses determined by the Town Manager that are functionally equivalent to the enumerated uses in Subsection A above shall be treated in a like manner.

(Ord. 2013-41 §3, 2013; Ord. 2012-18 §1, 2012)

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Chapter 17.28
Business/Commercial/Industrial Districts

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17.28.040 Development standards – Business/Commercial (B)

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17.28.010 Description and purpose.

A. Business/Commercial (B). The primary use within the B District is intended to allow for appropriately located groups of retail stores, office buildings, service establishments and civic uses serving the needs of the neighborhood, of such character, scale, appearance, and intensity to be compatible with the surrounding areas.

B. Light Industrial (I-1). The I-1 District is intended to allow industrial development with minimal impact to residential and commercial areas. Such zones will require setbacks and landscaping to ensure compatibility with any abutting residential areas. The regulations of this District are intended to provide structural standards, standards of intensity of use and standards of external effects compatible with the surrounding or abutting residential districts. To these ends, development is limited to low intensity, external effects are limited and permitted uses are limited to those manufacturing and wholesaling activities which can be operated in a clean and quiet manner.

C. General Industrial (I-2). The I-2 District intended to allow a less restrictive type of industrial development where the necessary characteristics of industrial operation will not adversely affect nearby residential and business uses. The purpose of the District is to permit the normal operation of almost all industries, subject to those regulations necessary for mutual protection of nearby property owners in the lawful use of their respective properties, and the public health, safety and general welfare.

17.28.020 Definitions

For the purpose of this Chapter, certain words or phrases are defined as follows:

A. Agriculture:

Nursery or greenhouse (wholesale or retail) means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The term also includes, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc.) that are directly related to the care and maintenance of landscapes.

B. Commercial:

Alcoholic beverage sales means the retail sale of beer, wine, or other alcoholic beverages

for on- or off-premises consumption, including but not limited to liquor store, microbrewery, distillery and/or winery.

ATM/kiosk means a small stand-alone device or structure, permanent or temporary, providing information, products, and services.

Automobile, motorcycle and ATV sales and leasing means the sale and/or leasing of automobiles, light trucks, motorcycles, and all-terrain vehicles, including storage of inventory for sales and incidental maintenance and repair.

Automobile service/fuel station/wash/rental. This use does not include auto body (e.g., collision repair), paint or upholstery services. This use includes, but is not limited to:

- a. Fuel service station (including a fuel service station that is associated with a grocery store and/or warehouse club);
- b. Fuel convenience mart (a gasoline service station with a convenience store);
- c. Auto repair, quick service oil, tune-up, brake, and muffler shops not including auto body (e.g., collision repair), paint or upholstery services;
- d. An establishment engaged in the retail sale of vehicle fuel, tires, lubricants, parts and accessories;
- e. Businesses that exclusively rent vehicles;
- f. Self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles.

Bed and breakfast means a place of lodging that provides rooms for short-term rental and is the owner's personal residence.

Drive-through facility means an establishment that by design, service or by packaging procedures encourages or permits customers to receive services, and obtain goods while remaining in their motor vehicles.

Hotel/motel: means a place that offers overnight accommodations for short-term rental, including hotels and motels. The phrase "hotel/motel" also includes convention facilities and/or meeting rooms.

kennel/doggy daycare: means premises where any combination of dogs, cats or other household pets are kept, cared for, boarded or bred for the intention of profit, subject to Title 6, CRMC. A dog grooming facility without an overnight boarding facility is classified as retail.

Office means a designated area in which commercial or professional activities take place including but not limited to: accounting, advertising, bank, counseling service, medical and dental facilities, studios for television and radio broadcasting, and research and development that does not include manufacturing.

Retail means commercial and retail uses and ancillary outdoor storage uses subject to requirements of Section 17.52.150, including but not limited to art galleries and studios, bakeries, pharmacies and dog grooming facilities (without an overnight boarding facility of animals).

Restaurant means an establishment that serves prepared meals to customers for consumption on-site or off-site, may include designated parking spaces for "curbside pickup" of food ordered in advance. This use includes, but is not limited to:

- a. Full-service restaurant;
- b. Food service and drinking place where meals, snacks, and beverages are prepared to customer order for immediate on-premises and off-premises consumption;
- c. Special food service; or
- d. Catering facility.

Services, commercial means non-medical service that is typically provided to the general public without the requirement of an appointment or membership, including, but not limited to copy center and parcel service drop-off locations with mail box service.

Services, personal means non-medical personal service including, but not limited to, beauty and barber shop, nail and skin care, tanning and day salon, drycleaner and tailoring, sports instruction, tattoo and body piercing salon, massage, music instruction and tutoring service.

Services, repair means repair service and shop, except automobile, truck, large appliance, and heavy equipment repair; this use involves scheduled maintenance and preventative maintenance on any sort of mechanical, plumbing or electrical device.

Sexually oriented business means an adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, adult motel, adult motion picture theater, or sexual encounter center subject to Chapter 17.56.

Vehicle, RV, boat and equipment sales and leasing means the sale and/or leasing of vehicles, RVs, boats, and equipment, including storage of inventory for sale and incidental maintenance and repair. This use includes tractors and other large vehicles.

Veterinary clinic means a clinic and/or hospital that provide medical care for animals. This use does not include *kennel/doggy day care*.

C. Industrial

Auto body/vehicle equipment and repair means collision repair, paint, or upholstery services for vehicles. Repair of automobile, trucks, motorcycles, mobile homes, recreational vehicles, and other vehicles except general automobile repair, including the sale, installation, and servicing of related equipment and parts.

Asphalt/concrete plant means a plant used for the manufacture of asphalt, concrete, macadam and other forms of coated road stone.

Commercial warehousing and logistics means indoor warehousing, distribution or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers).

Disposal services means commercial waste disposal sites and/or a landfill site (also known as tip, dump or rubbish dump) for the disposal of waste materials by burial. This use includes waste transfer stations.

Heavy industry means industry which is capital- and/or labor-intensive, such as the manufacture of industrial machinery, steel, rubber, rendering or petroleum processing. This use includes automobile manufacturing and crematoriums.

Light industry, manufacturing, processing and fabrication means industrial operations that have less impact and are less offensive to neighboring properties than those classified as heavy industry. *Light industry* is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacture of clothes, shoes, furniture, consumer electronics and home appliances. This use includes wholesale sales.

Mini-storage means self-storage or mini-warehousing, with or without an ancillary on-site caretaker unit for security.

Mineral extraction means uses that involve extraction of minerals from the ground, including surface and subsurface mining and quarrying.

Oil and gas production means the process of exploration, extraction, transporting and marketing petroleum products.

Recycling drop off means a facility at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste, are collected.

Recycling center and salvage means any land or structure used for collection, sorting, aggregation and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable equipment, machinery, scrap or other used or discarded materials. This use includes facilities where the materials are actually recycled into raw materials, but does include recycling center, composting facility, collection, dismantlement, storage and salvage of inoperable vehicles and boats, and scrap metal processing. *Recycling center and salvage* does not include waste transfer stations, (even if they include a separate space for collection of recyclable materials).

Storage yard means outdoor storage of operable equipment and/or vehicles and building or infrastructure construction materials for off-site projects. *Storage yard* does not include outdoor storage areas that are associated with an on-site heavy industrial use.

Towing and inoperable vehicle storage, small towing lot means an area used to store eight (8) or fewer wrecked, junked, abandoned or inoperable vehicles.

Towing and inoperable vehicle storage, large towing lot means an area used to store more than eight (8) wrecked, junked, abandoned or inoperable vehicles.

Utilities, public means buildings, structures or other facilities used or intended to be used by any private or governmental utility. This definition includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations or similar structures used as an intermediary switching, boosting, distribution or transfer station of electricity, natural gas, water or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage or other similar services on a local level.

Vehicle storage means the storage of operable vehicles.

D. Institutional/Public

Assisted living/memory care means facilities designed to provide residents with assistance for activities of daily living and medication assistance for individuals with a level of cognitive impairment.

Cemetery means any place, including a mausoleum, niche or crypt, in which there is provided space either below or above the surface of the ground for the internment of the remains of human bodies.

College/university/vo-tech. This use includes, but is not limited to, colleges, universities, vocational/technical schools, trade schools, business schools, training centers, beauty schools, culinary schools, private high schools and comparable education facilities.

Day care center facilities means facilities that are maintained for the any portion of a day for the care of children and adults who are not related to the owner, operator or manager thereof, whether the facility is operated with compensation for such care and with or without stated educational purposes. This use includes, but is not limited to, school-aged day care center, nursery and pre-school, adult day care, center for developmentally disabled persons and facilities for children under the age of six (6) years operated in conjunction with a public private or kindergarten. This use does not include overnight care.

Hospitals/clinics/medical labs means hospitals, walk-in clinics, birthing centers and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The use does not include alcohol or drug rehabilitation facilities or medical offices where patients are generally seen by appointment.

Institutional care means housing where residents are assigned to the facility and are under protective care. This use includes jails or prisons; work release; psychiatric hospitals; and alcohol and drug rehabilitation centers.

Place of worship includes, but is not limited to, church, synagogue, temple or mosque.

Private club means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Public facilities means civic, public and public assembly uses which include, but are not limited to, community centers, courthouses, museums, libraries, public safety facilities, police, fire or EMS stations, cultural arts centers, parks and public educational facilities.

Commercial amusement, indoor means uses that provide commercial amusement indoors and includes, but is not limited to, bowling alleys, pool rooms, indoor sports arenas, movie theaters, live theaters, indoor skating rinks and arcades. This use does not include sexually oriented businesses and indoor shooting ranges.

Commercial amusement, outdoor means uses that provide commercial amusement outdoors, including but not limited to outdoor arenas or stadiums, amusement or theme parks, fairgrounds, miniature golf establishments, golf driving ranges, water slides and batting cages. This use does not include sexually oriented businesses and indoor shooting ranges.

Recreation, indoor means uses that provide recreation opportunities indoors for the public. The phrase *recreation, indoor* includes, but is not limited to, recreation centers, gymnasiums, indoor swimming pools and tennis, racquetball or handball courts. This use does not include health and exercise clubs and commercial amusement facilities.

Recreation, outdoor means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The phrase *recreation, outdoor* includes public areas for active or passive recreational activities, including but not limited to jogging, cycling, playing fields, outdoor swimming pools, tennis courts, golf courses, arboretums, community gardens, wildlife sanctuaries, and other natural areas used for walking or hiking and other passive recreation oriented parks.

Shooting range, indoor means specialized facilities designed for firearms practice.

Live-work unit means a dwelling unit that provides space designed for one or more commercial uses that are permitted in the Zoning District. Access between the dwelling unit and the commercial space is provided within the unit.

Multifamily means buildings that contain three or more dwelling units, which are accessed from interior elevators or hallways, or from individual exterior entrances; and are separated by interior walls and/or floors. *Multifamily* does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached dwellings, or hotels and motels.

E. Transportation

Airport means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft for the private use of an individual. The term airport also includes the term *heliport*, which is any area used for the take-off and landing of helicopters that also includes passenger and cargo facility, fueling and emergency service facility.

Helistop/heliport means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (e.g., tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facility for general helicopter aviation use.

Multi-modal transit facility means terminals used for the ticketing, loading and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

Parking (stand-alone lot/structure) means parking that is not accessory to a specific use, where a fee is typically charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a *parking facility*. This includes small structures intended to shield attendants from the weather. (Ord. 2012-18 §1, 2012)

17.28.030 Uses

A. Uses permitted by right (P), allowed by Use by Special Review (UBSR), or disallowed (N) in each of the respective Business/Commercial, Industrial, and Overlay Zoning Districts are as follows:

Zone District	B	I-1	I-2	WNZOD	DOD
	Business/ Commercial	Light Industrial	General Industrial	Wolfensberger Overlay	Downtown Overlay
Agriculture					
Nursery or greenhouse	UBSR	P	P		P
Commercial					
Alcoholic beverage sales	P	P	P	P	P
Automobile, motorcycle, and ATV sales & leasing	UBSR	P	P		
Automobile service / fuel station / wash / rental	P	P	P		
ATM/kiosk (stand-alone)	P	P	P	P	P
Bed and breakfast	P	N	N	P	P
Hotel/motel	P	N	N	P	P
Kennel/doggy daycare	UBSR	UBSR	UBSR	P	
Office	P	P	P	P	P
Restaurant	P	P	P	P	P
Retail	P	P	P	P	P
Services, commercial	P	P	P	P	P
Services, personal	P	N	N	P	P
Services, repair	P	P	P	P	
Sexually oriented business	N	P	P		
Vehicle, RV, boat, and equipment sales & leasing	UBSR	P	P		N
Veterinary clinic	P	P	P	P	

Industrial					
Auto Body / vehicle, RV, boat and equipment services	UBSR	P	P		N
Asphalt/concrete plant	N	N	P		
Commercial warehousing and Logistics	N	P	P	P	
Disposal services	N	N	N		
Heavy industry	N	N	UBSR		
Light industry, wholesale, manufacturing, processing and fabrication	N	P	P	P	
Mini-storage facility	N	P	P	UBSR	
Mineral extraction	N	N	N		
Oil and gas production	UBSR	UBSR	UBSR		
Recycling drop off	P	P	P		
Recycling center and salvage	N	N	P		
Storage yard	N	P	P		
Towing and storage of inoperable vehicles, small scale	N	UBSR	P		
Towing and storage of inoperable vehicles, large scale	N	N	UBSR		
Utilities, public	UBSR	UBSR	UBSR		

Vehicle storage	N	UBSR	P	P	
Institutional/Public					
Assisted living/memory care	UBSR	UBSR	UBSR		P
Cemetery	UBSR	UBSR	UBSR		
College/university/vo-tech	P	P	N	P	P
Day care center	UBSR	UBSR	UBSR	P	P
Hospitals/clinics/medical labs	P	P	P	P	P
Institutional care	N	UBSR	UBSR	N	N
Places of worship	P	UBSR	UBSR	P	
Private club	P	P	UBSR		P
Public facilities	P	P	P	P	P
Recreation/Amusement					
Commercial amusement, indoor	P	P	UBSR	P	P
Commercial amusement, outdoor	UBSR	UBSR	UBSR		
Recreation, indoor	P	P	UBSR	P	P
Recreation, outdoor	P	P	UBSR	P	P
Shooting Range, indoor	UBSR	P	P	P	
Residential					
Live-work unit	P	N	N		P
Multi-family	UBSR	N	N	P	P

Temporary					
Commercial event/public interest or special event	T	T	T		
Temporary buildings & storage	T	T	T		
Transportation					
Airport	N	N	N		
Helistop/heliport	UBSR	UBSR	UBSR		
Multi-modal transit facilities	UBSR	UBSR	UBSR		P
Parking (stand-alone lot/structure)	P	P	P		

B. Uses that are not permitted by right (P) or allowed by Use by Special Review (UBSR) or authorized under Subsection C below are prohibited.

C. Uses determined by the Town Manager that are functionally equivalent to the enumerated uses in Subsection A above, shall be treated in a like manner.

17.28.040 Development standards – Business/Commercial.

The following development standards for the B District shall apply:

A. Minimum front yard: a minimum front yard of 15 feet from the property line shall be required; 25 feet if abutting an arterial street;

B. Maximum height: 35 feet (50 feet by special review);

C. Maximum building coverage: 35% of lot area;

D. In no event shall wrecked, junked or abandoned motor vehicles be stored on any property in the B District unless within a fully enclosed building.

17.28.050 Development Standards – Light Industrial I-1.

The following development standards for the I-1 District shall apply:

A. Maximum lot coverage: 40% of lot area;

- B. Minimum side yard: 5 feet;
- C. Minimum front yard: 15 feet from the front property line;
- D. Minimum rear yard: 20 feet;
- E. Maximum height of buildings: 35 feet.

17.28.060 Development Standards – General Industrial I-2

The following development standards for the I-2 District shall apply:

- A. Maximum lot coverage: as limited by applicable standards for development, parking, landscaping and other requirements;
- B. Minimum side yard: zero feet except where the side yard abuts an adjoining zoning of a lesser intensity, then the side yard setback of the lesser Zoning District shall apply for that side;
- C. Minimum front yard: 15 feet from the front property line;
- D. Minimum rear yard: zero feet except where rear yard abuts an adjoining zoning of a lesser intensity, then the rear yard setback of the lesser Zoning District shall apply;
- E. Maximum height of buildings: 50 feet.