

RESOLUTION NO. R-013-062  
THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

Re-recorded with a revised  
exhibit A to correct  
amended dates on pages 15-18  
through 15-27 to 5/13/14.

A RESOLUTION ADOPTING AMENDMENTS TO SECTION 15 OF THE DOUGLAS  
COUNTY ZONING RESOLUTION

**WHEREAS**, the Planning Services Division has prepared amendments to Section 15, Planned Development of the Douglas County Zoning Resolution ("Amendments"), which are attached hereto and incorporated herein as a portion of Exhibit A (Project No. DR2013-009); and

**WHEREAS**, said Amendments were reviewed and recommended for approval by the Planning Commission on April 21, 2014; and

**WHEREAS**, the Board of County Commissioners considered said Amendments and New Section at a public hearing held on May 13, 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 Section 15, Planned Development (PD) of the Douglas County Zoning Resolution, is hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall be effective as of May 13, 2014.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of May, 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



#2014026947, 05/23/2014 at 12:35:55 PM,  
1 OF 47, Rec Fee \$0.00  
Douglas County CO Jack Arrowsmith,  
Clerk & Recorder

Re-recorded 5/29/14 to properly  
reflect previously approved  
changes to Sections 1505.04  
and 1520.04 on Exhibit A.

#2014024029, 05/13/2014 at 04:53:17 PM,  
1 OF 47, Rec Fee \$0.00  
Douglas County CO Jack Arrowsmith,  
Clerk & Recorder

## DOUGLAS COUNTY ZONING RESOLUTION

Section 15 PD - Planned Development District

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## SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

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1501 Intent

To encourage innovative and creative design and to facilitate a mix of use in the development of a balanced community including residential, business, commercial, recreational, open space and other selected secondary uses, in accordance with Section 24-67-101, et. seq., C.R.S. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to:

- ensure that provision is made for ample open space;
- ensure that environmentally and visually sensitive areas are preserved;
- promote layout, design and construction of residential development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area;
- provide or be located in proximity to employment and activity centers such as shopping, recreational, and community centers, health care facilities, and public transit;
- ensure the adequacy of public facilities to accommodate population growth;
- promote balanced developments of mixed housing types;
- encourage the provision of dwellings with a range of affordability; and
- otherwise implement the stated purpose and intent of this Resolution and the Douglas County Comprehensive Master Plan.

Development in this district is permitted only in accordance with a Development Plan prepared and approved in accordance with the provisions herein.

The PD zone district is characterized by neighborhoods balanced in terms of scale and identity and as a complete community with adequate schools, parks, employment opportunities, convenience retail; health services and public transit. Pedestrian, bicycle and automobile circulation should include connections between neighborhoods, community facilities, employment centers, and shopping centers.

1502 General Requirements

Planned Developments may be controlled by one or more owners and shall be developed under unified control or by a unified plan. The owners, successors, heirs, or assigns shall be bound by the approved Development Plan, including any amendments thereto approved by the Planning Director or Board of County Commissioners.

- 1502.01 In order to provide uniform administrative procedures and quality development standards, Planned Developments shall conform to the following sections of this Resolution, as amended:

Sections: 1 - Administrative Provisions  
2 - General Requirements and Exceptions  
15 - PD – Planned Development District

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- 18 - Floodplain - Overlay District
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- 19A - Parker IGA - Overlay District
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- 20 - Nonconforming Uses and Buildings
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- 26 - Variance Standards and Procedures
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- 30 - Lighting
- 31 - Clearing, Grading, and Land Disturbance
- 32 - Location and Extent
- 36 - Definitions

Development Plans may include more restrictive regulations than that which is included in the above listed sections, but standards shall not be established that fall below these minimum standards.

Additionally, Development Plans may include regulations for signs, parking and definitions which are not addressed by this Resolution.

- 1502.02 Mineral extraction operations processed as Planned Developments shall meet all requirements and criteria listed in the Uses Permitted By Special Review Section of this Resolution.
- 1502.03 A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.
- 1502.04 All public utility distribution lines shall be placed underground.
- 1502.05 All uses proposed in the Planned Development shall be served by a central water and sanitation facility, unless this Zoning Resolution permits the proposed uses to be served by an individual well and an individual septic system.

### 1503 Approval Criteria For Planned Development Rezoning (Amended 8/22/07)

The following criteria shall be considered by the Planning Commission and Board in the review of planned development rezoning applications:

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- 1503.01 whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 1503.02 whether the application is in compliance with all applicable statutory provisions;
- 1503.03 whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 1503.04 whether the general impact of the rezoning would adversely impact the provision of public facilities and services;
- 1503.05 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.06 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 1503.07 whether the intended land use would create traffic congestion or burden the existing road network;
- 1503.08 whether the proposed Development Plan complies with the general requirements in 1502 herein;
- 1503.09 whether the planned development provides for unified development control under a unified plan; and
- 1503.10 whether the subject land contains a water supply sufficient in terms of quantity, dependability and quality as determined in conformance with Section 18A, Water Supply - Overlay District, herein.

For proposed residential uses, the determination of compliance with the criteria set forth in Subsections 1503.04 and 1503.07 herein shall be consistent with the procedures and criteria established in the Concurrency Management Resolution.

#### 1504 Prerequisite (Amended 8/11/04)

Prior to submittal of a planned development rezoning application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements.

- 1504.01 The applicant shall contact the Planning Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:

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- 1504.01.1 a schematic plan illustrating the location and relationship of proposed uses by planning area, including access, street network, trails, parks, open space, connections to neighborhoods;
- 1504.01.2 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas; and
- 1504.01.3 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas.
- 1504.02 The staff shall comment on the proposed planned development design; compliance with the intent of the planned development provisions, and the Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 1504.03 A staff comment summary shall be provided to the applicant, and to the Planning Technician for inclusion in the project file.

1505 Rezoning Submittal Process (Amended 8/11/09)

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

- 1505.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 1505.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 1505.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as

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requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

- 1505.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

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

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

- 1505.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.
- 1505.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 1505.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

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- 1505.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.
- 1505.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 1505.10 Upon approval, the Development Plan shall be recorded in accordance with Section 1510 herein.
- 1505.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*

1506 General Submittal Requirements *(Amended 8/22/07)*

- 1506.01 A completed application form *(available from the Planning Office)*
- 1506.02 Application Fee *(fee schedule available from the Planning Office)*
- 1506.03 Proof of ownership, which may be updated or current title insurance policy or title commitment no more than thirty days old from the date of application.
- 1506.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.
- 1506.05 Project Summary *(per 1507 herein)*
- 1506.06 Plan Exhibit *(per 1508 herein)*
- Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.07 Development Plan *(per 1509 herein)*



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Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.

1506.08 A copy of the staff comments from the presubmittal review and any additional information, as requested by staff.

1506.09 Evidence of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

1507 Project Summary

The following information shall be submitted in written narrative form, unless waived by the Director:

1507.01 The name and address of:

- landowner/applicant
- representative, if applicable
- mineral rights owner
- water rights owner

1507.02 General project concept

1507.03 Proposed development staging and time frame

1507.04 Relationship to the existing and adjacent land uses

1507.05 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning

1507.06 Impacts on county services

1507.07 A traffic study prepared in accordance with the Douglas County Roadway Design and Construction Standards or as required by the Planning and Engineering Divisions

1507.08 Evidence of the physical and legal capability to provide sanitation

1507.09 Type or method of fire protection

1507.10 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards

1507.11 Impacts on existing flora and fauna

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## 1507.12 Compliance with the:

- Douglas County Comprehensive Master Plan
- Denver Regional Council of Government's Metro Vision 2020 Plan
- 1041 Regulations regarding New Communities

1507.13 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas

1507.14 Any other required information as applicable when other applications are processed in conjunction with the land-use application

## 1507.15 Comparison Analysis

Provide a chart on 8 1/2" X 11" paper comparing the proposed Development Plan to the zone district requirements of the Zoning Resolution.

	<u>Proposed</u>	<u>County</u>
e.g.: MULTIFAMILY		
Maximum height	35'	50'
Front Setback	15'	25'
e.g.: COMMERCIAL – Uses By Right		
Retail Commercial	yes	yes
Car sales/service	yes	yes
Bungee Jumping	yes	no

1508 Plan Exhibit

1508.01 The plan shall be submitted on 24" X 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. A margin, at least 1" on all sides, shall be provided on each sheet and left entirely blank.

1508.02 The name of the proposed planned development shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing planned developments or subdivisions. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County shall be included under the name followed by the total acreage, number of residential units, or square footage of business, commercial, or industrial. For example:

<p align="center"><b>MEADOWBROOK PLANNED DEVELOPMENT</b>  A part of the S/2 of Section 9, Township 6 South, Range 67 West  of the 6<sup>th</sup> P.M., Douglas County, CO  475 acres – 230 dwellings – ZR ____</p>
--

1508.03 A written metes and bounds legal description of the land.

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- 1508.04 Two vicinity maps that depict the area to be rezoned and the area which surrounds this site within a 2 mile radius. One vicinity map shall be superimposed on the Douglas County Zoning Map, and the other vicinity map shall be superimposed on the Douglas County Subdivision map, maintaining the same scale.
- 1508.05 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
- the preparation date
  - a north arrow designated as true north
  - a written and graphic scale
  - the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit
  - the number of the sheet and the total number of sheets
- 1508.06 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the adjacent land.
- 1508.07 Delineate, to scale, the existing easements or rights-of-way on the site, their use and titleholder or right holder.
- 1508.08 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 1508.09 Show public access to the site and internal circulation, not limited to vehicular.
- 1508.10 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 1508.11 Show topography at 10' contour intervals including high and low spot elevations; shadow areas of 20% or greater slope, - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1508.12 Graphically define all natural and man-made watercourses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 1508.13 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 1508.14 Note any unique features on the site, historical landforms, views, etc.

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1509 Development Plan (Amended 8/22/07)

The Development Plan shall be prepared on 24" X 36" sheets. A margin, at least 1" on all sides, shall be provided on each sheet, and left entirely blank. The name of the planned development shall be centered on the upper portion of each sheet and the sheet number in the lower right hand corner of each sheet. Textual information shall be placed in columns 5-8 inches in width. Type style shall be sans serif (*without a fine line finishing off the main strokes of a letter*) at a minimum size of 12 pt. For processing purposes, the textual information may be prepared on 8 1/2" X 11" paper.

1509.01 Sheet 1

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet.

- 1509.01.1 The following wording shall be placed verbatim in columns, 5-8 inches in width, beginning in the upper left hand column:

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**GENERAL PROVISIONS****Authority**

This Development Plan is authorized by Section 15 – Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.

**Applicability**

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Community Development Director or Board of County Commissioners.

**Adoption**

The adoption of this Development Plan shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Plan for (*name of development*) is in general conformity with the Douglas County Comprehensive Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

**Relationship to County Regulations**

The provisions of this Development Plan shall prevail and govern the development of (*name of development*), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.

**Enforcement**

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

**Conflict**

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Community Development.

**Maximum Level of Development**

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction (*plus approved density transfers, if any*). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.

**Project Tracking**

At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Division, in order to assure maximum development limits are not exceeded.

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- 1509.01.2 The statement of commitments shall follow the above in the identical format, with the following heading:

**"STATEMENT OF COMMITMENTS"**

*The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:*

- (1) *Dedication: Public dedication for parks, schools, libraries, roads, drainage, etc., either in specific acreage dedication (referenced by symbol) or specific cash-in-lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. A provision for on-demand dedication for regional parks and trails and school sites should be stated. The applicant shall provide title insurance for County-dedicated land. In all cases, dedicated land shall be conveyed to Douglas County and the County may further convey the land to the appropriate agency.*
- (2) *On- or off-site improvements: Provision shall be made for the construction of, or payment of fees for, county or off-site improvements through bonding or the imposition of pro rata fees.*
- (3) *Wildlife preservation plan*
- (4) *Wetlands/riparian preservation plan*
- (5) *Project phasing restrictions*
- (6) *Fire protection*
- (7) *Payment of taxes on land to be dedicated for public use*
- (8) *Other commitments imposed by the Board*

**Parks/Trails/Open Space Commitments Matrix**

Area	Plan preparation and approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Park A					
Park B					
Trail					

(Amended 3/28/01)

- 1509.01.3 For applications where the applicant proposes creation of a New Special District to provide water service as described in Section 18A, Water Supply – Overlay District, of this Resolution, the statement of commitments shall include a commitment to submit evidence of the creation of the New Special District and of execution of all intergovernmental agreements necessary for water service, prior to submittal of the first sketch plan, minor development final plat, or site improvement plan.

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## 1509.01.4 OWNERSHIP CERTIFICATION

Name of Landowner  
\_\_\_\_\_(Landowner's Signature – notarized)  
\_\_\_\_\_

I/we \_\_\_\_\_, (one of the following: qualified title insurance company, title company, title attorney, or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by \_\_\_\_\_ at the time of this application.

(Notarized Signature) \_\_\_\_\_

Name of Authorized Official \_\_\_\_\_

(date) \_\_\_\_\_

Name of Company: \_\_\_\_\_

OR

(Signature) (Registration No.) \_\_\_\_\_

Name of Attorney \_\_\_\_\_

(date) \_\_\_\_\_

## 1509.01.5 COUNTY CERTIFICATION

This rezoning request to Planned Development has been reviewed and found to be complete and in accordance with the (Board Resolution or Motion Number and Date) approving the Planned Development and all applicable Douglas County Regulations.

(Signature) \_\_\_\_\_

Chairman, Board of County Commissioners \_\_\_\_\_

(date) \_\_\_\_\_

(Signature) \_\_\_\_\_

Director, Community Development \_\_\_\_\_

(date) \_\_\_\_\_

## 1509.01.6 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this (day) of (month), 20\_\_, A.D. at \_\_\_\_ o'clock a.m./p.m., and was recorded per Reception No. \_\_\_\_\_.

\_\_\_\_\_  
Douglas County Clerk and Recorder

## 1509.01.7 INDEX

i.e.: Sheet 1 General Provisions/Requirements  
Sheet 2 Development Standards  
Sheet 3 Development Plan

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1509.02 Sheet 2

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. Beginning in the upper left-hand column of the sheet, state the following for each planning area category, e.g., single family:

1509.02.1 Principal Uses

1509.02.2 Uses Permitted by Special Review

1509.02.3 Accessory Uses/Structures

1509.02.4 Standards for Principal and Accessory Uses:

- (1) minimum lot area
- (2) minimum front, side and rear setbacks. Include a graphic representation or footprint of all typical residential structures other than single family detached, i.e., zero lot line, patio, etc. In order to provide for sufficient parking in all residential development where the garage door directly faces and is accessed by a public street, a minimum setback of 20 feet shall be required from the garage to the edge of the sidewalk nearest the garage, or, where sidewalks are not required, from the garage to the edge of the pavement
- (3) maximum building heights

1509.02.5 other standards or requirements provided in 1502.01 herein

1509.02.6 complete legal description - the staff planner may allow this to be provided on a separate sheet, if lengthy

1509.03 Sheet 3

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

- 1509.03.1 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
- North Arrow
  - Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Director or staff planner
  - Date of Preparation



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- 1509.03.2 Two vicinity maps that depict the relationship to the surrounding area within a 2 mile radius.
- One vicinity map shall be superimposed on a current Douglas County Subdivision Map,
  - The other shall be superimposed on a current Douglas County Zoning Map, maintaining the same scale.
- 1509.03.3 Dimensions, bearings, and control points along all exterior property lines
- 1509.03.4 Topography at 10' contour intervals, including high and low spot elevations; shadow areas of 20% or greater slope - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1509.03.5 Access
- (1) Arterials and collectors - In all cases, access shall be depicted to all planning areas, include right-of-way dimensions and surface width. (*Refer to the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and the Subdivision Resolution Design Guidelines*).
  - (2) Trails
  - (3) Existing Easements - The staff planner may allow them to be provided on a separate plan
- 1509.03.6 100-year floodplains - Depending upon the extent of floodplain area, the Director may permit this information to be provided on a separate sheet.
- 1509.03.7 Land Dedication
- Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting.
  - All other land dedication including school, library, fire station, or sheriff substations as needed or required.
- 1509.03.8 Planning Areas
- All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.

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- For each planning area shown on the Development Plan or within a separate table, indicate the following:
  - acreage
  - number of dwelling units
  - land use designation
  - residential density
  - nonresidential square footage

**NOTE:** *The number of dwellings indicated in the planning areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PD. The density range for each planning area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PD. The actual number of dwellings approved by the Board may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Board.*

## 1509.03.9 Land Use Table

A separate land-use table, which indicates the total land use for the planned development, shall be prepared as follows:

Partial Example:					
<u>SYMBOL</u>	<u>LAND USE</u>	<u>GROSS DENSITY</u>	<u>UNITS</u>	<u>ACRES</u>	<u>%</u>
SF	Single Family	3	120	40.0	26%
MF	Multi Family	9	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
	<b>SUBTOTAL</b>	8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
	<b>SUBTOTAL</b>	784,080 sq. ft.		34.0	23%

1510 Recordation of Development Plan

- 1510.01 Upon approval by the Board, the applicant shall have 6 months to submit 2 sets of the approved amended Development Plan on 24" X 36" tapeless, spliceless and creaseless original film mylar, 3 millimeters thick, using only permanent black ink that will adhere to drafting films (*no ball point, transfer type or stickybacks*); or an acceptable "fix-line" photographic reproduction or computer generated reproduction (*emulsion up*) of the original drawings, ready for recordation, including the recordation fees, to the staff planner. In addition, the applicant shall submit one 11" X 17" mylar reduction (*as specified above*) of the Development Plan to the Planning Division.

If the documents are not submitted within said time period, the PD zoning and Development Plan will be void and of no force or effect.

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1510.02 Within 30 days of receipt of the Development Plan, the staff planner shall review the documents for compliance with the Board approval, obtain the County Official's signatures and submit to the Clerk and Recorder's Office for recordation.

1510.03 The Director may grant no more than one extension of time, of not more than 6 months, upon a written request by the applicant prior to the expiration of the 6-month period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, listing any changes in the character of the neighborhood, any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the plan. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon written request by the applicant or staff. *(Amended 4/10/12)*

1510.04 If the request for an extension of time for recordation of the plan is denied by the Director, the applicant may appeal the denial in writing to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

#### 1511 Public Notice Requirements - Rezoning

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

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

#### 1511.01 WRITTEN NOTICE *(Amended 5/13/14)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to Douglas County Planning :

- alphabetical list of the abutting landowners;

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- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

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

**CERTIFICATE OF MAILING**

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

(list of addresses)

(signature of person completing the mailing)

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

**1511.02 POSTED NOTICE** *(Amended 5/13/14)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three inches high. Such notice shall read:

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

This land shall be considered for a change in zoning from (*zone district*) to PD – Planned Development. The public hearing is (*date*), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (*time*). For more information call Douglas County Planning at 303-660-7460.

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

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1511.02.1 An affidavit of sign posting shall be submitted for the file to Douglas County Planning at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)  
(Sign lettering must be legible in photo)

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

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

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

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

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

Witness my hand and official seal

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

**1511.02.2** The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1511.03 PUBLISHED NOTICE (Amended 5/13/14)

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

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

The Board may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. Such notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to PD - Planned Development. The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.

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

### 1512 Amendments to the Development Plan

The Director shall determine whether an amendment request shall be considered an administrative amendment or a major amendment based on the criteria established herein.

Requests for a decrease of the setback, minimum lot size, or increase of the maximum building height for individual lots within the Planned Development shall be processed as a variance in accordance with Section 26 of this Resolution.

### 1513 Administrative Amendment - Process Eligibility Criteria (Amended 5/13/14)

An amendment request may be considered administrative if it meets the following criteria, as determined by the Director:

- 1513.01 Setbacks - A decrease of the required setback when such decrease is no more than a 40% change to the originally approved setback. (e.g., a 40% decrease of a 10-foot setback is 4 feet resulting in a new setback of 6 feet.)
- 1513.02 Minimum Lot Size - A decrease of the minimum lot size when such decrease is no more than a 40% change to the originally approved minimum lot size. (e.g., a 40% decrease of a 10,000 sq. ft. lot is 4,000 sq. ft. resulting in a new minimum lot size of 6,000 sq. ft.)
- 1513.03 Maximum Building Height - An increase of the maximum building height when such increase is no more than a 40% change to the originally approved maximum building height.
- 1513.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area of 20% or less provided:
  - the change is compatible with the density range of the affected planning area of the Development Plan,
  - the service providers are able to serve the additional units, and
  - the proposed increase meets the overall intent of the Development Plan.

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- 1513.05 Text Changes - Changes to the text when such changes do not alter the intent of the planned development or the commitments.
- 1513.06 Street Alignment The Director, upon consultation with the County Engineer, shall determine whether a minor shift in the alignment of an arterial or collector road impacts abutting planning areas or traffic patterns such that an administrative amendment is required.
- 1513.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the Development Plan. A planning area boundary may be changed as noted below:
  - 1513.07.1 the total acreage of the planning area(s) is increased by no more than 20%
  - 1513.07.2 such change does not alter the intent of the planned development
  - 1513.07.3 the total acreage of affected open space area(s) is not decreased; open space area(s) proposed to be reconfigured is of equal or higher value. Such factors as location, accessibility, slope and views shall be considered
  - 1513.07.4 the proposed change to the planning area boundary does not include an inclusion or exclusion of land to the planned development
- 1513.08 Planning Area Relocation - One or more planning areas may be relocated within the boundaries of the planned development provided the relocation meets the overall intent and approval criteria, and impacts to residential areas either within or abutting the planned development are minimal, as determined by the Director.

1514 Administrative Amendment - Approval Criteria (Amended 5/13/14)

The following criteria shall be considered by the Director for approval of an administrative amendment:

- 1514.01 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;
- 1514.02 whether the amendment is consistent with the efficient development and preservation of the entire planned development;
- 1514.03 whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and

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- 1514.04 whether the amendment's sole purpose is to confer a special benefit upon an individual.

1515 Administrative Amendment - Submittal Process (Amended 5/13/14)

- 1515.01 The applicant shall submit the required submittal information to Planning Services. The submittal shall be reviewed by staff and a determination of completeness shall be made within fifteen (15) calendar days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 1515.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- 1515.03 The applicant shall also provide stamped letter sized envelopes addressed to affected parties, including, but not limited to, recognized HOAs and other entities as requested by staff dependent upon the scope of the proposed amendment. Staff shall mail a courtesy notice of an application in process and applicable contact information to the affected parties, along with a copy to the applicant.
- 1515.04 If the referral agencies elect to comment, they shall comment within twenty-one (21) calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than thirty (30) calendar days. After the twenty-one (21) calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant.

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

The applicant is encouraged to meet with the referral agencies and staff to address any concerns.

- 1515.05 Within thirty (30) calendar days of the close of the referral period, the Director shall approve, or deny the request.



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1515.06 An appeal of the Director's decision regarding an administrative amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

1516 Administrative Amendment – Public Notice Requirements (Amended 5/13/14)

1516.01 The Director shall determine whether the applicant must provide public notice. When public notice is required, the applicant shall provide notice as set forth in this section. The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Director.

1516.02 At least fifteen (15) calendar days prior to the Director's decision, the applicant shall mail, by first-class, a written notice of the proposed amendment to each homeowners' association within and abutting the planned development, and shall submit a certificate of mailing to Douglas County Planning Services seven (7) days prior to the date of the Director's decision. The notice shall read substantially the same as the published notice also required by this section. The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

**CERTIFICATE OF MAILING**

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

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to a homeowners' association or otherwise fails to comply with the written notice required in this section, the homeowners' association that did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Services prior to the Director's decision.

1516.03 At least fifteen (15) calendar days prior to the Director's decision, the applicant shall:

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

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**NOTICE OF PROPOSED ADMINISTRATIVE AMENDMENT TO**  
(Name of Development Plan)

On (date) action will be taken on an administrative amendment to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of . . .). Address all comments to Douglas County Planning Services, 100 Third Street, Castle Rock, CO 80104.

**1517 Administrative Amendment – Post Approval Procedures** (Amended 5/13/14)

- 1517.01 Within sixty (60) calendar days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation.
- 1517.01.1 Two (2) copies of the approved amended Development Plan shall be submitted on 24 inches by 36 inches tapeless, spliceless and creaseless original mylar using only permanent black ink.
- 1517.01.24 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.
- 1517.02 Within thirty (30) calendar days of submittal of the amended Development Plan to Planning Services, the staff planner shall review the documents for compliance with the Director's approval, obtain county officials' signatures, as necessary, and submit the document to the Clerk and Recorder's Office for recordation.
- 1517.03 The Director may grant no more than one (1) extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the thirty (30) day period. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 1517.04 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable.
- 1517.05 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

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1518 Administrative Amendment - Submittal Requirements (Amended 5/13/14)

- 1518.01 Completed land use application
- 1518.02 Application fee
- 1518.03 Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days old.
- 1518.04 A notarized letter of authorization from the landowner permitting a representative to process the application.
- 1518.05 A written narrative describing the request
- 1518.06 A written explanation of the eligibility of the request for processing as an administrative amendment in accordance with Section 1513.
- 1518.07 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively, and containing the required certificates. For example:

**MEADOWBROOK PLANNED DEVELOPMENT, 1<sup>ST</sup> AMENDMENT**  
 An administrative amendment to (specific element or planning area)

## 1518.07.1 COUNTY CERTIFICATION

An administrative amendment is signed by the Director. The signature block shall read:

ADMINISTRATIVE AMENDMENT OF THE *(name of PD)* DEVELOPMENT PLAN AMENDING *(specify element i.e., boundary of Planning Area 43)* AS DEPICTED HEREON PURSUANT TO SECTION *(specific section of the Development Plan)*.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE DIRECTOR OF COMMUNITY DEVELOPMENT. THIS AMENDMENT NO. \_\_\_\_ AFFECTS ONLY *(i.e., Planning Area 43)* AS DESCRIBED IN FILE NO. \_\_\_\_\_.

\_\_\_\_\_  
 Director of Community Development

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## 1518.07.2 CLERK AND RECORDER CERTIFICATION

State of Colorado        )  
                                  ) ss.  
County of Douglas        )

I hereby certify that this Plan was filed in my office on this (day) of (month), 20\_\_\_\_,  
A.D. at \_\_\_\_\_ o'clock a.m./p.m., and was recorded per Reception No. \_\_\_\_\_.

\_\_\_\_\_  
Douglas County Clerk and Recorder

- 1518.08 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the administrative amendment application if the proposed change impacts platted land.

1519 Major Amendment - Process Eligibility Criteria (Amended 5/13/14)

An amendment request shall be considered a major amendment if it meets one or more of the following criteria:

- 1519.01 Setbacks - decrease of the required setback when such decrease is greater than a 40% change to the originally approved setback.
- 1519.02 Minimum Lot Size - A decrease of the minimum lot size which is greater than 40% of the minimum lot size originally approved.
- 1519.03 Maximum Building Height - An increase of the maximum building height when such increase is greater than a 40% change to the originally approved maximum building height.
- 1519.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area greater than 20%.
- 1519.05 Text Changes - Substantial changes to the development standards or commitments.
- 1519.06 Street Alignment - A significant shift in the alignment of an arterial or collector, as determined by the Director.
- 1519.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the Development Plan. This planning area boundary may be changed when:

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- 1519.07.1 the total acreage of the planning area is increased by more than 20%
- 1519.07.2 the open space area is proposed to be decreased. Such factors as location, accessibility, slope and views shall be considered
- 1519.07.3 park and school land dedication have been approved by the County Parks and Open Space Division and the School District.
- 1519.08 Planned Development Boundary - Any proposed increase or decrease to the perimeter boundaries that results in a change in the overall size or acreage of the Planned Development shall be subject to the rezoning process unless the land to be added is already zoned planned development.
- 1519.09 Land Use - Any change in the allowed land-use categories, including changes in densities, such as from single-family to multi-family residential.
- 1520 Major Amendment - Submittal Process *(Amended 12/13/11)*
  - 1520.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
  - 1520.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
  - 1520.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.
  - 1520.04 The referral agencies shall comment within 21 calendar days of the date referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for information purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*
  - 1520.05 The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the Planning

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Commission, notify the applicant of the hearing date and time, and prepare a staff report.

- 1520.06 The applicant is responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

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

1520.06.1 WRITTEN NOTICE *(Amended 6/14/06)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to the Planning Office:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

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

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_, and addressed as follows:

*(list of addresses)*

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

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice

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required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

**1520.06.2 POSTED NOTICE** (*Amended 3/28/01*)

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' X 4'. Letter size shall be a minimum of 3 inches high. Said notice shall read:

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

This land shall be considered for a major amendment to the *(name)* Development Plan. The public hearing is *(date)* in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at *(time)*. For more information call Douglas County Planning at 303-660-7460.

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

Further requirements include:

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

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

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

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

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

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

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

Witness my hand and official seal

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

- (2) The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1520.06.3 PUBLISHED NOTICE (Amended 3/28/01)

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

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

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider a major amendment to the (name) Development Plan. The proposed amendment is to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of...). For more information call Douglas County Planning at 303-660-7460.

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



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- 1520.07 The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1520.08 Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the Board, and notify the applicant of the hearing date and time. The applicant shall be responsible for public notice, in accordance with Section 1520.06, herein.
- 1520.09 The Board shall evaluate the major amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the amendment. The Board's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1520.10 Approval Criteria - The following criteria shall be considered by the Board for approval of the major amendment:
- 1520.10.1 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.
  - 1520.10.2 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.
  - 1520.10.3 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.
  - 1520.10.4 Whether the amendments sole purpose is to confer a special benefit upon an individual. *(Amended 6/14/06)*
  - 1520.10.5 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.
- 1520.11 Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to the Planning Division for recordation as follows:

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1520.11.1 Two copies of the approved amended Development Plan shall be submitted on 24" X 36" tapeless, spliceless and creaseless original paper using only permanent black ink.

1520.11.2 COUNTY CERTIFICATION

THIS MAJOR AMENDMENT OF THE *(name of PD)* DEVELOPMENT PLAN AMENDING THE *(specific element, e.g., the setbacks for Planning Area 62)* AS DEPICTED HEREON PURSUANT TO *(specific section of Development Plan)* HAS BEEN APPROVED BY BOARD RESOLUTION NO. \_\_\_\_\_ ON *(month/day/year)*.

THIS AMENDMENT NO. \_\_\_\_\_ AFFECTS ONLY *(e.g., Planning Area 62)* AS DESCRIBED IN FILE NO. \_\_\_\_\_.

\_\_\_\_\_  
*(Signature)*  
Chair, Board of Douglas County Commissioners

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature)*  
Director of Community Development

\_\_\_\_\_  
*(Date)*

1520.11.3 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this *(day)* of *(month)*, 20\_\_\_\_, A.D. at \_\_\_\_\_ o'clock a.m./p.m., and was recorded per Reception No. \_\_\_\_\_.

\_\_\_\_\_  
Douglas County Clerk and Recorder

1520.11.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1520.12 Within 30 days the staff planner shall review the documents for compliance with the Board's approval, obtain County Officials' signatures, as necessary, and submit the document to the Clerk and Recorder for recordation.

1520.13 The Director may grant no more than one extension of time, of not more than 6 months, upon a written request by the applicant prior to the expiration of the 30-day period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 4/10/12)*

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1520.14 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1521 Major Amendment - Submittal Requirements *(Amended 8/11/04)*

1521.01 Completed land use application *(available from the Planning Office)*

1521.02 Application fee *(fee schedule available from the Planning Office)*

1521.03 Proof of ownership, which includes an updated, or current title insurance policy or title commitment no more than thirty days old.

1521.04 A notarized letter or authorization from the landowner permitting a representative to process the application.

1521.05 A written explanation of the request.

1521.06 Three copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively. For example:

<p><b>MEADOWBROOK PLANNED DEVELOPMENT, (i.e., 1<sup>st</sup>) Amendment</b> A major amendment to (specific element and/or planning area)</p>
--

1521.07 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the major amendment application showing the acreage affected and compliance with the provisions herein.

1522 Withdrawal Of An Application

The applicant may withdraw an application at any time during the process upon submittal of a written request to the Planning Division.

1523 Inactive Files

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void and the resubmittal of a new application and fees shall be required to pursue the request. The Director may grant no more than two (2) extensions of time, of no more than six (6) months each, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant, in writing, that the application will become void within 30 days. After 30 days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant, in writing, that the application is void.

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This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. (*Amended 4/10/12*)

**1524 Concurrency Management Resolution****1524.01 Purpose and Intent**

- 1524.01.1 To ensure that public facilities needed to support new development meet or exceed the adopted level-of-service standards established by the Douglas County Comprehensive Master Plan and this Resolution (*see Appendices A and B hereto*);
- 1524.01.2 To ensure that no residential rezonings are approved which would cause a reduction in the levels of service for any public facilities below the adopted level-of-service established in the Douglas County Master Comprehensive Plan and this Resolution;
- 1524.01.3 To ensure that adequate public facilities needed to support new residential development are available concurrent with the impacts of such development;
- 1524.01.4 To establish uniform procedures for the review of residential rezoning applications subject to the concurrency management standards and requirements;
- 1524.01.5 To facilitate implementation of goals and policies set forth in the Douglas County Comprehensive Master Plan relating to adequacy of public facilities, level-of-service standards and concurrency; and
- 1524.01.6 To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

**1524.02 Applicability**

- 1524.02.1 This Section 1524 shall not apply to any use, development, project, or activity that does not result in a new residential dwelling unit.
- 1524.02.2 The provisions of this Section 1524 shall apply to all applications for development approval requesting a residential use, or those portions of applications for development approval requesting a residential use, within the unincorporated area of Douglas County, Colorado. It is the intent of this Section 1524 that no Development Order shall be granted, approved or issued, unless accompanied by a Concurrency Data Form that has received a positive concurrency determination, or a positive concurrency determination subject to conditions.

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1524.02.3 No application for development approval requesting a residential use shall be approved unless it has received a positive concurrency determination as set out in Section 1524.04.5(1)(a), or a positive concurrency determination subject to conditions, as set out in Section 1524.04.5(1)(c).

1524.02.4 Exemptions

Exemptions from this Section 1524 Concurrency Management may be granted by the Director for developments as defined in 1) and 2) below:

- (1) all residential development within the Primary Urbanization Area (PUA) as depicted on the Comprehensive Master Plan Land Use Map, designed to foster development patterns indicative of innovative and sound planning principles, such as, but not limited to the following: transportation network connectivity, shortened local trip paths, improved transit access, varied housing options that serve different populations and needs, energy-efficient housing, emphasis on proximity to services through the development of elements such as town center or community focal points, or other elements which promote efficient use of existing infrastructure and enhance opportunities to improve/create community development and identity. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*
- (2) rezoning of existing nonresidential zoned land to a residential zoning in compliance with the Douglas County Comprehensive Master Plan where such rezoning improves special district viability with minimal environmental impacts, or provides other overall benefit to the County, as determined by the Director. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*

An appeal of the Director's decision regarding the waiver request may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. (Amended 4/10/12)

1524.02.5 Vested Rights

- (1) Nothing in this Concurrency Management Resolution shall limit or modify the rights of an applicant to complete any development authorized by an approved Site Specific Development Plan for a period extending 3 years following

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the approval thereof or the expiration date set forth in the Site Specific Development Plan.

- (2) If a developer has, by his actions in reliance on prior regulations, obtained vested rights that by law would have prevented Douglas County from changing those regulations in a manner adverse to his interests, nothing in this Concurrency Management Resolution authorizes Douglas County or any official thereof to abridge those rights.

1524.02.6 The determination of concurrency shall not affect the otherwise operable and applicable provisions of the Douglas County Zoning Resolution or the Douglas County Subdivision Resolution, all of which shall be operative and remain in full force and effect without limitation.

1524.02.7 A Concurrency Data Form shall not be required for proposed residential development in municipalities in Douglas County unless the municipality and the County have mutually executed an intergovernmental agreement providing for the County to undertake this function on behalf of the municipality.

#### 1524.03 General Provisions - Monitoring

##### 1524.03.1 Concurrency Information Database

The Department shall develop, maintain, and update a Concurrency Information Data Base which shall provide support to County officials and departments responsible for concurrency review, monitoring and planning for public facilities. At a minimum, the data base shall contain the following information:

- (1) existing dwelling units and nonresidential development;
- (2) committed development, including committed development within incorporated municipalities in the County.

##### 1524.03.2 Annual Review

The Director shall, not less frequently than annually, prepare and submit to the Board an annual Concurrency Management Report. The report shall include:

- (1) growth trends and projections;
- (2) proposed changes to the boundaries of impact areas for any public facility;
- (3) proposed changes to existing or adopted level-of-service standards;
- (4) proposed changes in concurrency analysis methodologies;

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- (5) recommendations on amendments to the Concurrency Management Resolution, if appropriate; and
- (6) other data, analysis or recommendations as the Director may deem appropriate, or as may be requested by the Board.

**1524.03.3 Effect of Annual Review**

The Annual Review may, in whole or in part, form the basis for recommendations to the Board or Board actions to repeal, amend or modify this Section 1524. Other data, reports, analyses and documents relevant to such decisions as may be available may also be used.

**1524.03.4 Amendments**

Nothing herein precludes the Board or limits its discretion to amend this Section at such other times as may be deemed necessary or desirable.

**1524.04 Procedures for the Processing of Concurrency Data Form****1524.04.1 Submittal Requirements**

All applications for development approval shall be accompanied by a Concurrency Data Form which includes sufficient information to allow the County to determine the impact of the proposed residential development on public facilities pursuant to the concurrency determination procedures. The Concurrency Data Form shall be a form prepared by the Department. The information required shall include, but shall not be limited to:

- (1) the total number, type of dwelling units, and gross density of proposed residential development;
- (2) the location of the proposed residential development;
- (3) an identification of the public facilities impacted by the proposed residential development; and
- (4) any other appropriate information as may be required by the County consistent with the provisions of Appendix A herein.

**1524.04.2 Fee for Review of Concurrency Data Form**

Each application for development approval shall be accompanied by the required Concurrency review fees, as may be established by the Board.

**1524.05 Procedures for Concurrency Review and Recommendation by Department**

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## 1524.05.1 Department Review

The Department (*acting by and through the staff planner*) shall determine whether the information on the Concurrency Data Form complies with the submittal requirements set forth in Subsection 1524.04.1 herein and Appendix A. If the Concurrency Data Form is incomplete or the submittal requirements have not been complied with, the Department shall so notify the applicant, specifying the deficiencies. If the Concurrency Data Form is complete and the submittal requirements have been complied with, the Department and applicable agencies shall evaluate the proposed residential development for compliance with the adopted levels of service and shall submit a Concurrency Recommendation pursuant to Subsection 1524.05.2 herein.

## 1524.05.2 Department Recommendation

If the Department concludes that each public facility will be available concurrent with the impacts of the proposed residential development at the adopted levels of service, the Department shall make a positive Concurrency Recommendation in its staff report. If the Department determines that any public facility will not be available concurrent with the impacts of the proposed residential development at the adopted levels of service based upon existing public facilities, the Department shall make a negative Concurrency Recommendation in the staff report or, a positive Concurrency Recommendation with appropriate conditions consistent with the criteria set forth in Subsections 1524.10.2 and 1524.07.3 of this section. If the Department recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may address the density of the proposed residential development, the timing and phasing of the proposed residential development, the provision of public facilities by the applicant or any other reasonable conditions to ensure that all public facilities will be adequate and available concurrent with the impacts of the proposed residential development. The staff report shall, at a minimum, include the following, based upon staff and referral agency concurrency management recommendations:

- (1) the number of residential dwelling units proposed by the applicant, by type, and the resulting number of Equivalent Residential Units (ERU's) for each public facility;
- (2) the timing and phasing of the proposed residential development, if applicable;
- (3) the specific public facilities impacted by the proposed residential development;
- (4) the extent of the impact of the proposed residential development in the applicable impact areas;



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- (5) the capacity of existing public facilities in the impact areas which will be impacted by the proposed residential development, based on adopted level-of-service;
- (6) the demand on existing public facilities in the impact areas from all existing and approved development;
- (7) the availability of existing capacity to accommodate the proposed residential development; and
- (8) if existing capacity is not available, planned capacity and the year in which such planned capacity is projected to be available to serve the proposed residential development.

**1524.06 Withdrawal of Concurrency Data Form**

The applicant may withdraw the Concurrency Data Form at any time by submitting a written request to the Director. Withdrawal may result in the forfeiture of some or all fees paid by the applicant for the processing of the Concurrency Data Form.

**1524.07 Concurrency Determination by Board - Criteria**

A proposed residential rezoning and a residential use by special review which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The concurrency review shall compare the capacity of public facilities to the maximum projected demand which may result from the proposed residential rezoning or residential use by special review based upon the maximum potential density of the affected area pursuant to the residential rezoning or residential use by special review. Nothing herein shall authorize a residential rezoning or the issuance of a residential use by special review that would otherwise be inconsistent with the Douglas County Comprehensive Master Plan or the Douglas County Comprehensive Master Plan Land Use Map.

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Order, the Board may determine:

1524.07.1 a positive Concurrency Determination

1524.07.2 a negative Concurrency Determination

1524.07.3 a positive Concurrency Determination subject to one or more of the following conditions:

- (1) deferral of further requests for subdivision until all public facilities are available and adequate if public facilities in the impact area are not adequate to meet the adopted levels-of-service for the residential development proposal, consistent with the requirements of Subsection 1524.10.02 herein

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- (2) reduction of the density or intensity of the proposed residential development, including phasing of development, to a level consistent with the available capacity of public facilities
- (3) provision by the applicant of the public facilities necessary to provide capacity to accommodate the proposed residential development at the adopted levels-of-service and at the time that the impact of the proposed residential development will occur.

**1524.08 Effect of Positive Concurrency Determination**

- 1524.08.1 A Concurrency Determination for a Development Order shall be deemed to indicate that public facilities are available as determined in Section 1524.10.02 herein at the time of issuance of the Concurrency Determination.
- 1524.08.2 The Concurrency Determination shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, unless an application for a subsequent Development Order is submitted within the time frames set forth in the Douglas County Zoning Resolution. If no expiration date is provided in the Douglas County Zoning Resolution, in the conditions of the Concurrency Determination or in the conditions of permit approval, the Concurrency Determination shall expire within 2 years after approval of the Development Order.
- 1524.08.3 A Concurrency Determination shall not be deemed as evidence supporting a request for a Douglas County Comprehensive Master Plan Land Use Map amendment from the Nonurban Area to the Planned Urbanization Areas or to the Separated Urbanization Areas, nor shall it affect the need for the applicant for a rezoning to meet all other requirements as set forth in this Resolution.
- 1524.08.4 Advancement of capacity for public facilities needed to avoid a deterioration in the adopted levels of service shall not be accepted by the Board unless the proposed public facility is a planned capital improvement or appropriate conditions are included to ensure that the applicant will obtain all necessary approvals for such planned capital improvement from any governmental agency having jurisdiction over such planned capital improvement prior to or concurrent with the issuance of a final residential subdivision plat or, if subdivision approval is not required, a building permit. If such planned capital improvement requires the approval of a governmental agency, such approval shall authorize the full capacity upon which the Concurrency Determination was rendered. The commitment to construction of public facilities prior to plat

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recordation shall be included as a condition of the Concurrency Determination and shall contain, at a minimum, the following:

- (1) for planned capital improvements, a finding that the planned capital improvement is included within the capital improvements program of the applicable service provider;
- (2) an estimate of the total funding needed to construct the planned capital improvement and a description of the cost participation associated therewith;
- (3) a schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
- (4) a statement, based on analysis, that the planned capital improvement is consistent with the Douglas County Comprehensive Master Plan; and
- (5) at the option of the County, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed residential development, reimbursement to the applicant for the pro rata cost of the excess capacity.

#### 1524.09 Expiration of Concurrency Determination

1524.09.1 A Concurrency Determination issued pursuant to Subsection 1524.07 of this section shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the applicant has not complied with conditions attached to its issuance.

1524.09.2 If a Concurrency Determination attached to a rezoning expires, the County may initiate proceedings to rezone the property to the previous zoning or to another zoning in accordance with Section 25 Rezoning, herein, including notice for, and hearings before, the Planning Commission and the Board of County Commissioners.

#### 1524.10 Methodology and Criteria for Determining Availability and Adequacy of Public Facilities

##### 1524.10.1 Level-of-Service Standards

Compliance with level-of-service standards shall be measured in accordance with the standards set forth in Appendices A and B hereto, as the same may be amended from time to time, and which are incorporated by reference as if set forth in its entirety herein.

##### 1524.10.2 Availability of Public Facilities

Public facilities shall be deemed to be available within the applicable impact area if they meet the following standards:

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- (1) Water/Wastewater Facilities and Fire Protection Facilities
  - (a) the public facilities are currently in place or will be in place when the Development Order is granted; or
  - (b) provision of the public facilities are a condition of the Development Order and are guaranteed to be provided at or before the approval of a final plat or issuance of a building permit for proposed residential development on the subject property; or
  - (c) the public facilities are under construction and will be available at the time that the impacts of the proposed residential development will occur; or
  - (d) the public facilities are guaranteed by an enforceable development agreement which ensures that the public facilities will be in place at the time that the impacts of the proposed residential development will occur.
- (2) Regional Parks and Public Schools
  - (a) one of the criteria set forth in Subsection 1524.10.2(1) is met, or
  - (b) the public facilities are the subject of a written agreement or an enforceable development agreement which provides for the commencement of construction of the required Regional Parks or Public Schools, or
  - (c) the public facilities are planned capital improvements.
- (3) Streets
  - (a) one of the criteria set forth in Subsections 1524.10.2(1) or 1524.10.2(2), above, is met, or
  - (b) proposed residential development is located in a traffic impact area in which the streets or intersections needed to achieve the adopted level of service are included in the capital improvements program, and the Board makes the following specific findings:
    - (i) the streets identified in this subsection are financially feasible; and
    - (ii) the capital improvements program provides for the construction of public facilities or improvements to streets within the traffic impact area that are necessary to maintain the adopted level-of-service standards; and
    - (iii) the capital improvements program contains a financially feasible funding system based on currently available revenue sources which are adequate to fund the streets required to serve the development authorized by the Development Order; and
    - (iv) the applicable provisions of the capital improvements program show (1) the estimated date of the commencement of construction and (2) the

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estimated date of project completion for needed streets; and

- (v) the concurrency information data base includes sufficient data to ensure that proposed residential developments approved subject to this subsection do not cause a reduction of the level of service below the adopted level of service.

#### 1524.10.3 Adequacy of Public Facilities

Public facilities shall be deemed to be adequate if it is demonstrated that they have available capacity to accommodate the demand generated by the proposed residential development in accordance with the following calculation methodology, unless otherwise indicated herein:

- (1) Calculate capacity for each public facility within an impact area by adding together:
  - (a) the capacity of water facilities, wastewater facilities, and fire protection facilities consistent with Subsection 1524.10.2(1) herein;
  - (b) the capacity of public schools and regional parks consistent with Subsection 1524.10.2(2) herein; and
  - (c) the capacity of streets consistent with Subsection 1524.10.2(3) herein.
- (2) Calculate available capacity by subtracting from the capacity the sum of:
  - (a) the existing demand for each public facility; and
  - (b) the demand for each public facility created by the anticipated completion of committed development; and
  - (c) the demand for each public facility created by the anticipated completion of the proposed residential development under consideration for concurrency determination.

#### 1524.10.4 Public Facilities Affecting Areas Outside of Unincorporated Area of County

- (1) General. Availability and adequacy of streets shall be determined only with respect to streets located within the unincorporated area of Douglas County. If part of the applicable traffic impact area lies in an adjacent county or in a municipality within Douglas County, absent an intergovernmental agreement with the county or municipality, availability and adequacy may be determined only with respect to that portion of the streets located within the unincorporated area of the County.

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- (2) Intergovernmental Agreement. If the County has entered into an intergovernmental agreement with an adjacent county or with a municipality in Douglas County to evaluate public facilities in such areas, an applicant will be subject to the evaluation of the level-of-service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of concurrency, Douglas County shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed residential development will not cause a reduction in the level-of-service standards in Douglas County with respect to those public facilities lying within the adjacent county or the municipality.
- (3) Available capacity for fire protection facilities, water facilities, wastewater facilities and public schools shall include municipally based demand and municipally based facilities.

**1524.11 Administrative Rules and Regulations**

The Board may adopt, by resolution, any necessary rules, regulations, administrative guidelines, forms, worksheets and processes to efficiently and fairly administer and implement this section.

**1524.12 Conflict**

To the extent of any conflict between other County resolutions or regulations and this section, the more restrictive is deemed to be controlling. This section is not intended to amend or repeal any existing County resolution or regulation.

**1524.13 Severability**

It is declared to be the intent of the Board that if any provision of this section is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this section.

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