

RESOLUTION NO. R-014-028

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION ADOPTING AMENDMENTS TO SECTIONS 3, 4, 21, 22A, AND 36 OF  
THE DOUGLAS COUNTY ZONING RESOLUTION, AND ADDITION OF A NEW SECTION  
22B OF THE DOUGLAS COUNTY ZONING RESOLUTION

**WHEREAS**, the Planning Services Division has prepared amendments to Section 3, Agricultural One (A-1), Section 4, Large Rural Residential (LRR), Section 21, Use by Special Review, Section 22A, Seasonal Uses, and Section 36, Definitions of the Douglas County Zoning Resolution ("Amendments"), which are attached hereto and incorporated herein as a portion of Exhibit A (Project No. DR2012-011); and

**WHEREAS**, the Planning Services Division has prepared a new Section 22B, Entertainment Events of the Douglas County Zoning Resolution ("New Section"), which is attached hereto and incorporated herein as a portion of Exhibit A (Project No. DR2012-011); and

**WHEREAS**, said Amendments and New Section were reviewed and recommended for approval by the Planning Commission on December 2, 2013; and

**WHEREAS**, the Board of County Commissioners considered said Amendments and New Section at a public hearing held on January 14, 2014, and continued to January 28, 2014; and

**WHEREAS**, the Board desires to reflect its approval of said Amendments and New Section by the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Douglas, State of Colorado, that Section 3, Agricultural One (A-1), Section 4, Large Rural Residential (LRR), Section 21, Use by Special Review, Section 22A, Seasonal Uses, and Section 36, Definitions of the Douglas County Zoning Resolution, are hereby amended, and a new section 22B, Entertainment Events is hereby added, to read as provided on said Exhibit A; and

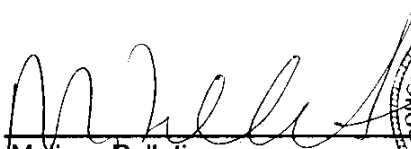
**FURTHER RESOLVED**, that said Amendments and New Section shall be effective as of January 28, 2014.

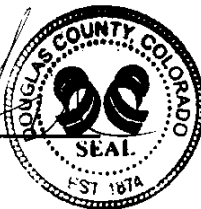
**PASSED AND ADOPTED** this 28<sup>th</sup> day of January, 2014, in Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY: Roger A. Partridge  
Roger A. Partridge, Chair

ATTEST:

  
Melissa Pelletier  
Deputy Clerk to the Board



## DOUGLAS COUNTY ZONING RESOLUTION

Section 3 A-1 Agricultural One District

EXHIBIT A

3/10/99

## SECTION 3 A1 AGRICULTURAL ONE DISTRICT

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Section 3 A-1 Agricultural One District

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301 Intent (Amended 8/11/09)

To provide areas for a wide range of farming, ranching, or tree farming activities and the preservation of such land for its open rural character providing a physical and visual separation between urban centers.

Urban development within this district is strongly discouraged. Agricultural land use can be an efficient means of conserving natural resources, constituting an important physical, environmental, social, aesthetic, and economic asset to both the urban and rural residents of the County. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The A-1 zone district is characterized by large-acreage farms, ranches, open areas, farm houses, units for agricultural workers and their families, and other uses allowed which enhance and promote the openness and general rural nature characteristic of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

302 Principal Uses

On parcels of 35 acres or greater, the following uses shall be allowed by right: *(Parcels smaller than 35 acres are limited to the principal and accessory uses allowed in the residential zone district to which the parcel conforms in size.)* (Amended 5/14/03)

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals - (refer to Section 24)

302.04 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open Space/trails
- Park/playground
- Recreation facility – private *(Site Improvement Plan required per Section 27)* (Amended 9/9/08)

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- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

302.05 Construction office – temporary

302.06 Greenhouse - a maximum of 1 acre (43,560 sq. ft.) total area including warehouse and shipping facilities

302.07 Residence

- Caretaker - 1 per lot (*excluding mobile home*)
- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

302.08 Residential sales office - temporary (*refer to Section 22*)

302.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

302.10 Utility service facility (*Site Improvement Plan required per Section 27*)

### 303 Accessory Uses

The following uses shall be allowed only when a principal use has been established on the lot.

303.01 Accessory uses and buildings

303.02 Day-care home – small

303.03 Entertainment Event – (*refer to Section 22B*) (*Amended 1/28/14*)

303.04 Farmers Market – (*refer to Section 22A*) (*Amended 1/28/14*)

303.05 Garage - private, limited to a maximum size of 3,000 sq. ft.

303.06 Guest house

303.07 Home Occupation - Class 1 and Class 2 (*refer to Section 23*)

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- 303.08 In-home elder care *(Amended 3/28/01)*
- 303.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*
- 303.10 Satellite receiving dish accessory to a residence
- 303.11 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

304 Uses Permitted By Special Review *(Amended 6/22/05)*

On parcels of 35 acres or greater, the following uses are permitted, upon the approval of the Board, in accordance with Sections 21-Use By Special Review and 27-Site Improvement Plan of this Resolution. *(Parcels smaller than 35 acres are limited to the uses by special review allowed in the residential zone district to which the parcel conforms to in area.) (Amended 5/14/03)*

- 304.01 Animals - non domestic, exotic
- 304.02 Campground
- 304.03 Cemetery
- 304.04 Church - greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Feedlot/confinement center
- 304.09 Firing range
- 304.10 Greenhouse - greater than 1-acre total area including warehouse and shipping facilities
- 304.11 Hunting/fishing club
- 304.12 Home occupation that exceeds 2 nonresident employees or requires more than 1500 sq. ft. of an accessory structure
- 304.13 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*

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- 304.14 Horse rental stable
- 304.15 Kennel
- 304.16 Landfill - public/private
- 304.17 Landing field – private
- 304.18 Mining, quarry, sand/gravel operation, or similar extractive land use
- 304.19 Oil or gas drilling operation
- 304.20 Recreation facility – community
- 304.21 Religious retreat
- 304.22 Residence
  - Bed and Breakfast
  - Group home for registered sex offenders (*Amended 9/12/00*)
  - Group Residential Facility
  - Mobile Home – 1 per lot, for the use of the owner, lessee/operator, or caretaker of an operating agricultural unit. *A minimum of 75% of the occupant's income must be derived from the agricultural operation of the land on which the mobile home is located.*
- 304.23 Satellite earth station (*Amended 4/24/02*)
- 304.24 Septic waste and domestic sludge application
- 304.25 Telecommunication facility
- 304.26 Utility - major facility
- 304.27 Veterinary clinic/hospital
- 304.28 Wind energy conversion system

**305 Uses Permitted by Administrative Review** (*Amended 4/24/02*)

Agricultural worker housing (excluding mobile homes) in addition to the housing permitted by-right, may be reviewed and approved administratively provided the applicant meets the threshold criteria contained in this subsection, and can further demonstrate the need in the narrative as required by this Section. The thresholds listed are based on general industry standards.

- 305.01 Agricultural Worker Unit (one dwelling with one to four bedrooms, or one to four attached efficiency units/apartments in one footprint) as follows:

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- 305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one worker per 25 horses.
- 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one worker per 300 head of cattle.
- 305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one worker per 1200 acres of farmed land.
- 305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.
- 305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.
- 305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

306 Minimum Lot Area: 35 acres \*

Lots less than 35 acres in area shall be limited to the uses allowed in the agricultural or residential zone district to which the lot conforms in area.

\*The minimum lot area may be decreased with a clustered design through the exemption process. In addition, the overall density may be increased through the Rural Site Plan process. (Refer to Section 3A)

307 Minimum Setbacks

Parcel Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Lot Line	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'	25'	100'
4.5-8.9 ac.	regional/maj. arterial: 100' other: 50'	25'	25'	100'
9-34.9 ac.	100'	50'	50' accessory: 25'	100'
35+ ac.	100'	100' accessory: 50'	100' accessory: 50'	100'

\*Schools and buildings within recreation areas shall be set back 50'



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The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

**308 Encroachments**

- 308.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 308.02 An open, unenclosed, uncovered deck/porch at ground level may extend 6 feet into a required setback, except for a side setback.
- 308.03 An open unenclosed, uncovered deck/porch greater than 4 feet in height, above ground level, may extend 3 feet into a required setback, except for a side setback.
- 308.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 308.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

**309 Building Height**

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

- 309.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 309.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

**310 Water - Refer to Section 18A of this Resolution *(Amended 3/13/02)***

## DOUGLAS COUNTY ZONING RESOLUTION

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**311 Street Standards**

Public streets shall be constructed in accordance with the Douglas County Roadway Design and Construction Standards. Private streets shall be constructed either in accordance with Appendix 58 of the International Building Code, as amended and adopted by Douglas County, or the Douglas County Roadway Design and Construction Standards.

Both public and private streets shall be constructed in accordance with the provisions of the Douglas County Storm Drainage Design and Technical Criteria manual and the County's clearing, grading, and land disturbance regulations. *(Amended 6/14/06)*

**312 Parking Standards - Refer to Section 28 for non-residential parking standards  
*(Amended 4/24/02)***

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards.

**313 Fencing Standards**

- 313.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.
- 313.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 313.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height.
- 313.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 313.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 313.06 Swimming pools shall be enclosed by a fence or wall a minimum of 5 feet in height, measured from the ground level outside the fence, constructed so as not to allow a 6 inch sphere to pass through. When the perimeter fencing meets these standards an additional fence, surrounding the swimming pool, shall not be required.

## DOUGLAS COUNTY ZONING RESOLUTION

Section 3 A-1 Agricultural One District

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314 Sign Standards - Refer to Section 29 of this Resolution

315 Lighting Standards - Refer to Section 30 of this Resolution

316 Administrative Review - Prerequisite (Amended 4/24/02)

A landowner/lessee seeking to construct agricultural worker housing shall schedule a pre-submittal meeting with the staff to discuss the application, submittal procedures, and information required.

317 Administrative Review - Approval Criteria (Amended 4/24/02)

Administrative review of the application shall be based on the following criteria:

- 317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;
- 317.02 Whether the proposed use will not result in an over-intensive use of the land;
- 317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
- 317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;
- 317.05 Whether the proposed use will not cause significant air, water or noise pollution;
- 317.06 Whether the proposed use is adequately landscaped, buffered, or screened;
- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

318 Administrative Review – Procedure (Amended 4/24/02)

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division 1 copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.
- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.

## DOUGLAS COUNTY ZONING RESOLUTION

Section 3 A-1 Agricultural One District

EXHIBIT A

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## 318.03 Written Notice

318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning 7 days prior to the date of the Director's decision. The notice shall indicate:

- the proposed date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.

318.03.2 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

## CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and addressed as follows:

(list of addresses)

(Signature of person completing the mailing)

318.03.3 In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowners who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Division.

318.04 The staff planner will review the referral comments, discuss the concerns with the applicant, and prepare a staff report and present it to the Director for a decision.

318.05 An appeal of the Director's decision regarding an administrative review request may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. (*Amended 4/10/12*)

## DOUGLAS COUNTY ZONING RESOLUTION

Section 3 A-1 Agricultural One District

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**319 Administrative Review - General Submittal Requirements** *(Amended 4/24/02)*

- 319.01 A completed application form, including a copy of the completed pre-submittal form *(available from the Planning Office)*
- 319.02 Application fee *(fee schedule available from the Planning Office)*
- 319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease
- 319.04 A Narrative *(per Section 320 contained herein)*
- 319.05 A Plan Exhibit *(per Section 321 contained herein)*
- 319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

**320 Administrative Review - Narrative** *(Amended 4/24/02)*

- 320.01 The type and description of the residential unit proposed
- 320.02 The maximum number of individuals to be accommodated
- 320.03 A detailed description of the agricultural activities of the subject site focusing on the intensity of the operations, and on those work elements necessitating on-site agricultural labor including the following:
  - 320.03.1 Number and type of livestock raised
  - 320.03.2 Grazing plan and pasture rotation
  - 320.03.3 Crop types and number of acres farmed
  - 320.03.4 Other income-producing activities occurring on the site
- 320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with Tri-County Health regulations
- 320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed
- 320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units
- 320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

## DOUGLAS COUNTY ZONING RESOLUTION

Section 3 A-1 Agricultural One District

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**321 Administrative Review - Plan Exhibit** *(Amended 4/24/02)*

A site plan shall be submitted, drawn to scale that includes the following:

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;
- 321.07 access to proposed units - delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

**322 Administrative Permit - Annual Inspection** *(Amended 4/24/02)*

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form indicating that the occupants of the unit are indeed agricultural workers, may be required as part of the annual review and inspection.

**323 Administrative Permit - Revocation** *(Amended 4/24/02)*

The administrative permit may be revoked by the Director, after written notice, for failure to operate the use in accordance with the approved plan or narrative or other zoning regulation. A revocation may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

## DOUGLAS COUNTY ZONING RESOLUTION

Section 4 LRR - Large Rural Residential District EXHIBIT A

3/10/99

## SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

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## DOUGLAS COUNTY ZONING RESOLUTION

Section 4 LRR - Large Rural Residential District EXHIBIT A

3/10/99

401 Intent (Amended 8/11/09)

To provide areas for large-lot residential uses with limited farming, ranching, or tree farming activities and the preservation of such land as open rural area. The density range is from one dwelling per 34.9 acres to one dwelling per 10 acres.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Large residential sites with limited agricultural uses may be appropriate when located outside the highway corridor viewsheds depicted on the Douglas County Open Lands Opportunity Map and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The LRR zone district is characterized by residential sites with limited agricultural uses and open areas, which enhance and promote the openness and general rural character of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

402 Principal Uses

On lots of 9 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 9 acres are limited to the principal and accessory uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground
- Recreation facility – private *(Site Improvement Plan required per Section 27)* (Amended 9/9/08)



## DOUGLAS COUNTY ZONING RESOLUTION

Section 4 LRR - Large Rural Residential District EXHIBIT A

3/10/99

- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

402.05 Construction office - temporary (*refer to Section 22*)

402.06 Greenhouse - a maximum of 1 acre (43,560 sq. ft.) total area including warehouse/shipping facilities

402.07 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

402.08 Residential sales office - temporary (*refer to Section 22*)

402.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

402.10 Utility service facility (*Site Improvement Plan required per Section 27*)

#### 403 Accessory Uses

The following accessory uses shall be allowed only when a principal use has been established on the lot.

403.01 Accessory uses and buildings

403.02 Day-care home - small

403.03 Entertainment Event – (*refer to Section 22B*) (*Amended 1/28/14*)

403.04 Farmers Market – (*refer to Section 22A*) (*Amended 1/28/14*)

403.05 Garage - private, limited to a maximum size of 3,000 sq. ft.

403.06 Guest house

403.07 Home occupation - Class 1 and Class 2 (*refer to Section 23*)

403.08 In-home elder care (*Amended 3/28/01*)

## DOUGLAS COUNTY ZONING RESOLUTION

Section 4 LRR - Large Rural Residential District EXHIBIT A

3/10/99

- 403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*
- 403.10 Satellite receiving dish
- 403.11 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

404 Uses Permitted By Special Review *(Amended 6/22/05)*

On lots of 9 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Sections 21 - Use By Special Review and 27 - Site Improvement Plan, herein. *(Lots smaller than 9 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.) (Amended 5/14/03)*

- 404.01 Animals - nondomestic, exotic
- 404.02 Church - greater than 350 seating capacity in main worship area
- 404.03 Cultural facility
- 404.04 Day-care center/preschool, or day-care home - large
- 404.05 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*
- 404.06 Horse rental stable
- 404.07 Kennel
- 404.08 Recreation facility – community
- 404.09 Residence
  - Bed and Breakfast
  - Caretaker - 1 per lot
  - Group Residential Facility
  - Mobile Home - 1 per lot - for the use of the owner, lessee/operator, or caretaker provided that a minimum of 75% of the occupant's income is derived from the agricultural operation of the land on which the dwelling is located.
- 404.10 Septic waste and domestic sludge application
- 404.11 Utility - major facility

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404.12 Veterinary clinic/hospital

404.13 Wind energy conversion system

405 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

406 Lot Area

To promote a design that is sensitive to the natural environment and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water supply, soil suitability for septic systems, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)* For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres. For lots served by a central water system, the allowable minimum lot area is 1 acre.

407 Maximum Gross Density

The gross density shall not exceed 1 dwelling per 10 acres and may be less due to required infrastructure or dedication, or environmental constraints. The overall density may be increased per Section 408 herein.

408 Density Bonus

A density bonus may be permitted as follows:

- a 10% increase in density may be allowed when 40% of the gross acreage is preserved as open space and the site design meets the provisions of this Section 408 and the standards set forth in Section 409, herein; or
- a 20% increase in density may be allowed when 50% of the gross acreage is preserved as open space and the site design meets the provisions of this Section 408 and the standards set forth in Section 409, herein; and
- a 20% increase in density may be allowed when the subject property is served by a central water facility.

The following site design standards shall apply to the overall site design:

## 408.01 Open Space

Open space areas for private, community, or public use shall be located contiguous to other on or off-site open space areas and shall be protected by conservation easements, pursuant to sections 38-30.5-101 through 110, C.R.S. or other acceptable means to prevent further subdivision or

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development. Accessory structures, i.e., gazebos, sheds, barns, or garages, shall not be permitted to be located in this area.

**408.02 Building Envelopes**

Building envelopes that create a compact development pattern, provide open space, preserve agricultural lands, and provide topographic or vegetative buffers to adjacent land uses shall be provided on the final plat.

**408.03** Wildlife corridors and habitat shall be protected by the site design.

**408.04** Floodplains and wetlands shall be protected by the site design.

**408.05** Road design, network and layout shall be sensitive to the topography and natural environment

**408.06 Building Design and Height**

Criteria shall be developed that ensure that dwellings and other structures are compatible with, and do not dominate the natural environment. These criteria shall address architectural style, building massing, height, foundation design (*i.e., stepping on steep slopes*), material, color, retaining walls, etc., in accordance with the design guidelines of the County Master Plan and shall be noted in the covenants.

**408.07 Fencing**

Fencing shall only be permitted within the building envelope and on the perimeter boundary of the lot. When open space is designated within private lots, that portion of the lot designated as open space shall not be fenced.

Fencing standards addressing height, style or material, shall be developed in order to provide fencing that conforms to the topography and is sensitive to wildlife. Fencing standards shall restrict fencing to that which is open in design and of a color which blends with the natural environment. These standards shall be noted on the final plat.

**408.08 Landscaping**

Landscaping may be required in order to buffer the development from adjacent land uses or may be required for development in highway-corridor viewsheds as designated in the County Master Plan. Areas of vegetation proposed to be protected, planted or removed, and limited areas for irrigated lawns and gardens shall be shown on the final plat.

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**409 Density Bonus Approval Standards**

The Board may approve a density bonus upon the finding that:

- 409.01 the required open space area is protected by a conservation easements, pursuant to sections 38-30.5-101 through 110, C.R.S. or other acceptable means to prevent further subdivision or development of these lands;
- 409.02 the development has been integrated into the existing topography and surrounding landscape, and is designed to protect adjacent properties and community amenities;
- 409.03 the development design and site layout, to the extent feasible, have:
  - 409.03.1 minimized the development of steep/exposed slopes, floodplains, hilltops, open meadows, and attempted to incorporate these features into open space;
  - 409.03.2 protected and preserved wetlands/riparian areas, wildlife corridors and habitat areas;
  - 409.03.3 minimized obstruction of scenic views from publicly accessible locations;
  - 409.03.4 preserved unique natural, archaeological, or historical features;
  - 409.03.5 minimized tree, vegetation and soil disturbance, removal, or grading;
  - 409.03.6 provided visual separation between dwellings by the use of landscaping or other means;
  - 409.03.7 reduced irrigated landscaping area or the removal of native vegetation;
- 409.04 the dwellings and structures are compatible with, and do not dominate the natural environment; and
- 409.05 the final plat is consistent with the goals and policies of the Comprehensive Master Plan.

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**410 Minimum Setbacks**

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Lot Line	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'	25'	100'
4.5-8.9 ac.	regional/maj. arterial: 100' other: 50'	25'	25'	100'
9+ ac.	100'	50'	50' accessory: 25'	100'

\*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

**411 Encroachments**

- 411.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 411.02 An open, unenclosed, uncovered deck/porch at ground level may extend 6 feet into a required setback, except for a side setback.
- 411.03 An open unenclosed, uncovered deck/porch greater than 4 feet in height, above ground level, may extend 3 feet into a required setback, except for a side setback.
- 411.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 411.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet required setbacks.

**412 Building Height**

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

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412.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*

412.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

413 Water - Refer to Section 18A of this Resolution *(Amended 03/13/02)*

414 Street Standards

Construction of streets in accordance with the Master Plan, Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

415 Parking Standards

The minimum off-street parking spaces required: 8 spaces per lot in accordance with the Douglas County Roadway Design and Construction Standards. *(refer to Section 28 for non-residential parking standards) (Amended 4/24/02)*

416 Fencing Standards

416.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.

416.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

416.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height.

416.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

416.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.

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416.06 Swimming pools shall be enclosed by a fence or wall a minimum of 5 feet in height, measured from the ground level outside the fence, constructed so as not to allow a 6 inch sphere to pass through. When the perimeter fencing meets these standards an additional fence, surrounding the swimming pool, shall not be required.

417 Signs Standards - Refer to Section 29 of this Resolution

418 Lighting Standards - Refer to Section 30 of this Resolution



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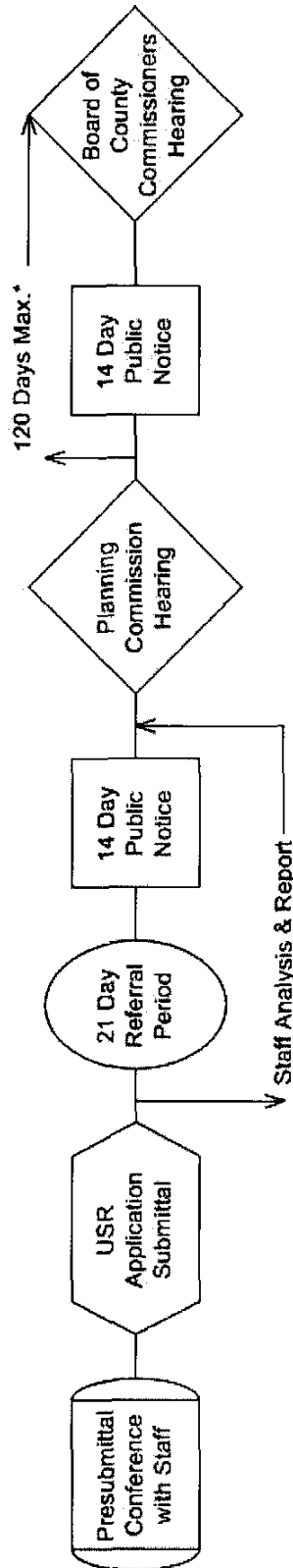
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## USE BY SPECIAL REVIEW APPLICATION PROCEDURE



Public Notice: Publish notice in newspaper, post sign on site, and notify abutting landowners by certified mail.

\*The hearing with the Board of County Commissioners must be held within 120 days after the final Planning Commission hearing.

(Amended 11/12/13)

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2101 Intent

To provide for uses in specific zoning districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board.

2102 Approval Standards (Amended 8/22/07)

A Special Use shall be approved only if the Board of County Commissioners finds that the proposed special use:

- 2102.01 complies with the minimum zoning requirements of the zoning district in which the special use is to be located, as set forth in this Resolution;
- 2102.02 complies with the requirements of this Section 21;
- 2102.03 complies with the Douglas County Subdivision Resolution;
- 2102.04 will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- 2102.05 will be consistent with the Douglas County Comprehensive Master Plan, as amended;
- 2102.06 will not result in an over-intensive use of land;
- 2102.07 will not have a material adverse effect on community capital improvement programs;
- 2102.08 will not require a level of community facilities and services greater than that which is available;
- 2102.09 will not cause significant air, water, or noise pollution;
- 2102.10 will be adequately landscaped, buffered, and screened;
- 2102.11 will have a sufficient water supply in terms of quantity, dependability and quality as determined in conformance with the standards set forth in Section 18A, Water Supply - Overlay District, herein; and
- 2102.12 will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

2103 Length of Approval

A special use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

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**2104 Annual Review**

Each special use is subject to yearly review, or as often as the Board deems appropriate to ensure compliance with the approval standards and conditions of approval.

**2105 Amendment of Approved Special Use (Amended 6/22/05)**

An amendment of the approved use by special review may be approved administratively by the Director, when the change does not substantially increase the intensity of the use or impacts to the neighborhood, in accordance with the approval standards in section 2102, herein. The applicant shall submit the fee, an explanation of the amendment and the resulting impacts, and an amended site plan, as required, to the Planning Division.

An appeal of the Director's decision regarding such amendment may be appealed to the Board of Adjustment in accordance with Section 26A. (Amended 4/10/12)

The Director may require the submittal of a new use by special review application when a substantial change to the approved use by special review is proposed. The applicant may appeal the decision of the Director to the Board of Adjustment.

**2106 General Provisions (Amended 2/24/09)**

- 2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.
- 2106.02 Outdoor storage areas shall be concealed by a solid wall or fence of an appropriate height unless otherwise provided for herein.
- 2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zoning district to which the parcel conforms in size.
- 2106.04 Municipalities or special districts shall be required to seek approval of a use by special review when the proposed use is located within the unincorporated area of the County.
- 2106.05 Proposed multifamily residential uses shall be reviewed under the provisions of Concurrency Management, Section 2512 of this Resolution.

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**2107    Special Uses (Amended 1/28/14)**

The provisions and uses outlined in this Section shall not apply to the PD - Planned Development district. The Development Plan for a specific planned development shall set forth the permitted uses by special review and the associated restrictions. The following uses are listed as uses by special review within the zoning districts of this Resolution:

- 2107.01    Animals - nondomestic, exotic: A-1 and LRR zoning districts provided that:
- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
  - the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.
- 2107.02    Batch plant - concrete, asphalt or mortar: LI zoning district
- 2107.03    Bed and Breakfast: A-1, LRR, RR, and ER zoning districts
- 2107.04    Campground: A-1 zoning district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.05    Cemetery: A-1 zoning district
- 2107.06    Chemical/hazardous material storage, transfer, or disposal facility: GI zoning, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines (Amended 3/28/01)
- 2107.07    Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF and MH zoning districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.08    Cultural facility: A-1 and LRR zoning districts
- 2107.09    Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zoning districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely enclose the yard used for playground purposes
- 2107.10    Dude ranch: A-1 zoning district

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2107.11 Feed yard - confinement center: A-1 zoning district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by Tri-County Health Department

2107.12 Firing range - outdoor: A-1 and GI zoning districts provided that the use is located at least 100 feet from all property lines, an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zoning district

2107.13 Greenhouse: A-1 zoning district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

2107.14 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zoning districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

All requests shall be submitted to the Placement Alternative Commission (PAC) as a referral.

2107.15 Group Home for registered sex offenders: A-1, B, C, LI zoning districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, youth camp

All requests shall be submitted to the Placement Alternative Commission (PAC) as a referral. *(Amended 9/12/00)*

2107.16 Heliport: B/C/LI/GI zoning districts:

- The FAA shall be notified regarding approval of airspace
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

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2107.17 Home occupation: A-1 zoning district where the number of nonresident employees exceeds 2, or more than 1500 sq. ft. of an accessory structure is required - No outside storage shall be allowed.

2107.18 Horse boarding or training facility: A-1, LRR, RR, and ER zoning districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

The applicant shall demonstrate a minimum water supply of 20 gallons per horse per day. The applicant must obtain the necessary well permits from the State Division of Water Resources.

2107.19 Horse rental stable: A-1 and LRR zoning districts provided that all uses are located at least 100 feet from all lot lines

2107.20 Hunting/fishing club: A-1 zoning district; hunting clubs shall be located on a minimum of 160 acres

2107.21 Jail/correctional facility: G1 zoning district - Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.22 Junk, scrap metal, or auto wrecking yard: G1 zoning district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height

2107.23 Kennel: A-1 and LRR zoning districts provided that all uses are located at least 100 feet from all lot lines

2107.24 Landfill - public or private: A-1 and G1 zoning districts provided that such use is approved by the Tri-County District Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use whichever is greater

Prior to applying for special use review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.25 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and G1 zoning districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.

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- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

**2107.26 Medical Marijuana Facility: GI zone district provided:****2107.26.1 Minimum Separation Distances for a Medical Marijuana Facility:**

The distance between any Medical Marijuana Facility and any school, park, or existing residence shall be measured in a straight line, without regard to intervening structures, objects, or political boundaries, from the nearest portion of the building or structure used as part of the premises for the Medical Marijuana Facility to the nearest property line of the premises of any school, park, or existing residence.

A Medical Marijuana Facility lawfully operating is not rendered in violation of this Resolution by the subsequent location of any school, park, or residence within the separation distance specified below.

- The distance between any Medical Marijuana Facility and any middle school or high school, whether public or private, shall be a minimum of 10,560 feet (two (2) miles).
- The distance between any Medical Marijuana Facility and any elementary school, whether public or private, shall be a minimum of 5,280 feet (one (1) mile).
- The distance between any Medical Marijuana Facility and any park or existing residence shall be a minimum of 500 feet.
- A Medical Marijuana Facility shall not be located abutting another Medical Marijuana Facility.



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**2107.26.2 Site Development Requirements for a Medical Marijuana Facility in addition to the requirements contained in Section 27:**

- Any and all cultivation, processing, storage, display, sales, or other distribution of marijuana and associated products, accessories, and paraphernalia shall occur within an enclosed building and shall not be visible from the exterior of the building.
- The facility shall not open any earlier than 8:00 a.m. and shall close no later than 7:00 p.m. the same day.
- The facility shall be monitored and secured twenty-four (24) hours per day including, at a minimum the following security measures:
  - (1) Installation and use of security cameras to monitor all areas of the facility where persons may gain or attempt to gain access to marijuana or cash at the facility.
  - (2) Recordings from security cameras shall be maintained for a minimum of seventy-two (72) hours in a secure off-site location.
  - (3) Installation and use of an alarm system monitored by a private company that is in compliance with the Douglas County Alarm Ordinance.
  - (4) Installation and use of a safe for overnight storage of any processed marijuana, and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.
  - (5) If metal bars and/or gates are used as a security measure, they shall not be installed on the exterior of the building.
- The facility shall have signage posted in a conspicuous location with the following warnings:
  - (1) All marijuana sold or otherwise distributed is intended solely for medical use. Sale or distribution for any other purpose is a criminal violation.
  - (2) The use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and it is illegal under state law to drive a motor vehicle or operate machinery when under the influence or impaired by marijuana.
  - (3) Possession and distribution of marijuana is a violation of federal law.
- The facility shall be equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses. If the facility is in a multi-tenant building it

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shall be equipped with a separate heating, ventilation, and air conditioning system.

- Cultivation and/or growing of marijuana is only permitted as an Accessory Use onsite as part of the facility.
- Douglas County shall be provided with a copy of any license, permit, registration, or any other form of approval required by the Colorado Department of Public Health and Environment, the State, or any local agency to operate a facility.

2107.26.3 Prohibitions for a Medical Marijuana Facility:

- Marijuana shall not be consumed on or within the premises.
- Food preparation is not permitted on or within the premises.
- The facility shall not be equipped with a drive-up/through element.
- Sale or consumption of alcohol is not permitted on or within the premises.
- Medical Marijuana Facility shall be operated from a fixed location and shall not be operated from a moveable, mobile, or transitory location.
- Medical Marijuana Facility is not permitted as a Home Occupation.

2107.27 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zoning districts.

The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

2107.27.1 Earthwork performed within public rights-of-way

2107.27.2 Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat

2107.27.3 Earthwork performed as part of construction per an approved building permit

2107.27.4 Borrow site

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- 2107.28 Oil or gas drilling operation: A-1 zoning district provided such use is located a minimum of 100 feet from any lot line
- 2107.29 Propane distribution/storage: GI zoning district
- 2107.30 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, and MH, zoning districts provided all structures are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.31 Recycle/trash transfer facility: LI zoning district provided all recycling or trash transfer activities are conducted within an enclosed structure.  
(Amended 5/31/00)
- 2107.32 Residence:
- Caretaker - LRR zoning district - 1 per lot
  - Mobile home - 1 per parcel/lot in the A-1, and LRR zoning districts for the use of the owner/lessee/caretaker provided that a minimum of 75% of the occupant's income is derived from the agricultural operation of the land on which the mobile home is located
  - Multifamily - B and C zoning districts in conjunction with business uses, *i.e., stores, offices*
  - Employee/management housing - single- or multifamily units - GI zoning district
  - Single-family, attached, or multifamily - LI zone district
- 2107.33 Religious retreat: A-1 zoning district.
- 2107.34 Satellite earth station: A-1 zone district, and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. (Amended 4/24/02)
- 2107.34.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:  
(Amended 7/10/02)
- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
  - (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)
  - (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
  - (4) A five-year plan for the use and estimated life of the proposed telecommunication facility

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- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
  - (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
  - (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- 2107.35 Sawmill - portable: A-1 and LRR zoning district, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.
- 2107.36 Septic waste and domestic sludge application: A-1 and LRR district, with the approval of the Colorado Department of Health, when any of the following apply:
  - 2107.36.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.
  - 2107.36.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
  - 2107.36.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
  - 2107.36.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.
- 2107.37 Telecommunication facility: A-1 zone district; and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. *(Amended 4/24/02)*
  - 2107.37.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the telecommunication facility shall be included with the application. The report shall include the following: *(Amended 7/10/02)*

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- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
- (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
- (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
- (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, and successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3

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- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

2107.37.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution. *(Amended 7/10/02)*

2107.37.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria. *(Amended 4/24/02)*

- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
- (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
- (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
- (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
- (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.
- (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
- (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered structures which shall be in compliance with the zone district setback.

2107.37.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation. *(Amended 4/24/02)*

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- 2107.38 Utility - Major Facility: In all zoning districts, except GI, provided that the setback requirements of the zoning district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric or natural gas service, unless the provider and the County reach agreement on an amended time period. [§29-20-108 C.R.S.] (Amended 4/24/02)

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a Use By Special Review (USR) application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special district described in its service plan and any subsequent inclusion orders. (Amended 4/12/06)

- 2107.39 Veterinary clinic or hospital: A-1, LRR, and RR zoning districts, provided that such uses are located 100 feet from all lot lines

- 2107.40 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zoning districts as follows:

- 2107.40.1 In addition to the plan exhibit required in Section 2113, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

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- 2107.40.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.
- 2107.40.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.
- 2107.40.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.41 Zoo: C zoning district.

#### 2108 Prerequisite

The applicant shall meet with the Planning Division informally to discuss the request and to determine the submittal requirements, dependent upon the size and nature of the proposal.

#### 2109 Submittal Process (Amended 8/11/09)

The use by special review application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 2109.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.



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2109.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all referral agencies - advisory. *(Amended 11/12/13)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.

2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board.

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The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.

- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review. *(Amended 4/10/12)*
- 2109.11 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the site improvement plan.
- 2109.12 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District, prior to approval of the site improvement plan.

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**2110 Withdrawal of an Application**

A request to withdraw an application shall be submitted, in writing, to the Planning Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

**2111 Submittal Requirements (*Amended 8/22/07*)**

- 2111.01 Completed land-use application (*available from the Planning Office*)
- 2111.02 Application fee (*available from the Planning Office*)
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative (*per 2112, herein, and 2115 for extractive uses*)
- 2111.06 Plan Exhibit (*per 2114, herein, and 2116 for extractive uses*)  
  
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.07 Site Improvement Plan (*per Section 27 of this Resolution*)  
  
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.08 Management/Operational Plan (*per Section 2113, and 2117 for extractive uses*)
- 2111.09 Evidence of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein

**2112 Narrative (*Amended 6/22/05*)**

The applicant shall submit a written description, on 8.5" X 11" paper, of the following:

- 2112.01 General project concepts
- 2112.02 Zoning of the land and compliance with the zoning requirements
- 2112.03 Define overall impacts of the proposed use on the adjoining lands

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- 2112.04 Compliance with the Douglas County Comprehensive Master Plan, as amended
- 2112.05 Compliance with appropriate agencies and necessary permits
- 2112.06 Proof of water availability
- 2112.07 Method of wastewater treatment
- 2112.08 Type or method of fire protection
- 2112.09 Impacts on existing flora and fauna
- 2112.10 Impacts on air and water quality
- 2112.11 Impacts on peace and quiet of neighborhood
- 2112.12 Provision of buffering, including additional landscaping
- 2112.13 Impacts on County services
- 2112.14 Legal Description
- 2112.15 Name and address of the owner, the developer if different than the owner, and the person preparing the plan exhibit and site improvement plan.

**2113 Management Plan**

An operational/management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan.

- 2113.01 Number of clients/boarders/parishioners/animals
- 2113.02 Hours of operation - indicate whether the use is seasonal and the number of days of the week
- 2113.03 Number of employees
- 2113.04 Required outside storage/parking/loading areas
- 2113.05 Permit requirements from other state, federal or local agencies
- 2113.06 Method of providing fire protection

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**2114 Plan Exhibit**

A site improvement plan shall be prepared in accordance with Section 27 Site Improvement Plan of this Resolution.

**2115 Extractive Land Use - Narrative**

A narrative that addresses all items listed in Section 2111, herein, and the following:

- 2115.01 a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction
- 2115.02 a discussion of the positive and negative impacts of the operation

**2116 Extractive Land Use - Plan Exhibit (Amended 6/22/05)**

A plan exhibit prepared in accordance with Section 2114, herein, and shows the following:

- 2116.01 The relationship of the mine site to other uses/structures in the area
- 2116.02 The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- 2116.03 The limits of the mine site and the extent of areas to be disturbed
- 2116.04 The location and dimension of buffers against noise and visual impact to be left in place or created
- 2116.05 Identified aquifer recharge areas, wetland areas, lakes, rivers
- 2116.06 Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- 2116.07 Areas identified, through independent assessment, as having historic, archaeologic, or paleontologic resources
- 2116.08 All Douglas County Comprehensive Master Plan designations

**2117 Extractive Land Use - Operational Plan**

An operational plan shall be submitted that at a minimum addresses the following:

- 2117.01 Start and end dates and the hours of operation

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- 2117.02 A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- 2117.03 A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- 2117.04 Sources and quantities of water needed on site
- 2117.05 A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- 2117.06 A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- 2117.07 Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- 2117.08 A phasing plan that:
  - 2117.08.1 designates areas to be disturbed and the proposed timing or extraction for each area;
  - 2117.08.2 illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
  - 2117.08.3 limits the total land area to be disturbed at any one time; and
  - 2117.08.4 links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- 2117.09 A transportation plan that:
  - 2117.09.1 designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
  - 2117.09.2 gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
  - 2117.09.3 specifies the hours when material will be transported off site;
  - 2117.09.4 lists the improvements necessary for the transportation system to accommodate expected traffic;
  - 2117.09.5 addresses the construction of needed transportation improvements; and

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- 2117.09.6 lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- 2117.10 A blasting plan that:
- 2117.10.1 identifies noise and vibration-sensitive uses/structures/activities in the area;
  - 2117.10.2 includes a pre-blast inspection program for identified structures;
  - 2117.10.3 includes a program for initial seismic and noise monitoring during the first blast;
  - 2117.10.4 incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
  - 2117.10.5 specifies the times and the atmospheric conditions when blasting is permitted.
- 2117.11 An end-state, land-use plan that shows:
- 2117.11.1 areas to be returned to a natural state;
  - 2117.11.2 areas to be restored for wildlife habitat, *if applicable*;
  - 2117.11.3 areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
  - 2117.11.4 the site's final topography;
  - 2117.11.5 proposed post-mining land uses, consistent with the zoning of the land; and
  - 2117.11.6 site restoration phases.
- 2117.12 A site evaluation including:
- 2117.12.1 wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
  - 2117.12.2 independent assessment of the historic, archaeologic, or paleontologic value of the site;
  - 2117.12.3 drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;

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- 2117.12.4 a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- 2117.12.5 a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
- 2117.12.6 a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

**2118 Public Notice Requirements**

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

**2118.01 WRITTEN NOTICE *(Amended 3/28/01)***

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

At least 7 days prior to the hearing, the applicant shall provide the following to the Planning Division:

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:



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**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

**2118.02 PUBLISHED NOTICE** *(Amended 3/28/01)*

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

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE**  
**(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a *(name the specific use, i.e., church)* in the \_\_\_\_\_ zone district. The subject land is located approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460  
 File No./Name: \_\_\_\_\_

**2118.03 POSTED NOTICE** *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less

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than 3'X4'. Letter size shall be a minimum of 3 inches high. Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE  
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for a Use by Special Review for a *(insert specific use)* in the \_\_\_\_\_ zone district. The public hearing is *(date)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at *(time)*. For more information call Douglas County Planning, 303-660-7460. File No./Name: \_\_\_\_\_

- 2118.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

*(attach photo here)*  
*(sign lettering must be legible in photo)*

I, (applicant/representative/person posting sign), attest that the above sign was posted on *(date)* abutting *(name of street)*.

\_\_\_\_\_  
*(signature)* File No./Name: \_\_\_\_\_

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ as \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

- 2118.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

**2119 Termination of Use**

- 2119.01 Construction pursuant to approval of a use by special review shall be commenced within 3 years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

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2119.02 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner may notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

2119.03 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. If a written appeal is not timely submitted, the termination becomes final and a new use by special review application, hearing and approval shall be necessary to continue to use the land in a manner that requires approval of a use by special review. *(Amended 4/10/12)*

2120 Inactive Files

Files that become inactive, because the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

2121 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 1 year from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

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Section 22A Seasonal Uses

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SECTION 22A SEASONAL USES

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## DOUGLAS COUNTY ZONING RESOLUTION

Section 22A Seasonal Uses

EXHIBIT A

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**2201A Intent**

To provide for the regulation of seasonal uses and accessory structures including fruit and vegetable stands, and Christmas tree sales lots. Other similar temporary uses may be approved by the Director of Planning and Community Development.

**2202A General Requirements**

- 2202A.01 Seasonal uses and accessory structures shall be allowed only on sites with approved Site Improvement Plans. This requirement shall not apply to Farmers Markets and fruit and vegetable stands in the A-1 or LRR zone districts. *(Amended 1/28/14)*
- 2202A.02 Sign permits shall be required in accordance with the sign section of this Resolution.
- 2202A.03 Mobile homes or trailers, used in conjunction with the seasonal use, shall be prohibited, except when used in conjunction with Christmas tree sales lots.
- 2202A.04 A \$250 cleanup fee shall be submitted to the Planning Division prior to permit issuance. The cleanup fee is refundable. The permit holder shall be responsible for providing notice to the Planning Division, within 30 days of the permit expiration, that the use has ceased. The Permit Expediter shall inspect the site to ensure site cleanup prior to refunding the fees.
- 2202A.05 The permit holder shall be responsible for all sales tax, state and federal taxes, license, etc., required by other agencies.

**2203A Farmers Markets and Fruit and Vegetable Stand - Specific Requirements**

- 2203A.01 Farmers markets and fruit and vegetable stands shall be allowed only in the A-1, LRR, LSB, B, C, LI, GI, CMTY, D, HC, and MI zoning districts or similar zones of a PD as allowed by the development plan. The sale of products produced or raised on a site in the A-1 or LRR zoning districts is permitted by right, and therefore exempt from these regulations. *(Amended 1/28/14)*
- 2203A.02 A seasonal use permit shall be issued for up to a 3-month period. An extension may be requested prior to the expiration of the permit, limited to one additional 3-month period within any 12-month period. An extension request fee of \$100 shall be required.
- 2203A.03 Hours of operation shall be limited to daylight hours.

## DOUGLAS COUNTY ZONING RESOLUTION

Section 22A Seasonal Uses

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**2204A Christmas Tree Sales Lot - Specific Requirements**

- 2204A.01 Christmas tree sales lots shall be permitted only in the B, C, LI, GI, CMTY, D, HC, and MI zoning districts or similar zones of a PD as allowed by the development plan. Christmas tree sales as allowed in the A-1 or LRR zoning district are permitted by right and are therefore exempt from these regulations. *(Amended 1/28/14)*
- 2204A.02 A seasonal use permit shall be issued for a 2-month period starting November 1 and continuing through December 31 of the same year. However, no permit shall be required for Christmas tree sales lots that operate for a period of less than 30 days.
- 2204A.03 Hours of operation shall include both daylight and after sunset hours. Lighting shall be permitted in accordance with the requirements of the Lighting Standards section of this Resolution.

**2205A Seasonal Use - Permitting Procedure *(Amended 1/28/14)***

- 2205A.01 The applicant shall submit the application fee and the information required in Section 2206A herein to the Planning Services Division.
- 2205A.02 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff and other agencies such as Engineering Services, the Douglas County Sheriff's Office, the affected fire district, and health department shall review the application.
- 2205A.03 After review by Engineering Services, the fire district, and the health department, the Planning Services Division shall have the final approval or denial. Planning Services Division approval shall be based upon a finding that:
- The proposed use will not have a substantial adverse affect on adjacent uses, buildings, structures, public services, or the natural environment.
  - The nature of the proposed use will not be detrimental to the health, safety, or welfare of the community.
- 2205A.04 Appeals to an administrative determination shall be processed in accordance with Section 26A of this Resolution.

**2206A Seasonal Use - Submittal Requirements *(Amended 1/28/14)***

- 2206A.01 Completed land-use application form
- 2206A.02 Proof of ownership

## DOUGLAS COUNTY ZONING RESOLUTION

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- 2206A.03 A notarized letter of authorization from the landowner permitting a representative to process the application.
- 2206A.04 A detailed description of the use, including:
- Hours of operation
  - Number of employees, including the designation of an on-site manager or management team
  - Product volume
- 2206A.05 A site plan depicting:
- Lot boundary
  - Driveway access
  - Zoning of the lot
  - Dimension of existing and proposed structures
  - Setback from the lot line
  - Location of required off-street parking/loading areas
  - Vicinity map
  - Food service and vendor location
  - Method of trash disposal and location of bins
  - Water requirements, including the source of water
  - Sanitation requirements, including the number and location of temporary toilets



DOUGLAS COUNTY ZONING RESOLUTION

Section 22B Entertainment Events

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SECTION 22B ENTERTAINMENT EVENTS

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Section 22B Entertainment Events

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2201B Intent

This section is intended to provide for the orderly control of Entertainment Events. It establishes permit requirements and regulations for the review of Entertainment Events.

Two types of Entertainment Event permits are established herein based upon the scale and duration of the requested event permit. Minor Entertainment Events shall be subject to administrative review and approval. Major Entertainment Events shall be reviewed and approved by the Board of County Commissioners following a public meeting on the requested permit.

Events which have received a permit or approval by another governmental entity or County department, including but not limited to Douglas County Parks, Trails, and Building Grounds, Douglas County Division of Open Space and Natural Resources, or special districts, and which are contained entirely on the property owned or leased by the approving entity do not require a permit under this section.

2202B Approval Standards

Entertainment Event permits shall be approved based upon a finding that:

- 2202B.01 The proposed use is compatible with the intent of the zone district in which the event is proposed.
- 2202B.02 The proposed use will not have a substantial adverse affect on adjacent uses, buildings, structures, or the natural environment.
- 2202B.03 The proposed use will not have a substantial adverse affect on public services or facilities.
- 2202B.04 The nature of the proposed use will not be detrimental to the health, safety, or welfare of the community.
- 2202B.05 The proposed use complies with the general requirements listed in Section 2203B, herein.
- 2202B.06 The site is suitable for the proposed use, considering flood hazard, drainage, and topography.

2203B General Requirements

- 2203B.01 Entertainment Events shall be permitted on conforming parcels in the Agricultural One and Large Rural Residential Zone Districts subject to the processes established herein.

## DOUGLAS COUNTY ZONING RESOLUTION

Section 22B Entertainment Events

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- 2203B.02 Entertainment Events shall be permitted in the Sedalia Community, Sedalia Downtown, and Sedalia Mixed Industrial Zone Districts by right and are exempt from the event permit provisions herein.
- 2203B.03 Entertainment Event permits shall be subject to Section 1703A, Maximum Permissible Noise Levels, of the Douglas County Zoning Resolution unless otherwise specifically modified or excluded from these requirements through approval of an Entertainment Event permit. Any Entertainment Event requesting modification or exclusion from Section 1703A shall be processed as a Major Entertainment Event.
- 2203B.04 Applicants proposing multiple Entertainment Events at a single location throughout the year, or for multiple years, may apply for a single permit for all proposed Entertainment Events. Any request for multiple Entertainment Events at a single location shall be processed as a Major Entertainment Event.
- If requested by the applicant, the Board may approve multiple-year Major Entertainment Event permits limited to a maximum of five years, if no significant changes to the scope and duration of the events are planned to occur over the requested permit duration. Multiple-year permits may be subject to periodic inspection.
- 2203B.05 The applicant shall provide evidence that adequate provisions have been made for access, on-site parking, and management of sewage, potable water, and refuse.
- 2203B.06 The applicant shall provide evidence that the Entertainment Event will not cause undue traffic congestion or accident potential. A traffic control plan may be required.
- 2203B.07 The applicant shall provide evidence that all other required permits have been obtained. Other permits may include building permits, fire district approval, GESC permits, health department permits, or a liquor license. The permit holder shall be responsible for all sales tax, state, and federal taxes, licenses, etc., required by other agencies.
- 2203B.08 A \$250 cleanup fee shall be submitted to Planning Services prior to permit issuance. The cleanup fee is refundable. The permit holder shall be responsible for providing notice to Planning Services within 48 hours of the permit expiration that the use has ceased. The site shall be inspected to ensure site cleanup prior to refunding the fee.
- 2203B.09 A banner sign shall be permitted for a period not to exceed two weeks. Alternatively, one temporary 32 square foot sign is permitted. Sign permits shall be required in accordance with Section 29 – Sign Standards of this Resolution.

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2203B.10 Lighting shall comply with Section 30, Lighting Standards.

2203B.11 Entertainment Event permits shall be valid for the property and permittee identified on the permit and may not be transferred upon sale of the property, or otherwise assigned to another person or business. The new landowner or lessee shall apply for a new permit.

2204B Permitting Procedure – Minor Entertainment Events

2204B.01 The applicant shall submit the application fee and the information required in 2203B herein to Planning Services at least 30 days prior to the event.

2204B.02 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff and other agencies, which may include but not be limited to Engineering Services, the Douglas County Sheriff's Office, the affected fire district, the health department, and homeowners associations shall review the application.

2204B.03 Staff shall mail a courtesy notice of application in process and applicable contact information to all abutting landowners and other landowners as required by staff.

2204B.04 Minor Entertainment Event Permits shall be approved, approved with conditions, referred to the Board of County Commissioners for final action at a public meeting, or denied by the Director. The Director shall evaluate the Entertainment Event request, applicant responses, and public comment. The Director's action shall be based on the evidence presented and compliance with adopted County standards, regulations, policies, and guidelines.

2204B.05 Appeals to an administrative determination shall be processed in accordance with Section 26A of this Resolution.

2204B.06 If the conditions or restrictions imposed by this Section 22B, or by the Entertainment Event Permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Director's action may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution.

2205B Permitting Procedure – Major Entertainment Events

2205B.01 The applicant shall submit the application fee and the information required in 2203B herein to Planning Services at least 45 days prior to the event.

## DOUGLAS COUNTY ZONING RESOLUTION

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- 2205B.02 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff and other agencies, which may include but not be limited to Engineering Services, the Douglas County Sheriff's Office, the affected fire district, the health department, and homeowners associations shall review the application.
- 2205B.03 Staff shall mail a courtesy notice of application in process and applicable contact information to all abutting landowners and other landowners as required by staff.
- 2205B.04 At least 14 days prior to the public meeting, the applicant shall mail, by first-class, a written notice of the public meeting to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read:

**NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS**

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider an entertainment event proposed at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: \_\_\_\_\_

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:

(list of addresses)

\_\_\_\_\_  
(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner, the landowner that did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the meeting.

- 2205B.05 Major Entertainment Event Permits shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board

## DOUGLAS COUNTY ZONING RESOLUTION

Section 22B Entertainment Events

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of County Commissioners at a public meeting. The Board shall evaluate the Entertainment Event request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented and compliance with adopted County standards, regulations, policies, and guidelines.

- 2205B.06 If the conditions or restrictions imposed by this Section 22B, or by the Entertainment Event Permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Director's action may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution.

2206B Submittal Requirements

The following information shall be submitted to the Planning Division, unless waived by the Director:

- 2206B.01 Completed land-use application form.
- 2206B.02 Proof of ownership, or written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the Entertainment Event, or a copy of the lease agreement.
- 2206B.03 A notarized letter of authorization from the landowner permitting a representative to process the application.
- 2206B.04 Stamped, letter-sized envelopes addressed to all abutting landowners and other landowners as required by staff.
- 2206B.05 A written description of the event, including:
- Description of proposed activities
  - Description of the proposed event's compatibility with the intent of the zone district
  - Description of the proposed event's expected impacts to the subject land and surrounding properties, and how adverse impacts on surrounding properties will be mitigated
  - Expected daily and total attendance
  - Event schedule (including setup) and daily hours of operation
  - Number of employees
  - Description of water requirements, including the source of water
  - Description of sanitation requirements, including the number and location of temporary toilets
- 2206B.06 A site plan depicting:
- Parcel boundary or lease area
  - Driveway access

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- Zoning and current use of the parcel and adjacent parcels
- Location and dimension of existing and proposed structures
- Setback from the property line
- Location and surface material of proposed off-street parking areas
- Food service and vendor information
- Method of trash disposal and location of bins

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## DOUGLAS COUNTY ZONING RESOLUTION

Section 36 Definitions

EXHIBIT A

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## 3601 Rules of Construction

- 3601.01 The particular controls the general.
- 3601.02 In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
- 3601.03 The word "shall" is always mandatory and not directory. The word "may" is permissive.
- 3601.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 3601.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 3601.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- 3601.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

3602 Definitions (Amended 04/06/10)

As used in this Resolution, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section or by further modification by the Board of County Commissioners.

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Equipment: An enclosed structure, cabinet, shed or box that houses power boxes, electrical equipment, and other related equipment of a telecommunication or personal wireless communication facility.

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Adopted Level of Service: See "Level of Service, Adopted."

## DOUGLAS COUNTY ZONING RESOLUTION

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Agricultural Recreational Activities: Special activities related to livestock held for educational, instructional, or recreational purposes, including but not limited to horse shows, gymkhanas, training clinics, team ropings, rodeos, polo matches, endurance rides, hunts, or other activities involving livestock.

Agriculture: Land uses related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, tree farming, animal husbandry, and horticulture. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Products: Products that originate from the land's productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Excluded from this definition is any marijuana product, the cultivation or other processing of which is prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Producer – A person or entity that raises or produces Agricultural Products on land that the person or entity farms and owns, rents, or leases. *(Amended 1/28/14)*

Agricultural Worker: An individual employed in the operation of a farm or ranch.

Airport: Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal. *(See animal - nondomestic.)*

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of 1 litter, brood, or offspring is permitted, per household, per year.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition. *(See animal - exotic.)*

## DOUGLAS COUNTY ZONING RESOLUTION

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**Antenna:** A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

**Directional (or panel or rectangular):** A flat surface antenna used to achieve transmission or reception from a specific direction.

**Parabolic:** A round, often concave, antenna no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

**Omnidirectional (or whip):** A thin, self-supporting rod antenna that beams and receives a signal in all directions.

**Satellite Dish:** A ground mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

**Antenna Array:** Groups of directional panel antennas designed to send and receive wireless transmissions.

**Applicant:** For purposes of the Concurrency Management Resolution, the property owner, or duly designated representative of the property owner, who submits an Application for Development Approval.

**Application for Development Approval:** For purposes of the Concurrency Management Resolution, an application for residential rezoning or an application for a residential use by special review.

**Available Capacity:** Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

**Avigation Easement:** An easement that allows the grantee the right to use the airspace. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

**Base Flood:** The flood having a 1% chance of being equaled or exceeded in any given year. (*Refer to Flood - 100 year*)

**Batch Plant - Concrete, Mortar, or Asphalt:** A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

**Bed and Breakfast:** A dwelling where a maximum of 5 guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. (*This does not include hotels/motels.*)

**Berm:** Mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

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**Board or Board of County Commissioners:** The Board of County Commissioners of Douglas County; the governing body of Douglas County.

**Borrow Site:** A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and a limited quantity of earthen material.

**Buffer Area:** An area of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

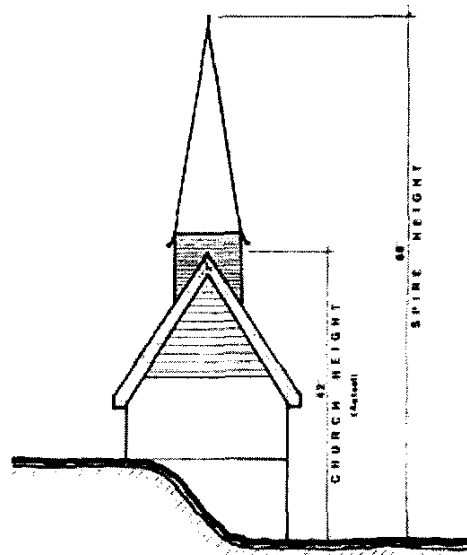
**Building:** Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals, or property of any kind and excluding signs or fences.

**Building Envelope:** The portion of a lot within applicable setback requirements where building construction will be permitted, or other activities if so limited or described on the plat.

**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest grade.
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building. (Amended 12/18/12)

### Spire Height Calculation



Spire Height Calculation (see diagram)

**Campground:** An area or tract of land on which accommodations for temporary occupancy (not to exceed 30 days in any one calendar year) are located including the parking or placement of camping and travel trailers, motor homes, truck campers or tents used for human occupancy.

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Capacity: The maximum demand that can be accommodated by a public facility without exceeding the adopted level of service as determined by the service provider.

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. The cost of a capital improvement is generally non-recurring and may require multi-year financing. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a proposed residential development and shall include water facilities, wastewater facilities, fire protection facilities, streets, public schools and regional parks.

Capital Improvement, Planned: A capital improvement which does not presently exist, but which is included within a capital improvements program.

Capital Improvements Program: A master plan or budget document for an entity responsible for providing a public facility, and which provides the following information:

- (1) Public facilities to be constructed within 6 years which provide additional capacity;
- (2) Currently available revenue sources to be used to fund the provision of said public facilities;
- (3) The anticipated date by which said public facilities will be constructed or when the capacity added by said public facilities will be available;
- (4) The location and service area of said public facilities.

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Centennial Airport Review Area (CARA): An overlay district intended to allow for compatible land-use planning in the vicinity of Centennial Airport. The overlay district includes three components; safety zones, noise zones, and height zones as depicted in Figure 19-1.

Central Water: Water service provided by a special district formed pursuant to the Special District Act, C.R.S. § 32-1-101, et. seq.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Health including at a minimum, secondary wastewater treatment, subject to any waste discharge permits required by the State.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

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Church: A building, where people regularly assemble for worship, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship.

Clinic - Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Collocation: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Committed Development: For purposes of the Concurrency Management Resolution, committed development includes:

- (1) unbuilt development with an approved determination of concurrency;
- (2) all building permits and final platted lots located in the Primary Urbanization Area and
- (3) all building permits and final platted lots (platted after 7/31/95) located in the Separated Urbanization Area and Nonurban Area.

Developments not counted by the County, for purposes of Concurrency Management, include all final platted lots located in Nonurban Areas and Separated Urbanization Areas of the county existing on the effective date of the Concurrency Management Resolution.

Commitment to serve: (as related to water supply) - A letter stating the water district's "intent to serve" the project, or at the time of final/minor development plat application, a letter stating that the water district "will serve" the area of the final/minor development plat.

Comprehensive Master Plan: The Douglas County Comprehensive Master Plan as adopted by Planning Commission resolution. The Douglas County Comprehensive Master Plan is the long-range plan intended to guide the growth and development of the County, and is inclusive of supplemental plans which may be adopted and incorporated by Planning Commission resolution.

Concurrency Data Form: A form submitted pursuant to the Concurrency Management Resolution.

Concurrency Management Resolution: The procedures and standards for determining the compliance of an application for development approval with the adopted level of service, as established by Resolution No. R-995-077, as such may be amended from time to time.

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Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confinement Center: An animal feeding operation where livestock are kept and fed in close quarters until they are shipped to market.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

Currently Available Revenue Sources: An existing source or amount of revenue presently available to the County or the entity providing a public facility; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

Day-Care Center/Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home:

- small - A residence in which care is provided for up to 6 children or adults, including the provider's own children, plus 2 additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.
- large - A residence in which care and training is provided for 7 to 12 children or adults, including the provider's own children, except as provided for above.

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Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5} \text{ N/m}^2$  (Newton's/meter squared.) [§25-12-104(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density - Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density - Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.

Development Order: For purposes of the Concurrency Management Resolution, Board approval of: residential rezoning or a residential use by special review.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.



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Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, hotels, motels, motor homes, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit.

Dwelling - Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by 2 or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling - Single Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than 1 family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling - Single Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on 1 lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 1/28/14)*

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment - Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Equivalent Residential Unit or ERU: The demand for Public Facilities generated by a proposed residential development which is equivalent to the demand for Public Facilities generated by 1 single family dwelling.

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Existing Capacity: The capacity of the existing built and operational public facilities, as determined by the service provider.

Existing Demand: The demand for public facilities from existing *(built)* development.

Family: An individual or 2 or more persons related by blood, marriage, or legal adoption; or a maximum of 5 persons *(excluding servants)* living together as a nonprofit, unlicensed, single housekeeping unit, maintaining a common household.

A family may include up to 4 children or 2 adults who may be unrelated to any or all of the other residents but who under the care and supervision of the adult family head of household through the foster care system

A family shall not include more than 1 registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption.

A family may include those persons defined by the Internal Revenue Code as dependents of the occupants of the subject premises.

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence - Solid: Any structure used as a barrier, boundary or means of concealing the interior portion of a lot.

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A public or private facility designed to provide training in the use of firearms, or for practice in discharging firearms for use by persons other than the owner or resident lessee or their immediate family members.

Flood - 100 year: The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

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Floodplain: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

Flood Area - Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

Flood Area - Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Floor Area Ratio - F.A.R.: Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Frontage: The length of a parcel/lot abutting a right-of-way.

Garage:

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

Golf Course: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

Grade: The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities

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Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution.

Group Residential Facility: A residence that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus.

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse - Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse - Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse - Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as

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laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are 6 or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed residential development is presumed to create a demand for public facilities and which area, therefore, will be evaluated to determine whether the capacity of public facilities is adequate to accommodate the demand created by existing residential development, committed development and the proposed residential development pursuant to the Concurrency Management Resolution. The impact areas for specific public facilities are as follows:

- (1) Water Facilities:
  - Source and treatment facilities - the service area of the service provider.
  - Water pressure - the proposed residential development site and any transmission or distribution mains providing water to the proposed residential development site.
- (2) Wastewater Facilities: the service area of any service district, package treatment plant or other wastewater system serving the proposed residential development.
- (3) Fire Protection Facilities: the boundaries of the district providing fire protection service to the proposed residential development.
- (4) Regional Parks: Countywide.
- (5) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (6) Streets: the area, including all streets and collector/collector and collector/arterial intersections, extending from the proposed residential development to and including the intersection with the nearest state or federal highway.

In-Home Elder Care: Providing 24-hr. in-home care for 6 or fewer elderly persons (60+ years old), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated

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basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any structure or area used to house dogs, cats or other household pets or used for grooming, breeding, boarding, training or selling of animals. Limited health-care facilities may be accessory to this use.

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service, Adopted: The level-of-service standards as adopted in Appendices A and B herein.

Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. *(A tax parcel is not necessarily a lot of record)*

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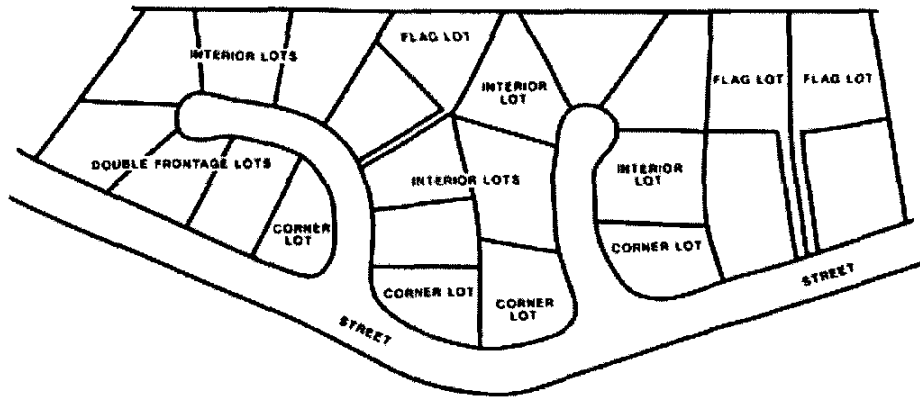
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Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot - Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot - Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and zoning regulations in effect at the time the lot was created. *(A tax parcel may or may not be a buildable lot.)*

Lot - Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

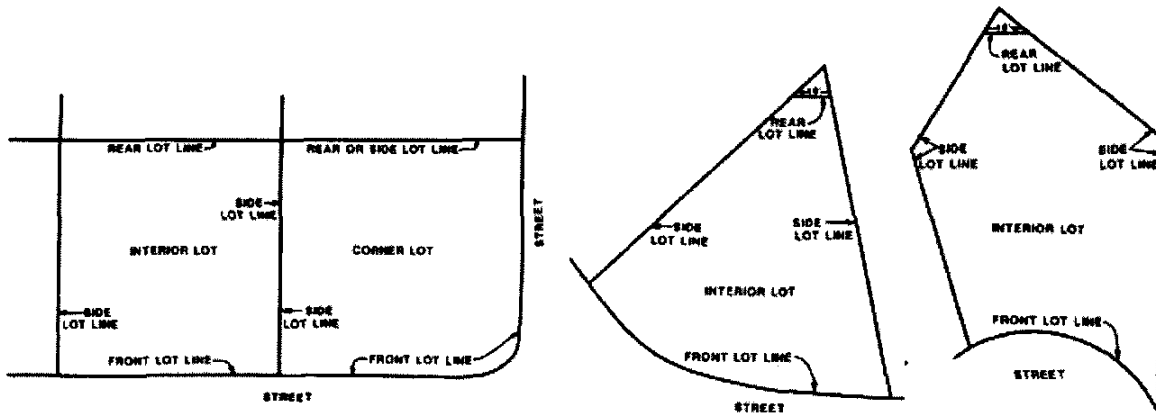
Side: Any property boundary line which is neither a front lot line nor rear lot line.

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**Major Reservoir(s):** Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

**Manufactured Housing:** A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

**Medical Marijuana:** Shall have the same meaning as the term "usable form of marijuana" as set forth in Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

**Medical Marijuana Facility:** A facility established for the purpose of dispensing, selling, or otherwise providing marijuana in any manner, along with any cultivation of marijuana associated with such sale or dispensing, in accordance with Section 14 of Article XVIII of the Colorado Constitution and any other applicable laws and regulations of the State of Colorado. Single-family dwellings where medical marijuana is provided by a Medical Marijuana Primary Care-giver to a Patient that resides in the dwelling are excluded from this definition.

**Medical Marijuana Primary Care-giver:** Shall have the same meaning as is set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

**Medical Use:** Shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

**Metes and Bounds:** A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.



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Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

Mobile Home: A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the 18 MH zoning district or as a use by special review in accordance with Section 21 of this Resolution. (*Refer to Manufactured Housing and Modular Home*)

Mobile Home - Converted: A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in mobile home zoning district, or as a use by special review in accordance with Section 21 of this Resolution.

Mobile Home Park: A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes.

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Modular Home: A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

Motorcycle: A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-104(5.2), C.R.S.]

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Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-104(5.4), C.R.S.]

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. [§25-12-104(5.6), C.R.S.]

Office - Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking - Off-Street/Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

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Patient: In regards to Medical Marijuana, shall have the same meaning as set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in applicable state law or regulation.

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Capacity: The capacity to be added by planned capital improvements.

Planned Capital Improvements: See "Capital Improvements, Planned."

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urbanization Area (PUA): The Primary Urbanization Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan.

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Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Capital improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets.

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility - Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility - Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility - Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility - Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility - Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities. These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

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Referral Agency – Advisory: A public or private organization which is interested in providing advisory comments to Douglas County on a land use proposal or proposed legislative action.

Referral Agency – Regulatory: An entity which is responsible for providing referral comments to Douglas County on a land use proposal or proposed legislative action, and which: (1) provides facilities and/or services for the proposed land use; and/or (2) provides regulatory control over some aspect of the subject property or proposed land use; and/or (3) is a referral agency under state or federal law.

Regional Parks: Park land and related facilities thereon which support both passive and active recreational activities for all Douglas County residents, which is owned by Douglas County, or which may be owned by another local governmental entity within unincorporated Douglas County which is at least 50 acres in size.

Registered Sex Offender: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with §18-3-412.5 C.R.S., as amended.

Religious Retreat: A site, together with its accessory buildings and uses, designed and designated solely for religious reflection or contemplative activities, maintained and controlled by a religious organization to sustain worship.

Residence - Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

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Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Separated Urbanization Area (SUA): Separated Urbanization Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

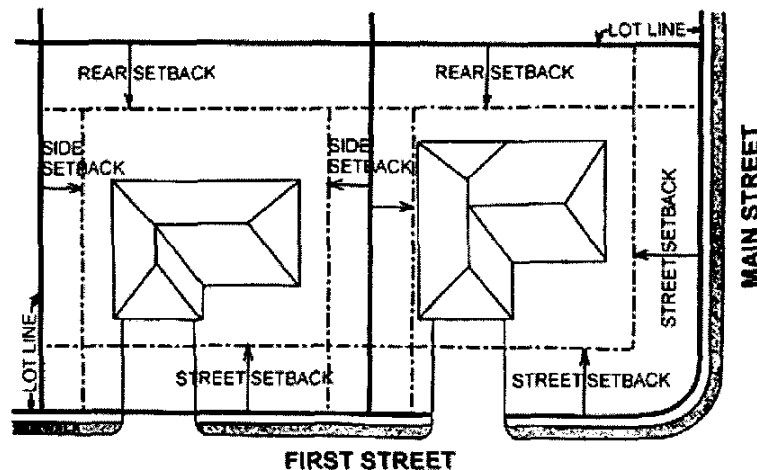
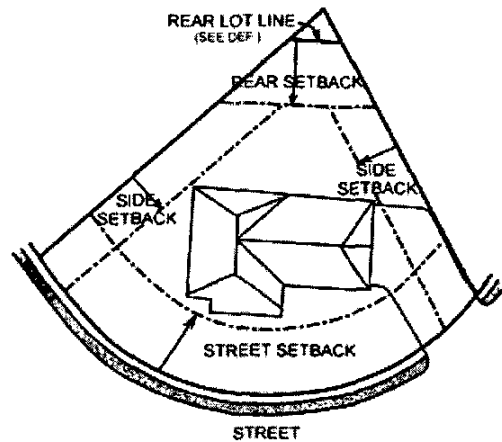
Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

Street - a setback extending across the full width of the lot measured perpendicular to the front lot line.



Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner,

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psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
  - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
  - (b) receives a significant or substantial portion of its revenues from; or
  - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty

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store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.



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Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Anything designed to inform or attract the attention of people, but excluding therefrom any flag of any government or governmental agency.

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-104(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

Street: Land intended primarily for vehicular traffic and providing the principal means of access to property, including a road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

Regional/Major Arterial - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

Minor Arterial - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

Collector - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

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**Local** - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

**NOTE:** For identification of these types of roads within the County refer to the Douglas County Transportation Plan.

**Street - Private:** A privately owned access way generally constructed to County specifications and not maintained by the County.

**Street - Public:** All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

**Structure:** Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

**Permanent -** That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

**Temporary -** A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

**Subject Land:** Real property which is the subject of the regulations set forth in this Resolution.

**Support Tower:** A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

**Lattice Tower:** A self-supporting tower with multiple legs and cross bracing designed to support antennas.

**Monopole:** A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

**Guyed Tower:** A tower designed to support antennas and requiring guy wires for stability.

**Swimming Pool:** Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. (Amended 12/18/12)

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Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Training: To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

Urban: Urban areas as defined in the Douglas County Comprehensive Master Plan.

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;

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- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- **Neighborhood Substation:** Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- **Personal Wireless Communication Facility:** Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. (Amended 1/28/14)

Value-Added Agricultural Product: a product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. (Amended 1/28/14)

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic/Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment

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plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Youth-Oriented Agricultural Activities: Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, Little Britches.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

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