

RESOLUTION NO. R-014-030

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

A RESOLUTION ADOPTING AMENDMENTS TO SECTIONS 29, 30 AND 36 OF THE
DOUGLAS COUNTY ZONING RESOLUTION

WHEREAS, the Planning Services Division has prepared amendments to Sections 29, Sign Standards; 30, Lighting Standards; and 36, Definitions, of the Douglas County Zoning Resolution ("Amendments"), which are attached hereto and incorporated herein as Exhibit A (Project No. DR2011-011); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on January 13, 2014; and

WHEREAS, the Board of County Commissioners ("Board") considered said Amendments at a public hearing held on February 11, 2014 and

WHEREAS, the Board desires to reflect its approval of said Amendments 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 Sections 29, Sign Standards; 30, Lighting Standards; and 36, Definitions, of the Douglas County Zoning Resolution, are hereby amended to read as provided on said Exhibit A; and

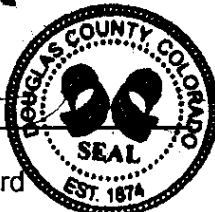
FURTHER RESOLVED, that said Amendments shall be effective as of February 11, 2014.

PASSED AND ADOPTED this 11th day of February, 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
Melissa Pelletier
Deputy Clerk to the Board



SECTION 29 SIGN STANDARDS**-Section Contents-**

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2901 Intent

To promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory regulations for the installation and maintenance of signs. This Section is intended to preserve free speech, expression, and content neutrality while balancing the need to regulate the secondary effects of signs, particularly those that may adversely impact scenic views; safety for motorists, bicyclists, and pedestrians; and the interests of the public. These regulations are intended to ensure that signs are not overwhelming; and are not a distraction or impediment due to brightness, movement, size, or height; and do not create a hazard.

The County recognizes that signs are a necessary means of visual communication for public convenience and way-finding; and businesses, services, and other activities have the right to identify themselves by using signs that are accessory and incidental to the uses on the premises where the signs are located.

This Section is not intended to regulate government signs.

The County has the authority to regulate signs under the United States Constitution, the State Constitution, and the Statutes of the State of Colorado.

To the extent any provision of the sign standards can be read in a manner that makes such provision legally invalid, such interpretation is unintended and the provision shall be interpreted only in a manner that is legally compliant. If any provision is or becomes legally unenforceable, then such provision shall be deemed stricken and all remaining provisions shall be enforced as if the offensive provision did not exist.

2902 General Requirements

- 2902.01 All signs located in the unincorporated portion of Douglas County, except those required by this Resolution for the posting of a public notice, shall be required to comply with all applicable requirements for zoning districts in which the sign permit is issued, unless otherwise provided for in this Section.
- 2902.02 Signs permitted within a PD - Planned Development District shall be governed by this Section and determined by the zone district to which a planning area and the uses established therein most closely conform, except when a separate development guide has been adopted by the Board that incorporates separate guidelines for signage.
- 2902.03 Signs otherwise in compliance with this Section may be erected in a public right-of-way only with approval from the public agency that has control over the right-of-way, and shall be exempt from sign permit requirements. Regulation of any sign in the public right-of-way is the responsibility of the public agency that has control over the right-of-way.

- 2902.04 Signs and sign structures shall be maintained in a state of good repair, and free from deterioration at all times.
- 2902.05 Unless otherwise provided for in this Section, permanent signs shall be accessory to a permitted use on the same parcel.
- 2902.06 Illuminated signs shall comply with Section 30, Lighting Standards.
- 2902.07 A sign permit fee shall be established by the Board.
- 2902.08 Signs shall not be located within any easement without the written approval of the easement holder.

2903 Exemptions

The following types of signs are exempt from this Section as specified, unless otherwise prohibited in this Section:

- 2903.01 Official governmental signs including, but not limited to, traffic control signs and devices, directional signs, and temporary public notices.
- 2903.02 Way-Finding Signs that meet all of the following:
- Do not exceed six (6) square feet in area.
 - Shall be permanently installed in a location and manner that does not create a traffic hazard.
 - Shall be located on private property and not in any public right-of-way.
- 2903.03 Signs inside a building, except those placed in or on a window for outdoor advertising, unless they meet the criteria of Section 2903.04.
- 2903.04 Window Signs that meet all of the following:
- Do not exceed six (6) square feet in area.
 - For each business:
 - A maximum of three (3) Window Signs shall be allowed if the building face at the main entrance of the business is equal to or less than 50 lineal feet in length.
 - A maximum of six (6) Window Signs shall be allowed if the building face at the main entrance of the business is greater than 50 lineal feet and equal to or less than 300 lineal feet in length.
 - Six (6) Window Signs plus one (1) additional Window Sign per additional 50 lineal feet in excess of 300 lineal feet of building face at the main entrance of the business shall be allowed.

2903.05 Scoreboards that meet all of the following:

- Are shown on the Site Improvement or Location and Extent Plan Exhibit.
- Are in compliance with Section 30, Lighting Standards, if illuminated.
- Are oriented towards the sports field.

2903.06 Signs interior to a sports field or park structure that meet all of the following:

- Are mounted to an interior wall or fence.
- Are oriented to spectators of the sports field or park.

2903.07 Drive-in or drive-through menu boards that meet all of the following:

- Are shown on the Site Improvement Plan.
- Are oriented specifically for the drive-in or drive-through customer.

2903.08 Historical plaques.**2903.09 Street numbers and addresses.****2903.10 Works of art, wall graphics, or architectural features that do not include a commercial message, company name, trademark, or logo.****2903.11 Vehicular signs that meet all of the following:**

- Are permanently mounted or affixed, or magnetically attached to an operable vehicle actively used in a business operation or service.
- Shall not be illuminated.
- Vehicle(s) used as a sign shall be parked in a designated parking space.

2903.12 Private Notification Signs that do not exceed four (4) square feet in area per sign.**2904 Prohibited Signs**

It shall be unlawful for any person to:

2904.01 Erect, maintain, or continue the use of any sign not in compliance with this Resolution.**2904.02 Erect, maintain, or continue the use of any Billboard Sign.****2904.03 Erect, maintain, or continue the use of any portable sign which is not permanently affixed to any structure on the site, or permanently mounted**

to the ground including, but not limited to, signs on wheels and sidewalk signs.

- 2904.04 Erect, maintain, or continue the use of any sign mounted, attached or painted on motor vehicles, trailers, or boats when used as additional advertising signs on or near the premises and not actively used in conducting a business or service.
- 2904.05 Erect, maintain, or continue the use of any sign using revolving beacons or search lights; flashing signs; signs with any type of movement, animation, or the appearance or optical illusion of movement; or with varying light intensity of any part of the sign or sign structure.
- 2904.06 Erect, maintain, or continue the use of any sign emitting amplified sound, smoke, visible vapor, particles, or odor.
- 2904.07 Erect, maintain, or continue the use of any sign using a mirror or highly reflective device as part of the sign.
- 2904.08 Erect, maintain, or continue the use of any sign located in a manner that conflicts with the clear and obvious appearance of, or view of, public devices controlling public traffic and safety.
- 2904.09 Erect, maintain, or continue the use of any sign that causes a traffic hazard because of glare, focus, or intensity of illumination.
- 2904.10 Erect, maintain, or continue the use of any sign within a sight distance triangle, as defined in the Douglas County Roadway Design and Construction Standards, unless reviewed and approved by Engineering Services.
- 2904.11 Erect, maintain, or continue the use of any sign or signal, marking, or device that is not authorized and which purports to be, is an imitation of, or resembles but is not an official traffic control device or railroad sign or signal on or in view of any street or highway.
- 2904.12 Erect, maintain, or continue the use of any roof-mounted sign, or sign which projects above the highest point of the roof line or fascia of the building.
- 2904.13 Erect, maintain, or continue the use of any sign attached to a building which projects perpendicular a distance of more than 18 inches from the building.
- 2904.14 Erect, maintain, or continue the use of any sign attached parallel to the wall of a building, but mounted more than 18 inches from the wall.

- 2904.15 Erect, maintain, or continue the use of any sign announcing a proposed use or land development prior to approval of the Site Improvement Plan, or approval of the use or land development by the Board.
- 2904.16 Erect, maintain, or continue the use of any sign on any property without the written permission of the property owner or person in lawful possession of the property.
- 2904.17 Erect, maintain, or continue the use of any sign attached to live landscape plants as shown on a Site Improvement Plan.
- 2904.18 Erect, maintain, paint, affix, or continue the use of any sign on or to any other sign unless done with a valid sign permit, or unless specifically exempted from the requirement for a permit under this Section.
- 2904.19 Erect, maintain, or continue the use of any streamers, fin signs, balloons, inflatable devices, or other similar devices.

2905 Sign Permits

2905.01 Permit Requirements

- 2905.01.1 A sign permit shall be required from Planning Services for all signs exceeding 6 square feet in area, unless this Section specifies that a permit is not required.
- 2905.01.2 For signs requiring a permit under Section 2905.01.1, a new sign permit shall be required if the sign area or height of an existing sign is increased, the location of an existing sign is altered, or any changes are made to illumination.
- 2905.01.3 A sign permit shall expire if the sign is not erected within 180 days of permit issuance. The Director may grant an extension of time for good cause shown upon a written request by the applicant.

2905.02 Permit Application

- 2905.02.1 All requests for signage shall be accompanied by a sign permit application; a fully dimensioned drawing of the sign; a site plan showing the location, setback, height and sign area of all proposed and existing signage; and landlord or property owner's written approval.
- 2905.02.2 Applications for sign permits for an Electronic Message Sign shall include the manufacturer's specifications demonstrating compliance with Section 2913.

- 2905.02.3 Processing a sign permit shall not begin until a complete application has been submitted.

2905.03 Permit Approval

- 2905.03.1 Planning Services shall make a decision to approve or deny a sign permit application within 10 working days of the date a complete application is received, unless the applicant agrees to an extension not to exceed 30 days.
- 2905.03.2 Signs located at intersections of roads and driveways, or signs located within a sight distance triangle as defined in the Douglas County Roadway Design and Construction Standards, shall be reviewed and approved by Engineering Services.
- 2905.03.3 An appeal of Planning Services' decision regarding a sign permit application may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

2905.04 Permit Issuance

- 2905.04.1 A sign permit shall only be issued once all other required permits have been obtained, such as building and electrical permits.
- 2905.04.2 The required permit fee shall be paid prior to sign permit issuance.

2905.05 Permit Inspection

All signs requiring a permit shall be subject to an inspection to ensure the sign has been located, constructed, and programmed according to the approved sign permit.

2905.06 Message Substitution

- 2905.06.1 A First Amendment protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any permitted sign. Such substitution of message may be made without any additional approval or permitting by the County. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
- 2905.06.2 Any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message displayed on any permitted sign. Such substitution of message may be made without any additional approval or permitting by the County.

2906 Maximum Height of Signs

2906.01 A Freestanding Sign is restricted to a maximum height of 15 feet.

2906.02 Wall, Canopy, and Projecting Signs shall not exceed the height of the building.

2907 Sign Setbacks

The following setbacks shall be required for all Freestanding Signs:

2907.01 No sign shall be placed within 10 feet of any property line.

2907.02 The minimum setback for a sign adjacent to a Federal, State or major County arterial highway shall be a minimum of 75 feet from the lot line adjacent to the highway right-of-way. This distance may be reduced to the setbacks in Table A below, if adequate right-of-way has been dedicated to the State or County for future road widening, and written approval has been obtained from the public agency that has control over the right-of-way.

2907.03 Signs shall be setback in accordance with Table A below, or as required in 2907.02 herein.

2907.04 Sign height shall be rounded to the nearest foot. Once height is determined, refer to Table A for the required setback.

Table A

Maximum Height of Sign	Setback
3'	10'
4'	12.5'
5'	15'
6'	17.5'
7'	20'
8'	22.5'
9'	25'
10'	27.5'
11'	30'
12'	32.5'
13'	35'
14'	37.5'
15'	40'

2908 Sign Area Measurement

The area of a sign shall be measured as follows:

- 2908.01 The structure or bracing of a sign shall be omitted from measurement unless such structure or bracing is made part of the message or face of the sign. The area of all faces shall be included in determining the total area of a sign.
- 2908.02 The area of a sign with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas in each square, rectangle, triangle, portion of a circle, or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign including all frames, backing, background, face plates, nonstructural trim or other component parts not otherwise used for support.
- 2908.03 The area of a sign without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems, or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
- 2908.04 The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of either of the following combinations:
- the display surface or face of the sign including all frames, backing, face plates, nonstructural trim, or
 - other component parts not otherwise used.

2909 Wall, Canopy, and Projecting Signs

Wall, Canopy, and Projecting Signs are permitted as follows:

- 2909.01 Wall Signs in the A-1 and LRR Districts:
- Maximum sign area: Shall not exceed 50 square feet in area.
 - Maximum number of signs: One (1) per street frontage.
 - Illumination: Not permitted.
 - Additional requirements: Shall be allowed on conforming A-1 and LRR parcels only.

2909.02 Wall Signs in the A-1, LRR, RR, ER, SR, MF, and MH Districts for any use requiring a Site Improvement Plan (SIP) or Use by Special Review (USR):

- Maximum sign area: Shall not exceed 50 square feet in area.
- Maximum number of signs: One (1) per street frontage.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements: None.

2909.03 Wall, Canopy, and Projecting Signs in the B, C, LI, and GI Districts; and Sedalia CMTY, D, HC, and MI Districts:

- Maximum sign area and number of signs, Single-Use Buildings:
 - The use is permitted one (1) Wall, Canopy, or Projecting Sign per building face up to 50 square feet in sign area.
 - Sign area may be increased at the rate of one (1) additional square foot per lineal foot of each building face in excess of 50 lineal feet to a maximum of 450 square feet in sign area.
- Maximum sign area and number of signs, Multi-Use Buildings:
 - Each use without a separate exterior entrance is permitted one (1) Wall, Canopy, or Projecting Sign not to exceed 50 square feet in sign area.
 - Each use with a separate exterior entrance is permitted one (1) Wall, Canopy, or Projecting Sign up to 50 square feet in sign area per building face adjacent to the occupied space. Sign area may be increased at the rate of one (1) additional square foot per lineal foot of each building face in excess of 50 lineal feet to a maximum of 450 square feet in sign area. Only that portion of the building face that is occupied by the use shall be used in calculating the permitted sign area.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements:
 - Sign shall be located on the building face adjacent to the space occupied by the use.
 - Building faces shall not be combined to increase allowed sign square footage.
 - Sign shall not extend over windows or architectural features (pilasters, reveals, etc).
 - Sign shall not have any characters or logos that exceed 10 feet in height.
 - Sign shall not project more than 18 inches from the wall or surface on which it is mounted.

2910 Freestanding Signs

Freestanding Signs are permitted as follows:

2910.01 Freestanding Signs in A-1 and LRR Districts:

- Maximum sign area: A sign up to 50 square feet in area is permitted. On parcels greater than 35 acres, sign area may be increased five (5) additional square feet per each additional 50 acres of land not to exceed 100 square feet in sign area.
- Maximum number of signs: One (1) per street frontage.
- Illumination: Not permitted.
- Additional requirements: Signs shall be permitted on conforming A-1 and LRR parcels only.

2910.02 Freestanding Signs in the A-1, LRR, RR, ER, SR, MF, and MH Districts for any use requiring a Site Improvement Plan (SIP) or Use by Special Review (USR):

- Maximum sign area: Shall not exceed 50 square feet in area.
- Maximum number of signs: One (1) per street frontage.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements: None.

2910.03 Single-Family Residential Development Identification:

- Maximum sign area: Shall not exceed 50 square feet in area.
- Maximum number of signs: Two (2) per entrance, one (1) for each direction of travel.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements: Shall not exceed six (6) feet in height.

2910.04 Freestanding Signs in the B, C, LI, and GI Districts; and Sedalia CMTY, D, HC, and MI Districts:

- Maximum sign area: Shall not exceed 100 square feet in area, at the rate of one (1) square foot in sign area per lineal foot of street frontage.
- Maximum number of signs: One (1) per street frontage per parcel.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements: None.

2911 Directory Signs

Directory Signs within shopping centers or business, commercial, and industrial parks are permitted as follows:

- Maximum sign area: Shall not exceed 75 percent of the permitted Freestanding Sign area permitted under Section 2910.04.
- Maximum number of signs: One (1) per entrance.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements: None.

2912 Temporary Signs

Temporary Signs do not require a sign permit and are allowed as follows:

2912.01 Temporary Signs in the A-1 and LRR Districts:

Informational Signs:

- Maximum sign area:
 - Within a calendar year, from January 1 through August 31 and from November 16 through December 31, two (2) signs shall not exceed 100 square feet in area per sign, at the rate of 50 square feet in area per sign face.
 - Within a calendar year, from September 1 through November 15, four (4) signs shall not exceed 100 square feet in area per sign, at the rate of 50 square feet in area per sign face.
 - Within a calendar year, from January 1 through August 31 and from November 16 through December 31, three (3) signs shall not exceed six (6) square feet in area per sign.
 - Within a calendar year, from September 1 through November 15, the number of signs not exceeding six (6) square feet in area shall not be limited.
- Illumination: Not permitted.
- Additional requirements:
 - Signs are permitted on conforming A-1 and LRR parcels only.
 - Signs on A-1 and LRR parcels less than nine (9) acres in size, refer to Section 2912.02.
 - Signs shall be removed within seven (7) days of the completion of the purpose for which the sign was erected.

2912.02 Temporary Signs in the RR, ER, SR, MF, and MH Districts:**Informational Signs:**

- **Maximum sign area:**
 - Within a calendar year, from January 1 through August 31 and from November 16 through December 31, two (2) signs shall not exceed 64 square feet in area per sign, at the rate of 32 square feet in area per sign face.
 - Within a calendar year, from September 1 through November 15, four (4) signs shall not exceed 64 square feet in area per sign, at the rate of 32 square feet in area per sign face.
 - Within a calendar year, from January 1 through August 31 and from November 16 through December 31, two (2) signs shall not exceed six (6) square feet in area per sign.
 - Within a calendar year, from September 1 through November 15, the number of signs not exceeding six (6) square feet in area shall not be limited.
- **Illumination:** Not permitted.
- **Additional requirements:** Signs shall be removed within seven (7) days of the completion of the purpose for which the sign was erected.

2912.03 Temporary Signs in the B, C, LI, and GI Districts; and Sedalia CMTY, D, HC, and MI Districts:**2912.03.1 Informational Signs:**

- **Maximum sign area:** Shall not exceed 200 square feet in area, at the rate of 100 square feet in area per sign face.
- **Maximum number of signs:** One (1) per street frontage.
- **Illumination:** Not permitted.
- **Additional requirements:** Signs shall be removed within seven (7) days of the completion of the purpose for which the sign was erected.

2912.03.2 Banner Signs:

- **Maximum sign area:** Shall not exceed 32 square feet in area.
- **Maximum number of signs:** One (1).
- **Illumination:** Not permitted.
- **Additional requirements:** Banners shall be permitted only for grand opening events, two (2) weeks before the event and shall be removed within two (2) weeks after the event. Banners shall not be displayed more than 30 days.

2913 Electronic Message Signs

Electronic Message Signs are permitted as follows:

2913.01 Electronic Message Signs in the B, C, LI, and GI Districts for all uses; and Sedalia CMTY, D, HC, and MI Districts for business, commercial, community, and industrial uses:

- Sign shall be permitted in place of, or as part of, a Freestanding Sign. Refer to Section 2910.04.
- Maximum sign area: Shall not exceed 50 percent of the Freestanding Sign area permitted under Section 2910.04.
- Maximum number of signs: One (1) per parcel.
- Illumination: Permitted. See Section 2902.06.
- Additional requirements:
 - Signs shall not be oriented to or adjacent to any federal, state, or major County arterial highway.
 - Minimum message hold time: Displayed messages shall not change more frequently than once per 20 seconds in areas with posted speed limits up to 35 mph or once per 10 seconds in areas with posted speed limits greater than 35 mph; and must be one (1) complete message per transition.
 - Transition method: Signs shall contain static messages only, changed only through an instant transition, and shall not have movement, animation, color variation, or the appearance or optical illusion of movement or varying light intensity.
 - Transition duration: The transition time between each message displayed on the sign shall not exceed one-half (1/2) second.
 - Signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions. Lighting from the message module shall not exceed 0.3 foot candles above ambient lighting conditions.
 - All displays shall be equipped to default to black or to automatically shut off if a malfunction occurs.
 - Messages displayed on the module shall only direct attention to a business, product, service, activity, or entertainment that is conducted, sold, or offered on the premise on which the sign is located.
 - The distance between any two (2) Electronic Message Signs shall be a minimum of 1,500 feet measured in a straight line, without regard to intervening structures or objects, from the nearest portion of one sign to another.

2914 Flags

Flags do not require a sign permit and are allowed as follows:

2914.01 Flags in the A-1, LRR, RR, ER, SR, MF, and MH Districts:

- Illumination: Permitted. See Section 3005.17.
- Additional requirements:
 - Shall be accessory to a permitted principal use.
 - Minimum setback shall be the height of the flag pole.
 - Shall be affixed to a flag pole or mounted to a structure.

2914.02 Flags in the B, C, LI, and GI Districts; and Sedalia CMTY, D, HC, and MI Districts:

- Illumination: Permitted. See Section 3005.17.
- Additional requirements:
 - Shall be accessory to a permitted principal use.
 - Pole mounted flags shall not exceed 35 feet in height.
 - Building mounted flags shall not exceed the height of the building.
 - Minimum setback shall be the height of the flag pole.
 - Shall be affixed to a flag pole or mounted to a structure.
 - Flag poles shall be depicted on the approved Site Improvement Plan.

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SECTION 30 LIGHTING STANDARDS

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3001 Intent

To set forth lighting standards for outdoor uses that serve to create a safe and comfortable nighttime environment, while protecting the public's ability to view the night sky. These lighting standards are designed to ensure personal safety and prevent motor vehicle and pedestrian conflicts by reducing the negative effects of glare, light pollution and light trespass.

3002 Applicability

The outdoor lighting regulations contained herein shall apply to all exterior lighting and to interior lighting to the extent that it impacts the outdoor environment, including lighted signs but excluding public roadway lighting.

3003 Exceptions

- 3003.01 Lighting required by the FAA for air traffic control and warning purposes.
- 3003.02 Lighting in the public right-of-way installed by the controlling jurisdiction.
- 3003.03 Lighting required temporarily for emergency purposes or repairs in the right-of-way, which must comply with applicable State regulations.
- 3003.04 Temporary use of low-wattage lighting for public festivals or events, and the observance of holidays provided they do not create disability glare.
- 3003.05 Single-family residential lighting, except as prohibited herein.
- 3003.06 Lighting installed by a governmental entity for the benefit of public health, safety, and welfare.

3004 Prohibited Lighting

- 3004.01 Blinking, flashing or changing intensity lights including those proposed for signage.
- 3004.02 Lighting that could be confused with a traffic control device.
- 3004.03 Lighting of a type, style or intensity determined to interfere with the safe flow of traffic.
- 3004.04 Strobe lights, searchlights, beacons and laser light, or similar upward or outward oriented lighting.
- 3004.05 Exposed neon, exposed LED, or similar exposed lighting, except when used for illuminating window signs and the display area of electronic message signs. (Amended 2/11/14)

- 3004.06 Lighting creating a public hazard, including lighting that creates disability glare particularly where such disability glare has a detrimental effect on motor vehicle traffic.
- 3004.07 Lights mounted on poles for the purpose of illuminating the building façade.
- 3004.08 High-intensity floodlighting except as approved for sports facility lighting.
- 3004.09 Wall pack light fixtures that are not classified as full cutoff.

3005 General Requirements

Outdoor lighting shall meet the following standards:

- 3005.01 Light fixtures, except as otherwise permitted herein, are required to be full cutoff as defined by the Illuminating Engineers Society of North America (IESNA). Full cutoff light fixtures result in a light distribution pattern where no light is permitted at or above a horizontal plane at the bottom of the fixture.
- 3005.02 Light fixtures shall be installed and maintained in a manner consistent with the intended application and as approved in the Site Improvement Plan (SIP). Full cut-off fixtures may not be tilted or aimed in a manner that results in light distribution above the horizontal plane.
- 3005.03 Light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping malls, theaters, bank drive-thrus, and hotels shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy. All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by sign regulations, shall be allowed on the top or sides of a canopy. The design of the canopy in terms of height above grade, and the spacing between the fixtures within the canopy, shall be such that the illuminance level under the canopy does not exceed 20 foot-candles.
- 3005.04 All light fixtures mounted within 15' of any residential property line of the site shall be classified as IES Type II or Type III, or fixture demonstrated to provide similar distribution patterns and shielding properties. Fixtures shall be fitted with "house side shield" reflectors on the sides facing the residential property line. Light levels shall not exceed 0.1 foot-candles 20' from the abutting property line as a direct result of the on-site lighting.
- 3005.05 Illuminance levels shall not exceed 10 foot-candles measured as initial horizontal illuminance except as otherwise permitted herein. The initial illuminance level is measured following 100 hours of operation. The

illuminance levels at building entrances and window may exceed 10 foot-candles by 100% up to a distance of 5 feet from the building only in order to accommodate light spillage from within the building and light from signage. At a distance of 10' from the building or use, the illuminance level must be less than or equal to 10 foot-candles.

3005.06 The use of horizontal lamps is recommended for pole mounted light fixtures in parking lots. If the lamp position within a fixture is vertical, any or all of the following may be required:

- A high socket mount
- A translucent fixture lens
- An opaque coating or shield on a portion of the lens perimeter
- Other industry accepted measures

3005.07 Poles supporting light fixtures designed to illuminate parking areas and drive entrances shall be round unless an alternative is shown to be architecturally superior. The protective pole standard may not exceed a height of 30" from grade. If the pole is otherwise protected within a parking island or an intervening curb or walkway, no standard is required. Maximum parking lot pole height shall be as follows:

3005.07.1 24' when fixture is located within 75' of the site's boundary; and

3005.07.2 40' when the fixture is located beyond 75' from the site's boundary provided that for mounting heights in excess of 24', the distance of the fixture to the site's boundary be not less than three times the mounting height.

3005.08 A maximum of two light fixtures per pole is recommended for parking lots except for perimeter lighting, which should be limited to one fixture per pole. The fixtures shall not incorporate "basket" features or similar design elements that could deflect light horizontally or upward. Perimeter lighting must be classified by IES as Type II, or Type III, or a fixture demonstrated to provide similar distribution patterns and shielding properties.

3005.09 The use of semi-cutoff or cutoff (as opposed to full cutoff) fixtures shall be permitted to illuminate areas other than parking lots provided the pole or mounting point is no more than 10' in height and the maximum lumen output does not exceed 1800 lumens per lamp. The poles should be round unless an alternative is shown to be architecturally superior. A maximum of 1 lamp per fixture and 2 fixtures per pole or mounting point is strongly encouraged.

Fixtures located on poles or at mounting points more than 10' in height, or that exceed 1800 lumens per lamp, shall be full cutoff fixtures.

- 3005.10 Bollards, or similar light fixtures that do not exceed 4 feet in height, intended to illuminate landscape features or walkways, may be permitted as part of the overall lighting plan upon approval of the SIP. Lamps shall not exceed 900 lumens for any single lamp. A maximum of 2 fixtures per bollard and 1 lamp per fixture is recommended.
- 3005.11 All lights, except those required for security as provided herein, shall be reduced to security levels within one hour after the end of business until one hour prior to the commencement of business. Security lighting at entrances, stairways and loading docks, as well as limited parking lot lighting, is permitted. The use of motion sensors for security lighting is strongly encouraged. Security lighting shall comply with all applicable provisions contained herein and may not exceed the maximum foot-candle level permitted on the site.
- 3005.12 All stadium and all other exterior sports arena lights used for the purpose of illuminance of the playing area shall be turned off following the conclusion of the final event of the night. The remainder of the facility lighting including scoreboards, except for reasons of security, shall be turned off within one hour after the event, and remain extinguished until one hour prior to the commencement of the next event. *(Amended 2/11/14)*
- 3005.13 All signage lighting shall be turned off within one hour of the end of business and remain turned off until one hour prior to commencement of business. Verification of the ability to control the signage lighting shall be required as part of the sign permit application.
- 3005.14 Illuminance of a building façade to enhance architectural features may be permitted provided it is approved on the SIP. Downlighting is preferred provided wall-mounted fixtures are used and illuminance is contained completely within the vertical face of the building and does not spill off the building edge. Uplighting may be permitted provided no illuminance escapes the façade. Building facades may be illuminated to a maximum of 20 foot-candles as measured on the façade. Lights mounted on poles for the purpose of illuminating the building façade are not permitted.
- 3005.15 All outdoor light fixtures should utilize one of the following lamp types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high-pressure sodium. Alternatives are permitted provided they are demonstrated to be more effective for the proposed use based on IESNA recommendations.
- 3005.16 Lighting in single-family residential areas and agricultural areas should be limited to 2400 lumens per fixture unless shielded. Lighting used for security purposes should be placed on motion sensors.
- 3005.17 Illumination of a flag on a flagpole is permitted provided a narrow spread 39-watt par metal halide or 50-watt par-halogen lamp, or an equivalent

lamp with a similar narrow spread, is used and aimed to only illuminate the top of the flagpole. The source of illuminance (lamp) must be shielded in a manner so as not to be visible from adjacent property.

- 3005.18 The source of illuminance (lamp) from any fixture, including interior fixtures visible through windows, shall not create disability glare on adjacent properties.

3006 Sign Lighting (Amended 2/11/14)

All signage must comply with Section 29, contained herein. Signs may be internally illuminated, backlit or illuminated by down lighting or by ground-mounted light fixtures that illuminate the sign face and base only. Internally illuminated signs shall be limited to a maximum of 1,000 nits. Once the ground-mounted light fixtures are positioned and aimed in accordance with these requirements, they shall be permanently secured to prevent inadvertent or accidental misalignment.

Illuminance of the sign face by ground mounted light fixtures shall not exceed 50 foot-candles as measured on the sign face. No sign may be illuminated with fixtures that allow for the unshielded upward transmission of light.

3007 Definitions

- 3007.01 Bollards: Light fixtures (luminaries) having the appearance of a short, thick post, used for walkway and grounds lighting. The optical components are usually top mounted.
- 3007.02 Cutoff: A luminaire light distribution where the candela does not exceed 10% at a vertical angle of 80 degrees above nadir.
- 3007.03 Disability Glare: The effect of stray light in the eye whereby visibility and visual performance are reduced. For purposes of this Resolution, glare exceeding 2,500 nits is considered to be disability glare.
- 3007.04 Foot Candle: A quantitative unit of measure for luminance equal to one lumen per square foot measured at ground level.
- 3007.05 Full Cutoff: A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir.
- 3007.06 Glare: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort or loss of visual performance and ability.
- 3007.07 Horizontal Illuminance: The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken

through a light meter's sensor at a horizontal position at grade in outdoor applications.

- 3007.08 IESNA: The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
- 3007.09 Illuminance: The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or foot-candles.
- 3007.10 Light Fixture (luminaire): A complete lighting unit consisting of a lamp or lamps and ballasting (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- 3007.11 Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.
- 3007.12 Lumen: A quantitative unit measuring the amount of light emitted by a light source.
- 3007.13 Luminance: The quotient of the luminous flux at an element of the surface surrounding the point and propagated in directions defined by an elementary cone containing the given direction. It is a measure of light emission.
- 3007.14 Maintained Foot-Candles: Illuminance of lighting fixtures adjusted for a maintenance factor accounting for loss of efficiency, dirt build-up and lamp output depreciation.
- 3007.15 Non-cutoff: A luminaire light distribution where there is no limitation on candela intensity above nadir.
- 3007.16 Nits: A unit of measure used for lighting expressed as candelas per square meter.
- 3007.17 Semi-cutoff: A luminaire light distribution where the candela does not exceed 20% at a vertical angle of 80 degrees above nadir.
- 3007.18 Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane.
- 3007.19 Wall pack: A type of light fixture typically flush-mounted on a vertical wall surface.

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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)

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."

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 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 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 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 Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished. *(Amended 2/11/14)*

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.*)

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.

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.

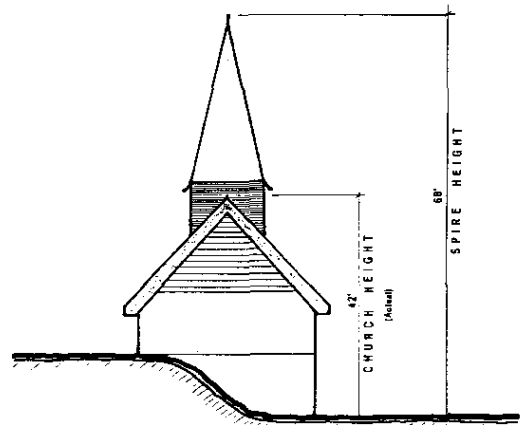
Building Face: The horizontal linear dimension of any side of a building as determined by measuring the exterior wall of any side of said building in a straight line. A side of any building shall contain only one building face. *(Amended 2/11/14)*

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 (see diagram)

Spire Height Calculation



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.

Canopy: A roof like cover, including an awning that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover over an outdoor service area, such as at a gasoline station. (Amended 2/11/14)

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.

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.

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.

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.) [§25-12-102(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.

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.

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 are 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 pumps, 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.

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. (Amended 2/11/14)

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".

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

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 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 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.

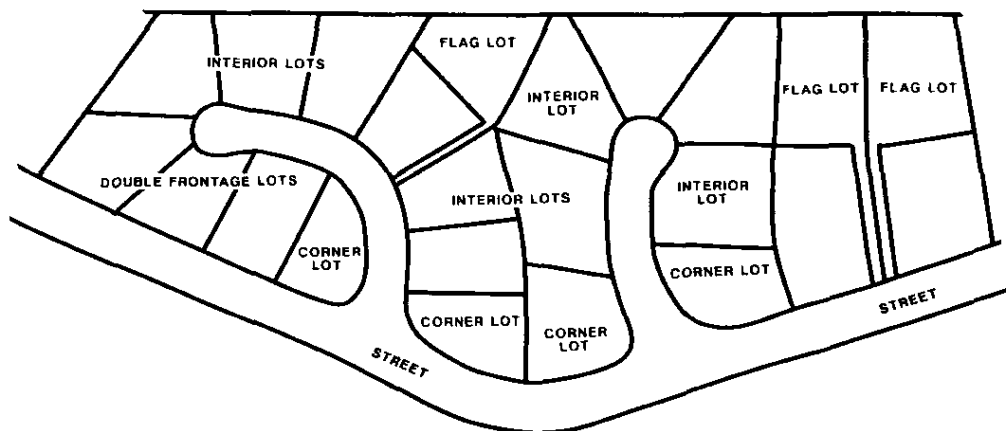
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect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

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.)*

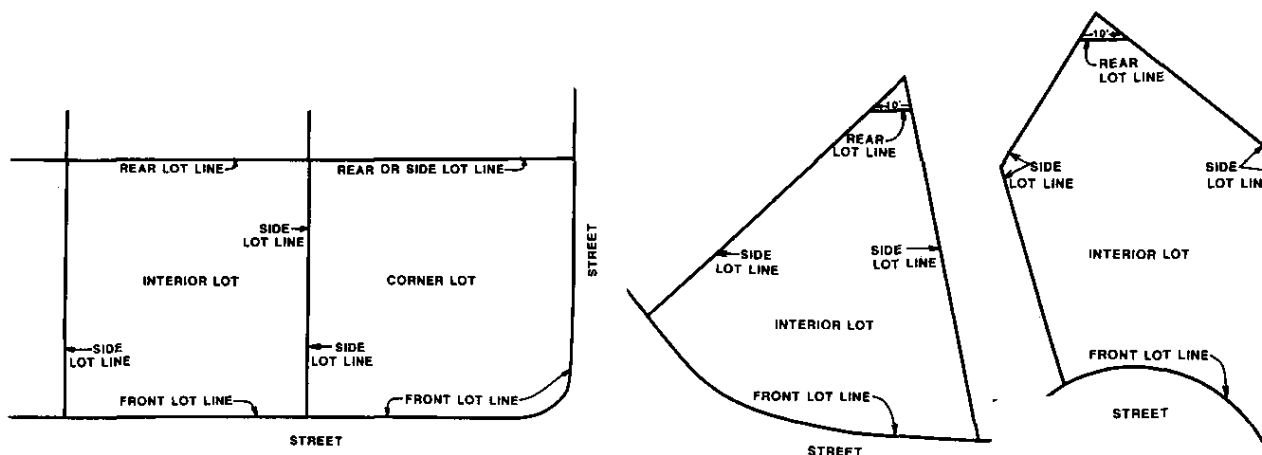
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

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.



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.

Message: A complete, static display message on an Electronic Message Sign. *(Amended 2/11/14)*

Message Hold Time: The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. *(Amended 2/11/14)*

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.

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. [§25-12-102(5.2), C.R.S.]

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. [§25-12-102(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. [§25-12-102(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 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.

Parking, Off-Street: See Parking Lot. *(Amended 2/11/14)*

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.

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.

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.

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.

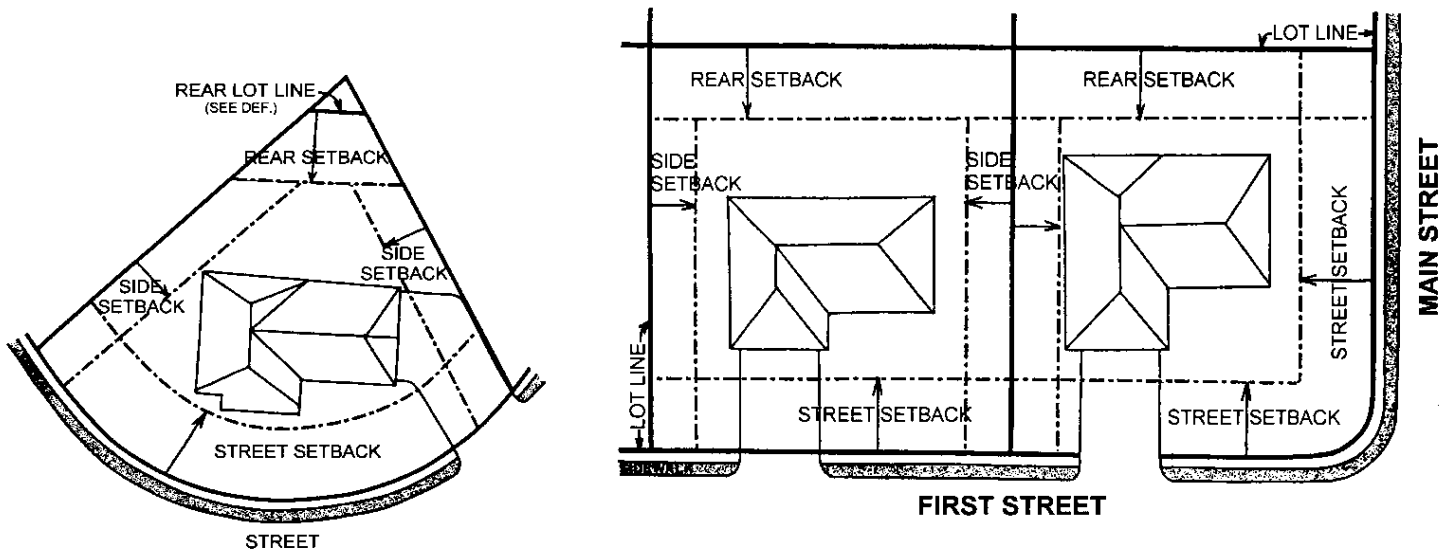
Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

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, 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 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.

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: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location or otherwise by any means. *(Amended 2/11/14)*

Sign, Banner: Any sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. *(Amended 2/11/14)*

Sign, Billboard: Any sign which directs attention to a business, activity, commodity, service, entertainment, or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located. *(Amended 2/11/14)*

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. *(Amended 2/11/14)*

Sign, Directory: Any sign directing or guiding vehicular or pedestrian traffic to identified locations or businesses on the property. *(Amended 2/11/14)*

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. *(Amended 2/11/14)*

Sign, Freestanding: Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. *(Amended 2/11/14)*

Sign, Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. *(Amended 2/11/14)*

Sign, Informational: A temporary, noncommercial sign of which the sole purpose is to convey information with respect to the premise or site on which it is located, or a sign expressing a thought, opinion, or viewpoint. Examples may include signs such as: for sale, for lease, garage sale, model home, construction, campaign, etc. *(Amended 2/11/14)*

Sign, Private Notification: A written or printed notice, announcement, or warning located on private property. Examples may include signs such as: no trespassing, no parking, no solicitation, etc. *(Amended 2/11/14)*

Sign, Temporary: Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for an event of a non-recurring nature. *(Amended 2/11/14)*

Sign, Vehicle: Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. *(Amended 2/11/14)*

Sign, Wall: Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. *(Amended 2/11/14)*

Sign, Way-Finding: Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the property. *(Amended 2/11/14)*

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign, but excludes merchandise in a window display. *(Amended 2/11/14)*

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. [§25-12-102(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.

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)*

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;

- **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

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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