

SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS

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201 Districts

The following zoning districts are hereby established to implement this Ordinance:

A-1 Agricultural One District
~~LRR Large Rural Residential District (formerly A-2)~~
~~RR Rural Residential District~~
 ER Estate Residential District
~~SR Suburban Residential District~~
~~MF Multifamily District~~
~~MH Mobile Home District~~
 B Business District
~~C Commercial District~~
~~LI Light Industrial District~~
~~GI General Industrial District~~
 PD Planned Development District
~~OS Open Space Conservation District~~

202 Overlay Districts

In order to recognize special areas within the City which are not zoning districts, the following overlay districts are hereby established:

Wildfire Hazard - Overlay District
 Floodplain - Overlay District
 Water Supply - Overlay District
 Centennial Airport Review Area - Overlay District
~~Parker IGA - Overlay District~~
~~Castle Rock IGA - Overlay District~~

~~Effective 3/10/99 the Design Enhancement - Overlay District is an obsolete zone district. The land uses and development standards shall be those of the underlying zone district and the existing, approved design overlay plan for the site.~~

203 Incorporation of Maps

The location and boundaries of the zoning districts established by this Ordinance are shown upon the "Zoning District Maps of the City, hereafter referred to as the Zoning Map, and made a part hereof.

204 District Boundaries

District boundaries are shown on the Zoning Map. However, where uncertainty exists as to the boundaries of districts, the following rules shall apply:

- 204.01 A boundary indicated as approximately following the center line of a street, highway, streambed, railroad right-of-way, or alley shall be construed to follow such center line.

- 204.02 A boundary indicated as approximately following the right-of-way line of a street, highway, or alley shall be construed to follow such right-of-way line, and in the event of a change in such R-O-W line the boundary shall be construed as moving with the R-O-W line.
- 204.03 A boundary indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- 204.04 A boundary indicated as parallel to or an extension of features indicated in subsection 203 above shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.
- 204.05 Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.
- 204.06 Disputes concerning the exact location of any district boundary line shall be decided by the Director of Planning.
- 204.07 All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.
- 204.08 Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

205 Disconnected Land

The use of land that is disconnected from an incorporated area shall be restricted to those existing lawful uses permitted by the municipal zoning regulations in place prior to disconnection. Expansion of the use shall not be permitted nor building permits issued until the land is zoned by the City.

The landowner shall submit a zoning application to the City within 90 days from the date of disconnection. The Planning and Community Development Department may concurrently provide public notice and make a recommendation for zoning if the Department is not in agreement with the landowner's request. If the landowner fails to submit a zoning application within 90 days from the date of disconnection, the Department shall initiate zoning of such land, in accordance with Section 1 Administrative Provisions and Procedures, Zoning Map Changes - Procedure.

206 Exclusion of Uses

Uses not specifically listed or reasonably similar to those uses listed in any particular zoning district shall be deemed to be excluded from the particular zoning district.

Uses listed in any particular zoning district shall be deemed to be excluded from any other zoning district, unless such use is specifically listed in the other zoning district.

Pursuant to the approval by the voters at the general election held on November 2, 2010, use of any land within the City as a Medical Marijuana Business is specifically an excluded and prohibited use in all zoning districts or on any land within the City.

Additionally, use of any land within the City as a Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility or Retail Marijuana Store is specifically an excluded and prohibited use in all zoning districts or on any land within the City. (Ord 13-05)

207 Inclusion of a Use Not Listed

Uses not listed may be interpreted for inclusion in a specific zoning district by the Director when such use is reasonably similar to those uses listed.

Uses not specifically listed or not reasonably similar to those uses listed, or not interpreted for inclusion by the Director, in a specific zoning district, may be added to the appropriate zoning district upon the approval by the City Council in accordance with the following procedure:

- 207.01 The applicant shall meet with a staff planner to determine if the intended use is listed or similar to listed uses and shall discuss the procedures and submittal requirements for amending the appropriate sections of this Ordinance.
- 207.02 The applicant shall submit the following information to the Planning Division:
 - 207.02.1 A completed application form (*available from the Planning Office*)
 - 207.02.2 Application fee (*fee schedule available from the Planning Office*)
 - 207.02.3 A written description of the intended use, the appropriateness of the intended use in the specific zoning district and any other information requested by staff.
- 207.03 The staff planner shall review the amendment request, prepare a staff report with the amended regulatory language and meet with referral agencies and other interested parties regarding the proposed changes.
- 207.04 The staff planner shall schedule a hearing with the Planning Commission and notify the applicant of the hearing date and time.

207.05 The applicant is responsible for publishing a notice in the newspaper, prior to the Planning Commission and City Council hearings. In calculating the time period for public notification the day of publishing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

At least 14 days prior to the Planning Commission hearing, and 14 days prior to the City Council hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in the City of Castle Pines, and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the public hearing. Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR CITY COUNCIL)**

A public hearing will be held on (date), at (time), in the Council's Hearing Room, 7404 Yorkshire Drive, Castle Pines, CO, for a proposed amendment to (zone district) to include (state specific use) as a (principal use or use by special review). For more information, call City Planning at 303-705-02. File No./Name: _____

The degree of accuracy required for the information contained in this public notice shall be that of substantial compliance with the provisions of this section. Substantial compliance for this public notice shall be determined by the Planning Commission and the City Council for their respective public hearings.

207.06 The Planning Commission shall evaluate the application, staff report, and public testimony, and make a recommendation to the Council to approve, approve with modifications, table for further study, or deny the proposed amendment.

207.07 Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the City Council, and notify the applicant of the hearing date and time.

207.08 The applicant shall be responsible for publishing a notice in the newspaper in accordance with section 207.05, herein.

207.09 The City Council shall evaluate the proposed amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, approve with modifications, table for

further study, remand to the Planning Commission, or deny the amendment proposal based on the following finding that such use:

- 207.09.1 is not listed or is not similar to any other use;
 - 207.09.2 is appropriate for the zoning district to which it is to be added;
 - 207.09.3 conforms to the basic requirements and characteristics of the use category to which it is to be added; and
 - 207.09.4 does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazard or other objectionable impact than normally resulting from the other uses listed in the zoning district to which it is to be added
- 207.10 If approved, the staff planner shall be responsible for amending the appropriate section of the Zoning Ordinance, submitting the amended section to the Clerk and Recorder's Office for recordation, and distributing as necessary.

208 Trash, Junk, Inoperative Vehicles

No land may be used as an outside storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, ~~unless approved as a use by special review in the GI zoning district.~~

209 Public Access

Land proposed for rezoning shall adjoin a publicly dedicated street except where private streets are proposed and a special district or some other duly established entity, recognized by the City Council, has committed in writing to maintain the private street in perpetuity.

210 Minimum Area

- 210.01 The area of a lot required for the purpose of complying with the provisions of this Ordinance shall not be included as part of the area required for another lot.
- 210.02 A minimum lot area shall not be required for utility service facilities, or telecommunication facilities. The required lot area, for major facilities of a public utility and telecommunication facilities, shall be addressed in the Use By Special Review in accordance with Section 21 of this Ordinance.
- 210.03 Lots conforming to the minimum lot area requirements of a zone district, that are reduced in land area due to land acquisition by a governmental

entity shall be considered conforming to the minimum lot area requirements of the specific district for principal uses, accessory uses and uses permitted by special review.

211 Building Restrictions

211.01 Building Permit

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the incorporated area of Castle Pines without first obtaining a building permit from the Building Division. The plans, submitted with the building permit application, for the proposed erection, construction, reconstruction, alteration, or use shall conform to all applicable provisions of this Ordinance and shall be constructed in accordance with the City Building Code as adopted.

211.02 Construction in Easement

No structure requiring a building permit may be erected, placed upon or extended over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. A copy of such approval shall be submitted to the Building Division prior to building permit issuance.

211.03 Avigation Hazard

It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smoke stack, chimney, flag pole, wires, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a publicly used airport under the regulation of the appropriate United States Civil Aeronautics Authority, in compliance with the Centennial Airport Review Area - Overlay District of this Ordinance.

212 Merger by Contiguity

For commonly owned, contiguous, nonconforming parcels the following shall apply:

212.01 Parcels Described By Metes and Bounds

When two or more contiguous, nonconforming parcels come under single ownership and are described in the same deed, after May 5, 1972, these parcels shall be deemed one parcel.

The subsequent division of such land into two or more parcels/lots shall be in accordance with the City of Castle Pines Subdivision Ordinance, even if the land is to be divided as previously described or conveyed.

212.02 Parcels Described By a Survey

When two or more contiguous, nonconforming parcels, shown on a recorded survey (*i.e.*, *townsite*) that did not receive City approval, come under single ownership and are described in the same deed these parcels may be deemed one lot for the purpose of building permit issuance. A building permit may be issued provided the minimum required lot size and setbacks of the zone district in which the land is located are met.

213 Density Transfers

The transfer of development credits from one parcel to a noncontiguous parcel may be permitted on a case-by-case basis when consistent with the goals and policies of the City, and when the net density of the receiving parcel is in conformance with the City Master Plan and Zoning Ordinance and the following criteria:

213.01 The sending parcel shall result in open space preserved in perpetuity via a conservation easement, or other restriction acceptable to the City.

213.02 No net increase in dwelling units in the nonurban area of the ~~City~~ City shall occur as a result of such transfer, except when there is an opportunity to downzone land in the nonurban area to bring the zoning and land use into compliance with the City Master Plan, and a greater public benefit can be demonstrated, as identified on the City Master Plan ~~Open Land Opportunities Map; preserving the natural landscape; or protecting wildlife habitat or corridors.~~ Then, if the receiving parcel is a Rural Site Plan, the density may be increased not exceeding 1 unit/17.5 acres. All other receiving parcels shall conform to the density allowed by the zone district.

Note: The conversion of B/C/LI/GI to agricultural or residential units shall be allowed at a rate not to exceed 1 unit/2.5 acres, and may be less due to site conditions.

213.03 Such transfer or agreement to transfer shall occur concurrently with the rezoning of the receiving parcel, as necessary.

213.04 Definitions:

Development Credits - The number of dwelling units, as determined by the ~~County~~ City based on zoning and site characteristics, for any given parcel.

Open Space - Land left intentionally free from development which may be open to the public or private.

Section 2 General Requirements and Exceptions

LANE USE ZONING DISTRICT	A-1	LR R	R R	ER	SR	MF	MH	B	C	LI	GI
Medical Marijuana Businesses or Marijuana Establishments											