

Chapter IV – Annexation/Zoning

Annexation

Annexation petitions are required by property owners seeking incorporation into the Town's jurisdictional boundaries and provision of Town services (see Chapter 20.02). Please direct questions regarding annexation to the Development Services Department. Annexations must be consistent with the Douglas County-Town of Castle Rock Intergovernmental Agreement, the Town's Comprehensive Master Plan, and other Master Plans. Annexations must comply with the water dedication provision in the Chapter 4.04 of the Municipal Code. Please direct questions regarding water adjudication and dedication to the Development Services Department.

Zoning to either a straight-zone district or Planned Development Plan must occur either simultaneously with annexation or within 90 days following annexation approval. If zoning to a Planned Development Plan does not occur in conjunction with annexation, an Annexation Agreement may be required to guarantee that impacts of the annexation to Town services will be accommodated.

Submittal Requirements for Annexation: (see Annexation checklist)

- Annexation Petition
- Application and Fee (see Development Services Fee Schedule)
- Title commitment, current within 180 days
- Water rights decree (or) application for same
- 4 copies of the Annexation Map (prepared by Professional Land Surveyor, registered in the State of Colorado)
- Annexation closure calculations
- Annexation impact report (annexation > 10 acres)
- Proposed Development / Annexation Agreement provisions
- Traffic Impact Analysis (*may be required*)

Review Process for Annexation:

1. Pre-Application meeting with staff.
2. Neighborhood Meeting (*recommended*).
3. Applicant submits application materials and fees.

Substantial Compliance:

4. Town staff schedules a Substantial Compliance hearing.
5. If the Petition is found to be in substantial compliance, Town Council sets a date by resolution for the Eligibility public hearing to be held not less than 30 days nor more than 60 days after the date of the resolution setting the hearing.

Eligibility:

6. Town staff publishes notice for four consecutive weeks in a newspaper of general circulation, at least 30 days prior to the date of the Eligibility hearing.
7. Town staff sends a copy of the published notice, resolution of substantial compliance and annexation petition to the Board of County Commissioners and County Attorney, to any special districts and the school district by registered mail at least 25 days prior to the date of the Eligibility hearing.
8. The Eligibility hearing is held and the Town Council makes a finding of fact by resolution whether the area proposed for annexation is eligible for annexation.
9. Town staff sends a copy of the Annexation Impact Report, if required, to the Board of County Commissioners within five days following the Eligibility hearing.

Annexation:

10. Staff reviews application documents and issues response comments and redlines.
11. Town staff sends out external referrals to appropriate agencies and dry utilities.
12. Applicant revises and resubmits (typically one or two times).
13. Town staff schedules an Annexation hearing to be held before the Planning Commission at least 10 days prior to the date of the Town Council Annexation hearing.
14. Town staff schedules an Annexation hearing to be held before the Town Council not later than 180 days from the date of the resolution of eligibility, unless deferred in writing by the petitioner(s). There are specific annexation review criteria ([Section 20.02.040](#)) and if the request is water short, the applicant must demonstrate that exceptional qualities ([Chapter 4.04](#)) are met.
15. Staff prepares the staff report including a recommendation regarding the Annexation and Development Agreement.
16. Public notice ([Section 20.02.020](#)) is required prior to hearings.
17. Planning Commission reviews in a public hearing and makes a recommendation to Town Council.
18. Town Council reviews in a public hearing and makes the final determination by ordinance, whether the property is annexed.
19. Water rights adjudication: As a condition of annexation, the petitioner(s) provides evidence that water rights associated with the property have been adjudicated and dedicate all rights to the Denver Basin groundwater underlying the annexed property to the Town. The Town creates the water bank. (See [Section 4.04.050.A](#) of the Municipal Code)

Recording:

20. If approved, applicant submits final documents for recordation, the appropriate recording fees, and any payments, sureties or dedications required by the Development or Annexation Agreement.
21. Town staff creates the water bank.
22. Town staff files the original executed annexation ordinance and annexation map with the Douglas County Clerk and Recorder.
23. Douglas County staff files a copy of the annexation ordinance and annexation map with the State Department of Local Affairs, in the Division of Local Government and with the State Department of Revenue.

Zoning/Rezoning

The Town has residential, business and industrial “straight” zone districts that allow appropriate land uses either by right or as a Use by Special Review. (For the Commercial Land Use Matrix (see [Section 17.28.030](#)) Requests for zoning changes can be submitted by petition of the property owner(s) or can be initiated by the Town. Please contact the Development Services Department regarding proposed zone changes.

At the time of annexation, a property owner can choose to request that their property be zoned to either one of the Towns' straight zone districts or a Planned Development. The application can be processed simultaneously with an annexation request, or within ninety (90) days of annexation.

Submittal Requirements for Zoning/Rezoning for straight zone district:

- Title commitment, current within 180 days
- [Application](#) and Review Fee (see [Development Services Fee Schedule](#))
- A legal description of the area proposed to be rezoned.

- A letter outlining the reasons/change in circumstances supporting the rezone and how it complies with the Comprehensive Plan.
- Traffic Impact Analysis may be necessary if the proposed zoning is a higher traffic generator.

Review Process for Zoning/Rezoning changes:

Input is sought of the affected property owners and public hearings allow public input. The zoning or rezoning designation request is first reviewed by staff and then a recommendation is forwarded to Planning Commission and Town Council. There are specific zoning approval criteria ([Section 17.02.060](#)) that the staff, Planning Commission and Town Council must use to evaluate whether a zoning request should be approved. Public notice ([Section 17.04.050](#)) is required prior to the hearings. The Planning Commission reviews the request and makes a recommendation to Town Council, who makes the final determination.

Planned Development Plan

Planned Development zoning is an optional negotiated zoning for a specified property as outlined on a Planned Development Plan. A Planned Development is often required to be accompanied by a Development Agreement that outlines the provisions for public and private infrastructure to support the development. Town Council has the authority to grant variances to Town standards through the approval of a Planned Development Plan. A previously approved Preliminary Planned Development (PPD) is equivalent to a Planned Development Plan. If a property is already annexed and straight-zoned or if an annexation is being concurrently processed, an application for a Planned Development Plan may be submitted. Please contact the Development Services Department with questions regarding Planned Development applications.

Submittal Requirements for Planned Development Plan and Amendments (see [PDP checklist](#)):

- [Application](#) and fee (see [Development Services Fee Schedule](#))
- Ownership and Encumbrance Report
- Title commitment, current within 180 days
- Project Description Narrative
 - Describe compliance with master plan/vision/design guidelines
 - (Interchange Overlay PDs) must describe compliance with Interchange Overlay District ([Chapter 17.44](#))
 - Demonstrate adequacy of access, roadways, water/sewer, and stormwater detention
 - Describe overall project and benefits
 - Describe impact on surrounding properties
- Mineral Rights Notice ([Section 17.04.080](#)) at the time of application submittal
- Planned Development Plan showing: land uses, densities, development standards (open space, floor area ratio (FAR), setbacks and buffers), design standards, major roadway connections)
- (Interchange Overlay PDs)- indicate on the proposed planned development how the Interchange Overlay Development Standards ([Chapter 17.44](#)) are met
- Planned Development (PD) Zoning Regulations
- Land Suitability Analysis Report (LSAR)
- Financial Impact Report
- Traffic Impact Analysis (or technical update to a Master Traffic Analysis. An access management plan may be required for developments proposing/affecting multiple access points to the street network.
- Adequacy of water/sewer

- Concept Utility Letter
- Phase I Drainage Report
- Proposed Development Agreement provisions (if no Annexation Agreement or if submitted concurrently with Annexation)

Review Process for Planned Development Plans:

1. Pre-Application meeting with staff.
2. Neighborhood Meeting (*recommended*).
3. Applicant submits application materials and fees.
4. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and dry utilities.
5. Staff reviews application documents and issues response comments and redlines.
6. Applicant revises and resubmits one or two times.
7. Staff schedules public hearings and prepares staff report including a recommendation regarding the Planned Development Plan. Public notice (Section 17.04.050) is required prior to hearings.
8. Planning Commission reviews in a public hearing and makes a recommendation to Town Council, based on PD Plan review criteria (Section 17.34.030).
9. Town Council reviews in a public hearing and makes the final determination.

Recording:

10. If approved, applicant submits final documents and fees for recordation with money/sureties/dedications required by the Development or Annexation Agreement. The applicant has 180 days from approval date to submit mylars to the Town for recording.
11. The Town records the Planned Development Plan with the Douglas County Clerk and Recorder.
12. The Town creates the water bank.

Amendment to Planned Development Plan or PD Zoning Regulations

Staff can approve Minor Amendments administratively. A Major Amendment to a Planned Development (or former Preliminary Planned Development PPD) is required to go back through public hearings for review and approval. Any one or more of the following thresholds constitute a Major Amendment (Section 17.36.010):

- Introduces new land uses
- Changes area devoted to any use by more than 10%
- Changes density or intensity of uses by more than 10%
- Constitutes a significant change in the design
- Creates new or additional impacts on adjacent properties
- Substantively changes the PD Zoning Regulations

Review Process for Amended Planned Development Plans:

1. Pre-Application meeting with staff.
2. Neighborhood Meeting (*recommended*).
3. Applicant submits application materials and fees.
4. If determined to be necessary by staff, the Town will send out external referrals to appropriate jurisdictions, districts, agencies, and dry utilities.
5. Staff will review of submittal package documents and issues response comments and redlines.
6. Applicant revises and resubmits (typically one or two times).

7. Staff approval of Minor Amendments. If staff denies a Minor Amendment, the applicant may appeal to Town Council.

Additional Steps for Major Amendments:

8. Staff schedules public hearings and prepares staff report including a recommendation regarding the Planned Development Plan. Public notice (Section 17.04.050) is required prior to hearings.
9. Planning Commission reviews in a public hearing and makes a recommendation to Town Council based on PD Plan review criteria (Section 17.34.030).
10. Town Council reviews in a public hearing and makes the final determination for approval or denial.

Recording:

11. If approved, applicant submits final documents and fees for recordation. The applicant has 180 days from approval date to submit mylars to the Town for recording.
12. Town records the Planned Development Plan with the Douglas County Clerk and Recorder.