

Chapter 17.28 - Business/Commercial/Industrial Districts

Footnotes:

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Editor's note— Ord. No. 2019-028, § 2, adopted September 17, 2019, repealed the former Ch. 17.28, §§ 17.28.010—17.28.060, and enacted a new Ch. 17.28 as set out herein. The former Ch. 17.28 pertained to similar subject matter and derived from Ord. 2013-41 § 3, 2013; Ord. 2012-18 §1.

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.

(Ord. No. 2019-028, § 2, 9-17-2019)

17.28.020 - Reserved.

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>Use</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>
Airport	N	N	N	N	N	N

Alcoholic beverage sales	P	P	P	P	P	N
Asphalt/concrete plant	N	N	P	N	N	N
Assisted living/memory care	UBSR	UBSR	UBSR	UBSR	P	UBSR
ATM/kiosk (stand-alone)	P	P	P	P	P	P
Auto body and vehicle/RV/boat equipment and repair	UBSR	P	P	P	N	N
Automobile/vehicle/RV/boat/motorcycle/all-terrain vehicles/equipment sales and leasing	UBSR	P	P	UBSR	N	N
Automobile service/fuel station/wash/rental	P	P	P	P	P	N
Bed and breakfast	P	N	N	P	P	P
Cemetery	UBSR	UBSR	UBSR	N	N	N
Clinic	P	P	P	P	P	P
College/university/voc-tech	P	P	N	P	P	N
Commercial amusement, indoor	P	P	UBSR	P	P	N
Commercial amusement, outdoor	UBSR	UBSR	UBSR	N	N	N

Day care center	UBSR	UBSR	UBSR	P	P	UBSR
Disposal service	N	N	N	N	N	N
Educational facility	UBSR	N	N	UBSR	UBSR	UBSR
Gym/health club	P	P	UBSR	P	P	P
Heavy industry	N	N	UBSR	N	N	N
Helistop/heliport	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR
Hospital	P	P	P	P	P	N
Hotel/motel	P	N	N	P	P	P
Institutional care	N	UBSR	P	N	N	N
Kennel/doggy daycare	UBSR	UBSR	UBSR	P	UBSR	UBSR
Light industry	N	P	P	P	N	N
Live-work unit	P	N	N	N	P	P
Medical lab	P	P	P	P	P	N
Mineral extraction	N	N	N	N	N	N
Multi-family	UBSR	N	N	P	P	P
Multi-modal transit facility	UBSR	UBSR	UBSR	UBSR	P	UBSR
Nursery/greenhouse	UBSR	P	P	P	P	UBSR
Nursing home	UBSR	N	N	UBSR	UBSR	UBSR
Office	P	P	P	P	P	P
Oil and gas production	UBSR	UBSR	UBSR	N	N	N

Parking facility (stand-alone lot/structure)	P	P	P	P	P	P
Place of worship	P	UBSR	UBSR	P	P	UBSR
Private club	P	P	UBSR	P	P	P
Public facilities	P	P	P	P	P	UBSR
Recreation, indoor	P	P	UBSR	P	P	P
Recreation, outdoor	P	P	P	P	P	P
Recycling center and salvage	N	N	P	N	N	N
Recycling drop-off	P	P	P	P	P	N
Rehabilitation clinic/facility	N	UBSR	P	N	N	N
Restaurant	P	P	P	P	P	P
Retail	P	P	P	P	P	P
Self storage facility	N	P	P	UBSR	N	N
Service, commercial	P	P	P	P	P	P
Service, personal	P	N	N	P	P	P
Service, repair	P	P	P	P	N	UBSR
Sexually oriented business	N	P	P	N	N	N
Shooting range, indoor	UBSR	P	P	P	P	P
Storage yard	N	P	P	N	N	N
Studio classes	P	N	N	P	P	P

Towing and storage of inoperable vehicles	N	UBSR	P	N	N	N
Urgent care	P	N	N	P	P	N
Utilities, public	UBSR	UBSR	UBSR	UBSR	UBSR	UBSR
Vehicle/RV/boat storage	N	UBSR	P	P	N	N
Veterinary clinic	P	P	P	P	P	P
Warehousing and distribution	N	P	P	P	N	N

- 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. No. 2019-028, § 2, 9-17-2019)

17.28.040 - Development standards - Business/Commercial B.

The following development standards for the B District shall apply:

- A. Minimum front yard: A minimum front yard of fifteen (15) feet from the property line shall be required; twenty-five (25) feet if abutting an arterial street;
- B. Minimum side yard: Zero (0) feet;
- C. Minimum rear yard: Zero (0) feet;
- D. Maximum height: Thirty-five (35) feet (fifty (50) feet by special review);
- E. Maximum building coverage: Thirty-five (35) percent of lot area;
- F. 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.

(Ord. No. 2019-028, § 2, 9-17-2019)

17.28.050 - Development Standards - Light Industrial I-1.

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

- A. Maximum building coverage: Forty (40) percent of lot area;

- B. Minimum side yard: Five (5) feet;
- C. Minimum front yard: Fifteen (15) feet from the front property line;
- D. Minimum rear yard: Twenty (20) feet;
- E. Maximum height of buildings: Thirty-five (35) feet.

(Ord. No. 2019-028, § 2, 9-17-2019)

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 (0) 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: Fifteen (15) feet from the front property line;
- D. Minimum rear yard: Zero (0) 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: Fifty (50) feet.

(Ord. No. 2019-028, § 2, 9-17-2019)

Chapter 17.42 - Downtown Overlay District

17.42.010 - Purpose and intent.

The purpose of the Downtown Overlay District (DOD) is to establish architectural, landscaping, design, building, and use and site development regulations that encourage compatible land uses, ensure higher quality development and function in order to protect property values and provide safe and efficient pedestrian and automobile access. These architectural, landscaping, design, building, use and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development opportunities. The term Board as used in this Chapter shall mean the Design Review Board, as established under Section 17.42.090.

(Ord. 2012-18 §1)

17.42.020 - Certain regulations inapplicable.

The DOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development. Accordingly, a structure or development within the DOD that interfaces with another structure or development within the DOD shall not be required to comply with the provisions of Chapter 17.50, Residential/Non-Residential Interface Regulations; however, such regulations shall be applied to structures or development within the DOD which interface with structures or development outside the DOD.

(Ord. 2012-18 §1, 2012)

17.42.030 - Relationship to underlying zoning district/sign code/planned development.

- A. In the event of a conflict between the entitlements, regulations or standards established in this Chapter and the equivalent provisions in the underlying zoning districts, the provisions of this Chapter shall govern. Except in the event such preemption by this Chapter, the underlying zoning district provisions and all other provisions of this Code shall be applicable and enforced within the DOD.
- B. For the purpose of applying the Sign Code regulations under Title 19 of this Code in the DOD, Section 19.04.053 of this Code shall govern.
- C. The DOD shall have no application to those properties zoned PD until and unless such properties are rezoned.

(Ord. 2013-23 §1, 2013; Ord. 2012-18 §1, 2012)

17.42.040 - Permitted uses.

The uses permitted in the DOD are outlined in Section 17.28.030. These permitted uses shall be allowed on all properties within the DOD in addition to the permitted and accessory uses allowed in the underlying Zoning District:

(Ord. 2012-18 §1, 2012)

17.42.050 - Prohibited uses.

The following uses are not permitted in the DOD even if permitted in the underlying Zoning District:

- A. Freestanding radio, television and cell antenna towers. (Such facilities may be incorporated into the design of a building if approved by the Board.)
- B. Towing services, trash removal operations, wrecked, junked or abandoned vehicle storage or similar uses.
- C. Vehicle, RV, boat and equipment sales and leasing.

- D. Automobile body shop/Vehicle, RV, boat and equipment service.
- E. No new single-family residential construction is permitted. Existing single-family detached homes are classified as legal nonconforming uses. Structures that were originally constructed as single-family residential units may convert back to single-family residential use.
- F. Outdoor storage of merchandise as defined in Section 17.52.150.
- G. Uses that involve hazardous processes or emit noxious noise, odors, fumes, or particulates.

(Ord. 2012-18 §1, 2012)

17.42.060 - Development standards.

The following development standards shall apply within the DOD:

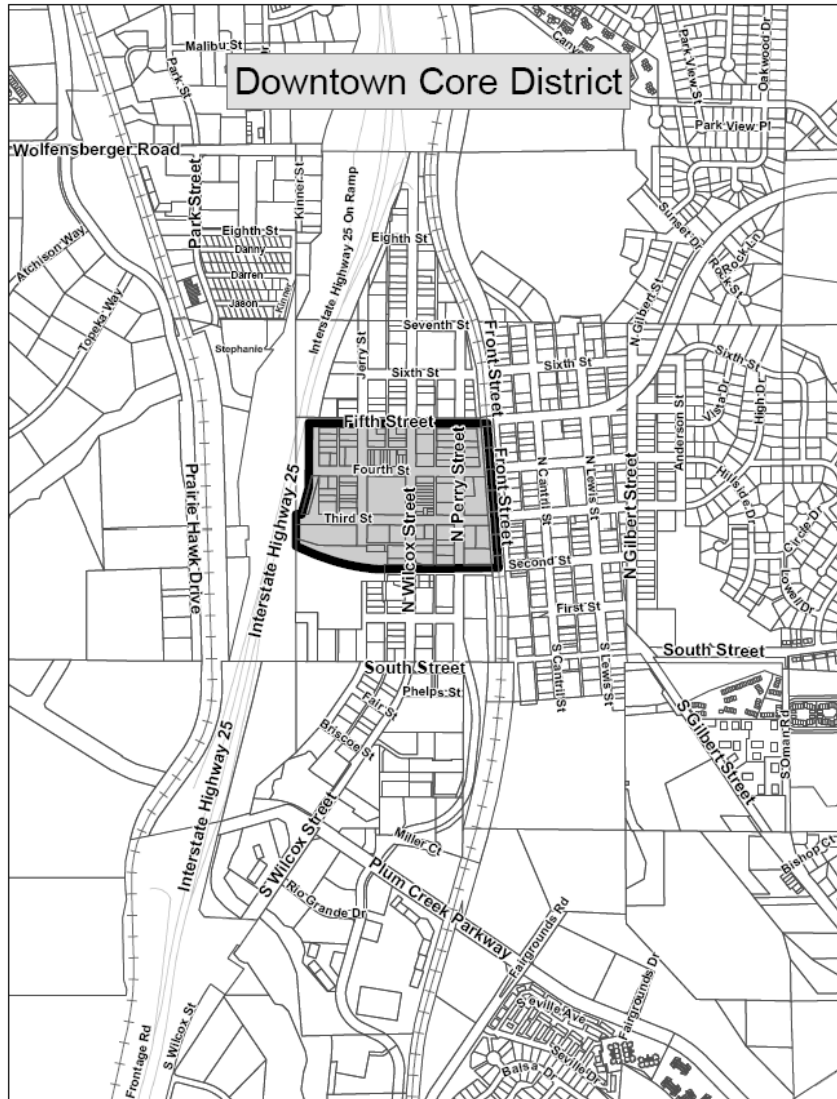
- A. Maximum lot coverage: 100% of lot area.
- B. Minimum side yard: zero feet.
- C. Minimum front yard: zero feet.
- D. Minimum rear yard: zero feet.
- E. Maximum building setback: A minimum of 25% of a building's linear footage facing a public roadway must have a setback of zero to twenty feet with a direct pedestrian connection.
- F. Maximum fence height: ten-feet.
- G. Multifamily residential units must each be a minimum of 500-square feet in size and must each have an individual kitchen and individual bathroom.

(Ord. 2012-18 §1, 2012)

17.42.070 - Crown design and building height.

- A. A building's crown design shall be reviewed by and is subject to approval of the Board based aesthetic design, conformity with the Downtown Master Plan, and the need to maintain appropriate view sheds. The crown of a building is defined as the area of the structure that is above the top floor, and may include angled roofs, decorative elements, towers and other similar construction.
- B. Maximum building heights within the DOD are regulated as follows:
 - 1. Downtown Core District: The Downtown Core District is defined as that area depicted on Figure 1 below.

Figure 1



- a. Building height in the Downtown Core District is limited to four stories, with a maximum height of 60-feet. A building's crown cannot exceed the sixty-foot building height limitation.
- 2. North and South Districts: The North District is defined as the area depicted on Figure 2 below. The South District is defined as the area depicted on Figure 3 below.

Figure 2

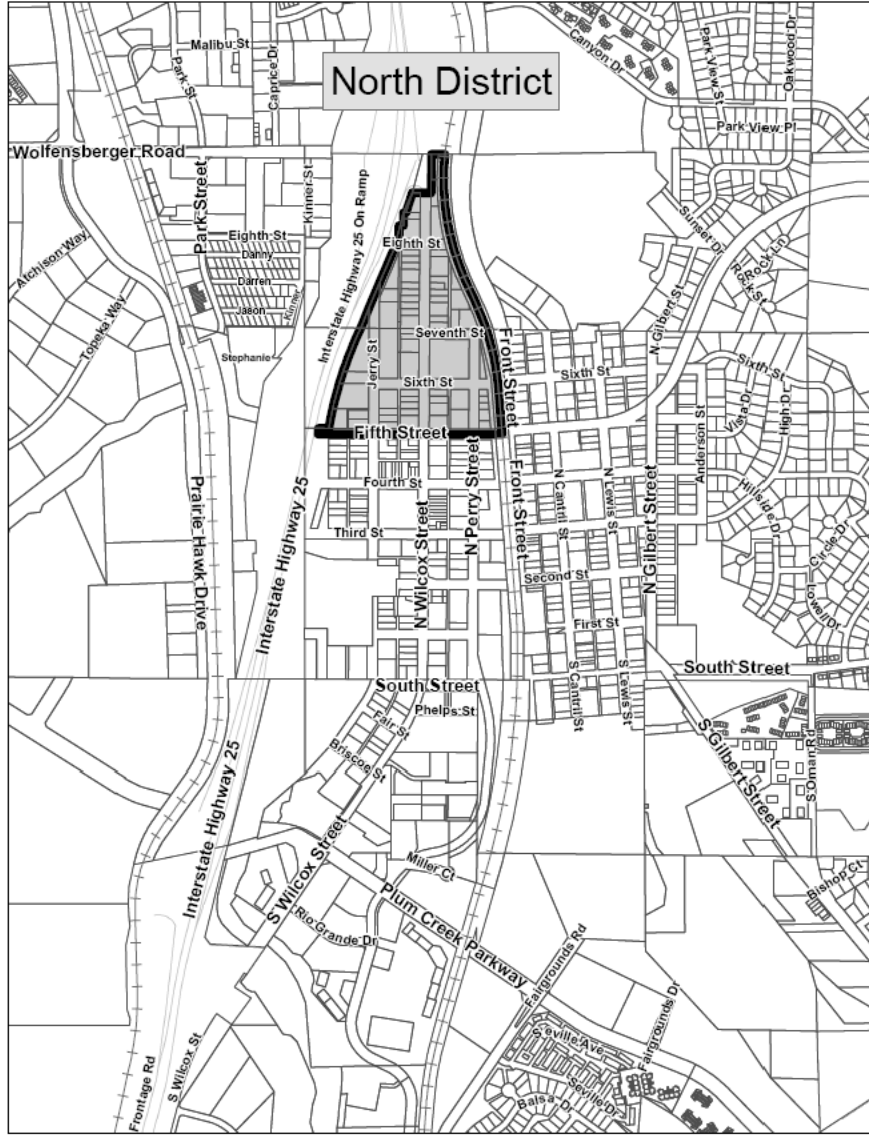


Figure 3

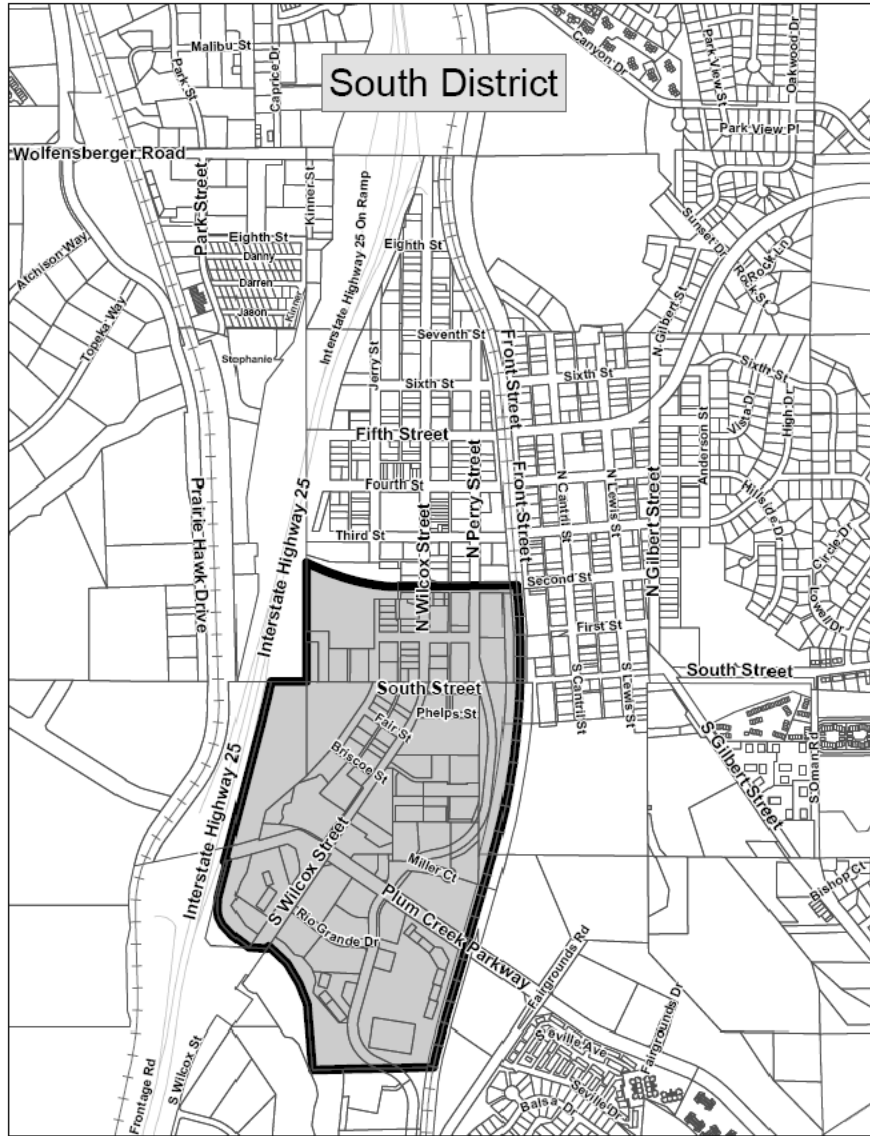
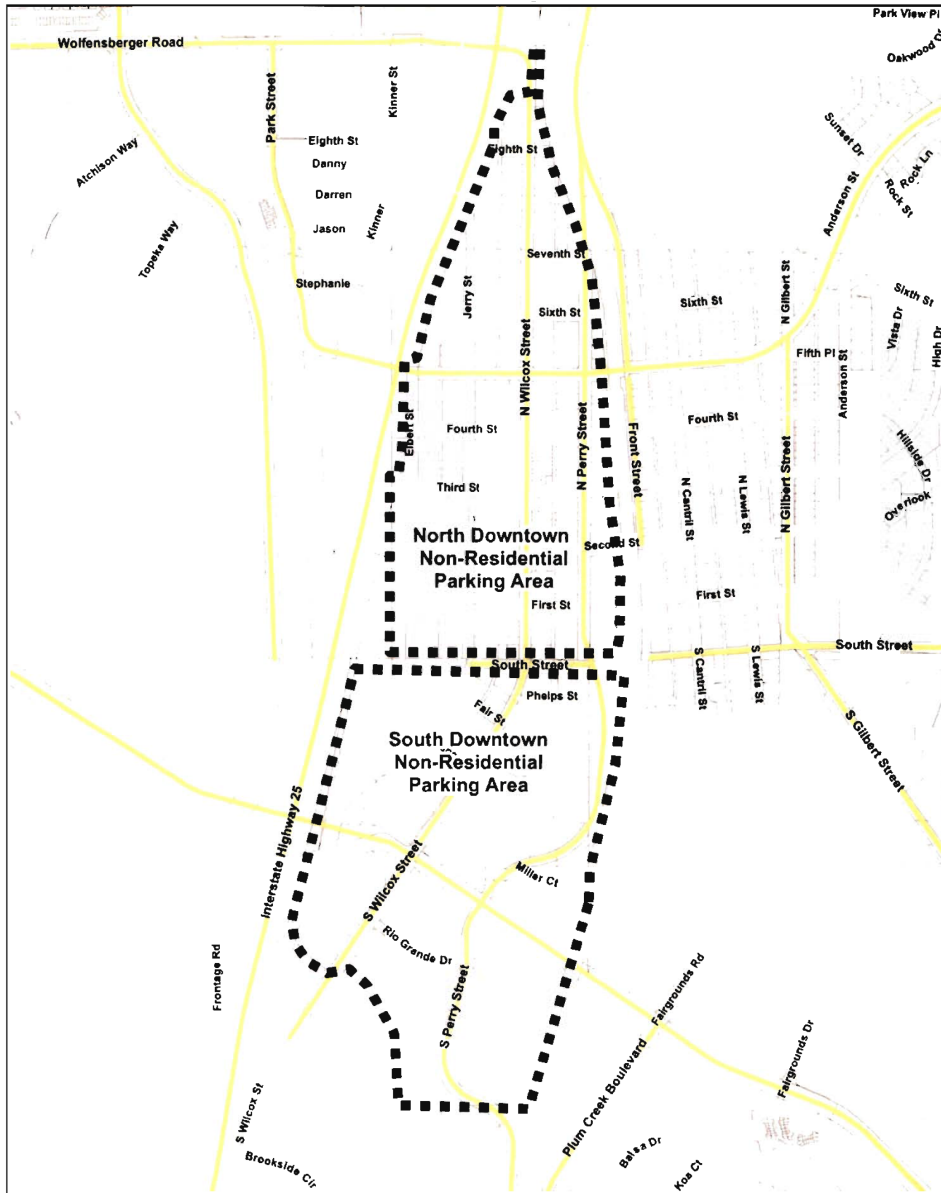


Figure 4 Downtown Overlay District Non-Residential Parking Areas



- a. Building height in the North or South Districts is limited to six (6) stories, with no maximum height limitation.
- C. A landowner may request one (1) additional floor (with the corresponding increase in building height) in the Downtown Core District, or two (2) additional floors in the North and South Districts through the Board. The Board, at its discretion, may grant an additional floor request after considering the following criteria:
 - 1. Whether the project will incorporate design elements found in adjacent Landmark structures; and
 - 2. The impacts of the increased building height on adjacent properties.

(Ord. 2012-18 §1)

(Ord. No. 2015-60, § 1, 1-5-2016)

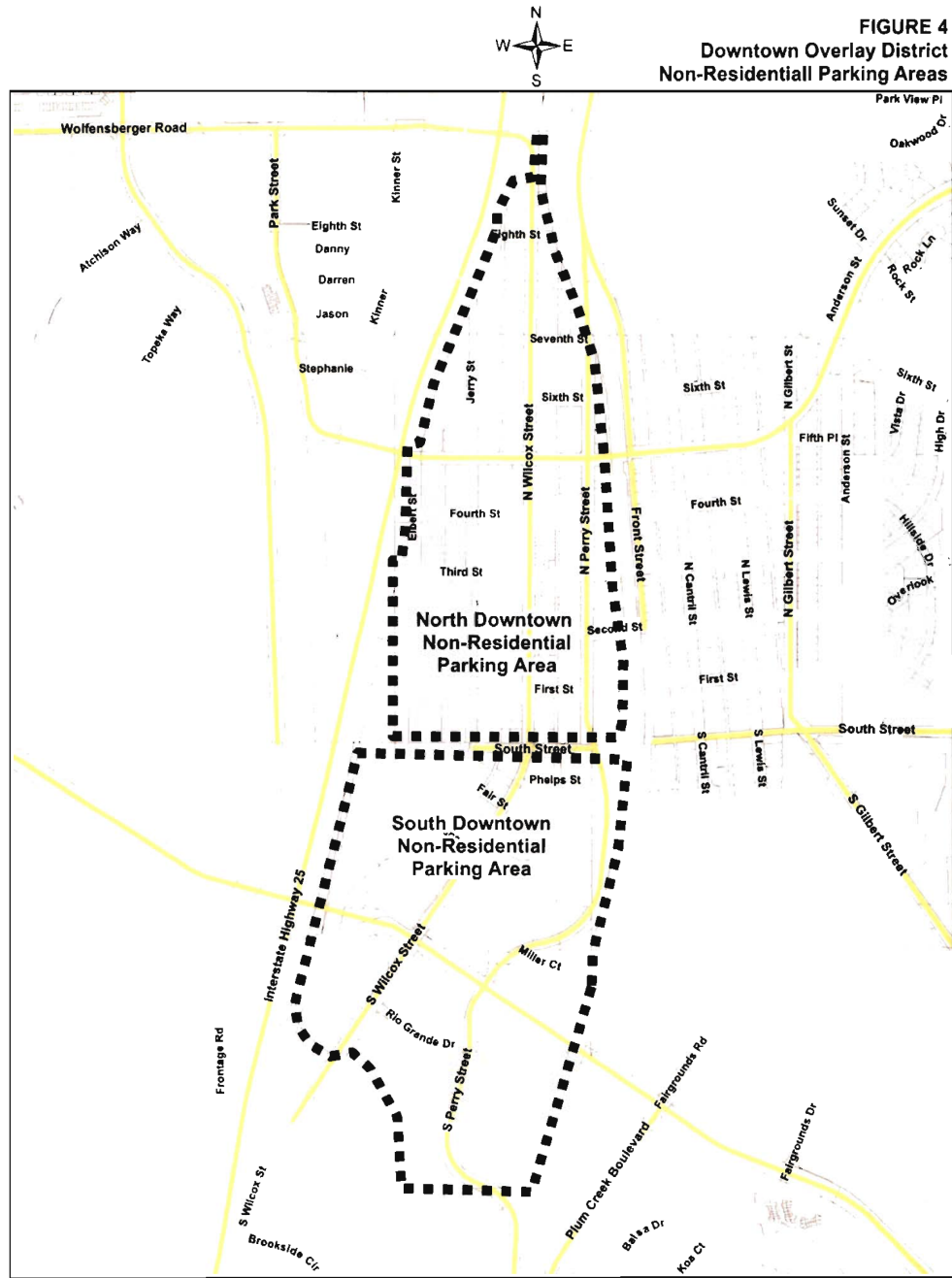
17.42.080 - Design standards.

- A. Prior to the issuance of a structural building permit within the DOD, all projects must be reviewed by the Board for compliance with the standards set forth in this Section.
- B. All project design should be based on the Castle Rock Design (see Resolution No. 2003-64) and the Downtown

Master Plan (see Resolution No. 2008-38).

1. Window or transparency. The main front elevation shall provide at least thirty-five percent (35%) window or transparency at the pedestrian level. Side elevations that face a public roadway shall provide at least thirty percent (30%) window or transparency at the pedestrian level. The window or transparency is measured in lineal fashion. (For example, a one hundred-foot long building elevation shall have at least thirty-five percent (35%) transparency in length.) The height of the glass or Plexiglas must be a minimum height of five (5) feet.
2. Accessory structures. The design of accessory structures should incorporate design elements of the primary structure and should not become a dominant feature on the property.
3. Rooftop equipment. All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.
4. Service station. All service stations will be required to develop the site following a backwards service station design. This will require the convenience store to be located along the sidewalk/public roadway with pedestrian connectivity. The gas pump facilities shall be located on the side or rear of the project.
5. Outdoor storage, repair, rental and servicing areas shall be:
 - a. Set back fifteen (15) feet from the front lot line;
 - b. Screened by an opaque wall or fence with a height of ten (10) feet. An opaque wall or fence must completely screen the property beyond the fence and can include stockade fences or walls. Chain-link fences with slat, cloth or other similar measures are not considered to be opaque fences. An opaque berm and/or landscaping that provide the equivalent screening as a required opaque fence may be used.
6. Landscaping. All developments shall adhere to the following landscaping requirements with a focus on the pedestrian space and sidewalk areas. A landscaping plan will be required with all site plans, showing the proposed landscaping for the site. One (1) large canopy tree will be required for every twenty-two (22) linear feet (on center) or one (1) small canopy tree will be required for every fifteen (15) linear feet (on center) of property fronting along a public roadway. The landscaping plan is subject to approval by Castle Rock Water and Public Works Departments. Routine tree maintenance, such as trimming, thinning, watering and, if necessary, tree replacement may be needed to ensure the quality of the streetscape. The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of trees required. All shrubs plants must be a minimum size of five (5) gallons at planting and all flowering perennial plants must be a minimum of one (1) gallon at planting. For every required tree, a corresponding number of plantings or trees, from either Subparagraph a., b., or c., below, will be required for each site plan:
 - a. Shrubs: Five (5) per required tree.
 - b. Perennial plants: Seven (7) per required tree.
 - c. Trees: One (1) per required tree.
7. Parking Requirements:
 - a. Parking requirements for the North Non-Residential Downtown Parking Area, as depicted on Figure 4 shall be as follows:
 - i. One (1) parking space per five hundred (500) square feet of new construction. The first two thousand (2,000) square feet of new non-residential construction shall be exempt from parking requirements. Interior tenant finishes or remodels are exempt from this parking requirement.
 - ii. Existing building square footage shall be excluded from the required parking calculation. Existing building square footage to be demolished shall be deducted from the new building square footage for parking calculations.

iii. Hotel use shall comply with off-street parking standards set forth in Chapter 17.54.



- b. Parking requirements for the South Non-Residential Downtown Parking Area shall be in accordance with the requirements set forth in Chapter 17.54.
- c. No on-site parking is allowed on the side of a structure abutting a street, as determined by the Director.
- 8. Sidewalk requirements: All sidewalks must be designed and built to meet the Town's sidewalk construction and design regulations with a minimum width of eight (8) feet.
 - a. All buildings will be required to have a minimum of one (1) sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure.

(Ord. No. 2018-015, § 1, 5-15-2018; Ord. No. 2016-044, § 4.A., 12-6-2016; Ord. No. 2015-06, § 3, 2-17-2015; Ord. 2012-18 §1)

17.42.090 - Design Review Board.

- A. The Design Review Board shall consist of seven (7) members appointed by the Town Council in accordance with Chapter 2.14 of this CRMC. The Design Review Board shall be comprised of:

- (i) One (1) member from the Planning Commission;
- (ii) Two (2) members from the Downtown Development Authority Board;
- (iii) Two (2) members from the Historic Preservation Board; and
- (iv) Two (2) property owners within the Downtown Development Authority boundary. Such property owners may not be members of the aforementioned boards.

B. Terms for each member of the Design Review Board shall be as follows:

- 1. Planning Commission representative - One-year term.
- 2. Downtown Development Authority representatives - One-year term.
- 3. Historic Preservation Board - One-year term.
- 4. Property owners with the Downtown Development Authority boundary - Two-year term.

If at any time a Design Review Board member loses his or her qualification for appointment, such member shall concurrently lose his or her seat on the Design Review Board.

C. Unless expressly modified in this Section 17.42.090, the Design Review Board shall serve in accordance with the provisions of Chapter 2.14 of this CRMC.

(Ord. No. 2016-011, § 1, 5-17-2016; Ord. No. 2015-04, § 7, 2-17-2015; Ord. 2012-18 §1)

17.42.100 - Powers and duties of Design Review Board.

The Board shall have the following powers and duties, all of which shall be exercised consistent with the purpose and intent of this Chapter:

- A. Review all development applications that require a Site Development Plan - Downtown under Chapter 17.38 for compliance with this Chapter, including but not limited to setbacks (Section 17.42.060), building height and crown (Section 17.42.070), design standards (Section 17.42.080), outdoor display of merchandise in Section 17.52.150, accessory structures and uses, and variance requests.
- B. Upon a written finding that, by reason of exceptional shape or topography of a lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Chapter, or an effort to achieve the overall vision and goals of the Downtown Master Plan and/or the Historic Preservation Plan, the Board may grant a variance for the following:
 - 1. Minimum width of lot;
 - 2. Minimum front yard;
 - 3. Minimum side yard;
 - 4. Minimum rear yard;
 - 5. Minimum landscape requirements;
 - 6. Design standards in Section 17.42.080 above;
 - 7. Maximum front yard;
 - 8. Maximum fence height;
 - 9. Outdoor display of merchandise in Section 17.52.150; and
 - 10. Accessory structures and uses.
- C. The process for consideration of a variance is prescribed in Section 17.42.110, subject to the following requirements:
 - 1. Before any variance is granted or denied, the Board shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary

hardship involved and why there is or is not any adverse effect on public health, safety and welfare.

2. Unless otherwise stated in the Board resolution, the applicant shall have six (6) months to apply for a building permit in accordance with the approved variance, and all new construction shall be completed within two (2) years from the date such building permit is issued.
3. If the Board, or the Town Council on appeal, determines that a variance should be approved or approved with conditions, it shall grant only such relief as is necessary to carry out the intent of this Chapter, and may grant a different form of variance than that requested by the applicant.

(Ord. 2012-18 §1, 2012)

17.42.110 - Procedure for Board review, approval and appeal.

- A. A Site Development Plan - Downtown shall be submitted in compliance with the Development Procedures Manual and application fees as defined in the Development Services Fee Schedule.
- B. The Board shall hold a public hearing on all applications submitted under this Chapter. The public notice for such hearing shall be governed by Chapter 17.04 of this CRMC.
- C. The Board shall approve, approve with conditions or deny an application based on the criteria in this Chapter and the review and approval criteria set forth in Section 17.38.040.
- D. The applicant for a Site Development Plan - Downtown that is denied by the Design Review Board may appeal to the Town Council within 30 days of the Board's action. The Town Council shall review and consider the Site Development Plan - Downtown following the notice and public hearing procedures in Chapter 17.04, CRMC and the review and approval criteria set forth in Section 17.38.040 and Chapter 17.42.

(Ord. 2012-18 §1, 2012)

17.42.120 - Demolition requirement, process and removal of landmarking status.

Any application for a demolition permit within the DOD shall comply with the provisions and criteria set forth in Section 15.64.090, CRMC.

(Ord. 2012-18 §1, 2012)

17.42.130 - Violation and penalties.

- A. No person shall violate any of the provisions of the ordinances of the Town, including the provisions of this Chapter. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town or this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

(Ord. 2012-18 §1, 2012)