

ORDINANCE NO. 26-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, AMENDING SECTION 11 (B—BUSINESS DISTRICT), SECTION 15
(PD—PLANNED DEVELOPMENT DISTRICT), AND SUBSECTION 3602
(DEFINITIONS) OF THE CITY OF CASTLE PINES ZONING ORDINANCE
REGARDING CERTAIN USES SUBJECT TO THE TEMPORARY MORATORIUM
IMPOSED BY ORDINANCE NO. 25-05**

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipality authorized to exercise its zoning and police powers to promote and protect the public health, safety, and welfare; and

WHEREAS, pursuant to Ordinance No. 25-05, the City Council imposed a temporary moratorium on land use and business license applications for body art services, car washes, junk yards, pawnshops, payday loan services, vehicle services, and vape shops (the “Moratorium Uses”) to allow time for the City to study potential secondary effects and negative impacts of said uses in the City’s business and mixed use areas, and to enact regulations as needed to mitigate any such effects and impacts; and

WHEREAS, the moratorium is set to automatically terminate on January 31, 2026, and the City Council desires to amend the City Zoning Ordinance to: adopt location and spacing limitations and use prohibitions for certain Moratorium Uses in the Business District; make clear that uses prohibited in the Business District may be allowed with City Council approval in the Planned Development (PD) Districts; and add definitions for certain Moratorium Uses to provide clarity and consistency in administration and enforcement; and

WHEREAS, the City’s Comprehensive Plan and other adopted policy documents, including the recently adopted Urban Renewal Plan, recognize that the Business District is currently auto-oriented and underperforming as a downtown area, and therefore seek to revitalize the Business District to, among other things: create a stronger mixed-use character with restaurants, office, retail, and housing; encourage development that facilitates walkability; improve pedestrian and bicycle connectivity; provide public outdoor gathering spaces; promote reinvestment and adaptive reuse of under-performing or vacant properties; and foster a pro-business environment attracting a variety of retail, restaurant, service, and grocery options; and

WHEREAS, the City is unique in that its Business District consists of a single, limited geographic area comprising approximately 117 acres, the City does not have multiple commercial or industrial zoning districts as found in many other jurisdictions, and all other commercial uses are permitted, if at all, only within Planned Development (PD) districts and, as such, the City Council finds that location and distance requirements and use prohibitions for certain uses in the Business District are necessary to avoid over-concentration of individual use types while allowing such uses to be considered in appropriate locations through the Planned Development process; and

WHEREAS, the City Council finds that, within the Business District, the number of car washes and vehicle service establishments is currently sufficient to meet community demand, and that establishing location and distance requirements for such uses will prevent oversaturation in the future while allowing additional uses to be considered through the Planned Development process if warranted; and

WHEREAS, the City Council finds that pawnshops pose public health, safety, and welfare concerns, including potential markets for stolen goods and the risk of violent crime, and that prohibition of pawnshops in the Business District furthers the public health, safety, and welfare; and

WHEREAS, the City Council finds that location and spacing requirements for payday loan services within the Business District will allow the use to operate in a manner consistent with the Comprehensive Plan’s policy objectives (described above) for the Business District and public health, safety, and welfare; and

WHEREAS, the City Council finds that standalone vape shops pose risks to public health, safety, and welfare associated with certain criminal activity, including illegal sales to minors, theft, and property crimes, that are greater than the risks posed by the sale of vape-related products within general retail businesses, and that the prohibition of vape shops in the Business District furthers the public health, safety, and welfare; and

WHEREAS, the Planning Commission considered the amendments to the City Zoning Ordinance set forth in this Ordinance at a duly noticed public hearing; and

WHEREAS, the City Council considered the amendments to the City Zoning Ordinance set forth in this Ordinance, including the Planning Commission’s and City staff’s recommendations with respect to the same, at a duly noticed public hearing; and

WHEREAS, the City Council finds that this Ordinance is in the best interest of the public health, safety, and welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Subsection 1102.01 of the City Zoning Ordinance, relating to the Bank/financing institution use, is amended by adding sub-subsection (a) as follows:

- “(a) A Payday Loan Service establishment shall not be located:
 - (i) Along the frontage of Castle Pines Parkway; or
 - (ii) Within 1,500 feet of another Payday Loan Service establishment.”

Section 3. Subsection 1102.12 of the City Zoning Ordinance, relating to the Retail/service business—indoor use, is amended by adding the following sub-subsections:

- “(a) Car Wash, Minor Vehicle Service, or Major Vehicle Service
 - (i) Car Wash, Minor Vehicle Service, and Major Vehicle Service establishments established after February 26, 2026 shall not be located:
 - a. Along the frontage of Castle Pines Parkway; or
 - b. Within 1,500 feet of another Car Wash, Minor Vehicle Service, or Major Vehicle Service establishment.

- (ii) Any Car Wash, Minor Vehicle Service, or Major Vehicle Service establishment lawfully existing or approved as of February 26, 2026 shall not be deemed a nonconforming use as a result of noncompliance with the location and spacing requirements in Subsection 1102.12(a)(i).
- (iii) If an establishment described in Subsection 1102.12(a)(ii) is discontinued for any reason for a period of more than 12 consecutive months, a subsequent Car Wash, Minor Vehicle Service, or Major Vehicle Service establishment shall comply with the location and spacing requirements in Subsection 1102.12(a)(i).

(b) Pawnshop is not a permitted Retail/Service Business use in the B – Business District.

(c) Vape Shop is not a permitted Retail/Service Business use in the B – Business District.

Section 4. The second sentence of Subsection 1102.18 of the City Zoning Ordinance, relating to Sexually Oriented Businesses, is deleted in its entirety.

Section 5. Section 1103 of the City Zoning Ordinance, relating to Accessory Use, is amended by adding the following emboldened and underlined text:

“1103 Accessory Use

(a) The following shall be allowed only when a principal use has been established on the lot:

- Parking lot public or private
- Satellite dish
- Single or multifamily residence for management or employees (provided unit is incorporated into principal structure)

(b) An accessory Payday Loan Service establishment shall be subject to the location and spacing requirements in Subsection 1102.01(a).

(c) An accessory Car Wash, Minor Vehicle Service, or Major Vehicle Service establishment shall be subject to the location and spacing requirements and exceptions thereto in Subsection 1102.12(a).”

Section 6. Section 1502 of the City Zoning Ordinance, relating to General Requirements of Planned Developments, is amended by adding Subsection 1502.06 as follows:

“1502.06 The following uses are permitted in the PD – Planned Development District only if expressly identified as a principal

use, use permitted by special review, or accessory use on the Planned Development Plan described in Section 1509:

- (a) Sexually Oriented Businesses – as such uses are defined in Section 36 and subject to the regulations set forth in Section 24A.
- (b) Payday Loan Service
- (c) Car wash
- (d) Minor Vehicle Service
- (e) Major Vehicle Service
- (f) Pawnshop
- (g) Vape Shop

Section 7. Section 3602 of the City Zoning Ordinance, relating to Definitions, is hereby amended by adding the following definitions, to be inserted in alphabetical order:

“3602 Definitions

Car Wash means a facility for washing and cleaning passenger vehicles, recreational vehicles, or other light duty equipment. Facilities may contain an automated system that washes, dries, and cleans automobiles, either while the vehicle is stationary or on a conveyor system.

Pawnshop means an establishment that, in the course of its business:

1. Is regularly engaged in the business of making contracts for purchase, or
2. Is both regularly engaged in the business of making purchase transactions and also regularly or occasionally makes contracts for purchase.

For purposes of this definition, “contract for purchase” means a contract entered into between a pawnshop and a customer pursuant to which money is advanced to the customer by the pawnshop on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, to be no less than thirty days, has the option to cancel said contract; and “purchase transaction” means the purchase by a pawnshop in the course of its business of tangible personal property for resale, other than newly manufactured tangible personal property that has not previously been sold at retail, when the purchase does not constitute a contract for purchase. This definition of “pawnshop” is intended to include all establishments subject to C.R.S. §§ 29-11.9-101 *et seq.*

Payday Loan Services means an establishment that regularly engages in short-term lending of money usually at a high payback cost, with repayment often due on the next payday of the person being loaned money. Payday Loan Services include lending establishments that regularly offer or make deferred deposit or payday loans as defined in the Deferred Deposit Loan Act, C.R.S. §5-3.1-101 *et seq.*, but does not include a bank, credit union, or a similar lending or financial institution.

Vape Shop means a business where more than ten percent (10%) of its retail floor area is dedicated to displaying or selling vape-related products. For purposes of this definition:

“Retail floor area” means all areas of a business that are open to the public or used for the public display of merchandise, including: customer-accessible floor space; display cases, shelving, cabinets, and wall-mounted displays located behind a sales counter, provided such displays are visible to customers; and any other area where vape-related products are displayed for sale or immediate purchase. “Retail floor area” does not include storage rooms, stockrooms, or inventory areas not open to the public; offices, break rooms, restrooms, or mechanical areas; or areas used solely for the storage of products not visible to customers.

“Vape-related products” includes electronic smoking devices (as defined in Municipal Code Sec. 6-8-20), vape juice or e-liquid, and any component, part, or accessory designed or marketed for use with such devices.

Vehicle Service, Major means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Vehicle Service, Minor means the replacement of any vehicle part or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Services include oil and other fluid changes, brake repair, and headlight replacement.”

Section 8. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 9. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 10. Codification Amendments. City staff and the codifier of the City Zoning Ordinance are hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the City Zoning Ordinance.

Section 11. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general zoning and police powers of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 12. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City’s official website and posting at the City Clerk’s office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 13th DAY OF JANUARY, 2026.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 27th DAY OF JANUARY, 2026.




Tracy Engerman (Mar 11, 2026 10:56:02 MDT)
Tracy Engerman, Mayor

ATTEST:

Approved as to form:



Tobi Duffey, MMC, City Clerk


Linda Michow (Feb 26, 2026 12:33:08 MST)

Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on January 13, 2026; published by title only in the Douglas County News-Press, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on January 27, 2026”; and finally passed and adopted by the City Council on January 27, 2026, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on January 14, 2026.

ATTEST:



Tobi Duffey, MMC, City Clerk