

## Chapter 17.14

### Skyline/Ridgeline Protection Regulations

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#### 17.14.010 Title and effective date.

This Chapter may be cited as the "Skyline/ Ridgeline Protection Regulations" and shall become effective April 5, 1999. (Ord. 99-15 §1(part), 1999)

#### 17.14.020 Purpose and intent.

Within the corporate limits of the Town there are many significant landforms including mesas with distinct ridgelines, usually at higher elevations. These topographical features distinguish Castle Rock and Douglas County from metropolitan Denver, and accordingly constitute a unique natural resource meriting protection and preservation. Construction of structures in locations on these landforms which are visible from many areas of the Town degrades this natural heritage. The

regulations adopted by this Chapter place restrictions on the siting of structures in visually significant areas and provide mitigation of the visual impact of such development. These regulations are promulgated and applied as a zoning overlay district as a legislative exercise by the Town Council of the police powers of the Town. These regulations apply uniformly to all zoned development encompassing landforms with visually sensitive areas, while also recognizing pre-existing development rights vested under law and the need to site public facilities at locations optimizing their effectiveness. (Ord. 99-15 §1(part), 1999)

#### **17.14.030 Definitions.**

As used in this Chapter, the following terms shall have the indicated meanings:

*Area* means one (1) of the five (5) geographical subsets of the district: Major Ridgeline, Minor Ridgeline, Major Skyline, Moderate Skyline, Minor Skyline.

*Building height* as defined in Sections 17.08.060 and 17.08.190 of this Code.

*Code* means the Castle Rock Municipal Code, as amended.

*District* means the Skyline/Ridgeline Protection District as delineated on the district map.

*District Map* means the official map of the district boundaries and the areas within the district.

*District regulations* means the restrictions and requirements on development within the District imposed by this Chapter.

*Mature planned development* means a planned development (PD) zone district of which two-thirds ( $\frac{2}{3}$ ) or more of the area of the PD is zoned for residential, commercial or industrial development and has been made subject to a final subdivision plat as of July 1, 1999.

*Public facilities* means facilities which are developed by the Town or developed by others and conveyed to the Town to support the provision of municipal services, including but not limited to water production treatment and storage, parks and recreation and telecommunications. *Public facilities* are further defined to include the following community facilities developed and owned by others: medical complexes that include a hospital, public and nonpublic schools as defined in Sections 17.08.351 and 17.08.352, colleges or universities as defined in Section 17.08.353 and proprietary schools as defined in Section 17.08.354.

*Ridgeline area* means an area delineated on the district map in which all or part of a permanent structure constructed thereon would be visible from one (1) or more points on a viewing platform, but would not be visible along the skyline when viewed from the same point because of a higher landform located behind the ridge.

1. *Major ridgeline areas* are ridgeline areas with a major visual impact.
2. *Minor ridgeline areas* are ridgeline areas with a minor visual impact.

*Skyline* means the horizon between land and sky.

*Skyline area* means an area as delineated on the district map in which all or part of a permanent structure constructed thereon would be visible along the skyline, i.e., it would extend higher than the highest landform located either in front or behind the structure, when viewed from one (1) or more points on a viewing platform.

1. *Major skyline areas* are skyline areas where a twenty-five-foot high structure would be highly visible along the viewing platforms.

2. *Minor skyline areas* are skyline areas where a twenty-five-foot high structure would not be visible, but a thirty-five-foot high structure would be visible from several points along the viewing platforms.

3. *Moderate skyline areas* are skyline areas where a twenty-five-foot high structure would be visible from several points along the viewing platforms.

*Viewing platforms* means those portions of major thoroughfares and other selected vantage points within and adjacent to the municipal boundaries from which computer and field observations were used to assess the visual significance of development on prominent landforms. (Ord. 2008-02 §1, 2008; Ord. 99-30 §1, 1999; Ord. 99-15 §1(part), 1999)

#### **17.14.040 Applicability and compliance.**

The district is a zoning district under Chapter 17.12 of this Code, which overlays the zoning districts enumerated in 17.12.010 of this Code. The district regulations apply to all land use applications for which any portion of the subject property is located within the district as delineated on the district map. District regulations do not apply to public facilities constructed or developed in the district. Any rezoning, subdivision, development or building approval or permit shall be subject to compliance with the district regulations, irrespective of whether specific reference to the district regulations is made in the code sections governing such approval or permit. In the event of overlapping or conflicting requirements between the district regulations and other provisions or regulations under this Code, the more restrictive provision shall apply. The district regulations shall supersede any conflicting development or building standard or regulation contained in any PD zoning regulation (as defined in Section 17.60.210 of this Code), and the district regulations shall constitute an amendment thereto. (Ord. 99-15 §1(part), 1999)

#### **17.14.050 Adoption of official map.**

The District Map dated February 26, 1999, designating the areas in which the district regulations apply is adopted as an amendment to the Zoning District Map maintained by the Town pursuant to Section 17.12.020 of this Code. The District Map shall be kept in digital form at the offices of the Town's Community Development Department and shall be distributed to the public upon request. In addition, unofficial paper reproductions of the District Map shall be available for review by the public during normal business hours, and for distribution to the public upon request and payment of a fee covering copying costs. In the event of a conflict between the digital District Map and the paper reproduction, the digital District Map shall control. Disputes concerning the boundaries of the district shall be resolved as provided in Section 17.12.030 of this Code. (Ord. 99-15 §1(part), 1999)

**17.14.060 Building restrictions and visual impact mitigation.**

A. Structures prohibited. Within major skyline and major ridgeline areas, no primary or accessory structure shall be constructed. Land within such areas may be included in lots that extend outside such areas provided that the primary and accessory structures on such lots are located completely outside the major skyline and major ridgeline areas. To ensure the placement of structures outside of the major skyline and major ridgeline area on such lots, and to provide notice of such restriction, building envelopes shall be designated on the applicable subdivision plat and/or zoning site plan.

B. Restrictions on height. Within moderate skyline areas, no primary or accessory structure with a building height of greater than twenty-five (25) feet shall be constructed, provided that if the underlying zoning allows multifamily structures of fifty (50) feet or higher as a permitted use or the structure is located within a mature planned development, the building height restriction shall be thirty-five (35) feet. Within minor skyline and minor ridgeline areas, no primary or accessory structure with a building height greater than thirty-five (35) feet shall be constructed.

C. Mitigation of Impacts. Within moderate skyline, minor skyline and minor ridgeline areas of the district, all primary and accessory structures shall be required to comply with the following measures designated to mitigate the visual impact of the structure prior to occupancy, unless explicitly exempted elsewhere in this Chapter.

1. Colors. All occupied structures and accessory structures shall be constructed and maintained so that predominant exterior wall colors (including the colors of basement walls on the downhill side of the structure) and roof surfacing materials (a) repeat the colors found most commonly in the land and vegetation around the building (earth tone), and (b) have a light reflective value of no more than forty percent (40%). Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface.

2. Vegetation. The area around each primary structure and accessory structure shall include at least one (1) tree of a species with a mature height of at least thirty-five (35) feet for each two thousand five hundred (2,500) square feet of lot or parcel area; provided, however, that this requirement shall not require any single-family residential lot to contain more than eight (8) trees. At least fifty percent (50%) of the total number of trees required on the lot or parcel pursuant to this Paragraph shall be located within fifty (50) feet of the primary structure on the side of the primary structure facing the nearest viewing platform as so designated by the Director of Development Services. The remainder of the trees required on the lot or parcel pursuant to this Paragraph shall be located within fifty (50) feet of the primary structure. All trees installed to meet the requirements of this Paragraph shall be of coniferous species, shall be a minimum of eight (8) feet tall when planted and shall be planted before a certificate of occupancy is issued for the primary structure, or, if that is not possible due to planting season or weather conditions, then within one (1) month of the beginning of the planting season for the species. In addition, to the maximum degree feasible, during overlot grading, all existing mature vegetation with a height of more than three (3) feet, other than noxious plants and weeds, shall be preserved. Any existing trees that meet the height requirement are counted towards satisfaction of the tree requirements, regardless of whether they are coniferous or deciduous. Concurrently with the final PD site plan review and approval process, the property owner submitting such plan may request approval of a

vegetation plan in which the vegetation requirements for certain lots or tracts may be increased, decreased or deleted, to reflect the degree of visibility of structures located in various portions of the subdivision. Additionally, such owner may request alternative placement of landscaping on certain lots and tracts if such placement provides adequate mitigation of the visual impact of the roof line of the primary structure. Landscaping required by this Section shall be credited against the landscaping requirement imposed by any other section of this Code, or the specific PD development plan. In commercial and multi-family residential areas, vegetation screening required by this Paragraph shall be limited to the total area required for landscaping under this Code or the applicable PD plan, and, therefore, only such vegetation screening which can be reasonably accommodated within such areas is required to be planted or maintained.

3. Floodlighting. Floodlights shall not be used to light all or any portion of any primary or accessory structure facade, and all outdoor light sources mounted on poles, buildings or trees to illuminate streets, sidewalks, walkways, parking lots or other outdoor areas shall use full cutoff light fixtures. For purposes of this Section, a *full cutoff light fixture* is one in which no more than two and one-half percent (2.5%) of the total output is emitted at ninety degrees (90°) from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries.

4. Exposed basements. On the side of each primary and accessory structure facing the nearest viewing platform as so designated by the Director of Development Services, no basement wall shall be exposed for more than one-half (½) of its height, unless a vegetated berm at least three (3) feet in height is constructed between such basement and the property line closest to the nearest viewing platform. (Ord. 2008-25 §§6, 7, 2008; Ord. 99-30 §2, 1999; Ord. 99-15 §1(part), 1999)

#### **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 Subsections 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 Subsection 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 Section 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. (Ord. 2010-16 §3, 2010)

#### **17.14.080 Vested development plans.**

The district regulations shall not be applied to any property for which the preliminary PD site plan has been vested pursuant to Chapter 15.24 of this Code to the extent such application of the district regulations is prohibited by Section 24-68-105, C.R.S. Irrespective of the inclusion of property

subject to a vested development plan in the district, such property shall be exempt from Section 17.14.060A and B. (Ord. 99-15 §1(part), 1999)

**17.14.090 Variances.**

A. Applicants for land use approval in the district may request a variance from one (1) or more of the provisions of this Chapter pursuant to the procedures and standards described below.

B. Appeals to Town Council. Any applicant or any party who has testified at a public hearing regarding a variance request may appeal the decision of the Planning Commission to the Town Council. Requests to appeal the decision of the Planning Commission must be filed with the Department of Development Services within thirty (30) days of the date of the written findings by the Planning Commission referenced in Subsection D. below. The Town Council shall hear the appeal request at a public hearing noticed in accordance with the requirements of Chapter 17.84, and shall uphold, reverse or modify the decision of the Planning Commission, after a review of evidence presented by the applicant and any other interested party at a public hearing.

C. Grounds for variance.

1. Any applicant may only request a variance on one (1) or more of the following grounds:

a. A proposed twenty-five-foot high structure in a major skyline area will not be highly visible in the skyline from the viewing platforms, in which event the restrictions of the moderate skyline area shall apply;

b. A proposed twenty-five-foot high structure in a moderate skyline area will not be visible in the skyline from several points along the viewing platforms, in which event the restrictions of the minor skyline area shall apply;

c. A proposed thirty-five-foot high structure in a minor skyline area will not be visible in the skyline from the viewing platforms;

d. No part of a proposed structure in a major or minor ridgeline area will be visible above the top of the ridge around which the ridgeline area is mapped, when viewed from any viewing platform; or

e. When viewed from all viewing platforms, all views of a proposed structure in a minor skyline area, a moderate skyline area or a minor ridgeline area will be mitigated more effectively through tools and techniques other than those listed in Section 17.14.060C.

2. For the purpose of assessing a variance request:

a. The finished subdivision grade as reflected in the approved grading plan shall be utilized, if such information is available; otherwise the natural grade shall be utilized;

b. The effect on visibility from the viewing platforms resulting from structures on subdivided lots (constructed or to be constructed) in the vicinity of the area subject to the variance request shall be considered; and

c. The screening provided by existing landscaping and vegetation shall be taken into account.

D. Standards for Approval. The Planning Commission may only grant a variance if it makes a written finding that one (1) or more of the grounds for variance listed in Subsection C.1 above has been proven. The Town Council may only grant or uphold a variance on appeal if it makes a written finding that one (1) or more of the grounds for variance listed in Subsection C.1 above has been established.

E. Relief. If the Planning Commission, 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. 2003-49 §1, 2003; Ord. 99-15 §1(part), 1999)

**17.14.100 Review of district regulations.**

Within twenty-four (24) months after the effective date of this Chapter, the Town Council shall hold at least one (1) public hearing to review the effectiveness and accuracy of this Chapter, including without limitation the District Map. However, the failure to hold such public hearing shall not thereafter invalidate the district regulations. (Ord. 99-15 §1(part), 1999)

**17.14.110. Violations; penalties.**

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

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.

C. In addition to receiving any fines or other monetary remuneration, the Town shall have the right to seek injunctive relief for any and all violations of this Chapter and all other remedies provided at law or in equity. (Ord. 99-15 §1(part), 1999)