

RESOLUTION NO. R-014- 118

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

A RESOLUTION ADOPTING AMENDMENTS TO SECTIONS 15, 21, 25, 36, APPENDIX A  
AND APPENDIX B OF THE DOUGLAS COUNTY ZONING RESOLUTION

**WHEREAS**, the Planning Services Division has prepared amendments to Section 15 – Planned Development, Section 21 – Use by Special Review, Section 25 – Rezoning, Section 36 – Definitions, Appendix A – Level of Service Standards, and Appendix B – School Capacity Standards of the Douglas County Zoning Resolution (“Amendments”), which are attached hereto and incorporated herein as Exhibit A (Project No. DR2013-007); and

**WHEREAS**, said Amendments were reviewed and recommended for approval by the Planning Commission on November 3, 2014; and

**WHEREAS**, the Board of County Commissioners considered said Amendments at a public hearing held on November 18, 2014; and

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

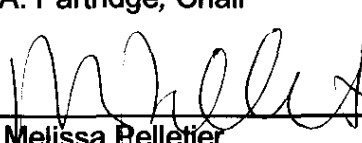
**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Douglas, State of Colorado, that Section 15 – Planned Development, Section 21 – Use by Special Review, Section 25 – Rezoning, Section 36 – Definitions, Appendix A – Level of Service Standards, and Appendix B – School Capacity Standards of the Douglas County Zoning Resolution, are hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall be effective as of November 18, 2014.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November 2014 in Douglas County, Colorado.

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

BY:   
Roger A. Partridge, Chair

ATTEST:   
Melissa Pelletier  
Deputy Clerk to the Board



**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

- 18 - Floodplain - Overlay District
- 18A - Water Supply - Overlay District
- 19 - Centennial Airport Review Area - Overlay District
- 19A - Parker IGA - Overlay District
- 19B - Castle Rock - Overlay District
- 20 - Nonconforming Uses and Buildings
- 21 - Use By Special Review
- 22 - Temporary Structures
- 23 - Home Occupations
- 24 - Animals
- 25 - Rezoning
- 26 - Variance Standards and Procedures
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- 27 - Site Improvement Plan
- 27A - Cell Site Design Standards
- 28 - Parking Standards
- 29 - Sign Standards
- 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 11/18/14)

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

- 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 application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 1503.05 whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 1503.06 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.07 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 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.

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:
  - 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 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.
- 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 11/18/14)*

- 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)*
- 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 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.
- 1506.10 Documentation of the physical and legal capability to provide sanitation.
- 1506.11 An analysis of the capacity of public facilities and services within the impact area.
- 1506.11.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 1506.11.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 1506.11.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

1507 Project Summary (Amended 11/18/14)

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 availability. A description of the availability and adequacy of public services and facilities.
- 1507.07 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

- 1507.08 Impacts on existing flora and fauna
- 1507.09 Compliance with the:
- Douglas County Comprehensive Master Plan
  - Denver Regional Council of Government's Metro Vision Plan
  - 1041 Regulations regarding New Communities
- 1507.10 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas
- 1507.11 Any other required information as applicable when other applications are processed in conjunction with the land-use application
- 1507.12 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><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>
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- 1508.03 A written metes and bounds legal description of the land.
- 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.

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:

**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.

- 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.

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)	_____ (date)
Name of Authorized Official	(date)
Name of Company:	<b>OR</b>
(Signature) (Registration No.)	_____ (date)
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)	_____ (date)
Chairman, Board of County Commissioners	(date)
_____ (Signature)	_____ (date)
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*

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
- 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.
- 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 DENISTY</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>	<b>8.38</b>	<b>985</b>	<b>117.5</b>	<b>77%</b>
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
	<b>SUBTOTAL</b>	<b>784,080 sq. ft.</b>		<b>34.0</b>	<b>23%</b>

**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.

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 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 11/18/14)*

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 Services:

- 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:

<p><b>CERTIFICATE OF MAILING</b></p> <p>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:</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>
--

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: \_\_\_\_\_

- 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:

**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.
- 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
- 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.

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:

**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.

1517.01.2 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.

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:

<p><b>MEADOWBROOK PLANNED DEVELOPMENT, 1<sup>ST</sup> AMENDMENT</b>  An administrative amendment to (specific element or planning area)</p>
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1515.07.1 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

1515.07.2 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:
- 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 11/18/14)

- 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 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 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:

(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: \_\_\_\_\_

- 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.
- 1520.10.6 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.



1520.10.7 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

1520.11 Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to the Planning Division for recordation as follows:

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 <i>(name of PD)</i> DEVELOPMENT PLAN AMENDING THE <i>(specific element, e.g., the setbacks for Planning Area 62)</i> AS DEPICTED HEREON PURSUANT TO <i>(specific section of Development Plan)</i> HAS BEEN APPROVED BY BOARD RESOLUTION NO. _____ ON <i>(month/day/year)</i> .	
THIS AMENDMENT NO. _____ AFFECTS ONLY <i>(e.g., Planning Area 62)</i> AS DESCRIBED IN FILE NO. _____.	
_____ <i>(Signature)</i>	_____
Chair, Board of Douglas County Commissioners	<i>(Date)</i>
_____ <i>(Signature)</i>	_____
Director of Community Development	<i>(Date)</i>

1520.11.3 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this <i>(day)</i> of <i>(month)</i> , 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)*

- 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 11/18/14)*

- 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.
- 1521.08 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, an analysis of the capacity of public facilities and services within the impact area.
- 1521.08.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards shall be prepared by a qualified traffic engineer who is licensed in the State of Colorado.
- 1521.08.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

1521.08.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

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. 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)*

**SECTION 21 USE BY SPECIAL REVIEW**

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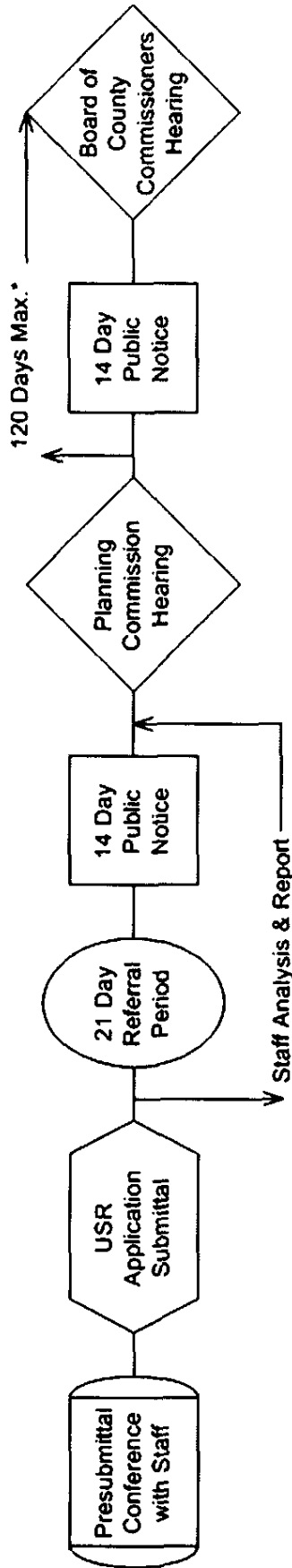
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USE BY SPECIAL REVIEW APPLICATION PROCEDURE



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

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

(Amended 11/12/13)

**2101 Intent**

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

**2102 Approval Standards (Amended 11/18/14)**

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

- 2102.01 complies with the minimum zoning requirements of the zoning district in which the special use is to be located, as set forth in this Resolution;
- 2102.02 complies with the requirements of this Section 21;
- 2102.03 complies with the Douglas County Subdivision Resolution;
- 2102.04 will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- 2102.05 will be consistent with the Douglas County Comprehensive Master Plan, as amended;
- 2102.06 will not result in an over-intensive use of land;
- 2102.07 will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development;
- 2102.08 will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development;
- 2102.09 will not cause significant air, water, or noise pollution;
- 2102.10 will be adequately landscaped, buffered, and screened;
- 2102.11 will have a sufficient water supply in terms of quantity, dependability and quality as determined in conformance with the standards set forth in Section 18A, Water Supply - Overlay District, herein; and
- 2102.12 will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

### 2103 Length of Approval

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

### 2104 Annual Review

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

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

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

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

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

### 2106 General Provisions (Amended 11/18/14)

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

**2107 Special Uses** (Amended 11/18/14)

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

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



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

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

2107.13 Greenhouse: A-1 zoning district

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**2107.26 Medical Marijuana Facility: GI zone district provided:**

**2107.26.1 Minimum Separation Distances for a Medical Marijuana Facility:**

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

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

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

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

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

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

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

**2107.26.3 Prohibitions for a Medical Marijuana Facility:**

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

**2107.27 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and G1 zoning districts.**

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

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

- 2107.27.1 Earthwork performed within public rights-of-way
- 2107.27.2 Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- 2107.27.3 Earthwork performed as part of construction per an approved building permit
- 2107.27.4 Borrow site

- 2107.28 Oil or gas drilling operation: A-1 zoning district provided such use is located a minimum of 100 feet from any lot line
- 2107.29 Propane distribution/storage: GI zoning district
- 2107.30 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, and MH, zoning districts provided all structures are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.31 Recycle/trash transfer facility: LI zoning district provided all recycling or trash transfer activities are conducted within an enclosed structure.  
*(Amended 5/31/00)*

2107.32 Residence:

For new residential units, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.

- Caretaker - LRR zone district - 1 per lot
- Mobile home - 1 per parcel/lot in the A-1, and LRR zone districts for the use of the owner/lessee/caretaker provided that a minimum of 75% of the occupant's income is derived from the agricultural operation of the land on which the mobile home is located
- Multifamily - B and C zone districts in conjunction with business uses, *i.e., stores, offices*
- Employee/management housing - single- or multifamily units - GI zone district
- Single-family, attached, or multifamily - LI zone district

2107.33 Religious retreat: A-1 zoning district.

2107.34 Satellite earth station: A-1 zone district, and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. *(Amended 4/24/02)*

2107.34.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:  
*(Amended 7/10/02)*

- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
- (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)

- (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (4) A five-year plan for the use and estimated life of the proposed telecommunication facility
- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
- (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

2107.35 Sawmill - portable: A-1 and LRR zoning district, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.

2107.36 Septic waste and domestic sludge application: A-1 and LRR district, with the approval of the Colorado Department of Health, when any of the following apply:

2107.36.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.

2107.36.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.36.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.

2107.36.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.

2107.37 Telecommunication facility: A-1 zone district; and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. *(Amended 4/24/02)*

- 2107.37.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the telecommunication facility shall be included with the application. The report shall include the following: *(Amended 7/10/02)*
- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
  - (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
  - (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
  - (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
  - (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
  - (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
  - (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
  - (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
  - (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
  - (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
  - (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, and successors



or assigns, to allow collocation of the facility under market terms, rates, and conditions

- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3
- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

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

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

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

2107.37.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if

the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation. *(Amended 4/24/02)*

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

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

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

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

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

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

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

- 2107.40.1 In addition to the plan exhibit required in Section 2113, herein, the plan exhibit shall include the following:
- Location of all above ground utility lines
  - Location of trees or other vegetation on site, described by size and type
- 2107.40.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.
- 2107.40.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.
- 2107.40.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.41 Zoo: C zone district

#### 2108 Prerequisite

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

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

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

- 2109.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses

of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

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

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

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

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

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

2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning

Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

- 2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review. *(Amended 4/10/12)*
- 2109.11 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the site improvement plan.
- 2109.12 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit

evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District, prior to approval of the site improvement plan.

#### 2110 Withdrawal of an Application

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

#### 2111 Submittal Requirements *(Amended 11/18/14)*

- 2111.01 Completed land-use application *(available from the Planning Office)*
- 2111.02 Application fee *(available from the Planning Office)*
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative *(per 2112, herein, and 2115 for extractive uses)*
- 2111.06 Plan Exhibit *(per 2114, herein, and 2116 for extractive uses)*  
  
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.07 Site Improvement Plan *(per Section 27 of this Resolution)*  
  
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.08 Management/Operational Plan *(per Section 2113, and 2117 for extractive uses)*
- 2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein
- 2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.

- 2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Narrative (Amended 11/18/14)

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

- 2112.01 General project concepts
- 2112.02 Zoning of the land and compliance with the zoning requirements
- 2112.03 Define overall impacts of the proposed use on the adjoining lands
- 2112.04 Compliance with the Douglas County Comprehensive Master Plan, as amended
- 2112.05 Compliance with appropriate agencies and necessary permits
- 2112.06 Proof of water availability
- 2112.07 Method of wastewater treatment
- 2112.08 Type or method of fire protection
- 2112.09 Impacts on existing flora and fauna
- 2112.10 Impacts on air and water quality
- 2112.11 Impacts on peace and quiet of neighborhood
- 2112.12 Provision of buffering, including additional landscaping
- 2112.13 A description of the availability and adequacy of public services and facilities.
- 2112.14 Legal Description
- 2112.15 Name and address of the owner, the developer if different than the owner, and the person preparing the plan exhibit and site improvement plan.

**2113 Management Plan**

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

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

**2114 Plan Exhibit**

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

**2115 Extractive Land Use - Narrative**

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

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

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

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

- 2116.01 The relationship of the mine site to other uses/structures in the area
- 2116.02 The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- 2116.03 The limits of the mine site and the extent of areas to be disturbed
- 2116.04 The location and dimension of buffers against noise and visual impact to be left in place or created



- 2116.05 Identified aquifer recharge areas, wetland areas, lakes, rivers
- 2116.06 Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- 2116.07 Areas identified, through independent assessment, as having historic, archaeological, or paleontologic resources
- 2116.08 All Douglas County Comprehensive Master Plan designations

#### 2117 Extractive Land Use - Operational Plan

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

- 2117.01 Start and end dates and the hours of operation
- 2117.02 A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- 2117.03 A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- 2117.04 Sources and quantities of water needed on site
- 2117.05 A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- 2117.06 A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- 2117.07 Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- 2117.08 A phasing plan that:
  - 2117.08.1 designates areas to be disturbed and the proposed timing or extraction for each area;
  - 2117.08.2 illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
  - 2117.08.3 limits the total land area to be disturbed at any one time; and
  - 2117.08.4 links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural

improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.

2117.09 A transportation plan that:

- 2117.09.1 designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
- 2117.09.2 gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
- 2117.09.3 specifies the hours when material will be transported off site;
- 2117.09.4 lists the improvements necessary for the transportation system to accommodate expected traffic;
- 2117.09.5 addresses the construction of needed transportation improvements; and
- 2117.09.6 lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.

2117.10 A blasting plan that:

- 2117.10.1 identifies noise and vibration-sensitive uses/structures/activities in the area;
- 2117.10.2 includes a pre-blast inspection program for identified structures;
- 2117.10.3 includes a program for initial seismic and noise monitoring during the first blast;
- 2117.10.4 incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
- 2117.10.5 specifies the times and the atmospheric conditions when blasting is permitted.

2117.11 An end-state, land-use plan that shows:

- 2117.11.1 areas to be returned to a natural state;
- 2117.11.2 areas to be restored for wildlife habitat, *if applicable*;
- 2117.11.3 areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;

- 2117.11.4 the site's final topography;
  - 2117.11.5 proposed post-mining land uses, consistent with the zoning of the land; and
  - 2117.11.6 site restoration phases.
- 2117.12 A site evaluation including:
- 2117.12.1 wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
  - 2117.12.2 independent assessment of the historic, archaeological, or paleontologic value of the site;
  - 2117.12.3 drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
  - 2117.12.4 a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
  - 2117.12.5 a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
  - 2117.12.6 a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

#### 2118 Public Notice Requirements

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

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

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

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

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

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

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

<b>CERTIFICATE OF MAILING</b>
<p>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:</p> <p><i>(list of addresses)</i></p> <p>_____</p> <p><i>(signature of person completing the mailing)</i></p>

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

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

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

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



<p>COUNTY OF _____ )</p> <p>Acknowledged before me this ____ day of _____, 20__ by _____ as _____.</p> <p>My commission expires: _____</p> <p>Witness my hand and official seal</p> <p style="text-align: right;">_____ Notary Public</p>
---

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

2119 Termination of Use

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

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

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

2120 Inactive Files

Files that become inactive, because the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision

shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

#### 2121 Post Denial Application

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

SECTION 25 REZONING

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REZONING APPLICATION

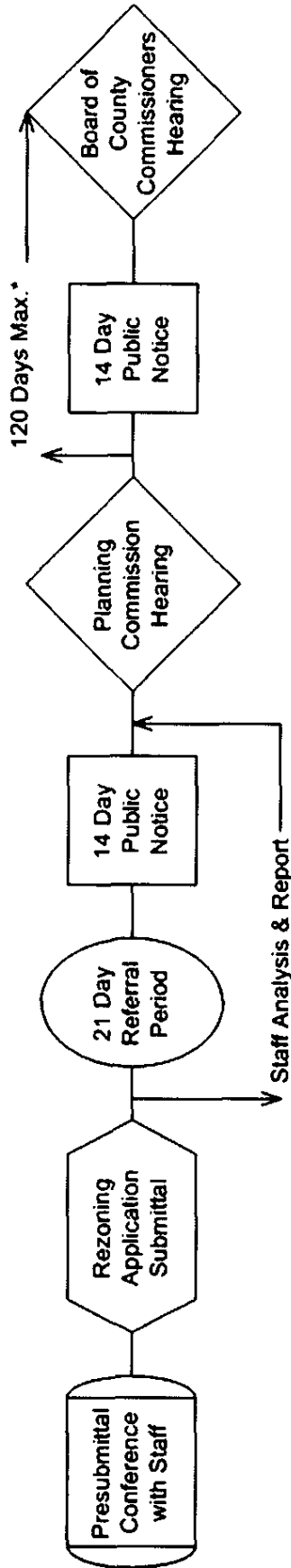
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REZONING PROCEDURE



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

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

(Amended 11/12/13)

**2501 Intent**

To provide a process to amend the Official Zone District Map with regard to the area of any zoning district. During this process, factors such as providing a sufficient water supply, lessening road congestion; ensuring the adequacy of public facilities to accommodate population growth; reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire, flood and other dangers; providing adequate light and air; classifying land uses and distributing land use and development; protecting the tax base; securing economy in governmental expenditures; fostering agriculture and other industries; and protecting both urban and nonurban development shall be considered.

**2502 Standards for Approval (Amended 11/18/14)**

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

- 2502.01 Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 2502.02 Whether the application is in compliance with all applicable statutory provisions;
- 2502.03 Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 2502.04 Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 2502.05 Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 2502.06 Whether the subject land contains a water supply for the intended use that is sufficient in terms of quantity, dependability and quality as determined in accordance with the standards set forth in Section 18A, Water Supply - Overlay District, herein;
- 2502.07 Whether the proposed rezoning is compatible with the surrounding land uses; and
- 2502.08 Whether the subject land is suitable for the intended use.

**2503 Prerequisite (Amended 8/22/07)**

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

- 2503.01 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:
- 2503.01.1 narrative describing the proposed change and how it addresses the approval criteria;
  - 2503.01.2 a schematic plan illustrating property location, adjacent uses, access, street network, and neighborhood connections;
  - 2503.01.3 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas;
  - 2503.01.4 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas; and
  - 2503.01.5 evidence of the availability of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District.
- 2503.02 The staff shall comment on the proposal, compliance with the approval criteria and 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.
- 2503.03 A staff comment summary shall be provided to the applicant, and a copy shall be included in the project file.

2504 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:

- 2504.01 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.
- 2504.02 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.

2504.03 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.

2504.04 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.

2504.05 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 2508 herein.

2504.06 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.

- 2504.07 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 2508 herein.
- 2504.08 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.
- 2504.09 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.
- 2504.10 Upon approval, a resolution shall be adopted by the Board which includes the full legal description of the land rezoned, and which shall be recorded in the Office of the Clerk and Recorder.
- 2504.11 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)*

2505 General Submittal Requirements *(Amended 11/18/14)*

- 2505.01 Completed Land-Use Application Form *(available from the Planning Office)*
- 2505.02 Application Fee *(fee schedule available from the Planning Office)*
- 2505.03 Proof of ownership that may be an updated or current title insurance policy or title commitment no more than thirty days old from the date of application.

- 2505.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.
- 2505.05 Project Summary (*per 2506 herein*)
- 2505.06 Plan Exhibit (*3 copies of the plan per 2507 herein*)
- Plan reductions (11"X17") will be required for public hearing packets for the Planning Commission and the Board.
- 2505.07 An analysis of the capacity of public facilities and services within the impact area.
- 2505.07.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 2505.07.2 Documentation of capacity from the fire protection district in accordance with adopted fire district level of service standards.
- 2505.07.3 Documentation of capacity from the school district in accordance with the adopted school district capacity policy.
- 2505.08 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.
- 2505.09 Documentation of the physical and legal capability to provide sanitation.
- 2505.10 Referral packets
- 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.
- 2505.11 Notification of abutting landowners
- The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners as requested by staff.
- 2505.12 A copy of the formal staff analysis from the presubmittal meeting and additional information, as requested by staff.

2506 Project Summary (*Amended 11/18/14*)

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

- 2506.01 General project concept
- 2506.02 The name and address of:
- landowner/applicant
  - representative/applicant
  - mineral rights owner
  - water rights owner
- 2506.03 Purpose of this request
- 2506.04 Proposed development staging and time frame
- 2506.05 How it relates to the existing land uses, and abutting land uses
- 2506.06 A description of the availability and adequacy of public services and facilities.
- 2506.07 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or man-made hazards
- 2506.08 Impacts on existing flora and fauna
- 2506.09 Compliance with the:
- Douglas County Comprehensive Master Plan
  - Denver Regional Council of Government's Metro Vision Plan
  - 1041 Regulations regarding New Communities
- 2506.10 Phase I Drainage and Water Quality Study
- 2506.11 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
- 2506.12 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning
- 2506.13 Any other required information as applicable when other applications are processed in conjunction with the land-use application.

2507 Plan Exhibit

- 2507.01 Prepare the plan on 24"X36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director that allows for a maximum clarity

of the proposal with the name of the proposal placed at the top of the sheet along the long term dimension of each sheet.

- 2507.02 The legal description of the land being shown on the plan exhibit.
- 2507.03 A vicinity map that depicts the area to be rezoned and the area which surrounds this site within a 1-mile radius superimposed on the Douglas County Zoning Map maintaining the same scale.
- 2507.04 A block in the lower right-hand corner 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; and the number of the sheet and the total number of sheets.
- 2507.05 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the abutting land.
- 2507.06 Delineated to scale, the existing easements on the site, their use and titleholder or rightholder to that easement.
- 2507.07 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 2507.08 Show public access to the site and internal circulation, not limited to vehicular.
- 2507.09 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 2507.10 Show topography at 10' contour intervals, delineate 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.
- 2507.11 Graphically define all natural and manmade water courses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 2507.12 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.
- 2507.13 Note any unique features on the site, historical landforms, views, etc.



**2508 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 or the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

**2508.01 WRITTEN NOTICE *(Amended 3/28/01)***

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

At least 7 days prior to the 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:

<b>CERTIFICATE OF MAILING</b>
<p>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:</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

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.

2508.02 PUBLISHED NOTICE *(Amended 3/28/01)*

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

- publish a notice in at least 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 the Planning Division 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. The notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to (zone district). 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: \_\_\_\_\_

## 2508.03 POSTED NOTICE

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'x4'. Letter size shall be a minimum of three inches high. The 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 (zone district). The public hearing is (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO. For more information call Douglas County Planning at 303-660-7460.

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



After five months, the staff planner shall notify the applicant in writing that the application will become void within thirty days. After thirty 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. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter.

#### 2511 County Initiated Rezoning

The Douglas County Planning Commission or the Board of County Commissioners may, at any time, direct the Planning Division to initiate rezoning for any parcel of land within the unincorporated area of Douglas County. When rezoning is initiated by the Planning Commission or Board, the owners of record and contract purchaser, when applicable, shall be notified by certified mail of the intended zoning change. All procedures as to posting, publishing and hearing shall be adhered to.

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**3601 Rules of Construction**

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

**3602 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

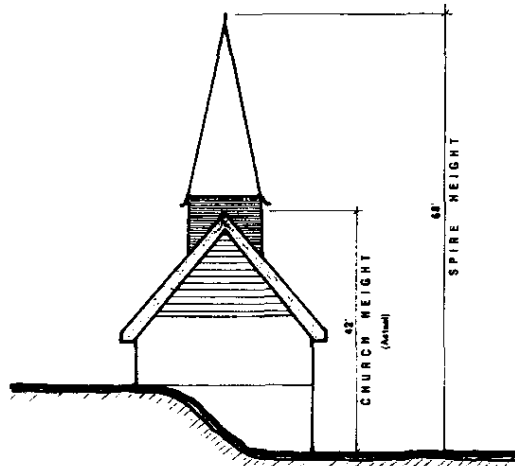
**Building Envelope:** The portion of a lot within applicable setback requirements where building construction will be permitted, or other activities if so limited or described on the plat.

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

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

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

### Spire Height Calculation



Spire Height Calculation *(see diagram)*

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

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

**Capacity:** The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider. *(Amended 11/18/14)*

**Capital Improvements:** Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development. *(Amended 11/18/14)*

**Carrier:** A company that provides personal wireless communication services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**County:** Douglas County, Colorado.

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

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

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

**Day-Care Home:**

small - A residence in which care is provided for up to 6 children or adults, including the provider's own children, plus 2 additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-

service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.

large - A residence in which care and training is provided for 7 to 12 children or adults, including the provider's own children, except as provided for above.

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

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5} \text{N/m}^2$  (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

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

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

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

Department: The Douglas County Community Development Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Garage:**

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

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

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

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

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

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

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or

- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities

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

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

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

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

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

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

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

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

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

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



**Hospital:** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

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

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

**Impact Area:** The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) **Fire Protection:** the boundaries of the district providing fire protection service to the proposed residential development.
- (2) **Public Schools:** High School Feeder Areas as designated by the Douglas County School District.
- (3) **Streets:** the area as defined in the Douglas County Roadway Design and Construction Standards. *(Amended 11/18/14)*

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

**Industrial Park:** A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

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

**Kennel**: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic/hospital or pet shop. *(Amended 5/27/14)*

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

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

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

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

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

**Level of Service (LOS), Adopted Roadway**: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

**Level of Service (LOS), Roadway**: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

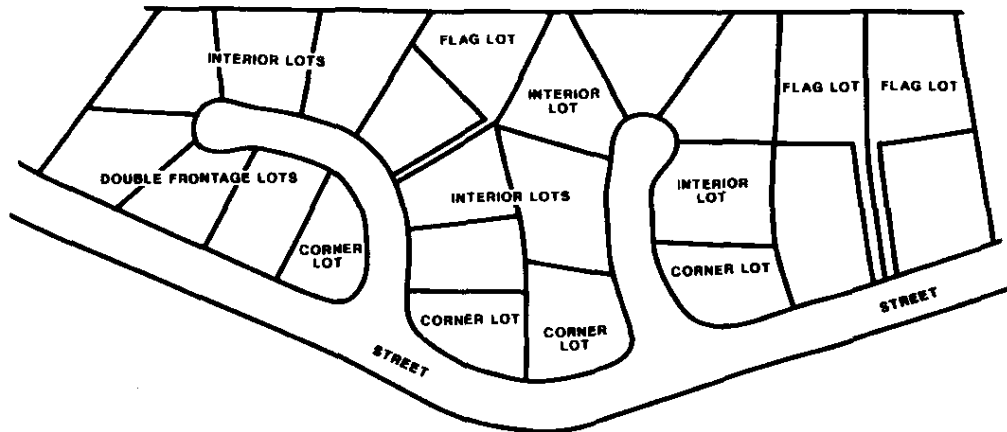
**Lot**: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in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

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

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

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

**Interior** - A lot other than a corner lot.



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

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

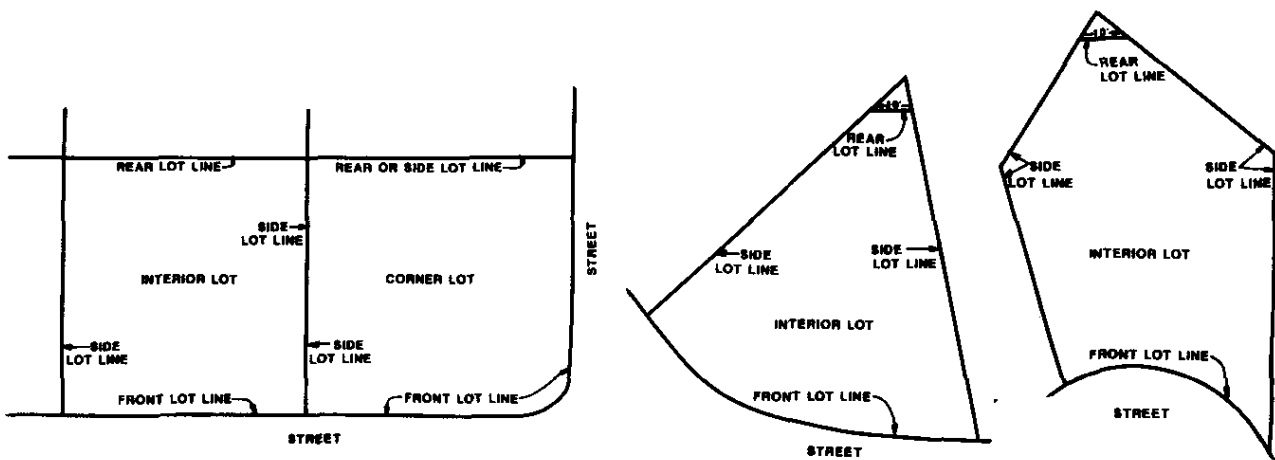
**Lot, Nonconforming:** A lot that has less than the required minimum area or width as established by the zone in which it is located.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Motorcycle:** A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.2), C.R.S.]

**Motor Vehicle:** A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.4), C.R.S.]

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

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

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

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

**Off-Highway Vehicle:** A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. [§25-12-102(5.6), C.R.S.]

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

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

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

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

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

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

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

**Person Aggrieved:** An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. *(Amended 8/12/14)*

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

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

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

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

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

**Planning Commission:** The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

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

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

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

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

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

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets. *(Amended 11/18/14)*

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

permits residential uses to a zoning district that permits an increased number of dwelling units.

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

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

**Rezoning:** A revision to the County Zone District Map.

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

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

**Satellite Dish:** (see Antenna)

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

**Separated Urban Area (SUA):** Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan. (Amended 11/18/14)

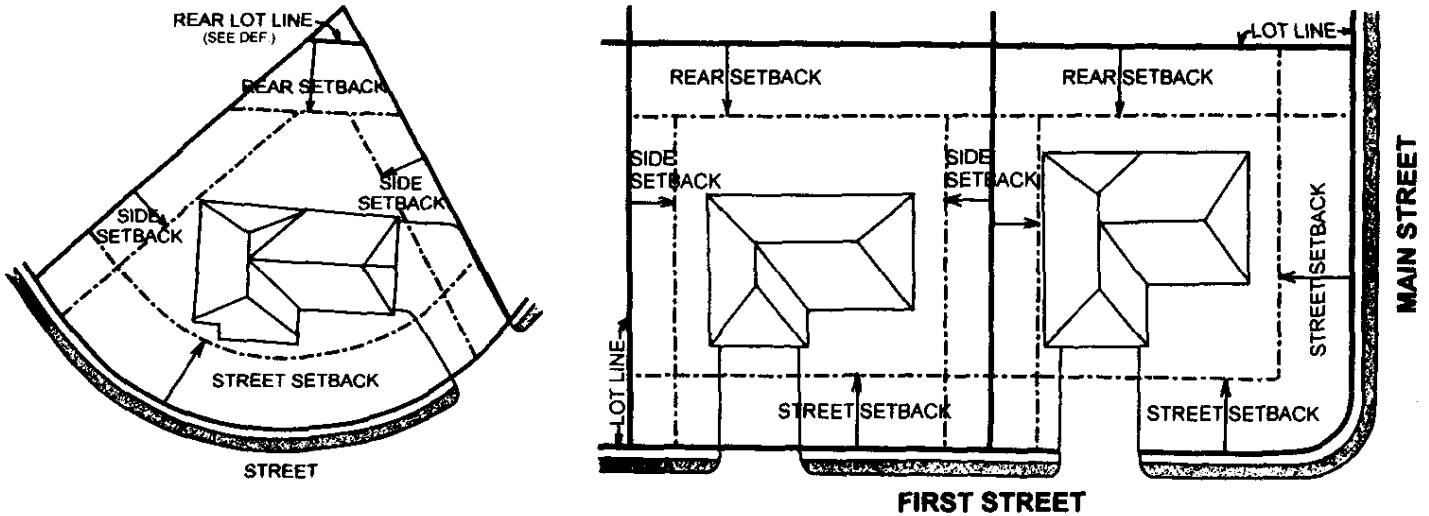
**Setback:** The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

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

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

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

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



**Sexually Oriented Business:** An

adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

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

"Specified Sexual Activities" includes any of the following:

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

**Adult Arcade:** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

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

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

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

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

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

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who

appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Snowmobile:** A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

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

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

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

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

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

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

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

**NOTE:** For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. (Amended 11/18/14)

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

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

**Structure:** Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios,

off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

- Permanent - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.
- Temporary - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

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

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

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

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

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

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

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

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

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

**Townhome:** An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The



owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

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

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

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

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

- Neighborhood Substation: Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one

or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;

- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

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

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

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

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

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

**Wastewater Facilities:** Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

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

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

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

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

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

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

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

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