

ORDINANCE NO. 2010-16

AN ORDINANCE AMENDING THE TOWN OF CASTLE ROCK ZONING DISTRICT MAP BY CREATING A NEW INTERCHANGE OVERLAY DISTRICT CLASSIFICATION; DESIGNATING THE INTERCHANGE OVERLAY DISTRICT BOUNDARIES; ADOPTING THE INTERCHANGE OVERLAY DEVELOPMENT STANDARDS BY REFERENCE AS A PRIMARY CODE; ADOPTING A NEW CHAPTER 17.16 AND AMENDING 17.12.010 OF THE MUNICIPAL CODE CONCERNING THE INTERCHANGE OVERLAY DISTRICT; AND AMENDING CHAPTER 17.14.070 BY EXEMPTING PROPERTIES WITH AN APPROVED INTERCHANGE OVERLAY PRELIMINARY PLANNED DEVELOPMENT SITE PLAN FROM THE SKYLINE RIDGELINE PROTECTION REGULATIONS

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community,

WHEREAS, the Castle Rock Municipal Code establishes a comprehensive zoning and regulatory framework which prescribes processes, approval criteria, and standards for land use and construction approvals,

WHEREAS, by Resolution No. 2002-138, the Town Council adopted the 2020 Comprehensive Master Plan (Comprehensive Plan) which contains the following provisions:

LU-8.1 Significant natural features, such as buttes, ridgelines and major drainage-ways are critical to the character of Castle Rock and should be respected by all development. The Interchange Districts encourage a high-density build environment within these natural features through alternative form-based zoning regulations. The alternative form-based code will detail how these alternative regulations relate to the existing Municipal Code requirements. Incentives will be provided in the form-based code to promote the high-density, high-quality development desired at these interchanges.

LU-8.2 The desired higher density urban level development will be required to protect significant natural drainage-ways by creating opportunities for natural design and added value; to protect the Plum Creek Corridor and its tributaries; to protect the designated floodplains and designated mouse habitat protection areas; and to integrate water conservation and water quality design concepts into the proposed land use plans.

LU-8.9 Development within Interchange Districts should support Town and regional transportation initiatives by incorporating transit solutions, such as park 'n' ride facilities, and pedestrian/bicycle interconnectivity into proposed development plans. Future light rail or commuter rail stops are desirable within the Interchange Districts. Dedication of land for transit and park 'n' ride uses should occur with approval of plans for land within the Interchange Districts.

LU-8.5 Property owners should be allowed to access increased development rights via new regulatory mechanisms in the form-based code pertaining to required dedications, skyline/ridgeline requirements, intersection spacing on minor arterials, or other relevant regulations, in exchange for such things as contributions to specific gateway enhancements, adherence to increased design standards, cash-in-lieu, and creation of high quality architecture and amenities.

LU-8.3 Public gathering places take the form of plazas and other urban-type gathering areas rather than programmed parks.

LU-5.8 Concentrate commercial and office uses that serve the region and the overall Town where there is a greatest level of accessibility and urban services available.

Principal ED-1 Attract a variety of businesses, industries and employment opportunities to provide a balance in the community between jobs and workers and to diversify the Town's economic base.

LU-6.4 Promote multi-modal access to commercial and retail uses.

LU-8.12 Residences should be integrated into or be located adjacent to Interchange District developments in a manner that promotes pedestrian friendly interconnectivity and promotes alternate means of commuting. In particular, residences to accommodate populations dependent on transit, including affordable housing and housing for seniors, are encouraged.

WHEREAS, the Town Council recognizes the importance of a vibrant and thriving commercial and business sector that provides employment, revenue, goods and services, and which is an integral and essential component of the Castle Rock community,

WHEREAS, it is necessary and appropriate to permit higher density and building heights in the commercial areas surrounding I-25 Interchanges in order to allow for the highest and best use of such properties, and

WHEREAS, public hearings have been held on this Ordinance before the Planning Commission and Town Council as required by Town regulations.

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

Section 1. Zoning District Map Amendment. The official Town of Castle Rock Zoning District Map is amended by the addition of the Interchange Overlay District classification to the properties in the vicinity to the Founders Parkway/Meadows Parkway, Wolfensberger, and Plum Creek Parkway Interchanges. The extent and limits of the Interchange Overlay District are generally depicted in the IO Maps appended to this ordinance. In the event of a discrepancy between the IO map and the

official Zoning District Map, the latter shall control. The underlying zoning district classification of properties within the Interchange Overlay District is unchanged by this map amendment.

Section 2. Amendment. Section 17.12.010 of the Castle Rock Municipal Code is repealed and reenacted to read as follows:

17.12.010 Established.

In order to carry out the provisions of this Title, the Town is divided into the following zoning districts:

- A. R-1 Single-Family Residence District (see Chapter 17.20)
- B. R-1A Single-Family Residence District, Detached (see Chapter 17.24)
- C. R-2 Single-Family and Duplex Residence District (see Chapter 17.28)
- D. R-3 Multifamily Residence District (see Chapter 17.32)
- E. POS Parks, Recreation and Open Space District (see Chapter 17.34)
- F. MH Mobile Home District (see Chapter 17.36)
- G. B-1 Highway Oriented Commercial District (see Chapter 17.40)
- H. B-2 General Business District (see Chapter 17.44)
- I. I-1 Light Industrial District (see Chapter 17.52)
- J. I-2 General Industrial District (see Chapter 17.56)
- K. PD Planned Development District (see Chapter 17.60)
- L. SR Skyline/Ridgeline Protection District (see Chapter 17.14)
- M. WNZOD Wolfensberger North Zoning Overlay District (see Chapter 17.50)
- N. IO Interchange Overlay District (See Chapter 17.16)

Section 3. Adoption of Chapter 17.16. Title 17 of the Castle Rock Municipal Code is amended by the adoption of a new Chapter 17.16 entitled Interchange Overlay District, to read as follows:

**Chapter 17.16
Interchange Overlay District**

- 17.16.010 Adoption of IO Development Standards**
- 17.16.020 Purpose and effect**
- 17.16.030 Applicability and relationship to underlying zoning**
- 17.16.040 IO process and application of Town regulations**
- 17.16.050 Application of Town regulations**
- 17.60.060 Certain regulations inapplicable**
- 17.60.070 IO Development Standards and variance**
- 17.60.080 Building height**
- 17.60.090 IO PD open space**

17.16.010 Adoption of IO Development Standards.

The Town adopts by reference as a primary code the Interchange Overlay Development Standards dated April 21, 2010, published by the Town of Castle Rock Department of Development Services.

17.16.020 Purpose and effect.

The purpose of the Interchange Overlay District (IO) and the Interchange Overlay Development Standards (IODS) is to:

- A. Enable the implementation of principles and policies outlined in the Town's 2020 Comprehensive Master Plan concerning development in designated areas in the vicinity of Interstate interchanges.
- B. Establish architectural, landscaping, design, building, use and site development regulations that encourage compatible land uses ensure higher quality development with safe and efficient pedestrian and vehicular access.
- C. Encourage sustainable quality development through the use of set design and site techniques while continuing to provide a wide range of economic development opportunities.
- D. Encourage mixed-use residential, office, commercial, industrial and other compatible uses.

17.16.030 Applicability and relationship to underlying zoning.

This Chapter 17.16 prescribes the process and approval criteria by which properties may obtain the right to develop under the IO zoning classification. Upon obtaining IO approval and execution and recordation of the applicable zoning documents and development agreement, the underlying zoning classification is thereafter extinguished and the zoning of the property is governed exclusively by the new IO zoning and development regulations and development agreement. Unless a landowner seeks and obtains such approval and recordation under this Chapter, development of such property shall be governed by the underlying zoning classification and development agreement, and in such event this Chapter shall have no effect on development of such property.

17.16.040 IO process and application of Town regulations.

Property obtains IO classification through approval of an IO PD. Except as expressly modified by this Chapter 17.16, the process and criteria for application, review and approval of an IO PD is governed by Chapter 17.60 of the Code applicable to PD Planned Development zoning. Accordingly, a landowner must first seek and obtain Town Council approval of a preliminary IO PD site plan and zoning regulations to establish the IO classification for the property.

17.16.050 Application of Town regulations.

All provisions of the Castle Rock Municipal Code apply to property developed under an IO PD, including subdivision and construction, except as expressly modified in this Chapter 17.16, or as otherwise stated in the Code. In the event of a conflict between this Chapter 17.16 and other provisions of the Code, this Chapter 17.16 shall govern and control and to that extent, this Chapter constitutes an amendment to the Code.

The IO Development Standards govern and control over any conflicting provisions of the Town's Public Works Regulations. Except when so preempted, the Public Works Regulations shall be applicable to construction within the IO PD.

IO regulations do not apply to public facilities constructed or developed by the Town of Castle Rock.

17.16.060 Certain regulations inapplicable.

The IO is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development. Accordingly, upon recordation of an approved IO PD:

A. A structure or development within an IO PD that interfaces with another structure or development within the IO PD shall not be required to comply with the provisions of Chapter 17.59 Residential/Non-Residential Interface, however such regulations shall be applied to structures or development within the IO PD which interface with structures or development outside the IO PD.

B. As provided in 17.14.070, Chapter 17.14 Skyline/Ridgeline Protection Regulations does not apply to a property development within an IO PD.

17.16.070 IO Development Standards and variance.

All development within the IO PD shall comply with the IODS whether express reference to such standards is made within the IO PD documents and IO PD zoning regulations.

The Director of Development Services may grant a variance from the IODS upon a finding that:

A. Where, by reason of exceptional shape or topography of a lot, or other exceptional situation or condition of the building or land, practical difficulty or undue hardship, application of the IOZDS creates an undue hardship or impracticality; and

B. The variance request allows the project to achieve the main objectives of the IODS.

17.16.080 Building height.

The maximum building height within an IO PD is 6 stories, or 90-feet, unless a greater height is authorized through the IO PD.

17.16.90 IO PD open space.

The total open space requirement within an IO PD is fifteen percent (15%). The intent is to secure large areas of open space within the IO PD while recognizing the Town's 2020 Comprehensive Plan's development concepts for these areas.

Section 4. Skyline/Ridgeline Protection Regulations Amendment. Section 17.14.070 of the Castle Rock Municipal Code is repealed and reenacted as follows:

17.14.070 Exemptions.

A. Properties that have received final plat approval on or before the effective date of the ordinance codified herein shall be exempt from the provisions of 17.14.060.A and B (including replatting), but shall be subject to all other requirements of this Chapter, including without limitation, the provisions of Section 17.14.060.C.

B. Structures that have been built or for which a building permit has been issued, prior to the effective date of this Chapter, shall be exempt from all requirements of this Chapter, provided that an exempt structure may not be remodeled or expanded so as to result in a structure with a building height in excess of the limitations of Section 17.14.060. An existing structure exempted from the district regulations under this Section may be rebuilt to a building height equal to the greater of: (a) the limitation under 17.14.060; or (b) its prior building height.

C. Structures constructed within an IO PD (see Chapter 17.16) are exempt from this Chapter 17.14.

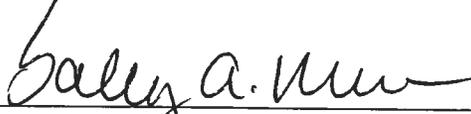
Section 5. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 6. 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.

APPROVED ON FIRST READING this 1st day of June, 2010 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

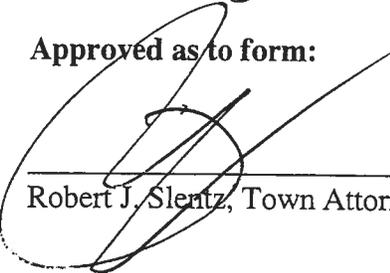
PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 22nd day of June, 2010, by the Town Council of the Town of Castle Rock by a vote of 6 for and 0 against.

ATTEST:



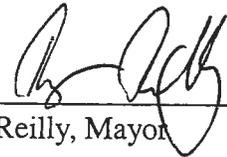
Sally A. Misare, Town Clerk

Approved as to form:



Robert J. Slentz, Town Attorney

TOWN OF CASTLE ROCK



Ryan Reilly, Mayor

Approved as to content:



Bill Detweiler, Director of Development Services

Meadows / Founders - IO

